M.R.O. 1—77,006—8-6-37.

(1) Number of pages 16

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 281 Press / Mis.

72-73

Dated 26-1- 1867.

11/12

72.73

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
26th June 1867.

No. 72. Read the following letter from the Acting Commissary General, Madras, to the Secretary to Government, Military Department, Fort Saint George; dated Madras, 15th June 1867, No. 1863.

Mr. Powney, late Mechanical Engineer attached to this Department, had, at the time of his death, a sum of 2000 Rupees (exclusive of interest) at his credit in the Government Savings' Bank.

2. The Bank authorities refuse to pay this money to his widow, unless she takes out Letters of Administration, which, as he has left no Will, would prove a most expensive and tedious process, and would probably delay her sailing for England.

* Mary Powney, widow.
† William Powney.

3. Mr. Powney's only surviving relatives are a mother* and brother†, both residing at Stockport in England.

4. It appears from the Executive Officer's letter (attached) that the Bank would be willing to pay the money, if they receive the authority of Government so to do.

5. I, therefore, forward the application, in the hope that, if the rules admit of the same, the necessary instructions may be given to enable Mrs. Powney to draw the money before she leaves India.

From Captain H. P. HAWKES, Executive Commissariat Officer, Madras, to the Commissary General; dated Madras, 13th June 1867, No. 1775.

I have the honor to bring to your notice that Mr. Powney, the late Mechanical Engineer of this office, deposited a sum of money* in the Government Savings' Bank before his death.

* Rupees 2000.

2. His widow, who is about to return to England, desires to draw out this money, but it appears that this cannot be done without she takes out Letters of Administration, or obtains an authority from Government, authorizing the Bank to pay the money to her.

3. As Mrs. Powney hopes to sail shortly for England, it would be extremely inconvenient for her to take out Letters of Administration, and the difficulty would be further increased by the fact of Mr. Powney having left no Will.

4. I trust, therefore, that, under these circumstances, you will be good enough to move the Chief Secretary to Government to obtain the necessary order authorizing the Bank to pay the money to Mrs. Powney.

5. Demi-official note from the Deputy Treasurer is enclosed for reference.

From T. E. FRANCK, Esq., Deputy Secretary and Treasurer, Madras Bank, to Captain H. P. HAWKES, Executive Commissariat Officer, Madras; dated Madras, 12th June 1867.

Mrs. Powney applied to me for payment of the balance of her late husband's account in the Government Savings' Bank, and I informed her that we could not comply with her request, unless she produced Letters of Administration to the deceased's estate, or an authority from Government for payment of the amount to her without production of such Letters of Administration. She then inquired how the authority of Government was to be obtained, and I told her that an application, stating all the circumstances of the case, must be made, either by herself, or by some one on her behalf, to the Chief Secretary to Government, and she suggested that you would interest yourself in the matter, as the Head of the Department to which her late husband belonged. This is all I know of the matter. If she can show sufficient cause for payment of the money without the expense of Administration, I think the Government may authorize the amount to be disbursed to her.

Transferred to the Financial Department.

FORT SAINT GEORGE,
15*th June* 1867.

(Signed) H. MARSHALL, Major General.
Secretary to Government, M. D.

Proceedings of the Madras Government, Financial Department,
26th June 1867.

No. 73.

ORDER THEREON, 26th June 1867, No. 281.

From the Acting Commissary General's letter, it appears that Mr. Powney, late Mechanical Engineer attached to the Commissariat, has died intestate, and that there is a sum of Rupees 2000, with certain accumulated interest, at his credit in the Government Savings' Bank. His widow has applied to Government for an authorization to the Savings' Bank, to enable her to draw the amount at the credit of her late husband, without being put to the expense of taking out Letters of Administration. It appears that Mr. Powney's only surviving relatives are a mother and brother. Under these circumstances, and with reference to the presumed rights of those persons, the Governor in Council resolves, as a special case, to authorize the Secretary and Treasurer of the Madras Bank to pay a moiety of the sum of Rupees 2000, or thereabouts, with its interest, said to be in the Government Savings' Bank to the credit of the late Mr. Powney, to his widow, without the production of any Probate, Letters of Administration, or Certificate.

(True Extract).

Acting Chief Secretary.

To the Secretary and Treasurer, Bank of Madras.
,, Military Department.
,, Accountant General.

Exd. J. H. Burns

Bank of Madras,
Madras, 12th 1867

No 1981
8/12 1-1/67

Exd. J. H. Burns

7-216 B2

No 1775

Executive Court Office
Madras. 13th June 1867.

To The Commissary General
Madras

Sir,

I have the honor to bring to your notice that Mrs Powney the late Mechanical Engineer of this office deposited a sum of money in the Government Savings Bank Rs 2000.
before his death.

2. His widow who is about to return to England desires to draw out this money, but it appears that this cannot be done without she takes out letters of administration or obtains an authority from Government authorizing the bank to pay the money over.

3. As Mrs Powney hopes to sail shortly for England, it would be extremely inconvenient for her to take out letters of administration & the difficulty would be further increased by the fact of Mrs Powney having left no will.

4 I trust therefore that under these circumstances you will be good enough to move the Chief Secretary to Government to obtain the necessary order authorizing the Bank to pay the money to Mrs Powney.

5. Demi-official note from the Deputy Treasurer is enclosed for reference.

I have the honor to be
Sir
Your most obt Servt

Captain
D. A. G.

Rd 16 Aug

No. 1863.

Commissary General's Office
Madras 15th June 1867.

From

The Acting Commissary General
Madras.

To,

The Secretary to Government.
Military Department.
Fort St George.

Sir,

Mr Downey late Mechanical Engineer attached to this Department had at the time of his death a sum of 2000 Rupees (exclusive of interest) at his credit in the Government Savings Bank.

2. The Bank authorities refuse to pay this money to his widow unless she takes out letters of Administration, which as he has left no "will" would prove a most expensive and tedious process and would probably delay her sailing for England.

3. Mr Downey's only surviving relatives are a mother and brother, both residing at Stockport in England.

* Mary Downey. Widow
William Downey.—

4 It appears from the Executive Officer's letter (attached) that the Bank would be willing to pay the money if they receive the authority of Government so to do.

5. I therefore forward the application

Request to be allowed to draw the amount standing to the credit of the late Mr Wm Downey late Mechanical Engineer Madras Establishment in the Savings Bank.

No. 2313.
Dated 15th June 1867. No. 1863.
To Commissary General
Madras

Dated 15th June 1867.

Original with letter to Government 15th June 1867.

Ex. Rs. 2000-0-0 Ex. Lr. 15 June 67

Re. Rs. 2000-0-0 Re. Lr. 27/8/67

in the hope that if the rules admit of the same, the necessary instructions may be given to enable Mrs. Powney to draw the money before she leaves India.

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

J. P. Watts Lieut: Col:
Acting Deputy Commissary Gen:
for Acting Commissary Gen:

Ex. dy Staff

Financial Department.

6

Proceedings of the Madras Government.

Read the following letter from the Commissary General dated 15th June 1863.

26 June 1863 No. 281.

From the acting Commissary General's letter it appears that Mr Powney, late Merchant Engineer attached to the Commissariat, has died intestate, and that there is a sum of Rs. 2000 with certain accumulated Interest at his credit in the Govt Savings Bank.

His widow has applied to Govt for an authority to the Savings Bank, to enable her to draw the amounts at the credit of her late

Letter from Lt Col Pemberton 15th June 1863.

Recd 26 June

Transmitted for the Sanction of Government.

Recd 26 June

Commissariat Office 15th June 1863.

Dated 15th June 1863

Recd 15th June 1863

Read & Ordered that instructions may be issued to the authorities of the Govt Savings Bank to allow the Widow of the late Mr Powney a sum of Rs 2000 Govt at the credit of her late Husband.

Entered 29 June 1863

husband, without
being subject to the
expense of taking out
letters of Administration
It appears that Mr.
Powney's ~~last~~ only
surviving relatives are
a mother and brother,
under these circumstance
~~to~~ the Governor in
Council wishes as
an special case, to
authorize the Secretary
& Treasurer of the Madras
Bank to pay a moiety

and with reference to
the presumed rights of
those persons,

of the sum of Rs. 2000
with the interest
accumulations said
to be in the Govt
Savings Bank to
the credit of the
late Mr. Powney
to his widow, without
the jurisdiction of any
Probate, Letters of
administration or
Certificate

Ord

To the Secy & Treasurer Bank of Madras.
dispd 27/6
Military Department
Acct General. dispd 28/6

Financial

Proceedings of Madras Govt

Read letter from the Actg Commissary General — dated 15 June 1863 — No. 1863

Note.

This is the course that has been pursued in several similar cases.

N.

The Actg Comy Genl should have stated distinctly that the late Mr Powney left no children. It may be assumed he died intestate; as the Actg C. G. says his only relatives are the "mother & a brother of the deceased". But the case being so, we cannot consider, for the present order — If there are no children the widow takes only a moiety of the money on deposit — on the other moiety, the mother & brother have a claim. I would restrict the present order to permitting to pay to Mrs Powney a moiety

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The Govt in Council resolves, as a special case to authorize the Secretary and Treasurer of the Madras Bank to pay, the sum of Rs 2000 a moiety of the amount Rs 4000 and upwards accumulated at interest said to be in the Govt Savings Bank, at the credit of the late Mr Powney, to Mrs Powney, a Memorial Superior

attached to the
Communication Debtor
& any person or
persons, who shall
appear to have
or to be entitled to
receive the same
or administer to
the effects of the
deceased, without
the production
of any probate
Letters of administration

only leaving her to
draw the other moiety
under a proper Power of attorney
of the mother & brother she
selling & relinquishing their
rights in her favor
WDL

& entitled.

Financial 1867 Departt

No 281.

Proceedings of Govt

Dated 26 June 1867.

72.73