

S.R.O. I—77,001—8-07.

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Reformer _____

MADRAS RECORD OFFICE.

Government of Madras.

_____ DEPARTMENT.

G.O. No.		Press / Mis.
Dated		

Not to be folded or roughly handled

No. 122. Read the following Despatch from the Right Honourable the Secretary of State for India, to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated India Office, London, 26th October 1871, No. 94 (Financial) :—

I have considered in Council your Financial letter, dated the 25th July last, No. 14, requesting that the necessary instructions may be issued to the Managers of the Civil Service Annuity Fund at your Presidency to adjust, in their accounts, the sums of 5,565*l.* 10*s.* and 1,263*l.* 10*s.* 3*d.*, refunded to, and received from Mr. W. E. Underwood, late Madras Civil Service, in this country.

2. It is not clearly apparent what instructions to the Managers of the Annuity Fund are necessary from the Home Government, as it has never been the practice to correspond with that body direct.

3. In August 1865, Mr. Underwood filed a bill in the Court of Chancery against the Secretary of State in Council, to recover the excess of the accumulated subscription to the Civil Annuity Fund standing to his credit on the 1st May 1860, over and above the half value of his annuity, with interest thereon, at the rate of five per cent. per annum, to the time of payment. A decree was pronounced in favour of the plaintiff, on 20th December 1867, for 5,565*l.* 10*s.*, being the agreed value of Rupees 45,130-15-6, and interest thereon from 1st May 1860.

4. On the 2nd March 1868, the above sum of 5,565*l.* 10*s.* was paid to Mr. Underwood, and on the 18th June of the same year his taxed costs, 674*l.* 0*s.* 10*d.* were paid to his Solicitors.

5. The Secretary of State appealed to the House of Lords, and on the 20th May 1870, judgment was delivered, whereby the decree of the Vice-Chancellor was reversed, and an order was made (the Secretary of State in Council consenting thereto) that the sums paid to Mr. Underwood for principal, interest, and costs should be refunded, after deducting his costs in the original suit, and of the appeal, such last-mentioned costs to be taxed and certified by the Clerk of the Parliaments.

6. The Clerk of the Parliaments accordingly taxed and certified the amount of costs to be 1,365*l.* 13*s.* After deducting the costs 1,365*l.* 13*s.* from the sum of 5,565*l.* 10*s.* paid to Mr. Underwood under the decree (exclusive of the costs in the Court below) there remained to be refunded by him 4,199*l.* 17*s.*

7. Of the last-mentioned amount, there has been paid into the Home Treasury by Mr. Underwood, or on his account, the following sums, viz. :—

1871	£	*s.*	*d.*
4th February	246	0	9
6th ,, ...	1,017	10	0
13th April	847	10	0
8th July	748	15	9
21st August	30	15	0
Total ...	2,890	11	6

8. You will be advised of further recoveries from Mr. Underwood when effected, and it will rest with your Government to give the necessary instructions

to the Managers of the Annuity Fund for the adjustment of these sums in the accounts.

No. 129. ORDER THEREON, 30th November 1871, No. 720.

Communicated to the Accountant-General, and to the Managers of the Civil Service Annuity Fund with reference to G. O., dated the 21st July 1871, No. 305.

2. The Accountant-General will arrange, in communication with the Managers, for making the necessary adjustments of the sums referred to in the foregoing despatch.

(True Extract.)

Chief Secretary.

To the Accountant-General.
,, Managers of the Civil Service Annuity Fund.

Ed. J. Wright.

Govt. of India 1871 GG
FINANCIAL.
To The ACCOUNTANT-GENERAL, &c.
Dated March 30th, 1871.
Read
Dated November 1871. No. 7...
Read
NOVEMBER.
Nos. 123-128.

India Office, London,
26 October 1871.

Financial,
No. 94.

To His Excellency The Right Honourable The Governor in Council, Fort St. George.

My Lord,

Para. 1. I have considered in Council your Financial Letter, dated the 25th July last, No. 14, requesting that the necessary instructions may be issued to the Managers of the Civil Service Annuity Fund at your Presidency to adjust in their accounts the sums of 5,565*l.* 10*s.* and 1,263*l.* 10*s.* 3*d.* refunded to, and received from Mr. W. E. Underwood, late Madras Civil Service, in this country.

2. It is not clearly apparent what instructions to the Managers of the Annuity Fund are necessary from the Home Government, as it has never been the practice to correspond with that body direct.

3. In August 1865, Mr. Underwood filed a Bill in the Court of Chancery against the Secretary of State in Council, to recover the excess of the accumulated subscription to the Civil Annuity Fund standing to his credit on the 1st May 1860, over and above the half value of his annuity, with interest thereon at the rate of five per cent. per annum to the time of payment. A decree was pronounced in favour of the Plaintiff, on 20th December 1867, for 5,565*l.* 10*s.*, being the agreed value of Rs. 45,130. 15. 6, and interest thereon from 1st May 1860.

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7. Of the last-mentioned amount, there has been paid into the Home Treasury by Mr. Underwood, or on his account, the following sums, viz. :—

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13th April	847	10	0
8th July	748	15	9
21st August	30	15	0

8. You will be advised of further recoveries from Mr. Underwood when effected, and it will rest with your Government to give the necessary instructions to the Managers of the Annuity Fund for the adjustment of these sums in the accounts.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

Rec'd 28th July 1871 & No 16
Desp'd July 1871 & 46-47

Financial 1871 Despatch
No 12.

Financial
26th Oct 1871.

Re
Letter to Post St George
No 94

Ext of 15 Dec!

30 Nov/71 No 729

Communicating
to the Secretary
Financial, and to the
Managers of the Civil
Service Annuity Fund
with reference to F. O of
the 21st July 1871. No 303.

The Secretary
Financial will enquire
in Communication with
the Managers, for making
the necessary Entries
of the Sums referred to in
the foregoing Despatch.

30(100)

To the Secretary Financial &c &c &c

Rec'd 20th Nov/71 with Enclosure

£ 860

Particulars information regarding
the recoveries effected from
W. W. E. Underwood, late of
the Mauritius Civil Service, in
connection with his suit
against the Civil Fund

With our

Sort of Instruments.

Financial

The Accountant General

&c.

Received 2nd Jan 30

Read 30 March

122. 123.

Encloses Copy Letter from the Secretary of State forwarding information respecting Engineering Plans to be executed at Fremantle from Messrs. H. E. Blackwood the Contractors for the Railroad & Connecting with the said Contract agreeable to the Terms thereof.