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DRAS.

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Plf.

Deft.

DECREE BOOK

1834-1835

8

Decree book Vol. 6

Commissary [illegible]

July 835

(Pauper)

To the Honorable Sir Ralph Palmer Knight Chief Justice of the Honorable the Supreme court of Judicature at Madras and to the rest of the Justices of the same Court.—

Equity Side

Humbly Complaining sheweth unto Your Lordships your Oratrix Pareanaigum Ummall of Madras a Hindoo Inhabitant That Coottee Ummall of Madras deceased the late Mother of Your Oratrix on or about the Fourteenth day of July in the year of Christ One thousand Eight hundred and Eighteen Exhibited her Original Bill of Complaint in this Honorable Court against Carpooga Ummall, Moodookistnah Moodelly, Kistnasawmy Moodelly, Ponniah Moodelly, and Lutchmana Moodelly, as the Personal Representatives of Manally Vencatakistna Moodelly otherwise called Manally Chinniah Moodelly late an Hindoo Inhabitant of Madras aforesaid deceased and also against Nuttambadoo Tombeapen, Manepaukum Mootoo Chitty and Nuttambadoo Sabaupathy Hindoo Inhabitants of Madras but which said Nuttambadoo Mootoo Chitty and Nuttambadoo Sabaupathy are severally since deceased thereby stating such Matters and things as are therein stated and praying That the principal Monies secured by the three several Bonds in the

pleadings mentioned might by the Judgment of this Honorable Court be decreed to have been the seperate Monies and Estate of the Complainant the said Coottee Ummall independant of her late Husband the said Manally Chinniah Moodelly and that the Complainan
3 might be declared to be entitled to such principal and Interest Monies as are now due thereon respectively and that the said Carpooga Ummale, Moodoo Kistnah Moodelly, Kistnasawmy Moodelly, Ponniah Moodelly, an Lutchmana Moodelly might admit assets of the Complainan said Husband come to their hands or power and might set forth a just and true Account of the several sums of Five Hundred Pagodas Four hundred Pagodas an Two hundred Pagodas (in the said Original Bill mentione to have been) received by the Complainants said Husband
4 Manally Chinniah Moodelly in part payment of the first mentioned Bond and of the Interest Money for the same several sums respectively from the respective times of the receipt thereof And also of the Interes Money received by the Complainants said Husband in his life time for the said several principal Monies so secured by the said three bonds respectively And might pay to the Complainant) the Money which should appear to be justly due and owing from the

on the balance of such Account And might also assign
5 over to the Complainant their legal interest in the aforesaid
several bonds respectively And also that the said
Nuttambadoo Tombeapen, Manepaukum Mootoo Chitty
and Nuttambadoo Sabaupathy might setforth a like
just and true Account of the principal and interest
Monies secured by and now due upon the said three
several bonds and might pay to the Complainant the
Money appearing to be justly due from them on the
balance of such Account and might in the mean time
6 be restrained by the Injunction of this Honorable
Court from paying or otherwise Accounting for such last
mentioned Money or any part thereof to the personal
Representatives of the Complainants said late Husband
Manally Chinniah Moodelly or any of them and for
further relief as by the said Bill of Complaint now on
the Record of this Honorable Court [illegible] reference will
appear— And your Oratrix further sheweth unto your
Lordships that the said several Defendants being duly
served with process severally appeared and put in their
several Answers to the said Bill — And your Oratrix
7 further sheweth unto your Lordships that issue having
been joined some Witnesses were Examined in the said
Cause but that before publication had passed and on or
about

about the Twentieth day of November in the year One
thousand Eight hundred and Nineteen the said
Nuttambadoo Sabaupathy departed this life leaving
Nuttambadoo Ramasawmy his Son and the aforesaid
Nuttambadoo Tombeapen and Nuttambadoo Vydenanda
(since deceased without issue) his two Brothers and
8 Nuttambadoo Soobaroy Moodelly and Nuttambadoo Ruthna
Sabaupathy Moodelly his two Nephews him surviving which sai
Nuttambadoo Ramasawmy – Nuttambadoo Tombeapen –
Nuttambadoo Soobaroy Moodelly – and Nuttambadoo Ruthna
Sabaupathy Moodelly – are according to the Law and
Customs of Hindoos the legal Representatives of the said
Nuttambadoo Sabaupathy Moodelly – And your Oratrix
further sheweth unto your Lordships That the said
Coottee Ummall on or about the Twenty Eighth day of
February in the year One thousand Eight hundred and
9 Twenty filed her Bill of Revivor against the said
Nuttambadoo Ramasawmy – Nuttambadoo Tombeapen –
Nuttambadoo Vydenanda – since deceased Nuttambadoo
Soobaroy Moodelly – and Nuttambadoo Ruthna Sabaupath
Moodelly and they having severally appeared to such Bil
of Revivor the said Cause hath been duly revived as
against them as in and by the said Bill and proceeding
now remaining of Record in this Honorable Court will

More fully appear - And Your Oratrix further sheweth
unto your Lordships that before any further proceedings
10 were taken in the said Cause the said | Defendant
Manepaukum Mootoo Chitty also departed this life
on the Twenty Third day of February in the year
of Christ One thousand Eight hundred and twenty intestate
leaving his two Sons Manepaukum Mootoo Chitty, and
Manepaukum Arnachellum Chitty, and his Brother
Manepaukum Mooroogapah Chitty his legal Representatives
according to the Hindoo Law - And your Oratrix further
sheweth unto your Lordships That the said Suit and
proceedings having become abated by the death of the said
11 Mootoo Chitty the said Coottee Ummall / afterwards that
is to say on the Twenty Ninth day of November One
thousand Eight hundred and twenty filed her Bill of
Revivor against the said Manepaukum Mootoo Chitty,
Manepaukum Arnachellum Chitty, and Manepaukum
Mooroogapah Chitty as such legal Representatives of the
said Manepaukum Mootoo Chitty deceased and they
having duly appeared to such Bill the said Cause and
Proceedings as against them hath been duly revived - as in
and by the said Bill and proceedings now remaining of
12 Record in this Honorable Court will / more fully appear -
And your Oratrix further sheweth unto your Lordships
That

That publication afterwards paſsed in the said Cause
and that before any further proceedings were had the said
Cootee Ummall departed this life on the Thirteenth
day of January in the year of Christ One thousand
Eight hundred and twenty three intestato and the said
Suit and proceedings as to her thereupon as your Oratrix
is advised became abated. And your Oratrix further
sheweth unto your Lordships that upon such her death
13 the said Cootee Ummall left her surviving a Son one
Manally Gopaulkistna Moodelly and an only Daughter
your Oratrix and that the said Manally Gopaulkistna
Moodelly shortly after the said Cootee Ummall's death
and on or about the Nineteenth day of March in the
year of Christ One thousand Eight hundred and twenty
three filed his Bill of Revivor in this Honorable
Court claiming to be the Representative of the said
Cootee Ummall and to be entitled to revive the said
Original Suit so commenced by her. And your Oratrix
14 further sheweth unto your Lordships That the said
Gopaulkistna Moodelly afterwards obtained an Order to
revive the said Suit and that the said Original Suit
so revived came on to be heard on the Second day
of October One thousand Eight hundred and twenty
four and a Decree was made therein. And Your Oratrix
further

further sheweth unto your Lordships That the said
Original Cause so revived as aforesaid afterwards and on
the Fourth day of August One thousand Eight hundred
15 and twenty six came on to be reheard before this
Honorable Court on the Petition of the said Defendant
Manally Moodookistna Moodelly when this Honorable
Court was pleased to Order and Decree That the Bill
of Revivor so exhibited by the said Gopaulkistna as
aforesaid and all the Proceedings upon and under the
same should stand dismissed — And your Oratrix
further sheweth unto your Lordships That upon the said
Coottee Ummall's death your Oratrix as her only
Daughter became as she is advised and humbly insists
16 her legal Representative and Heiress according to the
Hindoo Law and that as such your Oratrix is entitled
to revive the said Suit and to have the same placed
in the same state as it stood in at the time of the
said Coottee Ummall's death — To the End therefore
that the said Suits and proceedings so abated as to the
said Coottee Ummall as aforesaid may stand and be
Revived against the said Carpooga Ummall — Moodoo Kistna
Moodelly — Kistnasawmy Moodelly — Pouniah Moodelly —
Lutchmana Moodelly — Nuttambadoo Ramasawmy Moodelly —
Nuttambadoo Tombiapen Moodelly — Nuttambadoo Soobaroy
17 Moodelly

Moodelly- Nuttambadoo Ruthna Sabaupathy Moodelly-
Manepaukum Mootoo Chitty- Manepaukum Arnachella Chitty
and Manepaukum Mooroogapah Chitty- and be in the same
plight State and Condition as the same were in at the time
of the Abatement thereof by the death as aforesaid of
the said Coottee Ummale or that the said Defendants may
shew good Cause to the Contrary- May it please
Your Lordships the premises Considered to grant unto
Your Oratrix His Majesty's most Gracious Writ or Writs
18 of Subpoena to be directed to the said Carpooga Ummall
Moodookistna Moodelly- Kistnasawmy Moodelly- Pounciah
Moodelly- Lutchmana Moodelly- Nuttambadoo Ramasawmy
Moodelly- Nuttambadoo Tombeapen Moodelly- Nuttambadoo
Soobaroy Moodelly- Nuttambadoo Ruthna Sabaupathy-
Manepaukum Mootoo Chitty- Manepaukum Arnachella
Chitty- and Manepaukum Mooroogapah Chitty thereby commanding
them and each of them at a certain day and under a
certain pain therein to be inserted personally to be and
appear before your Lordships in this Honorable Court
19 then and there to shew Cause if they can why the said
Suit and all the proceedings therein should not stand
revived and be in the same plight State and Condition
as the same were in at the time of the abatement
thereof as aforesaid and that in default thereof the
said

said Cause and proceedings may be Revived and that the said Defendants may stand to abide by and perform such Order directions and Decree therein as to Your Lordships shall seem meet. — And your Oratrix shall Ever pray. —

R.d Orlando Bridgman

Lemuel Cooper
Compts Solr.

20 Folios

Supreme Court
Equity side

Pareanaigum Ummall
Complainant
vs
Caspirga Ummall &c
Voodookistnaa Moodelly & others

Bill of Revivor
filed 7 Nov 1820
C.M.C.
B.J.

Cooper
Compl's Solr

Office copy recd for
Mr Simes 3/11
O'C. P.M. 14 Dec
1820 C.M.C.
D.B.

f. 20

In the Supreme Court of Judicature at Madras

In Equity.

The Answer of Nuttambadoo
Ramasawmy Moodelliar one
of the Defendants to the Bill of
revivor of Pareanaigum Ummall.

This Defendant now and at all times saving and reserving to himself all and all Manner of benefit and advantage of exception to the manifold errors uncertainties imperfections and insufficiencies in the said Complainant said Bill of Complaint contained for answer thereto saith 1 he believes it to be true that at or about the time in the said Bill stated Cootee Ummall the mother as this Defendant has heard and believes of the said Pareanaigum exhibited her original Bill of Complaint in this Honorable Court against such parties as Defendants thereto as are in the said Complainants Bill mentioned thereby stating and praying to the effect in the said Bill of revivor set forth so far as the same is set forth but for greater certainty as to the contents of the said Bill 2 of Complaint this Defendant craves leave to refer when the same is produced to this Honorable Court and

this

(1)

this Defendant further answering saith that he believes it to be true that the said several Defendants in the said Bill of Revivor mentioned afterwards appeared and put in their answers to the said Bill and that such proceedings were had in the Cause as are in the said Bill of revivor mentioned. And the

3 Defendant further answering admits that on or about the time in the said Bill of revivor mentioned Nuttambaroo Sabaupully the father of this Defendant departed this life leaving such persons as are in the said Bill of revivor mentioned him surviving but whether they are by him the legal personal representatives of the said Nuttambaroo Sabaupully this Defendant submits to the Judgment of this Honorable Court. And this Defendant further answering admits that the said Cotee Ummall

4 at or about the time in the said Bill of revivor mentioned filed her Bill of revivor against such persons as are in the said Perreanaigums Bill of revivor respectively mentioned. And this Defendant further answering admits that such persons severally appeared to the said Bill of revivor of the said Cotee Ummall but whether the same is or was entitled to be revived this Defendant

likewise submits to the Judgment of this Honorable Court
And this Defendant further answering admits that
6 such persons as are respectively mentioned as
deceased in the said Pareanaigums Bill of revivor
died at or about the times in such Bill mentioned
And this Defendant admits that Manepaukum
Mootoo Chitty left such persons him surviving as
are in the said Pareanaigums Bill of revivor
respectively mentioned But whether such persons
are the legal personal representatives of the said
Manepaukum Mootoo Chitty this Defendant submits
6 to the Judgment of this Honorable Court and this
Defendant further answering admits that the said
Cootee ummall at or about the time in the said
Complainants Bill of revivor mentioned filed her
Bill of revivor against such persons as are in
the said Pareanaigums Bill of revivor respectively
mentioned as the legal representatives of the said
Manepaukum Mootoo Chitty and that such
proceedings were afterwards had as are in the
said Pareanaigums Bill of revivor mentioned or
referred to And this Defendant admits that the
7 said Cootee ummall departed this life at or
about the time in the said Pareanaigums Bill

of revivor Mentioned but whether the said Cootee unmall did or did not die intestate this Defendant doth not know from belief or otherwise. And whether the said Suit and proceedings by the death of the said Cootee unmall were or were not abated this Defendant Submits to the Judgment of 8 this Honorable Court. And this Defendant admits that the said Cootee Unmall left such persons her surviving as are in the said Pareanaigums Bill of revivor Mentioned. And that the said Manally Gopaulkistna Moodelly at or about the time in the said Pareanaigums Bill Mentioned filed his Bill of revivor in this Court Claiming to the effect stated in the said Pareanaigums Bill of revivor And this Defendant further answering saith that such orders were made and such 9 proceedings had thereon as are in the said Pareanaigums Bill of revivor Mentioned. And this Defendant further Submits to the Judgment of this Honorable Court Whether the said Pareanaigum on the death of the said Cootee Unmall became or now is her legal personal representative and heiress of the said Cootee Unmall and whether the said Pareanaigum is or is not entitled to revive the said Suit and to have the same placed in the same State as it Stood at the time of the death of the said Coolee Ummall without that there is any other Matter Cause or thing in the said Pareanaigums Bill of Revivor Contained Material or Necessary for this Defendant to Make Answer unto and not herein and hereby well and Sufficiently answered avoided traversed or denied is true to the knowledge or belief of this Defendant all which Matters and things this Defendant is ready and willing to aver Maintain prove as this Honorable Court shall direct and hereby prays to be hence dismissed with his reasonable Costs and Charges in this behalf most wrongfully Sustained -

Chas. W. Innes
Sol. for the Deft
Ramasawmy.

N. Ramasaumy

Sworn at my Chambers in Bentincks
Buildings Madras this 26th day of
January 1827 - The Contents having
een first explained to the Deponent
the Court Interpreter. -
Before me -

G. Ricketts

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Supreme Court
In Equity.

N. Ramasawmy
Moodelliar.
Ads.
Parvatheegum Ummah

Answer to
Bill of Revivor

Filed 27 Jany 1837

Ameed
Solr for the Defdt R Ramasawmy

In the Supreme Court of Judicature at Madras

Equity Side First Term 22d February 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices

Abdul Aziz Khan Behauder and Shurfun Nisa Begum Sahiba his Wife

~~vers~~

Ramasawmy Moodelly and Vendalore Vencatadry Pillay the Executors of the Last Will and Testament of Chinnatomby Moodelly deceased

The Matter upon the Exceptions taken by the Complainants to the Joint and Several Answer put in by the Defendants to the Bill of Complaint for evasion imperfection and insufficiency coming on to be argued this day before the Justices of this Honble 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 the Eleventh Fourteenth Twenty first Twenty third Twenty fifth and Twenty Sixth Exceptions be allowed and the First Second Third Fourth Fifth Sixth Seventh Eighth Ninth Tenth Twelfth Thirteenth Fifteenth Sixteenth Seventeenth Eighteenth Nineteenth Twentieth Twenty Second Twenty fourth and Twenty Seventh Exceptions be over-ruled -

Ralph Palmer

R Comyn

By the Court

Regr

Mr Viveash
Deft's Solr

In the Supreme Court of Judicature at Madras

Equity Side First Term 1834

Wednesday the Nineteenth day of February in the year of Christ One thousand eight hundred and thirty five Between Vencata Lutchummall Complainant Gocala Vencata Narrain Naick and Gocala Ramanjooloo Naick an Infant Defendants.

Ralph Palmer
Comyn

This Cause coming on this present day to be heard before the Honorable Sir Ralph Palmer Knight the Chief Justice of this Court and The Honorable Sir Robert Buckley Comyn Knight the Puisne Judge of the said Court in the presence of Counsel learned for the Complainant no one appearing for the Defendants although they were duly Served with Subpoenas to hear judgment in this Cause as by Affidavit now produced and read appears Whereupon and upon hearing a Statement of the Plaintiffs Bill.. This Court doth Order and Decree that the said Complainant as the Widow personal representative and Heir at Law of Gocala Vencataram Naick deceased in the said Bill named is entitled to inherit all the Estate and Effects of the said Gocala Vencataram Naick deceased of what nature or kind soever And this Court doth Order that it be referred to the Master to take an account of such Estate and Effects and that the Defendant Gocala Vencatanarram Naick shall go in before the said Master and Setforth an account of all and every Sum and Sums of money Securities for money Rents and Issues of immoveable property Goods Chattels property and Effects of every description received got in or collected or possessed by or by order of the said Defendant Gocala Vencata Narrain Naick

or

Ent'd

or for his use and belonging to or forming part of the Estate of the Sai deceased Gocala Vencataram Naick together with a list and description all the immoveable property belonging to and left by the said deceased and of the natures kinds quantities qualities and full true and real val thereof and of every part thereof and an account of all parts of any Su property and Effects which may have been sold and disposed of by the s Gocala Vencatanarrain Naick or by his order or on his account and all Sum and Sums of money received by the said Defendant Gocal Vencatanarrain Naick or on his account of any such Sale or dispos and an account of all such parts of the same as may remain und or undisposed of and of their natures kinds quantities qualities and full real an true values thereof and of every part thereof an a fu true list of all deeds Books of account Vouchers Memorandums other Writings relating to such property and Effects and the affair the said deceased and which have come into the hands possession or controul of the said Gocala Vencata Narrain Naick and that do produce and leave with the said Master all such deeds B Vouchers Memorandums and Writings and also Setforth before the Master an account of all and every Sum an Sums of money wh have or hath been paid by the said Gocala Vencata Narrain Na in Satisfaction of debts due or alleged or claimed to be due fro by the said Gocala Vencataram Naick at the time of his death for or on account of his funeral expences and that the said Ma shall ascertain the clear residue of the Estate of the Said Gocala Vencataram Naick deceased And this Court do Order and Decree that the amount of such residue shall b paid over by the said Defendant Gocala Vencatanarrain Nai to the said Complainant And that the Letters of Administrat

to

to the Estate and Effects of the said Gocala Vencataram Naick deceased taken out by the said Defendant Gocala Vencatanarrain Naick be delivered up to be cancelled and that in the mean time the said Defendant Gocala Vencatanarrain Naick and all others acting or pretending to act by and on his behalf be restrained from further intermeddling with the said Estate and Effects of the said Gocala Vencataram Naick deceased and from collecting selling or transferring any part thereof and that the said Defendant Gocala Vencatanarrain Naick do pay to the said Complainant her Costs of this Suit to be taxed by the said Master and the said Court doth reserve the Consideration of all future directions and of all future Costs And this Decree is to be binding on the said Defendants respectively unless they on being served with a Subpoena to shew Cause against the same shall at the return thereof shew unto this Court good Cause to the contrary and as to the said Defendant the Infant unless also he shall within Six Months after he shall have attained his age of Sixteen Years shew unto this Court good Cause to the Contrary But before the said Defendant Gocala Vencata Narrain Naick now making default is to be admitted to shew Cause against this Decree he is to pay unto the Complainant her Costs of this days default in appearance to be taxed by the Master

ExM.

By the Court

A Ffrench
Regr.

This Cause was reheard and on the 23d July 1834 the Bill was dismissed with Costs except the Costs of obtaining the Decree Nisi. The Order has not been taken Out. Vide Minute Book of 23 July 1834

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1834

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 Tenth day of February One thousand Eight hundred and Thirty Four And in the Third Year of the Reign of His Majesty King William the Fourth - Between Richard Brunton and Ann Brunton and Jane Mary Wiltshire an Infant by her Guardian and next friend the said Richard Brunton . . Complainants

and

Peter Cator Esquire Administrator of Charles Rundall Deceased . . . . Defendant

Ralph Palmer.

R Comyn.

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 Bill of Complaint of the above named Complainants and the Answer of the said Defendant thereto. And upon hearing read the Decretal Order of this Court made in a Cause wherein William Collins Brunton was Complainant and Charles Rundall and Peter Whannell were Defendants bearing date the Seventh day of April One thousand Eight hundred and Twenty four the Report of the Master of this Court made in the same Cause in pursuance of the said Decretal Order bearing date the Sixth day of March One thousand Eight hundred and Twenty Six and also the Final Decree in the same Cause bearing date the First day of April One thousand Eight hundred and Twenty Six made upon the

Masters said Report. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides **This Court doth declare** that the Complainants Anna Brunton and Jane Mary Wiltshire are entitled in respect of the said two Legacies of One thousand Pagodas and One thousand Pagodas bequeathed to the said Complainant Anna Brunton and Elizabeth Wiltshire deceased by the Testator James Gordon Brunton to be considered as Judgment Creditors of the said Charles Rundall and to be paid in the Administration of the Aſsets of the said Charles Rundall rateably and in proportion with all other Judgment Creditors (if any) of the said last named Testator in preference to all his other Creditors of inferior degree. **And this Court doth accordingly Order** that it be referred to the Master to Compute the principal and Interest now due upon such Legacies respectively such Interest from the time of the death of the said Charles Rundall to be calculated at the rate of Six per Cent per Annum And the said Complainants waiving the taking any account before the Master of the Estate of the said Charles Rundall **It is Ordered** that the Costs of all the Parties in this Cause be taxed up to the present time as between Solicitor and Client and that the said Defendant Peter Cator do pay the same out of the Aſsets of the said Charles Rundall now in his hands. And that after payment of such Costs the said Defendant Peter Cator do apply the residue of such Aſsets and such further part of the said Estate and Effects of the said Charles Rundall (if any) as he may hereafter Collect or receive or a sufficient portion thereof in payment and satisfaction of what shall be so found due in respect of

the

the Principal and Interest upon such two Legacies as aforesaid and of all other Creditors of the said Charles Rundall (if any) of equal degree pari paſsu or so far as such Aſsets already received or hereafter to be received shall extend **And it is further Ordered** that what shall be payable for Interest on the said Legacy of One thousand Pagodas bequeathed to the said Anna Brunton be paid to the said Complainants Richard Brunton and Anna Brunton upon their joint receipt and that the principal of such Legacy or so much thereof as the Aſsets of the said Charles Rundall's Estate shall Extend to satisfy be paid to the Sub Treasurer, of Fort Saint George with the privity of the Accountant General of this Court and be by him laid out in the purchase of a Government Security or Securities bearing Interest at Four per Cent per Annum and carried to the Credit of this Cause to an Account to be intitled "Legacy bequeathed to Anna Brunton and "her Children by the Will of James Gordon Brunton" And that the interest to accrue due upon such Security or Securities so to be purchased when and so often as such interest shall become due and payable be paid to the said Complainants Richard Brunton and Anna Brunton upon their joint receipt during the life of Anna Brunton or until the further Order of Court with liberty after her death for all parties interested in such Legacy to apply to this Court by Petition in this Cause as they may be advised. **And it is further Ordered** that what shall be payable for Interest on the said Legacy of the One thousand Pagodas bequeathed to Elizabeth Wiltshire be paid to the said Richard Brunton as Guardian of the said Infant Complainant Jane Mary Wiltshire and that the Principal of such Legacy or so much thereof as the Aſsets of the said Charles Rundall's Estate shall extend to satisfy be paid to the said Sub Treasurer with the privity of the said Accountant General and be by him laid out in the purchase of a Government Security or Securities bearing Interest at four per Cent and carried to the Credit of this Cause to an Account to be entitled "The Account of Jane Mary Wiltshire" and that the Interest to accrue due upon such Security or Securities so to be purchased when and so often as such interest shall become due and payable be paid to the said Complainant Richard Brunton as Guardian of the said Jane Mary Wiltshire during the Minority of the said Jane Mary Wiltshire or until the further Order of Court **and it is Ordered** that it be referred to the Master to Inquire and report whether Mary Kirkpatrick Brunton in the Answer of the said Defendant named is or is not entitled to be considered as a Judgment Creditor against the said Estate of the said late Charles Rundall in respect of the debt in the said Answer alleged to be due from him in his life time to the said Mary Kirkpatrick Brunton in any and what Sum of Money and for that purpose the Master is to Cause a Notice to be served on the said Mary Kirkpatrick Brunton or any Person duly Constituted by her as her Attorney to come in and prove the said alleged debt on or before a Certain day to be fixed by him for that purpose and in default of which the said Mary Kirkpatrick Brunton is to be excluded the benefit of this Decree And in Case the said Mary Kirkpatrick Brunton shall in pursuance of the said Notice come in and establish a Claim to be Considered as a Judgment Creditor against the said Estate of the said late Charles Rundall the Master is to Compute Principal and Interest now due

upon

upon such Claim at the rate of Six per Cent per Annum from the time of the death of the said Charles Rundall the Master to be at liberty to state any Special Circumstances in such Report which he may judge proper And for the better taking of the said Accounts and discovery of the Matters aforesaid all Parties and the said Mary Kirkpatrick Brunton in case she shall come in under this Decree 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 upon Interrogatories as the said Master shall direct who in taking the said Accounts is to make unto the Parties all just allowances. **and this Court doth reserve** the Consideration of the Costs of the said Inquiry and of all further directions until after the said Master shall have made his Report And the said Mary Kirkpatrick Brunton and all Parties in this Cause are to be at liberty to apply to this Court touching the Matters aforesaid as they may be advised.–

By the Court.–

Exd
MWL
Dko

Jn. French
D Reg.

Tho. Teed

Compts Sol

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1834

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 Twentieth day of February One thousand Eight hundred and Thirty four and in the third year of the Reign of His Majesty King William the Fourth. Between Margathee Vullee Unmall the widow and Executrix and legal personal representative of Amarambadoo Collingaroy Moodelliar late of Madras Hindoo Inhabitant Deceased . . . . Complainant

vrs

Connore Annasawmy Moodelliar and Connore Iyasawmy Moodelliar the Sons and legal personal representatives of Connore Mootiah Moodelliar Deceased . . . . Defendants.

And by Bill of Revivor

Connore Annasawmy Moodelliar and Connore Iyasawmy Moodelliar the only Sons and legal representatives of Connore Mootiah Moodelliar Deceased . . . . Complainants

vrs

Lutchmee Unmall and Neelatachee Unmall the Executrices respectively named in the Last Will and Testament of Margatha Vullee Unmall Deceased . . . . Defendants

The Original Cause coming on the Ninth and Tenth days of April last and Eighteenth day of July last, to be heard and debated, before the Honorable the Judges of this Court in the presence of Counsel learned on both sides upon opening and debate of the Matter and hearing certain paſsages of the Answer of the said Defendants in the Original Suit and the proofs taken therein read and what was alleged by the Counsel on both sides their Lordships decreed that it should be referred to the Master to take an Account of the pecuniary

Ralph Palmer

R Comyn

dealings and Transactions between the said Amarambador Collingaroy Moodelliar and Connore Mootiah Moodelliar in the Pleadings named in their respective life times since the Thirty first day of July One thousand Eight hundred and Nineteen without interest on either side upon the footing of the Account then settled the Estate of the said Mootiah Moodelliar to be debited with all Sums of Money received subsequently to the said Thirty first day of July One thousand Eight hundred and Nineteen to or for the use of the said Mootiah Moodelliar whether in respect of the Interest of the Government Promiſsory Note for Ten thousand Sicca Rupees in the Bill mentioned or otherwise and to have Credit for the balance of Three thousand One hundred and four Pagodas Nine fanams and Nineteen Cash found due to the said Connore Mootiah Moodelliar on such settled Account and also for the reduced Annuity of three hundred Pagodas during the life time of the said Connore Mootiah Moodelliar from the said Thirty first day of July One thousand Eight hundred and Nineteen and thereby it was Ordered that the said Defendants should within One Month from the date of the said Decree bring in and Deposit in the Honorable Company's Treasury of Fort Saint George with the privity of the Accountant General of this Court to the Credit of this Cause the Government Promiſsory Note No 3164 for Ten thousand Sicca Rupees in the said Decree mentioned and that the Interest then due and thereafter to grow due thereon should be received by the Sub Treasurer of Fort Saint George with the like privity

of

of the said Accountant General for the purpose of Accumulation until after the Master should have made his Report or the further Order of this Court And all further directions and Costs were reserved until after the Master should have made his Report and all Parties were to be at liberty to apply to this Court as there should be occasion. And afterwards and before any other proceedings in Court were had in the said Suit the said Connore Annasawmy Moodelly and Connore Syatawmy Moodelly filed their Bill of Revivor stating among other things that the said Margatha Vullee Unmall had departed this life and by her Last Will and Testament had appointed Lutchmee Unmall and Neelatachee Unmall her only Executrices and that they had poſseſsed themselves of the Estate and Effects of the said Margatha Vullee Unmall and that all or the greater part of such Estate and Effects were and continued Aſsets of and belonging to the Estate of the said late Amarambador Collingaroy Moodelliar To which Bill the said Lutchmee Unmall and Neelatachee Unmall appeared and by an Order bearing date the Eighteenth day of October last it was Ordered that the said Original Suit and proceedings be revived and stand in the same plight and Condition as they were at the time of the abatement thereof. And in pursuance of the said Decree and Order the said Master made his Report dated the Fourteenth day of February instant which stands absolutely Confirmed And thereby among other things reported that he found that the said Amarambador Collingaroy Moodelliar was on the said Thirty first day of July One thousand Eight hundred and Nineteen indebted to the said Connore

Mootiah Moodelly upon the footing of the said Account settled between them on that date and mentioned in the said Decree the Sum of Three thousand One hundred and four Pagodas Nine fanams and Nineteen Cash and he found that there was likewise due to the said Att Connore Mootiah Moodelliar for the said reduced Annuity of Three hundred Pagodas from the said Thirty first day of July One thousand Eight hundred and Nineteen to the Twentieth April One thousand Eight hundred and Twenty Nine (the day of the death of the said Connore Mootiah Moodelliar) the Sum of Two thousand Nine hundred and Sixteen Pagodas and Thirty fanams and which said Two several Sums of Three thousand One hundred and four Pagodas Nine fanams and Nineteen Cash and Two thousand Nine hundred and Sixteen Pagodas and Thirty fanams make together the Sum of Six thousand and Twenty Pagodas Thirty Nine fanams and Nineteen Cash or Twenty One thousand and Seventy three Madras Rupees and Ten Pice and he found that the Estate of the said Connore Mootiah Moodelly was to be debited with the Sum of Three thousand Nine hundred and Sixty Six Madras Rupees Thirteen Annas and Ten Att Pice as and for Sums received by subsequent to the said Thirty first day of July One thousand Eight hundred and Nineteen to or for the use of the said Connore Mootiah

Moodelliar

Moodelliar and that he had accordingly deducted the last mentioned Sum of Three thousand Nine hundred and Sixty Six Rupees Thirteen Annas and Ten Pice from the said Sum of Six thousand and Twenty Pagodas Thirty Nine fanams and Nineteen Cash or Twenty One thousand and Seventy three Madras Rupees and Ten Pice and it left the Sum of Seventeen thousand One hundred and Six Rupees and three Annas due to the Estate of the said Connore Mootiah Moodelliar by the Estate of the said Amarambadoo Collingaroy Moodelliar Deceased and he Certified to this Honorable Court that the said Connore Annasawmy Moodelly and Connore Iyasawmy Moodelly the Defendants in the Original Cause did on the Seventeenth day of August One thousand Eight hundred and Thirty three in Obedience to the directions in that behalf contained in the said Decree deposit in the Honorable Company's Treasury of Fort Saint George with the privity of the Accountant General to the Credit of this Cause the Government Promissory Note No. 3164 for Ten thousand Sicca Rupees in the said Decree mentioned and that part of the Interest due on the said last mentioned Government Promissory Note to the Amount of Three thousand Sicca Rupees had by the said Sub Treasurer with the privity of the said Accountant General been invested in Two Government Promissory Notes of the Five per Cent Loan of Eighteenth August One thousand Eight hundred and Twenty five and that on the thirty first day of January last the Sum of One thousand One hundred and Nineteen Madras Rupees Fourteen Annas and Five Pice remained in Cash to be invested by the said Sub Treasurer in the purchase of Government Securities when procurable and that on the said last mentioned date there was due for Interest on the said Government Securities the Sum of One hundred and Fifty Nine Madras Rupees and Twelve Annas And this Cause coming on this present day to be heard for further directions on the said Report and Costs before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides. Whereupon and upon hearing the said Decree and the said Order and the said Masters Report read also the Certificate of the Accountant General of this Court in the words and figures following that is to say-

Margathu Vullee Ummall - - Complainant

and

Connore Annasawmy Moodelliar

and Connore Iyasawmy

Moodelliar - - - - - Defendants

I hereby Certify that According to the Books of the Supreme Court the Undermentioned Government Security of the Six pr Cent Remittable Loan of 30th June 1822 was deposited in the Treasury on the 17th August 1833 by

"by the Defendants under the Decree made in this Cause on the 18th "day of July last Vizt.

"No. 3164 dated 30th June 1822 bearing Interest from 31st

M.Rs. A. P.

"December 1826 for Sicca Rupees 10,000 or ———— 10442 - 6 - 2 -

"Interest drawn on the above Promissory Note to 31st December

"1833 and invested as follows.

"In two Promissory Notes of the 5 pr Cent Loan of 18th August 1825

"No. 6484 of 4679 dated 23d January 1826 bearing Interest

"from 23d January 1833 for Sicca Rupees ———— 2,000 -

", 6498 of 4679 dated 23d Do. bearing Do.

" from 23d Do. ———————— 1,000 -

"S.a S. Rs. 3,000 - or - 3195 - " - "

"In Cash to be invested by the Sub Treasurer in purchase of 5 pr Cent

"Govt. Securities when procurable ———————— 1,119 - 14 - 5

"Interest due on the above 5 pr Cent Promy. Notes S.a Rs. 150 - or ———— 159 - 12 - "

"Madras Rupees 14,917 - " - 7 -

"And that the above mentioned funds now stand to the "Credit of this Cause.-

"Fort St. George Acctt. Genl. Office

"19th February 1834

"J: G: Turnbull

"Acctt. Genl. Supe. Court

"This Certificate is granted as pr
"application from Mr Oriel Vurash Deft
"Solr dated 18th February 1834.

"Exd. M: Vurdapah."

And upon hearing what was alleged by the Counsel on both Sides and the said Lutchmee Ummall and Neelatachee Ummall the Defendants to the said Bill of Revivor admitting by their Counsel Assets as well of the said late Amarambatoo

Collingaroy Moodelly as of the said Complainant in the Original Suit the said Margatha Vallee Ummall sufficient to pay and satisfy what might be Decreed against them in this Suit. This Court doth Order and Decree that the said Sub Treasurer with the privity of the said Accountant General do sell and dispose of the several Securities in the said Accountant Generals Certificate mentioned and do pay the proceeds of such sale together with the Cash in the said Accountant Generals Certificate mentioned together with all subsequent Interest unto the said Connore Annasawmy Moodelly and Connore Iyasawmy Moodelly the Complainants in the said revived Suit and that the proceeds of such Sale together with all Cash which may be received from the Sub Treasurer by the said Connore Annasawmy Moodelly and Connore Iyasawmy Moodelly in pursuance of this Decree be applied so far as the same shall extend in or towards satisfaction of the said debt of Rupees Seventeen thousand One hundred and Six and Annas Three due to the said Connore Mootiah Moodelly and that the residue if any of such proceeds and Cash be by them subject to the payment of their Costs as hereafter mentioned paid to the said Defendants Lutchmee Ummall and Neelatachee Ummall and in case such proceeds and Cash shall not be sufficient to satisfy the whole of such Debt then that the residue thereof be paid by the said Defendants in the revived Suit Lutchmee Ummall and Neelatachee Ummall respectively. And it is further Ordered that it be referred to the Master to Tax the Costs of the said Connore

Annasawmy

Annasawmy Moodelly and Connore Iyasawmy Moodelly in this Suit and that the same when Taxed be paid by the said Lutchmee Ummall and Neelatachee Ummall respectively to the said Connore Annasawmy Moodelly and Connore Iyasawmy Moodelly or their Solicitor Mr. Oriel Viveash the said Connore Annasawmy Moodelly and Connore Iyasawmy Moodelly being also at liberty to apply in or towards satisfaction of such Taxed Costs any residue of the proceeds of the said Securities and Cash so directed to be paid to them as aforesaid in Case there shall be any residue thereof in their hands after payment of the said debt of Rupees Seventeen thousand One hundred and Six and Annas three as aforesaid. And all Parties in this Cause are to be at liberty to apply to this Court touching the Matters aforesaid as they may be advised.

By the Court.

Registrar

Exd
AW
8R

Oriel Viveash

Solicitor for the Defts in
the orig. Suit & Complts to
the Bill of Revivor.

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

Friday the Twenty first day of March One thousand Eight hundred and Thirty four and in the Third Year of the Reign of His Majesty King William the Fourth Between Vellore Soobaroy Moodelly and Vellore Arnachella Moodelly
Complainants

and

Anava Mootiah Moodelly Anava Rungasawmy Moodelly Maumbalum Vencatasawmy Naick Maumbalum Ramasawmy Naick and Maumbalum Veerasawmy Naick..
Defendants.

Ralph Palmer
R Comyn

This Cause coming on the Twentieth Twenty first and Twenty Second 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 the Defendant Anava Mootiah Moodelly who appeared by his Attorney Mr. Henry Morgan Rowlandson and in the presence of Counsel learned on behalf of the Complainant and also on behalf of the Defendants Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick Maumbalum Ramasawmy Naick and Anava Rungasawmy Moodelly respectively **Upon** opening the Bill of

Complaint of the above named Complainant the joint and several Answer of the said Defendants Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick and Maumbalum Ramasawmy Naick thereto the Answer and further Answer of the said Defendant Anava Rungasawmy Moodelly and the Answer of the Defendant Anava Mootiah Moodelly thereto And upon hearing read as Evidence for the said Complainants the several paſsages in the said joint and several Answer of the said Defendants Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick and Maumbalum Ramasawmy Naick as follow that is to say from the words "But this Defendant Vencatasawmy" in folio 14 to the words "as such agent" in folio 15 from the words "But this Defendant Vencatasawmy" in folio 17 to the words "printed Bond" in folio 18 from the words "And these Defendants" in folio 22 to the words "such Heirs" in folio 23 from the words "But this Defendant Vencatasawmy" in folio 27 to the words "this Defendant" in folio 29 from the words "And this Defendant Vencatasawmy" in folio 31 to the words "Defendant Vencatasawmy" in folio 32 from the words "And this Defendant Vencatasawmy" in folio 35 to the words "Aſsignee as aforesaid" in folio 37 from the words "But this Defendant Vencatasawmy" in folio 45 to the words "Awarded to him" in the same folio from the words "But these Defendants Admit" in folio 46 to the words "Honorable Court" in the same folio from the words "And these Defendants Admit" in folio 47 to the words "behalf stated" in folio 48 from the words "And these Defendants Admit" in folio 50 to the words "Hindoo family" in the same folio from the words "And these Defendants Admit" in folio 51 to the words "behalf mentioned"

in

in folio 52 from the words "And these Defendants Admit" in folio 57 to the words "Tanjore Bond" in the same folio together with the Schedule Annexed to the said Answer And also the several paſsages in the said Answer of the said Defendant Anava Rungasawmy Moodelly as follow that is to say from the words "Saith he believes" in folio 1 to the words "Honorable Court" in folio 2 from the words "And this Defendant" in folio 21 to the words "No party thereto" in folio 23 from the words "And this Defendant" in folio 24 to the words "Defendant belong" in folio 25 from the words "And this Defendant" in folio 31 to the words "Honorable Court" in folio 34 from the words "And he believes" in folio 37 to the words "And this Defendant" in folio 40 from the words "And this Defendant" in folio 42 to the words "Bill stated" in folio 43 from the words "And this Defendant" in folio 46 to the words "Hindoo family" in the same folio from the words "And this Defendant" in folio 47 to the words "hand writing" in folio 48 from the words "And this Defendant" in folio 49 to the words "when produced" in folio 52 from the words "And this Defendant" in folio 52 to the words "said Bill" in folio 54 from the words "And this Defendant" in folio 56 to the words "family Property" in the same folio and also the several Paſsages in the said Answer of the said Defendant Anava Mootiah Moodelly as follow that is to say from the words "And this Defendant" in folio 3 to the words "Honorable Court" in the same folio from the words "this Defendant" in folio 9 to the words "this Defendant" in the same folio from the words "And this Defendant" in folio 21 to the words "of the same" in folio 26 from the words "And this Defendant" in folio 26 to the words "Honorable Court" in folio 28 from the words "And this Defendant" in folio 30 to the words "for the purpose" in folio 38 from the words "And this Defendant" in folio 39 to the words "said Agreement" in the same folio from the words

"And this Defendant" in folio 44 to the words "Seventy One" in the same folio from the words "And this Defendant" in folio 48 to the words "Hindoo family" in the same folio from the words "And this Defendant" in folio 50 to the words "family property" in the same folio from the words "And this Defendant" in folio 53 to the words "so to operate" in folio 54 together with such parts of the said Bill of Complaint as are referred to in the said passages of the said Answers also the Deposition of Poospaygherry Sashachella Naick to the 1st. 3d. and 4th. Interrogatories in Chief filed on behalf of the said Complainants And upon hearing read as Evidence for the said Complainants Exhibit **A** being a Bond Executed by Anara Mootiah Moodelliar to Vellore Armachella Moodelliar bearing date the First day of September One thousand Eight hundred and Twenty Seven for the penal Sum of Rupees Twenty One thousand Two hundred and Sixty one and Pice Eight and half to secure the Sum of Rupees Ten thousand Six hundred and Thirty Annas Eight and Pice Four and half with Interest at Six per Cent per Annum. Exhibit **B** being a Malabar Writing or Agreement by way of Mortgage Executed to Vellore Armachella Moodelliar by Anavy Mootiah bearing date the First day of September One thousand Eight hundred and Twenty Seven. Exhibit **C** being a Malabar Instrument Executed to Vellore Armachella Moodelliar by Anavy Mootiah Moodelliar bearing date the Third day of January One thousand Eight hundred and Twenty Eight and also Exhibits **D, E, F, and G** And upon hearing read as Evidence for the said Defendants Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick and Maumbalum Ramasawmy Naick the Order of this Honorable Court made in this Cause bearing date the First day of August One thousand Eight hundred and Thirty three And also the Certificate of the Accountant General of this Court in the words and figures following

that

that is to say.—

"Vellore Soobaroy Moodelly and Vellore Arnachella Moodelly

~~vs~~

"Anava Mootiah Moodelly Anava Rungasawmy Moodelly
"Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy
"Naick and Maumbalum Ramasawmy Naick

"I hereby Certify that according to the Books of the Supreme Court the Undermentioned Government "Security was deposited in the Treasury Under the Order of the 1st. August last Vizt

"A 4 pr Cent Promissory Note of the Government of Fort St. George of Tanjore debt
"No. 147 of 2 of 1831/32 dated 28th. August 1833 bearing Interest from
"30th. April 1833 for Madras Rupees. 15,000-.-.

"And that the funds now standing to the Credit of the above Cause are as follows Vizt.

"In a 4 pr Cent Promissory Note of the Government of Fort St. George of Tanjore Debt:
"No. 147 of 2 of 1831/32 dated 28th. August 1833 bearing Interest from
"30th. October 1833 for Madras Rupees. 15,000-.-.

"In Cash to be invested by the Sub Treasurer in purchase of
"Government Securities when procurable-.- 300-.-
"Madras Rupees-15,300-.-

"Fort St. George Acctt. Genl. Office
"19th. February 1834.
"J: G: Turnbull
"Acctt. Genl. Supt. Court.

" This Certificate is granted
" as pr application from Mr. O Vivash
" Solr. for Mr. Vencatasawmy and others
" dated 17th. February 1834.
"Exd. M Vurdapah."

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 Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick Maumbalum Ramasawmy Naick and Anava Rungasawmy Naick respectively and on Mature Consideration had thereon. **This Court doth declare** that the said Complainants

Vellore Soobaroy Moodelly and Vellore Amachella Moodelly had an Equitable Lien on the Tanjore Bond in the Pleadings mentioned at the time of the purchase thereof by the said Defendant Maumbalum Vencatasawmy Naick from the Defendants Anava Mootiah Moodelly and Anava Rungasawmy Moodelly to the Extent of the Sums of Rupees Ten thousand Six hundred and Thirty Annas Eight and Pice Four and a quarter and Rupees One thousand One hundred and Eighty three Annas Ten and Pice two and Seven Eighths together with interest at Six per Cent thereon respectively from the First day of September One thousand Eight hundred and Twenty Seven and are now entitled to have the Amount of such Principal and Interest paid to them out of the Monies awarded to the said Defendant Maumbalum Vencatasawmy Naick upon the said Bond. And this Court doth Order and Decree that it be referred to the Master of this Court to Compute the Amount of Principal and Interest of such Two Sums accordingly And it appearing by the Accountant Generals Certificate that a Four per Cent Promissory Note of the Government of Fort Saint George of Tanjore debt for Madras Rupees Fifteen thousand (being part of the monies received under such Award) has been paid into Court to the Credit of this Cause under an Order made in this Cause and bearing date the First day of August One thousand Eight hundred and Thirty three Ordering that such Sum should be placed to the Credit of this Cause subject to the further

781 Order of this Court [illegible] this Court doth Order and decree that the Sub Treasurer of Fort Saint George with the privity of the said Accountant General do sell and dispose of the said Security in the said Accountant Generals Certificate mentioned and do pay the proceeds of such Sale together with the Cash in the said Accountant Generals Certificate mentioned together with all subsequent Interest unto the said Complainants Vellore Soobaroy Moodelly and Vellore Amachella Moodelly And that the proceeds of such Sale together with all Cash which may be received from the Sub Treasurer by the said Vellore Soobaroy Moodelly and Vellore

Amachella

Amachella Moodelly in pursuance of this Decree be applied so far as the same shall extend in or towards satisfaction of the said Amount of Principal Monies and Interest so due to them as aforesaid And that the residue if any of such proceeds and Cash be by them subject to the payment of their Costs as hereafter mentioned paid to the said Defendants Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick and Maumbalum Ramasawmy Naick and in case such proceeds and Cash shall not be sufficient to satisfy the whole of such Amount when computed as aforesaid then that the residue thereof be paid by the said Maumbalum Vencatasawmy Naick Maumbalum Veerasawmy Naick and Maumbalum Ramasawmy Naick respectively from and out of the residue of the Monies awarded to the said Maumbalum Vencatasawmy Naick on the said Tanjore Bond and in case the said Defendant Maumbalum Vencatasawmy Naick shall not admit to have received sufficient to pay and satisfy such residue then the said Master is to take an Account of what has come to the hands of the said Maumbalum Vencatasawmy Naick or to the hands of any other Person or Persons by his Order or for his use by virtue of the award upon the said Tanjore Bond in the Pleadings of this Cause mentioned and of what by Virtue of such Award remains to be received And this Court doth further Order upon payment to the said Complainants Vellore Soobaroy Moodelly and Vellore Amachella Moodelly of the whole of what shall be found to be due to them as aforesaid that the said Complainants Vellore Soobaroy Moodelly and Vellore Amachella Moodelly do deliver up to the said Defendant Anava Mootiah Moodelly the said Bond bearing date the First day of September One thousand Eight hundred and Twenty Seven and the said Malabar instrument in Writing bearing date the Third day of January One thousand Eight hundred and Twenty Eight And that the said Malabar Writing or agreement by way of Mortgage bearing date the said First day of September One thousand Eight hundred and Twenty Seven be delivered up to the said Defendant Maumbalum Vencatasawmy Naick and it is further Ordered that it be referred to the Master to Tax the Costs of the said Complainant Vellore Soobaroy Moodelly and Vellore Amachella Moodelly in this Suit and that the same when Taxed be paid by the said Defendants respectively to the said to the said Complainants or their Solicitor Mr William Harris the said Complainants being at liberty to apply in or towards satisfaction of such Taxed Costs any residue of the proceeds of the said Security and Cash so directed to be paid to them as aforesaid in case there shall be any residue thereof in their hands after payment of the Amount of such Principal Money and Interest so due to them as aforesaid. For better taking of the Accounts and discovery of the Matters aforesaid all Parties are to produce before the said Master upon Oath all Books Papers Writings and Vouchers in their Custody or Power relating thereto and are to be examined upon Interrogatories as the said Master shall direct who in taking the said Accounts is to make unto the Parties all just allowances. And this Court doth reserve the Consideration of the Subsequent Costs of the said Inquiry and of all further directions until after the said Master shall have made his Report and all Parties in this Cause are to be at liberty to apply to this Court touching the Matters aforesaid as they may be Advised.

W Harris
Complts Solr

Entd

By the Court.

Registrar

In the Supreme Court of Judicature at Madras

Equity Side — Second Term 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

one of His Majesty's Justices

Read at the Hearing of this Cause for further Directions and Subsequent Costs this 7th day of April 1841.

Wednesday the Second day of April One thousand eight hundred and thirty four and in the Third Year of the Reign of His Majesty King William the Fourth Between Paukum Narrainsawmy Moodellier . . . . Complainant

and

Connore Arnachellum Moodellier

Defendant

Ralph Palmer

R Comyn

This Cause coming on the Thirty first day 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 learned on both Sides Upon opening the Bill of Complaint of the abovenamed Complainant and the Answer and further Answer of the said Defendant thereto And upon hearing read the Last Will and Testament of Connore Mooroogapah Moodellier the Testator in the pleadings of this Cause named and also the Probate thereof granted to the said Complainant and Defendant in this Cause And upon hearing read as Evidence for the said Complainant the following passages in the Answer of the said Defendant as follow that is to say from the Words "Saith "he admits that Connore Mooroogapah" in folio 2 to the Words "Years or "thereabouts "thereunto" in folio 26 from the words "And this Defendant admits "it to be true" in folio 37 to the words "accede to" in folio 39 —

Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth declare that the Trusts of the Will of the said Testator Cannon Moorogapah Moodelly ought to be carried into execution — and doth decree the same accordingly And this Court doth Order that it be referred to the Master of this Court to take an account of the personal Estate and Effects of the said Testator come to the hands of the Complainant and Defendant respectively or either of them or to the hands of any other person or persons by their or either of their Order or for their or either of their use or which but for their or either of their Wilful neglect or default might have been so received and that he do ascertain and report what part or parts thereof has or have been Specifically bequeathed and that the said Master do also take an Account of the debts funeral expenses and legacies of the said Testator and Compute interest on such of his debts as carry interest after the rate they respectively carry And it is Ordered that the said Master do cause advertisements to be published in the Fort Saint George Gazette and such other news Papers as he thinks proper for the Creditors of the said Testator to come in before him and prove their debts and he is to fix a peremptory day for that purpose and such of them as shall not come in by the time so to be limited are to be excluded from the benefit of this Decree and the Master is to enquire and report whether any and which of the said Testators debts and legacies — remain unpaid and whether any and what part or parts of the said Testators Estate and Effects is or are yet outstanding or due by the said Complainant and Defendant or either of them And it is Ordered that the said Testator's Estate not Specifically

bequeathed

bequeathed be applied in payment of his debts and funeral expenses in a due course of Administration and then in payment of his Legacies and after such payment the said Master is to ascertain and state the clear residue of the said Testator's Estate And it being admitted that there are now in the poſseſsion of the Defendant the Government Securities following that is to say Thirteen Government Promissory Notes of the four per Cent Loan for the Sum of Three hundred and twenty Six thousand Sicca Rupees (3,26,000.....) — Three Government Promissory Notes of the Five per Cent Loan for Sicca Rupees Twelve thousand and one hundred (12,100....) In the Name of the late Moorogapah Moodelly the Testator in the pleadings named. A Promissory Note of the Madras Government for Madras Rupees Seven thousand (7000....) — bearing interest at Six per Cent per Annum and Five Promissory Notes of the Madras Government on account of Carnatic Petty claims for Madras Rupees Three thousand and Seven hundred (3,700) This Court doth Order that he do forthwith deposit the same in the Treasury of Fort Saint George with the privity of the Accountant General of this Court to be there placed to the Credit of this Cause to an account to be entitled "The account of the Testator's Estate" And it is further Ordered that the said Complainant and Defendant do also cause the Chest together with the two Keys in the pleadings of this Cause mentioned and now admitted to be in their poſseſsion to be forthwith brought into the Master's Office and that the same be there in the presence of the said Master and of the Complainant and Defendant or their Solicitors opened and a true and perfect list taken in duplicate of the contents of the same and be Signed by the said Complainant and Defendant respectively before the said Master And it is Ordered that all and every the Title Deeds Evidences and Writings found in the said Chest be deposited with the Master in trust in this Cause for the benefit of the Parties interested — therein and that the Several Toys Jewels and ornaments found in the said Chest be replaced therein together with one of the said Lists and that the said Chest be thereupon locked by the said Complainant and Defendant respectively and Sealed by the Master and forthwith be by the said

Complainant and Defendant together with any Government Securities which may be found in the said Chest deposited in the said Treasury with the like privity of the said Accountant General to be placed to the credit of this Cause to the said Account of the said Testator's Estate and that the other of the said Lists be filed in the Registry of this Court for the benefit of the parties interested therein And it is further Ordered (the Complainant by his Counsel the Advocate General and Mr. Rowlandson not opposing the same) 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 the Interest now due and hereafter to accrue due — upon all and every the Government Securities hereinbefore and hereafter directed to be placed to the credit of this Cause to such account as aforesaid unto the said Defendant Connore Arnachellum Moodelly for the purpose of defraying the annual expences of the said Testator's family and Estate and carrying into execution the other Trusts of his Will and (the said Complainant by his said Counsel in like manner not opposing the same) that the said Defendant Connore Arnachellum Moodelly be also at liberty until the further order of this Court and for such purposes as aforesaid to collect and get in the outstanding effects and debts if any belonging to the said Testator's Estate and the Rents profits and produce of the Bazaar and other property and in so doing the said Defendant Connore Arnachellum Moodelly is to be at liberty to use the name of the said Complainant Paukum Narrainsawmy Moodelly who is to join in all necessary acts for that purpose when required being first indemnified by the said Defendant against all costs and expences to be incurred thereby and It is Ordered in case the said Interest rents profits and produce so directed to be received by the said Defendant

as

as aforesaid shall in any one Year be more than sufficient to defray the annual expences of the said Testator's Family and Estate and the carrying of the said other Trusts of his Will into execution that the said Defendant do lay out and invest any such Surplus in Government Securities in the joint names of himself and the said Complainant and deposit the same in the said Treasury with the like privity of the said Accountant General to be there placed to the credit of this Cause the said account of the said Testator's Estate subject to the further Order of this Court and that when and as often as it may become necessary to renew any one or more of the said Government Securities so directed to be deposited in the said Treasury as aforesaid the said Complainant and Defendant respectively do join in all necessary acts for that purpose and for the better taking of the said accounts and discovery of the matters aforesaid the parties are to produce before the said Master upon Oath all Deeds Books papers — Writings and Cadjans in their custody or power relating thereto and are to be examined upon Oath on Interrogatories as the said Master shall direct who in taking the said account is to make unto the parties all just allowances And this Court doth reserve the consideration of all further directions and of the Costs of this Suit until after the said Master shall have made his report and all parties interested in the Trusts of the said Testator's Will as well as the Parties hereto are to be at liberty to apply to this Court by Petition in this Cause touching the same or any of the matters aforesaid as occasion — shall require. —

Exd M.F.W.

By the Court

Tho. Teed
Assistt Solr

Registrar

Compl Solr

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In the Supreme Court of Judicature at Madras

Equity Side
Second Term 1834

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 Second day of April One Thousand Eight Hundred and Thirty four And in the Third Year of the Reign of His Majesty King William the Fourth – Between

By Original Bill –

Cooty Ummall – – – – – – – – Complainant

and

1 Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, & Ponniah Moodelly, and Lutchmanah Moodelly, Nuttambadoo Tombeapah Moodelly, & Manepaukum Mootoo Chitty, and Nuttambadoo Sabaupauthy – Defendants

By Bill of Revivor.

Cooty Ummall – – – – – – – – . Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, Ponniah Moodelly, Lutchmana Moodelly, Nuttambadoo Ramasawmy Moodelly, & Nuttambadoo Tombeapah, Nuttambadoo Vydenanda, Nuttambadoo Soobaroy, and Nuttambadoo Ruthna Sabapathy – Defendants

By another Bill of Revivor –

Cooty Ummall – – – – – – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, & Ponniah Moodelly, Lutchmana Moodelly, Manepaukum Mootoo Chitty, & Manepaukum Anachella Chitty and Manepaukum Moorgapah Chitty, Defendants

By another Bill of Revivor

2 Parranaigum Ummall only surviving daughter and personal representative of the said Cooty Ummall – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, & Ponniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, & Nuttambadoo Tombeapah, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabanpathy, Manepaukum Mootoo Chitty, Manepaukum Anachella Chitty, and Manepaukum Moorgapah Chitty – Defendants

By another Bill of Revivor –

The said Parranaigum Ummall – – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Ponniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, Nuttambadoo Tombeapah, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabaupathy, Manepaukum Anachella, and Manepaukum Moorgapah – – – – Defendants

By another Bill of Revivor.

The said Parranaigum Ummall – – – – Complainant

and

Moodookistna Moodelly, Ponniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, Nuttambadoo Tombeapen, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabaupathy, Manepaukum Anachella, and Manepaukum Moorogapah Chitty – – – – – – – – Defendants

Ralph Palmer
R Comyn

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature

at

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In the Supreme Court of Judicature at Madras

Equity Side Second Term 1834

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 Second day of April One thousand Eight Hundred and Thirty four And in the Third Year of the Reign of His Majesty King William the Fourth – Between

By Original Bill –

Cooty Ummall – – – – – – – – Complainant

and

1 Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, Penniah Moodelly, and Lutchmanah Moodelly, Nuttambadoo Tombeapah Moodelly, Manepaukum Mootoo Chitty, and Nuttambadoo Sabaupauthy – Defendants

By Bill of Revivor.

Cooty Ummall – – – – – – – – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, Penniah Moodelly, Lutchmana Moodelly, Nuttambadoo Ramasawmy Moodelly, & Nuttambadoo Tombeapah, Nuttambadoo Vydenanda, Nuttambadoo Soobaroy, and Nuttambadoo Ruthna Sabapathy – Defendants

By another Bill of Revivor –

Cooty Ummall – – – – – – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, Penniah Moodelly, Lutchmana Moodelly, Manepaukum Mootoo Chitty, & Manepaukum Arnachella Chitty, and Manepaukum Moorgapah Chitty, Defendants

By another Bill of Revivor

2 Parranaigum Ummall only surviving daughter and personal representative of the said Cooty Ummall – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Kistnasawmy Moodelly, Penniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, Nuttambadoo Tombeapah, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabanpathy, Manepaukum Mootoo Chitty, Manepaukum Arnachella Chitty, and Manepaukum Moorgapah Chitty – Defendants

By another Bill of Revivor.

The said Parranaigum Ummall – – – Complainant

and

Carpooga Ummall, Moodookistna Moodelly, Penniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, Nuttambadoo Tombeapah, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabanpathy, Manepaukum Arnachella, and Manepaukum Moorgapah – – – – Defendants

By another Bill of Revivor.

3 The said Parranaigum Ummall – – – – Complainant

and

Moodookistna Moodelly, Penniah Moodelly, Lutchmanah Moodelly, Nuttambadoo Ramasawmy, Nuttambadoo Tombeapah, Nuttambadoo Soobaroy, Nuttambadoo Ruthna Sabanpathy, Manepaukum Arnachella, and Manepaukum Mooroogapah Chitty – – – – – – – – Defendants

Ralph Palmer
R Comyn

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 behalf
of the Complainant Parcanaigum Ummall and the
Defendants Manally Moodookistna Moodelly and
4 Manally Ponniah Moodelly - Before the case is
Opened Mr. Bathie on behalf of the Complainant
Parcanaigum Ummall moves that she may be
at liberty to withdraw from the Record the
Two last Bills of Revivor filed by her on
the Twenty Eighth day of February One
thousand Eight hundred and Thirty one
and Tenth day of April One thousand
Eight hundred and Thirty two and to
proceed again de Novo as to the Matters therein
Contained upon the ground that certain
irregularities had taken place in not
5 having duly revived the Original Bill
as against Seven of the Defendants Vizt.
Manally Lutchmana Moodelly, Nuttambadoo
Ramasawmy Moodelly, Nuttambadoo Tombeapen
Moodelly, Nuttambadoo Soobaroy Moodelly,
Nuttambadoo Ruthna Sabapauthy Moodelly
Manepaukum Arnachella Chitty, and
Manepaukum Mooroogapah Chitty, and
that the Complainant was not accordingly
in a Condition to obtain a Decree upon
the Merits the Complainant offering to
pay such Costs as the Court may direct
and also to Consent that the Defendant
Manally Ponniah Moodelly who had been
let

6 let in to make a new defence to the Original Bill
and had Entered into Evidence to substantiate
the same should have the benefit of his answer
filed on the Twenty Second day of February
One thousand Eight hundred and Thirty three
and of the Depositions already taken by him
to substantiate the same in any new proceedings
which the said Complainant might hereafter
adopt in this Cause - But the Court refuse
the application and the more especially as upon
7 a Motion made on the Twenty Second day
of March last upon Notice on behalf of the
Defendant Manally Ponniah Moodelly to
dismiss this suit for want of prosecution
the Complainant had peremptorily Undertaken
to set down the Cause for hearing this Term
and the Cause being now accordingly opened
by Mr. Bathie of Counsel for the Complainant
and upon hearing read the Subpoenas to hear
Judgment against the Defendants Nuttambadoo
Ramasawmy, Nuttambadoo Tombeapen,
Nuttambadoo Soobaroy, Nuttambadoo Ruthna
Sabapathy, Manepaukum Arnachella,
Manepaukum Mooroogapah, Moodookistna
Moodelly, Ponniah Moodelly, and Lutchmana
8 Moodelly and the Affidavit of Alexander
De Rozario of personal service thereof on
the Defendants Nuttambadoo Ramasawmy
Moodelly

Moodelly, Nuttambadoo Soobaroy Moodelly,
Nuttambadoo Tombeapen Moodelly,
Manepankum Arnachella Chitty,
Manepankum Moorogapah Chitty,
Mr Thomas Teed Solicitor for Manally
Moodookistna Moodelly, and Manally
Ponniah Moodelly and Manally
Lutchmana Moodelly, and an Order
bearing date the Twenty Second day
of March last to take the Bill of
Revivor filed in this Cause on the
Tenth day of April One thousand
9 Eight hundred and Thirty two pro
Confesso against the Defendants
Nuttambadoo Soobaroy Moodelly, and
Nuttambadoo Ruthna Sabaupathy
Moodelly and Mr Advocate General
and Mr Teed appearing for the
Defendant Manally Ponniah Moodelly
and Mr Teed also appearing for the
Defendant Manally Moodookistna
Moodelly a preliminary objection to
the Complainant further proceeding
upon the General Merits of the case
is taken by the Counsel for the
Defendants Manally Ponniah
Moodelly and Manally Moodookistna
Moodelly

Moodelly for that the said Complainant has not given
10 any Evidence to prove that she is the Daughter
of the Original Complainant Cootee Ummall
under which title she seeks to revive this
suit that fact not being admitted by the
Defendants. And upon hearing Counsel on
behalf of the said Complainant and the
Defendants Manally Moodookistna Moodelly
and Manally Ponniah Moodelly upon this
point the Court are of Opinion that the
objection is good. The only Evidence Offered
of this fact being the Depositions taken
in the Original Cause wherein such fact
11 was not in issue and although in Ordinary
Cases. The Complainant in a Bill of
Revivor might be allowed to prove such
fact Either viva voce or to Exhibit an
Interrogatory for that purpose. yet in
this particular case after what the
Complainants Counsel had admitted
regarding the Irregularities which had
taken place in the proceedings. It would
be of no use to give the Complainant
an opportunity to supply the omission
by further Evidence. **Whereupon** and
12 upon Considering all the circumstances of
the

the case The Court think proper to dismiss this cause out of Court and the same is dismissed accordingly with Costs as against the Defendant Manally Ponniah Moodelly and Manally Moodookistna Moodelly from the time of the filing of the first Bill of Revivor by the said Complainant Parcanaigum Ummall and without Costs as against the other Defendants.—

Exd
AL
OK

By the Court

Registrar

Tho. Teed
Solicitor for the defendants
Moodookistna & Ponniah

13 Patigoes

In the Supreme Court of Judicature at Madras.—

Ecclesiastical Side

Second Term 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His majesty's Justices.

Friday the Fourth day of April one Thousand Eight hundred and Thirty four and in the third Year of the Reign of His Majesty **King William the Fourth.** In the Matter of the Last Will and Testament and Codicil of Ram Rauza Deceased.—

wherein

George Brasher and Charles Maitland are Proponents

and

Ananta Ram Rauza is. Respondent

Ralph Palmer.
R Comyn.

This Matter coming on the Second and Third 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 of Advocates on both sides Upon opening the Libel Exhibited by the above named Proponents the answer of the said Respondent thereto and upon hearing read as Evidence for the said Proponents the

Deposition of Terooveor Narrain Pillay to the First Second Fo
and Fifth Interrogatories in Chief filed on behalf of the said
Proponents the Deposition of Hosecottah Ramiah to the Fi
Second Fourth Fifth and last Interrogatories in Chief fil
behalf of the said Proponents the Deposition of Veneata
Pillay to the First Second Third Fourth and last Interroga
in Chief filed on behalf of the said Proponents the Deposition of
Veneatasawmy Naick to the First Second Fourth Fifth (Called
Interrogatory) and last Interrogatories in Chief filed on behalf of
Proponents the Deposition of Terooveor Veneata Kistna Pillay to the
Second Fourth and last Interrogatories in Chief filed on behal
the said Proponents the Deposition of Cottamungalum Ramasa
Pillay to the First Second and Third Interrogatories in Chief fil
on behalf of the said Proponents also the Exhibits **ABCD**
E proved by the said Proponents and upon hearing read as Evidence
the said Respondent the Deposition of Mylay Pillay to the First Se
Third Fourth Fifth Seventh and Ninth Interrogatories
Chief filed on behalf of the said Respondent the Depo
of Chintamony Pettah Sashacharloo to the First Second Th
Fourth Fifth Seventh and Ninth Interrogatories in Chi
filed on behalf of the said Respondent the Deposition of

Veneata

Veneata Rajah to the First Second Third Fourth and Fifth Interrogatories in chief filed on behalf of the said Respondent the Deposition of Ramasawmy Rajah to the First and Sixth Interrogatories in Chief filed on behalf of the said Respondent the Deposition of Chedumbara Pillay to the First Sixth and Eighth Interrogatories in Chief filed on behalf of the said Respondent the Deposition of Maneca Pillay to the First Sixth and Eighth Interrogatories in Chief filed on behalf of the said Respondent also Exhibit **A** proved by the said Respondent and upon hearing read as Evidence for the said Proponents the Deposition of Veneata Rajah to the First and Seventh Cross Interrogatories filed on behalf of the said Proponents and upon hearing read the Petition of the said Proponents verified by their affidavit filed on the 12th day of April 1833 praying that Probate of the two several Testamentary Papers writing purporting to be the Last Will and Codicil of the said Ram Ranga deceased might be granted to them as the Executors constructively appointed by the said Testator and the Affidavit of the said Respondent Ananta Ram Ranga Vengoo Pillay Chedumbarum Pillay and Mylea Pillay sworn and filed on the 5th day of July 1833 **Whereupon** and upon debate of the matter and hearing what was alleged by the Advocates on both sides. **This Court doth Order and Decree** that the said Proponent George Brasher do give in his personal answers to such Interrogatories as this Court shall direct to be ad to him and that a Special Commission do issue to the Registra this Honorable Court for the purpose of examining the said George Brasher thereon — and it is further ordered the said Registrar do certify such examination to this Court o first day of next Term until which day the Court postpon any further directions or its final Sentence. —

Exd
MZ
DK

J. L. Crompton
Proctor for the Proponents

By the Court

Registrar

In the Supreme Court of Judicature at Madras
Ecclesiastical Side   Second Term 1834

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 Ninth day of April One thousand eight hundred and thirty four and in the Third year of the Reign of His Majesty King William the Fourth —
In the Matter of the Last Will and Testament of Chatooputtoo Ponnambala Moodelyar deceased
Wherein
Ayenambakam Valappa Moodelyar ... is Proponent
and
Soobaroy Moodelly Appachee Moodelly Veeraswamy Moodelly and Narrainsawmy Moodelly — are Respondents

Ralph Palmer

R Comyn

This Matter 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 Advocates on both Sides Upon opening the Libel Exhibited by the above named Proponent the Answer of the said Respondents thereto And Upon hearing read as Evidence for the said Proponent The Deposition of Villore Soobaroy Moodelly to the First Second Third Fourth Fifth and Seventh Interrogatories in Chief filed on behalf of the said Proponent The Deposition of Ayanumbackum Vasuntaroy Pillay to the First Second Third and Seventh Interrogatories in Chief filed on behalf of the said Proponent — The Deposition of Poroor Annatha Moodelly to the First Fourth Fifth Sixth and last Interrogatories in Chief filed on behalf of the said Proponent

The Deposition of Meenyoo Saravanah Moodelly to the First Fourth Sec
last Interrogatories in Chief filed on behalf of the said Proponent The D
of Nullore Comarasawmy Moodellier to the First Fourth Seventh and la
Interrogatories in Chief filed on behalf of the said Proponent The Depo
of Andy alias Ponnen to the First and last Interrogatories in Chief file
on behalf of the said Proponent The Deposition of Francis Kelly to t
First and Eighth Interrogatories in Chief filed on behalf of the said Pro
also the Exhibit **A** And upon hearing read as Evidence for the said Resp
the Deposition of Amanjecarray Cholliapah Moodelly to the First Sec
Third and Sixth Interrogatories in Chief filed on behalf of the said
Respondents The Deposition of Colapackum Arnachella Moodelly to
First Second and Third Interrogatories in Chief filed on behalf o
said Respondents The Deposition of Paradavachum ~~Saravana~~ Paroom
Moodelly to the First Second Fourth and Fifth Interrogatories i
Chief filed on behalf of the said Respondents The Deposition o
Collenda Pillay to the First Second Fourth Seventh and Eighth Inter
in Chief filed on behalf of the said Respondents The Depo
Soobaroy Moodelly to the First and Ninth Interrogatories in Chief filed
on behalf of the said Respondents And upon hearing read as Evidence f
the said Proponent The Deposition of the said Amanjecarry Cholia
Moodelly to the First Fourth and Fifth cross Interrogatories filed
behalf of the said Proponent The Deposition of the said Colapa
Arnachella Moodelly to the First and Fourth cross Interrogatories f
on behalf of the said Proponent The Deposition of the said Colle
Pillay to the First Second Third Fourth and Eighth cross Interroga
filed on behalf of the said Proponent also the Affidavit of the said Res
Soobaroy Moodelly Appachee Moodelly Veerasawmy Moodelly and
Narrainsawmy Moodelly and Colunda Pillay Sworn and filed o
25th day of May 1832 Whereupon and upon debate of the Matter
hearing what was alleged by the Advocates on both Sides and on m
Consideration had thereon This Court doth think fit to pronoun
and Declare for the force and Validity of the Testamentary paper writi

marked

marked **A** as and for the Last Will and Testament of the said
Chataputtoo Ponambala Moodellier deceased And doth Decree that
the Probate thereof granted in Common form on the Twenty Second day of
May One thousand eight hundred and thirty two to the said Proponent
Ayenambakum Valoppa Moodellier be confirmed And doth also Decree
Sentence of the same accordingly And this Court doth further Order
that the Costs herein of the said Proponent be taxed by the Master of
this Court and paid by the said Respondents Soobaroy Moodelly
Appachee Moodelly Veerasawmy Moodelly and Narrainsawmy Moodelly
to the said Proponent or to Mr. Leonard Cooper his Proctor

Ed
M.Z.
D.K.

Leonard Cooper
Proctor for the Proponent

By the Court

Register

In the Supreme Court of Judicature at Madras
Equity Side   Second Term 1834

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 Tenth day of April One thousand eight hundred and thirty four and in the Third Year of the Reign of His Majesty King William the Fourth Between The Reverend William Longbottom and Errard Mollien Esquire two of the Executors of the Last Will and Testament and Codicils of the late Mrs. Coromdemea Frazer Seembruggen of Negapatam Widow Deceased
Complainants
and
Balthazar Manook Sator and Aratheon Jacob Johannes and Caspard Henry Seembruggen and James Roosmallee Esq (when they shall come within the jurisdiction of this Honorable Court and The Advocate General of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George Madras
Defendants

Ralph Palmer
R Comyn

This Cause coming on this day (by Consent) to be heard and debated on Bill and Answer 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

[illegible] from [illegible] May 1834

the above named Complainants and the Answer of the Defendants
Belthazar Manook Sator and Arathoon Jacob Johannes thereto
And upon reading the Will and Codicils of the said Testatrix
Coromsemee Eleazar Leembruggen and the Probates thereof granted
to the Complainants and the Defendants Belthazar Manook Sator
and Arathoon Jacob Johannes Whereupon and upon
debate of the Matter and hearing what was alleged by the
Counsel on both sides This Court doth declare that
the Trusts of the Will and Codicils of the said Testatrix
Coromdeemee Eleazar Leembruggen ought to be carried into execution
and doth Order and Decree the same accordingly And
this Court doth Order that it be referred to the Master of
this Court to take an account of the Personal Estate and Effects
of the said Testatrix come to the hands of the said Complainants
or either of them or to the hands of any other person or persons by
their or either of their Order or for their or either of their use and
that he do ascertain and report what part or parts thereof had
or have been Specifically bequeathed also an account of the debts
funeral expenses and legacies of the said Testatrix and
compute interest on such of her debts as carry interest after
the rate they respectively carry And it is Ordered that the
said Master do cause Advertisements to be published in the
Fort Saint George Gazette and such other News papers as
he may think proper for the Creditors of the said Testatrix
to come in before him and prove their debts and he is to fix
a peremptory day for that purpose and such of them as
shall not come in by the time so to be limited are to be
excluded from the benefit of this Decree and the Master is
to enquire and report whether any and which of the debts
and legacies of the said Testatrix remain unpaid and

Whether

whether any and which part or parts of the Estate and Effects of the
said Testatrix is or are yet outstanding or due by the said Complainants
The Reverend William Longbottom and Evrard Mollien or either of them
And it is Ordered that the said Testatrix's Estate not Specifically
bequeathed be applied in payment of her debts and funeral expenses in a
due course of Administration and then in payment of her legacies and
after such payment the said Master is to ascertain and state the clear
residue of the said Testatrix's Estate and of what the same consists
And it is Ordered that the said Complainants do deposit in the
hp. Treasury of Fort Saint George with the privity of the accountant general of this Court to be placed to the credit of this Cause
to an account to be entitled "The account of the Estate of the said
Testatrix" all the Government Securities and Cash now in their hands or
Which may hereafter come to their hands belonging to the Estate of the
said Testatrix and do also deposit all other Securities Deeds Evidences
and Writings in their possession or power respectively belonging to the
said Estate with the Master of this Court for the benefit of all parties
interested therein And this Court doth further Order that it be
referred to the Master to enquire and state what Collegiate body or other
Society was meant by the said Testatrix in the Second Codicil to
her said Will under the description of "The Greek College for the
Education of Youths in Arts and Sciences" and of what persons the
same consists and Whether the same existed at the time of the death
of the said Testatrix and still does exist and Where Situate and
in case any such Collegiate body or Society shall be found still
to exist then let the Master enquire and state who are according to
the Laws usages and Customs of such body entitled to receive any
charitable Legacy bequeathed for the benefit thereof and how and in what
manner and by whom a legal and effectual receipt and discharge for the
same can be given with liberty to the Master to state any Special
circumstances as he may think proper And it is further Ordered
that the said Master do also enquire and state to the Court what
person or persons by name are now the Governors of the Madras

Armenians Orphans Funds and whether they are entitled to receive any Charitable Legacy bequeathed to them and how and in what manner and by whom a legal and effectual discharge for the same can be given with liberty to the Master to state any Special circumstances as he may think proper And this Court doth further Order that it be referred to the said Master to approve of and appoint some proper person or persons to collect and get in the outstanding Estate and Effects of the said Testatrix with liberty to the said Defendants Balthazar Manook Satow and Arathoon Jacob Johannes and Paul Melitus in the answer named to propose themselves as such Receivers they undertaking before the Master in case they shall be so appointed that they will collect and get in such outstanding Estate and Effects free and clear of any charges for commission And it is Ordered that such Receivers when so appointed upon giving Security to be approved of by the Master duly and annually to account for what they shall so receive as the Court shall direct are to be at liberty to take all necessary measures for the purpose of getting in the said outstanding Estate and are to be at liberty to use the names of the said Complainants as such Executors as aforesaid who are to join in all necessary Acts for the purpose aforesaid when required so to do the said Complainants being first indemnified against all costs and expences to be incurred thereby And it is Ordered that the said Receivers do from time to time pass their accounts before the Master and pay any balances which shall be reported due from them into the said Treasury with the like privity of the said Accountant General to be there placed to the credit of this Cause to the said Account of the Estate of the said Testatrix Subject to the further order of this Court and for the better taking the said Accounts —

and

and discovery of the Matters aforesaid the said Parties are to deposit and leave with the said Master upon Oath all Deeds Books Papers Writings and Cadyans in their custody or power relating thereto and are to be examined upon Oath on Interrogatories as the said Master shall direct who in taking the said accounts is to make unto the Parties all just allowances And this Court doth reserve the consideration of all further directions and the Costs of this Suit until after the said Master shall have made his report and all persons interested in the Trusts of the said Will and Codicils of the said Testatrix as well as the Parties hereto are to be at liberty to apply to this Court by Petition in this Cause as occasion shall require

By the Court

Registrar

Ed
WL
EK

Theo. Teed
Compts Sol

9 folio

AW
12-1-27

Trustees of the Armenian church Plaintiff/Defendant applied 20·10·26
Stamps called for 17·1·27
Stamps put in 20·1·27
Ready. 2·2·27

WT.

B.C
2nd Assistant Registrar,
Manager, O.S.

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In the Supreme Court of Judicature at Madras

Equity Side

Third Term 4th August 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Chotta Ballakistna Doss

~~vrs~~

omas Teed, Esquire Yanagooloo Veerasawmy
aming and Montague Dundas Cockburn
uire

The Matter upon the Demurrer put in by the Defendants Thomas Teed and Yanagooloo Veerasawmy Braminy to the Complainant's Bill of Complaint in this Cause coming on to be Argued on the Second 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 Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both sides. This Court doth Order that the said Demurrer be over-ruled with Costs.

alph Palmer

R Comyn

By the Court.

Registrar

Wm Crampton
Compl^t Sol^r

In the Supreme Court of Judicature at Madras
Third Term 7th August 1834

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

By Original Bill
Shake Davaljee Maistry
~~Vers~~
Parcapolliam Maury Chitty
By First Bill of Revivor
Shake Davaljee Maistry
~~Vers~~
mamah Chitty Arnachella Chitty Codunda Ramah Chitty and
oo Chitty the only male representatives of the said Parcapolliam
ury Chitty deceased - - - - - - - - - - -
By Second Bill of Revivor
mimbee the only Child lawfully begotten by the said Shake Davaljee
ased - - - - - - - - - - - - - -
~~Vers~~
mamah Chitty Arnachella Chitty Codunda Ramah Chitty and
y Chitty the Sons and personal representatives of the said Maury Chitty
ased and Cawder Moydeen and Rymed Bee the only Nephew and
e and also next of Kin of the said Shake Davaljee deceased - -
By Subsequent Bill of Revivor
nna Beebee the Widow and personal representative of the said Shake
valjee deceased and also the Executrix of the Last Will and
tament of the said Mymembee deceased - - - - - - - -
~~Vers~~
nachella Chitty Codunda Ramah Chitty and Soory Chitty the Sons and
sonal representatives of Parcapolliam Maury Chitty deceased

The Matter upon the Exceptions taken by the Complainant Munna Beebee to the Report of the Master of this Court bearing date the Twenty Sixth day of July last made in pursuance of the Decree in this Cause bearing date the Seventh day of August One thousand Eight hundred and thirty three coming on to be Argued on the Fifth and Sixth days of August instant and also on this day before the Justices of this Honorable Court in the presence of Counsel learned on both sides And the said Exceptions and Report being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the First Second and Fourth Exceptions be over-ruled - as to the Third Exception the Court allows the same and in regard to the Fifth Exception so far as relates to the Two Houses in Lingy Chitty Street The Court doth allow the same Save as to the alleged Value thereof of which there is no Evidence and in regard to the Garden in Lungeveroyenpettah

Ralph Palmer
R Comyn

The Court doth refer it back to the Master, to review his
And as to the remainder of the said Fifth Exception The
doth Over-rule the same.

By the Court.

Registrar

Mr. Rose
Complts Solr

In the Supreme Court of Judicature at Madras

Ecclesiastical Side   Third Term 1834

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 Twenty third day of July One thousand Eight hundred and thirty four and in the Third Year of the Reign of His Majesty King William the Fourth — In the Matter of the Last Will and Testament and Codicil of Ram Ranza deceased

Wherein

George Brasher and Charles Maitland are Proponents

and

Ananta Ram Ranza is — Respondent

R Palmer
R Comyn.

This Matter coming on the Second Third and Fourth days of April last to be heard and debated before the Honorable the Judges of this Court in the presence of Advocates learned on both Sides Upon opening and debate of the Matter and hearing read the proofs taken therein and what was alleged by the Advocates on both Sides their — Lordships decreed that the said Proponent George Brasher should give in his personal Answers to such Interrogatories as this Court should direct to be Administered to him and that a Special Commission should issue to the Registrar of this Honorable Court for the purpose of Examining the said George Brasher thereon And thereby it is further Ordered that the

said

Entered

said Registrar should Certify such Examination to this Court on the First
of this Term until which day the Court postponed any further directions or
final Sentence - And in pursuance of the said Decree a Commission acco
issued directed to the said Registrar of this Court authorizing him to E
the said George Brasher upon Certain Interrogatories exhibited to him by t
Court And the said Registrar by Virtue of such Commission duly took t
Examination and Deposition of the said George Brasher and Certified
Same to this Court on the first day of this Term - And this Matter be
this present day called on for Judgment in the presence of Advocates
on both Sides Whereupon and upon hearing read the said Decre
Order and the Deposition of the said Proponent George Brasher ta
by the said Registrar in pursuance of the said Decretal Order The
Court doth think fit to pronounce and declare for the force and Vali
of the Testamentary Paper Writings marked respectively A B C and D
and for the Last Will and Testament and Codicil of the said Ra
Ranza deceased And doth Decree that the Probate of the said
Several Testamentary Paper Writings purporting to be the Last Wil
Testament and Codicil of the said Ram Ranza deceased being the
Exhibits C and D granted in Common form on the Third day of M
One thousand Eight hundred and thirty three to the said Proponen
George Brasher and Charles Maitland be confirmed And doth als
Decree Sentence of the same accordingly And this Court doth
further Order that the costs herein of the said Proponents be taxe
the Master of this Court and paid by the said Respondent Anant

Ram

Ram Ranza to the said Proponents or to Mr Joshua Thomas Crampton
their Proctor -

By the Court

Registrar

Exd
MJ
DK

J. L. Crampton
Proctor for Propts.

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1834

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 Thirtieth day of July One thousand Eight hundred and Thirty four. And in the Third Year of the Reign of His Majesty King William the Fourth - Between.

Yagattamall - - - - - - - - - - - - - Complainant

and

Nauny Valoyda alias Valapah Chitty and Nauny Vardapah Chitty - - - - - - - - - - - Defendants

Ralph Palmer

R Comyn

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 learned on both Sides. Upon opening the Bill of Complaint of the above named Complainant and the Joint and Several Answer of the said Defendants thereto And upon hearing read as Evidence for the said Complainant the following passages in the said Answer of the said Defendants as follow that is to say from the words "And these Defendants further Answering "say" in folio 20 to the words "possession of these Defendants" in folio 21 from the words "And "these Defendants say" in folio 39 to the words "utmost value thereof" in the same folio together with such parts of the said Bill of Complaint as are referred to in the said passages of the said Answer also the Deposition of Veerabuddha Chitty to the First and Fifth Interrogatories in Chief filed on behalf of the said Complainant. The Depositions of

Culleana Naick to the First Third and Fourth Interrogatories in Chief filed on b of the said Complainant. The Deposition of Mortoomauery Chitty to the First Sec and Third Interrogatories in Chief filed on behalf of the said Complainant. Th Deposition of C: Valapah Chitty to the First Second Fourth and Seventh Interrog in Chief filed on behalf of the said Complainant. Whereupon and af debate of the Matter and hearing what was alleged by the Counsel on both and on mature Consideration had thereon. This Court doth Order an Decree that the said Complainants Bill do stand and be dismissed out Court. and it is further Ordered that it be referred to the Master of this Court to Tax the Costs of the said Defendants in this up to the time of the said Complainant being Admitted to prosecu the same in formâ Pauperis and that such Costs when Taxed be by the said Complainant to the said Defendants or their Solicitor Mr. Joshua Thomas Crampton.

End

By the Court.

J. T. Crampton
Dfts. Solr.

Registrar

In the Supreme Court of Judicature at Madras
Third Term 1834

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 Eighth day of July One thousand Eight hundred and Thirty four and in the Third Year of the Reign of His Majesty King William the Fourth Between Richard Brunton and Ann Brunton and Jane Mary Wiltshire an Infant by her Guardian and next Friend the said Richard Brunton - - - - - - - - - - - - Complainants-

and

Peter Cator Esquire Administrator of Charles Rundall Deceased - - - - - - - - - - - - Defendant-

Ralph Palmer

R Comyn

This Cause coming on the Tenth day of February last to be heard and debated before the Honorable the Judges of this Court upon Bill and Answer in the presence of Counsel learned on both Sides Upon opening and debate of the Matter and hearing the proofs therein taken read and what was alleged by the Counsel on both Sides their Lordships made their Decree bearing date the said Tenth day of February last and thereby declared that the Complainants Anna Brunton and Jane Mary Wiltshire were entitled in respect of the said Two Legacies of One thousand Pagodas and One thousand Pagodas bequeathed to the said Complainants Anna Brunton and Elizabeth Wiltshire deceased by the Testator James Gordon Brunton to be considered as Judgment Creditors of the said Charles Rundall and to be paid in the Administration of the Aſsets of

the said Charles Rundall rateably and in proportion with all other
Judgment Creditors (if any) of the said last named Testator in preference to
all his other Creditors of inferior degree. And thereby Ordered that it be referred
to the Master to compute the Principal and Interest due upon such Legacies
respectively such Interest from the time of the death of the said Charles
Rundall to be calculated at the rate of Six Per Cent Per Annum and the
said Complainants waiving the taking any Account before the Master of
the Estate of the said Charles Rundall - it is thereby Ordered that the Costs
of all the Parties in this Cause should be Taxed up to that time as between
Solicitor and Client and that the said Defendant Peter Cator should pay
the same out of the Aſsets of the said Charles Rundall in his hands And
that after payment of such Costs the said Defendant Peter Cator should
apply the Residue of such Aſsets and such further part of the said Estate
and Effects of the said Charles Rundall (if any) as he might thereafter
Collect or receive or a sufficient portion thereof in payment and
satisfaction of what should be so found due in respect of the Principal
and Interest upon such Two Legacies as aforesaid and of all other
Creditors of the said Charles Rundall (if any) of equal degree pari paſsu
or so far as such Aſsets already received or hereafter to be received shall
extend And thereby it is further Ordered that what should be payable
for Interest on the said Legacy of One thousand Pagodas bequeathed
to the said Anna Brunton should be paid to the said Complainants
Richard Brunton and Anna Brunton upon their joint receipt and
that the Principal of such Legacy or so much thereof as the Aſsets of the

said

said Charles Rundalls Estate shall extend to satisfy should be paid to the Sub
Treasurer of Fort Saint George with the privity of the Accountant General of this Court
and be by him laid out in the purchase of a Government Security or Securities
bearing Interest at Four per Cent per Annum and Carried to the Credit of this
Cause to an Account to be entitled "Legacy bequeathed to Anna Brunton and her
"Children by the Will of James Gordon Brunton" and that the Interest to Accrue due
upon such Security or Securities so to be purchased when and so often as such
Interest should become due and payable should be paid to the said Complainants
Richard Brunton and Anna Brunton upon their joint receipt during the life of
Anna Brunton or until the further Order of Court with liberty after her death
for all Parties interested in such Legacy to apply to this Court by Petition in this
Cause as they might be advised - And thereby it is further Ordered that what
should be payable for Interest on the said Legacy of the One thousand Pagodas
bequeathed to Elizabeth Wiltshire be paid to the said Richard Brunton as
Guardian of the said Infant Complainant Jane Mary Wiltshire and that the
Principal of such Legacy or so much thereof as the Aſsets of the said Charles
Rundall's Estate shall extend to satisfy be paid to the said Sub Treasurer with
the privity of the said Accountant General and be by him laid out in the purchase
of a Government Security or Securities bearing Interest at Four per Cent and
carried to the Credit of this Cause to an Account to be Intitled "The Account of Jane
"Mary Wiltshire" And that the Interest to accrue due upon such Security or Securities
so to be purchased when and so often as such Interest shall become due and
payable be paid to the said Complainant Richard Brunton as Guardian of the
said Jane Mary Wiltshire during the Minority of the said Jane Mary Wiltshire or

until the further Order of Court. And thereby it is Ordered that it be referred to the Master to enquire and Report whether Mary Kirkpatrick Brunton in the Answer of the said Defendant named was or was not Entitled to be considered as a Judgment Creditor against the said Estate of the said late Charles Rundall in respect of the debt in the said Answer alledged to be due from him in his life time to the said Mary Kirkpatrick Brunton or any and what Sum of Money and for that purpose the Master was to Cause a Notice to be served on the said Mary Kirkpatrick Brunton or any Person duly Constituted by her as her Attorney to come in and prove the said alleged debt on or before a Certain day to be fixed by him for that purpose and in default of which the said Mary Kirkpatrick Brunton was to be excluded the benefit of this Decree. And in Case the said Mary Kirkpatrick Brunton should in pursuance of the said Notice come in and Establish a Claim to be considered as a Judgment Creditor against the said Estate of the said late Charles Rundall the Master was to Compute Principal and Interest due upon such Claim at the rate of Six per Cent per Annum from the time of the death of the said Charles Rundall And thereby for the better taking of the said Accounts and discovery of the matters aforesaid all Parties and the said Mary Kirkpatrick Brunton in Case she should come in under this Decree were directed to produce before the said Master upon Oath all Books Papers and writings in their Custody or power relating thereto and were to be examined upon Interrogatories as the said Master shall direct And thereby in taking the said Accounts the Master was directed to make unto the Parties all just allowances the Consideration of the

Costs

costs of the said enquiry and of all further directions was reserved until after the said Master shall have made his Report And the said Mary Kirkpatrick Brunton and all Parties in this Cause were to be at liberty to apply to this Court touching the Matters aforesaid as they might be advised. And in pursuance of the said Decree the said Master made his Report dated the Eighteenth day of July instant and thereby reported that he had been attended by the Solicitors for the said Complainants and Defendant respectively and likewise by the Solicitor for Major Peter Whannell the duly constituted Attorney of the said Mary Kirkpatrick Brunton and he found that on the first day of July One thousand Eight hundred and thirty one the said Charles Rundall was indebted to the said Complainant Anna Brunton in the full Amount of her said Legacy of One thousand Pagodas and that the said Charles Rundall in his life time and up to the said first day of July One thousand Eight hundred and thirty one allowed and paid to the said Complainant Anna Brunton interest on the said last mentioned Legacy of One thousand Pagodas at the rate of five per Cent per Annum And he had accordingly computed interest at such last mentioned rate on the said last mentioned Sum of One thousand Pagodas from the said first day of July One thousand Eight hundred and thirty one up to the Twelfth day of the same month of July (the day of the death of the said Charles Rundall) and the same being added to the said Sum of One thousand Pagodas made the Sum of One thousand and one Pagodas Twenty Eight fanams and Seventy Seven Cash due at the time of the death of the said Charles Rundall And he had Computed Interest on the said last mentioned Sum of One thousand and one Pagodas Twenty Eight fanams and Seventy Seven cash at the rate of Six per Cent per Annum from the time of the death of the said Charles Rundall to the date of his Report and such Interest amounted to the Sum of One hundred and Eighty one Pagodas twelve fanams and fifty Seven cash which together with the said Sum of One thousand and One Pagodas twenty Eight fanams and Seventy Seven cash made the sum of One thousand One hundred and Eighty two Pagodas Forty one fanams and fifty four cash or Four thousand One hundred and forty Madras Rupees three Annas and ten pice And he found that the said Defendant had from time to time and Since the death of the said Charles Rundall made certain payments for and on account of the Interest due on the said Sum of One thousand Pagodas amounting to Five hundred and Eight Madras Rupees Six Annas and Eight pice which last mentioned Sum of Five hundred and Eight Madras Rupees Six Annas and Eight pice being deducted from the Said Sum of Four thousand One hundred and forty Madras Rupees three Annas and ten pice left the Sum of Three thousand Six hundred and thirty one Madras Rupees thirteen Annas and two pice now due and owing on account of the Principal and Interest of the Said Legacy of One thousand Pagodas to the said Complainant Anna Brunton And he likewise found that on the First day of April One thousand Eight hundred and thirty one the said Charles Rundall was indebted to the said Complainant Jane Mary Wiltshire in the full Amount of her said Legacy of One thousand Pagodas and that the Said Charles Rundall in his life time and up to the said First day of April One thousand Eight hundred and thirty one allowed and paid to the Said Complainant Jane Mary Wiltshire Interest on the said last mentioned Legacy of One thousand Pagodas at the rate of Five per Cent per Annum and he had accordingly computed Interest at such last mentioned rate on the said last mentioned Sum of One thousand Pagodas from the first day of April One thousand Eight hundred and thirty

One

One up to the said Twelfth day of July then next following And the same being added to the said Sum of One thousand Pagodas made the Sum of One thousand and Thirteen Pagodas Forty three fanams and Sixty One Cash due at the time of the death of the said Charles Rundall and he had computed Interest on the said last mentioned Sum of One thousand and Thirteen Pagodas Forty three fanams and Sixty One Cash at the rate of Six per cent per Annum from the time of the death of the said Charles Rundall to the date of his Report and such Interest amounted to the Sum of One hundred and Eighty three Pagodas Twenty three fanams and Seven Cash which together with the said Sum of One thousand and Thirteen Pagodas Forty three fanams and Sixty One Cash made the Sum of One thousand One hundred and Ninety Seven Pagodas Twenty One fanams and Sixty Eight Cash or Four thousand One hundred and Ninety One Madras Rupees Three Annas and Two Pice And he found that the said Defendant had likewise from time to time and since the death of the said Charles Rundall made Certain payments for and on Account of the Interest due on the said last mentioned Sum of One thousand Pagodas amounting to Five hundred and Fifty Six Madras Rupees which last mentioned Sum of Five hundred and Fifty Six Madras Rupees being deducted from the said Sum of Four thousand One hundred and Ninety One Madras Rupees Three Annas and Two Pice left the Sum of Three thousand Six hundred and thirty five Madras Rupees Three Annas and two Pice now due and owing on Account of the Principal and Interest of the said Legacy of One thousand Pagodas to the said Complainant Jane Mary Wiltshire and he likewise found that the said Mary Kirkpatrick Brunton is entitled to be considered as a Judgment Creditor against the said Estate of the said Charles Rundall for the Sum of Thirty two thousand Three hundred and

Twenty One Rupees Eight Annas and Nine Pice in respect of the debt in the said Answer alleged to be due from him in his life time to the said Mary Kirkpatrick Brunton And he found that on the Fifteenth day of October One thousand Eight hundred and Thirty the said Charles Rundall was indebted to the said Mary Kirkpatrick Brunton in the Sum of Twenty Six thousand Three hundred and Ninety two Rupees and Two Annas and that the said Charles Rundall in his life time allowed the said Mary Kirkpatrick Brunton and the said Mary Kirkpatrick Brunton continued to receive from the said Charles Rundall Interest on the monies of the said Mary Kirkpatrick Brunton in the hands of him the said Charles Rundall at the rate of Five per Cent per Annum And he had accordingly computed Interest at such last mentioned rate on the said Sum of Twenty Six thousand Three hundred and Ninety two Rupees and Annas Two from the said Fifteenth day of October One thousand Eight hundred and Thirty up to the said Twelfth day of July One thousand Eight hundred and Thirty One and the same being added to the said Sum of Twenty Six thousand Three hundred and Ninety two Rupees and Two Annas made the Sum of Twenty Seven thousand Three hundred and Sixty Eight Rupees Four Annas and Four Pice due to the said Mary Kirkpatrick Brunton at the time of the death of the said Charles Rundall and he had computed Interest on the said last mentioned Sum at the rate of Six per Cent per Annum from the time of the death of the said Charles Rundall up to the date of his Report and the same Amounted to the Sum of Four thousand Nine hundred and Fifty three Rupees Four Annas and Five

Pice

Pice which together with the said Sum of Twenty Seven thousand Three hundred and Sixty Eight Rupees four Annas and four pice made the said Sum of Thirty two thousand three hundred and twenty One Rupees Eight Annas and nine pice the sum of Money in which the said Mary Kirkpatrick Brunton is so entitled to be considered as a Judgment Creditor against the said Estate of the said Charles Rundall as aforesaid

And this Cause coming on this present day to be heard for further directions on the said Report and Costs before the Honorable the Judges of this Court in the presence of Counsel learned on both sides **Whereupon** and upon hearing the said Decree and the said Master's Report read And upon hearing what was alleged by the Counsel on both Sides. **This Court doth Order** that it be referred to the Master of this Court to tax the Costs of the Complainants and Defendant Subsequent to the said Decree of the Tenth day of February last as between Solicitor and Client and that the Same be paid by the said Defendant Peter Cator out of the Aſsets of the said Late Charles Rundall now in his hands And it appearing upon the face of the said Report that the said Master has calculated Interest at Six per Cent on the Sum of Interest due to the Complainants Anna Brunton and Jane Mary Wiltshire and Mary Kirkpatrick Brunton at the time of the death of the said Charles Rundall deceased which is erroneous And it being admitted by Mr William Henry Rose Solicitor for the said Complainants and by Mr Oriel Viveash Solicitor for the Said Defendant and by Mr James Thoy Baillie Solicitor for the Said Mary Kirkpatrick Brunton that the

Sums which the Master ought to have reported as due are as follows on Account of the Legacy bequeathed to Anna Brunton and her Children the Sum of Rupees Three thousand Six hundred and thirty Annas Twelve and pice Seven (3630-12-7) Vizt for Principal Rupees Three thousand and five hundred (3500) and for Interest Rupees One hundred and thirty Annas twelve and pice Seven (130-12-7) On Account of the Legacy bequeathed to Elizabeth Wiltshire the Sum of Rupees Three thousand Six hundred and twenty Six Annas five and pice Nine (3626-5-9) Vizt for Principal Rupees Three thousand and five hundred (3500) and for Interest Rupees One hundred and twenty Six Annas five and pice Nine (126-5-9) And on Account of the Claim of the said Mary Kirkpatrick Brunton the Sum of Rupees Thirty two thousand One hundred and forty four Annas fourteen and pice one (32144-14-1) Vizt for Principal Rupees Twenty Six thousand three hundred and Ninety two and Annas two (26392-2 ") and for Interest Rupees Five thousand Seven hundred and fifty two Annas twelve and pice one (5752-12-1) This Court doth further Order that after payment of such Costs as aforesaid the said Defendant Peter Cator do apply the Residue of the assets now in his hands possession or power in payment of the said Three Several Sums of Rupees Three thousand Six hundred and thirty Annas twelve and pice Seven (3630-12-7) Rupees

Three

Three thousand Six hundred and twenty Six Annas five and pice Nine (3626-5-9) and Rupees Thirty two thousand One hundred and forty four Annas fourteen and pice one (32144-14-1) rateably and in equal proportions the Principal and Interest of the said two Several Sums due on account of the Legacies to the said Complainants Anna Brunton and Jane Mary Wiltshire respectively to be applied by the said Defendant Peter Cator in the manner by the said Decree of the Tenth day of February last in that behalf particularly directed and the said Sum of Rupees Thirty two thousand One hundred and forty four Annas fourteen and pice one (32144-14-1) to the said Mary Kirkpatrick Brunton or her Constituted Attorney - And all Parties are to be at liberty to apply to this Court as they may be advised. -

R.P.
R.C.

By the Court

A French
D Reg

W H Roves
Complts Sol.

In the Supreme Court of Judicature at Madras

Ecclesiastical Side Fourth Term 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

Friday the Twelfth day of September One thousand Eight hundred and thirty four And in the Fourth Year of the Reign of His Majesty King William the Fourth – In the Matter of the Goods and Chattels of Shaick Mahomed Soobadar deceased

Wherein

Iemaul Sahiba is Proponent

and

Salabuth Khan is Respondent

Ralph Palmer
R Comyn

This Matter coming on the Fourth and Fifth days of August 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 Advocates learned 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 Jadoo Roy to the First Second Third and Fifth Interogatories in Chief filed on behalf of the said Proponent The Deposition of Buddroodeen to the First Second Third and Sixth Interogatories in Chief filed on behalf of the said Proponent The Deposition of Baboo Roy to the First Second Third Sixth and Tenth

Interogatories in Chief filed on behalf of the said Proponent The Depo of Cawder Ally to the First and Fourth Interogatories in Chief filed o behalf of the said Proponent The Deposition of Mohib Ally otherwise called Meer Mohib Ally to the First and Seventh Interogatories in Ch filed on behalf of the said Proponent The Deposition of Gholum Maho to the First and Eighth Interogatories in Chief filed on behalf of the sai Proponent The Deposition of Najeeboolah Khan to the First and Fifteenth Interogatories in Chief filed on behalf of the said Propon The Deposition of Shair Ally Khan to the First and Fifteenth Interog in Chief filed on behalf of the said Proponent The Deposition of Rajah Bagavunta Row to the First and Fifteenth Interogatories Chief filed on behalf of the said Proponent The Deposition of Abdoola Beig to the First Fourteenth and Sixteenth Interogatories in Chief on behalf of the said Proponent The Deposition of Shaick Mahomed Al to the First and Sixteenth Interogatories in Chief filed on behalf of the said Proponent The Deposition of Syed Boodan to the First and Ninth Interogatories in Chief filed on behalf of the said Proponent The Deposition of Hyder Hoosain Khan to the First and Ninth Interog in Chief filed on behalf of the said Proponent also Exhibits B and C 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 that it be referred to the Master of this Court to approve of and take the usual Securities for the due

Administration

Administration of the Estate and Effects of the said Shaick Mahomed Soobadar deceased who died in or about the year One thousand and Eight hundred and ten by the Proponent Jemaul Sahiba as the only Sister and next of Kin of the said deceased and that thereupon Letters of Administration do pass the Seal of this Honorable Court in favor of the said Jemaul Sahiba – And it is further Ordered that the costs herein of the said Proponent and Respondent be taxed by the Master of this Court and that each party do pay their own costs

By the Court

Registrar

Exd

Proctor for Proponent

No 356 L of 34

In the Supreme Court of Judicature at Madras

Equity Side
Sittings after the Fourth Term 1834

28th November 1834

Present

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

By Original Bill
Shake Davaljee Maistry . . . .
Vrs
Parcapolliam Maury Chitty . . . . . .
By First Bill of Revivor.
Shake Davaljee Maistry.
Vrs
amah Chitty Annachella Chitty Codunda Ramah Chitty and Sooroo Chitty the
ale representatives of the said Parcapolliam Maury Chitty deceased . . . .
By Second Bill of Revivor.
rembee the only Child lawfully begotten by the said Shake Davaljee deceased . .
Vrs
amah Chitty Annachella Chitty Codunda Ramah Chitty and Soory Chitty the Sons
personal representatives of the said Maury Chitty deceased and Cawder Moydeen and Rymen
he only Nephew and Niece and also next of Kin of the said Shake Davaljee deceased .
By Subsequent Bill of Revivor.
na Bebee the Widow and personal representative of the said Shake Davaljee deceased and
e Executrix of the Last Will and Testament of the said Mymembee deceased . . .
Vrs
nchella Chitty Codunda Ramah Chitty and Soory Chitty the Sons and personal
sentatives of Parcapolliam Maury Chitty deceased . . . . . .

The Matter upon the Exceptions taken by the
Complainant Munna Bebee to the Report of the Master of this
Court bearing date the Twenty third day of September last
made in pursuance of the Decretal Order made in this
Cause bearing date the Seventh day of August One thousand
Eight hundred and thirty four coming on to be Argued on the
Seventh day of November instant and also on this day before
the Justices of this Honorable Court in the presence of Counsel
learned on both Sides And the said Exceptions and Report
being opened Upon debate of the Matter and hearing what
was alleged by the Counsel on both sides This Court
doth Order that the said Exceptions be over-ruled and the said Masters Report do
stand Confirmed - and it is further Ordered that Kuper Bee one of the
Widows of the said Shake Davaljee deceased be entitled to have her Costs herein
but this Court doth reserve the question whether the same is to come
generally out of the Fund coming to the said Shake Davaljee's
Estate or from the said Complainant Munna Bee's
share

R Palmer

Comyn

share therein.–

By the Court

Register

W Vincent [illegible]

X

In the Supreme Court of Judicature at Madras

Equity Side

Sittings after the Fourth Term 1834

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices

Friday the Twenty Eighth day of November One thousand Eight hundred and Thirty four And in the Fourth Year of the Reign of His Majesty King William the Fourth. By Original Bill. Between

Shake Davaljee Maistry - - - - - - - - - - . Complainant

and

Parcapolliam Maury Chitty - - - - - - . Defendant

By first Bill of Revivor

Shake Davaljee Maistry - - - - - - - - - - . Complainant

and

Kistnamah Chitty Arnachella Chitty Codunda Ramah Chitty and Soorooo Chitty the only male representatives of the said Parcapolliam Maury Chitty deceased. Defendants

By second Bill of Revivor

Mymembee the only Child lawfully begotten by the said Shake Davaljee deceased. Complainant

and

Kistnamah Chitty Arnachella Chitty Codunda Ramah Chitty and Soory Chitty the Sons and personal representatives of the said Maury Chitty deceased and Cawder Moydeen and Rymed Bee the only Nephew and Niece and also next of Kin of the said Shake Davaljee deceased. Defendants

By Subsequent Bill of Revivor

Munna Beebee the Widow and personal representative of the said Shake Davaljee deceased and also the Executrix of the Last Will and Testament of the said Mymembee deceased. Complainant

and

Arnachella Chitty Codunda Ramah Chitty and Soory Chitty the Sons and personal representatives of Parcapolliam Maury Chitty deceased . . . Defendants

This Cause coming on the Twenty Second day of July One thousand Eight hundred and Thirty three and also on the Fifth Sixth and Seventh days of August One thousand Eight hundred and Thirty three to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on all sides upon opening and debate of the Matter and hearing read what is therein recited and what was alleged by the Counsel on all Sides Their Lordships made their decree bearing date the Seventh day of August One thousand

Ralph Palmer

R Comyn

Eight hundred and Thirty three and thereby among other things Ordered that in Case the Defendants should not Admit Aſsets of the said Pareapolliam Maury Chitty received by them and the said Pauliam Kistnamah Chitty respectively sufficient to satisfy the balance if any which should be stated by the Master to be due by the said Defendant Pareapolliam Maury Chitty to the said Complainant Shake Davaljee at the time of the death of the said Pauliam Maury Chitty that the Master should take an Account of the Estate and Effects of the said Maury Chitty poſseſsed or received by the said Pauliam Kistnamah Chitty in his life time and by the said Defendants respectively or by any Person or Persons by their or either of their Order or for their or either of their use or which without their or either of their default might have been received And in pursuance of the said Decree the Master on the Twenty Sixth day of July One thousand Eight hundred and Thirty four made his Report and thereby reported among other things that the said Defendants not having admitted Aſsets of the said Pareapolliam Maury Chitty received by them and the said Pauliam Kistnamah Chitty respectively sufficient to satisfy the said balance the said Master had taken an Account of the Estate and Effects of the said Pareapolliam Maury Chitty poſseſsed or received by the said Pauliam Kistnamah Chitty in his life time as in and by the said Decree directed and that he had in the Schedule No 3 Annexed to his said Report set forth the particulars of the Property belonging to the Estate of the said Pareapolliam Maury Chitty which came to the poſseſsion of the said Pauliam Kistnamah Chitty on the death of the said Pareapolliam

Maury

Maury Chitty and the Master found that the premises and Sundry Articles set forth in
Schedule No 6 Annexed to his said Report were poſseſsed by the said Defendants
respectively and that save and except such premises and Sundry Articles in
that Schedule No 6 Specified no part of the Estate and Effects of the said
Pareapolliam Maury Chitty was poſseſsed by the said Defendants or by any
Person or Persons by their or either of their Order or for their or either of their use
To which said Report the said Complainant took several Exceptions and the
same coming on to be Argued on the Fifth Sixth and Seventh days of August
last before this Honorable Court by Counsel learned in the Law on both sides and
the Exceptions being Opened and the Fifth of such Exceptions being For That
the Master had not in and by his said Report reported that the said
Defendants had obtained poſseſsion of the following immoveable Property
thereby alleged to belong to the Estate of the said Maury Chitty deceased that
is to say:- Estimated Value
A Garden Situated at Singeverayenpettah Containing 25 Grounds Rupees
2392½ Square feet Subject to a quit Rent of 11 Rupees and 6 Annas.. 20,000 – " – .
A House Situate in Lingy Chitty Street in the Black Town of Madras.. 1,750 – " – .
Another House in the same Street. . . . . 1,400 – " – .
A House Situate in Angapah Naick Street in the Black Town of
Madras now in the poſseſsion of a Person Named Manick as
2,800 – " – .
Tenant. . . . .
A Garden Situate at Perambore Containing about 16 Cawnies 17,500 – " – .
And mentioned in the Charge Carried in before the said Master on the Twenty
first day of March One thousand Eight hundred and Thirty four and alleged
to have been proved before the said Master to have belonged to the said Maury
Chitty

Chitty deceased. And thereupon and upon reading the said Report and
the proofs and Exhibits adduced before the Master their Lordships were
pleased by an Order of this Honorable Court bearing date the said Seventh
day of August last amongst other things in regard to the said Fifth
Exception so far as relates to the Two Houses in Lingy Chitty Street to
allow the same save as to the alleged value thereof of which there was
no Evidence and the said Defendants being diſsatisfied with the said
last mentioned Order presented to the Court their Petition for a rehearing
which was filed on the Seventh day of November Instant and
thereby among other things stated that they Considered themselves
agrieved by the said last mentioned Order in as much as the
Evidence on which their Lordships came to the said last mentioned
decision was defective and did not disclose the Numbers or other
particulars of the Two Houses in Lingy Chitty Street to enable the
said Defendants before the Master made his said Report to adduce
Evidence before him that those Houses did not belong to the Estate
of the said Mawry Chitty as they were advised they Could have done if
the identity of the Houses had been disclosed and inasmuch as
the Master by the third and Sixth Schedules to his said Report found
that a Piece of Ground Situate in Mullya Sopera Pagoda Street on
which the said Kistnamah erected a House and buildings and
which was purchased by the said Mawry Chitty for Five hundred and
Eighty Pagodas belonging to the said Estate of the said Mawry Chitty
and inasmuch as Mullya Sopera Pagoda Street and Lingy Chitty Street
are

are one and the same Street and inasmuch as the said Defendants submit
it ought to have been referred back to the Master to ascertain the Numbers and
particulars of the Two Houses in Lingy Chitty Street mentioned in the said
Exception with liberty for the said Defendants to adduce Evidence to rebut the
Aſsumption that the same were the Property of the said Mawry Chitty the said
Defendants by their said Petition shewing that the said Kistnamah Chitty was
poſseſsed of Two Houses in Lingy Chitty Street Vizt The House built by him on
the Ground so purchased as aforesaid by the said Mawry Chitty and the House
Adjoining it and inasmuch as no other Houses in Lingy Chitty Street ever came
to the said Defendants poſseſsion belonging either to the said Mawry Chitty or
the said Kistnamah Chitty. And thereby prayed that their Lordships might
rehear so much of the said Fifth Exception as was allowed by the said Order
of the Seventh day of August last and related to the said Two Houses in
Lingy Chitty Street and to appoint some short day for that purpose. And
thereupon by an Order made on the said Petition bearing date the said
Seventh day of November instant it was Ordered that so much of the said
Fifth Exception as was allowed by the said Order of the said Seventh day
of August last and relates to the said Two Houses in Lingy Chitty Street
should be reheard on Friday the Twenty Eighth day of November
instant. And the Matter upon so much of the said Fifth Exception
Coming on accordingly this present day to be reheard in the presence of Counsel
learned on both Sides And the said Exception and Report being opened Upon
debate of the Matter and hearing what was alleged by the Counsel on both
Sides. And the said Report of the Master and the proofs and Exhibits Adduced
before him. This Court doth Order that in addition to the said Order of
the

the Seventh day of August last so far as respects the Two Houses in Lingy Chitty Street it be referred to the Master to enquire and state the particular Numbers and Scites of the said Two Houses respectively and whether either and which of them is Comprised in the premises mentioned by him in his Third and Sixth Schedules as Mullya Isperem Pagoda Street. And if so then the Master is to enquire what is become of the other of such Houses and in whose poſseſsion the same now is and if the same shall not be in the poſseſsion or power of the Defendants or either of them then the Master is to Ascertain the value of such House when poſseſsion thereof was parted with after the death of the said Tarcapolliam Naury Chitty and in Case the Master shall find that neither of the said Houses in Lingy Chitty Street is Comprised in the said Premises under the description of Mullya Isperem Pagoda Street in the said Third and Sixth Schedules then the Master is in like manner as aforesaid to enquire as to the poſseſsion or Value of both of the said Houses.–

Exd

By the Court.–

Registrar

Pauper

In the Supreme Court of Judicature at Madras

First Term 1835

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 February One thousand Eight hundred and Thirty five And in the Fifth Year of the Reign of His Majesty King William the Fourth. Between Jagganandom an Infant by Canagumall his Mother and next Friend - - - Complainant

and

Moodookistna Moodelliar and Veerasawmy Moodelliar Defendants.

Ralph Palmer

R Comyn

This Cause coming on the Fifteenth day of April One thousand Eight hundred and Eighteen to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides Upon opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on both Sides their Lordships made their Decree bearing date the said Fifteenth day of April One thousand Eight hundred and Eighteen and thereby Ordered and directed that it should be referred back to the Master of this Court to take an Account of the Estate and Effects of Madapaukum Varadarajah Moodelliar deceased in the Pleadings named that had come to the hands poſseſsion or power of the Defendants or either of them or of Davanaigum Moodelliar deceased also in the Pleadings named in his life time or to the hands of any Person or Persons for them or either of them use and how and in what manner the said Estate had been applied and disposed of and that the said Master should also Enquire and state how much and what part or parts of the said Estate of the said Varadarajah Moodelliar did then remain outstanding or unreceived and for what reason and by whose default or neglect the same had not been gotten in or received and that in taking the said Account the said Master should make unto the Parties all just allowances. And that the said Master should be at liberty to Examine the Defendants in this Cause upon Oath on Interrogatories touching the Estate of the said Varadarajah Moodelliar and the receipt and disposal thereof by them the said Defendants or either of them or by the said Davanaigum Moodelliar in his life time in such manner as the said Master should think proper. And that the said Defendants should produce to and leave with the said Master (upon Oath if required) all Books Papers Cadjans Accounts and Writings in their or either of their Custody poſseſsion or power touching or in any way relating to or Connected with the said Estate of the said Varadarajah Moodelliar and that the Complainant or any other Person on his behalf and others interested in the Matters of this Suit ~~but~~ should be at liberty to inspect examine and take Copies of or Extracts from the said Books Papers Cadjans Accounts and Writings or of any of them. And that the said Master should be at liberty to report specially if he shall have Occasion or be required so to do. And all further directions were reserved until after the said Master shall have made his Report. And in pursuance of the said Decree the said Master made his Report dated the Twenty third day of September One thousand Eight hundred and Thirty four and thereby reported that his predeceſsor Mr. Byrne had been attended by the Solicitors for the Complainant and Defendants and the said Defendants had been Examined by Mr. Byrne upon Oath on Interrogatories and since the death of Mr. Byrne a Charge and State of facts had been left with the present Master by the Solicitor for the Complainant and Witneſses had been produced in support thereof and he had in the presence of the said Solicitor for the said Complainant proceeded to Examine such Witneſses and on the Enquiries directed by the said Decree (No person Attending for or on behalf

of

of the Defendants although duly summoned as by Oath made before him appears) and he found that the said Madapauntum Vurdarajah Moodelly was at the time of his death poſseſsed of and entitled to the Landed Property Houses and Premises particularly mentioned and described in the Schedule No. 1 Annexed to his said Report and that such Landed Property Houses and Premises were of the respective Values in the said Schedule No. 1 mentioned And that the same came into the poſseſsion of the said Defendants after the death of the said Madapauntum Vurdarajah Moodelly And he further found that the said Madapauntum Vurdarajah Moodelly also died poſseſsed of the several Toys Jewels and Articles of Gold and Silver in the Schedule No. 2 Annexed to the said Report And that the said several Toys Jewels and Articles were of the respective Values in the said Schedule No. 2 mentioned And that the whole of such Toys Jewels and Articles came into the poſseſsion of the said Defendants after the death of the said Madapauntum Vurdarajah Moodelly And he found that no part of the Estate and Effects of the said Madapauntum Vurdarajah Moodelly came to the hands poſseſsion or power of the said Davanaigum Moodelliar in his life time or to the hands of any Person or Persons for his use And the said Defendants not having left any discharge with him and the Solicitor for the Complainant not having offered any proof as to how and in what manner the said Estate had been applied and disposed of He was unable to Report in respect thereof and he was likewise for want of proof unable to state how much and what part or parts (if any) of the said Estate of the said Madapauntum Vurdarajah Moodelly did then remain outstanding or Unreceived and for what reason and by whose default or neglect the same had not been gotten in or received. And this Cause coming on this present day to be heard for further directions reserved by the said Decree and for

Costs in the presence of Counsel learned for the Complainant no one appearing for the Defendants although they were duly served with Notices of this Cause having been entered for further directions and Costs this day as by Affidavit now produced and read appears. **Whereupon and Upon** hearing of what was alleged by the said Complainants Counsel. **This Court doth declare** that the said Complainant is entitled to One third part or share of and in the Houses Lands and Premises Joys Jewels and Precious Stones mentioned and set forth in the Masters' Report in this Cause dated the Twenty third day of September One thousand Eight hundred and thirty four. **And this Court doth declare** that the said Defendants are liable to pay to the said Complainant One third part of the Value of the said Houses Lands and Premises Joys Jewels and Precious Stones as found by the said Masters Report. **And this Court doth Order and Decree** that the said Defendants do pay to the Complainant his Costs of this Suit and in the event of the said Defendants refusing to pay the Amount of the Value of the said One third Share of and in the said Lands Houses and Premises Joys Jewels and Precious Stones and of the Complainants Costs of this Suit within One Month after Notice of this Decree Then that a part of the said Lands Houses and Premises Joys Jewels and precious Stones Sufficient to pay the Value of the said One third Share And the Complainants Costs of this Suit be sold by and under the direction of the Master And that the Amount thereof be paid to the said Complainant after deducting the Complainants Costs of this Suit which are hereby Decreed to be paid by the said Defendants. And this Decree is to

to be binding on the said Defendants unleſs they on being Served with a Subpoena to be served on them for that purpose shall shew unto this Court good Cause to the Contrary But the said Defendants before they are Admitted to shew such Cause are to pay unto the Complainant his Costs of this days default in appearance to be Taxed by the said Master.

By the Court.

Registrar

Exd

W H Rove
Complts Sol.

Pauper

In the Supreme Court of Judicature at Madras

Equity Side   Second Term 24th March 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

Ram Sing
agst
The East India Company and
Juggeth Sing

The Matter upon the Demurrer put in by the Defendants The East India Company to the Complainants Bill of Complaint in this Cause coming on to be Argued this day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be overruled And it is further Ordered that it be referred to the Master of this Court to tax the Costs of the Complainant herein but the payment of the same do remain over till the termination of this Suit or further Order of this Court.

R. Palmer.
R Comyn.

By the Court

Registrar

In the Supreme Court of Judicature at Madras

Plea Side Second Term 25th March 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

one of His Majesty's Justices

Caumoo Abbegar Chitty - - -

vrs

Catta Polesinga Chitty . . .

The Matter upon the Demurrer put in by the Plaintiff to the Plea of the Defendant 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 Plea being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed with liberty to the Defendant to amend his Plea on payment of Costs And the said Defendant to have one Weeks time to plead.

R Palmer

R Comyn

By the Court

Baton

Pauper ~~f~~ fo2 No 1285 of 35

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 27th March 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

Reverend Manael Anthonio Martinho Da Silva

~~vers~~

llaveran Anna Pillay Moodelly Aundy Pareatomby
delly Monte Appasawmy Moodelly Apparapen
eatomby Moodelly Aunatha Appasawmy Moodelly and
llaveran Anthony Moodelly and The East India
mpany

The Matter upon the Demurrer put in by the Defendants The East India Company to the Complainants Bill of Complaint in this Cause coming on to be Argued this day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides and the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed ~~with Costs~~

R Palmer
Comyn Kt.

By the Court

Registrar

Pauper Bl No 1211 / 35

In the Supreme Court of Judicature at Madras

Equity Side Second Term 27th March 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

The Reverend Manoel Anthonio Martinho Da Silva

vst

Nullaveran Anna Pillay Moodelly Aundy Parcatomby Moodelly Monte Appasawmy Moodelly Ygnapen Parcatomby Moodelly Annatha Appasawmy Moodelly and Nullaveran Anthony Moodelly and The East India Company

The Matter upon the Demurrer put in by the Defendants Ygnapen Parcatomby Moodelly Annatha Appasawmy Moodelly and Nullaveran Anthony Moodelly to the Complainant's Bill of Complaint in this Cause coming on to be Argued this day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed ~~with Costs~~

R Palmer.

R Comyn

Kt.

By the Court

Registrar

In the Supreme Court of Judicature at Madras

Equity Side Second Term 8th April 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

one of His Majesty's Justices

Sunjeeva Chitty and Audeemoolum Chitty – Vers Valoyada Chitty Monte Annasawmy Moodelly Mootoo Ummall and Govindoo Chitty

The Matter upon the Demurrer put in by the Defendants Valoyada Chitty Monte Annasawmy Moodelly Mootoo Ummall and Govindoo Chitty an Infant under the age of Sixteen Years by the said Mootoo Ummall his Mother and next friend to the Complainants' Bill of Complaint in this Cause coming on to be Argued this day before the Justices of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be overruled with Costs And it is further Ordered that the said Defendants have a months time to file their answer to the said Complainants' Bill

R Palmer
R Comyn

By the Court

Registrar

C.S. 54/98
No 6998

FILED.
2 MAY. 1898
N/ Asstt. Registrar.

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In the Supreme Court of Judicature at Madras

Equity Side

Sittings after the First Term 1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

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

Friday the Thirteenth day of March One thousand Eight hundred and Thirty five And in the Fifth Year of the Reign of His Majesty King William the Fourth Between Manally Moodookistna Moodelly Complainant

and

Manally Tombeapah Moodelly Manally Apparow Moodelly and George Norton Esquire Advocate General of the United East India Company at their Presidency at Madras Defts

And by Bill of Revivor

Manally Moodookistna Moodelly - - - - - - - Complainant

and

Manally Apparow Moodelly and Manally Rajah Gopaul Moodelly the Sons and Manally Rungasawmy Moodelly the Nephew and legal personal representatives of Manally Tombeapah Moodelly Deceased. - - - - Defendants

Ralph Palmer
R Comyn

This Cause coming on the Thirteenth Fourteenth and Sixteenth 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 learned on both Sides Upon Opening the Original Bill of Complaint and also the Bill of Revivor of the above named Complainant the Joint and several Answer of the Defendants Manally Apparow Moodelliar and of the Defendant Manally Rungasawmy Moodelliar And also the Answer of the Defendant Manally Rojah Gopaul Moodelliar to the said Original Bill and Bill of Revivor respectively. And upon hearing read as Evidence for the said Complainant the several passages in the said Answer of the said Defendants Manally Apparow Moodelliar and Manally

Rungasawmy

12 the Seventeenth Interrogatory in Chief filed on behalf of the said Complainant The
Deposition of Appoo Royadoo to the Fourteenth Interrogatory in Chief filed on
behalf of the said Complainant The Deposition of Chadalavada Soobaroyadoo
Braminy to the Fourteenth Interrogatory in Chief filed on behalf of the said
Complainant Also the Complainants Exhibits marked respectively **A**, **B** and
C. And upon hearing read as Evidence for the said Defendants The Deposition
13 of Vencatarayer to the First Second Third Fourth Fifth Sixth Seventh Eighth
and last Interrogatories in Chief filed on behalf of the said Defendants The
Deposition of Vencataram Pillay to the Fifth Interrogatory in Chief filed on
behalf of the said Defendants The Deposition of Mr. Henry De Monte to the
Fifth Interrogatory in Chief filed on behalf of the said Defendants The
Deposition of Teroovageenchapooram Sheenevassa Iyengar to the First
14 Second Fourth and Sixth Interrogatories in Chief filed on behalf of the said
Defendants The Deposition of Vencatachella Moodelly to the First Fourth
Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the
said Defendants The Deposition of Coonoor Agatheapah Moodelly to the
First Sixth and Seventh Interrogatories in Chief filed on behalf of the said
Defendants The Deposition of Sheenevassa Iyengar to the First Second and
Sixth Interrogatories in Chief filed on behalf of the said Defendants The
15 Deposition of Mungadoo Ramanoojum Iyengar to the First and Sixth
Interrogatories in Chief filed on behalf of the said Defendants Also the
Defendants Exhibits Marked **A** and **B**. **Whereupon** and upon
debate of the Matter and hearing what was alleged by the Counsel on both
sides And on a Mature Consideration had thereon **This Court doth**
Order

R8. **Order and Decree** that it be referred to the Master to enquire and Report who is or are the
16 proper Person or Persons from time to time to have the Management of the Two several
Pagodas in the Pleadings mentioned (called the Chinnamallesvara and Chennacasava
Permall Pagodas) and to have the direction and Superintendance of the rites Ceremonies
and Festivals Connected therewith and to collect and receive the Property and Effects
belonging to the said Pagodas respectively due regard being had to the fact of such
Pagodas having been founded by the said Manally Moodookistna Moodelly the
17 Grandfather of the said Complainant out of his own private Monies. **and it is**
further Ordered that without prejudice to such enquiry as aforesaid the said
Complainant Manally Moodookistna Moodelly as the Eldest Son of the Eldest
branch of the Family of Manally Moodookistna Moodelly deceased be at liberty in
the mean time and until the Master shall have made his Report to Exercise the
functions of Dharma Carta or Warden of the said Two Pagodas respectively and
18 take upon himself the Management thereof and to collect get in and receive the
Rents revenues and Effects of and belonging to the same Subject nevertheless
to his Accounting for the due appropriation of such his Receipts as the Court may
hereafter direct And that the said Defendant Manally Apparow Moodelly do
Accordingly forthwith deliver over to the said Complainant as such Acting Dharma
Carta or Warden all deeds documents vouchers and Securities for Money and
19 all Effects whatsoever belonging to the said Pagodas or either of them in his
possession Custody or Power And so long as the said Complainant shall continue to
Act as such Dharma Carta or Warden as aforesaid that the said Defendant Manally
Apparow Moodelly do not in any manner interfere in the Management of the said
Pagodas or either of them or in any of the Affairs of the same **and it is**
further

20 **further Ordered** that it be referred to the Master to take an Account of
all and every the Sum and Sums of Money Estate and Effects belonging
to or forming part of the Property or revenues of the said Two Pagodas
or either of them which have or hath at any time or times since the First day
of ~~April~~ September One thousand Eight hundred and Twenty Seven been
gotten in possessed or received by the said Defendant Manally Apparow
21 Moodelly or by the said Manally Tombeapah Moodelly deceased 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 the Master is to Enquire and
Report whether the whole of such Receipts respectively have been appropriated
to the uses or for the purposes of the said Pagodas or either of them. And in
Case the Master shall find that the whole of such Receipts have not been
22 so appropriated He is to Ascertain the Total Amount and value of the said
Monies and Effects which have been misapplied and Charge the Estate
of the said Manally Tombeapah Moodelly with so much and such parts
thereof as were received as aforesaid during his life time And the said
Defendant Manally Apparow Moodelly personally with what has been
possessed by him either during the last mentioned period or since the
23 decease of the said Manally Tombeapah Moodelly and after making to the
Parties all just allowances the Master is to Report what is now due to
the said Two Pagodas from the Estate of the said deceased and the said Defendant
or either of them in respect of the Monies aforesaid. **And this Court doth**
further Order that in case the said Defendant Manally Apparow Moodelly
shall not admit Assets of the said Manally Tombeapah Moodelly received by him
24 sufficient to satisfy the balance (if any) which shall be reported by the Master to
be

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be due to the said Two Pagodas or either of them And be charged to and upon the Estate of the said
Manally Tombeapah Moodelly. **Item** that the Master do take an Account of the Estate and Effects
of the said Manally Tombeapah Moodelly possessed or received by the said Manally Apparow
Moodelly or by any Person or Persons by his Order or for his use or which without his
25 wilful default might have been received and also an Account of the said Manally
Tombeapah Moodelly's debts and Funeral Expences and Compute Interest on such of
his debts as carry Interest. And for the better taking of the said Accounts and discovery
of the Matters aforesaid the Parties are to produce before the said Master upon Oath all
Deeds Books Papers Writings and Cadjans in their Custody or Power relating thereto and
26 are to be Examined upon Oath on Interrogatories as the said Master shall direct who in
taking the said Accounts is to make unto the Parties all just allowances. **And this**
Court doth Reserve the Consideration of all further directions and of the Costs of this
Suit as against the said Defendant Manally Apparow Moodelly Until after the said
Master shall have made his Report And all Parties in this Cause are to be at liberty to
apply to this Court touching the Matters aforesaid as they may be Advised. **And this**
27 **Court doth further Order** that the Master do Tax the Costs of
the Advocate General up to the date of this Decree and that the
same be paid by the said Complainant and that he be at liberty to reimburse himself
from and out of the Estate and Effects of the said Pagodas. **And this Court doth**
further Order and Decree that the said Complainants Bill in this Cause as against
28 the said Defendants Manally Rajah Gopaul Moodelly and Manally Rungasawmy
Moodelly do stand and be dismissed out of Court without Costs.

By the Court

Registrar

W H Rose
Complts Soll.

Folios 29.
13/12/94.

35

In the Supreme Court of Judicature at Madras.

Equity Side Second Term 1835.

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 Twenty fifth day of March One thousand Eight hundred and thirty five And in the Fifth Year of the Reign of His Majesty King William the Fourth. Between

Meerza Mahomed Tayer . . . . Complainant

and

Gunasa Prasada Executor of the Last Will and Testament of Josee Sookoo Davy Deceased.

Defendant

Comyn

Whereas the Complainant did on the Seventh day of November one thousand Eight hundred and thirty four Exhibit his Bill in this Court against the Defendant setting forth as therein set forth and therefore praying that process of Subpoena might issue against the Defendant to compel him 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 said Defendant to appear to and answer the Complainant's Bill the Defendant appeared thereto accordingly but stood out all process of Contempt for want of his answer and a Commission of Sequestration under the Seal of this Court was awarded against him notwithstanding which the Defendant persisting in his Contempt the Complainant obtained an Order dated the Thirteenth day of March instant that the Bill filed in this Cause be Entered for Monday the Twenty third

Instant to be taken pro Confeſso against the said Defendant for want of his ans
and this Cause coming on this present day to be heard before the Hon
the Judges of the Supreme Court of Judicature at Madras in the presence
Complainants Counsel and the Registrar being present and producing the
of the Complainants Bill accordingly and the Defendant still persisting in
contempt **now upon hearing** read the said Bill of Complaint and up
debate of the Matter and hearing what was alleged by the Counsel for the Comp
and upon mature consideration had thereon. **This Court doth order**
Decree that it be referred to the Master of this Court to take an account
is due to the Complainant as the son and legal personal representation
Meerza Raunza Khan in the pleadings named for and in respect of
agreement in the Bill of Complaint mentioned to have been executed b
Jayaram Doſs as the Ghomastah in the name of the Cottee or Bankin
of Gopaul Doſs Bishund Chund in favor of the said Meerza Raunza
and bearing date the Eighteenth day of October one thousand Eight hun
and Eleven **and this Court doth Declare** that the said Comp
is entitled to receive payment of what shall be found due to him in
such account from and out of the Estates of the said Gopaul Do
Bishund Chund and Gopaul Doſs Monahur Doſs respectively. **An**
doth accordingly order that it be referred to the said Master
an account of all and every the Estate and Effects of the said Go
Doſs Bishund Chund and Gopaul Doſs Monahur Doſs or either of
which have been poſseſsed by or come to the hands or for the use of
said Defendant Gaunza Prasadoo either in his own right or as the
representative of Josee Sookoo Daus and Jayaram Doſs or of either of
and particularly of any sum or sums of money which have been so poſseſse

received for or on account of any Bond or Bonds granted by the Rajah of Tanjore
to the said Jagaram Doſs for or on the behalf of the said Cottee or Banking
House carried on in the name of the said Gopaul Doſs Bishund Doſs or to
Josee Sookoo Dauy Rajah Ram in the pleadings named on the behalf of the
said Cottee or Banking House carried on in the name of Gopaul Doſs Manahur
Doſs respectively or for or in respect of any Awards or Award made upon such
Bonds or any of them by the Commiſsioners for investigating the Debts of the
late Rajah of Tanjore and in taking the said several accounts aforesaid
the said Master is to make unto the Parties respectively all just allowances
and all Parties are to produce to and leave with the said Master upon
Oath all Books Writings and Cadjans in their Custody or power relating
thereto and are to be Examined on Oath on Interrogatories as the
Master shall direct. **and it is further ordered** that the Writ
of Injunction which iſsued in this Cause on the Twenty third day of
January last restraining the said Defendant from applying for
or receiving from the Commiſsioners for investigating the debts of the
Rajahs of Tanjore or from their Registrar or from the Government
of Fort Saint George or from any of its officers the award to be
made on the Claim **No. 56** preferred on a Bond Executed by the
Rajah of Tanjore bearing date the Third April One Thousand
Seven hundred and Eighty four in favor of the said Jayaram
Doſs for the Principal sum of Pagodas Fifty Thousand / 50,000. / and
the award to be made in the Claim **No. 95** preferred on a Bond Executed
by the Rajah of Tanjore bearing date the First August One thousand
Seven hundred and ninety five Executed by the said Rajah of Tanjore
in favor of the said Josee Sookoo Daus for the Principal sum of Pagodas
Eighty Thousand / 80,000. / or from applying for or receiving the Bond or Bonds
Stock and Interest to be awarded due thereon or any part thereof be in the
mean

meantime continued. and it is further Ordered that it be
to the said Master to Tax the costs of the said Complainant in this
up to the date of this Decree and that the same when Taxed be paid
the said Defendant to the said Complainant or his Solicitor Mr. Sa
Wilkins. and this Court doth reserve the Consideration of
Subsequent costs of the said Enquiry and of all further directions until
the said master shall have made his Report and all Parties in
cause are to be at liberty to apply to this Court touching the
aforesaid as they may be advised.–

Provisions –
Pltfs Cost

Exd H

By the Court

Registrar

In the Supreme Court of Judicature at Madras

Equity Side Fourth Term 1834

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 Twentieth day of September One thousand eight hundred and thirty four And in the Fourth Year of the Reign of His Majesty King William the Fourth Between Abdul Afez Khan Bahader and Shurfun Nissa Begum Sahiba his Wife . . . . Complainants

and

Ramasawmy Moodelly and Vendalore Vencatadry Pilley Executors of Chinnatomby Moodelly Deceased . . . . Defendants

This Cause Coming on this present day to be heard
before the Honorable the Judges of the Supreme Court of Judicature at Madras
in the presence of Counsel learned for the Defendants no one appearing for
the Complainants altho' they were duly Served with Subpœna to hear Judgment
in this Cause as by Affidavit now produced and read appeared And also
upon hearing read the Order made in this Cause on the part of the said
Defendants bearing date the Eleventh day of July last Whereby it was by
the Consent of the Counsel for the said Complainants Ordered that Publication
should

R Palmer

R Comyn

should paſs without further Order on the Twenty fifth day of Aug
last And that this Cause should be set down for hearing within the
ten days of the Fourth Term 1834 Whereupon and upon hea
Mr. Advocate General of Counsel for the said Defendants O
Court doth Order and Decree that the Complain
Bill in this Cause do stand and be dismiſsed out of Court
Costs. –

Paul Vincent
Defts Sol

By the Court

Registrar

Pauper

x

In the Supreme Court of Judicature at Madras

Second Term 1835.

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 Thirtieth day of March One thousand Eight hundred and thirty five and in the Fifth Year of the reign of His Majesty King William the Fourth.

Between Shake Davaljee Maistry - - - - - - - Complainant.

and

Parcapolliam Maury Chitty - - - - - - Defendant.

By first Bill of Revivor.

Shake Davaljee Maistry - - - - - - - - - Complainant.

and

Kistnamah Chitty Arnachella Chitty Codunda Chitty and Soory Chitty the only male representatives of the said Parcapolliam Maury Chitty deceased - - Defendants -

By Second Bill of Revivor.

Mymunbee the only Child lawfully begotten by the said Shake Davaljee deceased - Complainant

and

Kistnamah Chitty Arnachella Chitty Codunda Chitty and Soory Chitty the Sons and personal representatives of the said Maury Chitty deceased and Cawder Moydeen and Rymet Bee the only Nephew and Niece and also next of kin of the said Shake Davaljee deceased Defend^ts.

By Subsequent Bill of Revivor.

Munna Beebee the Widow and personal representative of the said Shake Davaljee deceased and also the Executrix of the last Will and Testament of the said Mymunbee deceased Complainant

and

Arnachella Chitty Codunda ramah Chitty and Soory Chitty the Sons and personal representatives of Parcapolliam Maury Chitty Deceased - - - Defendants - -

This Cause coming on the Seventh day of August One thousand Eight hundred and Nine to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on all sides Upon opening and debate of the matter and hearing read what is therein recited and what was alleged by the Counsel on all sides Their Lordships made their Decree bearing date the Seventh day of August One thousand Eight hundred and Nine and thereby Ordered and decreed that it should be referred to the Master of this Court to Calculate the Amount

Ralph Palmer
R Comyn

of Principal and Interest upon the Bond of the Complainant to the Defendant in the Pleadings mentioned bearing date the Eleventh day of January in the Year One thousand Eight hundred and three such Interest to be Computed from the date of the said Bond at and after the rate of Twelve per Cent per Annum And that subject to the Account thereinafter mentioned the said Master should charge the Complainant with a Sum of Four thousand One hundred and Seventy Eight Star Pagodas Twenty three fanams and Forty Cash with Interest thereon at the like rate of Twelve per Cent per Annum from the last mentioned date the same being a deduction allowed by the Defendant to the Complainant from and out of balance or Sum of Nineteen thousand One hundred and Seventy Eight Pagodas Twenty three fanams and Forty Cash upon a Settlement of Accounts between the Parties as in the Pleadings particularly mentioned And it was further Ordered that the Defendants should Account before the Master for and in respect of all Sum and Sums of Money received by him as the purchase Money of One half part of a Certain Garden belonging to the Complainant Containing Fifteen Grounds and in the Pleadings also mentioned from the several purchasers thereof respectively and for Interest on the said several Sums at the like rate of Twelve per Cent per Annum from the dates of the respective payments thereof to the Defendants and also for and in respect of the purchase Money of the residue of the said Garden by Pedrogos Vellavel Canacapully Sawmy Naicker and the said Defendant together with Interest thereon at the like rate from the day of the purchase thereof and According to the terms of the Bill of Sale dated the Second day of March in the year One thousand Seven hundred and Ninety five Annexed to the Answer in this Cause And that the said Master should also take an Account of all Sum and Sums of Money received gotten in and Collected by the Defendant or by any other

Person

Person or Persons by his Order or for his use for and in respect of Rents or Arrears of rent for the hire use and Occupation by any Person or Persons of all or any Houses Godowns Shops or Botiques belonging to the Complainant and should Charge the Defendant with Interest at the like rate of Twelve per Cent per Annum from the several and respective days on which the same Sums of Money Rents or Arrears of rent shall appear to have been paid to or received by the said Defendant or by any other Person or Persons as aforesaid And that the said Master should Enquire and Ascertain whether any and what Sums of Money were at any time and when paid disbursed or expended by the Defendant or by any other Person or Persons by his directions privity or Consent for and on Account or for the use of the Complainant or of the Maintenance and Support of his Family at Madras or elsewhere And whether such payments and disbursements or any and which of them were in the first instance deducted and retained by the Defendant or by any other Person or Persons as aforesaid from and out of the said Rents or Arrears of rent paid to or Collected in and received by the Defendant as aforesaid And if it should appear that such payments and disbursements were not so deducted and retained then that the said Master should take an Account of the same and of the dates thereof respectively and Calculate and allow Interest thereon at the like rate of Twelve per Cent per Annum from the respective periods at which the same Sums of Money were so paid disbursed and expended And the Defendant was to produce before the Master all receipts Vouchers and Documents in his possession or power relating to or connected with the said payments and disbursements or any of them and Substantiate and prove the same by the Examination upon Oath of One or more Credible Witnesses before the said Master who was thereby at liberty to Examine the said Witnesses Accordingly upon Interrogatories or otherwise as he should think fit And this Court did further direct that the Master should be at liberty to Examine the Complainant and Defendant in this Cause or either of them upon Oath or Interrogatories or otherwise touching all or any of the Matters thereby referred to him and the said Parties were to produce to and leave with the said Master (upon Oath if required) all such Books Bills receipts Accounts Vouchers Bills of Sales Cowles Grants Agreements and other Papers Deeds and writings as might be in their or either of their Custody possession or power which they might be required to produce touching the said Matters so referred And that upon taking the Account thereby directed the said Master should Ascertain and Report to this Court if any and what balance should be due from the Defendant to the Complainant or from the Complainant to the Defendant And the said Master was at liberty to Report Specially if he should have Occasion or be required so to do. And all further directions and the Consideration of Costs were thereby reserved until after the said Master should have made his Report And in pursuance of the said Decree the said Master on the Fifteenth day of February One thousand Eight hundred and Twenty two made his Report and thereby reported that the Principal and Interest upon the Bond of the Complainant to the Defendant bearing date the Eleventh day of January One thousand Eight hundred and Three Amounted on the Eleventh day of February One thousand Eight hundred and Twenty two to the Sum of Forty Nine thousand Three hundred and Fifty two Pagodas Thirty Nine fanams and Twenty Eight Cash And he has further Charged the Complainant with the Sum of Four thousand One hundred and Seventy Eight Pagodas Twenty three fanams and Forty Cash which Sum together with Interest thereon Amounted on the said Eleventh day of February One thousand Eight hundred and Twenty two to the Sum of Thirteen thousand Seven hundred and Forty Eight Pagodas Six fanams and Fourteen Cash making together with the aforesaid Sum of Forty Nine thousand Three

hundred

hundred and Fifty two Pagodas Thirty Nine fanams and Twenty Eight Cash the Sum of Sixty three thousand One hundred and One Pagodas and Forty two Cash as will more fully appear in the First Schedule Annexed to his said Report with which said Sum of Sixty three thousand One hundred and One Pagodas and Forty two Cash he found that the Complainant was Chargeable and he found that the Defendant had received in the whole as the purchase Money of One half part of the Garden belonging to the Complainant in the said Decree and in the Pleadings mentioned the Sum of Three thousand Five hundred and Thirty five Pagodas Thirty Nine fanams and Seventy Cash and he has Calculated Interest upon the Several Sums Composing the said Sum of Three thousand Five hundred and Thirty five Pagodas Thirty Nine fanams and Seventy Cash from the dates of the respective payments thereof to the Defendant which Interest Amounted on the said Eleventh day of February One thousand Eight hundred and Twenty two to the Sum of Eleven thousand Six hundred and Forty five Pagodas Twenty Seven fanams and Twenty Eight Cash which being Added to the Sum of Three thousand five hundred and Thirty five Pagodas Thirty Nine fanams and Seventy Cash made the Sum of Fifteen thousand One hundred and Eighty One Pagodas Twenty two fanams and Eighteen Cash as would more fully appear in the Second Schedule Annexed to his said Report and he found that the purchase money of the residue of the said Garden by Vadoogoo Vellanvell Canaoapully Sawmy Naicker and the Defendant Amounted to Two thousand and One hundred Pagodas which Sum together with the Interest thereon Amounted on the said Eleventh day of February One thousand Eight hundred and Twenty two to the Sum of Eight thousand Eight hundred and Ninety Pagodas Thirty Nine fanams and Fifty five Cash as will also more fully appear in the Second Schedule Annexed to the said Report And he found that the said

Defendant received for the purchase Money of three Several Godowns and a Piece of Ground Adjoining thereto the Property of the Complainant the Sum of Six thousand three hundred and Twenty two Pagodas and he has Calculated Interest thereon from the Tenth day of October One thousand Eight hundred and five to the said Eleventh day of February One thousand Eight hundred and Twenty two which Amounted to the Sum of Twelve thousand Three hundred and Ninety five Pagodas Forty three fanams and Thirty Cash making together with the principal Sum of Six thousand three hundred and Twenty two Pagodas the Sum of Eighteen thousand Seven hundred and Seventeen Pagodas Forty three fanams and Thirty Cash which is also set forth in the Second Schedule to his said Report and he found that the said Defendant has received in the whole for rent for Certain Houses Godowns Shops and Botiques belonging to the Complainant the Sum of Ten thousand Eight hundred and Seventy Nine Pagodas Twenty three fanams and Seventy Cash And he has Calculated Interest upon the Several Sums Composing the said Sum of Ten thousand Eight hundred and Seventy Nine Pagodas Twenty three fanams and Seventy Cash from the dates of the respective payments thereof to the Defendant which Interest Amounted on the said Eleventh day of February One thousand Eight hundred and Twenty two to the Sum of Twenty four thousand and Thirty Pagodas Two fanams and Forty Seven Cash which being added to the aforesaid Sum of Ten thousand Eight hundred and Seventy Nine Pagodas Twenty three fanams and Seventy Cash made the Sum of Thirty four thousand Nine hundred and Nine Pagodas Twenty Nine fanams and Thirty Seven Cash as would

more

more fully appear in the Third Schedule Annexed to his said Report and he did not find that any Sums of Money have been at any time paid disbursed or expended by the Defendant or by any other Person or Persons by or with his direction privity and Consent for and on Account or for the use of the Complainant or of the Maintenance and Support of his family at Madras or elsewhere no Satisfactory Evidence having been brought before him of any such disbursements as in pursuance of the said Decree the Defendant ought to have or claim credit for And he found that the said several Sums so received by the said Defendant to and for the use of the Complainant together with such Interest thereon as by the said Decree was directed and of which a more particular Account was given in the Second and Third Schedules annexed to his said Report Amount in the whole to the Sum of Seventy Seven thousand Six hundred and Ninety Nine Pagodas Forty four fanams and Sixty Cash with which said Sum of Seventy Seven thousand Six hundred and Ninety Nine Pagodas Forty four fanams and Sixty Cash He found that the Defendant is Chargeable and he has deducted the Sum of Sixty three thousand One hundred and One Pagodas and Forty two Cash with which he found that the Complainant is Chargeable from the Sum of Seventy Seven thousand Six hundred and Ninety Nine Pagodas Forty four fanams and Sixty Cash with which he found that the Defendant is Chargeable And he found that there remains the Sum of Fourteen thousand five hundred and Ninety Eight Pagodas Forty four fanams and Eighteen Cash which Sum of Fourteen thousand Five hundred and Ninety Eight Pagodas forty four fanams and Eighteen Cash He found to be the balance due on the Eleventh day of February One thousand Eight hundred and Twenty two from the Defendant to the Complainant And he further Certified that in Addition to the above balance there were still in the possession of the said Defendants the several Godowns mentioned in the said Bond for Pagodas Fifteen thousand in the Pleadings mentioned with the Exception of Three several Godowns and a Piece of Ground Adjoining thereto Situated in Lascar Street and in the Documents of Title Numbered 1339 and 1343. which have been sold to the Honorable Company for the Sum of Six thousand Three hundred and Twenty two Pagodas Seven fanams and Sixty five Cash for which Credit has been given to the said Defendants.

To which said Report the said Defendants Kistnamah Chitty Arnachella Chitty Codundaramah Chitty and Soory Chitty took several Exceptions and the same Coming on to be Argued on the Seventh Nineteenth and Twenty second days of February One thousand Eight hundred and Twenty three and on the Twenty Ninth day of March and Third day of April then following before this Honorable Court by Counsel learned in the Law on both Sides And the Exceptions being opened. **And the First of such Exceptions being For that** the said Master hath in and by the Second Schedule Annexed to his said Report And his said Report allowed to the said Complainant As being still due to him from the said Defendants the several Principal Sums of Three thousand five hundred and Thirty five Pagodas thirty Nine fanams and Seventy Cash and Two thousand and One hundred Pagodas and Amounting together to Five thousand Six hundred and Thirty five Pagodas Thirty Nine fanams and Seventy Cash being the Sums for which the Garden in the Pleadings mentioned and Containing Sixteen Grounds and upwards were sold for which Amount the said Master ought not to have allowed inasmuch as the price of the said Garden and Ground amounting to Five thousand Five

hundred

hundred and Forty Eight Pagodas Twenty Nine fanams and Twenty Cash was Accounted for and Credited to the Plaintiff in an Account which was stated and Settled between the Plaintiff and Marry Chitty the Intestate of the Defendants in the Pleadings in this Cause named on the Eleventh January One thousand Eight hundred and Three upon which Settlement of Accounts the Plaintiff executed his Bond to the said Marry Chitty for Fifteen thousand Pagodas which Bond bears date the Eleventh day of January One thousand Eight hundred and Three the Account that was so as aforesaid settled is Annexed to the Answer of the Defendant and is Exhibit L the First Item in the said Exhibit on the Creditor's side is the said price of the said Garden and Ground and the Account is not impeached but is proved by the Testimony of Witnesses and Established by the Decree in this Cause a Copy of the said Exhibit L is thereto Annexed. **The Second Exception being for That** the said Master hath in and by the Third Schedule Annexed to his said Report and by his Report allowed to the said Complainants or due to him from the Defendants divers Sums of Money stated to have been received by the said Marry Chitty for Rent for Certain Houses Godowns Shops and Botiques belonging to the said Complainant the Sum of Ten thousand Eight hundred and Seventy Nine Pagodas and Twenty three fanams and Seventy Cash of which said Sum of Ten thousand Eight hundred and Seventy Nine Pagodas Twenty three fanams and Seventy Cash the said Master ought only to have allowed the Sum of Five thousand three hundred and Three Pagodas Twenty three fanams and Seventy five Cash inasmuch as the residue of the said Sum of Ten thousand Eight hundred and Seventy Nine Pagodas Twenty three fanams and Seventy Cash being Five thousand Five hundred and Seventy five Pagodas

Forty four fanams and Seventy five Cash had been given Credit for and allowed to
the said Complainant in the Account which was Settled, between the Complainant
and the said Maury Chitty on the Eleventh January One thousand Eight hundred
and Three and which is referred to in the First Exception **The Third Exception
being for That** the said Master in and by his draft Report hath
stated that he did not find any Sum of Money had been at any time
paid disbursed or Expended by the Defendants or by any other Person or
Persons by his directions privity and Consent for and on Account or for the
use of the Complainant or for the Maintenance and Support of his
Family at Madras or Elsewhere no Satisfactory Evidence having been
brought before him of any such disbursements **Whereas** it appears by
the Examination of the Plaintiff filed on Oath to the Interrogatories
Exhibited by the Defendant in the said Masters Office that he the
Plaintiff Authorized One Cundapah who was Confidential Servant of the
Plaintiff to Collect and receive all Rents and Profits of the several Houses
and Godowns of the Plaintiff and to pay the same into the hands of the
said Maury Chitty for the use of the Plaintiff to be by him applied
according to the direction Specified and Contained in an **A**greement
referred to in the said Examination Marked No. 1 and which was
thereto Annexed and Marked No. 1 Executed by the Plaintiff to the
Rt said Maury Chitty And it further appeared by the said Examination
of the Plaintiff that he the Plaintiff had been informed and firmly
believed that the whole of the Rents and profits received and gotten in
by the said Cundapah were by him paid over to the said Maury
Chitty

Chitty for the use of him the Complainant by virtue of the Authority or Agreement given
by him for that purpose as aforesaid and also that he the Complainant did Amongst
other things alledge in his Original Amended Bill that the Family of the said Complainant
had received Sums of Money Occasionally from out of the Rents and profits of the said
Several Houses and Grounds aforesaid and that the same did not exceed on an Average
Forty Pagodas per Month and that such payments were made from and out of the
Rents received by him And also that the several Items set forth in the discharge of the
Defendants Vizt the Sums Charged for Quit Rent and Assessment and the Salary
paid to the said Cundapah Amounting to One thousand and Eighteen Pagodas
and fifty four Cash might be true and Correct and that such payments if
made were made out of the Rents and Profits Actually received for the said
House and Godowns and became also it is Admitted by the said Complainant
in his said Examination that the said Several Sums of Money Charged against
the Defendants in his said Charge were the identical Sums of Money which the
said Maury Chitty had already given the said Complainants Credit for before in
the Accounts which had been settled between the said Plaintiff and the said Maury
Chitty which Accounts were Annexed to the Answer of the said Maury Chitty in the
Exhibits **K** and **L** and became the Sums so Charged by the said Plaintiff
to have been received by the said Maury Chitty from the Month of April One
thousand Seven hundred and Ninety four to Eleventh January One thousand Eight
hundred and Three were Accounted for by the said Maury Chitty to the said
Plaintiff on the Eleventh January One thousand Eight hundred and Three to
Principal Sum Eleven thousand Five hundred and Seventy Nine Pagodas Twenty
Seven fanams and Seventy five Cash Yet the said Master has allowed the whole
of

of the Complainants Charge which comprizes the Sums of Money by the Complainant Claimed to be due to him for the Rents and Profits of the Several Houses Godowns and Grounds mentioned in the Pleadings in this Cause and which became due and payable from the Twenty Seventh day of June in the Year One thousand Seven hundred and Ninety four to the Ninth January in the Year One thousand Eight hundred and Three And disallowed the whole of the discharge of the Defendants so Admitted as aforesaid have been made by the said Mawry Chitty by and to him the said Defendant although the Complainant did not in any manner at any time Claim or pretend to claim any other or larger Sum than that stated by him in the Charge to have been received by the said Mawry Chitty for and on any Account whatsoever And because moreover the Defendants have by the Testimony of Sasachella Chitty Ramasawmy Chitty Permall Naick Tondaroy Moodelly Connapah Naick and several other Persons and by the proper receipts for Quit Rent and Assessment as also by letters proved before the said Master to have been Written and Sent by the said Complainant to the said Mawry Chitty proved that the Several Sums of Money stated in the discharge of the Defendants and disallowed by the said Master in his said Report had been paid laid out Expended and disbursed by the said Mawry Chitty to and for the use of the said Complainant Amounting to the Principal Sum of Nine thousand Eight hundred and Ninety Eight Pagodas Twelve fanams and Sixty four Cash and Interest thereon to the Sum of Twenty four thousand Three hundred and Twenty two Pagodas and

and Six fanams making together Thirty four thousand Two hundred and Twenty Pagodas Eighteen fanams and Sixty four Cash which said Sum of Thirty four thousand Two hundred and Twenty Pagodas Eighteen fanams and Sixty four Cash the Defendants Claim to set off against the Sum allowed by the said Master to the Complainant. **The Fourth Exception being for That** the said Master hath not in and by his Report stated as he ought to have stated that in and by an Account which was stated and settled between the Complainant and the said Mawry Chitty on the Eleventh January One thousand Eight hundred and Three the said Mawry Chitty gave the Complainant Credit for a Sum of Two thousand Seven hundred and Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash being the balance of Cash which the said Mawry Chitty Admitted was in his hands of the said Several Sums of Five thousand Four Five hundred and Forty Eight Pagodas Twenty Nine fanams and Twenty Cash Four hundred and Fifty four Pagodas Forty three fanams and Sixty Cash and Five thousand hundred and Fifty four Pagodas Forty three fanams and Sixty Cash and Five thousand Five hundred and Seventy five Pagodas Forty four fanams and Seventy five Cash which had been Credited to the said Complainant in the Account Marked L and Two of such Sums are the Subject of the First and Second Exceptions for which said Sum of Two thousand Seven hundred and Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash the said Defendants Claim Credit and Insist they should be permitted to set off that Sum against any Debt or Sum of Money that may be found due by them to the said Complainant inasmuch as the same had been remitted from the balance of Account on the Occasion when the Bond referred to in the said Decree was Executed. **The Fifth Exception being for That** the said Master hath in and by the Second Schedule

Annexed to his said Report as due to the Complainant divers Sums of Money Stated to be on Account of One half part of the Garden in the Pleadings mentioned amounting to Three thousand three hundred and Seventy Six Pagodas Twenty Eight fanams and thirty Cash and the further Sum of Two thousand and One hundred Pagodas being purchase Money of the residue of the said Garden and Interest thereon Amounting to the Sum of Seventeen thousand Nine hundred and Seventy three Pagodas Thirty three fanams and forty Seven Cash making together the Sum of Twenty three thousand four hundred and Fifty Pagodas Sixteen fanams and Seventy Seven Cash which said several Sums of Money appear by the said Schedule to have been received by the said Maury Chitty at periods prior to the Twenty Seventh day of June One thousand Seven hundred and Ninety five Whereas the said Master hath at the same time disallow all payments claimed and proved to have been made by the said Maury Chitty on Account of the said Complainant prior, to the said Twenty Seventh day of June One thousand Seven hundred and Ninety five and inasmuch as the said Master hath as aforesaid disallowed on Account the said payments claimed by the Defendants to have been made by them on Account of the Complainant prior to the said Twenty Seventh day of June One thousand Seven hundred and Ninety five the said Master ought not to have Charged the said Defendants with Monies stated to have been received by the said Maury Chitty prior to the said last mentioned period. **The Sixth Exception being For That** the said Master hath in and by the third Schedule Annexed to his said Report allowed to the said Complainant the

several

Several Sums of Six Pagodas- Eight Pagodas and Twenty five fanams- Three Pagodas- Twenty two Pagodas- Eleven Pagodas and thirty three fanams- Twenty Pagodas Six fanams and Ten Cash- Seventeen Pagodas- Nineteen Pagodas- Twelve Pagodas Thirty Seven fanams and Forty Cash- Sixteen Pagodas- Fourteen Pagodas- twenty One fanams and Sixty Cash- Fourteen Pagodas and thirty fanams- Thirty three Pagodas- Nineteen Pagodas and Twenty five fanams- Eight Pagodas Twenty four fanams and Ten Cash- One hundred and fifty Pagodas- One hundred and Eight Pagodas and fourteen fanams- Twenty Eight Pagodas and Sixteen fanams- and Five Pagodas and Six fanams- Making together the Sum of Five hundred and thirty three Pagodas Twenty fanams and fifty Cash and Interest thereon One thousand Seven hundred and Twenty Nine Pagodas and forty three Cash altogether amounting to Two thousand two hundred and Sixty two Pagodas Twenty One fanams and Thirteen Cash which said several Sums of Money appears by the said Third Schedule to have been received by the said Defendant at periods prior to the Twenty Seventh day of June One thousand Seven hundred and Ninety five Wherefore inasmuch as the said Master hath as aforesaid disallowed all payments made by him on Account of the Complainant prior to the said Twenty Seventh day of June One thousand Seven hundred and Ninety five the said Master ought not to have Charged the said Defendants with Monies stated to have been received by him prior, to the said last mentioned period- **The Seventh and last Exception being for That** the said Master hath not in and by his said Report stated that he found that the said Maury Chitty from the Month of July One thousand Seven hundred and Ninety five and until his death which happened in the year One thousand Eight hundred and Fourteen and that the Defendants since the death of the said Maury Chitty had also paid, laid out and expended and disbursed to and for the use of the Complainant divers Sums of Money Amounting to the Total Sum of Five thousand Five hundred and Twenty Six Pagodas Forty three fanams and Sixty Cash and the Interest thereon Amounting to the Sum Fourteen thousand and Three Pagodas Six fanams and Ten Cash altogether Nineteen thousand five hundred and Eighty Pagodas four fanams and Seventy Cash although there was sufficient Evidence before the said Master of such payments **And thereupon and upon** reading the said Report and the Proofs and Exhibits Adduced before the Master their Lordships were pleased to Order that the First and Second Exceptions to the said Masters Report should be disallowed and that the Fourth Exception thereto should be allowed And that it should be referred back to the Master to review his Report generally as to the Matters referred to in the Third Fifth Sixth and Seventh Exceptions. And that the said Master should make his Report on or before the First day of the then next Term. **And** in pursuance of the said Order the said Master on the Eighteenth day of February One thousand Eight hundred and Twenty four made his Reviewed Report And thereby reported Among other things that He had Accordingly in pursuance of the said Decretal Order allowed the balance in the said Fourth Exception mentioned being the Sum of Two thousand Seven hundred and Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash with Interest thereon at the rate of Twelve per Cent per Annum from the Eleventh day of January One thousand Eight hundred and three to the said Eleventh day of February One thousand Eight hundred and Twenty two

which

which Amounted to the Sum of Six thousand Three hundred and Eighty Eight Pagodas Thirty Seven fanams and Fifty Cash making together the Sum of a Nine thousand One hundred and Seventy Eight Pagodas Twenty One fanams and Seventy five Cash which being deducted from the Sum of Seventy Seven thousand Six hundred and Ninety Nine Pagodas Forty four fanams and Sixty Cash leaves the Sum of Sixty Eight thousand Five hundred and Twenty One Pagodas Twenty two fanams and Sixty five Cash with which he did find that the said Defendants were Chargeable on the said Eleventh day of February One thousand Eight hundred and Twenty two And he did also find that Shake Dawaljee did give or pay to the said Manny Chitty Fifteen and Five Eighth Corges of Salampores and Cash received by Chashee alias Ground Sold to Moottoo Comaran being to the Value of Four hundred and Fifty four Pagodas Forty three fanams and Sixty Cash with Interest from the Thirteenth day of September One thousand Seven hundred and Ninety Nine to the Eleventh day of February One thousand Eight hundred and Twenty two being One thousand Two hundred and Twenty three Pagodas Thirty two fanams and Two Cash making together the Sum of One thousand Six hundred and Seventy Eight Pagodas Thirty fanams and Sixty two Cash and which being Added to the said Sum of Sixty Eight thousand five hundred and Twenty One Pagodas Twenty two fanams and Sixty five Cash increases the Amount Chargeable as against the said Defendants to the Sum of Seventy thousand and Two hundred Pagodas Eight fanams and Forty Seven Cash and from the said Sum of Seventy thousand and Two hundred Pagodas Eight fanams and Forty Seven Cash he had deducted the Sum of Sixty three thousand One hundred and One Pagodas and Forty two Cash for which the Defendants have Credit which leaves on the said Eleventh day February One thousand Eight hundred and Twenty two a balance of Seven thousand and Ninety Nine Pagodas Eight fanams and five Cash in favor of the said Complainants And in further pursuance of the said Order he had reviewed generally the Matters in the other Exceptions mentioned And the Evidence that hath been adduced in respect to the Sums of Money disbursed or expended by the said Maury Chitty or by any other Person or Persons by or with his directions privity and Consent for and on Account or for the use of the said Complainant or of the Maintenance and support of his family at Madras or Elsewhere And he did find that the Sums specified in the Fourth Schedule Annexed to his said Reviewed Report were paid and expended by the Defendant Maury Chitty amounting to the Sum of Three thousand Three hundred and Twenty four Pagodas Twenty Six fanams and Thirty Cash and which with Interest at the like rate of Twelve per Cent from the respective dates of payment amount in the whole to the Sum of Thirteen thousand five hundred and Ninety three Pagodas Twenty fanams and Thirty four Cash on the said Eleventh day of February One thousand Eight hundred and Twenty two And he Certified to this Honorable Court that although he had found that the said payments in the Fourth Schedule mentioned were in fact made no Evidence had been adduced before him by or on behalf of the said Defendants that the same were not deducted and retained from and out rents or arrears of rents paid to or Collected in and received by the Defendants as by the said Decree was directed But that on the Contrary it was fully

proved

proved that the said payments were actually made out of such rents and profits and he further Certified that he was unable from the Evidence to find whether the said rents and profits did at any time exceed the Amount Admitted in the Exhibits **KL** and **M** to Defendants Answer and which are the same in particulars and Amount with the Complainants Charge filed in that Office And he Submitted to the Judgment of this Honorable Court whether under the Circumstances of the Defendants having omitted to give the Evidence required by the Decree such payments ought to be allowed to the said Defendants in discharge of the rents and profits charged against him and if this Honorable Court should be of Opinion that the same ought to be so allowed then and in that Case He did find that on the said Eleventh day of February One thousand Eight hundred and Twenty two there was due and owing from the said Complainants to the said Defendant the Sum of Six thousand Four hundred and Ninety four Pagodas Twelve fanams and Twenty Nine Cash And he further Certified that Separate and distinct from the said Account there were still in the possession of the said Defendants the several Godowns mentioned in the said Bond for Fifteen thousand Pagodas in the Pleadings mentioned with the Exception of Three Several Godowns and a Piece of Ground adjoining thereto Situated in Lascar Street and in the Documents of Title Numbered 1339 and 1343 which have been sold to the Honorable Company for the Sum of Six thousand Three hundred and Twenty two Pagodas Seventeen fanams and Sixty five Cash which was thereinbefore Accounted for And he humbly submitted that the said Godowns should be returned or their value duly Accounted for to the said Complainant To which said reviewed Report the said Complainant

took several Exceptions. **And this Cause** coming on 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 on the Twenty Second day of July One
thousand Eight hundred and thirty three upon the matter contained in the Bill
of Revivor wherein the said Munna Beebee is the Complainant and Annachella
Chitty Codundaramah Chitty and Soory Chitty were Defendants and on the Fifth
Sixth and Seventh days of August then following **Upon** Exceptions taken
by the said Complainant Munna Beebee to the said Masters reviewed Report
in this Cause dated the Eighteenth day of February One thousand Eight hundred
and Twenty four and for further directions and Costs reserved by the Original
Decree made in this Cause bearing date the Seventh day of August One
thousand Eight hundred and Nine. And the said Exceptions being opened
And the First Exception being for That the Master in and by
his said Report hath allowed the Defendants Credit for a balance or Sum
of Pagodas Two thousand Seven hundred and Eighty Nine fanams
Twenty Nine and Cash Twenty five and Interest thereon at Twelve per
Cent per Annum from the Eleventh of January One thousand Eight
hundred and Three to the Eleventh of February One thousand Eight
hundred and Twenty two which Amounted to the Sum of Pagodas
Six thousand Three hundred and Eighty Eight fanams thirty Seven
and Cash Fifty making together the Sum of Pagodas Nine thousand
One hundred and Seventy Eight fanams Twenty one and Cash Seventy five
with which he has charged the Complainant Whereas the said Master
is

is not Authorized by the said Decree or Decretal Order of the Seventh August One thousand
Eight hundred and Nine in Charging the Complainant with the same or any part thereof
and such is at direct variance with the Spirit true intent and meaning of the said Decree
and because by so allowing the said Sum of Two thousand Seven hundred and Eighty
Nine Pagodas Twenty Nine fanams and Twenty five Cash and by Charging the
Complainant with Interest thereon the said Master in Effect has Charged the
Complainant with Compound Interest such Sum of Two thousand Seven hundred and
Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash being Composed
partly of Interest and the Master has only allowed Simple Interest to the
Complainant. **And the Second Exception being for That** the said
Master in and by his said Report hath found that the Defendant Maury Chitty
for and on Account or for the use of the said Complainant or for the Maintenance
and Support of his family at Madras or Elsewhere had paid and expended the
Several Sums of Money in the Fourth Schedule Annexed to his said Report
Amounting to the Sum of Three thousand three hundred and Twenty four Pagodas
Twenty Six fanams and Thirty Cash and which with Interest at Twelve per
Cent Amounted in the whole to the Sum of Thirteen thousand Five hundred and
Ninety three Pagodas Twenty fanams and thirty four Cash on the Eleventh of
February One thousand Eight hundred and Twenty two and the said Master has
Certified that although he had found that the said last mentioned payments were
in fact made no Evidence had been Adduced before him by or on behalf of the
said Defendants that the same were not deducted and retained from and out
of the rents or Arrears of rent paid to or Collected in and received by the Defendant
as by the said Decree is directed but that on the Contrary it was fully proved that
the

the said payments were actually made from and out of such rents and profits Whereas under the Circumstances mentioned in the said Report the Master was not Authorized to take the Account set forth in the said Fourth Schedule Annexed to the said Report and the taking of such Account under the Circumstances reported is in direct opposition to the directions of the said Decree or decretal Order and because the Evidence Adduced before the Master was not sufficient to Warrant his allowing the said several Sums mentioned in the said Fourth Schedule as proved — **Whereupon** and upon hearing read the Last Will and Testament of the said Complainant Mymembee filed of record in this Honorable Court — The Bill of Revivor of Munna Beebee against the said Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty and other proofs — Their Lordships made their Decree bearing date the Seventh day of August One thousand Eight hundred and Thirty three And thereby among other things Ordered that so much of the First of the said Exceptions as relates to the allowance by the said Master to the Defendants of Credit for the Principal Sum of Pagodas Two thousand Seven hundred and Eighty Nine fanams Twenty Nine and Cash Twenty five should be Over-ruled and that the remainder of such Exception should be allowed and that the said Sum of Pagodas Two thousand Seven hundred and Eighty Nine fanams Twenty Nine and Cash Twenty five should be carried to the Credit of the said Pareapolliam Maury Chittys Estate as hereinafter directed and with respect to the matter submitted by the Master to the judgement of the Court whether the payment

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in his Report stated to have been made by the said Defendant Pareapolliam Maury Chitty (amounting to the Principal Sum of Pagodas three thousand three hundred and Twenty four fanams Twenty Six and Cash Thirty) and the Interest thereon ought to be allowed to the said Defendants in discharge of the rents and profits charged against the said Pareapolliam Maury Chitty — The Court was of Opinion that under the Circumstances stated in the said Masters Report no part of such payments or Interest ought to be allowed — And the Court did further Order that it should be referred back to the Master to Ascertain and report what upon the Accounts as already taken between the Parties and as found by the said Report of the Eighteenth day of February One thousand Eight hundred and Twenty four appears to be the balance due from the said Defendant Pareapolliam Maury Chitty to the said Complainant Shake Davaljee or from the said Complainant to the said Defendant at the time of the death of the said Pareapolliam Maury Chitty except only that the Master in calculating such balance is to give Credit to the said Pareapolliam Maury Chitty at the time of his death for the said Principal Sum of Pagodas Two thousand Seven hundred and Eighty Nine fanams Twenty Nine and Cash Twenty five hereinbefore mentioned and to debit him with the Principal Sum of Pagodas Four hundred and Fifty four fanams forty three and Cash Sixty in the said Report in that behalf mentioned without any Interest on either of such Principal Sums respectively and it appearing by the said Report that at the time of the date thereof there were then in the possession of the said Defendants Pareapolliam Kistnamah Chitty Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty Several Godowns therein particularly referred to being part of the Mortgaged property of the said Complainant Shake Davaljee.

It was further Ordered that the Master should enquire and State to the Court the particulars of such last mentioned Property respectively and whether the same or any and what part or parts thereof were still in the possession of the said Defendants or either of them or were in any and what manner disposed of by the said Defendant Pareapolliam Kistnamah Chitty in his life time or have been so since his death by the said other Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively or either of them and that the said Master should ascertain and state the full and true value of such parts thereof respectively (if any) as have or hath been so disposed off and in regard to the Supplemental Matter of the said Bill of Revivor of the said Munna Beebee The Court did further Order in case the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty should not Admit Assets of the said Pareapolliam Manny Chitty received by them and the said Pareapolliam Kistnamah Chitty respectively sufficient to Satisfy the balance (if any) which should be stated by the Master to be due by the said Defendant Pareapolliam Manny Chitty to the said Complainant Shake Davaljee at the time of the death of the said Pareapolliam Manny Chitty - Then that the Master should take an Account of the Estate and Effects of the said Pareapolliam Manny Chitty possessed or received by the said Pareapolliam Kistnamah Chitty in his life time and by the said Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively or by any Person or Persons by

their

their or either of their Order or for their or either of their use or which without their or either of their wilful default might have been received and also an Account of the said Pareapolliam Manny Chitty's debts and Funeral expences and Compute Interest on such of his debts as carry Interest and the Estate and Effects of the said Pareapolliam Manny Chitty were to be applied in payment of what (if any thing) should be so found due and owing to the said Shake Davaljee and of his other debts in a due Course of Administration - And it was further Ordered that the Master should also take an Account of all and Singular the Mortgaged Houses Botiques and Premises of the said Complainant Shake Davaljee which then were or at any time or times have been in the possession of the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively or of the said Pareapolliam Kistnamah Chitty in his life time and of all and every the Sums and Sum of Money which were gotten in Collected or received on Account of the rents and Profits of the said premises by the said Pareapolliam Kistnamah Chitty and the said Defendants or either of them or by their or either of their Order or for their or either of their use or which but for their or either of their wilful neglect or default might have been received between the time of the death of the said Pareapolliam Manny Chitty and of the said Pareapolliam Kistnamah Chitty respectively and that the Master should also take a Separate Account of all and every the Sums of Money received or Collected on Account of the rents and profits of the same Property by the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty or any or either of them or by their or either of their Order or for their or either of their use or which but for their or either of their wilful neglect or default might have been received since the death of the said Pareapolliam Kistnamah Chitty and the Master was to state how and in what manner such Rents and Profits as well during the life of the said Pareapolliam Kistnamah Chitty as since his death had been applied and disposed of The Court reserving the Question of whether any and what Interest ought to be charged on such Rents and Profits or any part thereof and in taking the said several Accounts aforesaid the Master was to make unto the Parties respectively all just allowances and all Parties were to produce to and leave with the said Master upon Oath all Books Writings and Cadjans in their Custody or power relating thereto and were to be examined on Oath on Interrogatories as the Master should direct. And the Court did further Order that the Master should enquire and state who According to the Mahomedan Law were at the time of the death of the said Shake Davaljee entitled to share in his Estate and in what proportions respectively and who were then entitled to such shares respectively and for that purpose He was to Cause such Advertisements to be published as he should think proper for all Persons claiming so to be entitled to come in before him and prove their Claims and he was to fix a peremptory day for that purpose and such of them as should not come in by the time so to be limited were to be excluded from the benefit of the said Decree And the Master was to be at liberty to state any special Circumstances touching such Claims or any other of the Matters thereinbefore directed as he might think fit. And it was further

Ordered

Ordered that it should be referred to the Master to Tax the Costs of the said Complainant Munna Bebee in proving her Title to revive the said Suit and that the same when Taxed should be paid by the said Defendants Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty to the said Complainant Munna Bebee or to her Solicitor Mr. Thomas Teed. But in regard to all the rest of the Costs of the said Suit The Court did reserve the Consideration thereof And did also Continue the reservation of all further directions until after the Master should have made his Report on the several Matters thereinbefore referred to him and in the mean while all Parties interested in any of the Matters aforesaid were to be at liberty to apply to this Court touching the same as they might be Advised. And in pursuance of the said Decree except as to such part thereof as directed an Enquiry into Certain rights According to the Mahomedan Law and the incidental directions therein Contained the said Master on the Twenty Sixth day of July One thousand Eight hundred and Thirty four made his Report and thereby Reported that he had been attended by the Solicitors for the Parties and had in their presence proceeded with the Enquiries in and by the said Decree directed and he found that upon the Account already taken between the Parties as found by the Masters Report of the Eighteenth day of February One thousand Eight hundred and Twenty four the balance due from the said Pareapolliam Manny Chitty to the said Shake Davaljee at the time of the death of the said Pareapolliam Manny Chitty Amounted to the Sum of Eight thousand Four hundred and Eight Pagodas Twenty One fanams and Nine Cash And in calculating such balance He had given Credit to the said Pareapolliam Manny Chitty at the time of his death for the Principal Sum of Two thousand Seven hundred and Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash and had debited him with the Principal Sum of Four hundred and Fifty four Pagodas Forty three fanams and Sixty Cash without any Interest on either of the said two last mentioned Principal Sums as appears by the Schedule No. 1 Annexed to his Report And he had in a Schedule No. 2 Annexed to his Report set forth the particulars of the several Godowns in the poſseſsion of the said Pareapolliam Kistnamah Chitty Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty at the time of the date of the said former Report of the Eighteenth day of February One thousand Eight hundred and Twenty four being part of the Mortgaged Property of the said Shake Davaljee And he found that the said several Godowns were then in the poſseſsion of the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty and the said last named Defendants not having Admitted Aſsets of the said Pareapolliam Manny Chitty received by them and the said Pareapolliam Kistnamah Chitty respectively sufficient to satisfy the balance (if any) which might be stated by him to be due by the said Pareapolliam Manny Chitty to the said Shake Davaljee at the time of his death He had taken an Account of the Estate and Effects of the said Pareapolliam Manny Chitty poſseſsed or received by the said Pareapolliam Kistnamah Chitty in his lifetime as in and by the said Decree directed. And he had in a Schedule No. 3 Annexed to his Report set forth the particulars of Property belonging to the Estate of the said Pareapolliam Manny Chitty which came to the poſseſsion of the said Pareapolliam Kistnamah Chitty on the death of the said

Pareapolliam

Pareapolliam Manny Chitty And he found that the said Pareapolliam Kistnamah Chitty paid laid out and expended for the Funeral and Testamentary Expences and Law Costs and Charges of the said Pareapolliam Manny Chitty the Sum of Five thousand Nine hundred and Twenty five Pagodas Thirty Seven fanams and Seventy Cash the particulars of which in the second part of the said Schedule No. 3 appeared And he found that the Premises and Sundry Articles set forth in Schedule No. 6 Annexed to his Report being part of the Estate and Effects of the said Pareapolliam Manny Chitty were poſseſsed by the said Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively And that save and except such Premises and Sundry Articles in the said Schedule No. 6 specified no part of Estate and Effects of the said Pareapolliam Manny Chitty was poſseſsed by the said Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively or by any Person or Persons by their or either of their Order or for their or either of their use and that there has been no wilful default in the said three last named Defendants in not having received the same and he had taken an Account of all and singular the Mortgaged Houses Botiques and Premises of the said Shake Davaljee which then were or at any time or times had been in the poſseſsion of the said Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively and of the said Pareapolliam Kistnamah Chitty in his life time and of all and every the Sums and Sum of Money which were gotten in Collected and received on Account of the Rents and Profits of the said Premises by the said Pareapolliam Kistnamah Chitty as by the Decree directed And he found that the said Mortgaged Premises

consist of the several Premises mentioned and setforth in the said Schedule
No. 2 Annexed to his Report And he had in a Schedule No. 4 thereunto
Annexed setforth the particulars of the Amounts received by the said Pareapolliam
Kistnamah Chitty on Account of Rents and Profits of the said Mortgaged
Property and he had in the Second part of the said Schedule No. 4 setforth
how and in what manner part of such rents and profits to the Amount of
One hundred and Eight Pagodas during the life time of the said Pauliam
Kistnamah Chitty had been applied and disposed of And he found that
save and Except the several Amounts mentioned in the Schedule No. 4
no Sum or Sums of Money was or ever could have been gotten in
collected or received on Account of such rents and Profits by the said
Pareapolliam Kistnamah Chitty and the said Defendants Pareapolliam
Arnachellea Chitty Pareapolliam Codundaramah Chitty and Pareapolliam
Soory Chitty or either of them between the time of the death of the said Pareapolliam
Manny Chitty and of the said Pareapolliam Kistnamah Chitty respectively And he
had also taken a Separate Account of all and every the Sums of Money which were
or could have been received or collected on Account of the rents and Profits of the
same property by the said Defendants Pareapolliam Arnachellea Chitty
Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty or any or
either of them since the death of the said Pareapolliam Kistnamah Chitty And
he had in a Schedule No. 5 Annexed to his Report setforth the particulars
of the said rents and profits so received as last aforesaid And he found that
no part of such Rents and Profits have been applied and disposed of since

the

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the death of the said Pareapolliam Kistnamah Chitty by the said Defendants in or about the
said Mortgaged Premises – **To which** said Report the said Complainants Munna
Beebee took several Exceptions and the same Coming on to be Argued on the Fifth Sixth and
Seventh days of August One thousand Eight hundred and Thirty four before the Justices of
this Honorable Court in the presence of Counsel learned on both sides and the Exceptions being
Opened – **And the First of such Exception being for That** the said Master
hath in and by his said Report found that Pareapolliam Kistnamah Chitty paid
laid out and expended for the funeral and other Expences and Law Costs and Charges
of the said Pareapolliam Manny Chitty the Sum of Pagodas Five thousand Nine
hundred and Twenty five Fanams Thirty Seven and Cash Seventy And hath allowed the
same out of the Estate of the said Pareapolliam Manny Chitty the particulars of which
in the Second part of the Schedule Three to the said Report appear. Whereas the said
Master ought not to have allowed the same – **And the Second of such Exception**
being for That the said Master in and by his said Report as appears by the
Second part of the Third Schedule thereto hath allowed to the said Pareapolliam
Kistnamah Chitty Credit for a Sum of Pagodas Three hundred and Forty five Fanams
Twenty five and Cash Ten for the funeral Expences and Ceremonies of the said Manny
Chitty alleged to have been paid by the said Kistnamah Chitty in his life time
Whereas the said Master ought not to have allowed so large a Sum on Account of
such Funeral Expences and Ceremonies – **And the Third of such Exception**
being for That the said Master in and by his said Report as appears by the
said Second part of the said Third Schedule thereto hath allowed to the said Pareapolliam

Kistnamah Chitty Credit for a Sum of Five thousand One hundred and Eighty five Pagodas as cash paid to Mr. Thomas Teed Attorney at Law as per Taxed Bills of Costs in a Suit intituled Shake Davaljee decd Maury Chitty by Original and Amended Bill Shake Davaljee decd Pareapolliam Kistnamah Chitty Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soorry Chitty as Sons and representatives of Pareapolliam Maury Chitty. by Revivor. by Another Revivor Mymunbee personal representative of Shake Davaljee decd Pareapolliam Kistnamah Chitty and another. Whereas the said Master ought not to have allowed the same. **And the Fourth of such Exceptions being For That** the said Master in and by his said Report as appears by the Second part of the Fourth Schedule thereto allowed Credit to the said Pareapolliam Kistnamah Chitty out of the Estate of the said Maury Chitty for the Sum of Pagodas One hundred and Eight alleged to have been paid to a Conocopoly for keeping the Accounts of the said Defendants relating to the Mortgaged premises in question in this Cause Whereas the said Master ought not to have allowed the same **And the Fifth and last Exception being for That** the said Master hath not in and by his said Report reported that the said Defendants had obtained possession of the following immoveable Property belonging to the Estate of the said Maury Chitty deceased that is to say-

A Garden Situated at Sungeveroyenpettah Containing 21 Grounds 2342½
Square feet subject to a quitrent of 11 Rupees and 6 Annas - - - 20,000 - -
A House Situate in Lingy Chitty Street in the Black Town of Madras - - - 1750 - -

Another

Another House in the same Street - - - - - - - - - - 1400 - " - "
A House Situate in Angapah Naick Street in the Black Town of Madras now in
the possession of a Person named Maruck as Tenant - - - - - - - - 2,800 - " - "
A Garden Situated at Perembore Containing about 16 Cawnies - - - - - 17,500 - - "

And mentioned in the charge carried in before the said Master on the Twenty first day of March One thousand Eight hundred and thirty four and proved before the said Master to have belonged to the said Maury Chitty deceased. **And thereupon** and **Upon** reading the said Report and the Proofs and Exhibits Adduced before the Master their Lordships were pleased to Order that the First Second and fourth Exceptions should be overruled. As to the Third Exception the Court allowed the same. And in regard to the Fifth Exception so far as relates to the Two Houses in Lingy Chitty Street The Court did allow the same save as to the alleged value thereof of which there was no Evidence. And in regard to the Garden in Sungeveroyenpettah The Court did refer it back to the Master to review his Report and as to the remainder of the said Fifth Exception the Court did over-rule the same. **And** in pursuance of the said Decree made in this Cause and bearing date the Seventh day of August One thousand Eight hundred and Thirty three The Master made his Report bearing date the Twenty third day of September One thousand Eight hundred and Thirty four and thereby after reciting such part of the said Decree as directed an Enquiry into Certain rights According to the Mahommedan Law and the incidental directions thereon He thereby reported among other things that he had been attended by the Solicitors for the Complainant/ One of the Widows of the said Shake Davaljee deceased/ for Husen Beebee/ another Widow of the said

Shake Davaljee deceased / for Khader Mohyddeen (a legatee under the Will of Suffea Bee a Daughter of the said Shake Davaljee deceased by the said Kuſper Beebee / and for Syedah Beebee, Laul Beebee Fyzoo Beebee and Hafizoo Beebee / Daughters of Syed Hooſain Ally Khan otherwise called Pudsha Saib deceased the husband of Mymembee deceased also a Daughter of the said Shake Davaljee deceased, by the said Complainant / And he had caused the usual Advertisements to be published and had in the presence of the several Solicitors proceeded with the enquiries directed by the said Decree and he found that the said Shake Davaljee by his Will bearing date corresponding with the Twentieth day of December One thousand Eight hundred and Thirteen gave and bequeathed his Estate after payment of his debts to his Two daughters the said Suffea Bee and Mymembee with a Right of Survivorship between them, but which bequests of the said Shake Davaljee were according to the Mahomedan Law invalid it not appearing that the said Complainant and the said Kuſper Bee as other heirs of the said Shake Davaljee gave their Consent to such bequests and he found that at the time of the death of the said Shake Davaljee he left the said Complainant and the said Kuſper Bee his Two Widows and the said Suffea Bee and the said Mymembee his Two daughters his Heirs according to the Mahomedan Law him surviving And he found that the said Complainant and the said Kuſpur bee as such Widows were according to

the

the Mahomedan Law each entitled at the time of the death of the said Shake Davaljee to One Sixteenth Aliquot part or Share of the Estate of the said Shake Davaljee after payment of his debts / if any / And that the said Suffea Bee and Mymembee were in like manner as such daughters of the said Shake Davaljee deceased entitled at the time of his death to the remaining Fourteenth Sixteenths Aliquot parts or Shares of his Estate in equal Shares or proportions / that is to say / the said Suffea Bee to Seven Sixteenth Aliquot parts or Shares and the said Mymembee to Seven Sixteenths Aliquot parts or Shares And he found that the said Suffea Bee hath departed this life leaving the said Kuſpur Bee her Mother and heir according to the Mahomedan Law her surviving and that by her Will bearing a date corresponding with the Nineteenth day of December One thousand Eight hundred and Nineteen the said Suffea Bee directed that after payment of her debts her share of the Estate and Effects of the said Shake Davaljee should be divided into Six Shares One of which should be paid to her Mother the said Kuſpur Bee and the residue should be received by the said Khader Mohyddeen And he found that such bequest of the said Suffea Bee to the said Khader Mohyddeen is according to the Mahomedan Law valid to the Extent of One third and no more of her said Property after payment of her debts / if any / And he found that the said Kuſper Bee as the surviving Mother of the said Suffea Bee is now entitled to Two thirds Aliquot parts or Shares of the clear residue of the said Suffea Bee's Seven Sixteenth Aliquot parts or Shares of the Estate of the said Shake Davaljee after payment of the debts of the said Suffea Bee / if any / together with her own said one

Sixteenth Aliquot part or Shares of the Estate of the said Shake Davaljee as one of the Widows of the said Shake Davaljee deceased And he found that the said Khader Mohyddeen is under the said Will of the said Suffea Bee now entitled to the remaining One third Aliquot part or Share of the said Suffea Bee's Seven Sixteenth Aliquot parts or Shares of the Estate of the said Shake Davaljee And he found that the said Mymembee intermarried with the said Syed Hooſain Ally Khan otherwise called Padsha Saib and that she died leaving Vaſal Ally otherwise called Meer Gholam Rizza her son (by the said Syed Hooſain Ally Khan otherwise called Padsha Saib) the said Syed Hooſain Ally Khan otherwise called Padsha Saib her husband and the said Complainant her Mother her heirs according to the Mahomedan Law her Surviving And he found that on the death of the said Mymembee the said Vaſal Ally otherwise called Meer Gholam Rizza was entitled after payment of her just debts (if any) to Seven Twelfth Aliquot parts or Shares of the said Seven Sixteenth Aliquot parts or Shares of the said Mymembee of the Estate of the said Shake Davaljee and that the said Syed Hooſain Ally Khan otherwise called Padsha Saib became entitled as the surviving husband of the said Mymembee to other three Twelfth Aliquot parts or Shares of the said Mymembee's Seven Sixteenth Aliquot parts or Shares of the Estate of the said Shake Davaljee and that the said Complainant as the Surviving Mother of the said Mymembee became and is now entitled to the remaining Two Twelfth Aliquot parts or Shares of the said Mymembee's Seven Sixteenth Aliquot parts or Shares of the Estate of the said Shake Davaljee

And

And he found that the said Vaſal Ally otherwise called Meer Gholam Rizza departed this life an Infant leaving the said Syed Hooſain Ally Khan otherwise called Padsha Saib his Father and the said Complainant his Maternal Grand Mother his heirs according to the Mahomedan Law him surviving and that on the death of the said Vaſal Ally otherwise called Meer Gholam Rizza the said Syed Hooſain Ally Khan otherwise called Padsha Saib as Surviving Father of the said Vaſal Ally otherwise called Meer Gholam Rizza became entitled to Five Sixth Aliquot parts or Shares of the said Seven Twelfth Aliquot parts or shares of the said Vaſal Ally otherwise called Meer Gholam Rizza of the said Seven Sixteenth Aliquot parts or Shares of the said Mymembee of the Estate of the said Shake Davaljee and that the said Complainant as the Surviving Maternal Grand Mother of the said Vaſal Ally otherwise called Meer Gholam Rizza became and is now entitled to the remaining One Sixth Aliquot part or Share of the said Vaſal Ally otherwise called Meer Gholam Rizza's Seven Twelfth Aliquot parts or Shares of the said Mymembee's Seven Sixteenth Aliquot parts or Shares of the Estate of the said Shake Davaljee And he found that the said Syed Hooſain Ally Khan otherwise called Padsha Saib hath departed this life leaving the said Syedah Beebee (the Wife of Meer Najanff Ally Khan) Laul Beebee Hafiza Beebee (an Infant of the Age of Eight Years or thereabouts) and Fyzoo Beebee (an Infant of the Age of Five Years or thereabouts) his four daughters and heirs according to the Mahomedan Law him surviving And he found that the said Syedah Beebee Laul Beebee Hafiza Beebee and Fyzoo Beebee are now each entitled after payment of the debts of their said Father (if any) to One Fourth Aliquot part or Share of the said Syed Hooſain Ally Khan otherwise called Padsha Saib's three Twelfth Aliquot parts or Shares of the said Mymembee's

Seven Sixteenth Aliquot parts or Shares of the said Estate of the said Shake Davaljee and to One fourth Aliquot part or Share of the said Syed Hoſsain Ally Khan otherwise called Padsha Saib's five Sixth Aliquot parts or Shares of the said Vaſsal Ally otherwise called Meer Gholaum Rizza's Seven Twelfth Aliquot parts or Shares of the said Seven Sixteenth Aliquot parts or Shares of the said Mymembee of the Estate of the said Shake Davaljee And the said Master by his said Report after reciting that by his former Report made in this Cause and dated the Twenty Sixth day of July One thousand Eight hundred and Thirty four he found that upon the Account already taken between the Parties as found by the Master's Report of the Eighteenth day of February One thousand Eight hundred and Thirty four the balance due from the said Pareapolliam Maury Chitty to the said Shake Davaljee at the time of the death of the said Pareapolliam Maury Chitty Amounted to the Sum of Eight thousand Four hundred and Eight Pagodas Twenty One fanams and Nine Cash and in calculating such balance he gave Credit to the said Pareapolliam Maury Chitty at the time of his death for the Principal Sum of Two thousand Seven hundred and Eighty Nine Pagodas Twenty Nine fanams and Twenty five Cash and debited him with the Principal Sum of Four hundred and Fifty four Pagodas Forty three fanams and Sixty Cash without any Interest on either of the said two last mentioned Principal Sums as appears by the Schedule No 1 Annexed to his said former Report And that in a Schedule No 2 likewise Annexed to his said former Report He had setforth the particulars of the several

Several Godowns which were in the poſseſsion of the said Pareapolliam Kistnamah Chitty Pareapolliam Arunachella Chitty Pareapolliam Cochundaramah Chitty and Pareapolliam Soory Chitty being part of the Mortgaged Property of the said Shake Davaljee and by his said former Report he found that the said Several Godowns were at the time of the date thereof in the poſseſsion of the said Defendants Pareapolliam Arunachella Chitty Pareapolliam Cochundaramah Chitty and Pareapolliam Soory Chitty And that in and by his said former Report he stated that the said last named Defendants not having admitted Aſsets of the said Pareapolliam Maury Chitty received by them and the said Pareapolliam Kistnamah Chitty respectively sufficient to satisfy the balance (if any) which might be stated by him to be due by the said Pareapolliam Maury Chitty to the said Shake Davaljee at the time of his death he had taken an Account of the Estate and Effects of the said Pareapolliam Maury Chitty poſseſsed or received by the said Pareapolliam Kistnamah Chitty in his life time as in and by the said Decree directed And that in a Schedule No 3 Annexed to his said former Report He had Setforth the particulars of Property belonging to the Estate of the said Pareapolliam Maury Chitty which came to the poſseſsion of the said Pareapolliam Kistnamah Chitty on the death of the said Pareapolliam Maury And that by his said former Report he found that the said Pareapolliam Kistnamah Chitty paid laid out and Expended for the funeral and Testamentary Expences and Law Costs and Charges of the said Pareapolliam Maury Chitty the Sum of Five thousand Nine hundred and Twenty five Pagodas Thirty Seven fanams and Seventy Cash the particulars of which in the Second part of the said Schedule No 3 appear and that by his said former Report he found that the Premises and Sundry Articles Setforth in Schedule No 6

Annexed thereto being part of the Estate and Effects of the said Pareapolliam Maury Chitty were possessed by the said Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively and that save and except such Premises and Sundry Articles in the said Schedule No. 6 specified no part of the Estate and Effects of the said Pareapolliam Maury Chitty was possessed by the said Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively or by any Person or Persons by their or either of their Order or for their or either of their use and that there had been no wilful Default in the said three last named Defendants in not having received the same and that in and by his said former Report he stated that he had taken an Account of all and singular the Mortgaged Houses Botiques and Premises of the said Shake Davaljee which at the date of his said former Report were or at any time or times had been in the possession of the said Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty respectively and of the said Pareapolliam Kistnamah Chitty in his life time and of all and every the Sums and Sum of Money which were gotten in collected and received on Account of the Rents and Profits of the said Premises by the said Pareapolliam Kistnamah Chitty as by the said Decree of the Seventh of August One thousand Eight hundred and Thirty three directed and that in and by his said former Report he found that the said Mortgaged Premises consisted of the several Premises

mentioned

mentioned and set forth in the said Schedule No. 2 And that in a Schedule No. 4 Annexed to his said former Report he had set forth the particulars of the Amounts received by the said Pareapolliam Kistnamah Chitty on Account of Rents and Profits of the said Mortgaged Property And that in the Second part of the said Schedule No. 4 he had set forth how and in what manner part of such Rents and Profits to the Amount of One hundred and Eight Pagodas during the life time of the said Pareapolliam Kistnamah Chitty had been applied and disposed of and which he allowed as having been properly applied and disposed of and that by his said former Report he found that save and except the several Amounts mentioned in the said Schedule No. 4 no Sum or Sums of Money was or ever could have been gotten in collected or received on Account of such Rents and Profits by the said Pareapolliam Kistnamah Chitty and the said Defendants Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty or either of them between the time of the death of the said Pareapolliam Maury Chitty and of the said Pareapolliam Kistnamah Chitty respectively And that in and by his said former Report he stated that he had also taken a Separate Account of all and every the Sums of Money which were or could have been received or collected on Account of the Rents and Profits of the same Property by the said Defendants Pareapolliam Arunachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty or any or either of them since the death of the said Pareapolliam Kistnamah Chitty and that in a Schedule No. 5 Annexed thereto he had set forth the particulars of the said Rents and Profits so received as last aforesaid And that by his said former Report he found that no part of such

Rents and profits had been applied and disposed of since the death of the
[illegible] death of the said Pareapolliam Kistnamah Chitty by the said Defendants
in or about the said Mortgaged Premises And the said Master by his said
Report further reciting that this Honorable Court was pleased on the Seventh
of August One thousand Eight hundred and Thirty four to allow an
Exception taken by the said Complainant to his said former Report
for that he had allowed to the said Pareapolliam Kistnamah Chitty
the Sum of Five thousand One hundred and Eighty five Pagodas (being
part of the Sum of Five thousand Nine hundred and Twenty five
Pagodas Thirty Seven fanams and Seventy Cash in the Second part
of the said Schedule No. 3 mentioned) as cash paid to Mr. Thomas
Teed Attorney at Law as per Taxed Bill of Costs in a Suit entitled
Shake Davaljee [illegible] Maury Chitty by Original and Amended Bill
Shake Davaljee [illegible] Pareapolliam Kistnamah Chitty Pareapolliam
Annachella Chitty Pareapolliam Cochindramah Chitty and Pareapolliam
Soory Chitty as Sons and representatives of Pareapolliam Maury Chitty by
Revivor and by another Revivor Mymambee personal representative of
Shake Davaljee [illegible] Pareapolliam Kistnamah Chitty and Another. The
Master now reported that he Accordingly allowed to the Estate of the
said Pareapolliam Kistnamah Chitty the Sum of Seven hundred and
Forty Pagodas Thirty Seven fanams and Seventy Cash (being the remainder
of the said Sum of Five thousand Nine hundred and Twenty five Pagodas

Thirty Seven fanams and Seventy Cash in the said Second part of the said Schedule No. 3
mentioned) as having been properly laid out and expended by the said Pareapolliam
Kistnamah Chitty on Account of the Estate of the said Pareapolliam Maury Chitty And
the said Master by his said Report further reciting that this Honorable Court was
pleased on the same day to allow another Exception taken by the said Complainant
to his said former Report for that he had not reported that the said Defendants had
obtained possession of a House situate in Linghee Chitty Street in the Black Town of
Madras and another House in the same Street belonging to the Estate of the said
Maury Chitty deceased And in the Charge and State of facts of the said Complainant
[illegible] mentioned Court the said Master by his said Report further reciting that this Honorable
Court was likewise by an Order of the Seventh day of August One thousand Eight
hundred and Thirty four made on the hearing of the said Exceptions pleased to refer it
back to him to review his said former Report as to the Garden in Sungeveroyenpettah in
the said Order mentioned He reported that he had been attended by the Solicitors for the
said Complainant and Defendants and he had as by the said last mentioned Order
directed in their presence proceeded to review his said former report and had
received further Evidence in respect of the said Garden at Sungeveroyenpettah and
he found that the said Garden did not belong to the said Maury Chitty at the time of
his death And that the same did not form any part of the Estate and Effects of the
said Maury Chitty. To which said Report the said Complainant Munna
Beebee took several Exceptions And the same coming on to be Argued on the Seventh
and Twenty Eighth days of November last before the Justices of this Honorable Court
in the presence of Counsel learned on both Sides And the said Exceptions and Report
being

being Opened upon debate of the Matter and hearing what was alleged by the Counsel on both Sides The Court did Order that the said Exceptions should be over-ruled And the said Masters Report should stand Confirmed And it was further Ordered that Huſsen Bee One of the Widows of the said Shake Davaljee Deceased should be entitled to have her Costs therein but this Court did reserve the Question whether the same was to come generally out of the Fund coming to the said Shake Davaljee's Estate or from the said Complainant Munna Bee's share therein And the said Defendants being dissatisfied with the said Order of the Seventh day of August One thousand Eight hundred and Thirty four presented to the Court their Petition for a Rehearing and thereby prayed that the Court would rehear so much of the said Fifth Exception as was allowed by the said last mentioned Order and related to the said Two Houses in Lingy Chitty Street And thereupon by an Order made on the said Petition bearing date the Seventh day of November last it was Ordered that so much of the said Fifth Exception as was allowed by the said Order of the said Seventh day of August last and relates to the said Two Houses in Lingy Chitty Street should be reheard on Friday the Twenty Eighth day of November last. **And the Matter upon** so much of the said Fifth Exception Coming on Accordingly on the Twenty Eighth day of November One thousand Eight hundred and Thirty four to be reheard in the presence of Counsel learned on both Sides and the said Exception and Report being Opened. **And the said Fifth Exception being for that** the said Master hath in and by his said Report found that the Garden at

Sungeveroyenpettah

Sungeveroyenpettah did not belong to Maury Chitty at the time of his death and that the same does not form part of the Estate and Effects of the said Maury Chitty whereas the said Master ought to have found that the said Garden formed part of the Estate and Effects of the said Maury Chitty at the time of his death **And upon debate** of the Matter and hearing what was alleged by the Counsel on both Sides And the said Report of the Master and the Proofs and Exhibits Adduced before him. **This Court did Order** that in addition to the said Order of the Seventh day of August One thousand Eight hundred and Thirty four so far as respects the Two Houses in Lingy Chitty's Street it should be referred to the Master to Enquire and state the particular Numbers and Scites of the said Two Houses respectively and whether either and which of them is Comprised in the Premises mentioned by him in his third and Sixth Schedules as Mullya Isperan Pagoda Street And if so then the Master was to enquire what is become of the other of such Houses And in whose poſseſsion the same then was and if the same shall not be in the poſseſsion or power of the Defendants or either of them Then the Master was to Ascertain the value of such House when poſseſsion thereof was parted with after the death of the said Pareapolleam Maury Chitty And in case the Master shall find that neither of the said Houses in Lingy Chitty Street is Comprised in the said Premises under the description of Mullya Isperan Pagoda Street in the said third and Sixth Schedules then the Master was in like manner as aforesaid to Enquire as to the poſseſsion or Value of both of the said Houses **And** in pursuance of the said Order the said Master on the thirtieth day of January One thousand Eight hundred Thirty five made his Report and thereby Reported that he had been attended by the Solicitors of the said Complainant and Defendants and in their presence had proceeded with the Enquiries directed by the said Order And he found that one of the Two Houses in Lingy Chitty Street in the said Order mentioned is numbered One hundred and four And is bounded on the North Side thereof by the other of the said Two Houses in the said Street and on the West Side thereof by Tombor Chittys Street and on the South Side thereof by Mannady Street and on the East Side thereof by Lingy Chitty Street And he found that the other of the said Two Houses in Lingy Chitty's Street in the said Order mentioned is Numbered One hundred and five And is bounded on the North Side thereof by a House in Lingy Chitty Street and on the West Side thereof by Tombor Chittys Street and on the South Side thereof by the said other House Numbered One hundred and four And on the East Side thereof by Lingy Chittys Street And he found that the said House Numbered One hundred and five is Comprised in the Premises mentioned by him in his said Third and Sixth Schedules as Mullea Isperan Pagoda Street And he found that the said other House Numbered One hundred and four is in the poſseſsion of Pauliam Narrainsawmy Chitty and his Mother Ringamall the Son and Widow of Pareapolliam Kistnamah Chitty deceased in the Title of this Cause named and that the same was not in the poſseſsion or power of the Defendants or either of them And he found that the Value of such last mentioned

mentioned House Numbered One hundred and four when poſseſsion thereof was parted with after the death of the said Pareapolliam Manny Chitty was Four hundred and Fifty two Pagodas Twenty two fanams and Forty Cash. **And This Cause** coming on the Twenty third and Twenty fourth days of March Instant and also on this present day to be heard for further directions on the said Report and Costs before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides. **Whereupon and upon** hearing the said Decree and the said Master's Report read. And upon hearing what was alleged by the Counsel on both Sides. **This Court doth declare** that the Sum of Pagodas Eight thousand four hundred and Eight Fanams Twenty One and Cash Nine found by the Masters Report bearing date the Twenty Sixth day of July One thousand Eight hundred and Thirty four to have been due from Pareapolliam Manny Chitty at the time of his death to Shake Davaljee is still due and owing to the Estate of the said Shake Davaljee And that the same together with Interest at Eight per Cent per Annum from the time of Manny Chitty's death to the date of this Decree ought to be paid to the several parties entitled to the Estate of Shake Davaljee out of the said Estate and Effects of the said Manny Chitty or as far as the Aſsets of his Estate shall extend to Satisfy the same. **And this Court doth Order** that it be referred to the Master to Calculate such Interest accordingly. **And this Court doth further declare** that the several Godowns and Premises comprised in the Schedule No. 2 of the said Master's said Report bearing date the Twenty Sixth day of July One thousand Eight hundred and Thirty four being part of the Mortgaged Premises in the Pleadings mentioned now belong to the Estate of the said Shake Davaljee free and discharged of and from all Claims and demands whatsoever on the part of the said Manny Chitty or his representatives. **And doth accordingly**

Accordingly Order and direct that the said Godowns and premises be forthwith sold with the Approbation of the said Master to the best Purchaser or Purchasers that can be got for the same to be allowed of by the Master wherein all proper Parties are to join as the said Master shall direct And in Order to such Sale the Parties are to produce before the said Master upon Oath all deeds and Writings in their Custody or Power relating to the said Godowns and Premises- **And it is Ordered** that the Proceeds to Arise from such Sales be with the privity of the Accountant General of this Court paid into the Honorable Company's Treasury of Fort Saint George to the Credit of this Cause to be placed to an Account to be entitled "Shake Davaljie's "Estate" And the Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty having Admitted Aſsets of Parenpolliam Kistnamah Chitty deceased sufficient to Answer and Satisfy what was received by the said Pareapolliam Kistnamah in his life time on Account of the Estate and Effects of the said Shake Davaljie **This Court doth Order and Decree** that the Sum of Pagodas One thousand One hundred and Eighty two Fanams Twenty and Cash Twenty three being the balance of what was found by the Masters said Report to have been received by the said Pareapolliam Kistnamah Chitty on Account of Rents and Profits of the said Mortgaged Property and mentioned in the Fourth Schedule to the said Report of the Twenty fifth day of July One thousand Eight hundred and Thirty four together with Interest on such Sum at Eight per Cent per Annum from the Eighth day of October

October One thousand Eight hundred and Twenty Six the day of the death of the said Pareapolliam Kistnamah Chitty to the date of this Decree be with the like privity of the said Accountant General paid into the said Treasury to the same Credit and to be placed to the same Account as aforesaid by the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty And that the said Defendants do also with the like privity pay into the said Treasury to the same Credit to be placed to the same Account and from and out of their own proper Monies the Sum of Pagodas One hundred and Eighty Nine and Fanams Twenty Six being the Amount found to have been received by the said Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty or any or either of them since the death of the said Pareapolliam Kistnamah Chitty in respect of the said Mortgaged Premises and mentioned in the Fifth Schedule to the said Report of the said Twenty fifth day of July One thousand Eight hundred and Thirty four together with interest at Eight per Cent per Annum upon the several Sums Constituting the said Sum of Pagodas One hundred and Eighty Nine and Fanams Twenty Six from the time the same were respectively received up to the like period as aforesaid Vizt the date of this Decree- **And this Court doth refer** it to the said Master to Calculate the Interest upon the said Sum of One thousand One hundred and Eighty two Pagodas Fanams Twenty and Cash Twenty three And upon the said several last mentioned Sums accordingly And the said Defendants Pareapolliam Arnachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty having also Admitted Aſsets of the Estate of the said Pareapolliam Kistnamah Chitty sufficient to Answer and Satisfy what was received by him in his life time on Account of the said Maury Chitty's Estate **This Court doth Order and direct** with the Exception of the Sum of One thousand and five hundred Pagodas in the First part of the Third Schedule to the said Report of the Twenty fifth day day of July One thousand Eight hundred and Thirty four Specified as one half of the value of a Garden Situate at Allapetam the Amount of the Several other Sums of Money in the said first part of such Schedule mentioned Amounting to Pagodas One thousand three hundred and Sixty five fanams Forty One and Cash Seventy And found to have been received by the said Pareapolliam Kistnamah Chitty on Account of the said Maury Chitty's Estate be after first deducting therefrom the Sum of Seven hundred and Forty Pagodas Thirty Seven fanams and Seventy Cash allowed for disbursements made by the said Pareapolliam Kistnamah Chitty on Account of the said Estate with the like privity of the said Accountant General paid within One Month into the said Treasury by the said Defendants Pareapolliam Armachella Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Soory Chitty to the Credit of this Cause to be placed to an Account to be intitled "Maury Chitty's Estate" And with respect to the said Garden Situate at Allapatam. **It is Ordered** that the same be forthwith sold with the Approbation of the said Master to the best purchaser or purchasers that can be got for the same to be allowed of by the said Master wherein all Parties are to join as the Master shall direct And in Order to such Sale the Parties are to produce before the said Master upon Oath all Deeds and Writings

in

in their Custody or Power relating to the said Estates as the said Master shall direct and that one half of the net proceeds thereof be likewise paid into the said Treasury to the Credit of this Cause and be placed to the like Account as last aforesaid "Maury Chitty's "Estate" And that the remaining half of the said net proceeds be paid to the said Defendants as representatives of the said Kistnamah Chitty deceased. **And it is further Ordered** that the said Defendants do also within One Month with like privity pay into the said Treasury to be carried to the same Account as last aforesaid "Maury "Chitty's Estate" the Sum of Pagodas Four hundred and Fifty two Fanams Twenty two and Cash Forty being the value of the House belonging to the said Maury Chitty's Estate and found by the Report of the said Master bearing date the Thirtieth day of January last to have been in the possession of Pauliam Narrainsawmy Chitty and his Mother Rungamall **But this Court doth not think proper** to allow any Interest upon the said Several Sums so found by the Master as aforesaid to have been received by the said Kistnamah or the said Defendants on Account of the said Maury Chitty's Estate. **And it is Ordered** that all and every the said Sums so directed as aforesaid to be carried to the Account of Maury Chitty's Estate when paid into the said Treasury or a Sufficient part thereof may be applied in satisfaction of what shall be so ascertained to be due from the said Maury Chitty's Estate to the said Shake Davaljee's Estate as aforesaid And in regard to the question of Costs as between the Complainant and the Defendants the same being claimed only from the period when this Cause was last revived against the present Defendants. **This Court is of Opinion** that the said Complainant is not entitled to any further or other Costs as between the Complainant and Defendants than those which were Decreed to be paid to her by the Decree of the Seventh day of August One thousand Eight hundred and thirty three And all Parties in this Cause And the several other Persons found by the Master's said Report of the Twenty third day of September One thousand Eight hundred and thirty four to be entitled to shares in the Estate of the said Shake Davalje deceased are to be at liberty to apply to this Court by Petition in this Cause touching the same or any of the Matters aforesaid as they may be Advised.–

W H Rosser
Complts Sol.

Exd [illegible]

X

By the Court.–

Registrar

In the Supreme Court of Judicature at Madras

Third Term 1835

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 Twenty second day of July One thousand Eight hundred and thirty five and in the Sixth Year of the Reign of His Majesty King William the Fourth – Between Peter Cator Esquire Administrator of Henry Rodger Hamilton deceased – Complainant

and

John William Dare Esquire Surviving Executor of William Hamilton deceased and Nathaniel Hamilton, Herbert Hamilton, Ebenezer Hamilton and Jennet Hamilton when they shall respectively come within the Jurisdiction of this Honorable Court – Defendants

R Comyn

This Cause coming on yesterday and also on this day to be heard and debated on Bill and Answer 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 and the Answer of the said Defendant John William Dare thereto – And upon reading the Probate of the Last Will and Testament of the said Testator

William Hamilton deceased in the pleadings of this Cause named grant to Thomas Parry since deceased and the said Defendant John William Dare and the Letters of Administration of the Estate of the late Henry Rodger Hamilton also in the pleadings of this Cause named granted the said Complainant- Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides- This Court doth declare that under the Will of the said Testator William Hamilton the said late Henry Rodger Hamilton took a vested Interest in Remainder Expectant upon the life of the said Mariamah also in the said Pleadings named in One Moiety or half part of the Principal Sum of Five thousand Seven hundred and thirty three Pagodas Eleven fanams and forty nine Cash bequeathed to him by the said Will Subject to an Executory bequest over of the same in the event of his dying without legitimate offspring and which event not having occurred the said Complainant as the Administrator of the said Henry Rodger Hamilton is now well entitled to receive the Amount of the said Legacy on account of his Estate- And this Court doth Order that it be refered to the Master of this Court to tax both parties their Costs this Cause as between Solicitor and Client- And it being admitted by the said Defendant that the said Moiety of the said Legacy Sum of Pagodas Two thousand Eight hundred and Sixty Six fanams Eight and Cash twenty four and a half now Consists with all Interest thereon from the time of the death of the said Mariamah of a Government Security or Promissory Note No 3979 of 7348 of 1825/26 dated First day of December One thousand Eight hundred and thirty for Sicca Rupees Ten thousand bearing Interest at five per Cent per

per Annum from First March One thousand Eight hundred and thirty -
five and of the Sum of Rupees Nine hundred and twenty three and
Annas five And that the same are now in his possession- It is -
Ordered that the said Defendant do deliver and pay over the said
Government Security and Cash respectively to the said Complainant
as such Administrator as aforesaid together with all Subsequent
Interest- And that the said Complainant do out of the proceeds of
the same pay to the said Defendant and be at liberty to reimburse
himself the Several Amounts of their respective Costs when so taxed
as aforesaid-

Pltfs Sol

Defts Sol.

By the Court

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