M.R.O. 1—77,006—8-6-37.

(1) Number of pages 20.

(2) Date of repair 26.1.40.

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1020	Press / Mis.
19—20.	
Dated 2 - 8 -	18 12.

19-20 12/13

Not to be folded or roughly handled

26/1/40

Proceedings of the Madras Government, Financial Department,
2nd August 1872.

Read again Proceedings of Government, dated 5th July 1872, No. 859.

No. 19. Read also the following letter from the Government Solicitor, to the Chief Secretary to Government, Fort St. George, dated Madras, 10th July 1872, No. 320, submitting the following Opinion of the Advocate-General:—

OPINION.

The proper course in this case is, in my opinion, to apply to the Court in the Nellore District, by which Probate was originally granted, for a duplicate copy of the Probate.

(Signed) H. S. CUNNINGHAM,
Advocate-General.

10th July 1872.

No. 20. ORDER THEREON, 2nd August 1872, No. 1020.

The opinion of the Advocate-General above recorded assumes that the District Court in Nellore has already granted Probate of the Will of the late Conductor J. Shilling. This, however, is not the case. Mrs. Shilling in her petition states her inability to procure Probate, by reason evidently of the expense incidental to an application for the same. The amount in deposit in this case is very small, viz., Rupees 139, and, as remarked in their Order of the 5th ultimo, No. 859, "the Government desire in these cases to save the applicant from expense as much as possible."

2. Under these circumstances the Government resolve, with reference to the tenor of the Will, to order the payment to Mrs. E. R. Shilling, as the natural guardian of Susan Rebecca Shilling, of a moiety of the sum in deposit in the Government Savings' Bank in the name of the late Conductor J. Shilling without the production of Probate of the Will.

3. With regard to the remaining moiety Mrs. Shilling will be informed that an order similar to this will be passed upon the other daughter of her late husband attaining her 14th year or upon her marriage, which fact should be proved by the production of a duly attested copy of the Baptismal or Marriage Certificate, as the case may be.

(True Extract.)

Acting Under Secy. to Govt.

To Mrs. E. R. Shilling.
To the Secretary and Treasurer, Bank of Madras.
,, Government Solicitor.
,, Accountant-General.

Exd. A. S. Rodgers.

Govt. of {1872} Madras.

FINANCIAL.

To

Mrs. E. R. SHILLING,

&c., &c.,

Dated August, 2nd.

Recd. *Encl.*

G. O., 2nd August 1872, No. 1020.

AUGUST.
Nos. 19-20.

Issuing orders for the payment to Mrs. E. R. Shilling, as the natural guardian of Susan E. Shilling, of a moiety of the sum in deposit in the Government Savings' Bank in the name of the late Conductor J. Shilling without the production of Probate of the Will, the remaining moiety having been paid in due course.

Opinion.

The proper course in this case is, in my opinion, to apply to the Court in the Nellore District, by which Probate was originally granted for a duplicate copy of the Probate.

(Signed) H. S. Cumming
Adv. Genl.
10. 9. 72.

True Copy
H. G. Richard
Government Solicitor.

Enclosure in Letter
from the Government Solicitor
to the Chief Secretary to
Government, Dated 10th July
1872. —

Fd 22 Appl 5 24 19-20

R. Dis 1341/72

No. 320. —

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Madras, 10th July 1872.

From

H. G. Prichard
Government Solicitor
Madras,

To

The Honorable R. S. Ellis, C.B.
Chief Secretary to Government
Fort St. George,

Sir,

1. I have the honor to acknowledge the receipt of the Order of Government dated 5th Instant, No. 859, — Financial Department, together with its enclosures requesting the Advocate Generals Opinion relative to the application made by Mrs. E. R. Shilling, Widow of the late Sub-Conductor I. Shilling for payment to her of the amount in the Government Savings Bank. —

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

3. I now forward herewith a Copy of his Opinion and return the Inclosures forwarded with the Order of Government above noted. —

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

H. G. Prichard

Government Solicitor.

Financial Department

Memorandum for Orders.

Proceedings of Government 5th July 1872, No 859.
Letter from Govt Solicitor 10th — do — No 320.

Mrs E R. Shilling,
the wife of the late Sub-
Conductor J Shilling, applied
to Government for an order
authorizing the payment to
her of a sum of money deposited
in the Government Savings
Bank by her husband.

The money in the
Bank is, under the will of
Conductor J Shilling, payable
in equal shares to his two
daughters, on their attaining
the

A/A.

Final 18th 12. Accts
Stamp
The Government Solicitor
Auckland.
To the Collector of Customs Port Chalmers
Port Otago.
Dated 10th
Read 15-8 Instt
10 Wool 1341
C/P 320. -
Auckland 5. -
Stamped copy of the
Letter to the Govt Solicitor
relative to the application
of Mrs E. R. Shilling for
payment to her of the
amount on the Govern =
=ment Savings Bank Book
the Deposit of the late Sub
Conductor J. Shilling, in
accordance with the prayer
of the petition. -

GE 2. August 72 No 19

the age of 14, or on marriage, but only one appears to have attained this age, while the mother, who is the natural ...ardian, applies for payment of the whole sum in deposit.

The matter having been referred to the Advocate General, Mr Cunningham states that "the proper course "in this case is to apply to "the Court in the Nellore "District by which Probate "was originally granted, for "a duplicate copy of the Probate."

This opinion assumes that the District Court in Nellore has already granted probate of the will; but such is

is not the case. Mrs. Shilling, in her petition, distinctly states her inability to procure probate, by reason, evidently, of the expense incidental to an application for the same.

The amount to be received in this case is very small, viz. Rupees 139; and, as remarked in their order of the 5th instant, "the Government desire, in these cases, to save the applicant from expense as much as possible."

The Government has previously in several similar cases authorized the payment of deposits in the Government Savings' Bank requiring without the production

production of probate under the Indian Succession Act, or for Certificate under Act XXVII of 1860. —

It is submitted, therefore, that in this case, the Government may, with reference to the tenor of the Will, order the payment, to Mrs E. R. Shilling, as the natural guardian of Susan Rebecca Shilling, of a moiety of the sum in deposit in the Government Savings Bank in the name of the late Conductor J Shilling without the production of Probate of the will. It will be seen from the certified copy of the Baptismal Certificate sent by Mrs Shilling that

that Susan Rebecca Shilling attained her 14th year on the 24th October last.

As to the remaining moiety, Mrs Shilling may be informed that a similar order will be passed, upon the other daughter of her late husband attaining her 14th year, or upon her marriage, which fact should be proved by the production of a duly attested copy of the Baptismal or Marriage Certificate. —

A Draft Order to this effect is annexed. —

J. U. F.
12/9

Financial Dept

Proceedings of the Madras Govt.

Read again Rot. of Govt. 5th July 1872. No. 859
Read also Letter from Govt. Solicitor dated
10th July 1872. No. 320.

Order of Board 2d Augt 1872. No 1020

The opinion of the Advocate General above recorded assumes that the District Court in Nellore has already granted probate of the Will of the late Executor J. Shilling. This, however, is not the case. Mrs. Shilling, in her petition, states her inability to procure probate, by reason, evidently, of the expense incidental to an application for the same. The amount in deposit in this case is very small, viz. Rs. 139; and, as remarked in their Order of the 5th Govt. No 859, "the Govt. desire in these cases to save the applicant from expense as much as possible."

Under

2. Under these Circumstances the Sect. resolve, with reference to the terms of the Bill, to defer the payment, to Mrs E. R. Shilling, as the natural guardian of Susan Rebecca Shilling, of a moiety of the sum in deposit in the Govt Savings Bank in the name of the late Conductor J. Shilling, without the production of probate of the will.

3. With regard to the remaining moiety, Mrs Shilling will be informed that an Order similar to this will be passed upon the other daughter of her late husband attaining her 14th year, or upon her marriage -

Which

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which fact should be proved by the production of a duly attested copy of the Baptismal or Marriage Certificate, as the case may be. -

Mrs E. R. Shilling
& Treasurer
Secretary Govt Savings Bank
Govt Solicitor
Audr General

Appln for payment
of deposit in
Int Revenue
Bank, with
production of
Probate.

1020

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Govt. of {1872} Madras.

Financial

To Mrs E. R. Shilling

Dated Augt. 2

Recd.

G O. 2 Augt. , 1872, No. 1020.

Nos. 19. 20.

Issuing orders for the payment to Mrs E. R. Shilling as the natural guardian of Lucian R. Shilling of a moiety of the sum in deposit in the Govt Savings Bank in the name of the late Conductor J. Shilling without the production of probate of the will, the remainder being paid in due course.

27-'8