

(1) Number of pages _____

(2) Date of repair 8.7.39.

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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.

79.

Press
~~Mis.~~

16-17

Dated

4-2-

1863.

16-17

8/3

Not to be folded or roughly handled

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

Read again Proceedings of Government, dated 21st July 1862, No. 533.

No. 16. Read also the following letter from JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 31st January 1863, No. 48.

I have the honor to acknowledge the Proceedings of Government noted in the margin, and the papers which accompanied them, relative to Streematu Pratapa Simha Parsupani Setupati of Ramnad's Memorial to Government in respect of certain jewels which he claims to be entitled to, as the heir of Muttu Ramalinga Setupati, the late Zemindar of Ramnad.

2. I have submitted the proceedings and papers for the consideration of the Advocate General and have also conferred with him thereon, and I now forward a copy of his opinion.

3. I also return the papers above noted.

COPY—OPINION.

These petitions contain only an exparte statement, that of S. P. S. P. Setupati, on his own behalf. How far these statements are correct, or what the present Zemindarnee of Ramnad may have to say for herself in support of her claim to the jewels in question, (or the proceeds of the sale thereof, if they have been sold, as one passage seems to intimate) I have no means whatever of judging.

It is stated that Government have directed the Petitioner to be informed that he must sue the Zemindarnee for the jewels, or, if not, that Government will make them over to her within six months; on which the Petitioner observes (with much force if the facts are as he alleges) that he is advised he cannot sue her for that which she has not and never had—and he adds, which she has never even *claimed*. This I apprehend must be an error, otherwise Government would, probably, hardly have said it would make the jewels over to her.

If the jewels, (or if sold their proceeds) are in the custody of Government, I am of opinion that the plain and simple and only safe course for Government to pursue, is to intimate to both claimants that it *wishes* them both (for Petitioner seems *afraid* to do so) to sue it, and that then it will leave the Court to make them interplead, and settle their respective claims.

(Signed) T. SYDNEY SMYTH,

Advocate General.

31st January 1863.

(True Copy.)

(Signed) J. R. BOYSON,

Government Solicitor.

No. 17. ORDER THEREON, 4th February 1863, No. 79.

The Petitioner claims the proceeds of certain jewels found in the possession of the deposed Zamindar of Ramnad when he died in Fort Saint George in 1809, and which, after having been kept in deposit for half a century, were ordered to be sold subject to any claim that might eventually be established.

2. The Proceedings quoted above contain a full history of the case, and it is unnecessary to repeat here the several orders which had been passed on the subject. Suffice it to say that out of five parties who had laid claim to the jewels in 1851, three were held to have no title whatsoever, while the claims of the other two, the Petitioner and the Zamindarni, appeared to have a better foundation; and that ultimately the Government arrived at the determination to make over the property to the Zamindarni, unless the Petitioner should file a suit against her within six months.

3. Subsequently, however, the Petitioner preferred several petitions, urging particularly that he was not competent to sue the Zamindarni for property which was not in her possession and

Gov. Solr.

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

never had been, and on this and other grounds the Government saw reason to doubt the propriety of their previous decision. They accordingly resolved to refer the matter to the Advocate General.

4. That Officer's opinion is recorded above, and in accordance with his advice, the Governor in Council resolves to recall the Order of the 21st July 1862, and to intimate both to the Zamindari and to the Petitioner his wish that they should file suits against the Government. The Court will then be moved to make them interplead and settle their respective claims.

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

Ed. T. McMootry.

N^o 48.

Madras, January 31st 1863.

*From John Robert Boyson
Government Solicitor - Madras.*

*To The Honorable A. J. Arbuthnot
Chief Secretary to Government
Madras.*

Sir,

1. I have the honor to acknowledge the
Proceedings of Government noted in the margin, and
dated 30th January 1863, the papers which accompanied them,
Financial Department, relative to Sriematu Pratapa
Sinha Parsurami Setupati of Ramnaad's
Memorial to Government in respect of certain
jewels which he claims to be entitled to, as the
heir of Muttu Rannanigai Setupati, the late
Zeminidar of Ramnaad.

2. I have submitted the Proceedings and papers
for the consideration of the Advocate General and
have also conferred with him thereon, and now
forward a copy of his opinion.

3. I also return the papers above noted.

I have the honor to be,

Sir,

*Your most Obedient Servant,
J. R. Boyson
Gov. Solr.*

These Petitions contain only an Ex parte Statement, that of S. P. S. P. Setupati, on his own behalf. How far these statements are correct, or what the present Zemindarnee of Raunmad may have to say for herself in support of her claim to the Jewels in question (or the proceeds of the sale thereof if they have been sold, as one passage seems to intimate) I have no means whatever of judging.

It is stated that Government have directed the Petitioner to be informed that he must sue the Zemin-darnee for the Jewels, or, if not, that Government will make them over to her within six months; on which the Petitioner observes (with much force if the facts are as he alleges) that he is advised he cannot sue her for that which she has not and never had — and he adds, which she ^{has} never even claimed. This I apprehend must be an error, otherwise Govern-ment would, probably, hardly have said it would make the Jewels over to her.

If the Jewels, (or if sold their proceeds) are in the custody of Government I am of opinion that the plain and simple and only safe course for Government to pursue, is to intimate to both claimants that it wishes them both (for Petitioner seems afraid to do so) to sue it, and that then it will leave the Court to make them interplead, and settle their respective claims.

respective claims.
Signed / T. Sydney Smith
Add: General.
January 31st / 1863. / True Copy /

True Copy /
J. H. Boyson
for: L. H.

Chas. DeLong 17th July
Dec 11. of 1863

1863.
 Your obedient servant
 the Governor & Advisor
 J. M. McKim.
 The Chief Clerk to Government
 1863.

Decd 31st 1899
Recd 3 February

24th 48.
With 13 small of paper
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themselves with reference to the
Incorporation of Government Bonds
3rd January 1883 & 1886. Their
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Secondly opinion with reference to
Observations of the same date
and therefore satisfactory of
Government Bonds will be
submitted by report of
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claiming to be entitled to, as the
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Bonds, the late Government
of Government, could return
the paper returned with the
same Government.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Proceedings of
Government dated 21st July
1862 N^o 533.

Read also the following
letter from the Government
Attorney.

(Here enter 31st January 1863 N^o 48)

Order thereon - 4th February 1863 N^o 79

The Petitioner claims the
proceeds of certain jewels
found in the possession of
the deposed Zamindar of
Rannad when he died in
Fort St. George in 1809, and
which, after having been
kept in deposit for half
a century, were ordered to
be sold subject to any
claim that might eventually
be established.

2. The Proceedings quoted
above contain a full history of

Order of the Court 17th July
22nd 1863

Remitted by the
President of the
Council of Rannad
to Government in respect
of certain jewels to which
he claims to be entitled
as the heir of the late
Rannad. The late
Rannad.

Copy
of the Government's opinion
dated 17th 1863.

Copy
of the Government's
order dated 4th February 1863.

Proc. 15 Dec 7/59 - 22nd 1863

of the case, and it is unnecessary to repeat here the several orders which had been passed on the subject. Suffice it to say that out of five parties who had laid claim to the jewels in 1851, three were held to have no title whatever, while the claims of the other two, the Petitioner and the Zamindarni, appeared to have a better foundation; and that ultimately the Government arrived at the determination to make over the property to the Zamindarni, unless the Petitioner should file a suit against her within six months.

3. Subsequently, however, the Petitioner preferred several petitions, urging particularly

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that he was not competent to sue the Zamindarni for property which was not in her possession & never had been, and on this & other grounds the Govt. Law reason to doubt the propriety of their previous decision. They accordingly resolved to refer the matter to the Advocate General.

4. That Officer's opinion is recorded above, and in accordance with his advice, the Governor in Council resolves to recall the order of the 21st July 1862, and to intimate both to the Zamindarni and to the Petitioner his wish that they should file suits against the Government. The Court may then be moved to make them interplead and settle their respective claims.

To the Collector of Madras,
for Communication to the
parties concerned.

W. M. R.

W. M. R.
L. R.
S. R.
S. R.
S. R.

No

Office of the
22nd of 1863.

Journal 186 . Department

No. 79

PROCEEDINGS of the MADRAS
GOVERNMENT.

To 1. 292. 1/63
No " 321. 1/63
Dated 11 February 1863

Direct to the
against the
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claims to the
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