M.E.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1633 Press ~~Mis.~~

86-87

Dated 10.10.1863 ~~19~~

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
10th October 1863.

Read the following papers:—

No. 86. From E. H. LUSHINGTON, Esq., Secretary to the Government of India; to Mrs. THEODORA OLIVER, Widow of the late Mr. A. E. OLIVER, of Madras, dated Fort William, 9th September 1863, No. 4,405.

In reply to your letter of 20th July 1863, I am directed to state that the Honorable the President in Council has no objection to your continuing to draw the interest on the Government Promissory Note* belonging to your late husband, but he declines to place you in a position to convert the Note into money.

* No. 11,391 of 1842-43 for Rupees 500.

To

THE HONORABLE E. DRUMMOND,
Secretary to the Government of India,
Financial Department,
CALCUTTA.

HONORABLE SIR,

Presuming that my address to your Honor, dated 8th May 1863, having miscarried, I beg with the greatest respect to forward a duplicate copy of the same, with the earnest hope that the prayer therein contained, as the widow with three female children of the late A. E. Oliver, may receive your kind and liberal consideration.

MADRAS, SEMBOODOSS STREET,
No. 9,
20th July 1863.

(Signed) THEODORA OLIVER,
Widow of the late A. E. Oliver.

(A True Copy.)
(Signed) THOMAS PEACHEY,
Privl. Asst. Secy. to the Govt. of India.

DUPLICATE.

To

THE HONORABLE E. DRUMMOND,
Secretary to the Government of India,
Financial Department.

HONORABLE SIR,

I beg most respectfully to acknowledge the receipt of your letter, dated the 22nd January, stating in reply to mine of the 1st December last, soliciting authority for the disposal of the Government Promissory Note, therein alluded to, in the absence of Letters of Administration, with a view to investing the proceeds in a more profitable manner, that under Section 43 of Act VIII of 1855, the Administrator General at Madras is empowered to grant a Certificate, conveying a valid title when the assets of an estate do not exceed Rupees 500; and, as the Promissory Note in question, is the only property now appertaining to my husband's estate, that the Administrator General will not refuse, under a proper representation of my circumstances, to grant me the necessary Certificate, the cost of which will be only Rupees 15.

I beg most respectfully to explain that, in addition to the Government Promissory Note for Rupees 500, the interest on which has been hitherto drawn by me, under the orders of the Madras Government, quoted in my last, I possess a small house situated in the town, the property of my late father, and as this house, though virtually my own, became vested in my late husband by virtue of his marriage with me, I am barred from applying to the Administrator General for a Certificate under the Act referred to, which provides for its being granted only when the assets of an estate do not exceed 500 Rupees. With reference to this view of the case, and under my present distressed circumstances, having to provide for the wants of myself, and three growing female children, as fully explained in my last letter to you, and its accompaniment, I beg most respectfully to request that you will do me the favor to obtain the authority

of the Government of India to enable me to dispose of the Promissory Note in question as the widow and legal representative of the late A. E. Oliver, of Madras, without the production of Letters of Administration, under the circumstances of the case. The fact of my having been kindly permitted, under the orders of the Madras Government, to draw interest which had accrued on the Promissory Note, since the date of my late husband's decease, is, I respectfully submit, a full recognition of my title to the money invested in the Note in question, as the widow of the late A. E. Oliver, and I feel assured that the Government of India, actuated by the same compassionate feeling which prompted the Madras Government to authorize my drawing the interest on the Note, will grant the authority applied for, or authorize the renewal of the Note in my name, under the circumstances of the case; indeed, the renewal of the Note is indispensably necessary, in order to enable me to draw the interest, now due, and which may hereafter become due, inasmuch as there is no space on the back of the present Note for the Certificate of further interest, and this course will obviate all difficulty, and enable me to deal with the Note as its true, and rightful owner, without the authority applied for, and, without the production of Letters of Administration.

MADRAS, SEMEOODOSS STREET,
No. 9,
8th May 1863.

(Signed) THEODORA OLIVER,
Widow of the late A. E. Oliver.

(A true Copy.)

(Signed) THEODORA OLIVER,
Widow of the late A. E. Oliver.

(A true Copy.)

(Signed) THOMAS PEACHEY,
Principal Assistant Secretary to the Government of India.

OPINION.

The smallness of the amount may induce Government to deal exceptionally with this case on the grounds advanced. But as the assets evidently originally exceeded 500 Rupees, I do not think the Administrator General of Madras could grant a Certificate under Section 13 of the Administrator General's Act. It appears that the estate has already been reduced more than half—whether rightly or wrongly, I am not in a position to judge. It must be borne in mind that the widow is not the only person entitled to share in it, a concession has already been made to the widow enabling her to draw the interest on the Note. The object of the application is to get the proceeds of the Note and invest them at some higher rate of interest. Strictly speaking an Administrator would not be allowed to deal thus with an estate—I think it not impossible that further loss may accrue if the note is converted into money, and as there are children who would be entitled to Srds of the estate it does not seem to me necessary to accede to this application. I cannot think the expense of obtaining Letters of Administration would in proper hands be so high as stated, viz., 450 Rupees or any thing like that sum. However this may be, probably the best that can happen to the estate would be that the widow should continue to draw the interest but not be in a position to convert the Note into money.

29th August 1863.

(Signed) J. GRAHAM.

(True Copy.)

(Signed) F. C. SANDES,
Solicitor to Government.

(A true Copy.)

(Signed) THOMAS PEACHEY,
Principal Assistant Secretary to the Government of India.

Proceedings of the Madras Government, Judicial Department,
10th October 1863.

Copy of the above, together with Mrs. Oliver's application and the Advocate General's opinion, forwarded to the Government of Madras for information, with reference to the communication from this Department, No. 211G, dated 22nd January 1863.

Copy also sent to the Accountant General to the Government of India.

(A true Copy.)

(Signed) THOMAS PEACHEY,
Princl. Asst. Secy. to the Govt. of India.

No. 87.

ORDER THEREON, 10th October 1863, No. 1,633.

To be recorded.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Pon 26 Sept 1863 No 2250 & 226.

Ex
~~Sept~~ 1863 Dept
1633

From Secy Navy
Enclg Petn Blanchard
& 4 Affts
No 4455

Date 29 Sept 1863
Rec'd 29 Sept 1863
2180 Encls
Ans ~~Sept~~

Communicates
reply to the Petition of Brt
Theodora Olivier Blanchard
Town Warden, & Vice Recorder
She is authorized to claim the
interest of Govt Properties &c
11,546 - but that she is not
in a position to convert
the same into money
No 1633 & 10 Oct 63
To be recorded

8688

Clerk
Rec'd