

MADRAS RECORD OFFICE.

Government of Madras.

Financial

DEPARTMENT.

G.O. No. *462*

Press
~~Mis.~~

Dated *5-8*

1857

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Not to be folded or roughly handled

No. 15. From S. D. BIRCH, Esq., Secretary to the Civil Fund; to E. MALTBY, Esq
Acting Chief Secretary to Government, dated 31st July 1857, No. 118.

SIR,

With reference to the orders of Government dated 8th December 1829, I am desired by the Trustees of the Civil Fund to transmit to you a Packet No. 1 to the address of Messrs. Coutts and Co. containing the Printed Proceeding* of the Madras Civil Fund, and to request that it may be forwarded in the next Government Packet to the East India House.

2. I am also desired to transmit for the information of the Honorable the Court of Directors and the Right Honorable the Governor in Council, six copies of the Proceedings as before particularized in the margin, contained in the Packet No. 2.

(Signed) S. D. BIRCH,

Secretary.

CIVIL FUND—CHARITY BRANCH.

At a QUARTERLY GENERAL MEETING of the SUBSCRIBERS to the CIVIL FUND CHARITY
BRANCH held at the GOVERNMENT HOUSE in the FORT, on Friday the 10th of July 1857.

PRESENT

MESSRS. J. GOLDINGHAM, *Trustee.*
G. L. PRENDERGAST, *Trustee.*
R. D. PARKER, *Trustee.*
H. FORBES,
S. D. BIRCH, *Secretary.*
W. H. BAYLEY,

MESSRS. F. LUSHINGTON, *Trustee.*
G. H. ELLIS, *Trustee.*
J. D. SIM, *Trustee.*
J. W. BREEKS,
L. FORBES, and
M. NORMAN.

Mr. J. GOLDINGHAM is requested to take the Chair.

The Secretary is directed to read the following Report of the Trustees.

REPORT

1. The Trustees have to report that Messrs. J. R. Melville, E. C. Campbell, J. C. St. Clair, W. C. Carbonell, and O. B. Irvine, lately admitted on the Civil Establishment of this Presidency, have become Subscribers to the Civil Fund under the Covenants entered into by them with the Company.

2. The Trustees have to intimate that Messrs. J. Fraser, H. S. Alexander, R. Davidson, and S. Thompson, being under the necessity of proceeding to Europe on Sick Certificate, and having furnished the requisite documents, they have granted an order on the Agents in England for £300 to each of the two former gentlemen, one of £275 to the third, and one of £228-11-5 to the last.

3. The Trustees have also to report that Mr. W. Nisbett having been permitted by Government, on the representation and application of Dr. Evans on his behalf, to proceed to Europe on Medical Certificate, they have, under the peculiar circumstances of his case, granted Messrs. Arbuthnot and Co. an order on the Agents of the Fund in England for £300, to defray the expenses of Mr. Nisbett's passage home.

4. Mr. T. Clarke applied to the Trustees on the 24th Sept. last, for an advance of £300 to proceed to England for the recovery of his health; but as he left India before executing the Bond the Trustees requested the Agents in England to pay him the amount on his executing the necessary documents—which has been accordingly done.

5. The Agents of the Fund in England under date the 12th October 1856, 5th January and 17th March 1857 respectively, advanced to Messrs. J. Ratliff, G. F. Fullerton, and W. S. Nesbitt, the sum of £300 each to the two former and of £100 to the last, to enable them to return to the service. Mr. Ratliff has commenced liquidating his debt to the Fund in the mode prescribed by the Deed.

Fort Saint George, Financial Consultation, 11th August 1857.

6. With reference to para. 3 of the Report laid before the Quarterly General Meeting of the 13th April 1855, the Trustees have to intimate, that Messrs. R. J. Sullivan and A. R. McDonell have discharged the amount of £300 each, advanced to them to enable them to return to the service.

7. Mrs. Louisa Daniell, widow of the late Mr. L. D. Daniell, having through her Agents Messrs. Parry and Co. in their letter dated 21st Nov. 1856, applied for assistance from the Fund on behalf of herself and six children and furnished the necessary documents, the Trustees have admitted them on the Fund and paid their Annuities in full from the 7th March 1856;—the income derivable from her late husband's property being made over to the Fund through Mrs. Daniell's Agents:

Mrs. Louisa Daniell.....	£300
Mr. Lindsay Charles DeLorentz.....	£100
„ Murray William James.....	£100
„ Edmund Cecil.....	£100
Miss Edith Eliza.....	£50
„ Emily Maria.....	£30
Master Lindsay Arbuthnot James.....	£30
	£710

8. Mrs. M. R. Vibart, in a letter, dated 17th January 1857, having intimated to the Trustees that she is at present possessed of no private income, they have requested the Agents to pay her the full amount of £150 per annum, sanctioned by a vote of the service on the 4th July last.

9. Mrs. Emily Monckton having represented to the Trustees, that the amount of £20 derived from Mr. Monckton's estate and hitherto deducted from her pension from the Fund, had, from the commencement, been appropriated to his sole use; the Trustees have, in compliance with her application of the 16th March 1857, granted her the full amount of £300 per annum from the 1st July next. No annuity is paid to Mr. Monckton, though claimable from the Fund under Clause 111. of the Deed.

10. The Agents of the Fund in England in a letter, dated 8th January 1857, intimated to the Trustees, that they had made good to Mrs. Catherine Cassin the difference arising from the reduction of her Stock from $3\frac{1}{4}$ per cent. to 3 per cent. Their letter of the 18th February last, contained a similar intimation with regard to the Children of the late Mr. H. Vibart. The Trustees approved of their proceedings in both cases.

11. From the former communication the Trustees have also learnt that the usual Donation of £300 had been paid to Mrs. E. Murray, on behalf of Mr. Henry Meredith Vibart, by which he ceases to be an annuitant on the Fund.

12. With reference to para. 6 of their Report of 9th January 1857, the Trustees have to intimate that Messrs. Coutts and Co. in a letter dated 17th March 1857, enclosed a communication from Mrs. Radcliff (late Dumergue) explaining the sources from whence the addition to her annual private income was derived, and requesting that her Daughter might be paid the difference between the Annuity and the income properly arising from the estate of the late Mr. Dumergue. The Trustees being satisfied with her explanation, have accordingly authorized the Agents in England to pay Miss Dumergue £46 per annum.

13. Adverting to para. 3 of their Report of the 14th October 1856, the Trustees have to inform the Meeting, that the Agents and the Committee in England have reported* on Mrs. Bennett's case referred to them for enquiry. They consider it probable, that

* *Vide Appendix.* Mr. Bennett is still alive, but, for obvious reasons, remains in concealment. Taking however into consideration the absolutely destitute condition of Mrs. Bennett, her being almost literally in a state of starvation and dependent on eleemosynary aid for her subsistence, the Trustees resolve to propose to the Meeting, that she be allowed a pension of £150 per annum, and that the sense of the Service be taken on this proposition.

Fort Saint George, Financial Consultation, 11th August 1857. 2.

14. With reference to para 10. of their Report of 9th April 1834, the Trustees have to intimate the death of Nathanayacummah on the 25th April last; the pension of Rupees 21 per mensem enjoyed by the deceased lapsing from that date.

(Signed) S. D. BIRCH,
Secretary.

Trustees of the
Civil Fund } J. GOLDINGHAM,
G. L. PRENDERGAST,
R. D. PARKER,
E. MALTBY,
F. LUSHINGTON,
G. ELLIS,
J. D. SIM.

The Meeting confirm the Proceedings of the Trustees in the cases of Messrs. J. Fraser, H. S. Alexander, R. Davidson, S. Thompson, W. Nisbett, T. Clarke, J. Ratliff, G. F. Fullerton, W. S. Nesbitt, and of Mesdames, L. D. Daniell, and Children, M. R. Vibart, Emily Monckton, C. Cassin Mr. M. H. Vibart and Miss Dumergue, as contained in paras. 2 to 5 and 7 to 12 of their Report.

Resolved.—That in consideration of the peculiar circumstances of Mrs. Isabella Bennett's (late Rickards) case, the Votes of the Service be taken on the proposition referred to in para. 13 of the foregoing Report.

The thanks of the Meeting are unanimously voted to Mr. J. Goldingham for his conduct in the Chair.

(Signed) S. D. BIRCH,
Secretary.

(Signed) J. GOLDINGHAM,
Chairman.

APPENDIX.

(1)

July 8th, 1856.

*The Memorial of Mrs. Isabella Richards, widow of Richard
Rickards, Magistrate and Collector at Salem.*

Your Memorialist on the death of Mr. Rickards in 1835 became entitled to £300 a year.

In 1836 having enjoyed such pension for one year and a half, she resigned her claim on re-marriage with a Mr. John Bennett a person below her own rank in life, but who professed affection. She thereby also forfeited the aid of her friends and relatives.

Mr. Bennett made no settlement on her, and no issue remains of that marriage.

But he got possession of four thousand pounds belonging to her, with which, after levying a fraudulent execution on her house and appropriating all her paraphernalia, he absconded to America, leaving her destitute and in bad health, the result of brutal ill treatment and unmanly outrages.

Since the disappearance of this Mr. Bennett, your memorialist has lingered on in misery and illness, subsisting on the alms of such kind persons as knew her in affluence and in health—always on the verge of the workhouse or the grave, and often desirous of finding in that latter Asylum a refuge from her long agony and despair.

Your memorialist has been of late informed by a Clergyman that the rules of the Madras Widows' Fund supply a remedy to such a wrong, and that the short remnant of her life may yet be made endurable, the founders of that fund having contemplated humanly such a contingency as her case.

It is now thirteen years since any tidings of Mr. Bennett have been heard of and no rumour or information of any sort has reached her of his being alive, two several strokes of apoplexy came under her notice before he fled to America, and thus in both medical and legal presumption, he is liable to be deemed dead.

Fort Saint George, Financial Consultation, 11th August 1857.

She has long given up all hope of hearing of or from him, but now fully satisfied that he is no more, your memorialist seeks at your hands the remedy which the considerate and just rules of the Madras Fund have provided.

She forwards her declaration and affidavit of what is here alleged, with testimony of her identity and poverty.

Your memorialist hopes you will forgive it if it is irrelevant to add that her father E. R. Hargrave served the Company from 1803 to 1830 as Collector and Magistrate at Salem and was held worthy of a statue erected by the Native gentlemen, and which now stands in the cemetery of Salem.

(Signed) ISABELLA BENNETT,
late RICKARDS.

36, WOODWARD TERRACE,
KENSINGTON ROAD,
Lambeth.

(2)

From Messrs. COUTTS & Co; to S. D. BIRCH, Esq., Secretary to the Civil Fund, dated
London 7th November 1856.
Sir,

Since we had the pleasure of writing to you on the 9th October, we have been favored with your letter of the 26th August, enclosing copies of a Memorial from Mrs. Isabella Bennett, late Rickards, together with other communications relative to the application, and requesting on behalf of the Trustees that we should institute such enquiries as would satisfy us of the truth of the statement, and thereupon pay her from the commencement of the present year, an annuity of £300 per annum, minus the interest at 3 per cent, on £4,000 of which she previously stood possessed.

With every desire to meet the exigencies of the case, we have nevertheless from certain discrepancies that have transpired, considered it our duty for the interests of the Fund, to submit the papers for the consideration of some of the Trustees in this country, and you will observe by the accompanying copy of a letter which has been addressed to us by Mr. Richard Clarke and Mr. George E. Russel, that in their opinion, sufficient pains have not been taken to ascertain whether Mr. Bennett be dead or not. To accomplish this we have written to Mrs. Odling, a friend of Mrs. Bennett (who appears to be deeply interested in the case) to inform her that as there are no Funds for the purpose, the Trustees would not object to defray any moderate expences attending the enquiry, Mr. Clarke being of opinion that such a proposition, considering the interests of the Fund to be concerned, would only be equitable.

(Signed) COUTTS AND CO.

ENCLOSURE IN (2)

From Messrs. G. E. RUSSELL, and R. CLARKE; to Messrs. COUTTS AND Co,
GENTLEMEN,
LONDON.

We have given our best attention to the documents which you referred for our consideration relating to a claim preferred by Mrs. Bennett, formerly Rickards, for the restoration of her pension as a widow on the Madras Civil Fund.

Mrs. Bennett's statement of her case is as follows:—

That her first husband Mr. Rickards of the Madras Civil Service died in 1835, and that in 1836 she married Mr. John Bennett whereby she forfeited the widow's allowance which she had till then received, viz., £300 a year, minus £120 the interest at 3 per cent. on £4,000, and that Mr. Bennett having possessed himself of her £4,000, absconded to America fourteen years ago and left her in poverty and destitution, that the said John Bennett has not been heard of by herself or by any one else, to her knowledge, for the last thirteen years, and that two attacks of apoplexy having occurred to him before his departure, she has every reason, medical and legal, to presume him to be dead.

Fort Saint George, Financial Consultation, 11th August 1857. 3.

Upon this application the instructions sent to you by the Trustees of the Fund at Madras are, that, should you consider it expedient, you would institute such enquiries as may satisfy you of the truth of Mrs. Bennett's narration, and thereupon pay her the sum she
• *So in original.* formerly received from the beginning of 1856.*

We remark from the papers themselves that Mrs. Bennett's "declaration" does not, on the face of it, bear the necessary attestation of a Magistrate, although intended, as it would appear, to have been made at the Lambeth Police Court, and further that both Mrs. Bennett and her friend the Revd. Mr. Mahony, are under the impression that the relief she seeks is dependent on the view taken of her necessities by the administrators of the Fund.

The question before the Trustees, on the solution of which depends the admission of Mrs. Bennett to the restoration of the widow's allowance on her second widowhood, is whether there is such satisfactory ground shown to infer the death of her second husband as would justify them, administering the Fund under the provisions of the Deed of Trust, in granting the renewal of the pension.

Considerations of sympathy and pity for Mrs. Bennett's destitution can have no weight in such a decision though they might form proper grounds for a reference to the Service at large to grant her a sufficient sum to keep her above want. Such, no doubt, was the impression under which the instructions from the Trustees were founded, and we are clearly of opinion that the information hitherto presented, is quite unsatisfactory and insufficient to justify your making an advance to Mrs. Bennett as a widow.

It appears that Mrs. Bennett was married to her last husband in 1836, and that he quitted her fourteen years ago, that is in 1842. They therefore lived together for six years—it is further stated that having gone away fourteen years ago, he has not been heard of for thirteen years, from which results the inference that during the first year of their separation information was received from or of him. Mr. Bennett's age does not appear from the papers before us—going off, as he is reported to have done, he had of course a deep interest in preserving an incognito, but there is nothing to show what pains, if any, have been taken to trace his steps or discover his retreat—no statements are produced from any quarter of events before her at the time of his departure, or during the first year of his absence when he would appear to have been heard of, nor is any medical testimony proffered of the nature of the attacks of apoplexy alluded to by Mrs. Bennett, the times when they occurred or the effect they might be supposed to have on his life. In short we see nothing in the statements before us that is inconsistent with a high degree of probability of Mr. Bennett's present existence.

Under these circumstances, it appears to us that the only course open to you is to call for further information to supply the lamentable deficiencies now existing, and if such information should still appear not sufficient to warrant the Trustees in granting the renewal of the allowance, then to return the case to Madras for further instructions or for a reference to the Service for a grant in relief of Mrs. Bennett's destitution.

(Signed) G. E. RUSSELL.

(„) R. CLARK.

(3)

From Messrs. COUTTS AND Co.; to S. D. BIRCH, Esq., Secretary to the Civil Fund,
Madras, dated London 14th April 1857.

We have the pleasure to acknowledge the receipt of your letters of the 13th and 26th February.

Fort Saint George, Financial Consultation, 11th August 1857.

The former advises the grant of an order to Mrs. Emily Monckton, dated 27th January last per £140, and approves of our proceedings in the cases of Mrs. Cassin, Mr. H. M. Vibart and Mrs. Bennett.

From inquiries we have made respecting this latter lady's affairs, we are inclined to believe that Mr. Bennett is still alive, and that for obvious reasons, his place of residence is concealed from her: we understand that she is in very bad circumstances and totally dependent on the contributions of a few friends for support.

* * * * *

(Signed) COUTTS AND CO.

No. 16.

ORDER THEREON, No. 462, dated 5th august 1857.

Ordered that the Packet to the address of Messrs. Coutts and Co, together with three copies of the Proceedings received with the foregoing letter, be forwarded to the Honorable the Court of Directors.

Fort Saint George, Financial Consultation, No. 462, dated 5th August 1857

Ordered that the packet to the address of Messrs. Coutts and Co, together with three copies of the Proceedings received with the foregoing letter, be forwarded to the Hon. the Court of Directors.

Fort Saint George, 5th August 1857

[Signature]

Wm. B. Huntly