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MADRAS RECORD OFFICE.

Government of Madras.

Pension DEPARTMENT.

G.O. No.

128

Press.
Mis.

Dated

15-4-1858

Not to be folded or roughly handled

(1)

Order passed by J. R. Kindersley Esq. Acting Subordinate Judge
of Mangalore on the 31st October 1856.

A Sutor named Munjappa Shetty, and the 3^d
Writer of the Court, F. A. Saldanha, have complained to the
Acting Sub. Judge of the conduct of the 2^d Gumastha Simon
Pais in abusing them in a passage of the Court with indecent
language.

About the end of March last Simon Pais became
deranged in his mind, and as it was represented that in the
preceding year, when he had suffered from the same affliction,
he had recovered his intellectual powers at the commencement
of the rains he obtained leave of absence for a month, which was
extended by 15 days during the adjournment of the Court, but
at the end of May, when the Court reopened, it was found
necessary to grant him another month's leave; and during the
month of July, though his infirmity of mind was considerably
reduced, his conduct continued to be so troublesome that he
was again allowed leave for a month and a half. In addition
to the above he has had leave for a few days now and then.

But though seven months have now elapsed since Simon Pais
first took leave, in the course of which the monsoon has passed
away, his mind continues so far affected that while he cannot
be intrusted with any important business, his turbulent conduct
considerably hinders the proceedings of the Court, and annoys
those public servants who conduct it, in a degree that cannot
be endured.

The Acting Sub. Judge pitying the infirmity of
S. Pais has overlooked the instances in which he has ad-
dressed the Court with improper and disrespectful language
during the transaction of public business. He has endeavoured
to induce the relations of the Gumastha to alleviate his condition

and to cause him to attend the dispensary daily; but still complaints are repeatedly made by the Court Servants that Simon Pais continually abuses and threatens them; and it appears that, presuming upon the indulgence that has been shown him, he does not endeavour to controul as much as he might the impulses to mischief which he feels.

The dry and hot season which is now approaching, and the illness of Simon Pais last year, hold out no hope that his mental condition will improve, and the Acting Sub Judge considers it necessary for the interests of public justice, and for the protection of the Court Servants, and others, that he should be removed temporarily from his situation.

Simon Pais will therefore be suspended from his employment and salary for three calendar months, after which the Court will make further trial of his behaviour.

(Signed) J. R. Kinderley
Acting Sub Judge

(True Copy)

J. Shaffer

Acting Sub Judge

Order passed by the Acting Sub Judge of Mangalore on the 27th October 1856 suspending the 2nd Assistant Simon Pais from his employment and salary for 3 months.

In a letter from the Acting Sub Judge of Mangalore dated 8th January 1858.

Judicial 1858 Department

Enclosure 2

8/1

8/1

(3)

I do hereby Certify that I have examined Simon Pais 2nd Assistant Subordinate Court Mangalore and am of opinion that he is not of sound mind. This opinion is founded upon an acquaintance with him of more than 12 months duration. In April 1856 he was brought to me by some of his relations for treatment being considered by them as insane. He then evinced much excitement and violence in his manner and conversation but was not violent before me although his nephew stated that he had been so in his own house. Since that period he has occasionally come under my notice as also of Appt Surgeon Sawett 16th Regt. A. I. who has with myself come to the same conclusion of his not being in right mind. The affection is not always apparent in like degree but is more evident during the hot weather. Under these circumstances I do not consider that Simon Pais is likely to be restored to a healthy state of mind by treatment as both these measures have been tried and I am therefore of opinion that he is permanently disqualified for further service.

There is no evidence before me that his mental infirmity has arisen from intemperance or irregular living.

Mangalore
8th December 1857

Thos Dredger
Physician Surgeon

Mangalore 8th January 1858. (5)

From

J. G. Thompson Esq^r

To

Acting Subordinate Judge

T. Pycroft Esq^r

of Mangalore

Chief Secretary to Government

Public Department

Sir,

Fort St. George

With reference to the Pension Rules dated the 15th May 1851, I have the honor to submit an application for a pension for Simon Pais, Acting 2nd Gumashtai of this Court, founded on a Certificate of the Zillah Surgeon, which is herewith transmitted.

2. The Gumashtai having been found unfit for duty from mental derangement was dismissed in all but name on the 1st July last his name being retained in the books merely to enable him to apply for a pension.

3. The Gumashtai however, appealed against my order, and the order of the Civil Judge confirming it; and the Court of Sadr Adalat, after calling for an explanation, directed me to call upon the Zillah Surgeon for a Certificate of the Gumashtai's insanity, and send up an application for a pension for him.

4. As regards his character and conduct, the records of the Court do not shew any thing against him up to 31st October 1856. On that date the late Acting Sub. Judge suspended him from his employment and salary for 3 months, on the grounds that his mind continued so far affected that while he could not be entrusted with any important business, his turbulent conduct considered.

C. P. S. U.
23rd October 1857.

Judicial 1858 Department
Enclosure 1.

In a letter from the Acting
Judge of Mangalore dated
the 8th January 1858.

No. 1.

A.

Certificate of the Zillah Surgeon
dated 8th December 1857, in the
Case of Simon Pais Gumashtai
of the Sub. Court of Mangalore

ably hindered the proceedings of the Court, and annoyed those public servants who conducted it, to a degree that could not be endured. A copy of the order passed by the late Acting Sub. Judge on the subject is herewith transmitted. In July last he was confined in the jail for 4 days in default of payment of a fine imposed by me for insolence in open Court. In November last he was fined again for a similar offence; and he created a disturbance in the Civil Court on 2 occasions before the arrival of the Judge. It was considered necessary to punish him, as he seemed to be presuming upon previous leniency, but I trust that this will not be looked upon as depriving him from pension.

5. It appears from the records that he was first entertained as an Extra Gumastā in the late Zillah Court of Canara from the 1st June 1829 to the 31st May 1831, on a salary of Rupers 6, 7, and 9 per mensem. From the 7th July 1831 to the 21st January 1835 he was a Gumastā in the late Dist. Judge's Court of Canara, on a monthly salary of 44 Rupers. From 7th July 1831 to 30th November 1833 an Extra Gumastā was paid 5 Rupers a month out of that sum, but I have included the whole period in his term of service, as the payment to the Extra Gumastā was made without sanction of Government. I have excluded the 3 periods during which he held the same situation on a monthly salary of 9 Rupers as sanctioned by Government, as well as the period of his services as Extra Gumastā, and the period during which he says he was employed as an Extra Gumastā by the Western Circuit Court on a monthly salary of 25 Rupers. The Indents of that Court up to 1839 having been destroyed under the orders of the Court of Sadr Adalat, the Sessions Judge of Tellicherry has been unable to afford any information

From	To
22 nd Jan 35	19 th July 35
1 st Aug 35	11 th Oct 35
14 th Dec 35	3 rd Oct 36

From	To
12 th Oct 37	13 th Dec 37

on this subject, though he thinks that he may have been so employed under the authority vested in the Circuit Court. The total period thus excluded is 6 years and 8 months; but as the actual term of the service qualifying him for pension, which is supported by the records of this Court, and those of the Courts in which he had been previously employed, amounts to 21 years, I request that the Government will be pleased to grant him a pension of Rupers 5, Annas 12 - being one third of the salary which he has received for the last 5 years, and to direct it to be paid from the 1st July last.

6. A Register in the prescribed form containing the information required, is herewith forwarded.

Sub Court
Mangalore
8th January 1858.

I have the honor to be,
Sir,
Your Most Obedt Servt

J. Hooper
Acting Sub. Judge

Exd.

3/6
3
57

Deputy Secretary
General 1853
The Acting Secy of
the
to
The Chief Secretary to Government
Public Department.

Letter 8th
Received 14th January 1858

Enclosures 3
1/1

Submits an application for a
disfranchisement provision for
Kinnor Pass, showing 2nd Division
of the State. Court of all things
here.

Copy to Mr. S.
General Secretary 1858
at 15th Sep 1858

Deputy Secretary
General 1853
The
to
The Chief Secretary to Government
Public Department.

Deputy Secretary
General 1853
The
to
The Chief Secretary to Government
Public Department.

C. H.
C. H.

C. H. 1858

753-16

Extract from the Proceedings of the Subordinate Court of Mangalore,
under date the 14th May 1858.

Read Petition presented on the 14th May 1858
by Simon Pais, late 2^d Gumashla of this Court, stating that he
has been paid 6 months' pay, while the Court had re-
commended him for a pension; and therefore praying
that an order may be given for payment of the remain-
ing 4 months' salary, and be allowed to resume his
duties.

The Government have passed their orders.

I cannot interfere.

Signed/ J. G. Thompson
Acting Sub. Judge

True Copy/
J. G. Thompson
Acting Sub. Judge

Copy of the order applied for by Petitioner on the 14th May 1858.

Copy ready ditto.

Copy furnished ditto.

J. G. Thompson
Acting Sub. Judge

Campbell C.C.

to Government

Civil Pension Department

APPLICATION for the grant of a Gratuity to the undermentioned Individual.

District in which claimant is occupied.	Department of the service.	Name.	Nature of occupation.	Age.		Years of service.		Grounds of recommendation.	Remarks by the Head of applicants office.	Remarks by the Local Government.	Orders of the Government of India.
				Years.	Months.	Years.	Months.				
Mangalore	Subordinate Court of Mangalore.	Simon Pais.	Acting 2 nd Goornastah.	45	7	21		Simon Pais 2 nd Goornastah in the Subordinate Court, Mangalore has served for a period of 21 years and is now disqualified for further service by mental derangement - As a portion of his service has been passed in grades the salary of which was 9 Rupees only, and there is also a break of 4 years between two periods of service, the applicant has no claim for pension.	The Acting Sub. Judge Mangalore in recommending Simon Pais for pension says that there is nothing in the Court records to the prejudice of his character and conduct.	Under these circumstances the Pt. Hon. the Governor in Council is of opinion that the applicant is deserving of the bounty of Government and begs to solicit the sanction of the Supreme Government for granting a gratuity of Rs 105 one hundred and five to Simon Pais Acting 2 nd Goornastah in the Sub. Court Mangalore.	

SEPARATE.

Fort St. George,
18th February 1858.

Edw. W. S. Taylor

Public Department.
No. 58.
Forwarded for sanction to the Government of India.

Secy. to the Govt. of Fort St. George.

No 1557

A gratuity of Rs 105 one hundred and five is granted to Simon Pais being equal to his six months pay.

For copy to Mr. A. No 6

For Mr. E. H. D. No 6
The 19th March 1858

By order of the Board the President in Council

Secy. to the Govt. of India

N^o 291.

Report of the Civil Auditor.

The Civil Auditor has the honor to report, that the service of Simon Pais, late Goomastah of the Subordinate Court of Mangalore, extends over a period of 17 years and 3 months: Viz^t from 4th October 1839 to 31st August 1852, from 3rd September to 7th October 1852, from 1st November 1852 to 31st October 1856 and from 1st February to 30th June 1857 and that his salary is Rupees 17-8-0 per Mensem.

This person has a total service of 21 years, but the period excluded from calculation, while inadmissible for pension in consequence of the salary received by him being Rupees 9 in some cases, and in other from a break of four years occurring between two periods of service (ending and commencing as shown in the margin) - is eligible for a gratuity. He is therefore eligible to a gratuity under the new rules.

S. Lushington
Civil Auditor.

For St. Paul's College,
Civil Auditor's Office,
2nd February 1858.

To The Chief Secretary
to Government,
Civil Pension Department.

C. P. M. M. M.

Separate
Public 1858/1859
From 1-198
The Secy. to the Govt. of India
Of 12th March 1858
R^u 8-4-58

Sanctioning the
grant of a gratuity
of Rs 105 to Simon Pais
2nd Goomastah of the Sub-
Court of Mangalore -
G.O. No. 128 of

25/2/2

Private
 24th 1858
 Dear Sir
 I have the honor to acknowledge the receipt of your letter of the 18th inst. in relation to the above named matter.
 I have the honor to inform you that the same has been forwarded to the proper authorities for their consideration.
 I am, Sir, very respectfully,
 Yours,
 J. S. Adams
 J. S. Adams & Co.
 125 N. 2nd St. N.Y.

dated 18 February 1858.

The Right Honorable the Governor in Council resolves to recommend for the sanction of the Government of India a Gratuity of Rupees *(105) One hundred & five* to *Simon Pais. Agt. 2^d Commaster in the Sub Court of Mangalore* in conformity with the rules contained in the Despatch from the Honorable the Court of Directors to the Government of India, in the Financial Department, dated 24th June No. 43 of 1857, and directs that the following grounds of recommendation be inserted in the Tabular application to be submitted to that authority.

“ GROUNDS OF RECOMMENDATION.”

Simon Pais. Agt 2^d Comastah in the
Sub Court Mangalore has served
for a period of 21 Yrs. and is now
disqualified for further service
by mental derangement. As a
portion of his service has been
passed

passed in grades the salary of which was 9 Rs. only, and there is also a break of 4 years between two periods of service, the applicant has no claim for pension.

The Ag. Sub Judge Mangalore in recommending Simon Pais for pension says that there is nothing in the Court records to the prejudice of his character and conduct.

Under these circumstances the Rt. Hon. the Governor in Council is of opinion that the applicant is deserving of the bounty of Govt and begs to solicit the sanction of the Supreme Govt for granting a gratuity of Rs. 100/- the hundred and fine to Simon Pais by 2^d Gornastah in the Sub Court Mangalore.

D. F. Jamnadas

By Secy. Govt.

Separate

Public Department

No. 128

Extract from the Minutes of Consultation
Dated 15th April 1858.

Read again the following letters.

From the Ag. Sub Judge of 3 Here enter 8th January 1858.
Mangalore

From the Civil Auditor ——— 2nd February ———

Read, further, endorsement from Government of India.

Here enter 19th March 1858. ———

As Simon Pais' claim to pension was vitiated both from a portion of his service having been passed in grades the salary of which was under 10 Rs., and by the fact of a break of 4 years occurring between the years 1835 and 1839, the applicants' case was commenced to the Govt of India for the grant of a gratuity equal to

Dep. Secy. No. 128
15th April 1858.

Dep. Secy. No. 128.

28

W. V. K.

216

4 viz Rs 105-

(one hundred & five)

to 6 months^x of the salary
of his last situation, and
the same has now been
authorized.

D. F. Annislat,
Secy. Secy. to Govt

To
The Sub Judge of Mangalore - dated 15/4/58 -

" Civil Architect - dated 15/4/58.

Contd. V. D. D. 19-4-58 *B. A.*

" Public Department - dated 24/4/58.
Contd. & Retd. 27/5

B. A.
Sp. Secy. to Govt

148

Septemb 1858

Publick Receptance

No 128

Contract of Purchase of
Conduits

Dated 15 April 1858.

2p
1859

105

C 10 Apr
or 15 "