M.R.O. 1—22,400—28-11-60.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1242 Press Mis.

25-27

Dated 8. 10 1861

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Not to be folded or roughly handled

No. 728.

Madras, September 28th, 1861.

From

John Miller Esqre
Actg. Government Solicitor Madras.

To

J. D. Sim Esqre
Actg. Chief Secretary to Government
Madras.

V. Moonesawmy Chetty

&c &c

The Secretary of State in Council of India, Meerza Mahomed Tayer, the Son and legal personal representative of Meerza Rauza Khan deceased and Josee Bala Prasaud, the Son and only legal personal representative of Josee Ganasa Prasaud deceased.

Sir,

1. With reference to the Suit noted in the margin, I have the honor to bring to the notice of Government that it will be necessary on behalf of the Secretary of State to obtain Evidence from Benares upon several points

2. The Plaintiff claims as the assignee of the rights of Meerza Mahomed Tayer under the Injunction of 16th January 1835 and Decrees of 25th March 1835 and 23rd July 1838 in the Suit Meerza Mahomed Tayer vs. Josee Ganasa Prasaud, and of the alleged rights of Josee Ganasa Prasaud, as Executor of Josee Soo Koo Dawar, the Executor of Dayaram Doss, the Gomastah of the Madras Cotee of Gopaul Doss Beeshum Chund of Benares and the alleged equitable assignee of the Bond of the Rajah of Tanjore dated 19th May 1795 for 3500 Rupees.

The

3. The real contest will be in the Plaintiffs attempt to prove that the Tanjore Notes issued to Hurkissen Doss, as the Attorney for Jaynarrain Juggernath Madhoo Sahee and Beenee Sahee for the amount of the Tanjore Commissioners Award No 76 on Claim No 56. Report No 82 were issued to persons not entitled to them and to shew that Jovee Ganasa Prasaud was the person really entitled to them.

4. It is therefore necessary on the part of the Secretary of State to prove (amongst other things) that strict inquiries were made for many years as to the parties entitled to the Bonds particularly at Benares - that the four persons to whom the Bonds were issued were the legal representatives of the Cotie of Gopaul Doss Beeshun Chund in whose favor the Award was made, that the Civil Judge held an enquiry on this subject and came to this conclusion, and that the Powers of Attorney in favor of Hurkissen Doss were duly executed and were attested by the Judge at Benares.

5. Amongst the papers received by me from Government and the Accountant General relative to this suit, I have found the Civil Judges Proceedings declaring Jaynarrain Juggernath Madhoo Sahee and Beenee Sahee to be the legal personal representatives of Gopaul Doss Beeshun Chund, and two Powers of Attorney - One purporting to have been executed by Jay-

narrain

Narrain and Juggernath Prasaud in favor of Hurkissen Doss, and the other purporting to have been executed by Madhoo Sahee and Beenee Sahee in favor of Hurkissen Doss.

6. These Powers of Attorney appear to have been executed and attested and certified by the Judge at Benares but they are signed and attested in characters not known in Madras, at all events, I have not been able to get any one to furnish me with a translation of the part in the native character or to give me the names of the attesting witnesses. The Certificate of the Civil Judge above the commencement of the Powers of Attorney gives the names of certain parties as Witnesses, but these names are not the same as the names of the Witnesses who are suggested to me as having signed these Powers as Witnesses. The information I have been able to obtain on this point, however is of such an unsatisfactory kind that I have not been able to place any reliance on it.

7. I may here mention that none of the Interpreters of the Supreme Court are acquainted with the writing or characters used - I am informed that there are several characters combined, and that this is the difficulty experienced in attempting to decipher or translate the writing -

8. I am therefore compelled to trouble Government with these Powers of Attorney and to request that I may be furnished with

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a translation of the Native writing as soon as practicable.

I have been informed that Beence Sahee a party to one of these Powers of attorney is still alive at Benares.

10. It is necessary that a Commission be sent to Benares directed to the Civil Judge there for the examination of Beence Sahee and such other Witnesses as may be found knowing any thing of the subject matter of the Suit.

11. I have applied for and obtained an Order for the issue of this Commission but I cannot forward it to Benares till I know who are to be examined under it. So as to enable me in communication with the Advocate General to prepare the necessary Interrogatories for their examination.

12 I request therefore that application may be made to the Authorities at Benares to furnish information as to who can now depose to the facts necessary to prove that Laynarrain Juggernath Madhoodahee and Beence Sahee were the legal personal representatives of the firm of Sohan Doss Beeshun Chund at the time the Powers of attorney were granted and that the Powers of attorney were duly executed by these legal personal representatives. The attesting Witness to the Powers of attorney, if alive, must be traced, and must depose to the due execution of such Powers of attorney.

The

13. The Suit will be heard next Term i.e. in February next, unless we can shew sufficient ground to induce the Court to postpone it.

14. I therefore beg that translations of the Native writing may be furnished to me without delay and that early application may be made to the authorities at Benares.

15. The Commission and the Interrogatories to be administered to the Witnesses, together with full instructions as to the manner in which the Commission should be executed, completed and returned will be forwarded by me immediately on my being supplied with the necessary information to enable me to complete the Interrogatories.

I have the honor to be,
Sir,
Your most Obedient Servant
Edwd Miller
Actg Gov. Solr

Judl. Letter Sent 26th Oct.
No. 20 of 1861.
Rule Replied to 6th Dec.
No 121 of 1861

12 · 5 · 20

Judl. Dept. 1861. Sept. 28

From Govt. of Madras

The Actg. Govr. &c. Madras

To

The Actg. Chief Secy. to Govt. Madras

Dated 28th

Read 30th September

No. 1278.

2 Enclosures.

Answered.

V. Moonesawmy Chetty

-vs-

The Secretary of State and others -

Stating what Evidence is required to be procured from Persons on behalf of the Secretary of State: requests that the Authorities there may be applied to for certain information and forwards 2 Powers of Attorney for translation of the Native writing contained in them

With an Order.

No. 1242 — 8th October 1861.

The Govt. of India will be requested to call upon the authorities at Benares to furnish a translation of the native writing on the Powers of Attorney — & also the information indicated in the 12th para of Mr. Miller's letter.

J H S

The Govt. Solicitor.
" Accts. Genl. } to/c

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