

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 484	Press
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Dated 7-4-	19-1864

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Not to be folded or roughly handled

No. 484.

To

THE HONORABLE SIR C. H. SCOTLAND, KNIGHT,
Chief Justice of the High Court of Judicature, Madras.

HONORABLE SIR,

I am directed by His Excellency the Governor in Council to transmit to you the annexed copy of a Despatch from the Right Honorable the Secretary of State, under date the 29th February last, passing orders on a Memorial addressed to him by Mr. A. M. Ritchie, Registrar of the High Court on the Original Side, regarding the amount of his salary, and fixing it at Rupees 2000 per mensem.

2. A copy of the Despatch has been furnished to Mr. Ritchie.

FORT SAINT GEORGE,
 7th April 1864.

I have the honor to be,
 Honorable Sir,
 Your most obedient Servant,

Chief Secretary.

Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 29th February 1864, No. 9.

Your Despatch dated 23rd December (No. 38) 1863, transmitting a Memorial from Mr. A. M. Ritchie, Registrar of the High Court on the Original Side, on the subject of the amount of salary assigned to the office to which he stands appointed, has been considered by me in Council.

2. Before entering upon the consideration of what may be just and fair towards Mr. Ritchie, under the circumstances of his case, I have to observe that the claim to compensation, which he sets forth in his letter of the 6th July 1861, apparently on the ground of legal right, is inadmissible. The reduction of allowances, under any circumstances whatever, has not hitherto been recognized by the Governments in India as constituting a legal claim to compensation, and cannot be recognized in the case of Mr. Ritchie.

3. It appears that for five years previously to his appointment to the offices of Registrar and Prothonotary of the late Supreme Court, Mr. Ritchie's professional income averaged a little above Rupees 2000 a month, and that the net emoluments of the Registrar and Prothonotary for the five years, from 1857 to 1861 inclusive, were on an average of Rupees 2350 a month. It further appears that Mr. Ritchie was appointed Registrar and Prothonotary of the Supreme Court on the 30th May 1861, and that he held that appointment for about a year before the establishment of the High Court.

4. Immediately on being made aware of the appointment, you informed Mr. Ritchie that he would not be considered as having any title to compensation in consequence of any measures which might be taken in reference to his office, on the anticipated amalgamation of the Supreme and Sudder Courts. Mr. Ritchie, however, had, in virtue of his appointment by the Judges of the Supreme Court, taken possession of his office before any communication from you could reach him.

5. It appears to me that the terms in which you addressed Mr. Ritchie are open to objection. It would have been quite enough to have informed him that he must be considered as having accepted his office subject to any arrangements as to duties and allowances that might be made on the anticipated amalgamation taking place. Your use of the expression "title to compensation" has furnished Mr. Ritchie with a pretext for addressing you in the terms employed by him in his letter of the 6th July 1861.

6. Under all the circumstances of the case, I am prepared to allow Mr. Ritchie a salary, as Registrar of the High Court, of 2000 Rupees a month. Considering that only one month had elapsed from the date of his giving up his professional business as Barrister, when he received your communication of the 27th June 1861, and that the Chief Justice, in his letter of the 21st March 1863 (No. 619), recommended, for the office of Registrar, an annual salary of Rupees 24,684, the salary above specified is the maximum allowance which Mr. Ritchie can be permitted to draw.

7. Mr. Ritchie's successor will receive the fixed salary of the office, viz., Rupees 1500 per mensem.

8. In conclusion, I have to express my regret that the Chief Justice of the Supreme Court did not state to Mr. Ritchie, in his letter of May 30th, 1861, in which reference to the anticipated amalgamation of the Supreme and Sudder Courts is made, that he (Mr. Ritchie) must accept the office subject to any arrangements that might be made as to the emoluments, as well as to the duties and practice of the Registrar's office.

Exd. J. Tulloch.

Judicial Department.

No 484-

To

The Honorable Sir J. A. Scotland Kt.
Chief Justice of the High Court
of Judicature - Madras

Honorable Sir,

I am directed by His Excellency the Governor in Council to transmit to you the annexed copy of a Despatch from the Right Honorable the Secretary of State under date the 29th February last, passing orders on a Memorial addressed to him by Mr. A. M. Ritchie, Registrar of the High Court on the original side, regarding the amount of his salary, and fixing it at Rs 2000 per mensem.

2. I am to request that you will be good enough to communicate the purport of this Despatch to Mr. Ritchie.

For J. A. George
7th April 1864

By the Registrar
A. M. Ritchie

J. A. George

By A.

Despatch
of 29th Feb 1864

Exchequer 18th Sept 1864

No 404

To the Hon^{ble}
The Chief Justice of the
High Court of Judicature
Madras

Dated 7 April 1864
J. H. 1046

Transmitting copy of a
Report to the Hon^{ble} J. H.
the Secretary of State passing
orders and in memorial from
the Registrar of the High
Court on the original side
regarding the demand of
his salary and fixing it
at Rs 200 per annum

Enclosed

05-02