

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1633	Press Mis.
Dated	15. 11	1918

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
15th November 1865.

Read the following papers :—

No. 138. From the Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 19th October 1865, No. 616.

Referring to the papers noted in the margin, I have the honor to state, for the information of Government, that I have reason to believe that Mr. and Mrs. Fitzgerald's Trust Funds are not by any means the only Funds which Mr. Serle, in his character and by virtue of his possession as Official Trustee and otherwise, appears to have misappropriated, and that the aggregate of such misappropriation is very considerable in amount.

2. I think it my duty to bring this circumstance to the special notice of Government, with a view to its being considered by Government and communicated to the Right Honorable the Secretary of State for India, in connection with the present case, as the decision upon Mrs. Fitzgerald's Memorial will doubtless be put forward and relied upon as a guide and precedent for dealing with analogous cases.

No. 139. From the Accountant General, Madras, to the Chief Secretary to Government, Fort Saint George ; dated 24th October 1865, No. 136.

Bond Department.

With reference to the Orders of Government, No. 1345, dated 20th ultimo, relative to the Government Securities belonging to Mr. and Mrs. M. Fitzgerald's Trust, I have the honor to submit a Statement, shewing up to what date the late Mr. W. A. Serle, Official Trustee, received interest on those Securities, and the parties to whom it was subsequently paid. I annex also copy of a letter, dated 19th instant, from the Government Solicitor, for whose inspection the statement was forwarded in the first instance. It will be seen that Mr. Boyson does not consider it expedient to institute any further inquiries to ascertain the circumstances under which Mr. Serle parted with the Securities in question.

*Proceedings of the Madras Government, Judicial Department,
15th November 1865.*

STATEMENT showing the period for which interest on the undermentioned Notes of the Fitzgerald Trust was paid to Mr. W. A. Serle, and subsequent holders thereof.

Number of Promissory Notes.	Loan.	Principal Amount.	In what year purchased by Mr. Serle.	Interest paid to Mr. Serle.	To whom subsequent interest was paid, and the period it remained in the possession of subsequent proprietors, and remarks.
1920	1843. 1st Feb.	500	1853	From 1st Aug. 1853, to 1st Feb. 1856, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle; and from 1st Feb. 1856, to 1st Aug. 1860, to Messrs. Parry & Co., as Attorney to Mr. W. A. Serle.	Subsequent to 1st August 1860, no interest has been paid at Madras. It is outstanding according to the Registers of this office.
13433	do. ...	1000	do.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle. From 1st Feb. 1855, to 1st Feb. 1856, to Mr. C. M. Teed, as Registrar Supreme Court and Official Trustee.	From 1st February 1856, to 1st August 1858, paid to Mr. A. J. Home. This Note was subsequently sub-divided as follows:—
14041 & 14042 of 13433	do. ...	500 each.	...	 These two Notes are sub-divisions of No. 13433.	From 1st August 1858, to 1st August 1861, paid to Mr. Home. From 1st August 1861 to 1st Feb. 1862, paid to Mr. R. L. Pereira. From 1st Feb. 1862, to 1st Feb. 1863, paid to Mr. W. B. Richardson. From 1st Feb. 1863, to 1st Feb. 1865, paid to Mr. W. B. Richardson, as Attorney to Mr. J. L. Richardson; the last half-years interest now due on it, up to 1st August 1865, has not yet been drawn.
13434	do. ...	1000	do.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. Serle. From 1st Feb. 1855, to 1st Feb. 1856, paid to Mr. C. M. Teed, as Registrar Supreme Court and Official Trustee.	From 1st Feb. 1856, to 1st Feb. 1867, paid to V. Parthasardiah. From 1st Feb. 1857, to 1st Feb. 1860, to V. Sadagopah Charloo. From 1st Feb. 1860, to 1st August 1862, to C. Vencatasooboo Chetty. From 1st August 1862, to 1st Feb. 1865, to Messrs. Arbuthnot & Co., as Attorney to Mr. R. H. Williamson. From 1st Feb. 1865, to 1st August 1865, to Mr. George Goodenough. The Note endorsed over by Mr. Serle is in Calcutta, cancelled on renewal.
13436	do. ...	1000	do.		

*Proceedings of the Madras Government, Judicial Department,
15th November 1865.*

Statement showing the period for which interest on the undermentioned Notes, &c.—(Continued.)

Number of Promissory Notes.	Loan.	Principal Amount.	In what year purchased by Mr. Serle.	Interest paid to Mr. Serle.	To whom subsequent interest was paid, and the period it remained in the possession of subsequent proprietors, and remarks.
13435 13437 13438 13439 13440	1843. 1st Feb. do. ... do. ... do. ...	1000 1000 1000 1000 1000	1853.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. Serle. From 1st Feb. 1855, to 1st Feb. 1856, paid to Mr. C. M. Teed, as Registrar Supreme Court and Official Trustee.	These Notes were subsequently transferred payable at Bombay on the application of Balakrishnadoss Moorleydoss.
5252	do. ...	1500	do.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle. From 1st Feb. 1855, to 1st Aug. 1855, to Mr. C. M. Teed, as Registrar Supreme Court and Official Trustee.	These three Notes were subsequently consolidated together, and No. 9043 of 7704 was issued instead, in favor of the Registrar Supreme Court and official Trustee for the time being, for Rupees 5000. Interest on it from 1st August 1855, to 1st August 1857, paid to Bunseelall Abeerchund, and it was subsequently transferred to 5 per cent. loan of 28th Feb. 1857, in the name of M. Causee Row.
5253 7704	do. ... do. ...	1500 2000	do. do.	Do. do. Do. do.	
7702	do. ...	2000	do.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle. From 1st Feb. 1855, to 1st Aug. 1855, to Mr. C. M. Teed, as Registrar Supreme Court and Official Trustee.	These two Notes were consolidated into one, and No. 9044 of 7703 for Rupees 4000 was issued, in favor of the Registrar S. C. and Official Trustee for the time being, interest on it from 1st August 1855 to 1st August 1857, paid to Bunseelall Abeerchund, in whose name it was transferred to 5 per cent. loan of 28th Feb. 1857.
7703	do. ...	2000	do.		
2207	do. ...	5000	do.	From 1st Aug. 1853, to 1st Feb. 1855, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle. From 1st Feb. 1855, to 1st Feb. 1856, paid to Mr. C. M. Teed, Registrar Supreme Court and Official Trustee.	Transferred payable at Calcutta on the application of Girderdoss Vurjulaldoss, dated 26th March 1857.
535 of 171	Tanjore debt.	1500	do.	From 30th Oct. 1853, to 30th April 1855, paid to Mr. C. M. Teed, as Attorney to Mr. W. A. Serle.	From 30th April 1855, to 30th October 1857, paid to Luckmeedut Davy. From 30th October 1857, to 31st March 1860, date of discharge, paid to Girderdoss Govindoss.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFICE,
24th October 1865.

(Signed) F. LUSHINGTON,
Accountant General.

*Proceedings of the Madras Government, Judicial Department,
15th November 1865.*

From the Government Solicitor, Madras, to the Accountant General, Madras; dated 19th October 1865, No. 617.

Referring to the Proceedings of Government, noted in the margin, I have the honor to return, herewith, the Statement you were good enough to send for my perusal, shewing the periods during which interest upon the Government Securities belonging to Mr. and Mrs. Fitzgerald's Trust was received by, and on behalf of, Mr. Serle, and by subsequent holders of those Securities.

2. It is evident from this Statement and the books kept by Mr. Serle as Official Trustee, that he gave credit in those books for interest upon many of the Securities in question long after he had unlawfully parted with them, thus evidencing a long continued system of fraud.

3. It does not appear to me that any advantage could or would be gained by pursuing inquiry, with a view to obtaining further information as to the circumstances under which Mr. Serle parted with the Securities.

4. I would therefore suggest your at once submitting your report to Government, with a copy of the enclosed Statement, after it has been finally revised, and a copy of this communication.

No. 140. ORDER THEREON, 15th November 1865, No. 1633.

Before coming to any decision on the application submitted by Mrs. Fitzgerald, the Government desire to have before them the fullest obtainable information as to the extent of the late Mr. Serle's defalcations, in his official capacity as Registrar of the Supreme Court and Official Assignee, and the number and amount of the claims on this account that are likely to be preferred.

2. The Government Solicitor will be good enough to take the necessary steps to obtain this information with as little delay as possible.

(True Extract).

Chief Secretary.

To the Government Solicitor.
,, Accountant General.

Exd. J. H. Burns.

Judicial

N. 2227.

From the Government Solicitor - Madras.

Dated 19th October 1865.

For Orders.

*I have written what occurs to me
in this matter, inside N. 2227.*

27 Oct.

*I think with Mr Phillips that we
should have an accurate
return as can be got of Mr
Serle's embezzlements as
Registrar & Court & Official
Trustee - We can then see
what more should be done*

*If I understand the matter right Mr Serle was
not appointed by Govt & therefore Govt cannot
be held accountable for frauds committed by
him. were we to admit personally the liability*

When Govt in such cases we should be
swamped with all sorts of claims. I believe
Mr. Lusk to have been a great scoundrel but we
have not arrived at the depth of his roguery
and I should be unwilling to commit
myself to the expression of an opinion on
a single case which might rule 500 others

W.D.

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This is a special report. We have still
to receive the final report of Mr. Hayson
and the acct. general, called for in prior
reports last.

Assuming that the treatment of Mr.
Bramwell's claim was proper and just,
and I doubt well see how it could
have been improved of otherwise than
making good the amount embezzled
by the late Mr. Seale, nephew of the late
Chief Justice who had appointed him
to the office &c. afforded him the opportunity
for embezzlement, - the present case of
Mr. Fitzpatrick appears to me entitled
to equal indulgence. But before reporting
it to the order of the S of State, it is desirable
I think, to ascertain what is real sum
for which the Government are liable to
become answerable, if they determine
to make good the whole of Mr. Seale's
misappropriation. W.D.

23 Oct 65.

Judicial
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N: 2281.

From The Accountant General.

Dated 24: October 1865

For Orders.

See note on N: 2227. The amount of Mr. Luter's subscription - should be ascertained with as much precision as may be possible, and a report submitted thereon to the Leg of State. I would add that the course adopted in the case of Mr. Brannell seems a proper & just one, and I would solicit authority to pay to parties entitled thereunder, the full amount of the deposit - as the amount Mr. Luter's subscription is not now available in the office of the official receiver
27 Oct 65.

W. H.

Judicial D.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
From the Government Solicitor Madras Nov 19th October 1863. 1064
" Accountant General " 24th " " N: 136

Order there 633 of 15 Nov 63

Before coming to any
decision on the application submitted
by Mr. Fitzgerald, the Govern-
ment desire to have before them
the fullest obtainable informa-
tion as to the extent of the
late Mr. Serle's defalcations in
his official capacity as Regis-
trar of the Supreme Court
and Official Assignee and
the number and amount of the
claims on this account that are
likely to be preferred.

2 The Government
Solicitor will be good enough
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obtain

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little delay as possible.

by A

6 p. 2 L. Cash - Amey to Amey
Spots letter 3-0

To the Govt. Solicitor }
Acct. General } despd 29/11

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Judicial Office to Aug 24th 1866
10th Sep 1866

1033 No. 9 1865
Special 1865. Department.

No. 1033.

PROCEEDINGS OF GOVERNMENT.

Council

27th Nov 1866
189/68

Dated 15th November 1865-

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Orig. No. 210/1.

24/9/68

Orig. No. 1345

1382 141.