

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	212	Press
		~~Mis-~~
11-14		
Dated	23-2-	191860

Not to be folded or roughly handled*4/11/30*

*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

Read again Despatch from the Secretary of State, dated 17th November 1859, No. 14, and recorded in Proceedings, 16th January 1860, No. 52.

Read also the following papers :—

(ESTATE) JEAN THIERRI CHRETIEN CLUVER.

No. 11. From CLEMENT DALE, Esq., Administrator General, Madras; to the Chief Secretary to Government, Fort Saint George, dated 21st January 1860.

I do myself the honor of acknowledging the receipt of the Proceedings of the Madras Government, under date the 16th instant, No. 52, in the Judicial Department, and of stating in reply, that I have caused the Records of this Department to be carefully searched, and that they do not afford any information on the subject enquired after.

No. 12. From C. H. AMES, Esq., Officiating Civil Judge of Tinnevely; to T. PYCROFT, Esq., Chief Secretary to Government, in the Judicial Department, Fort Saint George, dated 3rd February 1860, No. 62.

With reference to the Order of Government, under date the 16th January 1860, No. 52, I have the honor to submit herewith a report from the Principal Sudr Amin of this district on the subject of the Estate of the late Mrs. Freck, together with 2 original Wills executed respectively by Mrs. M. C. E. Freck and Mr. J. D. C. Cluver.

From KRISTNASAWMY, Principal Sadr Amin of Tinnevely; to the Principal Sadr Amin in charge, Tinnevely, dated 2nd February 1860, No. 43.

1. With reference to a Memorandum from the Civil Court dated 23rd January 1860, forwarding the Proceedings of the Madras Government of date the 10th January 1860 and directing me to furnish a full report on the subject of the estate of the late Mrs. Freck therein called for, I have the honor to submit the following information and to state that it is all I was able to gather from the Records of this Court.

2. On the 30th October 1845, the Tahsildar of Oattapedaram Taluq sent to this Court, under the orders of the Collector, certain articles as belonging to the estate of the deceased Mrs. Freck, with four documents, namely, an inventory of the said articles, a receipt granted to the deceased by a Post Office Writer, and two Wills, one executed by the deceased Mrs. Freck and the other by one Mr. Cluver, and both written in the Dutch language.

3. On the 17th November 1845, Mr. Cocq at Tuticorin forwarded to this Court Rupees 380-8-0 and a silver plate with an account current of the money belonging to the deceased Mrs. Freck and certain other papers connected with her estate.

4. On the 10th December 1845, this Court received an application from one Mathew Freywer of Columbo at Tuticorin, claiming the estate in favor of the deceased's daughter-in-law Bernardina Dorothea Aldons, in virtue of a Power of Attorney transmitted with the above application.

5. On the 20th December 1845, a notice was sent to him from this Court calling upon him to prove his claim, but the notice was returned unserved, the individual having, in the mean time, left Tuticorin.

6. Two applications dated 25th March and 28th July 1846 were subsequently received from the above individual from Columbo, recapitulating the prayer contained in his former application. This Court then sent a notice to Columbo through the Madras Government to be served on the said Mr. Freywer calling upon him to appear before this Court either in person or by a Vakeel and prove his claim. A notification was also published at the same time in the Official Gazette (11th December 1846, page 1188) requiring the attendance of the aforesaid Mr. Freywer for the above purpose. But as he failed to appear and establish his claim for more than one year after the date of the above notification, an inventory of the articles belonging to the deceased Mrs. Freck was submitted to Government on the 13th August 1849, soliciting instructions for the disposal of the same.

*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

7. By an Extract from the Minutes of Consultation under date the 31st August 1849, No. 552, the Government authorized the Principal Sadr Amin to sell the property in auction and to hold the proceeds in deposit under Regulation III of 1802.

8. The Principal Sadr Amin accordingly sold the property on the 12th and 13th September 1849 for Rupees 364-9-9, which, with the ready money Rupees 380-8-0, referred to in paragraph 3 of this letter, he held in deposit and made a report of the circumstance to Government by a letter dated 19th September 1849, No. 77.

9. Applications were then received by the Principal Sadr Amin from 3 different individuals laying claim to the above Estate.

10. The first was from one Mr. P. J. Smith, dated Tuticorin, 11th September 1849, claiming a portion of the estate in virtue of a Will alleged to have been left by the late Mrs. Freck. This applicant was required by a notice, to appear before this Court and prove his claim, but without doing so, he submitted an application to Government which was received with Extract from the Minutes of Consultation under date the 11th December 1849. Eventually, he did neither appear before this Court nor establish his claim.

11. The next application was from B. D. Aldons referred to in paragraph 4 of this letter. This application was received through the Colonial Secretary at Colombo, with an Extract from the Minutes of Consultation Madras Government, dated 6th November 1849. The Colonial Secretary directed the claimant to appear before this Court either in person or by Attorney and prove her claim. But she expressed her inability to do so, which communication was received by this Court with an Extract from the Minutes of Consultation, under date the 27th November 1849.

12. The third application was from one J. M. Sudekens and others the grand children of the deceased's sister. These applicants also were advised by the Colonial Secretary at Colombo (as appears from the correspondence annexed to the Extract from the Minutes of Consultation, under date the 6th November 1849,) to appear before this Court and establish their claim. But they failed to conform to the instructions, equally with others.

13. The late Principal Sadr Amin Mahomed Hoossain Saib, after all, waited till 3rd February 1852, till which time, none of the claimants having appeared and proved the claim before him, he carried, on that date, the proceeds of the sale and the ready money referred to in paragraph 8 of this letter, both amounting to Rupees 745-1-9 to the credit of Government.

14. Now, on searching the Records of this Court, I find that the following documents connected with the estate of the late Mrs. Freck are among them:—

- | | |
|---|---------|
| 1. A cadjan note of hand executed to Mrs. Freck on the 13th Panguny 1837, (24th March) by Yovanthoocroos for Rupees..... | 1 0 0 |
| 2. A do. do. executed to do. on the 13th March 1841, by Thom. Xavier Antony Thurcooroosoo Vas pulloothanoo of do. for thirty Star Pagodas or Rupees... .. | 105 0 0 |
| 3. A note of hand executed to do. on the 19th June 1843, by Soosay Antony Paloothanoo of do. for Rupees... .. | 100 0 0 |
| 4. A do. executed to do. on the 14th September 1843 by Mr. Thomas Musquitt for Rupees... .. | 40 0 0 |
| 5. A Will executed in Dutch by Mrs. M. C. E. Freck on the 7th January 1844. | |
| 6. A do. executed in do. by Mr. J. D. C. Cluver. | |

Originals of the two last documents are herewith submitted.

In the name of God, Amen.

Whereas I undersigned Carolina Margarita Erchard, widow of the late G. W. Trek, Esq., am desirous of disposing my effects, do by these first cancel all former Testaments and Deeds of last Will, which I have made prior to this date, and to request that nothing of it be noted.

*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

And being about to dispose I testatrix do declare to bequeath:—

To the Church fund at Tuticorine a sum of twenty Rupees.

To Mr. P. J. Smith Junior, a sum of forty Rupees.

To Mr. J. F. Kluge, a sum of twenty Rupees.

To Mr. J. R. Smith, a sum of twenty Rupees.

To Mr. P. J. Smith, senior, a sum of twenty Rupees.

To my two Servant maids, a sum of ten Rupees or Rupees five to each.

To the attendants on my dead body a sum of twenty Rupees.

To the Netherlands' Pensioners at Tuticorine a sum of fifty Rupees, equally to be divided.

And after the payment of all the foregoing Legacies, I desire and wish to be enforced that the remaining effects, be divided in two equal portions and given to my daughter-in-law, widow of Hendrik Diederick Trek, residing at Columbo, and my brother-in-law Frederick Trek, residing at Cochin.

And I testatrix do further declare to appoint and empower my worthy friend J. Roosmale Cocq, Esq., as my Executor.

And last of all I desire that this my Testament be attended to and acted upon accordingly, either as a Testament or Codicil, as the law may consider proper and to hold good and valid all and every portion of it.

Actum at Tuticorine this 27th day of January 1844.

At the request and desire of the Testatrix
attested by our signatures.

This is (x) the mark of
M. C. Erchard,
widow Trek.

(Signed) J. F. KLUGE,

(") P. J. SMITH, Junior,

(") P. J. SMITH,

(") J. R. SMITH.

A true translation as near as can be made by me from the original Dutch writing.

(Signed) B. C. REGEL,

Dutch Interpreter to the
Supreme Court, Madras.

This is the last Will and Testament of me Johan Diederich Christiaan Clüver, resident of Tuticorine. That in the event by the most holy will of God, death may overtake me at this place Tuticorine; it is my desire to make over, and hereby make over to my wife named Johanna Maria Giborine Trek, all and every self and personal monies, goods and effects of whatever nature or quality they may be, deducting previously the expenses incurred for my funeral and administration of the Estate and the Legacies undermentioned and I hereby do nominate, constitute and appoint my above named wife Johanna Maria Giborine Trek, as Executrix to the Estate, with Johan Hendrik Smith, to assist her, and do re-call all former settlements of marriage and contracts, with exclusion of the following Legacies, viz.

Three hundred and fifty Arcot Rupees for my brother in Duitshland, named Christoph Ludewig Emilius Clüver. This legacy to be kept in the custody of the Executrix until intelligence from him is received.—

Fifty Arcot Rupees to the Deacon at Tuticorine.

Fifty Arcot Rupees to the Deacon at Columbo.

One hundred and sixty Arcot Rupees to the Reverend Mr. Rhenius.

One hundred and sixty Arcot Rupees to the four children of Wouters and both the sons of Jan Hendrick Smith equally to be divided.

Fifty and thirty Arcot Rupees to the child of Jan Kluge.

Seventeen and a half Arcot Rupees to Moepin Chetty and his brother.

Ten and a half Arcot Rupees to Jacob.

Seven Arcot Rupees to be divided to the poor of this place and the bearers.

Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.

Signed, sealed, read and explained by the Testator as being his last Will and Testament this
5th day of November, Anno, one thousand eight hundred and thirty-seven.

Signed in the presence of all and every one of the undersigned Witnesses.

Signed and sealed in
our presence.

(Signed) J. ROSEMALE COCQ.
(") E. DENDER.
(") C. DENDER.

Seal.

(Signed) Jo. D. C. CLUVER.

A true translation as near as can be made by me from the original Dutch writing.

(Signed) B. C. REGEL,

Dutch Interpreter to the
Supreme Court, Madras.

No. 13.

No. 451.

OFFICIAL MEMORANDUM.

General Department.

With reference to the Memorandum from the Chief Secretary in the Judicial Department,
No. 66, dated 10th instant, the Accountant General has the honor to state that a sum of Ru-
pees 745-1-9, is found credited under the head "Judicial Receipts", in the accounts of the Col-
lector of Tinnevely, for February 1852, as "sale proceeds of unclaimed property in the Princi-
pal Sadr Ameen's Court," but that no other information on the subject is forthcoming.

2. The original enclosure received with the Memorandum is herewith returned.

FORT SAINT GEORGE,
ACCOUNTANT GENERAL'S OFFICE,
16th February 1860.

(Signed) R. P. HARRISON.

Accountant General.

To the Chief Secretary to Government.

No. 14.

ORDER THEREON, 23rd February 1860, No. 212.

The Government resolve to forward to the Government, Solicitor the above papers, to-
gether with the pre-

Extract Minutes Consultation, 31st August 1849, No. 552.

Letters to the Colonial Secretary at Colombo, 31st August and 3rd Octo-
ber 1849, Nos. 553 and 637.

Extract Minutes Consultation, 6th November 1849, No. 721.

Do. do. 27th do. No. 778.

Do. do. 11th December 1849, No. 840.

vious papers as per
margin, and request
to be furnished with
the opinion of the Ad-
vocate General as to
how far the claim pre-

ferred through the Secretary of State, may be met out of the funds carried to the public account
in February 1852.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. F. Cartledge.

Dit is de laatste Wille en de Testament van my
Johan Diederich Christian Cluver, inwonner
van Tutucoryn. Dat Wimmer ik in Gode alle
heylighe Voorzienigheit hier op Tutucoryn in
te Roemen te overleden. Aan mynne Heusvrouw
Maria, en de Normaake van mynne Heusvrouw
gemaakt Johanna Maria geborne Treck, alle
in de by Tander eyghe, en de persoonlijkhe gelden
goederen in de Effecten, van wat natuure en de
naest Zy ook moghen Lijp, na afstreck van
mynne begraenis gelden testamentarisch on-
kosten in de ondervolgende Signatur. Ende
ik doe hier by bevestigen, Proclameren in de
aanstellen mynne loven gemaakte Heusvrouw
Johanna Maria geborne Treck als Excutrice
van de boedel van de afstreckte van Johan
Henrick Smith van mynne Boedel. Ik haer
ope hier mede alle vringe en de gemaakte ver-
waardens en de persoonlijkhe Contracten, en
de uitspraak van de Notgancde Legaten als
namslyk.

2
Drie hondert en vyftig arcattche Ropjen voor
mynne broeder in Duitschland, gemaakt
Christoph Ludewig Emilii Cluver. — Dit
Legaat blyft onder de bewaaring van de Excu-
trice hiir tyding van hem mogte Roemen.
Vijftig arcattche Ropjen aan de Diaconie te
Tutucoryn.

Vijftig arcattche Ropjen aan de Diaconie te
Colombo.

Ein hondert en tistig arcattche Ropjen aan
de Erwaerden hier Rhenius. —

Ein

En hondert en zestig arcatische Ropyen aan de
vier kinderen van Wouter van de Eyde Iouwen van
Jan Hendrik Smith getamenlyk.

Vijftig en dertig Arcatische Ropyen aan de kind van
Jan Kluge

Twintien in een halve arcatische Ropyen aan Mo-
spen Sittij en Zynen broeder

Tien in een halve arcatische Ropyen aan Jacob

Twint arcatische Ropyen aan de Armer van deze
plaats en de nabehoren naar de draget.

getekent, verlijkt, verkleert en de bekent gemaakt
van den Testateur als on de van Wegens Zynen

laatsen wille in die Testament desen dachten
November Anno Een duisend acht hondert

Zeven dertig

In de tegenwoordigheid van Elk der ~~Partij~~ ~~Partij~~
naamen onvergelykt hebbende ~~Partij~~ ~~Partij~~

In orde presentie
getekend en verlijkt



Maar mal weg

Deinde

H. C. Deinde

In den Braune des Heeren Amen.

Also Ik ondergetekende Carolina
Margareta Richard, weduwe van wijlen den Welldelen
Heer G. H. Teek, gezegen is van myne nalatene Besit-
tingen te disponeren, reserveer Ik alsoorins alle Testa-
menten en actens van uiterste wille, die Ik voor dato der-
zes mogte gemaakt hebben, niet begreende dat daar
van iets zal worden gedefereert.

En als nu ter dispositie komende,
 So verklaare ik Testateise te Legatueren.

Ann de Gereformeerde Kerk Fonds te Su-
toreyn, een Somme van Twintig Ropjen

aan den heer P. J. Smith Junior een somme van
veertig Roepjen.

Aan den heer J. H. Kluge een sommeer van Twintig
Roepjen.

Aan Den Heer J. B. Smith, een Somme van Twintig
Roepjen.

Han Den Hær P. I. Smith Senior, One somma van
 Twintig Robben.

Aan myne Twee Genaden Line somma van Tien
Ropjen ofte ieder vijf Rop.

aan de afleggers van mijnen doorde ligkaam. Eni som,
ma van twintig rooyen.

John S. Hall

1860 Feb. 24th
Cincinnati Mo. 3.

I rec^d a letter from
the Pitt Rivers Museum
concerning the sale of
No 62 February 1860

John

Wm. H. Woodcock
J. H. Woodcock

I will see you
in Dutchess
County

1862 Jan. 14. ¹/₂ Sept. 1865
Cone Locum 1500.
Did a little hunting
of *Pinus strobus* in
the 2nd of May 1860
87. 4.3

From
The Pennsylvania
Society
for the Propagation of
the Gospel among
the Heathen

Will go out
in fact by the
J. D. Clancy

2009/6/20
216

1808

In the name of God Amen.

Whereas I undersigned, Carolina Margarida
Lechard, widow of the late G. W. Treck ^{Esq}
am desirous of disposing my effects, do by these
first cancel all former Testaments and Deeds
of last Will, which I have made prior to
this date, and to request that nothing of it
be noted.

And being about to dispose I Testatrix
do declare to bequeath:-

To the Church fund at Inturcome a sum
of Twenty Purses.

To Mr. P. J. Smith junior a sum of Fifty Purses.

To Mr. J. F. Kluge, a sum of Twenty Purses.

To Mr. J. R. Smith a sum of Twenty Purses.

To Mr. P. J. Smith Senior a sum of Twenty Purses.

To my two servant maids, a sum of Ten Purses
or Purses Five to each.

To the attendants on my dead body a sum
of Twenty Purses.

To the Netherlands Pensioners at Inturcome
a sum of Fifty Purses, equally to be divided.

And after the payment of all the foregoing
Legacies, I desire and wish to be enforced that
the remaining effects, be divided in two
equal portions and given to my Daughter in law
widow

1860 Just. by North
Enclosure No. 2

In a letter from
the 3rd Dec. 1860 of
the 3rd Dec. 1860 of
the 3rd Dec. 1860 of
the 3rd Dec. 1860 of

To E. P. J. Smith Esq
J. P. Smith Esq

I will account for
all the money in
my hands by the 1st
of January 1861.

W. G. Smith
Esq

1860 Just. by North
Enclosure No. 1.

In a letter from the
Principal Clerk of the
Court of the 3rd Dec. 1860
of the 3rd Dec. 1860 of
the 3rd Dec. 1860 of

To the Principal Clerk of the
Court of the 3rd Dec. 1860
of the 3rd Dec. 1860 of
the 3rd Dec. 1860 of

I will account for
all the money in
my hands by the 1st
of January 1861.

widow of Hendrick Diederick Treth residing
at Colombo, and my Brother-in-law Frederick
Treth, residing at Cochin.

And I Testatrix do further declare to
appoint and empower my worthy friend
Roosmalecoeg Esq^r as my Executor.

And last of all I desire that this
my Testament be attended to and acted
upon accordingly, either as a Testament
or Codicil, as the Law may consider pro:
-per and to hold good and valid all and
every portion of it.

Acted at Tutucorin this 27th day of January
1844.

At the request and
desire of the Testatrix
attested by our sig:
-natures.

This is /x/ the mark
of M. G. Erchard
Widow Treth.

Signed / J. F. Bluge
[] P. J. Smith Junior.
[] P. J. Smith.
[] J. R. Smith.

A true translation as near as can be made
by me from the Original Dutch Writing

B. G. Reijl

Dutch Interpreter to the
Supreme Court Madras.

Indicial.

Proceedings of the Madras Govt.

Read again Despatch
from the Secretary of
State, dated 17th Novr
1859 No. 14.

Recorded in Proceedings
16th January 1860 No. 52.

Read also the following papers—

From the Administrator

General ————— Enter 21st January 1860 No. 121.

" the Civil Judge of
Tinnevely ————— 3rd February. No. 62.

Memorandum from
the Accountant General ————— 16th do. ————— " 451.

Order — 23rd February 1860. No. 212.

The Govt. resolve
to forward to the
Govt. Solicitor the
above papers, toge-

ther with the pre-
vious papers as f
margin
Ex: Illus: Cons: 31st Augt. 1849 No. 552.
Letter to the Colonial Secy
Tangah Colombo — 31st do and
3rd Octr. 1849. No. 553 & 537.
Ex: Illus: Cons: 5th Novr. 1849.
No. 741.
do — 27th do. No. 775.
do — 11th Decr. 1849. No. 840.

Let letter to Secy 21st Jan 1860.

Let letter to Secy 21st Jan 1860.

Let letter to Secy 21st Jan 1860.

margin, & request to
be furnished with
the opinion of the
Advocate General
as to how far the
claim preferred
thru' the Secretary
of State, may be
met out of the funds
carried to the Pub-
lic Acct. in Feby.

1852.

The Govt. Solicitor with Papers
referred to - to be }
returned. }
28th

21st Mar/85

Letter to Mr. W. H. Smith
11th of 1880 -

29th Feb, 1880

Judicial 1880 & Definite

No 2/18.

Proceedings of 1880

Letter 23rd Feb, 1880.