M.R.O. 1—77,006—8-6-37.

(1) Number of pages 8

(2) Date of repair 30-4-40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	1815	Press / Mis.
115-116.		
Dated	13-12-	1893.

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
13th December 1873.

No. 115. Read the following letter from J. McIVER, Esq., Secretary and Treasurer of the Bank of Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 9th December 1873, No. 422 :—

I have the honour to annex hereto copy of summons from the High Court in Original Suit, No. 733 of 1873, dated 18th ultimo, served on me as the Officer in charge of the Public Debt Office, Madras, directing me to appear in person or by an Attorney, on the 8th proximo, to answer in a suit instituted by T. Dorasawmy Iyer that he may be declared to be the lawful holder of the two promissory-notes of the Government of India described in the margin, aggregating Rupees 9,700, and that the Bank may be decreed to pay to the plaintiff Rupees 6,402 stated to be the arrears of interest due on the said notes, and to request that you will be good enough to obtain the sanction of Government to the services of the Government Solicitor being made available to conduct the defence in this case on behalf of Government, as objection to disburse the interest due on the securities in question was taken by the Public Debt Office under the opinion of that official, dated 9th May last, No. 262, copy of which is also herewith forwarded.

No. 28879 of 1842-43, for Rupees 7,500
,, 28880 ,, for ,, 2,200

From E. BARCLAY, Esq., Acting Government Solicitor, to J. McIVER, Esq., Secretary and Treasurer of the Bank of Madras, dated Madras, 9th May 1873, No. 262.

I have the honour to return, herewith, the eleven documents which accompanied the Officiating Deputy Secretary and Treasurer's letter of yesterday's date, No. 164.

2. Had all those documents been sent to me with the Officiating Deputy Secretary and Treasurer's letter of 28th April 1873, No. 149, I should have not formed the opinion expressed in my letter to you under date the 30th idem, No. 235 ; that opinion was based on the assumption that Mahomed Esoof Saib, Kather Oossain Khan Saib, and Mahomed Begum were the only surviving relatives of the late Mahomed Tippoo Saib, and as such they would, after the death of Alim Ammall, without other relatives, be entitled to the two Government-securities in question. Now, however, it appears from the additional papers sent to me that there is a daughter of Alim Ammal, who claims the securities, and, though I am not prepared to say that such daughter is entitled to the whole of the securities, she is, in my opinion, entitled to a share therein. It also appears that no person holds a certificate under Act XXVII. of 1860 authorizing him to deal with the securities, or to draw interest thereon.

3. Under these circumstances, I am of opinion that the Public Debt Office cannot recognise Messrs. Shaw and Tasker's client, T. Dorasawmy Iyer, as the holder of the two securities, he having purchased from V. Rungiah Naick, who purchased only the right, title, and interest of Mahomed Esoof Saib, Kather Oossain 'Khan Saib, and Mahomed Begum under the decree in Original Suit, No. 38 of 1872, in the Court of the Principal Sadr Amin of Tranquebar, such right, title, and interest not being the complete interest in the securities.

No. 116. ORDER THEREON, 13th December 1873, No. 1815.

The Government Solicitor is authorized to act in the matter.

(True Extract.)

Chief Secretary.

To the Acting Government Solicitor.
,, Secretary and Treasurer of the Bank of Madras.

Exd. J. Wright.

Original Suit. No. 733 of 1873.

In the High Court of Judicature at Madras.

Tranquebar Durasawmi Aiyar. ——— Plaintiff

and

The Secretary and Treasurer of the Bank of Madras in charge of the Public Debt Office at Madras in the Premises known as the "Bank of Madras" situate in the Popham's Broadway in the Black town of Madras. ——— Defendant

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith ———

To

The Secretary and Treasurer Bank of Madras. ——— the Defendant.

Whereas Tranquebar Durasawmi Aiyar of Madras Merchant residing at No. 112 Coral Merchant Street on the Black Town of Madras hath instituted a suit in our said Court against you that the Plaintiff may be declared to be the lawful holder Owner of the two Government Promissory Notes or securities of the Government of India of the four percent loan of 1842-43 one of which said Government Promissory Notes or securities of the Government of India is numbered 28879 and is for the sum of Rupees Seven thousand five hundred the other of which said Government Promissory notes or securities of the Government of India is numbered 28880 and is for the sum of Rupees Two thousand two hundred, that you may be decreed to pay to the Plaintiff the sum of Rupees Six thousand four hundred and five being the arrears of the interest for 33 half years due upon the said two Government Promissory Notes or securities of the Government of India and commencing with the 1st day of February 1857 and you are required to pay to the Plaintiff or his attorney all

costs

Govt. of [1873] Madras.

FINANCIAL.

To

THE ACTING GOVERNMENT SOLICITOR,

&c., &c., &c.

Dated December, 13th.

Recd.

G.O., 13th December 1873, No. 1815.

DECEMBER.
Nos. 115-116.

Madras Bank.—The Government Solicitor authorized to appear in behalf of the Secretary and Treasurer in the case brought by T. Doraswmy Iyer against the Bank of Madras.

costs incurred herein.

We command you to appear in our said Court in person or by an Attorney of our said Court duly instructed and able to answer all material questions relating to the suit or who shall be accompanied by some other person able to answer all such questions on the eighth day of January next at 11 o'clock in the forenoon to answer the above named plaintiff. And take notice that in default of your so doing, the suit will be heard and determined in your absence. And you will bring with you or send by your Attorney any document on which you intend to rely in support of your defence.

Witness Sir Walter Morgan Knight, Chief Justice at Madras the eighteenth day of November in the year of Our Lord One Thousand Eight hundred and seventy three.

(Signed) B. Brooks
Asst. Regr.

/True Copy/

J. McIver
Secy & Treas.
Bk of Madras.

(Sd) Sabramanian & Sundrum
Plaintiff's Attorney

(Sd) J. [illegible]

No 262

Madras, 9th May 1873.

From

Ernest Barclay
Actg Government Solicitor Madras

To.

J. McIver Esqre
Secretary and Treasurer
Bank of Madras

Sir.

1 I have the honor to return herewith the 11 documents which accompanied the Officiating Deputy Secretary and Treasurer's letter of yesterday's date No 164.

2. Had all those documents been sent to me with the Officiating Deputy Secretary and Treasurer's letter of 28th April 1873 No 149 I should have not formed the opinion expressed in my letter to you under date the 30th idem No 235 that opinion was based on the assumption that Mahomed Esoof Sahib Father Cossan Khan Sahib and Mahomed Begum were the only surviving relatives of the late Mahomed Tippoo Sahib, and as such they would after the death of Alim Ammall without other relatives be entitled to the two Government Securities in question. Now however it appears from the additional papers sent to me, that there is a daughter of Alim Ammal, who claims the Securities, and though I am not prepared to say that such daughter is entitled to the whole of the Securities, she is, in my opinion, entitled to a share therein. It also appears that no person holds a certificate under Act 27 of 1860 authorising him to deal with the Securities or to draw interest thereon.

3. Under these circumstances I am of opinion that the Public Debt Office cannot recognize Mess^rs Shaw & Tasker's client T. Doraisawmy Iyer as the holder of the 2 Securities, he having purchased from V. Rungiah Naick, who purchased only the right title and interest of Mahomed Goof Saib, Kather Dosan Khan Saib and Mahomed Begum under the decree in O.S. N^o 38 of 1872 in the Court of the Principal Sudr. Ameen of Tranquebar, such right title and interest not being the complete interest in the Securities.-

I have the honor to be
Sir.
Your most Obedient Servant
Signed Ernest Barclay
Act^g Government Solicitor

[True Copy]
Illegible
Sec^y & Treas^r
Bk of Madras

E

No. 422

Public Debt Office,
BANK OF MADRAS

Madras, 9th December 1873

To

The Chief Secretary
to the
Government of Madras

Sir.

I have the honor to annex hereto copy of summons from the High Court in O.S. N^o 733 of 1873 dated 18th ultimo served on me as the Officer in charge of the Public Debt Office Madras directing me to appear in person or by an attorney on the 8th proximo to answer in a suit instituted by T. Durasawmy Iyer that he may be declared to be the holder of the two Promissory Notes of the Government of India described in the margin aggregating Rs. 9700, and that the Bank may be decreed to pay to the Plaintiff Rupees 6402 stated to be the arrears of interest due on the said Notes, and to request that you will be good enough to obtain the sanction of Government to the services of the Government Solicitor being made available to conduct the defence in this case on behalf of Government, as objection to disburse the interest due on the Securities in question was taken by the Public Debt Office under the opinion of that Official dated 9th May last N^o 262,

N^o 28879 of 1864/65 for Rs. 1000
28880 of " " 8700

Copy

copy of which is also herewith forwarded.

I have the honor to be.

Sir.

Your most obedient Servant.

Secretary and Treasurer.

Enclosed in C. Wks Ltr dtd 13th Dec 1873

From
The Secy & Treasurer
Bank of Madras

Rg dec 1873
No 422

No 22796

Reports on the case
of the Revenue Board
Solicitor in the case brought
by the Bank against
the Board of Revenue in the
High Court.

13th Dec. 73 No 1815.
Advt. Solicitor is authorized Direct
in the matter.

Actg Govt. Solicitor.
Secy & Treasurer Bank of Madras.