MDR. O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No. 551 Press ~~Mis.~~

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Dated 12 — 5 — 1957

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 12th May 1857.

No. 52. Read the following letter from the Accountant General; to the Chief Secretary to Government, dated 27th April 1857, No. 470.

Sir,

Para. 1. I have the honor to enclose copy of a reply from the Accountant General to the Government of India dated 25th February last, No. 2278, to a reference which I made to him regarding the operation of Section 51, Act No. 8 of 1855. It is stated in the 2nd para. of that letter, that the Government Securities belonging to Estates administered to by the Administrator General, and which may have remained in his custody unclaimed for 15 years, are disposed of by the Administrator General at Calcutta, and that he remits the net proceeds to the General Treasury of that Presidency.

2. The practice observed at this Presidency is for the Administrator General, to make over such Promissory Notes to the Sub Treasurer who sells them, placing the proceeds to the credit of the unclaimed Estates.

3. The reference to Bengal was in consequence of my doubting whether such Promissory Notes ought all to be sold peremptorily,[*] without reference to the loss involved by the reason of market rates being unfavorable, instead of being retained in deposit in the General Treasury, until such time as a fair, or an advantageous price could be obtained for them or retained altogether unsold to run at interest.

4. The Accountant General to the Government of India has stated, that Promissory Notes made over to the Sub Treasurer, may no doubt be retained by him for such period as may appear desirable, with a view to dispose of them to the profit of Government. In some cases[‡] where the claim to a stated portion or share of any Estate may be preferred and substantiated, the peremptory sale must of course be effected, in order to the division being made. But if the Promissory Notes are to be sold by the Administrator General here, in all cases, as in Calcutta,[*] before transferring the Estates to the Sub Treasurer the sale will be peremptory and the loss to which I refer will be incurred. I request, therefore, to be favored with the Orders of Government on the following points.

5. Whether the Promissory Notes are invariably to be sold by the Administrator General without reference to the loss that may be entailed, and the proceeds paid into the General Treasury, as is the system in Bengal, or whether such Notes may be transferred to the Sub Treasurer, leaving it to that Officer, to wait and sell them at his own discretion? or under instructions from the Accountant General? at fair prices as opportunities offer, or whether the Notes are to be retained in his custody altogether, the Interest that may be due from time to time being drawn by the Accountant General? or by him? and placed to the credit of Government.

(Signed) G. L. PRENDERGAST,

Accountant General.

From E. DRUMMOND, Esq., Accountant General to the Government of India; to the Accountant General of Fort Saint George, dated Fort William, the 25th February 1857, No. 2278.

Sir,

I have the honor to acknowledge the receipt of your letter No. 2240, dated 6th Instant, and with reference to Section 50 of Act No. 8 of 1855, therein alluded to, to observe that that Section has special reference to Bombay, and there is nothing in this Office to shew cause for any like practice in Bengal. Promissory Notes made over to the Sub-Treasurer under the Section, may no doubt be retained by him for such time as may appear desirable, with a view to dispose of them to the profit of Government, whose property they become on being transferred by the Administrator General.

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[*] Some cases 19 and 20 per cent discount.

[‡] There is a case now before me where a moiety on an Estate is claimed and appears to be substantiated.

[*] I do not read the Act as the Accountant General to the Government of India seems to interpret it. The *Act* Section 51, does not say the "*net proceeds*" shall be *paid* to the Sub Treasurer. The words used are "*transferred and paid*" implying I think evidently that where the net proceeds are composed partly of Notes, the Notes themselves are to be "transferred" to the Sub Treasurer.

2. Section 51 of the aforesaid Act directs that the *net proceeds* of all unclaimed Estates and not the Government Securities belonging to them should be paid to the Sub-Treasurer by the Administrator General. The practice at this Presidency has accordingly been for the Administrator General to dispose of all such papers in his custody, and to remit the proceeds into the General Treasury.

(Signed) EDMD. DRUMMOND,
Accountant Genl. to the Govt. of India.

(True Copy.)

(Signed) J. W. BREEKS,
Acting 1st Asst. Accountant General.

Ordered that the following letter be despatched.

No. 53. From E. MALTBY, Esq., Acting Chief Secretary to the Government of Fort Saint George; to the Secretary to the Government of India, dated 12th May 1857, No. 551.

SIR,

1. I am directed by the Right Honorable the Governor in Council to forward, for the consideration and orders of the Government of India, the accompanying letter from the Accountant General of this Presidency dated 27th April 1857, No. 470, enquiring whether Promissory Notes belonging to Estates transferred to the East India Company under Act VIII of 1855, Section 51, are invariably to be sold by the Administrator General without reference to the loss that may be entailed and the proceeds paid into the General Treasury; or whether such Notes may be transferred to the Sub-Treasurer, leaving it to that Officer, to wait and sell them at his own discretion or under instructions from the Accountant General, at fair prices as opportunities offer; or whether the Notes are to be retained in the custody of the Sub-Treasurer altogether, the interest accruing thereon from time to time being drawn by him or the Accountant General and placed to the credit of Government.

2. The Act is silent on all these points; but the practice here has hitherto been for the Administrator General to make over such Promissory Notes to the Sub-Treasurer and for him to sell them, placing the proceeds to the credit of the unclaimed Estates.

3. I am desired to solicit the instructions of the Government of India on the points mooted by the Accountant General.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

No. 551

To

The Secretary to the Government of India

Sir,

1 I am directed by the Right Hon'ble the Governor in Council to forward, for the consideration and orders of the Government of India, the accompanying letter from the Accountant General of this Presidency dated 27 April 1857 No. 470 enquiring whether ~~the~~ Promissory Notes belonging to Estates transferred to the East India Company under Act VIII of 1855 Sec. 51, are invariably to be sold by the Administrator General without reference to the loss that may be entailed and the proceeds paid into the General Treasury; or whether such Notes may be transferred to the Sub-Treasurer leaving it to that officer, to wait

and

and sell them at his own
or under instructions from
Accountant General, at fair
prices as opportunities offer
or whether the Notes are to
retained in the custody of the
Sub Treasurer altogether, the
interest accruing thereon from
time to time being drawn by
him or the Accountant General
and placed to the credit of
Government.

2. The Act is silent on
all these points, but the practice
here has hitherto been for the
Administrator General to make
over such Promissory Notes
to the Sub Treasurer and for
him to sell them, placing the
proceeds to the credit of the
Unclaimed Estates.

3 – I am desired
to solicit the instructions
of the Govt of

3

Ind.

MG

Fort St George
12th May 185

Sigd C. Maltby
Actg Chief Secy

Copy to Acct General Dispd 19th

Inm: 12 May

Judicial. 1857 Depart^t.

Jud^l Letter to Eng^d
24 Dec^r No 31 of 1857
Para 46.

52 & 53

N^o. 551

To
The Secy to the Gov^t. of
India

D/12 May 1857

Filt^e. 1176.

C 4 May
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