M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 320 Press ~~Mis~~

53-54

Dated 8-3-~~19~~ 54

Not to be folded or roughly handled

No. 53. Read the following letter from GEORGE ELLIS, Esq., late Acting Civil and Session Judge of Combaconum; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated Cuddalore, 18th February 1858.

SIR,

1 Copy of letter from the Acting Register, dated 27th January 1858.
2 Answer to the above, dated 30th do.
3 Extract Proceedings S. U., dated 9th February, in reply to the above.
4 A. Certificate H. S. A. Court, dated 24th August 1854.
5 B. do. do. do.
6 C. Petition of defendant in No. 80, 1848, H. S. A.
7 D. do. 79, 1848.
8 Plaintiff's receipt.
9 Do. do

I have the honor to request you will submit the accompanying copies of correspondence and other papers for the consideration of the Right Honorable the Governor in Council.

2. On the receipt of the letter from the Acting Register to the Court of Sudr and Foujdaree Udalut, forwarding copies of the Proceedings of the Court, under date the 21st January 1858, as also of the Extracts from the Minutes of Consultation thereupon, I addressed the Judges (copy of my letter to their Acting Register is herewith submitted) requesting under the circumstances referred to by me, that they would submit my request for a re-consideration of the orders of His Lordship in Council in my case.

3. The Judges having declined compliance with my request, I am under the necessity of addressing myself directly to Government, in hopes that His Lordship in Council, may after a further consideration of the case and of such explanation as at this distance of time I am able to give, modify the resolution of Government as regards myself.

4. I do not presume to insinuate that the Court of Sudr Udalut in making their report on the detected defalcations in the Combaconum Court Treasury, have unduly pressed the case against me, but I venture to state that if the whole facts of the case had been fully laid before the Governor in Council, I should have been declared free, if not from all at least from very much of the neglect which has been attributed to me in common with Messrs. Lewin, Scott, Silver and Fisher.

5. In para. 2 of the Extract of Minutes of Consultation, it is stated that "the omission of the presiding Judges to attend to the directions laid down for their guidance &c., &c., has afforded opportunities to the Shroff to commit the embezzlements," and again "Officers vested with the supervision of servants guilty of frauds, are justly liable for the amount embezzled," and with reference to this remark of Government in my letter to the Court of Sudr Udalut, I urged that I could hardly be held liable for acts of embezzlement committed by the Shroff, as when I took charge of the Court he was not performing the duties of his office.

To this the Court of Sudr Udalut reply that this plea "would not avail Mr. Ellis, as it has *been shown* that *money* was *embezzled during the time* that he presided over the Combaconum Court," I beg very respectfully to remark that nothing of the kind has been shewn, and that the reverse is in evidence.

6. In my letter to the Court of Sudr Udalut, I brought to their notice that between the time of Mr. Silver's report to them of the defalcations in the Court Treasury and the receipt of their orders thereupon, I had taken charge of the Court, and that as further deficiencies had been brought to light, I had taken upon me to suspend their orders dismissing the Shroff, subsequently in accordance with instructions received from the Judges (vide para. 3 of their proceedings of 9th October 1857) I caused a searching examination of the accounts to be made, for, if I mistake not, 8 years anterior to the discovery of the defalcations, in order if possible to bring to light what sums had really been embezzled by the Shroff or others.

This examination having to be conducted by Ministerial Officers of the Subordinate Court who had also other duties to perform, was very tedious, and I believe the Shroff was not sent to the Joint Magistrate for committal to Court until after my departure from Combaconum.

The final result of the trial was as stated by the Court in para. 4 of their proceedings that the Shroff was acquitted of the charges.

7. The sum which Government on the representation of the Court of Sudr Udalut have declared me liable for, is Rupees 80-8, and this amount the Court of Sudr Udalut have stated has been shown to have been embezzled during my tenure of office.

8. I am unaware whether in submitting their report to Government, the Judges of the Court of Sudr Udalut forwarded at the same time the accounts of the Combaconum Court, but as these accounts are only alluded to in general terms, I am led to believe they were not before Government, and I therefore beg to submit to the Right Honorable the Governor in Council authenticated copies, with translations appended, of those documents on which I considered myself justified in directing the disbursement of the sums for which I am held liable.

* Rupees	45	0	0
,,	35	8	0
	80	8	0

9. These sums* were paid by my directions on the 31st August 1854. The party to whom they were paid having produced certificates† under the hand and seal of the proper officer shewing that he was the person to whom the money was due ; but it was not only because he produced these certificates that the money was directed to be paid to him, though these certificates stated that the money had been paid into the Treasury.

† A. B.

‡ C. D. Two other documents‡ were in evidence of the person tendering the certificates being entitled to receive the amount ; these were two petitions (of the defendant in the suits, in which the party to whom the money was paid by my orders had been plaintiff) stating that he had brought the said amount in further payment of the claim against him. These petitions are dated August 1853, the receipt for the money is endorsed on the petitions by the Shroff and Sheristadar as having been paid on the 15th August 1853, and they are filed by the *Mooftу Sudr Ameen on the 23rd August* of the same year.

Here were then two parties, one who had clearly paid money into the Court Treasury and another who was entitled to receive, it, and the officer presiding over the Court, into whose Treasury it had been paid, admits the payment by filing the endorsed petitions of record.

10. I respectfully submit that parties who had an indisputable title to receive money payments, which payments had been fully acknowledged before I had joined the Court, could not be kept waiting for their money while the Court was adjusting the accounts of 8 years past.

What would have been the result had I declined to pay the party presenting all these proofs of his being entitled to receive the money, but that he would have had to wait until Mr. Beauchamp had completed the onerous task of adjusting the accounts of his Court.

11. I now come to the question as to how far I am answerable for the amount thus paid under my directions. His Lordship in Council has laid down a rule, the propriety of which is incontestable, "that officers vested with supervision, are responsible for the acts of their subordinates." I would respectfully ask what act of any subordinate over whom I had supervision has been shown to be fraudulent? Not the Shroff's (who was tried and acquitted) for he was not in office when I presided over the Court, not the Sheristadar, for though he may have been made a tool of by the Shroff, he was not under my supervision *when the money was paid into the Treasury*. Had this money been paid into Court and not carried to account any time *during my incumbency*, I would at once have bowed to the decision of Government and have felt that I had neglected my duty, and that I was liable for the amount, but with all deference to the superior opportunities the Court of Sudr Udalut have had of arriving at the truth, I defy them to show, as they state has been shown, that the money was embezzled when I presided over the Court, the person best able to pronounce an opinion on this subject is Mr. Beauchamp, who went through the whole accounts, and I would earnestly request that the Government would enquire of this gentleman as to whether he considers the money was embezzled while I was Acting Civil Judge of Combaconum, though I think this almost unnecessary, as the accounts and documents now forwarded, show beyond question that *it was not so.*

12. It is to be borne in mind that when these sums are said by the Court of Sudr Udalut to have been shewn to have been embezzled, the Shroff was under suspension, the whole accounts were on the point of being thoroughly examined, the enemies of the Sheristadar were on the watch for his fall, which ultimately took place, and it was not likely at this particular juncture that he would attempt an act, the detection of which would have been, if not instantaneous, at any rate certain.

13. I do not wish, for it would seem ungenerous in my so doing, to cast any reflection on the absent, but I think enough has been shown to satisfy the Government that it was to the neglect of the officers presiding over the Court in 1853, and up to the time of the Shroff's suspension that these embezzlements occurred, that no embezzlements have been brought to light as having taken place subsequent to that event, and that if I am justified in that assumption, then that I am not liable for the sums I disbursed on the dates above specified.

14. I have to apologise for having addressed the Government at this length, but I felt it due to myself to endeavour to remove the imputation of neglect of duty which the orders of Government must inevitably leave me under. How far I have succeeded, remains for His Lordship's consideration. If I have failed in setting out my case in the clearest light, it is to be recollected that I am writing at a distance from the Court, the records of which would I have no doubt, have enabled me to supply many omissions and deficiencies which, under the circumstances I have been unable to avoid.

From C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut; to G. H. ELLIS, Esq., late Acting Civil Judge of Combaconum, dated 27th January 1858.

Sir,

I am directed by the Judges of the Sudder Udalut, to forward for your information, copy of their Proceedings of the 21st Instant, and with reference to para. 2 of Extract from the Minutes of Consultation, dated the 21st November 1857, to request that you will remit to the Civil Judge of Combaconum, the sum of Rupees 80-8, being the amount embezzled during your period of office.

(True Copy.)

(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

From GEORGE ELLIS, Esq., late Acting Civil Judge of Combaconum; to C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut, dated Cuddalore, 30th January 1858.

Sir,

I have the honor to acknowledge the receipt of your letter of the 27th Instant, forwarding for my information, copy of the proceedings of the Sudder Udalut of the 21st Instant, as also of the Extract from the Minute of Consultation, dated 21st November 1857, and requesting me to remit to the Civil Judge of Combaconum the sum of Rupees 80-8, the amount embezzled during the period I held he office of Acting Civil and Session Judge of Combaconum.

2. I would very respectfully bring to the notice of the Court, that this is the first and only information I have received through any official channel of the result of Mr Beauchamp's investigation into the defalcations in the Combaconum Court Treasury, of the opinion of the Court on that result, and of the resolution of Government thereupon; and that without being called upon for any explanation, I have been declared liable for the acts of a dishonest servant who was not performing the duties of his office, when I took charge of the Combaconum Court.

3. Para. 10 of the Court's Proceedings refers I presume, to acts of embezzlement committed by the Shroff, and which were facilitated, it is said, by the neglect of the presiding Judges to attend to the directions laid down for their guidance; and para. 11 mentions the sums so embezzled at different periods when the Court was presided over by the officers named, myself among the number.

4. I have to solicit as a favor from the Judges, that they will cause reference to be made to the records of their office, as to the dates on which Mr. Silver reported having detected the defalcations in the Treasury, of my assumption of office from Mr. Bird, and of my letter to the Judges, informing them that almost immediately on my assumption of office, a further defalcation had been brought to my notice, that I had in consequence taken upon me to suspend giving effect to the Court's *first orders* regarding the Shroff, and my subsequent proceedings in connexion with the matter.

5. I am under the impression that Mr. Silver, immediately on discovering the defalcations in the Court's Treasury, suspended the Shroff from office, and that he was under suspension when I assumed charge of the Court. I'm unable, however, to speak positively as to the date of this man's suspension, as I have no record of the occurrence by me, but in the supposition that I am correct, and that he did not perform the duties of the appointment during my incumbency, I would submit that it appears somewhat hard to hold me responsible for the acts of a ministerial servant of the Combaconum Court, when I had no connexion with it.

6. I do not presume to question the correctness of the principle laid down by Government, that officers vested with the supervision of servants should be held responsible for the acts of their subordinates, I only beg to deprecate the application of that principle to myself, when not having the supervision of the guilty subordinate. I have to request in conclusion, should the Judges not consider there is any impropriety in my so doing, that they will be good enough to submit for the re-consideration of the Right Honorable the Governor in Council, my liability for the embezzlement of the Shroff, and my reasons for being exempted from the operation of His Lordship's orders.

(True Copy.)

(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

Extract from the Proceedings of the Sudder Udalut under date the 9th February 1858.

Read letter dated the 30th Ultimo, from George Ellis, Esq., late Acting Civil Judge of Combaconum.

1. Mr. Ellis points out that the Shroff having been suspended from his duties before he assumed charge of the Civil Court, he cannot properly be held responsible for sums said to have been embezzled by that individual; and Mr. Ellis accordingly solicits the Court to submit his case for the re-consideration of the Government.

2. The Judges observe that, according to the principle laid down in the orders of the Government, each officer is held responsible for the defalcations during his tenure of office, by whomsoever occasioned; and that the circumstance of the Shroff in particular having been under suspension, would not avail Mr. Ellis, as it has been shown that money was embezzled during the time that he presided over the Combaconum Court.

3. The Judges are therefore unwilling to forward Mr. Ellis's application to the Government; but he will of course be at liberty to address the Government direct, should he think proper. The Court notice that the frauds were reported on the 4th July, Mr. Ellis took charge on the 20th Idem, and dated his first letter on the subject, 2nd August 1854.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the late Civil Judge of Combaconum.

(True Copy.)

(Signed) GEORGE ELLIS,
Late Acting Civil and Session Judge of Combaconum.

A.

Certificate given by the Mahomedan Sudr Ameen attached to Devany Udalut, Combaconum; to Cooppa Royer, Plaintiff in Suit No. 79 of 1845, on the file of the Hindoo Sudr Ameen.

What Court. Year and number.	Names of parties.	Date, month and year in which precept was issued, and the amount thereof.				Date, month and year in which a return to the precept was made, and the amount thereof.				To whom payable.
			Rs.	A	P.		Rs.	A	P.	
79 of 1845, on the file of the Hindoo Sudder Ameen.	Plaintiff, Cooppa Royer. Defendant, Appa Pillay.									Payable to the Plaintiff Cooppa Royer, the sum of Rupees 45, received into the Treasury in this suit.

This was prepared on the 24th August 1854.
(Signed in Persian) MALVEE MAHOMED ADAVOOLLA Saheb.
Given to the Plaintiff who appeared immediately.
This was prepared by Venkatachary, Goomastah,
(Signed in Persian.) MALVEE MAHOMED ADAVOOLLA Saheb.
Moofty Sudr Ameen.
(Signed) NARASIMMAH Chary,
Acting Head Goomastah.

Seal of the Moofty Sudr Ameen.

(Signed) G. ELLIS.

(True Copy.)

(Signed) G. T. BEAUCHAMP,
Civil Judge.

(True translation.)

(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

B.

Certificate given by the Mahomedan Sudder Ameen attached to Devany Udalut, Combaconum; to Cooppa Royer, Plaintiff in Suit No. 80 of 1845, on the file of the Hindoo Sudder Ameen.

What Court. Year and number.	Names of parties.	Date, month and year in which precept was issued, and the amount thereof.				Date, month and year in which a return to the precept was made and the amount thereof.				To whom payable.
			Rs.	A	P.		Rs.	A	P.	
80 of 1845, on the file of the Hindoo Sudder Ameen.	Plaintiff, Cooppa Royer. Defendant, Appa Pillay.									Payable to the Plaintiff Cooppa Royer, the sum of Rupees 35-5 received into the Treasury in this suit.

This was prepared on the 24th August 1854.
(Signed in Persian.) MOULVEE MAHOMED ADAVOOLLAH Saheb.
Given to the Plaintiff who appeared immediately.
This was prepared by Venkatachary, Goomastah,
(Signed in Persian) MOULVEE MAHOMED ADAVOOLLAH Saheb
Moofty Sudr Ameen.
(Signed) NARASIMMAH, Chary,
Acting Head Goomastah.

Seal of the Moofty Sudr Ameen.

(Signed) G. ELLIS.

(True Copy.)

(Signed) G. T. BEAUCHAMP,
Civil Judge.

(True translation.)

(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

admits

C.

To the Moofty Sudder Ameen, in the Zillah of Combaconum.

Petition of Moottea Pillay, alias Appa Pillay, defendant in Suit No. 80 of 1845, on the file of the Hindoo Sudder Ameen.

With reference to the Razeenamah Decree given in the Hindoo Sudder Ameen's Court in the above suit, I and Cooppa Row, the plaintiff, entered into a Kararnamah on the 23rd July 1850, before the said Court, fixing 5 years for the payment, and accordingly I paid into the Court's Treasury 35-8 which was due to plaintiff, on the 30th Audy of Pareedavy, 13th August 1852, according to the terms of the Kararnamah for the Samybogum amount, which sum was accordingly received by plaintiff. I have now brought Rupees 35-8 due to the plaintiff according to the Kararnamah on the 30th Audy of Pramadeecha 12th August 1853, and I therefore request the Court to allow me to pay the said sum into the Court's Treasury.

August 1853. (Signed) MOOTTEA PILLAY, alias APPA PILLAY.
(,,) SASHIEN, son of APPAVIEN, residing at the Bucklapary Agraharum, Combaconum, the writer of this petition.

Memo.—The plaintiff Cooppoo Royer is residing in the Malayen street, Combaconum, I (defendant) live at Audagovil, in the Codavasul Talook.

(Signed) MOOTTEA PILLAY, alias APPA PILLAY.

The sum of Rs. 35-8 herein mentioned, were paid into the Court Treasury on the 15th August 1853.

(Signed) BALAGOOROO MOORTY Chetty,
Civil Court Shroff.
(Signed) IYAHVIER, *Sheristadar.*

Filed 23rd August 1853.

(Signed in Persian) MOULI MAHOMED ADAVOOLLAH SAHEB.
(Signed) G. T. BEAUCHAMP,
Civil Judge.

(True Translation.)
(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

D.

Petition of Moottea Pillay, alias Appa Pillay, defendant in No. 79 of 1845, of the Hindoo Sudr Ameen's file, addressed to the Mahomedan Sudr Ameen, Zillah Combaconum.

According to the Kararnamah which myself and Cooppa Row, the plaintiff have filed under date the 23rd July 1850, fixing 5 years in pursuance of the Razeenamah decree passed by the Hindoo Sudr Ameen, I have already paid into the Court Treasury, on the 13th August 1852, Rupees 45, being the amount of Sawmybogum due by me to plaintiff through the said Sudder Ameen, and the sum has been received by the plaintiff. I have now brought the sum of Rupees 45 due on the 12th August 1853, according to the Kararnamah, and request orders to receive it into the Court Treasury.

August 1853. (Signed) MOOTTEA PILLAY.

Money Rupees 45 received into Treasury.
(Signed) BALAGOOROOVA MOORTY, *Shroff.*
(,,) IYAHVIER, *Sheristadar.*

Filed 23rd August 1853.

(Signed) MALVEE MAHOMED ADVOOLLAH SAHEB,
Moofty Sudr Ameen.

(True Copy.)
(Signed) G. T. BEAUCHAMP,
Civil Judge.

(True Translation.)
(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

To the Civil Judge of Combaconum.

Receipt given by Coopoo Row, plaintiff in suit No. 79 of 1845, on the file of the late Hindoo Sudder Ameen.

I have given herewith the certificate granted to me by the Mahomedan Sudr Ameen, authorizing me to receive the sum of Rs. 45 due to me in the above suit, from the Court Treasury, and I have therefore under the orders of the Court received the above sum of Rs. 45 from the Sherishtadar Iahviah, and this is to be considered as a receipt for the same.

August 1854. (Signed) COOPPA ROW.
(,,) ANNAVIER, son of Roojungachariar, residing in the Moorty Chetty street, Combaconum, the writer of this receipt.

Witnesses.

(Signed) SOONDARA ROW, Vakeel.
(,,) COOPPOOSAMIER, residing in Camatchy Josyer Agraharum, Combaconum.

Rupees 45 paid before me, August 31st, 1854.

(Signed) IYAVIER, *Sheristadar.*
Filed 31st August 1854.

(Signed) GEORGE ELLIS, *Acting Civil Judge.*

(True Copy.)
(Signed) G. T. BEAUCHAMP, *Civil Judge,*

(True Translation.)
(Signed) GEORGE ELLIS,
Late Acting Civil Judge of Combaconum.

To the Civil Judge of Combaconum.

Receipt given by Cooppa Row, plaintiff in suit No. 80 of 1845, on the file of the Hindoo Sudr Ameen.

I have given herewith the certificate granted to me by the Mahomedan Sudr Ameen, authorizing me to receive the sum of Rs. 35-8 due to me in the above suit, from the Court Treasury and I have therefore under the orders of the Court received from the Sheristadar Iyavier, the above mentioned sum of Rs. 35-8, and this is to be considered as a receipt for the same.

(Signed) COOPPA ROW.
(,,) ANNAVIER, son of Boojungah Charryar, residing in the Moorty Chetty street, Combaconum, the writer of this receipt.

Witnesses.

(Signed) SOONDRA ROW, Vakeel.
(,,) COOPOOSAMYER, residing at Camatchy Jociyer Aggraharum, Combaconum, Rupees 35-8, paid before me.

August 31st, 1854.

(Signed) IYAVIER, *Sheristadar.*
Filed 31st August 1854.

(Signed) GEORGE ELLIS, *Acting Civil Judge.*
(Signed) G. T. BEAUCHAMP, *Civil Judge.*

(True Translation.)
(Signed) GEORGE ELLIS.
Late Acting Civil Judge of Combaconum.

No. 54. ORDER THEREON, No. 310; dated 8th March 1858.

In the above letter, Mr. G. Ellis solicits a reconsideration of the Extract Minutes Consultation, dated 21st November 1857, rendering him liable for certain defalcations in the Combaconum Court Treasury, during his tenure of office.

2. The Right Honorable the Governor in Council regrets that he finds himself unable to depart from the orders already passed on this question.

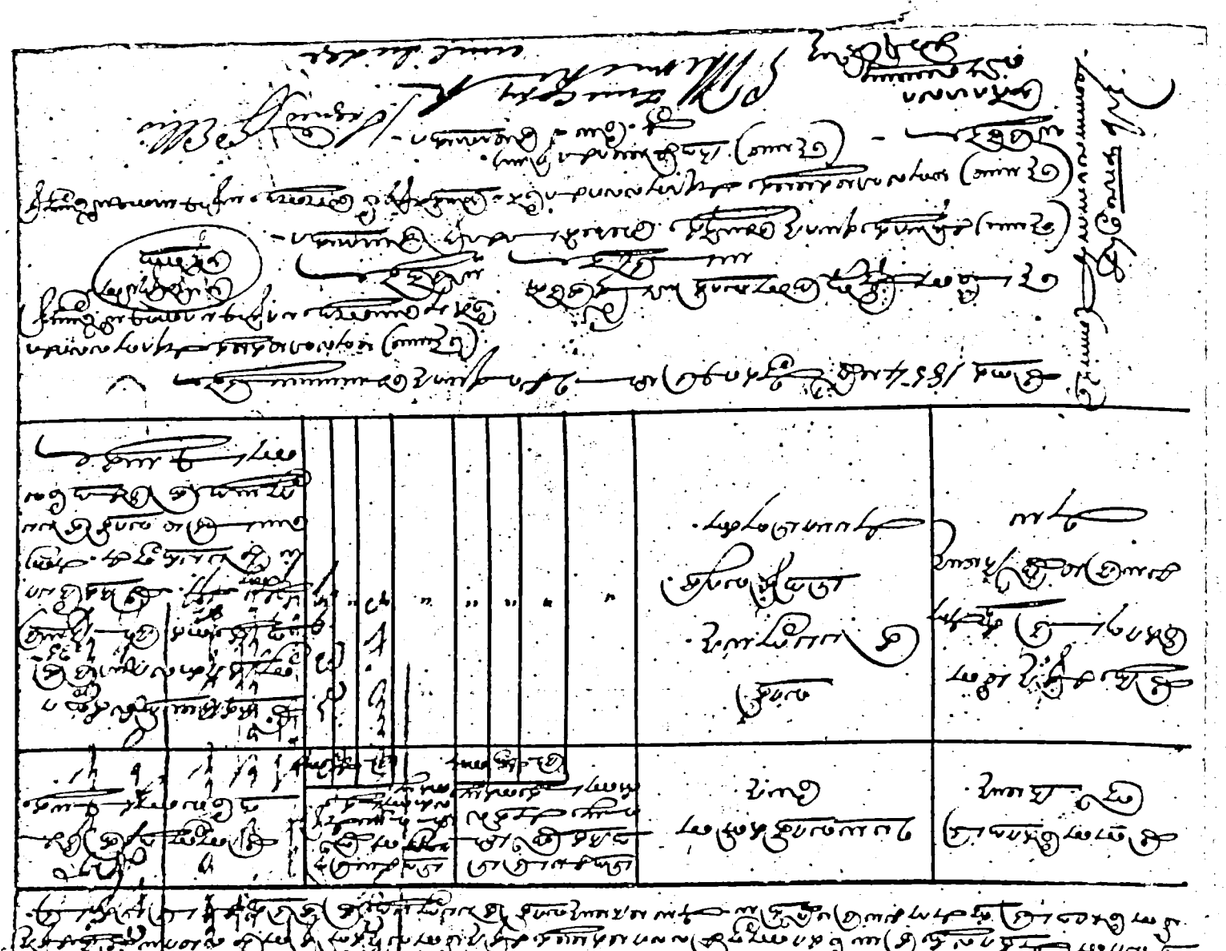
3. He observes that in their reply to Mr. Ellis, the Sudr Udalut are incorrect in stating that he has been called upon to make good a sum of money proved to have been embezzled whilst he was in charge of the Court.

4. Mr. Ellis has been called on and justly to make good a sum of money which he disbursed from his Court Cash chest without first ascertaining that such money had ever been paid into the Cash chest. The documents which he has sent up prove nothing in his favor.

5. It was Mr. Ellis' duty to refer to the Cash book, and if he did not find the payments entered in it on the dates entered in the receipts, referred to by him in para. 8 of his letter, his course was a plain one, viz., to make no payments. It is the more singular that Mr. Ellis did not take this precaution as he was aware of the extensive embezzlements that had been committed by the Court servants.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.



Kindo Circuit Court
No 80 of 1845

Kindo Circuit Court
Certificate to the
Plaintiff for
$35.8
24 August 1854

Rs. 45 - paid before me August 31st 1854.

Signed George Ellis

A.C.J.

(True Copy)

Vendo Subramien
No. 79 of 1845

Receipt of the
Plaintiff for
Rs 45 — " "

31st Aug. 1854

Rendo Indulamen
Sta. 8 Aug. 1854

per Ricevuta
per Rs. 35.8.—
31 Aug. 1854

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Transmitted for
the Inhabitants
of Jamun

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Mr E. Masters called
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which he disbursed
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to the cash book, & if he
did not put the pay
entered in it, or the
date ~~were~~ entered
in on the receipts, as
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+ Two other documents were

+ C. D

in evidence of the person tendering the Certificates being entitled to receive the amount; these were two Petitions (of the Defendant in the suits, in which the party to whom the money was paid by my orders had been Plaintiff) stating that he had brought the said amount in part payment of the claims against him: These Petitions are dated Augt. 1853 the Receipt for the money is in= dorsed on the Petitions by the Sheriff and therefore as having been paid on the 15th August 1853 and they are filed by the Deputy Sheriff on the 23d August of the same year.

Here were then two parties who had clearly paid money into the Court Treasury and who were entitled to receive it and the person presiding over the Court into the Treasury it had been paid admits

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Endorsed Petitions of record. —

I respectfully submit that
parties who had an undisputable title to
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have had of arriving at the truth
I defy them to show, as they state has
been

Judicial Dept

No 310

Extract from the Minutes of Consultation
Dated 8th March 1838.

Read the
following letter from
the late Acting Civil
Judge of Combaconum

(Here enter 18th Febry/38)

In the above
letter Mr. G Ellis solicits
a reconsideration of the
Ex Mins Cons: dated 21
November 1837 rendering
him liable for certain
defalcations in the Com
baconum Cutcherry Treasury
during his tenure of
office.

2 The Right
Honorable the Governor
in Council regrets that
he finds himself unable
to depart from the
orders already passed
in this question

AB

been shown that the money was
embezzled when I presided over the
Court - the person best able to pronounce
an opinion on this subject is Mr. Branchaud
who examined this whole accounts and
I would earnestly request that the
Government would enquire of this Gen-
tleman as to when he considers the
money was embezzled while I was
3rd Civil Judge of Combaconum, this
I think this (almost unnecessary as the
Accounts and Documents now forwarded
show beyond question that it was not

No.

11. It is to be borne in mind
that when these sums are said by the
Court of Sudr Adalut to have been
shown to have been embezzled the
Sheriff was under suspension, the whole
accounts were on the point of being
thoroughly escanned the Enemies of
the Sheristadar were on the watch
for his fall which ultimately took
place and it was not likely at this

particular

3. He observes that in their Reply to Mr Ellis's the Sheriff Substitute are incorrect in stating that he has been called upon to make good a sum of money proved to have been embezzled, while he was in charge of the Court.

4. Mr Ellis has been called on and justly, to make good a sum of money, which he disbursed from his Court Cash Chest. The ~~docts~~ documents which he has sent up in proof of nothing in his favour ~~in this behalf~~

5. It was Mr Ellis's duty to refer to the Cash book, and if he did not find the payments entered in it on the dates entered ~~in the Receipts~~ by him upon ~~the~~ ~~Vouchers~~ upon para 8 of his letter, his course was a plain one. Viz to make no payments ~~out of the sums~~ ~~charged~~ ~~in his Receipts~~. It is the more singular that Mr Ellis did not take this precaution ~~in~~ ~~case~~ as he was aware of the extensive embezzlements that had been committed by the Court servants.

Wm J Ellis late Cadalow
Sub Sheriff

} Disp'd to

JP.

^ without first ascertaining that such money had ever been paid into the Cash Chest.

C. No. 53-56
12th-11-57

Judl. Dis. to Engd 30th June
No 9 of 1858 - Rena 17

In Dr to Cons: 12th March
Judicial 1858 Depart

No 310

Extracts Mins: of Coun

3/8: March 1858 -

Ord. No 838. 11th Aug. 1858.

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C. J. Grant
Sec.