M.R.O. 1—80,000—18-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 555 Press ~~Mis~~

4/8

Dated 19 — 2 — ~~18~~ 1857

Not to be folded or roughly handled

No. 7. Read the following letter from D. MAYNE, Esq., Acting Civil Judge of Mangalore; to the Secretary to Government, Judicial Department, Fort St. George, dated 23rd April 1857.

SIR,

I have the honor to submit, for the consideration of the Right Honorable the Governor in Council, an application from the Zillah Surgeon, Dr. Brett, (with accompanying correspondence,) for a Peon, to attend on him.

It appears, that the request of Dr. Brett is very reasonable, in order to enable him to have at all times at his command, the means of conveying messages to the Hospitals and procuring medicines from them for patients who reside in different parts of the Station, and I hope that some arrangement may be made for meeting the want.

(Signed) D. MAYNE,
Acting Civil Judge.

From Assistant Surgeon JOHN BRETT, M. D., Zillah Surgeon of Mangalore; to D. MAYNE, Esq., Acting Civil and Session Judge of Mangalore, dated 23rd April 1857, No. 20.

SIR,

I have the honor to request the favor of your forwarding my application to Government, through the Secretary, for permission to have the continual attendance of a Peon as heretofore.

I beg to be allowed to forward also a copy of the correspondence on the subject (alphabetically marked) for the purpose of showing that no objection has been taken to the necessity of the services of the Peon applied for, but only as to the source from which he is to be supplied.

(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

(True Copy.)

(Signed) D. MAYNE,
Acting Civil and Session Judge.

A.

From J. ROHDE, Esq., Inspector of Prisons; to D. MAYNE, Esq., Sessions Judge, in charge of the Jail at Mangalore, dated 19th February 1857, No. 62.

SIR,

* * * * *

* * * * *

SIR,

6. I do not think the services of a Jail Peon in attendance on the Medical Officer allowable, any message the Dresser wishes forwarded to the Surgeon, ought to be a written one and dispatched by the Jailor or Duffadar of the Guard. There can be but few occasions for the Medical Officer requiring to send to the Dresser, except in answer to such reference.

(Signed) JOHN ROHDE,
Inspector of Prisons.

(True Copy.)

(Signed) D. MAYNE,
Acting Session Judge in charge.

To J. BRETT, Esq., M. D., Zillah Surgeon, Mangalore, for his information.

(True Copy.)

(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

27th February 1857.

B.

From Assistant Surgeon JOHN BRETT, M. D., Zillah Surgeon of Mangalore; to D. MAYNE, Esq., Acting Civil and Session Judge, Mangalore, dated 28th February 1857, No. 9.

SIR,

I have the honor to acknowledge the receipt of an Extract of a letter, No. 62, dated 19th February 1857, from the Inspector of Prisons to your address.

2. In reference to para: 6 of that letter (subject as per margin).* I request permission to bring the following circumstances to your notice.

3. The services of a Peon have for years been allowed the Medical Officer of this Zillah, and to permit of his constant attendance it has been the practice to detail two Peons, one from the Cutcherry and the other from the Jail to relieve each other.

4. This is no more than what is acceded to a Medical Officer of a Regiment, who agreeably to the orders of Government has the constant services of an orderly detailed in precisely similar manner to the Peon hitherto granted to the Civil Surgeon.

5. The services of the Peon thus detailed (whether it be the Jail or Cutcherry Peon in attendance) are not merely required for any messages or duties that may concern the Jail, as the Inspector of Prisons evidently thinks (vide Para: 6 of his letter) but for any professional or official matters connected with the whole of the Zillah, and I would here beg to remark that an orderly has been deemed allowable, and sanctioned in the Military Department, where duties as it were single, and refer only to the Regiment, how much more does it appear that a like necessity exists in the Civil Department, where the Medical Officer has not only the Jail duties, but frequently requires to send to the Dispensary, more particularly, and that not only in answer to any reference from the Dresser. Again the Vaccination Department also comes under a Civil Surgeon.

6. I have taken the liberty to enumerate, some of the reasons why I would still solicit the favor the of continuance of one Peon in attendance as has always been the case, and I most respectfully request that should the Inspector of Prisons still think good to adhere to his present decision, you will be pleased to refer the matter for the consideration of Government, as I do hope that a privilege granted by them, to the Medical Officer of a Regiment, will not be denied to a Civil Surgeon, whose duties are in many instances more complicated.

(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

(True Copy.)
(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

C.

From J. ROHDE, Esq., Inspector of Prisons; to D. MAYNE, Esq., Sessions Judge of Mangalore, dated 5th March 1857, No. 84.

Sir,

In reference to Dr. Brett's letter enclosed in your's of the 28th February, I have the honor to state that the matter requires no reference whatever. The order of Foujdaree Udalut, 14th October 1837, is decisive, and if that order has been neglected in any one or two Jails, the neglect does not justify a continuance of a forbidden practice.

The Jail guards are already insufficient for their proper duties. The number was fixed when, as you will see from reference to Rule 35, 8th October 1821, the Sepoys were expected to aid in maintaining discipline in a Jail which is not now the case. The Military guards will shortly be generally withdrawn altogether, and measures taken for increasing the efficiency of the whole body of Peons.

2. I am very sorry that Dr. Brett should view the matter as he does; from his own showing, the duties required of the Peons are unconnected with the Jail, and the charge is one that might more properly fall on other Departments. The Magistrate has an available Police force, only required on special occasions, while the Jail guard is limited in number to that required for the purpose indicated.

(Signed) J. ROHDE,
Inspector of Prisons.

(True Copy.)
(Signed) D. MAYNE,
Acting Sessions Judge in charge.

---

* I do not think the services of a Jail Peon in attendance on the Medical Officer allowable, any message the Dresser wishes forwarded to the Surgeon ought to be a written one and despatched by the Jailor or Duffadar of the guard, there can be but few occasions for the Medical Officer requiring to send to the Dresser except in answer to such reference.

To the Zillah Surgeon, Mangalore, for his information, with reference to his letter dated 28th February 1857.

(True Copy.)
(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

D.

From Assistant Surgeon JOHN BRETT, M. D., Zillah Surgeon of Mangalore; to W. FISHER, Esq., Collector of Canara, dated 2nd April 1857, No. 14.

Sir,

I have the honor to forward for your information, the enclosed correspondence with the Inspector of Jails, relative to the practice that has existed for years in this Zillah, viz., the furnishing of one Peon from the Jail to relieve another sent from your Department.

2. With reference to the Inspector's letter, No. 84, para: 2, it would appear that he is of opinion that both Peons should be supplied by the Magistrate, and should you coincide in this opinion, I request the favor of your sanctioning this arrangement accordingly.

3. At present I have only one Peon who, being unrelieved, can of course only occasionally be present.

4. I further respectfully solicit that in the event of your not being able to afford another Peon, that you will be pleased to submit the matter to the consideration of Government, for the reasons already submitted by me in paras: 4 and 5 of my letter herewith sent.

(Signed) J. BRETT, M. D.,
Zillah Surgeon.

(True Copy)
(Signed) J. BRETT, M. D.,
Zillah Surgeon.

E.

From W. FISHER, Esq., Collector; to J. BRETT, Esq., M., D., Zillah Surgeon, Manglore, dated 7th April 1857.

Sir,

I have the honor to acknowledge the receipt of your letter of the 2nd Instant, with enclosures, and to inform you that I am unable to supply more Peons from this Department, for the performance of duties connected with your Office. As Zillah Surgeon, you are necessarily brought in contact with both Magisterial, Revenue and Judicial authorities, with the former as regards Vaccination and the Dispensary; with the latter, as regards the Jail.

I find that three Peons* from this Department are attached to the Mangalore Dispensary, and that one is on orderly duty and in attendance on you.

It does certainly seem necessary that this man should be relieved, or rather that another Peon should attend during his necessary absence at meals, &c., but it does not appear necessary for me, (were it in my power) to furnish such an attendant, when at least half the work performed has reference to the Jail. At the same time I must decline to refer the matter at issue to Government, as it is one between you and the Inspector of Prisons; if it has not been already settled (as would appear from that Officer's letter) by the Court of Foujdaree Udalut.

(Signed) W. FISHER,
Collector.

(True Copy.)
(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

---

* One of these Peons is a collecting Peon.
John Brett,
Zillah Surgeon.

F.

From Assistant Surgeon JOHN BRETT, M. D., Zillah Surgeon of Mangalore; to D. MAYNE, Esq., Acting Civil and Sessions Judge, Mangalore, dated 14th April 1857, No. 17.

SIR,

I have the honor to forward the copy of a reply from the Collector of Canara, to an application from me for a Peon to relieve the only one now left for duty since the withdrawal of the Jail Peon. As the Collector has stated his inability to comply with my request, I beg permission to enquire whether a Peon can be furnished me from the Judicial Department, respectfully submitting how necessary it is for me to have at least one Peon in continual attendance, which can only be effected by detailing two for such duty, the one relieving the other.

(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

(True Copy.)
(Signed) JOHN BRETT, M. D.,
Zillah Surgeon.

G.

From D. MAYNE, Esq., Acting Civil Judge of Mangalore; to JOHN BRETT, Esq., M. D., Zillah Surgeon, Mangalore, dated 15th April 1857, No. 65.

SIR,

With reference to your letter of the 14th Instant, I have the honor to state, that while I entirely concur in considering that you should have the service of a Peon in continual attendance, I am sorry that it is not in my power to assign one from the establishment of this Court. There are only 10 Peons attached to the Civil Court, and they are hardly sufficient for the guard of the Court Treasury and other duties required of them.

It seems that the Inspector of Prisons ordered the Jail Peon in attendance on you to be withdrawn, not because he considered the service of a Peon to be unnecessary, but because he thought that the duties required of such Peons were unconnected with the Jail, and that they might more properly be provided from other Departments. The Judicial Department is not one upon which this charge could fall. I am inclined to think with Mr. Rohde * that the Magisterial Department can readily supply the required Peon, but I would suggest that you should submit a special application to the Government, through the regular channel, and in my own opinion there is great necessity of having a special provision made to supply to the Zillah Surgeon the continued attendance of a Peon.

(Signed) D. MAYNE,
Acting Civil Judge.

(True Copy.)
(Signed) JOHN BRETT, M. D.,
Zillah Surgeon

(Signed) D. MAYNE,
Acting Civil and Sessions Judge.

---

* Vide Mr. Rohde's letter to the Sessions Judge, dated 5th March 1857.

No. 8. ORDER THEREON, No, 555; dated 13th May 1857.

The Government are unable to accede to the request preferred by the Zillah Surgeon of Mangalore. The Judicial and Jail Peons are already fully occupied with their proper duties, and none can be spared from the Revenue Department.

(Signed) E. MALTBY,
Acting Chief Secretary.

No. 555

The Govt are unable to accede to the request preferred by the Zillah Surgeon of Mangalore – The Judicial & Jail peons are already fully occupied with their proper duties – and none can be spared from the Revenue Dept –

Fort St. George,
13th May 1857
Actg Judge Mangalore
Despd. 16th

(Sigd) E. Maltby
Ag. Chief Secy