

(1) Number of pages 8

(2) Date of repair _____

(3) Initials of the Referencer CP

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.G.O. No. 650Press
Mis.

B.M. 9-10

Dated

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9-10

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Financial Department,
6th September 1862.*

Read Proceedings of the Madras Government, dated 28th August 1862, No. 634, and letter from Chief Secretary to Government, to the Government Solicitor, dated 29th August 1862, No. 639.

No. 9. Read also the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Madras, dated 2nd September 1862, No. 386.

1. I have the honor to acknowledge your letter of the 29th ultimo, No. 639, informing me that numerous defalcations have recently been discovered in the Government Savings' Bank which can be traced to the late Actuary Mr. Clark, and requesting advice as to the course the Government should pursue to enable them to claim in satisfaction of the deficit, such Estate as may have been left by the late Actuary Mr. Clark.

2. I am of opinion that a Statement should be prepared of the defalcations in the Government Savings' Bank which can be traced to its late Actuary Mr. Clark, and that it should be sent to the Administrator General of Madras, who represents his Estate, as a claim against the Estate.

3. I am of opinion that Government is not entitled to priority of payment over other creditors in respect of their claims.

4. I am also of opinion that the Administrator General is entitled to claim the balance of salary due to Mr. Clark, and that Government cannot withhold payment thereof for the purpose of applying it towards reduction of the defalcations, but must first pay the salary due and come in as a creditor *peri passu* with other creditors.

No. 10. ORDER THEREON, 6th September 1862, No. 650.

In this letter the Acting Government Solicitor states, that in his opinion a statement should be prepared of the defalcations in the Government Savings' Bank which can be traced to the late Actuary Mr. Clark, and that it should be sent to the Administrator General of Madras who represents his Estate, as a claim against the Estate of the late Mr. Clark.

2. The Acting Solicitor is not of opinion that this claim will be entitled to any priority of payment over other creditors. He is also of opinion that the Administrator General is entitled to claim the balance of salary due to the late Mr. Clark, and that these monies cannot be withheld for the purpose of being applied towards a reduction of the defalcations, but that the Government should first pay the salary due and come in as creditors '*peri passu*' with other creditors.

3. In accordance with the opinion of the Acting Government Solicitor, the Government resolve to direct the Secretary to the Government Savings' Bank to prepare a statement of the defalcations which have up to the present date been discovered and traced to the late Actuary and to forward the same to the Administrator General for registry, as a claim against the Estate of the late Mr. Clark.

4. The Secretary of the Government Savings' Bank will also remit to the Administrator General Rupees 169-5-4, being the balance of salary due to the late Actuary.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Proceedings of the Madras
Govt.

Read ^{also} letter from the
Acting Govt. Secy -
d/ Sept. 2. 1862. -

Read ~~again~~ Proc. of the Madras
Govt d/ 20th Aug. 1862. No 634.

Read letter from Chief Secy
to the Govt. Secy.
d/ 29th Aug. 1862.
No. 639. -

Order thereon of 6 September 1862 No 650.

In this letter the Acting Govt.
Secy, states that in his
opinion a statement should
be prepared of the disbursements
in the Government Bank
which can be traced to the
late Secretary Mr. Black
and that it should be
sent to the Administrator
General of Madras who
presents his statement to the

by M

claim
against the estate of the
late Mr. Clark.

2 The Acting Secretary is not of opinion
that this claim will be entitled
to any priority of payment
over other creditors. He is also
of opinion that the Admin-
istrator General is
entitled to claim the
balance of Mr. Clark's
salary due to the late
Mr. Clark, and that
these monies cannot be
with held for the purpose
of being applied towards
a reduction of the defalcation,
but that the Govt should
first pay the salary
due & come in as creditors
pari passu with other
creditors.

3 In accordance with the
opinion of the Actg Secy
transmitted the Govt order
to direct the Secretary
to the Govt Savings Bank
to prepare a statement
of the defalcations which
have up to the present
date been discovered,
transmit to the Actg
Secretary and to forward
the same to the Admini-
strator General, as the
claim against the estate
of the late Mr. Clark.

4 The Secretary of the
Govt Savings Bank
will also remit to

The Administrator General

Rs 189. 5. 4. being the

balance of the long dues

to the late Actuary.

Wm

C. 650

Dec: 6th September/12
Annual 1862. J. J. J.

To the Secretary to the Govt Savings
Bank - dupl. D. C. 1/12

Copies given

Am. & A. & C. 23rd April
24th of 1863

Am. 1862 Dept
No 650

Proceedings of Court
Dated 6th April 1862

Under advice of the Court
to the effect that the
Court having been directed
to prepare a statement of the
defendants which have up
to the present date been
concerned in the late
action and to forward the
same to the administrator
of the estate of the late
John J. Clark as a claim
against the estate of the late
John J. Clark also to remit to the
administrator of the estate of the late
John J. Clark the balance of salary due
to the late Secretary.