

ORDINARY, MS.

<i>Public</i> DEPARTMENT.	
G.O., DATED	4. XI. 91
No.	931 ✓

DESPATCHED

When given for copying
in M.S.

[Despatch Abstract.]

Mr. Graham's Appl.

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

N.B.—

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To
The Hon'ble the ~~Judge~~ Chief
Justice of the High Court
of Madras

Honorable Sir, Order of 7. 11. 91. 91. 931

With reference to ^{this} ~~Regulation~~
Justice's letter No 2457 of 9th October
last, I am directed to enquire if in

the opinion of the Honorable the Judge
of the High Court, M. Grahamme
whether he is prepared to undertake the
duties of District & Sessions Judge
of Ganjam.

The ~~Lawson~~ ^{From Order}
Very early reply is requested.
C.S.
4/10.

The Hon'ble the Judge of
the High Court (with C.S.)
IN M.S.

Pub. C. N. 3022

The paper referring to Mr. Graham was not put up, in which this question was first discussed, and I had to rely on my memory, which misled me into thinking that the reference alluded to by the hon. Mr. Stokes was ^{only} the conversation he had with Mr. Justice Wilkinson. I am sorry that in consequence of not having all the information before me, which ought to have been put up by the C. S. I did not state the case exactly. At the same time I adhere to my point that it is not possible to deal with Mr. Graham until we have an official statement from the High Court. One has now

I am glad Mr. L. has ascertained that the meaning of the High Court Judge meant however that what the words of their letter actually convey. & that

Mr. L. is confident of finding a Court to suit Mr. Graham.

There are no papers in the packet that throw light on Mr. L.'s allusion to 'casual conversation'. So I do not quite understand the point of the remark.

A man who is not fit to be a judge is not likely to be a good

Public

Collector - & as in the
case of W. Wells
not long ago (when
he was moved from
Gangaw) it was
proposed to transfer
him to a District
(though the proposal was
not adopted) I looked
on such a transfer
as possible if the High
Court, on further
reference, that Mr.
Graham was well
fit to preside over
any District Court

11/11/91 J. G.

reached us, and I fully believe
from enquiries I have made that
the Judges would be satisfied if
Mr. Graham was removed to
a higher court. But as there still
appears to linger a doubt in
the minds of my hon. colleagues,
I am quite willing that a
communication be sent to them
to ask them if, in their opinion,
Mr. Graham would be equal
to undertake the duties of
Session Judge of Gangaw.

L
J. G.

11/11/91
We may ask the
Court whether Mr. Graham
is in their opinion
to be in charge of a District
Court at all. If so

Public

[6]

Gobt. of 1891 Madras
Judicial

To

The Public Dept

Proceedings, dated 15-10-1891.

No. 2111

Rev 17-10-91

Subject.

Shaving that the
Subjudge of Bellary
& Haleu to hold his
Court at Tinnivelly
for a term of 5 months
from 1st Proximo

For Order with reference to para 2 of
the G.O. D. 17 Oct.

I some time ago urged the necessity of
moving Mr. Graham from Tinnivelly
but Mr. the Governor refused to do it.
I think the recommendation of the H.C.
can hardly be disregarded. It is a step
of a kind which they take only in
case of overmounting necessity, and it
is easy to see that the letter has
been made as moderate in tone
as was possible.

The only difficulty is ~~when to send~~
Mr. Graham. The Com. organs. Com. ~~are~~
~~already filled by some who are~~
already filled by some who are ~~not~~ ~~not~~ ~~not~~
sufficient, from me in this point are however
out of place.

W.S.
10 Oct.

There is the alternative of requiring
Mr. Graham to retire or to take
pension. The H.C.'s recommendation
however does not warrant so & to
a step, and it should not be taken
unless on further reference. The
H.C. judges are prepared to say
that he is unfit for the charge of
any Court.

H.C.

We might ask the High
Ct. whether Mr. Graham
is in their opinion unfit
to be in charge of a Dist.
Court at all. If they

xx say he is - he will have to be transferred to a Dist. Court at once. If they say he is not - he will have to be transferred to a Dist. Court at once. If they say he is not - he will have to be transferred to a Dist. Court at once.

I shall be obliged if H.E. will explain the remark here made. I am not aware that the transfer, retirement, or degradation of Mr. Graham have been suggested upon casual conversation or communication of an informal or colloquial nature.

I have during the last five years read many of Mr. Graham's judgments in criminal cases and have formed the opinion, based on such personal, that miscarriages of justice have frequently taken place in his court. When on a previous occasion, I recommended his transfer, I stated this opinion, & I added that the Hon. Mr. Justice Wilkerson had ~~expressed to me that he~~ ^{expressed to me that he} should be transferred. This was not done casually, informally, or colloquially but deliberately, and I promised him that I would mention what he had said to my colleagues. My suggestion was ~~not~~ ^{however} based upon my own opinion & I advised what he said ⁱⁿ support of it.

I think the question had better be discussed in Council, & that the opinion of the High Court should at least be asked whether Mr. Graham's powers are adequate to the change of the Court to which it may be proposed to transfer him.

Wes
29 Oct.

now that a letter from the High Court has been received by the Gov. regarding the shortcoming of Mr. Graham as Session Judge of Timorally, it is for the Gov. to deal with the matter. I am not prepared to admit that action of such an important character as the transfer - or as is actually suggested the retirement - or the degradation of an officer of the standing of a Session Judge should be undertaken on casual conversation, or ~~informal~~ ^{casual} communications of an informal and colloquial nature. The letter of the High Court proposes

1. The temporary appl. of a Sub Judge to Timorally
2. The transfer of Mr. Graham to some lighter Court.

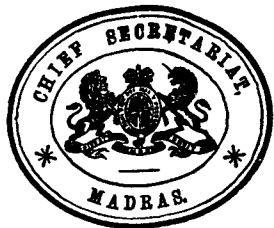
As to 1. I agree to the proposal made by the High Court that the Sub Judge of Bellary should be transferred to Timorally on Nov 1st for 5 months to assist in clearing off the arrears at the Sub Court there.

2. I am fully convinced by the letter of the High Court of the advisability of removing Mr. Graham to a lighter Court than Timorally and in the course of the duty which will devolve on me of recommending him to such a Court, in accordance with the recommendations of the High Court, I do not anticipate any difficulty in finding a Court which my hon. colleagues will agree will be proportionate to his powers.

I have satisfied myself that there was no intimation on the part of (at all events the majority of) the Judges whose letter is under consideration, of suggesting that Mr. Graham should be treated in any other way than is actually conveyed in their letter.

W
29 Oct.

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

From the Registrar of the High Court of Judicature at Madras, Appellate Side, dated 9th October 1891, No 2451, suggesting that the Subordinate Judge of Bellary and Salem may be directed to hold his court at Timmerville for a term of 5 months from the 1st proximo to help in clearing off the accumulation of work there.

Order 15th October 1891 No 2111

The High Courts proposed is approved and the notification will be published in the Fort St. George Gazette and the Bellary, Salem and Timmerville District Gazettes.

2. With reference to the proposal to transfer Mr. Graham the High Courts letter will be transferred to the Public Department.

(True Extract)

Attest

Sy. Under Secretary

J.

The Public Department
with b. No 4561.

Hon. the Chief Justice of the High Court.

Collectors of Bellary, Salem & Timmerville.