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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	409	Press
		~~Mis.~~
	119-120	
Dated	28-5-	18 62.

119-120

10/4

Not to be folded or roughly handled

*Proceedings of the Madras Government, Financial Department,
23th May 1862.*

No. 119. Read the following papers :—

From W. HUDLESTON, Esq., Secretary to the Civil Fund; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 19th May 1862, No. 154.

Referring to my letter, dated 12th February 1861, No. 47, reporting to the Government the refusal of Messrs. Arbuthnot and Co., Mr.

To Messrs. Arbuthnot and Co., dated 8th Nov. 1861, No. 268.	G. L. Prendergast's Agents, to receive in his
From do. " 12th do. " " 270.	behalf the amount of his subscriptions to the
From do. " 17th Feb. 1862, " 67.	Civil Service Annuity Fund, sanctioned to be
From do. " 28th April " " 110.	refunded to him, I am desired by the Managers
To do. " 9th May " " 127.	to report, that, they have recently received an application from Messrs. Arbuthnot and Co.,

requesting, in accordance with Mr. Prendergast's instructions, that the Managers would grant them an order for the amount in question, which has accordingly been done.

Copy of the further correspondence held on the subject is herewith forwarded for the information of the Government.

From W. HUDLESTON, Esq., Secretary to the Civil Fund; to Messrs. ARBUTHNOT and Co., dated 8th November 1861.

With reference to the correspondence noted in the margin, I am desired by the Managers of the Civil Service Annuity Fund to request

To Messrs. Arbuthnot and Co., dated 19th January 1861.	you will be good enough to inform them of the
From do. " 21st do. " do.	final decision to which Mr. G. L. Prendergast
To do. " 22nd do. " do.	has come, in regard to the refund to him of his
From do. " 24th do. " do.	subscriptions to the Fund which was sanctioned
To do. " 26th do. " do.	by Government, as the order for the amount which was returned by you still remains uncanceled

and undischarged, which is objectionable in every point of view.

From Messrs. ARBUTHNOT and Co., Madras; to W. HUDLESTON, Esq., Secretary, Civil Fund, Fort Saint George, dated 12th November 1861.

We have the honor to acknowledge receipt of your letter of the 8th instant, and to inform you in reply that we have not again heard from Mr. G. L. Prendergast relative to the acceptance or otherwise of the refund of his subscriptions to the Civil Fund. We shall forward to him by this Mail a copy of your letter, and we shall communicate his reply to you when we receive it.

From Messrs. ARBUTHNOT and Co., Madras; to W. HUDLESTON, Esq., Secretary, Civil Fund, Fort Saint George, dated 17th February 1862.

With reference to our letter of the 12th November, we enclose copy of one received by us from G. L. Prendergast, Esq., by the last Mail, regarding his subscriptions to the Civil Fund.

"In reply to your letter of the 11th November 1861, which reached me last month, I beg of you to be so good as to express to the Trustees of the Civil Fund, my thanks for their kind consideration, and add that I hope they will not take it amiss if I ask them to extend it to a further period.

Suffering under a guiltless dismissal for an ignorant sin, the grounds of the dismissal never having been imparted to me, and being innocent of all offence, I do not despair of being able to right myself, eventually, both in respect of my re-placement on the roll and the acquisition of the Annuity.

The sacrifice of the £150 per annum, interest on the unreceived refund, will vouch for my earnest anxiety in this matter if it still be thought I am hoping beyond and against hope.

It is not merely that I *did not* commit the imputed offence; but I *could not* commit it. It was not in my nature to do it.

I have far too little fondness for money to propose illicit gain to myself, my gifts of publications printed out of my own resources (7) seven times over to the service, marked my character whilst in India in this respect, and since I have been in England, and in reduced circumstances,

*Proceedings of the Madras Government, Financial Department,
28th May 1862.*

I have offered to give £1,500 in one sum (more than I was accused of *trying* to make improperly), to rescue Shakespear's Gardens at Stratford from the hands of builders—a fact which Mr. Halliwell of 6, St. Mary's Place, Brompton, can vouch.

The Trustees will not think the worse of me, I am sure, for endeavouring to remove a slur which, God knows, I have most unwittingly cast upon the service; to do honor to which has been my sole aim and ambition from the day I entered it.

The question of my Pension is one in which the whole body is directly interested, for though no Civilian is capable of an infraction of a *known* law, who is safe from the imputation of a *constructive* offence! If the gained Pension, gained by a due performance of duty for the stipulated period is to be held pledged anew after in some cases 12, in others 25 years' service, and liable to be then lost at the pleasure or rather displeasure of Government for some unintentional offence, it is of moment to every Civilian that so important a point should be thoroughly examined and set at rest."

From Messrs. ARBUTHNOT and Co., Madras; to the Secretary Civil Fund, Fort Saint George, dated 28th April 1862.

We have the honor to forward copy of letter from Mr. G. L. Prendergast to our address, and we request you will be so good as to send us an order for the amount of his subscription to the Fund.

(Copy.)

25th March 1862.

DEAR SIRs,

In acknowledging the receipt of your letter of the 15th ultimo, I now write to request the favor of you to receive from the Trustees the refund of my subscriptions from the Civil Fund, and to remit me the amount by a Bill on Coutts at 30 days' sight; my present purpose is to invest the amount in a Government annuity, the proceeds of which, annually, will enable me to do some good to others, not to myself. To myself it will not be peculiar profit.

Should the hope, which I still entertain of obtaining a reversal of the sentence so strangely passed upon me, be disappointed; I *think* I shall be able to *live down* the false imputation which has been fastened upon me, of attempting to make money in an illicit manner, an act of which I am *utterly* incapable.

It is not that I *did not* do it, I *could not* have done it. It is not in my nature to do it. I do not care for *money*, but I *do* care for *honor*; even in my altered circumstances I have offered to give in one sum £1,500, a larger sum than I have been stigmatised as trying to make illicitly, to rescue Shakespear's Gardens at Stratford upon Avon from the hands of builders.

One great source of distress to me is, that I have, God knows how, unwittingly cast a slur upon the noble service of which I was a member for 32 years of that service, I humbly pray pardon for having done so. From the day I first took office in it till the day I was dislanted, my daily thought, my every endeavour, was to do something to benefit my fellows. It was little I was able to do—something to raise the service—and yet I have been *the* one held not to be worthy to remain in it.

(Signed) G. L. PRENDERGAST.

Messrs. ARBUTHNOT and Co., Madras.

P. S.—In 1857 hearing that Messrs. Child and Co, who held the Securities of my Father's Estate in their custody had, without authority, sold out some of them, I wrote angrily home, and they instantly re-purchased other similar Securities, and thus replaced those they had sold. But the turn of market was then against them and they lost £215-12-4.

On my appearing at their Banking House, Temple Bar, one of the Firm represented to me that they had thus, in consequence of my letters, lost this sum, that they had done the best in their judgment for the benefit of the Estate, and as they had acted in respect of similar Securities belonging to other constituents.

*Proceedings of the Madras Government, Financial Department,
28th May 1862.*

The money could not be repaid from the Estate, for the act was clearly illegal and unauthorized. I did not torture them by upbraiding them for their illegal act, and merely say *they* had done it, and must bear the consequences of their own deeds. I saw the visage of the offence in their high character. There was nothing *black* in that. They could not have done it with the intention of doing wrong. "*Actus non facit reum nisi meus sit rea.*"

I, though I could ill afford it, gave them the £215-12-4 on the 8th instant, though they had no claim whatever on me personally; for my letters in 1857 were written on the Estate account, not my own individually—my sister Mrs. Simson afterwards on hearing of it kindly shared the amount.

Yet I am the man Government have supposed would take advantage in my transactions with Soucars to make Rupees out of them—a man so lost to all sense of honesty—all feeling of duty—all sense of honor.

There is much yet to be cleared up in my case. The Advocate General talked of my frank confession to Sir Charles Trevelyan—why Sir Charles Trevelyan *assumed* I was guilty—and whilst I, who had not then realized what was the real charge against me, talked of *one* thing, he was thinking of another. It was put as if I had committed accidental or justifiable homicide and he assumed I was guilty of murder because I admitted the act which took away life, and why, if guilty, should I not have resigned and escaped the consequences when acceptance of resignation was offered almost to me as the Advocate General says it was; but because I know my own innocence, and to resign then was to acknowledge my guilt and to sneak out of its punishment. I did resign, when *but not before* I had given my explanation to the world and because of my deep humiliation, I expected the acquittal of innocence but found condemnation.

(True Copy.)

(Signed) ARBUTHNOT and Co.

From W. HUDLESTON, Esq., Secretary; to Messrs. ARBUTHNOT and Co., dated 9th May 1862.

In reply to your letter, dated 23th April 1862, forwarding copy of a letter from Mr. G. L. Prendergast to your address, I am desired by the Managers of the Civil Service Annuity Fund to re-transmit to you the accompanying order for the sum of Rupees (29,352-8-2) twenty-nine thousand three hundred and fifty-two, Annas eight and Pice two, being the amount of Mr. Prendergast's accumulated subscription to the Civil Service Annuity Fund which was returned to me with your letter, dated 24th January 1861.

I request you will be good enough to acknowledge the receipt of the order.

(True Copies.)

(Signed) W. HUDLESTON,
Secretary.

No. 120.

ORDER THEREON, 28th May 1862, No. 409.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. T. O'Connor.

57
Madras 28th April 1862

The Secretary Civil Fund
Fort Saint George.

Sir,

We have the honor to forward
Copy of letter from W. G. L. Pendergast
to our address and we request you will
be so good as to send us an Order for
the amount of his subscription to the
Fund.

We have the honor very
(Sd^{ly}) Arbutnot & Co.
(Copy)

25th March 1862

Dear Sir,

An acknowledging the receipt
of your letter of the 15th Ultimo, I now
write to request the favor of you to receive
from the Trustees the refund of my sub-
scriptions from the Civil Fund - and to
remit me the amount by a Bill on Coutts
at 30 days sight. my present purpose is
to invest the amount in a Gov^t Annuity,
the proceeds of which, annually, will
enable me to do some good to others
not to myself. To myself it will be pecu-
-liar profit.

Should the hope which I still
entertain

entertain of obtaining a reversal of the sentence so strangely passed upon me - be disappointed; I think I shall be able to live down the false imputation which has been fastened upon me - of attempting to make money in an illicit manner an act of which I am utterly incapable.

It is not that I did not do it I could not have done it. It is not in my nature to do it. I do not care for money but I do care for honor even in my altered circumstances I have offered to give in one sum £1500 a larger sum than I have been stigmatised as trying to make illicitly to rescue Shakespeare's Gardens at Stratford upon Avon from the hands of Builders.

One great source of distress to me is that I have God knows how unwittingly cast a slur upon the noble service of which I was a member for 32 years of that service I humbly pray pardon for having done so. From the day I first took office in it till the day I was displaced, my daily thought, my every endeavour, was to do something to benefit my fellows it was little I was able to do something to raise the

Service

7
service - and yet I have been the one held not to be worthy to remain it.

I am &c.
(Sigs.) G. L. Pendergast
Messrs. Arbuthnot & Co.
Madras.

P.S. In 1857 hearing that Messrs. Child & Co. who held the securities of my Father's Estate in their custody had, without authority, sold out some of them, I wrote angrily home, and they instantly repurchased other similar securities and thus replaced those they had sold. But the turn of market was then against them and they lost £215-12-4.

On my appearing at their Banking House Temple Bar one of the Firm represented to me that they had thus in consequence of my letters lost this sum that they had done the best in their judgment for the benefit of the Estate and as they had acted in respect of similar securities belonging to other constituents.

The money could not be repaid from the Estate for the act was clearly illegal and unauthorized. I did not torture them by upbraiding them for their illegal act and merely say they had done

done it and must bear the consequences of their own deeds. I saw the visage of the offence in their high character. There was nothing black in that. They could not have done it with the intention of doing wrong. "Actus non facit reum nisi mens sit rea."

I thought I could ill afford it gave them the £ 215. 12. 4. on the 8th. Instant though they had no claim whatever on me personally for my letters in 1857 were written on the Estate account not my own individually - my sister Mrs. Simson afterwards on hearing of it kindly shared the amount.

Yet I am the man Government have supposed would take advantage in any transactions with Soucar to make Rupees out of them - a man so lost to all sense of honesty - all feeling of duty - all sense of honor.

There is much yet to be cleared up in my case. The Advocate General talked of my frank confession to Sir Charles Trevelyan - why Sir Charles Trevelyan assumed I was guilty - and whilst I - who had not then realized what was the real charge against me - talked of one thing, he was thinking of another.

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9
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(True Copy)
(Signed) Arbutnot and Co.

Madras
Civil Fund Office
9th May 1862

To.

Messrs. Arbutnot & Co.
Gentlemen.

In reply to your letter dated 28th April 1862, forwarding copy of a letter from Mr. G. L. Prendergast to your address, I am desired by the Managers of

of the Civil Service Annuity Fund, to
retransmit to you the accompanying
Order for the sum of Rupees (29,352. 8. 2)
twenty nine thousand three hundred
and fifty two, annas eight and pice two,
being the amount of Mr. Prendergast's
accumulated subscriptions to the Civil
Service Annuity Fund which was re-
turned to me with your letter dated 24th
January 1861.

I request you will be good
enough to acknowledge the receipt of
the Order.

I am &c.

(Sgt.) W. H. Hudson
Secretary

(True Copies)

L. H. Hudson.
Secretary

7m 2/6 28
No 420

To Messrs. Arbutnot & Co dated 19 Jan'y 1861
From Rs 21/- 8/-
Do Do 22/- 8/-
From Rs 24/- 8/-
Do Do 26/- 8/-

(Copy)

Madras
Civil Fund Office
8th November 1861

To Messrs. Arbutnot and Co
Gentlemen,

With reference to the correspondence noted in the margin, I am desired by the Managers of the Civil Service Annuity Fund to request you will be good enough to inform them of the final decision to which Mr. G. L. Prendergast has come, in regard to the refund to him of his subscriptions to the Fund which was sanctioned by Government, as the order for the amount which was returned by you still remains uncanceled and undischarged which is objectionable in every point of view.

I am &c
(Sgd) W. Huddleston
Secretary.

Madras 12th November 1861
W. Huddleston Esq.
Secretary Civil Fund
Fort Saint George.

Sir,
We have the honor to acknowledge receipt-

receipt of your letter of the 8th Instant, &
to inform you in reply that we have not
again heard from Mr. G. L. Prendergast
relative to the acceptance or otherwise of the
refund of his Subscriptions to the Civil
Fund. We shall forward to him by this
mail a copy of your letter, and we shall
communicate his reply to you when we
receive it.

We have the honor & am
(Sigs.) Arthur H. H.

Madras 17th February 1862.

W. Huddleston Esq.
Secretary Civil Fund,
Fort Saint George.

Sir,

With reference to our letter of the
12th November, we enclose copy of one
received by us from G. L. Prendergast Esq.
by the last mail, regarding his subscrip-
tions to the Civil Fund.

In reply to your letter of the
11th November 1861 which reached me last
month, I beg of you to be so good as to
express to the Trustees of the Civil Fund
my thanks for their kind consideration
and add that I hope they will not take
it amiss if I ask them to extend it to a
further period.

Suffering

Suffering under a guiltless dis-
-missal for an ignorant sin - the grounds
of the dismissal never having been imputed
to me and being innocent of all offence.
I do not despair of being able to right my-
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replacement on the roll & the acquisition
of the Annuity.

The sacrifice of the £150 per an-
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will vouch for my earnest anxiety in
this matter if it still be thought I am
hoping beyond and against hope.

It is not merely that I did not
commit the imputed offence; but I
could not commit it. It was not in
my nature to do it.

I have far too little fondness for
money to propose illicit gain to myself
my gifts of publications printed out
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service marked my character whilst
in India in this respect and since I
have been in England and in reduced
circumstances I have offered to give
£1,500 in one sum (more than I was ac-
-cused of trying to make improperly)
to rescue Shakespeare's gardens at
Stratford from the hands of Builders.

a fact which Mr. Halliwell of St. Mary's Place Brompton can vouch.

The Trustees will not think the words of me, I am sure, for endeavouring to remove a slur which, God knows, I have most unwillingly cast upon the service, to do honor to which has been my sole aim and ambition from the day I entered it.

The question of my Pension is one in which the whole body is directly interested. for though no Civilian is capable of an infraction of a known law - who is safe from the imputation of a constructive offence! If the earned Pension - gained by a due performance of duty for the stipulated period is to be held pledged anew after in some cases 12 - in others 25 years service, and liable to be then lost at the pleasure or rather displeasure of Government for some unintentional offence, it is of moment to every Civilian that so important a point should be thoroughly examined and set at rest.

We have the honor &c
(Sigs) Arbutnot &c

Madras

Recd 1862
no 420

N^o 154

Madras
Civil Fund Office
19th May 1862

From

W Huddleston Esq^r
Secretary to the Civil Fund,

To,

A J Arbutnot Esq^r
Acting Chief Secretary
to Government.

Sir,

Referring to my letter dated 12th February 1861 N^o 147, reporting to the Government the refusal of Messrs Arbutnot and Mr. G. L. Pendergast agents, to receive in his behalf the amount of his Subscriptions to the Civil Service Annuity Fund, sanctioned to be refunded to him, I am desired by the Managers to report, that, they have recently received an application from Messrs Arbutnot and Mr. Pendergast, in accordance with Mr. Pendergast's instructions, that the Managers would grant them an Order for the amount in question, which has accordingly been done.

Copy of the further correspondence
held

To Messrs Arbutnot &c dated 8th November 1861 N^o 268
From do do do do do do N^o 270
To do do do do do do N^o 67
From do do do do do do N^o 110
To do do do do do do N^o 127

held on the subject is herewith forward-
ed for the information of the Government.

I have the honor to be,
Sir,

Your Obedient Servant.

L. Audraston
Secretary.

Box = 21⁰ 2⁰ 8⁰ 10⁰ 1861
in 96

7 mil 1862. Sep 1st
No 409-88 May 1862
Recorded

From *Wm*
The Secy to the Joint
Fund. 154.

St 19th 1862
Sep 20th 1862.

Re 1862
Nov 2.

Reports that the Managers of the Fund have received an application from Mrs J. W. W. to be paid out in accordance with the Act. The Managers will not grant her an order for the amount of our Pension as to subscription to the Civil Service Journal Fund & have found it to be refused to him & that the same has accordingly been done.