

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	628	Press
		~~Mis.~~
18-19		
Dated	16-5-	19-1858

Not to be folded or roughly handled

Ans

Fort St. George, Judicial Consultation, 18th May 1858.

(ESTATE) LIEUTENANT T. CORLEY.

No. 18. Read the following letter from C. M. TEED, Esq., Administrator General, Madras; to the Chief Secretary to Government, Fort St. George, dated 30th April 1858, No. 74.

SIR,

I have the honor to request you will be pleased to bring this communication to the notice of the Right Honorable the Governor in Council.

The late Lieutenant T. Corley died about the 22nd day of January 1846, having made his Will appointing Mr. M. McDowell, his sole Executor. Mr. McDowell, as such Executor proved the Will on the 19th day of February 1846, and obtained Probate in the Supreme Court. Lieutenant Corley amongst other Effects, was possessed of eight Shares in the Bank of Madras, under Certificates Nos. 257, 277, 278 and 279, the whole of which were in the name of Lieutenant Terence C. Corley. Mr. McDowell, as the Executor, transferred the Shares and had them registered with the Bank in his own name. The Shares were accordingly transferred in the books of the Bank from Lieutenant Corley's to Mr. McDowell's name, and now appear as belonging to Mr. McDowell's Estate. Mr. McDowell died, leaving a Will which was on the 29th day of August 1857, proved in the Supreme Court by me as the Administrator General and Executor named in the Will of Mr. McDowell. Mr. McDowell by his Will amongst other things directed that the eight Bank Shares standing in his name belonging to the Estate of the late Lieutenant Corley, and all other property belonging to such Estate should be handed to his son James Corley, on his attaining the age of twenty-one years.

Letters of Administration with Will annexed to Lieutenant T. Corley's Estate were subsequently granted to me as the Administrator General. On such grant of Administration, the four several Certificates or Bank Shares were tendered at the Treasury for deposit or safe custody, as the property of Lieutenant T. Corley. On such tender, the Sub Treasurer endorsed as follows: "The above Certificates tendered for deposit on account of the Estate of Lieutenant T. Corley, are registered in the Bank of Madras as assigned to Mr. McDowell. The Sub Treasurer requests some information respecting this." Being satisfied that the Certificates above referred to were the property of Lieutenant T. Corley's Estate and not of Mr. McDowell, and erroneously registered in the books of the Bank as the property of the latter, I have, as such Executor of Mr. McDowell, re-assigned the Certificates in the name of myself, as the Administrator General and Administrator of the Estate of Lieutenant T. Corley. The Certificates were then forwarded by me to the Bank of Madras for the purpose of registering the re-assignment in their books, and they were returned to me by the Bank on the 11th January 1858 with a letter as follows:

No. 11-488.

Bank of Madras, 11th January 1858.

To C. M. TEED, Esq., Administrator General.

SIR,

In returning the 4 Certificates for Bank of Madras Shares received with your letter of 5th Instant, I beg to state that the Bank cannot recognize the Endorsement to you in your *official capacity*, as it is precluded from recognizing Trust accounts. The Certificates will require to be endorsed to you in your individual name, in order to have the transfer of the Shares in question registered in the books of the Bank.

I have, &c.,

(Signed) ROBERT HUNTER,
Secretary and Treasurer.

By the Extract of Minutes of Consultation, Judicial Department, No. 367 of 16th May 1855, it is stated: "That it does seem highly objectionable and improper that property held by Mr. Serle under an official trust and in virtue of his appointment as Registrar to the Supreme

Fort St. George, Judicial Consultation, 18th May 1858.

"Court, should have been invested simply in his own name and without reference to his official capacity, and thus be held as a part of his personal Assets." Under such circumstances, I request the directions of the Right Honorable the Governor in Council in respect to such four Certificates or eight Bank Shares.

No. 19.

ORDER THEREON, No. 628; dated 14th May 1858.

Ordered to be referred through the Honorable Company's Solicitor for the opinion of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

No 628.

*Ordered to be referred thro' the
H^{on} Solicitor for the opinion of
the Advocate General
Fort St. George,
14th May, 1858.*

To the H^{on} Solicitor - Disp^d 18th

*If it is necessary to be
in force of the Bank as per
a special rule made by the
Adv^{te} General*

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