M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 166 Press ~~Mis.~~

14-15

Dated 4.2.1863 ~~19~~ .

7/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 4th February 1863.

No. 14. Read the following letter from Colonel W. I. BIRDWOOD, R. E., Chief Engineer, Department Public Works; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Chepauk, 20th January 1863, No. 5,127.

Enclosures 2.
1 Letter No.——, dated 9th January 1863.
1 Copy of Do. No. 4,970, dated 7th January 1863.

In continuation of my letter No. 4,968, dated 7th January 1863, I have the honor to forward one from the Acting Deputy Registrar of the High Court of Judicature at Madras, from which it will be seen that the Plans and Estimates for Lunatic Asylums at different stations in this Presidency were submitted to Government by the late Sudder Court with a letter No. 57 bearing date 9th June 1854.

2. I also beg to enclose copy of a letter which I have written to the Secretary to the Principal Inspector General Medical Department regarding these Plans, and with reference to the Proceedings of Government, No. 1,839, dated 10th November 1862, in the Judicial Department.

No. 15. ORDER THEREON, 4th February 1863, No. 166.

The Chief Engineer is informed that the revised Plans, &c., for Provincial Lunatic Asylums, appear to have been received with the Foujdaree Udalut's letter, 9th June 1854, No. 57, but that they cannot now be found.

2. As the original Plans are also missing, the Chief Engineer is requested, in reference to paragraph 2 of the Order of the 10th November last, No. 1,839, to prepare new Plans and Estimates in communication with the Principal Inspector General Medical Department, and the Inspector General of Jails.

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

Exd. T. McMootry.

From

A. Macdonald Ritchie Esq^re
Registrar, High Court
Madras.

To

John Miller Esq^re
Acting Government Solicitor

Sir,

1. I have the honor to acknowledge the receipt of your letter of the 8^th December 1862 with Copy Proceedings of Government, Judicial Department, forwarding Copy of a Despatch and Enclosures from the Right Honorable Sir C. Wood, Baronet, Secretary of State for India to His Excellency the Honorable the Governor in Council Fort Saint George dated India Office, London 30^th September 1862 N^o 68 and the Orders thereon of the 28^th November 1862 N^o 1936.

2. In answer I have the honor to submit for the information of the Right Honorable the Secretary of State for India and of His Excellency the Honorable the Governor in Council Fort Saint George the following Statement shewing the steps taken in respect of the Official Trusts which had been in the possession of M^r W. A. Sarle deceased the late Registrar of the late Supreme Court but which were not forthcoming at the time of his death — together with a tabular statement shewing the amount of defalcation in each Estate.

3. M^r Sarle died on the 24^th December 1860 and M^r Benjamin Brooks the Deputy Registrar was appointed to act as Registrar and continued

act as Registrar of the late Supreme Court until the 1st May 1861 the day on which I was appointed Registrar.

4. The Administrator General on Mr. Sorle's death took possession of and administered his Estate.

5. After careful examination of the Books and Government Securities of the Official Trust Estates and of the Office — Mr. Brooks on the 30th January 1861 wrote to the Administrator General calling upon him to deliver over any Government Promissory Notes appertaining to the Estates of Official Trusts which might have been taken charge of by the Administrator General as private property of the Estate of the late Mr. Sorle, and subsequently received from the Administrator General four Government Promissory Notes amounting to Rupees Two hundred.

6. On the same 30th January 1861 Mr. Brooks also wrote to Mr. G. G. H. Richardson to deliver certain Government Promissory Notes standing in the name of Mr. Sorle which had been given to him by Mr. Sorle but without effect.

7. On the 31st January 1861 Mr. Brooks wrote an official letter to the Honorable Sir Adam Bittleston then Officiating Chief Justice, bringing to his notice that Government Securities to the extent of Rupees Thirty seven thousand and Eight hundred in the following Estates.

Mrs. M. Ward	Rs. 2,000.
Captain R. Francis	5,900.
Mrs. M. C. Penman	5,900.
Mr. and Mrs. Fitzgerald Senior	24,000.

and standing in the name of Mr. Sorle as Registrar and Official Trustee were not forthcoming.

8. On the 11th February 1861 Mr. Brooks wrote

wrote to one Glendar Dossa Gomis Dossa calling upon him to surrender certain Government Promissory Notes standing in the name of Mr. Sorle which had been deposited with him by the said Mr. George Richardson for the purpose of raising a Loan thereon. The particulars of such Notes were as follows.

R. Francis	No. 29085 of 1842/43. for C.Rs.	500.
Do.	No. 27895 of 1854/55. for "	500.
Do.	" 25826 of 1842/43. for "	2,100.
Do.	" 42194 of 1854/55. for "	2,400.
Mrs. M. Ward	" 25912 of 1842/43. for "	1,900.

9. Mr. Brooks in a letter of the 20th February 1861 in reply to one from Mr. and Mrs. Fitzgerald informed them that the Funds whence Mr. Sorle used to pay them Interest, were not forthcoming.

10. On the 27th February 1861 Mr. Brooks made a claim to the Administrator General on behalf of certain Official Trust Estates amounting to Rs. 5,962. 13. 6. being Cash balances of Account in Mr. Sorle's hands at the time of his death — also not forthcoming — The particulars of these are as follows.

Arnebourg	Rs.	4.	4. 10.
R. Francis		1,672.	7. 11.
M. Ward		262.	7. 9.
C. A. McCurdy		493.	14. 10.
Mrs. M. C. Penman		247.	7. 10.
Andree		240.	" "
Fitzgerald		1,101.	13. 9.
C. Jacob 1st Child		113.	6. 10.
— Do. — 2nd — Do.		113.	6. 10.
— Do. — 3rd — Do.		113.	6. 11.

11. Mr. Brooks again on the 14th March 1861 addressed the Administrator General giving particulars of the missing Securities appertaining to the Official

Special Trusts and amongst them enumerating the Securities belonging to the marriage Settlement of Mrs Fitzgerald Junior amounting to Rupees Four thousand which had also been discovered to be missing.

12. On the 15th March Mr Brooks in a letter to the Administrator General made a further claim against the Estate of Mr Serle for sums not to be found and which had been deposited in Court as follows:—

Shurfool Nissa Begum & Mayroon Nissa Begum
Deposited by Messieurs Wilkins and Shaw — Rs 100 —
Mootheriyoo Nagah Iyer & I. I. Franklin Esqrs
by A. M. Ritchie Esqre — 25 —
Veobarry Moodelly & M. Saravanee Moodelly Deposit — 1 — —
126 — —
and
Under Act IX of 50.
Suitors Fund — Balance of Account — 345 — 13 — 6.
471 — 13 — 4.

13. In reply to a letter of Mrs M. Ward — Mr Brooks on the 9th April 1861 informed her that out of the funds which were in the custody of Mr Serle the Government Promissory Note No 25912 of 42/43 for Rupees One thousand and nine hundred had been discovered to be in the possession of Ghuider Doss Goorin Doss who claimed a lien thereon.

14. On my appointment as Registrar I brought the subject of the above defalcations to the notice of the Chief Justice and requested him either to relieve me of these official Trusts by transferring them to the Administrator General or to frame Rules for the guidance of the Official Trustee similar to those past by the Government for the guidance of the Administrator General when his Lordship remarked that so soon as the amalgamation of the Courts had been completed

completed the question would have his best consideration.

15. On the 19th June and the 30th July 1861 I addressed letters to one Roe Kinneary in reply to enquiries of hers for payment of arrears of Interest due to her to the effect that the Title Deeds of a House alleged to be in the possession of Mr Serle were not to be found and that the monthly payments which had been made to her could not be continued as the funds in reference to such monthly payments accrued alleged to have been in the custody of Mr Serle had not come to my hands as Registrar. This was not an official Trust but came to Mr Serle as Registrar of the Supreme Court.

16. On the 19th June 1861 I also wrote to Messieurs Perry and Co giving them notice not to sell or part with the Government Promissory Note No 1920 for Company's Rupees Five hundred left with them by Mr [illegible] to secure the Government Promissory Notes belonging to Fitzgerald's Trust.

17. In reply to enquiries made by Mr James Richardson I had to inform him that I was unable after strict search through the records of the Office to give him any information respecting the accounts and Funds in Stokes Estate — This however was not an Official Trust: but came I believe into Mr Serle's possession under the Marriage Settlement of Mr James Richardson's Wife.—

18. On the 30th July 1861 I had to inform Mrs Penman that the Funds from which Interest appeared to have been paid to her were not in the possession of Mr Serle when he died and that the same consequently did not come to the custody of his Successor.

19. The above discloses the extent of the misdemeanours which have been discovered in respect of the

the Official Trusts originally in the hands and under the control of the late Mr. Sale and some of the steps which have been taken in respect thereof.

20. The late Supreme Court did not take any security from Mr. Sale for the due performance of his duty as Registrar or Official Trustee – there being no provision in Act No. XVII of 1843 requiring it.

21. I am sorry I was not able to let you have this at an earlier date but the Sessions having followed so close on the Holidays has prevented my doing so.

I have the honor to be,
Sir,
Your Obedient Servant,
/Signed/ A. Macdonald Ritchie.
Registrar

High Court, Madras,
Registrar's Office,
14th January 1863.

Detailed

Detailed Statement of Official Trust Funds not forthcoming since the present Registrar took charge of the Offices of Registrar and Official Trustee.

			Securities. Cash.
			Rs. Total. Rs. As. P.
Armstrong Lieutenant J.T. C.			" — " — 4. 4. —
Jacobs – Catherine for Infant C. P. Pereira			" — " — 413. 6. —
— Do. — for representatives of Louisa D'Costa late Gonsalves			" — " — 413. 6. —
— Do. — for Delphina Jacobs			" — " — 413. 6. —
Pinnans Mrs. M. C. one Govt. Pro. Note No. 24254 of 42/43		for	4800.
" — " 28399 of "		for	1100. 5900. 247. 7. —
Ward Mrs. M. — one Govt. Pro. Note No. 25912 of 42/43		for	1900. 262. 7. 9
Fitzgerald Mrs. Sh. — one Govt. Pro. Note No. 13433 of 42/43		for	1000
" — 13434 of "		for	1,000
" — 13435 of "		for	1,000.
" — 13436 of "		for	1,000.
" — 13437 of "		for	1,000.
" — 13438 of "		for	1,000.
" — 13439 of "		for	1,000.
" — 13440 of "		for	1,000.
" — 5252 of "		for	1,500.
" — 5253 of "		for	1,500.
" — 7702 of "		for	2,000.
" — 7703 of "		for	2,000.
" — 7704 of "		for	2,000
" — 2207 of "		for	500.
" — 1920 (one of the Dft. Govt. Pro. Notes)		for	500. 24000. 1101. 4. —
Francis Captain R. one Govt. Pro. Note No. 25826 of 1842/43		for	2100.
" " 29085 of "		for	500.
" " 42194 of 1854/55		for	2400.
" " 27895 of "		for	500. 5,500. 1,672. 7. 11
McCurdy Lieut. Col. E. A.			" — " — " — 1,193. 14. 10
Anchee Capt. C. A.			" — " — " — 240. — —
Fitzgerald Jun. (Marriage Settlt.) one Govt. Pro. Note No. 6752 of 1835/36		for	2200.
" 34457 of 41/42		for	700.
" 24302 of "		for	1100. 4,000. " " "
Amounts of Court Deposits (Supreme Court)			126. — —
(Small Cause)			345. 13. 4.
			41300. 6454. 13. 4.

N.B. Money appertaining to Private Trusts.
In Bank January — Rs. 1000 — —
In Notes, cannot be ascertained –

/Signed/ A. Macdonald Ritchie
Registrar.

/True Copy/
Colhoun
Actg. Govt. Sol.

Lieh.

No. 166. 4th February 1863.

The Chief Engineer is informed that the revised plans, &ca. for Provincial Lunatic Asylums, appear to have been received with the Soujdaree Udalut's letter, 9th June '54 No. 57, but that no trace of them can now be found in the records of this office.

2. As the original plans are also missing, the Chief Engineer is requested, in reference to para 2 of the Order of the 10th Novr. last No. 1839, to prepare new plans & estimates in communication with the Principal Inspector Genl., Medl. Deptt. & the Inspector Genl. of Jails.

The Chief Engr. — With 2 letters retd.
" Pub. D'Kd. Deptt.
" Principal Inspector Genl., Medl. Deptt.
" Inspector Genl. of Jails.

Copy

From

The Secretary to the Govt. of Bengal,
Genl. Department.

To The Secretary to the Govt. of India,
Military Department.

Dated 11th February 1863.

Enclosure

No. 21 from the Colonel
Asst. Qr. Mr. Genl.
in charge
Genl. Department, dated 17th Jany. 1863.

Recd. 5th Feb.
Regd. 7th Feb.