

0-5-96.

Pension (1897) Department.

CURRENT No. 961

Memo:
From

The Judicial Dept.

Order, 13 Dec. 1897 ^{No 947} 29 11/12/97

~~Mr Tyrell's request for an increase~~
~~pension is inadmissible.~~ The Govt regrets

No. 2513.

that the rules do not provide
for the grant of a larger pension
than that already sanctioned to

Dated 24th Nov. 1897.

Received 25

Registered 25

Enclosures

Spare copies.

Mr Tyrell
To the Secy. to the Govt.
note. ^{of this memo} 8/12/97

Please see note forwarded flagged Dir. 1102 20-8-97

Public - Mr Tyrell's request for a title is one for con-
sideration in the Judicial Dept., while the request
for a pension of Rs 400/- is, it is submitted, in-
admissible - Mr Tyrell's last pay was only
Rs 650/-

SUBJECT.

Transferring letter
from the Secy to the Govt. of Prisons
forwarding with remarks -
Memorial from Mr J. Tyrell
late Supt. Central Jail, -
Raja Humnandray praying either
for some special title or for
an increase to his pension.

Mr Tyrell has been
granted the full pension
admissible to him. There
seems to be no ground on which
a recommendation for a special
pension could be made to the Secy of State.

P.T.O.

C-9/12
C-1/12

Mr Tyrrell wishes for some
title or mark of distinction
Apparently Govt has
none made at its disposal
From Mr Price's note in
G.O. Mullin No 1102 d 20.8.1897
it would appear that the
Jubilee Certificates of honour
were intended for members of

1896
4.12.97

BACK PAPERS.

G.O.	No.	Department.	Date.
"	714.	Pen.	28-6-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Judicial Department.



Memorandum No. 2573

Read the following paper:—

From the Inspector-General of Prisons, No.C.2228, dated
22nd October 1897, submitting with remarks, Memorial from
Mr. Isaac Tyrrell, late Superintendent of the Central Jail,
Rajahmundry, dated 1st June 1897.

Transferred to the Pension Department.

[Signature]
for Chief Secretary.

Fort St. George,
24th November 1897.

106
24/11/97

To
The Pension Department.
(with paper.)

11. 24. 10. 81

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

27th September 1881, No. 2003.

Jails.

Read the following papers:—

From Lieutenant-Colonel T. E. TENNANT, Inspector-General of Jails, to the Officiating Chief Secretary to Government, dated Ootacamund, 19th July 1881, No. 126 [Current No. 2148].

I have the honor to submit, for the favorable consideration of Government, a memorial from Mr. I. Tyrrell, Keeper of the Madras Penitentiary, and lately Superintendent of the Fort Jail at Pálghat, in which, for reasons stated, Mr. Tyrrell solicits that a small break in his Civil service may be condoned and his Military service of upwards of thirteen years may be permitted to reckon towards his pension.

2. I have also the honor to forward a letter* from Mr. W. A. Symonds, Superintendent of Prisons for the Town of Madras, supporting the prayer of the memorialist. The zeal and assiduity displayed by Mr. Tyrrell during the period he was in charge of the Pálghat Jail have already been favorably noticed by Government, and I trust the case of this excellent and deserving officer may receive the favorable consideration of Government.

* No. 474, dated 14th July 1881.
G.O., No. 870, dated 4th May 1881.

ENCLOSURE No. 1.

From W. A. SYMONDS, Esq., Superintendent of Prisons for the Town of Madras, to the Inspector-General of Jails, dated 14th July 1881, No. 474.

As solicited in the accompanying letter from Mr. Isaac Tyrrell, I have the honor to request you will lay the memorial to which it gives cover before His Excellency the Governor in Council at an early date. I should further feel obliged by your kindly forwarding the present letter with the memorial.

2. The drift of the memorial is that the Government may be pleased to (1) condone a break of one month and thirteen days in Mr. Tyrrell's Civil service; and (2) that his Military service of 13 years and 218 days may be reckoned towards pension in the Civil service.

3. With reference to the break in Mr. Tyrrell's Civil service, I need not say more than that the Pension Code gives Local Governments the power to condone such small breaks, and that, in my own humble opinion, never did a public servant better deserve the comparatively slight concession here sought.

4. The concession sought in respect of Mr. Tyrrell's Military service appears, at first sight, more formidable. But the circumstances under which Mr. Tyrrell only just missed the benefit of a Military service reckoning towards pension in the Civil service are of so strikingly peculiar a character that I am induced to believe the Government will regard the case as one *sui generis*, yet not likely to create an inconvenient precedent. It may be briefly stated as follows:—In June 1860, when Military service did actually reckon towards pension in the Civil service, Mr. Tyrrell applied for his discharge from the Army, he having been promised employment in the Police as soon as he could obtain his discharge. This he did not receive till September 1860, owing to official delay in giving effect to his application, for which of course he was in no way responsible. Meanwhile, that is to say in July of the same year, it was ruled—a ruling not confirmed till the following November—that Military service should no longer reckon towards pension in the Civil service. To apply this ruling to Mr. Tyrrell's case would be to give it retrospective effect—a fact not pointed out to the Government in a previous reference upon the subject of Mr. Tyrrell's claim to count Military service towards pension.

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5. To the above *resumé* of Mr. Tyrrell's case, as it is to be gathered from his memorial, I desire to respectfully add it as my conviction that, failing the success of his prayer for certain concessions in respect of pension, it would be a more appropriate close to his faithful and energetic service, were he to receive from Government some appointment equal to the one he has just vacated at Pálghat than were he to revert to the (by comparison) subordinate and poorly paid position of Keeper of Her Majesty's Penitentiary. Mr. Tyrrell is only fifty-one years of age and is still full of work, but he would not be quite an ordinary man if he could easily bring his mind to throw himself into the discharge of the duties of a lower post with the same amount of zeal as formerly. On the other hand, the present incumbent, Mr. North, is working as only a rising man can work, and in view of the various prison-system developments, some in progress and some projected, which now mark the Penitentiary, I confess I look forward to losing him with some dismay.

To

HIS EXCELLENCY THE HONORABLE THE GOVERNOR AND
PRESIDENT IN COUNCIL,

Fort St George.

The Humble Petition of MR. ISAAC TYRRELL,
late Superintendent of Fort Jail, Pálghat.

HUMBLY SHOWETH,—That your petitioner enlisted in Her Majesty's 46th Regiment of Foot at Chatham, England, on the 25th of August 1846, and was transferred to Her Majesty's 65th Regiment of Foot on the 22nd November 1846, in order to join his brother Jeremiah, who was serving in that Regiment.

Papers attached to this petition for reference.
7 Testimonials of Character.
1 Copy of Discharge Certificate from the Army.
1 Extract from Journal of Superintendent of Prisons, Madras.
1 Record of Service.
1 G.O., No. 52, dated 12th May 1862, Financial Department.

duty over convicts transferred to the Australian Colonies, and landed at Hobart Town, Van Dieman's Land, on the 13th January 1848.

That your petitioner was transferred to Her Majesty's 96th Regiment of Foot at Hobart Town on the 14th March 1848, in order to join his brother James, who was serving in that Regiment, and landed in Calcutta on the 19th of April 1849 with the said Regiment.

That your petitioner was appointed Lance Corporal in Her Majesty's 96th Regiment at Gazipore on the 16th October 1849, and was promoted to Corporal in the same Regiment on the 14th February 1852 at Lahore, and was further promoted to Serjeant on the 16th of May 1854 at Dinapore.

That your petitioner volunteered at Chinsurah, on the 21st November 1854, to Her Majesty's 43rd Regiment for further service in India, by so doing losing Army rank in accordance with Army Regulations at that time.

That your petitioner was in November 1854 appointed Serjeant (temporary rank but carrying pay with it) by the General Officer Commanding Bengal, to do duty with Volunteers and landed at Madras, 28th December 1854, having been in command of the troops (54 in number) on the voyage from Calcutta, the officer detailed for that duty (Captain H. B. H. Rooke, Her Majesty's 96th Regiment) having been withdrawn in the Hooghly after the ship had left Calcutta.

That your petitioner was appointed Lance Corporal in Her Majesty's 43rd Foot on the 29th December 1854 at Madras; promoted to Corporal on the 15th June 1857 at Arcot; appointed Lance Serjeant on the 29th of December 1857, Camp Nundidroog; promoted to Serjeant on the 6th of June 1858, Camp Kirwee; and appointed Pay and Color Serjeant on the 21st of March 1860 at Madras.

That your petitioner having been informed that his Military service would reckon towards pension in Civil employ, applied for his discharge from Military service in the month of June 1860, and such discharge was finally completed on the 30th of September 1860, your petitioner took this step with the view of bettering his prospects, he having been promised by the Inspector-General of Police in May of that year a Police Inspector's post as soon as his discharge was sanctioned, which promise was duly fulfilled, and your petitioner left Madras on the third day after discharge from the Army for the Nellore District to which he was posted by the Inspector-General of Police.

Your petitioner is the youngest of six brothers, all of whom have served Her Majesty as soldiers. Three served at the same time in Her Majesty's 96th Regiment in Bengal 30 years ago. The eldest of the three, Jeremiah Tyrrell, went home with the 96th Regiment in 1854, and was pensioned, having completed his service. James Tyrrell, the next eldest, volunteered to Her Majesty's 32nd Regiment for further service in India, and was murdered with his wife at the Cawnpore Massacre in June 1857.

Your petitioner begs to mention that at the time he applied for his discharge in June 1860, Military service reckoned towards pension in the Civil service, and while his discharge was pending Government ruled in their Order, dated 6th July 1860, No. 2445, Military Department, that such service should no longer reckon towards pension, and this ruling was confirmed by the Right Honorable the Secretary of State for India in his Financial Despatch, dated 8th November 1860, or after your petitioner had received his discharge from the Army. Your petitioner was not aware of this order till long afterwards and was doing duty at Nellore as a Police Inspector under the impression that his Military service would count for pension.

Your petitioner, on learning that he had forfeited his Military service, begged of the Superintendent of Police to bring his case to the notice of the Inspector-General of Police with a view to its being forwarded to Government for consideration. G.O., No. 352, dated 12th May 1862, is, your petitioner believes, the order passed by the Government on the letter from the Inspector-General of Police. Your petitioner's case was not brought forward as a special one; but a recommendation was made for all Police Officers who had previous Military service to be allowed to reckon it towards pension. Government declined to sanction this as the subject had already been disposed of. Had your petitioner's case been represented specially, as was that of Mr. Mills referred to in the above despatch, the favor prayed for would in all probability have been conceded. Your petitioner thought of petitioning the Government at the time, and would have done so had not Mr J. W. B. Dykes, the Collector of the District, and Captain Gordon, the District Superintendent of Police, advised your petitioner not to take any steps then, remarking that the Government would, after a number of years of good service, take your petitioner's Military service into consideration in the event of pension being applied for, and your petitioner was advised in a similar manner in 1874 by the Head of the Jail Department on returning a petition that had been sent to him for consideration.

Your petitioner applied for his discharge in June 1860, while serving in Her Majesty's 43rd Foot at Madras as Color Serjeant. According to the rules of the Regiment the application was kept one month in the Orderly Room, after which your petitioner was sent for and asked if he wished to withdraw the application, to which question he replied in the negative. Even after this some time elapsed before the discharge papers were duly forwarded through the proper channel, viz., the Adjutant-General's Office of this Presidency, to the Commander-in-Chief of India, whose sanction at that time was necessary for the discharge of a soldier in one of Her Majesty's Regiments, and it was not till the 27th of August 1860 that the discharge was formally sanctioned in Order "No. 1245-20, Adjutant-General's Office, Head-quarters, Calcutta, 27th of August 1860." Even after this your petitioner was not finally discharged till the 30th September 1860, as the order had to be sent through the Adjutant-General's Office of this Presidency, and then forwarded to the Regiment, after which a Committee had to sit to verify his service, &c.

Your petitioner would beg to mention that, from the 25th of August 1846 to present date (excepting the break in his service of one month and thirteen days hereafter referred to), nearly thirty-five years, his service has been continuous, he never having availed himself of furlough in the Army, and having had but two months' privilege leave during his service of over twenty years in Civil employ.

Your petitioner served in the campaign in Central India in 1858 and 1859; was present at the surrender of Kirwee, 7th June 1858; action of Doolypore, 26th March 1859; action of Puraha, 14th April 1859; Goopelpoora, 23rd of November 1859; and has a medal for service in Central India. Was promoted at Kirwee by Lieutenant-Colonel J. M. Primrose over a senior Lance Serjeant (J. Cooper, the late Quarter Master of the Regiment).

Major E. Booth, Her Majesty's 43rd Regiment (afterwards killed in action in New Zealand), while Commanding at Banda during the Mutiny, appointed your petitioner to act as Serjeant-Major at that place, although at the time your petitioner was the junior Serjeant in the three Detachments of Corps serving there. Your petitioner was also appointed Pay and Color Serjeant at Madras in March 1860 over three Serjeants who had acted as Pay Serjeants for a considerable time previously. The fact of your petitioner having risen to the rank of Serjeant in one Regiment, and afterwards to the rank of Color Serjeant in another Regiment, speaks to his character for conduct and efficiency while in the Army.

While serving in the Police your petitioner on several occasions had commendatory remarks made in his diaries, relative to the satisfactory manner in which he performed his duties, and Captain Balmer, the then Superintendent of the Nellore District, thanked your petitioner in one of the diaries for the good service he had done during a serious outbreak of cholera in the Náyudupet and Venkatagiri Taluks, your petitioner being at the time the Inspector of the former Taluk and the Supervising Inspector of the latter. Your petitioner would also beg to mention that, in addition to the above, Captain Balmer remarked in a letter, dated Nellore, 13th September 1866, as follows:—"I am sorry you are going, but I shall be glad if you better yourself, and I shall always be glad to do anything in my power for you."

These various testimonials, which were entirely unsolicited, partake more of the nature of flattery than of real attestation of good

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JUDICIAL DEPARTMENT, 27TH SEPTEMBER 1881, No. 2003.

Your petitioner begs to forward certified copies of his service in Civil employ, also copies of characters from Lieutenant-Colonel W. S. Drever, Lieutenant-Colonel G. B. Bowen, Major A. Balmer, and Captains W. H. Hallett, A. J. F. Gordon, H. B. H. Rocke, and T. Hawkes. Your petitioner also begs to mention that he was never punished or reprimanded in any way during his twenty years' service in Civil employ, and his character for efficiency in the Jail Department is clearly set forth, not only in the enclosed testimonials, but also in an Extract (copy forwarded) from the Journal of the Superintendent of Prisons for the Town of Madras, dated 4th December 1877, wherein it is stated that your petitioner should be the first selected for promotion, if the recommendation of the late Jail Conference regarding the selecting of Super-Colonel T. E. Tennant, the present Head of the Jail Department, wrote from Camp Varanasse, Ganjam District, on the 4th December 1869, that your petitioner's appointment as Keeper of Her Majesty's Penitentiary was a benefit to the State.

Your petitioner was appointed Superintendent, Fort Jail, Palghat, in G.O., No. 173, dated 29th January 1879, the appointment being strongly supported by an Honorable Member of your present Council, who had heard of your petitioner's long and faithful service to the State. Your petitioner would further mention that the present Head of the Jail Department, in his letter to Government, No. 82, dated 17th April 1879,* recommending that the Jail be made a permanent one, wrote most favorably of your petitioner.

Further your petitioner would draw attention to G.O., No. 870, dated 4th May 1881, in which the Government of Madras were pleased to express their approval of the zeal and assiduity displayed by your petitioner during the time he held the appointment of Superintendent of the Palghat Jail.

Your petitioner, as will be seen by the Service Statement forwarded, was in receipt of Rs. 150 per month and Rs. 15 horse allowance for upwards of three years previous to his taking up the appointment of Jailer, Central Jail, Salem, and that he was considerably a loser by the exchange, the pay of Jailer being only Rs. 100 per month, with free quarters and 10 per cent. commission on net profits to Government on Jail manufactures (about 15 rupees monthly, as little work of skilled labor was done at that time). Your petitioner was informed by the Superintendent of the Jail that the pay of the Jailer would be increased to Rs. 150 monthly, the pay at that time drawn by Jailers of other Central Jails, and this induced your petitioner to accept the post, which had been offered to him unsolicited; but as time rolled on and there appeared no likelihood of any increase to the Jailer's salary, your petitioner resigned the appointment of his own accord, well knowing that he could obtain employment in the Police at a short notice. As the Inspector-General of Police (the present Sir W. R. Robinson) and other Police Officers had a most favorable opinion of your petitioner as an effective Police Officer, and this opinion was years afterwards kept in remembrance as the Acting Inspector-General of Police, Colonel W. S. Drever, on hearing that your petitioner's pay as Keeper of Her Majesty's Penitentiary (Rs. 200 with free quarters and horse allowance) would be likely to suffer reduction, most kindly told your petitioner that if the pay of the establishment was reduced as recommended by the then Superintendent of Prisons for the Town of Madras, your petitioner should not suffer in the matter of salary as he would give your petitioner a First-class Inspector's post. The Acting Commissioner of Police also wrote as follows under date 14th July 1873:—

"MR. TYRRELL.

SIR,
Some time ago you stated to me that you wished to rejoin the Police; if this is still your wish, will you call at my office at 11 A.M. to-morrow.

Yours faithfully,
(Signed) A. BALMER.

Had your petitioner known at the time that even a day's break in his service would cause all his previous service to be lost to him (a break of a year's service was allowed prior to 8th June 1863 to officers in superior service, and a like break up to 1st September 1871 to officers in inferior service) he would have applied for leave and obtained permission to join his new appointment on transfer from his old one, thus continuing his service.

About a month after resigning the Jailer's post at Salem, your petitioner met the Inspector-General of Jails in Madras, and was kindly told by him that if your petitioner desired to re-enter the Jail Department again vacancies would shortly occur in the Central Jails of Trichinopoly and Cannanore; that such appointments were made by Superintendents of Jails subject to the confirmation of the Inspector-General of Jails; and that if your petitioner obtained any such appointment he would gladly confirm him in the same, which he did when your petitioner was appointed Keeper of Her Majesty's Penitentiary in 1869.

Your petitioner would beg to draw your attention to G.O., 4th of May 1865, No. 161, and G.O. of the 15th July 1872, No. 550, Pension Department, in which the strict observance of the order relative to breaks in Civil service was relaxed.

service. I have seen them all, and

JUDICIAL DEPARTMENT, 27TH SEPTEMBER 1881, No. 2003.

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Your petitioner's object in presenting this petition is to represent the peculiar circumstances of his case in the loss of several years' service which he unintentionally and unwittingly incurred by the break alluded to above, and your petitioner begs, in consideration of his long and faithful service, that the break in his Civil service from 23rd December 1868 to 4th February 1869 may be condoned, and your petitioner further begs that he be also allowed his Military service of 13 years and 218 days, as shown in the accompanying copy of his discharge certificate, in reckoning for pension in the Civil service, inasmuch as not only was his application to leave the Army made prior to the Order of Government, No. 2445, dated 6th July 1860, Military Department, but there was delay in giving effect to the application for which your petitioner was not in the least responsible.

Your petitioner trusts that his case may receive favorable consideration, and, as in duty bound, he will ever pray.

(Signed) I. TYRRELL,
Late Superintendent, Fort Jail, Palghat.

No. 1325.

Transferred to the Accountant-General for early remarks. It will be stated to what pension Mr. Tyrrell is entitled, supposing the break in his Civil service condoned.

(By Order.)

OOTACAMUND,
3rd August 1881.

(Signed) G. S. FORBES,
Acting Assistant Secretary.

From H. F. CLOGSTOUN, Esq., Officiating Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 24th August 1881, No. J.A.E.-252 [Current No. 2545].

With reference to your endorsement, No. 1325, dated the 3rd August 1881, forwarding, for remarks, a letter from the Inspector-General of Jails, recommending that the break in the continuity of Mr. Tyrrell's services in the Civil Department may be condoned and that his service in the Military Department may be permitted to reckon towards pension in the Civil Department, I have the honor to state that, having entered the Public Service in the Civil Department, originally on the 3rd October 1860, Mr. Tyrrell's qualifying superior service, if the interruption in his service from 23rd December 1868 to 4th February 1869, is condoned by Government under Section 98 (a) of the Civil Pension Code, will amount to more than 20 years, entitling him upon the production of a medical certificate to a pension not exceeding Rs. 66-10-8 per mensem, equal to one-third of his average emoluments under Section 109 (b) of the Code. Although Mr. Tyrrell was in receipt of a salary of Rs. 350 a-month as Superintendent of the Fort Jail at Palghat, the additional deputation allowance of 150 rupees a-month cannot be taken into account in calculating his average emoluments, as the appointment was only a temporary one, as observed by Government in paragraph 1 of their Order, No. 870, dated the 4th May 1881, Judicial (vide Rule 1, Section 123, of the Code).

2. With regard to Mr. Tyrrell's earlier service of 13 years in the Army, as it was pensionable under Military rules it does not count for pension under Civil rules (vide Section 53, Civil Pension Code). The Controller of Military Accounts, to whom these papers were sent with a view to ascertaining whether there were any precedents allowing such service to be combined with service in the Civil Department, remarks that the question appears to be one which should be decided by Government in the Military Department.

3. With reference to paragraph 4 of Mr. Symonds' letter, I would invite the attention of Government to Section 2 of the Civil Pension Code, which declares that an officer's claim to pension is governed by the rules in force at the time of retirement, and would point out that, as the rules stand at present, Mr. Tyrrell's position

would not be in any way improved had he retired in June 1860, instead of in November 1860. In neither case would his previous Military service count for Civil pension.

4. The enclosures to your endorsement under reply are herewith returned.

No. 1472.

The Accountant-General's letter will be referred to the Military Department for orders on paragraph 2.

OOTACAMUND,
29th August 1881.

(Signed) G. S. FORBES,
Actg. Under Secy. to Govt.

No. 4698.

Referred to the Controller of Military Accounts.

OOTACAMUND,
31st August 1881.

(Signed) E. L. HANKIN, Colonel,
Actg. Secy. to Govt., Mily. Dept.

From Lieutenant-Colonel M. C. PERREAU, Officiating Controller of Military Accounts, to the Acting Secretary to Government, Military Department, dated Fort St. George, 12th September 1881, C [Current No. 2767].

In returning the accompanying documents received with your reference, No. 4698, dated 31st August 1881, I have the honor to observe that Mr. Tyrrell's service in the Military Department does not count towards pension in the Civil Department, such being expressly barred by the ruling of the Government of India, recorded in Proceedings of Government in the Financial Department, No. 53, dated 31st January 1866, communicated under Military Department, No. 470, dated 5th February 1866.

No. 4996.

Transferred to the Judicial Department and the referred papers returned with the remark that Mr. Tyrrell's Military services cannot, under Regulation, be allowed to reckon towards Civil pension.

17th September 1881.

(Signed) E. L. HANKIN, Colonel,
Actg. Secy. to Govt., Mily. Dept.

ORDER THEREON, 27th September 1881, No. 2003.

Communicated to the Inspector-General of Jails.

2. There will be no difficulty regarding the proposal to condone the trifling interruption of service mentioned; but, as regards counting Military service towards Civil pension, the Governor in Council observes that the inadmissibility of doing so was strongly laid down in a letter from the Government of India, Financial Department, of 19th January 1866, No. 215, directing the cancellation of an Order of the Madras Government, No. 352, dated 12th May 1862, wherein the Governor in Council decided, on a reference from the Inspector-General of Police, that the Rule disallowing the previous practice of reckoning Military service in the computation for pension from the Civil Department should be applied with effect only from the 1st July 1860.

3. The Government do not understand that Mr. Tyrrell is incapacitated from further work, and trust he may long continue to do good service.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Inspector-General of Jails.
„ Accountant-General.
„ Pension Department.

Govt. of (1881) Madras.
JUDICIAL.

To
THE INSPECTOR-GENERAL OF JAILS,
&c., &c., &c.

Dated September, 27th.

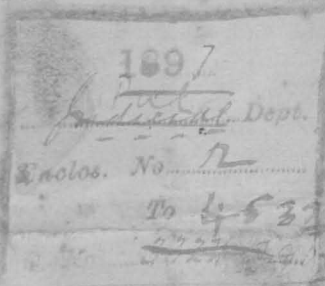
Issued

Recd.

Encl.

G.O., 27th September 1881, No. 2003.

SEPTEMBER.



Jails.—Stating that there will be no difficulty regarding the proposal to condone the break in the service of Mr. I. Tyrrell, Keeper of Her Majesty's Penitentiary, but that his request that his Military service may be permitted to count towards Civil pension is inadmissible under the orders of the Government of India.

No 5076

Mr Tyrrell

Madras

No. 7, Cockburn Road,

Bangalore, 1st June 1897.

To

His Excellency the Honorable the Governor in Council,

MADRAS.

The Humble Memorial of Mr. ISAAC TYRRELL,
late Superintendent of the First Class Central
Jail, Rajamundry, in the Godavari District, of
the Government of Madras.

That Your Memorialist was born on the 4th June 1830 and enlisted in Her Majesty's 46th Regiment of Foot at Chatham, England, on the 25th of August 1846,— Was subsequently transferred to the 65th Regiment and proceeded with a detachment of that Regiment in charge of convicts to Van Dieman's Land, whence he was transferred to the 96th Regiment, and he landed in India with that Regiment at Calcutta on the 19th April 1849.

2. That Your Memorialist's services in the Army are shown in detail in the opening paragraphs of his Petition to Government, which is printed in extenso in the order of Government thereon, dated 27th September 1881, No. 2003, Judicial Department, a copy of which is enclosed herewith for Your Excellency's facility of reference.

3. It will be seen from that petition that Your Memorialist gradually rose in the Army to the rank of Pay and Color Sergeant, having been on more than one occasion employed on special charges and commands, and that he was also more than once promoted in the Army over the heads of his seniors in service.

4. In the year 1860 Your Memorialist took his discharge from the Army after a service of 14 years, 1 month, and 6 days, and after serving through the mutiny of 1857-58-59, at various places in Upper India.

5. Memorialist's object in leaving the Army as explained in his petition printed in G. O. of 27th September 1881, herewith enclosed, was to take up Civil employ under Her Majesty's Government of Madras, which he did in October 1860, at first in the Police Department and then in the Jail, and in such employ Your Memorialist gradually rose to the appointment of Superintendent of the First Class Central Jail at Rajamundry on a salary rising by yearly increments from Rs. 600 to 850 per mensem, from which appointment Your Memorialist retired on the 7th April 1895, when he was within 2 months of completing 65 years of age, and after a total service in Civil employ of 34 years, 6 months and 7 days.

6. Your Memorialist's total service Military and Civil, thus aggregating to, it may be said without presumption, or untruth, exceptionally long period of 48 years, 7 months and 13 days, or to upwards of a service and a half reckoning 30 years as the usual period of service, and during that long period Your Memorialist received special encouragements for good and meritorious conduct, and, moreover, all the leave Your Memorialist had was 2 days while in Military employ and 12 months privilege leave in Civil employ, by which the Government was saved expenditure both in leave allowances to Memorialist himself, and acting allowances to others.

7. The foregoing is a brief resume of Your Memorialist's service, but even at the risk of being tedious he ventures to respectfully add for Your Excellency's perusal and consideration the following further facts in connection with himself and his services, as they will no doubt serve to help Your Excellency in arriving at a decision on the merits and justice of the prayer this Memorial is intended to make.

8. In 1850, or 7 years before the mutiny, Your Memorialist often saw Nana Sahib (Nana Doondoo Punth of Bhitoor) when serving in Her Majesty's 96th Regiment at Cawnpore, as he often drove up to the Bandstand, which was close to the Church in those days, in a carriage and pair, and he gave the officers of the Garrison a ball and dinner at Christmas time of that year in the Assembly Rooms. Your Memorialist little thought at the time that within 7 years that fiend in human form would murder not only all the Officers and Soldiers of the garrison, but their wives and children also.

9. A brother of Your Memorialist named James Tyrrell with his wife and 2 children were murdered and several other men with their wives and children whom Your Memorialist well knew were also murdered. These men had volunteered in 1854 from Her Majesty's 96th Regiment to Her Majesty's 32nd Regiment for further service in India, and were at Cawnpore at the outbreak of the mutiny.

10. Your Memorialist volunteered to Her Majesty's 43rd L. I. Regiment, (now Oxfordshire Regiment) which was then in Madras, and received on the 17th June 1857 a letter from his brother which was written on the 3rd of that month, and came probably by the last mail that left that ill-fated Garrison. The letter gave particulars of what was going on at Cawnpore, and although all the Officers with their families from the General downwards were then occupying the same barracks, which had been put as far as possible in a state of defence, the letter was full of hope,—hope, which unfortunately was never to be realized, as they knew that troops were coming from Allahabad to their assistance.

11. As fate had however *willed* it, the Native Regiments of the station broke out directly afterwards in open rebellion, and what followed is a matter of history. The murderers were however avenged by General Havelock and the small force of dauntless men under his command, in such a brilliant manner that made the name of Havelock famous in history. General Wheeler who was also murdered was well known to Your Memorialist in 1854.

12. Your Memorialist has a war medal for Central India, and during his Army service acted twice as Orderly Room Clerk, and twice as School Master, and 42 years ago was School Master in the Bangalore Fort, where 4 companies of his Regiment were stationed, and Your Memorialist being literate and intelligent would have been recommended for a commission in his Regiment, as stated in the petition printed in the G. O. of 27th September 1881, herewith enclosed.

13. In that Order the Government trusted that Your Memorialist would long continue to do good service, and so he did for nearly 14 years after the date of that order. At the time the order was passed Your Memorialist was keeper of Her Majesty's Penitentiary in Madras, a post for which he was specially selected by the Commissioner of Police, Colonel Drever, in consultation with His Excellency the Governor, to remedy maladministration and misrule, as will be known from records of Your Memorialist's services and testimonials given by such well known Officers of high repute and merit as Colonels T. E. B. Tennant, W. S. Drever, G. B. Bowen, Major Andrew Balmer, and Captain W. Hughes Hallett afterwards Judge Advocate General of India.

14. Your Memorialist during his services as keeper brought to light many evil doings, and although in consequence some paid officials were dismissed still the plottings went on against Your Memorialist, who was twice murderously attacked by the prisoners. The following will show plainly what Your Memorialist had to contend with. A prisoner who was tried by the Chief Justice, Sir Walter Morgan, in the High Court of Madras for murder and sentenced to death, was permitted to make a state-

ment when he (accused) at once commenced vilifying Your Memorialist in such a manner that astonished nearly every one in Court. Your Memorialist who was present was rather surprised to learn from a prisoner who had ~~been~~ only recently been committed that Your Memorialist had been offered promotion but would not accept it, and remained at the Penitentiary simply to harass the old offenders. Prisoner stated that he had been handcuffed by Your Memorialist although he was only an undertrial prisoner, also that he had been compelled to eat raggi instead of rice or starved, and informed the Chief Justice that the prayers of all the prisoners in jail would go up to the Throne of Grace for his welfare, if he would get Your Memorialist removed. One daily paper, not now in existence (but a paper in which letters were published that the Editor knew were written by a prisoner in jail) came out with a sensational Editorial calling upon the Government to hold a full enquiry regarding the statement made by the condemned man and the Government directed Colonel Walters, the then Acting Superintendent of the Jail, for a report. Colonel Walters replied that he himself had ordered the prisoner to be handcuffed, because he would not allow the Medical Officer to vaccinate him and that he had been handcuffed while he was being vaccinated and no longer, as to his not getting rice to eat instead of raggi, Colonel Walters pointed out by a Government ruling that undertrial prisoners were to have raggi issued to them instead of rice, and that in both cases the orders of the Government were carried out. Colonel Walters also mentioned that he was in Court himself when the condemned man made his statement and he (Colonel Walters) was very glad to hear that the keeper (Your Memorialist) was not appreciated by the old offenders, a number of whom were awaiting trial at the same time, and had persuaded the prisoner to make the statement.

15. A few days afterwards the condemned man petitioned the Government for mercy, and mentioned in his petition how sorry he was for making the statement he did when in Court regarding the keeper (Your Memorialist) but that he was led to do so by other under trial prisoners who told him that all the prisoners in jail would pray for him if the keeper was removed.

16. Your Memorialist has simply mentioned this matter to show what difficulties he had to contend with, and what has been written regarding this is on record in the Government Office.

17. One thing should not be lost sight of, viz, that the Penitentiary now is not the Penitentiary of more than a quarter of a century ago when there was no Female Prison—no prison for Juveniles—no close Prison, and no block for Under Trial Prisoners, and other cells since built to separate prisoners more effectually.

18. The action of Your Memorialist in one case assisted most materially in bringing the Jail to a state of efficiency—viz, the searching by Your Memorialist of two medical students as they were leaving the Jail one morning, and finding in the inner soles of their sandals 3 letters written by a prisoner. One of the letters was for publication in the Newspaper already alluded to. One for an influential man in Madras, and the other for a certain female. These letters gave the Superintendent Captain W. Hughes Hallett a thorough insight into a lot of things that had been going on. Your Memorialist was the chief witness against the Medical students who were tried by Colonel T. Weldon the Chief Presidency Magistrate, Madras, and were sentenced to 2 months' R. I. each. Colonel Weldon was determined to make an example of the Medical students as he was well aware of a lot of misdoings that had been going on in the Jail for a long time.

19. Captain W. Hughes Hallett wrote at great length regarding the letters and the connection of the Medical students—and his reports with the letters found on the Medical students were forwarded to Government under a covering letter from the Inspector General of Jails and the result was a G. O. that would be well worth reading now. A senior Apothecary who had been assisting the prisoner who had written the letters was dismissed the Jail service, and the Medical officer was also severely censured.

20. All this was brought about by Your Memorialist's strict attention to duty and discipline, and he was thanked by the Inspector General, and also by the Superintendent as the letters that had been found were of immense service to the Jail Department.

21. Your Memorialist no doubt obtained his promotion in the Jail Department in later years from what had been left on record by such Officers as Colonel T. E. B. Tennant, W. S. Drever, G. B. Bowen, Captain W. Hughes Hallett and others, and moreover Your Memorialist even when only keeper of Her Majesty's Penitentiary always received from Government invitations to the yearly gatherings in the Banqueting Hall, and His Grace the Duke of Buckingham in Council appointed Your Memorialist Superintendent of the Palghaut Fort Jail in January 1879, and when the Jail was closed after the famine was over it is evident that his services were appreciated, as in G. O. No. 870, dated 4th May 1881, the Government were pleased to express their approval of the zeal and assiduity displayed by Your Memorialist during the time he held the appointment of the Palghaut Jail.

22. Your Memorialist was appointed by His Excellency Sir Michael Mount-Stuart Grant Duff as Superintendent of the New Cellular Jail, Palamcottah, in July 1885, having been specially recommended for the appointment by the then Chief Secretary to Government. At the same time E. S. F. Cavendish, Esquire, was appointed Superintendent of the new Cellular Jail, Tanjore. Your Memorialist in March 1888 was appointed by His Excellency Lord Conemara in Council, Superintendent of the Central Jail, Cannanore, an appointment he held for 5 years and 3 months—when His Excellency visited Cannanore he informed Your Memorialist in the presence of his Private Secretary that he had in Council selected Your Memorialist for the appointment as the Jail had been going to the bad from a long time, which was quite true and was proved afterwards by an enquiry then going on, an enquiry commenced by the Civil and Session's Judge of Tellicherry and completed by Colonel C. T. Porteous, the newly appointed Inspector-General of Jails. The Jailor and a Head Warder were tried at the Sessions Court convicted and sent to Jail for receiving bribes, and nearly all the Jail servants were dismissed the service and the report to Government submitted by Colonel C. T. Porteous would be well worth reading even now, as it throws a great deal of light on Jail matters generally and the obtaining of bribes by Jail officers in particular.

22. Colonel J. Macdonald Smith, who succeeded Colonel C. T. Porteous as Inspector General of Jails had a very high opinion of Your Memorialist, whom he had known for nearly 20 years, and would have recommended Your Memorialist for the appointment of Superintendent of Prisons, Madras.

23. In July 1893 His Excellency Lord Wenlock in Council appointed your Memorialist who was then over 63 years of age to the First Class Central Jail Rajamundry, the Superintendent of that Jail being reverted to a lower appointment. Rajamundry Jail had also been sadly neglected and was bankrupt in the Manufactory Department, and over Rs. 3,000 in debt, when Your Memorialist assumed charge of it. Peculation had been going on for a long time. The manufactory clerk, the chief offender, resigned when he found an enquiry was being made into the great losses to Government. The present Inspector General of Prisons, Mr. A. G. Cardew, I. C. S., gave Your Memorialist every assistance possible and advised Your Memorialist to apply for a further extension of service for one year, which the Government on his recommendation sanctioned and this gave Your Memorialist the chance of getting the Jail into working order. Everything connected with Jail management was much improved during the year 1894, and Rs. 19,000 on account of manufactures was sent to the Treasury, in excess of the amount drawn from the Treasury that year under the same head, a sum exceeding any previous amount remitted to the Treasury in one year since the Jail was built.

24. It will be thus seen that Your Memorialist's promotion to the high position he attained in Civil employ on a salary rising from Rs. 600 to Rs. 850 per mensem before his retirement on a well earned pension was in every instance due to

his merits, zeal, integrity and good service, and unsolicited on his part, but unfortunately Your Memorialist received promotion to a First Class Central Jail not long before his retirement and therefore benefitted but little as he draws a pension of only Rs. 283-10-7 per mensem. Probably the Government would have granted him a higher pension had he represented at the time his very long and faithful service of more than 48 years. The Government was saved a large sum during the 28 years of Your Memorialist's service in the Jail Department, and at least 60,000 Rs. in the last 8 years thereof, which may be verified from the Annual Administration and other returns submitted by him.

25. Your Memorialist has been over 48 years in India having never left it since he landed here in April 1849, and has made India his home and permanent residence. He is thus fairly entitled to be treated as an Anglo-Indian, and if, as it is said there is to be some special title of recognition or honor to be conferred on deserving Eurasians and Anglo-Indians of merit at the ensuing Commemoration of the Diamond Jubilee of Her Majesty the Queen Empress, Your Memorialist's prayer is that Your Excellency will be pleased to take his case into Your Excellency's consideration and bestow on him such particular distinction of honor or merit, as Your Excellency may deem Your Memorialist to be worthy of, for his long and faithful services to Her Majesty and the country, or if Your Excellency feels yourself unable to grant Your Memorialist's request for such special title or honor, he begs Your Excellency will be pleased to at least grant him an increase of pension to Rs. 400, in consideration of his record service of more than one and a half the usual period of 30 years.

26. From time to time the Government has been pleased to confer various distinctive titles of merit or honor on the Natives of India, no doubt deservedly and for good and sufficient reasons, but without being egotistic Your Memorialist ventures to respectfully say that his is a record service with which perhaps no one can hardly compare, and Your Memorialist therefore hopes that his prayer will receive full and favorable consideration at Your Excellency's hands.

For this act of kindness, with many apologies for the length of this memorial and the intrusion on Your Excellency's time and notice, Your Memorialist begs leave to subscribe himself

Your Excellency's
Most obedient and faithful servant,

H. H. H. H.
Late Superintendent of the First Class
Central Jail Rajamundry

This is a true copy of the memorial forwarded to Government that
in June last.. which was not returned
H. H. H. H.

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MADRAS.

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CURRENT NO 4532

No. C. 2228.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS, MADRAS.

Dated Rajahmundry the 22nd October 1897.

From

A. G. CARDEW, Esq., M.A.,

INSPECTOR-GENERAL OF PRISONS,

MADRAS,

To

THE HONOURABLE MR. J. F. PRICE C.S.I.

CHIEF SECRETARY TO GOVERNMENT,

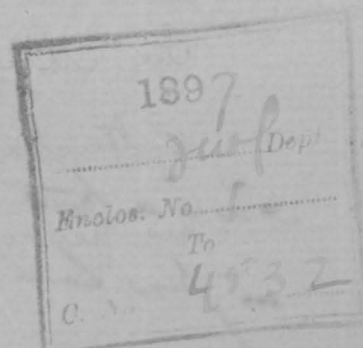
SIR,

Enclosures.

I have the honour to submit for the orders of Government a Memorial dated 1st June 1897, from Mr. Isaac Tyrrell, late Superintendent of the Central Jail Rajahmundry.

2. The prayer contained in the Memorial is to the effect that in honour of Her Majesty's Jubilee, the Memorialist may receive some special title or distinction of honour or merit or failing that, that his pension may be increased to Rs 400/- per mensem.

3. Mr. Tyrrell's pension Rs 283. 10. 7 per mensem was granted in G.O. No. 714 Pension dated 28th June 1895, and represents the full half pension admissible on his average emoluments of Rs 567. 5. 5.



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with reference to the Despatches of the Secretary of State which are printed in Appendix No. 7 to the Civil Service Regulations 3rd Edition, I am unable to recommend a deviation from the established rules, Mr. Tyrrell's services having been rather meritorious than extraordinary.

4. Should His Excellency the Governor-in-Council see to fit to confer a personal distinction on the Memorialist, I shall have much pleasure in congratulating Sir Isaac Tyrrell.

I have the honour to be,
Sir,
Your Most obed^t Servant,

R. G. Cardew.
Insp^r Genl of Prisons.