M.R. O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1442-43 Press
~~Mis.~~

58-60

Dated 7-9-1863
~~19~~

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
7th September 1863.

No. 58. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 31st July 1863, No. 19.

Paragraph 1. Your Despatches, as noted in the margin,* transmitting further correspondence relative to the [illegible]al establishment of the High Court of [illegible]residency, have been considered by me in [illegible]uncil.

* No. 17, dated 13th May 1863.
,, 19 ,, 26th ,, ,,
,, 21 ,, 30th ,, ,,

2. The acknowledgments of the Government are due to the Chief Justice for the full and carefully considered reports he has furnished on the important subject of providing an efficient establishment for the High Court of your Presidency.

3. I regret, however, to observe, from your Despatch of the 30th May, that the Chief Justice has declined to give effect, as regards the salaries of the Registrar and Assistant Registrar on the Original side of the Court, to the arrangements authorized by you for the remuneration of the Officers of the Court. The Chief Justice himself asks that this matter may be submitted to the Secretary of State. I have to say that I entirely concur with you that the final decision in this respect is by the Letters Patent vested in the Government, and that the Chief Justice is bound to assign to the several Officers of the High Court such salaries, and only such, as are approved by you.

4. With reference to the salaries of the particular appointments which have led to the difference between your Government and the Chief Justice, I concur with you that the salaries assigned by you to the Registrar and Assistant Registrar on the Original side of the Court respectively are amply sufficient, that of the Registrar being, in fact, the same as that assigned to the Officer holding the like appointment in the High Court at Calcutta.

5. I have further to observe, that the Registrar on the Appellate side of the Court at Calcutta receives a monthly salary of Rupees 1,700, whereas the salary assigned to the same Officer at Madras is Rupees 2,000. As the Appellate business of the Court at Calcutta is much greater than of that at Madras, it appears to me that the salary of the Registrar on the Appellate side at Madras should be reduced, on the appointment of a successor to the present incumbent, to Rupees 1,500 a month.

6. With regard to the shrievalty, it appears clearly that the office of Sheriff has become a valuable sinecure at Madras, as well as at the other Presidencies, and that all the duties are performed by an under Sheriff. In this country (from which the institution has been copied) the office is an onerous and costly charge, which persons of property are called upon to undertake. The course suggested by your Government will go some way to remedy the abuse which has gradually sprung up in India, but it is a question for consideration whether a more general measure might not be adopted, by which the actual as well as nominal duties may be conjoined in one Officer, and I will communicate with the Supreme Government on the subject.

7. With these remarks, I approve of your Resolution of the 30th April last, and of your letters of the same and subsequent dates, to the Chief Justice, on the subject of the salaries to be assigned to the Ministerial Officers of the High Court. And I have no doubt that, on further consideration of the subject, the Chief Justice will cheerfully render his assistance in giving effect to financial arrangements which you have considered it necessary to make, in the exercise of an authority which has been distinctly vested in you by the Letters Patent establishing the Court over which the Chief Justice presides.

No. 59. ORDER THEREON, 7th September 1863, No. 1,442.

Communicated to the Offices of Audit and Account.

2. Resolved that the following letter be addressed to the Honorable the Chief Justice of the High Court.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Paymaster,
[illegible] Auditor Genl. } dispd

Proceedings of the Madras Government, Judicial Department,
7th September 1863.

No. 60. To the Honorable Sir COLLEY HARMAN SCOTLAND, Kt., Chief Justice of H. M.'s Hight Court of Judicature, dated Fort Saint George, 5th September 1863, No. 1,443.

HONORABLE SIR,

With reference to my letter of the 30th May last, No. 842, I am directed by the Governor in Council to transmit to you the enclosed copy of a Despatch, dated 31st July last, No. 19, from the Right Honorable the Secretary of State for India.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Judicial.

Proceedings of the Madras Govt.

Read Despatch from the Secretary of State — Enter 31st July '63 No. 19.

Order — No. 1442 dy 7th Sept. 1863.

~~Communicated to the Honble the Judges of the High Court, & in reference to para 5, to the~~ Communicated & Offices of Audit and Accts.

Resolved that the following letter be addressed to the Hon'ble the Chief Justice of the High Court.

(Here enter 5 Sept 1863)

The amt mentioned in the ~~Sd~~ para of the Despatch now ordered by Secretary of State must be offset from the Grant and any less that may be drawn since the time accounted for by the Bills of Exchange drawn on 30 Dec/63 & 2 Jan/64 must be brought to account in the Accts of 29 March

The Hon'ble the Judges of the High Court.
" Civil Paymaster.
" Deputy Auditor Genl. } dispts

5804/59.

Judicial 1803 Dispt

No. 1442

Proceedings of the Bombay Government

Dated 5th Septr 1803.

Rd. 22nd.

Transmitting to Government copy of a Despatch from the Rt. Hble the Secretary of State for India to the Chief Justice of the High Court of Judicature at Fort William & Madras on the subject of the Establishment of the said High Court.

Judicial.

No. 1443.

The Hble Sir Colley Harman Scottand, Kt.,
Chief Justice of H. Ms. High Court of
Judicature.

Hble Sir.

With reference to my letter of the 30th ult. I am directed by the Governor in Council to transmit to you with the enclosed copy of a Despatch dated 31st July last, No. 19, from the Rt. Hble the Secretary of State for India.

Fort St. George
7th Septr 1803

Judicial 1863 Dept.

No. 1448.

To the Honorable the
Chief Justice of the
High Court of Judicature
Madras.

Dated 5th Sept. 1863.
Rec'd 2288.
—"— 2605.

Transmitting copy of a
Despatch from the Right
Honorable the Secretary of
State for India on the
subject of the Ministerial
Establishments of the High
Court.