

(1) Number of pages 8

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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. <u>80</u>	Press Mis.
Dated <u>31-1-</u>	18 <u>62</u> .

106-107

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Financial Department,
31st January 1862.*

Read again letters from Mrs. S. Wilkins, and the Secretary to the Government Savings' Bank, recorded in Proceedings of the 13th ultimo, No. 626.

No. 106. Read also the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Madras, dated 11th January 1862, No. 29.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, submitting for my opinion Mrs. Sarah Wilkins' application to Government for payment to her, without requiring production of Letters of Administration to the Estate of her late Husband

Dated 13th December 1861, No. 626, Financial Department.
Mr. J. R. Wilkins deceased of the sum of Rupees 1,314-5-5, deposited by him in the Government Savings' Bank.

2. I am of opinion that the payment of the sum of Rupees 1,314-5-4 to Mrs. Sarah Wilkins cannot safely be made to her without production of Probate of Will or Letters or Certificate of Administration.

3. If the payment is made without production of any one of these documents, I am of opinion that Government would be held liable to pay the money a second time if any other party clothed with Administration or Probate demanded it, or if any claims were made by Creditors of the Estate of the deceased depositor.

4. The suit now pending against Government and which is noted in the margin is and ought to be, I submit, a beacon to warn Government from departing from the strict and clear course of paying only those parties who are legally clothed with power to give Government a valid and effectual discharge for payments made. In that case the Government authorised the payment of a sum of about 8,000 Pagodas to a party alleging himself to be the legal representative of certain deceased persons without the production of Letters of Administration or Probate, and now after a lapse of many years a suit is instituted and being carried on against Government at great expense to Government, for the recovery of the amount which the Government so paid away, with interest upon it, and the Government have now to prove before the Supreme Court, that they paid the proper parties, and for this purpose enquiries have been made and a Commission has issued for the examination of witnesses at Benares.

5. I would therefore recommend that this applicant be informed that Government cannot interfere in the matter, and that she must act as she may be advised.

6. The costs of obtaining Letters of Administration to the deceased's Estate would amount to about 250 Rupees.

7. It would be impossible to specify in detail beforehand the several items of which the expense would be made up. The items would include payments to be made to the party's Proctor, to the Officers of the Supreme Court, the Master, the Registrar, the Judge's Clerk and the Sealer.

No. 107. ORDER THEREON, 31st January 1862, No. 80.

Resolved, that Mrs. S. Wilkins be informed that the Government cannot interfere in the matter of her application, and that she must act as she may be advised.

2. It appears to Government that Rupees 250, or nearly 20 per cent., is a large sum to pay for administering to an Estate of Rupees 1,300. The Government Solicitor will communicate with the Advocate General and report whether means might not be taken to reduce the expense of administering to Estates of small value, but in excess of Rupees 500.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

N^o 29.

Madras, January 11th, 1862.

From

John Miller Esq^r

Actg. Government Solicitor - Madras.

To

J. Pycroft Esq^r

Chief Secretary to Government - Madras.

Sir,

I have the honor to acknowledge the Proceedings of Government noted in the margin submitting Dated 13th December 1861. N^o. 626. Financial Department. for my opinion Mrs. Sarah Wilkins' application to Government for payment to her without requiring production of Letters of Administration to the Estate of her late Husband Mr. J. R. Wilkins deceased of the sum of Rupees 1314. 5. 4 deposited by him in the Government Savings Bank.

2. I am of opinion that the payment of the sum of Rupees 1314. 5. 4 to Mrs. Sarah Wilkins cannot safely be made to her without production of Probate of Will or Letters or Certificate of Administration.

3. If the payment is made without production of any of these documents I

I am of opinion that Government would be held liable to pay the money a second time if any other party clothed with an Administration or Probate demanded it, or if any claims were made by Creditors of the Estate of the deceased depositor.

4. The suit now pending against Government and which is noted in the margin is and ought to be V. Mooneswamy Chetty. I submit a beacon to warn Government from departing from the strict and clear course of paying only those parties who are legally clothed with power to give Government a valid and effectual discharge for payments made. In that case the Government authorized the payment of a sum of about 8000 Pagodas to a party alleging himself to be the legal representative of certain deceased persons without the production of Letters of Administration or Probate, and now after a lapse of many years a suit is instituted and being carried on against Government at great expense to Government, for the recovery of the amount which the Government so paid away, with interest upon it, and the Government have now to prove before the Supreme Court, that they paid the proper parties, and for this purpose inquiries

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inquiries have been made and a Commission issued for the examination of Witnesses at Benares.

5. I would therefore recommend that this applicant be informed that Government cannot interfere in the matter, and that she must act as she may be advised.

6. The Costs of obtaining Letters of Administration to the deceased's Estate would amount to about 250 Rupees.

7. It would be impossible to specify in detail beforehand the several items of which the expense would be made up. The items would include payments to be made to the parties Proctor, to the Officers of the Supreme Court, the Master, the Registrar, the Judge's Clerk and the Sealer.

I have the honor to be,

Sir,

Your most Obedient Servant

John Miller

Actg. Gov. to Gov.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again letter from Mrs. S. Wilkins & the Secy. to the Govt. Savings Bank recorded in No. of the 13th Ultimo. No 626.

Read the following letter from the Govt. Solicitor.

(Dated 11th Jan'y. 1862. No 29)

Order thereon 31st January 1862 No 80.

Resolved, that Mrs. S. Wilkins be informed that the Govt. cannot interfere in the matter of her application, & that she must act as she may be advised.

2 It appears to Govt. that Rs. 250, or nearly 20 per cent, is a large sum to pay for administering to an Estate of Rs. 1,300. The Govt. Solicitor will communicate with the Advocate General & report whether means might not be taken to reduce the expense of

No. 14 Dec 1861 No 626

For 1862 No 29
The Govt. Secy for Madras
in the Chief Secy to Government

Dated 11th Jan'y
No 29
No 80

Order with reference to
Order of Govt. 13th Dec 1861
No 626. Unpaid Rs. 115
kept for reasons stated for
should not interfere in
the matter of Mrs. Wilkins
Application for permission
to her withdrawal for actions
of Govt. of a similar nature
to her husband's estate
of the sum deposited by
her husband with the Govt.
Savings Bank.

22nd Jan'y
1862

of administering to estate
of small value - but in
sum of R500.

JP

Dec 1862. Department

No 80.

PROCEEDINGS OF GOVERNMENT

Dated 21 Jan'y 1862

Para 1
To Mr & Wilkins with reference to
Govt. Solicitor's letter dated 27th Nov. 1861 {recd 1st Dec 1861}