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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

financial DEPARTMENT.

G.O. No. 2427 Press / Mis.

25-27

Dated 18-5-1869.

9/9

25-27

Not to be folded or roughly handled

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No. 226.-

Madras, 6th May 1869

From

H. G. Prichard
Acting Government Solicitor
Madras

To

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

Sir,

Dated 15th April 1869, Financial Department and made on letter from the Secretary and Treasurer Bank of Madras to Government dated 13th idem, No. 52/252. - - -

1. I have the honor to acknowledge the Order of Government noted in the margin, with its enclosures, requesting the Advocate General's Opinion relative to the recognition by the Bank of Madras of Vasa's transfer of a certain Government Promissory Note for Sicca Rupees 500, under the Order of the District Court of Conad and confirmed by the Civil Judge of Trichinopoly, by an Order in Appeal - Suit No. 54 of 1866.-

2. I submitted the matter for the consideration of the Advocate General, and have also conferred with him thereon, and

3. 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
Acting Government Solicitor

f. M

Opinion.

The Bank not only may, but is bound to recognize the Decrees of the Civil Courts. By these decrees the fact of Isaacs endorsement has been established; and as there has been no appeal the Decrees have become final. Isaac it is true, died before the litigation was concluded. But he was duly represented by his Son. The fact that a Criminal decision had been pronounced previous to those of the Civil Courts in no way diminishes the Banks security in recognizing Isaacs endorsement. Such a decision would not be evidence even in a trial before the Civil Courts. No further testing of the signature is necessary. The rules referred to relate to cases other than those in which the signature has been pronounced genuine by a Decree of a Civil Court. The Bank is bound to pay the claimant

/Signed/ John Bruce Norton
Advr. Genl.

3d. May 1869.

/True Copy/
N. J. Richard
Actg. Government Solicitor.-

Civil 1869. Allen
Bank
The Actg. Government Solicitor
Madras

Dated 6th May 1869.
Rec'd 7th "
Ans'd 10th "
No. 220.

Sir,

I am directed by the Advocate General to inform you that the Government of India have decided that the Bank of Madras is not entitled to charge Government Rs. 2-8 per cent on the Bills drawn on the Treasury of Cuddapah in favor of Isaac Abraham and returned unpaid, and that the Bank must refund the amount so charged.

I am &c.
(Sd.) [illegible]
Secy to Govt.

No. 227 - 18 Dec. 1869.

I Ordered that the opinion of the Advocate General be communicated to the Secretary to the Bank of Madras.

(Sd.) [illegible]
Secy to Govt.

The Secretary
to the Bank of Madras.

Sir,

I am directed to forward herewith for the information of the Board of Revenue a copy of a letter from the Government of India No. 220 dated 6th instant on the subject of the Bills drawn on the Treasury of Cuddapah by Isaac Abraham and returned unpaid, and to request that you will favor the Board with your opinion as to the recognition by the Bank of Madras of Isaac Abraham's endorsement.

I am &c.
(Sd.) [illegible]
Secy to Govt.

To
The Secretary to the Board of Revenue.

The Bank of Madras is bound to recognize the endorsements of Isaac Abraham, deceased, on the Bills drawn on the Treasury of Cuddapah, and returned unpaid, as the Bills themselves are admitted to be genuine.

(Sd.) [illegible]
Secy to the Bank of Madras

(Copy)

Advocate General's Chambers
dated 31st May 1869.

Relative to Letter of Acting Government Solicitor to Government dated 6th May 1869. No. 226.

A.P. Cobb
Rec'd May 15th 1869.

No. 163.

Madras, 10th April 1869.

From

H. G. Prichard
Acting Government Solicitor
Madras

To

T. E. Franck Esqre.
Deputy Secretary & Treasurer
Bank of Madras

Sir,

I have the honor to acknowledge the receipt of your letter of the 8th instant No. 86 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 authorised to advise on the matter, without an Order of Government.

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

I have the honor to be,
Sir,
Your most Obedient Servant,
Ernest Barclay
for H. G. Prichard
Acting Government Solicitor

No. 86

Public Debt Office.
BANK OF MADRAS.

Madras, 8th April 1869.

To

The Government Solicitor

Madras

Sir.

I have the honor to forward Promissory Note N° 17279 dated 1st May 1832 for Sicca Rupees 500, and the connespondence in original Noted below, and to request that you will be good enough to obtain the opinion of the Advocate General, as to whether this Department can recognize Isaac's transfer of the Note in question under the order of the District Court of Conad d/30th November 1865 confirmed by the Civil Judge of Trichinopoly by an order in Appeal Suit N° 54 of 1866, and if so, whether the said transfer endorsement of Isaac, who is now dead, can be accepted as it now stands, that is, by a Mark, the witnesses to which have not been examined by a competent Government Officer, as required by the Rules of this Department, or should it be scored out, and under whose attestation.

2. It will be observed from the papers submitted that Isaac's transfer of this Note by a Mark did not appear from the enquiry referred to in the Collector of Trichinopoly's letter of 22nd April 1861 N° 206, and from the investigation of the case held during Isaac's life time by the Deputy Magistrate of that District in 1862, vide para 2 of letter from said Collector d/25th March/62 N° 3, to have been made by him, as he was well able to sign his name about the year 1861, and that such transfer was illegal; while by the subsequent proceedings of the Court at Trichinopoly held after Isaac's death

death, this decision has been reversed and the sale of the note to Rajah Ram Tanker declared valid. It is under the above conflicting circumstances that I have deemed it necessary to make this reference to you, to be advised if this Department will be sufficiently secured in recognizing Isaac's transfer of this note under the last decision of the Court, though the result of the prior investigation of the case is directly opposed to it.

I have &c.
(Signed) J. B. Francis
Sec. and Treas.

Letter from Isaac dated 12th March 1861 No. 1818.
Do. Collr. of Trichinopoly dated 9th March 1861 No. 1795
Do. to do. dated 19th do. 1215
Do. from do. dated 22nd April 1861. 2060.
Do. to do. dated 10th May 1861. 31.
Do. from Rajaram Tanker dated 11th March 1862. 1685.
Do. do. dated March 1862. 1719.
Letter from Isaac dated 17th March 1862 No. 1752½
Do. to do. dated 29th do. 852.
Do. to Rajaram Tanker dated 29th do. 851.
Do. from Collr. of Trichinopoly dated 25th do. 1795
Order of District Court of Trichinopoly dated 15th Novr. 1865.
Decree of Civil Court of Trichinopoly dated 27th March 1867 Appeal Suit No. 54 of 1866.

True Copy
[illegible]
Sec. and Treas.

No. 52/252

Bank of Madras.

Madras 13 April 1869.

To
The Chief Secretary
to Government
Fort Saint George.

Sir,

I have the honor to forward herewith copy of my letter No. 86 of 8 April to the Government Solicitor Madras, and his reply thereto, and will thank you to issue the required instructions to the Advocate General in the matter.

I take this opportunity to suggest that in cases of this kind, where the opinion of the Advocate General is required, that Officer be authorized to act without a special Order of Government, as this course would save considerable delay and correspondence.

I have the honor to be.
Sir,
Your most Obedient Servant,

J. Inv. Sec
Secretary & Treasurer.

No. 198

Filed

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Referred to the Advocate's Journal
for his opinion.

Fort St George
15 April 1869

R. S. Ellis
Chief Secretary

To the Hon. Advocate Genl.

Received 16th April 1869 Entd. & Returned 6th May 1869 H.G.S.
Advt. Genl.

To the Hon. Chief Secretary
to Govt.
Fort St George

Sir,

I have the honor to acknowledge the receipt of your letter No. 198 dated 15th instant, and in reply to state that the Collector of Madras has been directed to submit to this office the proceedings of the Court of Requests in the case of Mr. Bird v. Mr. Ward, and that I will report thereon as soon as I receive them.

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

Govt. of {1869} Madras.

Fisl.

To
The Secretary & Treasurer
of the Bank of Madras
&c.

Dated May. 18.

Recd. Encl.

G. 18 May 1869, No. 227.

Nos. 25. 27.

Commy. Advocate Generals
opinion that the Bank. is
bound to recognize the Decrees
of Civil Courts and that it must
pay the claim, based on such
a decree, preferred by Dresser
Isaac.