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MADRAS RECORD OFFICE.

Government of Madras.

financial DEPARTMENT.

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Dated	10-11-	1865.

17-18

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Not to be folded or roughly handled

FINANCIAL DEPARTMENT.

No. 524.

FROM

A. J. ARBUTHNOT, ESQ.,

Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FINANCIAL DEPARTMENT.

SIR,

I am directed to submit, for the consideration and orders of His Excellency the Viceroy and Governor General in Council, the annexed copy of a Memorial addressed to this Government by Mr. E. Cullin, Principal Sudder Ameen of Cochin, praying that his service in the Army, in which he served for ten years previous to his appointment to an office in the Civil branch of the Public service, and also his service as Assistant to the Master Attendant in the Emigration Department, may be allowed to count for pension.

2. The circumstances of Mr. Cullin's case are briefly as follows :—He came to India as a Gunner of Artillery in June 1825, and served in the Army until May 1835, having attained the rank of Conductor. He then obtained his discharge, and was appointed 1st Uncovenanted Assistant in the Military branch of the Government Secretariat, which office he held until the 30th December 1842, when he was appointed Assistant to the Master Attendant in the Emigration Agency Department, on a salary of Rupees 350 per mensem, the amount which he had previously drawn in the Secretariat. The salary drawn by Mr. Cullin as Assistant in the Emigration Agency Department was paid from the Mauritius Emigration Fund. The appointment, however, which was offered to Mr. Cullin by the then Governor, the Marquis of Tweeddale, was notified in the official Gazette, and there was nothing in its terms which could lead him to suppose that, by accepting it, he was in any way severing himself from the service of the Madras Government. At the end of 1843, the office having been suddenly abolished under the provisions of Act XXI of 1843, Mr. Cullin was appointed to act as a Police Magistrate, which office he held from the 12th December 1843 to the 11th July 1845. On the return of the permanent incumbent, he was thrown out of employment, and subsequently, on the recommendation of the Madras Government, who had noticed in very favorable terms the zeal and ability with which he had discharged his duties in the Emigration Department, he was permitted by the Government of India to draw, for the period for which he was out of employ, a monthly allowance equal to a moiety of the salary attached to his appointment as Assistant in the Emigration Department. On the 1st October 1845, Mr. Cullin was appointed to act as Secretary to the Marine Board, and on the 28th of the same month, he was appointed Principal Sudder Ameen of Cochin which office he still holds.

To Government of India,		5th June 1845,	No.	17.
From	do.	28th ,,	,,	436.
To	do.	10th Octr. ,,	,,	42.
From	do.	7th Novr. ,,	,,	791.

3. Under the special circumstances of the case, the speciality of which was admitted by the Supreme Government, in Mr. Bushby's letter of the 7th November 1845, the Governor in Council would strongly recommend that Mr. Cullin's service as Assistant in the Emigration Department, as well as his previous service in the Secretariat, should be allowed to count for pension, notwithstanding the short break which occurred consequent on the abolition of the Emigration Agency, and that he be granted the higher rate of pension allowed to Judicial Officers. At the end of the present year Mr. Cullin will have served upwards of 30 years in the Civil Department, of which period be will have held the office of Principal Sudder Ameen of Cochin for upwards of 20 years, in addition to having served as a Police Magistrate at Madras for 19 months. Mr. Cullin is a very deserving officer, and the Governor in Council trusts that the recommendation now

made may receive the favorable consideration of the Supreme Government. As Mr. Cullin desires to retire in the course of a few months, I am to request that early orders may be passed on this letter.

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

FORT SAINT GEORGE,
10*th November* 1865.

Chief Secretary.

From Mr. E. CULLIN, Principal Sudder Ameen and Joint Magistrate of Cochin, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 25th May 1865.

I enclose a Memorial to the address of the Governor in Council, and shall be much obliged if you will have the goodness to submit it to His Excellency in Council, for favorable consideration.

TO HIS EXCELLENCY THE GOVERNOR IN COUNCIL
of Fort Saint George.

The Memorial of EDWARD CULLIN, Principal Sudder Ameen and Joint Magistrate of Cochin,

HUMBLY SHEWETH,

That your Memorialist having completed, within a few days, 40 years' service in India, was particularly anxious to know whether the new rules which had of late years been established would in any way affect his case. Your Memorialist accordingly addressed a letter to the Civil Paymaster on the subject. Your Memorialist submits a copy of his letter to the Civil Paymaster, and of that Officer's reply.

To Civil Paymaster, 17th May 1865.
From Civil Paymaster, 20th May 1865.

2. Your Memorialist is very much grieved to find that the Civil Paymaster is disposed to disallow full 20 years of your Memorialist's service.

3. Under these circumstances, your Memorialist feels that his only hope for redress is in an appeal to your Excellency in Council, and, to enable your Excellency in Council to arrive at a judgment on his case, he proceeds to submit a brief sketch of his career.

Your Memorialist landed in India as a Gunner of Artillery on the 3rd of June 1825. In May 1835, being at the time a Conductor attached to the Commissariat Department, your Memorialist obtained his discharge from the Army, expressly for the purpose of taking up the appointment of 1st Uncovenanted Assistant in the Military Secretariat of the Government, which situation had been offered to him by Mr. Robert Clerk, then Military Secretary to Government. On the day on which your Memorialist left the Army he joined the Secretariat, and he served in the Secretariat until 30th December 1842, when he was appointed Deputy Emigration Agent. On the abolition of this appointment in the end of 1843*, he was immediately appointed an Acting Police Magistrate, which office he held for about 18 months, when he was relieved by the permanent incumbent, and thrown out of all employment for a short season.† Your Memorialist's case was brought before the Government of India, and, by order of that Government, he eventually obtained, for the period he was out of employ, one half of the salary attached to the abolished office of Deputy Emigration Agent. The Government of India, at the same time, suggested that the first suitable appointment should be conferred upon your Memorialist. He was then appointed Acting Secretary to the Marine Board, and, after a very short time in that office, his present situation of Principal Sudder Ameen and Joint Magistrate of Cochin

* 12th December 1843.

† From 1st April to 2nd June 1845, and from 11th July to 10th October 1845.

10th October 1845.

3/

was conferred upon him. Your Memorialist has held his present office for perhaps an unprecedented period, that is, approaching to 20 years. Your Memorialist has thus been, with the exception of the few months in 1845, when he was unemployed, in the service of Government from 3rd June 1825 up to the present date.

4. The Civil Paymaster, however, as will be seen from his Official Memorandum, disallows the whole of your Memorialist's Military service, extending to nearly 10 years. With reference to this, your Memorialist would remark that it had always been usual for Military men who left the Army and entered the Uncovenanted Civil Service to reckon their Military service, as qualifying for pension, and that the question is put beyond all doubt by an Order of Government in the Financial Department, dated the 12th May 1862, No. 352, which distinctly grants the privilege to all Military men who entered the Uncovenanted Civil Service prior to 1860. Your Memorialist, as already stated, entered the Uncovenanted Civil Service in 1835, or 25 years prior to the date named in the above Order ; and he respectfully submits that it would be hard indeed if he were deprived of the benefit of the usage which had so long obtained, and of the Order of Government here quoted.

5. Next, as regards the period of his employment as Deputy Emigration Agent, your Memorialist understands that this period is not considered by the Civil Paymaster as reckoning for pension, on the ground that the appointment was not a Government one. Your Memorialist must here explain the circumstances connected with his acceptance of this appointment.

Your Memorialist was at the time 1st Uncovenanted Assistant in the Secretariat. Being ambitious for advancement, he had about this period applied for the office of Postmaster at Madras. He failed in getting the situation of Postmaster ; the reason assigned was that his application was received too late. Soon after, without any solicitation from your Memorialist, the Private Secretary to the then Governor, by order of the Governor, offered him the appointment of Deputy Emigration Agent. The salary, Rupees 350 per mensem, was exactly the same as he then received as 1st Uncovenanted Assistant. The duties of Deputy Emigration Agent were of a novel and very irksome nature ; but the situation having been offered to him by the Governor, he thought that if he did not accept it, he would give offence, and thus close the door to further preferment. He accordingly accepted the office, and the appointment was announced in the *Fort Saint George Gazette*, like all other appointments by Government. He can faithfully state that neither when he accepted the situation, nor while discharging the duties of Deputy Emigration Agent, did he for a moment suppose that he was serving any other than his own, the Madras, Government. It was the first emigration from Madras, and the position of the servants appointed by Government to supervise the system was not at the time known probably to any one, and certainly not known to your Memorialist. He certainly never would have accepted an office which gave him no increase of pay, and involved very hard work (continually crossing the surf to inspect ships'), had he had the most remote idea that the acceptance of the office would have separated him from his own Government, and involved to him the loss of previous meritorious service. Two gentlemen, now in Madras, who know all the circumstances, would, he believes, be willing to verify, if necessary, on oath, the truth of this statement in every particular.

30th December 1842.

6. The Civil Paymaster further states that, under the rules, his office cannot do otherwise than view the period between the date on which your Memorialist "gave over charge of his office in the Secretariat and that on which he assumed charge of the office of Principal Sudder Ameen, Cochin, as a break, which will prevent him from reckoning as service for pension the period spent in the Secretariat."

7. The view taken by the Civil Paymaster, as expressed in the last preceding paragraph is based upon rules which do not allow time served in acting appointments to count for pension, and which require service to be continuous to count for pension ; but your Memorialist submits that these are comparatively new rules, and that they were not in existence either when your Memorialist entered the Uncovenanted Service, or when he held the acting appointments above-mentioned,—nay, not until long after he had entered on his work as Principal Sudder Ameen ; and it has been frequently decided by the highest authority that rules such as those referred to are not to have retrospective effect.

8. Your Memorialist, therefore, hopes that he may be allowed to reckon as service for pension—(1st), his Military service under the Financial Order of Government, dated 12th May 1862, No. 352; (2nd), the period of his employment as Deputy Emigration Agent, as the appointment was made by Government, and there was nothing whatever to show that it was in any respect other than a Government appointment, qualifying, like other Government appointments, for pension; (3rd), the periods during which he acted as Police Magistrate and as Secretary to the Marine Board, as the rule excluding service in acting appointments was not in existence when your Memorialist officiated in those appointments; and that for the same reason, the Rule requiring service to be continuous to count for pension may not be applied to his case.

9. Your Memorialist trust that the nature of the duties discharged by him for a lengthened period, and the manner in which he has in every situation held by him served the Government will induce your Excellency in Council to accord a favorable consideration to his case. The gentlemen under whom he served in the Secretariat are no longer here to bear testimony in his favor; but your Memorialist is certain that any inquiry which it may be deemed necessary to make will satisfy Government that he has always worked zealously, faithfully, and efficiently. The duties of his present office, Principal Sudder Ameen of Cochin, which he has held for nearly 20 years, are known to your Excellency in Council to be both onerous and responsible. Under the Act quoted in the margin, your Memorialist has had to discharge also, for the long period just mentioned, the duties of Joint Magistrate and Justice of the Peace at an important Sea Port, as Cochin certainly is, and he may add that he has been constantly at his post, having had only three months' privilege leave during the entire period. Other Principal Sudder Ameens have been free during the vacations of their Courts, while in his case, having Magisterial duties to discharge, he was never, until the present occasion, absent from his station, except during the three months' privilege leave already mentioned. Your Memorialist is now at Madras, which he has not visited since 1845, under an arrangement kindly sanctioned by Government last year, specially to meet his case. During the 40 years he has served the Government, he has only twice had leave of absence—once for three weeks while in the Army, and once for three months while in the Uncovenanted Service.

A Testimonial from W. Robinson, Esq., Inspector General of Police, dated 20th May 1865, is hereto appended.

Act VII of 1843, Section 47.
And it is hereby enacted that whenever the Governor in Council of Fort Saint George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise, within the jurisdiction assigned to him, all the powers of a Criminal Court according to Regulation II of 1827, and also all the powers of a Joint Magistrate.

10. Your Memorialist has spent his best years in the service of Government, and he only asks that, in his old age, he may be allowed what the old rules and practice of the Service have fully led him to expect, and that he may not, at the close of his career, be brought under the operation of new rules so utterly subvertive of his claims.

11. Your Memorialist can very ill afford to bear the loss which an unfavorable decision would entail. He is the principal Civil Officer at Cochin, and he has had a position to maintain as a Joint Magistrate among a European community. Cochin has for some years been as expensive as regards living as almost any place under this Presidency, Madras not excepted. With the utmost economy consistent with keeping up a moderately respectable position, and providing, through Insurance Societies, for his family after his death, he has only been able, after 40 years' service, to save Rupees 2000; and more than this sum will be needed to provide passage to England for himself and family, should he be permitted to return to his native land. After your Memorialist's retirement, he will have to keep up the Policies of Insurance out of whatever income may be granted to him, or lose all the money he has been paying for years to the Insurance Societies, and leave his family destitute after his death.

12. He therefore earnestly solicits that, for the reasons above urged, he may be allowed to reckon for pension every period of the service rendered by him to Government. He begs to state that he does not mean in the present Memorial to apply for pension, but simply to set at rest this question of service claimable by him for pension.

Your Memorialist, as in duty bound, will ever pray.

MADRAS, 25th May 1865. (Signed) E. CULLIN.

From Mr. E. CULLIN, Principal Sudder Ameen and Joint Magistrate of Cochin, to the Civil Paymaster Madras; dated Madras, 17th May 1865.

As the period is approaching when I shall, probably, find it necessary to give over work, I am particularly anxious to know what service given by me to the Government will be recognized by your Department as constituting a claim to pension, and I shall esteem it a great favor if you will kindly furnish me with information on the subject.

I proceed to give you a brief statement of my service :—

I landed in Madras as a Gunner of Artillery in June 1825, and obtained my discharge from the Army in May 1835 (I was then holding the rank of Conductor), expressly for the purpose of taking up the appointment of 1st Uncovenanted Assistant in the Military branch of the Secretariat, which had been offered to me.

There may not have been any positive rule on the subject; but I well know that when I left the Army, Military service had, in many instances, been allowed to count towards pension in the Civil Department.

The same day I left the Army, I joined the Secretariat as 1st Uncovenanted Assistant, Military branch. Uncovenanted Assistants were at this time first introduced into the Secretariat. The gentlemen under whom I served in the Secretariat have long since left India, and I cannot apply to them to bear testimony in my favor, but I have the satisfaction of knowing that my services while attached to the Secretariat were appreciated by them.

I served in the Secretariat until 30th December 1842, when I was appointed Deputy Emigration Agent.

I have reason, I am grieved to say, to apprehend that my acceptance of the office of Deputy Emigration Agent may, under the new Rules, be viewed by your Department as constituting a break in my service, and involving the loss of all previous service to the Government. I can only say that if my apprehension proves to be well founded, it will indeed be a very hard case. I, therefore, deem it necessary to explain the circumstances under which I accepted the office of Deputy Emigration Agent.

I was at the time, as already stated, 1st Uncovenanted Assistant in the Secretariat. Being ambitious for advancement, I had about this period applied for the office of Postmaster at Madras. I failed in getting the situation of Postmaster; the reason assigned was that my application was received too late. Soon after, without any solicitation from me, the Private Secretary to the then Governor, by order of the Governor, offered me the appointment of Deputy Emigration Agent. I hesitated. The salary, Rupees 350 per mensem, was exactly the same as I then received as 1st Uncovenanted Assistant. The duties of Deputy Emigration Agent were of a novel and very irksome nature; but the situation having been offered to me by the Governor, I felt myself bound to accept it. I thought that if I did not do so, I would give offence, and thus close the door to further preferment. I can faithfully state that I was wholly ignorant that such an office was about to be formed when it was offered to me by the Governor's Private Secretary.

I accepted the office, and the appointment was announced in the *Fort Saint George Gazette*.
30th December 1842.

While discharging the duties of Deputy Emigration Agent, I never for a moment supposed that I was serving any other than my own, the Madras, Government.

It was the first Emigration from Madras, and the position of the Emigration servants was not then known.

I certainly never would have accepted an office which gave me no increase of pay, and involved very hard work (continually crossing the surf to inspect ships), had I had the most remote idea that the acceptance of the office would have separated me from my own Government, and involved to me the loss of previous meritorious service. As already noticed, I felt that an offer from the Governor amounted almost to a command, and that I had really no choice but to accept the appointment. Two gentlemen now in Madras, who knew all the circumstances, would, I believe, be willing to verify, if necessary, on oath, the truth of this statement in every particular.

After one year, emigration to the Mauritius ceased by order of the Government of India, and my office, of course, was abolished.

I was immediately appointed an Acting Police Magistrate at Madras, and continued in that office for about 18 months, when I was relieved by the permanent incumbent, and, for a short season, was thrown out of all employment. My case was brought before the Government of India, and I eventually obtained, by order of that Government, half pay for the short period I was out of office, from, I think, some Mauritius Fund; and the Government of India, at the same time, suggested that the first suitable appointment should be conferred upon me. I was appointed Secretary to the Marine Board; and, after a very short time in that office, my present situation, Principal Sudder Ameen and Joint Magistrate of Cochin, was conferred upon me. I have held my present office for perhaps an unprecedented period, approaching to 20 years.

12th December 1843.

11th July 1845.

7th November 1845, in M. C.

3rd December 1845, No. 1125.

28th June 1845, in M. C.

22nd July 1845, No. 655.

10th October 1845.

28th October 1845.

I beg to observe that Officers in the Judicial Department generally enter in a lower grade, and towards the close of their service obtain the higher grade of Principal Sudder Ameen (or Native Judge), whereas my whole service of nearly 20 years in the Judicial Department has been in the highest grade of Principal Sudder Ameen. In addition to the ordinary duties of Principal Sudder Ameen, I have had, under the Act quoted in the margin, to discharge also, for the long period mentioned, the duties of Joint Magistrate and Justice of the Peace at an important Sea Port, as Cochin certainly is, and I may add that I have been constantly at my post, having had only three months' privilege leave during the entire period. Other officers in my position have been free during the vacations of their Courts, while in my case, having Magisterial duties to discharge, until the present occasion, I was never absent from my station, except during the three months' privilege leave already mentioned, which I once only obtained. I am now at Madras under an arrangement kindly sanctioned by the Madras Government last year specially to meet my case. It is the first time that I have visited the Presidency since 1845. I dwell on this point, for, although not provided for by rules, the fact may have some weight with the authorities in estimating my service.

Act VII of 1843, Section 47. "And it is hereby enacted that whenever the Governor in Council of Fort Saint George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise, within the jurisdiction assigned to him, all the powers of a Criminal Court, according to Regulation II of 1827, and also all the powers of a Joint Magistrate."

During the 40 years I have served the Government, I had only twice leave of absence—once for three weeks while in the Army, and once for three months while in the Uncovenanted Service.

Permit me to say that, when I entered the Uncovenanted Civil Service, the present rule, requiring continuous service to qualify for pension, was not, as far as I know, in existence, and I submit it would be hard, in my old age, to make it applicable to me.

I do not mean this letter to be considered as an application for pension. I merely wish to see my way, and I hope that you will kindly favor me with information to enable me to do so.

(True Copy).

(Signed) E. CULLIN.

No. 32.

MEMORANDUM.

Statement Department.

With reference to Mr. E. Cullin's inquiries in his letter of the 17th instant, the undersigned has the honor to state—

Firstly.—That his service in the Military Department, which appears to have been in the Army, will not reckon for pension in the Civil Department; and,

Secondly.—That under the Rules this office cannot do otherwise than view the period between the date on which Mr. Cullin gave over charge of his office in the Secretariat, and that on which he assumed charge of the office of Principal Sudder Ameen, Cochin, as a break which will prevent him from reckoning as service for pension the period spent in the Secretariat.

(Signed) W. DONALD,
Chief Assistant Civil Paymaster in Charge.

Fort Saint George,
Civil Paymaster's Office,
20th May 1865.

To E. Cullin, Esq., Principal Sudder Ameen, Cochin, Madras.

My dear Mr. Cullin,

In reply to your note I can cheerfully state that since I have known you, I think since 1848 or 1849, I have always entertained the highest opinion of your character and steady business-like habits.

You were for years under our old friend Mr. Conolly, and I have frequently heard him mention you in terms of entire confidence and of praise, and you had a difficult berth of it at Cochin.

In 1856 and 1858, when I acted as Magistrate of Malabar, I had more opportunity of observing your work myself. It was done very efficiently, and with discretion, tact, and judgment. I always felt confident that your troublesome charge was in safe hands.

With best wishes,
Yours ever sincerely,
W. ROBINSON.

May 20th, 1865.

To E. Cullin, Esq.

P. S.—If I can be of use to you, you are at liberty to refer to me for testimony, which will be most favorable.

Exd. J. H. Burns.

Statement Department

Fort Saint George,
Civil Paymaster's Office,
20th May 1865.-

No. 32.-

9

Memorandum.-

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Signed./ W. Donald
Chief Asstt. Civil Paymaster
in Charge.-

To
E. Cullen, Esqre.
Principal Sadr Ameen Cochin
Madras.-

(True Copy)

Donald
Examiner of Claims

(Copy.)

№ 32

Offl. Mems.

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Civil Paymr Office,
Ft. St. George,
20th May 1865.

(sigd) W. Donald.
Chief assistant
Civil Paymaster
in charge

E. Cullin Esqr.
Pnc Sudr Ameen
of Cochin
Madras.

(True copy)
E Cullin

5 B

My dear Dr Cullen

In reply to your note I can cheerfully state that since I have known you - I think since 1848 & 1849 - I have always entertained the highest opinion of your character & steady honourable habits. For more than years under an old friend Dr Crosby - and I have frequently heard him mention you in terms of entire confidence and praise - and you had a difficult task to perform. In 1848 & 1849 when acting as Surgeon of Madras I had more opportunity of observing your

work myself. I was sure all
present, and with discretion
last and present. I always
felt confidence that your humble
true charge was in safe hands.
With best wishes.
Yours very sincerely
Dr Robinson
May 25th 1865
E. Cullen Esqr

P.S. If search of me to you
you are at liberty to refer to me
for testimony which will be most
favourable

2

Madras, 25th May 1865.

13

To

His Excellency the Governor
in Council of Fort St. George.

The Memorial of Edward
Cullin, Principal Sudder
Ameen and Joint Magis-
trate of Cochin,

Humbly Sheweth,

That your Memorialist hav-
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the Civil Paymaster and of that Office's reply.

2. Your Memorialist is very much grieved to find that the Civil Paymaster is disposed to disallow full 20 years of Your Memorialist's service.

3. Under these circumstances, Your Memorialist feels that his only hope for redress is in an appeal to your Excellency in Council, and, to enable your Excellency in Council to arrive at a judgment on his case, he proceeds to submit a brief sketch of his career:

Your Memorialist landed in India as a Gunner of Artillery on the 3rd. of June 1825. In May 1835, being at the time a Conductor attached to the Commissariat Department, Your Memorialist obtained his discharge from the Army, expressly for the purpose of taking up the appointment of 1st. Unrecruited Assistant in the Secretariat of the Government, which situation had been offered to him by Mr. Robertson, then Military Secretary to Government. On the day on which Your Memorialist left the Army, he joined the Secretariat, and he served in the Secretariat until 30th. December 1842, when he was appointed Deputy Emigration Agent. On the abolition of this appointment in the end of 1843, he was immediately appointed an acting Police Magistrate, which office he held for about 8 months, when he was relieved by the permanent incumbent and thrown out of all employment for a short season.

Your Memorialist's case was brought before the Government of India, and, by order of that Government, he eventually ob-

The Civil Paymaster 17th May 1865.

From do. 20th. May 1865.

12th December 1843.

× from 1st. April to 2nd June 1845 & from 11th July to 10th October 1845.

tained, for the period he was out of employ, one half of the salary attached to the abolished office of Deputy Emigration Agent. The Government of India, at the same time, suggested that the first suitable appointment should be conferred upon your Memorialist. He was then appointed acting Secretary to the Marine Board, and, after a very short time in that office, was present situation of Principal Sudder Ameen & Joint Magistrate of Cochin was conferred upon him. Your Memorialist has held his present office for perhaps an unprecedented period, that is, approaching to 20 years. Your Memorialist has thus been, with the exception of the few months in 1845 when he was unemployed,

10th October 1845.

in the service of Government from 3rd. June 1825 up to the present date.

4. The Civil Paymaster however, as will be seen from his Official Memo., disallows the whole of your Memorialist's military service, extending to nearly 10 years. With reference to this, your Memorialist would remark that it had always been usual for military men who left the Army and entered the Uncovenanted Civil Service to reckon their military service, as qualifying for pension; and that the question is put beyond all doubt by an order of Government in the Financial Department, dated the 12th May 1862, No. 352, which distinctly grants the privilege to all military men who entered the Uncovenanted Civil Service prior to 1860. Your Memorialist, as

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Your Memorialist must here
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this appointment:

Your Memorialist was at the
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in the Secretariat. Being ambi-
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about this period applied for the
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He failed in getting the situa-
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assigned was that his application
was received too late. Soon after,
without any solicitation from Your
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to the then Governor, by order of
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pointment of Deputy Emigration
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nor, he thought that if he did
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to further preferment. He accor-
dingly accepted the office, and
the appointment was announced
in the last St. George Gazette

30th December
1842.

like all other appointments by Government. He can faithfully state that neither when he accepted the situation, nor while discharging the duties of Deputy Emigration Agent, did he for a moment suppose that he was serving any other than his own, the Madras Government. It was the first emigration from Madras and the position of the servants appointed by Government to supervise the system was not at the time known probably to any one, and certainly not known to your Memorialist. He certainly never would have accepted an office which gave him no increase of pay, and involved very hard work (continually crossing the surf to inspect ships), had he had the most remote idea that the acceptance of the office would have separated him from his own Government and involved to him the loss of previous meritorious service. Two gentlemen, now in Madras, who know all the circumstances, would, he believes, be willing to verify, if necessary, on oath, the truth of this statement in every particular.

6. The Civil Paymaster further states that, under the rules, his office cannot do otherwise than view the period between the date on which Your Memorialist gave over charge of his office in the Secretariat and that on which he assumed charge of the office of Principal Sudr Ameen, Cochin, as a break which will prevent him from reckoning as service for pension the period spent in the Secretariat."

7. The view taken by the Civil Paymaster, as expressed in the last preceding paragraph, is based upon rules which do not allow time served in

acting appointments to count
for pension, and which require
service to be continuous to count
for pension; but your Memorial-
ist submits that these are com-
paratively new rules and that
they were not in existence either
when your Memorialist entered
the Uncovenanted Service or
when he held the acting ap-
pointments above mentioned,
nay, not until long after he
had entered on his work as Prin-
cipal Sudder Ameen; and it has
been frequently decided by the
highest Authority that rules
such as those referred to are not
to have retrospective effect.

8. Your Memorialist therefore
hopes that he may be allowed to
reckon as service for pension; (1st),
his military service under the
Financial Order of Government
dated 12th. May 1862, No. 352;
(2nd), the period of his employ-
ment as Deputy Emigration Agent,
as the appointment was made
by Government and there was
nothing whatever to shew that
it was in any respect other than
a Government appointment gua-
lifying like other Government
appointments for pension; (3rd),
the periods during which he act-
ed as Police Magistrate and
as Secretary to the Marine Board,
as the rule excluding service
in acting appointments was
not in existence when your
Memorialist officiated in
those appointments; and that
for the same reason, the rule
requiring service to be conti-
nuous to count for pension
may not be applied to his case.

9. Your Memorialist trusts
that the nature of the duties
discharged by him for a length-
ened period and the manner
in which he has in every sta-

tration held by him served the Government will induce Your Excellency in Council to accord a favorable consideration to his case. The gentlemen under whom he served in the Secretariat are no longer here to bear testimony in his favour, but your Memorialist is certain that any enquiry which it may be deemed necessary to make will satisfy Government that he has always worked zealously, faithfully and efficiently. The duties of his present office, Principal Sudder Ameen of Cochin, which he has held for nearly 20 years, are known to your Excellency in Council to be both onerous and responsible. Under the Act quoted in the margin, your Memorialist has had to discharge also, for

A Testimonial from W. Robinson Esq., Inspector General of Police, dated 20th May 1865, is hereto appended.

Act 7 of 1843, Sec. 47.
"And it is hereby enacted that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise, within the jurisdiction assigned to him, all the powers of a Criminal Court according to Regulation II of 1827 and also all the powers of a joint Magistrate.

for the long period just mentioned, the duties of Joint Magistrate and Justice of the Peace at an important sea port, as Cochin certainly is, and he may add that he has been constantly at his post, having had only three months privilege leave during the entire period. Other Principal Sudder Ameens have been free during the vacations of their Courts, while in his case, having magisterial duties to discharge, he was never, until the present occasion, absent from his station, except during the three months' privilege leave already mentioned. Your Memorialist is now at Madras, which he has not visited since 1845, under an arrangement kindly sanctioned by Government last year specially to meet his case. During the 40 years he

has served the Government, he has only twice had leave of absence, once for three weeks while in the Army and once for three months while in the Uncovenanted Service.

10. Your Memorialist has spent his best years in the service of Government and he only asks that, in his old age, he may be allowed what the old rules and practice of the service have fully led him to expect and that he may not at the close of his career be brought under the operation of new rules so utterly subversive of his claims.

11. Your Memorialist can very ill afford to bear the loss which an unfavourable decision would entail. He is the principal Civil Officer at Cochin and he has had a position to maintain as a Joint Magistrate among a European community. Cochin has for some years been as expensive as regards living as almost any place under this Presidency, Madras not excepted. With the utmost economy consistent with keeping up a moderately respectable position, and providing, through Insurance Societies, for his family after his death, he has only been able, after 40 years' service, to save Rupees 2000; and unless than this sum will be needed to provide passage to England for himself and family, should he be permitted to return to his native land. After your Memorialist's retirement, he will have to keep up the Policies of Insurance out of whatever income may be granted to him, or lose all the money he has been paying for years

of the Insurance Societies and leave his family destitute after his death.

12. He therefore earnestly solicits that, for the reasons above urged, he may be allowed to reckon for pension every period of the service rendered by him to Government. He begs to state that he does not mean in the present Memorial to apply for pension, but simply to set at rest this question of service claimable by him for pension.

Your Memorialist as in duty bound will ever pray.

Nathal G Sutherland

25 May 1865

(Copy)

Madras, 17th May 1865.

To

The Civil Paymaster,
Madras.

Sir,

As the period is approaching when I shall, probably, find it necessary to give over work, I am particularly anxious to know what service given by me to the Government will be recognized by your Department, as constituting a claim to Pension, and I shall esteem it a great favor if you will kindly furnish me with information on the subject.

I proceed to give you a brief statement of my service.

I landed in Madras as a Gunner of Artillery in June 1825, obtained my discharge from the Army in May 1835 (I was then holding the rank of

Conductor), expressly for the purpose of taking up the appointment of 1st. Uncovenanted Assistant in the Military branch of the Secretariat, which had been offered to me.

There may not have been any positive rule on the subject - but I well know, that when I left the Army, Military service had, in many instances, been allowed to count towards Pension in the Civil Department.

The same day I left the Army I joined the Secretariat as 1st. Uncovenanted Assistant, Military branch. Uncovenanted Assistants were at this time first introduced into the Secretariat. The gentlemen under whom I served in the Secretariat have long since left India, and I cannot apply to them to bear testimony in my favor, but I have the satisfaction of knowing that my services while attached to the Secretariat were appreciated by them.

I served in the Secretariat until 30th. December 1842, when I was appointed Deputy Emigration Agent.

I have reason, I am grieved to say, to apprehend that my acceptance of the office of Deputy Emigration Agent may, under the new rules, be viewed by your Department as constituting a break in my service - and involving the loss of all previous service to the Government. I can only say that if my apprehension proves to be well founded, it will indeed be a very hard case. I therefore deem it necessary to explain the circumstances under which I accepted the office of Deputy Emigration Agent.

I was at the time, as already stated, 1st. Uncovenanted Assistant

in the Secretariat. Being ambitious for advancement, I had about this period applied for the office of Postmaster at Madras. I failed in getting the situation of Postmaster; the reason assigned was that my application was received too late. Soon after, without any solicitation from me, the Private Secretary to the then Governor, by order of the Governor, offered me the appointment of Deputy Emigration Agent.

I hesitated. The salary, Rupees 350 per mensem, was exactly the same as I then received as 1st Uncovenanted Assistant. The duties of Deputy Emigration Agent were of a novel and very irksome nature, but the situation having been offered to me by the Governor I felt myself bound to accept it. I thought that if I did not do so, I would give

offence,

30th December 1842.

offence, and thus close the door to further preferment. I can faithfully state that I was wholly ignorant that such an office was about to be formed when it was offered to me by the Governor's Private Secretary. I accepted the office, and the appointment was announced in the Fort St. George Gazette.

While discharging the duties of Deputy Emigration Agent, I never for a moment supposed that I was serving any other than my own — the Madras Government. It was the first emigration from Madras, and the position of the Emigration servants was not then known.

I certainly never would have accepted an office which gave me no increase of pay, and involved very hard work (continually stepping the surf to inspect ships) had I had the most remote idea that the acceptance of the office would have separated me from my own Government, and involved to me the loss of previous

meritorious service. As already noticed, I felt that an offer from the Governor amounted almost to a command — and that I had really no choice but to accept the appointment. Two gentlemen now in Madras, who knew all the circumstances, would, I believe be willing to verify, if necessary, on oath, the truth of this statement in every particular.

After one year, emigration to the Mauritius ceased by order of the Government of India, and my office, of course, was abolished.

I was immediately appointed an acting Police Magistrate at Madras, and continued in that office for about eighteen months, when I was relieved by the permanent incumbent — and, for a short season, was thrown out of all employment. My case was brought before the Government of India, and I eventually obtained, by order of that Govern-

12th December 1843

11th July 1845.

7th Nov. 1846 in H. C.

3rd Dec. 1845 No. 1125.

28th June 1846 in H. C.

22d July 1846 No. 655.

10th Oct. 1845.

28th Oct. 1845.

ment, half pay for the short period I was out of office, from, I think, 31 June 1845 to 1st July 1846 in H. C. I then applied for the Lower Mauritius fund, and the Government of India at the same time suggested that the first suitable appointment should be conferred upon me. I was appointed Secretary to the Marine Board, and after a very short time in that office, my present situation, Principal Sudr Ameen and Joint Magistrate of Cochin, was conferred upon me. I have held my present office for perhaps an unprecedented period, approaching to twenty years.

I beg to observe that Officers in the Judicial Department generally enter in a lower grade, and towards the close of their service obtain the higher grade of Principal Sudr Ameen (or native Judge) whereas my whole service of nearly twenty years in the Judicial Department has been in the highest grade of Principal Sudr Ameen. In addition to the ordinary duties of Principal Sudr Ameen I have had,

under the Act quoted in the margin, to discharge also, for the long period mentioned, the duties of Joint Magistrate and Justice of the Peace at an important Sea Port, as Cochin certainly is, and I may add that I have been constantly at my post, having had only three months' privilege leave during the entire period — other Officers in my position have been free during the vacations of their Courts, while in my case, having magisterial duties to discharge, until the present occasion, I was never absent from my station, except during the three months' privilege leave already mentioned, which I once only obtained. I am now at Madras under an arrangement kindly sanctioned by the Madras Government last year specially to meet my case. It is the first time that I

Act 7 of 1843, Sec. 47. "And it is hereby enacted that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise, within the jurisdiction assigned to him, all the powers of a criminal Court according to Regulation II. of 1827 and also all the powers of a Joint Magistrate."

have visited the Presidency since 1845.

I dwell on this point, for, although not provided for by rule, the fact may have some weight with the Authorities in estimating my service.

During the 40 years I have served the Government I had only twice leave of absence, once for three weeks while in the Army and once for three months while in the Uncovenanted Service.

Permit me to say that, when I entered the Uncovenanted Civil Service, the present rule requiring continuous service to qualify for pension was not, — as far as I know, — in existence, and I submit, it would be hard, in my old age, to make it applicable to me.

I do not mean this letter to be considered as an application for Pension. I merely wish to see my way, and I hope that you will kindly favor me with information to enable

me to do so.

I have the honor to be
Sir,
Your most obedient Servant
(Signed) E. Cullen
Principal Sudder Ameen
& Jt. Magistrate of Cochin.

(True copy.)

E. Cullen

Fair Copy Despatched 25th May 1865

Madras, 25th May 1865.

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To

The Honorable A. J. Arbuthnot
Chief Secretary to Government

Sir,

I enclose a Memorial to the address of the Governor in Council & shall be much obliged if you will have the goodness to submit it to His Excellency in Council for favorable consideration.

I have the honor to be
Sir,
Your Most Obedient Servant.

G. Ellis

dep/pp 15/11

Financial Department.

No. 524.

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To

The Secretary to the Government
of India.

Financial Department.

Sir,

I am directed to submit for the consideration and orders of H.E. the Viceroy and Governor General in Council the annexed copy of a memorial addressed to this Govt. by Mr. E. Cullin Principal Sudder Ameen of Cochin, praying that his service in the Army in which he served for ten years previous to his appointment to an office in the Civil branch of the public service and also his service as ~~Deputy~~ Assistant in the Emigration ~~Agent~~ Department may be allowed to count for pension.

2. The circumstances of Mr. Cullin's case are briefly

Fwd 1865 dep/pp 15/11

From
Mr. E. Cullin
Principal Sudr Ameen &
Ex Deputy Collr of Cochin
Madras.

dd 25th May 1865
Rd
3 Sept
No. 259

Forwards a Memorial to H.E. the Governor in Council requesting, under the circumstances stated, that every period of the service rendered by him to Govt. may be allowed to reckon for pension.

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briefly as follows. He came to India as a Gunner of artillery in June 1825 and served in the army until May 1835, having attained the rank of Conductor. He then obtained his discharge and was appointed First Uncovenanted Assistant in the Military branch of the Govt. Secretariat which office he held until the 30 Decr 1842 when he was appointed Assistant & the Master Attendant in the Emigration Agency Deptt. on a salary of Rs 350 per mensem, the amount which he had previously drawn in the Secretariat. The salary drawn by Mr. Cullin as Assistant in the Emigration Agency Department was paid from the Mauritius Emigration Funds. The appointment however which was offered to Mr. Cullin by the then Governor

To Govt of India 5th June 1845 No 7.
From do 28th " " 436.
To do 10th Oct. " 42.
From do 7th Nov. " 791

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Governor. the Marquis of Tweeddale, was notified in the official Gazette and there was nothing in its terms which could lead him to suppose that by accepting it he was in any way severing himself from the service of the Madras Govt. At the end of 1843 the office having been suddenly abolished under the provisions of Act XXI of 1843. Mr. Cullin was appointed to act as a Police Magistrate which office he held from the 12 Decr 1843 to the 11 July 1845. On the return of the permanent incumbent he was thrown out of employment and was subsequently on the recommendation of the Madras Govt. who had noticed in very favorable terms the zeal and ability with

with which he had dis-
charged his duties in the
Emigration Department,
he was permitted by the
Govt. of India to draw
for the period for which
he was out of employ
a monthly allowance
equal to a moiety of
the salary attached to
his appointment as
Assistant in the Emigration
Department. On the 1st
October 1845 Mr Cullin
was appointed to act as
Secretary to the Marine
Board and on the
28th of the same month
he was appointed Principal
Sudder Ameen of Cochin
which office he still
holds.

3. That part of Mr
Cullin's application
which refers to his
service in the Army
cannot of course be
entertained

entertained, but under
the special circumstances
of this case, the speciality
of which was admitted
by the Supreme Govt
in Mr Bushby's letter
of the 7th November 1845,
the Governor in Council
would strongly recom-
mend that Mr Cullin's
service as Assistant
in the Emigration Depart-
ment as well as his
previous service in the
Secretariat should be
allowed to count for
pension notwithstanding
the short break which
occurred consequent on
the abolition of the Emi-
gration Agency, and that
he be granted the higher
rate of pension allowed
to Judicial officers. At
the end of the present
year Mr Cullin will
have served upwards
of 30 years in the Civil

Deptt

department of which
period he will have
held the office of Principal
Sudder Ameen of Cochin
for upwards of 20 years
in addition to having
served as a Police Magis-
trate at Madras for
19 months. Mr Cullin
is a very deserving
officer, and the Governor
in Council trusts that
the recommendation now
made may receive the
favorable consideration
of the Supreme Govt.
As Mr Cullin desires to
retire in the course of a
few months, I am to
request that early
orders may be passed
on this letter. —

Fort St George
10th Nov. 1860

No 259 with Enclosure to follow

Case of Mr E Cullin
P S Ameen of Cochin

Pro. 8 Nov.

Financial 1865. Departl.

No. 524.

To

The Secy. to the Govt.
of India

Dated 10 November 1865.

Recommendation made to the Govt of India in view to the service of Mr E Cullin Principal Sudder Ameen Cochin of the nature specified being allowed to account for pension —

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