

# Ecclesiastical (1897) Department.

ORDINARY MS.

G.O., No. 72.

DATED 28-9-97.

INDEXED.

[Despatch Abstract.]

St. Stephen's Church defalcations.

Communicating to the Venerable the  
Archdeacon in Charge of the  
Diocese opinion of the Govt. Solicitor  
regarding the recovery of the amount  
of a certain bond executed by Isaac  
Stephens the Clerk implicated in  
the — and his brother Daniel Stephens.

# BACK PAPERS.

| G.O.  | No.  | Department. | Date.   | G.O. | No. | Department. | Date. |
|-------|------|-------------|---------|------|-----|-------------|-------|
| 80.60 | Eccl |             | 26-8-97 |      |     |             |       |

# FURTHER PAPERS.

| G.O.   | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|--------|-----|-------------|-------|------|-----|-------------|-------|
| 102/28 |     |             |       |      |     |             |       |

[ G. ]  
105.  
1,000-12-11-96.

FROM CIRCULATION  
WITH REMARKS.

As Govt is to take  
no step, the opinion  
has merely to  
be communicated  
to the Archdeacon.  
AK  
27/9/97

[ G. ]  
10  
200-29-7-96.

Eccl (189 ) Department.

order No. 72 of 28-9-97

W. Ham G.O. no 53 of 26/8/97

CURRENT No. 221

Communicated to the

Confidential No. 276

Rev. the Archdeacon with three Enclos.

(from order)

ret. with C.W.

221 of 97 in origl

when ret.

AK 27/9/97  
St. M. + Rev. 28/9/97

copy kept From

The Ag. Foot Solicitor  
Madras.

In Orders

As the Govt is to  
take any steps to recover  
on the security bond, or  
making this is to be left  
to the Church Committee.  
It is to be observed that  
if the amount is recovered  
part of it will come to  
Govt in repayment of the  
other cemetery fees.

No. 502

Dated 30<sup>th</sup> August  
Received 1<sup>st</sup> Sept 1897  
Registered 2<sup>nd</sup> Sept

Enclosures 3 Enclosures &  
Spare copies. Eccl C.W. 176 ret.

SUBJECT.

St. Stephen's Church  
defalcation.

AK.  
10/9/97

20/9/97

It is a bond being in  
the Church Committee &  
I think action must be paid  
to it must be left to them

28  
19/9/97 20/9/97

24.9.97

9

# BACK PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
| 60   | 60  | Eccl        | 26-89 |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|
|      |     |             |       |

Copy of a letter from the Government Solicitor

N 502

Madras 30th August 1897

From, William Morgan  
Ag. Government Solicitor  
Madras.

To The Honble Mr J. F. Price, C.S.I.  
Chief Secy to the Govt of Madras  
Ootacamund

Sir

1. I am in receipt of Confidential proceedings of the Ecclesiastical department with G.O. thereon N 60 dated 26th August 1897 with enclosures which I return
2. I am of opinion that the full amount of the bond given by Isaac and Daniel Stephens can be recovered, provided that defalcations to that extent over and above that sum of Rs 400 already paid by Isaac Stephens and the sum of Rs 50 due to him as salary for March, can be established. Isaac Stephens is, of course, entitled to credit for these two sums of Rs 400 and Rs 50 respectively, as against his total defalcations, but not as against the amount of his security bond if defalcations beyond such amounts can be proved

proved

3 The fact that Isaac Stephens was convicted in respect of three sums only, viz Rs 51, Rs 17-12 and Rs 72 as shewn in the judgment, does not in any way affect the question of his and Daniel Stephens' liability under the bond.

4 Should Daniel Stephens take the benefit of the Insolvent act, I am of opinion that looking to the nature of the debt the Commissioner of Insolvency would in any event order him to pay a proportion of his salary in liquidation of the debt, but I am inclined to think that it would be treated as a debt due to Government, in which case no discharge could be granted to him in respect of the same.

I have the honour to be

Sir

Your obedient servant

(Sd) William Morgan

g. Govt. Solicitor

Confidential No 276

No 302

Ecl no 221 of 1897

Madras 30th August 1897.

From,

William Morgan

Acting Government Solicitor

Madras.

To,

The Honorable Mr J. F. Price C. S. I.

Chief Secretary to

The Government of Madras

Ootacamund.



Sir,

1. I am in receipt of Confidential Proceedings of the Ecclesiastical Department, with G.O. thereon No 60 dated 26th August 1897 with enclosures which I return.

2. I am of opinion that the full amount of the Bond given by Isaac and Daniel Stephens can be recovered, provided that defalcations to that extent over and above the sum of Rs 400/ already paid by Isaac Stephens and the sum of Rs 50 due to him as salary for March, can be established: Isaac Stephens is of course entitled to credit for these two sums of Rs 400/ and Rs 50 respectively, as against his total defalcations, but not as against the amount of his Security Bond if defalcations beyond such amounts can be proved.

3. The fact that Isaac Stephens was convicted in respect of three sums only, viz: Rs. 51, Rs. 17-12 and Rs. 72 as shewn in the Judgment, does not in any way affect the question of his and Daniel Stephens liability under the Bond.

4. Should Daniel Stephens take the benefit of the Insolvent Act, I am of opinion that looking to the nature of the debt the Commissioner of Insolvency would in any event order him to pay a Proportion of his salary in liquidation of the debt, but I am inclined to think that it would be treated as a debt due to Government, in which case no discharge could be granted to him in respect of same.

I have the honor to be  
Sir

Your Obedient Servant

William Morgan  
As. Government Solicitor