M.R.O. 1—32 400—23-11-30

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 588 Press ~~Mis.~~

Dated 22 · 10 · 1857

13 No. 1-2. 3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, from 22nd to 31st 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 13th October 1859, No. 286.

By desire of the Trustees of the Civil Fund, I have the honor to forward, for the information of the Honorable the Governor in Council, copy of a letter dated 8th instant, from Mr. J. Goldingham, claiming a refund of his surplus Subscriptions and requesting that should the Trustees be not prepared to admit his claim, Government may be solicited to refer the question to England, in order that the opinion of the Secretary of State for India, and of the authorities there may be obtained, as to the construction to be put on the decree of the Privy Council in the case of Mr. A. Robertson, so far as that award may be supposed to affect the claims of himself and of other Gentlemen similarly situated.

2. Mr. Goldingham was present at the Meeting of the 17th June 1853, at which the Rules abrogating the practice of refund were passed by the service, and he voted in favor of those Rules.

3. The present is the first occasion of his tendering his acceptance of an Annuity, and thus he had not previously put himself in a position to advance his present claim, which the Trustees are unable to admit.

4. The names of the other Gentlemen similarly situated were made known to Government in my letter, dated 25th August 1859.

From J. GOLDINGHAM, Esq.; to the Secretary to the Madras Civil Fund, dated 8th October 1859.

In accepting one of the Annuities available on the 1st May 1860, I beg leave at the same time to lay before the Trustees my claim to the refund of my surplus Subscriptions. If the Trustees are prepared to pay the sum due, I shall be glad to receive an order for the amount when I tender my resignation of the service. If otherwise, I beg that the question may be referred to Government in view to the opinion of the authorities in England being obtained, as to the construction to be put on the decree of the Privy Council in the case of Mr. Robertson so far as that award, in the arguments put forth, may be supposed to affect also the claims of other Members of the service situated as I am.

I am aware that the Advocate General at Madras is disposed to express an adverse opinion, but however valuable the opinion of that Officer may be in ordinary cases, it will be admitted that in the present, the construction of the Secretary of State for India should be sought as the Advocate General, it is known, was opposed to the claims of the service altogether as forming no part of the compact entered into.

No. 2. ORDER THEREON, 22nd October 1859, No. 588.

Ordered that the foregoing letter and its enclosure be forwarded to the Right Honorable the Secretary of State for his consideration and orders, with reference to the correspondence submitted with the Despatch dated 21st instant, No. 24.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. W. J. Boyton.

Order thereon 22d October/39. No 588.

Ordered that the fore-going letter & its enclosure be forwarded to the Right Honble the Secy. of State for his consideration & orders, with reference to the correspondence submitted with the Despatch dated 21st Instant. No 219.

To the Trustees of the Civil Funds. } Dispd 22d