M.R.O. 1—77,006—8-6-37.

(1) Number of pages 1

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 342	Press Mis.
204-205	204-205
Dated 15-2-	18 75.

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
15th February 1875.

Civil Fund.

No. 204. Read the following letter from H. E. STOKES, Esq., Secretary to the Civil Fund, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 9th February 1875, No. 66:—

Referring to G.O., dated 11th January 1875, No. 38, communicating to the Managers of the Madras Civil Service Annuity Fund an opinion of the Advocate-General that the transfer of the Fund under 37 Vic., Cap. 12, should be made by a regular deed, I am directed to ask whether the Government intend that any such step should be taken, and if so, whether they or the Managers are to have the deed drawn up. Inasmuch as the deficiency in the assets of the Fund which include those of the previous funds long since closed is and has been for years past made good by the Government, and the transfer of assets and liabilities is in fact nominal; as the terms of the transaction are recorded in an Act of Parliament; and as the publication of the notification therein prescribed would probably be taken in the event of question as raising sufficient presumption that the transfer was validly made; the Managers doubt whether so formal an instrument is required, and on their part will not insist upon it. If, however, the Government desire a deed the Managers request that definite instructions may be given in view to speedy completion of the transaction.

No. 205. ORDER THEREON, 15th February 1875, No. 342.
A reference will be made to the Government of India.
(True Extract.)

Acting Chief Secretary.

To the Managers of the Civil Fund.

Exd. J. Wright.

Civil Fund.

FINANCIAL DEPARTMENT.

No. 343.

FROM

THE HON. D. F. CARMICHAEL,
Acting Chief Secretary to the Government of Fort St. George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

SIR,

I am directed to submit for the information of the Government of India the papers marginally noted.

Procs., 10th September 1874, No. 1535.
,, 11th January 1875, ,, 38.
,, 15th February ,, ,, 342.

2. The Acting Controller-General having apprized the Accountant-General that the Madras *Civil Annuity Fund* (*with others*) had ceased to exist under the 37th of the Queen, Cap. 12, the Managers pointed out that the Act is only an enabling one, and that the abolition of the Fund by a mere departmental order of the Chief Officer of Accounts is not the course prescribed by Sections 1 and 2 of the Statute.

2. The Advocate-General has given his opinion that the contention is sound. He recommends moreover a regular deed to be executed by the Trustees and Secretary of State respectively. The Managers however doubt whether so formal an instrument is required ; they consider it will be sufficient if the Government of India notifies its acceptance of the transfer of the assets and liabilities of the Fund, which they for their part have formally tendered.

3. Awaiting a communication of the instructions of His Excellency the Viceroy and Governor-General in Council on the matter,

I have the honor to be,
Sir,
Your most obedient servant,

FORT ST. GEORGE,
15*th February* 1875.

Acting Chief Secretary.

Exd. J. Wright.

Govt. of Madras
FINANCIAL.
To THE MANAGERS OF THE CIVIL FUN
Dated February, 15th.
Read.
G.O., 15th February 1875, No. 342.
FEBRUARY.
Nos. 204—206.
Madras Civil Fund.—Inquiry made of t
Government of India as to whether the transfer
this Fund to Government should be made by
regular deed.

1875.

FINANCIAL DEPARTMENT.

From

The Acting Chief Secretary to Govt.,
Fort St. George,

To

The Secretary to the Govt. of India,
Financial Department.

Dated 15th February 1875.

Read.

No. 343.

Enclosure.

Madras Civil Fund.—Inquiry made as to whether the transfer of this Fund to Government should be made by a regular deed.

No. 66

Madras
Civil Fund Office
9th February 1875.

From,

H. E. Stokes Esqre.
Secretary to the Civil Fund.

To,

The Hon: D. F. Carmichael
Actg Chief Secretary to Government.

Sir,

Referring to Government Order 11th January 1875 No. 38, communicating to the Managers of the Madras Civil Service Annuity Fund an opinion of the Advocate General, that the transfer of the Fund under 37 Victoria Chapter 12 should be made by a regular deed, I am directed to ask whether the Government intend that any such step should be taken and if so, whether they or the Managers are to have the deed drawn up. Inasmuch as the deficiency in the assets of the Fund which include those of the previous funds, long since closed, is and has been for years past made good by the Government, and the transfer of assets and liabilities is in fact nominal; as the terms of the transaction are recorded in an act of Parliament; and as the publication of the notification therein prescribed would probably be taken in the event of question as raising sufficient presumption that the transfer was validly made: the Managers doubt whether so formal an instrument is required, and on their part will not insist upon it. If however the Government desire a deed the Managers request that definite instructions may be given in view to speedy completion of the transaction.

I have the honor to be
Sir
Your Obedient Servant

H Stokes
Secretary

14th Jan.y 1875, Nos 47-49
10th Sept.r 1874, Nos 100-101

1875.

Finance Department
Civil Fund.

The Secretary to the Civil Fund

To

The Acting Chief Secretary to Government

Dated 9th February 1875
Regd 12th —"— —"—
No 66

No

No 336

Requests to be informed whether under the opinion expressed by the Advocate General, the Government desire that the transfer of the Annuity Fund should be made by a regular deed.

Under Sec.y's Letter No. 342 dated 9/2/1875

Reference will be made to the Secretary of State

Rs 5 - 15/2/75

Rs 204 -

Manager of the Civil Fund. Rs 15/2/75

Item

der Fetak-Form

14-11-18
19-9-1911
2-9-20

Govt. of {187 } Madras
Jud

G. O., 15-Jul, 1875-No. 542.

Nos. 204-206

Eurasians Ass Fund - Enquiry
made of the S.P.I. as to whether
the transfer of the Fund to pro-
Bd. be made & a reply sent