M.R.O. 1—77,006—8-6-37.

(1) Number of pages 16.

(2) Date of repair 13-10-39.

(3) Initials of the Referencer

# MADRAS RECORD OFFICE.

## Government of Madras.

Financial DEPARTMENT.

G.O. No. 218 Press / Mis.

7-9.

Dated 10-5- 1869.

5/5

7-9

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Financial Department,*
*10th May* 1869.

Read the following papers :—

No. 7. From the Secretary and Treasurer of the Bank of Madras, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 10th April 1869, *No.* 52-242.

I have the honour to enclose copy of my letter to the Government Solicitor, with his reply and Power of Attorney, executed by Jean Francois Richenet, authorizing the Firm of Messrs. Arbuthnot, DeMonte, and Co. to receive interest on a certain bond for 20,000 Pagodas, together with Proceedings of Government, Financial Department, No. 294, of 12th June 1861, referred to in the above correspondence, and shall be obliged by your favouring me with instructions as to the course I ought to adopt with reference to this matter.

2. I beg that you will be so good as to return the enclosures when no longer required.

—

From the Secretary and Treasurer of the Bank of Madras, to the Government Solicitor, Madras ; dated Madras, 8th April 1869, No. 86.

I have the honour to forward, herewith, copy of the Proceedings of the Madras Government, dated 12th June 1861, No. 294, and request that you will be good enough to obtain the opinion of the Advocate General as to the sufficiency of the title under which Messrs. Arbuthnot and Co. receive the interest payable annually on a Government Bond for Star Pagodas 20,000 standing in the name of Father Claude Moriset, Attorney to the Jesuit Missionaries in China.

2. You will observe, on reference to the enclosed Power of Attorney, that, in the year 1812, the Reverend Jean Francois Richenet, acting on behalf of the Missionaries in China, appointed the *Firm* of Messrs. Arbuthnot, *DeMonte*, and Co. of Madras, to receive the interest on the bond in question, and to retain possession of it until the Reverend J. F. Richenet, or his successors in office, (nous ou nos successeurs,) should dispose of the same otherwise.

3. This Power of Attorney appears to have been recognised by Government, and the interest on the bond seems to have been paid regularly to Messrs. Arbuthnot and Co., as Attorneys of the representatives of the original depositors, until the year 1861, when the Officiating Sub-Treasurer, Fort Saint George, raised a question as to the validity of the power under which this and similar payments were made, and referred the matter for the decision of Government.

4. In passing orders on the subject, under date 12th June 1861, the Government observe that they consider it "scarcely necessary to alter the existing arrangement. There does not seem "reason to question the right of the several payees as representatives of the original depositors, "or as Attorneys of said representatives, and if a doubt should at any time arise the Sub-Trea-"surer may consult the Government Solicitor."

5. The doubt which has arisen, and which does not appear to have suggested itself to Government, is whether a Power of Attorney executed 57 years ago may not be presumed to have lapsed by the death of the donor, and if so, whether the Bank can now recognise it as binding on his successors. Further, whether a power granted in favour of a *Firm*, under its then existing denomination, can be recognised in favour of the successors of that Firm under an altered designation.

6. The favour of an early opinion on these points is requested.

—

From the Acting Government Solicitor, Madras, to the Secretary and Treasurer of the Bank of Madras ; dated Madras, 9th April 1869, No. 162.

I have the honour to acknowledge the receipt of your letter of the 6th April 1869, No. 83, with the several enclosures therewith forwarded, and in reply to inform you that I have conferred with the Advocate General on the subject referred to in your letter, who has intimated to me that he does not feel himself authorized to advise on the matter, without an Order of Government.

2. I, therefore, herewith return the enclosures transmitted with your letter under acknowledgment.

—

Referred to the Advocate General for his opinion.

(Signed) R. S. ELLIS,
*Chief Secretary.*

Fort Saint George,
15*th April* 1869.

*Proceedings of the Madras Government, Financial Department,*
*10th May* 1869.

No. 8. From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 23rd April 1869, No. 193.

I have the honour to acknowledge the Order of Government noted in the margin, with its enclosures, requesting the Advocate General's opinion as to the sufficiency of the title under which Messrs. Arbuthnot and Company receive the interest payable annually on a Government Bond for Star Pagodas 20,000 standing in the name of Father Claude Moriset, Attorney to the Jesuit Missionaries in China.

Dated 15th April 1869, and made on letter from the Secretary and Treasurer, Bank of Madras, to Government of 10th idem, No. 52-242.

2. I submitted the matter for the consideration of the Advocate General ; and

3. I now forward a copy of his opinion, and return the order and enclosures above noted.

---

OPINION.

If J. F. Richenet be dead, which must be ascertained, the Power of Attorney ceased to have any effect from the date of his death. The new Power of Attorney which Messrs. Arbuthnot and Company will procure, if, as there is every reason to suppose, J. F. Richenet is no longer alive, will of course be given to the Firm as at present constituted.

(Signed) J. B. NORTON,
*Advocate General.*

*20th April* 1869.

---

No. 9. ORDER THEREON, 10th May 1869, No. 218.

The Advocate General's opinion above recorded will be communicated to the Bank of Madras and to Messrs. Arbuthnot and Co.

(True Extract).

*Chief Secretary.*

To the Secretary and Treasurer of the Bank of Madras,
with four original enclosures returned.
To Messrs. Arbuthnot and Co.
To the Government Solicitor.

Exd. J. Wright.

Govt. of India Treasury.

FINANCIAL.

To

THE SECY. AND TREASURER,
BANK OF MADRAS.
&c, &c, &c.

Dated May 10th.

Recd.

Encl.

G. O., 10th May 1869, No. 218.

MAY.
Nos. 7—9.

Commissariat Advocate General's opinion as to the sufficiency of the title under which Messrs. Arbuthnot and Co. receive the interest payable annually on a Government Bond for Star Pagodas 20,000 standing in the name of Father Claude Morisset, Attorney to the Jesuit Missionaries in China.

X 5

Opinion

If J. St. Richenet be dead, which must be ascertained, the Power of Attorney ceased to have any effect from the date of his death. The new Power of Attorney which Messieurs Arbuthnot and Company will procure, if, as there is ~~every~~ reason to suppose, J. St. Richenet is no longer alive, will of course be given to the firm as at present constituted.

(Signed) John Bruce Norton
Adv. Genl

20th April 1869.

(True Copy)

H. G. Richards

Ag. Govt Solr

Bank of Madras

No. 52/242. Madras 10 April 1869.

To. The Chief Secretary
to Government
Fort Saint George.

Sir I have the honor to enclose copy of my letter to the Government Solicitor, with his reply, and Power of Attorney executed by Jean François Richenet authorising the firm of Messrs Arbuthnot Dechlonte & Co to receive interest on a certain bond for 20000 Pagodas together with proceedings of Government Financial Department No 294 of 12 June 1861. referred to in the above correspondence, and shall be obliged by your favoring me with instructions as to the course I ought to adopt with reference to this matter.

I beg that you will be so good as to return the enclosures when no longer required I have the honor to be
Sir
your most obedient Servant

J Mitchell
Secretary & Treasurer

Re
the sufficiency of the title under which Messrs Arbuthnot & Co. receive the interest payable annually on a Government Bond for Star Pagodas 20,000 standing in the name of Father Calaude Boriet, Attorney to the Saint Thomas in Castina.

(Copy)
Advocate General's Office

Enclosure
In ltr dt 23d April 1869
from Secy Board of Revenue to Govt.

Rec'd 10th May 1869
Ans 12th May 69

No 199.

Referred to the Advocate Genl
for his opinion.

R S Ellis
Chief Secretary

Fort St. George
15 April 1869.

Ag. Govt. Solicitor

Received 15th April 1869. Entered & Returned 24th April 1869
H. G. P.
Ag. Govt. Solr

Finance Dept
Bdg. 15th May 1869
Treasury
Accountant General
No 1321 Encl.

20.210.

Gentlemen, with the assent
obtaining a Legal opinion
Treasury certain papers
Sending the Deeds
Power of Attorney
entered into by
Pondicherry
Bellary

Acknd 22d

No 193

Madras, 23d April, 1869.

From H. G. Prichard
Acting Government Solicitor, Madras.

To The Honble R. S. Ellis C.B.,
Chief Secretary to Government
Madras

Sir,

I have the honor to acknowledge the Order of Government noted in the margin with its enclosures, requesting the Advocate General's Opinion as to the sufficiency of the title under which Messrs Arbuthnot and Company receive the Interest payable annually on a Government Bond for Star Pagodas 20,000 standing in the name of Father Claude Moriset, Attorney to the Jesuit Missionaries in China.

Dated 15 April 1869, and made on letter from the Secretary and Treasurer Bank of Madras to Government of 10th idem No. 52/242

2. I submitted the matter for the consideration of the Advocate General, and

3. I now forward a Copy of his Opinion and return the Order and Enclosures above noted.

I have the honor to be,
Sir,
Your most Obedient Servant
H. G. Prichard
Ag. Govt. Solr

Trans. 1869 Dept

From
The Ag Govt Solicitor
To The Chief Secy to Govt.
Madras

Dated 23d April
Rec'd 26 "

No. 193
Enclosures 1.

No 194 of

Forwards Copy Advocate General's Opinion as to the sufficiency of the title under which Messrs Arbuthnot & Co. receive the Interest payable annually on a Govt Bond for Star Pagodas 20,000 standing in the name of Father Claude Morisset, Attorney to the Jesuit Missionaries in China

With an Order

c 30 Apl
R 5 May 7—9.

Letter from the Secretary & Treasurer of the Bank of Madras } dated 10th April 1869, No
Letter from the Ag Govt Solicitor } dated 26 April 1869, No

Order No 218. 10th May 69.

The Advocate General's Opinion above recorded, will be communicated to the Bank of Madras and to Messrs Arbuthnot & Co.

N.

To The Secry & Treasurer of the Bank of Madras, with 4 copies Enclosure & Returned
Messrs Arbuthnot & Co
Govt Solicitor

Jesuit Missionaries in China -

Govt. of {1869} Madras.

Financial

To

The Secy. & Treasurer of the Bank of Madras

Fort

Dated May. 10

Recd. Encl.

G. O. 10 May 1869, No. 218.

Nos. 7-9.

Commg. Advocate Generals opinion as to the sufficiency of the title under which Messrs Arbuthnot & Co. receive the interest hereon payable annually on a Govt. Bond for Star Pagodas 20000 standing in the name of Father Claude Morisset, Attorney to the