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MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No.	131	~~Press~~ Mis.
Dated	20-4-	18 66.

Not to be folded or roughly handled

20.9.25

Proceedings of the Board of Revenue
dated 21st July 1865.

Read the following letter from J. S. Minchin
Esquire Collector of Imrool to C. A. Dalzell
Esquire Acting Secretary to the Board of Revenue
dated 8th July 1865 No. 98. -

1. Have the honor to forward, in the
prescribed form, a list of the District Estab-
-lishments down to the grade of Subok Sheristadar
-dar as called for in your Miscellaneous
Circular No. 61. Board No. 3137. -

2. Also beg to forward Copy of a letter
from the Deputy Collector D. Simmapan
in charge of the Pattikonda Subok reporting
on the infirmities, for further service, of the
Sheristadar Suba Row. Though not advanced
in age, his physical & mental powers are
reported to be affected by chronic ill health,
and he should retire on the pension due
for his length of service. -

3. Venkat Row, the Sheristadar of Dandakota

Bo. 9. 35-

which have been acknowledged by men whose partiality for their own common law gives weight to their testimony.*

"A system which has contributed to give form and consistency to the law of Scotland could not be overlooked in an enlightened system of legal education. But, independently of its special claims on the notice of a Scottish lawyer, the jurisprudence of the greatest nation of antiquity must possess an imperishable interest in the eyes of those who regard law as a science; every step in the development of which has its value and importance, as tending to accomplish the establishment of sound principles of legislation and the correct administration of justice. Accordingly, it has been nearly the universal rule of all the States of Europe to enforce upon the Advocate of the Supreme Courts the study, not merely of the jurisprudence of the locality, but also that of the Civil Law; not so much for its immediate use in practice, as because its study humanizes the mind, gives a larger and more comprehensive view of jurisprudence, and furnishes at the same time the many informing aids that are to be derived from the history of other times."

36. Such are the collective resolutions of three learned bodies of lawyers recently engaged in devising schemes of legal education.

37. The Commissioners appointed to inquire into the Inns of Court examined several distinguished persons on the subject of the study of the Roman Civil Law, and there was a remarkable, if not an absolutely complete, concurrence in their views as to its great utility in furnishing a scientific foundation of legal study for an English barrister.

38. Mr. Hastings gave the following evidence:—" (1629.) Do you think the study of the civil law and of general law would be a means of effecting an improvement in the minds of the practitioners at the bar generally?—I think it would. (1630.) Notwithstanding the different basis upon which the two laws rest?—I think our law rests to a great extent upon the Roman law. I think the study of the broad principles of the Roman law tends to enlarge a man's mind, and makes him regard the science in a way that is very desirable. (1631.) With respect to the law of contract, would not the principles of the Roman law be of considerable use in directing the judgment of the bar as applied to the English law?—Yes, I have studied the Roman law a good number of years myself, and I think I have derived great benefit from it."

39. I would refer to almost the whole of Mr. J. G. Phillimore's evidence as to the defective education (in his judgment) of English lawyers, and the supposed inferiority of the English to the French bar as jurists, which he attributes to the absence in England of the study of the Roman law, and the theory of jurisprudence. "General jurisprudence," he states, "includes the study of the Roman law and the Pandects (that is to say, parts of the Pandects)."

40. Sir Hugh Cairns prescribes (1652), as a fundamental course of legal study, "mainly the general system of jurisprudence as a system of ethics, and the knowledge of civil law as connected with classical and historical learning."

41. I beg leave to refer more particularly to the opinions of the eminent German civilians consulted by Mr. Greenwood, and recorded in his special "Report upon the systems of Legal Education pursued in the different States of Germany," appended to the Commissioners' Report.

42. Dr. Guest, of Berlin, says, "I think the study of the Roman law essential to a systematic legal education." Upon subjects relating to private rights and personal contracts, and the duties which flow from them, there is no system of law in which principles are investigated with more good sense, or declared and enforced with more accurate and impartial justice.

43. To the same effect is the emphatic testimony of Dr. Wangerow, Dr. Mittemaiër, and Dr. Wahloff.

44. The first-named says, "In my estimation there is no better mode of cultivating the science of legal thinking, and the interpretation of laws, than the study of their (the Roman jurists') works."

45. All these opinions, I repeat, have reference to the training of an English

* The Roman law forms no rule binding in itself on the subject of these realms; but in deciding a case upon principle, where no direct authority can be cited from our books, it affords no small evidence of the soundness of the conclusion at which we have arrived, if it prove to be supported by the law, the fruit of the researches of the most learned men, the collective wisdom of ages, and the groundwork of the municipal law of most of the countries of Europe. (Per Chief Justice Tindal, *Acton and Blundell*, 12, Meeson and Welsby, page 324.)

barrister, who has to master a vast and highly complicated structure of national jurisprudence, which might well be thought to demand his whole time.

46. The amount of positive law to be acquired by an Indian Mofussil Judge is extremely limited, and, therefore, in his case, a broad basis of jural study, such as is provided by the Civil Law, is more easily laid, and is more necessary for the purpose of enabling him to adjudicate with readiness and certainty the thousand questions arising in daily life, and to unfold the reasons for his decisions with clearness and persuasiveness.

47. I will close my appeal to authorities by the very pointed testimony of Sir Erskine Perry, who sat on the Inns of Court Commission, and who, eleven years ago, when he was Chief Justice in Bombay, published a translation of Savigny's celebrated treatise on "Possession," (the *Jus Possessionis* of the Roman law,) dedicated to the Indian Covenanted Civil Service, and intended for their use.

48. I will say, in passing, that this treatise is exceedingly abstruse in the translation, and could hardly, I suppose, be understood by any one who had not already acquired some knowledge of the Civil Law; hence, I believe, Sir Erskine Perry's public-spirited design has been as yet unsuccessful.

49. The translator, addressing the Civil Service, whom he compliments for their impartiality and earnestness in the administration of justice, says, "Although the subject of this work is treated very technically, and solely with reference to civil law, an accurate knowledge of the distinction between possession and property, and of the legal protection afforded to the former, in order to repress violence and breaches of the public peace, is essential in all systems of jurisprudence, and will be found, I apprehend, most valuable to Indian practitioners."

50. Independently of this feature of the work (he continues), "it affords the most admirable model of strict legal reasoning, of interpretation of the language of the law, and of that practical good sense in the treatment of legal questions, which the study of the Roman classical jurists seems to engender, that I have met in any modern treatise, and as such it seems to commend itself with peculiar propriety to your distinguished service."

51. *Course of Study.*—The arrangements sanctioned by the Council of Legal Education in the Inns of Court comprise the following courses of study:—

1. Constitutional law and legal history.
2. Equity.
3. Real property law.
4. Jurisprudence and the civil law.
5. Common law.

52. Of these, the first and fourth branches might, with advantage, be studied by the candidate for judicial appointment in India. And I would add, a general view of English law, such as is given in Blackstone's Commentaries.

53. I suggest that the weight of the examination should be thrown on the jurisprudence and civil law branch.

54. That the student should be called upon to show that he has studied the Institutes of Justinian, with some selected portions of the Pandects, by the aid of a commentary.

55. He should also have studied some recognized treatise on modern civil law, and show an acquaintance with some of the principal divergences between civil and English law, and the fundamental principles of the conflict of laws, and of legal hermeneutics.

56. It should, however, be distinctly understood, that the examination will not be based on any particular treatise or commentary (save, of course, the prescribed texts of Roman laws), but on civil law and jurisprudence, as a subject.

57. As regards constitutional law and legal history, a fair knowledge of Mr. Hallam's History might be accepted; and, for the Encyclopædia of English law, a modern edition of Blackstone might be taken as a basis of examination.

58. The course of study might, perhaps, be most conveniently indicated by the compilation of a large number of examination questions on each branch of learning.

59. *Study in India.*—The young civilian, arrived in India, will be subject to the general rules relating to the Civil Service; his attention will be directed to the acquisition of native languages and of administrative knowledge; and I have no intention of proposing any such change of system as would interfere with objects of such commanding importance.

60. But I must distinctly express my opinion that it is too common to find young civil servants loitering away their time for the first year or two after their arrival;

and, from personal observation, I believe that a bad effect is produced among the native servants of Government by witnessing such waste of time on the part of young men who are paid, what a native considers, a handsome salary.

61. I therefore, without hesitation, recommend that young civil servants should be called upon to do more work than they are required to do at present.

62. I see no reason at all why law studies should not be pursued at the same time with linguistic, if not administrative studies.

63. A language cannot be *crammed*. A certain efflux of time is required for the acquisition of a new vocabulary and mode of speech. Two hours a day for a year would probably do more for a student than more than twice two hours a day for six months.

64. I have no certain knowledge of the average daily time spent by young civilians in learning the native languages. Immediately before the examination, no doubt there is a good deal of cramming, and the candidate's whole working day is consumed in reading and conversation with the Moonshee. But, probably, any young man, who resolutely, from the day of his arrival, devoted not more than two or three hours a day to learning one of the vernacular dialects, would attain the appointed standard as quickly as it is now reached by the average of young civil servants.

65. At any rate, I have no doubt that junior civil servants might be fairly required to pursue legal and lingual studies *pari passu*.

66. All young civilians might, perhaps, be permitted and invited to attend the Law School at Bombay; but those who select the judicial branch, with the assent of Government, should be compelled to do so.

67. The course of study laid down for them should, I think, be confined to a few branches of law of very great practical importance, and which most demand the assistance of a teacher.

68. I would select the elements of property law, the law of contracts, the law of evidence, which should be treated with as little technicality and as much reference to general principle as possible.

69. I would recommend such text books as Savigny on Possession, Smith on Contracts, Pothier on Obligations, and Mr. Justice Story's popular works; Mr. Norton's Treatise on Evidence is, I believe, well adapted for an Indian law student.

70. Besides these subjects, the professor should give, in lectures, a general outline of the several systems of law prevailing in India, to be filled up by the student for himself. And I would strongly recommend *Lex loci* Report of the Indian Law Commission, as a subject for private study.

71. It cannot be too often repeated that the professor would be prudent to abstain as much as possible from the ultra-technical language of English law, and to bear in mind, as a constant warning against that besetting tendency of English lawyers, that every Provincial Judge's decision will have to be recorded in a semi-barbarous native language, which has no equivalents to English law terms, and is incapable of expressing scholastic subtleties.

72. After a year or eighteen months, an examination should be held (not by the law professors), and the students passed to the judicial branch, or sent back for further study.

73. The passed men should be assigned each to a judge, for the purpose of practical training on a system nearly the same as that which is described as prevailing in Germany, in an Appendix to the Inns of Court Report before quoted.

74. Mr. Greenwood, in his report, states (sec. 30) with reference to the passed law student in Prussia, "When successful, the candidate is sworn in as auscultator (hearer or apprentice to the law) at one of the inferior tribunals (tribunals of first instance, Kreis and Amto-Gerichte); here, under the instruction of some member of the College of Judges, to whom he is assigned as a pupil, he familiarises himself with the whole course of judicial business, from the office of simple clerk or writer in the several bureaux up to that of the Judge. He makes digests of the cases before the Court, with detailed augmentations, and his own conclusions thereupon, for the opinion of the Judges. He makes reports and protocols, and takes down evidence, draws up and registers proceedings for the use of the Court. He acts as clerk to the magistrates in criminal proceedings, and learns to draw judgments and decrees both in civil and criminal matters. During the whole of the period thus spent, the 'hearer of law' is required not to discontinue his theoretical studies, more especially directing his attention to the divergences of the Roman, the Prussian, and the Germanic systems of law. Every quarter, the 'hearer' is required to make a

"report, in writing, to the Court, of his studies and occupations during that period, and must apply for, and receive from the members of the tribunal, attestations as to the duration of his several occupations, the activity, diligence, and ability exhibited in the course of them. These certificates must be exhibited when he applies to be admitted to his second examination."

75. I think it unnecessary to pursue this branch of my recommendations into greater detail. I may add, however, that it is during this period of "auscultation," and not before, that the civilian would be expected to master the written law which he will have to administer, the system of judicial procedure, and the salient points of Hindoo and Mahomedan law, tacitly or expressly recognized by the provincial tribunals.

76. The expense of my recommendations cannot be exactly estimated. The allowances paid in England to civilians and examiners (if any) would be inconsiderable. Some extra remuneration to the law professors, or an extra professorship, would be necessary, if the civilian students formed a separate class, as I think they ought.

77. A small expense would be advisable for the purpose of providing a selection of law books for each Court, and a complete law library ought certainly to be founded in Bombay for the use of the Law Schools. This last would be an expense properly belonging to the University.

78. It remains to consider the case of young civilians now in the country, or presently to arrive. I believe that there are several young men who could be spared without inconvenience for a course of, at least, six months' legal study. I think in that time they might acquire such an insight into the leading principles of the law of contracts and evidence, as would enable them to pursue their studies unassisted.

79. There is the Law School at Bombay, in which such instruction is now being given, and I should be happy if my services could in any way be made use of by Government.

80. If desired, I shall be happy to write further on the subject of the two last paragraphs.

I have, &c.,

E. J. HOWARD.

Director of Public Instruction.

No. 8038.—MEMORANDUM by the CHIEF SECRETARY.

20th October 1859.

THE Chief Secretary believes that the soundness of the conclusions at which Mr. Howard has arrived, and on which he has brought to bear a valuable store of professional learning and experience, will be generally admitted. It is certain that a foundation of legal knowledge should be laid in England; but it seems to the Chief Secretary that the acquirement of such fundamental knowledge might be tested at the general examination for admitting candidates for the Indian Civil Service, and that the great inconvenience of detaining young men already admitted to the service, for a year in England, to prosecute legal studies (as proposed by Mr. Howard), might be thus avoided. But the year's study in this country cannot, as it seems to the Chief Secretary, be dispensed with. Mr. Howard points out that it could be carried out simultaneously with the study of the vernacular languages, and in this opinion the Chief Secretary fully concurs.

There is no doubt that the first year or two of a young civilian's residence in this country is not, generally speaking, sufficiently utilized. Much time is wasted, for, however studious a young man may be, he finds application to one subject exclusively, and that by no means an inviting one, for more than three or four hours a day, not only repulsive but unprofitable. There is no doubt that young civilians have more than ample leisure to work at general jurisprudence, and Mr. Howard's observations as to the subjects which should be selected, and the mode in which their studies should be carried out, seem exceedingly judicious.

The Chief Secretary has reason to believe that Mr. LeGeyt, the Bombay Member of the Legislative Council, is at present engaged in the consideration of a scheme for attaining this very object, which Government had in view when they called for this report from Mr. Howard, namely, the securing a more certain and a more scientific legal education to those civilians who are intended to fill judicial offices in India. He begs, therefore, to suggest that this Report, with the former proceedings on the subject, be sent to Mr. LeGeyt, for any observations with which he may be good enough to favour Government.

H. YOUNG,
Chief Secretary.

No. 8039.—MINUTE by the GOVERNOR, subscribed to by Mr. MALET.

21st October 1859.

MR. HOWARD has favoured us with a very interesting and valuable paper, in answer to our inquiry what is the best mode of securing to our young civilians such an amount of legal instruction as shall qualify them for the Judicial Bench, under the altered circumstances in which our Mofussil Judges will be placed by the spread of legal education, and by the formation of a highly educated native bar.

I certainly do not feel myself competent to review the whole of Mr. Howard's recommendations, especially those which relate to the studies to be pursued in England. I agree with him that the course of study should be submitted to Sir Richard Bethell, or to some other high legal authority in England, who may be willing to give his attention to it, and in whom Her Majesty's Government place entire confidence.

I may venture also to express my entire concurrence in Mr. Howard's remarks upon the insufficiency of any legal system existing in India as the basis of scientific legal study, and in his preference for the study of the Roman Civil Law over that of England. I think there can be no doubt that "the time and labour required for the thorough study of the English law, in consequence of its unsystematic character, are very great, far more than a young Indian civil servant could devote to it, and a superficial study of so vast a fabric of legal doctrine would, in the majority of cases, be positively mischievous to him." Equally true is it (as observed by the Committee of the Council of Advocates, Edinburgh, 1854, quoted by Mr. Howard,) that "the (Roman) Civil Law constitutes the basis of nearly all the law of Europe;" a code of which this can be said, and which has maintained its authority through so many centuries, and through so many revolutions and vicissitudes, and among people so different in character and in civilization from each other and from the Roman world in the days of Justinian, must surely be a fitter subject of study in the abstract than a system which, whatever its excellencies in the eyes of Englishmen, is confessedly founded upon precedents, and not upon principles, and which, to quote again from Mr. Howard's letter, "retains many feudal and other technical doctrines, which must be investigated historically before they can be understood, and thus inflicts upon the student much labour, which for the training of an Indian judge would be almost or quite useless."

With regard to the studies and judicial training which are to be carried on in India, I may be permitted to express my general concurrence in Mr. Howard's remarks.

I do not see why all young civilians should not be compelled to attend the Law School at Bombay, especially if a separate class is instituted for them. The only drawback that I see to this arrangement is, that it will necessitate the residence of a number of young men at Bombay, where they will be apt to encourage each other in habits of extravagance.

I have no doubt that the course of study, choice of books, &c., recommended by Mr. Howard, are well calculated for the object in view; his warning against *ultra technical* phraseology will, I hope, not be thrown away upon our law professors.

The Prussian system of attaching passed students to one of the inferior tribunals could hardly be carried out in its integrity in this country. It is, moreover, desirable that all young civilians should go for a year or two (at least) into the Revenue Department, where they become familiarized with the people and with a state of society so different from that which they have been accustomed to at home. This I should consider a more essential part of the training of a future Judge, than the knowledge of forms and of the actual working of a Court which is acquired by the Prussian *auscultators*. These, however, are not wholly to be neglected, and, after a year or two's probation under the collector and magistrate, I think it would be a good plan if the candidate for judicial employment were promoted to the now abolished office of registrar to a civil and sessions judge.

The experiment of collecting the young civilians at the Presidency with a view to their attending law classes, may be tried at first upon a limited scale. It may be notified that any young gentlemen who are anxious to qualify themselves for judicial employment may apply to be stationed at the Presidency for the purpose of attending law classes, and that those who produce satisfactory certificates shall have a preferential claim to be employed in the judicial branch.

Mr. Howard's very handsome offer to afford every assistance in his power in carrying out this experiment may be accepted, and the thanks of Government conveyed to him for it.

The foundations of a complete law library for the use of the Law School should be laid at once. Mr. Howard may be requested to favour us with a list of such books as would be required in the first instance. The library would be increased, as the want of additional books of reference &c. was felt.

The Chief Secretary has suggested that Mr. Howard's Report should be sent to Mr. LeGeyt, the Bombay Member of the Legislative Council, for such observations as he may desire to make. This course appears the more advisable, as Mr. LeGeyt is stated to be engaged in maturing a scheme for the same purpose. His experience of the working of the judicial system in this Presidency will no doubt assist him in this, and he will also remember that the legal education which is now attainable by natives at this Presidency, and which will soon produce a great change in the character of the native bar, requires that a corresponding improvement should take place in the training of our Mofussil Judges.

ELPHINSTONE.
A. MALET.

No. 8040.—MINUTE by Mr. REEVES.

4th November 1859.

I FEAR I may be thought to have detained these papers somewhat longer than necessary, but, as my sole desire has been to give them due consideration, I trust that no inconvenience will result.

Mr. Howard's proposals are the following:—

Two years' study of law are to be required from young men designed for the Judicial branch of the Civil Service, of which one year is to be passed in England after appointment consequent on the competitive examination; and no young man is to be permitted to come out to India until he has passed a strict examination, to which he should be subjected at the end of the year.

Mr. Howard would excuse a candidate for the Judicial Department from this year's study, provided he can pass the required examination without it.

The examination is to be held in London.

The other year, or a longer period of study, is to be spent in India, and is to be followed again by examination.

And, after this, the judicial candidate is to be attached to the office of a Judge, for the purpose of acquiring a practical knowledge of his duty.

2. Concurring generally in these proposals, I am of opinion that the course of legal study should be made compulsory on all candidates for civil employment in this country. I would point to the great extent of judicial work performed by Magistrates, Collectors, and Political Agents; to all these officers, the knowledge of sound principles of law, insisted on by Mr. Howard, appears to me to be essentially necessary to ensure the satisfactory performance of their duty, in addition to which it will afford to young civilians the most admirable mental discipline, it will furnish them with a power of self-improvement, that cannot fail to produce men capable of coping with questions of any kind.

3. I agree with the Right Honourable President in considering that Mr. Howard's views on the nature and course of legal study to be pursued in England should, as suggested by that gentleman himself, be submitted to Sir Richard Bethell. In discussing this part of the subject, Mr. Howard seems to me to reason with great force as well as with characteristic zeal.

4. I have received from Mr. Anderson, the Judicial Secretary, a suggestion which I consider of great practical value. He remarked that Lord Macaulay's scheme for the preparation of civilians for India was not adopted in its integrity by the Home Government, and that it may now be taken advantage of to a further extent. His Lordship, it will be remembered, intended 1st, a competitive examination; 2ndly, a two years' course of study, with an examination at the end of it, which was to determine the rank of the candidates for employment. Mr. Anderson's opinion, and I concur in it, is this,—that, although it would be unfair and undesirable to rank the students, even supposing them to be specially designed for judicial duties, according to the result of the examination in law, yet there ought to be some incentive to the acquisition of something more than a minimum of legal knowledge; he therefore proposes that the marks obtained in the competitive examination should be carried on to the one in law, and that the aggregate result should decide the rank of future civilians.

5. Mr. Howard's remarks at paragraph 60 of his letter are perfectly true. Young

civilians too generally loiter away their time for the first year or two after arriving in this country; we are not allowed to make any official use of them, and the study of the vernacular languages is effected by a few months' cramming. The present proposals will at once terminate this evil; for newly arrived civilians will, under Mr. Howard's recommendation, find their time well and fully occupied. They will be required to study the Indian languages and jurisprudence "*pari passu*."

6. The course of study in this country should embrace such branches of law as are likely to be of the most practical service, and the elements of property law, the law of contracts, and the law of evidence, appear judiciously recommended by Mr. Howard. The lectures also on systems of Indian law, as well as the private study which he proposes, are, I conceive, equally well chosen, as already remarked. I would make these studies compulsory on all young civilians who may be hereafter appointed. I quite approve of the examination which Mr. Howard would hold in this country, as a test of the civilian's fitness for entering upon the active duties of his profession. This test may be usefully combined with our departmental examinations, which are susceptible of much improvement; it would, in fact, supersede a great portion of them.

7. I differ from Mr. Howard as to the employment of civilians at the conclusion of the course of study in India. Practice as "auscultators," I cannot conceive to be advisable. Where a system of law full of technicalities and difficulties has to be encountered, and a highly artificial state of society exists, such practice, I can easily suppose to be necessary, but that is not the case here; our law is of the simplest kind, the state of society is wholly inartificial, there are no legal details of any difficulty to overcome; but it is of vital importance that a candidate for public employment, whether he wishes to be a judge, collector and magistrate, or political agent, should become thoroughly well acquainted with the manners and customs of the people, as well as with our revenue and police systems; and I contend, with much confidence, that this cannot be effected in any manner so well as by active service, as assistant collector and magistrate, or of a political agent. I may indeed assert, that the object cannot possibly be effected in any other manner. As assistant collector and magistrate, the young civilian will have his time well occupied in deciding numerous cases of a simple kind, both civil and criminal, and in preparing others of a grave and important character for the judgment of higher authority; and his powers, discretionary and legal, will be increased with his experience. This affords all the judicial practice that is necessary in this country, while the acquirement of that knowledge of the native character, and the institutions of the country, which is essential to the formation of a good judge or a good magistrate, is secured in the fullest possible degree.

8. Another consideration which must have weight is this, that we cannot afford to throw away a well-qualified available civilian; and the employment of our young men as "auscultators" would virtually amount to the loss of their services for a given time.

9. After serving for a given number of years, say five, as an assistant collector and magistrate, I would appoint any young civilian who might deliberately make choice of the Judicial Department, as assistant judge. I observe that the Right Honourable President is disposed to revive the office of registrar, and I see that Mr. LeGeyt has included that office in his bill for the judicial machinery of this Presidency; but I regard this as a step backwards. The very name of this abolished office is fanciful and unmeaning. No one unacquainted with the secret would have supposed that the registrars formerly held any judicial powers, or that they did anything but register deeds and draw fees for so doing. I think it far better to retain the intelligible and appropriate name of assistant judge. There can be no question that a young man who has passed the competitive examination in England, and gone through the course of two years or two years and a half study chalked out by Mr. Howard, and additionally employed himself as assistant collector and magistrate for five years, will be amply qualified to take his seat as a Judge, and that he will do credit to Government; such an officer should be made the most of; he should be employed as a Judge, and with this office he should receive the title and dignity of Judge, and not be designated by a title which conveys no meaning but that of an amateur.

10. I fully concur in the proposal of the Right Honourable the President for giving immediate effect to Mr. Howard's offer to aid some of our junior civilians in the study of law; but I venture to suggest that the study should be made compulsory on all those who can be spared, and I believe these are not a few. A course of six months' application, or longer, if possible, with some stimulus to exertion in the way

of promise of promotion in the event of industry and proficiency, could not fail to be of immense benefit to those young men.

11. I further coincide in his Lordship's desire that a complete law library should be provided without loss of time.

12. I have only one remark more to make; the Chief Secretary has suggested that he has reason to believe that Mr. LeGeyt, Member of the Legislative Council, is engaged in the consideration of a scheme for attaining the object which this Government had in view in referring to Mr. Howard; and, therefore, that the report from Mr. Howard and former proceedings should be handed over to Mr. LeGeyt for his remarks; and the Right Honourable President is disposed to adopt this course. I trust, however, I shall be pardoned for objecting to anything calculated to delay the transmission of Mr. Howard's very able and excellent report to Her Majesty's Secretary of State for consideration. Mr. Howard's report is complete and convincing; and, without meaning the slightest disrespect to Mr. LeGeyt, I feel assured that no information can be expected from him that will add anything to the opinions of that gentleman and Sir Richard Bethell, on the all-important point of the legal study. It is manifest that a part of the study must be in England, and a part in India. And it is equally clear that the Secretary of State will, with the report of Mr. Howard before him, and the further opinion of Sir Richard Bethell, be placed in possession of information that will go far to enable him to come to an early decision on the question of English study, if not on the whole question. Any young men who come out to this country without the qualifications which it is now desired to give them, must enter this country at a great disadvantage; the sooner, therefore, the Secretary of State can be induced to prevent their coming out under such disqualification the better.

I think, therefore, that the proceedings should be sent home at once.

Copies of the papers can be sent to Mr. LeGeyt for his remarks, which, as they will only affect the employment of young men in this country, may very safely be left for future consideration.

H. W. REEVES.

No. 8041.—MINUTE by the GOVERNOR.

I AM glad to find that there is so much coincidence of opinion between my honourable colleagues and myself on the subject of Mr. Howard's valuable memorandum.

I did not intend that its transmission to the Secretary of State should be delayed; but, as I understood that a Bill for providing that young civilians intended for judicial employment should have some legal training, (*sic*) and as this Bill might be brought forward before we could receive an answer from the Secretary of State, I thought it was desirable that the Member of the Legislative Council for Bombay should be placed in possession of Mr. Howard's plan, and I thought it also desirable that it should be canvassed, and that we should be placed in possession of any objections which may be urged against it by those who are about to legislate on the subject.

The only points upon which there is any degree of difference of opinion between my honourable colleague, Mr. Reeves, and myself, are upon the revival of the office of registrar, and the immediate compulsory attendance of all junior civilians at the proposed law classes.

With respect to the first, I think it is of no great consequence whether a young judicial officer is called a registrar or an assistant judge. There are already two grades of assistant judges; those at detached stations, and those who are at the Zillah Adawlut. If the judicial service is to be in future more separated from the Revenue and magisterial branch than it has hitherto been, it will be necessary to multiply the latter class of assistant judges, and to have one attached to every Zillah Court. This would be reverting to the old practice; and it seemed to me that it would be as well to revert to the old designation, which marked the difference of rank between the apprentice judge and the master more clearly than the present one; but, as I said before, I attach no particular importance to the name.

With regard to the compulsory attendance of junior civil servants upon the law lectures, I think that it will be advisable to wait until we know that the proposed course of study is approved by the Secretary of State. We must also consider how far this arrangement is to have retrospective effect. It is not desirable that a large number of young men should be brought down to the Presidency at the same time.

The effect of ordering all young civilians who have not passed their first departmental examination, for instance, to attend the law classes, would be to congregate a large number of them at the Presidency. By making it optional in the first instance (not restricting it to those who have not passed the first departmental examination), we shall probably secure the attendance of all those who are likely to take an interest in the study of law, while we avoid the dangers which are to be apprehended from the other course. If, however, a sufficient number of volunteers to form a law class is not forthcoming, I should not object to order a certain number of young men, say a dozen at a time, to attend a course of legal study.

ELPHINSTONE.

No. 8042.—MINUTE by Mr. MALET.

5th November 1859.

THE only important difference of opinion that appears at present to exist is, whether it would be better to revert to the old appointment of registrars, or to continue that of assistant judge. I believe that the exigencies of business led to the supercession of the old appointment by that which at present exists. Young men who have been some time in the country are appointed assistant judges, and are immediately able to relieve the Judge of an important portion of the work of the Zillah; at first, of course, they take the minor cases, gradually progressing, until, as assistant judges for detached stations, they become practically independent Judges. It seems to me that, with the education now contemplated, this course is better calculated to train men for the highest judicial functions than that of appointing them registrars, where their judicial talent would not be practically exercised to the same extent, and where, from having less to do, they would probably become the personal assistants of the Judges, or be made prosecutors, or be employed in some other mode, not so practically useful as at present.

I quite concur with the Right Honourable President, that these papers should be sent to the Legislative Member for Bombay for the reasons stated; but I hope that they may be sent to the Secretary of State for India without loss of time, as the matter is of great importance, and of very urgent pressure.

A. MALET.

No. 8043.—MINUTE by Mr. REEVES.

5th November 1859.

THE question of the office of registrar and assistant judge will, I doubt not, receive full consideration when it again comes before this Government.

I think the Judicial and Revenue Secretaries should ascertain what young civilians are available, for taking advantage of Mr. Howard's proposal for giving them legal instruction in Bombay.

I have only to add my hope that these proceedings may be forwarded to the Right Honourable the Secretary of State by the next mail.

The Right Honourable President has, I observe, addressed the envelope containing these papers to Mr. Anderson, and I am under the impression that, as the discussion belongs to the Judicial Department, a transfer ought to have been made accordingly at the outset. I propose that a transfer be made now.

H. W. REEVES.

No. 8044.—FURTHER MINUTE by the GOVERNOR, subscribed to by Mr. REEVES.

7th November 1859.

I HAVE already said that I think it is not important whether young gentlemen, on their first appointment to the judicial department, are called Registrars or Assistant Judges. I preferred the former as the less pretentious designation, and because there are already two classes of Assistant Judges, those who are at detached stations, and those who are at the same station as the Judge. I do not think that any amount of study can absolutely qualify a young man for high judicial functions; some experience must be gained in subordinate capacity. The designation of this probationary grade is of comparatively little consequence. Registrar is something between *Auscultator* and Assistant Judge.

I entirely agree that the papers should be sent home by the next mail. They should be transferred, as proposed, to the Judicial Department.

ELPHINSTONE.
H. W. REEVES.

No. 8045.—THE SECRETARY TO THE GOVERNMENT OF BOMBAY TO THE SECRETARY TO THE GOVERNMENT OF INDIA.

Nov. 26, 1859. No. 76 (Judicial).

SIR,

I AM directed by the Right Honourable the Governor in Council to forward to you, for submission to the Government of India, copies of the proceedings quoted in the margin, on the subject of a proposal to provide a course of legal study for civilians designed for the judicial branch of the service.

2. The opinion of the Bombay Government on this important question will be found recorded in the several minutes which accompany the proceedings.

3. These papers have also been forwarded for the consideration of Her Majesty's Secretary of State for India.

I have, &c.,

H. L. ANDERSON,
Secretary to Government.

From the Director of Public Instruction, 6th September, No. 1904.
Memorandum by the Chief Secretary, 9th September 1859.
Minute by the Governor, 10th September.
Ditto by Mr. Malet, 13th September.
Ditto by Mr. Reeves, 19th September.
Further Minute by the Governor, subscribed to by the Board, 23rd September.
Letter to the Director of Public Instruction, No. 2392, 29th September.
From the Director of Public Instruction, 17th October, No. 2394.
Memorandum by the Chief Secretary, 20th October.
Minute by the Governor, subscribed to by Mr. Malet, 21st October.
Ditto by Mr. Reeves, 4th November.
Further Minute by the Governor, without date.
Further Minute by Mr. Malet, 5th November.
Ditto by Mr. Reeves, 5th November.
Ditto by the Governor, 7th November; subscribed to by Mr. Reeves.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SCOTTISWOODE,
Printers to the Queen's most Excellent Majesty,
For Her Majesty's Stationery Office.

1069
Judicial
No 17

India Office
London 25 May 1860

Sir,

+
Letter from the Government
of Bombay with enclosures
dated 26th November (No 30)
1859.
Letter to the Secy Civil Service
Commission, 30th January
1860.
D^c from D^c 13th April 1860
with enclosures.
D^c to the Government of
Bombay dated 25 May 1860
No 15.

1. I herewith
transmit a copy of
correspondence as per
margin on the subject
of the legal education
of Civil Servants in the
Judicial Branch of the
Public Service in India.

2. Her Majesty's
Government are very desirous
that every facility should
be afforded to the young
Civilian

His Excellency
The Honorable
The Governor in Council
at Fort St George.

Civilian, on his arrival in
India, for carrying on,
simultaneously with his
studies in the Native
languages, the course of
legal education which he
has commenced in England,
and they request that you
will take the subject into
your early consideration, with
a view to the adoption of
such measures as may, in
your judgment be the best
calculated to promote that
important object, reporting
the same for the information
of Her Majesty's Government.

I have the honor to be,
Sir,

Your most obedient
humble servant.

C. V. R.

No 15

Judicial

25 May 1860

The
Letter to Lord St George
No 17.

LL

32

Received by the 28 June 1860
The Secretary

Minute by the Honorable the President

The question of Judicial
training of Indian Civil servants has of late
acquired more than even its former impor-
tance owing to the measures in progress
for opening the Judicial line of the service
to members of the Unconquered service
and to the English Bar.

LL

After the young men have
been selected for the Civil Service and before
they leave England, they ought to pass an
Examination in the Elements of General Juris-
prudence and of Hindu and Mohammedan Law.
This was provided for in the Hailebury system;
and the happy influence of Mackintosh's and
Simpson's Lectures may be traced in the su-
perior qualifications of many Officers who
have adorned the service. It was also provided
for in the scheme for the Preliminary Training
of Paper Candidates prepared by Lord Macaulay
and his Colleagues after the abolition of
Hailebury College; and arrangements were propos-
ed by them, in addition, for making the
Candidates

Follow