

1. Number of pages 32
2. Date 9/35
3. Detail of reference

M.R.O. 1-32,400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

pension DEPARTMENT.

G.O. No.	85	Press Mis.
Dated	28-3-	1866

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

PENSION DEPARTMENT.

READ—the following papers :—

From M. J. WALHOUSE, Esq., Civil and Session Judge of Mangalore, to the Chief Secretary to Government, dated Mangalore, 12th April 1865, No. W. I.

I have the honor to forward, herewith, a copy of the Proceedings * of the High Court, dated the 18th May 1864, and, under the circumstances therein recorded, beg to request that the Government will be pleased to grant Hamud Hussain, the late Additional Munsif of Mangalore, gratuity of six months' pay, Rs. 1,200, in conformity with the Uncovenanted Service Rules of Government, dated the 13th April 1864, No. 1915, Financial Department.

2. A register of Hamud Hussain's service is enclosed, together with a copy of the Officiating Civil Judge's Proceedings, dated the 6th April 1864, bearing upon the subject.

From the Acting Deputy Accountant-General, to the Chief Secretary to Government, Civil Pension Department, dated Fort St. George, 27th November 1865, No. 182.

Post Audit Department.

The great delay in reporting on this case is due wholly to the person concerned from whom the Judge reports it to have been as hard to get information as his predecessor found it to get work. The papers are voluminous, but I have put up in a separate wrapper all that are unnecessary: the remaining papers are (1) the formal application, (2) the High Court's Order dismissing the Munsif, but directing an application for gratuity, (3) a later letter of the Judge, (4) my report.

2. Dismissing the Munsif as incompetent, the Court directs an application for the gratuity which might have been sought had he not been re-employed on the abolition of his former post of Moofly Sadr Amin. As his service for pension should commence only with 19th January 1854, and as the post was abolished before the new rules appeared, he would then have been entitled to, at most, a gratuity of three months' pay. But as the appointment was abolished in name only, and another of like value was, without delay, found for him, it may well be doubted whether his proved incompetence can be condoned, and he be put in the same position as if, ever since the abolition of his old appointment, he had been vainly trying to get a suitable provision.

3. A printed form was not submitted. It is impossible to show the accepted and rejected services in a tabular memorandum, because the application rests on eight years' service in the middle of the detailed list.

ORDER—dated 28th March 1866, No. 85, Pension.

Under all the circumstances of the case, the Governor in Council considers Hamud Hussain, late Additional District Munsif of Mangalore, to be entitled to a gratuity of three months' pay, and directs accordingly that the sum of Rs. (600) six hundred be disbursed to him.

(True Extract.)

(Signed)

A. J. ARBUTHNOT,
Chief Secretary.

To the Civil and Session Judge of Mangalore.
„ Accountant-General.

Exd. T. O'Connor.

Proceedings of the Civil Court of Mangalore, under date the 6th April 1864.

Read again Proceedings High Court under date 24 February 1864, and all the subsequent proceedings of this Court upon the conduct of the Additional Munsif of Mangalore. They are shortly as follows.

Feb. 29. Munsif was directed to submit any further explanation he might have to offer.

March 1. Munsif asked for copies of the returns received from other Courts and of this Court's remarks on them: for leave to send a Gumasta to look over the records of the suits he had decided in the last 2 quarters: and for 10 days' further grace for the preparation of a report.

This would have involved a preposterous waste of time: and the application was clearly made in the hope that the Officiating Civil Judge would be relieved before the Munsif's answer reached this Court.

March 1. Order. Munsif must report this day: or the Officiating Civil Judge will be satisfied that no admissible excuse can be offered.

Munsif submitted a long report. Para 3 shows March 1.
that the Munsif makes and allows every
possible excuse for delaying suits and also
that he does not make an abstract of de-
positions while they are being given as he
is bound to do. In paras 3 & 4 he estimates
that in every simple case an interval of
3 months is unavoidable; and that in a
big case Judgment cannot conveniently be
given within 6 months at the least.

These Paras, however, shewed me that
he might have excuses which would not
hold good in heavier Courts: and finding
that I should not for some days have
time to give the matter the attention it deserved.

I gave him 2 days more. The order March 4
did not reach him till the evening: and
March 6 was Sunday: so that the time
extended to the evening of March 7. But
he did not choose to understand this.

He replied that the time expired
that day: and again asked for the papers
he at first asked for.

I found he had not had copy
of my review of his last quarter's work;
so sent it to him, and gave him till the
evening of March 10.

He said that March 10 was a

great Musalman feast: and I allowed
him till the evening of March 12. He again
asked for the papers, and for 10 days after
the receipt of them.

March 12.

He made another long report. In
para 3 he stated that in the 4th quarter
of '63 he disposed of 91 suits, meaning
it to be understood that he had disposed
of them on the merits. The facts are shown
in the margin.

On the merits 92 ap-
pearable. 41 not-
Total 73
Disposed of 18
otherwise 91

In paras 5 to 8 he shewed, from the
Table submitted to the High Court that
greater delays had occurred in some other
Courts than in his own. And this is the case.
But his great delays are between the
first hearing and the settlement of the
issues, and again between the last
hearing and decision. And from the
very lightness of his file, it is obvious
that there is no occasion for any delay
there in his Court, whatever excuse there
may be in other Courts.

In para 11 he referred to an explana-
tion already submitted of delays in the
3rd quarter, which is quite worthless.

In para 12 he remarked that he has

more to do than other Munsifs, because he has to compare the translations of the decisions and points recorded. On March 9th also he observed that he is not conversant with Canarese.

2. On first reading his second return of March 1st, I thought I might have been mistaken in thinking that it was with the object of keeping his Court in existence that he delayed his work so much: and thought of withdrawing the charge; and repeating my recommendation that his Court should be closed; and that he should not be appointed to any Court that might be established in its room. - On his allowing, a fair amount of work was not to be expected from the Court and he is utterly inefficient. I meant to add that I have never heard a good word of him from any one, European or native, and that every respectable Tahsil of the Civil Court has declared in open Court, that he would never take up a case before him again. I have heard so much against him, that one day I went to see what was going

on. But he had given the suitors leave to attend a feast: and I never had time to go again.

3. But on a careful perusal of the whole of his returns, and of the remarks of this Court on the 3rd quarter of '63, I can come to no other conclusion than that he does deliberately delay the business of his Court for the sake of keeping it in existence. This appears evident from his allowing an average delay of 55 days between the first hearing and the framing of the issues, and an average delay of 62 days between the last hearing and the delivery of judgment; in neither of which cases there is occasion for a single day's delay in a light Court like his. It further appears from his deliberate statement that the simplest appealable suit must take 3 months, and that, generally speaking, no suit but the simplest can be got through in less than 6 months.

4. Under this condition, I have no alternative but to remove him from office, under the order of the High Court dated the 24th February '64.

5. Tomorrow being the Hindu New Year's Day, he will on the morning of

Friday the 8th instant, give over charge
of his Court to Kalyanpura Subramu
Criminal Recordkeeper of the Session
Court who has been appointed to succeed
him, subject to the approval of the
High Court.

/Signed/ S. G. Thompson

Officiating Civil Judge

/True Copy/

Ch. J. Waller
Civil Judge.

Ex. Secy
S. G. Thompson

It appears to the High Court that the mere absence of qualification for the duties of a novel appointment, although it has necessitated his removal, ought not to prejudice his claim to the gratuity to which his service in another capacity may entitle him. The Civil Surge is accordingly instructed to forward an application on the District Munsiff's behalf to Government in the usual course.

/ True Extract /

/ Signed / P. P. Hutchins

Acting Registrar

Appellate side

To

The Civil Surge of

Mangalore

/ True Copy /

J. P. Wallace

Civil Surge

Ex.
J. P. Wallace

4
Statement of Service of Dameed Hooftain Addl District
Munsiff of Mangalore. 15

Post	From	To	Period	Pay	Remarks.
1 st Class Dist ^t Munsiff of Karkal	1 st Sept 1853	3 rd Oct 1853	1-11-21	100	" " He was paid only for 13 th Sept Mr. Lovelock, then the permanent officer drew pay to that date and ~~again~~ ^{also} throughout October.
2 nd Addl Mooty Sudr Ameen Civil Court Pellicherry	3 rd Oct 1853	1 st Jan 1854	1-3-15	200	" " only an acting app ^t
3 rd Class Dist ^t Munsiff of Karkal	1 st Jan 1854	14 th Oct 1854	1-8-26	100	" "
4 th Mooty Sudr Ameen Mangalore	15 th Oct 1854	31 st Dec 1854	7-2-16	200	" " correct
5 th Sudr Ameen in Dist ^t	1 st Jan 1855	31 st Aug 1855	4-8-	200	" "
6 th Addl Dist ^t Munsiff of Mangalore	1 st Sept 1855	1 st Apr 1856	1-4-7	200	" "

The Courts application rests on the service which is underlined

W. J. Taylor

Acting Deputy Accountant General

Copied by W. J. Taylor
Comp. F. B.



Received by the District
Judge of Mangalore,
under date 11th April 1855.
J. W. J.

Copy of the Proc^{es} of the High
Court dated the 10th May
1855 concerning the removal
of Mr. H. H. H. H. H. H.
District Munsiff of Mangalore
in accordance of his appointment.

Received by the
District Munsiff of Mangalore
on 20/10/55.

18
Read the following papers: Mangalore, 12th April 1865. 17
From M. J. Walhouse Esq^{re}
Civil and Session Judge of Mangalore.

The Honorable A. J. Arbuthnot
Chief Secretary to Government
Fort St. George

Sir, I have the honor to forward herewith
a copy of the ^{*}Proceedings of the High Court dated
the 18th May 1864, and under the circumstances therein
recorded beg to request that the Government will be
pleased to grant Hamud Hussain the late Additional
Munsif of Mangalore gratuity of six months pay
Rupees 1200, in conformity with the Uncoovenanted Service
Rules of Government dated the 13th April 1864 N^o 1915
Financial Department.

A register of Hamud Hussain's service is enclosed
together with a copy of the Officiating Civil Judge's Proceedings
dated the 6th April 1864, bearing upon the subject.

I have the honor to be,
Sir,
Your most obed^t Servant.

Civil & Session Court
Mangalore,
12th April 1865.

M. J. Walhouse

* Confirming the
removal of Amud
Hussain late Ad^l Munsif
of Mangalore
on account of his
incapacity.

Recd 15- Dec 1865
in No 1037.

Extract from the Court Register, showing the service and age of Samuel Harrison late Clerk District, Municipality of Mangalore.

Age when first enlisted. 39 years

Establishment	Date	Appointment	Days	Period of service at each appointment			Remarks regarding punishments shown and paid or mark of appreciation.
				Year	Month	Days	
1	2	3	4	5			6
Civil Court Mangalore	1853 Sept 13	3 rd Clk of Hq. at Mangal	100	"	"	21	Certificate of discharge by W. H. Storr, Civil Judge of Mangalore 3 rd June 1854. Ditto ditto by W. H. Storr, Civil Judge of Mangalore 25 February 1854.
Ditto of Mangalore	1853 Oct 1	3 rd Clk of Hq. of Mangal	200	"	3	15	
Ditto of Mangalore	1854 Jan 1 st	3 rd Clk of Hq. of Mangal	200	"	8	26	
Ditto of Mangalore	1854 Oct 15	3 rd Clk of Hq. of Mangal	200	"	7	16	
Ditto of Mangalore	1854 Jan 1 st	3 rd Clk of Hq. of Mangal	200	"	8	"	
	1854 Jan 1 st	3 rd Clk of Hq. of Mangal	200	"	7	7	
	1854 Jan 1 st	3 rd Clk of Hq. of Mangal	200	"	1	7	
	1854 Jan 1 st	3 rd Clk of Hq. of Mangal	200	"	10	6	25

* removed from his Post.

Civil Station Court
Mangalore
12 April 1865.

W. H. Storr
Civil Station Judge

Pensioned 1865 - 24th September
from the Civil and Session Judge
of Mangalore.

to the Chief Secretary to Govt.
at Bangalore.

Printed 12th April 1865.
No. 29th of the Mangalore

C. M. i.
No. 3.

Applying for the grant of 6 months
gratuity, Rs. 1200, to Samuel
Harrison, late Additional Judge
of Mangalore, in conformity with the
L. O. of Govt. dated 13th April 1864
of 1865, and forwarding copies of the
same of the High Court dated 18th May 64,
with Recd. of the Civil Judge and
a Certificate of the Mangalore, dated

30-8-65

Enclosure II

In a letter from the Civil and Session Judge of Mangalore to the Chief Secretary to Government under date the 12th April 1865.

N. W. I.

4744
RECEIVED
APR 19
1865
OFFICE

Extract from the Court Register showing the service made of Hammad Hussain, late Additional District Munsif of Mangalore.

Recd 16th Deptt.
for 10th 1865.
D 9085 of 1866

Recd



N. J.

Mangalore 26th June 1865. 210

From

M. J. Walhouse Esq^{re}
Civil and Session Judge of Mangalore.

To

The Chief Assistant
Civil Paymaster in charge
Madras.

Sir,

W

With reference to your official memo dated the 24th April 1865, I have the honor to state that Hammad Hussain has been required to furnish the information called for in the said memo, and that the same will be forwarded to you as soon as received.

Civil Court
Mangalore
26th June 1865

I have the honor to be
Sir
Your most obed^t Serv^t
M. J. Walhouse
Civil and Session Judge.

E. J. P.

Received D. A. & A. Mangalore 9th September 1865. 230

From M. J. Walhouse Esquire
Civil Judge of Mangalore
To The Examiners of Claims
Madras.

Sir,
In reply to your Memo: N. 152
dated the 16th ultimo, I have the honor to state
that the late Additional Munsif Hoornad
Hussain has been again directed thro' his De-
puty to furnish the required information with-
out further delay.

DA & AG. Office
Recd 130
Ans'd 19 1865

I have the honor to be
Sir,
Your most Obedt Servant,
M. J. Walhouse
Civil Judge

For J. H. S. S. S.

Statement of the Leaves obtained by Hamad Wosssein, late Additional Munsif of Mangalore, during the whole period of his service.

Year and month	Nature of Leave.	Period of Leave.		Remarks.
		months	days	
March --- 1854.	Sick leave	-	19.	
July -----	Ditto	-	8.	
September --- 1856.	Ditto	1	-	
June --- 1857	Ditto	-	28.	
January --- 1859.	Ditto	-	28.	
November --- 1860	Ditto	-	5	
		3	28.	

Civil Court
Mangalore
28th October 1865

M. P. W. S.
Civil Judge

Recd 1865-28/10/65
In 1865/10/28

Extract from the Civil Register showing the Service and age of Harris
 Hoverson, late Additional District Sheriff of Mangalore.

Age when first entertained 39 years.

Catalitic- ment.	Date	Appointment.	See		Period of service in each office months.	Remarks regarding furnishment, service & formal Reprimands, & all special commendations or marks of approbation	
			Salary.	Pay & Grat.			
1.	2.	3.	4.	5.	6.		
Civil Court Mangalore 1853 Sept 18.	3 rd Oct. 1854	3 rd Oct. 1854	100.	..	21.	Certificate of satisfaction by	
Ditto of Mellickang 1853 Oct 14.	14 th Sept 1854	14 th Sept 1854	200.	..	3.	14 th June, Civil Judge of Mellickang	
Ditto of Mangalore 1854 Jan 19.	3 rd Oct. 1854	3 rd Oct. 1854	100.	..	8.	26 th June 1854.	
Ditto Ditto 1854 Oct 15.	15 th Sept 1854	15 th Sept 1854	200.	..	7.	16 th June 1854.	
" " 1852 Jan 1.	1 st Jan 1853	1 st Jan 1853	200.	..	8.	" " by J. Anderson, Civil	
" " 1852 Sept 1.	1 st Sept 1852	1 st Sept 1852	200.	..	1.	7 th Feb 1853	
" " 1852 Sept 1.	1 st Sept 1852	1 st Sept 1852	200.	..	10.	6 th Feb 1853	

Civil Court Mangalore
 28th October 1863
Civil Judge

28th Oct 1863

June 1.
 An Act from the Civil
 Judge of Mangalore,
 dated 28th October
 1863.

Statement of Service rendered
 by Harris Hoverson
 late Additional Jy
 of Mangalore.

28.7

Encl. 11
In a letter from the Civil
Judge of Mangalore,
under date the 28th
October 1865.

M. J. W.

List of names of Hams
Hosain, late asst
M. of Mangalore.

M. J. W. Mangalore, 28 October 1865.
From M. J. Walhouse Esq.^{re}
Civil Judge of Mangalore.
To The Acting Deputy Accountant General
Madras.
Sir, In forwarding the accompanying
Statement of leave obtained by Hamad Hosain
late Additional Munsif of Mangalore, and his
Service List referred to in your letter of the 12th
instant, I have the honor to state that as the
record of this Court afforded no accurate infor-
mation regarding his previous employment in the
public Service, it was necessary to direct his Agent
here to ask the Ex-Munsif to furnish information
on this head, which he omitted to do. At length
after repeated applications by his Agent, an
Answer was received from him to the effect that
he held no public employment prior to his ap-
pointment in the Civil Court of Mangalore.
Hence the delay. The record of this Court does
not shew any breaks. I have the honor to be
Sir,
Your most obedt. Servt.
M. J. Walhouse
Civil Judge

DA & AG. Office
Recd 3 } 11 1865
Ans'd

Civil Court
Mangalore,
28 October 1865.

M. J. W.

Post Audit
BOOK AND ADJUSTMENT DEPARTMENT.

No. 182

Fort Saint George,
Accountant General's Office,
27 November 1865.

M. S.
FROM THE ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS.

TO THE Chief Secretary to Government
Civil Pension Department.

SIR,

The great delay in reporting on this case is due wholly to the person concerned from whom the Judge reports it to have been as hard to get information as his predecessor found it to get work. The papers are voluminous, but I have put up in a separate wrapper all that are unnecessary: the remaining papers are (1) the formal application, (2) the High Court's order dismissing the moonsiff but directing an application for gratuity (3) a later letter of the Judge, (4) my report.

Dismissing the moonsiff as incompetent, the Court directs an application for the gratuity, which might have been sought had he not been reemployed on the abolition of his former post of Moofly Sudder Ameen. As his service for pension should commence only with 19th January 1854, and as the post was abolished before the new rules appeared, he would then have been entitled to at most a gratuity of three months' pay. But as the appointment was abolished in name only, and another of like value was without delay found for him, it may well be doubted whether his proved incompetence can be condoned, and he be put in the same position as if, ever since the abolition of his old appointment, he had been vainly trying to get a suitable provision.

A printed form was not submitted. It is impossible

3704
Forwarding statement of case
obtained by Thomas H. H. H.
late Additional Secretary of
Mangalore and his service
bill.

To the Acting Secretary Sec. H. H.
Madr.
Date 28th Oct. 1865.
M. S.
Enclosures 2.

From
The Civil Secretary of Mangalore.

impossible to show the accepted and rejected services
in a tabular Memorandum, because the application rests
on eight years' service in the middle of the detailed list.

I have the honor to be,

Sir,

Your Most Obedient Servant.

Macpherson

Ag. Dy. Account. Genl.

copied M. M.
Comp. R.

2071 38 2071 D & A
Order thereon 28 March 1868 P. 85.

Under all the circumstances of
the case, the Governor in Council
considering Henry's Association, late
Additional District Provost of
Mauritius, to be entitled to a
gratuity of three months pay,
and also to accordingly that
the sum of Rs 1000, six hundred
be advanced to him: —

W. B. M.

Entirely in accordance with the
Accountant General's { 2071/385

9558

Pension 1866 Department.

From,

The ^{W¹⁰³⁷} ~~W¹⁰³⁷~~ Account to Govt -

Head -

To, The Chief Secy. to Govt 33rd
Civil Pension Dept.

Dated 24th

Dec. 29th November 1865.

N^o 182.

85-828 March 1866

Enc. 1st 9

pts. 1527/28 = 944/77

States the great delay
in reporting on this case is
due wholly to the person
concerned with observations.

C. 24-1866
P. 28

With an order. 185.
9558

Additional District Inspector of
Allegations, to be entitled to a
gratuity of three months pay,
and direct accordingly that
the sum of \$10,000 (one hundred
thousand dollars) be paid to him.

Richard D. Longworth,
District Attorney.

9558