DECREE BOOK
1831-1832
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Decree book

Vol: 4

From 23 Sept^r 1831

to

Oct^r 1832

Decree book

vol: 4

From 23 Sept 1831

to.

Oct 1832

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 1831

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

&

The Honorable Sir Robert Buckley Comyn Knight

one of His Majesty's Justices.

Friday the Twenty third day of September One Thousand eight hundred and thirty one and in the second year of the Reign of His Majesty King William the Fourth

Between George Arbuthnot Samuel Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire Deceased . . . Complainants

and

The Reverend Fr Don Manuel De Ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his Wife Mary Dias . . . . . Defendants

This Cause coming on this day to be heard on the further directions and Costs reserved by the Decretal Order of

Rd M Palmer

R Comyn

This Court bearing date the 30th day of April One thousand Eight hundred and ~~twenty~~ Eight Now upon opening and debate of the Matter and hearing what was alleged by the Counsel on all sides And upon hearing read the said Decretal Order and the Report of the Master of this Court made in this Cause and dated the 31st day of August One thousand eight hundred and thirty One This Court doth Order that the said Complainants and the said Defendant Emanuel Blackstock respectively do forthwith deposit in the Treasury of Sir Saint Lucas with the privity of the Accountant General of this Court the several Grants and Certificates and other Documents relating to the Landed Estate of the Testator John De Monte in the Fourth Schedule to the said Masters said Report mentioned to be in the possession of the said Complainants and the said Defendant respectively together with all other Title Deeds and Documents if any in the possession or power of any of the said parties And it is Ordered that all the said Grants Certificates and other Documents when so deposited do remain in the said Treasury to the Credit of this Cause Subject to the Trusts of the said Testators Will and the further order of this Court And it is further Ordered that the said Complainants do also forthwith deposit in the said Treasury with the like privity of the said Accountant General the three Several Government Securities for Sixty Rupees Four Cents three thousand and one hundred Sixty Rupees Ninety nine thousand and eight hundred and Sixty Rupees Fifty four thousand

Brought up pursuance of the Order of Sir Ralph Palmer dated 25 Nov 1831

BP.

and two hundred in the Sixth Fourth Schedule to the said Report Specifically mentioned and that the same be carried to the credit of this Cause to the Account of the Testator John De Montes personal Estate Subject to the further Order of this Court And it is further Ordered that it be referred back to the said Master to review his said Report as to so much and such part of the said Decretal Order as directs him to take an Account of the said Testators Legacies and Annuities given by the said Testators Will and which of such Annuities or other Legacies are due and unsatisfied and to ascertain and state to the Court what shall appear to be the clear residue or Surplus of the said Testators said Estate after payment of his debts and funeral Expenses Annuities and other Legacies and the Master in ascertaining such clear residue is to enquire and state to the Court what part or parts specifically of the said Testators Estate will be sufficient to satisfy and secure each and every of the said Testators Legacies and Annuities respectively so remaining unsatisfied And for the purpose aforesaid the said Master is to cause fresh Advertisements to be published in such public News Papers as he shall think proper for the said Testators Legatees and Annuitants to come in before him and prove their respective claims within a time to be therein limited And it is further Ordered that the said Master do carry on the Account of the said Testators Estate up to the date of his further Report or as near thereto as he shall be able making to all parties all just allowances in respect to the

same

same And it is further Ordered that the Master do tax the Costs of the Complainants and Defendants of this Suit as between Solicitor and Client up to the present time and that such Costs when taxed be added at the foot of this Decree and when Certified by one of the Judges of this Court be paid by the said Sub Treasurer with the privity of the Accountant General from and out of the funds hereby ordered to be deposited in the Treasury to the Credit of this Cause to the respective Solicitors of the parties Complainants and Defendants that is to say to Mr. Thomas Peach the Amount of the Complainants Taxed Costs to Mr. Oriel Vincent the Amount of the Taxed Costs of the Defendant The Reverend Padre Don Manuel De Ave Maria and to Mr. Henry Poulin the Amount of the Taxed Costs of the Defendant Emanuel Bilderbeck and for the purposes aforesaid the said Sub Treasurer with the privity of the Accountant General is to be at liberty to sell and dispose of so much as may be necessary of the Government Securities as may be standing to the credit of the said Testators personal Estate And this Court doth reserve the consideration of all further directions and of Subsequent costs until after the said Master shall have made his further Report and any of the parties are to be at liberty to apply

to

shall
to this Court as there be occasion

T. C.

Thos. Peed
Compt Sol

Vincents
Sol for the Defts Bilderbeck

Chas Haulin
Sol for the Defts Bilderbeck

By the Court
M. French
D Regr

The Amount of the taxed Costs to be paid to Mr Thos Peed Solr for the Complts in pursuance of this Decree is Rupees Fourteen Thousand Nine hundred & thirty two fanams

p/d R Palmer

The Amount of the taxed Costs to be paid to Mr Oriel Vincent Solr for the Defts the Revd Pre Don Manuel de Ave Maria in pursuance of this Decree is Rupees Six Thousand Nine hundred & fifty Eight & five fanams

p/d R Palmer

The Amount of the taxed costs to be paid to Mr Henry Poulin Solr for the Defts E Bilderbeck in pursuance of this Decree is Rupees Eight Thousand four hundred & fifty & seven fanams

p/d R Palmer

Ecclesiastical Side

In the Name of God Amen

We Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight one of His Majestys Justices of the Supreme Court of Judicature at Madras having authority and rightly and duly proceeding having heard seen and understood and fully and maturely discussed the merits and circumstances of a certain Cause of Divorce or Separation from Bed and Board and mutual Cohabitation by reason of Adultery which Lately was and still is controverted and remains undetermined before us in Judgment in the Ecclesiastical Side of the said Supreme Court Between William Thomas Blenkinsop A.B. a Clerk in Holy Orders and Chaplain in the Service of the Honorable East India Company at their Presidency of Madras the party Agent and Complainant on the one part and Clara Jane Blenkinsop the Wife of the said William Thomas Blenkinsop the party accused and Complained of on the other part And the parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively and the Proctor for the said William Thomas Blenkinsop praying Sentence to be given and Justice to be done to his party and the Proctor of the said Clara Jane Blenkinsop also praying due justice to be done to his party and having first carefully and diligently looked into and considered of the whole proceedings had and done before us in this Cause and having observed all and Singular the Matters and things that by Law in this behalf ought to be observed We have thought fit and do think fit to proceed to the giving our definitive Sentence or final Decree in this Cause in manner (following to wit) Forasmuch as by

the

the acts enacted decreed alleged exhibited propounded proved and
confessed in this Cause (We have found and it doth evidently appear
unto us that the Proctor for the said William Thomas Blenkinsop
hath sufficiently and fully founded and proved his intention deduced
in a certain Libel and other Pleadings exhibited and proved on his
behalf in this Cause and now remaining in the Registry of this Court
(which said Libel and other Pleadings (We take and will have taken
if here read and inserted) for us to pronounce as hereinafter is pronounced
and that nothing at least effectual in Law hath on the part and
behalf of the said Clara Jane Blenkinsop been excepted deduced
alleged Exhibited propounded proved or confessed in this Cause which
may or ought in any wise defeat prejudice or weaken the intention
the said William Thomas Blenkinsop Therefore (We having
first called upon the name of Christ and having God alone before our
Eyes and having heard Counsel in this behalf on the part of the said
William Thomas Blenkinsop Do pronounce Decree and declare
that the said William Thomas Blenkinsop and Clara Jane
Blenkinsop being free from all Matrimonial contracts and Espousals
(saving to each other) did at the time and place in this Cause
libelled contract true pure and lawful Marriage between each other
and Solemnize or Cause the same to be Solemnized on the Eleventh
day of December in the year of our Lord One thousand eight hundred
and twenty two in the County of Bucks in England by the Reverend
J. Oswald a Priest in Holy Orders and then Rector of Beaconsfield
field in the said County of Bucks according to the Rites and
Ceremonies of the Church of England and afterwards Consummated
the same by Carnal Copulation and mutual Cohabitation and

that

that the said William Thomas Blenkinsop and Clara Jane
Blenkinsop were and are lawful Husband and Wife and for and
as such were commonly held reputed and taken to be And we do
also pronounce Decree and Declare according to the lawful proofs
made in this Cause as aforesaid that the said Clara Jane Blenkinsop
after the Solemnization and consummation of the said Marriage being
altogether unmindful of her Conjugal Vow not having the fear of
God before her Eyes but being instigated and seduced by the Devil
did in the Months and years Libelled Commit the crime of Adultery
and did violate her Conjugal Duty Wherefore and by reason of the
premises (We do pronounce Decree and Declare that the said
William Thomas Blenkinsop ought by Law to be divorced and
Separated from Bed Board and mutual Cohabitation with the
said Clara Jane Blenkinsop his Wife until they shall be
reconciled to each other And we do by these presents divorce and
Separate them accordingly (Bond being first given on the part of the
said William Thomas Blenkinsop according to the tenor of the
Canon in that behalf made and provided that he the said
William Thomas Blenkinsop shall live Chastly and shall not
contract any other Marriage whilst the said Clara Jane
Blenkinsop shall be living) intimating nevertheless and by such
intimation expressly inhibiting according to the Ecclesiastical Laws
and Canons made in that behalf as well the said William
Thomas Blenkinsop as the said Clara Jane Blenkinsop
that neither of them in the life time of each other shall
in any wise attempt or presume to contract another marriage
And we do hereby accordingly pronounce Decree and
Declare the same by this our definitive Sentence or final Decree

which

which was read and promulge by these Writings.

Rd W Palmer

Registrar.

This Sentence was read promulged and given by the within named Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight one of His Majesty's Justices of the Supreme Court of Judicature at Madras on Monday the Third day of October in the year of our Lord One thousand eight hundred and thirty one at the Court House Bench Building at Madras aforesaid which I attest.

Rd W Palmer

Registrar

In the Supreme Court of Judicature at Madras

Plea Side

First Term 13th. February 1832

Comaleswaren Cooel Sreenevasa Pillay

vers

Ahmed Saib

The Matter upon the Demurrer put in by the Defendant to the Plaint of the Plaintiff in this action and the Joinder thereto coming on to be argued on this present day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides and the said Demurrer and Plaint being opened upon debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the Demurrer be Overruled without Costs and that the said Defendant be allowed to take the said Demurrer off the file upon his Undertaking to file his Plea before 12 Oclock tomorrow the 14th. day of February Instant.

By the Court.

Rd W Palmer

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In the Supreme Court of Judicature at Madras

Equity Side

First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majestys Justices

Monday the Sixth day of February One thousand Eight hundred and thirty two and in the Second Year of the Reign of His Majesty King William the Fourth.

Between Chota Ballakistna Dos the Administrator de bonis non of Baranee Dos Nanada Deceased Complainant

and

Jaganand Dos and Vrajanadah Dos and Ganasam Dos Rajonada Dos when he shall come within the Jurisdiction. Defendants

Whereas the Complainant died on the Fifth day of April One thousand Eight hundred and Thirty One Exhibited his Bill in this Court against the Defendants Setting forth as therein set forth and therefore praying that process of Subpoena might issue against the Defendants to Compel them to appear to and Answer the said Bill and that he might have such relief as is in the prayer of the said Bill prayed. And forasmuch as the Complainant having sued out a Subpoena to Compel the Defendants to appear to and Answer the Complainants Bill the Defendants appeared thereto accordingly and the Defen[illegible]

Say

Saganand Doss put in his Answer to the same And whereas
said Bill was by an Order bearing date the Third day of October One
Eight hundred and thirty One duly Amended and the said Defend
Saganand Doss did not Answer the same but stood out all proces
Contempt for want of his further Answer and a Commission of Rep
under the Seal of this Court was awarded against him notwithst
which the said Defendant Saganand Doss persisting in h
Contempt the Complainant obtained an Order dated the Third
February instant that the Complainant should be at liberty to ent
Bill to be taken pro Confesso as against the said Defendant
Saganand Doss And this Cause coming on this present day
heard before the Honorable the Judges of the Supreme Court of Ju
at Madras in the presence of the Complainants Counsel and
Registrar being present and producing the Record of the sa
Bill accordingly and the Defendant still persisting in his
and hearing read the said Bill of Complaint Whereupon
upon debate of the Matter and hearing what was alleged
the Counsel for the Complainant and upon mature Consideration
had thereon This Court doth declare that the Release in
pleadings in this Cause mentioned to be executed by Saga
Doss and the Defendant Saganand Doss bearing date the
Seventeenth day of June One thousand Eight hundred a
twenty Eight ought to be established And doth Decree t
same accordingly And this Court doth further declare that t
said Defendant Saganand Doss has not any claim or demand
whatsoever against the Estate of the late Baranee Doss Na
the Intestate in the pleadings in this Cause named in respect
Loans to and the three several Acknowledgments of His Highness
Ameer Ul Omrah or of the two several Loans to and Acknowle
of Sooroodeen Mohun Khan on account of Nabob Wallajah or a

respect of the Awards made in favor thereof in the said Bill of
Complaint in that behalf respectively mentioned or against the
Complainant as the Administrator of the said Estate And that
the Estate and Effects of the said Baranee Doss Nanasa is
wholly exonerated from all liability in respect of any such
demands And this Court doth further Order and Decree
that the said Defendant Saganand Doss do pay to the said
Complainant or to Mr. Thomas Teed his Solicitor his Costs
of this Suit and that it be referred to the Master of this
Court to tax the said Costs accordingly.

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By the Court.

Tho Teed
Compt Sol

Registrar

In the Supreme Court of Judicature at Madras

Equity Side. First Term 1832.

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

one of His Majesty's Justices

Monday the Thirteenth day of February One Thousand eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth. Between George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George . . . . . Informants.

and

Margapooram Narasimaloo Chitty Margapooram Narasawmy Chitty Margapooram Kistnamah Chitty and Margapooram Ramalingoo Chitty Defendants

Ralph Palmer
R Comyn

This Cause coming on this day to be heards on further directions and Costs reserved by the Decretal Order of this Court bearing date the Fourth day of August One thousand eight hundred and thirty one Now upon opening and debate of the Matter and hearing what was alleged by the Advocate General the Informants no Counsel appearing

appearing for the Defendant Mangalpuvram Narasimalu Chitty &
upon hearing read the said Decretal Order the Report of the Ma
of this Court made in this Cause dated the 23 wenty Ninth day of
November One thousand eight hundred and thirty one and the o
confirming the same bearing date respectively the Second and Sixt
days of December One thousand eight hundred and thirty one and
upon hearing also read the Affidavit of Matthias Pereira of the
of a Notice of entry of this Cause for further direction and Cost
Mr. David Vivath Solicitor for the said Defendant Mangalpuv
Narasimalu Chitty on the 23 ourth day of 23 anuary Inst
This Court doth Order and Decree that the said Defend
Mangalpuvram Narasimalu Chitty do within one Week from
Service of a Copy of this Decree pay into the 23 reasury of the
East India Company at 23 ort Saint George with the privity of
Accountant General of this Court the Sum of Pagodas Two th
and five hundred in and by the said Decretal order directed
by him paid into the said 23 reasury to be carried to the acc
of the Charity in the said Decree in that behalf mentioned
it is further Ordered that he do also within one Week from
Service of the Decree pay into the 23 reasury with the like pri
of the said Accountant General to be carried to the like Accou
Sum of Pagodas Eight hundred and twenty Six Fanams one
Cash Eighteen being the Amount of Interest reported by the
Master to be due on the said Sum of Pagodas Two thousand
five hundred up to the 23 ourth day of August One thousand eight
hundred and ~~thirty~~ one And it is further Ordered and
Decreed that it be referred to the said Master to compute
interest on the said Principal Sum of Pagodas Two thousa
five hundred from the 23 ourth day of August One thousand

hundred and thirty one up to the date of this Decree at Six per Cent
per Annum and to Certify the same to this Court and that the said
Defendant Mangalpuvram Narasimalu Chitty do pay the same when
certified into the said 23 reasury with the like privity of the said
Accountant General to be carried to the same account as aforesaid
And it is further Ordered and Decreed that it be referred to
the said Master to tax the Costs of the said Advocate General of
this Suit subsequently to the said Decretal order of the said fourth
day of August One thousand eight hundred and thirty one up to the
present time as between him and the said Defendant Mangalpuvram
Narasimalu Chitty and that the same when taxed together with the Costs
of the said Advocate General as directed to be paid by the said
Decretal order of the 23 ourth day of August One thousand eight
hundred and thirty one be paid by the said Defendant Mangalpuvram
Narasimalu Chitty to the said Advocate General or his Solicitor
Mr. Thomas Reed And all parties interested in the said Several
Sums of Money so directed to be carried to the said Account of
the Charity aforesaid are to be at liberty to apply to this Court
by Petition in this Cause touching the management and
application of the same as they shall be advised. —

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Tho. Reed

Solicitor for the Advocate
General

By the Court

Registrar

appearing for the Defendant Margapuvram Narasimalu Chitty and upon hearing read the said Decretal Order the Report of the Master of this Court made in this Cause dated the Twenty Ninth day of November One thousand eight hundred and thirty one and the order confirming the same bearing date respectively the Second and Sixteenth days of December One thousand eight hundred and thirty one and upon having also read the Affidavit of Matthias Pereira of Service of a Notice of entry of this Cause for further direction and Costs on Mr. David Vivaath Solicitor for the said Defendant Margapuvram Narasimalu Chitty on the Fourth day of February Instant This Court doth Order and Decree that the said Defendant Margapuvram Narasimalu Chitty do within one Week from the Service of a Copy of this Decree pay into the Treasury of the East India Company at Fort Saint George with the privity of the Accountant General of this Court the Sum of Pagodas Two thousand and five hundred in and by the said Decretal Order directed to be by him paid into the said Treasury to be carried to the account of the Charity in the said Decree in that behalf mentioned And it is further Ordered that he do also within one Week from the Service of this Decree pay into the Treasury with the like privity of the said Accountant General to be carried to the like account the Sum of Pagodas Eight hundred and twenty Six Fanam one and Cash Eighteen being the Amount of Interest computed by the Master to be due on the said Sum of Pagodas Two thousand and five hundred up to the Fourth day of August One thousand eight hundred and thirty one And it is further Ordered and Decreed that it be referred to the said Master to compute Interest on the said Principal Sum of Pagodas Two thousand and five hundred from the Fourth day of August One thousand eight

hundred and thirty one up to the date of this Decree at Six per Cent per Annum and to certify the same to this Court and that the said Defendant Margapuvram Narasimalu Chitty do pay the same when certified into the said Treasury with the like privity of the said Accountant General to be carried to the same account as aforesaid And it is further Ordered and Decreed that it be referred to the said Master to tax the Costs of the said Advocate General of this Suit subsequently to the said Decretal order of the said Fourth day of August One thousand eight hundred and thirty one up to the present time as between him and the said Defendant Margapuvram Narasimalu Chitty and that the same when taxed together with the Costs of the said Advocate General as directed to be paid by the said Decretal order of the Fourth day of August One thousand eight hundred and thirty one be paid by the said Defendant Margapuvram Narasimalu Chitty to the said Advocate General or his Solicitor Mr. Thomas Reed And all parties interested in the said Decreed Sum of Money so directed to be carried to the said Account of the Charity aforesaid are to be at liberty to apply to this Court by Petition in this Cause touching the management and application of the same as they shall be advised. —

Entered

Tho. Reed

Solicitor for the Advocate General

By the Court

Registrar

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckeley Comyn Knight

One of His Majesty's Justices

Wednesday the Eighth day of February One thousand Eight hundred and Thirty two And in the Second Year of the Reign of His Majesty King William the Fourth Between Paulayeeve Narrainsawmy Chitty stated an Infant under the age of Sixteen Years by Rungamall his Mother and next Friend and Rungamall - - - - - - - - - - Complainants

and

Parcapolliam Arnachella Chitty Parcapolliam Cotunda Ramah Chitty and Parcapolliam Sooroo Chitty - - - - - - - - - - - - - - Defendants

Whereas by a Decretal Order made in this Cause on the First day of October One thousand Eight hundred and Thirty This Court did Declare that the Will of Krishnamah Chitty in the pleadings named so far as it relates to the disposal of his Moveable or personal property therein particularly specified was not void but valid and binding upon the Complainant Paulayeeve Narrainsawmy And did Order and Decree that it should be referred to the Master to take an Account of the Testators debts funeral expences and Legacies bequeathed by the said Will and also of all and Singular the personal Estate and Effects of the said Testator possessed by or Come to the hands of the Defendants Parcapolliam Cotunda Ramah Chitty Parcapolliam Sooreah and

Parcapolliam

Parcapolliam Annachella Chitty respectively or either of them or any other person or persons by their or either of their Order or for their or either of their use and of the application thereof and that such personal Estate and Effects should be applied on payment of the said Testators debts Funeral Expences and Legacies in a due Course of Administration and in Case there should be any clear residue thereof after such payments the Master was to ascertain and state the amount thereof and the same was to be paid into Court and laid out at Interest on Government Securities for the benefit of the said Infant Complainant during his Minority and the Master was also to enquire and state whether there was any and what part or parts of such personal Estate and Effects outstanding and unreceived and why and for what reason and that the said Complainant Rungamall and the said Defendant Parcapolliam Cotunda Ramah Chitty should within one week from the date of the said Decree deposit and leave with the Master of this Court the Box and Key respectively in the pleadings of this Cause mentioned and that the Master should thereupon immediately ascertain the Amount and Value of the Securities alleged to have been deposited therein and in Case they should be found not to amount to the full Sum alleged to have been deposited that he should forthwith Certify the same to the Court and the said Defendant Parcapolliam Cotunda Ramah Chitty was thereupon to pay into Court out of the property of the said Testator admitted by his Answer to be then in his possession so much and such part thereof as should together with the said Sum found in the said Box amount to the Sum of Rupees Fifty thousand and Sixty four Subject to the further Order of this Court. And this Court did further Order that it should be referred to the Master to take an Account of all and Singular the Lands Houses and other real or immoveable Estate to which the said Testator was entitled at the time of his death and of the Rents and profits which had accrued thereon since his death and had

been received by the said Defendants or either of them or by any other person or persons by their or either of their Order or for their or either of their use and how and in what manner such premises and the Rents and profits of the same had been disposed of or to what purposes applied and also what had become of the Title Deeds and Evidences relating thereto and such of them as might then be in the possession Custody or power of the said Defendants or either of them were forthwith to be deposited and left by them respectively with the Master in trust for the said Infant Complainant or such other person or persons as might be entitled thereto and as respects the said Complainant Rungamall's Claim of maintenance in the Bill prayed for This Court did Order that it should be referred to the Master to enquire and ascertain whether the Sum of Rupees Five thousand paid by the said Parcapolliam Cotunda Ramah Chitty to the said Complainant Rungamall as in the pleadings mentioned was paid to her for or in lieu of maintenance or for what other purpose and in Case the same was paid on account of maintenance whether it was more or less than she was entitled to in respect thereof having regard to the Circumstances and situation in life of the said Rungamall and the amount of the said Testators property and if more than the Master was to state the excess but if less or if such Sum of Rupees Five thousand was not paid to her on account of maintenance then the Master was to enquire and state what further Sum or what Sum in the whole as the Case might be she was then entitled to receive for maintenance having regard to the Circumstances aforesaid and how and out of what fund the same ought to be secured and paid And the Master was to be at Liberty to state any special Circumstances relating to any of the Matters aforesaid as he might think proper and for the better taking of the Accounts and discovery of the Matters aforesaid the usual directions were given with which said Decree the said Defendant Paulayeveatarrainsawmy Chitty being dissatisfied he presented his Petition to this Court on the Third day of August One thousand Eight hundred and thirty One stating among other things that

at

at the time the said Decree was pronounced he was an Infant under the Age of Sixteen years and that he had attained his age of Sixteen years in the Month of December One thousand Eight hundred and Thirty and that he was advised that the said Decree so far as the same declared that the Will of the said Kistnamah was valid and binding on the said Defendant although tending to his disinheriton in a very great degree was Contrary to the known and understood Rules and principles of Hindoo Law as the same Exist in this part of India and that therefore the same ought to be reversed or materially varied and thereby accordingly praying that this Cause might be reheard as to so much of the said Decree and that the Petitioner might be at liberty to Exhibit Interrogatories with the Examiner of this Honorable Court and to Examine Witnesses thereto to prove that the said Will of the said Kistnamah is Contrary to the principles of Hindoo Law or that their Lordships might direct a Case or Cases to be stated for the opinion of some one or more principal Court or Courts or other Competent Jurisdiction in that behalf whether the same be valid and Consonant to the Hindoo Law or otherwise and that such rehearing might be afterwards had upon such additional Evidence or that an Issue or an Action at Law might be directed to try the validity of the said Will and whether or not the same be Consonant with or Contrary to the principles of Hindoo Law as the same existed in this part of India And thereupon by an Order bearing date the Fifth day of August One thousand Eight hundred and thirty One It was Ordered that the said Complainant Paulayeme Narrainsawmy Chitty should be at liberty if he thought proper so to do to set down this Cause to be reheard generally in the then next Term paying the Costs of the said Petition and Order and in Default of the said Complainant

so setting the Cause down that the said Petition should be dismissed with Costs. Now this Cause coming on accordingly to be reheard in the presence of Counsel for the said Complainant Paulayeme Narrainsawmy Chitty and the said Defendants respectively on the Nineteenth Twentieth and Twenty first days of September One thousand Eight hundred and thirty One and also on this present day Upon reading the said Petition of Rehearing of the said Paulayeme Narrainsawmy Chitty and the said Order made thereupon And upon opening the Original and Amended Bill of Complaint of the above named Complainants the joint and several Answer of the said Defendants Parcapollian Arnachella Chitty Parcapollian Cotunda Ramah Chitty and Parcapollian Sooroo Chitty And upon hearing read as Evidence for the Complainant Paulayeme Narrainsawmy Chitty the several passages in the joint and several Answer of the said Defendants Parcapollian Arnachella Chitty Parcapollian Cotunda Ramah Chitty and Parcapollian Sooroo Chitty as follow that is to say from the words "they Admit that Parcapollian Kistnamah Chitty in the said Bill named" in folio 2 to the words "save and except the Legacies to them respectively bequeathed" in folio 15 from the words "And these Defendants further Answer and say" in folio 15 to the words "funeral expences of the said Kistnamah" in folio 16 from the words "And this Defendant Cotunda Ramah for himself Admits" in folio 17 to the words "ten Months or thereabouts" in folio 19 from the words "And these Defendants further Answer and say they Admit that they were not united in interest" in folio 36 to the words labour and exertions" in folio 46 from the words "And these Defendants further Answer and say" in folio 46 to the words "of his death" in the same folio from the words "this Defendant Cotunda Ramah for himself Admits" in folio 46 to the words "mentioned and set forth" in folio 47 from the words "And these Defendants further Answer and say" in folio 47 to the word "Ingaged" in the same folio from the words "And these Defendants further Answering Admit" in folio 52 to the words "this their Answer" in folio 55 also such

parts

parts of the said Bill of Complaint as are referred to in the several passages of the said Answer also the Deposition of V. Iyasawmy Chitty to the First Second and Third Cross Interrogatories filed on behalf of the said Complainants the Deposition of Shroff Vencatachella Chitty to the Third Cross Interrogatory filed on behalf of the said Complainants the Exhibit marked A. 1 also the Inventory and Account Current of the Estate of Parcapolliam Kistnamah Chitty the Testator in the pleadings of the Cause named filed on the Twenty fourth day of April One thousand Eight hundred and Twenty Nine in the Registry of the Ecclesiastical Side of this Court And upon hearing read as Evidence for the said Defendants the Deposition of P. Channoo Chitty to the First and Second Cross Interrogatories filed on behalf of the said Defendants the Exhibit marked A also the Probate Copy of the said Will of the said Testator Parcapolliam Kistnamah Chitty and the Sentence of this Court on the Ecclesiastical Side thereof in the Matter of the Last Will and Testament of the said Testator Parcapolliam Kistnamah Chitty whereon Parcapolliam Cotundaramah Chitty was Proponent and Rungamall on behalf of herself and Narrainsawmy an Infant was Opponent Whereupon and upon debate of the Matter and hearing what was alleged by the advocates of the said Complainant Paulayem Narrainsawmy Chitty and the said Defendants respectively This Court is of opinion that as to the matter complained of by the Complainant Paulayem Narrainsawmy Chitty the said Decree is just but doth think fit to Order that in and by the said Decree immediately after the words "said " and binding on the said Complainant Paulayem " Narrainsawmy" there be added the words following (i.e.

"And that the said Complainant Paulayem Narrainsawmy is " entitled only to the residue of such property subject to the said " specific dispositions thereof respectively." And this Court doth further Order that with such addition the said Decree be affirmed generally but without Costs.

By the Court.

pr. the Registrar

parts of the said Bill of Complaint as are referred to in the
several passages of the said Answer also the Deposition of
V. Ayasawmy Chitty to the First Second and Third Cross
Interrogatories filed on behalf of the said Complainant the
Deposition of Sheriff Vencatachella Chitty to the Third
Cross Interrogatory filed on behalf of the said
Complainants the Exhibit marked A. No. 1 also the Summary
and Account Current of the Estate of Parcapellam
Kistnamiah Chitty the Testator in the pleadings of this
Cause named filed on the Twenty fourth day of April
One thousand Eight hundred and Twenty Nine in the
Registry of the Ecclesiastical Side of this Court And
upon hearing read as Evidence for the said
Defendants the Deposition of P. Channoo Chitty taken
the First and Second Interrogatories in Chief filed
on behalf of the said Defendants the Exhibit marked
A also the Probate Copy of the said Will of the said
Testator Parcapellam Kistnamiah Chitty and the
Sentence of this Court on the Ecclesiastical Side thereof
in the Matter of the Last Will and Testament of the
said Testator Parcapellam Kistnamiah Chitty whereon
Parcapellam Coolundaramiah Chitty was Proponent and
Rungamall on behalf of herself and Narrainsawmy
an Infant was Opponent Whereupon and upon debate
of the Matter and hearing what was alleged by the
advocates of the said Complainant Paulayem Narrainsawmy
Chitty and the said Defendants respectively This Court
is of opinion that as to the matter Complained of by the said
Complainant Paulayem Narrainsawmy Chitty the said
Decree is just but doth think fit to Order that in and by
the said Decree immediately after the words "void
" and binding on the said Complainant Paulayem
" Narrainsawmy" there be added the words following (viz.)

"And that the said Complainant Paulayem Narrainsawmy is
" entitled only to the residue of such property subject to the said
" specific dispositions thereof respectively" And this Court doth
further Order that with such addition the said Decree be
affirmed generally but without Costs.

By the Court.

Registrar

In the Supreme Court of Judicature at Madras

Equity Side

First Sessn 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

&

The Honorable Sir Robert Buckley Comyn Knight

one of His Majestys. Justices

Thursday the sixteenth day of February one thousand eight hundred and thirty two And in the second year of the Reign of His Majesty King William the Fourth Between Comaleswaran Covil Sreeneevasa Pillay Complainant

and

Cavaree Boya and Caumthy Dutt Pundiah. . . . Defendants

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides (Upon opening the Bill of Complaint of the above named Complainant the joint and Several Answer of the said Defendants thereto And upon hearing read as Evidence for the said Complainant the Several passages in the said joint and Several Answer of the said Defendants as follow that is to say from the words "And these Defendants further answering say they Admit that

amongst

R Comyn

amongst the property" in folio 41 to the words "this Honorable C
in folio 45 from the words "And this Defendants further ans
admit that they have already applied" in folio 60 to the word
"hereinbefore stated" in the same folio together with such parts
the said Bill of Complaint as are referred to in the said de
passages of the said Answer also the Deposition of Ogunnowo
Allagapah Mandelly to the Ogirst Second Ogthird Ogfourth Ogf
and Seventh Interrogatories in Chief filed on behalf of the s
Complainant. Ogthe Deposition of Balla Butt to the Ogs
Ogfourth and Eighth Interrogatories in Chief filed on behalf
the said Complainant. Ogthe Deposition of Olatharazo Sadi
Brawney to the Ogfirst and Eighth Interrogatories in Chief
on behalf of the said Complainant and also the Exhibit ma
A and upon hearing read the Evidence for the said Deputy
Ogthe Deposition of the said Balla Butt to the Seventh Inte
in Chief filed on behalf of the said Complainant. Where
and upon debate of the Matter and hearing what was all
by the Counsel on both sides and on mature Consideratio
had thereon Ogthis Court doth order and Decree
that the said Complainants Bill in this Cause be dismiss
out of Court with Costs.

Ex 2816

By the Court

Registrar

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckeley Comyn Knight

One of His Majesty's Justices

Friday the Tenth day of February One thousand Eight hundred and Thirty two and in the Second Year of the Reign of His Majesty King William the Fourth- Between Edward Samuel Moorat and John Moorat- Complainants

and

The Reverend Sarkies Theodore and The Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George- Defendants

This Cause coming on the Twenty third Twenty fourth and Twenty Ninth days of September and Sixth day of December last and also on this present day on further directions and Costs reserved by the Decretal Order of this Court bearing date the Twenty fourth day of March One thousand Eight hundred and Twenty Nine Now upon opening and debate of the Matter and hearing what was alleged by the Counsel for the Complainants and Defendants respectively and upon hearing read the said Decretal Order the Report of the Master of this Court made in this Cause dated the Ninth day of September One thousand Eight hundred and Thirty One And the Orders Confirming the same bearing date respectively the Ninth and Twenty third days

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckeley Comyn Knight

One of His Majesty's Justices

Friday the Tenth day of February One thousand Eight hundred and Thirty two and in the Second year of the Reign of His Majesty King William the Fourth Between Edward Samuel Morrat and John Morrat Complainants

and

The Reverend Sarkies Theodore and The Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George Defendants

This Cause coming on the Twenty third Twenty fourth and Twenty Ninth days of September and Sixth day of December last and also on this present day on further directions and Costs reserved by the Decretal Order of this Court bearing date the Twenty fourth day of March One thousand Eight hundred and Twenty Nine Now upon opening and debate of the Matter and hearing what was alleged by the Counsel for the Complainants and Defendants respectively and upon hearing read the said Decretal Order the Report of the Master of this Court made in this Cause dated the Ninth day of September One thousand Eight hundred and Thirty One And the Orders Confirming the same bearing date respectively the Ninth and Twenty third days

of September One thousand Eight hundred and thirty One And upon hearing also read the Petition of the said Defendant Sarkies Theodore filed in this Cause on the Twenty Seventh day of January last setting forth the said Decretal Order and the said Masters Report and the Order of the Twenty third day of September One thousand Eight hundred and thirty One absolutely confirming the same and that it appeared by a Certificate of the Accountant General of this Honorable Court bearing date the Eighteenth day of January One thousand Eight hundred and Thirty two annexed to the said Petition that the Sum of Madras Rupees Three Lacs and Sixty five thousand Nine hundred and thirty Eight, Annas five and Pice Nine was standing to the Credit of this Cause under the Separate Account entitled The Account of the Charity in the Sixth Clause of the Testators Will mentioned And that in and by a Certain Power of Attorney Written in the Armenian Language bearing date at Venice in the Convent of Saint Lazarus the Twenty Second day of December in the year of Our Lord One thousand Eight hundred and Twenty Eight and which was transmitted by the said Defendant Sarkies Theodore from Venice by Sookias Somal the Archbishop and Abbott General of the Mechatarists Community in the said Petition mentioned and was received by the said Defendant Sarkies Theodore at Madras by the Ship Morning Star on or about the Fourteenth day of May in the year One thousand Eight hundred and Twenty Nine and a Duplicate whereof was also transmitted to the said Defendant Sarkies Theodore from Venice by the said Archbishop and Abbott General and was received by the said Defendant Sarkies Theodore at Madras by the Ship Sherborne on the Nineteenth day of the same Month of May under a Seal the impression of which upon Wax was nearly effaced but which the said Defendant Sarkies Theodore verily believed to be the Seal of the said Mechatarists Community verified by the Signature of the said Sookias Somal the said Archbishop and Abbott General of the said Community and the respective Signatures and Seals of Sookias

Ancher Secretary to the said Community Baptist Ancher Vicar of the said Community Luke Ingigi Mathew Maughanchian Emanuel Chaccah and James Gelali Counsellors of the said Community and Arsen Antinos also a Member of the said Community the due Execution of which said Power was verified by the said Defendant Sarkies Theodore and by two other Deponents by an affidavit that day Sworn and filed of Record in this Honorable Court the said Sookias Somal by the Name Style and Title of Sookias Doctor Somal Archbishop of Smirna and General Abbott and Prior of the Mechataristic Community of Saint Lazarus at Venice who according to the Laws and Regulations of the said Community had Unlimited Authority over the temporal and Spiritual affairs of the said Community Confirmed and Constituted and by that Authority or Power Nominated the said Defendant Sarkies Theodore by the Name Style and Title of The Reverend Father Sarkies Doctor Theodore One of the Members of the said Community and then at Madras in India his the said Archbishop's Agent and that of all the Mechatarists Community of Saint Lazarus at Venice that the said Defendant Sarkies Theodore in the Name of the said Archbishop and that of his Community might be able to demand Confirm and receive from the Hands of the Executors of the late Mr. Samuel Moocartish Moorat a Merchant of Madras the Legacy according to the Sixth Paragraph of the Will of the said Mr. Samuel Moocartish Moorat which he left for establishing a School for the Education of Orphan and Poor Children of the Armenian Nation by the advice and through the Armenian Monks of Venice as stated in the aforesaid Will and the Armenian Monks therein mentioned were the Conventuals of Saint Lazarus of whom he the said Archbishop was the head and Prior moreover the said Archbishop in and by the said Power gave to the said Defendant Sarkies Theodore as his Agent power for Consulting and speaking with the Executors for the Establishment of the Scholars as the said Defendant Sarkies Theodore might deem it expedient and on receiving the whole of the Legacy

or

or a part thereof in his the said Archbishops Name and that of his
Community the said Defendant Sarkies Theodore the Agent of the
Archbishop and of his Community might give a receipt or
Defendant Sarkies Theodore should deem proper and that the
Defendant Sarkies Theodore might in a like manner be
confirm in the said Archbishops Name and that of his Com
every agreement and every adjustment previously made by
said Defendant Sarkies Theodore his said Agent with all
Executors or with any one of them for the said Legacy either fu
or a part or further to Compromise in his the said Archbi
Name and in the Name of his Community with the whole
Legacy or any part thereof Likewise the said Defendant Sar
Theodore the Agent of the said Archbishop might in his
and in that of the whole of his Community proceed to the
Court at Madras to Sue the Executors or the Defendant in Co
against the Executors on the Arrears of any dispute or pay
to the Legacy or the Interest thereof or any part of the
whether before or whether after and the said Defendant Sarki
Theodore might Constitute and Arrange all whatever adjust
might be necessary for the Legacy in such a Manner as the
Prior of the Community had been there and in Order that
said Defendant Sarkies Theodore the said Archbishop
might be able easily to accomplish all those powers the
Archbishop gave power to the said Defendant Sarkies
Theodore that he might be able to appoint Coadjutors and
might be needful and to deliver their affairs to them as the
Defendant Sarkies Theodore might deem proper and
according to the necessity of the time to retake from them the
Authority as it might seem to the said Defendant Sarkies
Theodore proper therefore the said Archbishop gave and
power to the said Defendant Sarkies Theodore his Agent and
the said Defendant Sarkies Theodore's Coadjutor or Coadj

to do all as if the said Archbishop being personally there Could do himself
And the said Archbishop by that Authentic power Confirmed all that
the said Defendant Sarkies Theodore his Agent or his Coadjutors
might have lawfully done in that affair as by the said Power
of Attorney in the Armenian Language with the translation thereof
into the English Language made by the Armenian Interpreter of
this Honorable Court annexed to the aforesaid Affidavit of the said
Defendant Sarkies Theodore and the two other Deponents Sworn and
filed of Record in this Honorable Court as aforesaid reference being
thereunto had will more fully and at large appear And by the said
Petition praying that the Accountant General and Sub Treasurer of
this Honorable Court each in his respective Department might be
directed to Indorse transfer and assign to and in the Name of the
said Defendant Sarkies Theodore as the lawfully Constituted Attorney
of the Mechataristic Community or Society of Armenian Monks
at Venice for and on behalf of the said Community or Society
and to be applied to the Charitable purposes in the aforesaid Eighth
Paragraph of the Will of the Testator Samuel Moocartish
Moorat mentioned the three Promissory Notes of the Five per
Cent Loan of the Thirty first of March One thousand Eight hundred and
Twenty three Amounting to Sicca Rupees Two Lacs Seventy five thousand
and one hundred or Madras Rupees Two Lacs Eighty Seven thousand
and two hundred and Seventy and one Anna the Promissory Note
of the five per Cent Loan of the Eighteenth of August One thousand Eight
hundred and Twenty five for Sicca Rupees Eight thousand and five
hundred or Madras Rupees Nine thousand and Fifty two and
Eight Annas the Five Promissory Notes of the five per Cent Loan of the
Fifteenth of January One thousand Eight hundred and thirty amounting
to Sicca Rupees Twenty three thousand and Nine hundred or Madras
Rupees Twenty five thousand four hundred and fifty three and Eight
Annas the Two Promissory Notes of the Four per Cent Loan of the Five

of July One thousand Eight hundred and Twenty Eight amounting
Sicca Rupees Forty thousand and nine hundred or Madras
Forty three thousand five hundred and fifty Eight and Eight
and also the Government Securities in which the
of Madras Rupees Four hundred and Eighty two and Ten
and five Pice might have been or shall be invested by the
Treasurer of this Honorable Court or otherwise that the said
Treasurer with the privity of the Accountant General might
to the said Defendant Sarkies Theodore as such Constituted
attorney as aforesaid for and on such behalf and to be applied
as aforesaid the said Sum of Madras Rupees Four hun
and Eighty two and Ten Annas and five Pice in Case the
should remain in the hands of the said Sub Treasurer or
uninvested in any such Government Securities and that the said
Treasurer with the privity of the said Accountant General
pay to the said Defendant Sarkies Theodore as such Constituted
Attorney as aforesaid the aforesaid Sum of Sicca Rupees
hundred and thirteen and Twelve Annas or Madras
One hundred and Twenty One and two Annas and four Pice
due on the aforesaid Government Securities all which said
Securities and Sums of Money respectively amount
to the Sum of Three Lacs and Sixty five thousand Nine
hundred and Thirty Eight Madras Rupees five Annas
and Nine Pice as the same are mentioned and specified
the aforesaid Certificate of the Accountant General of this
Honorable Court bearing date the said Eighteenth day of
January One thousand Eight hundred and Thirty two
at the date of the said Certificate according to the Books of
Honorable Court the funds then standing to the Credit of the
under the Separate Account entitled "The Account of the
in the Sixth Clause of the

said Accountant General and Sub Treasurer each in his respective department might be directed to indorse transfer and assign and pay to and in the Name of the said Defendant Sarkies Theodore as such Constituted Attorney as aforesaid for and on such behalf and to be applied as aforesaid such other Government Securities (if any) and such other Sum or Sums of Money (if any) as might then or might at any time thereafter form part of the funds standing to the Credit of this Cause under the aforesaid Separate Account entitled as aforesaid Subject to the payment of such Costs as this Honorable Court had already Ordered to be paid to the said Defendant Sarkies Theodore from and out of the said Funds And upon hearing read also the said joint and Several Affidavit of John Fraser Esquire the said Defendant Sarkies Theodore and John Sherriman Esquire filed in this Cause on the Twenty Seventh day of January last together with the said Translate of the said Power bearing date the Twenty Second day of December One thousand Eight hundred and Twenty Eight and executed by Sukias Doctor Samual Archbishop of Suinia in favor of the said Defendant Sarkies Theodore annexed to the said affidavit And upon hearing read also the Last Will and Testament of Samuel Moorcartish Moorat the Testator in the pleadings in this Cause named and a Certificate of the Accountant General of this Court in the words and figures following that is to say.

Edward Samuel Moorat and Johnie Moorat

Complainants

and

The Reverend Sarkies Theodore and the Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George — Defendants

I hereby Certify that According to the books of the Supreme Court the funds standing to the Credit of this Cause are as follows Viz^t — Mad^s a.p.

In three Promissory Notes of the 5 p Cent Loan of 31^st March 1823 amounting to
S^a Rupees 131,900 or — 137735-1-4

In two Ditto of the 5 p Cent Loan of 18^th August 1825 amounting to Sicca Rupees 10000 or 10650-0-0

In two ditto of the 5 p Cent Loan of 15^th January 1830 amounting to Sicca Rupees 21500 or 22897-8-0

171282-9-4

In Cash to be invested by the Sub Treasurer in purchase of 5 p Cent Government Securities when procurable 3794-8-3

175077-1-7

Interest due on Government Securities S^a Rup^s 4081-4-0 or 427-5-4

Madras Rupees 175504-6-11

And

and that the following Funds stand to the Credit of the said
Cause under the Separate Account entitled
"The Account of the Charity in the Sixth Clause of the
"Testators Will mentioned"
In three Promissory Notes of the 5 P Cent Loan of 31st March
1823 amounting to Sa Rupees 27,500 or ____
In a Ditto of the 5 P Cent Loan of 18th August 1825 for
Sicca Rupees 8,500 or ____
In five Ditto of the 5 P Cent Loan of 15th January 1830 amounting
to Sicca Rupees 23,900 or ____
In two Ditto of the 4 P Cent Loan of 3d July 1828 amounting
to Sicca Rupees 16,900 or ____
In Cash to be invested by the Sub Treasurer in purchase of
5 P Cent Government Securities when recievable ____
Interest due on Government Securities Sa Rs 113-5 as ____
Madras Rupees 3,93,938-

Fort Saint George Accts Office
18th January 18
J. G. Fuma
Acct Gen

And upon the Motion of Mr Savage and Mr Ford of
for the said Defendant Sarkies Theodore praying for an
to the prayer of the said Petition and upon hearing what
in respect of the Matter of such Petition by Mr Advocate G
his own behalf and by Mr Bathie of Counsel for the said
John Morrat And upon reading the affidavit of Service of
said Petition upon Mr Orial Kreash Solicitor for the
Complainant Edward Samuel Morrat as well as for the
Complainant John Morrat This Court doth Order and
that the Costs of the said Defendants Sarkis Theodore as
Advocate General in this Cause subsequent to the said Decree
of the Twenty fourth day of March One thousand Eight

and Twenty Nine including the Costs of the said Petition be taxed as
between Solicitor and Client and the Amount thereof when added at
the foot of this Decree and Signed by One of the Judges of this Court
be paid by the Sub Tacasurer with the privity of the said Accountant
General out of the said Sum of Madras Rupees Three Lacs and
Sixty five thousand Nine hundred and thirty Eight Annas five
and Pice Nine in the said Certificate of the Accountant General
mentioned to be standing to the Credit of "The Account of the Charity
"in the Sixth Clause of the Testators Will mentioned" The Costs of the
said Defendant Sarkies Theodore to be paid to his Solicitor Mr Charles
Philips Gordon and the Costs of the said Defendant The Advocate
General to be paid to his Solicitor Mr Thomas Reed with Liberty
to the said Sub Treasurer with the like privity of the said
Accountant General for the purpose of paying such Costs respectively
to sell and dispose of so much and such part or parts of the Securities
mentioned to be standing at the Credit of such last mentioned
Account as may be necessary - And that the residue of the said Sum
of Madras Rupees Three Lacs and Sixty five thousand Nine
hundred and thirty Eight Annas Five and Pice Nine after the
payment of the said Costs together with all Interest accrued and
to accrue due thereon be by the said Sub Treasurer with the like
privity of the said Accountant General paid and delivered to the
said Defendant Sarkies Theodore as the lawfully Constituted
Attorney of the Mechataristic Community or Society of Armenian
Monks at Venice in the pleadings of this Cause mentioned for
and on behalf of the said Community or Society and for the
Charitable purposes in the said Sixth Clause of the said
Testators Will in that behalf mentioned - And it is further
Ordered and Decreed that the said Sub Treasurer with
the like privity of the said Accountant General do pay over to
the said Complainants the said Sum of Madras Rupees One

Lac

Lac and Seventy five thousand five hundred and four Rupees and Pice Eleven in the said Certificate of the said Accountant mentioned to be standing to the Credit of this Cause generally to with all Interest accrued and to accrue due thereon and all parties interested in any of the Matters aforesaid are at liberty to apply to this Court touching the same as they may be advised.

By the Court

Registrar

C. J. Gordon

Sol for the Deft Sarkies Theodore

I hereby Certify that the Amount of the Deft Sarkies Theodore's Costs directed to be paid by the foregoing Decree is Six thousand Eight hundred and Fifty Six Rupees and one Fanam as appears by the Certificate of the Acting Master

R Comyn

I hereby Certify that the Amount of the Deft the Advocate Generals Costs directed to be paid by the foregoing Decree is Five thousand five hundred and Thirty Eight Rupees and three Fanams as appears by the Certificate of the Acting Master

R Comyn

25th May 1832

Folios 39 to 44

Fols. 45

13-8

Ent.

In the Supreme Court of Judicature at Madras
Plea Side
First Term 22d February 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
One of His Majestys Justices

Thomas Scatby Stubbs and Mary his Wife ---------- versus Andrew Aubry ----------

This Cause coming on Yesterday and also on this present day to be tried. It is Ordered by the Court by and with the Consent of the parties Plaintiffs and Defendant their Counsel and Attornies that a Verdict be entered for the Plaintiffs subject to this reference And that all Matters in difference in this Cause be referred to the Award Order Arbitrament final end and determination of Thomas Allsop John Crookshank and of such third Person as the said Thomas Allsop and John Crookshank shall by a Memorandum in writing to be endorsed hereon Nominate and appoint in this behalf or any two of them so as they the said Thomas Allsop and John Crookshank and such third Person so to be Nominated and appointed as aforesaid or any two of them do and shall make and publish their Award in writing Under their hands ready to be delivered of and Concerning the Premises to the said parties in difference or either of them if they or either of them shall require the same on or before the Thirtieth day of April next or on or before such further or ulterior day as the said Arbitrators or any

Two

two of them shall appoint and Signify in writing Under their
hands to be endorsed on these presents And that the said A
shall and do perform fulfill and keep such award so to be ma
them the said Arbitrators as aforesaid or any two of them Ap
is also Ordered by and with such Consent as aforesaid that the
of this Action and also the Costs of this reference And of the Aw
be made in pursuance thereof shall be in the discretion of the
arbitrators or any two of them who shall direct and Award by wri
and to whom and in what manner the same shall be paid by
that upon such Award of the said Arbitrators being duly ma
and published a Verdict in this Action as of the present Term
duly entered of Record of this Court Conformably to the said
together with Costs as aforesaid so far as is Consistent with the
Award the said Costs to be taxed by the Master in like ma
as if the Verdict of this Court had been given to the same
And that the Parties aforesaid respectively (if required) and their
respective witnesses may be examined before the said Arbitrators
any two of them upon Oath to be sworn before the Chief Justice
one of the other Judges of this Court And that the said Parties
respectively do produce to the said Arbitrators or any two of the
all Papers Notes writings Books Accounts and Documents
the possession or power of them respectively which relate to the
Matters in difference as the said Arbitrators or any two of the
shall think fit and until the making and publishing such
award as aforesaid neither of the said Parties shall further
prosecute or Commence any Action or Suit at Law or in Equity
touching the said Matters in difference which are Comprehended

this reference And also that the said Arbitrators or any two of them
shall be at liberty to proceed and make their Award Ex parte in Case of
the non attendance of either of the said Parties in difference or of their
witnesses after Six days previous Notice in writing Under the
hands of the said Arbitrators or any two of them given to the said
Parties in difference respectively at their then last known respective
place or places of abode notifying the time and place of meeting
to proceed in the said reference And lastly it is Ordered
that in Case the said Arbitrators or any two of them shall not be
prepared to make and publish their Award within the time aforesaid
then that the said Arbitrators or any two of them shall by
indorsements to be written on this Order from time to time
enlarge the time for making and publishing the said Award
as they shall deem reasonable giving to the said Parties or their
attornies respectively reasonable and Sufficient Notice of such
enlargement or enlargements of time.

By the Court

Ezek Fenwick
p. th. Atty

Wm Hamilton
D. th. Atty

In the Supreme Court of Judicature at Madras.

First Term 1832.

Equity Side.

Present.

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Tuesday the Tenth day of April One thousand Eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth.

Between George Frederick Fischer and Thomas James Fischer - - - - Complainants

and

Peter Cator Esquire administrator of George Frederick Fischer Deceased and Marianne Stephens and Peter Vanspall when he shall come within the Jurisdiction of this Court.

Defendants

This Cause coming on the Twentieth and Twenty first days of February last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel on behalf of the Complainants and also on behalf of the said Defendants Peter Cator and Marianne Stephens respectively upon opening the Bill of Complaint of the above named Complainants the several Answers of the said Defendants Peter Cator and Marianne Stephens thereto and upon

upon hearing read as Evidence for the said Complainants the several passages in the said several answer of the said Defendant Peter Cator as follow that is to say from the words "and this Defendant Says" in folio 5 to the words "George Frederick Fischer Esquire" in folio 6 from the words "and this Defendant further answering admits" in folio 10 to the words "as hereinafter setforth" in folio and also the several passages in the said several answer of the said Defendant Marianne Stephens as follow that is to say from the words "and this Defendant further answering says she believes" in folio 3 to the words "the Registrar of this Honorable Court" in folio from the words "and this Defendant further answering says" in folio the words "One thousand Seven Hundred and Ninety Six" in the same folio the words "and this Defendant admits that in or about the year One Thousand Eight hundred" in folio 13 to the words "discontinued business" in the same folio from the words "and this Defendant further answering says" in folio 16 to the words "this Honorable Court" in 17 from the words "and this Defendant admits that the said George Frederick Fischer Deceased" in folio 23 to the words "transactions" in folio 25 from the words "and this Defendant admits that some of the Books" in folio 27 to the words "Stephens and" in the same folio from the words "and this Defendant believes it to that from the year One Thousand Eight hundred" in folio 29 to the words "does not know" in the same folio from the words "and this believes it to be true that none of the creditors" in folio 32 to the "One Thousand Eight hundred and Ten" in folio 34 from the words "this Defendant further answering Says" in folio 36 to the words "payment thereof" in the same folio from the words "and this Defendant admits it to be true that the said Thomas Stephens" in folio 39 to the words "with the said Thomas Stephens" in folio 40 from the words "this Defendant further answering Says" in folio 46 to the words "said commissioners" in folio 47 together with such of the said Bill of

complaint as are referred to in the said passages of the said answers respectively Also the Deposition of John Hanbury Esquire to the First and Second Interrogatories in chief filed on behalf of the said complainants The Deposition of William Hart Esquire to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said complainants and also the affidavit of the Complainant George Frederick Fischer and John Charles Vanspall Sworn and filed in this cause on the Eighteenth day of February instant setting forth among other things that the Deponents believe that the said Defendant Peter Vanspall has during the last several months resided and still doth reside at Bombay and upon hearing read as Evidence for the said Defendant Marianne Stephens the Deposition of John Solomon Hall Esquire to the First Second and Fourth Interrogatories in chief filed on behalf of the said Defendant Marianne Stephens The Deposition of Tolesingah Naick to the First and Sixth Interrogatories in Chief filed on behalf of the said Defendant Marianne Stephens The Deposition of Mr. John Cowan to the First Third and Fifth Interrogatories in chief filed on behalf of the said Defendant Marianne Stephens and also the Exhibits marked **B, I, J, A,** and **F,** and upon hearing read as Evidence for the said Defendant Peter Cator the Exhibit marked **L,** Whereupon and upon debate of the matter and hearing what was alleged by the advocates for the several Parties hereunto mentioned and on Mature consideration had thereon This Court doth Declare that under all the circumstances of this case the Bond marked **B.** in the pleadings in this cause mentioned and bearing date the Thirtieth day of September One Thousand Seven Hundred and Ninety Seven ought to be presumed to have been satisfied - and this Court doth accordingly order and Decree that the said Bond be forthwith delivered up by the said Defendant Marianne Stephens to the Registrar of this Court to be

cancelled

cancelled and that the said Registrar do thereupon cancel the
and that in the mean time the said Defendant eMariamma
be restrained by the order and Injunction of this Court from
commencing or proceeding in any action or Suit at Law or in Eq
against the said Defendant Peter Cator as administrato
said George Frederick Fischer deceased or against the Estate of
said George Frederick Fischer upon the said Bond or in
thereto - and the said Complainants by their Counsel eMr Be
waiving so much of the relief prayed by their Bill of
Complaint as seeks to have the balance of the Estate of the
George Frederick Fischer Deceased remaining in the said Def
Peter Cator's hands paid over to the said Complainants. It
Court doth not make any order in respect thereof - Al
it is further ordered that the Costs of the Complainant
this cause as between party and party be taxed by the eMaste
paid to them or their Solicitor eMr Arib Tiveash from and
of the Estate of the said Intestate and that the Costs of th
Defendant Peter Cator be taxed as between Solicitor and client
~~that the said Defendant be at liberty to retain the same~~
~~retained by him from time~~ out of the said Estate - and all
are to be at liberty to apply to this Court touching any of
matters aforesaid as there shall be occasion -

By the Court -

A Henchman
Dep. Regr.

In the Supreme Court of Judicature at Madras

Second Term 1832

Equity Side

Present.

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
One of His Majesty's Justices

Monday the Ninth day of April One thousand eight hundred and Thirty two - and in the Second Year of the Reign of His Majesty King William the Fourth.

Between George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras - - - - Informant

versus

Edward De Silva and Peter Cachart Defendants

and

George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras - - - - - - Informant

versus

Edward De Silva and Peter Cator Administrator of Peter Cachart Deceased by Revivor - - - Defendants

This Cause coming on the Fourth Fifth and Seventh days of April Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence

R C M Palmer

R Comyn

presence of Counsel learned on behalf of the said Informant and also of the said Defendant Edward De Silva. Upon opening the Original and Amended Information and also the Information of Answer of the above named Informant the Answer and further Answers of the said Defendant Edward De Silva to the said Original and Amended Information And upon hearing read as Evidence for the said Informant the Several passages in the Answer of the said Defendant Edward De Silva as follow that is to say from the words "And this Defendant further Answering Admits that after the death" in folio 20 to the words "Sums of Money from this Defendant" in folio 21 from the words "this Defendant Admits" in folio 26 to the words "for renewal" in folio 27 from the words "And this Defendant Saith that not being then Aware" in folio 31 to the words "Security for the funds of the said Estate of the said Tre George Manente" in folio 32 from the words "But this Defendant Says" in folio 33 to the words "and other Property" in folio 35 from the words "but this Defendant Saith that at the particular request" in folio 38 to the words "with which this Defendant debited the said Peter Cachart" in folio 40 from the words "and this Defendant further Answering Saith that shortly after" in folio 45 to the words "re-established in business" in folio 48 and also the several passages in the further Answer of the said Defendant Edward De Silva as follow that is to say from the words "he admits" in folio 3 to the words "former Answer stated" in folio 4 from the words "And this Defendant Admits to the best" in folio 4 and 5 to the words "information on that behalf mentioned" in folio 9 and also the Several passages in the

further Answer of the said Defendant Edward De Silva to the Amended Information as follow that is to say "But this Defendant Answering according" in folio 2 to the words "One thousand Eight hundred and Sixteen" in folio 3 from the words "And this Defendant Saith that the particulars" in folio 4 to the words "Sicca Rupees Seven thousand" in folio 6 from the words "And this Defendant further Answering Saith he believes" in folio 7 to the words "John Cachart" in folio 9 from the words "But this Defendant Says that shortly" in folio 13 to the words "belonging to the said Estate" in folio 14 from the words "and this Defendant further Answering Admits" in folio 21 to the words "in the possession of this Defendant" in folio 22 together with such parts of the said Information as are referred in the said passages of the said Answers respectively also the Deposition of Vallavalum Ragavah Chavry to the First and Fourth Interrogatories in Chief filed on behalf of the said Informant The Deposition of Thomas Monipie to the First and Fifth Interrogatories in Chief filed on behalf of the said Informant The Deposition of Richard Lewis De Silva to the First and Second Interrogatories in Chief filed on behalf of the said Informant and also the Exhibits Marked respectively **A** **B** and **C** and the Last Will and Testament of the late Tre George Manente the Testator in the pleadings of this Information named and for as much as the Defendant Peter Cachart being served with process to appear to and Answer the said Information hath stood out all proces of Contempt for want of his appearance and a Writ of Sequestration under the Seal of this Court was awarded and issued against him and for as much as upon the death of the said Defendant Peter Cachart the said Information was duly revived against the said Defendant Peter Cator as his Administrator and the said Peter Cator hath appear

but hath not put in his Answer to the said Information the Informant obtained an Order dated the Sixteenth day of February One thousand Eight hundred and Thirty two that this Information should be set down to be heard and that the Registrar of this Court should attend with the Record of the said Information in Order that the same might be taken pro Confesso against the said Defendant Peter Cator as such Administrator as aforesaid and the Registrar now being present and producing the Record of the said Information accordingly and the said Defendant Peter Cator still declining to put in his Answer Whereupon and upon debate of the Matter and hearing what was alleged by the Advocate General on this own behalf and by the Counsel for the said Defendant Edward De Silva This Court doth declare that the Charitable bequests created by the said Will of the said Fre George Manuele ought to be established and ought to be performed and carried into Execution and Doth Order and Decree the same Accordingly And this Court doth further Order that as against the said Defendant Peter Cator the said Information be taken Pro Confesso and Doth Declare that the Estate of the said Peter Cachart the Defendant to the Original Information is chargeable to the said Charities for the Sum of Rupees Twenty Seven thousand One hundred and Fifty Seven the Amount of the Debt due from the said Peter Cachart to the Estate of the said Testator Fre George Manuele on the Twenty first day of July One thousand Eight hundred and Twenty five together with Interest thereon from that date at the rate of six per Cent per Annum and refer it to the Master to Calculate and state the Amount of such principal and Interest according to (this Court doth) in Case the said Defendant Peter Cator

Peter Cachart shall admit assets sufficient to pay the whole amount of such Principal and Interest This Court doth Order that he do pay the same into the Treasury of Fort Saint George with the privity of the Accountant General of this Court to be carried to the Credit of this Cause to the Account of the said Charities But in Case the said Peter Cator as such Administrator shall not admit assets sufficient to pay the whole amount of such principal and Interest as aforesaid then that the Master do take an Account of all and Singular the Estate and Effects of the said Peter Cachart Deceased possessed by or come to the hands possession or power of the said Defendant Peter Cator or any other Person or Persons by his Order or for his Use or which but for his or their wilful neglect or default might have been got in and received: and the said Master is to take an Account of the said Intestates Debts and Funeral expences and Compute Interest on his Debts carrying Interest at the rate of Interest the same respectively carry and the said Master is to cause an Advertisement to be published in the Madras Government Gazette and such other Public Papers as he shall think proper for the Creditors of the said Intestate to come in before him to prove their respective Debts and fix a peremptory day for that purpose and in default of their coming in they are to be excluded the benefit of this Decree. And it is further Ordered that the said Intestates said Estate and Effects be applied in payment of what shall be so as aforesaid found due by the said Estate to the said Charities and of the other Debts of the said Peter Cachart and his funeral expences in a due Course of Administration and for the better taking of the Accounts and discovery of the Matters aforesaid the parties are to produce before the said Master upon Oath all Books Papers and Writings in their Custody or Power relating thereto and are to be examined on Oath on Interrogatories or Viva Voce as the said Master shall direct who in taking the said Accounts is to make unto the Parties all just allowances and

and as against the said Defendant Edward De Silva This Court doth further Order and Decree that it be referred to the Master of this Court to enquire and Report how and in what manner and by whom and to whom the Treasury Acknowledgment No 7462 Dated 30th June 1825 for Sicca Rupees Twenty four thousand and two hundred standing in the names of John Cachart and Edward De Silva was disposed of and what endorsement or endorsements was or were made thereon and if the same was exchanged for any new Security or Securities in whose name such new Security or Securities was or were taken and what endorsement or endorsements was or were made thereon and if such Treasury Acknowledgment or any such new Security or Securities was or were disposed of for Money by whom such Money was received And this Court doth reserve all further directions and Costs until after the Master shall have made his Report and all Parties are to be at liberty to apply to this Court as there shall be Occasion.

Ed
Jn
Dr
Jas H

By the Court.
A Upsall
Dep

In the Supreme Court of Judicature at Madras
Ecclesiastical Side
First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
one of His Majestys Justices

Monday the Twentieth day of February One thousand eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth. In the Matter of the Will of John Herbert Jones deceased.

wherein
Joseph Pugh Esquire..... is Opponent
and
Peter Calor Esquire..... is Opponent

This Matter coming on the Eighteenth day of February instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both Sides Upon Opening the Libel and the Allegations exhibited by the above named Opponent the Answer of the said Opponent thereto. And upon hearing read the Admissions of the said Opponents Proctor as follows that is to say First that Thomas Percy in the Ninth Article to the Libel mentioned departed this life on

on the Fourteenth day of August One thousand eight hundred and
four Secondly That Major Charles Fraser in the same Article
mentioned obtained his rank of Major on or about the Nineteenth day
April One thousand eight hundred and twenty three And upon
read also the said Answer to the Tenth Article of the said
And upon hearing read as Evidence for the Proponent the Depo
of Major George Jones to the First Second Third Sixth Seven
and Last Interrogatories in Chief filed on behalf of the said Pro
The Deposition of James Fowell Esquire to the First Second Third
Sixth Interrogatories in Chief filed on behalf of the said Pro
also a Testamentary Paper writing bearing date the Tenth day
September One thousand eight hundred and twenty one Marked
and also another Testamentary Paper Writing Marked B Which
and upon debate of the Matter and hearing what was alleged
the Advocates on both Sides And on mature Consideration had the
This Court doth think fit to pronounce and Declare for the
and Validity of the said Testamentary Paper Writing Marked B
and for the Last Will and Testament of the said John Hyde
Jones deceased And doth Decree that the Probate thereof
granted in Common form on the 19th. Nineteenth day of July
thousand eight hundred and twenty five to the said Proponent
Joseph Pugh be confirmed And doth also Decree and
of the same accordingly And this Court doth further order
the Costs herein of the Opponent as between Proctor and client
taxed by the Master of this Court and paid to the said Oppo
or to Mr. Peter Fraser his Proctor by the said Propo
from and out of the Estate of the said Testator:—

2nd M.

By the Court

A Speede
D Regr.

In the Supreme Court of Judicature at Madras

First Term 1832

Ecclesiastical Side

In the Matter of the Will of John Herbert Jones Deceased

wherein

Joseph Pugh Esquire - - - - - is Proponent

and

Peter Cator Esquire - - - - - is Opponent

In the Name of God Amen

We Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight One of His Majesty's Justices of the Supreme Court of Judicature at Madras lawfully appointed rightly and duly proceeding having heard seen and understood and fully and maturely discussed the merits and Circumstances of a Certain Testamentary business or proving by Witnesses the Testament or Last Will in writing of John Herbert Jones Esquire late of Madras Deceased marked with the Letter B having whilst living and at the time of his death Goods Chattels and Credits in Madras aforesaid which is now Controverted and remains undetermined before us in Judgment between Joseph Pugh Esquire one of the Executors the party promoting the said business of the one part and Peter Cator Esquire the party against whom the said business is promoted on the other part and the parties aforesaid lawfully appearing before Us in Judgment by their Proctors respectively and the Proctor of the said Joseph Pugh praying

Sentence

Sentence to be given and Justice to be done to his party and the Proctor of
said Peter Cator also earnestly praying that the said Will might be pron
and declared to be null and Void to all intents and purposes of Law and
and We having first Carefully and deligently searched into and exa
of the whole proceedings had and done before Us in this busines and ha
observed all and Singular the Matters and things that by Law in t
behalf ought to be observed We have thought and do thus think fit
proceed to the giving of our definitive Sentence or final Decree in
busines in manner and form following (to wit) Forasmuch as
Acts enacted deduced alleged Exhibited propounded proved and Ex
in this business We have found and it doth evidently appear to us
the Proctor of the said Joseph Pugh hath sufficiently and fully found
and proved his intention deduced in a certain allegation and Last Will
Testament of the said John Herbert Jones deceased marked B
other pleadings and Exhibits given in Exhibited and admitted on
behalf in this business and now remaining in the Registry
Court which said allegation and Last Will and Testament of
said Deceased and other matters propounded Exhibited and admi
&c. in this business We take and will have taken as if Here read and
inserted for Us to pronounce as hereinafter mentioned and that nothing
least nothing effectual hath on the part and behalf of the said Pe
Cator been excepted deduced exhibited propounded proved or Confess
this business which may or ought in any wise defeat prejudice
weaken the intention of the said Joseph Pugh therefore We
Ralph Palmer Knight Chief Justice and Sir Robe
Buckley Comyn Knight One of Her Majesty's Justices a
aforesaid having first called upon the name of Christ and
having God alone before our Eyes and having heard Counsel in this behalf

do pronounce Decree and Declare that the aforesaid John Herbert
Jones the Testator in this Cause deceased whilst living being of sound
and perfect mind memory and understanding rightly and duly
made his Last Will and Testament in writing marked with the
Letter B exhibited and pleaded in this business and therein named
and appointed the said Joseph Pugh Thomas Herbert Jones and
his Wife Catherine Jones and Charles Terrior Executors and did
well give and bequeath and do in all things as therein is contained
and We do pronounce Decree and Declare for the force and
Validity of the said Last Will and Testament of the said Deceased
to all intents and purposes in Law whatsoever and We do approve
of and receive the same and Confirm the Probate thereof already
issued by this Our definitive Sentence or final Decree which we read
and promulge by these Writings.

Ex. M.J. RK

Ralph Palmer

R Comyn

In the Supreme Court of Judicature at Madras

Second Term 1832

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckeley Comyn Knight

One of His Majesty's Justices.

Saturday the Thirty first day of March One thousand Eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth. Between George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire deceased

Complainants

and

The Reverend Fre Dom Manuel De Ave Maria the Acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantia Dias and his Wife Mary Dias

Defendants

Don Antonio J. Teixeira
vs
Emanuel Bilderbeck

Ad directed and read as Evidence for the Compl.ts at the Hearing this 11th day of February 1840.

A. Cauvin
Depy Mar

This Cause coming on this day to be heard on further directions and Costs reserved by the Decretal Order of this Court bearing date the Twenty third day of September One thousand Eight hundred and thirty One and upon hearing read the Decretal Order made in this Cause on the Tenth day of April One thousand Eight hundred and Twenty Eight. also the Masters Report of the Tenth day of August One thousand Eight hundred and thirty One and upon hearing read also the Last Will and Testament of John De Monte the Testator in the pleadings of this

Cause

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckeley Comyn Knight

One of His Majesty's Justices.

Saturday the Thirty first day of March One thousand Eight hundred and Thirty two and in the Second year of the Reign of His Majesty King William the Fourth. Between George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire deceased

Complainants

and

The Reverend Fre Don Manuel De Ave Maria the Acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantia Dias and his Wife Mary Dias.

Defendants

Don Antonio J. Figueira
vs
Emanuel Bilderbeck.
Produced and read as Evidence for the Complt. Claimant at the Hearing this 11th day of February 1840.
E. B. Elliott
Registrar

This Cause coming on this day to be heard on further directions and Costs reserved by the Decretal Order of this Court bearing date the Twenty third day of September One thousand Eight hundred and Thirty One Now upon hearing read the Decretal Order made in this Cause on the Tenth day of April One thousand Eight hundred and Twenty Eight also the Masters Report of the First day of August One thousand Eight hundred and Thirty One And upon hearing read also the Last Will and Testament of John De Monte the Testator in the pleadings of this Cause

R. Palmer
R. Comyn

cause named and the said Decretal Order of the Twenty third day of September One thousand Eight hundred and Thirty One whereby among other things It was referred back to the Master of this Court to review his Report of the First day of August One thousand Eight hundred and Thirty One as to so much and such part of the Decretal Order bearing date the Tenth day of April One thousand Eight hundred and Twenty Eight as directs the Master to take an Account of the said Testator's Legacies and Annuities given by the said Testator's Will and which of such Annuities or other Legacies are due and unsatisfied and to ascertain and state to the Court what shall appear to be the Clear residue or surplus of the said Testator's said Estate after payment of his debts and Funeral Expences Annuities and other Legacies and in ascertaining such Clear residue the Master was directed to enquire and state to the Court what part or parts specifically of the said Testator's Estate will be sufficient to satisfy and secure each and every of the said Testator's Legacies and Annuities respectively so remaining unsatisfied that he should carry on the Accounts of the said Testator's Estate up to the date of his Report or as near thereto as he should be able making to all parties all just allowances and upon hearing read the Order of this Court made in this Cause on the Twenty first day of March One thousand Eight hundred and Thirty two whereby the Report of the said Master dated the said Twenty first day of March One thousand Eight hundred and thirty two made in pursuance of the said Decretal Order of the said Twenty third day of September One thousand Eight hundred and Thirty One was absolutely

confirmed And upon hearing read the said last mentioned Report and upon hearing read the Certificate of the Accountant General of this Court in the words and figures following that is to say-

George Arbuthnot, James Morgan Strachan John Bunny and William Scott, four of the Executors of the Last Will and Testament of John De Monte Esquire Deceased - - - - - - - - - - Complainants

and

The Reverend The Don Manuel De Ave Maria - the acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantia Dias and his Wife Mary Dias - - - - Defendants

"The Account of the Testator John De Montes personal Estate."

I Hereby Certify that according to the books of the Supreme Court the funds standing to the Credit of this Cause are as follows Viz.t

In three Promissory Notes of the 5 p Cent Loan of	Mad.s Rup.s	A. P.	
31st. March 1823 amounting to Sicca Rupees 528,900 or	552,297	13	5
In Cash not bearing Interest	128	15	-
Madras Rupees	552,426	12	5

Fort St. George Acct.te Gen.l Office
16th. Febuary 1832
J. G. Turnbull
Acct.t Gen.l Supr.e Court

Whereupon and upon debate of the Matter and hearing what was alleged by the Advocates for the said Complainants and also for the said Defendants The Don Manuel De Ave Maria and Emanuel Bilderbeck respectively and on Mature Consideration had thereon This Court doth Order and Decree that the said Defendant Emanuel Bilderbeck do pay into the Treasury to the Credit of this Cause to be

placed

placed to an Account to be entitled "The Residue of the said Testators "Estate" the Sum of Madras Rupees Eight thousand & nine hundred and Twenty four Anna One and Pice four in the Masters said Report found to be remaining in the hands of the said Defendant Emanuel Bilderbeck on Account of the said Testators Estate on the First day of March Instant after first deducting thereout the subsequent Costs of this Suit when taxed as hereinafter directed and this Court doth further Order and Decree that for the purpose of securing the several Legacies bequeathed by the said Testator and hereinafter particularly mentioned The Sub Treasurer of Fort Saint George with the privity of the said Accountant General do subdivide the Three Government Promissory Notes in the said Certificate of the said Accountant General mentioned into the Seventeen Notes following that is to say.

One for Sicca Rupees	57,600.
One other for Sicca Rupees	16,800.
One other for Sicca Rupees	6,800
One other for Sicca Rupees	8,400
One other for Sicca Rupees	16,800.
One other for Sicca Rupees	20,200.
One other for Sicca Rupees	20,200
One other for Sicca Rupees	20,200
One other for Sicca Rupees	8,400.
One other for Sicca Rupees	16,800.
One other for Sicca Rupees	50,000
One other for Sicca Rupees	23000.
One other for Sicca Rupees	25,000
One other for Sicca Rupees	50,300
One other for Sicca Rupees	72,900.
One other for Sicca Rupees	5,700.

One

2,600.

One other for Sicca Rupees

And that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Third Paragraph of the said Testators Will mentioned One of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees One Lac Sixty Seven thousand and Six hundred and that the said Sub Treasurer do from time to time with the like privity of the said Accountant General pay to the said Defendant Mary Dias during her Natural life the Interest now due and hereafter to accrue due on Sicca Rupees One Lac Sixty Seven thousand five hundred and Eighty Six Annas two and Pice three part of the said Government Promissory Note for Sicca Rupees One Lac Sixty Seven thousand and Six hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the Credit of the said Account hereinbefore mentioned "The Account of the Residue of the said Testators Estate" and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Fifth "Paragraph of the said Testators Will mentioned" one other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Sixteen thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Ire Don Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes in the said fifth Paragraph of the said Testators Will in that behalf Contained the Interest now due and hereafter to accrue due on Six Rupees

Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven part of the said Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the Credit of the said Account hereinbefore mentioned "The Account of the Residue "of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Sixth Paragraph of the "said Testator's Will mentioned." one other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Six thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Don Manuel De Aversteria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes in the said Sixth Paragraph of the said Testator's Will in that behalf Contained the Interest now due and hereafter to accrue due on Sicca Rupees Six thousand Seven hundred and three Annas Seven and Pice two part of the said Government Promissory Note for Sicca Rupees Six thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of the Residue of the "said

"said Testator's Estate." And this Court doth further Order and Decree that the said Sub Treasurer of Fort Saint George with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Seventh Paragraph of the "said Testator's Will mentioned" one other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Eight thousand and four hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as one of the Executors of the said Testator to be by him applied for the purposes in the said Seventh Paragraph of the said Testator's Will in that behalf Contained the Interest now due and hereafter to accrue due on Sicca Rupees Eight thousand and three hundred and seventy Nine and Annas Five part of the said Government Promissory Note for Sicca Rupees Eight thousand and four hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Eleventh "Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Sixteen thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be by

him applied in equal proportions to the four several Schools and Charities Established at Madras and respectively Called or known by the Name of "The Vepery Free School" "The "London Missionary Society's School" "The Black Town Free "School" "and the Friend in Need Society" the Interest now due and hereafter to accrue due on Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven part of the said Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's "Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Account of Thomas Pereira One of the "Legatees in the Sixteenth Paragraph of the said Testator's "Will mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees twenty thousand and two hundred and do receive the Interest now due and hereafter to accrue due on Sicca Rupees Twenty thousand One hundred and Ten Annas five and Pice five part of the said Government Promissory Note for Sicca Rupees Twenty thousand and two hundred and Carry the same to the like Account (investing such Interest from time to time for the purpose of Accumulation as the same shall be sufficient for that purpose) during the Minority of the said Thomas Pereira or until the further Order of this Court and that the said

accumulation clause.

Sub Treasurer with the like privity of the said Accountant General do carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Twenty thousand and two hundred to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The "Account of Antonio Pereira One of the Legatees in the Sixteenth "Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Twenty thousand and two hundred and do receive the Interest now due and hereafter to accrue due on Sicca Rupees Twenty thousand One hundred and Ten Annas five and Pice five part of the said Government Promissory Note for Sicca Rupees Twenty thousand and Two hundred and Carry the same to the like Account (investing such Interest from time to time for the purpose of Accumulation as the same shall be sufficient for that purpose) during the Minority of the said Antonio Pereira or until the further Order of this Court and that the said Sub Treasurer with the like privity of the said Accountant General do carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Twenty thousand and two hundred to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Account of Edward "Pereira One of the Legatees in the Sixteenth Paragraph of the "said Testator's Will mentioned" One other of such Seventeen Government

Government Promissory Notes Viz.t One for Sicca Rupees Twenty thousand and two hundred and do receive the Interest now due and hereafter to accrue due on Sicca Rupees Twenty thousand One hundred and Ten Annas five and Pice five part of the said Government Promissory Note for Sicca Rupees Twenty thousand and Two hundred and Carry the same to the like Account (investing such Interest from time to time for the purpose of Accumulation as the same shall be sufficient for that purpose) during the Minority of the said Edward Pereira or until the further Order of this Court and that the Sub Treasurer with the like privity of the said Accountant General do carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Twenty thousand and Two hundred to the said Account hereinbefore mentioned "The Account of the Residue of the "said Testator's Estate." And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Account of Eleanora "One of the Legatees in the Twenty Second Paragraph of the "said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Eight thousand and four hundred and do receive the Interest now due and hereafter to accrue due on Sicca Rupees Eight thousand ~~and~~ three hundred and Seventy Nine and Annas five part of the said Government Promissory Note for Sicca Rupees Eight thousand and four hundred and Carry the same to the like Account (investing such Interest from time to time for the purpose of Accumulation as the same shall be sufficient for that

Minority of the said Eleanora or until the further Order of this Court and that the Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Eight thousand and four hundred to the said Account hereinbefore mentioned "The Account of the Residue "of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy in the Twenty Sixth Paragraph of the said Testators Will "mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Sixteen thousand and Eight hundred and there to remain subject to the further Order of this Court and in the mean time until such further Order that the said Sub Treasurer with the like privity of the said Accountant General do from time to time pay to the said Defendant Fre Don Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being the Interest now due and hereafter to accrue due on Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven part of the said Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred and that the said Sub Treasurer with the like privity of the said Accountant General do carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of "the Residue of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy for the Hospital and "Charity House at the Cuz" in the Twenty Eighth Paragraph of "the said Testators Will mentioned" One other of such Seventeen

Government

Government Promissory Notes Viz^t One for Sicca Rupees Fifty thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be applied by him for the purposes of the said Hospital and Charity House in the said Twenty Eighth Paragraph of the said Testators Will in that behalf Contained the Interest now due and hereafter to Accrue due on the said Government Promissory Note for Sicca Rupees Fifty thousand And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy for the College of "Priests at the Cathedral of Saint Thome in the Twenty Eighth "Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Twenty five thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Dona Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said College of Priests the Interest now due and hereafter to accrue due on the said Government Promissory Note for Sicca Rupees Twenty five thousand And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be Entitled "The "Legacy for the Seminary for the Instruction of Priests in the "Twenty Eighth Paragraph of the said Testator's Will mentioned" One

One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Twenty five thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Don Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said Seminary the Interest now due and hereafter to Accrue due on the said Government Promissory Note for Sicca Rupees Twenty five thousand and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The "Legacy for the Hospital and Charity House at Covelong in the Twenty "Ninth Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Fifty thousand and three hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be by him applied for the purposes in the said Twenty Ninth Paragraph of the said Testator's Will in that behalf Contained the Interest now due and hereafter to accrue due on Sicca Rupees Fifty thousand two hundred and Seventy five Annas thirteen and Pice Nine part of the said Government Promissory Note for Sicca Rupees Fifty thousand and three hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Fifty thousand and three hundred to the said Account hereinbefore mentioned "The Account of the Residue of the "said

said Testator's Estate" and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy for the Covelong Church Seminary and "School at Covelong in the Codicil to the said Testator's Will "in that behalf mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Seventy two thousand and One hundred and do from time to time receive and carry to the like Account subject to the further Order of this Court the Interest now due and hereafter to accrue due on Sicca Rupees Seventy two thousand and Eighty One Annas Eleven and Pice three part of the said Government Promissory Note for Sicca Rupees Seventy two thousand and One hundred and do Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Seventy two thousand and One hundred to the said Account hereinbefore mentioned "The Account of the Residue "of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy to the Church "Situated at the Suy in the Codicil to the said Testator's "Will in that behalf mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees One thousand and Seven hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this

Court pay to the said Defendant Fr. Don Manuel De Ave Maria or the Bishop or the Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said Church the Interest now due and hereafter to accrue due on Sicca Rupees One thousand Six hundred and Seventy five Annas thirteen and Pice Nine part of the said Government Promissory Note for Sicca Rupees One thousand and Seven hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of the Residue of "said Testator's Estate" and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry the remaining One of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Two thousand and Six hundred together with the Sum of Madras Rupees One hundred and Twenty Eight and Annas Fifteen in Cash in the said Certificate of the said Accountant General mentioned to the Credit of the said Account hereinbefore mentioned "The Account of "the Residue of the said Testator's Estate" and this Court doth further Order and Decree that the several Sums hereinafter mentioned Viz.t the Sum of Madras Rupees two hundred and forty five and Annas Eight part of the Sum of Pagodas five hundred in the Second Paragraph of the said Testator's Will mentioned the Sum of Madras Rupees Seventeen thousand and five hundred on account of the Legacy in and by the Fourteenth Paragraph of the said Testator's Will bequeathed to John Bilderbeck the Sum of Madras Rupees Seven thousand on account

Account of the Legacy in and by the Eighteenth Paragraph of the said Testator's Will bequeathed to Coutts Trotter Arbuthnot the Sum of Madras Rupees Seventeen thousand and Five hundred on account of the Legacy in and by the said Codicil to the said Testator's Will bequeathed to Joseph Bilderbeck and the three several Sums of Madras Rupees One thousand Seven hundred and fifty, Madras Rupees One thousand Seven hundred and fifty and Madras Rupees One thousand Seven hundred and fifty on account of the Legacy in and by the said Codicil bequeathed to Bernarda Pereira Joaquintha Pereira and Josepha Pereira the three Daughters of Victoriano Pereira therein referred to be and the same are hereby declared to Charges upon all and Singular the said Testator's Houses and Lands in the Fourth Schedule to the said Report of the said Master bearing date the Twenty first day of March instant And also upon the Funds hereinbefore and hereinafter directed to be carried to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate". And this Court doth further Order and Decree that the said Defendant Emanuel Bilderbeck as such Executor as aforesaid do Continue to receive the Rents issues and profits of the said Houses and Lands and after deducting thereout all necessary Charges and outgoings and a Sum not exceeding Rupees Two hundred and fifty per Month on Account of the Several Pensioners and other Poor Persons who are Entitled to the Benefit of the Charity in the Thirty first Paragraph of the said Testator's

Testator's Will mentioned that he do deposit the remainder of such Rents issues and Profits at the End of every three Months in the Treasury to be there placed to the Credit of this Cause to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate" until the whole of the funds standing at the Credit of the last mentioned Account shall amount to a Sum sufficient to pay and satisfy the several Legacies hereinbefore declared to be Charges upon the said Houses and Lands. And this Court doth further Order that when the Funds standing to the Credit of the said Account "The Account of the Residue of the said Testator's Estate" shall amount to a Sum sufficient for the purpose of Satisfying such Charges as last aforesaid that then the said Defendant Emanuel Bilderbeck do from time to time until the further Order of this Court after deducting all necessary Charges and outgoings pay every three Months the whole of the Residue of the said Rents issues and profits of the said Houses and Lands to the Bishop or Vicar General of Saint Thome for the time being upon the trusts and for the purposes in the Thirty first Paragraph of the said Testator's Will in that behalf mentioned And this Court doth refer it to the Master to tax all parties their Costs in this Cause as between Solicitor and Client subsequent to the said Decretal Order of the Twenty third day of September One thousand Eight hundred and Thirty One and that the said Defendant Emanuel Bilderbeck be at liberty to retain the amount of his said Costs when so Taxed out of the balance of the said Testator's Estate of Rupees Eight thousand Nine hundred and Twenty four Anna One and Pice four found to be remaining in his hands as aforesaid and that the Residue of such Costs when Taxed and added at the foot of this Decree and Signed by One of the Judges of this Court be paid by the said Sub-

Treasurer

Treasurer with the like privity of the said Accountant General from and out of the Funds standing to the Credit of this Cause to the Account of "The Residue of the said Testator's Personal "Estate" as follows - that is to say - to Mr. Thomas Tod the Amount of the Complainants Taxed Costs to Mr. Oneil Weeash the amount of the Taxed Costs of the Defendant The Reverend Pre Don Manuel De Ave Maria And this Court doth further Order that after payment of such Costs as aforesaid the said Sub Treasurer with the like privity of the said Accountant General do invest the Residue of the Funds which shall be then standing to the Credit of the said last mentioned Account and also all Sums of Money which shall from time to time be standing or placed to the Credit of the same Account in Government Securities for the purposes of Accumulation subject to and until the further Order of this Court And it appearing by the said Report of the Master bearing date the First day of August One thousand Eight hundred and thirty One that the said Complainants have duly Accounted before him for their Administration of the said Testator's Estate up to the Thirty first day of December One thousand Eight hundred and Twenty Eight when the said Defendant Emanuel Bilderbeck took upon himself the sole burden of the Administration thereof This Court doth Order and Decree that the said Complainants George Arbuthnot James Morgan Strachan and John Binny and William Scott upon filing in the Registry of this Court a Certificate of the said Accountant General that they have deposited in the said Treasury with his privity as aforesaid by the said Decree of the Twenty third day of September One thousand

thousand Eight hundred and thirty One is directed the several Grants Certificates and Documents hereinafter mentioned Viz.t

One Government Grant dated 17th July 1802 and Numbered 766.

Two other Government Grants One Numbered 703 and dated 5th November 1801. and the other dated 2nd September 1796 for 8 Cannies 11 Grounds and 2324 Square feet.

One other Company's Grant Numbered 1483 and dated 8th November 1815.

and Ten Collector's Certificates as follows -

One Numbered 2775 and dated 22nd May 1815.

One other Numbered 2776 and dated 22nd May 1815.

One other Numbered 2777 and dated 22nd May 1815.

One other Numbered 2774 and dated 22nd May 1815.

One other Numbered 2846 and dated 10th August 1815

One other Numbered 2358 and dated 23rd January 1815

One other Numbered 3364 and dated 17th July 1817.

One other Numbered 3150 and dated 17th July 1817

One other Numbered 3165 and dated 17th July 1817.

And One other Numbered 3230 and dated 8th October 1817.

One assignment of a Large and also a Small House in Armenian Street.

Three other Collector's Certificates Viz.t

One Numbered 787 and dated 25th July 1810

One other Numbered 535 and dated 28th February 1810.

and One other Numbered 652 and dated 14th March 1810.

One other Certificate Numbered 1580 and dated 1st July 1803

One other Grant Numbered 9 and dated 22nd December 1807.

and One other Grant Numbered 927 and dated 2nd September 1803.

being the several Grants Certificates and other Documents relating to the landed Estate of the said Testator in the fourth Schedule to the Report of the said Master dated First day of August One thousand

thousand Eight hundred and thirty One mentioned to be in the possession of the said Complainants and also a Certificate of the said Accountant General that the said Complainants have deposited in the said Treasury the Three Several Government Securities for Sicca Rupees four Lacs three thousand and one hundred Sicca Rupees Ninety Nine thousand and Eight hundred and Sicca Rupees Fifty four thousand and two hundred in and by the said Decree of the Twenty third day of September One thousand Eight hundred and thirty One also directed be discharged from the further Execution of the Trusts of the said Testator's Will and Codicil respectively and from the Administration thereof- and this Court doth further Order that all Persons interested in any of the Several Legacies in and by the said Testators Will and Codicil respectively bequeathed and directed to be secured and Charged in the manner hereinbefore in that behalf mentioned are to be at liberty to apply to this Court by Petition in this Cause touching their respective interests in such Several Legacies as they may think fit and all parties are to be at liberty to apply to this Court as to any of the Matters aforesaid as they may be advised.-

Enrd 1 & 2

By the Court.

W Thr
Registrar

W. pr D.M. Roberts

I hereby Certify that the amount of the Complainants Costs directed to be paid by the foregoing Decree is five thousand three hundred and Seventy two Rupees and six fanams as appears by the Certificate of the Acting Master dated 13th August 1832.-

R Lemyn

I hereby Certify that the Amount of the Defendant the Revd Fra Don Manuel de Ave Maria's Costs directed to be paid by the foregoing Decree is Four thousand three hundred and fifty Eight Rupees and Two fanams as appears by the Certificate of the Acting Master dated 31 Augt 1832.-

31st August 1832

In the Supreme Court of Judicature at Madras
Ecclesiastical Side
First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
One of His Majestys Justices

Monday the Sixth days of February One thousand Eight hundred and Thirty two. And in the Second Year of the Reign of His Majesty King William the Fourth.

In the Matter of the Last Will and Testament of Manally Kistnasawmy Moodelly Deceased wherein

Manally Sonnatah Moodelly ..... is Proponent

and

Manally Sutchmanah Moodelly ..... is Respondent

This Matter coming on the Third and Fourth days of February Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both Sides upon opening the Libel exhibited by the above named Proponent the Answer of the said Respondent thereto And upon hearing read as Evidence for the said Proponent the Deposition of Seeve Vydelingum Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Mylay Chittombala Vanaiga Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Kallombador Tombeapah Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Manally Moodookistnah Moodelly to the First and Third Interrogatories

R. Palmer
R Comyn

on

in Chief filed on behalf of the said Proponent. The Deposition of John D[illegible] the First and Third Interrogatories in Chief filed on behalf of the said [illegible] And the Translate of the Paper writing purporting to be the Last Will and Testament of the said Manally Kistnasawmy Moodelly bearing date the Seventh day of May One thousand Eight hundred and Twenty Nine Marked with the Letter A and upon hearing read as Evidence for the said Respondent Deposition of Nattambadi Ramasawmy Moodelly to the First Second Fourth Sixth and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Cattoorangolum Vadachellae Moodelly to the First Second Third Sixth and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Vydeanu Candalaroya Brammy to the First Second Fifth and last Interrogatories in Chief filed on behalf of the Respondent. The Deposition of Barah Saib to the First Second Fifth and Interrogatories in Chief filed on behalf of the said Respondent. the several Affidavit of Manally Pennah Moodelliar Seroovatuswaramy Vydelinguen Moodelliar Conchie Narsoo Naick Mylasee Veeyagunnah Nattambadoo Tombeapah Moodelliar Mylapoor Chenglevoy Moodelliar Mangadoo Saravonah Moodelliar filed on the Twenty Ninth day of Sept One thousand Eight hundred and Twenty Nine and upon hearing read the Proponent the Articles of Exception Exhibited by the said Proponent discredit the Testimony of Vendelroy Brammy Barah Saibe & Ramen and C. Vadachella. The Deposition of Mylapoor Chenglevoy Moodelly otherwise called Ramorgam Moodelly to the First Second Third Fifth Sixth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Mangadoo Saravonah Moodelly the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Cattoor Poobier Brammy to the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Maare Mootoo Naick to the First and Second Interrogatories in Chief on behalf of the Proponent in support of the said Articles. The Deposition of Mylay Chittambola Veeraya Moodelly to the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Seeroo Vydelinga Moodelly to the First and Sixth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Nattambadoo Tombeapah Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Cattoor Poobier Brammy to the First the Respondent. The Deposition of Cattanoor Poobier Brammy to the First Third, Seventh, Eighth, Ninth, Tenth, Eleventh, and Thirteenth Cross Interrogatories filed on behalf of the said Respondent. The Deposition of Cattapoor Iyasawmy Moodelly to the First and Second Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Manally Poobaroya Moodelly to the First and Third Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Manally Tondavaroya Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Pullala Varadapah Naick to the First and Fifth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Poondamallee Veerazaloo Moodly to the First and Sixth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Vydeanu Ramah Brammy to the First and Seventh Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. Whereupon and Upon debate of the Matter and hearing what was alleged by the Advocates on both sides and on Mature Consideration had thereon This Court doth pronounce and declare that the Paper writing in the pleadings in this Suit Named Marked A purporting to be the Last Will and Testament of the said Manally Kistnasawmy Moodelly is null and void. and this Court doth accordingly Order and Decree that the Probate of the said Paper Writing granted in favor of the said Proponent on the Sixteenth day of July One thousand Eight hundred and Twenty Nine be forthwith delivered up by the said Proponent to the Registrar of this Court to be cancelled and that the said Registrar do thereupon cancel the same. And this Court doth further Order and Decree that

that the said Libel exhibited by the above named Proponent be dismissed out of Court with Costs to be paid by the said Proponent. We do Decree Sentence of the same Accordingly.

By the Court.

Ext. Nat.

Respondent Proctor

Registrar

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

First Term 1832

In the Matter of the Last Will and Testament of Manally Kistnasawmy Moodelly deceased

Wherein

Manally Ponniah Moodelly is. Proponent

and

Manally Lutchmana Moodelly is. Respondent

In the Name of God Amen

We Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight one of His Majesty's Justices of the Supreme Court of Judicature at Madras Lawfully appointed for the hearing and determining of a Certain Testamentary business or proving by Witnesses the Testament or Last Will in Writing of Manally Kistnasawmy Moodelly Late of Madras deceased having whilst living and at the time of his death Goods Chattles and Credits in Madras aforesaid which is now Controverted and remains undetermined before us in Judgment between Manally Ponniah Moodelly the Executor the party promoting the said business of the one part and Manally Lutchmana Moodelly the party against whom the said business is promoted on the other part and the parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively and the Proctor of the said Manally Ponniah Moodelly praying Sentence to be given and Justice to be done to his party and the Proctor of the said Manally Lutchmana Moodelly also earnestly praying that the said Will might be pronounced and declared to be null and Void to all Intents and purposes of Law whatsoever and we having first Carefully and deligently Searched into and Considered of the whole proceedings had and done before us in this business and having Observed all and Singular

the Matters and things that by Law in this behalf ought to be observed We ha
thought and do thus think fit to proceed to the giving of our definitive deci
or final Decree in this business in manner and form following (to Wit) Having
as by the Acts enacted deduced alleged Exhibited propounded proved and Exp
in this business We have found and it doth Evidently appear unto us that
Proctor of the said Manally Ponniah Moodelly hath not sufficiently and fu
founded and proved his intention deduced in a certain allegation and
Will and Testament of the said Manally Kistna Sawmy Moodelly Decea
and other pleadings and Exhibits given in Exhibited and admitted on
behalf in this business and now remaining in the Registry of the Court
which said allegation and last Will and Testament of the said Deceased
and other Matters propounded Exhibited and admitted in this business We ha
and Will have taken as if here read and inserted for us to pronounce
hereinafter mentioned) therefore We Sir Ralph Palmer Knight Chief
Justice and Sir Robert Buckley Comyns Knight one of His
Majesty's Justices as aforesaid having first Called upon the Name of
Christ and having God alone before our Eyes and having heard Coun
in this behalf Do Pronounce Decree and Declare that the Paper
Writing Marked A purporting to be the Last Will and Testament of
said Manally Kistnasawmy Moodelly Deceased bearing date the Twenty
Seventh day of May one thousand Eight hundred and Twenty Nine
Null and Void to all intents and purposes and to have no force or
Validity in Law whatsoever and we do order that the Probate of the
Paper writing heretofore Granted be forthwith Cancelled by this ~~one~~ definitive
Sentence and final Decree which we read and pronounce by these writing
signed &c.

R Comyn

Respondent's Proctor

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1831

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

The Honorable Sir Robert Buckley Comyn Knight

and

The Honorable Sir George William Ricketts Knight.

His Majesty's Justices

Monday the Fourteenth day of February One thousand Eight hundred and Thirty One And in the First Year of the Reign of His Majesty King William the Fourth.

Between Vasuntaperrum Jaganaickaloo Brammy the Nephew and only legal personal representative of Vasuntaperrum Ramasawmy Brammy deceased. by Original and Amended Bill.... Complainant

and

John William Dare and Joseph Pugh. Defendants.

And Between the same parties By Supplemental Bill.

The said Original Cause coming on the Nineteenth Twentieth and Twenty Second days of February One thousand Eight hundred and Thirty And on the Twenty Second and Twenty Fourth days of March following And the said Original and Supplemental Cause on the Third day of February One thousand Eight hundred and Thirty One And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides upon opening

opening the Original and Amended Bill of Complaint of the above named Complainant the joint and several Answer of the said John William Dare and Joseph Pugh to the Original and Amended Bill of Complaint of the said Complainant and also the further Answer of the said Defendants to the said Oreginal and Amended Bill of Complaint of the said Complainant And upon hearing read as Evidence for the said Complainant Certain passages in the said Answers of the said Defendants together with the Corresponding passages in the said Bill of Complaint also the Deposition of Sutchyemenarsiah Branmy to the First Second Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Veenasvooram Appanah Branmy to the First Second and Eighth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Chelavevoorce Arreapah Branmy to the First Second and Ninth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of John Standaver Sherman to the First Second and Eleventh Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Maderala Mungadee Naicke to the First Second Third Fourth and Tenth Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as Evidence for the said Complainant Exhibits **A**, **B**, and **C**, And upon hearing read as Evidence for the said Defendants The Deposition of Abel Marcar to the First and Second Interrogatories in Chief filed on behalf of the said Defendants The Deposition of Conchee Saroo Naicke to the First and Second Interrogatories in Chief filed on behalf of the said Defendants The Deposition of John Alves Arbuthnot Esquire to the First and Third Interrogatories in Chief filed on behalf of the said Defendants The Deposition of William Scott Bunny Esquire to the First and Fourth Interrogatories in Chief filed on behalf of the said Defendants The Deposition of James

James Martin Sollie Esquire to the First and Sixth Interrogatories in Chief filed on behalf of the said Defendants The Deposition of Mr. Charles Phillips to the First and Seventh Interrogatories in Chief filed on behalf of the said Defendants And upon hearing read as Evidence for the said Defendants Exhibits Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11. And upon opening also the Supplemental Bill of Complaint of the above named Complainant the joint and several Answer of the said John William Dare and Joseph Pugh thereto And upon hearing read as Evidence for the said Complainant the Deposition of Patloore Lutchence Narsoo Branmy to the First and Second Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Vechoor Sashachella Moodelly to the First and Third Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as Evidence for the said Complainant a Letter from Edward Watts to V. Ramasawmy Branmy the Intestate in the Pleadings of this Cause Named dated Twelfth day of October One thousand Eight hundred and Six and Marked No. 2 also a Paper Writing purporting to be a Copy of a Letter addressed to James Henry Casamajor Esquire by V. Ramasawmy and C. Singanah dated Nineteenth day of December One thousand Eight hundred and Six and Marked No. 3. Whereupon and upon debate of the matter and hearing what was alleged by the Counsel on both sides And on Mature Consideration had thereon This Court doth Order and Decree that the said Original and Amended Bill of Complaint and also the said Supplemental Bill be dismissed out of Court with Costs.

By the Court.

Cd 15/12

Deft 1/6

Registrar

opening the Original and Amended Bill of Complaint of the above named Complainant the joint and several Answer of the said John William Dare and Joseph Pugh to the Original and Amended Bill of Complaint of the said Complainant and also the further Answer of the said Defendants to the said Oreginal and Amended Bill of Complaint of the said Complainant And upon hearing read as Evidence for the said Complainant Certain passages in the said Answers of the said Defendants together with the Corresponding passages in the said Bill of Complaint also the Deposition of Sutchromenardiah Branmy to the First Second Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Veenapooram Appanah Branmy to the First Second and Eighth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Cheloreevoree Arreapah Branmy to the First Second and Ninth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of John Standover Sherman to the First Second and Eleventh Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Maderala Narrazder Naicke to the First Second Third Fourth and Tenth Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as Evidence for the said Complainant Exhibits **A**, **B**, and **C**, And upon hearing read as Evidence for the said Defendants The Deposition of Abel Marcar to the First and Second Interrogatories in Chief filed on behalf of the said Defendants The Deposition of Conchee Narsoo Naicke to the First and Second Interrogatories in Chief filed on behalf of the said Defendants The Deposition of John Alves Arbuthnot Esquire to the First and Third Interrogatories in Chief filed on behalf of the said Defendants The Deposition of William Scott Bonny Esquire to the First and Fourth Interrogatories in Chief filed on behalf of the said Defendants The Deposition of

Sonnel

James Martin Sollie Esquire to the First and Sixth Interrogatories in Chief filed on behalf of the said Defendants The Deposition of Mr. Charles Phillips to the First and Seventh Interrogatories in Chief filed on behalf of the said Defendants And upon hearing read as Evidence for the said Defendants Exhibits Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, and 11. And upon opening also the Supplemental Bill of Complaint of the above named Complainant the joint and several Answer of the said John William Dare and Joseph Pugh thereto And upon hearing read as Evidence for the said Complainant the Deposition of Pattoore Lutchemee Narsoo Branmy to the First and Second Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Vechoor Sashachella Moodelly to the First and Third Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as Evidence for the said Complainant a Letter from Edward Walls to O. Ramasawmy Branmy the Intestate in the Pleadings of this Cause Named dated Twelfth day of October One thousand Eight hundred and Six and Marked No 2 also a Paper Writing purporting to be a Copy of a Letter addressed to James Henry Casamajor Esquire by O. Ramasawmy and C. Singanah dated Nineteenth day of December One thousand Eight hundred and Six and Marked No 3. **Whereupon** and upon debate of the matter and hearing what was alleged by the Counsel on both sides And on Mature Consideration had thereon **This Court doth Order and Decree** that the said Original and Amended Bill of Complaint and also the said Supplemental Bill be dismissed out of Court with Costs.

By the Court.

Cd 15th

Dft 16s

Register

In the Supreme Court of Judicature at Madras
Equity Side
Second Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice
and
The Honorable Sir Robert Buckley Comyn Knight
One of His Majesty's Justices

Saturday the seventh day of April one Thousand Eight Hundred and Thirty two and in the second year of the Reign of His Majesty King William the Fourth

Between John Peter Rottler of Madras Doctor in Philosophy the Reverend August Frederic Cammerer of Tranquebar clerk and the Reverend John Caspar Kohlhoff of Tanjore Clerk. Complainants

and

George Norton Esquire Advocate General of the United Company of Merchants of England Trading to the East Indies Defendant.

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras upon Bill and answer in the presence of Counsel learned on both sides upon opening the amended Bill of Complaint of the above named Complainants and the answer of the said Defendant thereto and upon hearing read the Schedules to the said Bill of Complaint annexed marked respectively A. and B. also the Will of Frederic Schwartz and also the Will of Christian William Gericke the Testators respectively in the pleadings of the Cause named Whereupon and upon debate of the Matter and hearing

hearing what was alleged by the Counsel on behalf of the said Complainants and by the Advocate Genral on his own behalf and on Motion Considered had thereon This Court doth by and with the Consent of the said Advocate Genral order and Decree that it be referred to the Master of this Court to approve of three fit and proper persons to be Trustees in the Room of the said Complainants John Peter Rottler Augustus Frederic Cammerer and John Caspar Kohlhoff and that the said Complainants do assign transfer and release all the Estate of the said Frederic Schwartz and Christian William Gericke and all other the Property in the said Bill mentioned of what nature or Kind soever particularly mentioned and described in the said three Schedules marked A and B respectively together with all their Estate Right Title Interest and claim thereon and thereto and deliver over all Deeds and assign and deliver over all Government Securities Deeds Memorials writings and Evidences whatsoever in their or Either of their possession Custody or Power which in any wise relate to the same premises to such new Trustees upon the Trusts of the said several Wills of the said Frederic Schwartz and Christian William Gericke respectively and that upon the Executions by the said John Peter Rottler Augustus Frederic Cammerer and John Caspar Kohlhoff and by the said new Trustees of such Transfer and assignment and upon the assignment and delivering over of all such Government Securities Deeds Memorials writings and Evidences whatsoever in their or Either of their possession Custody or Power as hereinbefore in that behalf mentioned the said John Peter Rottler Augustus Frederic Cammerer and John Caspar Kohlhoff be released and discharged from the said premises to be assigned as aforesaid and from the Trusts thereof and this Court doth further Order and Decree that in Case any of Either of the Trustees to be appointed in pursuance of the Reference hereby directed shall depart from India or die or declare or become incapable of acting in the Trusts of the said Wills or Either of them the other or others of such new Trustees so to be appointed as aforesaid to be at Liberty to apply by Petition in this Cause Notice of such Petition being served upon the said Defendant the Advocate General or upon the Advocate Genral for the time being for the appointment of such Trustee

Trustee or Trustees in the room of such one or more of them respectively when such order shall be made thereupon as shall seem meet. and this Court doth refer it to the Master to Tax all parties their Costs in this Cause as between Solicitor and Client and the same when so Taxed are to be paid in Equal moieties out of the Interest of the Government Securities and the rents and profits of Landed Property mentioned in the said Schedules A and B respectively one Moiety of such Costs out of the Interest of the Government Securities amounting to the sum of Sicca Rupees Eighty three Thousand and Six Hundred and of the rents and profits of the Landed Property comprised in the said Schedule A. and the other moiety of such Costs out of the interest of the Government Securities amounting to the sum of Sicca Rupees Sixty Seven Thousand in the said Schedule marked B. mentioned. The Costs of the said Advocate Genral to be paid to him or his Solicitor Mr Thomas Reed and the Costs of the said Complainants to be paid to them or their Solicitor Mr Thomas Reed and all Parties are to be at Liberty to apply to this Court as they may be advised.

By the Court.

Ed Mr R

The Seal

Sol for the Complainants and for the Advocate Genl

In the Supreme Court of Judicature at Madras
Equity Side
Third Term 7th August 1832

Govecol Doss Govindoo Doss

versus

Ellum Doss Ragoonaud Doss
Administrator of Bavany Doss Nanasa
deceased

And by Supplemental Bill
Govecol Doss Govindoo Doss

versus

Chota Ballakistna Doss Administrator
de bonis non of Bavany Doss Nanasa
deceased

The Matter upon the Exceptions taken by Govecol Doss Govindoo Doss the Complainant to the Answer put in by the Defendant Chota Ballakistna Doss to the Original Amended and Supplemental Bill of Complaint for evasion imperfection and insufficiency coming on to be Argued on the 6th day of August instant and also on this present day before the Justices of this Honorable Court in the presence of Counsel learned on both sides And the said Exceptions and Answer being opened upon debate of the Matter and hearing what was alleged by the Counsel on both sides. This Court doth Order that all the Exceptions be allowed with costs

By the Court

R Clinton
Registrar

In the Supreme Court of Judicature at Madras

Third Term 1832

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices

Thursday the second day of August One thousand Eight hundred and thirty two and in the Second Year of the Reign of His Majesty King William the Fourth - Between Manally Penniah Moodelly Complainant

and

Manally Moodookistna Moodelly and Manally Sutchmana Moodelly Defendants

This Cause coming on this day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel on behalf of the Complainant and also on behalf of the Defendant Manally Sutchmana Moodelly Upon opening the Bill of Complaint of the above named Complainant the Answer of the said Defendant Manally Sutchmana Moodelly thereto And upon hearing read as evidence for the said Complainant the several passages in the said Answer of the said Defendant Manally Sutchmana Moodelly as follow that is to say from the words "Saith he admits it to be true" in folio 2 to the words "or otherwise to set forth" in folio 3 from the words "And this Defendant" in folio 4 to the words "this Defendant craves leave to refer to the said Agreement" in folio 13 from the words "And this Defendant" in folio 13 to the words "in that behalf set forth

R Comyn

set forth in the same folio from the words "And this Defendant admits" in folio 14 to the words "in that behalf set forth" in folio 15 from the words "And this Defendant further" in folio 15 to the words "and the said Complainant" in folio 16 from the words "And this Defendant further" in folio 18 to the words "Consent to the same" in folio 19 from the words "And this Defendant further" in folio 22 to the words "twenty nine" in the same folio from the words "And this Defendant further" in folio 25 to the words "consent thereto" in folio 26 from the words "And this Defendant admits" in folio 27 to the words "received by him" in folio 27 from the words "And this Defendant saith" in folio 34 to the words "satisfactory manner" in folio together with such parts of the said Bill of Complaint as are referred in the said several passages of the said Answer And upon hearing an Order of this Honorable Court obtained on the part of the Complainant this Cause dated the Eighth day of April One thousand Eight hundred thirty one whereby it was ordered that the said Complainant should at liberty to enter his Bill to be taken pro Confesso as against the Defendant Manally Moodeokistna Moodelly for want of his Answer on Tuesday the Nineteenth day of July in the then ensuing Term. Whereupon and upon debate of the Matter and hearing what was alleged by the Advocates for the said Complainant and the said Defendant Manally Sutchmana Moodelly and on mature consideration had thereon. This Court doth Order and Decree that the said Complainants Bill in this Cause as against the said Defendant Manally Sutchmana Moodelly be dismissed out of Court with costs to be paid to him or his Solicitor Mr Henry Pauline by the said Complainant and as against the said Defendant Manally Moodeokistna Moodelly This Court doth not think fit to make any

By the Court

The Registrar

Manally Esq
Mahp Dilla Sutchmana

In the Supreme Court of Judicature at Madras

Third Term 1832

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices

Saturday the Fourth day of August One thousand Eight hundred and Thirty Two And in the Second year of the Reign of His Majesty King William the Fourth

Between George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire Deceased . . . . . Complainants

and

The Reverend Padre Don Manuel De Arce Manrique the Acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his Wife Mary Dias . . . . . Defendants.

Don Antonio J. Teixeira

vs

Emanuel Bilderbeck &c.

Read and read as Evidence for the Complainant at the hearing this 11th day of February 1840.

H. B. Russell
Registrar

Whereas by a Decretal Order bearing date the Thirty first day of March last and made on further directions in this Cause it was among other things Ordered that for the purpose of securing the several Legacies bequeathed by the said Testator and thereinafter mentioned the Sub Treasurer of Fort Saint George with the privity of the Accountant General should Subdivide the Three Government Promissory Notes therein referred to into the Seventeen Notes following that is to say

Read & Admitted

R Carruthers

One for Sicca Rupees	16,800
One other for Sicca Rupees	6,800
One other for Sicca Rupees	8,400
One other for Sicca Rupees	16,800
One other for Sicca Rupees	One

In the Supreme Court of Judicature at Madras

Third Term 1832

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices

Saturday the Fourth day of August One thousand Eight hundred and Thirty Two And in the Second year of the Reign of His Majesty King William the Fourth

Between George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire Deceased ..... Complainants

and

The Reverend Padre Dom Manuel De Arce Maria the Acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his Wife Mary Dias ..... Defendants.

Don Antonio J. Teixeira
vs
Emanuel Bilderbeck.

Admitted and read as Evidence for the Complainant at the hearing this 11th day of February 1840.

R. H. Rawlins
Registrar

Whereas by a Decretal Order bearing date the Thirty first day of March last and made on further directions in this Cause it was among other things Ordered that for the purpose of securing the several Legacies bequeathed by the said Testator and hereinafter mentioned the Sub Treasurer of Fort Saint George with the privity of the Accountant General should Subdivide the Three Government Promissory Notes therein referred to into the Seventeen Notes following that is to say-

Ralph Palmer
R Comyn

One for Sicca Rupees	16,800.
One other for Sicca Rupees	6,800.
One other for Sicca Rupees	8,400.
One other for Sicca Rupees	16,800.
One other for Sicca Rupees	One

One other for Sicca Rupees ... 20,2
One other for Sicca Rupees ... 20,2
One other for Sicca Rupees ... 20,2
One other for Sicca Rupees ... 8,4
One other for Sicca Rupees ... 16,8
One other for Sicca Rupees ... 37,8
One other for Sicca Rupees ... 23,1
One other for Sicca Rupees ... 25,2
One other for Sicca Rupees ... 8,4
One other for Sicca Rupees ... 73,5
One other for Sicca Rupees ... 4,7
One other for Sicca Rupees ... 2,1
One other for Sicca Rupees ...

And it was further Ordered that the said Sub Treasurer of Fort Saint Geo
with the privity of the said Accountant General should carry to the Credit
Cause to an Account to be entitled "The Legacy in the Seventh Paragraph
the Testators Will mentioned" one of such Seventeen Government Pro
Notes Viz.t One for Sicca Rupees Eight thousand and four hundred
that the said Sub Treasurer with the like priority of the said Accountant
should from time to time Until the further Order of this Court pay to
Defendant Emanuel Bilderbeck as one of the Executors of the said
Testator to be by him applied for the purposes in the said Seventh Pa
of the said Testators Will in that behalf Contained the Interest that
thereafter to accrue due on Sicca Rupees Eight thousand three hund
and Seventy Nine and Annas Five part of the said Government
Promissory Note for Sicca Rupees Eight thousand and four hundred and
the said Sub Treasurer with the like priority of the said Accountant G
should Carry the Interest of the Residue of the said Government Pro
Note to the said Account thereinbefore mentioned "The Account of the
Residue of the said Testators Estate" And it was further Ordered that
said Sub Treasurer with the like priority of the said Accountant G
should Carry to the Credit of this Cause to an Account to be entitled "
Legacy for the Hospital and Charity House at the Fort in the Twenty
Paragraph of the said Testators Will mentioned" one other of such
Government Promissory Notes Viz.t One for Sicca Rupees Fifty thousand

that the said Sub Treasurer with the like priority of the said Accountant General should from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be applied by him for the purposes of the said Hospital and Charity House in the said Twenty Eighth Paragraph of the said Testators Will in that behalf Contained the interest then due and thereafter to Accrue due on the said Government Promissory Note for Sicca Rupees Fifty thousand And it was further Ordered that the said Sub Treasurer with the like priority of the said Accountant General should Carry to the Credit of this Cause to an Account to be entitled "The Legacy for the Covelong Church Seminary and School at Covelong in the Codicil to the said Testators Will in that behalf mentioned" one other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Seventy two thousand and one hundred and thereafter to Accrue due on Sicca Rupees Seventy two thousand and one hundred Eighty One Annas Eleven and Pice three part of the said Government Promissory Note for Sicca Rupees Seventy two thousand and one hundred and should Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Seventy two thousand and one hundred to the said Account thereinbefore mentioned "The Account of the Residue of the said Testators Estate" with which said Decree the said Defendant the Reverend Jpe Don Manuel De Ave Maria being dissatisfied he presented his Petition to this Court on the Thirteenth day of July last thereby praying that this Cause might be reheard and that the said Decree of this Honorable Court made on the said Thirty first day of March last might be rectified with respect to the payment of the Interest on the Legacies of two thousand and five hundred Pagodas and Fifty thousand Rupees bequeathed in the Seventh and Twenty Eighth Paragraphs of the said Testators Will and the Application thereof and that such Interest and also the Interest on the said bequest for the Covelong Church Seminary and School at Covelong might be decreed to be paid to the said Petitioner as and when the same should become due or that it might be referred to the Master of this Honorable Court to enquire into the

Nature

Nature of the said three Several Charities or institutions in the said two last mentioned Paragraphs of the said Will and in the said Codicil mentioned And whether the said Petitioner was not the proper person to perform the same. Whereupon by an Order bearing date the Twenty third day of July last it was Ordered that this Cause should be reheard upon the several matters particularly mentioned in the prayer of the said Petition Now this Cause coming on accordingly to be reheard in the presence of Counsel for the said Defendant The Reverend Fre Don Manuel De Ave Maria and the said Defendant Emanuel Bilderbeck respectively on the Third day of August instant and also on this present day Upon reading the said Petition of Rehearing of the said Defendant The Reverend Fre Don Manuel De Ave Maria and the said Order made thereupon and upon hearing read the said Decretal Order of the Thirty First day of March last and the Last Will and Testament and Codicil thereto of John De Monte Deceased the Testator in the pleadings of this Cause named Whereupon and Upon debate of the Matter and hearing what was alleged by the Advocates of the said Defendant The Reverend Fre Don Manuel De Ave Maria and the said Defendant Emanuel Bilderbeck respectively This Court doth Order and Decree that as to so much and such part of the said Decretal Order of the Thirty first day of March last as directs "that the said Sub Treasurer with the like privity of the "said Accountant General should from time to time until the further "Order of this Court pay to the said Defendant Emanuel Bilderbeck as "of the Executors of the said Testator to be by him applied for the purposes "in the said Seventh Paragraph of the said Testator's Will in that behalf "Contained the Interest then due and thereafter to accrue due on Secca "Rupees Eight thousand three hundred and Seventy Nine and Annas "five part of the said Government Promissory Note for Secca Rupees "Eight thousand and four hundred" the same be rescinded and in lieu thereof that the said Sub Treasurer with the privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Don Emanuel De Ave Maria or the Bishop or Vicar General of Saint Thome for the time being to be

him applied for the purposes in the said Seventh Paragraph of the said Testators Will in that behalf Contained the Interest due and hereafter to Accrue due on Secca Rupees Eight thousand three hundred and Seventy Nine and Annas Five part of the said Government Promissory Note for Secca Rupees Eight thousand and four hundred And this Court doth further Order that in addition to that part of the said Decretal Order of the said thirty first day of March last Whereby it is directed "that the said Sub "Treasurer with the like privity of the said Accountant General should "carry to the Credit of this Cause to an Account to be entitled "The Legacy "for the Covelong Church Seminary and School at Covelong in the "Codicil to the said Testators Will in that behalf mentioned "One other of "such Seventeen Government Promissory Notes Viz: One for Secca Rupees "Seventy two thousand and one hundred and should from time to time "receive and carry to the like Account subject to the further Order of this "Court the Interest then due and thereafter to Accrue due on Secca Rupees "Seventy two thousand and Eighty One Annas Eleven and Pice three "part of the said Government Promissory Note for Secca Rupees Seventy "two thousand and one hundred and should carry the Interest of the "residue of the said Government Promissory Note for Secca Rupees Seventy "two thousand and One hundred to the Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate." That it be referred to the Master of this Court to enquire and state what is the nature of the said Church Seminary and School at Covelong respectively and what part of the said Sum of Secca Rupees Seventy two thousand and Eighty One Annas Eleven and Pice Three and the Interest thereof ought to be appropriated to the use of the said last mentioned three several Charities and what person or persons ought to receive such Interest for the use of the same respectively with liberty to the Master to state any special circumstances relating to any of the matters aforesaid as he may think proper and for the purpose of making the said enquiry all Parties and their witnesses are to be examined Upon oath before the Master as he shall direct And in regard to so much and such part of the said Decretal Order of the said Thirty First day of March last as respects "The Legacy to the Hospital and Charity House at the Luz in the Twenty eighth

Eighth Paragraph of the said Testators Will mentioned. This Court doth
Order that the same be affirmed And it is further Ordered that it
referred to the Master to tax the Costs of the said Defendant Fre Don
Manuel De Ave Maria and the said Defendant Emanuel Bilderbeck
their Costs of the rehearing of this Cause And this Court doth Or
that the same when Taxed be added at the foot of this Decree and
signed by One of the Judges of this Court be paid by the said Sub
Treasurer with the like privity of the said Accountant General fro
out of the funds by the said Secretal Order directed to be placed
Credit of this Cause to the Account of "The Residue of the said Fre
Estate" that is to say to Mr. Oriel Vivash the amount of the Tax
Costs of the said Defendant Fre Don Manuel De Ave Maria
Mr. Henry Paulin the Taxed Costs of the said Defendant Ema
Bilderbeck And this Court doth reserve the Consideration of
of the enquiry by the said Master hereby directed until after
Master shall have made his report.

By the Court.

Eo
Ac 7
Dr.

Paul Vivash

Sol for the Defts
Fre Don Manuel
de Ave Maria

Wm Paulin.

Wm for Defts Bilderbeck

The Amount of the Taxed Costs to be paid to Mr
Oriel Vivash Solr for the Defts Fre Don
Manuel de Ave Maria in pursuance of this
Decree is Rupees Two thousand two hundred & fifty
Eight & Ten Jannums as appears by the Certificate of
the Master dated 18 January 1833.

(Sd) RBonyn

The Amount of the Taxed Costs to be
to the Solicitor for the Defendant
Bilderbeck in pursuance of this D
is Rupees One thousand two hun
and twenty seven and fanams
as appears by the Certificate
Master dated 23d August 183

(sd) RBonyn

In the Supreme Court of Judicature at Madras
Fourth Term 13th September 1832

Equity Side

...nah Row and Jagaraz Row the Sons
...Legal personal representatives of Seevan
...ar Deceased - - - - - - - - - - - - - - -

AND

...ah Ram Sahoo Row Runga Row
...anatha Row Bawanee Row Visvanatha
...w Appoo Row Vencata Row
...ambuck Row Sadasevah Row and
...woo Row and Francis Tauquier
... George Tod Esquire and Frances
...tworth Russell Esquire - - - - -

The Matter upon the Plea put in by the Defendants Rajah Ram Sahoo Row Runga Row Yaganatha Row Bawanee Row Visvanatha Row Appoo Row Vencata Row Triambuck Row Sadasevah Row and Ranoo Row to the Bill of Complaint in this Cause coming on to be Argued on this present day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides And the said Plea being opened upon debate of the Matter and hearing what was alleged by Counsel on both Sides. This Court doth Order that the said Defendants above named be at liberty upon payment of Costs of the said Plea to Amend the same by inserting therein such Averments as they may be advised - The Defendants Undertaking to amend the same in Two Months from the date hereof.

By the Court.

Register

In the Supreme Court of Judicature at Madras

Second Term 1832

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Wednesday the Fourth day of April One thousand Eight hundred and Thirty two. And in the Second Year of the Reign of His Majesty King William the Fourth.

Between Addapully Cauree Chitty. Complainant

and

The United East India Company of Merchants of England Trading to the East Indies and John Sullivan. Defendants

This Cause coming on the Twenty Second Twenty third Twenty fourth and Twenty Sixth days of March last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel on all sides Upon opening the Original and Amended Bill of Complaint of the above named Complainant The Answer of the said Defendants The United Company thereto and the Several Answer and further Answer of the said Defendant John Sullivan And upon hearing read as Evidence for the said Complainant the Several passages in the said Several Answer of the said Defendant John Sullivan as follow that is to say from the words "He Admits that the said Complainant" in folio 2 to the words "or Monthly Pay of Thirty Pagodas" in the same folio from the words "And this Defendant further Answering saith he Admits" in folio 25 to the words "about the time

in

in the said Amended Bill stated" in folio 27 from the words "And this Defendant further Answering Saith" in folio 80 to the words "Accounted for and Credited to the said United Company" in folio 82 from the words "and this Defendant further Answering Saith that the only debt in folio 83 to the words "to this Defendant as such Collector as aforesaid" in folio 84 from the words "And this Defendant further Saith that the several Schedules" in folio 102 to the words "as such Collector as aforesaid" in folio 103 from the words "And this Defendant further Saith" in folio 109 to the words "parcel of this his Answer" in folio 111 and also the several passages in the said further Answer of the said Defendant John Sullivan as follow that is to say from the words "And this Defendant further Answering Saith" in folio 304 to the words "or at all" in the same folio from the words "And this Defendant further Answering Admits" in folio 322 to the words "in that behalf mentioned" in folio 323 and also the several passages in the said Answer of the said Defendants the United Company as follow that is to say from the words "And these Defendants further Answering Admit that the Complainant" in folio 17 to the words "then Collector of Coimbatoor" in folio 18 from the words "And these Defendants further Answering Admit that the Complainant was Employed" in folio 70 to the words "in that behalf mentioned" in folio 72 from the words "And these Defendants further Answering Admit that on the death" in folio 99 to the words "the Office of such Collectors" in folio 101 from the words "And these Defendants Admit" in folio 179 to the words "for the use of these Defendants" in the same folio from the words "And these Defendants further Answering Say in folio 180 to the words "in support of this their Answer" in folio 181 from the words "And these Defendants further Answering Admit that the Last mentioned Terry" in folio 182 to the words "by the Complainant as aforesaid" in folio 183 from the words

"And these Defendants further Answering Say that the Complainant" in folio 188 to the words "the last mentioned Petitioner" in folio 189 from the words "And these Defendants further Answering Admit that applications" in folio 203 to the words "to Comply therewith" in folio 204 from the words "And the Defendants say that the proceedings" in folio 205 to the words "for the Acts so done and sanctioned" in folio 207 from the words "And these Defendants further Answering Admit that seperate Petitions" in folio 328 to the words "altogether unfounded" in folio 329 from the words "And these Defendants further Answering Say" in folio 373 to the words "leave to refer thereto" in the same folio from the words "and these Defendants further Answering Admit that the imprisonment in folio 375 to the words "Against the Complainant" in folio 376 from the words "And these Defendants further Answering say that the Property" in folio 381 to the words "One thousand Eight hundred and fifteen" in folio 382 from the words "And these Defendants further Answering say that after" in folio 417 to the words "or thereabouts" in folio 419 together with such parts of the said Bill of Complaint as are referred to in the said passages of the said Answers respectively also the Deposition of Sattamongalom Ramanjooloo Syengar to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Bawanee shashachelliah Brahmin to the First Ninth and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Salem Syavengar to the First Twelfth and Thirteenth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Sobaroya Chitty to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Coopooswamy Chitty to the first and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Doolooo Coopenningar to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Sasha Chitty to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Venkata Soobee Chitty to the First Ninth and Seaventh Interrogatories in Chief

filed

in the said Amended Bill stated" in folio 27 from the words "And this Defendant further Answering Saith" in folio 80 to the words "Accounted for and Credited to the said United Company" in folio 82 from the words "and this Defendant further Answering Saith that the only debt" in folio 83 to the words "to this Defendant as such Collector as aforesaid" in folio 84 from the words "And this Defendant further Saith that the several Schedules" in folio 102 to the words "as such Collector as aforesaid" in folio 103 from the words "And this Defendant further Saith" in folio 109 to the words "parcel of this his Answer" in folio 111 and also the several passages in the said further Answer of the said Defendant John Sullivan as follow that is to say from the words "And this Defendant further Answering Saith" in folio 304 to the words "or at all" in the same folio from the words "And this Defendant further Answering Admits" in folio 322 to the words "in that behalf mentioned" in folio 323 and also the several passages in the said Answer of the said Defendants The United Company as follow that is to say from the words "And these Defendants further Answering Admit that the Complainant" in folio 17 to the words "then Collector of Coimbatoor" in folio 18 from the words "And these Defendants further Answering Admit that the Complainant was Employed" in folio 70 to the words "in that behalf mentioned" in folio 72 from the words "And these Defendants further Answering Admit that on the death" in folio 99 to the words "the Office of such Collectors" in folio 101 from the words "And these Defendants Admit" in folio 179 to the words "for the use of these Defendants" in the same folio from the words "And these Defendants further Answering say in folio 180 to the words "in support of this their Answer" in folio 181 from the words "And these Defendants further Answering Admit that the last mentioned Sum" in folio 182 to the words "by the Complainant as aforesaid" in folio 183 from the words

"And these Defendants further Answering say that the Complainant" in folio 188 to the words "the last mentioned Petitioner" in folio 189 from the words "And these Defendants further Answering Admit that applications" in folio 203 to the words "to Comply therewith" in folio 204 from the words "And the Defendants say that the proceedings" in folio 205 to the words "for the Acts so done and sanctioned" in folio 207 from the words "And these Defendants further Answering Admit that seperate Petitions" in folio 228 to the words "altogether unfounded" in folio 229 from the words "And these Defendants further Answering say" in folio 373 to the words "Leave to refer thereto" in the same folio from the words "and these Defendants further Answering Admit that the imprisonment in folio 375 to the words "Against the Complainant" in folio 376 from the words "And these Defendants further Answering say that the Property" in folio 381 to the words "One thousand Eight hundred and fifteen" in folio 382 from the words "And these Defendants further Answering say that after" in folio 417 to the words "or thereabouts" in folio 419 together with such parts of the said Bill of Complaint as are referred to in the said passages of the said Answers respectively also the Deposition of Sattamongalom Ramangooloo Syengar to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Bawanee Sashachelliah Braming to the First Ninth and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Salem Syavengar to the First Twelfth and Thirteenth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Sobaroya Chitty to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Coopooswamy Chitty to the first and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Soobee Cooperviengar to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Sasha Chitty to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of P. Venkata Soobee Chitty to the First Ninth and Sixteenth Interrogatories in Chief

filed

filed on behalf of the said Complainant. The Deposition of Moothien Chitty is the first Twelfth Interrogatories in Chief filed on behalf of the said Complainant. Whereupon and upon debate of the Matter and hearing what was alleged by the Advocate for the Several parties respectively and on Mature Consideration had thereof This Court doth Order and Decree that the said Complainants Bill do stand and be dismissed out of Court with Costs.

By the Court

Ed Stn

Thos. Jas

Asst Solicitr

In the Supreme Court of Judicature at Madras

Fourth Term 25th September 1832

Ecclesiastical Side.

In the Matter of the Goods and Chattels of Shaick Mahomed Soobadar deceased wherein Semaul Sahibah is ..... Petitioner and Salabath Khan is ..... Caveator

The Matter upon the Caveat filed by Salabath Khan the Nephew and legal representative of the said Shaick Mahomed Soobadar deceased against the grant of Letters of Administration to the Estate and Effects of the said deceased to Semaul Sahibah the Sister and only legal personal representative of the said Deceased Coming on to be argued this day. Upon reading the Petition of the said Semaul Sahibah (verified by her affidavit) filed on the 6th day of July 1832 praying that Letters of Administration to the Estate and Effects of the said Shaick Mahomed Soobadar deceased might be granted to her as such Sister of the said Shaick Mahomed Soobadar Deceased as aforesaid. The Affidavit of Abdool Rufool, Cawder Ally, Buddroodeen Abdoolah Baig, Sadoo Roy, and Mahomed Moorod filed on the 3rd day of August 1832 in support of the said Petition. The Affidavit of Hyder Hoopain Khan, Shaick Mahomed, Syed Boodhan, Syed Ally, Beeraheem Khan, Mohib Ally, Gholam Hoosain Moonshee, Gholam Mahomed, Abdool Ryman, Sheikh Davood, Soll Mahomed, Bawa Saheb, Mahomed Ghouse, Mohyuddeen Baig, Wallee Mahomed, Abdool Khader, Gholam Moortooza, and Hyder Ally filed on the 19th day of September instant also in support of the said Petition. And upon reading the Caveat of the said Salabath Khan and his Affidavit filed on the 20th day of July 1832 in support thereof. The Affidavit of Mahomed Ally, Syed Mahadar, Sugudgth Sing, Syed Ebrahim

Ebramhim, Hafiz Mohyaddeen, Ahmed Khan, Bava Saib, Moodeen Saib
Drum Major Makay, Mirzah Semanbucketh, Mahomed Yacoob, Mo
Nesar Ally, Syed Nahser, Yar Mahomed Khan Behander and Allah
Naser filed on the 15th day of September instant also in support of
said Caveat. Now upon debate of the Matter and hearing what
alleged by the Advocates for the respective parties and upon due
Consideration had thereon. It is Ordered that the said Petition
allowed to stand and be in force for Six Weeks with liberty to
said Semaul Sahibah within that period to file a Libel and in
default thereof that the said Petition do stand and be dismis
out of Court with Costs.

By the Court.

Proctor for the Petr.

In the Supreme Court of Judicature at Madras
Ecclesiastical Side — Fourth Term 27th September 1832

In the Matter of the Last Will and Testament of Chacara Arnachella Moodelly late a Hindoo Inhabitant of Madras Deceased - - - - - .

Wherein

Milay Ninecapah Moodelly is .. Petitioner

and

Mungyer Karasoo Ummall is .. Caveatrix.

Forasmuch as upon reading a Notice in Writing from Mr. Oriel Vivash Proctor for the Petitioner to Mr. Thomas Teed Proctor for the Caveatrix of this Application. The Affidavit of Anthony Viera of Service of the said Notice on the said Thomas Teed on the 20th day of September instant. Upon reading the Petition of the said Milay Ninecapah Moodelly (verified by his Affidavit) filed on the 24th June last praying that he might be at liberty to prove the said Will of the said Testator Chacara Arnachella Moodelly in solemn form and that Letters of Administration of the Estate and Effects of the said Testator with his said Will annexed might be granted to and pass the Seal of this Court in favor of the said Petitioner as the residuary Legatee in the said Will named. And the Affidavit of the said Milay Ninecapah Moodelly filed on the 25th day of September Instant in support thereof. And upon reading the Caveat filed by the said Mungyer Karasoo Ummall the Widow of the said Deceased against the grant of Probate or Letters of Administration to the Estate and Effects of the said Deceased to the said Milay Ninecapah Moodelly and her Affidavit filed on the 12th day of September instant in support thereof. A Motion was this day made by Mr. Advocate General on behalf of the said Milay Ninecapah Moodelly that Letters of Administration of the Estate and Effects with the Will annexed of the said Chacara Arnachella Moodelly Deceased should pass the Seal of this Court in favor of the said Milay Ninecapah Moodelly.

And

And upon hearing Cause shewn by Mr. Teed on behalf of the said Mary
Karasoo Ummall against the said Motion. It is Ordered that the
Petition be allowed to stand and be in force for One Month from this d
hereof with liberty to the said Milay Nincapah Moodelly within th
period if he thinks proper so to do to file a Libel and in default th
that the said Petition do stand and be dismissed out of Court with co

By the Court.

Proctor for Petr

Thos. Teed
Proctor for Caveatrix

And upon hearing Cause shewn by Mr. Teed on behalf of the said Allay
Karasoo Unmall against the said Motion. It is Ordered that the s
Petition be allowed to stand and be in force for One Month from the da
hereof with liberty to the said Milay Nincapah Moodelly within the
period if he thinks proper so to do to file a Libel and in default the
that the said Petition do stand and be dismissed out of Court with co

By the Court.

Proctor for Petr

Thos. Teed
Proctor for Caveatrix

In the Supreme Court of Judicature at Madras

Sittings after the Fourth Term 1832.

Equity Side

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Monday the Twenty Ninth day of October One thousand Eight hundred and Thirty two And in the Second Year of the Reign of His Majesty King William the Fourth Between George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras

Informants

and

Edward De Silva and Peter Cochart

Defendants

And by Bill of Revivor

George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras

Informant

and

Edward De Silva and Peter Cator Esquire Administrator of the Goods and Chattels of Peter Cachart Deceased

Defendants

This Cause coming on this day to be heard for further directions and Cost reserved by the Decretal Order of this Court bearing date the Ninth day of April One thousand Eight hundred and Thirty two and now upon hearing read the said Decretal Order also the Masters Report of the Twenty Sixth day of October instant made in pursuance thereof and the Order Confirming the same by Consent whereby after

directing

Copy of the writings and Endorsements on the back of the Treasury Acknowledgment № 743 in the foregoing Report mentioned.

№ 6884 d 1831/32

John Cachart Acting } Executor
E: D'Silva Executor

№ 13

Ec.d D. D.S.
Ec.d R N D E B W
Ec.d a a G.

P: Kistnamah

Int.t paid by a Treasury Acknt.e 31.st Oct.r 1822

Tho.s Jarrett. a p.

S.R.s 1089 — — — — or M.R.s 1137 — 2 — 10
" — " — " — or — " — — " — 7 — 9.
S.R.s 1100 — — — — or M.R.s 1148 — 10 — 7
Int.t for 214 days @ 5 p C.t — — — — 6 — 5
M.R.s 1149 — 1 — "

Pay to Mess.rs Binny & C.o or Order.

P: Kistnamah

Please to grant for the within Acknowledgment for S.R.s Twenty four thousand and two hundred a Bengal Government Promissory Note in Our Names.

Binny & C.o

(a true Copy)
J Savage
Master.

And upon hearing read also on behalf of the said Defendant Edward D'Silva two Exhibits marked respectively Z, and Y, whereupon and upon Debate of the Matter and hearing what was alleged by the Advocate General on his own behalf and by the Counsel for the said Defendant Edward DeSilva This Court doth Declare that the said Defendant Edward DeSilva is liable to make good to the Charity bequeathed by the said Testator Tre George Manenti in the Pleadings mentioned the Principal Sum of Sicca Rupees Twenty four thousand and two hundred together with Interest thereon at Six per Cent per Annum from the Ninth day of April One thousand Eight hundred and Thirty One the date of filing the said Original Information and It is Ordered that the said Defendant Edward DeSilva do or or before the First day of January next pay into the Treasury of Fort Saint George with the privity of the Accountant General of this Court the said Principal Sum of Money to be placed by the said Accountant General to the Credit of this Cause to an Account to be entitled "The Charities in the "Will of Tre George Manenti" the Testator in the pleadings of this Cause named. And it is further Ordered that the Master do Compute Interest upon such principal Sum of Sicca Rupees Twenty four thousand and two hundred from the said Ninth day of April One thousand Eight hundred and Thirty one up to the time of making his further Report at and after the rate aforesaid and that the Amount of such Interest be paid by the said Defendant Edward DeSilva into the said Treasury with the like privity of the said Accountant General and place to the said Charity Account as aforesaid. And it is further Ordered that it be referred to the Master to enquire and state who will be a fit and proper person to have the management and superintendance of the said Charities in the said

said Will named and to carry the Trusts thereof into Execution having regard to the Will of the said Testator Tho George Manente in that behalf And this Court doth refer it to the Master to tax the Relator his Costs in this Suit and to Certify what part thereof has been incurred by the said Relator from the last day of hearing this Cause And it is Ordered that such part of the said Costs when so Certified be paid by the said Defendant Edward De Silva to the said Relator or his Solicitor Mr. Thomas Seed and that the Amount of the remainder of such Costs be paid out of the Monies belonging to the said Charity And this Court doth Continue the reservation of any further directions until after the Master shall have made his further Report And any of the parties are to be at liberty to apply to this Court as there shall be occasion.

By the Court.

Ent NZ
RR

N. Wrench
Tho. Seed

Informants Sol.

150.

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two of them shall appoint and Signify in writing Under their
hands to be endorsed on these presents And that the said A
shall and do perform fulfill and keep such award so to be ma
them the said Arbitrators as aforesaid or any two of them Ap
is also Ordered by and with such Consent as aforesaid that the
of this Action and also the Costs of this reference And of the Aw
be made in pursuance thereof shall be in the discretion of the
arbitrators or any two of them who shall direct and Award by wri
and to whom and in what manner the same shall be paid by
that upon such Award of the said Arbitrators being duly ma
and published a Verdict in this Action as of the present Term
duly entered of Record of this Court Conformably to the said
together with Costs as aforesaid so far as is Consistent with the
Award the said Costs to be taxed by the Master in like ma
as if the Verdict of this Court had been given to the same
And that the Parties aforesaid respectively (if required) and their
respective witnesses may be examined before the said Arbitrators
any two of them upon Oath to be sworn before the Chief Justice
one of the other Judges of this Court And that the said Parties
respectively do produce to the said Arbitrators or any two of the
all Papers Notes writings Books Accounts and Documents
the possession or power of them respectively which relate to the
Matters in difference as the said Arbitrators or any two of the
shall think fit and until the making and publishing such
award as aforesaid neither of the said Parties shall further
prosecute or Commence any Action or Suit at Law or in Equity
touching the said Matters in difference which are Comprehended

this reference And also that the said Arbitrators or any two of them
shall be at liberty to proceed and make their Award Ex parte in Case of
the non attendance of either of the said Parties in difference or of their
witnesses after Six days previous Notice in writing Under the
hands of the said Arbitrators or any two of them given to the said
Parties in difference respectively at their then last known respective
place or places of abode notifying the time and place of meeting
to proceed in the said reference And lastly it is Ordered
that in Case the said Arbitrators or any two of them shall not be
prepared to make and publish their Award within the time aforesaid
then that the said Arbitrators or any two of them shall by
indorsements to be written on this Order from time to time
enlarge the time for making and publishing the said Award
as they shall deem reasonable giving to the said Parties or their
attornies respectively reasonable and Sufficient Notice of such
enlargement or enlargements of time.

By the Court

Ezek Fenwick
p. th. Atty

Wm Hamilton
D. th. Atty

In the Supreme Court of Judicature at Madras.

First Term 1832.

Equity Side.

Present.

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Tuesday the Tenth day of April One thousand Eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth.

Between George Frederick Fischer and Thomas James Fischer - - - - Complainants

and

Peter Cator Esquire administrator of George Frederick Fischer Deceased and Marianne Stephens and Peter Vanspall when he shall come within the Jurisdiction of this Court.

Defendants

This Cause coming on the Twentieth and Twenty first days of February last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel on behalf of the Complainants and also on behalf of the said Defendants Peter Cator and Marianne Stephens respectively upon opening the Bill of Complaint of the above named Complainants the several Answers of the said Defendants Peter Cator and Marianne Stephens thereto and upon

upon hearing read as Evidence for the said Complainants the several passages in the said several answer of the said Defendant Peter Cator as follow that is to say from the words "and this Defendant Says" in folio 5 to the words "George Frederick Fischer Esquire" in folio 6 from the words "and this Defendant further answering admits" in folio 10 to the words "as hereinafter setforth" in folio and also the several passages in the said several answer of the said Defendant Marianne Stephens as follow that is to say from the words "and this Defendant further answering says she believes" in folio 3 to the words "the Registrar of this Honorable Court" in folio from the words "and this Defendant further answering says" in folio the words "One thousand Seven Hundred and Ninety Six" in the same folio the words "and this Defendant admits that in or about the year One Thousand Eight hundred" in folio 13 to the words "discontinued business" in the same folio from the words "and this Defendant further answering says" in folio 16 to the words "this Honorable Court" in 17 from the words "and this Defendant admits that the said George Frederick Fischer Deceased" in folio 23 to the words "transactions" in folio 25 from the words "and this Defendant admits that some of the Books" in folio 27 to the words "Stephens and" in the same folio from the words "and this Defendant believes it to that from the year One Thousand Eight hundred" in folio 29 to the words "does not know" in the same folio from the words "and this believes it to be true that none of the creditors" in folio 32 to the "One Thousand Eight hundred and Ten" in folio 34 from the words "this Defendant further answering Says" in folio 36 to the words "payment thereof" in the same folio from the words "and this Defendant admits it to be true that the said Thomas Stephens" in folio 39 to the words "with the said Thomas Stephens" in folio 40 from the words "this Defendant further answering Says" in folio 46 to the words "said commissioners" in folio 47 together with such of the said Bill of

complaint as are referred to in the said passages of the said answers respectively Also the Deposition of John Hanbury Esquire to the First and Second Interrogatories in chief filed on behalf of the said complainants The Deposition of William Hart Esquire to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said complainants and also the affidavit of the Complainant George Frederick Fischer and John Charles Vanspall Sworn and filed in this cause on the Eighteenth day of February instant setting forth among other things that the Deponents believe that the said Defendant Peter Vanspall has during the last several months resided and still doth reside at Bombay and upon hearing read as Evidence for the said Defendant Marianne Stephens the Deposition of John Solomon Hall Esquire to the First Second and Fourth Interrogatories in chief filed on behalf of the said Defendant Marianne Stephens The Deposition of Tolesingah Naick to the First and Sixth Interrogatories in Chief filed on behalf of the said Defendant Marianne Stephens The Deposition of Mr. John Cowan to the First Third and Fifth Interrogatories in chief filed on behalf of the said Defendant Marianne Stephens and also the Exhibits marked **B, I, J, A,** and **F,** and upon hearing read as Evidence for the said Defendant Peter Cator the Exhibit marked **L,** Whereupon and upon debate of the matter and hearing what was alleged by the advocates for the several Parties hereunto mentioned and on Mature consideration had thereon This Court doth Declare that under all the circumstances of this case the Bond marked **B.** in the pleadings in this cause mentioned and bearing date the Thirtieth day of September One Thousand Seven Hundred and Ninety Seven ought to be presumed to have been satisfied - and this Court doth accordingly order and Decree that the said Bond be forthwith delivered up by the said Defendant Marianne Stephens to the Registrar of this Court to be

cancelled

cancelled and that the said Registrar do thereupon cancel the
and that in the mean time the said Defendant eMariamma
be restrained by the order and Injunction of this Court from
commencing or proceeding in any action or Suit at Law or in Eq
against the said Defendant Peter Cator as administrato
said George Frederick Fischer deceased or against the Estate of
said George Frederick Fischer upon the said Bond or in
thereto - and the said Complainants by their Counsel eMr Be
waiving so much of the relief prayed by their Bill of
Complaint as seeks to have the balance of the Estate of the
George Frederick Fischer Deceased remaining in the said Def
Peter Cator's hands paid over to the said Complainants. It
Court doth not make any order in respect thereof - Al
it is further ordered that the Costs of the Complainant
this cause as between party and party be taxed by the eMaste
paid to them or their Solicitor eMr Arib Tiveash from and
of the Estate of the said Intestate and that the Costs of th
Defendant Peter Cator be taxed as between Solicitor and client
~~that the said Defendant be at liberty to retain the same~~
~~retained by him from time~~ out of the said Estate - and all
are to be at liberty to apply to this Court touching any of
matters aforesaid as there shall be occasion -

By the Court -

A Henchman
Dep. Regr.

In the Supreme Court of Judicature at Madras

Second Term 1832

Equity Side

Present.

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
One of His Majesty's Justices

Monday the Ninth day of April One thousand eight hundred and Thirty two - and in the Second Year of the Reign of His Majesty King William the Fourth.

Between George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras - - - - Informant

versus

Edward De Silva and Peter Cachart Defendants

and

George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies at their Presidency of Fort Saint George by and at the Relation of the Reverend Fre Felix a Capuchin Friar attached to the Capuchin Mission at Madras - - - - - - Informant

versus

Edward De Silva and Peter Cator Administrator of Peter Cachart Deceased by Revivor - - - Defendants

This Cause coming on the Fourth Fifth and Seventh days of April Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence

R C M Palmer

R Comyn

presence of Counsel learned on behalf of the said Informant and also of the said Defendant Edward De Silva. Upon opening the Original and Amended Information and also the Information of Answer of the above named Informant the Answer and further Answers of the said Defendant Edward De Silva to the said Original and Amended Information And upon hearing read as Evidence for the said Informant the Several passages in the Answer of the said Defendant Edward De Silva as follow that is to say from the words "And this Defendant further Answering Admits that after the death" in folio 20 to the words "Sums of Money from this Defendant" in folio 21 from the words "this Defendant Admits" in folio 26 to the words "for renewal" in folio 27 from the words "And this Defendant Saith that not being then Aware" in folio 31 to the words "Security for the funds of the said Estate of the said Tre George Manente" in folio 32 from the words "But this Defendant Says" in folio 33 to the words "and other Property" in folio 35 from the words "but this Defendant Saith that at the particular request" in folio 38 to the words "with which this Defendant debited the said Peter Cachart" in folio 40 from the words "and this Defendant further Answering Saith that shortly after" in folio 45 to the words "re-established in business" in folio 48 and also the several passages in the further Answer of the said Defendant Edward De Silva as follow that is to say from the words "he admits" in folio 3 to the words "former Answer stated" in folio 4 from the words "And this Defendant Admits to the best" in folio 4 and 5 to the words "information on that behalf mentioned" in folio 9 and also the Several passages in the

further Answer of the said Defendant Edward De Silva to the Amended Information as follow that is to say "But this Defendant Answering according" in folio 2 to the words "One thousand Eight hundred and Sixteen" in folio 3 from the words "And this Defendant Saith that the particulars" in folio 4 to the words "Sicca Rupees Seven thousand" in folio 6 from the words "And this Defendant further Answering Saith he believes" in folio 7 to the words "John Cachart" in folio 9 from the words "But this Defendant Says that shortly" in folio 13 to the words "belonging to the said Estate" in folio 14 from the words "and this Defendant further Answering Admits" in folio 21 to the words "in the possession of this Defendant" in folio 22 together with such parts of the said Information as are referred in the said passages of the said Answers respectively also the Deposition of Vallavalum Ragavah Chavry to the First and Fourth Interrogatories in Chief filed on behalf of the said Informant The Deposition of Thomas Monipie to the First and Fifth Interrogatories in Chief filed on behalf of the said Informant The Deposition of Richard Lewis De Silva to the First and Second Interrogatories in Chief filed on behalf of the said Informant and also the Exhibits Marked respectively **A** **B** and **C** and the Last Will and Testament of the late Tre George Manente the Testator in the pleadings of this Information named and for as much as the Defendant Peter Cachart being served with process to appear to and Answer the said Information hath stood out all proces of Contempt for want of his appearance and a Writ of Sequestration under the Seal of this Court was awarded and issued against him and for as much as upon the death of the said Defendant Peter Cachart the said Information was duly revived against the said Defendant Peter Cator as his Administrator and the said Peter Cator hath appear

but hath not put in his Answer to the said Information the Informant obtained an Order dated the Sixteenth day of February One thousand Eight hundred and Thirty two that this Information should be set down to be heard and that the Registrar of this Court should attend with the Record of the said Information in Order that the same might be taken pro Confesso against the said Defendant Peter Cator as such Administrator as aforesaid and the Registrar now being present and producing the Record of the said Information accordingly and the said Defendant Peter Cator still declining to put in his Answer Whereupon and upon debate of the Matter and hearing what was alleged by the Advocate General on this own behalf and by the Counsel for the said Defendant Edward De Silva This Court doth declare that the Charitable bequests created by the said Will of the said Fre George Manuele ought to be established and ought to be performed and carried into Execution and Doth Order and Decree the same Accordingly And this Court doth further Order that as against the said Defendant Peter Cator the said Information be taken Pro Confesso and Doth Declare that the Estate of the said Peter Cachart the Defendant to the Original Information is chargeable to the said Charities for the Sum of Rupees Twenty Seven thousand One hundred and Fifty Seven the Amount of the Debt due from the said Peter Cachart to the Estate of the said Testator Fre George Manuele on the Twenty first day of July One thousand Eight hundred and Twenty five together with Interest thereon from that date at the rate of six per Cent per Annum and refer it to the Master to Calculate and state the Amount of such principal and Interest according to (this Court doth) in Case the said Defendant Peter Cator

Peter Cachart shall admit assets sufficient to pay the whole amount of such Principal and Interest This Court doth Order that he do pay the same into the Treasury of Fort Saint George with the privity of the Accountant General of this Court to be carried to the Credit of this Cause to the Account of the said Charities But in Case the said Peter Cator as such Administrator shall not admit assets sufficient to pay the whole amount of such principal and Interest as aforesaid then that the Master do take an Account of all and Singular the Estate and Effects of the said Peter Cachart Deceased possessed by or come to the hands possession or power of the said Defendant Peter Cator or any other Person or Persons by his Order or for his Use or which but for his or their wilful neglect or default might have been got in and received: and the said Master is to take an Account of the said Intestates Debts and Funeral expences and Compute Interest on his Debts carrying Interest at the rate of Interest the same respectively carry and the said Master is to cause an Advertisement to be published in the Madras Government Gazette and such other Public Papers as he shall think proper for the Creditors of the said Intestate to come in before him to prove their respective Debts and fix a peremptory day for that purpose and in default of their coming in they are to be excluded the benefit of this Decree. And it is further Ordered that the said Intestates said Estate and Effects be applied in payment of what shall be so as aforesaid found due by the said Estate to the said Charities and of the other Debts of the said Peter Cachart and his funeral expences in a due Course of Administration and for the better taking of the Accounts and discovery of the Matters aforesaid the parties are to produce before the said Master upon Oath all Books Papers and Writings in their Custody or Power relating thereto and are to be examined on Oath on Interrogatories or Viva Voce as the said Master shall direct who in taking the said Accounts is to make unto the Parties all just allowances and

and as against the said Defendant Edward De Silva This Court doth further Order and Decree that it be referred to the Master of this Court to enquire and Report how and in what manner and by whom and to whom the Treasury Acknowledgment No 7462 Dated 30th June 1825 for Sicca Rupees Twenty four thousand and two hundred standing in the names of John Cachart and Edward De Silva was disposed of and what endorsement or endorsements was or were made thereon and if the same was exchanged for any new Security or Securities in whose name such new Security or Securities was or were taken and what endorsement or endorsements was or were made thereon and if such Treasury Acknowledgment or any such new Security or Securities was or were disposed of for Money by whom such Money was received And this Court doth reserve all further directions and Costs until after the Master shall have made his Report and all Parties are to be at liberty to apply to this Court as there shall be Occasion.

Ed
Jn
Dr
Jas H

By the Court.
A Upsall
Dep

In the Supreme Court of Judicature at Madras
Ecclesiastical Side
First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
one of His Majestys Justices

Monday the Twentieth day of February One thousand eight hundred and thirty two and in the Second year of the Reign of His Majesty King William the Fourth. In the Matter of the Will of John Herbert Jones deceased.

wherein
Joseph Pugh Esquire..... is Opponent
and
Peter Calor Esquire..... is Opponent

This Matter coming on the Eighteenth day of February instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both Sides Upon Opening the Libel and the Allegations exhibited by the above named Opponent the Answer of the said Opponent thereto. And upon hearing read the Admissions of the said Opponents Proctor as follows that is to say First that Thomas Percy in the Ninth Article to the Libel mentioned departed this life on

Government Promissory Notes Viz^t One for Sicca Rupees Fifty thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be applied by him for the purposes of the said Hospital and Charity House in the said Twenty Eighth Paragraph of the said Testators Will in that behalf Contained the Interest now due and hereafter to Accrue due on the said Government Promissory Note for Sicca Rupees Fifty thousand And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy for the College of "Priests at the Cathedral of Saint Thome in the Twenty Eighth "Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Twenty five thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Dona Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said College of Priests the Interest now due and hereafter to accrue due on the said Government Promissory Note for Sicca Rupees Twenty five thousand And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be Entitled "The "Legacy for the Seminary for the Instruction of Priests in the "Twenty Eighth Paragraph of the said Testator's Will mentioned" One

One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Twenty five thousand and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Fre Don Manuel De Ave Maria or to the Bishop or Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said Seminary the Interest now due and hereafter to Accrue due on the said Government Promissory Note for Sicca Rupees Twenty five thousand and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The "Legacy for the Hospital and Charity House at Covelong in the Twenty "Ninth Paragraph of the said Testator's Will mentioned" One other of such Seventeen Government Promissory Notes Viz^t One for Sicca Rupees Fifty thousand and three hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant Emanuel Bilderbeck as such Executor as aforesaid to be by him applied for the purposes in the said Twenty Ninth Paragraph of the said Testator's Will in that behalf Contained the Interest now due and hereafter to accrue due on Sicca Rupees Fifty thousand two hundred and Seventy five Annas thirteen and Pice Nine part of the said Government Promissory Note for Sicca Rupees Fifty thousand and three hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Fifty thousand and three hundred to the said Account hereinbefore mentioned "The Account of the Residue of the "said

said Testator's Estate" and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy for the Covelong Church Seminary and "School at Covelong in the Codicil to the said Testator's Will "in that behalf mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Seventy two thousand and One hundred and do from time to time receive and carry to the like Account subject to the further Order of this Court the Interest now due and hereafter to accrue due on Sicca Rupees Seventy two thousand and Eighty One Annas Eleven and Pice three part of the said Government Promissory Note for Sicca Rupees Seventy two thousand and One hundred and do Carry the Interest of the Residue of the said Government Promissory Note for Sicca Rupees Seventy two thousand and One hundred to the said Account hereinbefore mentioned "The Account of the Residue "of the said Testator's Estate" And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy to the Church "Situated at the Suy in the Codicil to the said Testator's "Will in that behalf mentioned" One other of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees One thousand and Seven hundred and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this

Court pay to the said Defendant Fr. Don Manuel De Ave Maria or the Bishop or the Vicar General of Saint Thome for the time being to be by him applied for the purposes of the said Church the Interest now due and hereafter to accrue due on Sicca Rupees One thousand Six hundred and Seventy five Annas thirteen and Pice Nine part of the said Government Promissory Note for Sicca Rupees One thousand and Seven hundred and that the said Sub Treasurer with the like privity of the said Accountant General do Carry the Interest of the Residue of the said Government Promissory Note to the said Account hereinbefore mentioned "The Account of the Residue of "said Testator's Estate" and this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do Carry the remaining One of such Seventeen Government Promissory Notes Viz.t One for Sicca Rupees Two thousand and Six hundred together with the Sum of Madras Rupees One hundred and Twenty Eight and Annas Fifteen in Cash in the said Certificate of the said Accountant General mentioned to the Credit of the said Account hereinbefore mentioned "The Account of "the Residue of the said Testator's Estate" and this Court doth further Order and Decree that the several Sums hereinafter mentioned Viz.t the Sum of Madras Rupees two hundred and forty five and Annas Eight part of the Sum of Pagodas five hundred in the Second Paragraph of the said Testator's Will mentioned the Sum of Madras Rupees Seventeen thousand and five hundred on account of the Legacy in and by the Fourteenth Paragraph of the said Testator's Will bequeathed to John Bilderbeck the Sum of Madras Rupees Seven thousand on account

Account of the Legacy in and by the Eighteenth Paragraph of the said Testator's Will bequeathed to Coutts Trotter Arbuthnot the Sum of Madras Rupees Seventeen thousand and Five hundred on account of the Legacy in and by the said Codicil to the said Testator's Will bequeathed to Joseph Bilderbeck and the three several Sums of Madras Rupees One thousand Seven hundred and fifty, Madras Rupees One thousand Seven hundred and fifty and Madras Rupees One thousand Seven hundred and fifty on account of the Legacy in and by the said Codicil bequeathed to Bernarda Pereira Joaquintha Pereira and Josepha Pereira the three Daughters of Victoriano Pereira therein referred to be and the same are hereby declared to Charges upon all and Singular the said Testator's Houses and Lands in the Fourth Schedule to the said Report of the said Master bearing date the Twenty first day of March instant And also upon the Funds hereinbefore and hereinafter directed to be carried to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate". And this Court doth further Order and Decree that the said Defendant Emanuel Bilderbeck as such Executor as aforesaid do Continue to receive the Rents issues and profits of the said Houses and Lands and after deducting thereout all necessary Charges and outgoings and a Sum not exceeding Rupees Two hundred and fifty per Month on Account of the Several Pensioners and other Poor Persons who are Entitled to the Benefit of the Charity in the Thirty first Paragraph of the said Testator's

Testator's Will mentioned that he do deposit the remainder of such Rents issues and Profits at the End of every three Months in the Treasury to be there placed to the Credit of this Cause to the said Account hereinbefore mentioned "The Account of the Residue of the said Testator's Estate" until the whole of the funds standing at the Credit of the last mentioned Account shall amount to a Sum sufficient to pay and satisfy the several Legacies hereinbefore declared to be Charges upon the said Houses and Lands. And this Court doth further Order that when the Funds standing to the Credit of the said Account "The Account of the Residue of the said Testator's Estate" shall amount to a Sum sufficient for the purpose of Satisfying such Charges as last aforesaid that then the said Defendant Emanuel Bilderbeck do from time to time until the further Order of this Court after deducting all necessary Charges and outgoings pay every three Months the whole of the Residue of the said Rents issues and profits of the said Houses and Lands to the Bishop or Vicar General of Saint Thome for the time being upon the trusts and for the purposes in the Thirty first Paragraph of the said Testator's Will in that behalf mentioned And this Court doth refer it to the Master to tax all parties their Costs in this Cause as between Solicitor and Client subsequent to the said Decretal Order of the Twenty third day of September One thousand Eight hundred and Thirty One and that the said Defendant Emanuel Bilderbeck be at liberty to retain the amount of his said Costs when so Taxed out of the balance of the said Testator's Estate of Rupees Eight thousand Nine hundred and Twenty four Anna One and Pice four found to be remaining in his hands as aforesaid and that the Residue of such Costs when Taxed and added at the foot of this Decree and Signed by One of the Judges of this Court be paid by the said Sub-

Treasurer

Treasurer with the like privity of the said Accountant General from and out of the Funds standing to the Credit of this Cause to the Account of "The Residue of the said Testator's Personal "Estate" as follows - that is to say - to Mr. Thomas Tod the Amount of the Complainants Taxed Costs to Mr. Oneil Weeash the amount of the Taxed Costs of the Defendant The Reverend Pre Don Manuel De Ave Maria And this Court doth further Order that after payment of such Costs as aforesaid the said Sub Treasurer with the like privity of the said Accountant General do invest the Residue of the Funds which shall be then standing to the Credit of the said last mentioned Account and also all Sums of Money which shall from time to time be standing or placed to the Credit of the same Account in Government Securities for the purposes of Accumulation subject to and until the further Order of this Court And it appearing by the said Report of the Master bearing date the First day of August One thousand Eight hundred and thirty One that the said Complainants have duly Accounted before him for their Administration of the said Testator's Estate up to the Thirty first day of December One thousand Eight hundred and Twenty Eight when the said Defendant Emanuel Bilderbeck took upon himself the sole burden of the Administration thereof This Court doth Order and Decree that the said Complainants George Arbuthnot James Morgan Strachan and John Binny and William Scott upon filing in the Registry of this Court a Certificate of the said Accountant General that they have deposited in the said Treasury with his privity as aforesaid by the said Decree of the Twenty third day of September One thousand

thousand Eight hundred and thirty One is directed the several Grants Certificates and Documents hereinafter mentioned Viz.t

One Government Grant dated 17th July 1802 and Numbered 766.

Two other Government Grants One Numbered 703 and dated 5th November 1801. and the other dated 2nd September 1796 for 8 Cannies 11 Grounds and 2324 Square feet.

One other Company's Grant Numbered 1483 and dated 8th November 1815.

and Ten Collector's Certificates as follows -

One Numbered 2775 and dated 22nd May 1815.

One other Numbered 2776 and dated 22nd May 1815.

One other Numbered 2777 and dated 22nd May 1815.

One other Numbered 2774 and dated 22nd May 1815.

One other Numbered 2846 and dated 10th August 1815

One other Numbered 2358 and dated 23rd January 1815

One other Numbered 3364 and dated 17th July 1817.

One other Numbered 3150 and dated 17th July 1817

One other Numbered 3165 and dated 17th July 1817.

And One other Numbered 3230 and dated 8th October 1817.

One assignment of a Large and also a Small House in Armenian Street.

Three other Collector's Certificates Viz.t

One Numbered 787 and dated 25th July 1810

One other Numbered 535 and dated 28th February 1810.

and One other Numbered 652 and dated 14th March 1810.

One other Certificate Numbered 1580 and dated 1st July 1803

One other Grant Numbered 9 and dated 22nd December 1807.

and One other Grant Numbered 927 and dated 2nd September 1803.

being the several Grants Certificates and other Documents relating to the landed Estate of the said Testator in the fourth Schedule to the Report of the said Master dated First day of August One thousand

thousand Eight hundred and thirty One mentioned to be in the possession of the said Complainants and also a Certificate of the said Accountant General that the said Complainants have deposited in the said Treasury the Three Several Government Securities for Sicca Rupees four Lacs three thousand and one hundred Sicca Rupees Ninety Nine thousand and Eight hundred and Sicca Rupees Fifty four thousand and two hundred in and by the said Decree of the Twenty third day of September One thousand Eight hundred and thirty One also directed be discharged from the further Execution of the Trusts of the said Testator's Will and Codicil respectively and from the Administration thereof- and this Court doth further Order that all Persons interested in any of the Several Legacies in and by the said Testators Will and Codicil respectively bequeathed and directed to be secured and Charged in the manner hereinbefore in that behalf mentioned are to be at liberty to apply to this Court by Petition in this Cause touching their respective interests in such Several Legacies as they may think fit and all parties are to be at liberty to apply to this Court as to any of the Matters aforesaid as they may be advised.-

Enrd 1 & 2

By the Court.

W Thr
Registrar

W. pr D.M. Roberts

I hereby Certify that the amount of the Complainants Costs directed to be paid by the foregoing Decree is five thousand three hundred and Seventy two Rupees and six fanams as appears by the Certificate of the Acting Master dated 13th August 1832.-

R Lemyn

I hereby Certify that the Amount of the Defendant the Revd Fra Don Manuel de Ave Maria's Costs directed to be paid by the foregoing Decree is Four thousand three hundred and fifty Eight Rupees and Two fanams as appears by the Certificate of the Acting Master dated 31 Augt 1832.-

31st August 1832

In the Supreme Court of Judicature at Madras
Ecclesiastical Side
First Term 1832

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight
One of His Majestys Justices

Monday the Sixth days of February One thousand Eight hundred and Thirty two. And in the Second Year of the Reign of His Majesty King William the Fourth.

In the Matter of the Last Will and Testament of Manally Kistnasawmy Moodelly Deceased wherein

Manally Sonnatah Moodelly ..... is Proponent

and

Manally Sutchmanah Moodelly ..... is Respondent

This Matter coming on the Third and Fourth days of February Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both Sides upon opening the Libel exhibited by the above named Proponent the Answer of the said Respondent thereto And upon hearing read as Evidence for the said Proponent the Deposition of Seeve Vydelingum Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Mylay Chittombala Vanaiga Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Kallombador Tombeapah Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Proponent. The Deposition of Manally Moodookistnah Moodelly to the First and Third Interrogatories

R. Palmer
R Comyn

on

in Chief filed on behalf of the said Proponent. The Deposition of John D[illegible] the First and Third Interrogatories in Chief filed on behalf of the said [illegible] And the Translate of the Paper writing purporting to be the Last Will and Testament of the said Manally Kistnasawmy Moodelly bearing date the Seventh day of May One thousand Eight hundred and Twenty Nine Marked with the Letter A and upon hearing read as Evidence for the said Respondent Deposition of Nattambadi Ramasawmy Moodelly to the First Second Fourth Sixth and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Cattoorangolum Vadachellae Moodelly to the First Second Third Sixth and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Vydeanu Candalaroya Brammy to the First Second Fifth and last Interrogatories in Chief filed on behalf of the Respondent. The Deposition of Barah Saib to the First Second Fifth and Interrogatories in Chief filed on behalf of the said Respondent. the several Affidavit of Manally Pennah Moodelliar Seroovatuswaramy Vydelinguen Moodelliar Conchie Narsoo Naick Mylasee Veeyagunnah Nattambadoo Tombeapah Moodelliar Mylapoor Chenglevoy Moodelliar Mangadoo Saravonah Moodelliar filed on the Twenty Ninth day of Sept One thousand Eight hundred and Twenty Nine and upon hearing read the Proponent the Articles of Exception Exhibited by the said Proponent discredit the Testimony of Vendelroy Brammy Barah Saibe & Ramen and C. Vadachella. The Deposition of Mylapoor Chenglevoy Moodelly otherwise called Ramorgam Moodelly to the First Second Third Fifth Sixth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Mangadoo Saravonah Moodelly the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Cattoor Poobier Brammy to the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Maare Mootoo Naick to the First and Second Interrogatories in Chief on behalf of the Proponent in support of the said Articles. The Deposition of Mylay Chittambola Veeraya Moodelly to the First Second and Third Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Seeroo Vydelinga Moodelly to the First and Sixth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Nattambadoo Tombeapah Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the Proponent in support of the said Articles. The Deposition of Cattoor Poobier Brammy to the First the Respondent. The Deposition of Cattanoor Poobier Brammy to the First Third, Seventh, Eighth, Ninth, Tenth, Eleventh, and Thirteenth Cross Interrogatories filed on behalf of the said Respondent. The Deposition of Cattapoor Iyasawmy Moodelly to the First and Second Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Manally Poobaroya Moodelly to the First and Third Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Manally Tondavaroya Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Pullala Varadapah Naick to the First and Fifth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Poondamallee Veerazaloo Moodly to the First and Sixth Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. The Deposition of Vydeanu Ramah Brammy to the First and Seventh Interrogatories in Chief filed on behalf of the Respondent upon the said Articles. Whereupon and Upon debate of the Matter and hearing what was alleged by the Advocates on both sides and on Mature Consideration had thereon This Court doth pronounce and declare that the Paper writing in the pleadings in this Suit Named Marked A purporting to be the Last Will and Testament of the said Manally Kistnasawmy Moodelly is null and void. and this Court doth accordingly Order and Decree that the Probate of the said Paper Writing granted in favor of the said Proponent on the Sixteenth day of July One thousand Eight hundred and Twenty Nine be forthwith delivered up by the said Proponent to the Registrar of this Court to be cancelled and that the said Registrar do thereupon cancel the same. And this Court doth further Order and Decree that

that the said Libel exhibited by the above named Proponent be dismissed out of Court with Costs to be paid by the said Proponent. We do Decree Sentence of the same Accordingly.

By the Court.

Ext. Nat.

Respondent Proctor

Registrar

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

First Term 1832

In the Matter of the Last Will and Testament of Manally Kistnasawmy Moodelly deceased

Wherein

Manally Ponniah Moodelly is. Proponent

and

Manally Lutchmana Moodelly is. Respondent

In the Name of God Amen

We Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight one of His Majesty's Justices of the Supreme Court of Judicature at Madras Lawfully appointed for the hearing and determining of a Certain Testamentary business or proving by Witnesses the Testament or Last Will in Writing of Manally Kistnasawmy Moodelly Late of Madras deceased having whilst living and at the time of his death Goods Chattles and Credits in Madras aforesaid which is now Controverted and remains undetermined before us in Judgment between Manally Ponniah Moodelly the Executor the party promoting the said business of the one part and Manally Lutchmana Moodelly the party against whom the said business is promoted on the other part and the parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively and the Proctor of the said Manally Ponniah Moodelly praying Sentence to be given and Justice to be done to his party and the Proctor of the said Manally Lutchmana Moodelly also earnestly praying that the said Will might be pronounced and declared to be null and Void to all Intents and purposes of Law whatsoever and we having first Carefully and deligently Searched into and Considered of the whole proceedings had and done before us in this business and having Observed all and Singular

the Matters and things that by Law in this behalf ought to be observed We ha
thought and do thus think fit to proceed to the giving of our definitive deci
or final Decree in this business in manner and form following (to Wit) Having
as by the Acts enacted deduced alleged Exhibited propounded proved and Exp
in this business We have found and it doth Evidently appear unto us that
Proctor of the said Manally Ponniah Moodelly hath not sufficiently and fu
founded and proved his intention deduced in a certain allegation and
Will and Testament of the said Manally Kistna Sawmy Moodelly Decea
and other pleadings and Exhibits given in Exhibited and admitted on
behalf in this business and now remaining in the Registry of the Court
which said allegation and last Will and Testament of the said Deceased
and other Matters propounded Exhibited and admitted in this business We ha
and Will have taken as if here read and inserted for us to pronounce
hereinafter mentioned) therefore We Sir Ralph Palmer Knight Chief
Justice and Sir Robert Buckley Comyns Knight one of His
Majesty's Justices as aforesaid having first Called upon the Name of
Christ and having God alone before our Eyes and having heard Coun
in this behalf Do Pronounce Decree and Declare that the Paper
Writing Marked A purporting to be the Last Will and Testament of
said Manally Kistnasawmy Moodelly Deceased bearing date the Twenty
Seventh day of May one thousand Eight hundred and Twenty Nine
Null and Void to all intents and purposes and to have no force or
Validity in Law whatsoever and we do order that the Probate of the
Paper writing heretofore Granted be forthwith Cancelled by this ~~one~~ definitive
Sentence and final Decree which we read and pronounce by these writing
signed &c.

R Comyn

Respondent's Proctor