

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1936	Press
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204-205		
Dated	28.11.1862	19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
23th November 1862.*

No. 204. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 30th September 1862, No. 68.

Financial.

I forward a copy of a letter from Messrs. Brundrett Randall and Dated 17th September 1862. Martin, with its enclosure, regarding a claim of Mr. Robert Bramwell, upon the Estate of the late Captain Robert Francis, the assets of which are stated to have been in the custody of the late Mr. Serle, as Registrar of the Supreme Court of Madras; and I have to request that you will cause immediate inquiries to be made with a view of ascertaining whether the amount to which Mr. Bramwell is entitled can be recovered from Mr. Serle's Estate (which was administered to by the then Administrator General on the 9th of February 1861) or, failing that, from Mr. Serle's sureties.

From Messrs. BRUNDRETT RANDALL and MARTIN; to J. C. MELVILL, Esq., Assistant Under Secretary of State for India, dated Temple, London E. C., 17th September 1862.

Re-Estate of Captain Francis, deceased.

We beg to address you relative to the Estate of the late Captain Robert Francis of the H. E. I. Company's Service on their Madras Establishment.

By the Will of the Captain dated the 20th March 1837 he, (inter alia) declared that his Trustees therein named should stand possessed of all his Estate, &c. Upon Trust to pay to his half sister Harriet Francis the interest of 6,000 Rupees during her life, with remainder to her children who should attain 21.

The Testator died a few days after the date of his Will.

The income derived from the Bequest was paid by the late Administrator General Mr. Serle to the said Harriet Francis (who subsequently married one Robert Bramwell) up to the time of her death which happened on the 20th August 1848, and one or two half years' interest were subsequently paid to her husband for the maintenance of their children, but such payments were under the advice of Counsel discontinued. The husband is dead.

There were only two children of the marriage, one died an *Infant* in 1845, and the other Robert Bramwell attained his majority in December last, and is living.

On the 2nd January 1862, we on behalf of said Robert Bramwell the surviving child forwarded to then Administrator General Mr. Teed the necessary evidence proving his title to the capital of the fund with its accumulations.

Not hearing from Mr. Teed, we on the 12th May 1862 wrote to him reminding him of our letter and urging a remittance of the fund.

That letter also remaining unanswered, on the 21st August we wrote to Mr. Miller, the present Administrator General, calling his attention to the matter and requesting that steps might be taken for remitting the fund.

By the last Mail we received a communication from Mr. Miller, enclosing a copy of a letter addressed to him by Mr. Ritchie the Registrar of the Supreme Court, wherefrom it appears that the fund belonging to Captain Francis' Estate in Government Securities amounted originally to Rupees 5,900, but of that sum Rupees 400 only came to Mr. Ritchie's hands on his taking office as Registrar, and that by a Memorandum in his possession found in the strong box of the Registrar's Office with the Government Securities, it appeared that the late Mr. Serle, the then Registrar, handed over to a Mr. Richardson, Government Promissory Notes to the amount of Rupees 7,400, of which Rupees 5,500 belonged to Captain Francis' Estate for the purpose of depositing the same with a Sowcar named Girderdoss Govindoss, and raising the sum of Rupees 5,500, which was accordingly done. Application had been made by Mr. Ritchie to the Sowcar for the return of the said Bonds, which he had declined to comply with.

Copies of Mr. Miller and Mr. Ritchie's letters are herewith sent.

We have therefore to request that under the circumstances herein detailed, you will direct an inquiry to be made and such steps to be taken in the matter as will lead to an early restoration and remittance of the Trust Fund with its accumulation of interest thereon for the benefit of our client.

Proceedings of the Madras Government, Judicial Department,
28th November 1862.

(COPY.)

From JOHN MILLER, Esq., Administrator General; to Messrs. BRUNDRETT RANDALL
and MARTIN, Temple, London, England, dated Madras, 16th July 1862.

Estate, Captain R. Francis.

I have to acknowledge the receipt of your letters of the 2nd January and 12th May last,
and its enclosures, and in reply to annex for the information of the parties interested, copy of
a letter received by me from the present Registrar of the Supreme Court on the subject of the
Official Trusts of the late Captain Robert Francis.

On the receipt of your letter of the 2nd January last, I forwarded it to him, and presumed
he would have replied to you direct.

(COPY.)

From A. MACDONALD RITCHIE, Esq., Registrar, Supreme Court; to JOHN MILLER,
Esq., Administrator General, dated Madras, 7th July 1862.

Estate of Robert Francis.

I have to acknowledge the receipt of your letters of the 8th February and 2nd instant,
relative to the above Estate, forwarding 2 original letters with enclosures from Messrs. Brund-
rett Randall and Martin of Temple, London, one dated 2nd January and the other dated 12th
May 1862, addressed to the late C. M. Teed, Esq., late Administrator General of Madras, which
letters and their enclosures are herewith returned, and in reply to inform you, that the funds
in the above Estate in Government Securities amounted originally to Rupees five thousand and
nine hundred (5,900), but of this the sum of Rupees four hundred (400) only came into my
hands when I took charge of the office of the Registrar of the Supreme Court, Madras.

By a Memo. in my possession found in the strong box of the Registrar's Office with
the Government Securities, it appears that the late Mr. Serle, the then Registrar of the
Supreme Court, handed over to a Mr. G. Richardson, Government Promissory Notes to the
amount of Rupees seven thousand and four hundred (7,400), of which the sum of Rupees five
thousand and five hundred (5,500) belongs to this Estate, for the purpose of depositing the same
with a Sowcar named Girderdoss Govindoss, and raising the sum of Rupees five thousand and
five hundred (5,500), and which was accordingly done. I have applied to the said Sowcar for
the return of the said Bonds, stating inasmuch as they were property belonging to Official
Trust Estate and not the individual and private property of the late Mr. Serle, who had no
power of disposal over them for his private purposes and individual use, but he the said Sowcar
refuses returning them on the grounds of having a lien upon them for the loan granted by
him on the same.

No. 235.

ORDER THEREON, 28th November 1862, No. 1,936.

A copy of this Despatch will be forwarded to the Government Solicitor, who will make
inquiries to the effect indicated therein, and submit a full report for transmission to the
Secretary of State.

2. Mr. Miller is also requested to ascertain whether any other malversations of a like
nature were discovered on Mr. Ritchie's taking charge of the Registrar's Office, or have been
discovered since—and if so, whether the circumstance has been reported to the Judges of the
Supreme Court.

3. Copies of the Despatch and its enclosures will also be forwarded to the Honorable
the Judges of the High Court, in reference to Lord Stanley's Despatch of the 9th June 1859,
No. 23.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Encl. T. McMootry.

Proceedings of the Madras Government, Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Despatch from
the Secretary of State—Inter 30th Sept. '62
No. 68.

Order 28th November 1862 No. 1936

A copy of this De-
spatch will be for-
warded to the Govt.
Solicitor, who will
make inquiries to
the effect indicat-
ed therein, & submit
a full report for
transmission to the
Secretary of State.

Mr. Miller is also
requested

requested to ascertain
whether any other
malversations of a
like nature were dis-
covered on Mr. Pitt-

Chief taking charge

of the Registrar's
office, or since that
time whether he

reported the cir-
cumstances to the
Judges of the Su-
preme Court.

Copies

The Govt. Solicitor.

Chief Justice & Judges
of the High Court.

3. Copies of the Despatch
& its enclosures will
also be forwarded
to the High Court,
in reference to Lord
Stanley's Despatch of
the 9th June '59 No 23.

LR

Proc of Dep't
June 1862. Department.

No. 1936

PROCEEDINGS OF GOVERNMENT.

Dated 28th November 1862

Off A 2643-mi.

Proc of Dep't
June 1862
of 1863
No. 1936 - *Off A 2643-mi.*

*Forwarding to the Genl
Collector copy of the Report
to make enquiries as to whether
the amount to which the
Robert Brownell is entitled
can be recovered from the
estate of the said Robert
Brownell and his executor and
requesting the collector to ascertain
if any other similar mal-
administration were discovered and
report thereon to the Government.*

78/61 Madras - Printed at the Government Press.

*Mr. Ritchie's letter (change of
the Registrar's office).*

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