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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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10. The financial results of the above arrangements will be the following :—

Present Establishment. Gross average emoluments for last 5 years.		Proposed Establishment	
			Rupees.
Registrar...	33,757	Registrar	30,000
Master...	26,545	Assistant do.	7,080
Sheriff...	13,037	Clerk of the Crown & Crown Prosecutor	11,660
Deputy Sheriff	3,330	Commissioner and Taxing Officer... ...	17,000
Clerk of the Crown...	7,833	Judges' Clerk...	6,600
Deputy do.	2,268	Sheriff...	11,040
Sealer.....	3,009	Under do.	3,330
Clerk to Chief Justice...	4,026		86,710
Do. to Puisne Judge...	4,313		
	98,118		
Deduct proposed establishment...	86,710		
Saving...	11,408		

11. The upshot is, *prima facie*, a saving of Rupees 11,408 per annum, but if the office of Crown Prosecutor be made a distinct one, there will be, at first, a further charge for the proposed establishment of Rupees 1,200, which will reduce the above saving to Rupees 10,208 per annum. On the other hand the office of the Deputy Clerk of the Crown at Rupees 2,100 a year will in that case be dispensed with on a vacancy occurring in it.

12. It should however be remarked that for upwards of two years out of the period on which the average present emoluments of the Registrar, Sheriff and Sealer have been calculated, fees were received by those Officers on account of suits tried by the Judges of the High Court sitting under Act IX, 1850, or the Small Cause Court Act, which fees will not be drawn by them for the future. What these fees may have amounted to does not appear*—but whatever the amount may be, it should be excluded from the comparison, as an asset not available to Government for the future.

NOTE. The same remark applies to the fees drawn by the Tamil and Teloogoo and Persian and Hindustance Interpreters.

* From a return since furnished by the Registrar of the High Court, Original side, it seems that the fees so allowed to the Registrar amounted in round numbers to Rupees 6,344 per annum, those to the Sheriff Rupees 3,798, to the Sealer Rupees 3,705, to the Tamil and Teloogoo Interpreters Rupees 1,417, to the Hindustani Interpreter Rupees 1,335.
Thus the average of the fees drawn by the Registrar and available to Government should be reduced by Rupees 5,344-5 = Rupees 1,268 per annum, or from Rs. 33,757 to 32,498, and the allowances of the other Officers named in like manner.

13. Further it is very important to remark that by far the larger portion, nearly $\frac{3}{4}$ths of the emoluments of the 9 Officers named above in paragraph 10 are derived from fees. Rupees 71,728. The scheme submitted by the Chief Justice, proceeds, as he expressly states, on the assumption that these fees will for the future be collected on behalf of Government, and that all the Officers and servants of the Court will be paid by fixed salaries. Such a measure is no doubt very desirable; but without meaning any reflection on any Officer, it may be asserted on general principles that the natural and irresistible tendency of the system of payment for judicial services by fees is to cause a larger levy of fees than would have had place had the fees been payable to the State, and the emoluments of the Officers for whose work they are charged been in no way affected by the result. It can hardly be expected that the Government will realize the full average amount of the fees shown in table A, column 4.

14. I see nothing to remark on in the arrangements proposed by the Chief Justice relative to the inferior servants of the Court, the Translators, Sheriff's Officers, &c.

15. Altogether the cost of the proposed establishment, assuming the offices of the Clerk of the Crown and Crown Prosecutor to be combined, will be Rupees 1,05,217 per annum,

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the past average emoluments have been Rupees 1,25,865, showing a saving of Rupees 20,648 a year, but, for the reasons already given, this will not be the actual saving; indeed, when allowance be made for the deduction of fees drawn under Act IX, 1850, and for the falling off in the fees when levied on behalf of Government, it may well be doubted whether there will be any saving at all.

16. Turning now to the establishment proposed for the Appellate side of the Court, it will be remarked that there are only four principal Ministerial servants—the rest being merely Clerks, Copyists, Translators, &c.—viz., the Registrar, his Deputy, the Manager and Sheristadar. The aggregate salary proposed for these four servants being, with the exception of a trifling increase to the pay of the Deputy Registrar, the same that they now receive, is Rupees 38,970 yearly, being less than $\frac{1}{3}$ths of the aggregate allowances proposed for the chief Officers of the High Court on its Original side, and specified above in para. 10. From the cost of that establishment it will however be proper to subtract the salaries of the Clerk of the Crown and Crown Prosecutor, the Sheriff and his Deputy, as being Executive Officers, or employed on the Criminal side of the Court. Making these deductions the aggregate proposed annual cost of the chief Ministerial establishment for the Original Civil side of the Court will be Rupees 60,680 against Rupees 38,970 for that on the Appellate side, the former exceeding the latter by Rupees 21,710, or in the ratio of more than 3 to 2.

17. The proposed cost of the whole establishment of the Court on its Appellate side—taking the pay of the Deputy Registrar at its old figure (Rupees 15,000 per annum) will be Rupees 99,942—that of the Original side will be Rupees 1,05,217—that is, the expense of the latter will exceed that of the former by Rupees 5,275, which will be increased to Rupees 11,875 if the pay of the Deputy Registrar, Appellate side, be fixed permanently at Rupees 8,400, as I think it very well may be.

18. The High Court on its Appellate side exercises jurisdiction over the whole of the Madras Presidency, some 1,41,000 square miles in extent, with a population above 22 millions. On the Original side its jurisdiction is almost confined to Madras and its environs, 28 square miles, and a population, perhaps over-estimated at 700,000.

19. The amount of business performed by the Appellate in comparison with that of the Original side of the High Court can hardly be represented by any mere figured statements showing the number of Suits filed, motions made, or orders passed respectively. Some idea however of the relative extent of work in the two branches of the High Court may be arrived at thus—

The late Sudder Court—now the Appellate side of the High Court—was presided over by three Judges, who have always been fully occupied. Indeed the office of a Sudder Judge has usually been considered a very laborious office. The work in the late Supreme Court—now the Original side of the High Court—can be transacted by a single Judge. That it can be has been conclusively shown by the fact, that it has been and that for more than two years consecutively. From the departure from Madras of Sir C. Rawlinson on the 13th February 1859 to that of the arrival of the present Chief Justice Sir C. Scotland on the 23rd May 1861, or for more than two years and a quarter, the business of the Supreme Court was practically done by the Pusine Judge Sir A. Bittleston. For many months out of that period the Chief Justice Sir H. Davison was on the Neilgherries, and when he was at Madras his health would admit of his taking but a very small share in the business of the Court. There is no reason to believe that during this period the work of the Court was not duly performed, or that arrears accumulated, and although Sir A. Bittleston may have had his hands pretty full, it may be doubted whether his work was as heavy as that of a Sudder Judge. It is also to be noted that during the time

referred to some additional work was thrown on the Court by the Special Act XXX, 1858, for the settlement of the debts of the late Nabob of the Carnatic.

One of three cases in particular occupied the Court for several weeks in 1860.

20. Altogether the business of the Appellate side of the High Court may be fairly assumed to bear to that of the Original side the ratio of 3—or at the very least 2½—to one. Yet it is now proposed that the cost of the establishment of the latter shall be greater than that of the former and as regards the superior Ministerial agency of the two sides, shall be much greater—both sides of the Court, it is to be observed, working under the same Code of Civil Procedure. It may be doubted whether this arrangement will meet the expectations of the Secretary of State, or is such as we can recommend for his approval.

21. In his revision of the Court Establishment Sir C. Scotland seems indeed to me to have proceeded in some degree on an erroneous principle. He says, paragraph 19, that in making his recommendations he has among other considerations been influenced by "a due regard to the interests of the present holders of the offices continued from the late Supreme Court." Accordingly not one single individual has been dispensed with. If his present office is to be abolished he is to re-appear is some other, and some times at a higher rate of salary. Nay so far has this consideration, not simply for individual interests but even for individual feelings, been carried that the Clerk of the Crown is to be asked whether he will accept the office of Crown Prosecutor in addition to his own, on an improved salary. If he will not, a separate Officer is to be appointed at an extra cost to Government of Rupees (5,000—3,800) 1,200 per annum. In this latter case the Deputy Clerk of the Crown will not be required; yet "with due regard to present interests" no change as respects that Officer is to be made while the present incumbents hold the offices of Clerk and Deputy Clerk of the Crown. I submit that in tendering to the present Clerk of the Crown an arrangement which will secure to him his existing receipts, the Government will have done all that could reasonably be expected of them, and that they would not be justified in burdening the finances of the country with an expenditure of Rupees 1,200 a year, because the Clerk of the Crown does not see fit to accept the offer made to him. I submit too that the only principle on which revisions of establishments can be rightly carried out, is that of getting the work done on the most reasonable terms compatible with perfect efficiency. This is the principle that has been acted on in the revisions of Mofussil Establishments which have been so largely carried out of late years, and there seems no reason why the revision of the High Court Establishment should be conducted on any other. If there be any persons who may seem entitled to compensation for losses to be sustained by them under the arrangements proposed, by all means let their claims be most fairly and liberally dealt with—but this is a very different matter from continuing an office which is not wanted, simply because it now exists. On this head I may however at once observe, that, under any circumstances, the Registrar Mr. A. M. Ritchie can have no title to compensation, whatever may befall him. He accepted his present appointment with his eyes open, at a time when the amalgamation of the Supreme and Sudder Courts was imminent, and he clearly did so wholly at his own risk. This indeed he was distinctly told by Government as soon as they became aware of his appointment. There may be other cases like his where the recent date of the appointment would deprive the nominee of all title to compensation for the loss of his office, *e. g.*, Mr. Dale was appointed Master on the death of Mr. Teed in February 1862.

Paragraph 13.

22. In the preceding paragraphs I have remarked on the general financial issue of Sir C. Scotland's proposed establishments for the Original side of the High Court, absolutely and as compared with the cost of the late Supreme Court Establishment, and the establishment proposed for the Appellate side of the Court. I would now make a few observations on the several appointments submitted by the Chief Justice and the salaries assigned to them.

23. The first Officer on the Original side, to whom it is designed to allot the largest salary is the Registrar. His pay is put at Rupees 30,000 per annum, out of which he will find his own establishment. His gross average annual emoluments for the last five years have been Rupees 33,757. There will therefore by putting him on a fixed salary of Rupees 30,000, be an apparent gain to Government of Rupees 3,757, but for reasons already given it is only apparent. This however is not the main objection to the arrangement. It is with regret that I find that the Chief Justice desires to have two Registrars—one for each side of the Court—and each to be the head of a separate establishment; the two establishments and their respective heads being as completely distinct as they were before the High Court was established.

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It appears to me that so long as this state of things continues the amalgamation of the quondam Supreme and Sudder Courts will be but nominal. That the fusion of the two tribunals may be completely carried out, even in outward seeming there should be one Chief Officer at the head of the joint establishment. The Secretary of State has in a recent Despatch objected to there being two Adjutants General, one for the British and one for the Indian Army, saying, that this, as justly observed by the Government of India, "would tend to perpetuate distinctions," and the same principle seems to me to forbid the continuance of two Registrars to the High Court.

To Governor General, 30th August 1862, Military Department, No. 314.

24. The Chief Justice does not give any reason for the conclusion at which he has arrived, that there must be *two* Registrars, but elsewhere he says that it does not seem to him practicable, at all events for the present, to appoint the same *Officer* or *Clerk* to the discharge of duties on the two sides of the Court. Even when the two branches are accommodated in the same building, a consummation, it is trusted, not far distant—all the reduction deemed probable is in the number of peons and menial servants.

Paragraph 15.

Paragraph 2.

25. I cannot but think that under proper arrangements one Registrar with two Deputies on fair salaries should suffice for both sides of the High Court. The present Registrar of the Appellate side, I believe is by no means heavily worked. The discharge of the Registrar's duties on the Original side does not demand a trained lawyer. All that is needed is a man of intelligence and business-like habits, acquainted with the rules and practice of the Court, which cannot be of difficult acquirement. The late Mr. Serle was not bred to the law, but he held the office of Registrar in addition to that of the Administrator General for several years, and I never heard that he did not do his work as well as his predecessors or successor.

26. I may here remark that in their report to the Governor General in Council on the remuneration of the Officers of Her Majesty's Supreme Courts at the three Presidencies, dated 3rd July 1845, the Indian Law Commissioners, Messrs. Cameron and D. Eliott, gave it as their opinion (paragraph 23) that "all the necessary services of the Courts, that is to say, those essential to the due conduct of its proceedings, and the recording thereof might be performed by three principal Officers. The salaries that they proposed for the three Officers in question in the Madras Supreme Court were for

All three finding their own Establishments.

- The first Officer Rupees 26,250 per annum, or the salary of the Registrar of the Sudder.
- The second do. „ 24,000
- The third do. „ 15,000

They designed that the Master and Examiner in Equity and Taxing Officer should be the first Officer on Rupees 26,250, and that the Registrar, Prothonotary, Sealer, and Ex-officio Administrator of Intestate Estates should be the second at Rupees 24,000, and the Clerk of the Crown, Officer of the Insolvent Court, and Attorney for Paupers should be the third on Rupees 15,000. The Madras Government in 1850, Mr. D. Eliott being a Member of it, reviewing the recommendations in this report as they respected the Madras Presidency, were of opinion, that the Regis-

trar should be the first Officer of the Court and on the highest salary (Rupees 26,250), on the ground that he was Administrator General as well as Registrar. The union of the two offices in the same person has for some time ceased under Section VI, Act VIII of 1855. Had they not been conjoined in 1850, the Madras Government would doubtless have assigned the second rate of salary, Rupees 24,000, to the Registrarship. The salary now proposed by the Chief Justice for the Registrarship on the Original side of the amalgamated Court is higher than the highest proposed for the Madras Supreme Court Officers by the Indian Law Commissioners. It should be noted that one of the Commissioners who made the Report of 1845, Mr. Cameron, was a Barrister and a man of high reputation as a lawyer, and that both he and his colleague, Mr. D. Eliott, were well acquainted with the business, and establishments of the Indian Supreme Courts.

27. The arrangement in regard to the Master seems to me somewhat complicated. He will continue Master *quoad* the suits instituted in the late Supreme Court; but will be Commissioner and Taxing Officer *quoad* those connected in the High Court. A simpler plan would seem to be to have established the new office at once, and then required the incumbent, for the proposed remuneration, to deal both with the current business and arrears. The fees however will be paid by the suitors and their levy may form an inducement to the Master to work off the arrears as fast as he can. The salary (Rupees 17,000, the incumbent paying his own establishment) does not seem to me high. It falls much below the gross average emoluments for the last five years Rupees 26,545. Wherein the duties of the new office will differ from those of the old, I do not discover. Mr. Dale tells me that as far he can understand they will be just the same.* Whether it be necessary to have a Taxing Officer at all, and whether now that the Civil Procedure Code is in force at Madras as well as in the Provinces, the costs of litigation might not be assessed in the Original side of the High Court as in the Mofussil Courts, and in the Appellate side of the High Court by Stamps or institution fees bearing a per centage on the decree amount, is a question on which I do not now enter.

* This however will not be the case in the High Court of Bengal—vide infra para 36, nor does it seem to be contemplated at Madras by Sir C. Scotland. Yet if here as in Calcutta the Master's duties are to be done by the Judges assisted by a Clerk it does not appear what the Commissioner as such will have to do, or what is wanted beyond a mere Taxing Officer and he need not cost Rupees 17,000 per annum.

28. The Sheriff's office will probably still be necessary, and the proposed salary does not seem excessive. On what principle it is proposed to constitute it a triennial office, I am quite at a loss to conceive. In all past considerations of the subject it has been assumed, that if any change were made, the office would be made a permanent one, and the reason in favor of its being for three years would apply with equal or greater force to its being without limit of duration. The retention however of the office of Deputy Sheriff seems to me wholly out of the question. It is notorious that the office of Sheriff has hitherto been nearly a sinecure. It has been regarded as a piece of personal patronage at the disposal of the Head of the Government, has been usually given to deserving men of all grades in (or out of) the public service, without reference to their qualifications for the performance of its duties which have been almost wholly executed by the Deputy. It is too much to expect that Government will go on paying two men for doing one man's work. Let the Sheriff be kept up, and if the holder of the office is not well up to the work and requires assistance, let him pay for it at his own proper cost.

Report of Indian Law Commissioners, paras. 130, and following paras.

29. The duties of the new Judges' Clerk seem to be to issue Summonses and be present at all applications made at Chambers or elsewhere than in Court before a single Judge, and to note the Proceedings and draw up all necessary orders. Considering the amount of business likely to come before the High Court on its Original side—*vide supra* paragraph 19, the proposed ministerial staff does seem to me very large. We have, first, the Registrar, then his Deputy or Assistant, next the Master or Commissioner, who has to inquire and report on matters referred to him, and is "in some mode a Judge," and lastly a Judges' Clerk to attend the Judges in Chambers. What under the Civil Procedure Code

Report of Indian Law Commissioners, paragraph 34.

the Judges do in Chambers, as contra-distinguished from what they do out of Chambers or in open Court, the distinction being unknown in Mofussil Courts—and why the same establishment should not do for both; these are questions hard to be solved by the uninitiated. Miscellaneous business, which is probably the business done by a High Court Judge in Chambers, is in an up-country Court done by the Judge in the Court room, and with the aid of his ordinary establishment.

30. The duty of the Clerk of the Crown seems to lie chiefly in drawing up indictments from depositions sent him by the committing Magistrates. This must be chiefly at or about the time of the Sessions, and that it cannot be a very laborious duty would seem evidenced by the fact that the present incumbent has of late been absent from Madras for considerable periods, and that his duty as Clerk has been done by a gentleman who has plenty of business of his own. The appointment of Crown Prosecutor seems very desirable; but, as already said, I would not make the union of the two offices contingent on the assent of the present Clerk of the Crown. It were much to be wished that the present opportunity could be taken for placing the Law Officers of Government on a proper footing. The office of Government Pleader is certainly underpaid at Rupees 500 per mensem, and its present holder will not retain it, if he be required, to enrol himself as a Vakeel of the High Court on the Appellate side. One arrangement would be to have a second Officer in aid of the Advocate General as standing Counsel, or by some such name, who would do much the work that is now done by the Government Pleader, except that of Vakeel's duty in the Appellate side of the High Court; this last duty being done by the Government Solicitor (who of course would expect some addition to his salary in consequence) who would then act on behalf of Government on both sides of the Court. The duty of the standing Counsel would be that of advising Mofussil Officers on legal matters, and appearing and pleading in the High Court when instructed by the Government Solicitor, besides assisting the Advocate General. The objection to this arrangement would be, that by it, the Government would seem to recognize in the Appellate (late Sudr) side of the High Court the employment of Barrister and Attorney (in place of one Officer to conduct the whole business of acting, appearing and pleading), which hitherto they have been desirous of discountenancing. I may observe that in his Minute of 9th September 1839, the Honorable Mr. Amos, Legal Member of the Government of India, expressed his opinion that the only mode of reducing the heavy costs of legal proceedings in the late Supreme Court was by "the amalgamation of the duties of Counsel and Attorney as done in most of our Colonies, and I believe generally in the American Courts"—and in his letter to this Government, 21st May 1839, Sir E. Gambier, then Puisne and afterwards Chief Justice of Her Majesty's Supreme Court at Madras, gave the same opinion.

Special Reports, Indian Law Commissioners, page 171.

Ibid, page 169.

31. The above remarks have occurred to me, in considering Sir C. Scotland's proposed arrangements for the Ministerial establishment of the new High Court on its Original side. This review of the subject has however strongly impressed me with the conviction, that, in this Presidency at least, it is a mistake to invest the High Court with original Civil jurisdiction (except perhaps in cases of a very large amount) as well as with Appellate jurisdiction. The consequence is that we have Judges on £6,000 and £5,000 a year trying cases which in up-country are tried *under the same Code of Procedure* by a Zillah Judge on £2,800, or indeed as respects most of the cases, by a Principal Sudder Ameen on £600 a year. The right course I think would be to have at Madras a Zillah Court, the Judge of which should exercise the jurisdiction of a Civil Judge, Principal Sudr Ameen, and District Moonsiff (save in cases falling under the cognizance of the Small Cause Court) within the limits of the jurisdiction of the old Supreme Court, and should hold Criminal Sessions. The Judge, taking into account the nature of the business that will come before him, should be a Barrister, and allowing for the difference in the expense of living at Madras and in the Provinces, the salary might be fixed at Rupees 2,500 per mensem or £3,000 per annum which ought to command the services of a fit man. The Judges of the High Court would then be confined to the disposal of Appellate business, and it might be found that *four*

Judges would be enough for that purpose. The above arrangement might not be suitable for Calcutta and Bombay where the original business is heavy and the sums at issue sometimes very large, but at Madras matters are very different.

32. I do not see much to remark upon, as regards Sir C. Scotland's proposals relative to the establishment for the Appellate side of the Court. The salary of Rupees 8,400 per annum seems to me quite high enough for the Deputy Registrar, at all events if there is to be a separate Registrar for that side. I do not perceive why the Cazee-ool-Coozat and both the Pundits should not be dispensed with, but on this point the old Sudr Judges might be consulted, and their attention requested to the remarks on this subject made by Sir B. Peacock in paragraphs 6 and 7 of his letter to the Supreme Government of 31st December 1862; as also on the proposed appointment of three Interpreters and additional pay to the Translators, although these are probably desirable. The office of Indexer seems to be required, and the pay is not too high.

33. After the above paragraphs had been written, I had the advantage of reading the Honorable Sir Barnes Peacock's report dated 27th October 1862, to the Government of India on the alterations which he proposed to make in respect to the Officers and establishments on the Original side of the High Court at Calcutta.

34. From this it appears, that in that Court the three offices of Master, Registrar and Accountant General are now held by one Officer at a salary of Rupees 3,000 a month. "The duties of Registrar are at present, in fact, performed by the Deputy Registrar." Sometime ago the Judges of the Supreme Court recommended that the offices of Master and Registrar should be separated, and that the office of Registrar and Deputy Registrar should be consolidated on a monthly salary of Rupees 1,000, and this proposal was submitted by the Government of India for the favorable consideration of the Secretary of State. Sir Barnes Peacock now proposes to establish an office of Registrar and Chief Clerk to the Insolvent Court and Keeper of the Records, who will perform the present duties of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court, and Keeper of the Records. He proposes to give this Officer a salary of Rupees 1,500 per mensem, the additional Rupees 500 above the remuneration previously recommended by the Judges being in lieu of certain fees which he would no longer draw. After he had written his letter, the Chief Justice, however, became aware that sanction had just been received to the appointment of Registrar to the Supreme Court on the salary before applied for or Rupees 1,000 per mensem. He however apparently adheres to the amount, Rupees 1,500, which he had recommended for the Registrar of the High Court, Original side, and has accordingly entered it in the "proposed" scale of establishments appended to his subsequent letter of 31st December 1862.

35. Now, if on the Original side of the High Court of Calcutta, where the business is vastly larger than it is at Madras, one man can do the work of Registrar and Deputy Registrar, not to mention that of Chief Clerk of the Insolvent Court and Keeper of the Records, and can be sufficiently remunerated for all his duties by a salary of Rupees 1,500 a month, it stands to reason that it cannot at Madras be necessary to have a Registrar and Deputy Registrar on salaries aggregating Rupees 37,080 or Rupees 3,090 per mensem. The High Court at the latter place will be most handsomely dealt with, if for the despatch of its original civil business it be allowed a Registrar on Rupees 1,000 a month, or $\frac{2}{3}$rds of that given at Calcutta where the work is so much heavier. In such case the Government would bear the expense of the Registrar's establishment. Taking this at the average amount set down in column 6, Table A, annexed to Sir C. Scotland's letter, Rupees 5,567 and the fees, *vide supra* paragraph 12, at Rupees 32,489 per annum, the yearly saving would be Rupees 32,489 — 12,000 + 5,567 = Rupees 14,922. It would also be unnecessary to continue to designate the incumbent of the office "Registrar." He should be termed Deputy Registrar, and the Officer now at the head of the establishment of the Appellate side of the Court should be regarded as the chief Ministerial Officer of the whole Court, and be styled "Registrar of the High Court." It would of course be competent to the Chief Justice to confine the Deputy Registrar in receipt of Rupees 1,000 per mensem to the performance of duties on the Original side of the Court if he saw fit.

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36. The office of Master in the High Court of Calcutta is proposed to be abolished. Sir Barnes says that the proceedings before this Officer are usually attended with great expense and are too frequently made use of by parties for the purpose of vexation, and of driving their opponents into terms and for other improper purposes. The Master is not blameable for these abuses, but they are a consequence of the system. Henceforward matters of detail, such as the taking of accounts, &c., which were formerly referred to the Master, will be investigated by or under the superintendence of a single Judge, who in such matters must have the assistance of a Ministerial Officer. The present Master will have to be retained for six months, at farthest to clear off arrears. A Chief Clerk will be appointed on a salary of Rupees 1,000 per mensem to assist the Judge in discharging the duties heretofore performed by the Master, such as the investigation of matters of account.

37. In the Supreme Court of Calcutta the taxing of costs has not been done by the Master but by a separate Officer. He will now be dispensed with and his duties as taxer made over to the Prothonotary* who is also Clerk of the Crown on a salary of Rupees 2,000 per mensem which will not be raised in consequence of the additional work devolving on him in the taxation of costs.

*NOTE.—The Prothonotary, as I am informed, had the same duties on the Common Law side of the former Supreme Court as the Registrar had on the Equity side. Under the Civil Procedure Code I conclude that there will no longer be any distinction between Common Law and Equity.

38. Thus under Sir Barnes Peacock's scheme there will be three Chief Officers on the Original side of the High Court.

(1.) The Registrar performing the duties of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court, and Keeper of the Records, on a salary of Rupees 1,500.

(2.) An Officer who is to be Prothonotary, Clerk of the Crown, Taxing Officer and Accountant General, on a salary of Rupees 2,000 per mensem.

(3.) A Chief Clerk to aid the Judge in doing the work hitherto devolving on the Master, pay Rupees 1,000 per mensem.

The aggregate salaries of the three Officers will be Rupees 4,500 per mensem, or Rupees 54,000 per annum. Their establishments will, as now, be paid by the Government.

39. In the High Court of Madras, Original side, where the business is probably not a third of what it is in Calcutta, it is proposed by Sir C. Scotland to have for the discharge of the same duties —

1. A Registrar on.....	Rupees	30,000	per annum.
2. An Assistant do.	„	7,080	„
3. A Clerk of the Crown.....	„	7,860	„
4. A Deputy do., at least as long as the present incumbent be disposed to retain it.	„	2,100	„
5. A Commissioner and Taxing Officer.....	„	17,000	„
6. A Judges' Clerk.....	„	6,600	„
Total.....		70,640	

† NOTE.—Neither this Officer, nor the Official Assignee of the Insolvent Court whose gross emoluments for 5 years averaged Rupees 8,700 per annum are noted by the Chief Justice in his report and scheme.

Besides the Clerk of the Insolvent Court, whose emoluments† as appear from a statement furnished by the Registrar have on an average of five years, 1857—61, amounted to Rupees 8,386 per annum, or seven Officers on salaries aggregating Rupees 79,026, out of which however the Officers would have to find their own establishments.

40. The Clerkship to the Crown may have to be amalgamated with the new office of Crown Prosecutor. Putting these apart it is difficult to conceive that all the duties belonging to six out of the seven Officers named in the preceding paragraph, which in the so much heavier Calcutta Court are to be performed by three men on salaries amounting in all to Rupees 1,500 per mensem, could not at Madras be performed by three men also, on salaries of Rupees 1,000 each, or Rupees 3,000 for the three.

41. Sir B. Peacock proposes to extend Act V of 1840 to the High Court of Calcutta, in which case the swearing Brahmins and Moollahs in Court and in the Judges' Chambers may be dispensed with. He says truly that there can be no good reason for swearing a Hindoo or Mahometan in one way in Calcutta and in another in the Mofussil. The same observation will hold good as regards the Madras High Court. I do not however see any swearing Brahmins or Moollahs in Sir C. Scotland's list.

42. Sir Barnes adds that if fees be abolished and Stamps substituted a further saving in establishments may be effected, and he intimates generally that further reductions may be made hereafter when the arrears of the late Supreme Court have been disposed of. I observe too that the Government of India, in their reply to Sir Barnes Peacock, advert to the substitution of Stamps for fees in the business of that part of the High Court in which fees are now taken. They request that the transmission of the Chief Justice's report on this subject may be expedited as much as possible. They remark that the temporary Act for the High Court which was passed in July last will expire on the 31st December, and it is very desirable that any further legislative measures for the High Court which may be considered necessary should be introduced without delay. The Act in question, XX of 1862 of the Government of India, provided that fees and not stamp duties should be chargeable in respect of proceedings or other business coming before the High Court in the exercise of its original Civil jurisdiction, and on appeal from its ordinary Civil jurisdiction. It has just been renewed by Act XXIV, 1862, for a further time or until the end of the present year. The fees received in the High Court at Calcutta differ for the most part from those paid at Madras inasmuch as the former are carried to a Government fund, whence fixed salaries are paid to the Officers of the Court. There can be no doubt however that this system must ere long be adopted at Madras; indeed the scheme of the Chief Justice contemplates its being so. The substitution of Stamps for fees in the High Court generally must therefore tend to abridge and simplify the work of the taxing Officer, and if the mode of charging law expenses in original suits preferred in the High Court at Madras be assimilated to that followed under the same Civil Procedure Code in the Mofussil, or be by means of institution fees there will be hardly any work for the taxing Officer at all.

43. I would suggest that a copy of Sir Barnes Peacock's letters and the substance of the preceding observations and of any other that the other members of Government may have to make, should be furnished to the Chief Justice of the Madras High Court, and that he should be requested to reconsider his proposed establishment in reference to them.

14*th January* 1863.

(Signed) T. PYCROFT.

No. 183. MINUTE by the Honorable the PRESIDENT.

I concur generally with the Honorable Mr. Pycroft, and am disposed to believe that in accordance with the example set in Calcutta a greater reduction than that proposed by His Honor the Chief Justice might be made both as regards men and salaries; the proposed reference can be made.

(Signed) W. DENISON.

No. 184. MINUTE by the Honorable E. MALTBY.

I also concur generally in Mr. Pycroft's suggestions and in the proposed reference. The recommendation to limit the High Court to Appellate duties is a valuable one and well worthy of careful consideration. The Judge of 1st instance proposed for Madras should, I think, have a higher salary than that mentioned in this Minute, but as one of the present Judges of the High Court could then be spared, and there would be other savings, no difficulty about expense would thus arise.

(Signed) E. MALTBY.

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No. 185. From the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judi-cature at Fort William in Bengal, to His Excellency the Governor General of India in Council, dated the 27th October 1862.

I HAVE the honor to submit for the approval of your Lordship in Council the alterations which I propose to make in respect of the Officers and Establishments of the late Supreme Court, in order to render them efficient for the execution of the duties required to be performed by Ministerial Officers and Clerks in the exercise of the original Civil Jurisdiction of the High Court.

I propose to abolish the office of Master. The proceedings before that Officer are usually attended with great expense, and are too frequently made use of by parties for the purpose of vexation or of driving their opponents into terms, or for other improper purposes. The Master is not blameable for these abuses, but they are a consequence of the system. Matters of detail, such as the taking of accounts, &c., which were formerly referred to the Master, will hereafter be investigated by or under the superintendence of a single Judge. In such matters it will be necessary for the Judge to have the assistance of a Ministerial Officer. This course is in accordance with the provisions of Sections 180 and 181 of the Code of Civil Procedure, and is similar to that now adopted in England by the Judges in Equity under the provisions of the 15th and 16th Vic., Cap. 80. It will be necessary to retain the office of Master until the business now before him shall have been completed. Judging from a Return which I called for and have received of the business now pending in the Master's office, I hope and have reason to expect that it will be completed in six months from the end of December next at the latest. I therefore propose to continue the office of Master until the end of June 1863, unless the business be completed in the mean time. I shall shortly submit to your Lordship in Council a Bill for giving additional powers to the Master, and making other provisions for the despatch and winding up of the business now pending before him. The three offices of Master, Registrar and Accountant General are now held by one Officer at a salary of 3,000 Rupees a month. The office became vacant upon the appointment of Mr. Morgan as a Judge of the High Court, and Mr. Goodeve, who has been acting during Mr. Morgan's absence in England, has been temporarily continued in the office. I intend to continue him in the offices of Master and Accountant General during the remaining period of the existence of the Master's office, if he be willing to retain those offices for a limited time. The duties of Registrar are at present, in fact, performed by the Deputy Registrar. I intend that the Master shall not continue to hold the office of Registrar, but I do not think that his salary ought to be reduced, considering that he will not substantially be relieved from any duties, that his tenure of office will terminate at the end of June 1863; and that in the mean time heavier duties will be imposed upon him in winding up the business of the office in that limited period. I propose to establish an office of Registrar and Chief Clerk to the Insolvent Court and Keeper of the Records, who will perform the present duties of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court and Keeper of the Records. The Deputy Registrar at present draws a salary of 400 Rupees a month; he is also Registrar of the Vice-Admiralty Court, and as such receives fees for which, under the present arrangement, he is not accountable to Government, and which I believe average not less than 150 Rupees a month. He is also frequently nominated as a Commissioner for taking the examination of Purdah ladies, &c., and for that duty also receives fees for which he does not account to Government. The Vice-Admiralty Jurisdiction is now, by the late Act of Parliament and Charter, exercised by the High Court; and when the new arrangement of Officers comes into effect the fees received by the Registrar in the exercise of Vice-Admiralty Jurisdiction ought to be accounted for to Government like other fees, unless stamp duties be imposed in lieu of fees. This point will be considered in a separate communication. It will be in the recollection of your Lordship in Council that some time ago the Judges of the late Supreme Court recommended that the offices of Master and Registrar should be separated, and that the offices of Registrar and Deputy Registrar should be consolidated on a salary of Rupees 1,000 a month. Subsequently, on the retirement of Mr. O'Dowda, the Judges again called attention to

the subject, and expressed a hope that some portion of the saving which had been effected by the reduction of the salary of the Prothonotary and Clerk of the Crown upon the death of Mr. Holroyd, and by the retirement of Mr. O'Dowda might be applied to the formation of a salary of Rupees 1,000 a month for a separate office of Registrar. By a Resolution in the Financial Department, dated the 31st August last, the matter was referred to the Right Honorable the Secretary of State for favorable consideration; but I am not aware that any orders have as yet been issued. If that application had been attended with a favorable result, the Deputy Registrar would have been appointed Registrar upon a salary of Rupees 1,000 a month, and would have retained the fees received by him in the Vice-Admiralty Court, and the fees to which I have already alluded for executing commissions for the examination of witnesses. The duties of Registrar have been much increased since the introduction of the new Procedure; formerly his duties were confined to the Equity side of the Court, now there is no distinction in this respect between Equity suits and Common Law Causes. Moreover he will have to account in future for the fees received in respect of the Vice-Admiralty Jurisdiction as above suggested, and he will not have time to execute commissions and ought not to be employed on that duty unless for special reasons, in any particular case the Court or a Judge may consider him better qualified than any other Officer for the performance of it. For the whole of these duties I propose that he shall receive a salary of Rupees 1,500 a month. Having transferred to the Registrar the duties of Chief Clerk of the Insolvent Court and of Keeper of the Records, I would make the Prothonotary the Taxing Officer, and on the abolition of the Master's office would also transfer to him the duties of Accountant General. The whole of the above duties can easily be performed by one Officer together with those of Clerk of the Crown, if, as I intend, he be relieved by the Registrar from the duty of taking down the evidence of witnesses examined in Court or before a Judge. The two offices of Clerk of the Crown and Prothonotary have hitherto been held by a Barrister at a salary of Rupees 2,000 a month. The salary was reduced to that amount about 3 years ago upon the decease of the late Mr. Holroyd. The present Officer, Mr Theobald, was then appointed at that salary upon the express stipulation which I then made, that he was to be subject to such alterations in his duties as might be found necessary. I think that he should perform the additional duties above suggested without any increase of salary. The offices of Taxing Officer and Keeper of the Records are now held by Mr. Smoult. If the proposals above made be sanctioned, the duties of those two offices will be transferred the one to the Prothonotary, the other to the Registrar; and the salary of Mr. Smoult, amounting to 1,600 Rupees a month, may be saved. Mr. Smoult has been upwards of 29 years in the service of Government from first to last, he is now 72 years of age; but in consequence of breaks in his service is not entitled, according to the strict Rules, to a pension. He is as competent as ever for the discharge of his duties. I cannot ask him to retire without compensation, or at his age to undertake new duties. His retirement would enable me to make the necessary arrangements consequent upon the introduction of the new Code of Civil Procedure, and at the same time to cause a considerable saving to Government. He draws Rupees 1,600 a month. I have spoken to Mr. Smoult upon the subject, and he would be willing to retire at the end of this year upon receiving compensation in the shape of an annuity of Rupees 600 a month for life. This would leave an immediate saving of Rupees 1,000 a month, and an ultimate saving of Rupees 1,600 a month. But for the breaks in his service Mr. Smoult would be entitled in the course of another year to a pension of Rupees 800 a month, as the rule laid down in the Despatch No. 21 of 1855, would not apply to him, he having being appointed to the service of Government long before the date of that Despatch. His claim, however, is not to pension, but to compensation, and I think Rupees 600 a month is not unreasonable.

There will be now two Courts sitting daily in the exercise of original jurisdiction instead of one

It will, therefore, be necessary to have an Assistant who, whilst the Registrar is actually engaged in one Court, will have to perform similar duties in the other. That Officer will also have to perform the duties of Registrar and Chief Clerk to the Insolvent Court when that Officer is engaged in another Court, and also to assist the sitting Judge in matters of detail whilst he is discharging the duties heretofore performed by the Master, such as the investigation of matters of account, &c.

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In England, since the abolition of the Master's office, the Master of the Rolls and each of the Vice-Chancellors has a Chief Clerk to assist him in matters of this description. The Chief Clerks are required to be Solicitors or to have been Clerks to a Master, which shows the important nature of the duties.

I propose to appoint a Chief Clerk upon a salary of Rupees 1,000 a month, and to offer the appointment to Mr. Davis, who is a Solicitor of the Court and at present Clerk to Sir Charles Jackson. As the duties of this Officer are required to be performed immediately, Sir Charles Jackson is willing to forego the services of a Clerk during the remainder of his tenure of office. The present salary of Mr. Davis is 500 Rupees a month, but he is frequently engaged in the execution of commissions for the examination of witnesses and receives fees for which he does not account to Government.

The Clerks to the Judges will then consist of only two.

I cannot ask for a separate Clerk for each of the Judges, and I cannot make a distinction between those selected from the Bar and the others I do not think it will be necessary, if a Chief Clerk be appointed, as I suggest in addition to the Registrar, that each of the new Judges should have a Clerk.

After the retirement of Sir Charles Jackson, the only Judges who will have separate Clerks are the Chief Justice and Sir Mordaunt Wells who will then be the Senior Judge, and I think this privilege should be continued to them as long as they continue in office.

At present the Chief Justice could not possibly do without the assistance of a Clerk, and probably it will be found that his successor will always require one.

I propose to appoint Radanath Bose Assistant Clerk. He is at present Head Clerk and Interpreter in the Master's office, and from my own experience I can speak as to the great value of his services in that capacity.

He has been in the office 13 years and nine months, and has a salary of Rupees 250 a month. The Master reports that his duties are of an important nature, and very ably fulfilled by him, and has recommended an increase of his salary if he continues in the Master's office.

The salary as Assistant Clerk should, in my opinion, be increased to Rupees 400 a month. A great portion of the establishment of the Master's office, including the Head Clerk, must, under any circumstances, be continued after the office of Master is abolished. The increase of expense from appointing Radanath Bose Assistant Clerk instead of transferring him to the Registrar as part of the Master's establishment will be only 150 Rupees a month.

In England the Master of the Rolls and each of the Vice-Chancellors had formerly one Junior Clerk to assist him in addition to a Chief Clerk, and it was found necessary afterwards to increase the number by allowing two Junior Clerks to each of those Judges. I do not believe that the work can be done without one Assistant Clerk in addition to the Chief Clerk.

Mr. Davis and Radanath Bose ought to be appointed as soon as possible, as the sitting Judge is now performing the duties of Master in all new suits; and it will be impossible for him to get through that portion of the business without the necessary assistance. These Officers should also, when necessary, attend in the Insolvent Court, and perform such other duties as may be found necessary, and as the Chief Justice may from time to time appoint, and Radanath Bose must also continue to act as Head Clerk in the Master's office as long as it continues.

Mr. Siret holds the office of Portuguese Interpreter, and is also Tipstaff to the Chief Justice.

I was not aware of this gentleman's existence until after the High Court was established. He has held the office many years, but I do not consider that a Portuguese Interpreter is necessary, and I do not require a Tipstaff. I believe this Officer draws altogether 300 Rupees a month, and that he is entitled to a pension. If so, he may be allowed to retire.

Establishment.

	Increase.			*Decrease.*	
Registrar's office...	Rs. 247	Prothonotary's office... ...	Rs.	475
Accountant General's ditto... ...	„ 50	Clerk of the Papers... ...	„	148
Judges' Chambers...	„ 190	Sworn Clerks...	„	281
	Rs. 487		Rs.	904
			„	487
		Total saving...	Rs.	417

Total monthly saving of Officers' salaries subject to compensation to Mr. Smoult... ... ... Rs. 3,150
Total monthly saving in Establishments... ... ... „ 417
Rs. 3,567

NOTE.—This will be in addition to a saving of 600 Rupees a month if the Secretary should allow that amount for the Registrar out of the saving effected by Mr. O'Dowda's retirement. The Government will also receive the Registrar's fees in the Vice-Admiralty Court or Stamps.

The additional Officers should be appointed as soon as possible, but I do not think that the Clerks whose services are not required should be discontinued until the end of the present year. They should have at least a month's notice to enable them to obtain the pensions or gratuities to which they may be entitled, or such compensation as Government may think fit to allow. Many of them have nearly completed a service of 30 years which, I believe, would entitle them to a pension of half their salary, and others have nearly completed a service of 20 years which would entitle them to a pension of one-third of their salary. To remove upon a pension of one-third of their salary those who in a few months or a year would become entitled to the full pension of half salary, but for alterations which they could not have anticipated, would, in my opinion, be a harsh measure. It would, if possible, be still harder to remove upon six months' pay as a gratuity those who, in a few months or a year, would become entitled to a pension of one-third salary. I trust that your Lordship in Council will take these matters into your favorable consideration, having regard to all the circumstances of the case, and especially the great saving which will be effected, (whatever may be the amount of compensation allowed), and to the large surplus which has for many years resulted to Government from receiving the fees of the Officers of the Court and paying the fixed salaries and expenses. It appears to me that it would be fair and reasonable to allow as compensation, in consequence of the abolition of the Supreme Court, to such of the Clerks and Officers as have served more than 25 years a pension equal to half their salaries. To those who have served more than 15 years a pension equal to one-third of their salaries. To those who have served 10 years or upwards a pension equal to one-fourth of their salaries, or a gratuity of one year's salary at the option of the parties; and to those who have served less than 10 years a gratuity of half a year's salary.

The matter is one entirely for the consideration of your Lordship in Council; but I have thought it my duty to call attention to the subject, and am confident that the case will be dealt with as liberally as a due regard for the publice interests will justify. I will merely mention that from the account made up in July of this year I find that the Government was a gainer in the year 1860 to the extent of Rupees 72,585, being the excess of fees accounted for after paying all expenses of the Officers and establishments.

I am informed that the net profit for the year 1861 will be fully equal to the profit in 1860. I have not been able as yet to obtain the opinions of my brother Judges in reference to the appointment of a permanent Sheriff, but I have circulated the papers, and hope soon to have a meeting and to communicate to your Lordship the result. I will then consider the question as to the salaries of the Sheriff and his Officers and establishments. I had hoped to be able to communicate to your Lordship in Council my proposition respecting the Officers and establish-

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ments of the Appellate Branch of the Court; but I am anxious before doing so to consult with my Honorable Colleague Mr. Raikes, who has had a long experience of the establishments of the late Sudder Court. He is expected by the Steamer just about to arrive, and I shall at the earliest opportunity consult with him and inform your Lordship in Council of the result. As the period for which the present establishments have been sanctioned expired at the end of last month, I trust your Lordship in Council will sanction their continuance to the end of this year.

P. S.—Since writing the above letter I find from a letter from the Secretary, Financial Department, to the Registrar of the High Court, that the appointment of Registrar to the Supreme Court on a salary of Rupees 1,000 a month has been sanctioned.

The saving effected by the above proposal is in effect that of Registrar at Rupees 1,000 a month instead of that of a Deputy Registrar at Rupees 400 a month. The total saving is, therefore, Rupees 4,167 a month, or Rupees 50,004 a year.

From the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature in Bengal; to His Excellency the Governor General of India in Council, dated the 1st November 1862.

With reference to my letter dated the 27th October last, I have made a mistake as to Mr. Siret's salary. I find that it is only 180 Rupees a month instead of 300 Rupees, as stated in that letter. I had no means of ascertaining accurately at the time what he received as Tipstaff in addition to his salary as Portuguese Interpreter, but I understood that he received altogether 300 Rupees a month.

The amount of saving pointed out in my letter will, therefore, be 120 Rupees a month less than the sum at which I estimated it.

From the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature in Bengal; to His Excellency the Governor General of India in Council, dated the 26th November 1862.

With reference to my letter of the 27th ultimo, I have the honor to state that it was written without a personal communication with the Prothonotary who was not in Calcutta at the time. In that letter I proposed to retain the Record-keeper and to allow the Assistant Record-keeper to retire. I since find from the Prothonotary that the Record-keeper is an old man and not efficient for the discharge of his duties. The Prothonotary proposes to promote the Assistant Record-keeper, and to give him when promoted a salary of Rupees 16 a month, and to allow the Record-keeper to retire. The Record-keeper at present draws a salary of 20 Rupees a month, and the Assistant 8 Rupees a month.

I approve of the proposed arrangement, and would beg to modify my former letter to this extent.

The arrangement will not be attended with any additional expense, but a slight additional saving will be thereby effected.

From E. C. BAYLEY, Esq., Secretary to the Government of India; to the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature at Fort William in Bengal, dated Fort William, the 5th December 1862.

Home Department.
Judicial.

I have received and laid before the Governor General in Council your letters noted on the margin, regarding the alterations you would propose in the Ministerial Officers of the late Supreme Court, to adapt them for the working of the new High Court.

Letter dated 27th October 1862.
Letter dated 1st November 1862.
Letter dated 26th ditto.
} Received through the Financial Department.

2. In reply, I am directed to request that you will be so good as to send up a Tabular Statement, prepared according to the accompanying Form, showing the Officers now employed in that part of the High Court at Calcutta which represents the late Supreme Court, and the salary drawn by each of those Officers, and the proposed establishment, including the salaries of the Officers to compose the same.

3. Where any increase of salary is recommended, the reasons of the recommendation should be given in the column set apart for that purpose.

4. It is requested that you will be so good as to send up this Statement with the least possible delay, so as to admit of final orders being passed upon it before the end of the year, up to which time the retention of the present establishment has been sanctioned.

5. I am also directed to express a hope that you will be able to submit, simultaneously, a similar statement for that portion of the High Court which represents the late Court of Sudder Dewanny and Nizamut Adawlut for the Lower Provinces of Bengal, in order that the Governor General in Council may have before him at the same time the entire Ministerial establishment proposed for the High Court at Calcutta, as at present constituted.

6. Pending the submission of the entire scheme, the Governor General in Council sanctions temporarily your proposal to appoint Mr. Davis, (personal Clerk to Sir C. Jackson) to be Chief Clerk, on a salary of 1,000 Rupees per mensem, and Radanath Bose to be Assistant Clerk on 400 Rupees per mensem; the latter, however, continuing to perform his present duties as Head Clerk and Interpreter in the Master's office until that office is abolished.

7. The Governor General in Council awaits the receipt of the Bill and further report promised by you regarding the Master's and Receiver's offices, and the substitution of Stamps for fees in the business of that part of the High Court in which fees are now taken. The transmission of this report should be expedited as much as possible. The temporary Act for the High Courts, which was passed in July last, will expire on the 31st of this month, and it is very desirable that any further legislative measures for the High Courts which may be considered necessary should be introduced without delay.

From the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature at Fort William in Bengal; to His Excellency the Governor General of India in Council, dated the 31st December 1862.

In continuation of my letter of the 27th October last, I have now the honor to enclose lists, made out in the form requested by your Lordship in Council, of the Clerks and other Ministerial Officers which, in my judgment, are necessary for the administration of justice and the due execution of the powers and authorities granted to the High Court in the exercise of its original and Appellate jurisdiction, and of its superintendence and control over the several Mofussil Courts.

2. I regret to state that, since the date of my former letter, I have been obliged to dismiss Mr. W. Lawler, one of the Interpreters of the Court, for drunkenness. His salary of 400 Rupees a month will, therefore, be saved, and I propose, in lieu of Mr. Lawler, to appoint two Assistant Interpreters and Translators on 200 Rupees a month each, as I fear the present staff of Translators, with the addition of one Interpreter and Translator in the place of Mr. Lawler, will not be able to get through the additional number of translations required in consequence of the sitting of two Courts instead of one in the exercise of the original Civil jurisdiction. As regards the Appellate jurisdiction, I would observe that the establishment of the late Sudder Court was exercised so lately before the amalgamation that, had that Court continued with only its former strength, it would have been impossible to effect any considerable reduction or saving of expense. The number of Judges now employed in the exercise of that part of the jurisdiction, which was formerly vested in the Sudder Court, has been more than doubled, and it necessarily follows that the establishment must be considerably increased in order that the Officers

may keep pace with the additional number of decisions and other business transacted by the Judges. The chief increase is in the Judicial Department of the establishment which is engaged principally with reference to the Civil jurisdiction in preparing for the Court the cases which come up for hearing on appeal and in transmitting to the Lower Courts the decrees passed thereon.

3. The decrees of the late Sudder Court were drawn up by Native Officers on salaries of 35 Rupees a month; they were drawn up in the Urdoo language which many of the present Judges of the High Court cannot read or even understand, and the original decrees in that language were signed by the Judges and transmitted to the Lower Court. I have always refused to sign a decree which I cannot read or understand, and I propose that, for the future, all decrees shall be drawn up and signed by the Judges in English; and that copies of such decrees, together with a translation in the Native language, certified by a competent and responsible Officer to be a true translation, shall be transmitted to the Lower Court.

4. It is most unsatisfactory that the correctness of a decree of a Court of Justice should depend upon a Native Officer receiving a salary of Rupees 35 a month, and should be drawn up and signed by the Judges in a language which they cannot read or understand. It places the Judges in an undignified and false position and entirely in the hands of their Native Amlah. I have no imputation to cast upon the present Officers; but I am sure that it cannot be right to leave so important a duty, as the preparation of the decrees of the High Court, in the hands of Native Officers so insufficiently and inadequately paid. I think it necessary to place the whole Judicial Department under the immediate superintendence of a Deputy Registrar upon an adequate salary. It will be his duty, subject to the general control of the Registrar, to see that all appeals are properly prepared and brought on for hearing in their regular order without any preference or delay; that the decrees of the Court, when passed, shall be drawn up correctly in English; laid before the Judges for signature; translated into the Native language, and transmitted together with the translations without delay to the Lower Courts to be carried into execution. His duties will be very important, and it is necessary that they should be confided to a trustworthy Officer. I do not think that he should receive a less salary than 800 Rupees a month. The Native Deputy Registrar, who now receives 500 Rupees a month, should be the 1st Assistant upon the same salary as he has at present. The present Deputy Registrar does not understand English; he will be entitled to pension in about two years, and, upon his retirement, I propose that an Officer acquainted with English shall be appointed. A 2nd Assistant will be necessary, and I propose to appoint one who is acquainted with both the English and Native languages on a salary of 400 Rupees a month. I propose to abolish the office of Sheristadar, the salary of which is 300 Rupees a month, also the offices now held by two Naib Sheristadars at 50 Rupees a month each, and to transfer the duties of the two latter Officers to a 3rd Assistant Registrar upon a salary of 75 Rupees a month. This, I think, will place the Judicial Department upon a satisfactory footing as regards both despatch and accuracy, and secure it against improper influences.

5. There is a considerable additional expense under the Head of Translators which I have explained in the Table in my remarks under the Head "Grounds of Proposition." The total monthly expense of Translators in the late Sudder Court was 1,600 Rupees; my proposal increases the permanent establishment to 3,450 Rupees, being 250 Rupees a month in excess of the establishment which has already been sanctioned by your Lordship in Council as a temporary measure. When your Lordship in Council bears in mind that, instead of only two Courts sitting daily as in the late Sudder Court, there are now five, and probably will be six, I trust that your Lordship in Council will consider that the additional expense is not at all out of proportion. I assure your Lordship in Council that, in my opinion, the increase is absolutely necessary, and that, without it, the time of the Judges will be wasted, and the business of the Court

continue greatly in arrear. I have proposed an addition of 150 Rupees a month to the salary of the Head Bengalee Translator and of 50 Rupees a month to the salary of the Head Urdoo Translator. I shall address your Lordship in Council in a separate letter upon the subject of the language of the Court, and I shall propose that, for the future, all translations of judgments, decrees and other judicial documents shall, except with respect to a few Districts, be in Bengalee instead of Urdoo, the latter language not being understood in the Districts to which the translations are sent. If this alteration take place, the labor and duties of the Head Bengalee Translator will be very considerably increased, and many of the staff of Urdoo Translators, who understand both languages, will be placed under his superintendence. The addition proposed to his salary is not, in my opinion, more than reasonable having reference to his increased duties. I have also proposed a temporary addition of ten Translators for one year. These are necessary to prepare the cases which formed the arrears of the late Sudder Court. They must be prepared and the expense incurred sooner or later. After all the inquiries and calculations that I have made, I do not believe it possible that the staff of Translators, proposed as permanent, will be able to keep pace with the current business unless they have the additional assistance applied for in preparing the arrears. I ask for the extra establishment merely for one year or for a less period if I find it sufficient. Possibly, at the end of that time, the permanent establishment may be slightly reduced, and the extra Officers will be appointed upon that understanding. The two Translators have already been temporarily sanctioned. I think it will be impossible to dispense with their services. I have already appointed one official Reporter upon 500 Rupees a month, subject to the sanction of your Lordship in Council, and I trust that the appointment will be sanctioned as a permanent one from the date on which the appointment was first made, *viz.*, the—day of October last. For such of the Judges as are in the habit of delivering their judgments verbally, the assistance of such an Officer is invaluable, and will enable them to dispose of the business with much greater expedition. Without this assistance the Judges must either stop other business whilst they write their judgments in Court, or they must sit out of Court, as they do at present, for at least one day in the week upon an average to enable them to write up their judgments. Either alternative is attended with considerable delay and the loss of much valuable time which might be more usefully employed. If the judgments be properly reported, they may be perused and corrected by the Judges, and signed without delay or stopping the other business of the Court. The principal Officer in this branch of the establishment should be entrusted with the duty of preparing and arranging, for the press, official reports, to be published at certain periods, of selected cases for the guidance of the lower Courts, and of preparing for Government, in a convenient form, a return of those decisions which the Court has been requested to furnish periodically, including all conflicting decisions upon the Penal Code and all decisions and orders involving constructions of the Codes of Civil and Criminal Procedure. The staff of official Reporters should, in my opinion, consist of three Officers, two of whom at least should be well qualified short-hand writers, and the principal Officer should be qualified for the duties above described. The gentleman whom I have already appointed, subject to the sanction of your Lordship in Council, is merely on probation. I do not at present know of any gentlemen sufficiently qualified for the duties required of the other two official Reporters who would be likely to accept the appointment, nor can I at present state with accuracy for what salaries such Officers can be procured. It is very desirable to obtain them as soon as possible, and I would, therefore, ask your Lordship in Council to sanction the appointments if I can find gentlemen sufficiently qualified for the duties at salaries not exceeding together 1,500 Rupees a month, say 1,000 Rupees a month for the chief, and 500 Rupees a month for the other. I should like, if possible, to obtain for the principal appointment a Barrister who has been in the habit of reporting the decisions of the Courts in England. I do not think that such a person could be induced to accept the appointment under 1,000 Rupees a month at the least, and I very much doubt whether a mere short-hand writer of experience and ability could be obtained for less than 500 Rupees. Should your Lordship in Council feel disposed to sanction the appointments, if competent Officers can be found at salaries not exceeding those abovenamed, I would make inquiries upon the subject; but

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will not, of course, appoint except subject to the approval of your Lordship in Council of the nominees and of the precise salaries to be paid. The necessity of official Reporters in England, where there is a large Bar of which many of the Members report the decisions of the Courts as a matter of private speculation, is not of so much importance as in this country, yet, even there, the appointment of official Reporters has been often suggested and was recommended in some valuable papers relative to the drawing of Acts of Parliament presented to Parliament by command of Her Majesty in the year 1838.

6. The total monthly increase of expense as regards the permanent establishment of the Appellate jurisdiction is 4,857 Rupees, which, with the two additional official Reporters at the salaries above recommended, amounts to 6,357 Rupees. The decrease of 4,059 Rupees per month in the establishment of the original jurisdiction may fairly be set off against the increase on the Appellate side of the Court, and leaves the total increase in the establishments of the amalgamated Court of only 2,298 Rupees a month beyond those of the two separate Courts of which it is composed; and this increase will, I hope, be reduced when the business commenced in the late Supreme Court before the 1st of July last is disposed of. I think I may safely undertake to reduce it more than 298 Rupees a month, so that the excess of expenditure of the whole of the permanent establishments of the High Court shall not exceed those of the late Supreme and Sudder Courts together by more than 2,000 Rupees a month, and it may be less. I think it right to point out that several of the Officers included in the Judicial establishment of the Appellate branch are not necessary for the purposes of the Court, and ought not, therefore, in strictness to be debited to it. We do not require the Pundit or Hindoo Law Officer, or the Cazee-ool-Coozal or Mahomedan Law Officer. They are kept up for the purpose of answering questions of Hindoo and Mahomedan Law referred by the Mofussil Courts. They have never been consulted by the Judges of the High Court, and I think it is very objectionable that they should be referred to by the Mofussil Courts for opinions. Speaking of the practice, without the slightest imputation against the gentlemen who at present fill the offices, it cannot but be admitted that the practice cannot be free from the risk of opening a wide door for the exercise of undue influences. I think it would be far better and safer that such questions should be referred to the High Court for their opinion in the same manner as points of Law are referred by the Small Cause Courts. The parties should have an opportunity of arguing the point before a division Court, and the decision of the Court upon the point should be final except in cases appealable to Her Majesty in Council. The Court might, if necessary, have the power to summon skilled witnesses, and examine them as to the Hindoo or Mahomedan Law in cases of great difficulty or doubt; and in such cases which would be very rare, the witnesses might be paid a moderate fee to be charged in a contingent bill. For this purpose legislation would be necessary, and care must be taken to provide that, in cases appealable to the High Court, the whole case shall be finally determined when the point of Law is decided. I will not advert to the subject further in this place, as my only object here is to point out that the salaries of these two Officers, amounting together to 550 Rupees a month, might be saved with advantage, and are not fairly debitable to the High Court. If this sum be deducted from the 2,000 Rupees a month, extra expense of establishments above alluded to, it would reduce it to the sum of 1,450 Rupees a month.

7. The Cazee of Calcutta I propose to abolish as an Officer of the Court. He is simply, I believe, a Registrar of Mahomedan marriages in Calcutta. He has nothing to do with the High Court. If it be thought advisable to retain such an Officer, it appears to me that he ought to be appointed by Government, and not by the Chief Justice, and that his salary ought not to be debited to the High Court. Further I would beg to call the attention of your Lordship in Council to the fact that between 5 and 6,000 Rupees a month of the expense of the establishment on the Appellate side of the Court is expended for the purpose of the English Department of which the principal duties are not judicial but ministerial, in corresponding with Government,

preparing returns, examining the Stamps for the purpose of protecting the revenue, and controlling the whole of the Mofussil Courts throughout the Presidency.

8. There is only one other point to which I wish to advert.

I am confident that much saving of the time of the Judges will be effected by printing the papers and documents translated for the use of the Judges. At present much time is wasted in Court in finding any particular document to which reference is made by the Pleaders in argument, and, when found, it has to be read and translated in Court, and the Judges have to write down in their notes the greater part of the translation. With the staff of Translators which I have proposed, and under proper rules to be laid down by the Court, I hope that most of what is material will be translated. If these translations be printed, and each party be required to take one copy for his Pleader at cost price, which will be very trifling, and may be charged as part of the costs to the losing party, much time, which is now wasted, will be saved. The Judges' copies and the Pleaders' copies being alike, and the pages and lines numbered, reference to any part of the translations will be readily made, and any particular document or portion of it will be read at once; and if the correctness of the translations be disputed, they will be immediately set right by means of the Interpreters and the Pleaders on each side, and the Judges will not have to waste their time in copying the documents in their notes. I do not think that I exaggerate when I say that, by proper arrangements of this nature, one-third of the time now occupied in hearing an important regular appeal will be saved. I, therefore, most urgently press upon your Lordship the necessity of sanctioning a reasonable allowance for printing. I do not think that the expense, if each Pleader takes one copy, will much exceed that of copying; and I ask your Lordship in Council to sanction, as an experimental measure, the expenditure of a sum not exceeding from 2 to 3,000 Rupees a month for one year for printing the translations made for the Judges. Against this expense there must be set off the cost price of the copies taken by each party and the saving which will be effected by the reduction of the number of copyists included in the proposed establishment for the Appellate branch of the High Court. I believe that, upon the whole, printing will be found as economical as copying. The sum asked for has been estimated with reference to the large number of cases in arrear as well as to the current business. Should your Lordship in Council be pleased to sanction the expenditure, I will take care that the utmost economy consistent with efficiency shall be observed. It may be as well to point out to your Lordship in Council that, during the first ten months of the present year, the Stamp duties on the Appellate side of the High Court amounted to 2,48,716 Rupees which gives an average of 24,871 Rupees per month, or 2,98,452 Rupees a year.

D.

No. Extract from Home Dept., Govt. of India, Date	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Proposition. Permanent. Decrease per month.	Proposition. Temporary. Increase per month.	Proposition. Temporary. Period.	Proposition. Temporary. Decrease per month.	Casual or Extraordinary Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Orders.
	Office of Taxing Officer.	W. H. Smoult,* Taxing Officer and keeper of Records.	Rs. A. P. 1,600 0 0	.....	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P. 1,600 0 0	Rs. A. P.	Rs. A. P.			
		PRESENT ESTABLISHMENT.											
		Thomas Botelho.	300 0 0	....	300 0 0								
		William Lawrence.	50 0 0	.....	50 0 0								
		Gobindchunder Bose.	60 0 0	.....	60 0 0								
		Noyanchunder Bose.	45 0 0	.....	45 0 0								
		Roychurn Dass.	27 0 0	.....	27 0 0								
		Shamachurn Nundy.	22 0 0	.....	22 0 0								
		Akkin Peon.	8 0 0	.....	8 0 0								
		Woomachurn Ghose.	16 0 0	.....	16 0 0								
			2,128 0 0	.....	528 0 0			1,600 0 0					

* This Office is to be abolished.

E.

	Office of the Keeper of Records.	FIXED ESTABLISHMENT.											
		Colly Churn Paulit.	54 0 0	.. ..	54 0 0								
		Doyal Chund Doss.	32 0 0	.....	32 0 0								
		Dusterman or Furrash. ...	4 0 0	.....	4 0 0								
		Hurkurrah.	4 0 0	.....	4 0 0								
		TEMPORARY ESTABLISHMENT.											
		Nilmoney Pyne.	20 0 0	.....	20 0 0								
		CONTINGENT WRITER.											
		Punchanun Pattock.	22 0 0	.....	22 0 0								
			136 0 0	.....	136 0 0								

F.

No.	Extract from Home Dept. Govt. of India.	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Permanent. Decrease per month.	Temporary. Increase per month.	Temporary. Decrease per month.	Period.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Financial Dept. Remarks.	Financial Dept. Orders.
				RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.						
			R. Belchambers, Registrar.	... 1,000 0 0	..... 1,500 0 0	500 0 0									
			FIXED ESTABLISHMENT.												
			Thomas Edwards.												
			Bacharam Bannerjee.*	... 200 0 0	..... 300 0 0	100 0 0									
			Damoodur Day.	... 70 0 0	....	...	70 0 0								
			Gopaul Chunder Sen.	... 75 0 0	..... 100 0 0	25 0 0									
			Isser Chunder Chatterjee.*	... 65 0 0	..... 70 0 0	5 0 0									
			Juggetdoolub Bose.	... 64 0 0	....	...	64 0 0								
			M. DeSouza.	... 50 0 0	..... 100 0 0	50 0 0									
			Roopnarain Ghose.	... 40 0 0	..... 70 0 0	30 0 0									
			John Swaris.	... 40 0 0	..... 40 0 0										
			Petumber Doss.	... 40 0 0	..... 50 0 0	10 0 0									
			Woomes Chunder Haldar.	... 38 0 0	..... 45 0 0	7 0 0									
			Roop Chund Burraul.	... 38 0 0	..... 50 0 0	12 0 0									
			Hurish Chunder Bannerjee.	... 30 0 0	..... 35 0 0	5 0 0									
			Gobind Chunder Nundy.	... 30 0 0	..... 50 0 0	20 0 0									
			Sookdeb Christian.	... 28 0 0	..... 40 0 0	12 0 0									
			Jadonauth Halcar.	... 26 0 0	..... 26 0 0										
			Denonauth Patuck.	... 24 0 0	..... 24 0 0										
			Hurry Narain Sirdr.	... 20 0 0	..... 20 0 0										
			Tarruck Nauth Chuckerbutty.	... 20 0 0	..... 25 0 0	5 0 0									
			Tareenee Churn Chatterjee.	... 20 0 0	..... 20 0 0										
			Koylas Chunder Mozoomdar.	... 15 0 0	..... 16 0 0	1 0 0									
			Thakoordoss Roy.	... 14 0 0	..... 16 0 0	2 0 0									
			Ooseenas Chunder Mitter.	... 12 0 0	..... 12 0 0										
			Shamachurn Mozoomdar.	... 12 0 0	..... 12 0 0										
			Indernarain Sircar.	... 12 0 0	..... 12 0 0										
			Kangalee Churn Mookerjee	... 12 0 0	..... 12 0 0										
			Sumboo Peon.	... 10 0 0	..... 14 0 0	4 0 0									
			Boly Sing.	... 9 0 0	..... 9 0 0										
			Goopynauth Furrash.	... 7 0 0	..... 7 0 0										
			Bonomally. ditto.	... 6 0 0	..... 6 0 0										
				... 6 0 0	..... 6 0 0										
			TEMPORARY ESTABLISHMENT.												
			Russickloll Mitter.												
			Grees Chunder Bannerjee	... 34 0 6	..... 50 0 0	16 0 0									
			Tirpooran Churn Bannerjee	... 30 0 0	..... 100 0 0	70 0 0									
			Wooma Churn Chatterjee.	... 10 0 0	..... 10 0 0										
			S. Manly.*	... 20 0 0	..... 20 0 0	10 0 0									
				... 10 0 0	....	...	10 0 0								
				*	Duftry... 7 0 0	7 0 0									
				2,127 0 0	2,874 0 0	891 0 0	144 0 0								
						144 0 0									
						747 0 0									

* The services of these men are to be dispensed with.

G.

No.	Extract from Home Department of Government of India.	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Permanent. Decrease per month.	Temporary. Increase per month.	Temporary. Decrease per month.	Period.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Government of India. Home Dept. Remarks.	Financial Dept. Remarks.	Financial Dept. Orders.
				RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.						
		Sworn Clerk's Office at present in charge of the Registrar.	Ramcoomar Bannerjee	... 125 0 0	....	...	...	...	125 0 0						
			Woopendro Mullick	... 32 0 0	....	...	...	...	32 0 0						
			Juggessur Chatterjee	... 26 0 0	....	...	...	...	26 0 0						
			Callachund Ghose	... 25 0 0	....	...	...	...	25 0 0						
			Baneymadub Biswas	... 20 0 0	....	...	...	...	20 0 0						
			Jaudub Chunder Bannerjee	... 20 0 0	....	...	...	...	20 0 0						
			Kissen Chunder Bannerjee	... 11 0 0	....	...	...	...	11 0 0						
			Sreeram Ghose	... 10 0 0	....	...	...	...	10 0 0						
			Kopeeluddeen Hurkurah	... 6 0 0	....	...	...	...	6 0 0						
			Kazeem Duftry	... 6 0 0	....	...	...	...	6 0 0						
				281 0 0	....	...	...	...	281 0 0						
					The whole of this establishment is to be abolished.										

H.

		Judge's Clerk's Office.	W. E. Peacock	... 500 0 0	..... 500 0 0											
			C. T. Davis*	... 500 0 0	....	...	...	...	...	...	...	...	...	...	...	
			(a) R. Belchambers	... 500 0 0	..... 500 0 0											
			Nilmoney Day	... 46 0 0	..... 46 0 0											
			Ramburmo Bannerjee	... 32 0 0	..... 32 0 0											
			Pearymohun Bannerjee	... 12 0 0	..... 12 0 0											
			A Bill Maker (at present vacant.)	40 0 0	..... 40 0 0											
			Woomachurn Mozoomdar, Sircar.	14 0 0	..... 14 0 0											
			3 Punka-pullers, at 5 each	... 15 0 0	..... 15 0 0											
			2 Swearing Pundits, at 7 each	.. 14 0 0	..... 14 0 0											
			2 Mollahs, at 7 each	... 14 0 0	..... 14 0 0											
				1,687 0 0	..... 1,187 0 0					...	...	...	500 0 0			
			* This Office is to be abolished.													

(a) This Gentleman will not be allowed to hold this appointment together with that of Registrar, as the latter office will be quite sufficient to occupy all his time. It is understood, Sir Alexander Wilkie will be asked to recommend another Gentleman as his Clerk.

I.

No.	Date.	Office to which the Proposition refers.	Extract from Home Department, Government of India.	Nature of Charge.	Present Scale.			Proposed Scale.			Proposition. Permanent. Increase per month.		Proposition. Permanent. Decrease per month.		Proposition. Temporary. Increase per month.	Period.	Proposition. Temporary. Decrease per month.		Casual or Extraordinary. Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Orders.
		Office of Court Interpreters and Translators.		J. W. Brown, Interpreter and Translator	600	0	0	.....	600	0	0											
				ESTABLISHMENT.																		
				Sreenauth Dutto, Assistant Translator	60	0	0	.....	60	0	0											
				Eshore Chunder Day, Engrosser and Accountant	20	0	0	.....	20	0	0											
				Okhoy Coomar Mookerjee, Engrosser	16	0	0	.....	16	0	0											
				1 Peon for delivering papers ...	5	0	0	.....	5	0	0											
				1 Bearer...	3	8	0	.....	3	8	0											
					704	8	0	.....	704	8	0											
				Shamachurn Sircar, Interpreter and Translator	600	0	0	.....	600	0	0											
				ESTABLISHMENT.																		
				Collachund Mitter, Officiating Assistant Translator	70	0	0	.....	70	0	0											
				Rakhalnauth Dutt, Head Writer and Cashier	40	0	0	.....	40	0	0											
				Hurrymohun Sircar, Engrosser ...	24	0	0	.....	24	0	0											
				Toolseedoss Day, Engrosser ...	20	0	0	.....	20	0	0											
				Sreesh Chunder, Mookerjee, Engrosser	15	0	0	.....	15	0	0											
				Golaum Suffdaur, Persian Moonshee	16	0	0	.....	16	0	0											
				Seetanauth Bannerjee, Bengallee Moturrir	8	0	0	.....	8	0	0											
				Gooroo Churn Mitter, Moonshee ...	16	0	0	.....	16	0	0											
				Hurrynarain Singh, Sircar ...	5	0	0	.....	5	0	0											
				..oodry, Punka Bearer	3	8	0	.....	3	8	0											
				Munneloll, Nagree Moonshee of the Court, Arcot Rupees or Company's Rupees 20	19	7	4	.....	19	7	4											
				Total...	836	15	4	.....	836	15	4											
				Assistant Translator and Interpreter*	400	0	0	.....	...	...	...											
				1 Assistant Translator	...	.....		.....	200	0	0	200	0	0		400	0	0					
				Mr. J. P. Linton has been appointed, subject to sanction of Governor General in Council, Assistant Translator	...	.....		.....	200	0	0	200	0	0									

* This Office was filled by Mr. Lawler, who has been dismissed.

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J.

No.	Date.	Office to which the Proposition refers.	Extract from Home Department, Government of India.	Nature of Charge.	Present Scale.			Proposed Scale.			Proposition. Permanent. Increase per month.		Proposition. Permanent. Decrease per month.		Proposition. Temporary. Increase per month.	Period.	Proposition. Temporary. Decrease per month.		Casual or Extraordinary. Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Orders.
		Office of Chamber Interpreters.		J. C. Owen ...	300	0	0	.....	400	0	0	100	0	0								
				J. R. Douglas ...	300	0	0	.....	300	0	0											
				Damoodar Day ...	16	0	0	.....	16	0	0											
				Gopeenauth Laha ...	14	0	0	.....	14	0	0											
				Tarrachund Furrash ...	5	0	0	.....	5	0	0											
				Mookoondee Peon ...	5	0	0	.....	5	0	0											
								Toolseedoss Day...	55	0	0	55	0	0								
								Brijosoonder Chatterjee ...	15	0	0	15	0	0								
								Honoomanpersaud.	20	0	0	20	0	0								
					610	0	0	.....	830	0	0	190	0	0								
				* M. Siret, Portuguese Interpreter and Tipstaff ...	180	0	0	.....	...	.....	...	.....	.....	180	0	0						
				J. C. Owen, Clerk to the Grand Jury ...	33	5	4	.....	33	5	4											

* This Office is to be abolished.

K.

No.	Date.	Office to which the Proposition refers.	Extract from Home Department, Government of India.	Nature of Charge.	Present Scale.			Proposed Scale.			Proposition. Permanent. Increase per month.		Proposition. Permanent. Decrease per month.		Proposition. Temporary. Increase per month.	Period.	Proposition. Temporary. Decrease per month.		Casual or Extraordinary. Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Orders.
		Receiver's Office.		C. S. Hogg ...	400	0	0	.....	400	0	0											
				Obenas Chunder Gangooly ...	200	0	0	.....	200	0	0											
				Oroonoo Prokas Gangooly ...	40	0	0	.....	40	0	0											
				Moduosoondun Ghose ...	20	0	0	.....	20	0	0											
				Ramsodoy Bannerjee ...	10	0	0	.....	10	0	0											
				Soosteer Chunder Bannerjee ...	10	0	0	.....	10	0	0											
				Bhadoo Hurkurrah ...	6	0	0	.....	6	0	0											
				Wooma Churn Mookerjee ...	20	0	0	.....	20	0	0											
					706	0	0	.....	706	0	0											

L.

No. / Date. of Extract from Home Department, Government of India.	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Proposition. Permanent. Decrease per month.	Proposition. Temporary. Period.	Proposition. Temporary. Increase per month.	Proposition. Temporary. Decrease per month.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Govt. of India. Home Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Remarks.	Orders of the Govt. of India. Financial Dept. Orders.
	Chief Clerk's Office—Insolvent Court.	PERMANENT ESTABLISHMENT.	RS. A. P.	RS. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.					
		John D'Cruz, Head Assistant ...	154 0 0	.....										
		Bisto Chunder Bannerjee, Assistant.	41 0 0	.....	154 0 0									
		Shama Churn Doss, do. ...	30 0 0	.....	41 0 0									
		Nusseeram Mookerjee, do. ...	24 0 0	.....	30 0 0									
		Kisto Chunder Mookerjee, do. ...	22 0 0	.....	24 0 0									
		Sreekisto Holdar, do. ...	21 5 4	.....	22 0 0									
		J D'Campose, ...	16 0 0	.....	21 5 4									
		Mokimuddy Duftry ...	8 6 0	.....	16 0 0									
		TEMPORARY ESTABLISHMENT.			8 6 0									
		John T. D'Cruz, Examiner ...	100 0 0	.....	100 0 0									
		Sreenauth Mookerjee ...	16 0 0	.....	16 0 0									
		Hurro Chunder Sircar ...	16 0 0	.....	16 0 0									
		Umbicca Churn Day ...	16 0 0	.....	16 0 0									
		Shaik Bahaullah ...	16 0 0	.....	16 0 0									
		Hurris Chunder Bose ...	13 0 0	.....	16 0 0									
		Sreedhur Mookerjee ...	12 0 0	.....	13 0 0									
		Bondeeram Ghose ...	10 0 0	.....	12 0 0									
		Sumboo Furrash ...	5 0 0	.....	10 0 0									
		Gyaram do. ...	4 0 0	.....	5 0 0									
					4 0 0									
			524 11 4	.....	524 11 4									

M.

	Crier's Office.	A. F. Manly, Crier ...	300 0 0	.....	300 0 0									
		Kistno Chunder Mookerjee ...	34 0 0	.....	34 0 0									
		Saik Drastullah, Nazir ...	12 6 0	.....	12 6 0									
		Bhugbut Doss do. ...	12 6 0	.....	12 6 0									
		Shaik Golaum Suffoor, Durwan ...	3 14 0	.....	3 14 0									
		Shaik Rohullah, Furrash ...	7 12 6	.....	7 12 6									
		Bonomally Mehter ...	3 14 0	.....	3 14 0									
		5 Chopdars of the Chief Justice ...	42 0 0	.....	42 0 0									
		4 Do. of the Honorable Sir C. R. M. Jackson, &c. ...	28 0 0	.....	28 0 0									
		4 Do. of the Honorable Sir M. L. Wells, &c. ...	28 0 0	.....	28 0 0									
			472 4 6	.....	472 4 6									

Proceedings of the Madras Government, Judicial Department,
24th February 1863.

SUMMARY OF TABULAR STATEMENTS ANNEXED.

(They are marked respectively A. B. C., &c., and are referred to in the margin.)

No.	Extract from Home Department, Government of India. Date.	Office to which the Proposition refers.	Nature of Charge. Present Scale.	Rs. A. P.	Proposed Scale.	Rs. A. P.	Proposition. Permanent. Increase per month. Rs. A. P.	Permanent. Decrease per month. Rs. A. P.	Temporary. Period.	Temporary. Increase per month. Rs. A. P.	Temporary. Decrease per month. Rs. A. P.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Government of India. Home Department. Remarks.	Financial Department. Remarks.	Financial Department. Orders.
			Master* and Accountant General...	3,000 0 0	The Master's Office is to be retained until the business is disposed of and then abolished, and the Accountant General's Office is to be then transferred to the Prothonotary.	3,000 0 0	...	3,000 0 0				The power to charge, in a Contingent Bill, such contingent expenses as it may be *necessary* to incur from time to time for extra writers, punkah bearers during the hot season, &c., should be continued to the Officers.	(a) The immediate saving in the Clerk of the Papers' Office is only Rupees 24, the ultimate saving, when old business is disposed of, will be 148 Rupees a month. *Vide* letter from the Chief Justice to His Excellency the Governor General of India in Council, dated 27th October 1862; also a letter dated 18th November 1862.			
A			Master's Office ...	536 0 0	... ...	686 0 0	150 0 0	...								
B			Accountant General's ditto ...	205 0 0	... ...	255 0 0	50 0 0	...								
C			Prothonotary, Clerk of the Crown, Clerk of the Papers and Sealer...	2,000 0 0	... ...	2,000 0 0	...	487 0 0								
			Prothonotary's Office ...	951 0 0	... ...	464 0 0	...	...								
			Clerk of the Papers, ditto ...	172 0 0	The proposed *permanent* scale is Rupees 24, but the proposed *temporary* scale to continue until the arrears are disposed of, is...	148 0 0	...	(a)148 0 0								
			Sealer's Office ...	17 0 0	... ...	17 0 0	...	...								
			Taxing Officer* and keeper of Records	1,600 0 0	... ...		...	1,600 0 0								
D			Taxing Officer's establishment ...	528 0 0	... ...	528 0 0	...	...								
E			Record-Keeper's ditto ...	136 0 0	... ...	136 0 0	...	...								
			Registrar ...	1,000 0 0	... ...	1,500 0 0	500 0 0	...								
F			Registrar's Office ...	1,127 0 0	... ...	1,374 0 0	247 0 0	281 0 0								
G			Sworn Clerk's ditto* ...	281 0 0	... ...		...	...								
			Chief Clerk ...	.....	... ...	1,000 0 0	1,000 0 0	...								
			Clerk to the Chief Justice ...	500 0 0	... ...	1,000 0 0	...	500 0 0								
			Clerk to Sir Charles Jackson* ...	500 0 0	.. ...	500 0 0	...	...								
			Clerk to Sir Mordaunt Wells ...	500 0 0	... ...	...	...	...								
H			Judge's Clerk's establishment ...	187 0 0	.. ...	500 0 0	...	...								
			Two Court Interpreters and Translators at 600 each ...	1,200 0 0	... ...	187 0 0	...	..								
			One ditto ...	400 0 0	Two Assistant Translators and Interpreters at 200 each in lieu of one on 400.	1,200 0 0	...	...								
					... ...	400 0 0	...	...								
I			Translator's establishment ...	341 7 4	The one Rs. 400 / And the other „ 300		...	...								
			Two Chamber Interpreters at 300 ea.	600 0 0		341 7 4	100 0 0	...								
J			Establishment of ditto ...	40 0 0	... ...	700 0 0	90 0 0	180 0								
			Portuguese Interpreter & Tipstaff*..	180 0 0	... ...	130 0 0	...	...								
„			Clerk to the Grand Jury ...	33 5 4	... ...	...	...	...								
			Receiver ...	400 0 0	.. ...	33 5 4	...	...								
K			Receiver's establishment ...	306 0 0	... ...	400 0 0	...	...								
			Chief Clerk—Insolvent Court ...	.....	To be held by the Registrar.	306 0 0	...	...								
			Chief Clerk's establishment ...	524 11 4	.. ...	...	...	...								
			Crier ...	300 0 0	... ...	524 11 4	...	...								
M			Crier's establishment ...	172 4 0	... ...	300 0 0	...	...								
						172 4 0	...	...								
							2,137 0 0	6,196 0 0								
								2,137 0 0								
								4,059 0 0								

* The Offices marked with asterisks are to be abolished.

Note.—Besides this saving the Government will receive the Registrar's fees in the Vice-Admiralty Court hitherto received by the Registrar.

A.

High Court.—Appellate Jurisdiction.

Office to which the Proposition refers.	Nature of Charge.	Scale of the late Sudder Court.			Proposed Scale.			Proposition.						Casual or Extraordinary.	Grounds of Proposition.
								Permanent.				Temporary.			
								Increase per month.		Decrease per month.		Increase per month.		Decrease per month.	
		Rs.	A.	P.		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		
English Correspondence, &c., Department of the late Sudder and High Courts.	Registrar	1,700	0	0	Registrar.....	1,700	0	0											
	Assistant Registrar	500	0	0	Asst. Registrar	500	0	0											
	Head Assistant, General Correspondence Department... ..	350	0	0	Head Asst....	350	0	0											
	2nd Assistant, ...	300	0	0	2nd ditto	300	0	0	50	0	0							(*A*). The duties of this Assistant will be much increased by the abolition of the Office of the Head Assistant, Judicial Department, (*C*) whose principal duties have been in the English Department and Criminal cases. I think Rupees 150 is too low a salary for the additional duties which will be required from the 3rd Assistant, and I, therefore, propose to increase his salary to Rupees 200.
	3rd ditto... ...	150	0	0	3rd ditto.....	200	0	0	125	0	0							(*A.*)	
	4th ditto... ..	100	0	0	4th ditto.....	125	0	0										(*B* 1.)	
	5th ditto... ...	75	0	0	5th ditto.....	100	0	0											
	6th ditto... ...	50	0	0	6th ditto.....	75	0	0											
					7th ditto.....	50	0	0											
	Head Assistant, Judicial Department	350	0	0	.....	...			...				350	0	0			(*C.*)	(*B.* 1.) This is merely a transfer of an Officer (*B.* 2.) from an abolished Department to the general Office, into which his work is to be thrown. His salary has, therefore, been shewn as an increase and decrease to balance one another.
	2nd Assistant. ...	125	0	0	.....	...			...				125	0	0			(*B* 2.)	
	3rd Assistant. ...	30	0	0	.....	...			...				30	0	0			(*C.*)	
	Diarist...	150	0	0	Diarist... ...	150	0	0											(*C. C.*) I do not consider it to be necessary to retain these appointments, the work of which can be done by the General Department, and I therefore propose to abolish them. The Officers will be provided for elsewhere.
	Despatcher... ...	45	0	0	Despatcher ...	45	0	0											
	Record-keeper ...	75	0	0	Record-keeper	100	0	0											
	One Assistant ...	30	0	0	One Assistant.	30	0	0	25	0	0							(*D.*)	(*D.*) This Officer is, in my opinion, underpaid. I would increase his salary to Rupees 100. The proposed salary is moderate for the duties required from him, and as the incumbent is an efficient Officer, and the duties have increased of late, the increase of pay should be granted.
	One ditto	20	0	0	One ditto ...	20	0	0											
	One ditto	16	0	0	One ditto, ...	16	0	0											
	1st Examiner. ...	175	0	0	1st Examiner.	175	0	0											
	2nd ditto	150	0	0	2nd Examiner.	150	0	0											

A.

High Court.—Appellate Jurisdiction.—(Concluded.)

Office to which the Proposition refers.	Nature of Charge.						Proposition.						Casual or Extraordinary.	Grounds of Proposition.
	Scale of the late Sudder Court.			Proposed Scale.			Permanent.				Temporary.			
							Increase per month.			Decrease per month.	Increase per month.		Decrease per month.			
		RS.	A.	A.		RS.	A.	P.	RS.	A. P.	RS.	A. P.	RS.	A. P.		
					3rd and 4th Examiners on Rs. 100 each	200	0	0	200	0 0 (*E.*)						(*E. E. E.*) The Examiners and Readers are employed in testing the accuracy of all copies required to be made of English documents or translations, whether they be for issue or for the use of the Judges, including copies of decisions passed by the Judges in Civil and Criminal matters. It is evident that the work of this Department has increased. It is more than double what it was in consequence of the increase in the number of Judges and Benches of the High Court.
	One Reader... ...	75	0	0	One Reader.....	100	0	0	100	0 0 (*E.*)						
					Two Readers on Rupees 75 each.	150	0	0	75	0 0 (*E.*)						
	Superintendent of Copyists... ...	100	0	0	Superintendent of Copyists. ...	125	0	0	25	0 0 (*F.* 1.)						(*F.* 1. *F.* 2). For the reasons specified in the foregoing note, it has been absolutely necessary to have an increase in the number of Copyists such as now proposed (*F.* 2). As this will throw much additional work on the Superintendent of Copyists, I think it right that he should receive an increase of pay from Rupees 100 to 125 (*F.* 1).
	15 Copyists, viz.—															
	3 on Rs. 80 each... ... 240															
	5 „ 60 „ 300															
	4 „ 40 „ 160															
	1 „ 30 „ 30															
	1 „ 25 „ 25															
	1 „ 20 „ 20				15 Copyists as heretofore....	890	0	0								
	Personal allowance to some old hands... ... 115															
		890	890	0	0											
					20 Additional Copyists, viz.—											
					2 on Rs. 80 each... ... 160											
					2 „ 60 „ 120											
					3 „ 50 „ 150											
					3 „ 40 „ 120											
					3 „ 30 „ 90											
					3 „ 25 „ 75											
					4 „ 20 „ 80											
						795	795	0	0	795 0 0 (*F.* 2.)						The Copyists and Examiners, though charged under the head of "English Correspondence Department," are employed both in this and in the Judicial Department. In fact the increase of expense under this head is principally on account of the increase of business transacted in the Judicial Department.
	Accountant ...	100	0	0	Accountant... ...	100	0	0								
	2 Assistants on Rs. 20 each... ...	40	0	0	2 Assistants on Rs. 20 each ...	40	0	0								
	Total...	5,596	0	0	.....	6,486	0	0	1,395	0 0		505 0 0				
					Deduct decrease	...	...	...	505	0 0						
					Increase...	...	...	...	890	0 0						

B.

Judicial Department of the High Court,—Appellate Jurisdiction.

Office to which the Proposition refers.	Nature of Charge.		Proposition.				Casual or Extraordinary.	Grounds of Proposition.
	Scale of the late Sudder Court.	Proposed Scale.	Permanent.		Temporary.			
			Increase per month.	Decrease per month.	Increase per month.	Decrease per month.		
	RS. A. P.		RS. A. P.	RS. A. P.	RS. A. P.	Rs. A. P.		
	Deputy Registrar ... 500 0 0	Deputy Registrar ... 800 0 0	800 0 0 (a.)					(a. b. c. e.) The increase in the amount of Judicial work performed by the Court renders it necessary, in my opinion, that a more efficient Officer than the present Deputy Registrar (who is a Native and does not understand English) should be appointed. I do not think that the salary proposed is too high for an Officer in this position, nor do I think that I shall be able to secure a thoroughly efficient and trustworthy Officer on a lower rate of salary. I propose to have as subordinate to the Deputy Registrar, who will have entire supervision over the Judicial Establishment of the Court, subject only to the control of the Registrar, three Assistant Registrars on the salaries specified :—The 1st Assistant, to which office I intend to appoint the present Deputy Registrar until he is entitled to pension, will have to conduct the entire correspondence in the Vernacular with the Lower Courts, answering all Roobakarees or Judicial proceedings, and issuing precepts, notices to Respondents, &c., &c. In this duty he will be assisted by the 3rd Assistant. The 2nd Assistant will be more immediately subordinate to the Deputy Registrar, under whose direction he will assist in preparing the decrees and orders of the Court. These have hitherto been drawn up in Urdoo by underpaid Officers, Decree-nuveeses on Rupees 35 a month each; but I consider this practice to be objectionable, and propose to have the decrees henceforth prepared in English for the signature of the Judges; copies of these with certified translations being issued to the Lower Courts. The greater despatch and accuracy which will be attained by this system will, I think, more than compensate for the additional expense which will be incurred. *Vide* my letter accompanying.
	Sheristadar ... 300 0 0	1st Assistant Registrar. 500 0 0 (b.)						
	2 Naib Sheristadars on Rupees 50 each ... 100 0 0	2nd Assistant ditto ... 400 0 0	400 0 0 (c.)					
		...	...					
		3rd Assistant ditto ... 75 0 0	...		300 0 0 (d.)			
					25 0 0 (e.)			
	Head Translator (Urdoo) ... 300 0 0	Head Translator (Urdoo) ... 350 0 0	50 0 0					(d.) I propose to abolish this office, the saving which will be effected by this together with (e) will cover the salary of the 2nd Assistant (c), with the exception of Rupees 75 a month.
		2nd ditto ... 300 0 0	300 0 0					(f.) The total monthly cost of Translators employed by the late Sudder Court was Rupees 1,600,—that now proposed by the High Court is Rupees 3,456; but in preparing this Statement I have excluded the temporary establishments of Translators sanctioned by the Government of India, amounting to Rupees 700 and 900, total Rupees 1,600; so that the only increase to which I now solicit sanction amounts to Rupees 250. This is explained by an addition of Rupees 150 and 50 to the salaries of the Head Translator of the Bengalee and Urdoo languages respectively, as I intend that they shall be employed more than hitherto in supervising the translations prepared by others instead of translating themselves, as they are now in the habit of doing, and their work will be more than doubled. By this means I hope to secure more accurate translations than are now furnished to the Judges. The remaining Rupees 50 I propose to devote to increasing the number of the grade receiving Rupees 150, which, I think, is out of proportion to the lower grade. The saving of Rupees 100 is devoted to increasing the salaries of the 2nd Translator, Bengalee and Urdoo, as they are efficient Officers, and are entitled to the increase from their superior work. The Interpreters have already been temporarily sanctioned by His Excellency in Council, and are absolutely necessary for the Courts in which Judges not acquainted with the Vernacular are sitting.
		3rd ditto ... 150 0 0	150 0 0					
	Four Translators on Rupees 100 each ... 400 0 0	Three Translators on Rupees 100 each ... 300 0 0	...		100 0 0			
	Head Translator (Bengallee) ... 300 0 0	Head Translator (Bengalee) ... 450 0 0	150 0 0					
	2nd Ditto ... 250 0 0	2nd ditto ... 300 0 0	50 0 0					
	One Ditto ... 150 0 0	4 Translators on Rupees 150 each ... 600 0 0	450 0 0					
	2 Translators at Rupees 100 each ... 200 0 0	10 Do. at Rs. 100 each 1,000 0 0	800 0 0					
		2 Interpreters at Rupees 400 each ... 800 0 0	800 0 0					
		10 Extra Translators at Rupees 100 each ... 1,000 0 0	...		...	1,000 0 0 (g.)		(g.)—If, as I anticipate, six Courts will soon sit in the Appellate jurisdiction of the High Court, I do not think that the proposed staff of Translators will be strong enough to keep pace with the work done by these six Courts; and as it is very desirable that all the arrear cases which are lying in the Office untranslated should be at once prepared for hearing, I propose that an additional temporary establishment of 10 Translators on Rupees 100 each be entertained for a term not exceeding one year, during which I calculate their work will be concluded. If this be sanctioned, and the work be brought up to date, the present establishment will possibly be susceptible of some reduction. His Excellency in Council may be assured that this shall have my special attention, and every effort shall be made to decrease expenditure which is now unavoidably necessary.
	Carried forward 2,500 0 0	... 7,025 0 0	3,950 0 0	425 0 0	1,000 0 0			

A.

Tabular Statement.

No. / Date. of Extract from Home Department, Government of India.	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Proposition. Permanent. Decrease per month.	Proposition. Temporary. Increase per month. Period.	Proposition. Temporary. Decrease per month.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Government of India. Home Dept. Remarks.	Orders of the Government of India. Financial Dept. Remarks.	Orders.
	Master's Office.	J. Goodeve, Master and Accountant General...	Rs. A. P. 3,000 0 0	The Master's Office is to be retained till the old business is disposed of and then abolished And the Accountant General's Office is to be transferred to the Prothonotary.	Rs. A. P. 3,000 0 0	Rs. A. P.	Rs. A. P. 3,000 0 0	Rs. A. P.					
		C. T. Davis, Chief Clerk ...	... ...	.....	1,000 0 0	1,000 0 0							
		Kadarnauth Bose	250 0 0	To be appointed Assistant Clerk.	400 0 0	150 0 0							
		Gopaul Chunder Ghose ...	50 0 0	.....	50 0 0								
		S. Mackertich	40 0 0	.....	40 0 0								
		Muddoosoodun Doss	35 0 0	....	35 0 0								
		Raujkisto Bannerjee	25 0 0	.....	25 0 0								
		Kollydoss Biswas	22 0 0	.....	22 0 0								
		Radhamadhub Mookerjee ...	20 0 0	.....	20 0 0								
		Hurradhun Chatterjee ..	12 0 0	.....	12 0 0								
		Mohindronauth Gangooly ...	10 0 0	.....	10 0 0								
		Bonomally Bhuttacharjee ...	9 0 0	.....	9 0 0								
		Madhub Chunder Mookerjee ...	8 0 0	.....	8 0 0								
		Mothoormohun Sircar ...	8 0 0	.....	8 0 0								
		Hungsessur Roy	8 0 0	....	8 0 0								
		Sodanund Pundit	7 0 0	....	7 0 0								
		Gomaney Duftry	7 0 0	.....	7 0 0								
		Soodeen Hurkurrah	7 0 0	.....	7 0 0								
		Kissendoss Furrash	6 0 0	.....	6 0 0								
		Rogoonauth Bearer	5 0 0	.....	5 0 0								
		Teencoury Ghose, Bearer ...	5 0 0	.....	5 0 0								
		Durwan	1 0 0	.....	1 0 0								
		Sweeper	1 0 0	.....	1 0 0								
		Total...	3,536 0 0	.....	4,686 0 0	1,150 0 0	3,000 0 0						

B.

	Accountant General's Office.	Bhobaney Churn Bose, Head Bookkeeper	100 0 0	.....	150 0 0	50 0 0							
		Denobundo Chatterjee, 1st Assistant to ditto	50 0 0	.....	50 0 0								
		Ram Chunder Dutt, 2nd Assistant to ditto	35 0 0	.....	35 0 0								
		Gobind Chunder Bose	20 0 0	.....	20 0 0								
		Total...	205 0 0		255 0 0	50 0 0							

C.

No.	Extract from Home Department, Government of India. Date.	Office to which the Proposition refers.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition. Permanent. Increase per month.	Proposition. Permanent. Decrease per month.	Proposition. Temporary. Increase per month.	Proposition. Temporary. Decrease per month.	Period.	Casual or Extraordinary.	Grounds of Proposition.	Orders of the Government of India. Home Dept. Remarks.	Orders of the Government of India. Financial Dept. Remarks.	Orders of the Government of India. Financial Dept. Orders.
		Office of the Prothonotary and Clerk of the Crown.	Clerk of the Crown, Prothonotary, Clerk of the Papers and Sealer	Rs. 2,000 0 0		Rs. 2,000 0 0	Rs.	Rs. 60 0 0	Rs.				Rs. 260 0 0		
			Kissenchunder Bannerjee*	260 0 0		260 0 0									
			Edmund D'Cruz	200 0 0											
			Juddoonauth Chatterjee	64 0 0		64 0 0									
			Kadarnauth Bannerjee	55 0 0		55 0 0									
			Nilmoney Budden*	40 0 0											
			Sreenauth Seal	30 0 0		30 0 0							40 0 0		
			Gungnarain Sing*	20 0 0											
			Gooroochurn Ghose*	12 0 0											
			Pittumber Mullick	8 8 0		8 8 0							20 0 0		
			Muddosoodun Dutt*	25 0 0									12 0 0		
			Collydoss Mozumdar*	20 0 0											
			Juddoonauth Mookerjee*	16 0 0									25 0 0		
			Cossinauth Sen*	16 0 0									20 0 0		
			Dinnonauth Doss*	16 0 0									16 0 0		
			Muddoosoodun Dhur*	16 0 0									16 0 0		
			Goureepersaud Mookerjee*	16 0 0									16 0 0		
			Mooraleymohun Seal*	10 0 0									8 0 0		
			Bhoothnauth Nundy*	8 0 0									16 0 0		
			Gopaulchunder Mookerjee*	16 0 0									10 0 0		
			Prosaddass Mullick*	10 0 0		7 8 0							10 0 0		
			Womachurn Boss*	14 0 0		7 0 0							14 0 0		
			Aurjaum Duftry	7 8 0		6 0 0									
			One Peon	7 0 0											
			One Peon	6 0 0											
			Anundomoy Mookerjee*	10 0 0									10 0 0		
			Rajnarain Doss*	10 0 0									10 0 0		
			Juddoonauth Naug*	10 0 0									10 0 0		
			Chintamoney Mookerjee*	10 0 0									10 0 0		
			Gooroodass Sircar	8 0 0		16 0 0		8 0 0					10 0 0		
			Buxoo Jemadar*	10 0 0											
				2,951 0 0		2,454 0 0		68 0 0					565 0 0		
													68 0 0		
		Clerk of the Papers Office.	Dinnoobundo Sen	70 0 0	The services of these men are to be retained until the old business is disposed of and then dispensed with.	70 0 0							487 0 0		
			Woomeschunder Bannerjee	30 0 0		30 0 0									
			Radamadub Sen	24 0 0		24 0 0									
			Sreedhur Ghose	18 0 0		18 0 0									
			Madubchunder Mookerjee*	12 0 0											
			Muddoosoodun Mookerjee*	12 0 0									12 0 0		
			One Peon	6 0 0		6 0 0							12 0 0		
		Sealer's Office.	Dwarkanauth Chuckerbutty	172 0 0		148 0 0									
				17 0 0		17 0 0							24 0 0		

*The services of these men are to be immediately dispensed with.

Judicial Department of the Hih Court,—Appellate Jurisdiction.—(Concluded).

Office to which the Proposition refers.	Nature of Charge.			Proposition.				Casual or Extraordinary.	Grounds of Proposition.
	Scale of the late Sudder Court.		Proposed Scale.	Permanent.		Temporary.			
				Increase per month.	Decrease per month.	Increase per month.	Decrease per month		
		Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		
	Brought over ...	2,500 0 0	Brought over ...	7,025 0 0	3,950 0 0	425 0 0	1,000 0 0		
	3 Peshkars or Head Readers on Rupees 100 each ...	300 0 0	5 Peshkars or Head Readers on Rupees 75 each ...	375 0 0	150 0 0 (*h.*)	(*h.*)			(*h.*)—It is necessary to give each Bench two Readers on Rupees 75 and 50; personal allowance should be given to the three present incumbents who now receive Rupees 100 a month. It will be seen that there is an immediate saving under this head amounting to Rupees 150.
			Personal allowance for the 3 who now receive Rupees 100 each ...	75 0 0					
	4 Readers on Rupees 60 each ...	240 0 0	5 Readers on Rupees 50 each ...	250 0 0	... ...	300 0 0			
	3 Ditto on Rupees 50.	150 0 0							
	1 Ditto on Rupees 40.	160 0 0							
	One Ooriah Reader ...	50 0 0	One Ooriah Reader ...	50 0 0					
	One Nagree Ditto ...	25 0 0	One Nagree Ditto ...	25 0 0					
	One Khurcha Nuvees or Taxing Officer ...	25 0 0	Four Taxing Officers on Rupees 35 each ...	140 0 0	95 0 0 (*i.*)				(*i. i.*)—Taking these items together, there is an increase of Rupees 95 and a saving of Rupees 70, leaving an increase of Rupees 25, which is not unreasonable, considering that the work of this Department will be nearly trebled. I consider that a smaller number of Officers will not suffice for an efficient discharge of the duties required by the Court. The salaries proposed re very reasonable.
	One Assistant Ditto ...	20 0 0							
	2 Decree Writers on Rupees 35 each ...	70 0 0	...	...	...	70 0 0 (*i.*)			
			Despatcher ...	50 0 0	50 0 0 (*k.*)				(*k.*)—It is absolutely necessary to have an Officer in this position. Hitherto his duties have been [illegible] performed by several persons. I consider the salary to be requisite for the careful p[illegible]ance of the duties of this office.
	2 Mohurrirs on Rupees 25 each ...	50 0 0	One Head Mohurrir or Superintendent of Native Clerks and Copyists ...	50 0 0	70 0 0 (*l.*)				(*l.*)—[illegible]e principal portion of the increase has arisen from the creation of a new appointment of Superintendent. This is, I consider, necessary to act as some check over the Native Writers w[illegible] under the present system, are apt to lose and detain important papers, which, under the super[illegible]on proposed, will be impossible. With this item too that marked (*n*) should be taken into [illegible]nsideration, inasmuch as a considerable saving is shown therein.
	19 Ditto on Rupees 20 each ...	380 0 0		250 0 0					
			10 Mohurrirs on Rs. 25	200 0 0					
			10 Ditto on Rupees 20						
	Record-keeper ...	40 0 0	Record-keeper ...	50 0 0	10 0 0 (*m.*)				(*m.*)—[illegible] slight addition to the pay of this office is necessary to secure an efficient Record-keeper. [illegible] present incumbent is unfit for further employ and will be pensioned, and I shall not be ab[illegible]o secure an intelligent Record-keeper for this Department for less than Rupees 50 a month.
	2 Assistants on Rupees 30 each ...	60 0 0	2 Assistants on Rupees 30 each ...	60 0 0					
	7 Record Clerks on Rupees 20 each ...	140 0 0	1 Record Clerk ...	25 0 0	... ...	75 14 4 (*n*)			(*n*)—[illegible]arge saving is here effected, as by a better arrangement the work will be performed by the or[illegible]ary Clerks of the Office.
	One Ditto ...	20 14 4	3 Ditto at Rs. 20 each.	60 0 0					
			1 Short-hand Writer and Reporter ...	500 0 0	500 0 0 (*o.*)				(*o.*)—[illegible]s appointment is noticed in my letter which accompanies.
	Total ...	4,230 14 4		9,185 0 0	4,825 0 0	870 14 4	1,000 0 0		
				Deduct Decrease.	870 14 4				
					3,954 1 8				

Proceedings of the Madras Government, Judicial Department,
24th February 1863.

From E. C. BAYLEY, Esq., Secretary to the Government of India; to the Honorable Sir BARNES PEACOCK, Kt., Chief Justice of the High Court of Judicature at Fort William in Bengal, dated Fort William, the 23rd January 1863.

Home Department.
Judicial.

I have the honor to inform you that your letter, dated the 31st ultimo, proposing a revision of Establishments for the two branches of the High Court, has been sent, with its enclosures, to the Financial Department for favorable consideration.

2. With reference to the remarks made in the end of your letter regarding the advantages of the scheme for printing translations of papers and documents for the use of the Judges, and your opinion that the expense "if each Pleader takes one copy" will not much exceed that of copying papers which is now borne by the Government, I am desired to request that you will be so good as to state whether you consider any legislation necessary or desirable to compel the taking of copies of the translations by the parties or their Pleaders; or whether you think it preferable to leave the taking of such copies optional.

3. The Governor General in Council concurs in the opinion expressed in the 6th paragraph of your letter, that the services of the Hindoo and Mahomedan Law Officers, hitherto attached to the Court, are not necessary so far as the High Court is concerned, and as to the mode in which you consider that questions of Hindoo and Mahomedan Law, arising in cases before the subordinate Civil Courts, should be determined.

4. As legislation on these points will be necessary, your views on the subject have been communicated to the Legislative Branch for consideration and for the preparation of a Bill. The subject of the introduction of a Bill to extend Act V of 1840 to the High Court in the exercise of its original jurisdiction is before the Legislative Branch.

An Act concerning the Oaths and Declarations of Hindoos and Mahomedans

5. With reference to the 7th paragraph of your letter, the Governor General in Council quite concurs with you that the Cazee of Calcutta cannot properly be considered an Officer of the High Court. The Financial Department has accordingly been requested to remove the salary of that Officer as a charge against the High Court, and to debit it to the Government of Bengal.

Extract from the Proceedings of the Right Honorable the Governor General of India in Council in the Home Department, (Judicial), under date the 23rd January 1863.

Read the undermentioned documents regarding the revised establishments required for the two branches of the High Court of Judicature in Bengal:—

From the Financial Department, dated 5th November 1862, No. 799G, with 2 enclosures.
From the Honorable the Chief Justice, dated 26th November 1862.
To the Honorable the Chief Justice, dated 5th December 1862, No. 6,969 and No. 7,030.
To the Legislative Branch of the Home Department, dated 5th December 1862, No. 6,970.
From the Honorable the Chief Justice, dated 31st December 1862, with 2 enclosures.

RESOLUTION.

The letter of the Chief Justice, dated 31st December, and the Statements which accompany it show how fully the subject of the Ministerial Establishment of the High Court has been considered by him, and the great care that he has taken in the arrangements proposed on a revision of the present establishment of the two branches of the Court, in order to place the establishment of the Court upon a satisfactory and efficient footing.

2. As regards the increase of salary proposed for some of the Officers of the Court, a doubt might arise as to whether in each individual case sufficient ground has been shown for the proposed increase. But it may be assumed that the Chief Justice has not recommended an increase in respect of any of these Officers without first satisfying himself that it was proper; and instead of noticing any particular case, and objecting to the increase recommended or calling for further explanation, the Governor General in Council considers that it will be better to sanction the

several arrangements proposed by the Chief Justice, but provisionally in the first instance for one year only and subject to the Annual Report mentioned in paragraph 5 of this Resolution.

3. It seems to be admitted that the large increase of expenditure involved in the propositions of the Chief Justice for the establishment of the Appellate branch of the High Court, and which will be only partially counterbalanced by the savings contemplated in the establishment of the Original branch of the Court on the abolition of the office of Master, the salary of which office will constitute the principal part of these savings, is rendered necessary by the measures which have been adopted, or which it is proposed to adopt, to reduce the very heavy arrears of regular and special appeals now pending on the file of the Court. The sufficiency of this reason for a large portion of the additional expenditure deemed necessary on the Appellate side of the Court may be admitted; but the Governor General in Council confidently expects that, as the arrears disappear under the exertions of the several Division Courts now sitting, a very considerable reduction of establishment will be made.

4. The Governor General in Council also expresses a hope that, when the building, which it is proposed to erect for the accommodation of the High Court in all its branches, is completed, and the whole of the business of the Court is conducted under the same roof, it will be found practicable to combine under a single Officer some offices now held by two or more Officers, and that this will lead to a further reduction of establishment in both branches of the Court.

5. It is probable that the new building for the High Court will not be completed, and that the present heavy arrear of business before the Court will not be disposed of so as to bring the work of the Court to what may be regarded as the current business, under two or three years; but the Governor General in Council trusts that, before the expiration of that period, the expenses of the Court on account of its Ministerial Establishment will be found capable of reduction to a sum which shall not exceed the aggregate amount of the cost of the separate establishments of the late Supreme and Sudder Courts. An Annual Report of any reductions of establishments found practicable during the preceding twelve months should be submitted until the entire cost of the establishment has been reduced to the sum abovementioned, as well as of the financial results of the experiment in regard to printing the translations of papers and documents made for the use of the Judges. The printing of these papers will, it may be hoped, enable the Chief Justice shortly to reduce the number of Copyist and Examiners.

6. The Governor General in Council observes that the Chief Justice, at the conclusion of his letter, expresses his belief that, under certain circumstances, the expense of printing translations of papers and documents made for the use of the Judges will not much exceed the expense now incurred for copying papers which is borne by the Government. The Chief Justice should be asked to state whether he considers any legislation necessary or desirable to compel the taking of copies of the translations by the parties or their pleaders, or whether he thinks it preferable to leave the taking of such copies optional.

7. It is observed that the additional temporary establishment of ten Translators, each on a monthly salary of 100 Rupees, is required *only* for a year, that being the time mentioned by the Chief Justice during which he calculates that the work of these Officers will be concluded.

8. It should be understood that the appointment of three Official Reporters on the salaries proposed is to be regarded as an experimental measure, and that the gentlemen who may be appointed will have no claim to gratuities if, after a trial of the system for a sufficient time, it should be found necessary to discontinue their services. A separate report upon the working of this system should be submitted after it has been a year in full operation, and the dates of appointment should be notified in the usual way.

9. The Governor General in Council concurs in the opinion expressed by the Chief Justice that the services of the Hindoo and Mahomedan Law Officers hitherto attached to the Sudder Court are not necessary so far as the High Court is concerned. His Lordship in Council also agrees with the Chief Justice as to the mode in which questions of Hindoo and Mahomedan Law arising in cases before the subordinate Civil Courts should be determined. Legislation will be necessary to alter the existing practice, and an extract from the letter of the Chief Justice containing his views on this subject should be sent to the Legislative Branch for consideration and for the preparation of a Bill.

Proceedings of the Madras Government, Judicial Department,
24th February 1863.

10. The subject of the introduction of a Bill to extend Act V of 1840, (an Act concerning the Oaths and Declarations of Hindoos and Mahomedans) to the High Court, in the exercise of its original jurisdiction, is before the Legislative Branch. By extending the Act in question as proposed, the services of the swearing Brahmins and Moollahs now attached to the High Court may be dispensed with, and a monthly saving of 28 Rupees effected. The abolition of the offices of Head Mahomedan and Hindoo Law Officers will lead to a saving of 550 Rupees a month in addition to 40 Rupees, the cost of the Clerks allowed to those Officers.

11. The Governor General in Council concurs with the Chief Justice that the Cazee of Calcutta cannot properly be considered an Officer of the High Court. A communication should be made to the Financial Department for the purpose of removing the salary of this Officer as a charge against the High Court, and of debiting it to the Government of Bengal; and the Chief Justice should be informed that this has been done.

12. There remains the office of Master. It is understood that no new business is taken into this office, and it may be hoped that the business now pending before it, and which should have been considerably reduced since the High Court was established in July last, will shortly be disposed of.

13. The Chief Justice should be informed that the office must cease on the 1st July next, if it cannot sooner be abolished.

Ordered, that a copy of the letter from the Honorable the Chief Justice, dated the 31st ultimo, with its enclosures, and of the above Resolution, be sent to the Financial Department for favorable consideration, in continuation of the Extract No. 7,030, dated the 5th ultimo.

Ordered also, that an Extract, paragraph 7, from the same letter from the Chief Justice, and copy of paragraph 10 of the above Resolution, be communicated to the Government of Bengal.

Ordered further, that an Extract from paragraph 6 of the same letter from the Chief Justice, and copy of paragraph 9 of the above Resolution, be sent to the Legislative Branch for consideration, in continuation of Office Memorandum No. 6,970, dated the 5th ultimo.

(True Extract.)

(Signed) E. C. BAYLEY,
Secy. to the Govt. of India.

No. 186. MEMORANDUM.

With reference to the Official Memorandum, Judicial Department, No. 316 of the Chief Secretary to Government of the 12th instant, the Registrar of the High Court has the honor to furnish the Return accompanying.

HER MAJESTY'S HIGH COURT,
MADRAS, 15*th December* 1862.

(Signed) A. MACDONALD RITCHIE,
Registrar.

Memorandum showing the allowances made to the undermentioned Officers by the Judges of Her Majesty's Supreme Court sitting under Act IX of 1850.

Name.	For the years. 1857.	1858.	Part of 1859.	Remarks.
Registrar	3,521 6 1	2,685 13 4	136 10 6	
Sheriff	1,896 0 7	1,800 6 3	102 7 11	
Sealer	1,440 11 1	2,264 8 4	(b)	
Tamil and Teloogoo Chief and second Interpreters	1,417 10 0	(a)	(b)	
Hindustani Interpreter	708 13 0	626 7 3½	(b)	

(Signed) A. MACDONALD RITCHIE,
Registrar.

(a.) The Return for this year is not in the office.
(b.) No allowance appears to have been given these Officers in 1859.

No. 187. MEMORANDUM.

With reference to the Official Memorandum, Judicial Department, No. 2, of the Chief Secretary to Government, of the 6th instant, the Registrar of the High Court, (Original side) has the honor to furnish the Returns accompanying.

HIGH COURT, MADRAS,
REGISTRAR'S OFFICE,
10th January 1863.

(Signed) A. MACDONALD RITCHIE,
Registrar.

To the Chief Secretary to Government, Fort Saint George.

Returns of the Receipts and Expenditure of the office of the Official Assignee of the Court for the relief of Insolvent Debtors for the years 1857, 58, 59, 60 and 61.

Years.	Gross amount of Commission at 5 per cent. on the amount of dividends declared.			Gross amount of remuneration under the 14th amended Rules of court out of interest.			Gross amount of Receipts upon sales of mortgage property.			Gross emoluments.			Extra office expenses.			Net emoluments.		
1857.....	901	10	1	1,498	5	11	345	1	10	2,745	1	10	144	10	6	2,600	7	4
1858.....	2,844	6	2	1,367	9	2	1,065	15	2	5,277	14	6	152	11	8	5,125	2	10
1859.....	17,990	6	1	1,400	0	0	43	14	8	19,434	4	9	130	9	0	19,303	11	9
1860.....	1 269	12	11	2,000	0	0	687	13	8	3,957	10	7	170	15	1	3,786	11	6
1861.....	9,928	15	5	1,200	0	0	965	2	2	12,094	1	7	256	1	3	11,838	0	4
	32,935	2	8	7,465	15	1	3,107	15	6	43,509	1	3	854	15	6	42,654	1	9

N. B.—The Government allows Rupees 110 a month for the office establishment, which is not included in the above Returns. The establishment is paid partly by Government and partly by the Official Assignee.

(Signed) A. MACDONALD RITCHIE,
Registrar.

Return of Expenses and Emoluments of the office of Chief Clerk of the Court for the relief of Insolvent Debtors at Madras for the years 1857, 58, 59, 60, and 61.

Years.	Salary.			Fees.			Total emoluments.			Office expenses.			Net emoluments.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1857.....	2,619	0	0	6,350	5	0	8,969	5	0	758	6	0	8,210	15	0
1858.....	2,619	0	0	6,601	10	0	9,220	10	0	760	12	10	8,459	13	2
1859.....	2,619	0	0	7,353	13	0	9,972	13	0	901	9	6	9,071	3	6
1860.....	2,619	0	0	3,851	7	0	6,470	7	0	828	7	6	5,641	15	6
1861.....	2,619	0	0	4,677	13	1	7,296	13	1	915	11	10	6,381	1	3
	13,095	0	0	28,835	0	1	41,930	0	1	4,164	15	8	37,765	0	5

N. B.—The establishment is paid by the Chief Clerk himself.

(Signed) A. MACDONALD RITCHIE,
Registrar.

No. 188. To the Honorable Sir COLLEY HARMAN SCOTLAND, Kt., Chief Justice of the High Court of Judicature, dated Fort Saint George, 24th February 1863, No. 287.

I am directed by His Excellency the Governor in Council to acknowledge the receipt of your letter of the 27th November last, furnishing Statements of the Establishment of Ministerial Officers and Clerks whom you propose to appoint as the official Staff of the High Court, and the salaries to be assigned in each case.

2. In the scheme which you have submitted, provision is made for a separate establishment for each branch of the Court, and for the payment by salaries of those Officers on the Original side of the Court who have been hitherto remunerated by fees—the fees being in future carried to the credit of Government.

3. On the Original side of the Court, passing by the inferior servants, the effect of your proposals will be as follows:—

(I). The office of Master in Equity will be abolished, as soon as the business connected with suits instituted in the late Supreme Court shall have been got through. Until that business has been disposed of—and its disposal, it is anticipated, will occupy some nine months from the date of your letter, or, possibly a longer period—the Master is to receive a salary of Rupees 11,000 per annum, with the fees payable, according to the established table, for the work done by him on account of the late Supreme Court. When that business shall have been concluded, the office of Master in Equity will be abolished.

(II). The offices of Sealer and of Clerk to the Puisne Justice will be abolished.

(III). The office of Clerk of the Crown will be retained, and will be amalgamated with the new office of Crown Prosecutor, if the present Clerk be disposed to hold the two appointments together, on a joint salary of Rupees 11,660. If he be not willing, he will retain his own appointment as Clerk of the Crown at (about) its present salary, Rupees 7,860 per annum, and the pay of the Crown Prosecutorship, as a separate office, will be Rupees 5,000. In this latter case also, the office of Deputy Clerk of the Crown will not be filled up on its being vacated by its present incumbent.

(IV). The Registrar will be continued, on much his present footing, and will receive a salary of Rupees 30,000 per annum, out of which he is to defray the cost of his office establishment, except the salary of the *Deputy* Registrar now employed and paid by him, for whom will be substituted an *Assistant* Registrar to be paid by Government a salary of Rupees 7,080 a year.

(V). In lieu of the Master in Equity, a Commissioner and Taxing Officer will be appointed on a salary of Rupees 17,000 per annum, inclusive of office establishment, as in the case of the Registrar and other Officers on the Original side of the Court.

(VI). In place of the Clerk to the Chief Justice and Clerk to the Puisne Judge, there will be one Officer to be styled the Judges' Clerk, whose duty will chiefly be connected with the work performed by the Judges when sitting in Chambers. His yearly salary will be Rupees 6,600. You also contemplate the appointment eventually of an Assistant Judges' Clerk in connection with an alteration in the offices of the Tipstaffs.

(VII). The Sheriff's term of office will be extended from one year to three. His emoluments will be nearly the same as they are at present. The Deputy Sheriff is to be retained upon his present salary.

4. The financial results of the above arrangements will be as follows:—

Present Establishment.

Gross average emoluments for the last 5 years.

	Rs.
Registrar.....	33,757
Master...	26,515
Sheriff...	13,857
Deputy Sheriff...	3,330
Clerk of the Crown...	7,863
Deputy do...	2,268
Sealer..	3,009
Clerk to Chief Justice...	4,026
Do. to Puisne Justice...	4,313
	98,948
Deduct proposed establishment...	86,710
Saving..	12,238

Proposed Establishment.

	Rs.
Registrar....	30,000
Assistant Registrar.....	7,080
Clerk of the Crown and Crown Prosecutor...	11,660
Commissioner and Taxing Officer... ...	17,000
Judges' Clerk....	6,600
Sheriff.....	11,040
Under do.....	3,330
	86,710

There will thus be a *prima facie* saving of Rupees 12,238 per annum; but if the office of Crown Prosecutor be made a distinct one, there will be at first a further charge of Rupees 1,200, which will reduce this saving to Rupees 11,038. On the other hand, the office of Deputy Clerk of the Crown will in that case be dispensed with on a vacancy occurring in it.

5. It must, however, be borne in mind that for upwards of two years out of the period on which the average emoluments of the Registrar, Sheriff, and Sealer have been calculated, those Officers received fees on account of suits tried by the Judges of the late Supreme Court, sitting under Act IX of 1850 (the Small Cause Court Act), which will not be drawn by them for the future. From a return furnished by the Registrar of the High Court, Original side, it appears that the fees so received by the Registrar amounted in round numbers to Rupees 6,344, those by the Sheriff to Rupees 3,798, by the Sealer Rupees 3,705, by the Tamil and Telugu Interpreters Rupees 1,417, by the Hindustani Interpreter Rupees 1,335. Thus the average of the fees drawn by the Registrar and available to Government must be reduced by Rupees 6,344 ÷ 5 = Rupees 1,268 per annum, or from Rupees 33,757 to Rupees 32,489. A similar reduction must be made in the case of the other Officers above named. It must also be remembered that by far the larger portion, nearly three-fourths, of the emoluments of the nine Officers named above* is derived from fees. Without casting any reflection on any individual Officer, it may be asserted on general principles that the natural and irresistible tendency of payment by fees is to cause a larger levy of fees than would have taken place, had the fees been payable to the State, and had the emoluments of the Officers for whose work they are charged, been in no way affected by the amount of work done. It can hardly therefore be expected that the Government will realize the full average amount of the fees shown in the table appended to your letter—Table A, Column 4.

* Paragraph 4.

6. Altogether, the cost of the establishment proposed for the Original side of the High Court, including the salaries of the inferior servants and assuming that the offices of Clerk of the Crown and Crown Prosecutor are to be combined, will be Rupees 1,17,649 per annum, the past average emoluments of the entire establishment having been Rupees 1,25,865; but for the reasons already given, the apparent saving thus effected, Rupees 8,216, will not be the actual saving. Indeed, if allowance be made for the deduction of fees drawn under Act IX of 1850, and for the certain falling off in the fees when levied on behalf of Government, it may be doubted whether there will be any saving at all.

7. On the Appellate side of the Court, it is proposed to appoint an Indexer and three Interpreters on salaries of Rupees 1,800 each per annum, and to make some small additions to salaries of certain Translators and other inferior servants. The salary of the Deputy Registrar is to be eventually raised to the scale hitherto assigned to the office when held by a Covenanted Civil Servant, viz., Rupees 15,600. On the other hand, the salary of the Cazee-ool-Coozat is to be reduced, one of the Pundits is to be dispensed with, and the salary of the Deputy Registrar while held by the present incumbent is to be fixed at Rupees 8,400 per annum. The result is a temporary decrease of charge amounting to Rupees 4,104 per annum, and an eventual increase amounting to Rupees 3,096 per annum. The entire cost of the establishment on the Appellate side will be for the present Rupees 92,742 and eventually Rupees 99,942 per annum; and including the salary of a Reporter (at Rupees 4,800 per annum) as recommended in your letter of the 10th ultimo, the aggregate cost of the Ministerial Establishments to be attached to the two branches of the Court will be for the present Rupees 2,15,191-1-0 per annum, and eventually Rupees 2,22,391-1-0 per annum.

Proposed.	
Original side...Rupees	1,17,649-1-0
Appellate do. ,,	92,742-0-0
Reporter..... ,,	4,800-0-0
Rupees	2,15,191-1-0
Add for Covenanted Depy. Registrar, Rupees	7,200-0-0
Rupees	2,22,391-1-0

8. His Excellency the Governor in Council has given his careful attention to these proposals, and while they have been under his consideration, he has had an opportunity of perusing two letters addressed to the Government of India by the Chief Justice of the High Court at Calcutta regarding the Ministerial Establishment to be attached to that Court. The conclusion at which he has been compelled to arrive, is that the entire cost of the establishment may, without prejudice to its efficiency, be fixed at a lower scale than that recommended, that the salaries which it is proposed to assign to some of the offices are too high, both with reference to the duties attached to them, and with reference to the salaries which have been proposed for the corresponding offices in the Calcutta Court, where the business is vastly larger than it is at Madras; and further that certain offices which it is proposed to retain, may be abolished without detriment to the public service.

9. In the first place, His Excellency in Council would remark that the cost of the establishment which it is proposed to employ on the Original side of the Court, appears to him to be disproportionately large, as compared with the cost of the establishment proposed for the Appellate side. The proposed cost of the whole establishment of the Court on its Appellate side is Rupees 99,942, that of the Original side Rupees 1,17,649, so that the latter will exceed the former by Rupees 17,707, or if the salary of the Deputy Registrar on the Appellate side should be fixed permanently, as the Government think it may be, at Rupees 8,400, the difference will be increased to Rupees 24,907. The High Court on its Appellate side exercises jurisdiction over the whole of the Madras Presidency, including an area of 1,41,000 square miles, and a population of above 22 millions. On the Original side, its jurisdiction is almost confined to Madras and its environs, including an area of 28 square miles, and a population which has been estimated, but which, it is believed, is over estimated, at 7,00,000.

10. The amount of business performed by the Appellate, in comparison with the Original, side of the Court, may be inferred from the following facts. The late Sudder Court, now the Appellate side of the High Court, was presided over by three Judges who have always been fully occupied; indeed, it is well known that the office of a Sudder Judge was one of the most laborious offices in the Presidency. The work in the late Supreme Court, now the Original side of the High Court, has more than once been transacted by a single Judge. On a recent occasion, for more than two years and a quarter, the business of the Supreme Court was practically done by the Puisne Judge, Sir Adam Bittleston. For many months out of that period, the Chief Justice, Sir Henry Davison, was on the Neilgherry Hills, and when he was at Madras, his health was such that he could take little or no share in the business of the Court. It so happened that, during the period in question, additional work was thrown upon the Court by the special Act XXX of 1858, for the settlement of the debts of the late Nabob of the Carnatic; but His Excellency in Council has no reason to suppose that the business of the Court was not duly performed, or that arrears accumulated. Sir Adam Bittleston probably was fully occupied, but it may be doubted whether his duties were more heavy than the ordinary duties of a Judge of the Sudder Court.

11. On the whole, probably, it will not be unfair to assume that the business of the Appellate side of the High Court bears to that of the Original side the ratio of 3, or, at the very least, 2½ to 1.

12. In these circumstances it appears to the Governor in Council to be very questionable whether the cost of the establishment to be assigned to the Original side of the Court should not be below, instead of being considerably above, that which it is proposed to assign to the Appellate side of the Court, or whether the latter arrangement is one which the Government would be justified in recommending for the sanction of the Supreme Government or of the Secretary of State.

13. The Governor in Council would observe that the only principle on which revisions of establishments can be rightly carried out, is that of getting the work done on the most reasonable terms compatible with perfect efficiency; and this is the principle that has been acted on in the revisions of other public establishments, which have been largely carried out of late years. In the opinion of His Excellency in Council, the claims of those Officers who may be considered entitled to compensation for losses sustained by them under the arrangements consequent on the amalgamation of the two Courts, should be fairly and liberally dealt with; but no office which is not necessary should be retained, nor should any consolidation of offices or re-arrangement of duties which may appear desirable, be postponed out of consideration for the interests or convenience of individuals. Under this view of the question, the Governor in Council would be unable to concur in any arrangement which would make the proposed union of the offices of the Clerk of the Crown and Crown Prosecutor dependent on the wishes of the holder of the former office; and as regards claim to compensation, the Governor in Council would not be disposed to recognize the validity of any such claims in the case of persons who may have accepted their present offices at a time when the amalgamation of the Supreme and Sudder Courts in India was imminent, or could have been foreseen as a contingency likely to occur within a brief period. Persons who accepted their appointments under these circumstances must have known that they did so at their own risk, and that they could have no claim to compensation in the event of their offices being abolished, or their emoluments reduced.

14. The preceding paragraphs contain the remarks which the Governor in Council has deemed it proper to make on the general financial result of the proposed revision of the Ministerial Establishments of both branches of the Court. I am now directed to offer a few observations on certain of the appointments proposed and the salaries assigned to them. The Officer on the Original side, to whom it is proposed to allot the highest salary, is the Registrar. His salary is put at Rupees 30,000 per annum, out of which he is to find his own establishment, excepting, however, the pay of his Assistant, which is to be disbursed by Government. His net salary under this arrangement may be estimated at something over Rupees 28,000 per annum. This salary, it appears to His Excellency in Council, is too high with reference to the nature of the duties devolving on the Registrar. The work, it is understood, is by no means heavy, nor has the office always been held by a trained Lawyer. All that is needed is a man of intelligence and business-like habits, acquainted with the rules and practice of the Court, which cannot be difficult of acquirement. Sir Barnes Peacock, in his scheme for the establishment of the High Court at Calcutta, has recommended the union of the offices of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court, and Keeper of the Records, in one Officer on a salary of Rupees 1,500 per mensem. It appears to the Government that, if at Calcutta this scale of salary is considered sufficient for an Officer who is to do the work of Registrar and Deputy, besides that of Chief Clerk of the Insolvent Court, the Registrar, (or Deputy Registrar as the Government would propose to designate him) on the Original side of the High Court at Madras will be amply paid by a salary of Rupees 1,000 per mensem, and that no Assistant Registrar on that side of the Court will be required. In this case, the Government would bear the expense of the office establishment; and generally the Governor in Council thinks it preferable that the office establishments on the Original, as well as the Appellate, side of the Court should be paid by Government.

Proceedings of the Madras Government, Judicial Department,
24th February 1863.

15. The Governor in Council, as I have already observed, would wish the designation of the Chief Ministerial Officer on the Original side of the Court to be altered to that of Deputy Registrar. It appears to him that if the fusion of the two tribunals, the union of which has been ordered by the Legislature, is to be completely carried out, even in outward seeming, there should be but one Chief Officer at the head of the joint establishment. The Secretary of State has in a recent Despatch objected to there being two Adjutants General, one for the British and one for the Indian Army, on the ground that such an arrangement "would tend to perpetuate distinctions;" and the same principle, as well as other considerations, seem to forbid the continuance of two Registrars to the High Court. Moreover, even during the short period for which the High Court has been in existence, the present arrangement has been found not to be without practical inconvenience. It has been settled that in all ordinary matters of correspondence the Registrar shall be the organ of the Court; but occasionally the Court has to be addressed, or it has to address the Government, on matters which appertain equally to both sides of the Court, as for instance the submission of the Annual Budget Estimates, the arrangements to be made for locating both branches of the Court in a single building, and such like. The latter arrangement will very shortly be carried out, and then it will have to be determined, if two Registrars are to be maintained, which of them is to be in charge of the Court House, and by whom any letters which the Judges may have occasion to address to Government with reference to the distribution of the accommodation, or on other matters common to both branches of the Court, are to be signed. Further, it is not impossible that when both sides of the Court shall be sitting in the same building, some, at all events, of the inferior servants may be employed in the discharge of duties on the two sides of the Court. Such an arrangement would probably be found compatible with a reduction in the number of Interpreters; and as regards the menial servants and peons, it will be convenient that they should be under the orders of a single Officer. It would of course be competent to the Chief Justice to confine one of the Deputy Registrars to the performance of duties on the Original side of the Court, if he saw fit.

16. In regard to the proposed appointment of Commissioner and Taxing Officer, the Governor in Council does not clearly understand what duties this Officer will have to perform as Commissioner. It is apparently intended that much of the work hitherto done by the Master shall in future be disposed of by a single Judge aided by a Clerk. The Commissioner, it is presumed, will not be available to examine witnesses at a distance from Madras; and it seems questionable whether, for the examination of accounts under Section 181 of the Code of Civil Procedure, a permanently appointed Officer will be required. It is probable also that before very long the work of the Taxing Officer will be greatly reduced—the Honorable the Judges of the High Court having given it as their opinion that there is no objection to the substitution of Stamp duties for fees on the Original side of the High Court, and the Government of India having already expressed themselves favorable to such a measure. It, therefore, seems desirable that the salary to be attached to this office should receive further consideration.

NOTE.—Sir B. Peacock has stated that if fees be abolished and stamps substituted, a larger saving in establishments could be effected on the Original side of the High Court at Calcutta, than that proposed in his present scheme. See his letter to the Government of India, under date 27th October 1862.

17. The retention of the office of Sheriff will apparently be requisite, and the salary proposed for it appears to the Government to be suitable. The Governor in Council, however, fails to see the advantage of constituting it a triennial, and not a permanent, office. In all past considerations of the subject, it has been assumed that if any change were made, the office would be made a permanent one; and it appears to His Excellency in Council that the reasons which may be urged in favor of the tenure of the office being extended to three years would apply with equal or with greater force to its being without limit of duration. The Government, however, cannot consent to the retention of the office of Deputy Sheriff. It is, they believe, a fact that the office of Sheriff has hitherto been nearly a sinecure, the person holding it having ordinarily one or more other appointments, not unfrequently of a laborious character, and the duty of Sheriff having been for the most part executed by the Deputy. It will for the future be put on such a footing as will admit of its being held by a gentleman who will give up his whole time to its duties, which, it is believed, are not more than one man can fully perform.

18. In regard to the office of Clerk of the Crown and Judges' Clerk, and the salaries proposed for them, the Governor in Council has no particular remarks to offer, further than that already made in the earlier part of this letter, that he can see no reason for making the immediate union of the offices of Clerk of the Crown and Crown Prosecutor, contingent upon the assent of the holder of the former office. It seems very desirable that this latter arrangement should be carried out with as little delay as possible, for the want of a Crown Prosecutor has been often felt, and the duties of the Clerk of the Crown are, it is understood, by no means laborious. The present incumbent has of late been absent from Madras for some months at a time, and his duty as Clerk has been done by a gentleman who holds several other offices, and has a large practice at the Bar.

19. The Governor in Council would only add with reference to the principal appointments proposed for the Original side of the Court, that looking to the arrangements suggested by Sir Barnes Peacock for the Calcutta Court where the business is so much heavier than it now is, or is ever likely to be, at Madras, it seems to him to be deserving of serious consideration whether the duties which you propose to assign to the six Officers* named in the margin, together with those of the Chief Clerk of the Insolvent Court, who has been omitted from the statements appended to your letter, and those of Crown Prosecutor, might not be well performed by four Officers at an aggregate charge of Rupees 3,500 per mensem, or Rupees 42,000 per annum; the office establishment in each case being paid by Government. Under Sir Barnes Peacock's scheme, there will be three chief Officers on the Original side of the Calcutta High Court:—

* Registrar.
Assistant Registrar.
Clerk of the Crown.
Deputy do.
Commissioner and Taxing Officer.
Judges' Clerk.

(I.) The Registrar performing the duties at present performed by the Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court, and Keeper of the Records, on a salary of Rupees 1,500 per mensem.

(II.) An Officer who is to be Prothonotary, Clerk of the Crown, Taxing Officer, and Accountant General, on a salary of Rupees 2,500 per mensem.

(III.) A Chief Clerk to aid the Judge in doing the work hitherto devolving on the Master, on a salary of Rupees 1,000 per mensem.

The aggregate cost of these offices will be Rupees 4,500 per mensem, or Rupees 54,000 per annum; and it appears to His Excellency in Council that for the work to be done by the corresponding Officers at Madras, including the new office of Crown Prosecutor, an aggregate annual payment of Rupees 42,000 ought to be amply sufficient.

20. Sir B. Peacock proposes to extend Act V of 1840 to the High Court at Calcutta, in which case the swearing Brahmins and Moollahs in Court and in the Judges' Chambers may be dispensed with. He justly observes that there can be no good reason for swearing a Hindoo or Mohamedan in one way in Calcutta and in another in the Mofussil. The Governor in Council presumes that these Officers, if employed in the Madras High Court, may similarly be dispensed with.

21. On the Appellate side of the Court the Governor in Council would be disposed to fix the office of Deputy Registrar permanently at Rupees 8,400 per annum. The duties are such as may be efficiently performed by an Officer of the Uncovenanted Service, and a salary of Rupees 700 per mensem will at all times be sufficient to command the services of an intelligent Officer of this class. The Government do not perceive why the Cazee-cool-Coozat and both the Pundits should not be dispensed with; but on this point they would suggest that the Judges of the late Sudder Court should be consulted, and their attention requested to the remarks on this subject made by Sir B. Peacock in the 6th and 7th paragraphs of his letter to the Supreme Government of the 31st December 1862. His Excellency in Council would also suggest that the proposed appointment of three Interpreters and the additional salaries to be assigned to the Translators should be reconsidered in communication with the Puisne Judges, and with special refer-

Proceedings of the Madras Government, Judicial Department,
21th February 1863.

ence to the probability of the two branches of the Court being located in a single building at an early date.

22. I am directed, in conclusion, in requesting your further consideration of the Ministerial Establishments of the High Court at Madras with reference to the preceding remarks, to enclose for your perusal copies of the letters from Sir Barnes Peacock to the Supreme Government regarding the establishment proposed by him for the Calcutta Court.

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

2

Jud: 1863 Desp.

Rec: of Lor 24 Feby 1863
N: 287.

Judicial Deptt

Minute by the Honorable T. Pycroft
on a letter from the Chief Justice H.M's
High Court of Judicature at Madras,
of 27 Novr 1862.

In the above letter the Chief Justice submits for the sanction of Govt the establishment which he proposes to entertain for the High Court on its Original and Appellate sides. —

2. On the original side, passing by the subordinate servants, the arrangements which are proposed for the discharge of the more important duties connected with the Court are the following —

3. The office of Master in Equity will be abolished

it will however be necessary to retain it for awhile — nine months is the period suggested liable to extension thereafter if necessary — for the disposal of business connected with suits instituted in the late Supreme Court. Until that business has been disposed of, the Master will receive a salary of Rs 11,000 per annum with the fees payable according to the established table for the work done by him on account of the old Supreme Court. When that business has been concluded, the Office of Master in Equity will ipso facto terminate.

4 The offices of Master and Clerk to the Puisne Justice will be abolished.

5 A The office of Clerk of the Crown will be retained and will be annexed with the new office of Crown

Crown Prosecutor, if the present Clerk be disposed to hold the two appointments together, on a joint salary of Rs. 11,660. If he be not willing, he will retain his own appointment as Clerk of the Crown at (about) its present salary, Rs. 7,000 per annum; and the pay of the Crown Prosecutorship as a separate office will be Rs. 5,000 — In this latter case also the office of Deputy Clerk of the Crown will not be filled up on its being vacated by its present incumbent.

A

6. The Registrar will be continued on much his present footing, and will receive a salary of Rs. 30,000 per annum out of which he is, as I understand, to defray all charges for establishment, stationery and other expenses. For

the

the Deputy Registrar now employed and paid by the Registrar will be substituted an Assistant Registrar on Rs. 7000. a year.

7. In lieu of the late Master in Equity, a Commissioner and Taxing Master will be entertained, whose salary from the date that he may have, as Master, cleared off the arrears of business connected with the late Supreme Court Suits, will be Rs. 17,000 a year.

8. In place of the Clerk to the Chief Justice, and Clerk to the Puisne Judge, there will be one Officer to be styled the Judges' Clerk, whose duty, apparently, will chiefly be connected with the work performed by the Judges sitting in Chambers. His yearly salary will be 6,600 Rs. The probability of hereafter appointing an Assistant Judges Clerk is also adverted to.

9. The Sheriff's term of office is proposed to be extended from one year to three. His pay will be slightly below what it is now. His deputy will be kept upon his present salary.

10. The financial results of the above arrangements will be the following

Rs. 11,010 instead of Rs. 11,488, but this last sum includes fees received under Act IX. 1850 which amount to R 741 per annum so that his true pay was R 1074 or R 293 below what is now proposed for the office —

B

	Present Establishment. Gross average emoluments for last 5 years.
Registrar	33,757.
Master	26,545.
Sheriff	13037.
Deputy Sheriff	3,330
Clerk of the Crown	7,833.
Deputy do	2268.
Sealer	3009.
Clerk to C. Justice	4026
do to P. Judge	4313.
	99,918.
deduct proposed est.	86,710.
Saving	12,230.

	Proposed Establishment. Rs
Registrar	30,000
Asst. do	7,080
Clerk of the Crown & Crown Prosecutor.	11,660
Commissioner & Taxing Officer.	17,000
Judges' Clerk	6,600
Sheriff	11,010
Under do	3,330
	86,710.

28,488

11,403

The

11. The upshot is prima facie a saving of Rs 12230 per annum, but if the office of Crown Prosecutor be made a distinct one, there will be, at first, a further charge for the proposed establishment of Rs 1200- which will reduce the above saving to Rs 11030 per annum. On the other hand the office of the Deputy Clerk of the Crown at Rs 2100 a year will in that case be dispensed with on a vacancy occurring in it.

12. It should however be remarked that for upwards of two years out of the period on which the average present emoluments of the Registrar, Sheriff and Sealer have been included, the fees received by those Officers on account of Subs tried by

From a return like former furnished by the Registrar of the High Court original side, it seems that the fees to be allowed the Registrar amounted in round numbers to R6344- those to the Sheriff R3798- to the Sealer R3705- to the Tamil and Telugu interpreters R617- to the Hindustani interpreter R1335-

Then the average of the fees drawn by the Registrar available for sharing would be reduced by $\frac{R6344}{5} = 1260$ per annum or from R33,757 to 32,489- and the emoluments of other officers raised in like manner.

Rs 71,728.

by the Judges of the High Court sitting under Act IX 1850 on the Small Cause Court Act- which fees will not be drawn by those Officers for the future What these fees may have amounted to does not appear* but whatever the amount may be, it should be excluded from the comparison- as an asset not available to Govt. for the future.

13. Further it is very important to remark that by far the larger portion- nearly 3/4 ths of the emoluments of the 9 officers named above in para 10 are derived from fees. The scheme submitted by the Chief Justice, proceeds, as he expressly states, on the assumption that these fees will for the future be collected on behalf of Govt, and that all the

* The same remark applies to the fees drawn by the Tamil and Telugu & Persian & Hindustanee Interpreters.

the Officers and Servants of the Court will be paid by fixed salaries. Such a measure is no doubt very desirable – but without meaning any reflection on any Officer, it may be asserted on general principles that the natural and irresistible tendency of the system of payment for judicial services by fees is to cause a larger levy of fees than would have had place had the fees been payable to the State, and the emoluments of the officers for whose work they are charged been in no way affected by the result. It can hardly be expected that the Govt. will realize the full average amount of the fees shown in table A. Col. IV.

11. I see nothing to remark on in the arrangements proposed by the Chief

omit

× This is in addition to the ground rent explained above — but reference to that will be a protection

25

Chief Justice relative to the inferior servants of the Court, the Translators, Sheriffs' Officers &c. These will however involve an additional charge of Rs. ×~~5,700~~ per annum.

15. Altogether the cost of the proposed establishment, assuming the offices of Clerk of the Crown and Crown Prosecutor to be combined, will be Rs. 105,217 per annum; the past average emoluments have been Rs. 125,865, showing a saving of Rs. 20,648 a year. but, for the reasons already given, this will not be the actual saving – indeed, when allowance be made for the deduction of fees drawn under Act IX. 1850, and for the falling off in the fees when levied on behalf of Govt, it may well be doubted whether there will be any saving at all. —

Turning

16. Turning now to the establishment proposed for the Appellate side of the Court, it will be remarked that there are only four principal ministerial servants - the rest being merely Clerks, Copyists, Translators, &c. - viz the Registrar, his deputy, the Manager and Serishtadar. The aggregate salary proposed for these four servants, being, with the exception of a trifling increase to the pay of the Deputy Registrar, the same that they now receive, is Rs. 38,970 yearly, being less than 3/4 of the aggregate allowances proposed for the Chief Officers of the High Court on its original side, and specified above in para 10. From the cost of that establishment it will however be proper to subtract the salaries of the Clerk of the Crown & Crown Prosecutor, the Sheriff and his Deputy, as being executive officers, & employed on the Criminal side of the Court. Making these deductions the aggregate proposed annual cost of the chief ministerial establishment for the Original Civil side of the Court will be Rs. 69,580 against Rs. 38,970 for that on the Appellate side, the former exceeding the latter by Rs. 21,710 or in the ratio of more than 3. to 2.

17. The proposed cost of the whole establishment of the Court on its Appellate side - taking the pay of the Deputy Registrar at its old figure (Rs. 15,000 per an.) will be Rs. 99,942 - that

of

of the original side will be Rs 1,05,217. that is the expense of the latter will exceed that of the former by Rs 5,275- which will be increased to Rs 11,875 if the pay of the Deputy Registrar, Appellate side, be fixed permanently at Rs 6,600, as I think it very well may be.

18. The High Court on its Appellate side exercises jurisdiction over the whole of the Madras Presidency. some 141,000 square miles in extent, with a population of [22] & millions. On the Original side its jurisdiction is almost confined to Madras and its environs, 20 square miles, and a population perhaps over-estimated at 700,000.-

19. The amount of business performed by the

the Appellate in comparison with that of the Original side of the High Court can hardly be represented by any more figured statements showing the number of Suits filed- motions made or orders passed respectively- Some idea however of the relative extent of work in the two branches of the High Court may be arrived at thus-

The late Sudder Court - now the Appellate side of the High Court - was presided over by three Judges, who have always been fully occupied. Indeed the office of a Sudder Judge has usually been considered a very laborious office- The work in the late Supreme Court - now the original side of the High Court - can be transacted by

by a single Judge. That it can be has been conclusively shown by the fact that it has been and that for more than two years consecutively. From the departure from Madras of Sir C. Rawlinson on the 13th February 1859 to that of the arrival of the present Chief Justice Sir Scotland on the 23d May 1861, or for more than two years and a quarter the business of the Supreme Court was practically done by the Puisne Judge Sir A. Bittleston. For many months out of that period the Chief Justice Sir H. Davison was on the Neilgherries. & when he was at Madras his health would admit of his taking but a very small share in the business of the Court. There is no reason to believe that during this period the work

work of the Court was not duly performed, or that arrears accumulated, and altho' Sir A. Bittleston may have had his hands pretty full it may be doubted whether his work was as heavy as that of a Sudder Judge. It is also to be noted that during the time referred to some additional work was thrown on the Court by the Special Act XIX. 1858 for the settlement of the debts of the late Nabob of the Carnatic.

One of these cases in particular occupied the Court for several weeks in 1860.

20. Altogether the business of the Appellate side of the High Court may be fairly assumed to bear to that of the original side the ratio of 3 – or at the very least 2½ – to one. Yet it is now proposed that the cost of the establishment of the latter shall be greater

than

than that of the former-
and as regards the superior
ministerial Agency of
the two sides, shall be
much greater- both sides
of the Court, it is to be
observed, working under
the same Code of Civil
Procedure. It may be
doubted whether this arrangement will
meet the expectations of
the Secretary of State- or
is such as we can recom-
mend for his approval.

21 In his revision of
the Court establishment
Sir C. Scotland seems indeed
to me to have proceeded
in some degree on an erro-
neous principle. He says-
para 19- that in making
his recommendations he
has among other considera-
tions been influenced by
"a due regard to the interests
of the present holders of
the offices continued from
the late Supreme Court."

Accordingly

Accordingly not one single
individual has been dispensed
with. If his present Office
is to be abolished he is to
reappear in some other,
and sometimes at a higher
rate of salary. May so
far has this consideration
not simply for individual
interests but even for
individual feelings been
carried that the Clerk of
the Crown is to be asked
whether he will accept the
Office of Crown Prosecutor
in addition to his own, on
an improved salary. If
he will not, a separate
Officer is to be appointed
at an extra cost to Govt.
of Rs. (5000 – 3800) 1200 p. a.
In this latter case the Deputy
Clerk of the Crown will
not be required, yet "with
due regard to present
interests" no change as
respects that Officer is
to be made while the present
incumbents hold the Offices

of

P. 13.

of Clerk and Deputy Clerk of the Crown. I submit that in tendering to the present Clerk of the Crown an arrangement which will secure to him his existing receipts, the Govt will have done all that could reasonably be expected of them, and that they would not be justified in burdening the finances of the Country with an expenditure of Rs 1200 a year, because the Clerk of the Crown does not see fit to accept the offer made to him.

I submit too that the only principle on which revisions of establishments can be rightly carried out, is that of getting the work done on the most reasonable terms compatible with perfect efficiency. This is the principle that has been acted on in the revisions of

of Mofussil establishments which have been so largely carried out of late years. and there seems no reason why the revision of the High Court Establishment should be conducted on any other. If there be any persons who may seem entitled to compensation for losses to be sustained by them under the arrangements proposed, by all means let their claims be most fairly and liberally dealt with: but this is a very different matter from continuing an office which is not wanted, simply because it now exists. On this head I may however at once observe, that, under any circumstances, the Registrar Mr N.M. Ritchie can have no title to compensation, whatever may befall him. He accepted his present

appointment

appointment with his eyes
open, at a time when
the amalgamation of
the Supreme and Sudder
Courts was imminent &
he clearly did so wholly
at his own risk. This
indeed he was distinctly
told by Govt as soon as
they became aware of
his appointment. There
may be other cases
like his where the recent
date of the appointment
would deprive the
nominee of all title
to compensation for the
loss of his office. E.G.
Mr Dale was appointed
Master on the death
of Mr Teed in February
~~last year~~.

22. In the preceding
paras I have remarked
on

on the general financial
issue of Sir C Scotland's
proposed establishments
for the original side
of the High Court, abso-
lutely and as compared
with the cost of the
late Supreme Court
establishment, and the
establishment proposed
for the Appellate side
of the Court. I would
now make a few
observations on the
several appointments
submitted by the Chief
Justice and the salaries
assigned to them. —

23. The first officer
on the original side,
to whom it is designed
to allot the largest
salary is the Registrar.
His pay is put at

Rs.

Rs 30,000 per annum, out of which he will find his own establishment. His gross average annual emoluments for the last five years have been Rs 33757. There will therefore by putting him on a fixed salary of Rs 30,000, be an apparent gain to Govt of Rs 3757. but for reasons already given it is only apparent. His however is not the main objection to the arrangement. It is with regret that I find that the Chief Justice desires to have two Registrars - one for each side of the Court. and each to be the head of a separate establishment; the two establishments and their respective heads being as completely distinct as they were before the High Court was established.

J.P.

To Gov. General
30 Aug 1862, Mily
Dept No 314.

P. 15.

12

It appears to me that so long as this state of things continues the amalgamation of the quondam Supreme and Sudr Courts will be but nominal. That the fusion of the two tribunals may be completely carried out new and outward seeming there should be one Chief Officer at the head of the joint establishts. The Secy of State has in a recent Despatch objected to there being two Adjutants General, one for the British and one for the Indian Army, saying, that this, as justly observed by the Government of India, "would tend to perpetuate distinctions" and the same principle seems to me to forbid the continuance of two Registrars to the High Court.

24. The Chief Justice does not give any reason for the conclusion at which he has arrived, that there must be two Registrars, but elsewhere he says that it does not seem to him practicable, at all events for the present, to appoint the same Officer to discharge the duties on

the

the two sides of the Court
know when the two branches are
accommodated in the same building
~~a conveyance~~ it is loaded, not
far distant— all the reduction
deemed probable is in the num
of Clerks and Menial Servants.
25. I cannot but think that
under proper arrangements one
Registrar with two Deputies
on fair salaries should suffice
for both sides of the High Court
the present Registrar of the Appellate
side I believe, by no means
heavily worked. The discharge
of the Registrar's duties on the
original side does not demand
a Barrister Lawyer— All that is
needed is a man of intelligence
and business habits, ac-
quainted with the rules and
practice of the Court, which cannot
be of difficult acquirement. The
late Mr Clerk was not bred to the
Law, but he held the office of
Registrar in addition to that of
the Administrator General for
several years— and I never
heard he did not do his work
as well as his predecessors or
successor.

26 I may here remark that in

in their report to the Governor
General in Council on the
remuneration of the officers of
Her Majesty's Supreme Courts
at the three Presidencies, dated
3 July 1845, the Indian Law
Commissioners— Messrs Cameron
and D. Elliott— gave it as their opinion
(para 23) that "all the necessary
services of the Courts, that is to
say, those essential to the due
conduct of its proceedings and
the pending thereof might be
performed by three principal
Officers— The salaries that they
proposed for the three Officers
in question in the Madras Su-
preme Court were for

The first Officer _____ Rs 26,250 per
annum— or the salary of
the Registrar of the Sudr
The second do _____ Rs 24,000
The third do _____ Rs 15,000

They designed that the Master
and Examiner in Equity, and
Taxing Officer should be the first
Officer on Rs 26,250— and that
the Registrar, Cashkeeper, Secy
and Ex officio Administrator
of Intestate Estates should be
the second at Rs 24,000— and
the Clerk of the Crown— Officer
of the Insolvent Court and Attorney
for Paupers should be the third on
Rs 15,000—

the Madras Government in the
Mr. D'Cruz being a Member of
it — perusing the Paragraphs
in this Report as they respected
the Madras Constitution, were of
opinion, that the Registrar should
be the first Officer of the Court
and on the highest salary (£2,000)
on the ground that he was
Administrator General as well
as Registrar. The union of the
two Offices in the same person
has for some time ceased under
the VI. Act VIII of 1855. Had they
not been conjoined in 1859, the
Madras Government would have
thus have assigned the second rank
of salary - £2,000 - to the
Sheriff. The salary now fixed
by the Chief Justice for the Registr
hardship on the original 2nd
of the amalgamated Court is
higher than the highest proposed
for the Madras Supreme Court
Officer by the Indian Law
Commissioners. We should be
noted that one of the Commiss
who made the Report of 1855, Mr
Cameron, was a Barrister and
a man of high reputation as
Lawyer, and that both he and
his colleague, Mr. D'Cruz, were well
acquainted with the business

and establishments of the Indian
Supreme Courts.

27. The arrangement in regard
to the Master seems to me some-
what complicated. He will con-
tinue Master quoad the suits
instituted in the late Supreme
Court, but will be Commissioner
& Taxing Officer quoad those
commenced in the High Court.
A simpler plan would seem
to be to have established the new
Office at once, and required the
incumbent, for the proposed re-
muneration, to deal both with
the current business and arrears.
The fees however will be paid by
the Suitors and their levy may
form an inducement to the
Master to work off the arrears as
fast as he can. The salary (£1,700,
the incumbent paying his own
establishment) does not seem to
me high. It falls much below
the gross average emoluments
for the last five years (£2,545 -
wherein the duties of the new
Office will differ from those of
the old I do not discover. Mr.
Dale tells me that as far as he
can understand they will be just
the same. Whether it be necessary

D

This however will not be the
case in the High Court of Bengal -
vide Report para 36 — but
then it seems to be contemplated
at Madras by Sir C Scotland -
Yet if here as in Calcutta the
Masters duties are to be
[illegible] the Judges, as in

to

[illegible] Commissioners as such have under the Writ is limited beyond a mere Taxing Office and he must be considered

and in the Supreme Court

to have a Taxing Officer at all and whether now that the Civil Procedure Code is in force at Madras as well as in the Provinces, the costs of litigation ought not be assessed in the Supreme Court as in the Mofussil Courts by Moonsifs or Subordinate Judges having a pecuniary limit to the decree amount - is a question on which I do not now intend to express any opinion.

29. The Sheriff's Office will probably still be necessary and the proposed salary does not seem excessive. In which connection it is suggested to consider it a biennial office, which seems quite as likely to answer. In all past considerations of the subject it has been assumed that if any change were made the Office would be made a permanent one - and the reason in favor of its being for three years would appear with equal or greater force to its being without limit of duration.

The retrenched Emoluments of the Office of Deputy Sheriff would be one whole one of the greatest. It is notorious that the office of Sheriff has hitherto been mere

Report of Judicial Commissioners - Para 130 - and following paras.

a sinecure. It has been regarded as a piece of personal patronage at the disposal of the head of the Government, has been usually given to deserving men of all grades in (or out of) the public service, without reference to their qualifications for the performance of its duties which have been almost wholly executed by the Deputy. It is too much to expect that Government will go on paying two men for doing one man's work. Let the Sheriff be kept up, and if the holder of the Office is not well up to the work and requires assistance let him pay for it at his own proper cost.

29. The duties of the new Judge's Clerk seem to be issue summonses and be present at all applications made at Chambers or elsewhere than in Court before a single Judge, and to note the proceedings and draw up all necessary orders. Considering the amount of business likely to come before the High Court on its original side - vide supra para 19 - the proposed ministerial staff does seem to me very large - We have, first, the Registrar - then his Deputy

or

Report of Indian Law Commissioners
page 34.

or a Assistant—next the Master or Commissioner, who has to inq and report on matters referred to him, and is in some more a judge and lastly a Judge's Clerk to attend the Judges in Chambers. That under the Civil Procedure Code the Judges do in Chambers as contradistinguished from what they do out of Chambers or in open Court—the distinction being unknown in Scotch Courts—and why the same establishment should not do for both—three are questions hard to be solved by the uninitiated. Miscellaneous business which is probably the business done by a High Court Judge in Chambers—is in an up country Court done by the Judge in the Court room—and with the aid of his ordinary establishment.

30. The duty of the Clerk of the Crown seems to be chiefly in drawing up indictments from depositions sent him by the Committing Magistrates. This must be chiefly at or about the time of the sessions, and that it cannot be a very laborious duty would seem evidenced by the fact that the present incumbent has of late been absent from Madras for considerable periods, and that his duty as Clerk has been done by a gentleman who has plenty of business of his own. The appointment of Crown Prosecutor seems very desirable but, as already said, I would not make the union of the two Offices contingent on the assent of the present Clerk of the Crown. It were much to be wished that the present opportunity could be taken for placing the Law Officers of Government on a proper footing. The office of Government Pleader is certainly underpaid at Rs. 500 per mensem and its present holder will not retain it, if he be required—as he must be—to enrol himself as a Pleader of the High Court on the appellate side. Our arrangement would be to have a Second Officer in aid of the Advocate General as standing Counsel, or by some such name, who would do much the work that is now done by the Government Pleader, except

that

Special Reports, Indian Law Commissioners — Page 171.

ibid page 169

chief of Vakeels duty in the Appellate side of the High Court this last duty being done by the Government Solicitor (who of course would expect some additional salary in consequence) and now done on behalf of Government on both sides of the Court. The duty of the standing counsel would be that of advising Government on legal matters, and appearing and pleading in the Appellate Courts when instructed by the Government Solicitor + the objection to this arrangement would be such by all the Government would seem to recognize in the Appellate side of the High Court the employment of Barristers & Attorneys in place of one officer to conduct the whole business of acting, appearing and pleading) which hitherto they have been desirous of discountenancing & may observe that in his Minute of 9 Feb 1839 the Honorable Mr. Bonnor, legal Member of the Government of India expressed his opinion that the only mode of reducing the heavy costs of legal proceedings in the old Supreme Court was by the amalgamation of the duties of Counsel and Attorney as done in most of our Colonies and I believe generally in the American Courts" and in his letter to this Government, 21 May 1839, Sir C. Gambier then Puisne and afterwards Chief Justice of Her Majesty's Supreme Court at Madras gave the same opinion.

31. The above remarks have occurred to me, in considering Sir C. Scotland's proposed arrangements for the ministerial establishment of the new High Court on its original side. This review of the subject has however strongly impressed me with the conviction, that, in this Presidency at least, it is a mistake to invest the High Court with original civil jurisdiction (except perhaps in cases of a very large amount) as well as with appellate jurisdiction. The consequence is that we have Judges on £6000 and £5000 a year trying cases which in this country are tried under the same Code of Procedure by a Zillah Judge on £2500 or indeed as respects most of the cases, by a Principal Sudr Amen

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+ besides also a King's Advocate General.

on a Hindoo a year. the right amount I think would be to leave at Madras a Civil Court the Judge of which should exercise the jurisdiction of a Civil Judge, Principal Sudr Ameen and District Moonsiff's leave in cases falling under the cognizance of the Small Cause Court within the limits of the jurisdiction of the old Supreme Court, and should hold Triennial circuits the Judge taking into account the nature of the business that will come before him, should be a Barrister, and allowing for the difference in the expence of living at Madras and in the Provinces, the salary might be fixed at Co. Rs. 50 per mensem or Co. Rs. 600 per annum which is probably a higher salary than under the circumstances of the Country must ought to command the services of a fit man. the Judges of the Hight Court would then be confined to the disposal of appellate business and it might be found that four Judges would be enough for that purpose. the above arrangement might not be suitable for Calcutta and Bombay when the original business is heavy and the causes at issue sometimes very large, but at Madras matters are very different.

32. I do not see much to remark upon, as regards Sir C Scotland's proposals relative to the establishment for the Appellate side of the Court the salary of Co. Rs. 4800 per annum seems to me quite high enough for the Deputy Registrar at all events if there is to be a separate Registrar for that side. I do not perceive why the Cazee ul Cozat and both the Pundits should not be dispensed with, but on this point the old Sudr Judges might be consulted,+ as also in the proposed appointment of three Interpreters and additional pay to the Translators- altho these are probably desireable- the office of Indexer seems to be required, and the pay is not too high.

33. After the above paras had been written I had the advantage of reading the Honorable Sir Barn. Peacock's

+ and their attention requested to the remarks on this subject made by Sir B Peacock in paras 6-7 of his letter to Supreme Govt of 31 Dec 1862.

Peacock's report dated 27 October 1862
to the Government of India on the
alterations which he proposed
to make in respect to the Officers
and establishments on the
original side of the High Court
at Calcutta.

34. From this it appears that
in that Court the three Offices
of Master, Registrar and Accountant
General are now held by one
Officer at a salary of Cr 3000 a
month. "The duties of Registrar
are at present, in fact, performed
by the Deputy Registrar — some
time ago the Judges of the
Court recommended that the
offices of Master & Registrar
should be separated, and that
the office of Registrar and
Deputy Registrar should be
consolidated on a monthly
salary of Cr 1000, and this
proposal was submitted by
the Government of India for
the favorable consideration of
the Secretary of State. Sir Barnes
Peacock now proposes to establish
an office of Registrar and Chief
Clerk

He however appears to
advert to a amount R1500
which he had recom-
-mended for the Regis-
-trar of the High Court ori-
-ginal side, and
has accordingly entered
it in the proposed scale
of establishment appe-
-nded to this memo-
-randum letter of 31 Dec.
1862

19

Clerk to the Insolvent Court and
Keeper of the Records, who will
perform the present duties of
Registrar, Deputy Registrar, Chief
Clerk of the Insolvent Court and
Keeper of the Records. He proposes
to give this Officer a salary of
Cr 1500 per mensem. the ad-
ditional Cr 500 above the pens-
-ion heretofore previously recommended
by the Judges being in lieu
of certain fees which he would
no longer draw. After he had
written his letter, the Chief Justice
however, became aware that
sanction had just been received
to the appointment of Registrar
to the Supreme Court on the
salary before applied for or
Rs 1000 per mensem. ~~In this~~
~~he afterwards acquiesced,~~
~~and has provided his calculation~~
~~accordingly.~~

35. Now if the original side
of the High Court of Calcutta
where the business is vastly
larger than it is at Madras
one man can do the work
of Registrar & Dep^y Registrar,
not to mention that of Chief
Clerk of the Insolvent Court
and

...ord Keeper of the Records - and ...
...ere be sufficiently remunerated ...
...for all his duties by a salary ...
...of Rs. ~~3500~~ 1500 a month - it stands ...
...to reason that it cannot at ...
...Madras be necessary to have ...
...a Registrar and Deputy Registrar ...
...two salaries aggregating Rs. ...
...per 37,080 or Rs. 3090 per mensem ...
...the High Court at the latter ...
...place will be more handsomely ...
...dealt with, if for the despatch ...
...of its original Civil business ...
...it be allowed a Registrar on ...
...Rs. 1000 a month, or that given ...
...at Calcutta where the work ...
...is so much heavier. In such ...
...case the Government would ...
...bear the expence of the Registrar's ...
...establishment. Taking that at ...
...the average amount set down ...
...in Column VII. Table 4 annexed ...
...to Sir C. Scotland's letter, Rs. 2056 ...
...and the fees, vide supra ...
...Rs. 31,000, for annum ...
...the yearly income would be ...
...Rs. 32,056 - 1200 + 5567 = Rs. 36,423 ...
...It would also be unnecessary ...
...to continue to designate the ...
...incumbent of the office Registrar ...
...He should be termed Deputy ...
...Registrar, and the Officer now ...
...at the head of the establishment ...
...of the Appellate side of the Court ...
...should be regarded as the chief ...
...ministerial Officer of the whole ...
...Court, and be styled "Registrar ...
...of the High Court." It would ...
...of course be competent to the ...
...Chief Justice to confine the ...
...Deputy Registrar in receipt of ...
...Rs. 1000 per mensem to the ...
...performance of duties on ...
...the original side of the Court ...
...if he saw fit.

36. The office of Master in the High Court of Calcutta is proposed to be abolished. Sir Barnes says that the proceedings before this Officer are usually attended with great expence and are too frequently made use of by parties for the purpose of vexation, and of driving their opponents into terms and for other improper purposes. The Master is not blameable for these abuses, but they are a consequence of the system. Henceforward matters of detail, such as the taking

of

of Accounts &c which were now referred to the Master, will be investigated by or under the superintendence of a single Judge, who in such matters must have the assistance of a Ministerial Officer. The present Master will have to be retained for six months at least to clear off arrears. A Chief Clerk will be appointed on a salary of Rs.1000 per mensem to assist the Judge in discharging the duties heretofore performed by the Master such as the investigation of matters of account.

37. On the Supreme Court of Calcutta the taxing of costs has not been done by the Master but by a separate Officer. He will now be dispensed with and his duties as Taxer will vest in the Prothonotary who is also Clerk of the Crown on a salary of Rs.2500 per mensem which will not be raised in consequence of the additional work devolving on him in the taxation of costs.

38. Fees under the General

Note — The Undersigned says, as I have understood, had the same duties on the Common Law side of the former Supreme Court as the Master has on the Equity side. Under the Civil Procedure Code I conclude that there will no longer be any distinction between Common Law & Equity.

Peacock's scheme there will be three Chief Officers on the original side of the High Court.

1. The Registrar performing the duties of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court, and Keeper of the Records, on a salary of Rs. 1500.

2. An Officer who is to be Prothonotary Clerk of the Crown Taxing Officer and Accountant General on a salary of Rs.2000 per mensem.

3. A Chief Clerk to aid the Judge in doing the work hitherto devolving on the Master pay, Rs1000 per mensem.

The aggregate salaries of the three Officers will be Rs.4500 per mensem or Rupees 54000 per annum. The establishments will as now be paid by the Government.

39. On the High Court of Madras original side where the business is probably not a third of what it is in Calcutta, it is proposed by Sir C. Scotland to have for the discharge of the

same

Note

⊕ Neither this Officer nor the Official Assignee of the Insolvent Court whose gross emolument on an average of five years amounts to Rs 8,700 per annum are noticed by the Chief Justice in his Report to Council.

+ Supposing from a statement furnished by the Registrar of the Court on an average of five years — 1857–61 — amounting to Rs 6,95[illegible] per annum — Rs 3,386 per annum —

Same Duties

1	A Registrar on	Rupees p'm
2.	An Asst — do	7,050 —
3.	A Clerk of the Crown	1,850 —
4	A Dr — do — at least as long as the present incumbent be disposed to retain it)	2,100 —
5.	A Commissioner and Taxing Officer	1,000 —
6	A Judge's Clerk	1,600
	⊕ Total —	20,640

Besides the Clerk of the Insolvent Court, whose emoluments are such stated, and whose Office indeed is not noticed at all in his Correspondent scheme, or seven Officers on salaries aggregating, Rs: per ~~Total~~ 19926 (under the emoluments of the Clerk of the Insolvent Court) out of which however the Officers would have to find their own establishments.

10. The Clerkship to the Crown may have to be amalgamated with the new office of Crown Prosecutor but it may not be necessary — although I am not from other — the point to remember with the Clerk

Clerk of the Insolvent Court, who probably is paid wholly by fees. Putting these apart it is difficult to conceive that all the duties belonging to the seven Officers named in the preceding paragraph, which in the so much heavier Calcutta Court are performed by three men in salaries amounting in all to Rupees 4,500 per mensem, could not at Madras be performed by three men also, on salaries of Rs 1,000 each or Rs 3,000 for the three.

41. Sir B. Peacock proposes to extend Act V. of 1840 to the High Court of Calcutta, in which case the Swearing Brahmins and Moollahs in Court and in the Judge's Chambers may be dispensed with. He says truly that there can be no good reason for swearing a Hindoo or Mahometan in one way in Calcutta and in another

in

in the Mofussil. The same observation will hold good as regards the Madras High Court. I do not however see any dissenting Brahmins or Moollahs in Sir C. Scotland's list.

42. Sir Barnes adds that if fees be abolished and stamps substituted a saving in establishments may be effected, and he intimates generally that further reductions may be made hereafter when the arrears of the late Supreme Court have been disposed of. I observe too that the Government of India, in their reply to Sir Barnes Peacock, advert to the substitution of stamps for fees in the business of that part of the High Court in which fees are now taken. They request that the transmission of the Chief Justice's report on this subject may be expedited as much as possible. They remark that the Indemnity Act for the High Court which was passed in July last will expire on the 31st Dec. and it is very desirable that any further legislative measure for the High Court which may be considered necessary should be introduced without delay. The Act in question - XX of 1861 of the Government of India - provided that fees and not stamp duties should be chargeable in respect of proceedings or other business coming before the High Court in the exercise of its original civil jurisdiction, and on appeal from its ordinary original civil Jurisdiction. It ~~will therefore have to be~~ by the XXIV. 1862 renewed for a further time, or until the end of the present year.

The fees received in the High Court at Calcutta differ for the most part from those paid at Madras inasmuch as the former are carried to a government Fund, whence fixed salaries are paid to the Officers of the Court. There can be no doubt however that this system must ere long -

long be adopted at Madras indeed the scheme of the Chief Justices contemplates its being so. The substitution of stamps for fees in the High Court generally must therefore tend to abridge and simplify the work of the taxing officer and if the mode of charging law expenses in original suits prefered in the High Court at Madras be assimilated to that followed under the same Civil Procedure Code in the Mofussil, or be by means of substitution fees there will be hardly any work for the taxing officer at all.

43 I would suggest that a copy of his Barnes Peacock's letters and the substance of the preceding observations and of any other that the other Members of Government may have to make, should be furnished to the Chief Justice of the Madras High Court and that he should be requested to reconsider his

his proposed establishment in reference to them.

J. Peyton

14 January 1863

Judl. Dept. to Engd. 27th
February 27 of 1863

Replied 30 April 1863.
N. 10.

Pro. 24th Feb. 1863

Judicial 1863 Dept.

Minute by the Honorable
J. Pyers Q.

Dated 15 January 1863
Rec'd 15 — do —

No. 287

1193

Feb. 1002.

Other observations
on the establishment proposed
by the Chief Justice for the High
Court in its original & appellate
side.

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183
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C 15 Jany
[illegible]

No 287 Judicial Department

To The Honorable
Sir Colley H. Scotland, Kt.
Chief Justice of the
High Court of
Judicature

Noble Sir,

I am directed by His
Excellency the Governor in
Council to acknowledge
the receipt of your letter of
the 27th November last,
furnishing statements of
the Establishment of Minis-
terial Officers and Clerks
whom you propose to appoint
to the Official staff of the
High Court, and the Salaries
to be assigned in each case.

2. In the scheme which
you have submitted, provision
is made for a separate
Establishment

Establishment for each branch of the Court, and for the payment of those Officers on the original side of the Court who have been hitherto remunerated by fees; the fees being in future carried to the credit of Government.

3. On the original side of the Court, passing by the inferior servants, the Effect of your proposals will be as follows:—

(1) The office of Master in Equity will be abolished as soon as the business connected with suits instituted in the late Supreme Court shall have been got through. Until that business has been disposed of, and its disposal it is anticipated will occupy some nine months from the date of your letter, or possibly a longer period, the Master is to receive a salary of Rs. 11,000 per annum, with the fees payable, according to the established table, for the work done by him on account of the late Supreme Court. When that business shall have been concluded, the Office of Master in Equity will be abolished.

(2) The Offices of Sealer and of Clerk to the Puisne & Justice will be abolished.

(3) The Office of Clerk of the Crown will be retained, and will be amalgamated with the new Office of Crown Prosecutor, if the present Clerk be disposed to hold the two appointments together

together, on a joint salary of Rs. 11,660 If he be not willing, he will retain his own appointment as Clerk of the Crown at (about) its present salary, Rs. 1860 per annum, and the pay of the Crown Prosecutorship as a separate office will be Rs. 5000. In this latter case also, the office of Deputy Clerk of the Crown will not be filled up on its being vacated by its present incumbent.

(4) The Registrar will be continued, on much his present footing, and will receive a salary of Rs. 30,000 per annum, out of which he is to defray the cost of his Office Establishment, except the salary of the Deputy Registrar now employed

employed and paid by him, for whom will be substituted an Assistant Registrar to be paid by Government a salary of Rs. 7,080 a year.

(5) In lieu of the Master in Equity, a Commissioner and Taxing Officer will be appointed on a salary of Rs. 17,000 per annum, inclusive of Office Establishment, as in the case of the Registrar and other Officers on the Original side of the Court.

(6) In place of the Clerk to the Chief Justice and Clerk to the Puisne Judge there will be one Officer to be styled the Judges' Clerk, whose duty will be chiefly be connected with the work performed by the Judges when sitting in

in Chambers. His yearly salary will be Rs 6,600.

You also contemplate the appointment eventually of an Assistant Judge's Clerk in connection with an alteration in the Office of the Tipstaff—

(7) The Sheriff's term of Office will be extended from one year to three. His Emoluments will be nearly the same as they are at present. The Deputy Sheriff is to be retained upon his present salary.

4. The financial results of the above arrangements will be as follows.—

Present

Present Establishment — Gross average Emoluments for the last 5 years.	Rs
Registrar	33,757
Master	26,525
Sheriff	13,837
Deputy Sheriff	3,330
Clerk of the Crown	7,863
Deputy do	2,268
Dealer	3,009
Clerk to C. Justice	4,026
do to P. Justices	4,313
	98,948
Nett proposed Estabt	86,710
Saving	12,238

Proposed Establishment	Rs
Registrar	30,000
Nett do	7,080
Clerk of the Crown & Crown Prosecutor	11,660
Commissioner and Taxing Officer	17,000
Judges' Clerk	6,600
Sheriff	11,040
Under do	3,330
	86,710.

There will thus be a prima facie saving of Rs 12,238 per annum; but if the Office of Crown Prosecutor be discontinued, there will be at first a further charge of Rupees 1200, which will reduce this saving to Rs 11,038. On the other hand, the Office of Deputy Clerk of the Crown will

in

in that case be dispensed with in a vacancy occurring in it.

5. It must however be borne in mind that for upwards of two years out of the period on which the average emoluments of the Registrar, Sheriff and Sealer have been calculated, those Officers received fees on account of suits tried by the Judges of the late Supreme Court sitting under Act IX of 1850 (the Small Cause Court Act), which will not be drawn by them for the future. From a return furnished by the Registrar of the High Court, Original Side, it appears that the fees so received by the Registrar amounted in round numbers to Rs. 6344, those by the Sheriff to Rs. 3798, by the Sealer to Rs. 3705, by the Tamil and Telugu Interpreters Rs. 1417, by the Hindustani Interpreter Rs. 1335. Thus the average of the fees drawn by the Registrar and available to Government must be reduced by Rs. $\frac{6344 \div 5}{}$ = Rs. 1268 per annum, or from Rs. 33757 to Rs. 32489. A similar reduction must be made in the case of the other Officers above named. It must also be remembered that by far the larger portion, nearly three fourths, of the emoluments of the nine Officers named above + is derived from fees.

Without

+ para 4

without Casting any reflection on any individual Officer, it may be asserted on general principles that the natural and inevitable tendency of payment by fees is to cause a larger levy of fees than would have taken place had the fees been payable to the State, and had the emoluments of the Officers for whose work they are charged, been in no way affected by the amount of work done. It can hardly therefore be expected that the Government will realize the full average amount of the fees shown in the table appended to your letter – Table A, column 4.–

6. Altogether the cost of the Establishment proposed for the Original side of the High Court, including the salaries of the inferior servants and assuming that the Offices of Clerk of the Crown and Crown Prosecutor are to be combined, will be Rs. 117,649 per annum; the past average emoluments of the entire establishment having been Rs. 125,865; but for the reasons already given, the apparent saving thus effected Rs. 8216 will not be the actual saving. Indeed, if allowance be made for the deduction of fees drawn under Act IX of 1850, and for the certain falling off in the fees when levied on behalf of

of Government, it may be doubted whether there will be any saving at all.

7. On the Appellate side of the Court, it is proposed to appoint an Indexer and three Interpreters on salaries of Rs. 1800 Each per annum, and to make some small additions to salaries of certain Translators and other inferior servants. The salary of the Deputy Registrar is to be eventually raised to the scale hitherto assigned to the Office when held by a Covenanted Civil Servant, viz. Rs. 15,000. On the other hand the allowance salary is to be reduced, The Cazee-ool-Coozat is to be one of the Pundits will to be dispensed with, and the salary of

of the Deputy Registrar while held by the present incumbent is to be fixed at Rs. 8100 per annum. The result is a temporary decrease of charge amounting to Rs. 4104 per annum, and an eventual increase amounting to Rs. 3096 per annum. The entire Cost of the Establishment on the Appellate side will be for the present Rs. 92,742 and eventually Rs. 99,942 per annum, and including the salary of a Reporter (at Rs. 4,800 per annum) as recommended in your letter of the 10th ultimo, the aggregate Cost of the Ministerial Establishments to be attached

to

Proposed

Original side	Rs 1,17,649-1-
Appellate (do)	— 92742 —
Reporter	— 4800 —
	Rs 215191-1-
Add for Corr. Dept	
Registrar	— 7200 —
	Rs 222391-1-

to the two branches of the Court will be for the present Rs ~~2,22,391-1-~~ 215191 per annum, and eventually Rs 2,22,391-1- per annum.

If His Excellency the Governor in Council has given his careful attention to these proposals, and while they have been under his consideration, he has had an opportunity of perusing two letters addressed to the Government of India by the Chief Justice of the High Court at Calcutta regarding the Ministerial Establishment to be allotted to that Court. The conclusion at which he has been compelled to arrive, is that the entire Cost of the Establishment may, without prejudice to its efficiency, be fixed at a lower scale than that recommended, that the Salaries which it is proposed to assign to some of the Offices are too high, both with reference to the duties attached to them, and with reference to the Salaries which have been proposed for the Corresponding Offices in the Calcutta Court, where the business is vastly larger than it is at Madras, and further that certain Offices which it is proposed to retain may be abolished without detriment to the public service.

J.

6 In the first place His Excellency in Council would remark, that the Cost of the Establishment which it is proposed to employ on the Original side of the Court, appears to him to be disproportionately large, as compared with the Cost of the Establishment proposed for the Appellate side. The proposed Cost of the whole Establishment of the Court on its Appellate side is Rs. 99,912, that of the Original side Rs. ~~1,00,000~~ 1,17,619, so that the latter will exceed the former by Rs. ~~17,912~~ 17,707, or if the Salary of the Deputy Registrar on the Appellate side should be fixed permanently

permanently, as the Government think it may be, at Rs. 8400, the difference will be increased to Rs. ~~24,912~~ 24,907. The High Court on its Appellate side exercises jurisdiction over the whole of the Madras Presidency, including an area of 141,000 square miles and a population of above 22 millions. On the Original side its jurisdiction is almost confined to Madras and its environs, including an area of 28 square miles and a population which has been estimated, but which it is believed, is over Estimated, at 700,000. The amount of business performed by the Appellate in comparison with the

Original side of the
Court, may be inferred
from the following facts.
The late Sudr Court, now
the Appellate side of the
High Court, was presided
over by three Judges who
have always been fully
occupied; Indeed, it is
well known that the
office of a Sudr Judge
was one of the most
laborious offices in the
Presidency. The work
in the late Supreme Court,
now the Original side of
the High Court, has more
than once been transacted
by a single Judge. On a
recent occasion, during
the interval between the departure
of one Chief Justice and the arrival
of another, the

for

for more than two years
and a quarter, the business
of the Supreme Court
was practically done
by the Puisne Judge Sir
Adam Billeston. For
many months out of
that period the Chief
Justice, Sir Henry Larkins,
was on the Neilgherry
Hills, and when he was
at Madras his health
was such that he could
take little or no share
in the business of the
Court. It so happened
that during the period
in question additional
work was thrown upon
the Court by the Special
Act XXX of 1858 for
the settlement of the
debts of the late Nabob

of

of the Carnatic, but the Governor in Council has no reason to suppose that the business of the Court was not duly performed, or that Arrears accumulated. Sir Adam Billeston probably was fully occupied; but it may be doubted whether his duties were more heavy than the ordinary duties of a Judge of the Sadder Court.

11. On the whole, probably it will not be unfair to assume that the business of the Appellate side of the High Court bears to that of the Original side the ratio of

1/3 or, at the very least 2/3 to 1.

12. In these circumstances it appears to the Governor in Council to be very questionable whether the Cost of the Establishment to be assigned to the Original side of the Court should not be below, instead of being considerably above, that which it is proposed to assign to the Appellate side of the Court, or whether the latter arrangement is one which the Government would be justified in recommending for the sanction of the Supreme Government or of the Secretary of State.

The

13. The Governor in Council would observe that the only principle on which revision of Establishments can be rightly carried out, is that of getting the work done on the most reasonable terms compatible with perfect efficiency; and this is the principle that has been acted on in the revisions of other public Establishments, which have been largely carried out of late years. In the opinion of His Excellency in Council the claims of those Officers who may be considered entitled to Compensation for losses

sustained by them under the arrangements consequent on the amalgamation of the two Courts, should be fairly and liberally dealt with; but no office which is not necessary should be retained, nor should any Consolidation of Offices or re-arrangement of duties which may appear desirable be postponed out of consideration for the interests or convenience of individuals. Under this view of the question the Governor in Council would be unable to concur in any arrangement which would make the proposed union of the Offices of the Clerk

Clerk of the Crown and Crown Prosecutor dependent on the wishes of the holder of the former office; and as regards claims to compensation the Governor in Council would not be disposed to recognize the validity of any such claims in the case of persons who may have accepted their present offices at a time when the amalgamation of the Supreme and Lower Courts in India was imminent, or could have been foreseen as a contingency likely to occur within a brief period. Persons who accepted their appointments under these circumstances must have known that they did so at their own risk, and that they could have no claim to compensation in the event of their offices being abolished, or their emoluments reduced.

reduced.

4. The preceding paragraphs contain the remarks which the Governor in Council has deemed it proper to make on the General financial result of the proposed revision of the Ministerial Establishments of both branches of the Court. I am now directed to offer a few observations on certain of the appointments proposed and the salaries assigned to them. The Officer on the Original Side, to whom it is proposed to allot the highest salary, is the Registrar. His salary is fixed at Rs 30,000 per annum, out

with the rules and practice of the Court, which cannot be difficult of acquirement. Sir Barnes Peacock in his scheme for the Establishment of the High Court at Calcutta, has recommended the union of the Offices of Registrar, Deputy Registrar, Chief Clerk of the Insolvent Court and Keeper of the Records in one Officer on a salary of Rs. 1500 per mensem. It appears to the Government that if at Calcutta ~~[illegible]~~ this scale of salary is considered sufficient for an Officer who is to do the work of Registrar and Deputy, ~~but to mention~~ besides

Part

not of which he is to find his own Establishment, excepting however the pay of his Assistant, which is to be disbursed by Government. His net salary under this arrangement may be estimated at something over Rs. 2,000 per annum. This salary, it appears to His Excellency in Council, is too high with reference to the nature of the duties devolving on the Registrar. The work, it is understood, is by no means heavy, nor has the Office always been held by a trained lawyer. All that is needed is a man of intelligence and business-like habits, acquainted with

that of Chief Clerk of the Insolvent Court, the Registrar (or Deputy Registrar as the Government should propose to designate him) on the Original side of the High Court at Madras will be amply paid by a salary of Rs. 1,000 per mensem, and that no Assistant Registrar on that side of the Court will be required. In this case the Government would bear the expense of the Office Establishment; and generally the Governor in Council thinks it preferable that the Office Establishment on the Original, as well as the Appellate, side of the Court should be paid by Government.

15. The Governor in Council

Council, as I have already observed, would prick the designation of the Chief Ministerial Officer on the Original side of the Court to be altered to that of Deputy Registrar. It appears to him that if the fusion of the two Tribunals, the union of which has been ordered by the Legislature, is to be completely carried out, even in outward seeming, there should be but one Chief Officer at the head of the joint Establishment. The Secretary of State has, in a recent despatch objected to there being two Adjutants General, one for the British and one for the Indian Army, on the ground that such an

An arrangement would bad
to perpetuate distinctions,
and the same principle,
as well as other considerations,
seem to forbid the Con-
=tinuance of two Registrars
to the High Court. More-
=over, even during the
short period for which
the High Court had
been in existence, the
present arrangement has
been found not to be
without practical incon-
=venience. It has been
settled that in all
ordinary matters of
correspondence the Registrar
shall be the organ of the
Court; but occasionally
the Court has to be addressed,
or it has to address the
Government, on matters
which appertain equally
to

to both sides of the Court,
as for instance the Sub-
=mission of the Annual
Budget Estimates, the
arrangements to be made
for locating both branches
of the Court in a single
building, and such
like. The latter arrange-
=ment will very shortly
be carried out, and then
it will have to be
determined, if two
Registrars are to be
maintained, which of
them is to be in charge
of the Court House, and
by whom any letters which
the Judges may have
occasion to address to
Government with reference
to the distribution of the
accommodation, or on other
matters common to both branches
of the Court, are to be signed.
Further, it is not

not impossible that when both sides of the Court shall be sitting in the same building, some, at all events, of the inferior servants may be employed in the discharge of duties on the two sides of the Court. Such an arrangement would probably be found compatible with a reduction in the number of Interpreters, and as regards the Menial servants and Peons, it will be convenient that they should be under the orders

It would of course be competent to the Chief Justice to confine one of the Deputy Registrars to the performance of duties in the Criminal side of the Court, if he saw fit.

9.

175

orders of a single Officer.

16. In regard to the proposed appointment of Commissioner and Taxing Officer, the Governor in Council does not clearly understand what duties this Officer will have to perform as Commissioner. It is apparently intended that much of the work hitherto done by the Master ~~shall~~ should in future be disposed of by a single Judge aided by a Clerk. The Commissioner, it is presumed, will not be available to Examine witnesses, at

a

Note. Sir B. Peacock has stated that if fees be abolished and stamps substituted, a further saving in Establishments could be effected on the Original side of the High Court at Calcutta, than that proposed in his present scheme – see his letter to the Govt of India

a distance from Madras, and it seems questionable whether for the examination of accounts under Section 181 of the Code of Civil Procedure, a permanently appointed Officer will be required. It is probable also that before very long the work of this Office will be greatly reduced by taxing ~~upon taxation~~; the Hon'ble the Judges of the High Court having given it as their opinion that there is no objection to the substitution of stamp duties for fees on the Original side of the High Court, and the Government of India having already expressed themselves favorable to such a measure. It therefore seems desirable that the salary attached to this Office should receive further consideration.

17. The retention of the Office of Sheriff will

will apparently be requisite, and the salary proposed for it appears to the Govt to be suitable. The Governor in Council, however, fails to see the advantage of constituting it a triennial and not a permanent office. In all past considerations of the subject, it has been assumed that if any change were made the office would be made a permanent one; and it appears to His Excellency in Council that the reasons which may be urged in favor of the tenure of the office being extended to three years would apply with equal or with greater force to its being without limit of duration. The Govt, however, cannot consent to the retention of the office of Deputy Sheriff. It is, they believe, a fact that the office of Sheriff has hitherto been nearly a sinecure, the

thereon holding it having ordinarily one or more other appointments, not unfrequently of a laborious character, and the duty of Sheriff having been for the most part executed by the Deputy. It will for the future be put on such a footing as will admit of its being held by a Gentleman who will give up his whole time to its duties, which, it is believed, are not more than one man can fully perform.

18. In regard to the Office of Clerk of the Crown & Judges' Clerk and the salaries proposed for them, the Governor in Council has no particular remarks to offer further than that already made in the earlier part of this letter, that he can see no reason for making the immediate union of the Offices of Clerk of the Crown & Crown Prosecutor, contingent upon the assent of the holder of the former office. It seems very desirable that this latter arrangement should be carried out with as little delay as possible, for the want of a Crown Prosecutor has been often felt, & the duties of the Clerk of the Crown are, it is understood by no means laborious.

The present incumbent has of late been absent from Madras for some months at a time, and his duty as Clerk has been done by a gentleman who holds several other offices and has a large practice at the Bar.

19. The Governor in Council would only add with reference to the principal appointments proposed for the Original side of the Court, that looking to the arrangements suggested by Sir Barnes Peacock for the Calcutta Court where the business is so much heavier than it now is, or is ever likely to be, at Madras, it seems to him to be deserving of serious consideration whether the duties which you propose to assign to the six Officers named in the margin* should not be lightened by the appointment of a Chief Clerk of the Insolvent Court, who has been omitted from the statements

Registrar
Asst. do.
Clerk of the Crown
Deputy do.
Commissioner & Taxing Officer
Judges' Clerk

statements appended to your
and Lord. If Crown Prosecutor
letter, might not be well
performed by four Officers
at an aggregate charge of
Rs 3,500 per mensem, or
Rs 42,000 per annum; the
office establishment in each
case being paid by Govt.
Under Sir Barnes Peacock's
scheme there will be three
chief officers on the original
side of the Calcutta High
Court.

(1) the Registrar performing
the duties at present performed
by the Registrar, Deputy Regis-
trar, Chief Clerk of the Insol-
vent Court and Keeper of the
Records, on a salary of
Rs 1500 per mensem.

(2) an Officer who is to be
Prothonotary, Clerk of the
Crown, Taxing Officer and
Accountant General, on a
salary of Rs 2000 per mensem.

(3) a Chief Clerk to aid the
Judge in doing the work
hitherto devolving on the
Master, on a salary of
Rs 1000 per mensem.

The aggregate cost of
these

these Offices will be Rs 4,500
per mensem, or Rs 54,000 per
annum; and it appears to
His Excellency in Council
that for the work to be done
by the corresponding Officers
at Madras, including the
new office of Crown Prosecutor,
an aggregate annual pay-
ment of Rs 42,000 ought to
be amply sufficient.

20. Sir B. Peacock pro-
poses to extend Act V of 1840
to the High Court at Calcutta,
in which case the swearing
Brahmins and Moollahs
in Court and in the Judges'
Chambers may be dispensed
with. He justly observes
that there can be no good
reason for swearing a
Hindoo or Mohammedan
in one way in Calcutta and
in another in the Mofussil.
The Governor in Council
presumes that these Officers,
if employed in the Madras
High Court, may similarly
be dispensed with.

On

21. On the Appellate side of the Court the Governor in Council would be disposed to retain the Office of Deputy Registrar on a permanent establishment of Rs 8,400 per annum. The duties are such as may be efficiently performed by an Officer of the Uncovenanted Service, and a salary of Rs 700 per mensem will at all times be sufficient to command the services of an intelligent Officer of this class. The Govt do not perceive why the Cazee-ool-Coozat and both the Pundits should not be dispensed with; but on this point they would suggest that the Judges of the late Sudder Court should be consulted, and their attention requested to the remarks on this subject made by Sir B. Peacock in the 6th & 7th paragraphs of his letter to the Supreme

Govt.

2

Govt. of the 31st Decr 1862.

His Excellency in Council would also suggest that the proposed appointment of three Interpreters and the additional salaries to be assigned to the Translators should be reconsidered in communication with the Puisne Judges, and with special reference to the probability of the two branches of the Court being located in a single building at an early date.

22. I am directed, in conclusion, in requesting your further consideration of the Ministerial Establishments of the High Court at Madras with reference to the preceding remarks, to enclose for your perusal Copies of the letters

Letters from Sir Barnes Peacock to the Supreme Govt. regarding the Establishment proposed by him for the Calcutta Court.—

24 Feby 1863.

Chancellor

By M.

Judl. Dept. 1863 Dept.

No. 287.

Judl. Letter Engd. 27th. Febr.
No. 7 of 1863.

Recd. 24th. Febr.

Pro. of Govt.

Replied 30th. April No. 10
of 1863

24th. February 1863

Feb. 1002

13-8-14 ✓
8-1-14 ✓
14-2-90 ✓
21-2-92
14/6/04
10-9-13
14-5-14

Certain observations
communicated to the Chief
Justice in view to the
Establishment of Ministe-
rial Officers & Clerks
whom he proposed to
appoint as the Official
staff of the Court and
the Salaries to be assign
=ed in each Case re-
-serving his further
Consideration —

No. 1826/88.

1826/88