M.R.O. 1—77,005—8-6-37.

(1) Number of pages 6

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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 27	Press / Mis.
Dated 21-1-	18 68.

43-44

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Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 21*st January* 1868.

Read the following :—

No. 43. From E. H. LUSHINGTON, Esq., Secretary to the Government of India, Financial Department, to the Secretary and Treasurer, Bank of Bengal ; dated Fort William, 19th December 1867, No. 2964.

Accounts.

With reference to your letter, No. 1609, dated 30th July 1867, and previous correspondence, I am directed to state that, according to the opinion of the Advocate General, dated 23rd September 1866, certificates under Act XXVII of 1860, enabling a person to draw interest upon, or negotiate, Government Securities standing in the name of another person deceased, who had never resided in the British Territories, cannot be issued by any British local authority in the Foreign State where the deceased was resident.

2. The Governor General in Council adopts this opinion. Its effect is to debar any person from claiming interest, as of right, on Government Securities standing in the name of another person deceased, without first taking out Letters of Administration in the High Court.

3. The right to exact this proof of the representative character of the applicant for interest on, or for renewal of, the Government Securities must be reserved to the Government for exercise in doubtful cases.

4. But the Residents and Political Agents of the Government in Native States will, in cases in which they have no doubt of the applicant's title to represent the estate of the deceased, be empowered, if the deceased was not a British subject, to issue certificates analogous to those granted under Act XXVII of 1860, and the Governor General in Council authorizes you to accept and act upon such certificates.

5. The same authorities will also be requested to withhold their certificates in doubtful cases, and to require the applicants to take out Letters of Administration from the High Court.

ORDERED that a copy of this letter be forwarded to the Agent to the Governor General for Central India, in modification of the instructions conveyed in the letter from this Department, No. 2666, dated 11th October 1866, also that a copy be sent to the Officers noted on the margin, for information and guidance.

Resident, Hyderabad.
Commissioner, Mysore and Coorg.
Agent, Governor General, Central India.
Agent, Governor General, Rajpootana and Ex-Officio Commissioner of Ajmere.
Resident Nepal.
Agent, Governor General, North-East Frontier.
Political Agent, Munnipore.

Ordered, also, that a copy of this letter be sent to the Governments of Madras and Bombay, for communication to the Political Officers subordinate to them.

Also, that a copy be sent to the Comptroller General of Accounts, the Accountants General, Madras and Bombay, and the Secretaries and Treasurers of the Banks of Madras and Bombay.

Ordered, further, that a copy of this letter be sent to the Advocate General, Calcutta.

(Signed) R. H. HOLLINGBERY,
Asst. Secy. to the Govt. of India.

No. 44. ORDER THEREON, 21st January 1868, No. 27.

Ordered that the foregoing papers be communicated to the Resident in Travancore and Cochin, and to the Political Agent at Poodoocottah.

(True Extract).

Chief Secretary.

To the Resident in Travancore and Cochin.
,, Political Agent at Poodoocottah.

Exd. J. H. Burns.

No. 2964.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

Accounts.

To

THE SECRETARY AND TREASURER, BANK OF BENGAL.

FORT WILLIAM, *the 19 December*, 1867.

SIR,

With reference to your letter, No. 1609, dated 30th July 1867, and previous correspondence, I am directed to state that, according to the opinion of the Advocate General, dated 23rd September 1866, certificates under Act XXVII of 1860, enabling a person to draw interest upon, or negotiate Government Securities standing in the name of another person deceased, who had never resided in the British Territories, cannot be issued by any British local authority in the Foreign State where the deceased was resident.

2. The Governor General in Council adopts this opinion. Its effect is to debar any person from claiming interest as of right, on Government Securities standing in the name of another person deceased, without first taking out letters of Administration in the High Court.

3. The right to exact this proof of the representative character of the applicant for interest on, or for renewal of the Government Securities must be reserved to the Government for exercise in doubtful cases.

4. But the Residents and Political Agents of the Government in Native States, will, in cases in which they have no doubt of the applicant's title to represent the estate of the deceased, be empowered, if the deceased was not a British subject, to issue certificates analogous to those granted under Act XXVII of 1860, and the Governor General in Council authorizes you to accept, and act upon such certificates.

5. The same authorities will also be requested to withhold their certificates in doubtful cases, and to require the applicants to take out letters of Administration from the High Court.

I have the honor to be,

SIR,

Your most obedient Servant,

E. H. LUSHINGTON,

Secretary to the Government of India.

ORDERED, that a copy of this letter be forwarded to the Agent to the Governor General for Central India, in modification of the instructions conveyed in the letter from this Department, No. 2666, dated 11th October 1866, also that a copy be sent to the Officers noted on the margin, for information and guidance.

Resident, Hyderabad.
Commissioner, Mysore and Coorg.
Agent Governor General, Central India.
Agent Governor General, Rajpootana and Ex-Officio Commissioner of Ajmere.
Resident, Nepal.
Agent, Governor General, North-East Frontier.
Political Agent, Munnipore.

Ordered also, that a copy of this letter be sent to the Governments of Madras and Bombay for communication to the Political Officers subordinate to them.

Also, that a copy be sent to the Comptroller General of Accounts, the Accountants General, Madras and Bombay, and the Secretaries and Treasurers of the Banks of Madras and Bombay.

Ordered further, that a copy of this letter be sent to the Advocate General, Calcutta.

Assistant Secretary to the Government of India.

Finant. 1867 Department

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

Accounts.

From

Asst. Secretary, Govt. of India
Finl. Deptt.

No. 2964.

Dated, Fort William, 19th *December* 1867.

Received 31st

3 P.C.

No 632.

Enclosing opinion of the Advocate General that Certificates under Act XXVII of 1860 cannot be issued by any British local authority in the Foreign State where the deceased was resident.

With an order.

O. S. G. P.,—No. 5576 C. F.,—14-12-67.—52.

2 Enclosure Nos. 2½

Submitted that the papers noted in the margin be communicated to the Resident at Travancore & Cochin, and to the Political Agent at Pondicherry for information.

Political Agent at Pondicherry

Resident at Travancore & Cochin

43.44