

# MADRAS RECORD OFFICE.

Government of Madras.

*Financial* DEPARTMENT.

G.O. No. 565

Press  
~~Mis.~~

Dated 6-10-1889.

B.No. 1-2

4/5

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Financial Department,  
from 5th to 21st October 1859.*

No. 1. Read the following letter from W. HUDLESTON, Esq., Secretary to the Civil Fund; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 30th September 1859, No. 269.

With reference to the opinion of the Advocate General on Sir V. Stonhouse's application for a refund of his surplus subscription to the Civil Fund, communicated to the Trustees with Extract from Proceedings of Government, dated 17th September 1859, No. 524, Financial Department, I am directed to state that Sir V. Stonhouse became entitled to an Annuity in 1841, but did not apply for one until 1856, and as the claim to the refund could only have been preferred when accepting an Annuity and tendering resignation of the service, Sir Stonhouse did not place himself in a position to advance that claim until 1856, when he acted as stated in my former letter of 3rd September 1859.

Sir V. Stonhouse was senior Trustee of the Fund at the time the Votes of the service were taken on the proposed new rule disallowing refunds for the future, and as such, he signed the report showing the result of the Votes at out-stations, which was laid before the Special General Meeting held on 17th June 1853, at the Presidency, at which Meeting the rule was finally adopted.

Sir V. Stonhouse could not have been ignorant that that Meeting was about to be held, as he was one of those who called it, and in all probability, he had the usual notice which is issued to all subscribers at the Presidency on the day of each Meeting.

Sir V. Stonhouse was certainly at the Presidency at the time, and did not, so far as the Trustees can discover, in any way protest against the acts of the Meeting being held to be binding on him, but he did not attend it.

He had previously recorded, and in his recent letter he repeats his opinion, that refunds were not contemplated in the original constitution of the Fund, but were claimable as a matter of justice though not of right to place all annuitants on that footing of equality which the Honorable Court expressed their desire to secure in their original Despatch.

No. 2. ORDER THEREON, 6th October 1859, No. 565.

From the information given in the above letter, as well as from the further opinion of the Advocate General which was communicated to the Trustees of the Civil Fund on the 30th ultimo, it appears evident that the recent decree of the Privy Council in Mr. Robertson's case does not in any way make in favor of Sir V. Stonhouse's claim to the refund of the excess of his subscriptions above the value of his Annuity. The Trustees should intimate this to Sir V. Stonhouse in reply to his application, and should furnish him with a copy of all the correspondence that has passed on the subject.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. A. P. W. Begbie.

*of Sir V. Stonhouse's*

Proceedings of the Madras Government  
 From Rs Twenty Lk Civil Fund  
 To Sept 1859

Order thereon 6 October 1859. No 565.

From the information  
 given in the above letter,  
 as well as from the  
 further opinion of  
 the Advocate General  
 which was commu-  
 nicated to the Trustees  
 of the Civil Fund  
 on 10<sup>th</sup> ultimo, it  
 appears evident that  
 the recent decision of  
 the Privy Council  
 in the Robertson's  
 case does not in any  
 way militate in favour  
 of the V. S. House's

claim to the refund  
of the excess of his  
subscriptions above  
the value of his au-  
thority. The Trustees  
should intimate  
this to Sir V. Sturges  
in reply to his  
application and  
should furnish him  
with a copy  
of all the correspon-  
-dence that has  
passed on the  
subject.

J.P.

{ Disposed of

Trustees of the Fund

Advocate sent in the

copy of the Trustees' letter

Edith to England 21<sup>st</sup> Oct  
No. 24 of 1859.

Forwarded to the  
Govt. of India with the family  
1861 & 1863.

No of Govt. 21<sup>st</sup> Oct  
Munroe 1859 & 1861

No. 5/65

Proceedings of the L.

of 6 October 1859.

No. 98 of 1860.

24 Oct  
1861

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