

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1471

Press

~~Mis.~~

66-67

Dated 19-10-1948

Not to be folded or roughly handled

12/11/48

Fort St. George, Judicial Consultation, 19th October 1858.

No. 66. Read the following letter from W. HOLLOWAY, Esq., Sub Judge of Calicut; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort St. George, dated 23rd September 1858.

SIR,

I have the honor to report for the information of the Governor in Council that, one Mr. G. L. Platel, an East Indian, resident of Calicut, having in June 1857, died Intestate, and his immediate heirs having refused to administer to his Estate, I took charge of the property, and in the absence of a proper place of deposit, caused the property to be sold. I beg to enclose an account, showing the articles sold and the amount realized.

2. The house was also sold because the cost of keeping charge of it would in a year have swallowed up the price and because it being matter of notoriety that the liabilities of deceased far exceeded his assets, there was not the most remote probability of any other next of kin appearing as claimants.

3. Notice having been given for the appearance of heirs and the prescribed time having elapsed without such appearance, I have the honor, under Clause seventh, Section XIV, Regulation III of 1802, to request the orders of the Right Honorable the Governor in Council for further proceeding in the matter.

List of Effects belonging to the Estate of the late Mr. G. L. Platel, sold by Public Auction at Calicut, on the 14th and 16th July 1857.

No. of Lots.	Quantity.	Description of Articles.	Amount sold for.		
			Rs.	As.	Ps.
1	1	Blackwood square Table in 2 pieces...	13	4	0
2	1	Cedarwood small Side-board...	3	7	0
3	6	Blackwood Chairs...	12	0	0
4	5	Do. do. old...	6	12	0
5	3	Teakwood do., one without arm...	6	9	0
6	1	Jackwood easy-chair...	3	9	0
7	1	Blackwood do...	4	5	0
8	1	Do. Liquor case, brass mounted...	7	0	0
9	1	Blackwood Grasshopper couch...	7	2	0
10	1	Do. screen...	8	13	0
11	1	Jackwood Cot with top, &c...	9	4	0
12	1	Cedarwood do. do...	8	0	0
13	1	Teakwood do. do...	5	8	0
14	1	Do. do. do...	5	1	0
15	1	Cedarwood do. old...	2	10	0
16	1	Bedstead with top...	2	5	0
17	1	Old Cupboard...	7	1	0
18	1	Clothes stand...	2	1	0
19	1	Ditto...	20	5	0
20	1	Blackwood Chest of Drawers with brass handles...	2	1	0
21	1	Do. Book-shelf...	8	1	0
22	1	Wash-hand stand with Bason &c., complete...	1	5	0
23	1	Teakwood Liquor box...	3	10	0
24	1	Cedarwood stand with leaden bidet...	0	10	0
25	1	Blackwood Commode...	2	3	0
26	1	Kitchen table...	0	14	0
27	1	Old Meat safe...	4	6	0
28	1	Do. Almirah for keeping Crockery...	0	9	0
29	1	Blackwood Morah...	1	4	0
30	1	Do. do...	1	1	0
31	1	Rattan dirty clothes Basket...	1	0	0
32	1	Do. do...	0	6	6
33	1	Cusuass Punka...	1	2	0
34	1	Hanging do...	0	3	0
35	1	Camp wash-hand stand...	0	2	0
36	1	Camp wash-hand stand...	4	11	0
37	1	Munchilla complete...	0	3	3
38	1	Coir-rope Morah...			

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				Crockery.		
39	1	Dinner set containing as follows:—				
	1	Pair of Soup Tureens...				
	1	do. of beef-steak Dishes...				
	1	Salad Bowl and Plate...				
	6	Hot-water Plates...				
	13	Soup plates...				
	28	Flat do...				
	8	Dessert do...				
	1	Pair of pickle pots, 1 without plate...				
	2	Pie Dishes...				
	9	Dishes of sizes...				
	1	Pair of stew Dishes...				
				31	0	0
				Spare Crockery.		
40	1	Pair of blue rice and curry Dishes...				
41	1	Do. do., one without cover...		3	6	0
42	1	Single curry Dish, partly broken...		2	2	0
43	1	Pair do. do. without cover...		0	2	0
44	1	Pair pie dishes...		1	1	0
45	2	Flat dishes...		0	6	0
46	1	Beef-steak dish...		1	0	0
47	6	Hot-water plates...		0	7	0
48	3	do. do. (broken)...		1	14	0
49	6	Flat plates...		0	1	0
50	5	do. do...		1	6	0
51	5	do. do. (another kind.)...		1	1	0
52	5	do. do. (do.)...		2	3	0
53	8	Soup plates...				
54	5	Cheese do...		1	10	0
55	2	Fruit do...		1	9	0
56	1	do. do...		0	15	0
57	6	do. do...		0	12	0
58	1	Salad bowl...		2	0	0
59	1	Soup Tureen...		0	5	0
60	1	do. do. (without cover.)...		1	2	0
61	1	Blue pickle pot without cover...		0	8	0
62	1	do. do...		0	5	0
63	1	Ladle...		0	2	0
64	4	Plates of sizes...		0	9	0
65	1	Sneaker cover...				
66	1	Jug...				
67	1	Mug...		1	0	0
68	6	Cups and 9 Saucers...				
69	1	Porcelain bidet...		1	6	0
70	1	Pewter Tea pot...		0	5	3
				1	6	0
				Glass Ware.		
71	1	Pair of Globe lamps with burners, &c., (large.)...				
72	1	Single do. do. (small.)...		14	8	0
73	1	Table-shade with burner...		5	8	0
74	1	Burner with chain...		4	10	0
75	1	Pair of salt-cellar (large.)...		0	6	0
76	1	do. do. (small.)...		1	8	0
77	1	Muffineer with silver cover...		1	5	0
78	1	Finger-glass (blue.)...				
79	2	ditto. (white.)...		1	3	0
80	1	Large tumbler...		0	12	0
81	1	Butter-pot...		2	2	0
82	1	Tumbler, cracked...		0	0	6
83	4	Wine glasses...		0	12	0
84	5	Glass bottles, 1 cracked...		2	3	0
				Sundries.		
85	1	Copper Kettle weighing 3½ lbs...		3	0	0
86	2	do. plates, small, weighing ½ do. each...		0	13	0
87	1	Frying pan, weighing 1½ do...		1	11	0
88	1	Cooking utensil, weighing 2 lbs...		1	10	0
89	1	do. ditto 7/8 do...		0	13	3
90	1	do. ditto 1½ do...		1	6	6
91	1	do. ditto 1¼ do...		0	12	0
92	1	Large copper plate, weighing 1½ do...		1	3	0
93	1	Brass bason (broken) do. 2 do...		1	0	0

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94	1	Small copper pot with handle, 1½ lb...		1	4	0
95	1	Cake mould...		0	8	0
96	1	Gridiron...		1	2	0
97	1	Earthen Jar...		1	1	0
98	1	do. do...		0	8	0
99	1	do. do...		0	6	0
100	1	do. do...		0	8	0
101	1	China jar...		0	8	3
102	1	Garden implement...		0	13	6
103	1	Mamootty...		0	10	3
104	1	Hatchet...		3	3	0
105	5	Knives and 10 Forks...				
106	1	Metal Fork...				
107	6	Fruit Knives and Forks...		3	14	0
108	5	Pewter Spoons, large...				
109	4	Do. do., dessert...				
110	1	Do. Tea Spoon...		4	1	0
111	1	Tea Caddy...		0	4	0
112	1	Goglet stand...		0	2	0
113	1	Do. do...				
114	1	Goglet...		0	6	0
115	1	do...				
116	1	do...		0	4	0
117	1	Spare Candle-stick...				
118	1	Lantern, large (broken)...		0	6	6
119	1	Do. small...		2	7	0
120	7	Dish covers of sizes...		0	9	0
121	1	Water Stand...		0	4	0
122	1	Ladder...		1	14	0
123	1	Pair of plated bottle Stands...				
124	1	Rattan bread Basket...		1	0	0
125	1	Square Plate for grinding Paint...				
126	1	Ratan Tray...		0	10	6
127	15	Dish Trays (old)...		0	4	0
128	1	Ink-stand without bottles (see Nos. 138, 151, and 158)		2	0	0
129	1	Hat, Silk...		0	2	0
130	1	Do...				
131	1	Do...				
132	1	Hat...		0	1	6
133	1	Cap...		2	1	0
134	3	Brushes...		0	15	0
135	2	Ditto...		1	1	0
136	1	Looking Glass, large...		0	0	0
137	1	Do. small...		0	9	0
138	5	Shells (see No. 128)...		0	7	0
139	1	Wooden Sneaker cover...				
140	1	Snuffer...				
141	1	Shoe Horn...		0	6	0
142	2	Old Strops...				
143	1	Small box containing some old Buttons...		1	14	0
144	1	Office Box...		0	4	3
145	2	Pewter Chest Inkstands (without bottles)...		0	13	0
146	3	Old Mats...		0	2	0
147	1	Rattan Commode Basket...		0	6	0
148	1	Umbrella frame...				
149	3	Porcelain Trays (1 broken)...		0	6	6
150	5	Tooth and 1 nail Brushes...		0	0	0
151	1	Burner Ring (see No. 128)...		0	15	6
152	1	Mattress with 2 Pillows...		0	10	0
153	3	Antemacassars...		0	1	0
154	1	Pair of Gloves...		1	15	0
155	1	Silk Cravat...		0	5	0
156	8	Yards of Chintz...		0	0	0
157	4	Small pieces of Broad Cloth...		1	3	0
158	1	Bundle of Wicks for Argand Lamps (see No. 128)...				
159	1	Ham-Boiler...		0	6	0
160	1	Copper Bason...				
161	1	Kitchen Knife...		0	5	0
162	1	Iron Cage for hanging meat...				

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163	1 Small tub for salting meat.....	0	3	6
164	1 Iron spit...	0	7	0
165	1 Small box containing sundries, &c...	9	6	3
166	2 Old iron hoops...	0	0	6
167	1 Old box and 2 lids...	0	5	0
168	1 Old ratan stool...	0	3	0
169	1 Rice-mortar, &c...	1	1	0
170	1 Grinding stone, &c...	1	13	0
171	18 Pieces of planks of sizes...	2	9	6
172	1 Brass bracket...	0	12	0
173	1 Iron for ironing clothes...	4	0	0
174	9 Earthen pots..... }	0	0	6
175	6 Wooden ladles.... }	0	0	6
176	3 Sieves...	0	0	6
177	9 Flower pots...	0	10	0
<i>Wearing Apparel.</i>				
178	3 Woollen coats...	2	7	0
179	1 Silk do...	1	12	6
180	3 Brown holland do...	1	10	6
181	1 White do...	0	11	0
182	3 Alpaca waistcoats...	0	15	0
183	2 Do do...	0	9	0
184	3 Coloured do...	0	5	0
185	4 Do. Trousers...	1	0	0
186	3 Do. do. (old)...	0	3	0
187	6 White do...	1	2	0
188	9 Shirts (new)...	4	10	0
189	5 Do. (old)...	0	10	6
190	18 Pairs of old socks...	0	5	3
191	5 Pillow-cases, old...	0	6	0
192	4 Sheets...	0	8	0
193	4 Night drawers...	1	1	0
194	1 Flannel banian...	0	6	9
195	2 Table cloths...	1	9	0
196	9 Napkins...	0	10	0
197	2 Towels...	0	2	6
198	7 Bathing towels...	0	13	0
199	1 Green table-cover...	0	8	0
200	1 Flowered Carpet...	3	4	0
201	2 Window curtain, &c., (White)...	0	0	3
202	1 Old tail coat...	0	8	9
203	3 Vols. of St. Ronan's Well...	0	6	6
204	3 Do. of Antiquary...	0	2	0
205	1 French and English Dictionary...	0	1	0
206	1 Catholic Expositor for July 1850...			
207	1 Army List for 1851...			
208	1 Cook-room table and 2 pieces of rubbishes..	0	9	0
209	2 Bamboo mats...	2	13	0
210	2 Do. do...	1	3	0
211	2 Do. do...	0	8	6
212	Cocoanut fibres...	0	6	0
213	2 Coir rugs...	0	2	9
214	1 Do. do...	0	1	4
		367	4	10
A Bungalow with its premises and out-houses sold on the 16th July...		1125	0	0
Total Rupees.....		1492	4	10
Deduct Auction expenses		74	9	10
Balance Rupees.....		1417	11	0

(True Copy.)

(Signed) W. HOLLOWAY,
Sub. Judge.

Fort St. George, Judicial Consultation, 19th October 1858.

Account Particulars of Receipts and Disbursements by the Sub-Court of Calicut, on account of the Estate of the late Mr. G. L. Platel.

1857 August	18th	To sale proceeds of the move- able and im- moveable effects of the late Mr. G. L. Platel.	1857 August	18th	By amount of Batta paid to a watchman in charge of the de- ceased's Bunga- low and the other expenses incur- ed till the comple- tion of the sale of the deceased's property.....		
						5	1-10
					Amount deposit- ed in the Sub Court Treasury.	1,412	9-2
		Total Rupees....			Total Rupees....	1,417	11-0

(Signed) W. HOLLOWAY,
Sub-Judge.

No. 67. ORDER THEREON, No. 1471; dated 19th October 1858.

1. In the above letter, the Sub Judge of Calicut requests the orders of Government in regard to the disposal of the sale proceeds of the Estate of Mr. G. L. Platel, an East Indian, resident of Calicut, who died in June 1857, and whose immediate heirs refused to administer to the Estate.

2. It is not clear whether the Sub Judge has already issued the usual Advertisement in the terms prescribed by Clause 7, Section XVI, Regulation III of 1802. If he has not, it must be issued now and the period of twelve months prescribed by the Regulation awaited for the heirs or persons entitled to take charge of the Effects to make their appearance. If the Advertisement has been published for the period named but without any such parties appearing, the Sub Judge will proceed to disburse the amount, viz., Rupees 1,412-9-2, now in deposit on account of this Estate rateably among such of the creditors of the deceased as may establish their claims, reporting the result for the information of Government.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Calicut, 23rd September 1858.

From W. Holloway Esq^{re},
Sub Judge of Calicut.

To J. Pycroft Esq^{re},
Chief Secretary to Government
Judicial Department
Fort St. George.

Sir,

I have the honor to report
for the information of the Governor in
Council that one Mr. G. L. Platel an
East Indian resident of Calicut having
in June 1857, died intestate and his
immediate heirs having refused to
administer to his Estate, I took
charge of the property, and in the
absence of a proper place of
deposit caused the property to be sold.
I beg to enclose an account showing
the articles sold and the amount
realized.

The

2. The house was also sold because the cost of keeping charge of it would in a year have swallowed up the price and because it being matter of notoriety that the liabilities of deceased far exceeded his assets, there was not the most remote probability of any other next of kin appearing as claimants.

3. Notice having been given for the appearance of heirs & the prescribed time having elapsed without such appearance, I have the honor under Clause seventh, Section XIV Regulation III of 1802 to request the orders of the Right Honble the Governor in Council for further proceeding in the matter.

Sub Court,
Calicut,
23rd September
1858.

I have the honor to be,
Sir,
Your most obed^t. Servant,

[Signature]
Sub Judge.

*Shiraz
be insured
he got it
under - 17/17*

*directly
under an
I conclude
I would apply
in 1858*

Cons: 30 Aug 142
no 748.

Cons: 21 Mar 143
no 647.

Cons: 23 May 143
no 19420.

Memorandum.

It appears from the paper, marginally noted, that on Mr Sharkey's demise, his widow renounced her title to succeed to his estate in order to avoid liability for the debts contracted by her husband during his life time, and, in that view gave over charge of his effects to the Acting Principal Sudder Ameen.

The personal estate which was thus placed in the custody of the officers of Govt. was subsequently sold and two judgment creditors, the aggregate amount of whose claims greatly exceeded the sum total of the proceeds of the sale, came forward and demanded the liquidation therefrom of the amount respectively due to them.

Under these circumstances Govt. proposed this question to the ^{Sudder} Court: - "whether it would be legal under the circumstances reported regarding the estate of the late Mr Sharkey, for Govt. to advertise the property in the public prints and give notice, that if those who have legal claims on it will not elect their own executor for its equitable division against the creditors, that the duty will be assumed by the state for the benefit of those who can substantiate their rights by law."

The Sudder replied that it appeared to them that in the absence of the production of any will or the appearance of heirs or executors, the property adverted to should be treated as that of a person who has died intestate. Being so considered, the course to be pursued was clearly laid down

in clause 7 sec XVI Reg III of 1802. If the issue of the advertisement therein indicated failed in procuring within a limited period the attendance of Mr. Sharkey's heirs, the Court were of opinion that the Govt. would then, but not before, have the power to dispose of the case according to justice on a report of the circumstances attending it being transmitted for their orders. With regard to the latter part of the clause quoted above, they believed the late Mr Sharkey was not a European, there did not appear to be any actual necessity for the insertion in the public prints of the advertisement contemplated by Govt.

The necessary advertisements having ^{been} previously issued, the Govt. directed a dividend of the proceeds of the effects of the estate to be made amongst such of the creditors of the deceased as had substantiated their claims by law.

This was accordingly done after the publication of an Isteyarnamah, calling upon the creditors to substantiate their claims. Cons 28th Janry/28th 29

A similar case occurred at Calicut, where the widow of the late Mr J. I. Platel renounced her claim to her husband's estate. The Sub Judge was directed to pursue the same course as indicated above; but the advertisement was also published in the Fort St. George Gazette; and on his reporting on the validity of the claims preferred against the estate, the sale proceeds of the property was rationally distributed among the creditors. Cons: 25 Nov/51 No 28th 29

Cons: 10 Feb/52 No 26th 27

Judicial Department

No. 1471

from the Minutes of Consultation
dated 19th October 1858.

Read the following letter
from the Sub Judge of Calicut.

(Here enter 23rd Sept/58 etc. -)

1. In the above letter the

Sub Judge of Calicut requests the
orders of Court in regard to the
disposal of the sale proceeds
of the estate of Mr S. L. Platel,
an East Indian resident of
Calicut who died in June 1857,
and whose immediate heirs
refused to administer to the
estate.

2. It is not clear whether
the Sub Judge has already issued
the usual advertisements in
the terms prescribed by Cl. 7
Sec. XVI, Reg. III of 1802 or whether

If he has not it must be
issued now and the
representatives of the deceased have
period of twelve months, prescribed
before their claims. If the
by H-legislation and in the
advertisements have not been

the heirs or persons entitled
to take charge of the
effects to make their
appearance. If the
advertisement has been
published for the period
of a month but without
any ^{such parties} appearing
the Sub Judge will
after the expiration of 3 months
no longer ~~advance~~ ^{advance} their
title to the property, he will
proceed to discharge the amount,
viz Rs 1412-9-2, now in deposit
on account of this estate, ~~being~~
ratably
among such of the creditors
of the deceased as may establish
their claims, reporting the result
for the information of Govt.

J.P.

Copy to Sub Judge of Calicut Dist. 23rd

In Cons: 19 October
Judicial 1858 separate

No 1491

Extract Minis: of Cons:

29/19 October 1858.

F. 1088/61.

Having orders to
the Sub Judge of Calcutta in
regard to the disposal of the
Sole proceeds of the Estate of
Messrs. G. & Co. Pabell on Bank &
Judicial Residual who died
in June 1857.

66467.