

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 14. 7. 90
No. 806. with Des.
12 of 1890.

When given for copying 16/7

[Despatch Abstract.]

Civil servants

Forwarding to the Secy of
State for India memorial
from Mr. G.D. Irvine re the
selection of Mr. Wair, in
preference to himself, to fill a
temporary vacancy in the Madras
High Court.
Yours D^y.

Despatch
Rm

CLM
To

The Right Honorable

VISCOUNT CROSS, G.C.B.,

Her Majesty's Secretary of State for India.

*The Memorial of GEORGE DUNCAN IRVINE,
Madras Civil Service, District and
Sessions Judge of Coimbatore.*

HUMBLY SHOWETH THAT

Acting Judge S. C. Ct., Comba-
conam, 26th July 1872.

Acting District and Sessions
Judge, Tanjore, 10th June 1879.

Your Memorialist, having entered the Civil Service in 1863, was appointed to a Judgeship in July 1872, and has held judicial office, with short intermissions, ever since, the last ten years of his service having been passed in the higher grade of District and Sessions Judge.

2. He has had no reason to believe that his services have been otherwise than approved of:

Ag. Addl. Sess. Judge, Cudda-
lore, 16th April 1877.

During the Famine of 1877, he was selected to fill temporarily the office of Additional Sessions Judge:

G. O. Mad., Financial, 6th Oct.
1884, No. 2367.

In 1884, a Judgment passed by him, on an important question of Municipal Law, was confirmed by the High Court and circulated by Government as an authoritative ruling:

G. O. Mad., Judicial, 29th Sept.
1886, No. 2596.

In 1886, he was employed on Special Duty in connection with alleged human sacrifices in Bustar, and his report was accepted and acted upon by the Government:

Pro. Mad. Govt., 28th July 1888,
No. 1586.

In 1888, he was appointed to try charges of bribery preferred against the Sub-Judge of Tellicherry, an important duty requiring, in the opinion of Government, the services of an experienced officer.

Pro. Mad. Govt., 12th Jan. 1888,
No. 20.

G. O., 10th Sept. 1888, No. 1929,
India.

And he has been more than once selected as one of the District Judges, to whom Bills before Council are referred for opinion.

2?

3. No censure has ever been passed by Government or the High Court on your Memorialist's work, and at an interview before his departure on furlough last year, His Excellency Lord Connemara was pleased to express himself satisfied with it.

4. While so, on the occurrence of a temporary vacancy this year in the High Court, Mr. T. Weir, C.S., was appointed to act.

5. Your Memorialist was, at the time of this appointment, absent on furlough, but was due in a few weeks, and had informed Government of his readiness to cancel leave, and return to duty, if his services were required.

6. Mr. Weir is four years junior to your Memorialist and 17 places below him in the gradation list. He was first appointed to a Judgeship in 1883. Before that he had acted for several years as Registrar of the High Court, but his experience on the Bench commenced eleven years after your Memorialist's first appointment and four years after his promotion to the superior grade of District Judge.

7. Your Memorialist at first believed that the selection of Mr. Weir was due to a supposed temporary emergency, arising from the almost simultaneous departure on leave of the two Civilian Judges and the Registrar of the High Court. But, in reply to a respectful remonstrance addressed by him to His Excellency the Governor, he was favored with the following letter:—

"D. O.

PRIVATE SECRETARY'S OFFICE,
MADRAS, 27th February 1890.

MY DEAR IRVINE,

In reply to your letter of 7th February 1890, I am directed by His Excellency to say that the question of an officiating appointment to the High Court was fully and carefully considered, and that the appointment of Mr. Weir was that which appeared to His Excellency, after full consideration and consultation with those he considers most competent to form an opinion, to be in the interests of the Public Service which alone in such cases His Excellency considers. I am to add that the re-appointment of Mr. Weir is intended in any future vacancy.

Yours sincerely,
(Signed) J. D. REES."

And, at a subsequent personal interview, His Excellency explained the concluding sentence of this letter to mean that, so far as lay in His Excellency's power, Mr. Weir would be confirmed, in the event of a permanent vacancy.

8. His Excellency, while declining to give any reason for this supersession of your Memorialist by one so much his junior, threw out the suggestion that, if dissatisfied,

your Memorialist was at liberty to address your Lordship on the subject. His Excellency added that "he would be only too glad to be set right, if the Secretary of State thought differently in the matter."

9. Partly in deference to this suggestion, and partly because your Memorialist feels it due to himself, in view of the possible occurrence of a permanent vacancy, to place on record a statement of his case, he respectfully addresses this appeal to your Lordship.

10. If it be permissible, your Memorialist would refer your Lordship to the opinion of past and present Judges of the High Court, under whom he has served, as to his ability to fill with credit a seat on their Bench.

11. Such an appointment is the only prize to which a Civilian Judge can look forward as the reward of long and faithful service. The service of your Memorialist far exceeds that of any of his contemporaries, with the exception of the Hon'ble Mr. Justice Parker, and he shares with that officer the advantage of having been trained in subordinate courts.

12. Your Memorialist has no wish either to disparage the merits of others, or to overstate his own. In justice to himself, he feels bound to urge upon your Lordship the superiority of his claims, arising from length of service, and judicial experience: and, having done this, he confidently leaves the issue in your Lordship's hands.

(Sd) *Bureau Lane*

Madras Civil Service.

Concurred
2/3

Dec 1854

Coimbatore, 21st June 1890.

From
G. D. Irvine, Esq.,
District and Sessions Judge
Coimbatore.

To
The Honorable J. F. Price,
Chief Secretary to Government,
Coimbatore.

Sir,

I enclose a Memorial addressed
to the Right Honorable the Secretary of
State for India, and have the honor to
request that it may be forwarded for the
favorable consideration of His Lordship.

I have the honor to be,

Sir,

Your Most Obedient Servant,

District & Sessions Judge.

In Pub. Co. 506.
14-7-90

C. R. 1852 Pub.

Order.

The memorial will be forwarded to the Right Honourable the Secretary of State for India.

Memorial to

To
G. D. Draine Esq.

This draft is not at all what I consider desirable - the making the selection - I took those measures which I considered best - to guide my judgment - and which I feel confident did lead me to a right conclusion - If I am called upon to give those facts and reasons to the Secy of State I shall be prepared with an ample and of unanswerable explanation - but this draft need contain nothing more than a statement of the facts.

R. L. the for select within a reason which I am sure he considered adequate - but what they were I do not know, as R. L. did not consult me regarding the app. I do not know what ground there was for the statement in the statement - I do not know whether R. L. does so - R. L. may be a better judge than I am but I do not know, I am sure I feel that I had it been my lot to make the selection I should only on my own judgment

Do

The Rt. Hon. the Secy. of State for India.

My Lord,

We have the honor to forward a memorial addressed to your Lordship by Mr Duncan Draine of the Madras Civil Service, in which he complains of the selection of Mr Weir in preference to himself to fill a temporary vacancy in the Madras High Court. [H.S. 9/1/18]

2. We have no remarks to make on the subject of Mr Draine's Memorial. 3. We have only to say that the claims of the gentleman who has since filled the vacant appointment are considered as being superior.

having regard to his long
experience as Registrar
of the High Court, to
those of the Memorialist

30 June

Mr. C. Duncan Irvine's Memorial

to the Secy. of State.

Note for Mr's

The draft despatch to the Secy of State
Mr. Irvine's memorial is circulated in
accordance with the instructions of the
Govt. President as regards what
was done in former cases are put
up.

5 July.

Seen
JG
24

circulate

27/6

Have given Mr. Irvine the
benefit of my own opinion
to the Secy, and, so far as
I know, as good a judge
but if I had had before me
the names which I have
inferred in his choice, it is
possible that I might have
done as he did - among
others Mr. Weir was not
unfit for the office &
to I did not withhold
my concurrence in his
app't -

JG

3/7/95

P.S. I pass Pass 1 only
of the draft only

I pass the whole draft. I know the
Judges of the High Court thought more
good reason that Mr. Weir with
his knowledge of law & experience
as Registrar would give the Court
strength which it much needed

JG
4/7

Note for Office The following despatch has
been passed by H.C. - Original is
with Confidential Clerk.

Order. 14 July 1900 No 506.

The memorial will be forwarded

to the Right Honorable the Secretary of
State for India

despatch 30/7/90

to the Right Honorable the Secretary of State for India

Letter to the Right Honorable the Secretary
of State for India

My Lord,

We have the honor to forward
a memorial addressed to Your Lordship
by Mr. Duncan Irvine of the
Madras Civil Service, in which
he complains of the selection of
Mr. Weir in preference to himself
to fill a temporary vacancy in
the Madras High Court.

Ootacamund
22 July 1890

Copy despatch with copy
Memorial sent to the Secretary
31/7/90

Note Mr. Pees has been promised a
copy of the Memorial
himself.

From
Mr. Duncan Irvine Esq
Madras Civil Service

The Chief Secretary
to Government,
Ootacamund.

Dated 21 June
Sept. } 1890.
Received 23 July

Enclosure 1

Enclosure Memorial ^{for transmission}
to the Right Honorable the
Secretary of State for India.

22ND JULY 1890, No. 6, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honor to forward a memorial addressed to Your Lordship by
Mr. Duncan Irvine, of the Madras Civil Service, in which he complains of the selection
of Mr. Weir in preference to himself to fill a temporary vacancy in the Madras High
Court.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) CONNEMARA.
(") C. G. ARBUTHNOT.
(") J. H. GARSTIN.
(") J. GROSE.

OOTACAMUND,
22nd July 1890.

Exd. A. Raitt.

PUBLIC (1890) DEPARTMENT.

No. 6 of 1890.

Forwarding a memorial from Mr. G. D. Irvine, of the Madras Civil Service, complaining of the selection of Mr. Weir in preference to himself to fill a temporary vacancy in the Madras High Court.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 , No. , MISCELLANEOUS.

ENCLOSURE.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

A = Copy in full.
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80-17-C