

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	905	Press
		MIS.
116-117		
Dated	13.7.1861	19

7/8

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
13th July 1861.

No. 116. Read the following letter from G. R. SHARPE, Esq., Officiating Sub Judge of Calicut; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated 23rd June 1861, No 124.

I have the honor to report that under the Orders of Government dated 5th September 1854, and 19th October 1858, in respect to the Estates of the late Mr. J. J. Platel and Mr. G. L. Platel, the sale proceeds of the assets of the deceased, amounting respectively to Rupees 362-1-0, and Rupees 1,605-10-10 were rateably disbursed in satisfaction of such claims as had been established.

No. 626. No. 1,471. 2. On the 4th instant, Mr. M. A. Platel, the surviving brother, moved the Court offering to pay up the unsatisfied portions of the claims of his said deceased brothers' creditors amounting in the aggregate to Rupees 2,234-14-11 as shewn marginally, out of the funds remaining in his hands to their credit on account of their shares of inheritance in their late father, Mr. J. L. Platel's estate, of which a division had been recently effected. He has accordingly this day paid into the Court the above amount of Rupees 2,234-14-11.

<i>Estate, J. J. Platel.</i>		
Claims preferred and proved...	1,010	14 4
Amount rateably paid...	362	1 0
Balance to be paid...	648	13 4
<i>Estate, G. L. Platel.</i>		
Claims preferred and proved...	3,191	12 5
Amount rateably paid...	1,605	10 10
Balance to be paid...	1,586	1 7
Total amount...	2,234	14 11

3. I have the honor to request therefore the further orders of His Excellency the Governor in Council in this matter.

No. 117. ORDER THEREON, 13th July 1861, No. 905.

In Extract Minutes Consultation 25th November 1851, No. 709, the Government objected to the publication of a Notice, in which "all persons having claims upon, being indebted to, or holding property belonging to the Estate" of J. J. Platel deceased were required "to state their claims, pay their debts, and deliver up such property" to the Subordinate Court of Calicut. They remarked that neither Regulation III of 1802, nor Act XX of 1841 appeared to sanction the procedure therein contemplated.

2. On the Sub Judge representing that as the deceased had had dealings with parties at Madras, he considered it of importance that they should publicly have due intimation of the fact of the Court having taken charge of the intestate's assets, the Government explained that the property must be treated as that of a party dying intestate, and an advertisement issued in the terms prescribed in Clause VII, Section XVI, Regulation III of 1802, and in no other—simply "requiring the heirs of the deceased, or any person entitled to receive charge of his effects to attend within twelve months for the purpose." If any party should attend within that period, and satisfy the Judge of his title to the property, or to receive charge of it as Executor, or Administrator, or otherwise, it should be delivered up to him; but, if no such claim were preferred within the period of twelve months specified in the advertisement, an inventory of the property, and a report of the circumstances of the case should then be submitted for the orders of Government.

3. The course thus indicated was followed with respect to J. J. Platel's effects, as well as those of G. L. Platel, who died in June 1857. In both cases, the Government directed the distribution rateably among such of the creditors as should establish their claims, of the amount at credit of each Estate.

E. M. C. 5th September 1854, No. 626.
" 19th October 1858, " 1,471.

Proceedings of the Madras Government, Judicial Department,
13th July 1861.

4. Having done this, the Government have no further concern with these estates and it does not therefore appear why the Acting Sub Judge has received from Mr. M. A. Platel the sum of Rupees 2,234-14-11 mentioned in his letter. The Government are not called on to administer to the estates of Messrs. J. J. and G. L. Platel nor to settle with their creditors. The money should be returned to Mr. M. A. Platel, and it should be left to him to pay his brothers' debts out of their shares of the family property in his hands. The creditors should be duly advised accordingly, and referred to Mr. M. A. Platel.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial. /
the Madras Govt.

Pro. 124 April 1863
Pro. 117 July 1857
No. 5 21st March 1854
" 19th October 1858 - N: 66467

Ind 1861 Sept
From Pro. of July 21

The Officiating Sub Judge of
Calicut.

The Chief Secretary to
Government in the
Judicial Dept.

St. George.

Dated 23rd June 1861.

Received 29th

N: 124. N: 1088

Requesting the orders of
Government in the matter
of a further sum of
Rs. 2,234-14-11 paid on
account of the Estates of
late Messrs J. J. Platel
& G. L. Platel.

cb July
Rg.

Total of s. s. s.

deceased were required

to state their claims,

pay their debts, & deli-

ver up such property

to

Proceedings of the Madras Government, J

13th July 1861.

Having done this, the Government have no further c

Exd. F. Cartledge.

Judicial. J

Proceedings of the Madras Govt.

Read letter from the

Sub-judge of Calicut. - Letter 23 June '61. N^o 124

Order - 13th July 1861 N^o 905.

In Ex: Mins: Cons: 25th
Novr. '51 N^o 709, the
Govt. objected to the
publication of a No-
tice, in which "all
persons having claims
upon, being indebted
to, or holding proper-
ty belonging to the
estate" of S. S. Platel
deceased were required
to state their claims,
pay their debts, & deli-
ver up such property
to

Dismissed.

to the subordinate
Court of Calicut.

They remarked that
neither Regulation
III of 1802, nor Act
XX of 1841 appeared
to sanction the
procedure therein
contemplated.

2. On the Sub Judge re-
presenting that as
the deceased had
had dealings with
parties at Madras,
he considered it of
importance that
they should publicly
have

to have due intimation
of the fact of the Court
having taken charge
of the intestate's assets,
the Govt. explained

that the property
must be treated as
that of a party dying
intestate, & an adver-
tisement issued in
the terms prescribed
in Clause VII, Section
XVI, Regulation III
of 1802 and in no
other - simply re-
quiring the heirs
of the deceased, or any
person entitled to re-
ceive charge of his
effects

2. M. C. 10. Sanyal
1852 N^o 10.
" 10. Feb. '52 N^o 95.
" 29. Mar. '53 " 181.
" 11. July. '54 " 482.

effects to attend with-
in 12 months for
the purpose." If any
party should attend
within that period,
& satisfy the Judge
of his title to the pro-
perty, or to receive
charge of it as Execu-
tor, or Administra-
tor, or otherwise, it
should be deliver-
ed up to him - but
if no such claim
be preferred within
the period of 12 months
specified in the ad-
vertisement, an in-
ventory

2 inventory of the pro-
perty, & a report of
the circumstances of
the case should then
be submitted for
the orders of Govt.

3. The course thus indi-
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with respect to S. S.
Platel's effects, as well
as those of S. L. Platel,
who died in June 1857.
In both cases, the Govt.
directed the distri-
bution ratably a-
mong such of the Cre-
ditors as should es-
tablish their claims,
of the amount at
credit of each Es-
tate

2. M. C. 5th Sep. '54 No 326.
" 19th Oct. '58. 1471.

Estate.
 - Having done this,
 the power must have
 no further concern
 with these estates -
 and it does not
 then appear
 why the Acting Sub
 Judge has received
 from Mr M A Platé
 the sum of R2234.
 14:11. mentioned
 in his letter - The
 point was not called
 on to administer
 to the estates of Mrs
 J J and G S Platé
 nor to settle with
 their creditors - The
 money should be
 returned to Mr

Mr A Platé, and it
 should be left to him
 to pay his brother's
 debts out of their
 share of the family
 property in his hands.
 The creditors should
 be duly advised
 accordingly & referred
 to Mr M A Platé

JP

Act Sub Judge Calicut - date 13th

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Proceeding of the
 Judicial 1841 Sept 18
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13th July 1841

1841
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