

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**
Political

G.O. No.	401	Press ~~Mis.~~
Dated	29 6	18 1860

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department,
29th June 1860.

No. 91. Read the following letter from GUNSHAM DOSS and TEEKUM DOSS, of Madras, Soucars, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th June 1860.

We have the honor to enclose a petition signed by both of us, addressed to His Excellency in Council, which we beg will be laid before His Excellency in Council at your earliest convenience.

To His Excellency the Honorable the Governor in Council of Fort Saint George.
The humble petition of TEEKUM DOSS and
GUNSHAM DOSS respectively of Madras,
Soucars.

SHEWETH,

That in the month of September last your Petitioners presented a petition bringing to your Excellency's notice that by a Decree of Her Majesty's Supreme Court of Judicature at Madras made in a cause wherein Woodiegherry Gosaye and your Petitioners Teekum Doss and Gunsham Doss are plaintiffs and Prince Azeem Jah Bahadoor the only son and Administrator of the estate of Syed-Oon-Nissa Begum deceased is defendant and bearing date the thirtieth day of August one thousand eight hundred and fifty-nine it was decreed that the said Prince Azeem Jah Bahadoor should pay into the Treasury of Fort Saint George with the privity of the Accountant General to the credit of the said cause the sum of Rupees twenty-five thousand four hundred and eighty, Annas five and Pice two (25,480-5-2) being the amount found by the Master of the said Court to be due by the defendant to the estate of Syed Oon-Nissa Begum deceased and praying that the sum of Rupees twenty-five thousand four hundred and eighty, Annas five and Pice two might be taken from the monies payable to the defendant and then deposited in the said Treasury and paid on his account into the said Treasury to the credit of the said Suit or that your Petitioners might be furnished with the necessary certificate authorizing the issue of a writ against the person of the defendant in case default should be made by him in the payment so directed to be made by him in and by the said decree as aforesaid.

That your Petitioners have not received any reply to such petition.

That the said defendant Prince Azeem Jah Bahadoor has not up to this time paid into the said Supreme Court the sum of Rupees twenty-five thousand four hundred and eighty, Annas five and Pice two or any part thereof so ordered to be by him paid.

Your Petitioners therefore humbly pray that your Excellency will be pleased to take their said petition into early consideration and acquaint your Petitioners with the determination come to thereon.

And your petitioners will ever pray, &c.

MADRAS, 18th June 1860.

No. 92. ORDER THEREON, 29th June 1860, No. 401.

Teekum Doss and Gunsham Doss, Soucars of Madras, address Government respecting their petition of 29th September last, to which they have not yet received a reply.

2. In this petition the parties set forth—that, with the sanction and authority of the Governor in Council, 27th April 1858, they had filed a bill in the Supreme Court of Judicature at Madras against His Highness Prince Azeem Jah, as the Administrator of Syed Oon Nissa Begum his deceased mother, praying on behalf of themselves and all the other creditors of Her Highness the said Syed Oon Nissa Begum deceased for the due administration of her estate—that they had obtained a decree in the said suit whereby His Highness was ordered to pay into the Treasury to the credit of this suit the full sum of Rupees 25,480-5-2, being the monies forming part of the estate of the said Syed Oon Nissa Begum received by him as her Administrator down to the 30th day of June 1859—that their Solicitor had served a copy of the said decree on the Solicitor of His Highness, but had hitherto been unable to serve a copy upon His Highness—that should default be made in the payment of the said sum of Rupees 25,480-5-2 within the time mentioned in the said decree, the Petitioners are advised that under the sanction of the

Proceedings of the Madras Govt. -

Read the following letter
from Gunsham Doss &
Teekum Doss - Soucars
of Madras. -

(Here enter 18th June 1861.)

Order, Chennai 24th June 1861, No. 401.

Teekum Doss and
Gunsham Doss Soucars
of Madras address Go-
vernment respecting
their petition of 29th
September last to which
they have not yet re-
ceived a reply. -

2. - In this petition
the parties set forth -
that, with the sanction
and authority of the
Governor in Council
27th April 1858, they
had filed a bill in
the Supreme Court of
judicature at Madras
against

Proceedings of the Madras Government, Political Department,
29th June 1860.

Governor in Council bearing date the 27th day of April 1858, before mentioned, His Highness would be liable to be arrested and imprisoned until the money was paid—that they and other creditors of the deceased Begum have incurred great expense in prosecuting this suit, which they have done wholly on the faith of the sanction of the Governor in Council above referred to, and their sole object is to receive in part payment of their just debts, the estate left by their creditor the deceased Begum and possessed by His Highness as her Administrator. They therefore prayed for an order that the said sum of Rupees 25,480-5-2, may be taken from the monies due, of right payable to His Highness Prince Azeem Jah Bahadoor, and now deposited in the Government Treasury, and be paid on his account into the said Treasury to the credit of this suit; or otherwise that Government may be pleased in continuation of the sanction to sue His Highness dated the 27th day of April 1858 to favor the Petitioners with the necessary certificate authorizing the issuing of a writ against the person of His Highness in case default shall be made by him in the payment directed to be made by him in and by the said decree.

3. This Petition was referred to the Advocate General, who gave it as his opinion, that it was utterly out of the question, that Government could refuse to comply with the application. The Prince in the case, by applying to the Supreme Court for administration to his mother's estate, voluntarily and expressly subjected himself to the jurisdiction of the Court, so far as that estate was concerned: he thereby became the sole legal possessor and manager of that estate, and thereby, prevented other creditors from taking out administration, and clothing themselves with a legal title to the property and applying it to payment of their just claims—but as Administrator he took it subject to all its legal liabilities. The present suit moreover had been filed under an express arrangement with His Highness, proposed in a letter from His Highness to the Government Agent at Chepauk, under date the 13th April 1858, and subsequently carried out by Mr. Wilkins, His Highness' Solicitor, in communication with the Government Solicitor, and Mr. Wilkins, at His Highness' request, undertook to appear for him, and did so, and has, to some extent, protected the estate. Mr. T. Sydney Smyth therefore suggested that the Petition be sent to the Prince with an intimation, that unless he is prepared to pay the money, or to make some satisfactory arrangement, Government will be compelled, however reluctantly, to let the law take its course in this matter, as it is by his own act, that he has, in this case, subjected himself to the jurisdiction of the Supreme Court by applying to it for administration of his mother's estate.

4. The course thus advised by the Advocate General was followed—Order 28th October 1859, No. 628.—Eight months have since elapsed. The Prince has made no reply to the reference nor has he paid the money.

5. It is impossible, under the circumstances, that the Government can allow this matter longer to lie over. They must act, and they have the alternative either of subjecting the Prince to the indignity of having legal process issued against his person and property, or of ordering payment of the decree amount out of the arrears due to him.

6. They prefer the latter course, and they therefore resolve to direct the Sub Treasurer to pay over the sum of Rupees 25,480-5-2, to the credit of the suit brought against His Highness on account of the administration of his mother's estate, according to the decree of the Supreme Court dated 30th August 1859, the said amount being debited to the arrears of stipend undrawn by His Highness.

7. Ordered that Petitioners be referred to the Government Solicitor.

(Signed) T. PYCROFT,
Chief Secretary.

against His Highness
Prince Azam Jah, as
the Administrator of
Syed Don Nissa Begum
his deceased mother
praying on behalf of
themselves and all the
other creditors of Her
Highness the said Syed
Don Nissa Begum de-
ceased for the due ad-
ministration of her
estate ~~and~~ that they had
obtained a decree in
the suit whereby His
Highness was ordered
to pay into the Treasury
to the credit of this suit
the full sum of Rupees
25,400-5-2, being the
monies forming part
of the estate of the
said Syed Don Nissa
Begum received by him
as her Administrator
down to the 30th day
of June 1859 - that the
Solicitor ~~has~~ served a
copy of the said decree

and

on the Solicitor of His
Highness, but ~~has~~ hitherto
been unable to serve
a copy upon His High-
ness - that should
default be made in
the payment of the
said sum of Rupees
25,400-5-2, within the
time mentioned in the
said decree, ~~upon~~ ^{the} Peti-
tioners are advised that
under the sanction of
the Governor in Council
bearing date the 27th day
of April 1858, before
mentioned, His High-
ness would be liable to
be arrested and imprisoned
until the money was
paid - that they and
other creditors of the
deceased Begum have
incurred great expense
in prosecuting this
suit, which they have
done wholly on the
faith of the sanction
of

of the Governor in Council
above referred to, and
their sole object is to
receive in part pay-
ment of their just
debts, the estate left
by their creditor the
deceased Begum, and
possessed by His High-
ness as her Adminis-
trator. They therefore
prayed for an Order
that the said sum of
Rupees 25,480-²/₅-2, may
be taken from the
monies due of right,
payable to His Highness
Prince Azem Jah Ba-
hadur, and now de-
posited in the Govern-
ment Treasury, and
be paid on his account
into the said Treasury
to the credit of this
suit; or otherwise that
Government may be
pleased in continua-
tion of the sanction
to sue His Highness
dated

dated the 27th day of
April 1858, to favor
the ~~former~~ Petitioners with
the necessary certifi-
cate authorizing the
issuing of a writ
against the person
of His Highness in
case default shall be
made by him in the
payment directed to
be made by him in
and by the said decree.

3.— This Petition was
referred to the Advocate
General, who gave it
as his opinion, that
it was utterly out
of the question, that
Government ~~can~~ ^{could} refuse
to comply with the
~~present~~ application.
The Prince in this case,
by applying to the Su-
preme Court, for admi-
nistration, to his
mother's Estate, volun-
tarily and expressly
submitted himself, to
the

the jurisdiction of the Court, so far as that Estate ^{was} concerned: he thereby became the sole legal possessor and manager of that Estate, and thereby, prevented other creditors from taking out administration, and clothing themselves with a legal title to the property, and applying it to payment of their just claims. But as administrator he took it subject to all its legal liabilities. The present suit moreover had been filed under an express arrangement with His Highness, proposed in a letter from His Highness to the Government Agent at Chetank, under date the 13th April 1858, and subsequently carried out by Mr. Wilkins,

His

His Highness' Solicitor, in communication with the Government Solicitor, and Mr. Wilkins, at His Highness' request, undertook to appear for him, and did so, and has, to some extent, protected the Estate. Mr. J. Sydney Smyth therefore suggested that the petition be sent to the Prince with an intimation, that unless, he is prepared to pay the money, or to make some satisfactory arrangement, Government will be compelled, however reluctantly, to let the law take its course in this matter, as it is by his own act, that he has, in this case, subjected himself to the jurisdiction of the Supreme Court.

court, by applying to it for administration of his mother's estate.

4. The course thus advised by the Advocate General was followed. Order 28th October 1859, No. 620. Eight months have since elapsed. The Prince has made no reply to the reference, nor has he paid the money.

5. It is impossible, under the circumstances, that the Court can allow this matter longer to lie over. They must act, and they have the alternative either of subjecting the Prince to the indignity of having legal processes issued against his person and property, or of ordering payment of the decretal amount out of the arrears

arrear due to him.

6. They prefer the latter course, and they therefore resolve to direct the Sub Treasurer to pay over the sum of Rupees 25,400-5-2 to the credit of the suit brought against His Highness on account of the administration of his mother's estate, according to the decree of the Supreme Court dated 30th August 1859, the said ~~sum~~ amount being debited to the arrears of stipend undrawn by His Highness.

Ordered that Petitioner be referred to the Government Solicitor.

J.P.

To the Court Agent, (Chepankar)
" Govt. Solicitor
" Accountant General.
" Sub Treasurer.
Para. 7. to the Petitioner. } Disposed of.

J.W. 1860

Ref'd to by General dated 18th
August 1850 of 1850

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General dated 18th
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