

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1988	Press
		~~Mis.~~
Dated	20. 12. 1986	

163-165

5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
20th December 1866.*

Read the following papers:—

No. 163. From the Secretary to the Government of Bombay, to the Chief Secretary to Government, Fort Saint George; dated Madras, 29th November 1866, No. 3637.

Political Department.

I am directed by the Honorable the Governor in Council to forward, for the information of the Government of Madras, the accompanying copies of correspondence noted in the margin, respecting the estate of the late Mahomed Tumeen of Calicut, in the Madras Presidency, who died at Jeddah in the month of August 1865.

2. In transmitting these documents, I am desired to state that two remittances of specie, (being proceeds of the estate of the deceased realized at Jeddah,) amounting respectively to £2,400-10-0, and £1,094-7-0, have been received from the Egyptian Trading Company by the Accountant General at Bombay, and to request that you will be so good as to move His Honor, the President in Council, to cause this Government to be informed whether the Administrator General of Madras would be willing to take charge of this property, which has evidently been forwarded here by mistake.

From Her Majesty's Consul and British Agent, Jeddah, to the Secretary to the Government of Bombay, dated Alexandria, 25th August 1866, No. 9.

I have the honor to inform you that in the month of August last year, whilst the British Consulate at Jeddah was in charge of the Acting French Consul at that place, Mahomed Tumeen, an Indian subject, who had arrived at that port some time previously on board the ship *Jam Allum* of Calcutta, of which vessel he was the registered owner and Master, and which he sold while at Jeddah, died suddenly on board the vessel by which he was about to return to India. The property which he had then in his possession, consisting of money and personal effects, was handed over to the Consulate, and the Acting Consul having called three or four of the principal Indian merchants established at Jeddah to assist him, disposed of the personal effects of the deceased, and

No. 1.

after having paid certain necessary expenses and fees deposited the balance shown in the enclosed document, marked 1, in the Consulate, and delivered it over to me on my arrival at Jeddah.

2. The Acting Consul allowed to the widow of the deceased (\$45) forty-five Dollars a month, for four months, and also returned to her such of the personal effects as were proved to be her's.

3. Besides the sum in deposit on my arrival there still remained some amounts to be encashed, these have been now received, and I cannot learn that anything further remains due to the estate of the deceased at Jeddah.

4. The deceased, Mahomed Tumeen, who, as far as I can learn, was actually domiciled at Calicut, has left, I am told, a widow, one son and one daughter, and various irregular applications have been made on the behalf of these persons with a view to obtain possession of the estate, but as the claims against the same will probably greatly exceed the amount encashed, and as the deceased had not his fixed place of abode at Jeddah, I considered it right to apply to the Judge of Her Majesty's Supreme Consular Court at Constantinople for instructions in the matter, and have been directed by him to transmit the proceeds of the estate of the deceased to Bombay, to be dealt with by the proper authorities there.

Proceedings of the Madras Government, Judicial Department,
20th December 1866.

5. In obedience, therefore, to these instructions, I have the honor to forward to you the enclosed Statement* of the said estate, and I shall feel much obliged if you will cause the receipt of the sums forwarded to you to be acknowledged. Owing to the impossibility of effecting insurance on money shipped from Jeddah to Bombay direct, I have preferred delaying to forward the proceeds of the estate until I could do so in a more regular manner from here.

No. 1.

6. No Will of the deceased has been found, neither do there appear to be any papers belonging to the estate which are of importance, or which should be forwarded to you, except the enclosed Bond for Rupees (1,368) one thousand three hundred and sixty-eight, due to the late Mahomed Tumeen by Abdoorahman Yoassom of Calcutta.

No. 2.

Proceedings of the Madras Government, Judicial Department,
20th December 1866.

Statement of the Estate of the late Mahomed Tumeen of Calicut, deceased at Jeddah in the month of August 1865.

1865.	Various monies deposited in the British Consulate at Jeddah, as by Statement of Acting Consul and Indian Merchants, No. 1, Turkish Piasters ...	16th August.	Remitted to Mr. Gonne through the Egyptian Commercial and Trading Company (Limited). £2,400-10
9th December.	Net proceeds of sale of effects belonging to the deceased, Turkish Piasters ...	2,56,143 15	Equal to Egyptian Piasters..... 2,34,059
"	Turkish P...	16,762 15	Freight Insurances on do..... 6,538-30 E. P.
"	Owing to a difference in the rate of exchange in the month of January, the above-named monies were equal to Turkish Piasters...	2,72,905 30	Sum still to be remitted* £1,094-10
1866.	The above sum placed in the hands of the Egyptian Commercial and Trading Company (Limited) was equal to Egyptian Piasters...	2,73,890 2	Equal to Egyptian Piasters..... 1,06,718
8th July.	Interest on the same for six months, at 6 per cent. Egyptian Piasters ...	2,43,438 18	Freight Insurances on do..... 3,065 E. P.
2nd August.	Received at Jeddah.	7,303 0	
"	From Mahomed Benadjii..... \$ 4,210 4		
"	" Mahomed Bahkar..... " 740		
"	" Mahomed Zeechi..... " 100		
"	" Nejib Bey..... " 414		
"	Less Consular Fee for deposit 2 1/2 per cent..... " 127 1/2		
"	" " " " " 4,064 1/2		
"	Above amount converted into Napoleons gives..... Nap. 1,287 1/4		
"	Sale of Chest..... " 4		
"	Nap... 1,291 1/4		
"	or Egyptian Piasters...	99,639 12	
"	Total amount of Estate received, Egyptian Piasters...	3,50,380 30	Total amount of Estate received, Egyptian Piaster ... 3,50,380 30

ALEXANDRIA, 25th August 1866.

* Through the Egyptian Commercial and Trading Company (Limited).

(Signed) ARTHUR RABY, H. B. M. Consul at Jeddah.

4
Proceedings of the Madras Government, Judicial Department,
20th December 1866.

From the Secretary to the Government of Bombay, to Her Majesty's Consul and British Agent at Jeddah, 16, Edward Street, Bath, England, dated 12th November 1866, No. 3407.

Political Department.

I am directed to acknowledge the receipt of your letter, No. 9, dated the 25th August last, with accompaniments, and in reply to inform you that two remittances of specie, amounting respectively to £2,400-10-0 and £1,094-7-0, belonging to the estate of the late Mahomed Tumeen, have been received from the Egyptian Trading Company by the Accountant General at Bombay.

From the Secretary to the Government of Bombay, to the Government Solicitor; dated Bombay Castle, 12th November 1866, No. 3408.

Political Department.

I am directed to forward to you copy of a letter and of its enclosures from Her Majesty's Consul and British Agent at Jeddah, dated the 25th August last, No. 9, relative to the estate of the late Mahomed Tumeen, an Indian subject, who died at that port, and to request that you will be so good as to obtain the opinion of the Advocate General as to the course to be adopted with regard to the estate of the deceased.

From the Solicitor to Government, to the Secretary to the Government of Bombay; dated Bombay, 22nd November 1866, No. 652.

Political Department.

I have the honor to enclose a copy of the Opinion, No. 117, of the Honorable the Advocate General upon the question submitted in your letter, No. 3408 of the 12th instant.

No. 117.
OPINION.

The transmission of the proceeds of the estate of the deceased Mahomed Tumeen to Bombay was probably recommended by the Judge of the Supreme Consular Court at Constantinople, under the belief that the authorities here had power to deal with such property.

2. It is stated, however, in the accompanying copy of a letter from Her Majesty's Consul and British Agent at Jeddah, dated the 25th August last, No. 9, that the deceased was, as far as the Consul and British Agent could learn, actually domiciled at Calicut, which is within the Presidency of Madras. The letter contains nothing to indicate that any person in the Bombay Presidency has any right to retain or take charge of the property of the deceased. The Administrator General of Bombay has no jurisdiction over it, as the deceased neither died nor left property within this Presidency.

3. If the deceased's domicile at the time of his death was Calicut, the Administrator General of Madras would, perhaps, have jurisdiction over his estate and effects, and I recommend that application be made to the Government of Madras, with the view of ascertaining whether the Administrator General of that Presidency be willing to take charge of this property, which has evidently been forwarded here under the mistaken supposition that the authorities in Bombay had power to deal with it.

BOMBAY,
20th November 1866.

(Signed) L. H. BAYLEY,
Advocate General.

(True Copy).

(Signed) R. V. HEARN,
Solicitor to Government.

(True Copies).

(Signed) C. GONNE,
Secretary to Government.

Referred to the Government Solicitor for the opinion of the Acting Advocate General.

FORT SAINT GEORGE,
12th December 1866.

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

Proceedings of the Madras Government, Judicial Department,
20th December 1866. 5

No. 164. From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George, dated Madras, 17th December 1866, No. 701.

I have the honor to acknowledge the Order of Government noted in the margin, with the enclosures which accompanied it, requesting the Acting Advocate General's opinion as to the administration by the Administrator General of Madras of the Estate of Mahomed Tumeen of Calicut, in the Presidency of Madras, who died at Jeddah in August 1865, and the assets of whose estate have been remitted from Jeddah to the Government of Bombay.

2. I have submitted the matter for the consideration of the Acting Advocate General; and

3. I now forward a copy of his Opinion, and return the Order and enclosures above noted.

OPINION.

The Administrator General cannot, in his official capacity, take out Letters of Administration to the Estate of Mahomed Tumeen. His jurisdiction in the case of Mahomedans or Hindoos depends entirely upon their having died, leaving assets within the local limits of the High Court. This is not the case (as far as appears) in the present instance. Of course, the Government cannot hand over to him the assets, except in his official capacity, and which provided with Letters of Administration.

2. I presume that the widow will apply to the Bombay Government for the assets. In that case, the simple course seems to be to inform her that the Government will pay to any one who presents a certificate of heirship to Mahomed Tumeen, under Act XXVII of 1860.

(Signed) J. D. MAYNE,
Acting Advocate General.

15th December 1866.

(True Copy).

(Signed) H. J. BROCKMAN,
Acting Government Solicitor.

No. 165. To the Secretary to the Government of Bombay, Political Department, dated Fort Saint George, 20th December 1866, No. 1988.

In acknowledging the receipt of your letter of the 29th ultimo, No. 3637, inquiring whether the Administrator General of Madras would be willing to take charge of the proceeds of the Estate of the late Mahomed Tumeen, I am directed by the Governor in Council to forward, for the information of the Government of Bombay, the annexed copy of an Opinion of the Advocate General of Madras on the subject, from which it will be seen that Mr. Mayne considers that the Madras Administrator General cannot legally take charge of the Estate of Mahomed Tumeen in his official capacity.

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

Sept 22/12

Judicial Department.
No. 1988.

To

The Secretary to the Government
of India, Bombay
Political Department.

Sir,

I am acknowledging the receipt of your letter of the 29th ultimo, No. 2637, enquiring whether the Administrator General of Chodras would be willing to take charge of the proceeds of the estate of the late Shahm-
ed Sumser, I am directed by the Governor in Council to forward, for the information of the Govt. of Bombay, the annexed copy of an Opinion of the Advocate General of Chodras on the subject, from which it will be seen that he ^{has} ~~is~~ ^{has no} ~~is of~~ opinion that the Chodras Administrator General cannot legally take charge of the estate of Shahm-
ed Sumser in his official capacity.

For Lt. Genl.
20 Dec 1886

701-111
20 Dec 1886

by 4

ditto 15 Jan

1630 165

Victorial 1866 Sept 27

At 1800

Victor
Sunday to the end
of Monday

181

Victor 20 December 1866

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]