M.R.O. 1—39,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 316 Press ~~Mis.~~

21-22

21-22.

Dated 15. 3. 1860 ~~Ff~~ .

Not to be folded or roughly handled

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

No. 21. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George, dated 3rd March 1860, No. 181.

Proceedings of Government, dated 23rd February 1860, *No. 212, Judicial Department.*

I have the honor to acknowledge the Proceedings of Government noted in the margin and the papers which accompanied them.

2. I submitted same for the consideration of the Advocate General and I have also conferred with him thereon.

3. I now forward a copy of his opinion and return the enclosures above noted.

COPY—OPINION.

The papers herewith transmitted to me certainly shew that a sum of Rupees 745-1-9 is in the Accountant General's hands, and that it is the proceeds of the Estate of a "Mrs. *Carolina Margarita Erchard*, widow Trek," who made a Will, dated 27th January 1844, at Tutacorin, and died some time before the 30th October 1845. They also shew that a Mr. Cluver resident at Tutacorin who made a Will, dated 5th November 1837, (under which Guillaume Butten now claims, as heir of Mr. Cluver's brother to whom Rupees 350 were bequeathed by said Will) left all his Estate (minus certain legacies, totalling Rupees 885) to his wife *Johanna Maria Giborine Trek*.

There is, however, nothing whatever to shew that Mrs. *Johanna Maria Giborine Trek* received *anything* under Mr. Cluver's Will, or out of his Estate; nor even if there were so, is there *anything* to shew *any connection whatever*, much less *identity*, between *Johanna Maria Giborine Trek*, and *Carolina Margarita Erchard, widow* Trek, nor that the latter ever, or if so under what circumstances, received any property that had ever belonged to the deceased Cluver. In fact the total dissimilarity of both christian names and surnames leads almost irresistibly to a directly opposite conclusion.

There is, therefore, not one scintilla of evidence before me that tends to shew that Guillaume Butten has any claim upon the Estate of "Carolina Margarita Erchard, widow Trek" and the Rupees 745-1-9 now in the Madras Treasury clearly belong to her Estate exclusively.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

March 2nd, 1860.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. *22.* ORDER THEREON, 15th March 1860, No. 316.

Ordered that a copy of the Advocate General's opinion be furnished to the Secretary of State, together with copies of the papers on the subject of Cluver's Estate, in reference to the Despatch from the Home Government, 17th November last, No. 14.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 316 15 March 1860.

Ordered that a copy of the Advocate Genl's Opinion be furnished to the Secretary of State, together with copies of the papers on the subject of Clivers Estate, in reference to the Despatch from the Home Govt. 17th Nov. Last No. 14.