M.R.O. 1—30,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1189	Press Mis—
98-100		
Dated	15-9-	1860

10/11

Not to be folded or roughly handled

Read the following papers :—

No. 98. From A. MACDONALD RITCHIE, Esq., Administrator General, to the Chief Secretary to Government, Fort Saint George, dated 17th August 1860.

1. I have the honor to request you will be so good as to lay this communication before the Honorable the Governor in Council for any Orders that the subject herein referred to, may require.

2. By Section II of Act XXVI of 1860, "an Act to amend Act VIII of 1855, (relating "to the office and duties of Administrator General)" it is enacted as follows :

"The Administrator General shall, when duly authorized or required so to do by the "Military Secretary to Government, secure and distribute the assets of the Estate and Effects of "any Officer, Soldier, or other person subject to any Articles of War, in all cases in which such "Estate and Effects do not exceed on the whole five-hundred Rupees, charging the Estate with "a commission of three per centum only. Provided always that it shall not be necessary for the "Administrator General to take out Letters of Administration in cases referred to in this Section."

3. From the circumstance of this Act having been only so lately promulgated, I am unable to speak with certainty as to the results of its actual operation; yet, from the nature of the Estates falling under its provisions, I anticipate, that the result must materially affect the pecuniary interests of the Administrator General.

4. The Administrator General has already received many requisitions from the Military Secretary to Government to take charge of Estates, the assets of which are below Rupees 500. No less than ten Estates have been transferred to me for disposal up to date. This is a large number within so short a period, and I imagine that this number will increase monthly, and in proportion to the convenience experienced by the Military Estate Department of the Military Secretary to Government in getting rid of such troublesome Estates.

5. I beg leave respectfully therefore under these circumstances to submit for the information of the Honorable the Governor in Council, that the process of disposal of Estates, the assets of which exceed Rupees 500, and of those, the assets of which are below Rupees 500, are precisely similar; the labor and attention requisite in the one, being in the like manner requisite in the other, with this exception, that in the latter case, these small Estates being as a general rule insolvent, have a greater number of claims requiring investigation, and entail a considerably larger amount of correspondence.

6. The transfer of these small Estates to the Administrator General for disposal will thus add materially to the existing work of his establishment and require on his part extra time, care, and attention, which cannot be compensated by the reduced amount of commission of 3 per cent. allowed by the Act, and which loss will in all probability wholly absorb the trifling profit at present arising from the Administration of Military Estates whose assets exceed Rupees 500, at present entrusted to him.

7. Thus the operations of the Act XXVI of 1860, will inevitably insure a loss to the Administrator General, and add to that loss which the Administrator General has on former occasions had the honor to address Government upon. To Mr. Teed's letter of the 21st December 1858, was annexed a Memorandum shewing a loss he sustained from January 1856 to June 1858 of Rupees 5,383-6-9, and in his letter of 21st March 1859 he shewed a further loss of Rupees 1,639-1-10 from 1st July to 31st December 1858.

8. By the Mutiny Act it is only Estates which do not exceed £100, which can be paid over to the parties interested without any Probate, Letters Testamentary, or Dative, on payment of any duty. Estates therefore exceeding £100, will not therefore suffer by being handed over to the Administrator General for disposal, as somewhere or other on such Estates, Probate, &c., is required, before a legal discharge can be given to the party paying away the assets.

9. I therefore solicit of the Honorable the Governor in Council as the only remedy applicable at present to retrieve this inevitable loss, that the Military Secretary to Government be requested to transfer to the Administrator General for due administration, every Estate exceed-

dicial.
Madras Govt.

pers—

Rec'd 17th Sept: '60.

— 30th do.

September 8th 1860.

No 1109.

Administrator
General addresses

dicial.

Madras Govt.

pers—

Rec'd 17th Sept. '60.

— 30th do.

September 16th No. 1109.

Administrator
ral adstrespecting

Sir

I have the honor to report for the information of Government that the Act XXVI-1860 will in my view have a powerful effect in preventing the labor & property of any interest from being withdrawn from the service of the office.

2nd Mr Ritchie represents that he has already received many

Act to amend Act VIII-1855 (relating to the duties of Village Officers)

Copy of Minute recorded in that Dept on 30th Inst. in forwarding Legislative Council Act for the Sanction thereto with a copy of my Minute and that of the Members of the Council present thereon.

Public Department Fort St George 31st August 1860

I have the honor to be Sir Your most obedient humble Servant

A Havelock

Chief Secretary to Government

This draft has received the sanction of Lord Stanley & Sir C Wood with the exception of the suggested alteration - which if the first opportunity may be adopted

JP

Judicial. Madras Govt.

Pers—

Ser 17th Sept. 60.

— 30th do.

September 20th. No 1109.

Administration

Act to amend Act VIII - 1855 (relating to the offices & duties of Administrators)

ral addresses to Govt. on the effect that the recent Act XXVI - 1860* will in his view have upon the labor & pecuniary interest of the office.

Mr Ritchie represents that he has already received many

Judicial.

Proceedings of the Madras Govt.

Read the following papers—

Letter from the Administrator-General—Dated 17th Augt. '60.

Memo. by the Mily. Secretary of State Dept. ——— 30th do.

Order—13th September 1860. No 1109.

The Administrator General addresses Govt. on the effect that the recent Act XXVI—1860* will in his view have upon the labor & pecuniary interest of the office.

Mr Ritchie represents that he has already received many

* An Act to amend Act VIII—1855 (relating to the office & duties of Administrator General &c.)

many requisitions from the Military Secretary to Govt., to take charge of Estates, the assets of which are below Rs. 500 — no less than 10 Estates having been transferred to him for disposal up to the date of his letter. This number will, he imagines, increase monthly & in proportion to [illegible] convenience [illegible] experience [illegible] Military

Estate Dept. of the Military Secretary to Govt. in getting rid of such troublesome Estates.

The process of disposal of Estates, Mr. Ritchie explains, is precisely similar, whether the assets exceed, or are below Rs. 500. But the smaller Estates, being generally insolvent, & having a greater number of claims requiring investigation, entail a considerably larger difficulties

larger amount of correspondence, & thus add materially to the existing work, which cannot be compensated by the reduced Commission of Three ℔ Cent allowed by the Act. The loss, it is estimated, will not only absorb the trifling profit arisings from the administration of Military Estates, whose assets exceed Rs. 500, but will add to the loss

loss sustained by the Administrator General, as reported by his predecessor, Mr. Reed. Mr. Ritchie concludes by soliciting that the Military Secretary to Govt. be requested to transfer to the Administrator General every Estate exceeding £100, that may come under his charge under the Mutiny Act & Articles of War, irrespective of Solvency or insolvency, or facility or difficulty

difficulty as to its disposal.

The Military Secretary — to the Administrator General's letter was referred — has explained that the estates under Rs. 500 handed over to the Administrator Genl. under Act XXVI-60, are simply those which have accumulated since the passing of Act VIII-1855 under Sections XI & XIII ~~which the~~

Administrator General refused to take charge of such estates. It, ~~therefore, appears that~~ how such Estates have accumulated during the past 5 years. At this ratio, the average will not exceed two per year. The supposition of the Administrator General, that the number of such Estates will increase monthly, does not ~~seem~~ consequently to be borne out. Such Estates have been

been made over to the Administrator General, simply because the Mutiny Act does not provide for a rateable distribution, by the Military Secretary to Govt., of the balances of insolvent Estates among Creditors — his power extending only to the distribution of the Assets of Solvent Estates. Colonel Marshall submits that there is no reason whatever why all Estates exceeding

That question is likely to arise with

exceeding £100, should be handed over to the Administrator General, for the purpose of retrieving any loss that may be sustained by him in having to deal with insolvent Estates. He observes that under the terms of the Mutiny Act & Articles of War, the authority to deal with all Estates of deceased Military Officers & Soldiers, is vested in the Military

Military Secretary to Govt. for the time being, & not in the Governor in Council — that the Mily Secretary is personally responsible for his acts — & that the Law does not contemplate the discretionary power vested in him being restricted by any such order from the Governor in Council, as Mr. Ritchie suggests

5. In communicating these remarks to the Administrator General, the Govt. resolve to inform him that it must be left to the Mily. Secretary, as hitherto, to determine what Mily. Estates shall be transferred for disposal to the Administrator General, & that the Govt. cannot interfere with him in the exercise of this discretion.

JJ

The Administrator General.
Mily. Secretary to Govt
Estate Dept.

Dec 21

Com of Enq.

Judicial 1860 Depart.

No 1189.

Proceedings of Govt.

Dated 15th Sept. 1860

Pass of private papers to
Letter from the Administrator
General and Official Trustee
& Military Secretary relative
to the Application of Felix Pitcher
that every Estate exceeding
£10. two transferred to him
under Act VII. 1859. Debts and
Antiques of the