

Public (1890) Department.

ORDINARY (Mis)

G.O., No. 905 A & B

DATED 24-12-1890

[Despatch Abstract.]

The Hon. Mr. J. G. Goss

Appointing — to be a
temporary member of Council
and directing that the Secy of
State and Govt of India be
informed accordingly.

BACK PAPERS.

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

FURTHER PAPERS.

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

905-A-C-12-20.1.91
 Calen. 40
 905 B 16-20.1.91

6 Copies sent to
 G. P. J. J. J.
 8/1/91

DECEMBER 1890, No. PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

From the Honorable Mr. BLISS, C.I.E., to the Honorable Mr. GARSTIN, C.S.I.,
 Governor of the Presidency of Fort St. George, dated

I have the honor to resign into your hands the appointment of Temporary
 Member of Council with which you were pleased to honor me on the 2nd instant.

Minute by the Honorable the PRESIDENT, dated 24th December 1890.

I propose the Honorable Mr. James Grose to be Temporary Member of Council.

ORDER—dated December 1890, No. Public.

The Honorable Mr. Henry Edward Stokes; Companion of the Most Exalted
 Order of the Star of India, an Ordinary Member of the Council of this Presidency,
 having returned from the leave granted him on the 26th June 1890, the Honorable
 Mr. James Grose has ceased to be a Temporary Member of Council, and the
 Honorable Mr. Henry William Bliss, Companion of the Most Eminent Order of the
 Indian Empire, a Temporary Member of Council, having resigned his appointment
 on the instant, which resignation has been accepted, a vacancy has occurred
 in the said Council. The Honorable the Governor in Council has therefore been
 pleased, under the authority vested in him by Section 27 of the 24 and 25 Vic.,
 Cap. 67, to appoint the Honorable Mr. James Grose to be a Temporary Member
 of the Council of this Presidency.

2. In pursuance of this appointment Mr. Grose has taken upon himself the
 execution of his office on the noon of this day.

3. Ordered that a notification of the Honorable Mr. James Grose's temporary
 succession to a seat in Council be made to the Right Honorable the Secretary of
 State for India and to the Government of India.

(True Extract.)

Chief Secretary.

1/28
 Considered and
 approved by the
 Council of the
 Presidency

Who Excellency

NOTIFICATION.

WHEREAS the Honorable Mr. Henry Edward Stokes, Companion of the Most Exalted Order of the Star of India, an Ordinary Member of the Council of the Presidency of Fort St. George, has returned from the leave granted him on the 26th June 1890, and in consequence thereof the Honorable Mr. James Grose has ceased to be a Temporary Member of Council:

And whereas a vacancy has occurred in the said Council in consequence of the resignation, on this day, of the Honorable Mr. Henry William Bliss, Companion of the Most Eminent Order of the Indian Empire, of his appointment as Temporary Member of the said Council:

And whereas no person provisionally appointed to succeed thereto is present on the spot;

His Excellency Therefore the Honorable the Governor in Council, under the powers vested in him by the provisions of Section 27 of 24 and 25 Vic., Cap. 67, has been pleased to supply such vacancy by the appointment of the Honorable Mr. James Grose to be Temporary Member of Council, and the said Mr. Grose has accordingly on the noon of this day taken upon himself the execution of his office.

(By Order of the Honorable the Governor in Council.)

J. F. PRICE,
Chief Secretary.

His Excellency
24th December 1890.

His Excellency

Handy

Regd. 6/11

Gobt. of {1890} Madras.
PUBLIC.

Issued

Recd.

Encl.

December 1890, No.

DECEMBER.

The Honorable Mr. James Grose,

Appointing — to be a Temporary Member of Council, and directing that the Secretary of State and Government of India be informed accordingly.

DECEMBER 1890, No. , PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to report, for the information of His Excellency the Governor-General in Council, that the Honorable Mr. James Grose having ceased to be a Temporary Member of Council owing to the return of the Honorable Mr. Henry Edward Stokes, C.S.I., from the leave granted him on the 26th June last, and the Honorable Mr. Henry William Bliss, C.I.E., having resigned his appointment as a Temporary Member, a vacancy has thus occurred in the Council, and no person having been provisionally appointed by Her Majesty to succeed thereto, the Honorable the Governor in Council has, under the authority vested in him by Section 27 of the 24 and 25 Vic., Cap. 67, appointed the Honorable Mr. James Grose to be a Temporary Member of the Council.

I have the honor to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
December 1890.

J. F. PRICE,
Chief Secretary.

1890.
PUBLIC DEPARTMENT.

From the Government of
Fort St. George.

Issued.

Recd.

Encl.

Letter, Dec. 1890, No.

DECEMBER.

The Honorable Mr. James Grose.

Intimating the appointment of — to be a Temporary Member of Council.

26th DECEMBER 1890, No. , PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers:—

From the Honorable Mr. BLISS, C.I.E., to the Honorable Mr. GARSTIN, C.S.I.,
Governor of the Presidency of Fort St. George, dated

I have the honor to resign into your hands the appointment of Temporary
Member of Council with which you were pleased to honor me on the 2nd instant.

Minute by the Honorable the PRESIDENT, dated December 1890:

I propose the Honorable Mr. James Grose to be Temporary Member of Council.

ORDER—dated December 1890, No. 905A, Public.

The Honorable Mr. Henry Edward Stokes, Companion of the Most Exalted Order of the Star of India, an Ordinary Member of the Council of this Presidency, having returned from the leave granted him on the 26th June 1890, the Honorable Mr. James Grose has ceased to be a Temporary Member of Council, and the Honorable Mr. Henry William Bliss, Companion of the Most Eminent Order of the Indian Empire, a Temporary Member of Council, having resigned his appointment on the instant, which resignation has been accepted, a vacancy has occurred in the said Council. His Excellency the Governor in Council has therefore been pleased, under the authority vested in him by Section 27 of the 24 and 25 Vic., Cap. 67, to appoint the Honorable Mr. James Grose to be a Temporary Member of the Council of this Presidency.

2. In pursuance of this appointment Mr. Grose has taken upon himself the execution of his office on the noon of this day.

3. Ordered that a notification of the Honorable Mr. James Grose's temporary succession to a seat in Council be made to the Right Honorable the Secretary of State for India and to the Government of India.

(True Extract.)

Chief Secretary.

NOTIFICATION.

WHEREAS the Honorable Mr. Henry Edward Stokes, Companion of the Most Exalted Order of the Star of India, an Ordinary Member of the Council of the Presidency of Fort St. George, has returned from the leave granted him on the 26th June 1890, and in consequence thereof the Honorable Mr. James Grose has ceased to be a Temporary Member of Council:

And whereas a vacancy has occurred in the said Council in consequence of the resignation, on this day, of the Honorable Mr. Henry William Bliss, Companion of the Most Eminent Order of the Indian Empire, of his appointment as Temporary Member of the said Council:

And whereas no person provisionally appointed to succeed thereto is present on the spot;

Therefore His Excellency the Governor in Council, under the powers vested in him by the provisions of Section 27 of 24 and 25 Vic., Cap. 67, has been pleased to supply such vacancy by the appointment of the Honorable Mr. James Grose to be Temporary Member of Council, and the said Mr. Grose has accordingly on the noon of this day taken upon himself the execution of his office.

(By Order of His Excellency the Governor in Council.)

J. F. PRICE,
Chief Secretary.

December 1890.

Gobt. of {1890} Madras.
PUBLIC.

Issued.

Recd.

Encl.

December 1890, No.

DECEMBER.

The Honorable Mr. James Grose.

Appointing — to be a Temporary Member of Council, and directing that the Secretary of State and Government of India be informed accordingly.

DECEMBER 1890, No. 90512, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE;

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to report, for the information of His Excellency the Governor-General in Council, that the Honorable Mr. James Grose having ceased to be a Temporary Member of Council owing to the return of the Honorable Mr. Henry Edward Stokes, C.S.I., from the leave granted him on the 26th June last, and the Honorable Mr. Henry William Bliss, C.I.E., having resigned his appointment as a Temporary Member, a vacancy has thus occurred in the Council, and no person having been provisionally appointed by Her Majesty to succeed thereto, His Excellency the Governor in Council has, under the authority vested in him by Section 27 of the 24 and 25 Vic., Cap. 67, appointed the Honorable Mr. James Grose to be a Temporary Member of the Council.

I have the honor to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
December 1890.

J. F. PRICE,
Chief Secretary.

1890.

PUBLIC DEPARTMENT.

From the Government of
Fort St. George.

Issued.

Recd.

Encl.

Letter, Dec. 1890, No. .

DECEMBER.

The Honorable Mr. James Grose.

Intimating the appointment of — to be a Temporary Member of Council.

24TH DECEMBER 1890, No. 905-B, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to report, for the information of His Excellency the Governor-General in Council, that the Honorable Mr. James Grose having ceased to be a Temporary Member of Council owing to the return of the Honorable Mr. Henry Edward Stokes, C.S.I., from the leave granted him on the 26th June last, and the Honorable Mr. Henry William Bliss, C.I.E., having resigned his appointment as a Temporary Member, a vacancy has thus occurred in the Council, and no person having been provisionally appointed by Her Majesty to succeed thereto, His Excellency the Governor in Council has, under the authority vested in him by Section 27 of the 24 and 25 Vic., Cap. 67, appointed the Honorable Mr. James Grose to be a Temporary Member of the Council.

I have the honor to be,
Sir,

Your most obedient servant,

FORT ST. GEORGE,
24th December 1890.

Chief Secretary.

1890.
PUBLIC DEPARTMENT.

*From the Government of
Fort St. George.*

Issued.

Recd.

Encl.

Letter, 24th Dec. 1890, No. 905-B.

DECEMBER.

The Honorable Mr. James Grose.

Intimating the appointment of — to be a Temporary Member of Council.

DECEMBER 1890, No. , PUBLIC.

PUBLIC DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

Mr. James Grose having ceased to be a Temporary Member of Council of this Presidency owing to the return of Mr. Henry Edward Stokes, C.S.I., from the leave granted him on the 26th June last, and Mr. Henry William Bliss, C.I.E., having resigned his appointment as a Temporary Member, a vacancy has thus occurred in the Council, and no person having been provisionally appointed by Her Majesty to succeed thereto, we have, under the authority vested in us by Section 27 of 24 and 25 Vic., Cap 67, appointed Mr. James Grose to be a Temporary Member of the Council.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

FORT ST. GEORGE,
December 1890.

Copy - to be sent
and sent
GOVT. OF FORT ST. GEORGE.

PUBLIC (1890) DEPARTMENT.

(5)

(Copy.)

See entry 80 from 1890
sent
LETTER to the Right Honorable
the Secretary of State for
India.

Dated December.

No. of 1890.

James in Council
18.12.90.

Intimating the appointment of the Honorable
Mr. James Grose to be a Temporary Member
of Council.

3
10
DECEMBER 1890, No. / , PUBLIC.

and 15/1/91

PUBLIC DEPARTMENT.

LETTER—to

THE RIGHT HONORABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

Mr. James Grose having ceased to be a Temporary Member of Council of this Presidency owing to the return of Mr. Henry Edward Stokes, C.S.I., from the leave granted him on the 26th June last, and Mr. Henry William Bliss, C.I.E., having resigned his appointment as a Temporary Member, a vacancy has thus occurred in the Council, and no person having been provisionally appointed by Her Majesty to succeed thereto, we have, under the authority vested in us by Section 27 of 24 and 25 Vic., Cap 67, appointed Mr. James Grose to be a Temporary Member of the Council.

We have the honor to be,

My Lord,

Your Lordship's most obedient, humble servants,

L. J. Miller

FORT ST. GEORGE,
December 1890.

Copy Dispatch sent to Lord of India
16/1/91

PUBLIC (1800)-DELA TML

(Copy.)

Dated December,

No. / of 1800. 1851

*Intimating the appointment of the Honorable
Mr. James Grose to be a Temporary Member
of Council.*

DEPARTMENT

No

Confidential

From

Dated

18

FOR ORDERS

By Notification No 340 dated 2nd July 1890, and published on page 471 of the Fort St. George Gazette of the 8th July 1890 the Honorable Mr. Grose was appointed to be Temporary Member of Council in the vacancy in the office of Ordinary Member of Council caused by the Honorable Mr. Stokes having obtained six months leave on Medical Certificate. The period of 6 months leave expires on the 24th December 1890 and cannot be exceeded or extended (24 + 35. No. C. 67, 826). From Notification No. 496 dated 28th October 1890 published at page 826 of the Fort St. George Gazette of the 28th October 1890, it appears that the Hon'ble Mr. Stokes has been permitted by the Secretary of State to return to duty. He may therefore be expected to ~~be~~ ^{be} present or about the 24th December next. D

The views expressed in
his letter are correct.
London under the
impression that on the
whole Stone's return
to the U.S. from W.
before the war was
overshadowed by the fact
that Blair also
then got to California.
The matter must be
discussed with him
on Sunday next.

5/12/90 ~~2/8/5~~
20
17/12

That the state of things
was as stated in the
letter occurred to me
on Thursday and on

FOR ORDERS.

The appointment of the Honorable Mr. Groves to be Temporary Member of Council purported to be made under the ^{power} provisions recited in Government by Sec. 27, Cap 67, 24 and 25 Victoria. That section apparently refers to two cases - first that of a vacancy occurring by such permanent causes as death or retirement, secondly that of a vacancy occurring through an ordinary Member of Council becoming incapable through infirmity or otherwise, or being absent on leave. The Honorable Mr. Groves' appointment seems to fall within the second case, and he will, therefore, continue in the office of Temporary Member "until the return of the Member as absent or unable to attend" upon the return of the Honorable Mr. Stokes on the 24 Dec. the Honorable Mr. Groves' term of office as Temporary Member of Council will cease and determine, and no vacancy will apparently exist to which he can be appointed.

The Honorable Mr. Bliss on the other hand has been appointed to be Temporary Member of Council by Notification dated Dec. 1890 and published in the

Friday 20th I wrote to Mr. Groves the fact to point it out, at the same time intimating my intention to resign on Mr. Stokes' return, so that Mr. Groves might be appointed to the vacancy ^{if permanent} should thus exist.

B.S.

7/12/90

On the 24th Dec. when Mr. Bliss had put in his formal resignation as he proposed & Mr. Groves was then in principle to be appointed under Sec. 31 of 33, from 24.6.52 a copy of which is sent to you with the letter which I wrote to the office of Gov. regarding the same.

Regarding the same having a telegram come today from the Acting State Secretary that under the Statute I must take the office of Gov. until the next meeting of the Council.

W. Stokes.
10/11/90

the Ant. St. George Gazette of the 2nd December 1890. He has been appointed in the vacancy caused by the succession of the Honorable Mr. Garstin to the office of Governor and ^{Act.} under the terms of 24 and 25 C. 67. S. 27 - he "shall execute the office to which he has been appointed" until the return of the Member so absent or unable to attend. It does not appear that the Honorable Mr. Bliss' term of the office of Temporary Member of Council will be affected by the return of the Honorable Mr. Stokes, but he will continue to hold office so long as the Honorable Mr. Garstin shall continue to be Acting Governor.

It has been assumed that the Honorable Mr. Stokes will, upon his return, occupy the position of Ordinary Member and will not succeed to the office of Governor. It seems sufficiently clear from the wording of 3 and 4 William IV, Cap 85, S. 63 that there will then be no vacancy in the office of Governor and that the Honorable Mr. Garstin will "hold and execute the office of Governor until a successor shall arrive or some other person on the spot shall be duly appointed thereto", each of these sentences referring apparently to a permanent appointment.

The

The effect of the law as regards the
present Temporary Members of
Council is brought to notice and
submitted for orders now, as in the
event of the Hon'ble Mr. Stokes arriving
in the middle of the Xmas holidays
difficult and embarrassing questions
may arise as to which Honorable
Member vacates office, and all
the Members of Government may
not be present in Madras to decide
them. In any case it would appear
desirable to settle them in advance.

24/12/1891

3 Dec

The effect is

Confidential

For Orders

- 1 The Honble the Governor C.S.D.
- 2 The Honble Mr Grose
- 3 The Honble Mr Bliss.
C.D.R.

* 8.0. 2 July 1890
474 Pub.

My dear Branson,

Will you be so kind as

to give your opinion on the following point:-

Grand Inquest last July 6th.
On the day Honorable Mr. Stokes under Section
26 of the Judicial Councils Act, ~~Mr. G. G. G.~~ the Honorable

Mr. G. G. G. was appointed, under Sec. 27 of the act

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Dec 5 1890

My dear Sir,

It occurred to me yesterday that, as the appointments have been made, it is those who will have to vacate office when Stokes comes out, not I! If you will look into the matter you will see that this is so. Of course this

is not what was
intended. I propose
therefore to resign on
Stokes' arrival, when
you can reappoint
Rose, vice yourself.

Yours sincerely

H. W. Hays

High Court.

12 Dec., 1890.

12 DEC 90
CLEVELAND, C. OH.

My dear Price,

I think that a
fresh notification is
necessary as soon as
Mr. Stokes returns &
Mr. Bliss retires, &
that the notification
should state that
as Mr. Stokes has re-
turned Mr. ^{has} ~~been~~ ^{ceased}
to be a temporary mem-
ber of Council, that
in consequence of the
resignation of Mr. Bliss
a vacancy has occurred

and that Mr. Grose is
appointed. I think
this course will prevent
any doubt being raised
as to the validity of
acts done by Mr. Grose
in his capacity of
Temporary Member of
Council. It is just possible
that such doubts might
arise if he continued
to act after Mr. Stokes's
return upon the strength
of the L. O. 474 of 2 July 1879.

Yours sincerely
J. A. Spring Raman.

The Hon. Mr. F. Price.

copy

NUMBER OF COPIES
REQUIRED.

Order complete.
Letter only.

24/12/20
Transferred to
Sub. to Govt.



RECEIVED

24th Decem
(Fore

To.

The Honorable Mr. Gov
Governor of the Pres
St. Geo

Your Excellency,

I have the hon
into your hands the aspen
Temporary Member of Cou
Which you were pleased to
on the 2nd instant

copy

Number of copies
acquired. { Order complete.
Letter only.

ORDER IN COUNCIL.

The word "Temporary" is to be
inserted in the original in the
only place

From Excellency's

Most obedient Servant

D. W. P. H. H.

ORDER IN COUNCIL.

The word "Temporary" is to be substituted for provisional in the process app^t and it should be dated from the 24th Dec^r.

S
6 Jan^u

2058-12
24-12-90

Minister of Home Affairs
initially on 26/1/91

Public DEPARTMENT.

FORT ST. GEORGE, *December 1890.*

THE PRESIDENT proposes the following appointment:—

The Honorable Mr. James
~~Greene~~ ^{McGregor} ~~Greene~~
 Greer to be Temporary Member
 of Council.

J. H. Fowler

a Provisional member is appointed only by the Queen. The action made by the Hon the President appears to me wrong. There being a full vacancy the Hon Mr. Jones will draw the full pay of a member of Council under 24 & 25 Vic c. 67
Dec 27.

16cs

25 Dec.

25 Dec.
Certainly he will - I said
he would - 'Provisional' in
the sense of 'sub-protection' in view
of making this sure -
I did not like the word

'Improving' - ~~the~~ 'Provisional'
 they to encourage - possible
 out of the the W. S. to have I
 him - much in out - the
 hope to explain matters
 & that will undoubtedly be
 drawn up & printed
 in the 'L' in the same
 form - & the same
 time can not over the
 my long, & there is
 in the last objection -

[illegible]

Pattin DEPARTMENT.

1890.

MINUTE OF APPOINTMENT.

I think the word "temporary" should stand in the notification. It is used in Sec 33 Geo. III. c. 52 sec 27 as well as in 24 & 25 Vic c. 67 sec 27. H.E. the acting Governor (an expression used in 34 & 41 Vic c. 85 sec 63) the statute first quoted above has no power to appoint any other kind of member of Council than a temporary one; and the appointment, I believe, is made ~~unlawfully~~ by the Gov^r in Council. 33 Geo III c 52 sec 31 & 24 & 25 Vic c. 67 sec 27. H.E. The Hon. Mr. Gairdner is not a provisional, but an acting Governor. A provisional Governor General, Governor or member of Council, is appointed when Sec 33 Geo III. c 52 sec 25 & 27, the law was thereby acted in the Court of Directors being now exercised by the Sec. of State. 21 & 22 Vic c. 106 sec. 3.

H.E.

28 Dec.

As to the appointment of provisional members of Council falling into desuetude I believe that I myself was appointed provisional member in 1855.

W.S.

Seen

H.E.

7/1/91 It was agreed in Council that the word Temp^r sh^d be inserted

H.E.

copy sent to Press.

turned for signature.

dispatched.

MAIN G.O., No. 100

DATE

NUMBER OF COPIES REQUIRED.

Order complete.

Letter only.

Order complete with Letter.

Spare Copies.

Struck

Issued

Total

In hand

MENT No.

ENCLOSURE TO G. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH IN TO.

PAPERS NOT FILED UP, BEING MEANT FOR DESTRUCTION IN ORIGINAL.

N.B.—

A = Print in full.
B = Not to be printed.
C = Print Abstract only.
Q = Print heading only.

15-3-19.

20.7.26

CONFIDENTIAL

205
24-12-20

205
420 3/26

85
19.7.26