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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 236 Press / Mis.

21-25

Dated 12-2-1868.

21-25 15/15

Not to be folded or roughly handled

Read again the following papers :—

Letter from the Superintendent of Marine, dated 17th January 1868, No. 173.
Report from the Examiner of Claims, dated 12th February 1868, No. 141.
} Recorded in Proceedings of Government, Marine Department, dated 1st April 1868, Nos. 1 & 2.

Read also the following papers :—

No. 21. From the Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George ; dated Fort William, 17th April 1868, No. 2368.

In reply to your letter, dated 1st April 1868, No. 106, I am directed to state that Mr. Franklin cannot be allowed a pension from Imperial Revenues, calculated on his pay as Protector of Emigrants, which is derived from the Emigration Fee Fund.

2. I am at the same time to point out, that as Mr. Franklin's salary for the office of Superintendent of Marine has, during the last five years, averaged 1000 Rupees per month, or £1200 per annum, the moiety of which is £600 per annum, it is not clear why any reference to the subject of the title to pension on the fees derived from the Emigration Office should have been raised. Whether a pension of £500 per annum, which is the ordinary limit to be bestowed, or the higher pension of £600 per annum, the substantive salary received from Government, suffices to meet it ; but, of course, the assignment of any pension in excess of the ordinary limit cannot be effected without a distinct reference on the point to the Government of India, and, if necessary, the approval of the Secretary of State.

Copy to the AccountantGeneral, Madras.

Referred to the Examiner of Claims for early report on the pension to which, under these instructions, Mr. Franklin, Superintendent of Marine, is entitled.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 416.

No. 22. *Report of the Officiating Examiner of Claims.*

The undersigned has the honor to report that, under the ruling contained in the Secretary of State's Despatch, dated 9th February 1864, No. 20, which is evidently adopted by Mr. Lushington in his letter to the Chief Secretary to the Government of Fort Saint George, dated Fort William, 17th April 1868, as Mr. Franklin was appointed to his present Office of Superintendent of Marine prior to 19th March 1855, and his average salary during the last five years of his service has exceeded Rupees 10,000 per annum, he is entitled to a pension of the "*ordinary limit*" of £500 per annum. The Local Government have also, it would seem, under this Despatch and letter, the power, as a case of "extraordinary merit," to recommend an increase to this amount, as "*the assignment of any pension in excess of the ordinary limit cannot be effected without a distinct reference on the point to the Government of India, and, if necessary, the approval of the Secretary of State.*"

FORT SAINT GEORGE,
30th April 1868.

(Signed) TUDOR TREVOR,
Officiating Examiner of Claims.

To the Chief Secretary to Government, Fort Saint George.

No. 23. MINUTE by the Honorable A. J. ARBUTHNOT, dated 26th February 1868.

I consider that Mr. Franklin is deserving of very liberal treatment at the hands of the Government. Throughout his long service he has shown himself a most valuable public servant, ever watchful over the interests of the Government, unremitting in his attention to business, and courteous and considerate to those with whom his duties brought him in contact. During the last ten years he has been in the anomalous position of Head of a Department, in which his immediate subordinate, the Master Attendant, draws a salary 50 per cent. higher than that which he has received ; but throughout this period he has worked on conscientiously and cheerfully, fully maintaining, and indeed adding to the reputation which he had previously acquired as an efficient public Officer in his former appointment of Secretary to the late Marine Board. I think that the case is one which we may very properly submit to the special consideration of the Secretary of State, through the Government of India, with our recommendation that a special pension of Rupees 500 per mensem, or £600 a year, may be conferred on Mr. Franklin.

2. With reference to the Order quoted by the Examiner of Claims, it will have to be determined whether Mr. Franklin's application should be forwarded at once, or whether he should be informed that, on his retirement taking place, he will be granted the pension of £500 a year to which he is entitled, and that his case will then be submitted to the Government of India and the Secretary of State for their special consideration. I am disposed to think that the latter will be the proper course.

(Signed) A. J. ARBUTHNOT.

No. 24. MINUTE by the Honorable H. D. PHILLIPS, dated 28th February 1868.

Mr. Franklin's retirement from the Marine Department will be a serious loss. Our records show that the difficult duties of the post of Superintendent have invariably been performed by him with great tact and courtesy, and marked independence. His professional experience enabled him to submit opinions, in respect of departmental matters, on which the Government could confidently rely, while his regular business-habits admitted of these being, at all times, procured without delay or other difficulty.

2. I shall be prepared cordially to join in recommending that, as a special case, the higher pension be assigned to Mr. Franklin; but, under the orders in force, nothing can now be done beyond the intimation which, Mr. Arbuthnot has suggested shall be made in respect of what the Government will do when Mr. Franklin has actually retired.

(Signed) H. D. PHILLIPS.

No. 25. ORDER THEREON, 13th May 1868, No. 236.

The Government regret to learn that Mr. Franklin considers that the state of his health will not admit of his remaining longer in India, and that they will be deprived of the valuable services which, for a lengthened period, Mr. Franklin has rendered with so much intelligence, zeal, and fidelity.

2. Throughout his lengthened service Mr. Franklin has shown himself a most valuable public servant, ever watchful over the interests of the Government, unremitting in his attention to business, and courteous and considerate to those with whom his duties have brought him in contact.

3. Mr. Franklin's services having extended over a period little short of 30 years, and his age entitling him to retire as superannuated, he is eligible for pension from any date on which he may wish to retire.

4. His duties have been two-fold, as Superintendent of Marine and Protector of Emigrants, and a question having arisen as to the qualification for pension given by the latter office, it was referred for the decision of the Government of India. They have recently replied that the office of Protector of Emigrants does not qualify for pension, but they, at the same time, remarked that it was not clear why a reference was made in this particular case, since Mr. Franklin's salary having averaged £1200 per annum as Superintendent of Marine, he might at once be granted a pension of £500 per annum. This decision of the Government of India appears to be founded on the Despatch of the Secretary of State, No. 20, of the 9th February 1864, which bears upon the case of Officers promoted to offices, to which salaries exceeding Rupees 10,000 per annum are attached, previously to the 6th August 1862.

5. The Governor in Council will, therefore, be prepared, when Mr. Franklin intimates his resignation of office, to grant him a pension of £500 per annum, and to recommend to the Government of India that, in consideration of the excellent service which Mr. Franklin has rendered, an enhanced pension of £600 be granted him.

(True Extract).

R. S. ELLIS,
Chief Secretary.

Exd. F. R. Bantleman.

No. 1. Read the following letter from J. J. FRANKLIN, Esq., Superintendent of Marine, to the Chief Secretary to Government, Fort Saint George; dated Madras, 17th January 1868, No. 173.

I have the honor to request the favor of your submitting to the Right Honorable the Governor in Council this my application to be permitted to retire on pension during the current year.

2. Although I feel my health breaking, and my powers failing from long residence in a tropical climate, I do not accompany my application with a medical certificate, as being in my 58th year I have passed the limit prescribed in the orders marginally noted for active employment.

Resolution of the Government of India, Home Department, No. 794, dated 25th January 1865.

3 My service to the State commenced in 1827, in the latter part of which year I joined the Royal Navy as a Volunteer of the 1st Class; remaining in it till the latter part of 1831. After being for some time in the Portuguese Navy under Admirals Sartorius and Napier, I was in September 1836 appointed, with the sanction of the Admiralty, 2nd Officer of the Royal Yacht *Prince Regent*, sent by the British Government as a present to the Imaun of Muscat. Soon after my return to Bombay from Zanzibar where the vessel was delivered, I became in the early part of 1838 2nd Officer of the *Amherst*, a vessel transferred from the Indian Navy to the Bengal Government as a troop ship, and subsequently served under that Government till the appointment of Acting Assistant Master Attendant at Madras was offered to me, an office which I joined in September of the same year; and since this time I have been employed uninterruptedly, with the exception of a few days, under this Government, as shown in the margin.

1838, September 28th, appointed Acting Assistant Master Attendant and Boat Paymaster
1839, April 4th, relieved by the Officer appointed by the H. C. Directors.
1839, April 11th, appointed to the charge of Manaar Survey.
1841, February 23rd, appointed Secretary to the Marine Board, but continued on the Manaar Survey till 3rd February 1846.
1858, February 16th and 23rd, appointed Acting Master Attendant, Madras, and Registrar of Seamen till 18th June 1858.
1858, February 23rd, appointed Protector of Emigrants.
1858, August 10th, appointed Superintendent of Marine.

4. I do not expect that my earlier service can be taken into account in a calculation for pension, but it is mentioned in hopes that it may aid in inducing a favorable consideration of the terms under which I may be allowed to retire.

5. Seeing, therefore, that in October next I shall have served under this Government for 30 years without having ever drawn on myself the slightest expression of censure, I trust that a pension of £600 a year may be conferred on me in lieu of £500, to which I am entitled under the Uncovenanted Service Rules of 1864; my gross salary being £1500 a year.

6. The following are briefly the grounds on which I am led to hope for this concession :—

1*st*.—I have been at the head of the Marine Department since August 1858 on a salary of Rupees 1000 a month, while my junior, the Master Attendant, has drawn Rupees 1500 a month.

2*nd*.—The Government of Madras in Proceedings of the 9th December 1863, No. 312, proposed that the head of the office should receive a salary of Rupees 1500, and that the Master Attendant, while in charge of the office during my absence in England on sick certificate, should draw Rupees 1600 a month, performing precisely the same duties as myself and no more; the First Assistant undertaking the duties of Master Attendant on Rupees 800.

3*rd*.—Although the title of the head of the department was ordered to be changed from "Superintendent of Marine" to that of "Master Attendant" when either Mr. Dalrymple or myself retired, it in no way altered or increased the duties imposed on the officer charged with their performance. It was for some time a question by what denomination the head of the department should be known; the Government leaning to the opinion that the designation of "Master Attendant" should be applied to the First Assistant, who would have to perform the executive local duties. Had these views been carried out my appointment would not have been abolished

Letter to Supreme Government, 16th January 1864, No. 6.

Proceedings of 9th December 1863, No. 312, paragraph 11.

even in name. It was, however, eventually determined, while I was in England, that the head of the office should be styled Master Attendant, which had the effect of displacing me after 25 years' service, and promoting my junior to my office with a salary of half as much again as I have drawn.

4*th*.—I have thus been for years on a salary of Rupees 1000, doing duty which the Government value at Rupees 1500 to Rupees 1600 a month, and I trust this may be borne in mind when deciding on the amount of my retiring allowance.

7. While stating these grounds for my application, I do not lose sight of the liberality of Government in permitting me to remain in office till I expressed a wish to retire. I felt grateful for it at the time, and do so now; yet I trust that what I have advanced will show that I have some claim for consideration.

8. It may be said that my claim is weakened from the fact of my having drawn, in addition to my Marine salary, £300 a year as Protector of Emigrants. But in a pecuniary light my taking the Protectorship was a considerable loss. The emoluments of the Emigration Agency which I held were £700 a year. I have reason to believe that the duties were performed satisfactorily, as well in regard to this Government as to the Colonies receiving emigrants. My successor has unfortunately incurred the displeasure of the Mauritius Government, and has been dismissed; yet they are disposed to pension him on £200 a year after barely ten years' service. I could, therefore, have fairly looked for a pension of £200 to £300 a year from this source, besides the additional emolument during past years; but feeling confident that the interests of the service could not be promoted by the head of a department under this Governmant holding a subordinate position under another, I voluntarily resigned on public grounds those pecuniary advantages I should otherwise have enjoyed.

9. In conclusion, I beg to annex copies of letters and orders connected with my service, to which is added copy of a Resolution of the Chamber of Commerce passed when I proceeded to England in 1863.

10. I now leave my case with the Right Honorable the Governor in Council, in the hope and belief that His Lordship will take the most favorable view of it that the Rules of the service will permit.

———

Referred to the Examiner of Claims for report.

FORT SAINT GEORGE,
30*th January* 1868.

(Signed) C. G. WALKER,
Under Secretary to Government.

———

No. 2. No. 141.

Report of the Examiner of Claims upon application of Mr. J. J. FRANKLIN, Superintendent of Marine and Protector of Emigrants, for permission to retire from the service during the current year.

The undersigned has the honor to report that Mr. Franklin's service reckoning for pension at the end of the current year, if he does not in the meantime take any leave other than privilege, will be as under—

	Y.	M.	D.	Y.	M.	D.
From 11th April 1839 to 31st December 1868				29	8	20
Deduct absence on sick leave—						
From 15th April 1855 to 5th December 1856	1	7	21			
,, 15th April 1863 to 12th October 1864	1	5	27			
				3	1	18
				26	7	2

2. Under the Resolution of the Government of India, dated 25th January 1865, No. 794, Home Department, (*Gazette*, page 302), Mr. Franklin can hold office till 10th February 1870; but, as he wishes to retire before that date, the undersigned is of opinion that he can be allowed to do so (without producing a Medical Certificate of unfitness) under the provisions of that Resolution, as he has attained his 58th year.

3. Mr. Franklin, during the last five years, has held the two appointments of Superintendent of Marine and Protector of Emigrants. The salaries of these posts are respectively Rupees 1000 and Rupees 250 per mensem, and it is considered that his pension is to be calculated on Rupees 1250, the aggregate of the two. The former is a recognized Government appointment, service in which qualifies for pension, and the undersigned is of opinion that service in the latter also qualifies, although pay is drawn from Emigration Fee Fund (which is a Local Fund), because Government nominate to the appointment—Vide paragraph 901, Tulloh's Hand Book, 2nd Edition. The Protectorship of Emigrants is an appointment under Supreme Government Act No. VIII. of 1847, but the salary is drawn from the Local Fund mentioned above; hence, if it is allowed to reckon, it can be only under the authority just quoted.

4. In these circumstances, it appears that Mr. Franklin will, upon retirement, be eligible, under Clause III. of Section 6 of the Revised Uncovenanted Civil Service Pension Rules, to a pension not exceeding £500 per annum; but as the point, whether Mr. Franklin's pension can be reckoned upon his salary as Protector of Emigrants, is a doubtful one, the undersigned respectfully suggests that the matter be referred by the Madras Government to the Government of India for decision.

5. While reporting as above, for the information of His Excellency the Right Honorable the Governor in Council, in compliance with the Under Secretary's requisition, dated 30th January 1868, the Examiner of Claims respectfully begs to direct the attention of His Lordship in Council to paragraph 2 of Despatch of the Secretary of State, dated 31st July 1865, No. 54, and to paragraph 3 of that dated 16th December 1867, No. 130, wherein it is distinctly laid down that the amount of pension to be awarded can be determined only on an officer's retirement.

FORT SAINT GEORGE,
12*th February* 1868.

(Signed) W. DONALD,
Examiner of Claims.

——

No. 3. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 1st April 1868, No. 106.

I am directed by the Right Honorable the Governor in Council to refer, for the decision of the Government of India, a question which has arisen as to the eligibility for pension of an officer holding the post of Protector of Emigrants.

2. On a reference to the Accountant General, in which was involved the question of the eligibility to pension of the Protector of Emigrants, the Examiner of Claims reported that he was "of opinion that service in the office of Protector of Emigrants qualifies, although pay is drawn from an Emigration Fee Fund (which is a Local Fund), because Government nominate to the appointment—Vide paragraph 901, Tulloh's Hand Book, 2nd Edition. The Protectorship of Emigrants is an appointment under Supreme Government Act VIII. of 1847, but the salary is drawn from the Local Fund mentioned above; hence, if it is allowed to reckon, it can be only under the authority just quoted. But as the point is a doubtful one, the undersigned respectfully suggests that the matter be referred by the Madras Government to the Government of India for decision."

3. As the officer at present holding this appointment, who is also Superintendent of Marine, is about to retire and has applied for pension, I am to request an early reply to this reference.

(Signed) R. S. ELLIS,
Chief Secretary.

Extd. J. Tulloch.

29 - 8 - 20
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No. 2368

To

The Chief Secretary to the Government of
Fort Saint George.-

Financial Department Sir,

In reply to your letter dated 1st April
1868 No. 106, I am directed to state, that Mr. Franklin
cannot be allowed a pension from Imperial Revenues
calculated on his pay as Protector of Emigrants,
which is derived from the Emigration Fee
Fund.-

2. I am at the same time to point out,
that as Mr. Franklins salary for the office of
Superintendent of Marine has during the last
5 years averaged 1000 Rupees per month or £ 1200
per annum, the moiety of which is 600 £ per
annum, it is not clear why any reference to the
subject of the title to pension on the fees derived
from the Emigration office, should have been
raised. Whether a pension of 500 £ per annum, which
is the ordinary limit be bestowed, or the higher
pension of 600 £ per annum - the substantive
salary received from Government suffices to meet
it. but of course the assignment of any pension

in excess of the ordinary limit, cannot be effected without a distinct reference on the point to the Government of India, and if necessary the approval of the Secretary of State. —

I have the honor to be,

Sir,

Fort William
The 17th April 1868

Your most obedient servant,

Ed. Wheeler

Secy to the Government of India

Copy to Accountant General Madras

Financial Dept
Rec'd 13th May 1868
Forwarded to Chief Engr
No 2562

No 210

State that Mr Franklin
cannot be allowed a pension
beyond what he may
be entitled to as Assistant
Collector of Customs

Refered to Examiner of Claims
for report on the pension to Mr Franklin
in accordance with his instructions Mr Franklin Supt
of Marine is entitled

R. Ellis
Chief Secretary

Rec'd 1 April 68 — 1-2 AM

No. 416. 503

Report of the Offg Examiner of Claims

The undersigned has the honor to report that under the ruling contained in the Secretary of States Despatch dated 9th February 1864 No 20 which is evidently adopted by Mr Lushington in his letter to the Chief Secretary to the Government of Fort Saint George dated Fort William 17th April 1868 that as Mr Franklin was appointed to his present Office of Superintendent of Marine prior to 19th March 1855 and his average Salary during the last 5 years of his Service has exceeded Rs 10,000 per annum, he is entitled to a pension of the "ordinary limit" of £500 per annum. The local Government have also it would seem under this despatch and letter the power as a case of extraordinary merit to recommend an increase to this amount as "the assignment of any pension in excess of the ordinary limit cannot be effected without a distinct reference on the point to the Govern[t] of India and if necessary the approval of the Secretary of State."

Fort Saint George
Audit Office
30th April 1868

Tudor Trevor
Offg Examiner of Claims

To,
The Chief Secretary to Government
Fort Saint George.

Encl. 1868 Department
From Pros: 13th May 68.
The Offg Examiner of Claims
To
The Chief Secretary
to Government

D/ 30th April
R/ 9 May

No 416

Enclosure one

No 224

With reference
to Govt Endorsement
upon letter from the
Government of India
d: 17th April '68 No 2368
submits his further
report upon the pension
case of Mr J. J. Franklin
Supt of Makilee Dooab

SW No 2 36

22

brought him in contact
during the last two years
he has been in the anomalous
position of head of a Department
in which his immediate subordinate
the Assistant Attendant draws
a salary 50 per cent higher
than that which he has received;
but throughout this period he
has worked as assiduously
and cheerfully, fully maintaining
and in fact adding to, the
reputation which he had
previously acquired as one
of the most public officers in this

6

former appointment
capacity of Secretary to the
Local Licensing Board. I think
that the case is one which
may very properly submit
to be placed before the Board
of Spiritual Considerations
of the Secretary of State,
to whom are commended this
application
a special pension of £500
per annum or £600 a
year may be conferred on
Mr Franklin.

With respect to the other
portion of the Memorial
claiming it will have to be
determined whether Mr Franklin

22

application should be forwarded at once or whether he should be informed that as his retirement is being planned he will be granted an allowance of £400 a year to which he is entitled and that his case will then be submitted to Her Majy's Govt. of which and the Secretary of State for this Period

I am disposed to think

and the letter will be in proper

G. J. Cumberbatch

26th July 1868.

Mr Franklin's retirement from the Marine department will be a serious loss. Our records

qa 6

records show that the difficult duties of the post of Superintendent have invariably been performed by him with great tact and courtesy, and marked independence. His professional experience enables him to submit opinions on subjects of departmental matters on which the Government should confidently rely, while his regular business habits of the department at all times procured without delay or difficulty.

I shall be prepared cordially to join in recommending that as a special case the higher pension be granted to Mr Franklin but under the order in force nothing can now be done beyond the intimation which he has already received. I cannot be more explicit of what the Govt will do as I have actually retired Mr F.

28 Jul 1868

Fin[l] Department

11a

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again the following ~~letter~~ papers:

Letter from the Superintendent of Salt Marine dated 17th January 1868. No. 173
Report from the Examiner of Claims dated 12th February 1868 No. 141
} Recorded in Proc[s] of Govt. Marine Dep[t] dated 14th Feby 1868. Nos. 1 and 2

Read also the following papers:

Letter from the Secretary to Govt. of India Financial Department } Here enter 17th April 1868 No. 2368
" — the Examiner of Claims — " 30th " " — " 416
Minute by the Hon: A. J. Arbuthnot — " 26th February " — "
" — Hon: H. D. Phillips — " 28th " February " — "

Order thereon 236 of 13th May 68

The Government regret to learn that Mr. Franklin considers that the state of his health will not admit of his remaining longer in India and that they will ~~not be the public interest to~~ be deprived of those valuable services which

Financial Dep[t] Order No. 236 of 13th May 1868.

Minute by the Hon: A. J. Arbuthnot 26th Feby 1868 No. 225.

Minute by the Hon: H. D. Phillips 28th Feby 1868 No. 226

Regarding Mr Franklin's retirement from the Service & the amount of pension to be assigned him

23. 24

for a lengthened period Mr. Franklin has rendered
which ~~have long been rendered~~ to
with so much intelligence
zeal and fidelity.

Throughout his lengthened
service Mr. Franklin has
shown himself a most
valuable public servant
ever watchful over the
interests of the Government
unremitting in his attention
to business, and courteous
and considerate to those
with whom his duties have
brought him in contact.

Mr. Franklin's services
having extended over a period
little short of 30 years and
his age entitling him to retire
as ~~superannuated~~ he is
eligible for ~~pension~~ from any
date on which he may
wish to retire.

His duties have been
two fold, as Superintendent
of Marine and Protector of
Emigrants, and a question having
arisen

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arisen as to the qualification
for pension given by the latter
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~~settlement~~ to the Government
of India. They have
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~~post~~ does not qualify
for pension, but they at
the same time remarked
that it was not clear why a
reference was made in this
particular case, since Mr.
Franklin's salary having
averaged £1200 per annum
as Superintendent of Marine
he might at once be granted
a pension of £500 per annum
~~Their decision~~ ~~does not seem to be~~ ~~doubted that~~ this decision
of the Government of India
appears to be founded on
~~has reference to~~ the Despatch
of the Secretary of State
No. 20 of the 9th February
1864, which bears upon the
case

case of officers promoted to offices to which salaries exceeding Rs. 10,000 per annum are attached, previously to the 6th August 1862.

The Governor in Council will therefore be prepared ~~have much pleasure~~, when Mr. Franklin intimates his resignation of office, to grant him a pension of £600 per annum, and to recommend to the Government of India that in consideration of the excellent "~~extraordinary merit of the~~ services which Mr. Franklin has rendered, an enhanced pension of £600 be granted him.

CSW

MM

To John S. Franklin Esq
with 2 Papers ~~ruled~~
Ex of Claims

dup 15/5

May 4. 1858

My dear Ellis

This will show you what state our Funds are in, and that if the payment of the Interests depended on their solvency, we should have had to shut up before this.

But after that the Financial Secretary has said, it does not much

15a

matter whether the Re-
ceiver's salary is taken
into account for sentence
or not
I am very anxious
to have the matter
settled

Yours truly

Glenn Updike

Receiver

before after Remand

Ordered

Re 246

Jail 1868. Department.

No. 236.

PROCEEDINGS OF GOVERNMEN T.

Jail No. 255.

Dated 13 May 1864