

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	776	Press
		~~Mis.~~
253-255		
Dated	30 . 5 - 11 1864	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
30th May 1864.

Read the following papers:—

No. 253. From J. SWAN, Esq., Colonial Secretary, Colombo; to the Chief Secretary to Government, Fort Saint George, dated Colombo, 9th December 1863, No. 47.

With reference to your letter, No. 1332 of the 19th August last, I am directed by His Honor the officer administering the Government, to transmit to you for the information of the Lieutenant-Governor of Madras in Council the annexed copy of one from the Queen's Advocate here, and to request that you will, with the permission of the Lieutenant-Governor, cause this Government to be furnished with authenticated copies of the Will, Orders of Court and Probate in the Testamentary case referred to, and of the Indictments, Convictions and Sentences in the Criminal Prosecution, sealed with the Seal of the Court to which the above Documents belong.

From R. F. MORGAN, Esq., Queen's Advocate; to the Honorable the Colonial Secretary, dated Colombo, 2nd November 1863, No. 288.

With reference to your letter, No. 345 of the 12th September last, I have the honor to inform you that Messrs. Gordon and Maddock are fairly entitled to compensation for loss of time; and that the amount claimed by them, £1 a day, is reasonable. They were not bound to go to Madras, and had to leave their business to do so.

2. If the Crown succeed in getting a Judgment in its favor in the Testamentary case, it would have it in its power, before ceding its rights to Mr. Hugh Maclean, to reimburse itself by deducting from the Corpus of the estate all sums paid on account of the Criminal Prosecution. But this contingency, though a probable one, cannot yet be calculated upon with certainty. A reasonable time having elapsed since the trial and conviction of T. Vurthapah Chetty, my Deputy will now move the Court for Judgment; and, with a view to this, I request you will obtain for me from the Madras Government, authenticated copies of the Will, Orders of Court and Probate in the Testamentary case, and of the Indictments, Convictions and Sentences in the Criminal Prosecution, sealed with the Seal of the Court to which these Documents belong.

3. Messrs. Gordon and Maddock rely for payment of compensation upon a letter shown to them before they left Jaffna; but all that that letter promises is their "travelling and other expenses." The Madras Government however

See letter, No. 909, from the Secretary to Government of Fort Saint George; to Colonial Secretary, 10th June 1863.

have directed that the sum of Rupees 600 should be paid to them in reimbursement of the expenses to which they have been put, and in compensation of the loss of their time while absent from their estates, and they obviously

See Order, 28th July 1863, No. 1218.

refer the parties to this Government for further payment as will be seen from their letter, No. 1332 of the 19th August 1863.

4. If the Crown succeed in the Testamentary case, as stated already, no difficulty can arise; and I shall propose to Messrs. Gordon and Maddock to wait the result of that case; but if we do not succeed they must, I am afraid, be referred to the Madras Government. We brought to their notice an audacious fraud committed on their High Court of Justice; and it is clear from the 18th and 21st paragraphs of Mr. Norton's letter of the 28th July 1863 did great service to that Government by doing so. Excepting in the event of success in the Civil case we shall have no interest in the prosecution or the issue thereof.

Referred to the Government Solicitor, who is requested to obtain the Documents applied by the Government of Ceylon.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

FORT SAINT GEORGE,
4th January 1864.

Proceedings of the Madras Government, Judicial Department,
30th May 1864.

No. 254. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Honorable
A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 16th May
1864, No. 265.

Referring to the Orders of Government noted in the margin, I have now the honor to
forward for transmission to the Government
of Ceylon, the papers particularized at foot,
duly certified by the proper Officers, and
authenticated by the Seal of the High Court.

MEMORANDUM OF ENCLOSURES.

- Copy, alleged last Will and Testament of Hugh Maclean, deceased.
" T. Vurthapah Chetty's Petition to the Supreme Court for the grant of Probate
of such Will.
" Oath of Executor, sworn to by T. Vurthapah Chetty.
" Order made by Sir A. Bittleston for the issue of Probate.
" Probate issued pursuant thereto.
" Indictment against T. Vurthapah Chetty for Forgery.
Extract from Proceedings of 3rd Sessions for 1863 thereon.
Copy, Indictment against T. Vurthapah Chetty for Perjury.
Extract from Proceedings of 3rd Sessions for 1863 thereon.
Copy, Commitment of T. Vurthapah Chetty.

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

No. 255. To the Colonial Secretary, Colombo, dated Fort Saint George, 30th May 1864,
No. 776.

In acknowledging the receipt of your letter of the 9th December last, No. 47, in which you
requested to be furnished with authenticated copies of the papers connected with the grant of
Probate by the late Supreme Court of Madras of the alleged Will of Hugh Maclean, deceased,
of Jaffna, and with the subsequent criminal prosecution of Thotah Vurthapah Chetty for forgery
and perjury, I am directed the Governor in Council to send you the annexed copy of a letter
from the Government Solicitor, dated 16th instant, No. 265, together with the enclosures in
original received with it as ascribed in the Memorandum appended to it.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. R. H. Lee.

Judicial.

No. 476

Colonial Secretary - Colombo.

Sir.

I have the honor to acknowledge
the receipt of your
letter of the 9th Decr.
last No. 47, in which
you requested to be
furnished with authen-
ticated copies of the
papers connected
with the grant of Pro-
bate by the late Supreme
Court of Madras of
the alleged Will of
Hugh Maclean deces-
ed of Jaffna, & with
the subsequent crimi-
nal prosecution of
Thotah

10/12/1971

list of 14 hives?

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Frederick 1884. 1894. 1895.

W. J. P.

To the Hon. Sec. of the
Interior.

Selected 30 May 1884.

List