Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1595-96

Dated 30 July 1895

INDEXED.

[Despatch Abstract.]

RE-ORGANIZATION OF THE ESTABLISHMENT OF THE HIGH COURT.

Forwarding to the Government of India, with remarks, Memorial from the Madras Chamber of Commerce regarding the--- and explaining that the Chamber is not responsible for the delay in submitting the memorial.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Judicial Department

CURRENT NO. 3477

G.O. 817 R: 18.7.95 Pol Labs
G.O. 1481-2: 15.7.95 Mis
and papers.

From, The Chairman,
Chamber of Commerce,
Madras.

No. –

Dated 19th
Recd 20th
Regd 22nd
} July 1895

Encs: 1 & one cl. each

Subject

Forwarding for favour of Submission to the Govt of India, a letter regarding the re-organisation of the Madras High Court

The Chamber of Commerce,
MADRAS, *19th July, 1895.*

FROM

THE HON'BLE MR. G. L. CHAMBERS,
CHAIRMAN, CHAMBER OF COMMERCE,
MADRAS.

SECRETARIAT
19 JUL 1895
GOVERNMENT OF MADRAS

To

THE SECRETARY TO GOVERNMENT OF INDIA,
JUDICIAL DEPARTMENT,
SIMLA.

SIR,

I have the honour to confirm the following telegram which I despatched to you on the 20th ultimo:—

"Chamber respectfully begs Government of India will postpone consideration reference from Government Madras regarding reorganisation establishment Madras High Court pending receipt letter which this Chamber is addressing to Supreme and Madras Governments."

2. In explanation thereof I have to inform you that in the month of March last this Chamber received from the Government of Madras a copy of Government Order, No. 498, Judicial, dated 7th March, 1895. By this Order the Chamber was informed that a scheme for the reorganisation of the establishment of the High Court was then before Government, and that it had been proposed by the Honourable the Chief Justice that the establishment should be modified as follows:—

Present Scale.	Rs.	*Proposed Scale.*	Rs.
Registrar, Appellate Side	1,600	Registrar, High Court, Rs. (1,450-1,800)	1,712½
„ Original Side	1,500	Deputy Registrar, Original Side ...	1,000
First Assistant Registrar, Original Side...	500	Asstt. Regtr., Original Side, Rs.(400-500)	475
Second „ „ „ „ ...	325	Chief Interpreter	250
Chief Interpreter	400	Deputy „	175
Deputy „	250	Persian „	200
Persian „	250		
Total Rs...	4,825	Total Rs...	3,812½

3. The Order stated that the Government was disposed to regard the proposed scale with favour, but would defer taking steps to carry it out until the Chamber, the Attorneys' and the Bar Associations had had an opportunity of intimating their views thereon, which they were requested to do within a fortnight of the receipt of the Order in question.

4. In accordance with this request the Chamber, on the 30th March, 1895, addressed the Chief Secretary to the Government, Fort Saint George, Judicial Department, with its opinion on the proposed scheme (*vide* Appendix A).

5. The Bar and the Attorneys' Associations also intimated, as requested, their views on the matter (*vide* Appendices B and C).

6. In the month of June last the Chamber received a copy of the Order of the Madras Government, No. 1191, Judicial, dated 3rd June, 1895, (*vide* Appendix D) in which the proposals of the Honourable the Chief Justice were approved of and directed to be submitted to the Government of India for its approval and sanction.

7. Before offering any remarks on the merits of the scheme submitted, the Chamber strongly protests against the treatment it has received at the hands of the Madras Government in this matter. Its opinion was invited, considerable time, care and attention were devoted to considering the subject, and the only acknowledgment of the conclusions arrived at by the Chamber is the discourteous intimation contained in one of the papers accompanying G. O., dated 3rd June, 1895, No. 1191, that the Chief Justice had advised the Government of Madras that no weight should be given to the views of the Chamber.

8. The Madras Government is apparently content to accept the mere *ipse dixit* of the Honourable the Chief Justice in opposition to the many weighty arguments adduced by the public generally and by both branches of the legal profession, most of whom have had a much longer experience of the working of the Court than the present Chief Justice, and whose opinion is entitled to considerable weight.

9. Again, it is believed that the Puisne Judges, who usually sit on the Original Side of the High Court, and who are presumably best acquainted with the necessities of that Side, are opposed to the change. This is a matter on which the Chamber cannot speak with authority, but the point is such an important one that a reference might be made, if the information is not already in the hands of the Government of India.

10. In the letter of the Registrar of the Madras High Court, Appellate Side, to the Chief Secretary to the Madras Government, dated 20th October, 1894, No. 3039, which accompanies G. O., dated 3rd June, 1895, (*vide* Appendix D) it is stated that the reduction now contemplated "would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G. O., dated 11th November, 1890, No. 1770, Judicial." This is misleading, as the inference to be drawn is that the High Court and Government were in accord on the scheme. The fact being that on the 3rd September, 1890, before G. O., dated 11th November, 1890, No. 1770, Judicial, had been passed, a majority of the High Court, including the present Chief Justice, most strenuously opposed the alterations suggested.

11. Another statement contained in the same letter, viz., "that there has been no difference of opinion between the High Court and the Government as to the expediency of placing both Sides of the Court under one Registrar" is untrue, as on the 3rd September, 1890, a majority of the High Court expressed itself as "greatly averse to the proposed subordination of the chief officer of the Court on the Original Side and considered it would be a mistake to abolish the office of Registrar on that Side;" whereas the Madras Government in G. O., dated 11th November, 1890, No. 1770, Judicial, stated that H. E. the Governor in Council was not disposed to endorse the objections raised by the High Court.

12. It will be noted that the possibility of a reorganisation of the establishment and consequent savings was suggested by the Government in G. O., dated 26th

September, 1894, No. 2338, Judicial, in view of the decrease of work on the Original Side of the High Court due to the creation of the City Civil Court (*vide* Appendix D).

13. The Chamber, in its letter dated 30th March, 1895, paragraph 3 (*vide* Appendix A) expressed the opinion that the work of the City Civil Court for one year was totally inadequate for the purpose of ascertaining whether the business of the High Court had been materially decreased so as to admit of any reduction of the establishment. This opinion appears to be well founded, for the Chamber is informed that, notwithstanding the creation of the City Civil Court, there have been more suits filed in the High Court for the six months ending June, 1895, (with the exception of the years 1890, 1891 and 1892) fewer suits disposed of, and more suits pending (with the exception of the years 1891 and 1892) than for the same period in any one of the preceding 10 years.

14. In conclusion, the Chamber, being of opinion that the proposed changes will be most prejudicial to the efficiency of the High Court on the Original Side, trusts that the Government of India will withhold its approval until it can be conclusively shown that the scheme is a desirable one.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) G. L. CHAMBERS,

Chairman.

Appendix A.

From G. L. CHAMBERS, Esq., Chairman, Chamber of Commerce, Madras, to the Chief Secretary to the Madras Government, dated 30th March, 1895.

I have now the honour to offer the following remarks on the scheme submitted by the Honourable the Judges for the reorganisation of the establishment of the High Court, referred to in G. O., No. 498, Judicial, of the 7th instant, which is in many respects similar to the one suggested in the Despatch from the Government of India, Department of Finance and Commerce (Salaries and Establishments) Law and Justice to Her Majesty's Secretary of State for India, dated Simla, 15th October, 1889, No. 324.

2. That scheme was strenuously opposed by the Honourable the Judges of the High Court in a letter written by the Officiating Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated Madras, 3rd September, 1890, No. 2115, and abandoned, presumably on account of such opposition.

3. In the G. O. dated 26th September, 1894, No. 2338, reviewing the Report on the Administration of Civil Justice in the Madras Presidency, 1893, Government, in view of the decrease of work on the Original Side of the High Court due to the creation of the City Civil Court, suggested the possibility of a reorganisation of the establishment of the Original Side of the High Court and consequent savings.

4. The present scheme appears to be the outcome of this suggestion, and is apparently designed, not with a view to the more active and efficient discharge of the business of the Court, but with the object of saving money.

5. The Chamber has carefully considered the views of the Honourable the Chief Justice and the Judges of the High Court, as expressed in the letter above referred to on the scheme of 1889, which, as before stated, is in many respects similar to the present one, and was proposed in view of the alleged decrease of work consequent on the contemplated transfer of certain cases then cognisable by the High Court to the Madras Court of Small Causes. In those views the Chamber unanimously concurs.

6. The Chamber refers more especially to paragraphs 15, 37, 38, 42, and 43 of the said letter, which deal with the scheme in question, and which are as follows:—

> 15. The next point to consider is the amount of relief that will be afforded to the High Court by the contemplated transfer of the Jurisdiction. The whole number of Original Suits instituted in the High Court in the last 5 years (1885-89) was 1,647, or an average of 329 per annum. Out of this aggregate number 537 were suits of value not exceeding Rs. 2,500, which would come under the new jurisdiction of the Small Cause Court, and 169 were suits which, from their nature, would have been cognisable by that Court but of which the value is not now ascertainable. Supposing that half of these 169 (say 85) would have been triable by the Small Cause Court, the total number is 622, or an average of 124 annually. This is 38 per cent. of the number of suits filed, but it must not be supposed that there will be a proportionate reduction of the whole work of the Court on the Original Side, or that the reduction, so far as it goes, will represent a clear gain to the Court. The work involved in the remaining cases, which are from their superior value of greater importance, will be proportionately greater, and there necessarily remains a great amount of work unconnected with suits, *e. g.*, applications in the matter of infants, applications for probate, execution proceedings in old suits and suits now pending and the like.
>
> 37. I am now to state the views of the Honourable the Judges on certain changes in the establishment of the High Court which, with the approval of the Secretary of State it is proposed to introduce simultaneously with the creation of the new Jurisdiction.
>
> 38. It is proposed to make the Registrar on the Appellate Side, Registrar of both sides of the Court, and to substitute for the Registrar on the Original Side a Deputy Registrar on the pay of Rs. 1,000.
>
> A majority of the High Court, as at present constituted, is greatly averse to the proposed subordination of the chief officer of the Court on the Original Side and consider it would be a mistake to abolish the office of Registrar on that side of the Court. Objections to the proposal were well stated in a letter written by the late Chief Justice, Sir Colley Scotland, at the time when, on the creation of the High Court, this subject was once before discussed. Referring to the work of the Registrar of the Original Side he writes:—"It has become very considerable and it is in every respect dissimilar from that of the Registrar on the Appellate Side and requires special qualification and training. For the discharge of these duties the Registrar should, in my judgment, continue the chief officer in civil and ecclesiastical matters on the Original Side with independent ministerial responsibility and the Registrar on the Appellate Side the same in matters of appeal. The distinction to be retained in this instance is accompanied by, as I have said, a very material difference in

5. The Bar and the Attorneys' Associations also intimated, as requested, their views on the matter (*vide* Appendices B and C).

6. In the month of June last the Chamber received a copy of the Order of the Madras Government, No. 1191, Judicial, dated 3rd June, 1895, (*vide* Appendix D) in which the proposals of the Honourable the Chief Justice were approved of and directed to be submitted to the Government of India for its approval and sanction.

7. Before offering any remarks on the merits of the scheme submitted, the Chamber strongly protests against the treatment it has received at the hands of the Madras Government in this matter. Its opinion was invited, considerable time, care and attention were devoted to considering the subject, and the only acknowledgment of the conclusions arrived at by the Chamber is the discourteous intimation contained in one of the papers accompanying G. O., dated 3rd June, 1895, No. 1191, that the Chief Justice had advised the Government of Madras that no weight should be given to the views of the Chamber.

8. The Madras Government is apparently content to accept the mere *ipse dixit* of the Honourable the Chief Justice in opposition to the many weighty arguments adduced by the public generally and by both branches of the legal profession, most of whom have had a much longer experience of the working of the Court than the present Chief Justice, and whose opinion is entitled to considerable weight.

9. Again, it is believed that the Puisne Judges, who usually sit on the Original Side of the High Court, and who are presumably best acquainted with the necessities of that Side, are opposed to the change. This is a matter on which the Chamber cannot speak with authority, but the point is such an important one that a reference might be made, if the information is not already in the hands of the Government of India.

10. In the letter of the Registrar of the Madras High Court, Appellate Side, to the Chief Secretary to the Madras Government, dated 20th October, 1894, No. 3039, which accompanies G. O., dated 3rd June, 1895, (*vide* Appendix D) it is stated that the reduction now contemplated "would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G. O., dated 11th November, 1890, No. 1770, Judicial." This is misleading, as the inference to be drawn is that the High Court and Government were in accord on the scheme. The fact being that on the 3rd September, 1890, before G. O., dated 11th November, 1890, No. 1770, Judicial, had been passed, a majority of the High Court, including the present Chief Justice, most strenuously opposed the alterations suggested.

11. Another statement contained in the same letter, viz., "that there has been no difference of opinion between the High Court and the Government as to the expediency of placing both Sides of the Court under one Registrar" is untrue, as on the 3rd September, 1890, a majority of the High Court expressed itself as "greatly averse to the proposed subordination of the chief officer of the Court on the Original Side and considered it would be a mistake to abolish the office of Registrar on that Side;" whereas the Madras Government in G. O., dated 11th November, 1890, No. 1770, Judicial, stated that H. E. the Governor in Council was not disposed to endorse the objections raised by the High Court.

12. It will be noted that the possibility of a reorganisation of the establishment and consequent savings was suggested by the Government in G. O., dated 26th

September, 1894, No. 2338, Judicial, in view of the decrease of work on the Original Side of the High Court due to the creation of the City Civil Court (*vide* Appendix D).

13. The Chamber, in its letter dated 30th March, 1895, paragraph 3 (*vide* Appendix A) expressed the opinion that the work of the City Civil Court for one year was totally inadequate for the purpose of ascertaining whether the business of the High Court had been materially decreased so as to admit of any reduction of the establishment. This opinion appears to be well founded, for the Chamber is informed that, notwithstanding the creation of the City Civil Court, there have been more suits filed in the High Court for the six months ending June, 1895, (with the exception of the years 1890, 1891 and 1892) fewer suits disposed of, and more suits pending (with the exception of the years 1891 and 1892) than for the same period in any one of the preceding 10 years.

14. In conclusion, the Chamber, being of opinion that the proposed changes will be most prejudicial to the efficiency of the High Court on the Original Side, trusts that the Government of India will withhold its approval until it can be conclusively shown that the scheme is a desirable one.

I have the honour to be,

Sir,

Your most obedient Servant,

(Signed) G. L. CHAMBERS,

Chairman.

the duties and qualifications of the two officers, and in my opinion the suggested present change in designation would tend, without any advantage, rather to weaken the strictness with which the Judges regard the responsibility of each chief officer, and to impede the active and efficient discharge of the business of the Court." (Letter dated 21st March, 1863.) There has since that time been no such change of circumstances as to deprive his opinion of any of its force, and Sir C. Scotland's reasons would hold good even if a large percentage of the original suits were withdrawn from the High Court. It must be remembered that, as stated before, the remaining suits, the number of which may become much larger than the present figures indicate, are far the most important, and must give proportionately more work to the Registrar. The business of taxing costs in suits in which Solicitors are engaged would still be very considerable. Assuming that a competent man could be found amongst the Solicitors to accept the post at a salary of Rs. 1,000, it is not clear to the Judges that any advantage would be gained by making him subordinate to the Registrar, whose work would be chiefly on the Appellate Side. Practically the latter, who is usually a Covenanted Civilian, holding his office for a short time only, having no technical knowledge and having his time fully occupied with his own special work, would exercise no control over the chief officer on the Original Side. It is very doubtful whether for a salary of Rs. 1,000 it would be possible to find a Solicitor competent to do the work now required of the Registrar of the Original Side and other quasi-judicial work which may be delegated to him, and the difficulty would certainly be increased by making its holder subordinate to the other Registrar.

42. The Judges of the High Court think it very probable that the work on the Original Side will not be decreased materially by the introduction of the new scheme. It has been found by experience that if intending suitors are aware that their causes can be tried without delay, many suits are brought which under other circumstances would never be proceeded with, and it may well be that although the Original Side may be relieved of a certain number of causes of comparatively small value, yet their place will be supplied by an increase in suits of a larger value and more intricate character.

43. It will probably, therefore, be eventually found impossible to carry on the work of the Original Side, even after the transfer of Jurisdiction, with any smaller establishment than that hitherto entertained, and, this being so, it would be very inadvisable to put into effect the reductions proposed simultaneously with the passing of the Act, as the Secretary of State suggests. In the opinion of the majority of the Judges, the best plan would probably be to defer the introduction of all the changes in establishment except that referred to in paragraph 40, till some experience of the effect of the new Act shows whether they are really feasible, and I am to suggest that the fairest way of dealing with the present Registrar of the Original Side would be to postpone any change in his office till it becomes vacant.

7. The Chamber would be glad to hear whether there has been any change of circumstances since the letter was written to deprive the opinion therein expressed of any of its force or to cause the Honourable the Judges to alter it, and if so, what those circumstances are.

8. The Chamber is of opinion that the working of the City Civil Court for one year is totally inadequate for the purpose of ascertaining whether the business of the High Court, has been thereby materially decreased so as to admit of any reduction of establishment.

9. Leaving out of consideration for a moment the opinion of the Honourable the Judges quoted above, and apart from the question whether there has been sufficient experience of the effect of the City Civil Court on the work on the Original Side of the High Court, the Chamber respectfully submits that it is most inexpedient at the present time to effect on financial grounds any changes tending to weaken the establishment of the Original Side of the High Court, regard being had to the facts admitted in the Government Order on the last Administration Report, namely:—

(*a*) That the High Court is unable to cope successfully with the Civil Suits coming before it.

(*b*) That the High Court on the Original Side is a full year in arrear of its work.

10. With regard to the contemplated reductions of salaries of the Chief Interpreter from Rs. 400 to Rs. 250, the Deputy Interpreter from Rs 250 to Rs. 175 and the Persian Interpreter from Rs. 250 to Rs. 200, the Chamber has had its attention called to the salaries paid to the Interpreters of the High Courts of Calcutta and Bombay. The Chamber presumes that the work done by the Interpreters of the High Court in Madras is not of any less importance than that done by the Interpreters in the other Presidency High Courts: and, this being so, it is at a loss to understand why there should be such a material difference between the salaries paid to these officers in Calcutta and Bombay and those now proposed to be paid to the Interpreters in Madras. It is, in the opinion of the Chamber, most essential that the Interpreters should be men of undoubted probity and integrity, considering the very important work they have to perform, and the Chamber considers it very undesirable that the salaries of these officers should be reduced, as it appears to the Chamber doubtful whether for such diminished salaries as are proposed to be paid thoroughly reliable, trustworthy and efficient men will be found for the post.

11. Finally, the Chamber would respectfully urge upon the consideration of Government whether the time is opportune for carrying out such changes in the internal economy of the High Court, changes which, so far as the Chamber is aware, have not been mooted in Bengal or Bombay, which are opposed by the Bar and Attorneys, and which it is currently reported have not even the unanimous support of the Judges. The controversy regarding recent legislation which culminated in the creation of the City Civil Court has unfortunately left behind a feeling of irritation and disquiet which renders a dispassionate judgment on this important subject most difficult. This state of affairs is much to be regretted; but as long as it exists the Chamber considers that the wisest course would be to introduce no further reforms in the direction of reducing the establishment on the Original Side of the High Court until it can be more clearly shown that such changes are likely to conduce to the more efficient working of the Courts.

Appendix B.

From JOHN ADAM, Esq., Honorary Secretary, Bar Association, Madras, to the Chief Secretary to the Madras Government, dated 25th March, 1895.

I have the honour by direction of the Madras Bar Association, and in accordance with the opportunity granted in G. O., 7th March, 1895, No. 498, Judicial, para. 5, to intimate the views of the Association upon the modification, in numbers and pay, of the establishment of the High Court, proposed in para. 4 of the Order referred to.

2. The Association notes from para. 2 of the said Order that, of the important subjects mentioned in the Association's letter to Government, dated 11th December, 1894, two,—*viz*, the extension of jurisdiction of the City Civil Court, and the introduction into the High Court of the fee system prescribed in Act VII of 1870—have not yet been considered by His Excellency in Council; and it infers from the same paragraph that an opportunity will be afforded of intimating the views of the Association upon these questions to Government before any changes have been finally decided upon. For the purposes, therefore, of the present letter the Association assumes that no such changes as those just referred to are to be introduced.

3. The modifications now suggested are in effect three:—

i. The abolition of the second Assistant Registrar on the Original Side.

i. The subordination of the Registrar on the Original Side to the Registrar on the Appellate Side, and a consequent reduction of the pay of the former official and an enhancement of that of the latter.

iii. The reduction of the pay of the Interpreters and Translators on the Original Side.

4. In G. O., 26th September, 1894, No. 2338, the object of the proposed change is stated to be "to effect savings"; and the Association is willing to admit that, even in view of the fact that the financial profit from the administration of Civil Justice amounted last year to Rs. 14,54,448, a saving of even Rs. 1,050 per mensem is important. But whether the saving be large or small it can be justified only by showing that the amount to be saved is spent unnecessarily, and that its saving will not be detrimental to the speedy and effective administration of justice. The ground upon which these changes are advocated is said in the G. O. just quoted to be the decrease of work on the Original Side of the High Court. The Association is not disposed to admit that the decrease is so important as suggested, or that there is any indication that it will be permanent. There was, indeed, a decrease in the number of suits filed in 1893, the first year after the opening of the City Civil Court; but the inadvisability of effecting changes on the results of one year is shown by the fact that the reaction has already commenced, the suits filed in 1894 being in number 20 per cent. more than those filed in 1893. If this fact proves nothing else, it at least shows the danger of recommending important changes on such slender and uncertain grounds.

5. I am, however, to point out that even if it be conceded that the decrease in the work of the Original Side is permanent and so great as to justify reduction of establishment, this reason applies to only the first of the changes enumerated in para. 3 *supra*, namely the abolition of the second Assistant Registrar. The other two changes can be justified only if it be shown that the importance and difficulty of the work has diminished, that the responsibility of the officers has been lessened,—and therefore that inferior men are competent to fill their posts. No such suggestion has even been made; nor could it be sustained for a moment if advanced.

6. The second of the suggested changes is peculiarly objectionable on this ground. The reduction of salary follows from and is *per se* less objectionable than the subordination of the Registrar on the Original Side to the Registrar on the Appellate Side. The Association agrees with the Hon'ble the Judges of the High Court in their letter of 3rd September, 1890, No 2115, that it would be difficult, if not impossible, to find a man competent to do the work who would accept the post on the conditions suggested. But even if a competent Registrar could be obtained for the salary proposed, the Association disapproves of his being subordinated to the Registrar on the Appellate Side. The latter office is invariably held by a Covenanted Civilian whose legal experience, before his appointment, has been confined to Criminal and Revenue Law. His experience in these matters may be of material assistance to the Judges in Appellate Side work, but it affords no qualification for supervising the Original Side work. In the class of work which comes before the Original Side, the Appellate Side Registrar has seldom up to the time of his appointment any experience whatever. He therefore does not enter office with a knowledge and training that would fit him for supervising the Original Side work. Nor is he likely to acquire such a knowledge and training while in office, for his time is taken up with his work on the Appellate Side and he holds his appointment for two or three years only. It seems to the Association a grave error to confer on the Appellate Side Registrar the power of interfering in work in which he has rarely any experience, and that he has little or no opportunity of learning. A further reason against diminishing either the pay or the importance of the Registrarship of the Original Side is to be found in the fact that the duties attached to it may possibly be increased. It has often been suggested that there should be delegated to the Registrar powers to discharge such duties as the taking of accounts and disposing of references,—work which, although important in itself as requiring for its disposal both skill and experience, scarcely requires the attention of a Judge. Such delegation of powers to a ministeral officer has taken place in other Courts, and it is understood that the experiment has there proved successful; and as the purely judicial work of the High Court of Madras

increases, it seems to be very desirable that a well-trained and competent officer should be available on the ministerial establishment of the Court, who might, if necessary, be entrusted with such work as that just referred to.

7. The third proposal—to reduce the pay of the Interpreters—is equally indefensible The Association observes that this is not a question of reducing the pay of a subordinate establishment, with little or no responsibility devolving on its members, and under abundant supervision. Each person affected holds a responsible position; it is notorious that they are now overworked; and their duties will be in no degree diminished. It is, indeed, impossible to exaggerate the importance of the work of these officials, the temptations to which they are subject, and the opportunities for yielding thereto. Their pay, therefore, should be such as to secure men not only of ability but of high character. This is abundantly recognised in other High Courts. In Calcutta, the chief Interpreter and Translator on the Original Side draws Rs. 600, the second and third draw each Rs. 400. In Bombay, the chief Interpreter draws Rs. 650, the second Rs. 450, the third Rs. 350. It should be observed that the work of interpreting is of a more difficult character than mere translation and requires much higher qualifications. This is specially to be noted in criminal work, and is recognised by the Judges presiding at Sessions, whose practice is to insist on the work being done by the chief Interpreter.

8. It does not appear from the G. O. under consideration when the proposed scheme is intended to come into operation. If it is proposed to affect the tenure of office of present incumbents, I am to point out that the feeling of insecurity thereby created will tend to make the suggested scale of salaries still less attractive to competent men.

9. I am therefore to submit in conclusion that in the opinion of the Association the only reason adduced by Government for the proposed changes is inadequate, and that the changes themselves are inadvisable and in no way calculated to promote the speedy and efficient administration of justice in the High Court.

Appendix C.

From J. SHORT, Esq., Honorary Secretary, Attorneys' Association, Madras, to the Chief Secretary to the Madras Government, dated 26th March, 1895.

1. I have the honour to acknowledge receipt of G. O., 7th March, 1895, No. 498, and to forward herewith copies of the Resolutions passed by the Madras Attorneys' Association with reference to the proposed scheme for the reorganisation of the establishment of the Original Side of the High Court.

2. In doing so I am directed by the Association to offer the following remarks for the consideration of Government.

3. It is noted that the scheme, so far as the Registrars of the Court are concerned, is the same as that suggested in the Despatch dated 15th October, 1889, No. 324, from the Government of India (Department of Finance and Commerce—Salaries and Establishments—Law and Justice) to Her Majesty's Secretary of State for India. The Association is unaware of any change of circumstances, since Government were addressed on the subject by the Registrar of the Appellate Side of the High Court in his letter to the Chief Secretary to Government, dated 3rd September, 1890, No. 2115, which may have caused the Honourable the Chief Justice to now make the present proposal as regards the Registrars.

4. In the absence of any information as to the reasons of the Honourable the Chief Justice, it is impossible for the Association to deal with the subject as exhaustively and satisfactorily as it would wish to do, and the Association would therefore respectfully ask Government that if the reasons assigned by the Association in this letter are not considered a sufficient answer to the scheme proposed, Government will be pleased to lay before the Association the special reasons, if any, advanced by the Honourable the Chief Justice for the re-consideration of the scheme.

5. Pending receipt of such information the Association entirely agree with the views of the majority of the High Court, as then constituted, on this question which are set forth in para. 38 of the letter above referred to and are as follows:—

"A majority of the High Court as at present constituted is greatly averse to the proposed subordination of the chief officer of the Court on the Original Side and consider it would be a mistake to abolish the office of Registrar on that Side of the Court."

The reasons given for such opinion were:—

The dissimilarity of the work of the Registrars on the two Sides; (an objection which was raised by the Chief Justice of the High Court at the time of the creation of the Court in 1863, and which the Judges in 1889 were of opinion would hold good even if a large percentage of the original suits were withdrawn from the High Court).

The fact that the work of the Registrar of the Court would be chiefly on the Appellate Side, and that he, being usually a Covenanted Civilian holding his office for a short time only, having no technical knowledge and having his time fully occupied with his own special work, would exercise no control over the chief officer on the Original Side.

The uncertainty as to whether for a salary of Rs. 1,000 it would be possible to find a Solicitor competent to do the work now required of the Registrar of the Original Side and other quasi-judicial work which might be delegated to him, a difficulty which would certainly be increased by making its holder subordinate to the other Registrar.

6. The Association fully support such reasons and in this connection the Association would also draw the attention of Government to the opinion of Sir Colley Scotland above referred to. Referring to the work of the Registrar on the Original Side Sir Colley Scotland wrote:—

"It has become very considerable and it is in every respect dissimilar from that of the Registrar on the Appellate Side and requires special qualification and training. For the discharge of these duties the Registrar should in my Judgment, continue the chief officer in Civil and Ecclesiastical matters on the Original Side with independent ministerial responsibility, and the Registrar on the Appellate Side the same in matters of Appeal. The distinction to be retained in this instance is accompanied by, as I have said, a very material difference in the duties and qualifications of the two officers, and in my opinion the suggested present change in designation would tend, without any advantage, rather to weaken the strictness with which the Judges regard the responsibility of each chief officer and to impede the active and efficient discharge of the business of the Court. (Letter dated 21st March, 1863)."

7. I am directed to point out that the work on the Original Side has in no way decreased in importance, and also to state that, in the opinion of the Association, such work would be very materially increased were it not for the delay in the disposal of suits on the Original Side. In connection with this question I would draw attention to para. 42 of the letter already referred to in which it is stated:—

"It has been found by experience that if intending suitors are aware that their causes can be tried without delay many suits are brought which, under other circumstances, would never be proceeded with, and it may well be that although the Original Side may be relieved of a certain number of causes of comparatively small value, yet their place will be supplied by an increase in suits of a larger value and more intricate character."

8. The delay in the disposal of suits on both sides of the High Court and in the City Civil Court causes great dissatisfaction to the public of Madras, and as regards the Original Side of the High Court, suitors have repeatedly, to the knowledge of many members of the Association, preferred to settle their claims out of Court, even with a substantial loss to themselves, rather than file a suit which under existing circumstances would not be disposed of for at least 12 months.

9. I am also directed to state that, in the opinion of the Association, the present work on the Appellate Side demands the entire attention of the Registrar of that Side, and does not rightly permit of his devoting any portion of his time to learning, or supervising, any of the work on the Original Side.

10. It is the experience of the members of the Association, and the Association believe they are correct in saying that it is also the experience of the other branches of the Profession, that the ministerial work of the Appellate Side is more than the present staff can adequately cope with. The Association do not consider it necessary to go into any details in proof of this assertion, but they are prepared to furnish such information if required. The Association are emphatically of opinion that no Registrar on the Appellate Side can undertake to efficiently discharge the work of the Registrar on the Original Side of the Court, and that any attempt to do so will certainly cause less efficient discharge of work and less efficient control of the respective offices.

11. The second question in connection with the proposed scheme is the abolition of the office of one of the Assistant Registrars on the Original Side, and against any such abolition the Association most earnestly protest. The general distribution of the work in the office of the Registrar of the Original Side has already been referred to in para. 11 of the Memorial of the Association dated 5th November, 1894, and I have only to further remark that, besides the work therein stated as performed by the Registrar, he has also to carry out the heavy quasi-judicial work delegated to him by the Honourable the Judges, and that the 2nd Assistant Registrar (referred to in the Memorial as the Deputy Assistant Registrar) has to perform all the duties formerly entrusted to the Judge's clerk in addition to his legitimate duties.

12. At present the taxing of bills of costs is done by the Registrar of the Appellate Side assisted by the 2nd Assistant Registrar of the Original Side, a procedure which hardly seems desirable, involving as it does the attention of two officers of the Court at an unnecessary expenditure of time.

13. Whatever may be the future course adopted as regards the taxation of bills of costs, the Association are of opinion that the work on the Original Side cannot be conducted with due efficiency by two officers only, and the Association respectfully submit that their branch of the professsion is specially qualified to give a practical opinion on this question.

14. In this connection I have to point out that so far as the Association are aware it formed no part of the scheme brought forward in 1889 to reduce the number of officers on the Original Side of the High Court, and I would refer to the following views of the Honourable the Judges laid down in the letter to Government which has already been referred to:—

"*Para. 39.*—The High Court is unable to concur in the proposal to assign to the Deputy Registrar to be appointed to the Original Side the duties which are now performed by the Clerk of the Crown. The desirability of continuing this office was fully discussed in 1887 in connection with a proposal of the Finance Committee to combine it with that of Crown Prosecutor, and on full consideration the Honourable the Judges. in their Registrar's letter, No. 512, dated 3rd March, 1887, after describing its duties and responsibilities, stated that they were opposed to the abolition of the Clerk of the Crown as a separate office. The High Court adheres firmly to the same opinion on the subject. Even if it were determined to amalgamate the office with another, that of the Deputy Registrar, Original Side, is one very ill-suited for the purpose. The Clerk of the Crown has to be in constant attendance in Court during each of the four annual Criminal Sessions, which occupy on an average six days each, and it would seriously impede the despatch of the business of the Civil branch of the Original Side and materially prejudice the interests of the suitors if the Deputy Registrar were withdrawn for such lengthened periods from his legitimate duties."

Such views are those also of the Association as to the office of the Clerk of the Crown, and the Association are of opinion that the amalgamation of any of the offices in the High Court would have the same effect on the interests of suitors as that above referred to.

15. As to para. 43 of the same letter, which runs as follows:—

"It will probably therefore be eventually found impossible to carry on the work of the Original Side even after the transfer of jurisdiction, with any smaller establishment than that hitherto entertained, and this being so, it would be very inadvisable to put into effect the reductions proposed simultaneously with the passing of the Act, as the Secretary of State suggests. In the opinion of the majority of the Judges, the best plan would probably be to defer the introduction of all the changes in establishment except that referred to in paragraph 40, till some experience of the effect of the new Act shows whether they are really feasible, and I am to suggest that the fairest way of dealing with the present Registrar of the Original Side would be to postpone any change in his office till it becomes vacant."

I am directed to submit that the result of the working of the City Civil Court, which was introduced in lieu of the proposed extension of the jurisdiction of the Small Cause Court, has by no means resulted in the relief of the High Court on the Original Side which was anticipated, and that, under these circumstances, the opinions of the Honourable the Judges against the introduction of the changes originally suggested in 1889 has all the more weight as regards the further reductions now in contemplation.

16. The last question in this proposed scheme to be considered is the reduction of the salaries of Interpreters, to which the Association is also strongly opposed. Many Members of the Association are thoroughly conversant with the languages of the country and have had frequent experience of the gross injustice that results from insufficient or inaccurate interpretation of evidence.

17. In view of the importance of the duties, the absolute reliance that has to be placed on the integrity of the Interpreters and the amount of work attached to the office, the necessity of adequate remuneration seems beyond question. That this view is generally adopted may be assumed from the salaries paid to the Interpreters of the High Courts of Calcutta and Bombay, which the Association understand are as follows:—

Calcutta.		Rs.
Interpreters and Translators	... ...	600
Do.	do.	400
Do.	do.	400
Do.	do.	250
Do.	do.	200
Do.	do.	150
Examiner ...	... ...	95
Besides assistants whose salaries amount to.		180
	Rs...	2,275

Bombay.		Rs.
Chief Translators and Interpreters	...	650
Assistant Do.	do. ...	450
Do.	do. ...	350
Do.	do. ...	160
Do.	do. ..	150
Do.	do. ...	140
Do.	do. ...	110
Do.	do. ...	110
Do.	do. ...	235
Do.	do. ...	200
Do.	do. ...	170
Junior translators whose salaries amount to.		350
	Rs...	3,075

18. The Association are of opinion that so far from the salaries of the Interpreters being reduced they should, on the contrary, be increased and the staff (which at present consists of three Interpreters, one assistant and four clerks, on salaries aggregating to Rs. 1,000) strengthened. It is of frequent occurrence that cases, which are otherwise ripe for hearing, have to be adjourned for the sole reason that translations of documents are not ready.

19. In conclusion, I am directed by the Association to strongly deprecate any of the proposed changes which, though they may result in the saving of a few hundreds of rupees a month, cannot but have a detrimental effect on the public interests, and to point out that no reason has been submitted to the public why the administration of justice in the Madras Presidency should be conducted on any different footing to that in force in the other Presidencies.

Appendix D.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G. O., dated 26th September, 1894, No. 2338, Judicial.

* * * * *

5. In view of the decrease of work on the Original Side of the High Court which is due to the creation of the City Civil Court, the Government would be glad to be favoured with the opinion of the Honourable the Judges as to the possibility of a reorganisation of the establishment and consequent savings. In the present financial condition of the country the latter is an object of great importance. . . .

READ—also the following papers:—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 20th October, 1894, No. 3039.

In paragraph 5 of G. O., dated 26th September, 1894, No. 2338, Judicial, the Government, commenting upon the diminution in the High Court's original civil work brought about

by the creation of the City Civil Court, suggests for the consideration of the Judges the possibility of a reorganisation of the Original Side ministerial establishment. This is a question to be dealt with (under clause 8 of the Letters Patent) by the Honourable the Chief Justice, and I am accordingly to submit the following observations of his Lordship on the suggestion.

2. The Government is aware that the project of transferring jurisdiction in suits of small value had been under discussion for many years before the City Court was established, and to quote a minute* recorded by Sir Philip (then Mr. Justice) Hutchins in 1885 it has always been contemplated that "this change and the very considerable reduction of the original work would afford an opportunity for carrying out a reform which every successive Chief Justice has desired to introduce, putting both sides of the Court under one Registrar, with a Deputy on each side." The scheme was fully considered by the Judges and worked out in detail in 1885 and in Mr. Davies's letter No. 585, dated 27th February in that year, was alluded to as a branch of the scheme for transferring jurisdiction.

* Copy forwarded to Government with letter No. 3030, dated 12th December, 1889.

3. The proposal then was to abolish the post of Registrar of the Original Side, to place the ministerial establishments of both sides of the Court under a single Registrar, to appoint a Deputy Registrar for the original work on Rs. 1,000 a month and to raise the pay of the Deputy on the Appellate Side from Rs. 700 to Rs. 1,000.

4. The Chief Justice understands that the Madras Government recommended this arrangement to the Government of India in a letter, dated 23rd July, 1885, but no further action was taken until 1887, when the subject was considered by the Finance Committee and came to be dealt with in G. O., dated 4th January, 1887, No. 1, Financial. In answering these Proceedings in Mr. Ross's letter, No. 512, dated 3rd March, 1887, the High Court (paragraph 4) said:—"Assuming a transfer of original jurisdiction in suits up to the value of Rs. 2,500, the Honourable Judges adhere to their proposals made in 1885 which were to place both sides of the Court under a Registrar on a salary rising from Rs. 1,500 to Rs. 1,800 with a Deputy on each side on salaries of Rs. 1,000 each *per mensem*." The Government of Madras considered that the pay of the Registrar should be Rs. 1,450 rising to Rs. 1,800, and the pay of the Deputy, Appellate Side, Rs. 700 rising to Rs. 1,000, and with these modifications recommended the proposals to the Government of India (letter No. 1027, dated 14th May, 1887). The Government of India accepted the proposals as so modified and forwarded them to the Secretary of State, who approved and sanctioned them in due course in Despatch No. 4, Judicial, dated 9th January, 1890 (G. O., No. 691, Judicial, dated 16th April, 1890).

5. Everything was thus prepared for the revision of the establishment as soon as the transfer of jurisdiction should be accomplished, and the reduction would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G. O., dated 11th November, 1890, No. 1770, Judicial. The Chief Justice, I am to say, took exception to the Government's orders regarding Mr. Stevenson, not only on legal grounds but also on the ground that to relegate that officer to a subordinate position in the Court could hardly fail to be productive of friction in the working of the new arrangement, and might imperil its success. Regarding the Clerkship of the Crown also, his Lordship considered that, under any circumstances, it would be of doubtful legality to deprive Mr. Kernan of the office and to confer it upon another officer of the Court; but in the event of a vacancy in the office, the Chief Justice will bear in mind the views of the Government. Eventually the High Court felt constrained to make a reference to the Secretary of State for India, and it is his Lordship's order on this reference, contained in his Despatch to the Government of India, No. 23, Judicial, dated 2nd June, 1892 (G. O No. 1389, Judicial, dated 1st August, 1892),, which has caused the changes to be held in abeyance.

6. The reasons given by the Secretary of State in the 5th paragraph of his Despatch for postponing the proposed alteration in the office of Registrar on the Original Side appear to the Chief Justice to be based upon a misconception. There has been no difference of opinion between the High Court and the Government as to the expediency of placing both sides of the Court under one Registrar, nor do there appear to be any arrangements consequent upon this part of the plan regarding which any difference of opinion is likely to arise between the Chief Justice and the Government. The change has been for a number of years fully recognised as very desirable and the Chief Justice has not been open to the charge of "causing postponement of changes which would be for the public advantage" by withholding his consent. Since the Secretary of State's Despatch was received, the Chief Justice has not considered it incumbent on him to initiate any further step towards carrying out the reorganisation, but as the Government now suggests that the question should be taken up again, I am to say that his Lordship considers it highly desirable that the proposed changes in the office of Registrar should be introduced forthwith.

From H. W. FOSTER, Esq, Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 6th December, 1894, No. 3566.

I am directed to address the Government further on the subject of my letter No. 3039, dated 20th October, 1894. In that letter the Government was informed that the Chief Justice is prepared to introduce immediately the scheme sanctioned by the Secretary of State for the amalgamation of both branches of the High Court's ministerial establishment under one Registrar and for the substitution of a Deputy Registrar for the Registrar on the Original Side.

2. The administrative advantages which these changes will secure will be considerable and there will besides be a saving of Rs. 375 *per mensem* as shown in the margin, since the increase in the pay of the Deputy Registrar, Appellate Side, is not to take effect till the office of Clerk of the Crown is abolished as a separate office.

Present Cost.	Rs.
Registrar, Appellate Side ...	1,600
„ Original Side ...	1,500
Total...	3,100

Future Cost.	Rs.
Registrar, High Court ...	1,725*
Deputy Registrar, Original Side ..	1,000
Total ..	2,725

*Rs. 1,725 appears to be an error—Rs. $1,450 + \frac{3\ (\text{Rs. } 1,800—1,450)}{4} = \text{Rs. } 1,712\text{-}8\text{-}0$

On these grounds the changes proposed, standing by themselves, are very desirable and the Chief Justice would urge their immediate introduction. But they do not represent the whole reduction which the diminution of work has rendered possible. Two other changes effecting a considerable saving can be made when certain offices are vacated by the existing incumbents, and as the Government may wish to know the full extent of the economies that may eventually arise, I am to submit the following further proposals for sanction, on the understanding that they will be introduced only when the vacancies occur.

3. In the first place, one of the two Assistant Registrars on the Original Side may be dispensed with. The pay of the two present incumbents is Rs. 500 and Rs. 325, respectively. For these two officers the Chief Justice proposes to substitute one Assistant Registrar on a salary of Rs. 400 rising to Rs. 500 by five annual increments of Rs. 20. This arrangement must depend upon Mr. Clarke, the First Assistant Registrar, vacating his office, but I am to point out that he attains the age of 55 years in June, 1895.

4. The second change is in the Interpreter's establiishment. Exclusive of a Guzarati Interpreter on Rs. 40, there are three Interpreters now in employment, namely, a Chief Interpreter (Tamil and Telugu) on Rs. 400, Deputy Interpreter (Tamil and Telugu and Hindustani) on Rs. 250, and Persian Interpreter (Persian and Hindustani) on Rs. 250. No alteration can be made in the number. There must always be two Tamil and Telugu Interpreters as there are frequently two Courts sitting simultaneously and a Persian and Hindustani Interpreter and Translator is indispensable. Really competent Interpreters are rare and it is necessary to give liberal salaries to secure men of the proper stamp. Having regard, however, to the amount of work that falls to these officers now and to the salaries given to Interpreters in other Courts and to Translators on the Appellate Side, the Chief Justice considers that the pay of the three appointments may properly be fixed at Rs. 250, Rs. 200 and Rs. 175, respectively. If the Government sanctions this proposal, the rates of pay will be reduced as vacancies occur, or, if the Government prefers, the pay of the posts may at once be reduced and personal allowances granted to the present incumbents to bring the pay up to the present figure during their tenure of the appointments.

5. I am to mention that the present Chief Interpreter, P. Ramachendra Rao, who is qualified to hold a District Munsiff's appointment, has applied to be made a First-grade District Munsiff, and it may shortly be found possible to provide for him outside the Court in this way, whereupon one of the principal reductions proposed would come into force at once.

6. The aggregate saving these two changes will effect is Rs. 625 *per mensem* or, including the reduction in the salaries of the Registrars, a total of Rs. 1,000 monthly as shown below:—

Present scale.	Rs.
Registrar, Appellate Side	1,600
Do. Original Side	1,500
First Assistant Registrar, Original Side ...	500
Second do. do.	325
Chief Interpreter	400
Deputy do.	250
Persian do.	250
Total ...	4,825

Proposed scale.	Rs.
Registrar, High Court (1,450—1,800) ...	1,725
Deputy Registrar, Original Side	1,000
Assistant Registrar, Original Side (400—500)...	475
Chief Interpreter	250
Deputy do.	175
Persian do.	200
Total ...	3,825

7. The Chief Justice is of opinion that it will be to the advantage of the public service that the principal part of the reorganisation scheme, that is, the amalgamation of the two Sides and the substitution of a Deputy Registrar for the present Registrar, Original Side, should be carried out as soon as possible, and I am to express the hope that no time may be lost in obtaining the required sanction so that these changes may be brought into force not later than 1st April, 1895.

G. O., dated 7th March, 1895, No. 498, Judicial.

ABSTRACT.—Calling for the views of the Chamber of Commerce and the Attorneys' and Bar Associations on a scheme for reorganising the establishment of the Original Side of the High Court.

G. O., dated 10th April, 1895, No. 758, Judicial.

ABSTRACT.—Explaining to the Honourable the Chief Justice the reasons for the course adopted in G.O., dated 7th March, 1895, No. 498, regarding the reorganisation of the High Court establishment; and requesting him to advise Government as to whether any weight should be attached to the representations contained in the memorials received in reply to that Order.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, dated 23rd April, 1895, No. 1197.

ABSTRACT.—Stating in reply to the above Government Order that in the opinion of the Chief Justice no weight should be given to the memorials in question.

ORDER—dated 3rd June, 1895, No. 1191, Judicial.

In the first two of the papers read above the Honourable the Chief Justice recommends the early introduction of a scheme for the reorganisation of the establishment which involves the following modifications:—

Present scale.	Rs.
Registrar, Appellate Side	1,600
Do. Original Side	1,500
First Assistant Registrar, Original Side ...	500
Second do. do.	325
Chief Interpreter	400
Deputy do.	250
Persian do.	250
Total ...	4,825

Proposed scale.	Rs.
Registrar, High Court Rs. (1,450—1,800) ...	1,712½
Deputy Registrar, Original Side	1,000
Assistant Registrar, Original Side Rs. (400—500)	475
Chief Interpreter	250
Deputy do.	175
Persian do.	200
Total ...	3,812½

The financial value of the proposed new appointment of Registrar has been incorrectly entered as Rs. 1,725 instead of Rs. 1,712½ in the letter of the High Court. The actual saving involved by the reorganisation is thus Rs. 1,012½ *per mensem*, or Rs. 12,150 *per annum*.

2. That portion of the scheme which contemplates the amalgamation of the Court's ministerial establishment under one Registrar and the substitution of a Deputy Registrar on Rs. 1,000 *per mensem* for the present Registrar on the Original Side has already been approved by the Right Honourable the Secretary of State in his Despatch, dated 9th January, 1890, No. 4, and the Government sees no reason to alter its views as to the desirability of the change. The Honourable the Chief Justice contends that the sanction accorded by the Secretary of State is still valid, but the Government is disposed to consider that a formal renewal of sanction is necessary with reference to Article 293 of the Civil Account Code. This, however, is a question which may be left to the Government of India to decide.

3. The proposal to reduce the number of Assistant Registrars on the Original Side from two to one emanates from the Honourable the Chief Justice, who is best qualified to judge as to the amount of work falling on these officers, and the reduction therefore meets with the approval of Government.

4. As regards the Interpreters, it has been contended that it will be impossible to secure trustworthy and efficient men on lower pay than the present scale, and in support of this view comparisons have been drawn between the salaries paid to Interpreters in the High Courts of Calcutta and Bombay and those which it is proposed to assign to the same officials in the Madras High Court. It is not shown, however, that the conditions in the three Presidencies are the same, and, looking to the ease with which efficient Translators can be procured in Madras, His Excellency the Governor in Council considers the rate of pay proposed by the Honourable the Chief Justice to be sufficient to secure the services of reliable and competent Interpreters.

5. The proposals will accordingly be submitted to the Government of India with the approval and sanction of Government as required by Section 8 of the Letters Patent. The Honourable the Chief Justice will be requested to forward through the Accountant-General the necessary formal proposition statement.

(True Extract.)

(Signed) J. F. PRICE,

Chief Secretary.

One Ec. 1 Encl: to Judl. Memo 3477 of 95

CURRENT No. 3477

The Madras Chamber of Commerce,

Madras, 19th July 1895.

FROM

The Hon'ble Mr. G. L. Chambers
CHAIRMAN, CHAMBER OF COMMERCE,
MADRAS.

CHIEF SECRETARIAT 20 JUL

To

The Chief Secretary to Government
Judicial Department
Ootacamund

Sir,

I have the honour to confirm the following telegram which I sent you on the 17th instant:—

"With reference to Order Madras Government "15th instant, No 1481, Chamber begs "say no intimation was received "by it of desire Government of India "that Chambers' memorial should "reach Government of India before "the 15th instant. Memorial will "leave Friday".

I should be glad to be informed on what date the desire of the Govern-

-ment of India is said to have been intimated to this Chamber.

I beg to forward herewith, for favour of submission to the Government of India, a letter regarding the reorganisation of the Madras High Court, a duplicate copy of which has been forwarded direct to the Supreme Government.

I have the honour to be,
Sir,
Your most obed^t. Servant,

[signature] Chambers.
Chairman.

[C / 25]
600—8—95.

Jud^l. DEPARTMENT.

C. No. 3477 of 95

FOR ORDERS.

This current is a memorial from the Chamber of Commerce addressed to the Gov^t. of India regarding the reorganization of the Establishment of the High Court – It should be forwarded with "a concise statement of the material facts and an expression of opinion" The Gov^t. of India expressed its desire that the memorial should reach it by the 15^th inst – in a telegram dated 2^nd July, which it was, however, not communicated to the Chamber of Commerce because it was at the time thought that the desire of the Gov^t. of India had in all probability been intimated directly to the Chamber. On receipt of a reminder from the Gov^t. of India the Chamber of Commerce was however informed of the fact; it will be necessary to explain to the

I think the letter to India forwarding the Chamber's Mem^l. may follow the lines of this Note – It should be as brief as possible – I am sorry that I cannot possibly go into the matter in detail at present; but I have I. & A. papers on hand which are more urgent & much more important

[initials]
23/7/95

After the correspondence between India & this Govt. & the C. of C. as to all correspondence between India & the C. of C. having to pass through this Govt. I can not understand how this idea could have been entertained for a minute. Nor can I, I must say

W

[initials]
27/7/95

Govt. of India that the Chamber of Commerce is not responsible for the delay, as the Chairman now states that he received no intimation of the urgency of the matter until the 16th or 17th.

2. The covering letter to India must presumably give a brief account of the way in which the scheme for the reorganisation of the High Court was devised, explaining why a reference was made to the Chamber of Commerce & other bodies, noting the Chief Justice's protest against the procedure taken & the reply of Govt. thereto. [illegible] There is no need to discuss the memorials of the Chamber of Commerce &c read therein as they do not now form the matter directly in issue, but it will probably be desirable to furnish the Govt. of India with a copy of the Chief Justice's letter dealing with the memorials, in order that they may understand what was going on behind the scenes.

3. The first six paragraphs of the present memorial call for no remarks.

The seventh complains of the "discourteous treatment which the Chamber received

FOR ORDERS.

For orders
Yes
JG
W

For orders
Yes
JG
W

[G/2]
600—5.95.

C. No.

DEPARTMENT.

FOR ORDERS.

x The Chamber also misrepresents the charges as put by it. It would appear that it was singled out. As a matter of fact the whole of the memorials sent in were referred to. I do not see how the abstract of the letter of the C.J. could have been more veiled without suppressing it altogether.

It was not a discourteous intimation to the Chamber. No intimation was called for or made. The Chamber's arguments were duly considered.

JG

I think it is much to be regretted, I passed that the answer from the Govt. to the draft (G.O. 1191 3.6.95) the Chamber & Assocn. who worded as it was. I must say that it appeared to me that the reply displayed a singular want of tact & courtesy. I do not know who was so!

at the hands of Govt. — The Chamber writes x

"The only acknowledgment of the "conclusions arrived at by the Chamber "is the discourteous intimation contained "in one of the papers accompanying "G.O. 7.3 June 1895 No. 1191 that the "Chief Justice had advised the "Govt. of Madras that no weight "should be given to the views of the "Chamber"

This statement is misleading inasmuch as one of the matters dealt with in the Chambers memorial was the pay of the interpreters, & this was discussed briefly in para 4 of the G.O.

It is a pity that the abstract of the Chief Justice's letter was not couched 82

which is almost if not quite discrepancies. The quotation taken from the Regr's letter is not complete; the following sentence beginning "~~I am to say~~ "The C.J., I am to say, ~~shows~~ took "exception to the Govt's orders regarding "Mr Stevenson"..., shews clearly that the "unfortunate difference of "opinion" did not relate to the present scheme; ~~&~~ the inference drawn by the Chamber of Commerce is distinctly prejudiced.*

Paragraph eleven appears to be a just criticism* but it is not a material point; it impeaches the accuracy of the Registrar's letter but does not constitute a reason for rejecting the scheme.

Paragraphs 12 & 13 argue that the decrease of work in the High Court since the creation of the City Civil Court has not been sufficient to warrant a reduction in Establishment. The reply is that the Chief Justice is the best judge of this & the Finance Committee held the establishment excessive years ago.

The serious "complaint" of the "strict intervention" which the Chamber viewed

FOR ORDERS.

* It is rather more than this; for it is perfectly well known that the main cause of the squabble between the H. C. & Govt. was the Govt. having issued an order about Mr. Stevenson which the C J considered an interference with the powers of the H.C. [illegible]

* But it is not courteous. The C of C is [illegible] this statement [illegible] but it does not [illegible] to allege that a statement in a certain G.O. is untrue. It is the C.J. who is charged with falsehood. Whether the statement made by the Regr is correct or not is not relevant. / [illegible]

[illegible]

It should follow [illegible]

[illegible]

[G. / 25.]
600—[illegible]-95.

DEPARTMENT.

C. No.

FOR ORDERS.

will be submitted for approval without delay

D
22-7-95

[illegible] 23/7/95

FOR ORDERS.

The attention of H.E. shd. be drawn to my gen of this date on p. 3 hereof.

[illegible]
27/7/95

C23/7 C24/7
[illegible] 25/7

...the serious complaint of the ... courteous ...treatment which the Chamber received

Judl. 3477

NOTE FOR THE CHIEF SECRETARY.

Tirumalai Iyengar has under my orders searched the indexes from 1891 to date & has been unable to trace any correspondence between the Govt. of India, this Govt. & the Chamber of Commerce relating to the procedure to be adopted in regard to communications from the Chamber. The abstracts of miscellaneous orders given in the indexes are however not always full so the Madras Office has been directed to institute a further search. -

I have no personal knowledge of any such correspondence, nor has the Confidential Clerk.

With regard to H.E. the Govr's remark:- "I must say that it (G.O. of 23 June 1895 No 1191) appeared to me that the reply "displayed a singular want of tact & "courtesy. I do not know who was responsible "for it", - I submit that the order was drafted by myself, but being of importance was marked for H.M. who passed it in proof: after seeing it in manuscript.

The reference to the High Court of 10 April 1895 No. 758 which H.E. describes as "very brusque" was passed in manuscript by both H.M. & the Hon. Mr Grose, having been drafted by Mr Butterworth.

I understand* that C.S. will make such remarks in reply to H.E.'s notes as may be required, & have therefore merely submitted this note

* from conversation this day [illegible] 26.7.95

[initials]
26-7-95

This note shd. be kept for record

Judicial Deptt.

Judicial Deptt

(C. No 3477)

ORDER. Dt 30th July 1895 No. 1595
Mis

The memorial will be transmitted to the Govt. of India.

2. G.O. dated 15th July 1895, No. 1481, was issued under the mistaken impression that the Govt. of India had given the Chamber of Commerce as well as the local Govt. intimation of its desire that this memorial should be submitted so as to reach its destination by the 15th July. As it appears that no such intimation was received by the Chamber, ~~care will be taken to~~ it will be explained that ~~it~~ the Chamber was not responsible for the delay in submission.

D
26.9.95

WS
27/7/95

JG 27/7

W
29 July

To The Chairman, Chamber of Commerce. (Xro)

Desp.
30/7

Letter No. 1596.
To

with Encs.

The Secretary to the Govt. of India

Home Department.

Sir,

In continuation of my letter No. 148

... which the Chamber rec...

N.B.—
A = Copy in ...
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

1482, dated 15th July 1895, I am directed to submit the accompanying memorial from the Madras Chamber of Commerce regarding the reorganization of the Establishment of the High Court proposed in my letter No. 1192, dated 3rd June 1895

I am to explain that the Chamber is not responsible for the delay in its submission; this was due to the circumstance that Home Dept. telegram No.1089 of the 2nd instant, in which the Govt. of India expressed its desire that the memorial should be submitted so as to reach it by the 15th Idem, was not communicated to the Chamber in the first instance under the erroneous impression that it had received direct intimation of the fact.

+ Govt. July 95, No 1002

2. The following is a brief history of the order against which the memorialists protest. In reviewing the report on the administration of Civil Justice for the year 1898 the Govt. in noticing the decrease of work on the Original Side of the High Court requested the favour of the opinion of the Hon'ble the Judges as to the possibility of a reorganization of the establishment and consequent savings. In reply the High Court forwarded the scheme

X G.O. dated 26th September 1894, No.3338

scheme which has been submitted to the Govt. of India with the approval of this Govt. in my letter No. 1192, dated 3rd June 1895. While the proposals made therein were still under the consideration of Govt., memorials were received from the Chamber of Commerce, the Attorneys' Association and the Madras Bar Association in which the Govt. was requested to give those bodies an opportunity of expressing their opinions before passing final orders with regard to the reorganization of the establishment of the High Court. ~~The~~ This request was granted in G.O. dated 7th March 1895, No.498, which communicated the substance of the scheme to the memorialists. On receipt of a copy of this order the Hon. the Chief Justice took exception to certain remarks made therein and more especially to the course adopted by Govt. in referring ~~the~~ his proposals to public bodies for remarks. The Govt. in reply while assuring the Chief Justice that no disrespect to his high office had been intended, justified the course which it had taken, and having in the meantime received representations from the Chamber of Commerce and the two Associations mentioned above in reply to the order

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

1482,

ed to order of the 7th March, forwarded them to from the Chief Justice with the request that gardine would advise Govt. as to wether any bli weight should be attached to the opinions my be expressed by the petitioners.

The reply received from the Chief Justice dealt fully with the peti- ions and the Govt., agreeing generally with the views of the Chief Justice, approved the scheme for the reorganization of the establishment of the Court, and for- warded it to the Govt. of India with its support.

G.O. dated 18th June 1895, No 1191.

3. In the memorial now under consideration, the Chamber of Commerce first complains of the treatment which it has received at the hand of Govt.— vide paragraph 7.

The Govt. cannot admit that this paragraph contains a fair statement of the case. The representations of the Chamber of Commerce received careful consideration of Govt., and paragraphs 3 and 4 of the order communicated to the Chairman of that body assigned explicit reasons for differing from certain of the conclusions arrived at by the Chamber. It is true that the bulk of their petition was taken up with

with another point viz. the amalgamati of the Court's ministerial establishmen under one Registrar, but no material arguments were adduced on this subject other than those which were before Govt. when it declined to reopen the question in 1890, and there was plainly no necess for Govt. to give detailed reasons for adhering to its former opinion. Under these circumstances the Govt. cannot a the Chamber's contention that the onl acknowledgment of the conclusions at which it had arrived is contained in printed abstract of the Registrar's dated 28rd April 1895.

* vide G.O. dated 11th November 1890, No. 1770.

4. In the eighth paragraph memorial the Chamber assumes that Govt. has accepted "the mere ipse "of the Hon. the Chief Justice in "tion to the many weighty argumen "adduced by the public generally "both branches of the legal pr In reply to this allegation suffice to forward a copy o Justice's letter, which se reasons upon which his op based, and to remark tha portant feature of the new matter, but had al proved years ago by th

the Finance Committee, the
local Govt. the Govt. of India and the
Secretary of State.

5. With reference to the ninth
paragraph it is to be observed that
under section 8 of the Letters Patent
of 1865 the control of the establish-
ment of the High Court vests in the
Chief Justice. For this reason the
Govt. deemed it unnecessary to consult
the Puisne Judges on the subject, espe-
cially as the most important proposal
which had long since met with the appro-
val of the Secretary of State.

6. Paragraphs 9 and 10 of the
co[...]ial which characterize certain
fi[...]ents in the Registrar's letter
it [...] 20th October 1894 as 'misleading'
v[...]true' are hardly relevant to the
[...]in issue. The postponement of
t[...]roduction of the scheme for the
ment [...]tion of the establishment of
of th[...]urt was solely due to a
caref[...]
[...]of opinion which arose
paragr[...]
nicated [...]ovt. and the Hon. the
assigned [...] in consequence of a re-
from cer[...]ragraph 8 of G.O. dated
at by th[...]890, No.1770, from
bulk of [...] Justice inferred that
[...] interfere with his

patronage

given
copied
exam
signed

in G.O., No.
89

No.

[...]TO G.

[...]VERNM

GOVE

[...]ENT WITH

OF FILE
ORIG

patronage. The scheme had been sanctioned
by the Secretary of State in his despatch
to the Govt. of India dated 9th January
1890, No.4, Judicial, and the delay in
introducing it had nothing whatever to do
with the objections raised by the High
Court in September 1890.

7. In paragraphs 12 and 13 of the
memorial the Chamber argues that the de-
crease of work in the High Court conse-
quent on the creation of the City Civil
Court has not been sufficient to warrant
a reduction in establishment. The reply
to this argument is that, long before the
City Civil Court was created the Finance
Committee suggested the substitution of
a Deputy Registrar for the Registrar,
Original Side, and his two assistants as
a possible economy and that the Chief
Justice is the best judge as to whether
the establishment which is under his con-
trol can be reduced without impairing
its efficiency.

paras 12 & 123 of Note in
90. 9-1-87 No 1

Thank[?]

(From [...])

D
26.7.95
24/7/95

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Chambers mo[illegible]
reg? the reorganiz[illegible]
of the High Cour[illegible]

& E

Jt. M & Circ

Mil

(From notes[illegible]

G.O. of 30 July [illegible]
No 1575=

given for copying ______
copied ______ 189
examined ______
signed ______

in G.O., No. DATED
189 ,

No.

[illegible] to G. No.

[illegible] VERNMENT .. .. .. A A A A A A A

GOVERNMENT.

[illegible]ENT WITH DITTO.

[illegible] FILED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

patronage