M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 175 Press ~~Mis.~~
35-36

Dated 4.2.1863 ~~19~~ .

6/7

Not to be folded or roughly handled

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

No. 35. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 17th January 1863, No. 21.

Dated 28th November 1862, No. 1,935, Judicial Department.

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, regarding the late Mr. Serle's malversations with respect to certain Official Trust Funds, of which he was in charge, as the late Registrar of the late Supreme Court at Madras.

2. I have communicated thereon with Mr. Ritchie the present Registrar of the High Court, and now send you a copy of his report, affording full information on the points adverted to in the proceedings above noted.

3. I have also ascertained from the Administrator General's Office that the Estate of Mr. Serle administered to by that Officer is insolvent, and that the funds belonging to that Estate, are hardly sufficient to cover the costs of the Administration Suit now pending in the High Court.

From A. MACDONALD RITCHIE, Esq., Registrar High Court, Madras; to JOHN MILLER, Esq., Acting Government Solicitor, dated Madras, 14th January 1863.

1. I have the honor to acknowledge the receipt of your letter of the 8th 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, 30th September 1862, No. 68, and the Orders thereon of the 28th November 1862, No. 1,936.

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 showing the steps taken in respect of the official Trusts which had been in the possession of Mr. W. A. Serle 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 showing the amount of defalcation in each Estate.

3. Mr. Serle died on the 24th December 1860, and Mr. Benjamin Brooks, the Deputy Registrar, was appointed to act as Registrar and continued so to act as Registrar of the late Supreme Court until the 31st May 1861, the day on which I was appointed Registrar.

4. The Administrator General on Mr. Serle'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. Serle, and subsequently received from the Administrator General four Government Promissory Notes amounting to Rupees five hundred.

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

7. On the 31st January 1861, Mr. Brooks wrote an official letter to the Honorable Sir Adam Bittleston, then the Officiating Chief Justice, bringing to his notice that Government Secu-

rities to the extent of Rupees thirty-seven thousand and eight hundred in the following Estates:—

Mrs. M. Ward.....	Rupees	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. Serle as Registrar and official Trustee were not forthcoming.

8. On the 11th February 1861, Mr. Brooks wrote to one Ghirder Doss Govind Doss calling upon him to surrender certain Government Promissory Notes standing in the name of Mr. Serle 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 are as follows:—

R. Francis,	No. 29,085 of 1842-43 for	Company's	Rupees	500
Do.	,, 27,895 of 1854-55 for		,,	500
Do.	,, 25,826 of 1842-43 for		,,	2,100
Do.	,, 42,194 of 1854-55 for		,,	2,400
Mrs. M. Ward	,, 25,912 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. Serle 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 Rupees 5,962-13-6, being cash balances of account in Mr. Serle's hands at the time of his death, also not forthcoming. The particulars of these are as follows:—

Armstrong...	Rupees	4	4	10
R. Francis...	,,	1,672	7	11
M. Ward	,,	262	7	9
E. A. McCurdy	,,	1,193	14	10
Mrs. M. C. Penman	,,	247	7	10
Andree...	,,	210	0	0
Fitzgerald...	,,	1,101	13	9
C. Jacob, 1st child...	,,	413	6	10
Do. 2nd do.	,,	413	6	10
Do. 3rd do.	,,	413	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 Trusts, and amongst them enumerating the Securities belonging to the marriage settlement of Mr. 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 *versus* Mayroon Nissa Begum, deposited by Messrs. Wilkins and Shaw	Rupees	100	0 0
Mootherajoo Nagah Iyer *versus* J. J. Franklin do. by A. M. Ritchie, Esq...	,,	25	0 0
V. Soobaroy Moodelly *versus* M. Saravana Moodelly do. by do.	,,	1	0 0
and	,,	126	0 0
Under Act IX of 1850.			
Suitors Fund, Balance of account...	,,	345	13 6
	Rupees	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

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

No. 25,912 of 1842-43, for Rupees one thousand and nine hundred, had been discovered to be in the possession of Ghirder Doss Govind Doss, who claimed a lien thereon.

14. On my appointment as Registrar I brought the subject of the above defalcation 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 passed 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 the question would have his best consideration.

15. On the 19th June and the 30th July 1861, I addressed letters to one Rookmany in reply to inquiries of her's 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 whence 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 Messrs. Parry & Co., giving them notice not to sell or part with the Government Promissory Note No. 1,920, for Company's Rupees five-hundred, left with them by Mr. Serle as it was one of the Government Promissory Notes belonging to Fitzgerald's Trust.

17. In reply to inquiries 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 malversations which have been discovered in respect of the official Trusts originally in the hands and under the control of the late Mr. Serle and some of the steps which have been taken in respect thereof.

20. The late Supreme Court did not take any security from Mr. Serle for the due performance of his duty as Registrar or official Trustee, there being no provision in Act No. XVII of 1813 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.

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

				Securities. Co.'s Rs.	Total.	Cash. Rs.	A.	P.
Armstrong, Lieutenant H. C.	,,	,,				4	4	10
Jacobs, Catherine, for infant C. P. Pereira	,,	,,				413	6	10
Do. for representatives of Louisa D'Costa, late Gonsalves ...	,,	,,				413	6	10
Do. for Delphina Jacobs	,,	,,				413	6	11
Penman, Mrs. M. C., one Govt. Pro. Note No. 24,254 of 1842-43 for				4,800				
Do. ,, 28,399 ,, ,, ,,				1,100	5,900	247	7	10
Ward, Mrs. M., ,, ,, ,, ,, ,,	25,912	,,	,,	...	1,900	262	7	9
Fitzgerald, Mr. & Mrs. ,, ,, ,, ,, ,,	13,433	,,	,,	1,000				
,,	13,434	,,	,,	1,000				
,,	13,435	,,	,,	1,000				
,,	13,436	,,	,,	1,000				
,,	13,437	,,	,,	1,000				

		Securities. Co.' Rs.	Total.	Cash. Rs.	A.	P.
Fitzgerald, Mr. & Mrs., one Govt. Pro. Note No.	13,438 of 1842-43 for	1,000				
„	13,439 „ „ „	1,000				
„	13,440 „ „ „	1,000				
„	5,252 „ „ „	1,500				
„	5,253 „ „ „	1,500				
„	7,702 „ „ „	2,000				
„	7,703 „ „ „	2,000				
„	7,704 „ „ „	2,000				
„	2,207 „ „ „	5,000				
„	535 of 171 of 1831-35 T. D. „	1,500				
„	1,920 (Receipts of the Dy. Acct. General, „	500				
			24,000	1,101	13	9
Francis, Captain R., one Govt. Pro. Note No.	25,826 of 1812-43 for	2,100				
„ „ „ „ „	29,085 „ „ „	500				
„ „ „ „ „	42,194 „ 1854-55 „	2,400				
„ „ „ „ „	27,895 „ „ „	500	5,500	1,672	7	11
McCurdy, Lieutenant Colonel E. A.	... ... „			1,193	14	10
Andree, Captain C. A.	... ... „			210	0	0
Fitzgerald, Junior (Marriage Settlt.) one Govt. Pro. Note No.	6,752 of 1835-36 „	2,200				
„ „ „ „ „	31,457 „ 1841-42 „	700				
„ „ „ „ „	31,302 „ „ „	1,100	4,000			
Amount of Court Deposits (Supreme Court.)	... ...		...	126	0	0
(Small Cause.)	... ...		...	315	13	4
			41,300	6,434	13	4

N. B.—Money appertaining to *Private Trusts.*
In Rookmany ... ...Pags. 1,000
In Stokes, cannot be ascertained.

(Signed) A. MACDONALD RITCHIE,
Registrar.

(True Copy.)
(Signed) JOHN MILLER,
Acting Government Solicitor.

No. 36. ORDER THEREON, 4th February 1863, No. 175.

Copies of the letter above recorded and of its enclosures will be sent to the Secretary of State. These papers will also be communicated to the Honorable the Judges of the High Court, who will be requested to inform the Government with reference to the statement made in paragraph 20 of Mr. Ritchie's letter of the 14th ultimo, to the effect that "the late Supreme "Court did not take any security from Mr. Serle for the due performance of his duty as Registrar, "or Official Trustee," what precautions are now taken in the High Court to provide for the security of official Trusts.

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

Exd. T. McMootry.

Judl. Ltr. to Govt. 5th Feby. 2 of 1863.
Repd. to Govt. No. 28 of 1863
16-12-29 D

Judl. 6/1863. 4 Feby.

From
The Acting Govt. of Madras
To
The Chief Secy. to Govt.

Dated 17th January 1863
Received 21st " "

No. 21.
1 Enclosure
No. 144

Report with reference to Proc. of Government Jud. Department 28th November 1862 No. 1956, on the late Mr. Serle's malversations with respect to certain official Trust Funds which he was in charge as the late Registrar of the late Supreme Court of Madras and as to the insolvency of his Estate to meet them.

35-36

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JP

State. [illegible] communicated to the Honble the Judges of the High Court who will be requested to inform the Government with reference to the statement made in para 20 of Mr. Ritchie's letter of the 14th ultimo

Public Letter from Fort St. George
Dated 31st July 1863.

No. 4

1775

PROCEEDINGS OF GOVERNMENT.

Dated 22nd Aug. 1863. Department.

"the Supreme Court
"did not take any
"security from the Sheriff
"for the performance
"of his duty as Registrar
"or Official Trustee" thus
~~presenting an~~ [illegible]
~~[illegible]~~ the High Court ~~or~~
~~[illegible]~~ & provide
for the security of
Official Trustee.

[illegible]

To the Govt. Solicitor
-n- Honorable the Judges
of the High Court
dup[illegible]

[870] Madras—Printed at the Government Press.

Judicial 1863 Dept.

No. 175.

Proceedings of the Madras Govt.

Dated 4th Feb.y 1863.

Forwarding to the Secy. of State copies of the letters & its enclosure from the Govt. Solicitor regarding the late Chief defalcations with respect to certain Offl. Trust Funds of which he was in charge as Registrar of the Supreme Court and communicating the same to the High Court for report as to what precautions are now taken for the security of Official Trusts.—

35 to 36.—