

**ACT No. V. OF 1851.**

---

*Passed by the Hon'ble the President of the Council of India  
in Council on the 6th June 1851, with the assent of  
the Most Noble the Governor General of India.*

*For relief of certain sufferers by the Insolvency of Sir Thomas Turton,  
Baronet.*

**W**HEREAS, under an Act of Parliament passed in the fortieth year of the Reign of King George the Third, entitled "an Act for establishing further Regulations for the Government of the British Territories in India, and the better Administration of Justice within the same," Sir Thomas Edward Mitchell Turton, Baronet, as Registrar of the Ecclesiastical Court at Fort William in Bengal, was empowered to administer to the Estates of all British Subjects dying intestate within the said Presidency of Fort William in default of any claim made and established on behalf of any next of kin or Creditor to the deceased; And whereas the said Sir Thomas, on or about the 25th day of February 1848, resigned the Office of Registrar of the said Ecclesiastical Court, then being insolvent, and unable to pay several large sums of money due to the owners of sundry Estates to which he had administered or had assumed to administer under the power vested in him by the said Act, and also other sums of money due to the owners of sundry Estates of which he had  
taken

ACT No. V. OF 1851.

taken charge as such Registrar, although on account of the small value thereof or otherwise, no Letters of Administration of the last mentioned Estates were granted to him, and also other sums of money belonging either to suitors of the Supreme Court of Judicature at Fort William in Bengal, or other persons for whose benefit a trust was created in the said Sir Thomas, by reason of his holding the office of Registrar of the said Court, on its Ecclesiastical, Equity and Admiralty sides, or as Curator under Act XIX. 1841, or as Official Trustee under Act XVII. 1843 ;

And whereas, in order to know the deficiency of the said Sir Thomas in respect of the said several particulars of charge, certain Commissioners were appointed by an order under the seal of the Supreme Court of Judicature at Fort William, bearing date the 8th March 1848, to enquire and report thereon to the Court ;

And whereas the said Commissioners made their report to the said Court, bearing date the 25th January 1849, and now filed of record in the said Court, whereby they reported fully on the several matters committed to them as aforesaid, setting forth in the body of the said Report, and also in certain Schedules thereunto annexed marked (A,) (B,) (C,) (D,) (E,) and (F) respectively the names and titles of the several Estates, suitors and other persons to whom upon the account taken by them, money or securities for money appeared to be due by the said Sir Thomas ;

And whereas, it is deemed expedient that the said sufferers by the insolvency of the said Sir Thomas Edward Mitchell Turton be reimbursed their several losses out of the accumulated produce of certain unclaimed Estates, now in the custody and management of the Administrator General, due provision being made for securing the interests of the rightful claimants thereunto, if any shall hereafter appear ; It is enacted as follows :

I. The

ACT No. V. OF 1851.

I. The net proceeds of all Estates to which the Registrar of the said Ecclesiastical Court has administered in right or under colour of his office under the said Act of Parliament, and which from the official books and accounts of the said Registrar appear to have been in the custody or control of the said Registrar ready to be distributed before the first day of January 1836, and to have been since that time unclaimed and now to continue unclaimed in the custody or control of the Administrator General in Bengal in right of his office under Act VII. 1849, and also from time to time the net proceeds of all Estates to which the said Registrar or the said Administrator General under the said Act VII. 1849 has administered, or to which the said Administrator General shall hereafter administer, and which shall in like manner appear to have continued for fifteen years in his custody or control unclaimed shall be transferred and paid, as the same respectively accrue, to the Sub-Treasurer of the East India Company at Fort William in Bengal, and be carried to the account and credit of the East India Company for the general purposes of Government, and the receipt of the said Sub-Treasurer shall be a full indemnity and discharge to the said Administrator General for any such payment.

II. If any claim shall be hereafter made to any part of the net proceeds of any Estate so transferred and paid to the account and credit of the East India Company, and established to the satisfaction of the Administrator General and Accountant to the Government of Bengal for the time being, the said Accountant shall direct the Sub-Treasurer to repay, and the Sub-Treasurer shall thereupon repay the principal sum so paid or represented by the Securities so transferred, or so much thereof as shall appear to be due to the claimant out of the monies of the East India Company in his custody. If the claim is not established to the satisfaction of the said Administrator General and Accountant, the claimant may apply by petition to the said Supreme Court against the

East

ACT No. V. OF 1851.

East India Company and Administrator General, for the time being; and, after taking evidence either orally or on affidavit in a summary way as the Court shall think fit, the Court shall make such orders on the petition as justice requires, which shall be binding on all parties to the suit.

III. The Accountant to the Government of Bengal is authorized and required from time to time to direct the Sub-Treasurer to pay, and the Sub-Treasurer shall thereupon pay, out of the monies of the East India Company in his custody, such sums as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereunto, as the lawful representatives of the Intestates and others named in the Schedules (A,) (B,) (C,) (D,) annexed to the said Report, and also to the suitors and other persons entitled to the Equity Deposits and Trust monies in the suits and under the trusts named in the Schedules (E) and (F) annexed to the said Report, and other deposits and trust monies (if any) paid or entrusted to the said Sir Thomas by order of the said Court, and to the net proceeds of the estate of Ramnarain Coondo, of which the said Sir Thomas was Curator under Act XIX. 1841, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, shall appear to have been due to them respectively from the said Sir Thomas on the 25th day of February 1848, and to be then still due and unsatisfied, and also the balance due by the said Sir Thomas to Government in respect of Court fees received by him as Registrar of the said Court, but not accounted for by him to Government.