

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 684

Press
~~Mis.~~

7-8

Dated 26 - 8 - 1958

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 1st June 1858.

No. 7. Read the following letter from C. M. TEED, Esq., Administrator General, Madras; to the Chief Secretary to Government, Fort Saint George, dated 11th May 1858, Nos. 260 and 385.

SIR,

I have the honor to state for the information of the Right Honorable the Governor in Council, that in pursuance of the orders conveyed in the Extract of the Minutes of Consultation under date 12th September 1856, I called upon Mr. Serle the late Administrator General for the refundment of the amount of Commission overcharged by him on seventy-two small Estates, and I annex copies of my applications to him and of his replies, as also a copy of my letter to the Auditors dated the 3rd, and of their reply of the 5th March last.

*Madras, Administrator General's Office,
3rd March 1858.*

GENTLEMEN,

* Dated 16th February 1858. With reference to the annexed copy of letter* I have received from Mr. Serle relative to the refund of Commission drawn by him on the seventy-two small Estates referred in the 7th para. of your Report dated 8th November 1854 on the Administrator General's Schedules made up to 30th June 1854, I have the honor to request that you will be good enough to furnish the particulars of the seventy-two Estates for the information of Mr. Serle.

I have &c.,
(Signed) C. M. TEED,
Administrator General.

To B. CARDOZO, Esq., and
J. T. MACLAGAN, Esq.,
Auditors of the Accounts of the Administrator General.

Madras, 5th March 1858.

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

SIR,

We have the honor to acknowledge receipt of your letter dated 3rd Instant, and in reply beg to observe, that, it is not our province to furnish Mr. Serle with particulars of the 72 over-invested Estates referred to in our predecessor's Report of 8th November 1854.

We have &c.,
* (Signed) B. CARDOZO,
(„) J. T. MACLAGAN,
*Auditors of the Accounts of the
Administrator General.*

1432.

Copy of Correspondence
with Mr. Serle.

*Madras, Administrator General's Office,
17th September 1856.*

To W. A. SERLE, Esq.,

SIR,

I have the honor to transmit herewith copy of an Extract from the Minutes of Consultation of Government under date 12th Instant, and of an Extract from a letter from the Honorable the Court of Directors, dated 23rd July, No. 28 of 1856, relative to the refund of Commission drawn by you on 72 small Estates, and I request your attention to the same.

I also forward a copy of para. 2 of Extract Minutes of Consultation 13th January 1855, No. 27, which was received in this office on the 16th of the same month.

I have &c.,
(Signed) C. M. TEED,
Administrator General.

Fort St. George, Judicial Consultation, 1st June 1858.

1479.

*Madras, Administrator General's Office,
7th November 1856.*

To W. A. SERLE, Esq.,

SIR,

I have the honor to draw your attention to my letter of the 17th September last, and to request the favor of an early reply thereto.

I have &c.,

(Signed) C. M. TEED,
Administrator General.

1479 of 56.

*Madras, Administrator General's Office,
8th January 1857.*

To W. A. SERLE, Esq.,

SIR,

I beg your attention to my letters of the 17th September and 7th November last, and request that you will be pleased to comply with the application therein contained.

I am &c.,

(Signed) C. M. TEED,
Administrator General.

1479 of 56.

*Madras, Administrator General's Office,
17th June 1857.*

To WILLIAM A. SERLE, Esq.,

SIR,

17th September } 1856.
7th November. }
8th January. } 1857.

I have the honor to call your attention to the letters to you from this Department dated as per margin and to request the favor of a reply thereto, to enable me to reply to any questions of the Auditors on the subject, at the next Audit.

I have &c.,

(Signed) C. M. TEED,
Administrator General.

1710

*Madras, Administrator General's Office,
17th October 1857.*

To WILLIAM A. SERLE, Esq.,

SIR,

17th September. } 1856.
7th November. }
8th January. } 1857.
17th June. }

Adverting to the several communications to you from this Department dated as per margin, I have the honor to annex copy of para. 6 of Extract Minutes of Consultation of Government No. 1312, under date 10th Instant, and to request your early attention to the same.

I have &c.,

(Signed) C. M. TEED,
Administrator General.

To the Administrator General of Madras.

SIR,

In reply to your letter of the 17th Instant, I have the honor to inform you that I have been dangerously ill, and am still unable to attend to office-duty, but that, as soon as I am in a condition to do so, the subject matter of your said letter will be disposed of.

Madras, October 1857.

I have &c.,

(Signed) WILLIAM A. SERLE,

Fort St. George, Judicial Consultation, 1st June 1858.

1742 of 57.

*Madras, Administrator General's Office,
9th February 1857.*

To WM. A. SERLE, Esq.,

SIR,

Adverting to your letter to me dated October 1857 and previous correspondence, I have the honor to request that you will now be good enough to dispose of the matter to which the same have reference, to enable me to communicate with Government on the subject.

I have &c.,

(Signed) C. M. TEED,
Administrator General.

*Madras, Administrator General's Office,
16th February 1858.*

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

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th Instant, No. 1742 of 57, and in reply to inform you, that, all the books, papers, accounts &c., being in your possession I have no data to be guided by, and am therefore unable to comply with your application.

I have &c.,

(Signed) WILLIAM A. SERLE,

260 and 385.

*Madras, Administrator General's Office,
9th March 1858.*

To WILLIAM A. SERLE, Esq.,

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th Ultimo, and to annex for your information copy of a letter from the Auditors of my accounts, dated 5th Instant, stating that it is not in their province to furnish the particulars of the 72 over-invested Estates referred to in their Report of the 8th November 1854. The books &c., in this office are open for your use.

I have &c.,

(Signed) C. M. TEED,
Administrator General.

260 and 385.

*Madras, Administrator General's Office,
26th April 1858.*

SIR,

With reference to my letter of the 9th Ultimo, relative to the 72 over-invested Estates wherein Commission was charged by you, I beg to annex for your information copy of para. 5 of Extract of Minutes of Consultation of Government under date 13th Instant, and to request that you will refund the amount of Commission overcharged.

I am &c.,

(Signed) C. M. TEED,
Administrator General.

To W. A. SERLE, Esq.,

&c., &c., &c.,

No. 8.

ORDER THEREON, No. 684; dated 26th May 1858.

Section 3, No. 15, para. 2 of the Rules for the guidance of the Administrator General dated 9th May 1851, requires that "whenever the cost balances belonging to any Estate shall amount to Rupees 500 after providing for ascertained current demands, it shall be invested by the Administrator General in Government Securities."

2. In contravention of this Rule, Mr. Serle, the then Administrator General, had, as reported by the Auditors of his accounts on the 8th November 1854, made investments on account of

Fort St. George, Judicial Consultation, 1st June 1858.

several Estates, whose assets fell below Rupees 500, and in each case, in order to raise the amount to that fixed by the Rule, he had supplied the difference from the general balance of cash under his charge. Such difference he debited to the Estate on whose account the investment was made, but the full amount of interest accruing on the transaction he passed to its credit. Mr. Serle further drew Commission on these investments, in some instances on the full amount invested, in others, on so much of it only as was bonâ fide the property of the Estate.

3. Subsequently Mr. Serle was directed to withdraw from the Public Securities the investments referred to, and to deposit in the Savings Bank the balance actually to the credit of these Estates. But Government were not disposed to deny his claim to the Commission already drawn.

4. The Court of Directors however, on a review of these papers, did not approve of the course pursued by Mr. Serle, and would not allow any charge for Commission.

5. The present Administrator General was accordingly requested to place himself in communication with Mr. Serle in view to obtaining from that gentleman a refund of the Commission improperly drawn by him. Several applications appear to have been made to Mr. Serle for the money but without any satisfactory result.

6. Before passing orders on the letter recorded above, Government resolve to forward all the papers in the case (in original to be returned) to the Honorable Company's Solicitor and to request his opinion, what course should be pursued in order to enforce payment from Mr. Serle.

(Signed) T. PYCROFT,
Chief Secretary.

Memorandum.

15th May /54

para 7.

In their report on the Administrator General's Schedules made up to 30th June /54, the Auditors brought to notice that that officer had made investments in the Public Securities on account of several estates whose assets fell below the sum of Rs 500, at which investments were directed to be made by the Rules of 9th May 1854. and that in each case he had supplied the difference whereby the assets came short of that sum, for the general balance of cash under his charge, such difference being placed to the debit of the estate on account of which the investment was effected, while the entire interest accruing on the transaction had been carried to its credit. The auditors likewise pointed out that the Administrator General had drawn Commission on these investments in some instances on the full amount invested in others on so much of it only as was bona fide the property of the estate on behalf of which the investment was made.

Subsequently the Administrator General, in Int. Minis. Cons: 13th Jan'y /55 No 27 para 2, was directed to withdraw from the Public Securities the investments referred to above, and to deposit in the Savings Bank, the balances actually to the credit of such estates. The Govt. were not however disposed to deny his claim to the commission.

already charged by him in the investments of
of the 72 estates as referred to by the auditors.

But the Douille Court, on a review of these
papers, did not approve of the course pursued
by the Administrator General, and would not
allow any charge for Commission on the
transactions referred to.

Mr Sed was accordingly requested (12 64/56)
to place himself in communication with Mr
Serle in view of obtaining from that gentleman
-now the refund of the amount of commis-
sion charged by him in the investments of the
estates referred to.

Several applications have been made
to Mr Serle for this refund, but as will be
seen from the Administrator General's previous
letter without any satisfactory result.

It is quite clear that Mr Serle
will not pay until he is forced
to do so - The question is how
he can be compelled -

This may be referred for the
opinion of the H.C. Solicitor -

Or Mr Serle may be told
that Mr Sed that if he does
not refund the Commission

Despatch No 16 of 1855
22 11 20/1856

within a given time say one
month the Govt. will put the
matter in the hands of
the Law Officers -

JF

11

into
order can't
all the papers are
sent to Mr. Rogers.

Judicial Department

No 181

Extract from the Minutes of Consultation

dated 26th May 1858

Read the following letter
from the Administrator General
(See entry 11th May 1858 No 160385)

Sec: 3 No 15 para 2 of the Rules
for the guidance of the Adminis-
trator General dated 9th May 1857,
requires that ^{"wherever the cash} Balances belonging
to any estate shall amount to
Rupees 500 after providing for
ascertained current demands, it
shall be invested by the Adminis-
trator General in Govt.
Securities;

2. In contravention of this
rule, Mr Serle, the then Adminis-
trator General, had, as reported
by the Auditors of his accounts
on the 8th Nov. 1854, made invest-
ments on account of several
estates, whose assets fell below

Rs 500, and ~~Rs 100~~ in each case, in order to raise the amount & that fixed by the will, he had supplied the difference from the general balance of cash under his charge, such difference he debited to the estate on whose account the investment was made, but the ^{full amount} interest accruing on the transaction he placed to its credit. Mr. Serle further ~~also~~ drew commission on these investments, in some instances on the full amount invested, in others on so much of it only as was bound to the property of the estate.

3. Subsequently Mr. Serle was directed to withdraw from the Public Securities the investments referred to, and to deposit in the Savings Bank the balance actually to the credit of these estates. But Govt. were not disposed to deny his claim & the Commission already drawn.

4. The Court of Directors

6
however, on a review of these ~~papers~~, did not approve of the course pursued by Mr. Serle, and would not allow any charge for commission.

5. The present Administrator General was accordingly requested to place himself in communication with Mr. Serle in view to obtaining from that gentleman a refund of the ^{improperly drawn by him,} commission, several applications appear to have been made to Mr. Serle for the money but without any satisfactory result.

+ resolve to forward all the papers in the case for signature to be returned to the Solicitor and to request his opinion

6. Before passing orders on the letter recorded above, Govt. wish it to be ascertained from the Honble. Company's Solicitor, what course should be pursued in order to enforce payment from Mr. Serle, the Administrator General will also be requested to report the amount of commission Mr.

has been refused.

JP

Copy to Adm General.

" Council Compt's Solicitor with
Orders as per accompanying list.

} Disp. 2. 27

Memo of Papers from Mr. Bryson with the above order.

Orig: From the Auth^y of the Secy of the Adm^y General 8 May 54 - 1 Encl:

" E. M. Cons	21 - do - 1853	
" Letter to Hon. Court	12 Dec/54	- 56
" From the Adm ^y General	20 - do - 4/55	
" E. M. Cons	13 Jan/55	- 27
" Letter to Hon. Court	12 May/55	- 5
" Letter from do (Pub. Dep ^t)	20 - do - 16	
" E. M. Cons	16 May/55	- 38
" Letter to Hon. Court	14 Aug/55	- 25
" Letter from do in the P. Dep ^t	23 July/56	- 28
" E. M. Cons	12 Sep/56	- 105

Printed - Ind. Cons: 13 Oct^r 1857 - 21 & 23

" do 13 April 1858 - 18 & 20

Attest 29/6/88

Pub Cons No. 31 P. 3.

Cons No. 22-23
96-1-55

21-23 P. 6.

13-10-57 P. 5.
18-20
13-4-58

Public Cons. No. 31
Medical 185 D. Department.

No. 1014

Extract Mins. Cons.

Dated 26 May 1888

Resolving to forward
all the papers in the
subject of regulating the
amount of remuneration in
particular given to the
on the small estate, to the
Honorable Company
and to the next regulating
his opinion what should
should be pursued in
order to enforce payment
from that gentleman