M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 597 Press ~~Mis.~~

17-18

17-18.

Dated 12.5.1860 ~~19~~ .

3/3.

Not to be folded or roughly handled

597 ~~1859~~

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

No. 17. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to the Chief Secretary to Government, dated May 3rd, 1860, No. 424.

Proceedings of Government in its Judicial Department, dated 10th March 1860, *No.* 298.

1. With reference to the Proceedings of Government noted in the margin, I have the honor to report that, after further communication with the Administrator General (with the details whereof it is unnecessary to trouble Government), I applied to Mr. D. Shaw, the Executor of Mr. Simon's (alleged) Will, for full particulars of the deceased's assets, and in reply received from him a letter stating as follows :

"I consider the value of the assets of Simon's Estate, to be about one thousand Rupees; and they are as follows :

No. 1.	The materials only of a House at the Little Mount, about	Rupees	200	0	0
,, 2.	Ditto of another House at the same place, about. ...	,,	150	0	0
,, 3.	A small House and Ground at Sydapett about... ...	,,	600	0	0
,, 4.	Personal property, about..	,,	50	0	0
		Rupees.....	1,000	0	0

The materials of the House No. 1, were given to Simon by my Sister, and the House No. 3 was built by him principally from monies from time to time given to him by myself.

Simon received a small pension from the Friend-in-Need Society and from the Armenian Church Charity Fund, amounting to, I think, about seven Rupees per month; and he was for a very long time a dependant upon myself and my Brothers and Sister."

2. I then submitted all the papers for the consideration of the Advocate General with a view to its being determined whether I should take the matter out of the hands of the Administrator General's Proctor Mr. Shaw and adopt steps for bringing on the Caveat for argument on the responsibility of Government and at the risk of Government's having to pay costs in the event of failure and the Court's awarding them to the (alleged) Executor, as well as to meet Government's own out-fees. I subsequently conferred with the Advocate General on the subject and he afterwards wrote the further opinion, copy whereof is herewith sent.

3. I then sent the Advocate General's further opinion with the letter which I had received from the (alleged) Executor of Mr. Simon's Will giving me the particulars of the deceased's assets for the perusal of the Administrator General with a request that he would inform me what course he intended to pursue, and in reply he states that, under the circumstances, he has instructed his Solicitors to withdraw the Caveat.

4. I trust the Proceedings above reported will meet the approval of Government.

COPY—OPINION.

From the statement now given of the probable amount of this Estate, I do not think that the interests of the Crown require me to take any step in the matter.

The Estate is so small that the costs of raising and sifting all the various points that would have to be discussed would probably nearly exhaust it, and supposing the Crown to succeed, it would be only following the usual course to make over the residue to the party; who, but for the impediment of Bastardy, would have been entitled. I am of opinion, therefore, that it is not necessary that I should intervene in this matter.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

13*th April* 1860.

(True copy.)

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

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

No. 18. ORDER THEREON, 12th May 1860, No. 597.

Approved.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F Cartledge.

No. 597 — 12: May 1860.

Approved.

The Govt. Solicitor.
" Administrator General. } Disp.d 15th