

J. Y. Interpretation No.83 (October 21, 1959) \*

**ISSUE:** How does a court take under custody and calculate the interests for articles lodged with it?

**RELEVANT LAWS:**

Articles 4 and 8 of the Lodgment Act (提存法第四條及第八條) .

**KEYWORDS:**

agential bank (代理國庫銀行), lodgment (提存) .\*\*

**HOLDING:** When a district court is located near an agential bank of the national treasury, the district court should deposit the money, negotiable securities, and valuables of lodgment under the custody of the treasury sector of the agential bank, which should pay interest to the court pursuant to Article 8 of the Lodgment Act.

**REASONING:** Pursuant to Article 4, Paragraph 2, of the Lodgment Act, the money, negotiable securities and

**解釋文：**地方法院所在地有代理國庫之銀行時，法院收受提存之金錢、有價證券或貴重物品，應交由該銀行之國庫部門保管，並依提存法第八條之規定給付利息。

**解釋理由書：**查提存法第四條第二項特別規定交由代理國庫之銀行保管者，其目的在保障利害關係人之利

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\* Translated by Lawrence L. C. Lee.

\*\* Contents within frame, not part of the original text, are added for reference purpose only.

valuables of lodgment lodged at a court should be under the custody of the treasury sector of an agential bank of the national treasury. The purpose of the Article is to protect the benefits of the shareholders of the lodgment because a lodgment under the custody of the treasury sector of a bank is more secure than a lodgment in the business department of a bank. Furthermore, pursuant to Article 8 of the Lodgment Act, interest should be paid on the receiving by the court and saving at the treasury sector of an agential bank. According to a letter issued in reply to this matter by the Ministry of Finance, “Any deposit made into the national treasury can receive interest.” This is in accordance with the content of Article 8 of the Lodgment Act, which provides that the money, negotiable securities and valuables of lodgment lodged in a court should be deposited into an agential bank of the national treasury.

Justice Ji-Dong Lin filed dissenting opinion.

益，交由代理國庫銀行之國庫部門保管，自較交由該行之營業部門保管更有保障。又查提存金應給付利息為提存法第八條所明定，茲經財政部函復國庫保管提存款亦可計息，衡之提存法第八條之規定正相符合，自以交由該行之國庫部門保管為宜。

本號解釋林大法官紀東提出不同意見書。