

*Repealed by Act V of 1873 -*

ACT No. XXVI OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 19th September 1855.)*

AN ACT to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.

WHEREAS it is expedient to facilitate the payment of small sums belonging to the estates of deceased depositors in the Savings' Banks established by Government within any part of the territories in the possession and under the Government of the East India Company to the representatives of such depositors : It is enacted as follows :—

I. If a depositor in any Government Savings' Bank shall die leaving therein a sum of money not exceeding Five Hundred Rupees, and probate of his Will or letters of administration of his estate or effects, or a certificate granted under Act No. XX of 1841, or under Section IV of Act No. X of 1851, shall not be produced to the Secretary of such Bank within the period of two months from the time of the death of the said depositor, it shall be lawful for the Secretary of such Bank to pay the same to any person or persons who shall appear to him to be entitled to receive the same or to administer the effects of the deceased ; and such payment shall be a full indemnity and discharge from all further liability in respect of the money so paid ; but nothing herein contained shall preclude any executor or administrator or representative of the deceased from recovering from the person or persons receiving the same the amount remaining in his or their hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration ; and any creditor or claimant

Secretary of Government Savings' Bank in certain cases, to pay, without probate, &c., money belonging to the estate of a deceased depositor.

Payment to be a discharge.

Saving of right of executor, &c.

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And of creditor. against the estate of the deceased shall be at liberty to recover his debt or claim out of the money so paid to such person or persons and remaining in his or their hands unadministered, in the same manner and to the same extent as if such person or persons had obtained letters of administration to the estate of the deceased.

II. The Secretary of any such Bank may take such security as he shall think necessary from any person or persons to whom he shall pay any money under the preceding Section, for the due administration and distribution of the money so paid, and may assign the same to any person or persons interested in the due administration and distribution thereof, which person or persons may sue on the same in his or their own names.

III. For the purpose of ascertaining the right of the person or persons claiming to be entitled as aforesaid, it shall be lawful for the Secretary of any such Bank to administer an oath or affirmation; and every person who, having been sworn or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted, shall be liable to be punished accordingly.

IV. From and after the passing of this Act, no Administrator General of a Presidency shall grant a certificate under Section XLIII of Act No. VIII of 1855 in respect of any sum of money deposited in a Government Savings' Bank.

V. Nothing in this Act contained shall apply to the payment of any money deposited in a Government Savings Bank belonging to the estate of any European Officer or Soldier dying in Her Majesty's Service in India, or of any European Officer or Soldier dying in the Service of the East India Company, or to the estate and effects of any Officer, Seaman, or other person dying in the Marine Service of the said Company called the Indian Navy, or to the estate and effects of any person who, at the time of his death, was a deserter from any of the said Services.

