M.R.O. 1—38,000—16-10-23.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1128 Press ~~Mis.~~

129-129A

Dated 13.7.1863 ~~Ft~~ .

6/7

***Not to be folded or roughly handled***

## *Proceedings of the Madras Government, Judicial Department, 13th July 1863.*

No. 129. Read the following letter from Mr. JAMES RICHARDSON, Madras; to the Chief Secretary to Government, Fort Saint George, dated Madras, 6th July 1863.

I have to solicit the favor of your laying before the Governor in Council the accompanying Memorial, in triplicate, to the address of the Right Honorable the Secretary of State for India, and to request that it may be transmitted to that authority by the first convenient opportunity.

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To

The Right Honorable Sir CHARLES WOOD, G.C.B.,

*Secretary of State for India in Council.*

The humble Memorial of Mr. JAMES SCOTT SAVORY RICHARDSON, of Madras.

RESPECTFULLY SHEWETH,

That under the Codicil to the Will of the late Surgeon S. Stokes, of the Madras Medical establishment, dated 26th June 1843 ( copy of which is annexed for information), the nomination of one Thomas Wilson of Madras as a Trustee to Eliza the Infant daughter of the deceased, was revoked, and the Registrar for the time being of the Supreme Court of Judicature at Madras was appointed in his stead according to an Act in the Legislative Department proposed on the 25th November 1842, Fort William, and published in the Fort Saint Gazette, under date the 13th December 1842, but passed on the 19th August 1843, and No. 17, of that year.

2. That under such Codicil the late Mr. W. A. Serle, in his official capacity of Registrar of the Supreme Court, took charge of all the monies belonging to the Estate of Surgeon Stokes and became Trustee to the Infant daughter of the deceased, and paid the Interest accruing thereon regularly towards her maintenance until her marriage.

3. That your Memorialist in the year 1846 married such daughter and received on her behalf from the late Mr. Serle, the Interest that became due from time to time; and your Memorialist had no reason whatever to suspect that any irregularities, such as those recently brought to notice, were being practised, which would eventually deprive his wife of the Principal held in Trust by the Registrar of the Supreme Court.

4. That in January 1860 your Memorialist applied to the late Mr. Serle to know what Bonds he had belonging to this Trust, and he was referred by him to Mr. Thomas Brass his Manager (since dead), who informed him in a note dated 14th January 1860, that there appeared to be three Promissory Notes in hand, viz:

| | | |
|---|---|---|
| Two of 35-36, 4 per cent..... ..... | C. Rupees | 1,200 |
| One of 23-24, 4 per cent. S. Rupees 5,000... | ,, | 5,325 |
| | Total Rupees | 6,525 |

5. After the death of Mr. Serle, your Memorialist applied to Mr. A. M. Ritchie, who was appointed Ecclesiastical Registrar in succession to Mr. Serle, for payment of the over due Interest on the Bonds; but that Officer informed your Memorialist in reply that he had no monies belonging to the Trust. Upon this, your Memorialist inquired at the Accountant General's office and there ascertained that so far back as June 1819 the interest on the Bond for Sicca Rupees 5,000 was transferred to Calcutta on the application of Messrs. Bainbridge and Co., who were then Mr. Serle's Agents, and that the interest on the other two Bonds was likewise transferred to Bombay in March 1857 at the request of Luchmedut Davay, a Soucar.

6. That in 1857 the Madras Government determined on removing the late Mr. Serle from the office of Administrator General on account of irregularities in his proceedings with respect to the funds of certain Estates in his charge in that capacity, and your Memorialist believes that had the Government or the Judges of the Supreme Court then directed an investigation to be held in Mr. Serle's conduct in connection with his office of Registrar, the irregularities since brought to light would no doubt have then been discovered, and timely measures could have been taken for the recovery of the monies which have now been lost by his death, and the insol-

vency of his Estate. It is now supposed his relationship with the Advocate General, averted such an inquiry; and the interests of the widows and orphans have deeply suffered by being bereft of almost all that they possessed.

7. Your Memorialist brought the circumstances of his wife's case under the consideration of the Madras Government in view to such measures being taken as they might deem fit for obtaining the restitution of the monies held in Trust by the late Mr. Serle in her behalf; but it will be seen from the proceedings of Government of the dates noted in the margin that before an inquiry could be held into the conduct of Mr. Thomas Brass, Manager of the Registrar's Office, with reference to the Bonds which he stated were in hand, he was removed by death.

24th March 1863, No. 168.
29th April 1863, „ 662.

8. Your Memorialist submits for your consideration, that the late Mr. Serle was not a private Trustee in respect of the Funds left by the late Dr. Stokes as above mentioned, but according to a true construction of Section 3 of Act No. 17 of 1843, he was acting in his official capacity, and as official Trustee under that Act, Dr. Stokes "the party by whom the gift was made" having appointed the Registrar for the time being of the Supreme Court of Judicature at Madras, to be the Recipient of the Legacy of his Infant daughter as a Trustee under the provisions of that Act, and, as he submits for your consideration, such Legacy on its receipt by Mr. Serle became "subject to the provisions contained in that Act."

9. Having been informed by the Madras Government that they are unable to aid him in recovering possessions of the Bonds above referred to, your Memorialist humbly appeals to Her Majesty's Government for relief in this most unfortunate matter, and prays that as the Madras Government and the Supreme Court are responsible for the acts of the Officer nominated and appointed by them to administer to Estates and to Official Trusts, orders may be issued for the payment to him of the amount of the Principal of the Bonds of which your Memorialist's wife has been deprived, together with the interest that has accrued thereon.

And for this act of grace and favor, your Memorialist, as in duty bound will ever pray.

(Signed) JAMES RICHARDSON.

No. 129A. ORDER THEREON, 13th July 1863, No. 1,128.

Mr. Richardson submits a Memorial to the Secretary of State on the subject of his letter, recorded in Proceedings 24th March last, No. 168.

2. As no inquiries have been made in respect to Mr. Richardson's representations, in consequence of the illness and death of Mr. Brass, and as it is necessary that a report on the subject of Mr. Richardson's claim should be forwarded with his Memorial to the Secretary of State, the Government Solicitor is requested to make such inquiries as may appear to be sufficient in the case, and furnish the Government with the information he may gather, with his own remarks.

(Signed) J. D. SIM,
*Secretary to Government.*

Rd. T. McMoorry.

To

## THE RIGHT HONORABLE SIR CHARLES WOOD, G.C.B.,

*Secretary of State for India in Council.*

THE HUMBLE MEMORIAL OF MR. JAMES SCOTT SAVORY RICHARDSON OF MADRAS.

RESPECTFULLY SHEWETH,

THAT under the Codicil to the Will of the late Surgeon S. STOKES, of the Madras Medical Establishment, dated 26th June 1843 (a copy of which is annexed for information) the nomination of one THOMAS WILSON of Madras as a Trustee to ELIZA the Infant daughter of the deceased, was revoked, and the Registrar for the time being of the Supreme Court of Judicature at Madras was appointed in his stead according to an Act in the Legislative Department proposed on the 25th November 1842, Fort William, and published in the Fort St. George Gazette under date the 13th December 1842, but passed on the 19th August 1843, and No. 17, of that year.

2. That under such Codicil the late Mr. W. A. SERLE, in his official capacity of Registrar of the Supreme Court, took charge of all the monies belonging to the Estate of Surgeon STOKES and became Trustee to the Infant daughter of the deceased, and paid the Interest accruing thereon regularly towards her maintenance until her marriage.

3. That your Memorialist in the year 1846 married such daughter and received on her behalf from the late Mr. SERLE, the interest that became due from time to time; and your Memorialist had no reason whatever to suspect that any irregularities, such as those recently brought to notice, were being practised, which would eventually deprive his wife of the Principal held in Trust by the Registrar of the Supreme Court.

4. That in January 1860 your Memorialist applied to the late Mr. SERLE to know what Bonds he had belonging to this Trust, and he was referred by him to Mr. THOMAS BRASS his Manager (since dead), who informed him in a note dated 14th January 1860 that there appeared to be three Promissory Notes in hand, viz:

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| Two of 35-36·4 per cent..... | C. Rs. 1,200 |
| One of 23-24 4 per cent. S. Rs. 5,000..... | „ 5,325 |
| | Total Rs. 6,525 |

5. After the death of Mr. SERLE, your Memorialist applied to Mr. A. M. RITCHIE, who was appointed Ecclesiastical Registrar in succession to MR. SERLE, for payment of the over due interest on the Bonds; but that officer informed your Memorialist in reply that he had no monies belonging to the Trust. Upon this, your Memorialist enquired at the Accountant General's Office and there ascertained that so far back as June 1849 the Interest on the Bond for Sicca Rs. 5000 was transferred to Calcutta on the application of Messrs. BAINBRIDGE and Co. who were then Mr. SERLE's Agents, and that the Interest on the other two Bonds was likewise transferred to Bombay in March 1857 at the request of Luchmedut Davay, a Soucar.

6. That in 1857 the Madras Government determined on removing the late Mr. SERLE from the Office of Administrator General on account of irregularities in his proceedings with respect to the funds of certain Estates in his charge in that capacity, and your Memorialist believes that had the Government or the Judges of the Supreme Court then directed an investigation to be held into Mr. SERLE's conduct in connection with his Office of Registrar, the irregularities since brought to light would no doubt have then been discovered, and timely measures could have been taken for the recovery of the monies which have now been lost by his death, and the insolvency of his Estate. It is now supposed his relationship with the Advocate General, averted such an enquiry; and the interests of the widows and orphans have deeply suffered by being bereft of almost all that they possessed.

7. Your memorialist brought the circumstances of his wife's case under the consideration of the Madras Government in view to such measures being taken as they might deem fit for obtaining the restitution of the monies held in Trust by the late Mr. SERLE in her behalf; but it will be seen from the proceedings of Government of the dates noted in the margin that before an enquiry could be held into the conduct of Mr. THOMAS BRASS, Manager of the Registrar's Office, with reference to the Bonds which he stated were in hand, he was removed by death.

21th March 1863, No. 468.
29th April 1863, „ 662.

8. Your Memorialist submits for your consideration, that the late MR. SERLE was not a private Trustee in respect of the Funds left by the late DR. STOKES as above mentioned, but according to a true construction of Section 5 of Act No. 17 of 1843, he was acting in his official capacity, and as official Trustee under that Act, DR. STOKES "the party by whom the gift was made" having appointed the Registrar for the time being of the Supreme Court of Judicature at Madras, to be the Recipient of the Legacy of his Infant Daughter as a Trustee under the provisions of that Act, and, as I submit for your consideration, such Legacy on its receipt by MR. SERLE became "subject to the provisions contained in that Act."

9. Having been informed by the Madras Government that they are unable to aid him in recovering possession of the Bonds above referred to, your Memorialist humbly appeals to Her Majesty's Government for relief in this most unfortunate matter, and prays that as the Madras Government and the Supreme Court are responsible for the acts of the Officer nominated and appointed by them to administer to Estates and to Official Trusts, orders may be issued for the payment to him of the amount of the Principal of the Bonds of which your Memorialist's wife has been deprived, together with the Interest that has accrued thereon.

And for this act of grace and favour; your Memorialist, as in duty bound, will ever pray.

Printed by Guest & Co. at the Asylum Press 175, Mount Road, Madras.

of 1863

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from Mr. James Richardson — Enter 6th July '63.

Order — 13th July 1863 No. 1128.

Mr. Richardson submits a Memorial to the Secretary of State on the subject of his letter recorded in Pros: 24th March last No. 468.

2. No inquiry as having been made in respect of Mr. Richardson's representations, in consequence of the illness and death of Mr. Brass, & as it is necessary that a report on the subject of Mr. Richardson's claim should

JJP

(See letter on Records
Public Works Dept
to Mr. James)

1863 Sept.
Dept. 12th
Nov 18th July 1863.

Should be forwarded with his Memorial to the Secretary of State, the Govt. Solicitor is requested to make such inquiries as may appear to be sufficient in the case, & furnish the Govt. with the information he may gather, with his own remarks.

H.M. Govt. Solicitor. – with Memorial & Annexure (to be returned.)
Mr. James Richardson.

dupd 1813

Judicial 1863. Department.

No. 1128

PROCEEDINGS OF GOVERNMENT;

Dated 13th July 1863.

Ct. 2138.

Requesting the Govt Solicitor to make certain inquiries in respect to the securities belonging to Mr. J. Richardson which are stated to have been placed in the hands of the late Official Trustee Mr. W. Steele.—

139 v 139 A.