

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

|          |             |                 |
|----------|-------------|-----------------|
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| 83-84.   |             |                 |
| Dated    | 15. 1. 1881 | 19.             |

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,*  
15th January 1861.

No. 83. Read the following letter from W. HOLLOWAY, Esq., Acting Civil Judge of Tellicherry, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 29th December 1860, No. 410.

1. I consider it my duty to report directly to Government the painful fact of the flight of the Shroff of the Civil Court and the discovery of a deficit in the amount lodged in the Treasury. I have the honor to annex a copy of my report to the Judges of the Sadr Court which will put Government in possession of all the facts of the case.

"1. I greatly regret the necessity of reporting for the information of the Judges, that at about 4½ p.m. of Thursday 27th, I received news of a prevalent rumour that the Shroff of this Court had disappeared. I immediately proceeded to the Treasury and despite the attempted opposition of his brother and security, opened the box and discovered eight bags filled with rupees and four with copper coins only. A quantity of rupees were tied in the carpet used at the time of counting money as if in preparation for intended flight."

"2. On opening the box, a paper in the Shroff's handwriting met the eye. Its purport was that a deficiency, of which he could not tell the exact amount, existing in his Court Treasury, he was unable to bear the disgrace and intended to kill himself. An attempt was made to induce the brother of the Shroff to count the money, but he constantly counting and recounting the same sums obviously intended only to create delay, and the approach of darkness and the absence of the Shroff of the lower Court, induced me to seal the box and defer the detailed examination until this morning. On making it, the total sum found in the box was as shown in the detailed Statement which accompanies this letter, Rupees 7,645-10-5, leaving a deficit, independently of small sums of my own, the Zilla Surgeon and the Dispensary, of Rupees 7,779-7-7."

"3. The Judges will see that the bulk of this sum Rupees 15,336-4-0 accrued from the sale of property in execution of the decree in O. S. No. 2 of 1859. On Friday 21st the last payment was made on account of that sale, a Miscellaneous petition of another decree holder claiming to share those proceeds was disposed of on the 22nd, and I immediately said to the Sheristadar who inquired whether it was all to be paid to the first decree holder—"Yes and for goodness' sake pay it immediately and take a receipt." The decree holder was told to bring a receipt and on his leaving the Court as if to bring one, both the Sheristadar and I called after him that a stamped receipt was not necessary."

"4. It now appears from the statement of the decree holder to the Sheristadar, that the Shroff induced him not to bring a receipt on that day under the pretext that many persons were required to carry the money and that it could be paid on Monday which was the last day of Court before the Christmas vacation. On that day the Shroff reported that he was too sick to attend. Engaged all day in the trial of a case of murder of great difficulty both as to the facts and the law, I should not have noticed the matter, but I am informed that the decree holder visited the house of the Shroff, accepted his excuse of sickness and made no representation of the matter to me. I do not enter into these details to indicate by my desire to have this money immediately paid, precautions taken against the Shroff, for in truth, I could not conceive that any such were needed. He was reputed to be wealthy and the fact that among other persons, the Daffadar of the Court had lodged with him nearly Rupees 300, shows the character for regularity and integrity which he has hitherto borne. The Judges too will be perfectly cognizant of the fact, that no precautions whatever could guard against a Shroff determined to abscond with money in this daring manner. All that can be done and all that is enjoined, to prevent petty embezzlements, is the retention of money for as short a time as possible and every effort was made to do so in the present case. On the day after that on which the proceeds of the sale were received, I used every effort to get them paid. I was defeated by the

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" knavery of the Shroff and the apathy of the Brahmin. The sum had been at that time, barely  
" a month in accruing by the gradual sales and there was therefore no delay whatever. It is not  
" my impression that the whole of this sum was carried off at any one time. The Shroff left  
" the Treasury after 4 P.M. on Saturday 22nd with two bags, one large and one small, and  
" something tied up in a handkerchief. The  
" large bag was in the hands of an acting\*  
" peon of the Court, whom he had doubtless  
" selected on account of his youth and inex-  
" perience. This lad has been sent for but has not yet appeared. The last positive intelligence  
" of the man's presence in Tellicherry only brings him to Monday evening when he went and  
" conversed with a merchant named Tulseydass, and as I am informed asked him about procuring  
" a Pattimar. The Judges will see how nicely the whole of this scheme has been timed. The  
" probabilities were that at least 10 days start would have been secured which would have  
" rendered pursuit almost hopeless."

" 5. Now however I entertain strong hopes of the man's recapture. Regarding the  
" paper of which an exact transcript was found this morning in the Shroff's Court box as a mere  
" ruse to divert pursuit, I immediately requested that every effort might be made by the Super-  
" intendent of Police, he promised to do so and this morning knowing by a private letter from  
" Captain Ewart that the " Dalhousie " was to be at Cannanore today, I at 11 o'clock sent off three  
" peons of the Court with a letter requesting Captain Hopkins to put one on shore at Mangalore,  
" another at Goa and another at Bombay. They are the bearers of letters addressed to the  
" authorities at those places requesting their earnest co-operation with us in this urgent matter.  
" The Shroff has relatives both at Bombay and Mangalore which would render his resort to  
" either of those places probable, but my own opinion, predominates in favor of Goa as being  
" the territory of a foreign Government. The Superintendent of Police has procured warrants  
" and has also addressed all these authorities. A Pattimar left this for Goa on 24th and one for  
" Bombay on 26th. I have requested Mr. Bloomfield to telegraph to Mr. Forjett immediately.  
" Should he have gone to Bombay, as some circumstances lead me to think, I have little doubt of  
" his re-apprehension."

" 6. In reviewing the whole of this painful matter I hope not with the favorable eye  
" usually turned to one's own proceedings, it appears to me, and will, I believe, appear to the  
" Judges, that I have been overtaken by a great misfortune, to which no negligence of mine, has  
" in any way contributed."

" 7. I shall inform the Judges from time to time of the result of the proceedings already  
" taken and of any others, which may hereafter be deemed desirable."

2. I can only add that the circumstance of this decree being under execution, rendered the  
lodgment of these sums of money absolutely unavoidable and that as Government will see, I made  
every effort to prevent the lodgment continuing for a longer period than was absolutely necessary.  
There is of course a nice legal point involved in the question as to the responsibility; but I fear  
that it will be found that although the decree holder unquestionably contributed by his negligent  
disregard of my orders, to the loss of the sum carried off on the Saturday, Government will be  
found legally responsible for the loss. All efforts have been and will be made for the capture  
of the offender and I have every reason to hope that they will be crowned with success. I have  
of course in all the letters written upon the subject by me treated the money only as in the  
custody of Government so that they may not be prejudiced in any legal steps to which they may  
be advised.

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15th January 1861.

Statement of Cash, &c., found in the Court Treasury Box on the 28th December 1860.

|                                      | RS.   | A. | P. |
|--------------------------------------|-------|----|----|
| In 8 bags... ..                      | 6,492 | 10 | 0  |
| „ Carpet... ..                       | 1,002 | 0  | 0  |
| Copper quarter annas in 4 bags... .. | 97    | 0  | 0  |
| Pice... ..                           | 8     | 7  | 1  |
| In 6 small bags, viz.                |       |    |    |
| Cash... ..                           | 14    | 1  | 9  |
| 6 Silver waist chains... ..          |       |    |    |
| 1 Do. Bangle... ..                   |       |    |    |
| 1 Do. Amulet... ..                   |       |    |    |
| 1 Do. Ring... ..                     |       |    |    |
| 8 Gold ear-rings... ..               |       |    |    |
| 2 Do. do. drops... ..                |       |    |    |
| 1 Do. neck ornament... ..            |       |    |    |
| 3 Do. Beads... ..                    |       |    |    |
| 2 Gold rings... ..                   |       |    |    |
| 1 Pinchbeck ditto... ..              |       |    |    |
| 1 Iron Key... ..                     |       |    |    |
| 1 False copper coin... ..            |       |    |    |
| 1 Do. Rupee... ..                    |       |    |    |
| 2 Do. silver fanams... ..            |       |    |    |
| 2 Silver Badges... ..                |       |    |    |
| Total.....                           |       |    |    |
|                                      | 7,645 | 10 | 5  |

(Signed) W. HOLLOWAY,  
Acting Civil Judge.

Memorandum.

|                                                                      | RS.    | A. | P. |
|----------------------------------------------------------------------|--------|----|----|
| Balance of cash, &c., as per accounts on the 24th December 1860..... | 15,425 | 2  | 0  |
| Cash, &c., found in the Treasury box on the 28th December 1860... .. | 7,645  | 10 | 5  |
| Deficiency.....                                                      |        |    |    |
|                                                                      | 7,779  | 7  | 7  |

(Signed) W. HOLLOWAY,  
Acting Civil Judge.

No. 84.

ORDER THEREON, 15th January 1861, No. 58.  
To be recorded.

(Signed) T. PYCROFT,  
Chief Secretary.

Exd. T. O'Connor.

Proc of Jan 16/61  
1860.

Judicial Department.  
From the Judge  
of the Court  
To the Chief Secretary  
to Government

Dated 29<sup>th</sup> Dec. 1860  
Recd. 4/1

No 410  
Enclosure 1.  
No 23

Reporting the flight  
of the Sheriff of the Civil  
Court & the discovery of  
a deficit in the amount  
lodged in the Treasury.  
J. H. 58  
To be recorded  
15 Jan 2/61.

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