1895

Judicial (~~190~~) Department.

ORDINARY Printed

Despatch to the Secretary of State

G.O., No. 10

Confidential No. 172 A.

DATED 14th November

[Despatch Abstract.]

Mr T. Weir I.C.S.

Forwarding to the Rt Hon: the Secy of State for India a memorial from —— appealing against the nomination by this Govt of Mr G. Davies I.C.S. to officiate as Judge of the H. Court pending the announcement of the pleasure of H.M. the Queen together with a dp. from Mr Weir and a minute by H.E. this Govr on the subject.

BACK PAPERS.

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

FURTHER PAPERS.

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

GOVERNMENT HOUSE,

Sessions Court,

1895.

Ma'ty's
for
decision
Governor
when
Civilian Judge
acting vacancy
Court Bench

PAPERS.

G.O.	No.	Department	

Private

HIGH COURT OF JUDICATURE MADRAS

4th September 1895

My dear Lord Wenlock

I believe it is probable that very shortly a vacancy will occur in the High Court Bench. I have no right or wish even to suggest, unless I am requested so to do, who should be nominated for the appointment

Copy of D.O. from the S. of S. to Viceroy
for. Secy. Cross to telegram from S. of S. 2 Nov. 1895
4/11/95

CONFIDENTIAL.

GOVERNMENT HOUSE,

BACK PA

E

5-8-95.

D-O

Current No. 609

DEPARTMENT.

From

J. Weir Esquire C.S.
District Judge
Coimbatore

E

No.

Dated 1st } -11-1895
Received 2nd }

Enclosures

SUBJECT.

Intimating that he intends to forward to Government on the 2nd or 3rd inst. in time for despatch by the next week's mail his Memorial appealing to the Right Honorable the Secretary of State for India against the decision of His Excellency the Governor appointing Mr. Davies to the seat in the High Court Bench, and reiterating the request made in his demi-official note of the 27th September last.

S

Will S.A. please say if he has the [illegible]

[illegible]

CHIEF SECRETARY'S OFFICE
4 NOV. 1895
GOVERNMENT OF MADRAS

Duplicate Signed Copy

To,

THE RIGHT HONORABLE LORD GEORGE HAMILTON,

HER MAJESTY'S SECRETARY OF STATE FOR INDIA.

The Humble Memorial of THOMAS WEIR, *a Member of the Madras Civil Service (Covenanted) and at present District & Sessions Judge of Coimbatore in the Madras Presidency,*

SHOWETH,—

1. That your Lordship's Memorialist craves permission to appeal against the Order of HIS EXCELLENCY LORD WENLOCK, Governor of Madras, conveyed in a letter from His Excellency's Private Secretary and dated 19th September, 1895, (hereinafter set out), in which it is stated that His Excellency feels himself absolutely debarred—in consequence of the unfavorable opinion of the Chief Justice—from nominating your Memorialist to either one or other of two prospective vacancies on the High Court Bench.

2. That your Memorialist respectfully submits that such order is one which on the facts (as hereinafter set out), is not in accordance with the merits of his case or in the interests of the public service.

3. That your Memorialist is a Civil Servant of 28 years' standing, and has served almost continuously in the Judicial Department since 1870—as a Deputy Registrar of the High Court for two years (1870–72); as Registrar of the High Court for nine years (1874–1883).

4. That in March 1890, your Memorialist was appointed to officiate as a Judge of the High Court during the absence on leave of Mr. Justice Parker, and continued to officiate in such appointment up to November, 1890.

5. That it has never been questioned, but on the contrary has been admitted, that your Memorialist discharged his duties as an Officiating Judge of the High Court in an entirely satisfactory manner.

6. That at the close of his officiating appointment in the High Court your Memorialist was appointed by the Local Government, on the application of the High Court, to the special duty of drawing up a Code of Rules (subsequently adopted and now in force) to regulate the practice and procedure of the High Court on its Original Side.

7. That on the completion of this special duty, your Memorialist, in January 1891, reverted to his substantive appointment of District and Sessions Judge of Madura, and held such appointment until January, 1893, when he went on furlough for one year.

8. That in the circumstances above set out your Memorialist, it is submitted, was and is the proper person to be appointed to the first vacancy on the High Court Bench caused by the absence or retirement of a Judge, being a Member of the Madras Civil Service.

9. That nevertheless in March 1893 during your Memorialist's absence on furlough in England, Mr. J. A. Davies, your Memorialist's junior in the service was appointed to officiate in a vacancy which had then arisen in the High Court owing to Mr. Justice Parker having again taken leave and Mr. Davies held such officiating appointment until Mr. Justice Parker's return to duty in 1894.

10. That inasmuch as Mr. Davies' appointment was made at a time when your Memorialist was absent on furlough and did not therefore necessarily involve any supersession of your Memorialist and inasmuch also as Mr. Davies reverted to his substantive appointment in the ordinary line of the service very shortly after your Memorialist's return to duty in the beginning of 1894, your Memorialist did not think it necessary to memorialize the then Secretary of State in regard to the temporary appointment of his junior to the High Court Bench.

11. That your Memorialist accordingly—on his return to India in January 1894—took up his duties of District and Sessions Judge with the confident expectation that his past services and undoubted qualifications would, without fail, secure to him the nomination to the first vacant seat on the High Court Bench.

12. That a vacancy on the High Court Bench having recently arisen in consequence of the retirement of Mr. Justice Best on appointment to the Chief Judge of the Mysore State, the occasion to which your Memorialist had looked forward presented itself.

13. That your Memorialist's reasonable and well-grounded hopes of preferment have, however, been grievously disappointed by the announcement contained in the following letter from the Private Secretary to His Excellency Lord Wenlock.

Government House, Ootacamund,
19th September

MY DEAR WEIR,

Best has made no communication either to the Chief Justice or to this Government with regard to the Mysore appointment —but presuming it to have been offered and accepted by Best— His Excellency has—in accordance with the practice which he has felt it his duty invariably to follow when vacancies are impending on the High Court Bench—been in correspondence with Sir A. Collins with reference to such vacancy now and Parker's at the end of the current year.

The result of the reference which His Excellency the Governor has made in respect of both the expected vacancies has been to elicit from the Chief Justice so strong an expression of opinion adverse to yourself as a prospective colleague on the Bench of the High Court—that His Excellency feels himself absolutely debarred from nominating you to either vacancy—as such action on his part would not only be unprecedented but would have the very unsuitable effect of forcing upon the Head of the Court a colleague of whose powers of work he, writing from the responsible stand-point of Chief Justice, has evidently a not very exalted opinion.

His Excellency much regrets the disappointment which this letter will cause you but he thinks it would be only cruel kindness were he to delay acquainting you with the actual facts which have led him to his present conclusion.

Believe me
Your Sincerely
(SIGNED) C. F. MAC CARTIE.

14. That your Memorialist very respectfully submits that His Excellency the Governor's decision is not in accordance with the merits of the case or in the interests of the public service—for the following reasons:—

(*a*) That the decision of His Excellency proceeds, as is clearly shown by the terms of the Private Secretary's letter, solely on the opinion of the Chief Justice and that your Memorialist has good reason to believe that the opinion of the Chief Justice as stated in the Private Secretary's letter is not only not shared in, but is dissented from by the majority if not also by all the Puisne Judges of the High Court.

Note.—In this connection your Memorialist has obtained permission to make use of a letter addressed to your Memorialist by one of the said Judges. An extract from the same is given in Appendix A. Further opinions to the effect as above are in your Memorialist's possession, but are not given as they are contained in private letters.

(*b*) That your Memorialist, while conceding that weight must be given to a well-founded opinion of the Head of the Court, very respectfully submits that the position taken up by H. E. Lord Wenlock is opposed to sound constitutional principles, inasmuch as it amounts to a decision that the Chief Justice, in so far as any action of the Local Government is involved, shall alone nominate his colleagues.

That the Government of Madras cannot themselves entertain an unfavorable opinion of your Memorialist's qualifications as a Judge is, it is submitted, sufficiently proved by the fact that they selected your Memorialist to preside over the Commission recently appointed in compliance with your Lordship's instructions to inquire into certain charges of misconduct brought against Doctor Clarence-Smith.

(*c*) That the unfavorable opinion in regard to your Memorialist's powers of work which the Chief Justice is said to entertain and on which His Excellency the Governor has felt himself bound to act is, it is respectfully submitted, not in accordance with the evidence available on the subject, but is opposed to such evidence.

(*d*) That your Memorialist has always had the reputation of being a Judge who disposed of a large amount of work in an efficient manner.

(*e*) That the following figures will show that this reputation was not undeserved.

Not to go further back than 1892, the last year before your Memorialist went on furlough, your Memorialist disposed of the following amount of work as District and Sessions Judge of Madura.

Sessions Trials.	*Criminal Appeals.*	*Criminal Revision &c. Cases.*	*Original Suits.*	*Civil Appeals.*	*Civil Mis. Appeals.*	*Civil Mis. &c. Petitions.*
80	62	108	21	211	43	264

In 1894 after return from furlough, Your Memorialist disposed of the following file as District and Sessions Judge, Coimbatore.

Sessions Trials.	*Criminal Appeals.*	*Criminal Revision &c. Cases.*	*Original Suits.*	*Civil Appeals.*	*Civil Mis. Appeals.*	*Civil Mis. &c. Petitions.*
91	100	68	37	237	19	681

In 1895 up to the close of September 1895, your Memorialist has disposed of the following file.

Sessions Trials.	*Criminal Appeals.*	*Criminal Revision &c. Cases.*	*Original Suits.*	*Civil Appeals.*	*Civil Mis. Appeals.*	*Civil Mis. &c. Petitions.*
98	58	53	16	106	7	396

(*f*) In July-August 1895—that is to say shortly before the very time when the Chief Justice informed His Excellency the Governor that he (the Chief Justice) had 'a not very exalted opinion' of your Memorialist's powers of work, your Memorialist disposed of an amount of work—which is he ventures to think— regard being had to the responsible character of the work and the comparatively short time occupied—probably unsurpassed, viz.—

In 38 working days your Memorialist tried 43 Sessions Cases in which
154 accused persons were concerned
and in the trial of these 43 Cases
501 witnesses (being at the rate of over 13 witnesses per diem) were examined, with the result that
84 persons were acquitted,
2 persons (convictions since upheld on appeal) were sentenced to death
and 67 persons were convicted and sentenced to periods of imprisonment aggregating
$418\frac{3}{4}$ years.

(*g*) The work thus disposed of in 38 days is, it is observed, about equal in amount to the Session work *of a whole year* in an ordinary or average District of the Madras Presidency. (Vide Administration Report for 1893, page XXXI).

15. The above figures, it is very respectfully submitted, establish that the Chief Justice's opinion in regard to your Memorialist's powers of work is not in accordance with but is opposed to the evidence available on the subject.

16. As regards the *quality* of his work, your Memorialist ventures to submit that it has never been questioned. Even His Excellency Lord Wenlock was pleased to state at an interview which he granted to your Memorialist in May last that he was given to understand that your Memorialist's work was of excellent quality.

17. That the reason suggested by the Chief Justice for not appointing your Memorialist to the High Court Bench being shown not to be well-founded, your Memorialist is forced to the conclusion that a reason other than that suggested may have operated to influence the Chief Justice's mind against your Memorialist—viz., your Memorialist's connection with a gentleman who holds the office of Registrar on the Original Side of the High Court.

18. At an interview which your Memorialist had some time back with the Chief Justice, the Chief Justice stated that the fact that Mr. Steavenson, the Registrar of the High Court (Original Side) *was a brother-in-law* of your Memorialist was in the Chief Justice's opinion an objection to your Memorialist being appointed to a seat on the High Court Bench. The Chief Justice did not, however, state why such fact should be an objection and your Memorialist is wholly unaware why it should be considered so.

19. It is a matter of public knowledge that further changes in the administration and establishment of the High Court (Original Side) are, or have been, under contemplation by the High Court which might possibly involve the abolition of Mr. Steavenson's appointment and it may possibly be the suggestion (having regard to the objection stated to your Memorialist by the Chief Justice) that if your Memorialist were one of the Judges at the time such changes came under consideration, your Memorialist might be influenced by his relationship with Mr. Steavenson to obstruct and oppose such changes.

* Vide the Right Honorable the Secretary of State's Despatch, dated 2 June 1892.

20. Your Memorialist submits that such a suggestion, if it exists, would be entirely unfair and unfounded and your Memorialist confidently refers to his conduct and antecedents during a service of 28 years to refute it.

21. That a considerable portion of your Memorialist's lengthy service in the Judicial Department was performed under the direct supervision of the Honourable Sir Charles A. Turner, K. C. S. I., late Chief Justice of Madras and now a Member of your Lordship's Council, and Sir Charles Turner is consequently well acquainted with your Memorialist's antecedents and qualifications for a seat on the High Court Bench.

22. Finally your Memorialist (without attaching undue importance to the point) craves leave to submit that the action of His Excellency Lord Wenlock in passing him over for a seat in the High Court will not be in accordance with the public opinion of the community as expressed in the public Journals. In support of this point, your Memorialist takes it upon him to supply extracts from the local Press representing all shades of opinion on the subject—Appendix B.

23. For the reasons above stated, your Memorialist respectfully claims to have established that the action of His Excellency Lord Wenlock in refusing to appoint your Memorialist to the High Court Bench is not in the interests of the public service inasmuch as—

(1) It is unconstitutional in being founded on the sole opinion of an authority, viz., the Chief Justice who is not the constituted adviser of the Crown in such a matter.

(2) The opinion of the Chief Justice, to which such conclusive weight is attached by His Excellency the Governor, is shown not only not to be founded on good reason but to be opposed to the evidence of the facts.

(3) It is opposed to the opinions of a majority of the Puisne Judges of the Court.

(4) It is also opposed to the opinion of the public as expressed in the public Journals.

(5) It is an undeserved slight on a meritorious public servant and will therefore be detrimental to the zeal and efficiency of the whole public service.

24. In all the circumstances above set out, your Memorialist very respectfully submits that he is entitled to be appointed to the vacancy in the High Court Bench created by the retirement of Mr. Justice Best and he humbly prays your Lordship to advise Her Most Gracious Majesty accordingly and to pass such other orders as the justice of the case may require—and your Memorialist, as in duty bound, will ever pray.

2ND NOVEMBER 1895,
COIMBATORE.

APPENDIX A.

Extract from letter of Mr. JUSTICE BEST, *Dated 7th September, 1895.*

"If there is to be a vacancy in the High Court I have no hesitation in saying that you and "no other Civilian should be selected for it * * * * * * * * * * * *"

"I know it was the opinion of the late * MUTTUSWAMY IYER that you were the proper person "for the next vacant Judgeship in the High Court for he himself told me so and "added that he was not aware on the last occasion that you were ready to cancel "your leave if you were appointed to act for Parker."

* The late SIR T. MUTTUSWAMY IYER, K. C. S. I.

APPENDIX B.

MADRAS MAIL, 24TH SEPTEMBER, 1895.

'In India more perhaps than elsewhere a vacancy in high places at once begets speculations as to how it will be filled, and discussion is already rife as to which of the District Judges will be called up to take Mr. Best's place on the High Court Bench. Two names are naturally in every one's mouth,—Mr. Thomas Weir and Mr. James Acworth Davies, since both have already acted in the High Court. Mr. Weir is the senior by upwards of a year, and although he happened, owing to being on leave, to be once superseded by Mr. Davies, he cannot be said to have forfeited any of his claims to preferment thereby, and we have good reason to believe that so far as the non-official community of the Presidency town and the English Counsel and Attorneys are concerned, they would strongly approve of Mr. Weir's appointment. Mr. Weir made no inconsiderable mark as the Registrar of the Appellate Side at a time when Madras could boast an excellently strong High Court, and he has built up a very creditable addition to his reputation both as a District Judge and on the occasion of his acting in the High Court before.

Mr. Davies, has also to his credit a long and respectable record of service; and although his pronouncement on "forward contracts" in Government paper, which, by the way, is opposed to pronouncements on similar transactions delivered by the Calcutta High Court and subsequently by the Lord High Chancellor of England, would probably go against him had he to appeal to the suffrages of our mercantile and banking communities, there is no doubt he can lay claim to "the three Ps." of promptitude, precision, and punctuality, on which our Governor-elect is said to lay such stress, and which are certainly admirable qualities in a High Court Judge. Still in the prime of his intellectual vigour, Mr. Davies, if he found himself permanently seated in the High Court, would no doubt soon realise and appreciate the advantages afforded "one of Her Majesty's Judges" by the assistance of a strong English Bar. Amongst other Civilians who have filled the office of High Court Registrar with credit are Mr. G. T. Mackenzie, Mr, R. S. Benson and Mr. H. T. Ross, of which trio

the last named stands prominent perhaps for conspicuous judicial ability. But it will do this coming talent no harm to be subjected to a further process of maturing, without putting the slight of being passed over upon Mr. Weir and Mr. Davies. And if the field is to be narrowed down to these two certain starters, we believe that we express a very general public opinion when we say that we hope to see Mr. Weir succeed.'

MADRAS MAIL, 30TH OCTOBER, 1895.

THE *Fort St. George Gazette* contains the notification of Mr. J. A. Davies's appointment to officiate as a Judge of the Madras High Court in the place of Mr. J. W. Best, resigned, "until some person shall have been appointed by Her Majesty to the office of Judge of the said Court and shall have entered on the discharge of the duties of such office." This means, of course, that the Madras Government has recommended the permanent appointment of Mr. Davies, and presumably the recommnedation will in due time be acted on by the Secretary of State. The selection of Mr. Davies is, taken by itself, by no means a bad one, but it involves the supersession of Mr. T. Weir, who, like Mr. Davies, has already acted in the High Court. Mr. T. Weir as we remarked some time ago, is the senior by upwards of a year, and although he happened, owing to being on leave, to be once superseded by Mr. Davies, he can hardly be said to have forfeited any of his claims to preferment thereby. The reasons why he has been passed over are therefore not very obvious. We believe, however, that there was one consideration which more than any other turned the scale in Mr. Davies's favour; and that was his supposed capacity for quicker work. A good deal has of late been said of the feverish demands of Government for a larger outturn of work in the High Court, irrespective of its real value to the litigant public; and it has been shown that heavy as the arrears of the High Court now are, they would have been infinitely heavier had not each of the Judges turned out about 50 per cent. more work than a High Court Judge in other parts of India. Obviously, therefore, any candidate who can add to his other claims that of a record-breaker and statistic-maker possesses in the eyes of Government an immense advantage over any other. That this is either a healthy or a reasonable basis of selection nobody will venture to assert. With regard to the comparative merits of Mr. Davies and Mr. Weir as exponents of the law the Government, perhaps, is best able to decide. It would be absurd to argue that quick work cannot ever be good work; but it may be argued without fear of contradiction that it is wrong to place mere quickness before every other consideration.'

MADRAS MAIL, 22ND MARCH 1893.

'Mr. J. A. Davies, District Judge of Tanjore, has been appointed to officiate as a Judge of the High Court during the absence of Mr. Justice Parker on leave. Whether this means the eventual exclusion from the High Court of Mr. Weir, who has officiated before and who is now on leave—we do not know, but we trust not—for his claims are generally acknowledged to be superior to those of Mr. Davies and moreover he is possessed of that strong and independent character which is particularily desirable in a Madras High Court Judge under present circumstances.

HINDU, 21ST SEPTEMBER, 1895.

'The High Court.—Mr. Justice Best will sit for the last time at the High Court next Thursday when the members of the Bar will address him. Mr. T. Weir, District Judge of Coimbatore, will, it is said, succeed him.'

COIMBATORE CRESCENT, 1ST OCTOBER, 1895.

'We hear that Mr. Justice Best, High Court of Madras will retire soon and be appointed as the Chief Judge Mysore State. We are glad to hear that our energetic and popular Judge MR. WEIR will be appointed to the vacancy in the High Court Bench. MR. WEIR is one of the best English Judges in India, who has served conscientiously almost in the Judicial Department for a period of 28 years. During this long period he served as Deputy Registrar as well as Registrar of High Court for about ten (10) years, and he has also acted as a Judge of the High Court for some time. While he was acting as District and Sessions Judge of Madura, the most important and intelligent District of our Presidency, his work was appreciated by the Bar and Public and his good name was perpetuated by a portrait there. In Coimbatore we have keenly watched his work and found that he is one of the energetic, laborious, conscientious and best Judges we have had.'

THE MADRAS STANDARD, 21ST SEPTEMBER, 1895.

'MR. JUSTICE BEST'S SUCCESSOR:—Mr. Thomas Weir, District Judge of Coimbatore, has, it is said, been selected to succeed Mr. Justice Best, on the High Court Bench, on the latter proceeding to Mysore. Mr. Weir is well-known to the High Court, and his appointment will be viewed with satisfaction by the Bar.'

The following extract is from the MADURA MAIL *of 8th September, 1894. The Memorial Portrait the unveiling of which is described was subscribed for by the general public of Madura and the ceremony of unveiling took place nearly a year and nine months after your Memorialist had left the District.*

THE UNVEILING OF MR. THOMAS WEIR'S PORTRAIT.

"At 5 on the evening of Saturday last, the 1st Instant, the members of the Madura Bar assembled at the Hall of Thirumalai Naik's Palace, to do honor to Mr. Thomas Weir, C.S., late District Judge of Madura, by placing his portrait by the side of that of the Honourable Mr. P. P. Hutchins. Mr. J. W. F. Dumergue, the present District Judge, presided. Besides the members of the Bar, nearly all of whom were present there were in the gathering Mrs. Dumergue, Mrs. Fischer, Mr. Urie, Rao Bahadur T. Pattabirama Pillai, Messrs. P. Narayanasami Iyer, Sub-Judge and K. Krishnamachariar and V. Kuppusawmi Iyer, District Munsiffs, Mr. M. Alagirisawmi Naidu, the staff of the District Court and many others."

The Honourable Rao Bahadur R. Ramasubbier addressed the assembly to the following effect:—

LADIES AND GENTLEMEN,

On behalf of the Bar, I request Mr. Dumergue to grant us the privilege of unveiling the portrait of our late District Judge, Mr. Weir. He was remarkable for his patience and courtesy at the Bench. It is no small pleasure to call upon Mr. Dumergue to unveil the portrait of the gentleman whom he has succeeded so worthily. Mr. Dumergue is well-known for his ability, geniality and kindness. The Bar cannot always succeed in lightening the work of the Judges but the Bar can remember their services gratefully. With these words, I would request Mr. Dumergue to unveil the portrait of Mr. Weir.

Mr. Dumergue rose and spoke to the following effect:—

MR. RAMASUBBIAR, LADIES AND GENTLEMEN,

I thank you heartily for the honor you have done me in calling upon me to unveil the portrait of Mr. Weir. No external emblem is necessary to commemorate the services of Mr. Weir. He has impressed himself strongly on the minds of those for whose benefit he worked so strenuously. This is the most appropriate method of honouring that true and loyal man. In portrait he presides in this great Thirumalai Naik's Palace and sits with Mr. Hutchins. This shews that his personality is held in great respect by all of you. I should thank Mr. R. Ramasubbier for the kind words he has used towards me. I would follow in the footsteps of Messrs. Weir and Hutchins, rendering justice without forgetting mercy and showing mercy without failing in law.'

GOVERNMENT HOUSE,
MADRAS.

No. 1.

District and Sessions Court,
Coimbatore,
2nd November 1895.

4 NOV. 1895
GOVERNMENT OF MADRAS

From
J. Weir, Esq
District and Sessions Judge,
Coimbatore.

To
The Honorable Mr. J. F. Price, C.S.I.,
Chief Secretary to Government
Madras.

Honorable Sir,

I have the honor to forward herewith an humble Memorial* appealing to the Right Honorable Lord George Hamilton, Her Majesty's Secretary of State for India, against the decision of His Excellency Lord Wenlock not to appoint me to a seat on the High Court Bench and I very respectfully request that the Memorial may be forwarded by an early date to the authority to which it is addressed.

* with 5 spare copies

I have the honor to be,
Honorable Sir,
your most obedient Serv

District and Sessions

GOVERNMENT HOUSE,
MADRAS.

CURRENT No. 5175

Judicial Dept

From

The District & Sessions Judge,
Coimbatore.

CHIEF SECRETARY
5 NOV. 1895
GOVERNMENT OF MADRAS

The Chief Secretary to Govt,
Madras.

Dated 2
Despatched 3 } November 1895.
Recd 4

Enclosures 1 one & 4 S.C.
Bits

Submits a memorial appealing against His Excellency Lord Wenlock's decision and respectfully requests its transmission by an early date to Her Majesty's Secretary of State for India.

Resubmitted to CS for orders whether this may lie over still

AS
7/11

GOVERNMENT HOUSE,
MADRAS.

D. O.

GOVERNMENT OF MADRAS

FORT ST. GEORGE,

Nov. 4th 1895.

My dear Weir.

I have shown to H.E. the Governor the memorial which accompanied your letter No. 1. dated 2nd inst.

It appears that the Tuvali Secretary at the close of last month wrote, by ~~direction~~ direction, the Governor's desire cancelling the letter from him which is embodied in your memorial and substituting for it another which *inter alia* conveyed to you the information that the decision mentioned by H.E.

TELEGRAPHS. Monthly Number.

From (Office)

Official Instructions.

From (Person)

CHIEF SECRETARY
5 NOV. 1895
GOVERNMENT OF MADRAS

LN.

FORT 5-11-95

Telegraph Master.

GOVERNMENT HOUSE,
MADRAS.

Submits a Memorial appealing against His Excellency Lord Wenlock's decision and respectfully requests its transmission by an early date to Her Majesty's Secretary of State for India.

Resubmitted to CS for orders whether this may lie over still

NB
7/11

[G/9]
1,600—15-8-95.

~~Current No. 3724~~ Pub. DEPARTMENT.

Telegram

From

T. Weir Esq
He is away not
expected back
I know all about it
5/11/95

No.

Dated 5 } Nov. 95
Received 5 }

Enclosures

SUBJECT.

States that no such letter
as referred to has been received by
him & presses that his memorial
to the Secy. of State may be forwarded

28

The telegram to which this is a reply
was apparently sent by the Ch. Will
the Cs please say whether the memorial
may now be submitted for orders.

18

GOVERNMENT HOUSE,
MADRAS.

Government House.
GUINDY.
28th October 1895

IAL.

o inform you that in accordance
ity of the High Court Judges
ed to appoint Davies to act in
announcement of Her Majesty's
State).
probable Parker retires at the
o succeed him will then be given

undertaking conveys no promise
moves the bar which my letter to
placed on your chance of
t all during His Excellency's

ly

Cartie.

Copy of telegram sent to Mr Weir, Coimbatore on
5th November.

Price telephones you have not received
my letter dated 28th October addressed Fort St George
am now forwarding true copy, on receipt wire if you still
want Memorial forwarded.

No. 633

CHIEF SECRETARY
7-NOV. 1895
GOVERNMENT OF MADRAS

GOVERNMENT HOUSE
GUINDY.

7 Nov. 1895

My dear Price

I enclose herewith copy of correspondence with Weir ending with my telegram of 6 Nov. which promises that his memorial shall be submitted to Secy of State. I am forwarding it. H.E. The Gov. says please quote my letter to Weir dated 28th Oct. which cancels the letter dated 19th Sept. on which I understand he bases his memorial

Yours sincerely
Henry Cartie

[G/9]
1,600—15-8-95.

116

~~Current No. 372~~ Jud. DEPARTMENT.

Telegram

From

T. Weir Esq

He says he has not a right to know all about

I know all about

No.

Dated 5 } Nov. 95
Received 5 }

Enclosures

SUBJECT.

States that no such
to referred to has been re
n & presses that his re
the Secy. of State may be

18

The telegram to which this is a reply was apparently sent by the Ch. Will the CS please say whether the memorial may now be submitted for orders.

18

GOVERNMENT HOUSE,
MADRAS.

Government House.

GUINDY.

28th October 1895

CONFIDENTIAL.

My dear weir,

I am desired to inform you that in accordance with the advice of a majority of the High Court Judges H.E. the Governor has decided to appoint Davies to act in the High Court (pending the announcement of Her Majesty's pleasure by the Secretary of State).

If as is probable Parker retires at the end of the year your claims to succeed him will then be given H.E.'s fullest consideration.

This undertaking conveys no promise of the appointment, but it removes the bar which my letter to you dated 19th September last placed on your chance of getting into the High Court at all during His Excellency's tenure of office

Yours sincerely

(Sgd) C.F. MacCartie.

Copy of telegram sent to Mr Weir, Coimbatore on 5th November.

Price telephones you have not received my letter dated 28th October addressed Fort St George am now forwarding true copy, on receipt wire if you still want Memorial forwarded.

Government House
Guindy
5th November 1895

My dear Weir,

In continuation of my telegram of this date I write to let you know that on Monday 28th ultimo I wrote you the original letter of which I now enclose a true copy and addressed it to Fort St George , where I understood the Commission sat . As you had left, the letter was posted to Coimbatore, and what has become of it I cannot say.

You will observe that it cancels so much of the letter dated 19th September as placed a bar on your claims being taken into consideration for Parker's vacancy.

Please wire if you still wish your memorial to be forwarded to the Secretary of State.

Yours sincerely,

(Sgd) C.F.MacCartie.

Copy of telegram dated Nov 6th from Mr Weir in reply to P.S.'s telegram dated 5 Nov + letter of same date enclosing copy of letter dated 28 Oct. (gone astray)

"Regret cannot withdraw memorial, unless definite promise given of next vacancy as my reputation at stake. Kindly wire reply"

Copy of Telegram sent by the Private Secretary to Mr Weir, Coimbatore, on the 6th November 1895.

Governor unable to make any promise beyond consideration of your claims next vacancy. Memorial will be forwarded.

Mr Weir
C.MacCartie
Nov. 7. 1895 PS.

GOVERNMENT HOUSE,
MADRAS.

[G/9]
[2,600—15-8-95.]

Do No. 633
Jud Department.

From
C. F. Maclartie Esq

No.

Dated 7
Received 7 } Nov 95
Enclosure none

SUBJECT.

Re Mr. Weir's memorial to the Secy. of State as regards his supersession by Mr Davies.

Con No. 351.

GOVERNMENT HOUSE,
GUINDY.

CHIEF SECRETARY'S OFFICE
10-NOV. 1895

My dear Price

I enclose Mr. Weir's memorial received today from Weir. As he wishes it to be appended to his Memorial H.E. The Gov. has no objection, but it wont do him much good as the argument is very irrelevant.

Yours truly
C.F. Maclartie

Please send a copy. & keep original or vice versa.

GOVERNMENT HOUSE,
MADRAS.

Coimbatore 7th Nov 1895

My dear Maclartie,

The respect which I owe my Lord Wenlock seems to require that I should explain more fully and more courteously than the limits of my telegram of yesterday allowed, my reasons for not withdrawing my memorial to the Secy. of State in consequence of the intimation conveyed in your letter of 28th ultimo.

The reasons are briefly these. My grievance is that I have been superseded by any junior for reasons which I (rightly or wrongly) venture to think are not founded on the merits or on a just consideration of the circumstances of the case.

By being thus superseded a cloud is thrown over my reputation and my whole career.

The injury thus done me, is not in my opinion rectified by an undertaking not amounting to a promise, to give my claims the fullest consideration, in connection with Parker's prospective vacancy.

H.E. I must assume has already given my claims the full

[G/9
2,600—

sideration in connection with
vacancy just filled up.

The further vacancy to which
undertaking relates may not arise
any rate within the time anticipated.
F and if it does arise I can feel no
surance that the objections which
ve prevailed against me in connection
h the recent vacancy may not
pear equally potent on the occasion
the next vacancy.

Apart from this last ground,
I will be seen that the gist of my
Grievance is that I should have got
he first vacancy. The intimation
nveyed in your letter of 28 October
received only yesterday) that a majority
Re of the High Court Judges were in
ey favour of Davies' selection is, I
h admit, a disappointment to me.

Nevertheless in justification of
ny letter to you dated 11th October
ast, I must still maintain that
had, at the time of writing that
etter, good reason to believe that
a majority of the judges were in
my favour and that all the Puisne
ndges would dissent from the
hief Justice's unfavourable opinion
me.

[G/9
800

I am in a position
necessary to prove this by
receipt of Price's letter (dated
on 5th November at two days aft
the despatch of my memorial,
I had no intimation of the resu
of the Judges' meeting beyond the
notification in the Gazette of Da
appointment and inasmuch
H.E. had in the first instance a
any rate decided against my
claims solely on the opinion of
the Chief Justice - the fact that h
final decision was or continued
be adverse to me afforded in itsel
no reason for concluding that
was based on the opinion of a
majority of the Court.

The circumstances of there ha
- at the last moment been a
majority of the judges against me m
no doubt rend some portions of
my memorial inappropriate -
but it cannot in my humble opi
and having regard to the whole of th
circumstances materially affect the
position -

Begging that you will kindly
lay these remarks before H.E. Lord
Wenlock and that H.E. will - if

[G/9
2,600—
[
2,600—

sider as fit forward them (or a copy
[illegible]) along with my memorial
[illegible] the Secy. of State. I am

Yours Sincerely
(Sd.) J. Weir, I.C.S.

C.J. Mac Cartie Esq.
Private Secy. to H.E. the Governor

GOVERNMENT HOUSE,
MADRAS.

[G/10] 6-4-94

CONFIDENTIAL No. 337

Jud DEPARTMENT.

From

P. S. to Governor

No.

Dated 8
Received 10 Nov 95.
Rd 11
Enclosures one

SUBJECT.

Forwards a do. from Mr Weir regarding his supersession by Mr Davies.

[G/25] 300—5-10-95

FOR

my hon. colleagues have had no
owledge of what has been going
in this matter, I have written
minute, which can be embodied
the despatch, wh. has to accompany
r. Weir's memorial.
is ought to go by mail.
r. Weir's D. O.
recent date (I
annot remember
what) ch. also go.
As requested by him
with a copy of the P. S.'s
letter to him (to wh
this was an answer)
asking if he still
his will the
memorial
to go. ew

W
12 Nov.

It will be enough
to forward his
letters to me, which
will explain the
situation.

GOVERNMENT HOUSE,
MADRAS.

Guindy
8th Nov. 95

My dear Weir,

Mr. The Governor sees no objection to a copy of your D.O. received this morning being appended to your memorial. I have sent it to Price and asked him to send it on.

Yours sincerely

(Sd) C. F. MacCarthy

F. Weir Esq
Wish: the reasons under
Consideration
as cancelling the ...

Paras 18–20 of the memorial orders are solicited whether the Chief Justice should be referred to as regards these paras.

Mr Rings

I submit that no reference should be made to the Hon'ble the Chief Justice. It would only create unnecessary irritation. Mr. Weir's D.O. of the 27th Sept. last referred to in D.O. Nov 6th is sent up: also a copy of my D.O. to him of Nov 4th in a sealed cover. 8/11/95

and a sealed cover containing a D.O. from the PS dated 8th Sept.
Sd
8/11/95

Mr. Weir's memorial to the Secy. of State

FOR ORDERS.

1 H. E. THE GOVERNOR.

2 THE HON'BLE MR. H. W. BLISS, C.I.E.

3 THE HON'BLE MR. J. GROSE.

GOVERNMENT HOUSE,
MADRAS.

12 NOV

CHIEF SECRETARY'S OFFICE
12 NOV. 1895
GOVERNMENT OF MADRAS

Mr. Weir's Memorial to the Secy. of State

5.10 pm

Dear Price

I return the Govt. minute on Weir's memorial with the letters from C.J. dated 4 Sept. & 15th Sept. in original, to be included in the minute. The other letters referred to are in the fole telegrams. My d.O. dated 5 Nov. 95 is what the Govt. wishes to in his note of reply to your note for orders. But I also send you copy of the last D.O. I wrote to Weir

As this Memorial deals so largely with various communications wh. have passed between the Chief Justice, Mr. Weir and myself in connection with his appointment to the Sessions Court. I think it would be the most convenient plan, if I were to follow Mr. Weir's memorial para by para - according as explanation or remark is called for.

Paras 1 - 12 require no special remark.

Para 13. On Sep. 5th while at Ootacamund I received the following letter from the Chief Justice: -

[H. E. letter dated Sep. 4. 1895]

On receipt of this letter I asked the C.J. what vacancy he referred to - and if there were an immediate vacancy - to be good enough to inform me who in the opinion of himself and the hon. the Judges would be the most suitable person to succeed him; [also thought] also thought Mr. Weir was not recommended now, whether I should understand his objection to apply to him, not only on this occasion, but in the event of a second vacancy occurring before very long. To these queries I received the following letter:

[H. E. letter dated Sep. 15. 1895]

19th Sept in Weir memorial

whereupon I directed the letter quoted by Mr. Weir to be sent to him - he having at this time also made a direct application to me for this post. Mr. Weir then wrote

G 7
1

letters, protesting against this adoption of the views of the Chief Justice, and affirming that the other High Court Judges were not of the same opinion. As on the occasion of other vacancies in the High Court it has been the custom of the Governor to consult the Judges privately, I took the earliest opportunity by calling the hon. the Judges together to advise me as to the vacancy about to be caused by the retirement of Mr. Justice Best. At this conference I was informed by the C.J. Mr. Justice Parker and Mr. Subramania Iyer that in their opinion Mr. Davies would undoubtedly be a better Judge - while Mr. Jus. Shephard and Mr. Jus. Best recommended Mr. Weir.

I further asked them if in their opinion Mr. Weir might be appointed in the event of a vacancy occurring before I left - had not - and with the exception of the C.J. they all recommended that his claims should be considered. The Chief Jus. for the reasons already given by him opposed this idea most strongly. As the result of this conference I found that I had no other course open to me, but to nominate Mr. Davies, but as there appeared to be a considerable body of opinion that Mr. Weir should not be absolutely precluded from being considered a candidate for a vacancy in the future I directed that the following letter should be sent to him

[H.E. Letter dated Dec. 28. 1895]

in full

From this it will be seen that the letter complained of by Mr. Weir has been withdrawn.

This sd be 14
W
14 nov

Para 14 (a) The arguments raised in this para - no longer apply - as already explained.

b. I have only to say that the views of the C.J. as to appointments to the H.C. for the proper working of wh. he is responsible are always received with much respect by the Governor but in this case Mr. Weir is mistaken in urging that the C.J. is unsupported by any of his colleagues.

c. d. e. f. g. and para 15. The C.J. has cognizance of all Mr. Weir's work and has placed on record an unfavourable opinion of it.

Para 16. I believe Mr. Weir to be a painstaking and conscientious officer - but it does not thereby follow that he is fit to occupy a seat on the High Court for possibly 12 years. -

Para 17. 18. 19. 20. Although ~~stress had~~ a certain amount of stress has been laid on the fact alluded to here - I have not attached any weight to the representations made.

Para 21 - Calls for no remark
- & 22

Para 23.

1. Mr. Weir's contention in this respect has been shown to be groundless.
2. The C.J. with the facts before him takes a different view.
3. See remarks on 1. supra.
4. Hardly requires serious notice
5. It has usually been the custom

fill up vacancies in the High Court by appointing the best men available at the time, and the question of seniority has very frequently been disregarded.

24. The question has already been disposed of by the H. M. the Queen Empress' approval of Mr. Davies.

Wenlock

Govt. House
Madras
Nov. 12th 1895

Minute on Mr. Weir's Memorial

MINUTE.

As this memorial deals so largely with various communications which have passed between the Chief Justice, Mr. Weir and myself in connection with his appointment to the High Court, I think it would be the most convenient plan if I were to follow Mr. Weir's memorial paragraph by paragraph according as explanation or remark is called for.

Paragraphs 1—12.—Require no special remark.

Paragraph 13.—On September 5th, while at Ootacamund, I received the following letter from the Chief Justice :—

"My dear Lord Wenlock, "*4th September 1895.*

"I believe it is possible that very shortly a vacancy will occur in the High Court Bench. I have no right or wish even to suggest, unless I am requested so to do, who should be nominated for the appointment, but it appears to me right that I should state my views upon a possible appointment.

"In November 1892 you consulted the late Sir T. Muthuswami Aiyar, Parker and Wilkinson, JJ., and myself upon the appointment of an Acting Judge, and we unanimously advised you not to appoint Mr. Weir to the vacancy as we were dissatisfied at the way he was doing his work at Madura. Mr. Weir then took leave and afterwards sent you a memorial with reference to his appointment to the High Court. This memorial you forwarded to me on the 22nd August 1893, asking me if I would make a recommendation in Mr. Weir's favour. This I was unable to do and adhered to the opinion I gave in November 1892. That opinion was communicated to Mr. Weir in these words :—'That, in view of the deliberately expressed opinion of the Chief Justice, he (Lord Wenlock) has arrived at the conclusion that the public interests would not be served by Mr. Weir being appointed to the High Court.' Mr. Weir, in a letter dated 9th December 1893, asked me my reasons for so advising, but I declined to discuss the matter with him.

"You are no doubt aware that in so small a bench as we are here every Judge is in constant communication with the Chief Justice, and to sit with a Judge who knows that I have advised the Government not to appoint him would be to me a very unpleasant task. Mr. Weir is brother-in-law to the Registrar, Original Side, the abolition of whose appointment I have advised. Under these circumstances I have no hesitation in stating that if Mr. Weir is appointed a Judge of the High Court my position as Chief Justice will be rendered very difficult.

"Mr. Weir has been Judge at Coimbatore since January 1894; he has had assistance given him to clear off the work, which no other Judge has ever required, although it is true that there were arrears in the court in 1894; but the court work is now not in a satisfactory state. Whilst at Madura the present Judge tells me that there are no arrears in criminal work. Mr. Weir had more than once to ask for assistance there. I trouble you with this letter as I understand Mr. Weir is pressing his claims to be appointed a Judge, but I am still very strongly of opinion that the public interests will not be served if he be so appointed.

"I am, my dear Lord Wenlock,
"Yours sincerely,

"(Signed) ARTHUR COLLINS."

On receipt of this letter, I asked the Chief Justice what vacancy he referred to, and if there were an immediate vacancy to be good enough to inform me who, in the opinion of himself and the Honourable the Judges, would be the most suitable person to succeed him; also, though Mr. Weir was not recommended now, whether I should understand his objections to apply to him not only on this occasion, but in the event of a second vacancy occurring before very long. To these queries I received the following letter:—

"My Dear Lord Wenlock, "*15th September 1895.*

"I believe that there is no doubt but that Mr. Justice Best has been offered and has accepted the Chief Judgeship of Mysore. It may be however that some formality has to be gone through. He has said nothing to me about his resignation; indeed, he has not been in court since the 6th of September as he is suffering from an attack of gout.

"In my opinion Mr. J. A. Davies is the most competent Civilian to succeed him. Mr. Davies is a Barrister and did very well on both sides of the court when he was an Acting Judge.

"In the event of a vacancy occurring through the resignation of Mr. Justice Parker, I should very much regret, for the reasons stated by me in my letter of the 4th of September, the appointment of Mr. Weir in his place.

"I am yours sincerely,

"(Signed) ARTHUR COLLINS."

Whereupon I directed the letter quoted by Mr. Weir to be sent to him, he having at this time also made a direct application to me for this post. Mr. Weir then wrote protesting against the adoption of the views of the Chief Justice and affirming that the other High Court Judges were not of the same opinion. As on the occasion of the other vacancies in the High Court it has been the custom of the Governor to consult the Judges privately, I took the earliest opportunity of calling the Honourable the Judges together to advise me as to the vacancy about to be caused by the retirement of Mr. Justice Best. At this conference I was informed by the Chief Justice, Mr. Justice Parker and Mr. Justice Subramanya Aiyar that, in their opinion, Mr. Davies would undoubtedly be a better Judge; while Mr. Justice Shephard and Mr. Justice Best recommended Mr. Weir. I further asked them if in their opinion Mr. Weir might be appointed in the event of a vacancy occurring before I left Madras, and, with the exception of the Chief Justice, they all recommended that his claims should be considered. The Chief Justice, for the reasons already given by him, opposed this idea most strongly. As the result of this conference I found that I had no other course open to me but to nominate Mr. Davies, but as there appeared to be a considerable body of opinion that Mr. Weir should not be absolutely precluded from being considered a candidate for a vacancy in the future, I directed that the following letter should be sent to him:—

"MY DEAR WEIR,

"*28th October 1895.*

"I am desired to inform you that, in accordance with the advice of a majority of the High Court Judges, His Excellency the Governor has decided to appoint Davies to act in the High Court (pending the announcement of Her Majesty's pleasure by the Secretary of State). If, as is probable, Parker retires at the end of the year your claims to succeed him will then be given His Excellency's fullest consideration. This undertaking conveys no promise of the appointment, but it removes the bar which my letter to you dated 19th September last placed on your chance of getting into the High Court at all during His Excellency's tenure of office.

"Yours sincerely,

"(Signed) C. F. MACCARTIE."

From this it will be seen that the letter complained of by Mr. Weir has been withdrawn.

Paragraph 14 (a).—The arguments raised in this paragraph no longer apply as already explained.

(*b*) I have only to say that the views of the Chief Justice as to appointments to the High Court, for the proper working of which he is responsible, are always received with much respect by the Governor, but in this case Mr. Weir is mistaken in urging that the Chief Justice is unsupported by any of his colleagues.

(c), (d), (e), (f), (g), and paragraph 15.—The Chief Justice has cognizance of all Mr. Weir's work and has placed on record an unfavourable opinion of it.

Paragraph 16.—I believe Mr. Weir to be a painstaking and conscientious officer, but it does not follow that he is fit to occupy a seat on the High Court for possibly fourteen years.

Paragraphs 17, 18, 19, 20.—Although a certain amount of stress has been laid on the fact alluded to here, I have not attached any weight to the representations made.

Paragraphs 21 and 22.—Call for no remark.

Paragraph 23 (1).—Mr. Weir's contention in this respect has been shown to be groundless.

(*2*) The Chief Justice with the facts before him takes a different view.

(*3*) See remarks on 1 *supra.*

(*4*) Hardly require serious notice.

(*5*) It has usually been the custom to fill up vacancies in the High Court by appointing the best men available at the time, and the question of seniority has been frequently disregarded.

Paragraph 24.—The question had already been disposed of by Her Majesty the Queen-Empress' approval of Mr. Davies.

(Signed) WENLOCK.

GOVERNMENT HOUSE, MADRAS,

12th November 1895.

G 7 10
300—5-10-95

DEPARTMENT.

C. No.

FOR ORDERS.

Seen. I have no remarks to make other than that in my opinion, H.E. the Gov.r, having consulted all the Judges of the H.C. was not only justified in accepting as conclusive the opinion of the majority, but was almost bound to do so.

It does not seem necessary to discuss at present what will, or should, happen if there should be another vacancy on the bench of the H.C. — Mr. Weir is, in my judgment, ill-advised in sending the memorial to the S. of S.; but that is his affair.

WH
12/11/95

Under the circumstances it would not have been right to appoint Mr. Weir. I am astonished that the memorial has not been withdrawn. It has lost all strength now the majority of the Judges have pronounced an opinion.

JS 12/11/95

A. DO with enclosures from the Private Secy. to H.E. the Gov. a memo. by H.E. upon which the despatch to the S. of S. should apparently be drawn up and the memorial of Mr. Weir to the S. of S. with connected papers are submitted to Mr. Ch.

As the matter the despatch to go on Thursday next Mr. Ch. is respectfully requested that the papers may be returned as soon as possible. They did not reach me until 5.10 pm.

JD
12/11/95.

FOR ORDERS.

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE.

R 13/11

[G.] 5-10-95

DEPARTMENT.

C. No.

FOR ORDERS.

A draft letter to the Rt. Hon the S. of S forwarding Mr. Weir's memorial is submitted for approval.

The minute of H.E. the Gov. has been copied out in extenso and sent to the Secy and the printed copy will be sent to the Honourable Secy during the ~~days~~ despatch.

Mr. Weir's D.O. is being sent in original a copy being retained here for reference if required. It seems necessary to do this as the printed copy would not bear his signature

12/11/95

I understood from a personal conversation with I had ~~no~~ with H.E. this morning that his minute was to go on with the letter and that no remarks on the memorial need be made

In case that the draft is approved without correction a fair copy is submitted herewith for signature

I think this course is the best – as this matter has been so personal to myself all through.

I w^d call attention to para 16 of my reply to Mr. Weir's 16. where I w^d put in the last lead of 12. W. the Gov

12/11/95

FOR ORDERS.

H. E. THE GOVERNOR.
THE HON'BLE MR. H. W. BLISS, C.I.E.
THE HON'BLE MR. J. GROSE.

DEPARTMENT.

C. No.

FOR ORDERS.

A printed copy of the minute of the Governor is submitted for His signature. The fair copy of the despatch which went yesterday has been unfortunately smudged whilst in circulation and looks untidy. As there is time to obtain signature to such copy I submit one.

14/11/95.

* Original fair copy was case H.E. may wish to refer to it.

Very Urgent

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE.

Department.

No. 10

TO

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

My Lord,

We have the honour to forward for your Lordship's orders a Memorial from Mr.T.Weir,I.C.S., appealing against the nomination by this Government of Mr.J.A.Davies,I.C.S., to officiate as a Judge of the High Court pending the announcement of the pleasure of Her Majesty the Queen.

2. To the Memorial is, at Mr. Weir's request, attached a demi-official letter from him to the Private Secretary to the Governor.

3. We transmit herewith a minute by His Excellency the Governor dealing with the Memorial, to which we consider that there is nothing to be added.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

Wenlock

H. W. Bliss

J. Grose

FORT ST.GEORGE,
14 November 1895.

Despatch 8 14th Nov 1895

No. 10 Judicial

Judicial Dept

Despd with memorial & Encl & minute 14/11/95

LETTER No. 10 8 14 Nov 1895

To
The Rt. Hon. the Secretary of State
for India,

My Lord,

We have the honour to forward for your Lordship's orders a Memorial from Mr. T.Weir, I.C.S., appealing against the nomination by this Govt. of Mr. J.A.Davies, I.C.S. to officiate as Judge of the High Court pending the announcement of the pleasure of H.M. the Queen.

2. To the Memorial is, ~~attached~~ at Mr. Weir's request, attached a demi-official letter from him to the Private Secretary to the Governor.

3. We transmit herewith a minute by H.E. the Governor dealing with the Memorial, to which we consider that there is nothing to be added.

We have &c.

13/11/95

(signed by all three)

Copy to India with memorial & minute Despd 19/11

Two copies to Stff J with memorial & minute Despd 20/11

D.O. No 671.

District and Sessions Court,

Coimbatore, 15 November 1895.

CHIEF SECRETARY
16 NOV. 1895
GOVERNMENT OF MADRAS

My dear Price

Yesterday's Madras Mail contains a Reuters telegram from which it would appear that Davies appointment to succeed Mr Justice Best has already been notified in the London Gazette.

Assuming the information

[G/9]
2,600—15-8-95.

~~D.O.~~ No. 671 Jud DEPARTMENT.

7

From
J. Weir Esq. ICS

No.

Dated 15 } Nov. 95.
Received 16
Reg.d 18
Enclosures

SUBJECT.

Re. his memorial to the Secy. of State

Council Box ?

y se
for
ed.
G.O.
1
No.
ss to C. No.
R OF GOVERNMENT.
R OF GOVERNMENT.
MENT WITH DITTO.
FILED UP, BEING
IN ORIGINAL.

N.B.—
A = Print in f
B = Not to be
P = Print abstr
Q = Print head

Port St. George
22nd November 1895.

My dear Weir,

I have placed your letter of the 15th instant before Government and am directed to inform you that no intimation such as that referred to by you was made to the Secretary of State as the course followed (the transmission of a telegram and formal letter) was in accordance with the invariable practice and Government see no reason to depart from this.

Yours sincerely
(Signed) J. F. Price
Chief Secretary

J.
~~C.~~ J. Weir Esq
ICS
115

CHIEF SECRETARIAT,

E. C.

No. 400

Dated 22-11-189

Q

Sec

t copy sent to Press.

turned for Signature.

espatched.

AGAIN G.O., No. 1 , DATED

ENT No.

ES TO C. No.

R OF GOVERNMENT.

R OF GOVERNMENT.

MENT WITH DITTO.

FILED UP, BEING MEANT FOR DESPATCH
ORIGINAL.

NUMBER OF COPIES REQUIRED. { Order complete. / Letter only. / Order complete with Letter.

Spare Copies.

Struck .. ..

Issued .. ..

Total ..

In hand ..

N.B.—

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B = Not to be printed.
P = Print abstract only.
Q = Print heading only.