

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No. 612	Press Mis.
Dated 16 9.	19/83.8

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 21st September 1858.

Read the following letters

No. 12. From Surgeon E. G. BALFOUR, Government Agent at Chepauk : to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 6th September 1858, No. 1530 of G. A.

SIR,

I have the honor to submit, for the information of Government, communications just received : as Government may consider it advisable to give me instructions on this matter, or refer same to Advocate General.

	I have the honor to
* 1 Letter to Government, No. 754 of G. A., dated 14th April 1858.	place on the margin*
2 Extract Minutes of Consultation, No. 260 do. 16th do. do.	dates of previous cor-
3 do. do. do. 280 do. 27th do. do.	respondence on this
	subject.

MADRAS, 4th September 1858.

WOODIAGHERRY GOSAYEE, and others,

versus

Prince AZEEM JAH BAHADOOR, Adminis-
trator of SYED OON NISSA BEGUM,
deceased.

To

DR. BALFOUR.

SIR,

You are I believe aware that this suit was instituted by the Plaintiffs as Creditors of Syed Oon Nissa Begum deceased under the sanction of the Governor in Council of Madras, as set out in the Minutes of Consultation, dated 27th day of April 1858. As authorized by the Decree in this suit the Defendant was required by the Master of the Supreme Court to deposit with him the Title Deeds of the deceased's Landed property admitted by his answer in this suit to be in his possession. The Defendant has in violation of the Master's order (and the advice as I am informed of his Solicitors) refused, and still refuses to produce and deposit these Title Deeds. Under these circumstances it became my duty as Solicitor for the Plaintiffs to apply to the Supreme Court for an order directing the Defendant to produce and deposit with the Master these Documents (which by his answer he swore were in his possession) within four days from the service of this order on him. As the Defendant is shut up and my Peons are unable to gain access to serve this order on him, I do myself the honor to request that you will cause the enclosed copy of the order to be delivered to the Defendant, and the original order also herewith enclosed to be at the same time shewn to him, and that you will be pleased at the same time to explain to His Highness that any disobedience of this order will be a contempt of Court and will render it necessary for me to apply to the Court for an order that an attachment may be issued against his person under which he will be (on my applying to the Governor in Council for the necessary Certificate to be issued under their former sanction to sue) liable to be arrested and detained in Custody until these Documents are produced and the said contempt cleared, I am induced to address you in this case because this suit has been instituted with the sanction of the Government at the Defendant's express request, and in the hope that by your pointing out to the Defendant the consequences of his refusing to give up his mother's property for the payment of her debts, he may be induced to act fairly by the Creditors and to deliver the Title Deeds as ordered to the Master, and thereby save himself the annoyance and indignity his refusing to obey this order may occasion him.

I have, &c.,
Signed A. M. RITCHIE.

Fort Saint George, Political Consultation, 21st September 1858.

No. 2894 of 1858.

IN THE SUPREME COURT OF JUDICATURE AT MADRAS, VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith.

In Equity. At a Court held this third day of September One thousand eight hundred and fifty eight, in the vacation after the Third Term One thousand eight hundred and fifty eight.

PRESENT.

The Honorable Sir ADAM BITTLESTON, Knight, one of her Majesty's Justices.

Between Woodiagherry Gosaye Teekum Doss and Gunshain Doss, respectively Soucars, Plaintiffs, and Prince Azeem Jah Bahadoor, the only son and heir and the Administrator of the Goods and Chattels of Syed Oon Nissa Begum, deceased, Defendant.

Upon the motion of Mr. Norton of Counsel for the Plaintiffs, and upon hearing read the Certificate of the Master of this Honorable Court made in this cause and dated and filed this day whereby it is certified that on the application of Mr. Alexander Macdonald Ritchie, the Solicitor for the Plaintiffs, a copy of the Decree of this Honorable Court made in the cause and bearing date the Twenty seventh day of July One thousand eight hundred and fifty eight was left with him on the Twenty fifth August, One thousand eight hundred and fifty eight, and that a Warrant issued on the same day attendable on the 28th August last under written, "for the purpose of the Master taking into consideration the matters referred to him under the Decree." That such last mentioned Warrant was attended by Mr. Ritchie and Mr. Shaw the Solicitors for the said Defendant respectively, and that the directions given by him on such Warrant were that the Defendant should leave on Oath all Deeds, Books, Papers, Cadjans, Accounts and other writings in his Custody or power relating to the Estate of the said Intestate as mentioned in his answer filed on the Twenty ninth June, One thousand eight hundred and fifty eight, and that the same should be left on Wednesday the first of September Instant, and the said Master further certified that on the first September Instant, Mr. Shaw attended on behalf of the said Defendant, that he did not produce all Deeds, Books, Papers, Cadjans, Accounts, and other writings in his Custody or power of the said Defendant relating to the Estate of the said Intestate as mentioned in his answer filed on the Twenty ninth June One thousand eight hundred and fifty eight, and upon hearing read the pleadings in this cause and the said Decree of this Honorable Court made in this cause and bearing date the said Twenty seventh day of July last IT IS ORDERED that the said Defendant do produce and leave with the said Master of this Honorable Court within four days after service of this order upon him all the Title Deeds of the Landed property of Syed Oon Nissa Begum deceased the Intestate in the pleadings of this cause, named and admitted by his answer to be in his possession and set out in the Schedule marked C. annexed to his said answer and referred to in the said Certificate of the said Master.

By the Court,

(Signed) B. BROOKS,
Deputy Registrar.

Referred for the early attention of the Honorable Company's Solicitor.

Fort Saint George, 1
6th September 1858.

(Signed) T. PYCROFT,
Chief Secretary.

Fort Saint George, Political Consultation, 21st September 1858.

No. 13. From J. R. BOYSON, Esq., Honorable Company's Solicitor; to the Chief Secretary to Government, dated 11th September 1858, No. 490.

SIR,

Order dated 6th September 1858, on letter from Government Agent at Chepauk, to Chief Secretary to Government, dated 6th September 1858, No. 1530.

1. I have the honor to acknowledge the order of Government, noted in the margin, and the papers therein referred to and to advise that the Government Agent at Chepauk be directed to hand Mr. Ritchie's letter to his address of the 4th Instant, and its enclosures to Prince Azeem Jah and to urge upon him the great importance, for the sake of his own dignity and the preservation of his personal liberty, of his giving these papers immediate attention and acting, with reference to them, under the advice of his Solicitor. I would also suggest that the Government Agent should acknowledge Mr. Ritchie's letter and inform him that it and all its enclosures have been delivered to Prince Azeem Jah.

2. The Master's requisition that Prince Azeem Jah should produce and leave in his Office all Deeds, Books, Papers, Cadjans, &c., in his Custody or power relating to the Estate of the late Syed Oon Nissa Begum was in all respects regular and authorised and ought to have been complied with.

3. The Documents more particularly required are the Title Deeds of the deceased's Landed property.

4. In his communication to the Government Agent of the 13th of April last, the Prince expressed a desire that the deceased's Estate should be administered through the Supreme Court, and the necessary proceedings were subsequently taken for effecting this.

5. In the Schedule to his answer marked B. the Prince set out in detail a description of the Landed property of which Syed Oon Nissa died possessed and which after her death came to his possession, and in Schedule C. to the same answer he set out a detailed List of the Deeds, &c., relating to this property, which after Syed Oon Nissa's death had also come to his custody.

6. The Prince is now called upon to deposit these Deeds (amongst others) in the Master's Office, and he declines to do so (or at all events has not done so) thus evading the substantial fulfilment of the very arrangement that he himself proposed by withholding the Title Deeds of that property which ought to be sold in due course and the proceeds made available for the liquidation of Syed Oon Nissa's debts.

7. I am told that the Prince has sold some of the Landed property left by Syed Oon Nissa. If this sale took place before the suit was instituted the fact should have been stated in the Prince's answer, if on the other hand the sale was effected subsequent to the institution of the suit the proceeding was a most improper and unauthorised one. At all events the Prince should forthwith deposit in the Master's Office "all Deeds, Books, Papers, Cadjans, Accounts and writings" relating to Syed Oon Nissa's Estate which he now has in his possession and should account in the best way he can for such as came to his Custody and are now forthcoming. If he fails in doing this he will be guilty of a contempt of the Supreme Court's order for which with the consent of the Governor in Council an attachment may be issued against him upon which he will be liable to be taken in execution and lodged in gaol.

No. 14. ORDER THEREON, No. 612: dated 16th September 1858.

The Government resolve to furnish a copy of the Honorable Company's Solicitor's letter to the Chepauk Agent and to request that he will communicate the substance thereof to the Prince Azeem Jah Bahadoor and urge on him that as by his free act, under the advice of his Solicitor, he had placed the affairs of his late Mother's Estate in the Administrator's hands, he must now fully comply with all requisitions of the Supreme Court and had better leave the matter entirely in the hands of his Solicitor.

The Agent will also write to Mr. Ritchie to the effect suggested by Mr. Boyson in the first para: of his letter.

Signed T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Political Department

N^o 8123

Extract from the Minutes of Consultation
Held on 16 September 1858.

Read again letter from
the Govt. Agent at Choptank dated
the 6th and recorded in Con-
sultation of the 1st instant.

Read the following
letter from the Smith Company's
Solicitors.

(Dated 11 September 1858. 1890)

The Government re-
solve to furnish a copy of
the A. C. Solicitor's letter to
the Choptank Agent and
to request that he will
communicate the sub-
stance thereof to the Prince
Azem Sah Bahadur and
~~urge him to comply with~~
~~the requisitions contained~~

on him that as by his ~~in it~~. The Agent will also
give up, under the advice write to Mr. Nichols to the
of his Solicitor, he had effect suggested by Mr. Boy-
place the affairs of son in the first para of
his late brother's Estate in the Administrator's
hands; he must now
fully comply with all
acquisitions of the Supreme
Court and had better
leave the matter entirely
in the hands of his Soli-
citor.

1/2

JP

To the good Agent at Choptank }
a M. J. Solicitor } with enclos. in his letter of 6/9/58 }
Sept 10th M.S.

Ph.D. L. Eng 29552 1882
22 of 1884
Page 18

Ph.D. L. Eng 29552 1882
22 of 1884
Page 18

Ph.D. L. Eng 29552 1882

Ph.D. L. Eng 29552 1882

Ph.D. L. Eng 29552 1882

Ph.D. L. Eng 29552 1882

Ph.D. L. Eng 29552 1882
22 of 1884
Page 18

Ph.D. L. Eng 29552 1882
22 of 1884
Page 18

Ph.D. L. Eng 29552 1882

Ph.D. L. Eng 29552 1882