

(1) Number of pages 14
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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	<u>457</u>	Press Mis.
Dated	<u>7-9-</u>	<u>1861..</u>

10-11

8/9

Not to be folded or roughly handled

12

*Proceedings of the Madras Government, Financial Department,
7th September 1861.*

Read again letter from the Officiating Secretary to the Government Savings' Bank, dated 12th and recorded in Proceedings of the 19th August 1861.

No. 10. Read also the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to J. D. SIM, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 23rd August 1861, No. 652.

1. I have the honor to acknowledge the
Dated 19th August 1861, No. 431, Financial Department. Proceedings of Government, noted in the margin, and its accompaniments.

2. I submitted same for the consideration of the Advocate General, and now forward a copy of his opinion.

3. I also return Mr. Williams' application to the Secretary to the Government Savings' Bank, dated 9th August 1861.

COPY—OPINION.

I do not think this application can be safely complied with. The money belongs to the children; and, if paid over to their brother, Government would have no security against his applying the money to his own purposes; in which case Government would have to make good the money to the minors.

If Mr. Williams were to get himself appointed their guardian by the Supreme Court, or get them made Wards of Court and then to get an order directing the money to be paid to the Accountant General, and by him invested in Government Securities in the children's names, and the Interest paid to their brother for their maintenance and education, this would secure Government, but I doubt whether the expense would not deter Mr. Williams from taking this course.

As matter of arrangement, if Mr. Williams were to deposit say Rupees 2,500 as security that he would invest the money when paid to him in separate Government Promissory Notes of Rupees 1,000 each in the names of the two children, and deposit these Notes with the Accountant General or Sub Treasurer (if they would consent to take charge of them) this would save Government from risk, but it might give a little trouble to these Officers, and perhaps create a troublesome precedent; and after all Mr. Williams would be obliged then to apply to the Supreme Court before the interest on Notes in the minors' names could be paid to him.

Madras, 22nd August 1861.

(Signed) T. SYDNEY SYITH,
Advocate General.

(True Copy.)

(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 11. ORDER THEREON, 7th September 1861, No. 457.

Ordered that the opinion of the Advocate General be communicated to the Officiating Secretary to the Government Savings' Bank in reference to Mr. Williams' application submitted with his letter of the 12th August, No. 433.

2. With respect to the meaning of part of Rule XII of the Savings' Bank Rules for Civil depositors, regarding which instructions are solicited, the Government desire that the Secretary will ascertain whether a similar Rule exists in Bengal and Bombay, and if so, what is the practice of the Banks there, or how the Rule is acted upon in those Presidencies.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

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Copy Opinion -

I do not think this application can be safely complied with. The money belongs to the Children; and if paid over to their brother, Government would have no security against his applying the money to his own purposes; in which case Government would have to make good the money to the minors.

If Mr. Williams were to get himself appointed their Guardian by the Supreme Court, or get them made Wards of Court and then to get an Order directing the money to be paid to the Accountant General, and by him invested in Government Securities in the Children's names, and the Interest paid to their brother for their maintenance and education, this would secure Government - but I doubt whether the expense would ^{not} deter Mr. Williams from taking this course.

As matter of arrangement, if Mr. Williams were to deposit say Rupees 2500 as security that he would invest the money when paid to him in separate Government Promissory Notes of Rupees 1000 each in the names of the two Children and deposit these Notes with the Accountant General or Sub Treasurer (if they would consent to take charge of them) this would save Government from risk, but it might give a little trouble to these officers, and perhaps create a troublesome precedent; and after all Mr. Williams would be obliged then to apply to the Supreme Court - before the Interest on Notes in the minors' names could be paid to him.

/Signed/ J. Sydney Smyth -
Adv. Gen.

ust 22nd / 61.

/True Copy/

Edm. Miller

Actg. Gov. Solr.

N^o 652.

Madras, August 23rd, 1861.

From John Miller Esq^{re}
Actg. Government Solicitor Madras

To J. D. Sim Esq^{re}
Actg. Chief Secretary to Government Madras

Sir,

Dated 19th August 1861. 1. I have the honor to acknowledge the Proceedings of Government N^o 434. Financial Department noted in the margin, and its accompaniments.

2. I submitted same for the consideration of the Advocate General, and now forward a Copy of his opinion.

3. I also return Mr. William's application to the Secretary to the Government Savings Bank, dated 9th August 1861.

I have the honor to be,

Sir,
Your most Obedient Servant,
John Miller
Actg. Gov. Sol^r

Re
the meaning of part
of Rule XII of the Savings
Bank Rules for Civil
Depositors

Copy
of Advocate General's Opinion
N^o 652.

From
The Actg. Secy to the Govt
for the Actg. Chief Secy to Govt
Madras

Dated August 23rd, 1861.

Filed 1/17/8
N^o 490

118
Financial Depart.

Proceedings of the Madras Govt.

Read again letter from the Offg Secretary to the Govt Savings Bank, dated 12th and recorded in Proceedings of the 17th August 1861.

Read also letter from the Acting Govt Solicitor.

(Dated 23rd Aug. 1861. No 662.)

Order thereon 7th September 1861. No 457.

Ordered that the opinion of the Advocate General be communicated to the Offg Secretary to the Govt Savings Bank in reference to Mr. Williams' application submitted with his letter of the 12th August. No 403.

2. With respect to the meaning of part of Rule XII of the Savings Bank Rules for Civil Depositors, regarding which instructions are solicited, the Govt desire

W. L.

W. L.

1854

21st Dec 1861. Refd.

From the Secy for the Govt -

The Secy. Chief Secy to Govt -

Dated 23rd

Recd 23rd August.

No 652.

1st Enclosure.

No 490

Forward with reference to

the proceedings of Govt -

inward with financial

Department dated 19

August 1861. No 434

Copy Advocate General's

opinion on the conditions

shown of Rule XII of the

Savings Bank as to the

withdrawing of deposits

standing in the names of

children and return of Mr

Williams' letter dated 9

August 1861.

22.5/2

Mr. [illegible]

desire that the Secretary
will ascertain whether a
similar rule exists in Ban-
gal and Bombay - & if so,
what is the practice of
the Banks there, or how
the rule is acted upon
in those Presidencies.

MS.

To the Offg. Secy to the
Govt Savings Bank.
& with Mr. Williams' origi-
nal application.

LE 40-14-

[Signature]

