M.R.O. 1—20,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1268 Press Mis.

25-26

Dated 19—9— 1859

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 17th to 23rd September 1859.

No. 25. Read the following letter from H. FORBES, Esq., Member for Madras of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George, dated Fort William, the 7th September 1859.

I have had the honor to receive your letter of the 23rd of July, No. 999, and I now submit for the consideration of the Government of Madras, a Draft of a Bill, which I propose to introduce into the Legislative Council after the recess, unless I should, in the interim, receive any communication from the Government, expressive of a wish that its provisions should in any way be altered.

DRAFT BILL.

A Bill to amend Act VIII of 1855.

Whereas it is expedient to amend Act VIII of 1855, relating to the office and duties of Administrator General, It is enacted as follows:—

I. Section XI of Act VIII of 1855, is hereby repealed.

II. If any person, not being a Mahomedan or Hindoo, shall have died, whether within any of the said Presidencies or not, and whether before or after the passing of this Act, and shall, if a British subject, have left assets exceeding the value of five hundred Rupees, within any of the said Presidencies or any of the Provinces or places subject thereto, or shall, if not a British subject, have left personal assets exceeding five hundred Rupees, within the local limits of the jurisdiction of the Supreme Court at any of the said Presidencies and no person shall, within one month after his death, have applied in India for Probate of a Will or for any Letters of Administration of his Estate, the Administrator General of the Presidency in which such assets shall be, is hereby required, within a reasonable time, after he shall have had notice of the death of such person, and of his having left such assets as aforesaid, to take such proceedings, as may be necessary to obtain from the Supreme Court of Judicature at such Presidency, Letters of Administration to the Effects of such person, either generally or with a Will annexed, as the case may require. Provided that assets which any person may be entitled to collect, receive, or dispose of, by virtue of a Certificate granted under Act XX of 1841, shall not be deemed assets, within the meaning of this Section.

III. The Administrator General shall, when duly authorized, or required so to do, by the Military Secretary to Government, take proceedings to obtain Letters of Administration to the Estate and Effects of any Officer, Soldier, or other person subject to any Articles of War, in all cases in which such Estate and Effects do not exceed in the whole 500 Rupees.

IV. If within months no person claiming to be entitled to a principal share of the Effects of the deceased, shall obtain a Certificate from the Administrator General, under Section XLIII of the said Act, or Letters of Administration to the Estate and Effects of the deceased, the Administrator General being required so to do, by any creditor against the Estate, shall take proceedings to obtain Letters of Administration to the said Estate and Effects; or, if he do not think fit to take such proceedings, shall authorize such creditor to apply for Letters of Administration.

V. This Act shall be read with, and taken as part of, the said Act VIII of 1855.

(Signed) H. FORBES,
Member of the Legislative Council.

No. 26. ORDER THEREON, 19th September 1859, No. 1268.

Communicated to the Military Department, and the Advocate General, for any observations on the proposed Bill, in amendment of Act VIII of 1855.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No: 1268 — 19 Sept: 1859.

Communicated to the Mily: Dept:— & the Advocate General for any observations on the proposed Bill in amendment of Act VIII of 1855.

The Mily: Dept. } Sept: 22d
" Advocate General. }

Proc: 29th July 1859 No 26 & 27

Jud: Sec: Letter

Jud: Sec: to Eng: 23rd March No: 10 of 1860.

Repd: 16 No: 19 of 1860

Proc: of Govt 23 Sept 59 No 25

Judicial. 1859. Sept 14

From the Members for Madras of the Legislative Council

No 7

y/16 Sept/59.

No 521.

Acknowledges receipt of Letter of the 23d July No 999, and submits for the consideration of Govt a draft of a Bill to amend Act VIII of 1855 relating to the Office and duties of Administrator General which he proposes to introduce into the Leg: Council after the recess, unless he should, in the interim, receive any communication from Govt expressive of a wish that its provisions should in any way be altered.—

With an Order.

25 & 26