

[]
Public (1896) Department.

168
1
ORDINARY PRINTED.

G.O. No. 168

DATED 31st Jan: 1896

INDEXED.

[Despatch Abstract.]

HON'BLE MR. JUSTICE PARKER.

Accepting the Hon. Mr. Justice Parker's resignation of his seat in the Madras High Court ^{and} the Indian Civil Service with effect from the 31st February 1896 and admitting him to an annuity of £ 1,000 payable in England.

18 Jan 96

No.	Department.	Date.	
FURTHER P.			
No.	Department.	Date.	G.

பாதுகாப்பு மரு-1

செப்பெயர் பெயர் *W. T. Parker*
 செப்பெயர் பெயர் *12/07*
 செப்பெயர் பெயர் *5/08*
 செப்பெயர் பெயர் *2/08*
 செப்பெயர் பெயர் *2/08*
 செப்பெயர் பெயர் *2/08*

168
2

No. 168, PUBLIC, 31st JANUARY 1896.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From the Hon'ble Mr. Justice PARKER, Puisne Judge, High Court, Madras, to the Chief Secretary to Government, dated Madras, 15th January 1896.

I have the honour to request that His Excellency the Governor in Council will be pleased to accept my resignation of the Indian Civil Service and of my seat on the High Court Bench from Monday, the 3rd February next. Under section 1072 of the Civil Service Regulations, I request that my Civil Service pension of £1,000 per annum may be paid at the Home Treasury in London.

No. A.D.H.-126.

The undersigned has the honour to report that the Hon'ble Mr. Justice George Arthur Parker's total service from 31st August 1863 to 2nd February 1896 will amount to 32 years 5 months and 3 days and his active service to 26 years 1 month and 19 days, and that, if he retires from the 3rd February 1896, he will be entitled to an annuity of £1,000 a year under Article 620 of the Civil Service Regulations, 2nd Edition. There are no demands outstanding against him on the books of this office.

Fort St. George,
17th January 1896.

(Signed) F. C. HARRISON,
Offg. Accountant-General.

To the Chief Secretary to Government.

ORDER—No. 168, Public, dated 31st January 1896.

His Excellency the Governor in Council is pleased to accept the Hon'ble Mr. Justice Parker's resignation of his seat in the Madras High Court and of the Indian Civil Service with effect from the 3rd February 1896, and to admit him from that date to an annuity of £1,000 payable in England.

(True Extract.)

Chief Secretary.

To the Hon'ble Mr. Justice Parker.
 " Hon'ble the Judges of the High Court, with C.L.
 " Accountant-General.
 " Comptroller, Indian Treasuries.

Gazette

End. A. Baill.

Gobt. of {1896} Madras
PUBLIC.

Issued

Recd.

Encl.

G.O., No. 163, 31st January 1896.

JANUARY.

The Hon'ble Mr. Justice Parker.

Accepting the Hon'ble Mr. Justice Parker's resignation of his seat in the Madras High Court and of the Indian Civil Service with effect from the 3rd February 1896, and admitting him to an annuity of £1,000 payable in England

From

The Hon'ble
Mr. Justice Parker.

Judge High Court

Date 15.1.96 }
Recd 17.1.96 }
Regd 18.1.96 } Encl. 1.

Subject

Submitting his resignation
of the I.C.S. and of his
Seat in the High Court Bench
from Monday the 3rd Feb 1896
Tues

Photostat
Duty Office
17 Jan 1896

The Chief Secretary Govt.
Public Dept.,
Post Office

MD

Pub
196

168
3

2

126

The undersigned has the honor to inform
that the Hon. Mr. Justice Parker's
Parker's total service from 31st August
1863 to 2nd February 1896 will amount
to 32 years, 5 months and 3 days and
his active service to 26 years, 1 month
and 19 days and that if he retires
from the 3rd February 1896, he will
be entitled to an annuity of £1,000
a year under article 620 of the Civil
Service Regulations, 2nd Edition.
There are no demands outstanding
against him on the books of this
Office.

Williamson
Offg. Secy. Genl

168
4

High Court
Madras

15th January 1896

Sir,

The Hon. Mr. Justice Parker
Prison Judge High Court
Madras

To The Accountant General
Madras

Sir,

I have the honor to request that you
will be good enough to forward the
enclosed letter of resignation to Government
with the necessary certificates for
pension.

I have the honor to be,

Sir,

Your most obedient servant,

G. C. Parker

Judge, High Court.

163
6

196 High Court
London

15th January 1896

P

From

The Hon. Mr. Justice Parker

Prison Judge

High Court, London

To

The Chief Secretary to Government

West St. George

Dear Sir,

I have the honor to request that H.E.
the Governor in Council will be pleased to
accept my resignation of the Indian Civil
Service and of my seat on the High Court
 Bench from Monday the 3rd February next.

Under art-1072 of the Civil Service Regulations

I request that my Civil Service pension of
£1000 per annum may be paid at the
Home Treasury in London.

I have the honor to be,

Sir,

Your most obedient servant,

J. H. Parker

Judge, High Court.

158

for the ...

for my ...
G. ...

CHIEF SECRETARY
30 JAN 1896
GOVERNMENT OF MADRAS

Yamuna
Shundar

My dear Sir,
I have the honor to acknowledge the receipt of your letter of the 28th inst. regarding the application of the late Mr. S. O. Perumthambi for a grant of Rs. 1000 towards the expenses of his family. I am sorry to hear that the grant has not been sanctioned. I am, however, sorry to hear that the grant has not been sanctioned. I am, however, sorry to hear that the grant has not been sanctioned.

King wie kann sie helfen

E. C. Parker

FOR ORDERS.

With refer to the C.S. note below--
Apparently A, the officer selected as
permanent J. of the H.C., should
now be put in to act vice Mr. Parker.
Then, when a 6th judge is sanctioned,
A will be appd. permanently, 6th J. &
B will be put in to act vice Mr. Parker.
I don't make out that it is necessary
that the 6th J. should be appd. before Mr.
Parker goes. But it will be safe to
write to India for instructions.

DN

21/1/96

I think it will be best to
write for instructions.

960

21 Jan

JG

21/1/96

Please see the notes & orders in G.O.
1589 Ind. There show that
14-12-95
apparently a Judge of the High Court
can only be appointed permanently
under letters Patent, & that to appoint
a judge temporarily it is necessary
to fill wait until a vacancy is
about to occur & then appoint someone
permanently, & not fill up the vacancy
when it does occur. This gives the
Court a temporary judge from the
time of the appointment until the
time when the vacancy occurs.
This was done in 1887 when a
temporary additional judge
was wanted, & Indian telegram
in G.O. 1589 Ind. shows that
that Govt. wished to have done
the same thing when Mr. T.
retired, but was prevented by the

apidity with which that step was
apparently
taken to fall back upon
Parker's retirement in order to
save the same move.

India has been told that Mr.
Bliss proposed to retire in the
next half of February but Davies
thinks that this should not be made
public, & it seems necessary
now that Mr. Parker has publicly
told his wish to retire that before
it is allowed to do so India should
be informed & asked whether they
want to take advantage of his
retirement as in 1887. This
may be done by wire. It is not
known that India has said or
is subject to the S. & S. It
appears to have said something, as
the cipher telegram arrived shortly
before a letter announcing that the
papers about the admt. Indge had
gone on to the S. & S. There
is a council tomorrow & this is clear.

It is right.

As I understand the matter concerned
(A) who is the officer who is to be permanently
appointed must be appointed before
Mr. Parker retires. Then Mr. B for B
who is to be the temporary holder

Hon Mr. Justice Paine's
retirement.

FOR ORDERS.

H. E. THE GOVERNOR.

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

THE HON'BLE MR. J. GROSE, C.M.

and before any one is put on
to act pending the majority
pleasure

[G.]
25
1,000-5-11-96

168
10

DEPARTMENT

C. No.

FOR ORDERS.

is put in ^{to appoint} pending the Queen's pleasure.
This will not be at once announced
but when B. the necessity for B. has
ceased to wish to with announcements
that the Queen has not been pleased
to appoint him. He will then resign
& A will fill the vacancy.

20
27/1/96.

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS,

THE HON'BLE MR. J. GROSE.

see Sir P. Northcote's paper
in
Go. 1026 J. in which this
14.5.87
has been endorsed. (p. 12)

168
12

one
appointment...
is vacant, one judge is
acting for the C.J. 168
12
provisional present there is no vaca
to which Govt. can appoint, & for
provision can only be made by the
Regency by letters Patent under the Act

This Govt. reported this. Difficultly
the Govt. of India in Letter No. 1217 J.
7.5.83
asked if similar objections had been raised
in Calcutta. India replied that for
certain reasons they had not, & the
case was then laid before the S. & S.
(Go. 1026 J. 4.6.83 & Despatch No. 12
7.6.83)
The S. & S. avoided giving an answer
to the question (Despatch in Go. 2498
30.5.83)
beyond saying that he was unable
to recommend the Queen to make
a temp. app. by letters Patent.
The Govt. of India pressed him
a decision (see its letter in Go. 304
11)
in which the case is discussed at
length but he still declined to
make a ruling (same Go.).

shortly came to
the suggestion was that
Judge should be appointed
manually at once & that when
Mandt's or Mr. Parker's retirement
arrived the vacancy so made
could not be filled up. This is
the same effect as a temporary
appointment of a judge until the
of their retirement. (Para 16. of
P.P. Hutchins' note, & para 3. of
same go. and para 7. of
is despatched in go. 2672 J.
24. 11. 87.)
Wilkinson was accordingly
appointed permanently by letters patent
B.S. 2617 J. 16. 11. 87 and 2712
29. 11. 87.)
These orders however arrived after
long delay & Mr. J. Mandt
died sooner than was expected,
noting material assistance
given the Court. This Govt.
immediately appointed Mr. Stephens to
and when he retired

1911/11/11
168
12
Telegrams to

Home, Calcutta

19x Parker has applied to
retire from third proximo.
Please with reference to your
cipher telegram of third December
last intimate what should be
done.

3d. J. F. Price
Chief Secy

Note for C.S.

The above telegram was despatched
on 21st Jan. but no reply has
yet come.

Mr. Parker retires from the
third of February, next Monday,
& no order permitting his
resignation has not yet issued.

Orders are solicited as to
whether India should not now be
reminded by wire. If no
reply has come by Sunday next
the order permitting retirement
must apparently issue without
waiting for it.

Hon. Mr. Bliss' opinion that it
is not necessary to wait that he

Judge should be appointed before Mr. Parker goes off to court.

The papers about the appointment for an additional judge to the High Court are the following:-

The question of the difficulty of making temporary appointments to the High Court was first raised by Mr. Weir's letter in 30. 2. 7. Judicial. It was then pointed out that by sec. 2. of 24 & 25. Vict. cap. 104. the H.C. consists of a C.J. and as many judges; not exceeding 15, as Her Majesty shall from time to time think fit and appoint. By the Letters Patent of 1862 the Court was made to consist of a C.J. & five Judges. The Letters Patent of 1865 revoked these, & ordained that the persons who should immediately before the publication of the Letters Patent be the C.J. & Judges should continue to be ^{such} until further provision should be made by Her Majesty or her successors in accordance with the Act. At the time of this publication the Court consisted of a C.J. & only four judges.

return

CL

Sub to Mr. Parker
seen. Hanks.
W. H. Hanks

168
13

The S. of S. sanctioned the arrangement until 31st Aug. '88 (telegram from India in the same go). In June '88 (go. 13. 2. 88) Govt. asked that the arrangement might continue until for right months more. In March '89 (go. 13. 2. 89) the further continuance of the arrangement was asked for, & since then sanction has been annually applied for ^{almost} as a matter of course.

There are thus five permanent Judges of the High Court, & when one only continues as might be the pleasure of the S. of S. in consequence of the peculiar arrangement made in 1887.

The H.C. now asks for a sixth judge temporarily. The telegram from India says in the telegram go. 25. 5. 14. 12. 95 that it wants to adopt the same arrangement as in 1887. This does not seem possible. If Mr. Parker seems to retire about next August it might be done, &

Parker retired. As it is
course proposed by Hon. Mr.
seems the only way of
is a temporary judge under
S. of S. will go back upon
refusal to apply for letters
for a temporary post.

This is so there seems to be
need to postpone issuing the
accepting Mr. Parker's
enact. Orders are

El

30. C. 36

A letter from the Hon. Mr. Parker
is submitted.

I have seen him on the 2nd. He said
that he had not been told that. Though
it is found under section 7. 24-
25. Section 104. It fills up the
vacancy which created by the death of
of a Chief Justice.

I see that Mr. Parker's name has been
in a telegram has been received
from the S. of S. saying that Mr.
Parker is not to be suggested in
Hon. Mr. Parker's name with the

Mr. Parker's retirement.

[Handwritten signature]

Note.

For order

[Handwritten signature]

G.O. 168
1-1-76

[9]
4,000-25-1-90.

Current No. 487

[Handwritten signature] DEPARTMENT.

Set
From

The G.O. 9

Home

No.

Dated

Received

Registered

Enclosures

4 } 2. 26
4 }
4 }

SUBJECT.

Re: the retirement
of the Hon. T. Parker

Class. 8. 15 INDIAN TELEGRAPHS Monthly Number.

To [unclear] From [unclear]

Date 11/12/96

To [unclear] From [unclear]

Chief Secretary

11/12/96

Number 166

Number 166

about [unclear]

Government should report [unclear]

in [unclear]

of [unclear]

X. In 30 166

Recd. from LN. Sent to LN.

At [unclear] Mts. by [unclear] At [unclear] Mts. by [unclear]

168/15 Telegraph Master.

THOMAS ADRA S. FORT 4-2-96

$\left[\frac{G}{70} \right]$
4,000 - 13-5

4,000 - 13-5, 11

Chief.

NOTE FOR THE ~~UNDER~~ SECRETARY

Papers submitted.

The retirement of Mr Justice
Parker will be reported to the Secy.
of State - vide draft despatch in
80. $\frac{168}{81.1.96}$. This despatch will
go by next mail.

188
4/2. The go. permitting retirement
has already been issued.

Wm. 296
The telegraph from India
may be read in this of. so
as to keep all the papers together

[Faint, mostly illegible handwritten text, possibly a list or memorandum.]

[9. 21.]
24. 10-05.

168
17

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 196

of 1896, dated 17 Jan, from *Acett Genl.*

" "

" 189 , " , "

" "

" 189 , " , "

ORDER. *N^o 168 of 31 Jan*

His Excellency the Governor in Council is pleased to accept the Hon. Mr Justice Parker's resignation of his seat in the Madras High Court and of the Indian Civil Service with effect from the 3rd February 1896 and to admit him from that date to an annuity of £1000 payable in England

21/1/96

21/1/96

The Hon. Mr Justice Parker
" the Judges of the High Courts
" Acett Genl. 8
" Compt. Indian Treasuries
Garretted 4/1/96

Dec 8 31/1

Despatch to Secy N^o 2 of 5 Feb

The Rt. Hon. the Secretary
State for India:—
We have the honor to

copy despatch 6/2

seat in the Madras High
Court and to retire from the
Indian Civil Service with effect
from the 3rd July 1896 and
paying him an annuity
of £1000 from that date payable
in England.

Hon Mr Justice Parker

Council Box

But first submit to the
Commissioner of the
Revenue