not exist. Their Certificate amounts to this - that Mr. Shunker is intellectually lucid when not drunk but that he was drunk when he appeared before them. It is obviously impossible that Mr. Shunker should retain his post of District Munsiff - Independently of his present act of insubordination the High Court have on several occasions had to observe on his indolence and incapacity and he has proved himself wholly unfit for his Office. He will now be dismissed and it will rest with the Government to decide whether Mr. Shunker's length of Service renders him entitled to favorable Consideration under the provisions of G. O. dated 14th June 1866 No. 224, Pension Department - A copy of these Proceedings should be furnished

to

to Mr. Shunker.

(True Extract)

(Signed) H. Wigram

Acting Registrar,

Appellate Side

(True Copy)

(Signed) G. J. Eliott

Civil Judge.

To

Mr. J. H. Shunker

for his information.

Exd. S. D

No 81.

Proceedings of the High Court of Judicature at Madras 16th January 1871.

Read letter dated 12th December 1870 from the Civil Judge of Salem, reporting that the Medical Board at Trichinopoly refuse to grant a Certificate of unfitness for further service to Mr Schmeltzer, District Munsiff of Dossoor, and suggesting that Mr Schmeltzer should be directed to appear before a second Medical Board.

Mr Schmeltzer has been absent from his station without leave from 19th July 1870. The only excuse which could be assigned for his conduct was insanity and the Medical Board have rightly or wrongly decided that the fact of insanity does not

two

To

His Excellency
The Right Honorable
Francis Lord Napier
Baron Napier K. T.
Governor of Fort St. George
In Council.

The humble Memorial of J. H. Shunker, a District Munsiff lately attached to the Zillah of Salem -

Respectfully Sheweth,

1. That your Petitioner, who received his education at the Military Male Asylum, and for a time at Bishop Corrie's Grammar School under the auspices of Lord Elphinstone, was admitted into the Public Service of the Government as Clerk in the Office of the Superintendent of the Gun-Carriage Manufactory under Captain - now Major General J. Maitland in the year 1841. and continued there till 1843 - After a break of

two

two years in the private service of the late Daniel White Esquire C.S. as Tutor to that Gentleman's daughter (Mrs. Chase), your Petitioner re-entered the Public Service by an appointment in the Collectorate of Guntoor during the incumbency of Messrs. D. White, H. Stokes and H. Newill contemporaneously with the Commission of the Honorable Walter Elliot for Enquiring into the embarrassed circumstances of the Zemindars in that District — Your Petitioner was afterwards invited, and did accept an important position as Assistant to the Manager of the Board of Revenue; and served during the incumbency of Messrs. White, Pycroft and Roupell — Subsequently your Petitioner was transferred to the District of South Arcot as Head Clerk of the Revenue correspondence, and eventually promoted to the post of Manager of the Foreign department under Messrs. Davis, John Bird, Henry Wood,

Upon the recommendation of Colonel P. Cherry 1st Cavalry —

Arthur Hall and Edward Maltby.

2. There being at that time no prospect of any promotion to persons of his description, your Petitioner accepted the post of Examiner in the Court of Sudder Udalut, and served under the Honorable A. J. Arbuthnot and G. Ellis Esqre., and, having passed a successful Examination, was appointed District Munsiff, and served with satisfaction the Officers named in the margin in the Districts of Combaconum and Tranquebar, Petitioner having been also selected for the Office of Deputy Collector and included in the first list submitted to Government by the Board of Revenue and invested with Magisterial powers by the Government of Sir Charles Trevelyan, the latter Nobleman having satisfied himself after personal conference that your Petitioner was qualified for the same.

Messrs. Silver Beauchamp R. G. Clarke E. Bird &c.

3. While at the station of Tranquebar, your Petitioner had the

the misfortune of contracting Asthma, he having previously suffered from Rheumatism taken in the Hilly tracts of the Northern Circars — He was then advised to seek a change to some inland station and was transferred to Salem and eventually to Coimbatore. Availing himself of nine days leave your Petitioner proceeded to Bangalore; while there he met with a accident of a delicate nature; and, considering the circumstance unfitted to be placed on the open records of a Public Office, he addressed a demi-official letter to the Civil Judge forwarding at the same time a Certificate of Mr. Apothecary O'Hara under Sealed Envelope and requesting fifteen days Casual leave which the Civil Judge under the Rules is authorized to grant, and proceeded in anticipation of sanction to Madras with a view also of placing himself in the General Hospital if necessary — The Civil Judge however

however declined to accept this document on the ground that it did not emanate from a recognized Medical Officer — But this I asked did not reach your Petitioner till after his arrival at Madras whether he had already proceeded in anticipation of the fifteen days casual leave, for which he had applied, being cautious. With reference to the observation of the Civil Judge that the Apothecary whom alluded to was not a recognized Medical Officer, the matter being now passed it is only left for your Petitioner to remark, that a publicly recognized Pensioned Apothecary keeping an open place of business, is as much a Medical man fitted for the purpose as any Doctor in the Service, considering that your Petitioner was at the time in a station foreign

foreign to his own - and therefore the refusing to accept the Certificate of such a person as Dr. O'Hara was a mistaken attack upon the Medical responsibility attaching to a publicly recognized Gentleman of the profession who is extensively known and recognized by the residents at Bangalore - Certificates of Natives Drapers have been taken and accepted in Public Offices -

4. While at Madras your Petr: was attacked with Diarhoea for which he was prescribed by Dr. Joseph to whom he has been known for years and who is also well acquainted with his constitution; but being at present in the Military Service this Officer felt precluded from granting the necessary Certificate of ill-health; he however referred your Petitioner to the District Surgeon Dr. M^c^Crae

whose Certificate together with a statement by Dr. Joseph were duly submitted to the Civil Judge of Salem; the High Court having declined any direct communication with Petitioner.

4. In the meantime, your Petitioner was suspended for absenting himself without leave -; though still ailing, he made it a point to appear as soon as he was sufficiently able to undertake the journey to Salem, but on presenting himself before the Civil Judge and Explaining the cause of his absence he made a requisition for sick leave retrospectively; but the Civil Judge not heeding this request, directed Petitioner to proceed before the Civil Surgeon; and Dr. Pearce certified from the Hospital records &c. that your Petitioner had received Hospital treatment for Asthma on various occasions

occasions and of his eligibility
for active service - Thereupon
Petitioner was directed to proceed
and appear before a Medical
Committee at Zachimopoly to
base an application for Pension
which Petitioner never sought,
and the opinion of the Superin=
=tending Surgeon is recorded
in the enclosure marked C.
which however, the Civil Judge
not deeming to be a fair estimate
of his Petitioners case, according
to his own experience of some
years, applied to the High Court
that your Petitioner may be
brought before a Presidency
Committee for final decision -
That the Civil Judge from his
long experience of your Petitioner's
case complaint was disposed
to view his case with just
consideration is evident from
that Gentlemans recommendation
that Petitioner should be
brought before another
Committee at the Presidency
(vide letter 30 Nov: C), and
this

3.

this fact affords your Petitioner
the opportunity of remarking
as something extraordinary,
that two young Medical Officers
of short experience aided by
the superintending Surgeon,
not one of whom has known
the party at all, could state
an opinion so opposed to
the laws of Medical Science.
But the High Court upon the
face of the first Certificate,
removed your Petitioner
from office, but have
recommended his case to
the merciful consideration
of Government owing to his
length of service: and this
fact is proof that the Hono=
=rable the Judges are also
disposed to view his case
with leniency.

5. With reference to the remark
of the Medical Committee
that your Petitioner appeared
before it in a state of drunk=
=enness, your Petitioner
respectfully

respectfully disclaims to own the use of such a harsh [illegible] which would take an [illegible] and mischievous signification, and he can only account for it's use by the Military [illegible] of the Officers composing the Committee - On presenting himself before the Superintending Surgeon in the morning your Petitioner was directed to call in the afternoon as that Officer was to leave the station [illegible] Having walked the [illegible] of 3 Miles and back [illegible] a friend, seeing Petr [illegible] heavily and quite [illegible], administered Brandy [illegible] Spirits Ammonia; and your Petitioner told the Committee that the use of Spirits or Holloways pills was his remedy for Ar[illegible] and that while the [illegible] gave immediate & temporary relief, the latter [illegible] up for some days, restored him

altogether; and that Spirits had been administered at his bed side by experienced Medical Gentlemen:- and your Petitioner feels that he can safely appeal to Medical science to bear him out in respect to this mode of treatment.

And thus, your Petitioner's case being now entirely in the hands of Government, he is necessitated to throw himself upon that merciful consi=deration for which the existing Government of Fort St. George is universally worshipped as the Patrons and Protectors of the poor and unfortunate; humbly and respectfully soliciting that his case may be viewed simply as an error in Judgment in absenting himself from his duties without securing previous leave which Petr: could not

not well do under the circumstances above detailed — and direct that the difference of pay remaining undisbursed to the Acting incumbent may be paid to your Petitioner, or that the usual Pension be granted from the date when he ceased to draw any salary — For which as in duty bound Petr: shall ever pray.

J. H. Shunker
late District Munsiff
attached to Zillah
Salem

Madras
17 May 1871

Referred to the Civil Judge of Salem for report.
H. C. Stokes
Under Secretary to Govt.

Fort Saint George
29th May 1871
To the Civil Judge of Salem

Petrs address —
Chintadrepettah
Madras

Pension 1871 Departt
No. 388
From
J. H. Shunker
late District Munsiff
of Cossoor
Salem
Dated 17th May 1871
Rec'd 18th May 1871

Request that he may be granted pension from the date he ceased to draw salary.
With an order
11 Sept 71. Co No 472

15

Civil Court at Salem
29th August 1871

No. 5

From
E. F. Eliott Esqre
Civil Judge of
Salem.

To
H. E. Stokes Esqre
Under Secretary to
Government
Fort St George.

Sir,

With reference to your Endorsement (Pension Department) dated 29th May last, referring for report a Petition from Mr. Shunker, late District Moonsiff of Cossoor in this District, to Government, requesting that he may be granted a pension from the date he ceased to draw salary, I have the honor to report herewith, all that is officially known to me with regard

regard to Mr. Shenker's public
in service, and the cause of his
absence without leave from
his duties as District Moon-
siff of Cossoor from the 19th
July 1870 up to the date of his
dismissal from his post
by the High Court in their
Proceedings dated 16th January
1871.

Mr. Shenker's service
dates from the 1st January
1861, when he was first em-
ployed as a clerk in the Office
of the Superintendent of Gun
Carriage Manufactory on a
salary of 24 Rs a month up
to the 19th July 1871, when he
deserted his post of District
Moonsiff of Cossoor on a
salary of 200 Rs a month, and
embraces altogether a period
of 28—1—18 as total service
entitling him to pension,
except

except for his dismissal.

When I joined this Dis-
trict as Civil Judge in June
1869, Mr. Shenker was District
Moonsiff of Salem. He was
then suffering from acute
attacks of Asthma and Rheu-
matism, which prevented
his attending Court regularly,
and when he did, it was gene-
rally in a state of partial
intoxication, which he stated
to be superinduced by medical
advice originally, as a palia-
tive for his diseases. As his
work was very much in arrears,
and little or nothing was done
by him, and that little, if
done, most imperfectly so,
I was convinced of his utter
incapability to cope with the
work of such a heavy Court,
and accordingly recommended
his exchange with Mr. Meiguite
and transfer to the Cossoor
Court where the work was
considerably

considerably lighter, and the climate more invigorating and likely to be more beneficial to his health. This arrangement was sanctioned by the High Court in their Proceedings dated 29th October 1869, published in the Fort St George Gazette dated 2nd November 1869 page 588, and Mr. Shunker joined that Court accordingly on the 5th November 1869, and continued there up to the time of his leaving it, with no charge for the better as regarded his health or intemperate habits, and doing scarcely any work at all, and that most unsatisfactorily. On the 28th July 1870 it was reported to me by the Head Gumasta of the Ootacamund Court, that Mr. Shunker who left for Bangalore on the 19th idem, on 5 days' leave, had

had not returned after the expiration of the said leave, nor up till that time, which I duly reported to the High Court in my letter dated 4th August 1870 No. 36. Subsequently, I received a registered letter from Mr. Shunker, without date or address, but bearing the Bangalore Postmark of 1st August, enclosing for my private information a certificate from a Mr. O'Hara signing himself a Medical Practitioner, and applying for 15 days' casual leave on account of a bite on his forearm, to date back from 26th July, which I refused him, and duly reported the same to the High Court in my letter No. 37 dated 2nd August. As I was unaware of Mr. Shunker's address in Bangalore, & his order of refusal was

was sent to the Head Gumasta of the Dessoor Court, to be served on him personally at Bangalore, by a peon of that Court, who in answer reported that the peon had informed him that he had left the order with Mr. Shunker as Mr. Shunker was stated to have gone to Mysore. This I reported to the High Court on the 8th August 1870. On the 19th idem I again reported to the High Court that Mr. Shunker had not returned to his duties, nor was I aware of when he intended doing so, or the cause of his absence, or where he was to be found, and that the Dessoor Court had been closed owing to his absence since the 20th July last. Subsequently, in my letter dated 21st September 1870 No 67, I again reported Mr. Shunker's continued absence from his station, and that I had heard demi officially from the Commissioner of Police at Madras, Major Cleeve, that Mr. Shunker was wandering about Madras out of his mind, and I recommended that as the Dessoor Court had now been entirely closed for 2 months, that some immediate steps should be taken to reopen it, and that Mr. Shunker should be dismissed from the service as incompetent and absent without leave. In reply the High Court directed me in their letter dated 26th September, to nominate a substitute at once, to carry on the duties of the Dessoor Moonsiff's Court, and to act up to their Proceedings dated 20th November 1866, after a formal enquiry, with regard to any recommendation

recommendation as to the dismissal of Mr. Shunker. I accordingly issued an order to Mr. Shunker dated 18th October 1870, which I caused to be served upon him through the Commissioner of Police at Madras, as I was utterly ignorant of his address or place of his residence, calling upon him to appear before me within 3 days from the date of service of the same upon him, to answer for his past misconduct. In reply, Major Bowen in his letter No 743 dated 18th October, enclosed Mr. Shunker's receipt for the same, and informed me that he had personally served it on Mr. Shunker, who not only declined to obey the order itself but stated as his reason apparently, that he considered himself

himself under the orders of the High Court, and proposed seeing Sir Lo. Scotland about obtaining furlough. Major Bowen also added that he believed Mr. Shunker to be in an unsound state of mind, and incapable of judging for himself. I thereupon informed the High Court of this in my letter No 52 dated 22nd October 1870, and requested further instructions with regard to Mr. Shunker, and suggested that as he was residing in Madras the Judges might satisfy themselves as to his sanity by a personal inspection of him. In reply, the High Court directed me in their letter No 2118 dated 22nd November 1870 to report if Mr. Shunker did not appear before me within

within one week. Mr. Shanker
thereupon appeared before
me on the 23rd. idem, and
put in his application for
pension on Medical certi-
ficate, which was duly forwarde
ed to the Gillah Surgeon R.C.
Pearse Esqre, who certified
him, under date the 3rd. De-
cember 1870, to be "unfit for
"further service from prema-
"ture decay and infirmity the
"result of Asthma and Rheu-
"matism, together with a gen-
"neral feeling of his mental
"powers the latter due in my
"opinion to excessive indulgence
"in spirituous liquors which
"he states he took under me-
"dical advice". This certifi-
cate was not confirmed subs-
equently by the Medical
Board at Trichinopoly
before whom Mr. Shanker
appeared

appeared, for the reasons
stated in their Proceedings
No 3649 dated 7th December
1870, wherein the Board state
their opinion that "his
"faculties are unimpaired,
"and his appearance indicate
"good physical health. But
"that the Board further find
"that he is a man of intemper-
"ate habits, how indeed
"it is not for it to decide, he
"having been in a state of
"partial intoxication when
"he appeared before it." The
"Medical Board is therefore
"of opinion that he is inca-
"pacit in respect of mental and
"physical capacity fit for
"further service."

On the 11th December
1870 I submitted these
Proceedings

Proceedings to the High Court and suggested that Mr. Shunker should be directed to appear before a 2nd Medical Board, when he was sober. In reply, I received the Proceedings of the High Court No 81 dated 16th January 1871 dismissing Mr. Shunker from his post of District Moonsiff of Oossoor, a copy of which he has filed with his application to Government under report.

I believe Mr. Shunker to have become an inveterate drunkard and to have rendered himself utterly unfit for his duties, both physically and mentally thereby. In fact I most fully endorse the Certificate granted to him by the

Zillah

Zillah Surgeon Mr. R. C. Pearse as containing the exact truth and facts of his case.

I have the honor to be
Sir,
Your most obedient servant

G. H. Elliott
Civil Judge

Lt. A. E. Conran
[illegible]

Order thereon 14th September 1871 No. 472.
The petition will be endorsed.

J. W. S.

Mr. Shunker having been dismissed by the High Court, for insubordination & for unfitness for his port, thought indolence & incapacity, the Govt. decline to entertain his claim for pension.

H. C. S.

To Mr. J. A. Shunker Dec. 16/9/71
" the Civil Judge of Salem } 19/9/71
" Assam to enter

5-12-

6.12.9

Pension ~~Judicial~~ Departt.

No. 688.

From

The Civil Judge of Salem

Dated 29th August
Despd 31st Do
Recd 2d Sept } 1871

2273-78

Enclosure/

Submitting a report with regard to Mr. Shunker late District Moonsiff of Oossoor as called for by Government

With an order No. 472