M.R.O. 1—35,000—16-10-29.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1464 Press ~~Mis.~~

84-85

Dated 10.9.1863 ~~19~~ .

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

## *Proceedings of the Madras Government, Judicial Department, 10th September* 1863.

No. 84. Read the following letter from JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 1st July 1863, No. 442.

1. Referring to the Proceedings of Government noted in the margin, I have now the honor to forward, for the information of Government, a copy of my letter to the Officiating Administrator General of Madras, under date the 10th ultimo, No. 371, and of that Officer's reply (with enclosure) under date the 30th idem, No. 1,202, from which it will be seen that the balance due from Messrs. Ashton Richardson & Co., to the Estate of the late Pensioned Serjeant Major Smith, has been fully and finally adjusted.

Dated 27th May 1863, No. 830, Judicial Department.

2. I trust it will be apparent to Government, that *my* report to Government of the 30th of January last, No. 44, was necessarily founded altogether upon information obtained from the Administrator General and his Department, upon which I was compelled to act and had a right to rely for accuracy, but which now seems to have been erroneous owing to the circumstances explained in the Officiating Administrator General's letter, No. 1,202.

3. I will submit the information afforded me by the Officiating Administrator General relative to Messrs. Williamson & Co.'s debts to the Estate of J. Sabine and P. Pharoah, deceased, and the question adverted to in the Proceedings above noted, as to the right of the Administrator General, as the Administrator to the late Mr. Brass' Estate, to recoup the losses he had sustained by Mr. Brass' defalcations, from assets realized for his Estate, for the consideration of the Acting Advocate General, and will address Government further on the subject as soon as I obtain his opinion.

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From JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras; to WHITLEY STOKES, Esq., Officiating Administrator General, Madras, dated 11th June 1863, No. 371.

1. Referring to paragraph 3 of the Order of Government noted in the margin, I have the honor to solicit the favor of your affording me such information as can be gathered from the records of your office and your employés on the following points, viz., why and under what circumstances it was that I was informed in January last, by the Administator General and his then Chief Clerk, Mr. Brass, (since deceased) that *all* balances of Messrs. Ashton Richardson & Co.'s account sales, had been made good by Mr. Arthur M. Ritchie's sureties, the fact being that the balance in respect of Serjeant Smith's Estate, amounting to Rupees 182-2 then was and still remains wholly unadjusted, when and on what dates and under what circumstances and by whom were the sales in respect of which there is a balance due to the Administrator General from Messrs. Williamson & Co., entrusted to that Firm, what steps have been from time to time taken and when and by whom, for recovering or enforcing payment of that balance, and whether there is now any existing arrangement or provision for its adjustment.

Dated 27th May 1863, No. 830, Judicial Department.

2. My report to Government in January last that the sureties for Mr. Arthur M. Ritchie had fully adjusted the balances unaccounted for by Messrs. Ashton Richardson & Co. in respect of their account sales was necessarily founded altogether upon information given me by the Administrator General and his then Clerk, by both of whom I was assured that *all* claims of the Administrator General in respect of Messrs. Ashton Richardson & Co., had been fully adjusted by Mr. Alexander M. Ritchie.

3. I shall be obliged by your favoring me with an early reply.

(True Copy.)

(Signed) J. R. BOYSON,
*Government Solicitor.*

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From WHITLEY STOKES, Esq., Administrator General, Madras; to JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras, dated 30th June 1863, No. 1,422.

I have the honor to acknowledge the receipt of your letter of the 10th instant, applying for information in respect to the balances due by Messrs. Ashton Richardson & Co. to the Estate of Pensioned Serjeant Major George Smith, and by Messrs. Williamson & Co. to the Estates of J. Sabine and P. Pharoah.

With reference to Messrs. Ashton Richardson & Co.'s balance, I beg to inform you that Messrs. Ritchie and Shaw, who acted in some cases as the Solicitors of the Administrator General, have had money payable to them by my predecessor in that capacity on account of their costs. The Bills of costs in such cases have only just been presented. I have now adjusted in account the balance amounting to Rupees 239-4-7 due by Messrs. Ashton Richardson & Co. to the Estate of Pensioned Serjeant Smith.

With reference to Messrs. Williamson & Co.'s debt to the Estates of J. Sabine and P. Pharoah, I annex a Tabular Statement containing all the information that you require, and the records of this office could afford.

(True Copy.)

(Signed) J. R. BOYSON,
*Government Solicitor.*

| Estate. | Sale given to Messrs. Williamson & Co. | | | Steps taken for recovering or enforcing payment. | | Whether any arrangement exists or any provisions made for the adjustment of the balance. |
|---|---|---|---|---|---|---|
| | Date. | Under what circumstances. | By whom given. | When. | And by whom. | |
| J. Sabine... ... | 1861. June 5 „ 13 | Because Messrs. Ahton Richardson & Co., have made default. | Mr. C. M. Teed, Administrator General. | 1862. June 13th | 1st Summons taken out by the Administrator General, in the Madras Court of Small Causes for the recovery of Rupees 421-8-4. | On the 3rd October 1862, Mr. Williamson paid Rupees 1,500 and entered into arrangement for the repayment of the balance Rupees 661-10-4, and costs Rupees 272-2-2 by giving Mr. Miller a Promissory Note for Rupees 933-12-6, dated 2nd October 1862, payable 2 months after date, and depositing with Mr. Miller 3 Policies of Insurance, viz : |
| | | | | July 1st | 2nd do. do. | |
| | | | | „ 31st | 3rd do. do. | |
| | | | | Dec. 19th | Execution issued against the property but no property taken in execution. | |
| P. Pharoah... ... | Nov. 7 | do. ... ... ... | do. ... | April 2nd | By Messrs. Ritchie & Shaw.—Instructions given to them on this date by Mr. Miller to sue Messrs. Willimson & Co. Mr. Williamson was sued accordingly and Judgment was obtained against him in the Supreme Court and he was arrested and imprisoned and afterwards let out of prison in consequence of his having made the arrangements specified in the last column. | One No. 209 W, on the life of Henry Tighe, for Rupees 1,000.<br>One No. 192 W, do. of Edward Philbert, for Rupees 1,000.<br>One No. 192 W, do. of do. Rupees 1,000.<br>The above Policies are all assigned in favor of Mr. Miller, but not registered.<br>The monthly premiums on the above Policies appear to have been paid, the first to 3rd July, second to 6th July and third to 7th July.<br>On the 23rd January and 10th April last, Mr. Miller appears to have called upon Messrs. Ritchie and Shaw to obtain Judgment for the balance due by Mr. Williamson, but Messrs. Ritchie and Shaw state that as the Judge was satisfied by payment of Rupees 1,500 and grant of a Promissory Note for balance of Rupees 933-12-6 including costs, a plaint should be filed for the balance, I have requested them to file a plaint without delay.<br>Mr. Williamson's debt exclusive of costs is :<br>RS. A. P.<br>To the Estate of P. Pharoah 661 10 4<br>To the Estate of J. Sabine 421 8 4<br>Amount mentioned in the Auditor's report. ... 1,083 2 8 |

(True Copy.)

(Signed) J. R. BOYSON,
*Government Solicitor.*

*Proceedings of the Madras Government, Judicial Department, 10th September 1863.*

*Proceedings of the Madras Government, Judicial Department,*
*10th September* 1863.

No. 85. ORDER THEREON, 10th September 1863, No. 1,464.

To be recorded.

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

Exd. T. McMootry.

Pros. 27th May 1863. Nos 250 to 253
Sept. 9 70

27.9.29

Lit of 3 Pcls

84 v 85

Judl. 1863. Depto
Pro. Sept.
From. The Govt Solr - Madras.
To The Chief Secy. to Govt.

Dated 1st July
Recd 3 3
No. 442.
3. Enclosures
No. 1442.
Order No 1464 of 10th Sept. 1863

Forwards copy correspondence with the Officiating Administrator General relative to the balances due from Messrs Ashton Richardson & Co and Mr Williamson & Co to certain Estates represented by the Admor Genl, and promises further attention to Messrs Williamson & Co debts and the question as to Admor Genls right to recoup the losses he has sustained by Mr Brass' defalcations, from his Estate.

To be recorded with the report proceeded on

J. Recorded