M.R.O. 1—20,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1112 — Press — Mis.—

246-248

Dated 22-7— ~~10~~ 1864

9/10

Not to be folded or roughly handled

ead the following pap

No From the H OTLAND Knight Chief Jus
High Court of Judicature at Madras; to
Council, &c., &c., &c., Fort Saint George, dated Madras, 28th June 1864.

I beg to recommend

and R of the Vice Admiralty Co Brooks late Deputy
the establishment of the High Court. T nts I took into con
when fixing what appeare ble salary to be allowed to the A
Registrar; but the Governm ny proposal, and
quence a much less salary ter the circumstances
Mr. Brooks has, I thi compensation.

To

THE HONORABLE L,
&c., &c., &c.,
Fort Saint Geo

The humble Memorial of BENJAMIN BROOKS,
Attorney and Solicitor and Deputy Registrar and Prothonotary of Her Majesty's late Supreme Court of Judicature at Madras a
Registrar of the High Court in its Original Jurisdiction there.

HUMBLY SHEWETH,

That in April 1850, your Memorialist was appointed Chamber Clerk to Sir C. Rawlinson, the then Chief Justice of the late Supreme Court of Madras, having been for three years previous to such appointment the Chamber Clerk to the Recorder of the Supreme Court of J Prince Wales' Island, Singapore and Malacca, f mentioned appointm Memorialist was transfe e-mentioned appointment in the late Supreme Court at Madras.

2. That your Memorialist discharge duties of his said office of Chambe to the s at Madras down to the month of February hen the said Sir C. Rawlinson retired from the Bench of the late Supreme Court of M

That in May 1859, upon the resignation and retirement of en Chamber to Sir A. Bittleston, your Memorialist was, witho licitatio part, appointed to the office of Chamber Clerk t e Puisne Judge of the late Supreme Court, and continued to discharge the I d last mentioned office down to the time of its abolition on the 12th Jun n the amalgamation of the late Sup Su rts at Madras.

was appointed Registrar of the Vice
ne down to the 1st of June last, wh
the Registrar of
Memoria ke his share of.

5. The em derived by your Memorialist as such Registrar in the Vice A Court on the occasions of there being business for that Court's disposal averaged mo seven years Rupees 31-4-3.

6. That in th r 1858 without any solici his part, your Memorialist was appointed Deputy Registr ras by the then Judges thereof, and Registrar and Prothonotary down to thereof, consequent upon the said amalgamation of the said late Supreme and Sudder Courts at Madras.

of the High C Madras, a
ers of the Supreme Court was made by the Chief Justice of the said Hi
he office of Chamber Clerk to the Puisne Jud Supreme Court, w
Memorialist had held for the period hereinbefore m d upon
dation of the present Chief Justice of the High Co

8. Your Memorialist would, however, here beg to remind you
the recommendation of the Chief Justice for the abolition
was one part only of the whole s
d to your Excellency in Counc
r Excellency in Council in its entirety.
at upon the said revision of the
Registrar and Prothonotary, as well as the Admiral
had been held by your Memorialist for nine years were also abolished upon the
f Justice, and thereupon your Memorialist was appointe
High Court in the s Original Jurisdiction.

10. That your s income as Chamber Clerk to the Supreme Court, consisted of
m Government and fees of Court, averaging for the la
Rupees 360 per month.

11. T ffice of Deputy ar and Prothonotary of th upreme Court,
your Memo d a salary of Rupees 300 per month from the Registrar of the Court,
as an unsalaried officer.

2. That under the circumstances a d and for the reasons
in this letter, to which your Memorialist b to refer, the Chief Justice recommended a
salary of Rupees 590, Annas 5, for the office of Assistant Registrar, to which your Mem
was appoin ime suggested that the
trar, with such a clude any
n for the loss of l ber Clerk and Re
Court.

Your Excellency in Council approved of the of the
did not concur in the Chief Justice's recommendation fi salary a as 5;
but deemed Rupees 300 a sufficient salary, that being the s
from a r the discharge of duties triflin se now cast upon
him a rar since the amalgamation of so n
registrar on the Original Side of the C
ence being had to the amount of la
the salary of the Assistant Registrar on the Original Side shoul
ar on the Appellate Si

13. In another respect, your Memo
submitted by the Chief Justice, that justic
xcellency in Council. Your Memoria
fact that the salary sanctioned for the appointment of Chamber C
tituted is Rupees 550 per month. That the and labor inc
er Clerk are not comparable with those
the office is held by a ge
judicial service of Govern
your M

nsiderat

Registrar's ca
pensation for the loss of e by deprivation of the several
for many years a

18. Your M fully submits that th
proposed by the e duties of Assistant
proposal was mad stice, have been greatly increa
ief Clerk of the Insolvent Cou

abo pointment of Chamber Clerk, and the am
of the Vice Admiralty Court without any
n for the loss of vested rights in those offices.

20. Your Memorialist respectfully submits that to leave him withou
kind for the loss whic sustained would be at variance
of State for India, as in his letter of the 9th July 1

21. That at the t en the amount of salaries to the on
sideration, your Memorialist had no opportunity, owing to his be
making known to the Governm eculiar and special circumsta
I now humb at his in may rec
ency in Counc and that the principle w
by the Secretary of State for India, in complying with the prayer of the Re
be applied to the circumsta our Memorialist's case.

22. Your M efore humbly prays that
Side of the High ry from June last, may be
which case your Memorialist woul

may be granted to him, or that your Memorialist ma
equal emolument t ich he was receiving from
the justice of your Memorialist's case
s in duty bound, your Me

MADR (Signed) B. BROOKS

THE HONORABLE T. PYCROFT, Esq
the salary of the Assistant Registrar of the High C
ar with the other arrangements connec
the amalg of the me and Sudder Court
be re-opened.

2. The registrar on the Original Side of the H in Calcutta.
business is so much heavier than it is at Madras, has n ver
from the the Resolu Gover
nuary 1863, Home Dep (Judici
on Rupees 300 per mensem.

Brooks' rar must be much the
were as , and t likely to decrease rather th
with the ial business of the High Court.
Regist advantages, that he is not th
officer, with a tenable onl g the p
servan ovable misconduct with the
Uncovenanted Service as regards Leave Rules and Pension.

4. ... warding Mr. Brooks' applic...
states that the salary, R...
Registrarship had re... ...sponsi...
... places held by Mr. B...

averaging ... rupees 51-4-5 p...

... Mr. Brooks held the app... ...
from April 1850 to February 1... ...mediately after Si...
appointed by Sir A. Bittlesto... this Clerks... the office
of Clerk to th... Judge was ... ent amalgamation of the Courts.

7. The Clerkship to the Chie... ...he Puis...
office, tenable only during the p...
on his death or retiremen...

Mr. Brooks has attached to his Memorial a note from Sir ... doubt intended for Mr. Brooks to make use of, in which he says that he ... have consented to the abo... his Clerkship if he had suppose... ments which followed Mr. Brooks would ... subjected to a...

9. Whether on the ... High Court establish... continuance of his Clerkship- ...y could not be said to be a nec... office—would have been allowed to be ... ..., I will not consider. I observe tha... ... October 1862, Sir Barnes Peacock suggested that Sir M. W... ...ld be p... ted to retain his Clerk so long as Sir M. himself should continue in office. Th... p... acceded ... that Sir M. retiring from

10. Mr. Brooks is, I believe, ... deserving and respectable man. I ... he should be ... a sufferer by the changes consequent on the am... the Supreme and Sudder Courts; I do not however, see, that we can submit his case to the Home Government for such favorable conside... may be pleased to show i...

(Signed) T...

... to the Honorable Sir C. H. Sc... ...
High Court of Judicature, Madras, dated Fort Saint G...
18...

I...

M... Mr. Benjamin Broo...
... orm you th... Memorial in

Exd. T. O'Connor.

The ...

Regist... ...

...

2. ...

... Resolution

India 23 Jan...

Home Dept / Judicial ...

Assistant ...

Mr Brooks duties as ... Registration ... and the same ... by some ... as Deputy Registrar ... they are likely to ... 2a Store St ... with the ... -pied business ... High Com... his position as Assistant Registrar ... have known the advan... -tages that he ... and of an indivi... -dual Office ... appointment ... only during the pleasure of the 2a Sth, but ... -ward of pro... -Sth only for mis con... -duct with the benefits of the Superannuated Service as regards leave Rules and Regu... -

Indeed with ... forwarding Mr Brooks ... Chief ... Just ... salary R 1050 p

... who ... proposed for the Deputy Registrarship had regard not only ... the duties and responsi... -bilities of that Office, but ... the emoluments of other ... places held by the Brooks ... but above the additional ... 5 As respects Mr Brooks ... claim to compensation ... for the loss ... appoint ... Registrar ... nominally ... but a petty Office ... fees a year ... 31.4.3 per annum ... I do not think ... appointment of Clerk ... to Nicosia ... Civil from April 1 1850 ... to Feb 1859, and immediately after ... portion was appointed by Mr A Bickerton ... Clerk - He held this ... Clerkship until the ... Sth

Judge was ordered
to pay over analogous
-tion of the Court-
7 The Clerk of the
Crown & Peace to the Judge
was a personal
-ty to the only during
the pleasure of the Judge,
and necessarily ceased
-d on his death
or retirement from
the Bench-
8 Mr Brooks had
-tained an annuity
of £100 from
A Bickerton, no doubt
with a view to Mr B's
tenure of
In case of
he says that he would
not have co
the
Clerkship of the
to expend the
encouragement would
afford. Mr B would
have been subjected
to any pecuniary
loss-

with a view to the general
[illegible] dispose of the Co.
-tinuance of the Clerk-
-ship - which certainly
could not be deemed
a necessary office - would
have been shown to be
altogether dependent
upon the Pleasure of the
Judge, I did not
consider - I observed that
in his letter the first of
India 27 Oct 1862 Sir
Barnes Peacock suggested that Sir R Wolly
should be permitted
to retain his Clerk so
long as Sir R himself
should continue in
Office - This was probably
accorded to - It may be
that it was known that
Sir R Wolly contemplated retiring from the
Bench in a short time -
I do Mr Brooks is I believe
in any pecuniary
or respect

I regret that he should
be so determined by the Chairman com-
-mittee on the amidge
-ment of the Senate
and Sub Committee. I do
not know see that
we can do more than
recommend. The
Room for protect
further committee
-tion as they may
please to show.

Yours

July 2/03.

Judl. Dept. 25th July

Rept. — No. 26 of 1864

2115.

Judicial Dept.

No 1112

dispo 23/7

To

The Hon'ble the Chief Justice of the
High Court of Judicature.
Madras

Hon'ble Sir,

In acknowledging the receipt of your letter of the 20th ultimo, forwarding a memorial from Mr Benjamin Brooks, I am directed by the Governor in Council to inform you that the memorial in question will be forwarded to the Secretary of State for his orders.

I have &c.

Fort St George
22d July 1864

Sd/ 22nd July/64.
Del 23rd July/64.

No.

Circumstances that

2.5 Feb

Pub. Ltr. to Engr. 25th
July 2d. 13 of 1864
Resp. to — ltr. 26 of 1862

Judicial

Dated 1864

248 & 249