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and Eighty five Madras Rupees & the Costs of the said Complainant Robert Torrens by the said
payment of the Several Sums due late Master And that the Sum of Madras Rupees Forty two
According to such rate and proportion forty One and Pice Eight in respect thereof together with the
the said Messieurs Bazett Farquhar and [illegible] Pagodas Twenty five fanams and Twenty Cash
towards the payment of the Legacies thereinafter Robert Torrens as aforesaid had been
satisfy such first mentioned Legacies should be & thereinafter mentioned out of the said
deductions and payments as aforesaid should have sand One hundred and Eighty five Annu
Lacs and Thirty two thousand One hundred and Eig ns Rupees One Lac had been set
Eleven Pice that the residue of such Monies should Co plied in a hich Claim was
satisfaction of what should remain due on Account of all the Legacies and Annu the said
which are therein Specified rateably and in equal proportions as far as the will One
should extend to satisfy the same And that the Accounts of the said Testa & Sum
Estate should be Continued to be carried on and prosecuted before the Master in th & the
Manner directed by the Decree made on the hearing of this Cause bearing date the
Twenty Eighth day of September One thousand Eight hundred and Twenty five And
the said Complainant Robert Torrens Consenting to Collect get in and Administer such
part of the said Testators personal Estate and Effects as were then outstanding and
Unadministered without Claiming any Commission in respect of the same that the
said Complainant Robert Torrens should forthwith proceed to get in and Collect
all the outstanding Personal Estate and Effects of the said Testator of what kind
or Nature soever if any such there should be And that he should duly pass his
Account of all his Receipts and payments before the said Master who was to make to him
all just allowances in respect of the same And that the said Master should an

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there was any and what part of the said Testators
what should have been got in and possessed by the said
ing and the said Defendant respectively and if so on what
ties and to what Amount the same were so outstanding and what
ventory thereof and why and for what reason the same had not been
And that the said Master should also Enquire and State whether
the said Claim of the said Gomalee Dos there were any and what
s then outstanding against the Testators Estate. And that the Master should
pute Subsequent Interest upon the several Legacies bequeathed by the said
estator from the date of his said Report or upon so much of them respectively as
should not have been paid and satisfied in the manner aforesaid and state
what might remain due in respect of the same. And should also ascertain and
state to the Court whether after payment and satisfaction of all the said
Legacies and Annuities in full there would be any and if any what Clear
Surplus of the said Testators personal Estate and to what Amount. And the
Court did reserve the Consideration of all subsequent Costs and also the
Consideration of the question relative to the Clear Surplus of the said
Testators Estate (if any there should be) until after the said Master
should have made his Report touching the Matters thereby referred back
to him. And in pursuance of the said Decree of the seventh day of April
One thousand Eight hundred and Twenty six the present Master of this Court
has made his Report dated the Eighteenth day of April last and thereby
Among other things Certified that the said Defendant Thomas Skipton
Fanning had not paid into the said Treasury the said Sum of Four thousand
One hundred and Forty Nine Pagodas Twenty four fanams and Fifteen Cash

or

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Tuesday the Twenty
five And in the Sixth Year
Between Robert

Thomas Skipton Fanning

Whereas by the Decree in this Cause bearing date the Seventh
April One thousand Eight hundred and Twenty six and made upon Exceptions taken to the
then Masters Report of the Twenty fifth day of March preceding and upon further directions the
Court did disallow all the Exceptions and did Order the said Report to stand Confirmed
absolutely. And it was thereby Amongst other things further Ordered that the said
Defendant Thomas Skipton Fanning should within One Month from the time of the Service
of the said Decree upon him pay into the Treasury of the East India Company at Fort
Madras the Sum of Four thousand One hundred and Forty Nine Pagodas Twenty four
Fifteen Cash (the balance reported due from him by the said Master on Account of the
Estate of the said Testator) with the privity of the Accountant General, to be there placed
of this Cause "The Account of the Testators Personal Estate". And that the said Defendant
not in any manner get in or possess any further part of the said Testators Estate and

Effects

Treasury by the said
Rupees Forty two
thereof together with the
s and Twenty Cash
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Eighty five Anna
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[illegible] many therein named together
of Money as the said Messieurs Bazett Farquhar and [illegible] any might
received since the date of their last Account or might hereafter receive on
unt of the said Estate rateably and as far as the same should extend in or
towards payment or satisfaction respectively of the Sums due to the Several
Legatees therein Specified. And that the Master should Tax the Complainant
Robert Torrens his Costs of this Suit as between Solicitor and Client And that
the same when Taxed together with the Sum of One hundred and fifty four
Pagodas Twenty five fanams and Twenty Cash reported by the said Master
to be then due and owing to the said Complainant from the said Testator's Estate
should be paid to him or his Solicitor out of the Sum of Two Lacs and
Thirty two thousand One hundred and Eighty five Madras Rupees Seven Annas
and Eleven Pice then standing in the Books of the Accountant General
of this Court to the Credit of this Cause "On Account of the [illegible]
"Estate". And after payment thereout of such Taxed Costs and balance as
aforesaid and after Setting apart a Sufficient Sum of Money to Answer a
Claim of One Govindoo Doss therein mentioned if established that such
part of the residue of the said Two Lacs and Thirty two thousand One hundred

and

or any part thereof and that the Costs of the said Complainant Robert Torrens by the said Decree had been Taxed by the late Master And that the Sum of Madras Rupees Forty two thousand Nine hundred and Seventy One and Pice Eight in respect thereof together with the said Sum of One hundred and Fifty four Pagodas Twenty five fanams and Twenty Cash so reported to be due to the said Complainant Robert Torrens as aforesaid had been retained by him the said Robert Torrens as thereinafter mentioned out of the said Sum of Madras Rupees Two Lacs Thirty two thousand One hundred and Eighty five Annas Seven and Pice Eleven. And that the Sum of Madras Rupees One Lac had been set apart to Answer the Claim of the said Govindoo Doss if established but which Claim was not established and the Bill of Complaint filed by the said Govindoo Doss against the said Executors of the said Testator was by a Decree bearing date the Ninth day of April One thousand Eight hundred and Twenty Seven dismissed and that thereby the said Sum of One hundred thousand Madras Rupees become applicable to the payment of the Legacies in and by the said Decree of the said Seventh day of April One thousand Eight hundred and Twenty Six mentioned and other Charges connected with the Administration of the said Estate And that the said Complainant Robert Torrens had in the manner and at the times in the now reciting Report particularly mentioned received collected and got in other part of the said Testator's Estate and had paid and applied the same together with the funds from time to time standing to the Credit of this Cause in payment and satisfaction of such part of the said Testator's Legacies and other Charges upon his Estate as in and by the said Report and Schedules thereto are particularly specified and set forth. And that after all the said Several payments so made as thereinbefore mentioned from the funds of the said Testator's Estate in England and in India there remained due for Principal and Interest to the said Several

Legatees

[illegible] pany therein named together
of Money as the said Messieurs Bazett Farquhar an[illegible] pany might
received since the date of their last Account or might thereafter receive on
unt of the said Estate rateably and as far as the same should extend in or
towards payment or satisfaction respectively of the Sums due to the Several
Legatees therein specified. And that the Master should Tax the Complainant
Robert Torrens his Costs of this Suit as between Solicitor and Client And that
the same when Taxed together with the Sum of One hundred and fifty four
Pagodas Twenty five fanams and Twenty Cash reported by the said Master
to be then due and owing to the said Complainant from the said Testator's Estate
should be paid to him or his Solicitor out of the Sum of Two Lacs and
Thirty two thousand One hundred and Eighty five Madras Rupees Seven Annas
and Eleven Pice then standing in the Books of the Accountant General
of this Court to the Credit of this Cause "On Account of the [illegible]
"Estate." And after payment thereout of such Taxed Costs and balance as
aforesaid and after setting apart a Sufficient Sum of Money to Answer a
Claim of One Govinda Dos therein mentioned if established that such
part of the residue of the said Two Lacs and Thirty two thousand One hundred

and

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or any part thereof and that the Costs of the said Complainant Robert Torrens by the said Decree had been Taxed by the late Master And that the Sum of Madras Rupees Forty two thousand Nine hundred and Seventy One and Pice Eight in respect thereof together with the said Sum of One hundred and Fifty four Pagodas Twenty five fanams and Twenty Cash so reported to be due to the said Complainant Robert Torrens as aforesaid had been retained by him the said Robert Torrens as thereinafter mentioned out of the said Sum of Madras Rupees Two Lacs Thirty two thousand One hundred and Eighty five Annas Seven and Pice Eleven. And that the Sum of Madras Rupees One Lac had been set apart to Answer the Claim of the said Govindoo Dos if established but which Claim was not established and the Bill of Complaint filed by the said Govindoo Dos against the said Executors of the said Testator was by a Decree bearing date the Sixth day of April One thousand Eight hundred and Twenty Seven dismissed and that thereby the said Sum of One hundred thousand Madras Rupees become applicable to the payment of the Legacies in and by the said Decree of the said Seventh day of April One thousand Eight hundred and Twenty Six mentioned and other Charges connected with the Administration of the said Estate And that the said Complainant Robert Torrens had in the manner and at the times in the now reciting Report particularly mentioned received collected and got in other part of the said Testator's Estate and had paid and applied the same together with the funds from time to time standing to the Credit of this Cause in payment and satisfaction of such part of the said Testator's Legacies and other Charges upon his Estate as in and by the said Report and Schedules thereto are particularly specified and set forth. And that after all the said several payments so made as thereinbefore mentioned from the funds of the said Testator's Estate in England and in India there remained due for Principal and Interest to the said Several

Legatees in respect of their said Several Legacies which are bequeathed in Pounds Sterling the Sum of Pounds Thirteen thousand three hundred and Twenty three Shillings Nine and Pence Eleven And to the said several Legatees whose Legacies are bequeathed in Madras Currency the Sum of Madras Rupees One thousand and Thirty Eight Annas Four and Pice Ten the particulars of which are set forth in the Schedule No 6 thereunto annexed And that the said Sum of Pounds Thirteen thousand three hundred and Twenty three Shillings Nine and Pence Eleven so now due to the said Several Legatees whose Legacies are bequeathed in Pounds Sterling as aforesaid is equal at the rate of One Shilling and Ten Pence per Madras Rupee the rate of Exchange between England and Madras on the Fifth day of August One thousand Eight hundred and Twenty One to the Sum of Madras Rupees One hundred and forty five thousand three hundred and forty Seven Annas three and Pice Seven which being Added to the said Sum of Madras Rupees One thousand and thirty Eight Annas four and Pice Ten the Amount now due for Principal and Interest as aforesaid to the Legatees whose Legacies are bequeathed in Madras Currency makes the Sum of Madras Rupees One hundred and Forty Six thousand three hundred and Eighty five Annas Eight and Pice five the full amount now due for Principal and Interest to all the said several Legatees in the said Testator's Will named that there now remained a balance or Sum of Madras Rupees Four hundred and Ninety Annas Ten and Pice Eight due by the said Testators Estate to the said Complainant Robert Torrens and that there is now in the Honorable Company's Treasury standing to the Credit of this Cause "To the Account of the said Testators Personal Estate"

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in Companys Securities or Promissory Notes and Cash the Sum of Madras Rupees Forty thousand Four hundred and Twenty Nine Annas Eight and Pice One as appears by the Acco Generals Certificate dated the said Eighteenth day of April One thousand Eight hundred and thirty five and that the funds so remaining in the Treasury as last aforesaid are the only available Funds belonging to the said Testators Estate Applicable to the payment of the balance or Sum of Madras Rupees Four hundred and Ninety Annas Ten and Pice Eight found as aforesaid to be now due to the said Complainant Robert Torrens and the Amounts now due as aforesaid to the said Legatees respectively on Account of their respective Legacies and the Costs reserved by the said Decree of the said Seventh day of April One thousand Eight hundred and Twenty Six And that save and except as aforesaid and as appears by the Accounts of the said Complainant Robert Torrens as set forth in the Schedule No 5 thereunto Annexed the said Complainant Robert Torrens had not nor had any Person or Persons by his Order or for his use received Collected or got in any Sum or Sums of Money Property or Effects belonging to the said Testator's Estate since the said Twenty fifth day of March One thousand Eight hundred and Twenty Six And that there is not at present any Claim outstanding against the said Testator's Estate And that the only part of the said Testator's Estate outstanding beyond what had been got in and possessed and duly Accounted for by the said Complainant Robert Torrens and the said Defendant Thomas Skipton Fanning Consists of the Several particulars mentioned and set forth in the Schedule No 8 thereunto Annexed and that the same have not been got in and received for the reasons in the said last mentioned Schedule set forth And that after payment and Satisfaction of all the said Legacies and Annuities in full there would not be any clear Surplus of the said Testator's Personal Estate. And the Master by the now reciting Report also further Certified that the said Defendant Thomas Skipton Fanning

was entitled to Credit against the said Testator's Estate for the Sum of Madras Rupees
Two thousand Four hundred and Twenty two Anna One and Pice three being the
Amount of the Taxed Costs of Mr Thomas Teed his Solicitor in the said Suit of the
said Govindoo Doss And after reciting that Mr Byrne in and by his Report
of the Twenty fifth day of March One thousand Eight hundred and Twenty
Six had Charged the said Defendant Thomas Skipton Tanning (Amongst other
Sums of Money) with the Sum of Two hundred and Fifty two Pagodas Forty three
fanams and Sixty Cash forming part of the Item of Pagodas Two thousand
Two hundred and Sixty five fanams Fourteen and Cash Ten in the First
Schedule to that Report mentioned as Cash received on the Tenth day of October
One thousand Eight hundred and Twenty of George Thompson on Account of the
Sale of the Testator's Effects and that Mr Byrne in and by the First Part of
the Third Schedule to his said Report likewise Charged the said Complainant
Robert Torrens with the said Sum of Pagodas Two hundred and Fifty two
fanams Forty three and Cash Sixty Under date the said Tenth day of
October One thousand Eight hundred and Twenty for Furniture purchased
at the Sale of the things of Lieutenant General Francis Torrens deceased
He found that the said Sum of Pagodas Two hundred and Fifty two fanams
Forty three and Cash Sixty was not in fact received by the said Defendant
Thomas Skipton Tanning and therefore (no objection being raised by the
Solicitor for the said Complainant Robert Torrens) that the said Defendant
Thomas Skipton Tanning was Entitled to be Credited in Account with the
said Testator's Estate with the said Sum of Pagodas Two hundred and Fifty
two fanams Forty three and Cash Sixty together with interest thereon at Six
per

per Cent per Annum from the said Tenth day of October One thousand Eig
Twenty to the said Twenty fifth day of March One thousand Eight hundred an
Six being Pagodas Eighty two fanams Thirty five and Cash Sixty making together for
Principal and Interest the Sum of Pagodas three hundred and thirty five fanams thirty
four and Cash Forty or Madras Rupees One thousand One hundred and Seventy five
Annas Two and Pice Eleven — **To which** said last mentioned Report the said
Defendant Thomas Skipton Tanning has taken twenty three Several Exceptions and the
same Coming on now to be Argued — **and This Cause** also Coming on to be
heard for further directions and Costs reserved by the said Decree of the Seventh day of
April One thousand Eight hundred and Twenty Six before this Honorable Court in the
presence of the Defendant in Person and of the Counsel learned in the Law on behalf
of the said Complainant Robert Torrens **Now** upon opening the said Exceptions
and upon reading the said Decree of the Seventh day of April One thousand Eight
hundred and Twenty Six and the Report of the Master of the Eighteenth day of
April last And the Proofs and Exhibits Adduced before the said Master And Upon
hearing the said Defendant in Person And the Counsel for the said Complainant
And upon due Consideration had thereon — **This Court doth disallow** all
and every of the said Exceptions — **And doth Order** that the said Report of the
said Master of the Eighteenth day of April last do stand and be Confirmed
absolutely — **And this Court doth further Order** that it be referred
to the Master to Tax the Complainant Robert Torrens the Costs of this Suit Subsequent to
the said Decree of the Seventh day of April One thousand Eight hundred and Twenty
Six as between Solicitor and Client And that such Costs when Taxed together with
the

the Sum of Rupees Four hundred and Ninety Annas Ten and Pice Eight found by the Master to be due to the said Complainant from the said Testator's Estate be paid to the said Complainant or his Solicitor Mr. Oriel Viveash out of the Sum of Madras Rupees Forty Nine thousand four hundred and Twenty Nine Annas Eight and Pice One found by the Master to have been in the Treasury at the date of his Report and that the residue of such Sum together with all Subsequent interest be paid to the said Complainant Robert Torrens as such Executor as aforesaid to be applied by him in a due Course of Administration – **And this Court doth declare** that the said Defendant by reason of his Vexatious Conduct in this Suit subsequent to the said Decree ought to reimburse to the said Testator's Estate so much of the said Costs as aforesaid as have been incurred by the said Complainant between Party and Party – **and this Court doth refer** it to the Master to Tax the Amount of such last mentioned Costs Accordingly and in ascertaining the Amount due by the said Defendant in respect to the same the Master is to give him

E&R Credit for the said Two several Sums of Rupees Two thousand four hundred and Twenty two Anna One and Pice three and Rupees One thousand One hundred and Seventy five Annas Two and Pice Eleven allowed to him in and by the said Report of the Eighteenth day of April last – **and this Court doth further Order** that in Addition to the Sum of Pagodas Four thousand One hundred and Forty Nine fanams Twenty four and Cash Sixteen directed in and by the said Decree of the Seventh day of April One thousand Eight hundred and Twenty Six to be paid by the said Defendant into the

Treasury

Treasury of Fort Saint George to be placed to the Credit of this Cause "The Account of "Personal Estate" the said Defendant do also pay the balance of such last mentioned Taxed Costs after such Credit shall have been given to him as aforesaid into the said Treasury to be placed to the Credit of this Cause to the like Account with liberty for the said Complainant or other Personal representative of the said Testator other than the said Defendant Thomas Skipton Fanning to apply for such Sums respectively when paid in as part of the Assets of the said Testator's Estate for the purpose of Administration – And in respect to the Question relative to the Clear Surplus if any of the said Testator's Estate reserved in and by the said Decree of the said Seventh day of April One thousand Eight hundred and Twenty Six the Master having found that after payment and Satisfaction of all the Legacies and Annuities in full there will not be any such Surplus – **This Court doth not think fit to give** any Opinion relating thereto – And all Parties interested in the Matters aforesaid are to be at liberty to apply to this Court by Petition in this Cause as they may be Advised –

By the Court –

Oriel Viveash
Complts Solr

Registrar

In the Supreme Court of Judicature at Madras

Equity Side

Third 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

Saturday the First day of August One thousand Eight hundred and Thirty five And in the Sixth Year of the Reign of His Majesty King William the Fourth. Between Akelanda Unmall . . Complainant

and

Jaypah Unmall Sevagunga Unmall Veenamally Unmall Parvanaigum Unmall and Ponnaiyee Unmall . . . . . . Defendants.

And By Bill of Revivor and Supplement.

Akelanda Unmall . . . . Complainant

and

Thunge Annundaroya Moodelly and Danacoota Unmall.

Defendants.

Ralph Palmer

Comyn

This Cause coming on Yesterday 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 and Supplement of the above named Complainant the Answer of the Defendants Parvanaigum Unmall Seeva Gunga Unmall Veenamallee Unmall and Ponnayee Unmall to the said Original Bill and also the joint and Several Answer of the Defendants Thunge Annundaroya Moodelly and Danacooty Unmall his Wife to the said Bill of Revivor and Supplement and to the said Original Bill. And upon hearing read as Evidence for the said Complainant the Several passages in the said Joint and Several Answer of the said Defendants Thunge Annundaroya Moodelly and Danacooty Unmall as follow that is to say from the words "And these

Defendant

"Defendants" in folio 15 to the words "thirty three" in folio 16 from the words "And these Defendants" in folio 27 to the words "her death" in folio 28 from the words "And these Defendants" in folio 47 to the words "Family Estate" in the same folio together with such parts of the said Original Bill and Bill of Revivor and Supplement as are referred to in the said passages of the said Answer And upon hearing read as Evidence for the said Complainant the Deposition of Cadapackam Nallana Moodelly to the First Second and third Interrogatories in chief filed on behalf of the said Complainant. The Deposition of Pooche Soobaroya Moodelly to the First Second third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Conjeveram Subapatty Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Mylay Soobaroy Moodelly to the First Fourth and Fifth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Poory Mannepah Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Cauteypaukum Chinalingum Moodelly to the First Fourth and Fifth Interrogatories in Chief filed on behalf of the said Complainant. Also the Exhibit **A**. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on mature Consideration had thereon. **This Court doth Order and Decree** that the said Complainants

the Original Bill and Bill of Revivor and Supplement in this Cause do stand and be dismissed out of Court with Costs.

By the Court.

Registrar

Exd W. Dt

J. W. Branson

Atty for the Defts T. Ammandaroy Mood and Danacootee Ummall.-

844

Equity Side Proceedings

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1835

1835

Present

The Honorable Sir Ralph Palmer Knight Chief Justice

and

The Honorable Sir Robert Buckley Comyn Knight

One of His Majesty's Justices.

Tuesday the Twenty Eighth 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 The Reverend William Longbottom and Errard Mollier Esquire two of the Executors of the Last Will and Testament and Codicils of the late Mrs. Corromsemee Eleazor Leembruggen Deceased . . . . Complainants

and

Balthazar Mancook Satoor and Arathoon Jacob Johannes and Caspard Henry Leembruggen 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

R Palmer

R Comyn

This Cause coming on the Tenth day ~~of~~ of April One thousand Eight hundred and Thirty four 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 read the Probate Copy of the Last Will and Testament and Codicils of Mrs. Corromsemee Eleazor Leembruggen the Testatrix in the pleadings of this Cause named and what is therein recited and what was alleged by the Counsel on all sides Their Lordships made their Decree bearing date the said Tenth day of April One thousand Eight hundred and Thirty four And thereby declared that the Trusts of the Will and Codicils of the said Testatrix ought to be Carried into Execution and did Order and Decree the same Accordingly. And it was thereby further Ordered that it should 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 should Ascertain and Report what part or parts thereof had or have been specifically bequeathed also an Account of the Debts Funeral Expences and Legacies of the said Testatrix and Compute Interest on such of her Debts as Carry Interest after the rate they respectively Carry. And that the said Master should Cause Advertisements to be published in the Fort Saint George Gazette and such other News Papers as he might think proper for the Creditors of the said Testatrix to come in before him and prove their debts 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 enquire and Report whether any and which of the debts and Legacies of the said Testatrix remained unpaid and whether any and which part or parts of the Estate and Effects of the said Testatrix was or were yet outstanding or due by the said Complainants the Reverend William Longbottom and Errard Mellier or either of them. And that the said Testatrixes Estate not specifically bequeathed should be applied in payment of her debts and funeral Expences in a due Course of Administration and then in payment of her Legacies and after such payment the said Master was to Ascertain and state the Clear residue of the said Testatrixes Estate and of what the same Consisted. And that the said Complainants should deposit in the Treasury of Fort Saint George with the privity of the Accountant General

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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 then in their hands or which might thereafter come to their hands belonging to the Estate of the said Testatrix and should 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 that it should 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 Consisted and whether the same Existed at the time of the death of the said Testatrix and still did Exist and where situate and in case any such Collegiate Body or Society should be found still to Exist then the Master should Enquire and state who were 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 could be given with liberty to the Master to state any special Circumstances as he might think proper. And that the said Master should also enquire and state to the Court what Person or Persons by name were then the Governors of the Madras Armenians Orphans Funds and whether they were 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 could be given with liberty to the Master to state any Special Circumstances as he might think proper. And the Court did reserve the Consideration of all further directions and the Costs of this Suit until after the said Master should 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 were to be at liberty to apply to this Court by Petition in this Cause as Occasion should require. And in pursuance of the said Decree the said Master made his Report dated the Sixth day of July last and thereby amongother things Certified that he had been Attended by the Solicitors for the Complainants and for the Defendants Balthazar Manook Satoor and Arathoon Jacob Johannes and for the Defendant The Advocate General and had in their presence proceeded with the enquiries in and by the said Decree directed and he had taken an Account of the Personal Estate and Effects of the said Coromseemee Eleazor Leembruggen the Testatrix in the said Decree named which had come to the hands of the said Complainants or either of them or the hands of any other Person or Persons by them or either of their Order or for their or either of their use. And he found that the same Consisted of such Amount and particulars and of Certain Articles which had been given to the Persons to whom the same respectively had been Specifically bequeathed as in the now reciting Report are particularly mentioned. And he found among other things that the said Testatrix had departed this life poſseſsed of Certain Houses and Gardens and of Certain Papers in the now reciting report mentioned and referred to And that the same respectively had been aſsigned and delivered by the said Complainants According to the Terms of the said Will

of

of the said Testatrix and that certain Government Promiſsory Notes Specifically bequeathed had been disposed of in the Manner in the said Report particularly mentioned And the Master also found that the Government Security or Promiſsory Note No. 225 of 1832/33 dated First May One thousand Eight hundred and Thirty two for Two thousand Sicca Rupees in the said Schedule Number One mentioned had been Specifically bequeathed by the said Testatrix to Mary Ann Charlotte Frances Smith and that at the time of the death of the said Testatrix there was due for Interest in the said last mentioned Government Security or Promiſsory Note the Sum of Eighty four Sicca Rupees Six Annas and One Pice or Eighty Nine Madras Rupees Thirteen Annas and Ten Pice And that the said Complainants received for Interest from the First day of May One thousand Eight hundred and Thirty two up to the First day of November One thousand Eight hundred and Thirty four on the said Government Security or Promiſsory Note No. 225 of 1832/33 the Sum of Two hundred Sicca Rupees or Two hundred and Twelve Madras Rupees Fifteen Annas and Eleven Pice in which last mentioned Sum the said Sum of Eighty four Sicca Rupees Six Annas and One Pice or Eighty Nine Madras Rupees Thirteen Annas and Ten Pice was included And he found that the said Mary Ann Charlotte Frances Smith was entitled to receive out of the Estate of the said Testatrix the Sum of One hundred and Twenty three Madras Rupees Two Annas and One Pice being the Amount of Interest which Accrued due and was received as aforesaid on the last mentioned Government Security or Promiſsory Note from the Twenty first of May One thousand Eight hundred and Thirty three (the time of the death of the said Testatrix) up to the said First day of November One thousand

Eight hundred and Thirty four and which said last mentioned Government Security or Promiſsory Note had by the said Complainants been deposited in the said Treasury where the same then stood to the Credit of this Cause "The Account of the Estate of the said Testatrix" And he found that the Sub Treasurer with the privity of the Accountant General has received for Interest on the last mentioned Government Security or Promiſsory Note from the First of November One thousand Eight hundred and Thirty four to the First of May One thousand Eight hundred and Thirty five the Sum of Forty Sicca Rupees or Forty two Madras Rupees Nine Annas and Seven Pice which formed part of the Funds then standing to the Credit of this Cause to the Account aforesaid making the Sum of One hundred and Sixty five Madras Rupees Eleven Annas and Eight Pice due to the said Mary Ann Charlotte Frances Smith besides the said last mentioned Government Security or Promiſsory Note And he found that the Government Securities or Promiſsory Notes No. 221 of 1822/23 dated 1st May 1832 for Sicca Rupees Five thousand and No. 224 of 1822/23 dated 1st May 1832 for Three thousand Sicca Rupees in the said Schedule No. 1 respectively mentioned And therein rightly described as No. 221 of 1832/33 and No. 224 of 1832/33 had been Specifically bequeathed by the said Testatrix to Sophia Catherine And he found that at the death of the said Testatrix the Sum of Three hundred and Thirty Seven Sicca Rupees Eight Annas and Four Pice or Three hundred and Fifty Nine Madras Rupees Seven Annas and Four Pice was due for Interest on the said Two last

mentioned

mentioned Government Securities or Promiſsory Notes And he found that the said Complainants on the Twenty fifth day of August One thousand Eight hundred and Thir four deposited the said two last mentioned Government Securities or Promiſsory Notes i the said Treasury to the Credit of this Cause "The Account of the Estate of the said "Testatrix" And he found that the said Sub Treasurer had with the privity of the Accountant General received the Sum of Nine hundred and Sixty Sicca Rupees or On thousand and Twenty two Madras Rupees Six Annas and four Pice for Interest on the said two last mentioned Government Securities or Promiſsory Notes from the Tw day of May One thousand Eight hundred and Thirty two to the First day of May One thousand Eight hundred and Thirty five and that the same had been carried to the Credit of this Cause to the Account aforesaid in which said Sum of Nine hundred and Sixty Sicca Rupees or One thousand and Twenty two Madras Rupees Six Annas and Four Pice is included the said Sum of Three hundred and Thirty Seven Sicca Rupees Eight Annas and Four Pice or Three hundred and Fifty Nine Madras Rupees Seven Annas and Four Pice And he found that there was due to the said Sophia Catherine from the Estate of the said Testatrix the Sum of Six hundred and Twenty Two Sicca Rupees Seven Annas and Eight Pice or Six hundred and Sixty two Madras Rupees and Fifteen Annas for Interest on the said Two last mentioned Government Securities or Promiſsory Notes from the said Twenty first day of May One thousand Eight hundred and Thirty three up to the said First day of May One thousand Eight hundred and Thirty five And he found that there was likewise still due to the said Sophia Catherine the Sum of Four hundred and Eighty four Madras Rupees and One Anna being the balance due to her as in the Schedule No. 2 mentioned and which forms part of the Funds deposited in the Treasury to the Credit of this Cause "The Account of the Estate of the said Testatrix." And he found that the Government Security or Promiſsory Note No. 21 of 1832/33 dated 1st May 1832 for Ten thousand five hundred Sicca Rupees in the said Schedule No. 5 mentioned had been specifically bequeathed by the said Testatrix to the Calcutta Armenian Orphan's College Funds for the relief and enjoyment of the poor Families Widows Orphans and Schools of the Armenian Nation and had by the said Complainants been deposited and still remained in the said Treasury standing to the Credit of this Cause to the Account aforesaid And he found that the Sum of One thousand Two hundred and Sixty Sicca Rupees or One thousand three hundred and Forty One Madras Rupees Fourteen Annas and four Pice had been received by the Sub Treasurer with the privity of the Accountant General for Interest on the said last mentioned Government Security or Promiſsory Note from the First of May One thousand Eight hundred and thirty two to the First of May One thousand Eight hundred and thirty five And that the same had been carried to the Credit of this Cause to the Account aforesaid And he found that the Sum of Four hundred and Forty three Sicca Rupees and Two Pice or Four hundred and Seventy One Madras Rupees and Thirteen Annas part of the said Sum of One thousand two hundred and Sixty Sicca Rupees or One thousand three hundred and Forty One Madras Rupees fourteen Annas and Four Pice was due on the said last mentioned

Government

Government Security or Promiſsory Note at the time of the death of the said Testatrix leaving the Sum of Eight hundred and Sixteen Sicca Rupees and fourteen Annas or Eight hundred and Seventy Madras Rupees One Anna and four Pice the residue of the said Sum of One thousand Two hundred and Sixty Sicca Rupees or One thousand three hundred and Forty One Madras Rupees fourteen Annas and four Pice applicable to the purposes of the said last mentioned Charity And the Master stated that he had caused Advertisements to be published in the Fort Saint George Gazette and Madras Times Public News Papers at Madras for the Creditors of the said Testatrix to come in and prove their debts and that he had taken an Account of the debts funeral Expences and legacies And he found that the said Complainants had expended and disbursed on Account of such debts Legacies Funeral and Testamentary Expences and neceſsary payments such Amounts and such Sums in particular as in the ~~said~~ last reciting Report particularly mentioned and referred to. And he found that Peter Charles De Lapasay Charlotte Adelaide De Lapasay Stephany Henrietta De Lapasay Henrietta Matilda De Lapasay and Jane Ottelina De Lapasay were entitled to the Sum of Eight hundred and thirty three Madras Rupees five Annas and five Pice being so much of the said Legacy of One thousand Madras Rupees as remaining unpaid with Interest on the said Sum of Eight hundred and Thirty three Madras Rupees five Annas and five Pice from the said Twenty Second day of May One thousand Eight hundred and Thirty four and the same remained a Charge against the Estate of the said Testatrix and he found that a Claim of Six hundred Madras Rupees had been preferred before him by Mr. John Henry Wilkins Solicitor for Samuel Brooking an Aſsistant Surgeon on the Madras Establishment for

Medical attendance on the said Testatrix during her lifetime which by and with the Consent of the said Solicitors for the said Parties to this Suit he allowed And he found that the same ought to be paid and satisfied out of the personal Estate of the said Testatrix And he found that save and except as last aforesaid there was no debt of the said Testatrix remaining unpaid And he found that a Legacy of Four hundred and fifty Madras Rupees bequeathed by the said Testatrix to the Diocesan Ministers Clergy and other attendants of the Armenian Church One hundred Madras Rupees bequeathed to the poor families Widows and Orphans of Negapatam Fifteen thousand Madras Rupees bequeathed to the Greek College for the Education of Youths in Arts and Sciences One hundred Madras Rupees to the Step Children of Mr Evans and One hundred and fifty Madras Rupees to the Youngest daughter of Mr Vanspall respectively remained unpaid and were a Charge against the Estate of the said Testatrix And he found that part of the said Testatrix's Estate and Effects remained outstanding - And he found that the said Complainants had applied the said Testatrixes Estate not specifically bequeathed in payment of her Debts and Funeral expences in a due Course of Administration and likewise in payment of such Legacies as hereinbefore mentioned and that after the said several payments there remained in the hands of the said Complainants Government Securities or Promiſsory Notes to the Amount of Seventy thousand and Nine hundred Sicca Rupees or Seventy five thousand five hundred and Eight Madras Rupees and Eight Annas And in Cash the Sum of Twenty two thousand

three

three hundred and One Madras Rupees Six Annas and Six Pice And he found that the said Complainants had deposited the said several last mentioned Government Securities or Promiſsory Notes for the said Sum of Seventy thousand and Nine hundred Sicca Rupees or Seventy five thousand five hundred and eight Madras Rupees and Eight Annas in the Treasury to the Credit of this Cause "The Account of the Estate of the said Testatrix" And he found that the said Complainants had likewise paid into the said Treasury to the Credit of this Cause the Account aforesaid the Sum of Twenty One thousand two hundred and forty Madras Rupees four Annas and Two Pice part of the said Sum of Twenty two thousand three hundred and One Madras Rupees Six Annas and Six Pice And that there then remained in the hands of the said Complainants and due by them to the Estate of the said Testatrix the Sum of One thousand and Sixty One Madras Rupees Two Annas and four Pice And he found that there was then in the Treasury to the Credit of this Cause the Account aforesaid Sundry Government Securities or Promiſsory Notes and Cash to a large Amount And that the same consist of the several Government Securities or Promiſsory Notes and Cash deposited and paid by the said Complainants into the said Treasury and of the Interest which had been received on the said several Government Securities or Promiſsory Notes so deposited by the said Complainants as aforesaid since the same were so deposited in the said Treasury and of other Government Securities or Promiſsory Notes in which part of the Interest received on such before mentioned Government Securities or Promiſsory Notes had been invested And he found that after setting apart the several Amounts on Account of the said Debt and Legacies which remained unpaid Amounting in Government Securities or Promiſsory Notes to the Sum of Twenty thousand and five hundred Sicca Rupees and in Cash to the Sum of Nineteen thousand four hundred and Sixteen Madras Rupees two Annas and five Pice the clear residue of the said Testatrix's Estate amounted in Government Securities or Promiſsory Notes to the Sum of Fifty four thousand and One hundred Sicca Rupees and in Cash to the Sum of Five thousand One hundred and Thirty two Madras Rupees Nine Annas and five Pice And that the said Complainants deposited with him the several Securities Deeds Evidences and Writings in their poſseſsion or power respectively belonging to the said Estate set forth in the Schedule No. 9 to the now reciting Report annexed And he found that Paul Mellitus and the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes were then the Governors of the Madras Armenian Orphans Funds and that they were Entitled to receive any Charitable Legacy bequeathed to them and that a legal and effectual discharge could be given by them on a joint Written receipt signed by them or the Majority of them in their Official Capacity of Governors or Managing Members thereof And he found that such Three Governors or Managing Members were elected by the Armenian Community at large at Madras and that such last mentioned Charity is likewise styled the "Armenian Orphan Chamber "or Fund at Madras" And that all the Armenian Inhabitants of the Armenian Church at Madras were Members thereof And that the same was a Charitable Institution established for the Maintenance and Education of destitute Orphans of the Armenian Church resident there and likewise for the Support and aſsistance of destitute Members of the

said

said religious persuasion at Madras whether Young or Aged And he found that the said Testatrix in her life time Occasionally Contributed towards the Support of the said last mentioned Charitable institution And he found that it never had been the practice to allow any others than those profeſsing the Armenian Religion at Madras to have any Control whatever over such Charitable institution or the Funds thereof And on the Application of the Solicitor for the Complainants and by and with the Consent of the Advocate General he had not pursued the enquiry in and by the said Decree directed as to 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 Person the same Consisted and whether the same Existed at the time of the death of the said Testatrix and still did Exist and where situate the Solicitor for the said Complainants upon due enquiry made by him having been unable to obtain the neceſsary information in respect thereof at Madras although the Solicitor for the said Complainants had been informed by Persons who had been resident in the Ionian Islands that several such Colleges or Societies did there Exist. **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 And the Orders Confirming the same read And also the Certificate of the said Accountant General of this Court in the words and figures following that is to say.

"The Reverend William Longbottom and Errard Mollien Esq.rs
"two of the Executors of the Last Will and Testament and Codicils of
"the late Mrs. Coromseemee Eleazer Leembruggen of Vizagapatam
"Widow Deceased - - - - - - - - Complainants

"and

"Balthazar Manook Satoor and Arathoon Jacob Khanns and
"Caspard Henry Leembruggen and James Poomallee 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 St. George
"Madras - - - - - - - - - - Defendants

"The Account of the Estate of the said Testatrix."

"I hereby Certify that according to the books of the Supreme Court the funds
"standing to the Credit of this Cause are as follows Vizt.

"In Eight Promissory Notes of the 4 pr. Cent Loan of 5th May 1832.	
" No. 26 dated 5th May 1832 bearing interest from 5th May 1835 for Sa. Rups.	10500 - - -
" " 226 — 5th ditto bearing ditto from 5th ditto for	5000 - - -
" " 222 — 5th ditto bearing ditto from 5th ditto for	5000 - - -
" " 224 — 5th ditto bearing ditto from 5th ditto for	3000 - - -
" " 1426 — 5th ditto bearing ditto from 5th ditto for	30,000 - - -
" " 225 — 5th ditto bearing ditto from 5th ditto for	2000 - - -
" " 1160 of 3582 — 5th ditto bearing ditto from 5th ditto for	3000 - - -
" " 15013 — 5th ditto bearing ditto from 5th ditto for	700 - - -
"In two ditto of the 5 pr. Cent Loan of 18th August 1825.	
" No. 1627 dated 22d July 1825 bearing interest from 22d April 1835 for	8400 - - -
" " 2080 — 23d September 1825 bearing Do. from 23d March 1835 for	3000 - - -
"In a Ditto of the 5 pr. Cent Loan of 15th January 1830.	
"No. 499 dated 25th April 1830 bearing interest from 25th April 1835 for	3000 - - -
" Sicca Rupees	74,600 - - 0
"Madras Rupees	79,449 - - -
"In Cash not bearing interest	21,240 - 4 - 2.
"Do. to be invested by the Acting Sub Treasurer in purchase of "Govt. Securities when procurable	2207 - 6 - 4.
	23,447 - 10 - 6.
	1,02,896 - 10 - 6.
"Interest due on Govt. Securities Sicca Rupees 192 - 8 - 0	205 - - - 2.
"Madras Rupees	1,03,101 - 10 - 8.

"This Certificate is granted as pr.
" Application from Mr. T. H. Rose Complainants
" Solr. dated 28th July 1835.

"Exd. M. Vendapah."

"Fort St. George Acctt. Genls. Office 28th July 1835
" Jn. Turnbull
" Acctt. Genl. Supm. Court

And upon hearing what was alleged by the Counsel on both Sides – **This Court doth Order and Decree** that the Sub Treasurer of Fort Saint George with the privity of the said Accountant General of this Court do from and out of the Funds in the said Accountant General's Certificate mentioned carry to the Credit of this Cause to an Account to be intitled "The Account of Mary Anne Charlotte Frances Smith One of the Legatees in the Testatrix's "Will mentioned" the Government Promissory Note No. 225 of 1832/33 dated 5th May 1832 for Sicca Rupees Two thousand being the Note found by the said Master's Report to have been specifically bequeathed by the said Testatrix Coromseemee Eleazer Leembruggen together with the Sum of Madras Rupees One hundred and Sixty five Annas Eleven and Pice Eight being the Amount of Interest due thereon from the Twenty first day of May One thousand Eight hundred and Thirty three (the time of the death of the said Testatrix) to the First day of May One thousand Eight hundred and Thirty five and that such Sum together with all Interest from time to time Accruing on all the funds standing to the Credit of the said Account be invested for the purpose of Accumulation during the Minority of the said Mary Ann Charlotte Frances Smith or until the further Order of this Court – **And this Court doth further Order** that the said Sub Treasurer with the like privity of the said Accountant General do from and out of other part of the said Funds in the said Accountant General's Certificate mentioned Carry to the Credit of this Cause to an Account to be intitled "The Account of Sophia "Catherine One of the Legatees in the Testatrix's Will mentioned" the Two Government Promissory Notes No. 221 of 1832/33 dated 5th May 1832 for Sicca Rupees Five thousand and No. 224 of 1832/33 dated 5th May 1832 for Sicca Rupees Three thousand in the said Report and First Schedule to the said Report mentioned being the Notes respectively found by the said Masters Report to have been specifically bequeathed by the said

Testatrix Coromsemee Eleazer Leembruggen, together with the Sum of Madras Rupees Six hundred and Sixty two and Annas Fifteen being the Amount of Interest on the said last mentioned Promissory Notes from the said Twenty first day of May One thousand Eight hundred and Thirty three to the First day of May One thousand Eight hundred and Thirty five and Madras Rupees Four hundred and Eighty four and Anna One being the balance due to the said Sophia Catherine as in the Schedule No. 2 to the said Masters Report mentioned And that such Sum together with all Interest from time to time accruing on all the Funds standing to the Credit of the last mentioned Account be invested for the purpose of Accumulation until the death or marriage of the said Sophia Catherine or until the further Order of this Court. **And it is further Ordered** that the said Sub Treasurer with the like privity of the said Accountant General do from and out of other part of the said funds in the said Accountant Generals Certificate mentioned carry to the Credit of this Cause to an Account to be entitled "The Legacy to the Calcutta Armenian Orphans College Funds in the "Testatrix Will mentioned" the Government Promissory Note No. 21 of 1832/33 dated 1st May 1832 for Sicca Rupees Ten thousand and Five hundred found by the said Masters Report to have been specifically bequeathed by the said Testatrix Coromseemee Eleazer Leembruggen together with the Sum of Madras Rupees Eight hundred and Seventy Anna One and Pice four being the Amount in the said Report mentioned of Interest on the said last mentioned Promissory Note applicable to the

purposes

purposes of the last mentioned Charity and that the same together with all Interest from time to time accruing on all the funds standing to the Credit of the last mentioned Account be invested for the purpose of Accumulation Subject unto and until the further Order of this Court. **And as** to the Sum of Madras Rupees Eight hundred and Thirty three Annas five and Pice five being so much of the Legacy of One thousand Rupees bequeathed by the said Testatrix Coromseemee Eleazor Leembruggen to the Children of the late Mr. Lapasay as remains unpaid together with Interest thereon from Twenty Second day of May One thousand Eight hundred and Thirty four Amounting together to the Sum of Madras Rupees Eight hundred and Ninety Two Annas Eight and Pice Two **This Court doth further Order** that the said Sub Treasurer with the privity of the said Accountant General do from and out of other part of the said Funds in the said Accountant Generals Certificate mentioned carry the said Sum of Madras Rupees Eight hundred and Ninety two Annas Eight and Pice Two to the Credit of this Cause, to an Account to be entitled "The Account "of the Legacy due to Peter Charles De Lapasay Charlotte Adelaide De Lapasay Stephany "Henrietta De Lapasay Henrietta Matilda De Lapasay and Jane Ottelina De Lapasay "Children of the late Mr. Lapasay" And do invest the same and the Interest Accruing due on all Funds hereafter to be standing to the Credit of the last mentioned Account for the purpose of Accumulation during the Minorities of all the said Children or until the further Order of this Court. **And this Court doth further Order** that the Claim of Madras Rupees Six hundred preferred by Mr. John Henry Wilkins for Samuel Brooking an Assistant Surgeon for Medical Attendance on the said Testatrix And allowed by the said Master be paid from and out of other part of the funds in the said Accountant Generals Certificate mentioned by the said Sub Treasurer with the privity of the said Accountant General to the said Defendants Bethazar Manook Satoor and Arathoon Jacob Johannes for the purpose of the same being by them paid to the said John Henry

Wilkins the Solicitor for the said Samuel Brooking **And this Court doth further Order and Decree** that the four several Sums next hereinafter mentioned Vizt the Sum of Madras Rupees Four hundred and Fifty bequeathed by the said Testatrix to the Diocesan Minister Clergy and other Attendants of the Armenian Church together with the Sum of Rupees Thirty two and Pice three for Interest due thereon making together the Sum of Rupees Four hundred and Eighty two and Pice three the Sum of Madras Rupees One hundred bequeathed to the poor Families Widows and Orphans of Negapatam together with the Sum of Rupees Seven Anna One and Pice Ten for Interest due thereon making together Rupees One hundred and Seven Anna One and Pice Ten the Sum of Madras Rupees One hundred to the Step Children of Mr. Greno together with the Sum of Rupees Seven Anna One and Pice Ten for Interest due thereon making together the Sum of Rupees One hundred and Seven Anna One and Pice Ten And the Sum of Madras Rupees One hundred and fifty to the Youngest daughter of Mr. Vanspall together with the Sum of Rupees Ten Annas Ten and Pice Nine for Interest due thereon making together Rupees One hundred and Sixty Annas Ten and Pice Nine be paid by the said Complainants from and out of the Sum of Rupees One thousand and Sixty One Annas Two and Pice four found by the Master to be now remaining in their hands and due by them to the said Testatrix's Estate that is to say the Sum of Rupees Four hundred and Fifty and the Interest due thereon as aforesaid be paid to the said Defendants for the purpose of being by them applied upon the Trusts of the Will at their own risk and responsibility and the remaining three Sums of Rupees One hundred Rupees One hundred and Rupees One hundred and fifty and Interest thereon respectively as aforesaid be paid by the said Complainants to the Parties Entitled thereto respectively at their own risk and responsibility **And this Court doth further Order** that the

said

said Sub Treasurer with the like privity of the Accountant General do from and out of other part of the said Funds in the Accountant General's Certificate mentioned carry to the Credit of this Cause to an Account to be intitled "The Legacy for the Greek College for the Education of "Youths in Arts and Sciences in the Second Codicil to the said Testatrix's Will in that behalf mentioned" the Sum of Madras Rupees Fifteen thousand together with the Sum of Rupees One thousand and Sixty Seven and Annas Eight the Interest Accrued due thereon from the Twenty Second day of May One thousand Eight hundred and Thirty four to the date of this Decree And do invest the same and the Interest Accruing due on all Funds hereafter to be standing to the Credit of the last mentioned Account for the purpose of Accumulation subject unto and until the further Order of this Court And in respect to the said last mentioned Legacy **This Court doth further Order** that it be referred back to the said Master to prosecute the enquiry relating to the same as in and by the said Decree of the Tenth day of April One thousand Eight hundred and Thirty four he was specifically directed **And it is further Ordered** that all Persons or Bodies Corporate claiming to be interested in the said last mentioned Legacy are to be at liberty to come in before the Master of the Court and prefer their Claim by themselves or their Attorney on or before the First day of January One thousand Eight hundred and Thirty Nine or otherwise to be excluded from all benefit under this Decree **And it is further Ordered** that the Master do cause Notice of this part of the Decree to be published twice in the Fort Saint George Gazette of this Presidency and do also send a Copy of the same and of so much of the Testatrix's Second Codicil as relates to this bequest to His Excellency the Lord High Commissioner of the Ionian Islands at Corfu and to the English Consul General or Consul at Venice respectively with a request that the same may be publicly Advertised in such places and in such manner as those Officers may deem most efficient and that a return may be made to this Court of what shall have been done together with the particulars of the publication. **And this Court doth declare** that all necessary Costs and expences incurred in the prosecution of the said enquiry in and by the said Decree of the Tenth day of April One thousand Eight hundred and Thirty four or herein directed touching the said Legacy of Rupees Fifteen thousand be a Charge upon the Funds set apart and appropriated for the same and not upon the Testatrix's general Estate. **And it is further Ordered** that it be referred to the said Master to Tax the Costs of all Parties also the Costs of Paul Mellitus as between Solicitor and Client and that the said Complainants be at liberty to retain as part satisfaction of their Costs any balance that may remain after payment of the said several Sums of Madras Rupees Four hundred and ~~Fifty~~ Eighty two and pice three Madras Rupees One hundred and Seven Anna One and pice ten Madras Rupees One hundred and seven Anna one and pice ten and Madras Rupees One hundred and ~~Fifty~~ Sixty Annas ten and pice Nine making together the Sum of Madras Rupees Eight hundred and Fifty Six Annas Fourteen and Pice Eight And that the residue of their Costs together with the Costs of the Advocate General be paid to Mr. William Henry Rose the Solicitor of the Complainants and Advocate General respectively And the Costs of the Defendants and Paul Mellitus be paid to their Solicitor Mr. Oriel Viveash from and out of other part of the said Funds in the Accountant General's Certificate mentioned by the Sub Treasurer with the privity of the said Accountant General on such Costs respectively being Certified at the foot of this Decree under the

Signature

Signature of One of the Judges of this Court with liberty to the said Sub Treasurer with the privity of the said Accountant General to Subdivide and sell or otherwise to dispose of such of the remaining Securities in the said Accountant General's Certificate mentioned as may be necessary and after all such deductions and payments as hereinbefore directed **This Court doth further Order** that the residue of all the funds in the said Accountant General's Certificate mentioned be carried over by the said Sub Treasurer with the privity of the said Accountant General to an Account to be intitled "Madras Armenian "Orphan College Funds" And if any part of the said residue be in Cash and of an Amount Capable of investment then that the same be invested and that the Interest of all Securities which may at any time be standing to the Credit of the said last mentioned Account be from time to time subject unto and until the further Order of this Court paid by the said Sub Treasurer with the privity of the said Accountant General to the said Paul Melitus and the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes or any two of them as the Governors of the Madras Armenian Orphans Funds for the time being to be applied by them in the manner and for the purposes in the said Testatrix's Will in that behalf directed. **And this Court doth further Order** that the several Securities Deeds Evidences and Writings belonging to the Estate of the said Testatrix stated by the Master to have been deposited with him and in the Ninth Schedule to his said Report particularly specified be forthwith delivered over by him to the said Paul Melitus and the said Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes or any Two of them And that the said several last mentioned Persons do forthwith proceed to Collect get in and receive all Sums of Money which may be due and owing upon the said Securities or other Documents respectively and that when and so soon as they shall recover any Sum of Money in Amount Capable of investment in any Government Security they do immediately invest the same And thereupon deposit all such Securities wherein as the same are respectively purchased in the Treasury with the privity of the said Accountant General to be carried to the Credit of this Cause the said Account "The Madras Armenian Orphan College Funds" **and this Court doth further Order** that the said Paul Melitus and the said Defendants Belthazoor Marook Satoor and Arathoon Jacob Johannes do Cause a Copy of the Clauses of the said Last Will and Testament of the said Testatrix respecting the Legacy to the Armenian Orphans College Funds to be Constantly posted up in the Armenian Church at Madras in the Armenian and English Languages **And as** to all further directions touching the said Legacy of Rupees Fifteen thousand hereinbefore directed to be set apart as aforesaid for "The [illegible] College for the Education of Youths in Arts and "Sciences" **This Court doth reserve** the Consideration thereof until after the Master shall have made his Report thereon. And all Parties and other Persons interested in any of the Matters aforesaid are to be at liberty to apply to this Court by Petition in this Cause touching their respective interests as they may be Advised.

By the Court.

Registrar

W H Rose
Complts Sol.

[illegible]

40 fols

[illegible] 15-1-27

Trustees of the Armenian church

Plaintiff
Defendant applied 20.10.26
Stamps [illegible] for 17.1.27
Stamps put in 20.1.27
Ready 2.2.27

B.C
Registrar

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 seventh day of November One thousand Eight hundred and thirty four and in the Fifth Year of the Reign of His Majesty King William the Fourth Between Sutchmy Ummall and Neelathachy Ummall the sole Executrixes of the Last Will and Testament of Murgatha Vullee Ummall who was the Widow of Amarambados Collingaroy Moodelly Deceased.   Complainants

and

Connore Iyasawmy Moodelly   Defendant

Ralph Palmer.
R Comyn

This Cause coming on the Twenty Ninth day of September 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 Amended Bill of Complaint of the above named Complainants the Answer of the said Defendant to the said Original Bill and also the further Answer of the said Defendant to the said Amended Bill of Complaint. And upon hearing read as Evidence for the said Complainants the following passage in the said Answer of the said Defendant to the Original Bill of Complaint that is to say from the words "And this Defendant" in folio 99 to the words "to be taken" in folio 100 together with such parts of the said Original Bill as is referred to in the said passage of the said Answer And upon reading the Probate of the Last Will and Testament of the said Amarambados Collingaroy Moodelly deceased in the Pleadings of this Cause named granted to the said Murgatha Vullee Ummall and Connore Iyahsawmy Moodelly and the Probate of the Last Will and Testament of the said Murgatha Vullee Ummall deceased also in the Pleadings of this Cause named granted to the said Complainants. Whereupon and upon debate of the Matter and hearing what was alleged by the

Counsel on both sides And on Mature Consideration had thereon And upon the said Complainants by their Counsel submitting to Account for such parts of the Property of the said late Amarambadoo Collingaroy Moodelly as may have Come into the possession of the late Murgatha Vullee Ummall in her life time or of the said Complainants Since her death This Court doth Order that it be referred to the Master of this Court to take an account of all and singular the Estate and Effects both real and personal of or to which the said Testator Amarambadoo Collingaroy Moodelly was possessed of or otherwise entitled at the time of his death and of the Rents Profits Produce and Proceeds thereof respectively possessed or received by the said Defendants or the said late Murgatha Vullee Ummall in her life time or by the said Complainants respectively since her death or by any other Person or Persons by their or either of their Order or for their or either of their use or which without the wilful neglect or default of the said Defendant or the said Murgatha Vullee Ummall might have been received and that the Master do also take an Account of the debts Funeral Expences and Legacies of the said Testator Amarambadoo Collingaroy Moodelly and Compute Interest on such of his debts as Carry interest and Cause all Necessary advertisements to be made for the Creditors of the said Testator Amarambadoo Collingaroy Moodelly to Come in before him and prove their debts and he is to fix a peremptory day for that purpose and in default of their Coming to prove their debts by the time so to be appointed they are to be excluded the benefit of this Decree. And it is further Ordered that the said Testator Amarambadoo Collingaroy Moodelly's Estate be applied in payment and satisfaction of his debts Funeral Expences and Legacies in a due Course of Administration and after satisfying the same the Master is to ascertain the clear residue (if any) of the said Personal Estate and of the Rents and Profits of his real Estate accrued in the life time of the said late Murgatha Vullee Ummall and the particulars of the same respectively. And whether any and what part or parts thereof is or are now outstanding. And this Court doth Declare that such clear residue if any of the said Personal Estate and

Effects

Effects and of such Rents and Profits of the said real Estate passed by the Will of the said late Murgatha Vullee Ummall and now belong to the said Complainants as the Heirs Legatees and Devisees thereof 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 and leave with him if required all Deeds Books Papers Cadjans and Writings in their Custody or Power relating to the several Matters aforesaid or any of them and are to be examined on Oath upon 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 Costs until after the said Master shall have made his Report and any of the Parties are to be at liberty to apply to this Court as Occasion shall require –

By the Court

[illegible]

Registrar

Exd [illegible]

[illegible]

Compd [illegible]

[illegible]

Ecclesiastical Side

In the Name of God Amen.

We Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight One of His Majesty's Justices of the Supreme Court of Judicature at Madras, having authority and rightly and duly proceeding having heard seen and understood and fully and Maturely discussed the merits and Circumstances of a Certain Cause of Divorce or Separation from Bed and Board and mutual Cohabitation by reason of Adultery which lately was and still is Controverted and remains Undetermined, before Us in Judgment on the Ecclesiastical Side of the said Supreme Court Between Christopher Lethbridge a Major in the Military Service of the Honorable East India Company on the Madras Establishment the Party Agent and Complainant on the One part and Sarah Anne Lethbridge the Wife of the said Christopher Lethbridge the Party Accused and Complained of on the other part And the Parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively and the Proctor for the said Christopher Lethbridge praying Sentence to be given and Justice to be done to his Party and the Proctor of the said Sarah Anne Lethbridge also praying due Justice to be done to his Party And having first Carefully and diligently looked into and considered of the whole proceedings had and done, before us in this Cause and having observed all and Singular the Matters and things that by Law in this behalf ought to be observed WE have thought fit and do thus think fit to proceed to the giving our definitive Sentence or Final Decree in this Cause in Manner following (to wit)

Forasmuch as by the Acts, Enacted deduced alleged, exhibited propounded proved and Confessed in this Cause We have found and it doth evidently appear unto us that the Proctor for the said Christopher Lethbridge hath sufficiently and fully founded and proved

Ralph Palmer

his intention deduced in a certain Libel and other Pleadings exhibited and proved on his behalf in this Cause and now remaining in the Registry of this Court (which said Libel and other Pleadings We take and will have taken as if here read and inserted) for us to pronounce as hereinafter is pronounced and that nothing at least effectual in Law hath on the part and behalf of the said Sarah Anne Lethbridge been excepted deduced alleged Exhibited propounded proved or Confessed in this Cause which may or ought in any wise defeat prejudice or weaken the intention of the said Christopher Lethbridge. **Therefore We** having first called upon the name of Christ and having God alone before Our Eyes and having heard Counsel in this behalf on the part of the said Christopher Lethbridge **Do pronounce Decree and declare** that the said Christopher Lethbridge and Sarah Anne Lethbridge being free from all Matrimonial Contracts and Espousals (saving to each other) did at the time and place in this Cause libellate contract true pure and lawful Marriage between each other and did Solemnize or Cause the same to be Solemnized on the Eighteenth day of December in the Year of Our Lord One thousand Eight hundred and Twenty three at Quilon a place within the Territories of the East India Company by the Reverend Christopher Jeaffreson Clerk a Priest in Holy Orders and One of the Chaplains of the said Company according to the Rites and Ceremonies of the Church of England and afterwards Consummated the same by Carnal Copulation and mutual Cohabitation and that the said Christopher Lethbridge and Sarah Anne Lethbridge were and are lawful Husband and Wife and for and as such were commonly held reputed and taken to be And We do also pronounce Decree and Declare according to the lawful proofs made in this Cause as aforesaid that the said Sarah Anne Lethbridge after the Solemnization and Consummation of the said Marriage being altogether unmindful of her Conjugal Vow not having the fear of God before her Eyes but being instigated and Seduced by the Devil did in the Months and Years Libellate Commit the Crime of Adultery and did violate her conjugal Duty **Wherefore** and by reason of the premises **We do pronounce Decree and Declare** that the said Christopher Lethbridge ought by Law to be divorced and Separated from Bed Board and mutual Cohabitation with the said

said Sarah Anne Lethbridge his Wife until they shall be reconciled to each other And we do by these presents Divorce and Separate them accordingly (Bond being first given on the part of the said Christopher Lethbridge according to the tenor of the Canon in that behalf made and provided that he the said Christopher Lethbridge shall live Chastly and shall not Contract any other Marriage whilst the said Sarah Anne Lethbridge shall be living) intimating nevertheless and by such intimation expressly inhibiting according to the Ecclesiastical Laws and Canons made in that behalf as well the said Christopher Lethbridge as the said Sarah Anne Lethbridge that neither of them in the life time of each other shall in any wise attempt or presume to Contract another Marriage. **And We** do hereby accordingly pronounce Decree and Declare the same by this Our definitive Sentence or Final Decree which we read and promulge by these Writings.–

Ralph Palmer

R Comyn.

This Sentence was read promulged and given by the within named Sir Ralph Palmer Knight Chief Justice and Sir Robert Buckley Comyn Knight One of His Majesty's Justices of the Supreme Court of Judicature at Madras on Monday the Second day of November in the Year of Our Lord One thousand Eight hundred and Thirty five at the Court House Beach Buildings at Madras aforesaid which I attest.–

Registrar

In the Supreme Court Madras

In the matter of the execution of the warrant issued by the Speaker of the House of Lords directed to the Judges of the Supreme Court at Madras to examine witnesses touching the allegations contained in a Bill now depending in the House of Lords to dissolve the marriage of Lieutenant Colonel Christopher Lethbridge with Sarah Anne his wife

H

adduced on behalf of the said C Lethbridge & deposed to before this 28 February 1838

Regr

In the Supreme Court of Judicature at Madras

Equity Side   Fourth 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

Friday the Second day of October One thousand Eight hundred and thirty five And in the Sixth Year of the Reign of His Majesty King William the Fourth Between Robert Mackenzie Macdonald John Collins Macdonald Flora Charlotte Macdonald and William Edward Scott Macdonald respectively Infants by William Pitt Macdonald Esquire their Father and next friend . . . . Complainants

and

William Rutter Esquire the Sole Executor named in the Last Will and Testament of Charles Alexander Scott Deceased . . . Defendant.

Ralph Palmer

R Comyn

This Cause coming on this present 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 thereto. And upon reading the Probate of the Last Will and Testament of the said Testator Charles Alexander Scott deceased in the Pleadings of this Cause named granted to the said Defendant. **Whereupon** and upon debate ~~debate~~ of the Matter and hearing what was alleged by the Counsel on both Sides and on Mature Consideration had thereon. **This Court doth Order and Decree** that the said Defendant do within One week from the Service of this Decree upon him deposit in the Treasury of Fort Saint George with the privity of the Accountant General of this Court to the Credit of this Cause the Four several Madras Government Promissory Notes of Tanjore Debt for Twenty four thousand Madras Rupees of the Numbers dates and Amounts following that is to say No. 422 of 93 of 1832/33 and No. 423 of 93 of 1832/33 dated respectively the Sixth day of February One thousand Eight hundred and Thirty five for Ten thousand Madras Rupees each No. 538 of 18 of 1831/32 dated thirtieth day of July One thousand Eight hundred and Thirty five for three thousand Madras Rupees and No. 541 of 18 of 1831/32 dated the said Thirtieth day of July One thousand Eight hundred and thirty five for One thousand Madras Rupees being part of the Estate of the said Testator Admitted by the said Defendants Answer to be now in his hands. **And this Court doth further Order and Decree** 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 his Executor the said Defendant or to the hands of any other Person or Persons by his Order or for his use. **And it is further Ordered** that the said Master do take an Account of the Debts Funeral Expences and Legacies of the said Testator. **And it is further Ordered** that the said Master do Cause an Advertisement to be published in the Fort Saint George Gazette and such other Public News Papers as he shall think fit 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 in default of their Coming in to prove their debts by the time so to be appointed they are ~~###~~ to be excluded the benefit of this Decree. **And it is further Ordered** that the said Testator's Personal Estate be applied in payment of his debts and funeral Expences in a due Course of Administration and then in payment of his Legacies And the said Master is to Ascertain the Clear residue of the Testator's Personal Estate. **And it is Ordered** that the Master do enquire and Report where and under whose care and protection the Infant Complainants have been since the death of Miss Elizabeth Majoribanks in the Bill named and where and under whose care and protection they now are and what is fit and proper to be allowed for their maintenance and Education respectively from the period of the death of the said Miss Elizabeth Majoribanks

Majoribanks And whether the said William Pitt Macdonald the Father ~~of the said Infants~~ is of sufficient ability to maintain the said Infant Complainants and state the same to the Court with liberty to the said Master to state any special Circumstances touching such reference as he may think fit and thereupon such further Order shall be made relating thereto as shall be just. 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 Cadjans Accounts and Writings in their Custody or Power relating thereto and are to be examined upon Interrogatories or Viva Voce as the said Master shall direct. **And this Court doth reserve** the Consideration of all further directions and Costs until after the Master shall have made his Report and any of the Parties are to be at liberty to apply to this Court by Petition in this Cause as they may be advised.

By the Court

Registrar

In the Supreme Court of Judicature at Madras.

Equity Side. Fourth 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

Friday the second day of October one thousand
eight hundred and thirtyfive and in the Sixth year of
the Reign of His Majesty King William the Fourth.
Between Lewis Estaves Executor of the Last Will and
Testament of Peter Lascelles Mosse Deceased - Complainant

and

Anna Tyler Executrix of the Last Will and Testament
of George Peter Tyler Esquire deceased and
Nannette Lascelle . . . . Defendant

This cause coming on this present 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 the answer of the Defendant Anna Tyler and the answer of the Defendant Nannette Lascelle and upon hearing read the Deed of Trust Between The Reverend Peter Mosse of the first part Messieurs George Tyler and Abraham Judah of the second part and Nannette Lascelle of the third part bearing date the Twelfth day of May one thousand eight hundred and nine marked A and the Probate of the Last Will and Testament of the Testator Peter Lascelle Mosse by the name of Peter Mosse deceased granted to the Complainant Lewis Estaves and also the Probate of the Last

Ralph Palmer
R Comyn

Will and Testament of the Testator George Peter Tyler deceased granted to the Defendant Anne Tyler and upon hearing read the order made in this cause bearing date the Eighteenth day of September last whereby it was ordered that the said Defendant Anne Tyler should deposit in the Honorable Company's Treasury with the privity of the ~~said~~ Accountant General of this Court to the Credit of this cause the Two sums of Sicca Rupees Thirteen thousand three hundred and thirty eight Annas two and pice three, and Sicca Rupees eight thousand making together the sum of Sicca Rupees Twenty one thousand three hundred and thirty eight Annas two and Pice three part thereof in a Government Promissory Note for Sicca Rupees Twenty Thousand and the residue in cash and that such cash be by the said Sub Treasurer with the like privity of the said Accountant General laid out in the purchase of such one or more Government Security or Securities bearing interest as he with such privity might think most advantageous and that such Government Security or Securities when purchased be placed to the credit of this cause to the same account and upon reading the Accountant Generals Certificate in the words and figures following that is to say –

"Lewis Estaves Executor of the last Will and
"Testament of Peter Lascelles Mosse deceased.

"vers

"Anne Tyler Executrix of the Last Will and
"Testament of George Peter Tyler deceased and
"Nanette Lascelle –

"I hereby Certify that in pursuance to an order of the Supreme "Court made in the above cause dated 18th September 1835 the undermentioned "Government Security and cash amounting to Madras Rupees Twenty "two thousand seven hundred and twenty five, Anna one, and Pice "eleven (22725: 1: 11:) have been deposited in the Honorable Company's Treasury "to the credit of the above cause, by the Defendant Anne Tyler Executrix "of the Last Will and Testament of George Peter Tyler deceased, as per copy "of Receipt of Mr. J. C. Morris Sub Treasurer hereunto annexed Vizt.

"A Promissory Note of the 4 ₵ Cent Loan of 1st May 1832.
"No. 9666 of 1832/33 dated 1st May 1832 in favor of William
"Scott Binny and James Webster Esqres endorsed bearing interest
"from 1st May 1835 for ——————— Sa. Rupees 20,000 – or 21,300. " . "
"In Cash Sicca Rupees 1,338: 2: 3. or ——————— 1,425: 1: 11:

	Mds.	A.	P.
"Madras Rupees –	22,725.	1.	11.

"Fort St. George Acctt. Genl's Office
" 20th October 1835.
" J. G. Turnbull
" Acctt. Genl. Sup. Court

Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on all sides and on mature Consideration had thereon. This Court doth order and Decree that it be referred to the Master to Tax the costs of the Defendant Anne Tyler as between Solicitor and Client and that the amount thereof when taxed be added at the foot of this Decree and when signed by one of the Judges of this Court be paid by the Sub Treasurer with the privity of the said Accountant General from and out of the Funds in deposit in the Treasury to the credit of this Cause And if the Cash in the said Certificate mentioned or any of the Interest of the said * and thereupon that the Bill of Complaint in this Cause be dismissed out of Court as against the said Defendant Anne Tyler and It is further ordered that out of the Interest arising from the said Government Promissory Note for Sicca Rupees Twenty thousand in the said Certificate mentioned the said Sub Treasurer do with the privity of the said Accountant General pay to the said Defendant Nannette Lascelle or her constituted Attorney during her lifes the Interest of Sicca Rupees eight Thousand part of the

*Government Promissory Note for Sicca Rupees Twenty thousand therein mentioned Shall have been invested in a Government Security or Securities the said Sub Treasurer with the privity of the Accountant General is to be at liberty to sell and dispose of the same or such part thereof as may be necessary in order to meet the payment of the said Costs –

the said Government Promissory Note to which Interest the said Defendant Nannette Lascelle is intitled under and by virtue of the said Deed bearing date the Twelfth day of May one thousand eight hundred and nine and marked **A**. and this Court doth order that it be referred to the Master to take an account of what ~~is~~ if any thing is still due to the Creditors of Peter Lascelle Mosse the Testator in the Pleadings of this Cause named and of his Funeral expences and to compute interest on such of the said debts as carry interest after the rate the same respectively carry and the said Master is to cause an advertisement to be published in the Fort Saint George Gazette and such other Public Papers as he shall think fit for ~~the~~ any 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 in default of their coming in to prove their debts by the time so to be appointed they are to be excluded the benefit of this Decree. And it is ordered that the said Testator's Estate be applied in payment of his said debts and funeral expences in a due course of Administration and then in payment of Legacies and for the better taking of the said account and discovery of the matters aforesaid the Parties are to produce before the said Master upon oath all Deeds Books Papers Cadjans accounts 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 account is to make unto the Parties all just allowances. And this Court doth reserve the consideration of all further directions and of all other the Costs of this suit except the costs aforesaid of the said Defendant Anne Tyler until after the Master shall have made his Report and all Persons interested in any of the matters aforesaid are to be at liberty to apply to this Court by Petition in this cause as they may be advised.

R.P.
R.C.

R.P.
R.C.

R.P.
R.C.

R.P.
R.C.

By the Court.

Registrar

[illegible]
Complts Solr

[illegible]
Solr for Deft N.
Lascelle

[illegible]
Solr for Defts
Mrs Tyler

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In the Supreme Court of Judicature at Madras

Equity Side

Sittings after the Fourth 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.

Friday the Thirteenth day of November One thousand Eight hundred and Thirty five And in the Sixth Year of the Reign of His Majesty King William the Fourth Between Pauliam Narrainsawmy Chitty and Rungamall - - - - - - - - - - - Complainants

and

Parcapolliam Arnachella Chitty Parcapolliam Codundaramah Chitty and Parcapolliam Sooreah Chitty - - - - - - - - Defendants.

This Cause coming on this present day to be heard on the Masters reviewed Report dated the Sixth day of October last and made in pursuance of the Decree made in this Cause on the Fifteenth day of November One thousand Eight hundred and Thirty three By which Report the Master has found that by reason of the overpayment to the said Complainant Pauliam Narrainsawmy Chitty the Amount of Two hundred and Fifty two thousand One hundred and Twenty two Madras Rupees Seven Annas and Eleven Pice in Companys Securities and Cash in the hands of the said Defendant Parcapolliam Codundaramah Chitty is applicable to the payment of the Legacies to the Defendants Parcapolliam Arnachella Chitty Parcapolliam Codundaramah Chitty and Parcapolliam Sooriah Chitty and for the purposes of Charity called Saba and to the Vadavie in the following proportions (that is to say) to the said Defendant Parcapolliam Arnachella Chitty the Sum of Twenty

Ralph Palmer
R. Comyn

thousand Nine hundred and Seventy three Madras Rupees fifteen Annas and four Pice to the said Defendant Pareapolliam Codundaramah Chitty the Sum of One hundred and Sixty Seven thousand Seven hundred and Ninety One Madras Rupees Eleven Annas and four Pice to the said Defendant Pareapolliam Sooriah Chitty the Sum of Forty One thousand Nine hundred and forty Seven Madras Rupees fourteen Annas and Ten Pice and for the purposes of the said Charity called Saba the Sum of Twenty thousand Nine hundred and Twenty three Madras Rupees fifteen Annas and four Pice And to the said Vadavie the Sum of Four hundred and thirty four Madras Rupees fifteen Annas and One Pice and whereby he found that the Share or proportion of the said Complainant Pauliam Narrainsawmy Chitty in respect of his Legacy of Fifty thousand Madras Rupees should be calculated at the same rate Amount to the Sum of Forty One thousand Nine hundred and Forty Seven Madras Rupees fourteen Annas and Ten Pice and that Consequently the said Defendant Pareapolliam Codundaramah Chitty as the Executor of the Testator has a claim of Twenty two thousand and Twenty Eight Madras Rupees fourteen Annas and Eleven Pice against the said Complainant Pauliam Narrainsawmy Chitty by reason of such last Itt mentioned overpayment to him on Account of his said pecuniary Legacy of Fifty thousand Madras Rupees and whereby he found that the said Complainant Pauliam Narrainsawmy Chitty ought to pay to the said Defendant Pareapolliam Codundaramah Chitty as Executor of the said Testator as aforesaid the said Sum of Twenty two thousand and Twenty Eight

Madras

Madras Rupees fourteen Annas and Eleven Pice to be by him the said Defendant Pareapolliam Codundaramah Chitty applied for the general purposes of the said Testator's Estate —

To which said Report the said Complainant Pauliam Narrainsawmy hath taken an Exception **for that** the said Master ought not to have found that any overpayment had been made to the said Complainant and Consequently that he ought not to have found such proportions as in his Report Specified applicable to the payment of the said Legacies to the said Defendants Pareapolliam Annachellu Chitty Pareapolliam Codundaramah Chitty and Pareapolliam Sooriah Chitty and for the purposes of the said Charity called Saba and Vadavie **And whereas** he ought not to have found that the share or proportion of the said Complainant Pauliam Narrainsawmy Chitty in respect of his pecuniary Legacy of Fifty thousand Madras Rupees would Amount to the said Sum of Forty One thousand Nine hundred and Forty Seven Madras Rupees Fourteen Annas and Ten Pice only — **And whereas** he ought not to have found that the said Pareapolliam Codundaramah Chitty has a claim for the Sum of Twenty two thousand and Twenty Eight Madras Rupees Fourteen Annas and Eleven Pice against the said Complainant Pauliam Narrainsawmy Chitty by reason of such over payment on Account of the said pecuniary Legacy of Fifty thousand Rupees — **And whereas** he ought not to have found that the said Complainant Pauliam Narrainsawmy Chitty ought to pay to the said Defendant as Executor of the said Testator as aforesaid the said Sum of Twenty two thousand and Twenty Eight Madras Rupees Fourteen Annas and Eleven Pice — **Now upon** Argument of the said Exception before this Honorable Court by Counsel learned on both sides **This Court doth allow** the same and Subject thereto **doth Order** that the said reviewed Report do stand confirmed absolutely - **And this Cause** coming also on the same day to be heard for further directions and Costs reserved by the said Decretal Order in the presence of Counsel learned on both sides - **Whereupon** and upon hearing read the Decree of the First day of October One thousand Eight hundred and Thirty - The Decree upon the rehearing bearing date the Eighth day of February One thousand Eight hundred and Thirty two And the said Decretal Order of the Fifteenth day of November One thousand Eight hundred and thirty three And the said reviewed Report whereby the Master hath among other things found that the said Defendant Parcapolliam Codundaramah Chitty hath deposited in the Treasury of Fort Saint George to the Credit of this Cause "The Account of the Complainant Paulliam Narrainsawmy Chitty" four several Government Promissory Notes Vizt - No. 198 of 85 of 1831/32 for Rupees Three thousand four hundred and Seventy Seven Annas One and Pice four. No. 201 of 131 of 1833/34 for Rupees Seven thousand four hundred and Eighty Six Annas Nine and Pice Seven - No. 435 of 172 of 1834/35 for Rupees Five thousand Nine hundred and Thirty four Annas fourteen and Pice Ten and No. 429 of 177 of 1834/35 for Rupees One thousand two hundred and Forty Six Annas Eleven and Pice Two also the seven several Sums of Money Vizt Rupees One thousand three hundred and Twenty One Annas four and Pice Eight Rupees One thousand Nine hundred and fifteen Annas three and Pice three Rupees One hundred and Thirty Nine Annas One and Pice four Rupees One hundred and forty One and Annas Two

Rupees

Rupees Three thousand One hundred and fourteen Annas five and Pice Eleven Rupees Two thousand Six hundred and Eleven Annas five and Pice Ten Rupees Five hundred and Eighty four Annas Eight and Pice Nine And that the said Parcapolliam Arnachella Chitty hath transferred the Sum of Pagodas Nine hundred Carnatic Stock into the name of the Accountant General of this Court to the Credit of this Cause the like Account in payment and satisfaction of the Share of the said Complainant Paulliam Narrainsawmy Chitty of and in the several Specific Legacies of the Bond purchased from Cottah Valaba Doss the Nabobs Bond purchased from Madah Sadah Ballakistna Doss the Bond in the name of Major Dalrymple The Bond in favor of Captain Butler And the Tanjore Bond purchased from Sawmy Moodelly in the said Decree and Reviewed Report particularly mentioned And whereby the said Master found that the said Parcapolliam Codundaramah Chitty had deposited in the said Treasury to the Credit of this Cause "The Account of Testators Charities" the Government Promissory Note No. 432 of 172 of 1834/35 for Rupees Seventeen thousand Eight hundred and four Annas Twelve and Pice Nine bearing Interest from the Thirtieth day of April One thousand Eight hundred and Twenty three in payment and satisfaction of the Specific bequest for Charity Expences to dig Tanks and Build Choultry in good places And that after Charging the said Defendants with all Sums received by them and allowing them the several payments made there was at the date of the Masters reviewed Report in the hands of the said Defendant Parcapolliam Codundaramah Chitty belonging to the Estate of the Testator in the Pleadings of this Cause named the Sum of Madras Rupees One hundred and Twenty Six thousand Six hundred and fifty

Eight and Annas Two independaintly of the Company's Securities belonging to the Estate of the said Testator in the said Report mentioned. **And it appearing** by the said Reviewed Report and the Schedule Marked **I** annexed that the said Complainant Paulium Narramsawmy Chitty had received of the Principal of his Legacy of Rupees Fifty thousand the Sum only of Rupees Forty Eight thousand One hundred and Seventy five Annas Twelve and Pice Two leaving a balance still due to him on Account of the said Legacy the Sum of Madras Rupees One thousand Eight hundred and Eighty Eight Annas three and Pice Ten in Order to Complete the Sum of Madras Rupees Fifty thousand and Sixty four in the said Original Decree mentioned. And upon reading the Probate Copy of the said Testator's Will. **This Court doth Order** that the said Defendant Parcapolliam Codundaramah Chitty do within One Month from the Service on him of this Decree from and out of the said Sum of Madras Rupees One hundred and Twenty Six thousand Six hundred and Fifty Eight and Annas Eight now in his hands pay to the said Complainant Paulium Narramsawmy Chitty the said Sum of Madras Rupees One thousand Eight hundred and Eighty Eight Annas three and Pice Ten together with Interest thereon at the rate of Five per Cent per Annum from the date of the said Original Decree. **And it is further Ordered** that the said Parcapolliam Codundaramah Chitty do likewise within One Month from the Service on him of this Decree pay to the said Complainant Paulium Narramsawmy Chitty the Two several Sums of Rupees Six hundred and Fourteen Annas five and Pice three and Rupees Two thousand Eight hundred and Sixty three and Pice Eleven being the Total Amounts of the further Rents and of the Occupation Rent of the

several

several Premises to which the said Complainant is entitled and Charged against the said Defendant as in the said reviewed Report particularly mentioned. **And this Court doth declare** that the said Complainant Paulium Narrainsawmy Chitty As the only Son and Heir of the said Testator is entitled to have the Conduct and Management of the Charity by the said Will of the said Testator directed to be defrayed for Charity Expences to dig Tanks and to build "Choultries in good places" and to have paid and delivered to him for the purposes of the said Charity the said Government Promissory Note for Madras Rupees Seventeen thousand Eight hundred and four Annas Twelve and Pice Nine deposited in the said Treasury to the Credit of this Cause "The Account of Testator's Charities" together with all Accumulations thereon either in Government Securities or Cash standing to the Credit of the said Account And upon reading the Certificate of the Accountant General of this Court Marked **A** in the words and figures following that is to say.

"Paulium Narrainsawmy Chitty and Rungamall
"Complainants and Parcapolliam Arunachella
"Chitty Parcapolliam Codundaramah
"Chitty and Parcapolliam Soonah Chitty
"Defendants.

"The Account of the Testator's Charities."

"I hereby Certify that according to the Books of the "Supreme Court the funds which were standing to the Credit "of this Cause - "The Account of the Testator's Charities" on the "13th November 1835 are as follows Vizt.

"Ins.

"In a Promissory Note of the 4 P^r. Cent Loan of Tanjore Debt for Madras R^s. 17,804-12-9

"In three Ditto of the 4 P^r. Cent Loan of 1^st. May 1832 amounting to S^a. R^s. 7,800 or - 8,307 - " -

"Madras Rupees 26111 - 12 - 9.

"In Cash to be invested by the Sub Treasurer in purchase of Government
"Securities when procurable _______ } : 764 - 8 - 4

26876 - 5 - 1.

Interest due on Government Securities S^a. R^s. 156 or _______ 166 - 2 - 3.

"Madras Rupees. 27042 - 7 - 4.

"This Certificate is granted as p^r.
" Application from Mess^rs. Rowlandson &
" Rose Compl^ts. Sol^rs. dated 7^th. Dec^r. 1835

"Ex^d. M. Vurdapah."

"Fort S^t. George Acc^t. Gen^ls. Office
"8^th. December 1835
"J. G. Turnbull
"Acc^t. Gen^l. Sup^e. Court.

Whereby it appears that there is now in the Treasury to the Credit of the said Account in Government Securities and Cash the sum of Rupees Twenty Seven thousand and Forty two Annas Seven and Pice four. **It is Ordered** that the Sub Treasurer with the privity of the Accountant General do pay and deliver over to the said Complainant Pauliam Narrainsawmy Chitty or to M^r. William Henry Rose his Solicitor the said Government Securities and Cash standing to the Credit of the said Account

R & R
W.

"The Account of the Testator's Charities" together with all interest now due or to accrue due thereon, to be by the said Pauliam Narrainsawmy Chitty applied in the Charity expences for Tanks and Choultries in the said Testator's Will in that behalf contained. And upon reading another Certificate of the said Accountant General marked **B** in the words and figures following that is to say -

Pauliam

"Pauliam Narrainsawmy Chitty and Rungamall Complainants

and

"Taraspolliam Arnachella Chitty Taraspolliam Codundaramah Chitty
"and Taraspolliam Sooreah Chitty . . . . Defendants

"The Account of the Complainant Pauliam Narrainsawmy Chitty"

"I hereby Certify that according to the Books of the Supreme Court the funds which "were standing to the Credit of this Cause The Account of the Complainant Pauliam "Narrainsawmy Chitty on the 13^th. November 1835 are as follows Viz^t.

"In Eight Promissory Notes of the 4 P^r. Cent Loan of 1^st. May 1832
" Amounting to S^a. R^s. 11,500 or _______ 12,247 : - 8 : - " -

"In four Promissory Notes of the 4 P^r. Cent Loan of Tanjore Debt
" Amounting to _______ 18,145 : 4 : 11.

"Madras Rupees. 30,392 : 12 : 11.

"In Cash to be invested by the Sub Treasurer in purchase of Government
"Securities when procurable _______ 511 : " - 6 :

"Ditto payable to the Complainant Pauliam Narrainsawmy Chitty on
"Account of Interest drawn on Government Securities _______ 616 : " - 3.

1127 - " - 9

"Madras Rupees - 31,519 : 13 : 8.

"This Certificate is granted as p^r.
" Application from Mess^rs. Rowlandson and
" Rose Compl^ts. Sol^rs. dated 7^th. December 1835.

"Ex^d. M. Vurdapah."

"Fort S^t. George Acc^tt. Gen^ls. Office
"8^th. December 1835
"J. G. Turnbull
"Acc^t. Gen^l. Sup^e. Court.

whereby it appears that there is now standing to the Credit of this Cause "The Account of the Complainant Paulliam Narrainsawmy Chitty" in Securities and Cash the Sum of Madras Rupees Thirty One thousand five hundred and Nineteen Annas Thirteen and Pice Eight which said Sum it is admitted by Counsel on both sides is Composed partly of the said Securities and Cash deposited to the Credit of the same Account as hereinbefore mentioned and partly of Securities purchased with other part of the said Cash and with the proceeds of the sale of the Carnatic Stock. **It is further Ordered** that the said Sub Treasurer with the privity of the said Accountant General do deliver and pay to the said Complainant Paulliam Narrainsawmy Chitty the whole of the said Sum of Rupees Thirty One thousand five hundred and Nineteen Annas Thirteen and Pice Eight in Company's Securities and Cash in the said Certificate mentioned together with all interest due and to accrue due thereon. **And it is further Ordered** that the said Master do deliver up to the said Complainant Paulliam Narrainsawmy Chitty ingrossed by his Report bearing date the Tenth day of September One thousand Eight hundred and thirty three the Several Title Deeds reported by the Master to be in his Custody of the several Houses and lands to which the said Complainant Paulliam Narrainsawmy Chitty was by the Decree of the Fifteenth day of November One thousand Eight hundred and Thirty three declared to be entitled. **And it is further Ordered** that it be referred to the said Master to tax the Complainant Paulliam Narrainsawmy Chitty his Costs subsequent to the said Decree of the Fifteenth day of November One thousand Eight hundred and Thirty three And that the same when taxed be paid to him by the said Defendants personally.

R & R
PH.

And

And all Parties are to be at liberty to apply to this Court as Occasion may require.

By the Court
Registrar

Recd. [illegible]
Rowlandson & Pole
Complts Solrs
Fred Kincaid
Defts Solr

In the Supreme Court of Judicature at Madras

Plea Side First Term 8d. February 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice

Punneacotee Bala Goorroonanda Chitty

vers

John Findly Mc. Kennie Esquire Mr. James Thoy Baillie William Boyd Kistnen Gundapoody Ramasawmy Chitty and Casavyer Branny - - - - -

The Matter upon the Demurrer put in by the Plaintiff to the second and third Plead of the Defendants in this Action And the joinder thereto coming on to be Argued on this present day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Plead 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 and the said Defendants are to be at liberty to amend their Plead and file the amended Plead on Thursday morning

Moorya - -

By the Court

Proth'y

Mr Branson
Plts att

In the Supreme Court of Judicature at Madras

Plea Side First Term 19th February 1835

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Salem Mootiah Pillay
~~vers~~
Coorova Butten . . .

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 Honorable Sir Robert Buckley Comyn Knight Chief Justice of this Honorable Court in ~~the~~ 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 Costs with liberty to the said Defendant to take his Plea off the file ~~and~~ plead de novo in four days the said Defendant paying the Costs thereof to the said Plaintiff

M Comyn

By the Court

Ent.

No 1177 of 36

In the Supreme Court of Judicature at Madras

Plea Side   Second Term 22d March 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Pennacootee Bala Gooroonanda Chitty
vrs
John Findly Mc Kennie Esquire Mr—
James Thoy Baillie William Boyd—
Kistnen Gundapoody Ramasawmy Chitty
and Catavyar Braminy - - . . .

The Matter upon the Demurrer put in by the Plaintiff to the Third Plea of the Defendants in this Action and the Joinder thereto coming on to be Argued on this present day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice 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 Overruled with Costs And thereupon Judgment be Signed for the Defendants on the said Third Plea

Monnigo

By the Court

Proty

In the Supreme Court of Judicature at Madras

Plea Side Second Term 4th April 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Athamanachary Vencatachella Moodelly Munnapully Rungiah Naicker Mullapermall Narrain Moodelly, and Vembakum Apala Chitty the Executors of the Last Will and Testament of Sadras Sawmy Moodelly Deceased - - - - - -

vs

Robert Thorpe - - - -

The Matter upon the Demurrer put in by the Plaintiffs to the Pleas of the Defendant in this Action And the joinder thereto coming on to be argued on this present day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Pleas 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

R Comyn.

By the Court

In the Supreme Court of Judicature at Madras

Plea Side   Second Term 6th April 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Khauder Sahib - - - - -
versus
Mahomed Moostan Ally Gholam Hassan Gholam Jeelanee and Gholam Siddeek - - - - -

The Matter upon the Demurrer put in by the Plaintiff to the Second Plea of the Defendants in this Action And the joinder thereto coming on to be Argued on this present day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice 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 and that the said Defendants be at liberty to amend their Plea within four days on payment of Costs

RComyn

By the Court

In the Supreme Court of Judicature at Madras.

Equity Side First Term 1836.

Present
The Honorable Sir Robert Buckley Comyn Knight
Chief Justice.

Monday the Twenty Second day of Februar
one thousand Eight hundred and thirty six and in the
Sixth Year of the Reign of His Majesty King Willia
the Fourth Between Paul Melitus Balthazar
Manook Satoor and Arathoon Jacob Johannes Complaina
and
Peter Cator Esquire the Registrar of the Suprem
Court at Madras and George Norton Esquire the
Advocate General at the Presidency of Fort Saint George
Madras . . . . Defendants

R Comyn

This Cause coming on the Twentieth day of February instant and al on this present day to be heard and debated before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides **upon** opening the original and amended Bill of Complaint of the above named Complainants the answe of the said Defendant George Norton the Advocate General and the Answer of the sai Defendant Peter Cator And upon hearing read as Evidence for the said Complainants the whole of the said answer of the said Defendant Peter Cator together with such parts of the said Bill as were necessary and also The Deposition of Seth Sam Esqu to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Mr. Stephen Lazar to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Mr. Stephen Nareis to the First Second Third Fourth Fi and Sixth Interrogatories in chief filed on behalf of the said Complainants. And upon hearing read the Letters of Administration with Will and Codicil annexed of the Estate and Effects of Gevork Manuk deceased granted to the said Defendant Peter Cator **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel on both sides and on mature consideration had thereon. **This Court doth order and Decree** that it be referred to the Master of this Court to Tax all Parties their costs of this Cause as between Solicitor and Client and that the same when Taxed be paid by the said Defendant Peter Cator from and out of the Funds belonging to the Two several Legacies of Madras Arcot Rupees Thirty Thousand and Madras Arcot Rupees Two thousand and the accumulation of Interest thereon respectively in proportion to the Principal amount of such Legacies respectively and that the Master do apportion the same costs accordingly. **and this Court doth Declare** that the Trusts of the said Will so far as they regard the said Two Legacies of Madras Arcot Rupees Thirty thousand and Madras Arcot Rupees Two thousand ought to be established and carried in effect **and doth Decree** the same accordingly. **and this Court doth further Declare** that the said Complainants as the Governors of the Armenian Orphan Funds and officially the directors of the Armenian School in the Pleadings of this Cause named are entitled to receive the Interest of the Legacy of Madras Arcot Rupees Thirty thousand bequeathed for the use of some Pious Institution and for such other purposes as in the said Testator's Will in that behalf mentioned and also the Interest of the accumulation in such last mentioned Legacy subject and without prejudice to the Right of the said Testator's Relations in the Fifteenth clause of the said Will in that behalf mentioned **and doth accordingly Decree** that the said Defendant Peter Cator do after deducting thereout the proportion of the said Amount of Costs when the

same

same shall have been taxed and apportioned as hereinbefore directed pay the whole or as the case may be the residue of the Interest of such Legacy and the Interest of the residue if any of the accumulation thereon until the further Order of this Court unto the said Complainants Paul Melitus Belthazar Manook Satoor and Arathoon Jacob Johannes as the Governors of the Armenian Orphan Funds and officially the directors of said Armenian School to be by them applied in the support of the said School and in the manner and for the purposes in the said Testator's Will in that behalf directed. **And this Court doth further declare** that the said Complainants as the Wardens of the Armenian Church in the Pleadings of this cause named are entitled to receive the Legacy of Madras Arcot Rupees Two thousand bequeathed to the Armenian Church at Madras together with the accumulation of Interest thereon. **and doth accordingly Decree** that the said Defendant Peter Cator do after deducting thereout the proportion of the said amount of Costs when the same shall have been Taxed and apportioned as hereinbefore directed pay the residue of the amount of such Legacy and the accumulation of Interest thereon to the said Complainants Paul Melitus Belthazar Manook Satoor and Arathoon Jacob Johannes as Wardens of the Armenian Church at Madras. and all Parties and other Persons interested in any of the matters aforesaid are to be at liberty to apply to this Court by Petition in this Cause touching their respective Interests as they may be advised.—

By the Court.

Registrar

Pltff for

Trustees of the Armenian church

~~Plaintiff~~ Defendant applied	21.10.26
Stamps called for	12.1.27
Stamps put in	20.1.27
Ready	2.2.27

B.C

2nd Assistant Registrar,
Manager, O.S.

In the Supreme Court of Judicature at Madras.

Equity Side. Second Term 1836.

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice.

Saturday the Second day of April one Thousand eight hundred and thirty six and in the sixth year of the Reign of His Majesty King William the Fourth –

Between Rannad Pundiah . . . Complainant
and
Putchupooloosoo Condulroya Chitty. Defendant

R Comyn

Whereas the Complainant did on the Twenty Eighth day of November one Thousand Eight hundred and thirty five Exhibit his Bill in this Court against the Defendant setting forth as therein setforth and therefore praying that Proceſs of Subpoena might iſsue against the said 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 said Complainant having sued out a Subpoena to compel the said Defendant to appear to and answer the Complainants Bill the said Defendant appeared thereto accordingly but hath not put in his answer to the said Bill and 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 said

Defendant persisting in his Contempt the Complainant obtained an order dated the Twenty Eighth day of March last that the Complainants Bill filed in this cause should be set down for hearing on this day to be taken Pro confesso as against the said Defendant for want of his answer and the Complainant also obtained another order dated the Twenty ninth day of March last that the Registrar should attend at the hearing of this cause with the Record of the Complainants Bill in order that the same might be taken Pro Confesso against the said Defendant **And this Cause** coming on this present day to be heard before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel and the said Registrar being present and producing the Record of the Complainant's Bill accordingly and the said Defendant still persisting in his contempt and hearing read the said orders of Court of the Twenty Eighth and Twenty ninth days of March last and the said Bill of Complaint. **Whereupon** and upon debate of the matter and hearing what was alleged by the Counsel for the Complainant and upon mature consideration had thereon. **This Court doth order and Decree** that the Complainant's Bill be taken Pro Confesso against the said Defendant. **And doth order** that it be referred to the master of this Court to take an Account of what is due to the said Complainant for Principal and Interest by virtue of his mortgage in the Pleadings mentioned and to Tax him his Costs of this Suit and for the better taking of the said Account and discovery of the matters aforesaid the Parties are to Produce before the Master upon Oath all Cadjans Deeds Papers and

Writings

Writings in their Custody or Po

upon Interrogatories as the mas

account is to make unto the

the Defendant paying unto the

due to him for Principal In

months after the master sha

place as the master shall appoint This Court doth further Order and Decree that the Complainant do reconvey and reassign the mortgaged Premises free and clear of and from all incumbrances done by him or any Person or Persons claiming by from or under him and do deliver up all Cadjans Deeds Papers and Writings in his custody or Power relating thereto upon oath to the said Defendant or to whom he shall appoint But in default of the said Defendant paying unto the said Complainant such Principal Interest and Costs as aforesaid by the time aforesaid. **This Court doth order and Decree** that the said Defendant do stand absolutely debarred and foreclosed of and from all Equity of redemption of in and to the said Mortgaged Premises. –

Madras

100

L. B. Acworth
Plaintiffs Solicitor

By the Court.

Registrar

[illegible]
Exd

Defendan

dat

In the Supreme Court of Judicature at Madras

Equity Side
Second Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

~~148~~ Tuesday the Twenty Second day of March One thousand Eight hundred and Thirty Six And in the Sixth Year of the Reign of His Majesty King William the Fourth

Between Wootarasawmy Peddoo Chitty . . . . Complainant

and

Cotta Tollasinga Chitty . . . . Defendant

R Comyn

This Cause coming on this day to be heard and debated before the Honorable the Chief Justice 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 Defendant thereto And upon hearing read as Evidence for the said Complainant the several passages in the said Answer of the said Defendant as follow that is to say from the words "He admits" in folio 2 to the words "deceased mentioned" in the same folio from the words "He admits it to be true" in folio 3 to the words "Bill mentioned" in folio 4 from the words "He admits" in folio 16 to the words "Vencatachella Chitty" in folio 20 from the words "And this Defendant" in folio 21 to the words "as aforesaid" in folio 23 from the words "And this Defendant further" in folio 25 to the words "behalf mentioned" in folio 26 from the words "And this Defendant" in folio 26 to the words "to them" in folio 29 from the words "And this Defendant further" in folio 30 to the words "the same" in folio 34 from the words "And this Defendant" in folio 61 and 62 to the words "this Defendant" in folio 62 from the words "And this Defendant" in folio 64 to the words "him surviving" in folio 65 from the words "And this Defendant" in folio 67 to the words "April last" in folio 68 from the words "And this Defendant further" in folio 70 to the words "interested" in the same folio from the words "And this Defendant" in folio 71 to the words "Honorable Court" 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 Cottawa Narrainasawmy Chitty to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Allunchee Sasachella Chitty to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Sheyputty Vencatachella Chitty to the First Second and Third Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Apewattoor Iyahsawmy Moodelly to the First Second and Third Interrogatories in Chief filed on behalf of the said Complainant. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on mature Consideration had thereon. **This Court doth Order and Decree** that the said Complainants' Bill of Complaint in this Cause do stand and be dismissed out of Court with Costs.

J. W. Branson
~~Dfts~~ Wh

By the Court.

Registrar

In the Supreme Court of Judicature at Madras

Equity Side — First Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice —

Monday the Fifteenth day of February One thousand Eight hundred and Thirty Six And in the Sixth Year of the Reign of His Majesty King William the Fourth Between Jagganaudom an Infant by Canagamall his mother and next Friend . . . Complainant —

and

Madavaukum Moodookistna Moodelly and Madavaukum Veerasawmy Moodelly . . . . Defendants —

R Comyn

This Cause coming on this day to be heard for further directions and Costs reserved by a Decretal Order of this Court made therein on the Fifteenth day of April One thousand Eight hundred and Eighteen **Upon** reading the said Decretal Order and also the Report of John Savage Esquire the Master of this Court made in pursuance thereof and bearing date the Twenty third day of September One thousand Eight hundred and Thirty four — And also another Order of this Court bearing date the Seventeenth day of October One thousand Eight hundred and Thirty four — Whereby the said Report and all the Matters and things therein Contained became absolutely Confirmed **Whereupon** and **Upon** hearing what was alleged by the Advocate for the said Complainant no one appearing for the said 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 — **This Court doth declare** that the Complainant is entitled to One entire third part or Share of and in all the ~~said~~ Houses Lands and Premises and Toys Jewels and Precious Stones of the Value and descriptions mentioned and ~~and~~ set forth in the said Masters

Report made in this Cause and bearing date the Twenty third day of September One thousand Eight hundred and Thirty four. **And this Court doth Order and direct** that the said Defendants do within one Month after service on them of this Decree deliver over to the poſseſsion of the said Complainant One entire third part or share of all the said Houses Lands and Premises the same to be received by the said Complainant at and for the Value found by the said Master in respect thereof and that the said Defendants do aſsign over such third part to the said Complainant in Severalty and do all such proper Acts and things to effectuate such aſsignment as the said Master shall direct and that the said Defendants do forthwith bring in and deposit with the said Master all Documents of Title Writings Cadjans and Papers in any wise relating to such Houses Lands and Premises so directed to be aſsigned over to the said Complainant. **And this Court doth Order and direct** that the said Defendants do within one Month after service on them of this Decree deliver over to the said Complainant One third part or Share of all the said Toys Jewels and precious Stones the same to be received by the said Complainant at and for the Value found by the said Master in respect thereof. **And this Court doth Order and direct** that the Costs of the said Complainant in this Suit be Taxed by the Master of this Court and that the Taxed amount be paid by the said Defendants to Mr. William Henry Rose the said Complainants Solicitor. **And this Court doth Order and direct** that in default of Defendants so delivering up to the said Complainant the poſseſsion of such third part or Share of and in the said Houses Lands and Premises and Toys Jewels and Precious Stones as and in the manner and within the time hereinbefore directed and likewise paying the Taxed Amount of such Costs of the said Complainant on due demand being made on the said Defendants for that purpose then that the said Master do proceed to a Sale by Public Auction of the whole or such parts of the said Houses Lands and Premises and Toys Jewels and Precious Stones as may be neceſsary to produce a Sum of Money sufficient to satisfy the Amount of the said Complainants

Complainants said Taxed Costs and of such further Taxed Costs of the said Complainant as he may be neceſsarily put to by reason of the Defendants not performing the directions herein contained and which he is declared to be entitled to have paid to his Solicitor and of the Net proceeds of such Sale and likewise the Amount due to the said Complainant in respect of his third part or Share of and in the said Houses Lands and Premises and Toys Jewels and Precious Stones according to the Value of such third part or share as found by the said Master and the said Defendants are to bring in and deposit with the said Master all Documents of Title Writings Cadjans and Papers in any wise relating to the said Houses Lands and Premises and Toys Jewels and Precious Stones and to leave with the said Master all such of the said Toys Jewels and Precious Stones as may be in their or either of their poſseſsion or power and to join in all Conveyances and to do all neceſsary Acts required by the said Master in order to complete and effectuate such Sale. **And this Court doth Order and direct** that the said Master do after deducting all Customary and neceſsary expences attending such Sale pay over the Net proceeds thereof to the said Mr. William Henry Rose the said Complainants Solicitor to be by him applied in the first instance in payment and satisfaction of all such Taxed Costs of the said Complainant so directed to be paid as hereinbefore mentioned and the residue in payment and satisfaction (so far as the same shall extend) of the Amount of the Value of the said Complainants third part or Share of and in the said Houses Lands and Premises and Toys Jewels and Precious Stones according to the Value thereof so found by the said Master as aforesaid. And this Decree is to be binding on the said Defendants Unleſs they on being served with a Subpœna 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

4d [illegible]

Rowlandson J Bell
Complts Solr

fo 12

In the Supreme Court of Judicature at Madras

Equity Side Second Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice.

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

Between Richard Taylor . . . . Complainant.

and

Peter Cator Esquire Administrator of the Estate and Effects of Captain John Butler deceased. . . . . Defendant.

R Comyn

This Cause coming on this day to be heard and debated before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides Upon [illegible] opening the Original Bill of Complaint and also the Amended Bill of Complaint of the above named Complainant the Answer of the said Defendant to the said Original Bill and also the further Answer of the said Defendant to the said Amended Bill of Complaint And Upon hearing read as Evidence for the said Complainant the several passages in the said Answer of the said Defendant as follow that is to say from the words "Says he" in folio 1 to the words "Bill mentioned" in folio 2 from the words "And this" in folio 3 to the words "remains unpaid" in the same folio from the words "this Defendant" in folio 4 to the words "said Bond" in the same folio from the words "And this" in the same folio to the words "the Accounts" in folio 10. And also the following passage in the said further Answer of the said Defendant that is to say from the words "And this" in folio 15 to the words "Defendant without" in folio 18 together with such parts of the said Original and Amended Bills as are referred to in the said passages of the said Answers also the Deposition of Lieutenant Colonel Thomas Henry Somerset Conway to the First Second and third Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Nicholas Bazely to the First and Third Interrogatories in Chief filed on behalf of the said Complainant. The

Deposition of Michael McDowell to the First and Fifth Interrogatories in chief filed on behalf of the said Complainant. Also the Exhibits marked respectively **A** and **B** and the Probate of the Last Will and Testament of Mrs. Martha Rhodes deceased granted to Mr. Robert Rhodes And the Letters of Administration with Will Annexed of the said John Butler deceased granted to the said Defendant. **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 Declare** that the Bond in the Pleadings mentioned bearing date the First day of December One thousand Eight hundred and Fourteen granted by Captain John Butler deceased in the said Pleadings named to Mrs. Martha Rhodes ought not from length of time to be presumed to have been paid or discharged. **And doth accordingly Order and Decree** that it be referred to the Master of this Court to take an Account of the Principal and Interest due to the said Complainant on the said Bond And also to take an Account of what is due to all other the Creditors of the said John Butler deceased And of his Funeral Expences and to compute Interest on such of the debts as carry Interest after the rate the same respectively carry Interest And the said Master is to Cause an Advertisement to be published in the Fort Saint George Gazette and such other Public Papers as he shall think fit 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 in default of their Coming in to prove their debts by the time so to be appointed they are all to be excluded the benefit of this Decree but the Persons so Coming in to prove their Debts not Parties to this Suit are before they are to be admitted Creditors to Contribute to the Complainant his Proportion of the Expence of this Suit to be settled by the Master. **And it is Ordered** that the said Master do take an Account of the Personal Estate of the said Testator come to the hands of the said Defendant his Administrator or to the hands of any other Person by his Order or for his use. **And it is Ordered** that the said Testator's Personal Estate be applied in payment of his Debts and Funeral Expences in a due Course of Administration. And for the better taking of the said Accounts and discovery of the Matters aforesaid the Parties are to produce before the said

Master

Master upon Oath all Cadjans Deeds 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 Account is to make unto the Parties all just allowances. **And it is Ordered** that it be referred to the Master to Tax the said Defendant his Costs of and relating to this Suit as between Solicitor and Client and that the same be paid out of the funds of the Estate of the said late John Butler and be allowed to the said Defendant in passing his Accounts. **This Court doth reserve** the Subsequent Costs of the said Defendant and also the Consideration of all further directions and all other Costs of this Suit until after the Master shall have made his Report. And any of the Parties or others interested in this Suit are to be at liberty to apply by Petition in this Cause as occasion shall require.

By the Court.

J. Fullerton D Regr.

Rowlandson & Rose
Complts Solrs

In the Supreme Court of Judicature at Madras

Equity Side Second Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Friday the Eighth day of April One Thousand Eight hundred and thirty Six and in the Sixth year of the Reign of His Majesty King William the Fourth —

Between Richard Taylor . . . Complainant

and

Ganasa Prasad Vencata Doſs and
Balaprasad . . . . . Defendants

R Comyn

Whereas the Complainant did on the Tenth day of January One thousand Eight hundred and thirty five Exhibit his Bill in this Court against the Defendants setting forth as therein setforth and therefore praying that Proceſs of Subpoena might iſsue against the said Defendants to Compel them to appear to and Answer the said Bill and that he might have such relief as is in the prayer of the said Bill prayed. And the said Defendants not appearing thereto and absconding to avoid being served with such Subpoena as by Affidavits appeared the said Complainant obtained an Order bearing date the Seventeenth day of February One thousand eight hundred and thirty five that the Defendant Balaprasad should appear to this suit on or before the first day of the then Second Term And the said Complainant also obtained Another Order bearing date the Ninth day of February last that the Defendants Ganasa Prasad and Vencata Doſs should appear to this suit on or before the First day of March then next And the said Orders having been duly published and read pursuant to the Rule of Court in that behalf as by Affidavit of Alexander De Rozario and the Fort Saint George Gazettes of the Seventh day of March One thousand Eight hundred and thirty five.

and Twenty fourth day of February One thousand eight hundred and thirty six appeared And the said Defendants not having appeared to the said Complainants Bill it was by an Order of the Second day of April Instant Ordered that the Bill filed herein should be entered to be taken Pro Confesso against the said Defendants on Friday the Eighth day of April Instant **And this Cause** coming on this present day to be heard before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel and the said Registrar being present and producing the Record of the Complainants Bill And having read the said Orders of Court of the Seventeenth day of February One thousand Eight hundred and thirty five Ninth day of February last and Second day of April Instant and the said Bill of Complaint on **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel for the Complainant And upon mature Consideration had thereon **This Court doth declare** that the sum of Rupees five Thousand (5000) in the said Bill mentioned and the Bond of the Complainant bearing date the Twenty Second day of February One thousand Eight hundred and thirty four also in the said Bill mentioned were respectively paid and Executed by the said Complainant without Consideration **And** the said Complainant by his Counsel having declined a reference to the Master to Calculate the interest due on the said sum of Rupees Five thousand **This Court doth Order and Decree** that the said Defendants do forthwith pay to the said Complainant the sum of Rupees Five thousand (5000) together with the Costs of this suit to be taxed by the Master **And it is Ordered** that the said Defendants do deliver up to the said Complainant the said Bond in case the same shall be in their possession or power or in the possession or power of either of them in Order that the same may be Cancelled **And it is further Ordered** that a perpetual Injunction be granted against the said Defendants to stay them

or

or either of them from prosecuting the Action so commenced in the name of the Defendant Balaprasad as in the said Bill mentioned or from Commencing any other Action on the said last mentioned Bond or from selling or otherwise disposing of the same.

W. Williams
Plts Solr

By the Court

Registrar

In the Supreme Court of Judicature at Madras.

Equity Side. Second Term 1836.

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Friday the Eighth day of April one Thousand Eight hundred and thirty six and in the Sixth year of the Reign of His Majesty King William the Fourth Between Lewis Estaves Executor of the Last Will and Testament of Peter Lascelles Moße Deceased

Complainant

and

Anna Tyler Executrix of the Last Will and Testament of George Peter Tyler Esquire deceased and Nannette Lascelle

Defendants.

R Comyn.

This Cause coming on the Second day of October one thousand eight hundred and thirty five 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 Second day of October one Thousand Eight hundred and thirty five and thereby Ordered and decreed that it should be referred to the master to Tax the costs of the Defendant Anna Tyler as between Solicitor and Client and that the amount thereof when Taxed should be added at the foot of the said Decree and when signed by one of the Judges of this Court should be paid by the Sub Treasurer with the privity of the Accountant General from and out of the Funds in deposit in the Treasury to the credit of this Cause. And if the cash in the Certificate of the said Accountant General mentioned or any of the Interest of the Government Promissory note for Sicca Rupees Twenty thousand therein mentioned should have been invested in a Government Security or Securities the Sub Treasurer with the privity of the Accountant General was to be at liberty to sell and dispose of the same or such part thereof as might be necessary in order to meet the payment of the said Costs and thereupon that the Bill of Complaint in this cause should be dismissed out of Court as against the said Defendant Anna Tyler **and it was further ordered** that out of the Interest arising from the Government Promissory note for Sicca Rupees Twenty thousand in the said Certificate mentioned the said Sub Treasurer should with the privity of the said Accountant General pay to the said Defendant Nannette Lascelle or her constituted attorney during her life the Interest of Sicca Rupees Eight thousand part of the said Government Promissory note to which Interest the said Defendant Nannette Lascelle was entitled under and by virtue of the Deed bearing date the Twelfth day of May one thousand Eight hundred and nine and marked **A. and this Court did order** that it should be referred to the master to take an account of what if any thing was still due to the Creditors of Peter Lascelle Mosse the Testator in the Pleadings of this cause named and of his Funeral Expences and to compute Interest on such of the said debts as carry Interest after the rate the same respectively carry and the said master was to cause an advertisement to be published in the Fort Saint George Gazette and such other Public Papers as he should think fit for any Creditors of the said Testator to come in before him and prove their Debts and he was to fix a peremptory day for that purpose

and

and in default of their coming in to prove their debts by the time so to be appointed they were to be excluded the benefit of the said Decree: **and it was ordered** that the said Testator's Estate should be applied in payment of his said debts and funeral Expences in a due course of Administration and then in payment of Legacies and for the better taking of the said Account and discovery of the matters aforesaid the Parties were to produce before the said master upon Oath all deeds Books Papers Cadjans accounts and writings in their custody or Power relating thereto and were to be examined upon Interrogatories as the said master should direct who in taking the said Account was to make unto the Parties all just allowances. **And** the Court did reserve the consideration of all further directions and of all other the Costs of the Suit except the costs aforesaid of the said Defendant Anna Tyler until after the master should have made his Report and all Persons interested in any of the matters aforesaid were to be at liberty to apply to this Court by Petition in this cause as they might be advised. **And** in pursuance of the said Decree the said master on the Second day of April instant made his Report (which stands absolutely confirmed) and thereby Reported that he had been attended by the Solicitors for the Complainant and the Defendants Anna Tyler and Nannette Lascelle respectively and as directed by the said Decree he had Taxed the Costs of the Defendant Anna Tyler as between Solicitor and Client at the sum of one thousand one hundred and twenty Eight Madras Rupees Thirteen Annas and Eight Pice and he found that the same had been paid to the Solicitor for the Defendant Anna Tyler by the Sub Treasurer with the privity of the Accountant General from and out of the Funds in deposit in the said Treasury and he had in the presence of the Solicitors for the Complainant and the Defendant Nannette Lascelle proceeded with the accounts and had caused advertisements to be published as is were by the said Decree directed for the Creditors of the said Testator to come in before him and prove their debts and he had fixed a peremptory day for that purpose and he had taken an account of what was still due to the Creditors of the said Peter Lascelle Moſse the Testator in the Pleadings of this cause named and had computed Interest at and after the rate of Six per Centum per annum on such of the said debts as carry Interest and the master thereby reported that Sundry charges and States of facts by and on behalf of Creditors had been left with him and that a charge had been left with him by the Solicitor for the said Complainant charging that the said Complainant had paid for funeral Expences of the said Testator the sum of Five hundred and fifty one Madras Rupees and likewise for his Testamentary Expences the sum of Three hundred and forty Eight Madras Rupees Six Annas and Two Pice and likewise charging that there was due and owing to the said Complainant for such Funeral and Testamentary Expences and for other disbursements made by the said Complainant on account of the said Testator (after giving credit for the said Testator's Estate for the sum of Two thousand Seven hundred and forty seven Madras Rupees Eight annas and Ten Pice being the amount realized by the said Complainant as such Executor) the Sum of Four Madras Rupees, Ten Annas and Eight Pice, and likewise claiming to be allowed

according

according to the custom of India the sum of one hundred and Thirty Seven Madras Rupees and Six Annas as and for his commiſsion as such Executor as aforesaid at five per Cent on the said sum of Two thousand Seven hundred and forty Seven Madras Rupees Eight Annas and Ten Pice and likewise claiming to be allowed the same out of the Funds in the Honorable Company's Treasury standing to the credit of this cause and no objection being offered by the Solicitor for the Defendant Nannette Lascelle the master allowed the said several Items in such last mentioned charge contained and he found that the said Complainant is a Creditor on the Estate of the said Testator for the sum of one hundred and forty two Madras Rupees and Eight Pice. And the said master thereby reported that he had in the Schedule thereunto annexed set forth short particulars of the several sums of money still due by the Estate of the said Testator amounting altogether to the sum of Three thousand four hundred and fifty three Madras Rupees nine Annas and five Pice which sum included the said sum of Rupees one hundred and forty two and Pice Eight due to the said Complainant. **And this Cause** coming on this day to be heard for further directions on the said Report and Costs before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides. **Whereupon** and upon hearing read the said Decree and the said master's Report and the order confirming the same and the Will of the said Testator Peter Lascelle Moſse and the said Deed marked **A** and the order of Court made in this cause bearing date the Eighteenth day of September one thousand Eight hundred and thirty five and also the

Certificate of the said Accountant General of this Court in the words and figures following that is to say,

"Lewis Estaves Executor of the Last Will and
"Testament of Peter Lascelle Mosse deceased vers. Anne
"Tyler Executrix of the Last Will and Testament of
"George Peter Tyler deceased and Nannette Lascelle.

"I hereby Certify that according to the Books of the Supreme Court, the funds which "were deposited in the Honorable Company's Treasury on the 8th October last in the "above cause, pursuant to an order of the Supreme Court dated 18th September 1835, are "as follows Vizt.

"In a Promissy note of the 4 ℘ Cent Loan of 1st May 1832.
"No. 9666 Dated 1st May 1832 bearing interest from 1st May 1835 — Ms. Rs. A. P.
"for Sicca Rupees 20,000. or . . . . 21,300. " . "
"In Cash Sicca Rupees 1338. 2. 3. or . . . . 1,425. 1. 11.
"Madras Rupees. 22,725. 1. 11.

"The amount of the Taxed Costs since Certified to be paid to Mr. Oriel Viveash "Solicitor for the Defendant Ann Tyler pursuant to the Decree of the "Supreme Court Dated 2nd October 1835. Madras Rupees. 1,128. 13. 8.

"And that the funds this day standing to the Credit of this cause are as follows Vizt.
"In a Promy. Note of the 4 ℘ Cent Loan of 1st May 1832.
"No. 9666 Dated 1st May 1832 bearing Interest from 1st November
"1835 for Sicca Rupees 20,000. or . . . . . . Ms. Rs. A. P. 21,300 . " . "
"In a Treasy. Ackt. of the 4 per Cent Loan of 16th September 1835.
"No. 108 Dated 14th March 1836 bearing Interest from that date for Companys Rupees. 500. " . "
21,800. " . "
"In Cash . . . . 88. " . 3.
21,888. " . 3.
"Interest due on the above Treasy. acknowledgt. to 31st March 1836 . . . " . 14. 10.
"Madras Rupees. 21,888. 15. 1.

"This Certificate is granted as ℘r. application from Mr. Jno.
"James Compltt. Solr. Dated 5th April 1836.

"Exd. M Vurdapah
"C.R."

"Fort St. George Acctt. Genl's Office
"8th April 1836.
"J. G. Turnbull
"Acctt. Genl. Supe. Court"

And

And upon hearing what was alleged by the Counsel on both sides. and the Defendant Nannette Lascelle by her Counsel admitting that the sum of Rupees Thirteen thousand three hundred and thirty eight Annas two and Pice Three (13,338. 2. 3) being one of the sums paid into the Treasury of Fort Saint George to the Credit of this cause by the Defendant Anna Tyler in pursuance of the Order of Court of the Eighteenth day of September one Thousand Eight hundred and Thirty five belonged to the Estate of the said Peter Lascelle Mosse the Testator in the pleadings of this cause named and that Commission thereon at Five per Cent amounts to the sum of Rupees Six hundred and sixty six, Annas fourteen and Pice Six (666: 14: 6) This Court doth declare that the said Complainant is entitled to the sum of Rupees Six hundred and Sixty Six, Annas fourteen and Pice Six (666: 14: 6) as his Commission at five per Cent on the said sum of Rupees Thirteen thousand Three hundred and thirty eight Annas Two and Pice three (13,338: 2: 8) such sum having been recovered through his deligence And it is Ordered that it be refered to the Master to Tax the Complainant his Costs of this Suit as between Solicitor and Client And it is further ordered that the Sub Treasurer of Fort Saint George with the privity of the said Accountant General do sell and dispose of so much of the Government Promissory Note for Sicca Rupees Twenty thousand (20,000: ": ") in the said Certificate of the Accountant General mentioned as will raise the amount of such Costs when Taxed and Certified at the foot of this Decree under the Signature of one of the Judges of this Court together with the sum of Rupees Four Thousand one hundred and twenty, Annas Seven, and Pice Eleven (4,120. 7. 11) being the Sum of Rupees Three thousand four hundred and fifty three, Annas Nine and Pice Five (345~~2~~3: 9: 5) the amount of the Testator's debts and Interest mentioned in the Schedule to the said Report and the said Sum

JH

of Rupees Six hundred and Sixty six, Annas Fourteen and Pice Six, (666:14:6:) and for the purpose of such sale that the said Sub Treasurer with the like privity of the said Accountant General do subdivide the said Government Promissory note for Sicca Rupees Twenty thousand (20,000.) in such manner as may be necessary and out of the money to arise by such sale – **It is ordered** that such costs when Taxed and Certified as aforesaid at the foot of this Decree be together with the sum of Rupees One hundred and forty Two, and Pice Eight (142:–:8:) in the said Masters Report mentioned to be due to the said Complainant and the said Sum of Rupees Six hundred and Sixty Six, Annas fourteen and Pice Six (666.14.6.) paid by the said Sub Treasurer with the like privity of the said Accountant General to the said Complainant or his Solicitor Mr. John Innes and thereout also **It is ordered** that the several sums reported by the said Master to be due to the several Persons named in the said Schedule to the Master's Report for their Debts and Interest respectively be by the said Sub Treasurer with like privity of the said Accountant General paid to such Persons respectively that is to say the Sum of Rupees Two hundred and Sixty Eight, Annas three and Pice two (268:3:2:) to Mr. Edward Marquard the sum of Rupees One hundred and thirty three and Annas Eleven (133:11:–:) to Mr. James Scott as the constituted Attorney of Mr. J. C. Fink the Sum of Rupees Sixty nine and Annas Twelve (69:12:–:) to the said Mr. James Scott

Scott as the constituted Attorney of Mrs. S. N. Burrell the sum of Rupees one hundred and Eighty five and Annas Four (185:4:–:) to the said James Scott as the constituted Attorney of Omra Ally and the sum of Rupees One hundred and forty (140:) to the said James Scott as the constituted attorney of Gong Koollah and also the sum of Rupees Two thousand five hundred and fourteen, Annas Ten, and Pice Seven (2,514.10.7) to Eleazar Seth Sam and Paul Melitus in the Report mentioned **and it is further ordered** that the said Sub Treasurer with the like privity of the said Accountant General do pay the whole of the residue of the funds in the said Certificate mentioned together with all interest accrued and to accrue due which may remain after setting aside the sum of Rupees Four thousand one hundred and Twenty, Annas Seven, and Pice Eleven (4120:7:11:) and the amount of the said Costs when Taxed and certified as hereinbefore directed to the said Defendant Nannette Lascelle or to her duly constituted attorney – **and** any Person interested in any of the matters aforesaid is to be at liberty to apply by Petition in this cause as they may be advised. –

[illegible] Morris
Sol for the Defe
N. Lascelle –

By the Court.

Registrar

Copy prepared

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice.

Monday the Eleventh day of April One thousand Eight hundred and thirty Six And in the Sixth Year of the Reign of His Majesty King William the Fourth. Between Vendalore Paravadummall and Vendalore Vencoo Pillay an Infant by the said Vendalore Paravadummall his Mother and next Friend. . . . . Complainants.

and

Vendalore Vencatanarrain Pillay . . . . Defendant.

R Comyn

Whereas the Complainants did on the Twentieth day of June One thousand Eight hundred and thirty four Exhibit their Bill in this Court against the Defendant Setting forth as therein set forth and therefore praying that Proceſs of Subpoena might iſsue against the said Defendant to compel him to appear to and Answer the said Bill and that they might have such relief as is in the prayer of the said Bill prayed. **And Forasmuch** as the said Complainants having sued out a Subpoena to compel the said Defendant to appear to and Answer the Complainants Bill the said Defendant appeared thereto in Person accordingly but hath not put in his Answer to the said Bill and 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 said Defendant persisting in his Contempt the Complainants obtained an Order dated the Fourth day of April Instant that the said Complainants should be at liberty to enter their Bill in this Cause to be taken Pro Confeſso against the said Defendant on Saturday the Ninth day of April instant **And this Cause** coming on this present day to be heard before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel And the Registrar being present and producing the Record of the Complainants Bill accordingly And the said Defendant still persisting in his Contempt and hearing read the said Order of Court of the Fourth day of April instant and the said Bill of Complaint **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel for the Complainants And upon Mature Consideration had thereon **This Court doth declare** that the said Defendant hereto together with Vendalore Vencatarunga deceased in the Pleadings of this Cause named became upon the death of Vendalore Vencatanarsoo also in the Pleadings of this Cause named severally and respectively entitled each to one half part or share of all and singular the Estate Property and Effects whether real or Personal of or to which the said Vendalore Vencatanarsoo as the Surviving member of the Undivided Family of himself and his Brothers Vendalore Vencatasawmy and Vendalore Vengoo died poſseſsed or entitled And that upon the death of the said Vendalore Vencatarunga the one half part or share of and in the said Estate Property and Effects to which he so became entitled together with the profit and proceeds thereof not legally disposed of by him and subject to the payment of his debts and funeral expences devolved upon and became vested in the said Complainant Vendalore Vencoo Pillay And that the said Complainant Vendalore Vencoo Pillay is now entitled to have

a

a Partition of the whole of such Undivided Estate Property and Effects of the said Vendalore Vencatanarsoo in two equal shares and proportions And to hold his One Share of the same in severalty And that the said Complainant Saravadummall and Rookamoney Lutchmee Ummall and Sadayamah Widows in the said Pleadings mentioned are severally entitled during their respective lives to their maintenance out of the said Undivided Estate Property and Effects of the said Vendalore Vencatanarsoo Pillay **And this Court doth Order and decree** that it be referred to the Master to take an Account of all and every the said Undivided Family Estate Property and Effects whether real or Personal of the said Vendalore Vencatanarsoo deceased And of the Rents Profits Produce and Proceeds of such Property which have come to the hands poſseſsion or Power of the said Defendant or any Person or Persons by his Order or for his use or which but for his wilful neglect or default might have been received And in taking the Account aforesaid the Master is to make unto the Defendant all just allowances and also to enquire whether any and what part of the said Undivided family Property Estate and Effects has been in any and what manner lost or wasted through the wilful misconduct or default of the said Defendant And the Master is to charge the said Defendant with all such loſses and diminutions **And it is further Ordered** that the Master do enquire and Report what will be a suitable provision for the Maintenance of the said Complainant Saravadummall and the said Rookamoney Lutchmee Ummall and Sadayamah respectively having regard to their Circumstances and situation in life and to the said Undivided family Property Estate and Effects And how and out of what fund such Maintenance ought to be secured respectively and from what period the same ought to be paid and how and by whom and at what expence the said Complainant Saravadummall and the said Rookamoney Lutchmee Ummall and Sadayamah have been maintained since the deaths of their Husbands respectively And the Master is to Ascertain the Amount of such Estate And the particulars of which the same and every part thereof both real and Personal Consists and of the Amount and value of the same. And in the meantime pending the Report of the Master or the further Order of this Court **It is Ordered** that the said Defendant be restrained by the Injunction of this Court from receiving or collecting any more of the outstandings of the said Undivided family Personal Estate and Effects and from receiving or collecting any more of the said Undivided family real Estate and from letting or managing the same or interfering therewith or with any other part of the said Undivided family Estate or Effects **And it is Ordered** that it be referred to the Master to appoint a proper Person to receive the Rents and Profits of the said Undivided family real Estate and to collect and get in his outstanding Personal Estate and Effects **And it is Ordered** that the said Defendant do deliver over to such Person so to be appointed Receiver the poſseſsion of all the said real and Personal Estate and Effects and all Securities and other Valuable Papers and Cadjans together with all Books and Papers relating thereto And the Master is to allow to such Person so to be appointed Receiver a proper Salary or allowance for his care and pains therein such Person so to be appointed Receiver first giving Security to be approved by the said Master duly and Annually or oftener if required so to do to Account for and pay what he shall so receive as hereafter directed and as the Court shall direct **And it is Ordered** that the said Receiver do from time to time paſs his Accounts before the said Master and pay the balances that shall be

reported

reported due from him into 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 subject to the further Order of this Court **And it is further Ordered** that it be referred to the Master to take an Account of all and every the Estate both real and Personal Rents and Profits Money and Effects belonging to or forming part of the Property or Revenues of the Two Churches or Pagodas in the Pleadings of this Cause named or either of them which have or hath at any time or times been gotten in poſseſsed or received by the said Defendant or by any other Person or Persons by his Order or for his 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 Churches or Pagodas or either of them. And in Case the Master shall find that the whole of such Receipts have not been so appropriated He is to Ascertain the Total Amount and Value of the said Estate Rents Profits Monies and Effects which have been misapplied and Charge the said Defendant therewith. And for the better taking of the said Accounts and discovery of the Matters aforesaid the Parties and the said Receiver when appointed 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 Interrogatories as the said Master shall direct **And it is Ordered** that the said Defendant do pay to the Complainants their Costs of this Suit to be Taxed by the Master **And this Court doth reserve** the Consideration of all further directions and of the Subsequent Costs of this Suit until after the Master shall have made his Report. And any of the Parties or the Receiver when appointed are to be at liberty to apply to this Court as Occasion shall require.

Edward Cowan
Comp. Sol.

Entd.

By the Court.

Registrar

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In the Supreme Court of Judicature at Madras

Equity Side Second Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice.

Monday the Twenty first day of March One thousand Eight hundred and Thirty Six And in the Sixth Year of the Reign of His Majesty King William the Fourth Between Ben Johnson the Administrator of the Estate and Effects of William Strange deceased . . . . Complainant

and

Robert William Urquhart James William Strange and Elizabeth Strange Administratrix of William Gilbert Urquhart deceased . . . Defendants.

And by Bill of Revivor.

Ben Johnson the Administrator of the Estate and Effects of William Strange Deceased . . . . Complainant

and

Peter Cator Esquire the Administrator of the Estate and Effects of William Gilbert Urquhart deceased left Unadministered by Elizabeth Strange also Deceased . . . . Defendant

R Comyn

This Cause coming on the Fifteenth Sixteenth Seventeenth Eighteenth and Nineteenth days of February last and also on this present day to be heard and debated before the Honorable the Chief Justice of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides Upon opening the Original Bill of Complaint of the above named Complainant and also his Bill of Revivor and the Order reviving the same the Answer and further Answer of the Defendant Elizabeth Strange to the said Original Bill and also the Answer of the Defendants Robert William Urquhart and James William Strange to the said Original Bill And upon hearing read as Evidence for the said Complainant the Deposition of William George Gardiner to the First Second Third Fourth Fifth Seventh and last

Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Audimootte Iyer to the First Second Third Fifth Ninth and Tenth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of John De Fries to the First Fourth and Sixth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Peter Luke Kelly to the First and Sixth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Cotumbauktum Arnachella Moodelly to the First Eighth and Eleventh Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Edward Dunker to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. The Deposition of Robert Scawen to the First and Twelfth Interrogatories in Chief filed on behalf of the said Complainant. Also the Exhibits **A. B. C.** And upon hearing read as Evidence for the said Defendants Robert William Urquhart and James William Strange The Deposition of Thomas Oliver to the First Second Third Fourth Fifth Sixth Seventh Eighth Ninth and Thirteenth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John Vanderlinden to the First Third Fourth Fifth Sixth and Thirteenth Interrogatories in chief filed on behalf of the said Defendants. The Deposition of Pulicat Mootoosawmy Chitty to the First Fourth Fifth Sixth Seventh Ninth Thirteenth and Fourteenth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John De Fries to the First and Eighth Interrogatories in Chief filed on behalf of the said Defendants The Deposition of Benjamin Balfour to the First Fourth Fifth Eighth and Ninth Interrogatories in Chief filed on behalf of the said Defendants. Also the Exhibits

Nº 1

Nº 1 and Nº 2 And the Admission of the Complainants Solicitor in respect to the Exemplification of the Probate of the Last Will and Testament and Codicil of William Urquhart the First Husband of the said Defendant Elizabeth Strange And upon reading Also the Probate Copy of the said Will and Codicil And the Letters Testamentary Annexed thereto **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel on both sides And on Mature Consideration had thereon **This Court doth Order and Decree** that the said Complainants Bill of Complaint in this Cause do stand and be dismissed out of Court with Costs.

By the Court.

Rec'd [illegible]
Defts Solicitor

No 2019 f 36

In the Supreme Court of Judicature at Madras

Plea Side   Third Term 22nd. July 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice

Ayasha Beebee - - - - - - -

vrs

Meer Abdool Ally - - - -

Comyn -

The Matter upon the Demurrer put in by the Plaintiff to the Second Plea of the Defendant in this Action And the Joinder thereto coming on to be argued on this present day by Consent before the Honorable Sir Robert Buckley Comyn Knight Chief Justice 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 Costs. -

By the Court

Mr Cramshire

2318 of 36

In the Supreme Court of Judicature at Madras

Equity Side — Third Term 20th July 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice.

Mahomed Khan ~~vs~~

Laudoo Boye Administratrix of the Estate and Effects of Davay Bhoounjee Caussee Doss deceased and Samaul Saib and Hoossain Mohyuddeen and Hyath Catoo his Wife when they shall come within the Jurisdiction of this Honorable Court.

The Matter upon the Demurrer put in by the Defendant Laudoo Boye to the Amended Bill of Complaint in this Cause coming on to be argued this day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice of this Honorable Court in the presence of Counsel learned on both sides And the said Demurrer and Bill being opened

R Comyn.

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.

By the Court.

Registrar

2528 of 36

In the Supreme Court of Judicature at Madras

Plea Side — Third Term 30th July 1836

Present

The Honorable Sir Robert Buckley Comyn Knight
Chief Justice

Nuttumbadoo Ramasawmy Moodelly the Son and legal personal representative of Nuttumbadoo Sabapathy Moodelly deceased

~~Vs~~

Mongadoo Suvvanah Moodelly the Son and legal personal representative of Mongadoo Walappen Moodelly deceased

R Comyn.

The Matter upon the Demurrer put in by the Plaintiff to the Second and Third Pleas of the Defendant in this Action And the Joinder thereto coming on to be Argued on this present day before the Honorable Sir Robert Buckley Comyn Knight Chief Justice of this Honorable Court in the presence of Counsel learned on both Sides And the said Demurrer and Pleas 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 and that the said Defendant be at liberty to amend his Pleas

By the Court

Pauper

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice

R Comyn

Friday the Twenty Second day of July in the Year of Christ One thousand Eight hundred and Thirty Six. Between Anthony Dillon Complainant and Mary Johns Administratrix of the Estate and Effects of David Johns Deceased. Defendant.

This Cause coming on this present day to be heard before the Honorable Sir Robert Buckley Comyn Knight the Chief Justice of this Court in the presence of Counsel learne for the Complainant no one appearing for the Defendant although she was duly served with Subpoena to hear Judgment in this Cause as by Affidavit now produced and read appears. Whereupon and upon hearing a Statement of the Complainants Bill. This Court doth Declare that the said Complainant is entitled to the whole of the Estate and Effects both moveable and immoveable of Anna Stone the Testatrix in the Pleadings of this Cause named after payment of her debts and Funeral and Testamentary expences And this Court doth Order that it be referred to the Master to take an Account of the Estate and Effects both moveable and immoveable whic was poſseſsed by the said Testatrix at the time of her death and let the said Master enquire what part thereof has been received by or has come to the hands poſseſsion or power of David Johns and Thomas Johns in the Pleadings respectively named or into the hands poſseſsion or Power of either of them or which have been received by or come to the hands poſseſsion or power of any Person or Persons by their or either of thei Order or for their or either of their use And let the Master enquire and take an Account of such

points

parts of the said Testatrix's moveable and immoveable Property as have been received by or have come into the hands possession or power of the said Defendant or of any Person or Persons by her Order or for her use and let the said Master also enquire and state to the Court the Value of such Property both moveable and immoveable belonging to the said Anna Stone deceased as he shall find has come to the hands possession or power of the said Defendant and what is become thereof **And this Court doth Order and Decree** that the said Master do take an Account of the debts and funeral expences of the said Testatrix and Compute Interest on such of her debts as Carry Interest after the rate they respectively bear And the said Master is to 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 this Court doth Order and Decree** that the said Testatrix's Estate be applied in payment of her debts and Funeral expences in a due Course of Administration and after such payment the said Master is to ascertain and state the clear residue of the said Testatrix's Estate in the hands of the said Defendant 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 And the said Master 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

And this Decree is to be binding on the said Defendant Unless she on being served with a Subpoena for that purpose shall shew unto this Court good Cause, to the Contrary but the said Defendant before she is Admitted to shew such Cause is to pay unto the Complainant his Costs of this days default in appearance to be Taxed by the Master.–

By the Court.–

Reg.

Rowlandson & Pore
Compl^ts Sol^rs

Ed JHB

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 1836.

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice.

Monday the Twenty Sixth day of September One thousand Eight hundred and Thirty Six And in the Seventh Year of the Reign of His Majesty King William the Fourth Between Robert Mackenzie Macdonald, John Collins Macdonald, Flora Charlotte Macdonald and William Edward Scott Macdonald respectively Infants by William Pitt Macdonald Esquire their Father and next Friend . . . . Complainants

and

William Rutter Esquire the sole Executor named in the Last Will and Testament of Charles Alexander Scott Deceased. . . . Defendant.

R Comyn.

This Cause coming on the Second day of October 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 Second day of October last and thereby Ordered and Decreed Among other things that it should be referred to the Master of this Court to take the usual Accounts of the Personal Estate and Effects of the said Testator Come to the hands of the Executor the said Defendant or to the hands of any other Person or Persons by his Order or for his use And of the debts Funeral Expences and Legacies of the said Testator And that the said Testator's Personal Estate should be applied in payment of his debts and Funeral Expences in a due course of Administration and then in payment of his Legacies and the said Master was to Ascertain the Clear residue of the Testator's Personal Estate. And it is thereby Ordered that the Master should enquire and Report where and under whose care and protection the Infant Complainants have been since the death of Miſs Elizabeth Majoribanks in the Bill named and where and under whose care and protection they now are and what was fit and proper to be allowed for their maintenance and Education respectively from the period of the death of the said Miſs Elizabeth Majoribanks and whether the said William Pitt Macdonald the Father was of sufficient ability to maintain the said Infant Complainants and state the same to the Court. And the Court reserved the Consideration of all further directions and Costs until after the Master should have made his Report and any of the Parties were to be at liberty to apply to this Court by Petition in this Cause as they might be advised. **That** in pursuance of the said Decree the said Master made his Report dated the Nineteenth day of August last which stands absolutely Confirmed and thereby reported Among other things that after certain investments by the said Defendant in the said Report mentioned there remained in the hands of the said Defendant as such Executor as aforesaid the Sum of Three thousand Two hundred and Four Rupees Fifteen Annas and Three Pice And he found that the said Defendant on the Twenty first day of September One thousand Eight hundred and Thirty five paid and expended the Two several Sums of One hundred and Fifty Eight Rupees two Annas and Five Pice and Three Rupees and Four Annas Amounting

together

together to One hundred and Sixty One Rupees Six Annas and Five Pice on Account of the said Testator's Estate. And he found that save and except the Two Claims of John Law and Richard Taylor and of the Estate of Elizabeth Majoribanks as therein mentioned all the debts and Funeral expences of the said Testator had been paid and with respect to the Legacies he found that the said Testator by his Will bearing date the Twelfth day of November in the Year of Our Lord One thousand Eight hundred and Thirty gave such directions in respect to his Property Debts and Funeral and Testamentary Expences and as to the Clear residue and the division thereof among the Infant Complainants as therein mentioned. And he found that the said Testator at the time of his death left in the hands or poſseſsion of Chalmers and Guthrie a Box containing Sundry Jewels and other Personal Effects of the Value of which no Evidence has been offered before him which still remained to be Accounted for. And he found that the said Testator was at the time of his death interested in and entitled to two Shares in the India Insurance Society and that the same expired on the Thirty first day of December One thousand Eight hundred and Thirty two the Accounts of which Society did not appear to have been finally adjusted And he found that the Interest of the said Testator in the said Two Shares Amounting to the Sum of Seven hundred and Sixty five Rupees Eleven Annas and four Pice (Subject to a rateable reduction on the final settlement of the Accounts of the said Society) remained unreceived and unrecovered by the said Defendant and formed part of the outstanding Estate of the said Testator And he found that independently of the said Box containing such Jewels and other Personal Effects and the Interest of the said Testator's Estate in the said Two Shares in the India Insurance Company the Clear residue of the said Testator's Personal Estate Consisted of the Four several Government Promiſsory Notes And of the Sum of Nine hundred and Sixty Rupees in Cash then standing to the Credit of this Cause Amounting in the whole to the Sum of Twenty four thousand Nine hundred and Sixty

Rupees And of the Sum of Three thousand three hundred and Forty three Rupees Eight Annas and Ten Pice which he found to be in the hands of the said Defendant as such Executor as aforesaid And the said Master was of Opinion and found that the said William Pitt Macdonald the Father was not of sufficient ability to maintain the said Infant Complainants And he found that the said Infant Complainants had been since the death of the said Elizabeth Majoribanks and at the date of his Report were under the Care and protection of the said William Pitt Macdonald and the said Mother of him the said William Pitt Macdonald And he found that an Annual Sum of Two thousand Rupees being at the time of the said Report equivalent to Two hundred Pounds Sterlings would be fit and proper to be allowed for the maintenance and Education of the said Infant Complainants from the said Sixth day of August One thousand Eight hundred and thirty four the period of the death of the said Elizabeth Majoribanks provided the Funds bequeathed to the said Infant Complainants were sufficient for that purpose but he found that the said Four several Government Promissory Notes so standing to the Credit of this Cause as aforesaid bore Interest at the rate of Four per Cent per Annum and produced an Annual Interest of Nine hundred and Sixty Rupees and no more. **And this Cause** coming on the Twenty third day of September instant and also on this present day to be heard for further directions on the said Report and Costs before the Honorable the Chief Justice of this Court in the presence of Counsel learned on both Sides. **Whereupon** And upon hearing read the said Decree and the said Master's Report And the Will of the Testator in the Pleadings of this Cause named And also the Certificate of the Accountant General of this Court in the words and figures following that is to say.

"Robert

"Robert Mackenzie Macdonald, John Collins Macdonald, Flora
"Charlotte Macdonald and William Edward Scott Macdonald, respectively
"Infants by William Pitt Macdonald Esquire their father and next
"friend Complainants and William Rutter Esquire the Sole Executor named
"in the Last Will and Testament of Charles Alexander Scott deceased defendant

"I hereby Certify that according to the Books of the Supreme Court the funds which stood to the
"Credit of this Cause on the 26th day of September last are as follows Vizt.

"In Four Prom. Notes of the 4 pr Cent Loan of Tanjore Debt.

"No. 422 of 93 dated 6th February 1835 bearing interest from 30th April 1836 for Compy's Rups.	10,000
" 423 of 93 — 6th ditto bearing do from 30th do for	10,000
" 538 of 18 — 30th July 1835 bearing do from 30th do for	3000
" 541 of 18 — 30th ditto bearing do from 30th do for	1000
"In a Treasy Ackt. of the 4 pr Cent Loan of 16th Septr 1835	
"No. 253 dated 22d August 1836 bearing interest from that date for	900
"Company's Rupees	24,900
"In Cash	60
	24,960
"Interest due on the above Treasy Ackt. to 30th September 1836 is	3 - 13 - 6
"Company's Rupees	24,963 - 13 - 6

"Fort St. George Acctt. Genl. Office.
"16th November 1836
"J. G. Turnbull
"Acctt. Genl. Supt. Court

"This Certificate is granted as pr
"Application from Mr. J. H. Wilkins Compltts
"Solicitor. dated 15th Novr 1836.
"Exd M. Vindapah"

And upon hearing what was alleged by the Counsel on both Sides. **This Court doth Order and Decree** that the said Defendant do from and out of the said Sum of Rupees Three thousand three hundred and Forty three Annas Eight and Pice Ten found by the said Master to be in his hands pay to Mr. John Law the said

Sum of Rupees thirty and to Mr. Richard Taylor the said Sum of Rupees Seventen Annas fourteen and Pice Eight found by the said Master to be due to them respectively and that he do within One Month from the date hereof bring in and deposit the residue of the said Sum of Rupees Three thousand Three hundred and Forty three Annas Eight and Pice Ten in the Treasury of Fort Saint George with the privity of the Accountant General of this Honorable Court to be there placed to the Credit of this Cause **And it is further Ordered** that the said Defendant do within Six Months from the date hereof in like manner bring in and deposit in the said Treasury with the like privity of the said Accountant General to be placed to the Credit of this Cause the Amount due and owing to the said Testator's Estate in respect of the said Two Shares in the India Insurance Society to which the Testator's Estate is found to be entitled or in default thereof within the time appointed or in Case the Parties differ about the Amount **It is hereby** referred to the Master of this Court to proceed to take the Account thereof. **And it is further Ordered** that the said Defendant do in like manner within One Year from the date hereof Cause to be sold the Jewels and other Personal Effects of the said Testator found to have been received by the said Messieurs Chalmers and Guthrie of the City of London and the net proceeds thereof to be remitted to India and that he do deposit the same less all Costs and Charges in the said Treasury with the like privity of the said Accountant General to be placed to the Credit of this Cause or in default thereof by the time appointed or in Case the Parties differ about the Amount thereof **It is hereby referred** to the said Master to proceed to take the Account thereof. **And it is further Ordered** that it be referred to the said Master to Tax both Parties their Costs as between Solicitor and Client and that the same when Certified at the foot of this Decree under the Signature of One

of

of the Judges of this Court be paid by the SubTreasurer of Fort Saint George from and out of the Funds in the said Certificate of the Accountant General mentioned or hereafter to be deposited in the Treasury to the Credit of this Cause to the Solicitors for both Parties respectively that is to say the Costs of the said Complainants to Mr. John Henry Wilkins their Solicitor and the Costs of the said Defendant to Mr. Oriel Viveash his Solicitor but the said Costs of the said Defendant are not to be paid until after he shall have brought in and deposited the said residue of the said Sum of Rupees Three thousand three hundred and Forty three Annas Eight and Pice Ten hereinbefore Ordered to be deposited in the Treasury by the said Defendant and for this purpose **It is Ordered** that the said SubTreasurer with the like privity of the said Accountant General be at liberty to sell and Subdivide and dispose of such of the Securities in the said Certificate of the Accountant General mentioned and hereafter to be placed in the Treasury to the Credit of this Cause as may be necessary. **And it is further Ordered** that the said Sub Treasurer with the like privity of the said Accountant General do invest all Sums of Money which shall be brought in and deposited to the Credit of this Cause in such Government Securities as may be Advisable **And it is further Ordered** that the said Sub Treasurer with the like privity of the said Accountant General do during the minority of the said Infant Complainants or until the further Order of this Court pay to Captain William Pitt Macdonald or his Constituted Attorney from time to time as the same Accrues due the Interest on all the Securities now standing or hereafter to stand in the Treasury to the Credit of this Cause which shall remain after payment of the Costs aforesaids. **And this Court doth Continue** the reservation of all further directions and Costs And all Persons interested in the Matters aforesaid are to be at liberty to apply to this Court by Petition as they shall be Advised.

Wm. Morris
Compt. &c.

By the Court.

Registrar

The Amount of the Taxed Bill of Costs to be paid to Mr. John Henry Wilkins Solicitor for the Complainants in pursuance of this Decree is Four thousand One hundred and Eighty two Rupees and Five fanams (4182 - 5 -) as appears by the Certificate of the Master dated this 19th day of May 1837.

Ed JHB

In the Supreme Court of Judicature at Madras

Equity Side Fourth Term 1836

Present

The Honorable Sir Robert Buckley Comyn Knight

Chief Justice.

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

Saturday the First day of October One thousand Eight hundred and thirty Six And in the Seventh year of the Reign of His Majesty King William the Fourth. Between Paukum Narrainsawmy Moodelly &c - - - - - - - - - - Complainant.

and

Connore Arnachella Moodelly - - - - Defendant.

R Comyn

This Cause coming on the Thirty first day of March and Second day of April One thousand Eight hundred and thirty four 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 Second day of April One thousand Eight hundred and thirty four and thereby (Amongst other things) Ordered and Decreed that it should be referred to the Master to take an Account of the Personal Estate and Effects of the Testator in the Pleadings in this Cause named 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 an that the Master should ascertain and Report what part or parts thereof has or have been specifically bequeathed and that the Master should also take an Account of the debts Funeral Expences and Legacies of the said Testator and Compute Interest on such of his debts as carry interest after the rate they respectively carry and that the Master should Cause Advertisements to be published in the Fort Saint George Gazette and such other News Papers as he should think proper for the Creditors of the said Testator to come in before him and prove their debts and that the Master should fix a peremptory day for that purpose and that such of them as should not come in by the time to be limitted should be excluded from the benefit of the said Decree And whereby it was Ordered that the Master should enquire and Report whether any and which of the said Testator's Debts and Legacies remain unpaid and whether any and what part or parts of the said Testator's Estate and Effects is or are yet outstanding or due by the said Complainant or Defendant or either of them and that the said Testator's Estate not specifically bequeathed should be applied in payment of his debts and funeral Expences in a due Course of Administration and then in payment of his Legacies and that after such payment the Master should ascertain and state the clear residue of the said Testator's Estate and that the said Complainant and Defendant should also Cause the Chest together with the Two Keys in the Pleadings of this Cause mentioned and Admitted to be in their possession to be forthwith brought into the Master's office and that the same should be therein in the presence of the Master and in the presence of the Complainants and Defendant or their Solicitors opened and a true and perfect list taken in duplicate of the Contents of the same and signed by the said Complainant and Defendant respectively before the Master and that all and every the Title Deeds Evidences and Writings found in the said Chest should be deposited with the Master in trust in this Cause for the benefit of the Parties interested

therein

therein and that the said Sub Treasurer should with the privity of the said Accountant General from time to time until the further Order of this Court pay the Interest then due and thereafter to Accrue due upon all and every the Government Securities in the said Decree directed to be placed to the Credit of this Cause such Account as aforesaid unto the said Defendant Comnoe Arnachella Moodelly for the purpose of defraying the expences of the said Testator's family and Estate and carrying into Execution the other Trusts of his Will and that the said Defendant Comnoe Arnachella Moodelly should be also at liberty until the further Order of this Court and for such purposes 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 Bazars and other Property and that in so doing the Defendant Comnoe Arnachella Moodelly should be at liberty to use the name of the said Complainant Punkum Narrainsawmy Moodelly who was thereby directed to join in all necessary Acts for that purpose when required being first indemnified by the said Defendant against all Costs and expences which might be incurred thereby and that in case the said Interest Rents Profits and Produce so directed to be received by the said Defendant as aforesaid should in any one Year be more than sufficient to defray the Annual Expences of the said Testator's family and Estate and Carrying of the said other Trusts of his Will into Execution the said Defendant should 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 to 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 should join in all neceſsary Acts for that purpose And in taking the said Account the Master was directed to make unto the Parties all just Allowances. And in pursuance of the said Decree the said Master made his Report dated the Twenty fourth day of September last and thereby among other things reported that he had taken an Account of the Personal Estate and Effects of the said Testator and of the parts thereof which have been specifically bequeathed and among other things he found that the Complainant and Defendant on the death of the said Testator took poſseſsion of the Government Securities which the said Testator was at the time of his death poſseſsed of and entitled to And he found that the said Complainant and Defendant had under and in pursuance of the said Decree deposited the same with the privity of the Accountant General of this Court in the Honorable Company's Treasury to the Credit of this Cause "The Account of "the said Testator's Estate" And he found that the Complainant and Defendant on the death of the said Testator likewise poſseſsed themselves of the several Toys Jewels Ornaments and Silver Articles of which the said Testator died poſseſsed And he found that the said Complainant and Defendant did on the Sixteenth day of July One thousand Eight hundred and Thirty four as directed by the said Decree deposit the same with the privity of the Accountant General in the said Treasury to the Credit of this Cause to the Account aforesaid the same as it appears by a subsequent part of the said Report having been first placed in the said Chest and secured under the Two Keys of the said Complainant and Defendant And the Seal of the Master And he found that the said Defendant on the death of the said Testator

entered

entered into the poſseſsion and Occupation of the Houses Lands and other immovable Property of which the said Testator as aforesaid died poſseſsed and in the receipt of the Rents and profits thereof as thereinafter mentioned and is still in such Occupation and receipt and he found that the said Complainant and Defendant on the death of the said Testator ~~took~~ poſseſsion of the Title Deeds and other evidences of Title of the said Testator's said Houses Lands and other immoveable Property (except the Mootah of Madravayel And he Certified that such last mentioned Title Deeds and other Muniments of Title except the Title deed in Schedule No. 7 mentioned in the Defendant's poſseſsion were on the First day of July One thousand Eight hundred and Thirty four in pursuance of the said Decree deposited with the Master and the same are still in his Custody And he found that the said Complainant and Defendant on the death of the said Testator jointly took poſseſsion of the Bonds Notes and other Securities given for the payment of the debts due to the said Testator at the time of his death and of the Government Security Jewels and Title Deeds held by the said Testator as a Security for the payment of such debts And he found that the said Complainant and Defendant jointly recovered and received after the death of the said Testator the Several debts due to the said Testator in the said Report mentioned and referred to And thereupon delivered up the Jewels and other Property which were mortgaged and pledged to the said Testator as a Security for the same And that the said Complainant and Defendant jointly and the said Defendant Separately received other Sums of Money on Account of the debts due to the said Testator as therein mentioned And he found that the several debts therein mentioned were still due and owing to the said Testator's Estate except such parts thereof as are therein mentioned to have been received by the said Complainant and Defendant jointly or by Defendant Separately as aforesaid And he found that there were also outstanding and unreceived on Account of Rents due and owing to the said Testator's Estate the several Sums mentioned in the Schedule therein mentioned And he found that the said Complainant and Defendant deposited in the said Treasury to the Credit of this Cause "The Account of the Testator's "Estate" the Government Security mentioned in the Third part of the said Schedule No. 1 being other part of the Mortgaged Property so possessed by them as aforesaid And he found that the said Complainant and Defendant on the Sixteenth day of July One thousand Eight hundred and Thirty four deposited in the said Treasury to the Credit and Account aforesaid the Jewels Mortgaged and pledged to the Testator in respect of the debts not recovered, by the said Complainant and Defendant jointly as aforesaid the same Jewels as appears by a Subsequent part of the said Report having been first placed in the said Chest and Secured under the Keys of the said Complainant and Defendant and the Seal of the Master. And he Certified that the said Complainant and Defendant on the First day of July One thousand Eight hundred and Thirty four left and deposited with him the several Bonds Notes and other Securities given for the payment of the debts not recovered by the said Complainant and Defendant jointly as aforesaid and the Title Deeds relating to the immoveable Property Mortgaged to the said Testator and which were found in the said Chest as thereinafter mentioned And he found that the said Testator had by his Will / by the Fifth Paragraph as it appears but in the now reciting report erroneously stated to be the Fourth Paragraph / Specifically bequeathed for the Mootah or landed Estate called Madiavoyel and for the Charity of Seidavartee or daily distribution of the necessaries of

life

life in its Choultry the Six per Cent Madras Government Promissory Note No. 59 dated First February One thousand Eight hundred and Eleven for Madras Rupees Seven thousand and had directed that the said Defendant and Complainant should maintain the said Zemeen or Landed Estate and Continue to perform the Charity of Sadavartee in the Choultry, and the said Testator had directed that if loss be incurred in the said Mootah it should be paid and the Charity Continued to be performed out of the Interest receiveable on his Estate and that from Generation to Generation the said Charity should be performed And he found that the said Defendant on the death of the said Testator entered into the possession and management of the said Mootah and the performance of the said Charity And he had in the Schedules therein mentioned set forth an Account shewing all the said Defendants receipts and disbursements on Account of the said Mootah And he found that the loss incurred by the Testator's Estate from the Twelfth day of July One thousand Eight hundred and Thirty two to the Eleventh day of July One thousand Eight hundred and Thirty five Amounted to the Sum of Three thousand Seven hundred and Thirty Six Rupees One Anna and Eleven Pice being the difference between the Defendants payments from the Testator's general Estate and the Defendant's receipts from the said Mootah on Account of the Testator's family House Expences And he found that the said Testator had in and by the Eighth Paragraph of his said Will Specifically bequeathed for maintaining the expences of his Family Four per Cent Carnatic Bonds for Three thousand and Seven hundred Rupees together with the Rents of his Bazars and Botiques and had in and by the said Eighth Paragraph of his said Will directed that in Case his Youngest Son Singara Valoo after attaining the Age of Twenty One Years should Separate himself and go away from the said Family House the said Defendant Arnachella should Continue to maintain the rest of the Family and should Continue to enjoy the said Four per Cent Carnatic Bonds for Three thousand and Seven hundred

Rupees and the Collection of the said Bazars and the Rents thereof as Elders share And he found that the said Four per Cent Carnatic Bonds for Three thousand and Seven hundred Rupees specifically bequeathed for the purpose in the Eighth Paragraph of the said Testator's Will mentioned had been discharged and the Principal Money together with other Monies belonging to the said Testator's Estate had been invested in a Government Security No. 689 dated First May One thousand Eight hundred and thirty two for Three thousand and Nine hundred Sicca Rupees or Four thousand One hundred and Fifty three Company's Rupees and Eight Annas And he found that the said Testator had in and by the Thirteenth Paragraph of his said Will specifically bequeathed to the said Defendant Arnachella the dwelling Upstair House situate in Iyah Moodelliar Street and the Godown House in the same street And he found that the said Testator had in and by the said Thirteenth Paragraph of his said Will specifically bequeathed to the said Singana Valoo the House and Stable in the Garden in Sawmy Naick Street And he found that the said Testator in and by the said Thirteenth Paragraph of his said Will had specifically bequeathed to his Wife Poongavana Ummall for her life for her Manoovartee or necessary Expences the House where Andeapah was living situate in Sawmy Naicks Street and which is in the said Schedule No. 6 mentioned and which House is in the possession of the said Poongavana Ummall And he found that the said Testator had in and by the said Thirteenth Paragraph of his said Will specifically bequeathed the said last mentioned House after the death of the said Poongavana Ummall to the said Defendant Arnachella for the purpose of the Maintainance of the said Testator's Family And the Master Reported that he had proceeded to take an Account of the debts Funeral Expences and Legacies of the said

Testator

Testator as by the said Decree directed And he had Caused Advertisements to be published as therein directed for the Creditors of the said Testator to come in before him and prove their debts and fixed a Peremptory day for that purpose and he found that the said Testator was at the time of his death indebted in the Sum in the said Report mentioned And he found that the whole of such debts except the debt due to Yellamah had been paid by the said Complainant and Defendant jointly as his Executors and partly by the said Defendant alone And he found there was at the date of his Report due and owing from the Estate of the said Testator to the said Yellamah on Account of Principal and Interest the Sum of Two hundred and Sixty Nine Rupees One Anna and four Pice And he found that there was due by the said Testator's Estate to Cannoo Chitty the Sum of One thousand and Sixty two Rupees Fifteen Annas and four Pice which remains a Charge upon the said Testator's Estate and a balance due by the said Testator's Estate to Sawmy Naick of Forty three Rupees and Eleven Pice And he found that the said Testator had in and by the Second Paragraph of his said Will directed that out of his Estate Company's Securities bearing Interest at the rate of Four per Cent per Annum to the Amount of Seven thousand Sicca Rupees should be allotted to his Eldest daughter Valathamall and directed that the Interest accruing thereon be paid to her during her life and that the Principal Sum of Seven thousand Sicca Rupees be paid to the Children who might be born of her body after they should have attained the Age of Sixteen Years and had directed that in the interval they should have no right or concern to the said Principal Amount And he found that the said Valathamall Survived the said Testator and afterwards on the Twenty fourth day of October One thousand Eight hundred and Thirty three departed this life leaving Rutna Moodelly an Infant of the Age of Three Years or thereabouts the only Child born of her body her Surviving And he found that the said Valathamall during her life time was paid by the said Complainant and Defendant the whole Amount of Interest in respect of the said last mentioned Legacy and that on the death of the said Valathamall the said last mentioned Legacy of Seven thousand Sicca Rupees became vested in the said Ratna Moodelly and that on his attaining the Age of Sixteen Years he would be entitled to receive payment of the Principal Amount thereof And he found that the said Legacy of Seven thousand Sicca Rupees in Company's Securities had not been set apart or Secured and the Sum of Seven hundred and Eighty Eight Rupees Six Annas and Six Pice for Interest thereon was then due And he found that the said Testator had in and by the Third Paragraph of his said Will directed that his Youngest daughter Davanee Unmall be married at the Expence of the Fund in Common and that Jewels of the Value of One thousand Pagodas be given to her and the Interest Accruing due on the Company's Securities bearing interest at Four per Cent per Annum for Seven thousand Sicca Rupees be paid to her during her life and had directed that after her death the said Principal Sum of Seven thousand Sicca Rupees be paid to the Children born of her body on their attaining the Age of Sixteen Years and had declared that in the interval the said Children should have no right or concern in the said Principal Amount And he found that the said last mentioned Legacy had not been set apart or Secured and the Sum of One thousand Two hundred and Twelve Rupees Six Annas and Six Pice for Interest thereon was then due in respect of such Legacy And he found that the said Davanee Unmall had not yet been married and that no Sum had been set apart to defray her marriage

Expences.

Expences and the Sum of One thousand Pagodas for Jewels on her being married And h found that According to the Fourth Paragraph of the said Will in case the said Davanee Unmall should have no issue the said last mentioned Principal Amount of Seven thousand Sicca Rupees was after her death by the said Testator bequeathed to his said Two Sons And he found that the said Testator in and by the Fourteenth Paragraph of his said Will had bequeathed his Estate in the event of either of his said Sons dying without issue to the Survivor of such Sons and had directed that such Survivor should pay to the Widow of such deceased Son the Interest to Accrue due on the Sum of Five thousand Sicca Rupees for the Expences of her food raiment and Dava dumma or Charity And that the said Testator had also directed that if such Widow as last aforesaid should not choose to live with the Family of such Surviving Son the said Sum of Five thousand Sicca Rupees should be paid to such Widow And he found that the said Testator in and by the Sixteenth Paragraph of his said Will had bequeathed unto the said Complainant the Sum of Two thousand Rupees for the Services in the said Sixteenth Paragraph mentioned And he found that such last mentioned Legacy of Two thousand Rupees was still due and unpaid to the Complainant And he found that the said Defendant had on the said Ninth day of March last the Sum of Twenty One thousand Two hundred and Seventy Seven Rupees Twelve Annas and Eleven Pice being the balance on the Receipts and payments particularly set forth in the said Schedules therein mentioned And he found that besides that Sum the said Defendant had received from and out of the said Estate received by the said Complainant and Defendant jointly as aforesaid for his own Exclusive use and benefit and on Account of his Share in the residue of the said Testator's Estate the several Sums of Money mentioned in the Schedule therein mentioned amounting together to the Sum of Four thousand Two hundred and Seventy four Rupees Two

Annas and Nine Pice And he found that Singara Valoo Moodelly the Younger Son of the said Testator received or there had been applied and disposed of for his use the Several Sums of Money Amounting to Twelve thousand Two hundred and Seventy three Rupees Ten Annas and Eleven Pice the particulars of which are setforth in the Schedule therein mentioned in which are included the Several Sums directed to be paid from the Funds in the Honorable Company's Treasury under an Order of Court made in this Cause bearing date the Eighth day of August One thousand Eight hundred and Thirty Six and thereby directed to be carried to the debit of his Share in the said Testator's Estate And with regard to Ascertaining and Stating the Clear residue of the said Testator's Estate as by the said Decree directed The Master reported that he was unable to Ascertain and state the same by reason of the said Testator not having Specified the Sums which might be necessary to set apart for the Marriage Expences of his Youngest Daughter Davanee Ummall and to satisfy any loss that might Accrue in respect of the said Mootah of Mudiavoyel and likewise for the maintenance and support of the said Testator's Widow **And** upon reading another Report of the said Master dated the Ninth day of December One thousand Eight hundred and Thirty four whereby it is Certified among other things that he had been Attended by the Solicitor for the said Poongavana Ummall (who had come in under the Advertisements published in pursuance of the directions in the said Decree in that behalf and had claimed to be Admitted to be a Creditor on the said Estate in respect of maintenance) as well as by the Solicitors for the said Complainant and Defendant and he had in the presence of the said Several Solicitors proceeded on th said Claim of the said Poongavana Ummall And found that the said Poongavana Ummall had a just claim on the Estate of the said Testator for maintenance According to th Laws and Customs of Hindoos in this part of India And that he was of opinion that a Monthly Sum of Twenty Pagodas ought to be allowed her out of the Estate of the said Testator for her maintenance together with the said House in Sawmy Naick's Street for her Residence And he further Certified and Reported that a Sum of Twenty One thousand Rupees out of the Estate of the said Testator would be a proper Sum to be set apart and invested in Government Securities bearing Interest at Four per Cent per Annum for payment of such maintenance **And** upon reading another Rep of the said Master dated the Fourth day of July last whereby it is Certified that in pursuance of an Order of this Honorable Court made in this Cause on the Petiti Connore Singara Valoo Moodelly bearing date the Eleventh of April One thousan Eight hundred and Thirty Six Whereby it was Ordered that it should be referr the Master of this Honorable Court to enquire and Report in respect to the Maintenance of the said Connore Singara Valoo he found among other thin as to the past maintenance of the said Singara Valoo Moodelly as therein mentioned And he found that the said Singara Valoo out of the Interest of standing to the Credit of this Cause ought to be allowed a Monthly Sum of Two hundred and Fifty Company's Rupees for his maintenance since his Attain Age of Sixteen Years and a like Monthly Sum of Three hundred and Fifty Com Rupees for his future maintenance **And this Cause** coming on th be heard for further directions on the said Report and Costs before the Honor Chief Justice of the Supreme Court of Judicature at Madras in the presence

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learned on both Sides. **Whereupon** and upon hearing read the said Decree and the said Master's Report dated the said Twenty fourth day of September last And the Order Confirming the same Also the said Separate Reports of the Ninth day of December One thousand Eight hundred and Thirty four and of the Tenth day of July One thousand Eight hundred and Thirty six And the Will of the said Testator Connoo Mooroogapah Moodelly deceased And also the Certificate of the said Accountant General of this Court in the words and figures following that is to say.

"Teekum Narrainsawmy Moodelliar. Complainant
and
"Connoo Annachellum Moodelliar. Defendant.
"The Account of the Testator's Estate"

"I hereby Certify that According to the Books of the Supreme Court the funds "this day standing to the Credit of this Cause are as follows Vizt.

"In Seventeen Bengal Prom^y Notes of the 4 ℔ Cent Loan of 1st May 1832 Amount^g to S^a R^s	335,700
"In a Ditto of the 5 ℔ Cent Loan of 18th August 1825 for	300
"In a Ditto of the 5 ℔ Cent Loan of 15th January 1830 for	1,800
"In a Ditto of the 4 ℔ Cent Loan of 3rd July 1828 under Sale by the Sub Treasurer "to meet the payments directed in the Order of the Supreme Court dated 8th "August 1836 for	1,200
"Sicca Rupees	3,39,000
"Company's Rupees	3,61,035
"In three Prom^y notes of the 4 ℔ Cent Loan of Tanjore debt amounting to	20,882 - 4 - 9
"In a 6 ℔ Cent Madras Gov^t Charity Prom^y Note for	7,000
"Company's Rupees	3,88,917 - 4 - 9
"In Cash for Appropriation pursuant to the said Order of Court dated "8th August 1836	10,947 - 11 - 2
	3,99,864 - 15 - 11
"Interest due on Gov^t Securities	287 - 7 - 8
"**Company's Rupees**	4,00,152 - 7 - 7

"Fort S^t George Acct^t Genl^s Office
"1st October 1836
"J. G. Turnbull
"Acct^t Gen^l Sup^e Court.

"This Certificate is granted as ℔
"Application from M^r O. Viveash Compl^ts
"Sol^r dated 1st October 1836.
"Ex^d M. Vuidapah."

And

And upon hearing what was alleged by the Counsel on both Sides. **This Court d** **Order and Decree** that the said Defendant do Continue until the further Order of th Court to collect and get in the outstanding Effects and debts belonging to the said Testator's Estat and for that purpose **It is Ordered** that the Master do deliver to the said Defendant all the Several Bonds Notes and other Securities given for the payment of the debts not recovered by the said Complainant and Defendant jointly or by the said Defendant alone As in the said Report mentioned And the Title deeds relating to the immoveable Property Mortgaged And that the Sub Treasurer of Fort Saint George with the privity of the Accountant General do permit the said Master to Unseal and the said Complainant and Defendant to Unlock the Chest mentioned in the said Report and which was deposited in the said Treasury in pursuance of the said Decree And that the Jewels deposited with the Testator as Security for payment of debts still unrecovered and unreceived and placed in the said Chest be taken out of the said Chest by the said Master and delivered to the said Defendant. **And it is further Ordered** that the said Defendant do from time to time until the further Order of this Court pay into the Treasury with the privity of the said Accountant General to be placed to the Credit of this Cause "The Account of the Testator's Estate" all such Sum and Sums of Money as he shall or may recover and receive in pursuance of the directions aforesaid and that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court invest all such Sum and Sums when so paid into the Treasury and Carry the Security and Securities in which the same shall have been invested to the like Account. **And it is further Ordered** that the said Defendant do Continue until the further Order of this Court and for the purposes in the said Decree in that behalf directed to Collect and receive the Rents Profits and Produce of the Bazars and other Property Except the

Bazars and Botiques hereinafter mentioned and that for the better enabling the said Defendant to collect get in and receive the said outstanding Effects and Debts and the said Rents Issues and produce He is to Continue to be at liberty to use the name of the said Complainant who is hereby directed to Continue to join in all necessary Acts being first indemnified as in the said Decree directed. **And it is further Ordered** that the said Sub Treasurer with the privity of the said Accountant General do Carry to the Credit of this Cause to an Account to be entitled "The Legacy to the Mootah and Charity in the Fifth Paragraph "of the said Testator's Will mentioned" the Six per Cent Madras Government Promissory Note No. 59 dated First February One thousand Eight hundred and Eleven for Madras Rupees Seven thousand in the Report mentioned and described in the said Accountant General's Certificate as a Six per Cent Madras Government Charity Promissory Note for that Amount And that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to the said Defendant to be by him applied for the purposes in the said Fifth Paragraph of the said Testator's Will in that behalf Contained the Interest now due and hereafter to Accrue due thereon. **And it is further Ordered** that the said Defendant do until the further Order of this Court Continue to receive and apply the rents and profits of the Bazars and Botiques in the Eighth Paragraph of the said Testator's Will mentioned and that he do apply the same for the purposes in the same Paragraph in that behalf Contained. **And it is further Ordered** that the said Master do

deliver

deliver the said Defendant the Title Deeds of the dwelling Upstair House in Iyah Mo
Street and the Godown House in the same Street described in the Sixth Schedule to the Master
Report as "An Upstair House and Hackery Godown House in all Two Houses Situate in
"Iyah Moodelly Street in Chintadrepett" the same having been specifically bequeathed
to the said Defendant And it appearing that the said Singara Valoo has attained his
Age of Sixteen Years And that he has separated himself and gone away from the Family
House. **It is further Ordered** that the said Defendant do deliver over to the said
Singara Valoo possession of the House and Stable in the Garden in Sawmy Naick Street
described in the Sixth Schedule to the Master's Report as a Large terraced House and
Stables situated within a Garden Situate in Sawmy Naicks Street And that the said Master
do deliver to the said Singara Valoo the Title Deeds thereof. **And it is further**
Ordered that the said Pungavanee Ummall do retain possession during her life of the
House where Andeapah was living Situate in Sawmy Naick Street described in the sai
Schedule Six as a House Situated in Sawmy Naicks Street being the first mentioned
by that description in the said Schedule And that the Master do detain the Title Deeds
thereof during the term of her natural life or until the further Order of this Court.
And it is further Ordered that the said Defendant do from and out of any Sum
come or hereafter to come to his hands pay to Yellamall in the said Report mentioned
the Sum of Rupees Two hundred and Sixty nine Anna One and Pice four together with
further Interest on the Principal to the day of payment And if the Parties differ about
the Amount It is hereby referred to the said Master to Calculate Subsequent Interest
on the Principal Sum. **And it is further Ordered** that the said Defendant do out of
any Monies come or hereafter to come to his hands pay to Cannoo Chitty or if dead to

his legal representatives the Sum of Rupees One thousand and Sixty two Annas fifteen and Pice four and to Sawmy Naick the Sum of Rupees Forty three and Pice Eleven And it appearing that since the said Report of the Master on Pungavanee Unmall's Claim for maintenance, bearing date the Ninth day of December One thousand Eight hundred and Thirty four the said Defendant has paid and satisfied her in respect to her said Claim at the rate of Rupees Twenty per Month as Reported by the said Master – **It is further Ordered** that the said Defendant do Continue to pay to the said Pungavanee Unmall the Sum of Rupees Twenty Monthly and every Month until the further Order of this Court **and it is further Ordered** that the said Sub Treasurer with the privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy to Valathamall and the Child of her body Rutna Moodelly" in One or more of the Government Promissory Notes of the Four per Cent Loan of First May One thousand Eight hundred and Thirty two in the said Accountant General's Certificate mentioned the Sum of Sicca Rupees Seven thousand and do receive the Interest due thereon and carry the same together with Interest on the said last mentioned Legacy from the Twenty fourth day of October One thousand Eight hundred and Thirty three to the Twenty fourth day of September One thousand Eight hundred and Thirty Six Amounting to a Sum of Rupees Seven hundred and Eighty Eight Annas Six and Pice Six (which Sum is to be taken from and out of the Funds in the said Accountant Generals Certificate mentioned) to the like Account all such Interest there to remain Subject to the further Order of this Court and in the mean time until such further Order that the said Sub Treasurer with the like privity of the said Accountant General do invest the same and receive and invest for the purpose of Accumulation all Interest as the same Accrues a all Securities which shall then and at any time thereafter be standing to the Credit of the mentioned Account **and it is further Ordered** that the said Sub Treasurer with the like privity of the said Accountant General do carry to the Credit of this Cause to an Account to be entitled "The Legacy to Davanee Unmall and the Children of her body" in One or more of the Government Promissory Notes of the Four per Cent Loan of First May One thousand Eight hundred and Thirty two in the said Accountant Generals Certificate mentioned the Sum of Sicca Rupees Seven thousand and do receive the Interest then due and thereafter to grow due thereon and carry the same to the Credit of this Cause to an Account to be entitled "The Separate Account of Davanee Unmall" during her life or until the further Order of this Court And that the said Sub Treasurer with the like privity of the said Accountant General do carry from and out of the Funds in the said Certificate of the Accountant General mentioned the Sum of Rupees One thousand Two hundred and Twelve Annas Six and Pice Six being the Amount of the Interest due on the last mentioned Legacy to the Twenty fourth day of September One thousand Eight hundred and Thirty Six to the Credit of the last mentioned Account "The Separate Account of Davanee Unmall" And do invest the same together with the Interest hereinbefore directed to be carried to the same Account and do receive and invest for the purpose of Accumulation for the benefit of the said Davanee Unmall during her Minority or until the further Order of this Court all the Interest as the same Accrues due on all the Securities which shall at any time hereafter be standing to the Credit of the said last mentioned Account "The Separate Account of Davanee Unmall" **And it is further Ordered** that the said Sub Treasurer with the like privity of the said Accountant General do from and out of the Funds standing to the Credit of this Cause "The Account of "the Testator's Estate" And in the said Certificate of the Accountant General mentioned raise and pay to the said Complainant the Sum of Rupees Two thousand in the Sixteenth Paragraph of the said Testator's Will mentioned **And it is further Ordered** that it be referred to the said Master to enquire and Report whether the Interest of the said Government Promissory Note for Madras Rupees Seven thousand bequeathed for the Mootah and Charity in the Fifth Paragraph of the said Testator's Will mentioned together with the Rents Profits and Produce of the said Mootah are sufficient for the purpose or otherwise And if they shall prove to be deficient the said Master is to enquire and state to the Court the Annual Amount of such deficiency and the probable Annual Amount thereof And what part of the said Testator's Personal Estate ought to be set apart and appropriated to Answer such probable Amount of deficiency and the said Master is to enquire and state to the Court whether there are any and what Title Deeds belonging to the said Mootah and where the same now are. **And it is further Ordered** that it be referred to the said Master to enquire and Report how much and what part of the Government Security No. 689 dated First May One thousand Eight hundred and Thirty two for Sicca Rupees three thousand and Nine hundred in the said Masters Report and Accountant Generals Certificate mentioned is applicable to the Legacy for the Expences of the Family in the Eighth Paragraph of the said Testator's Will in that behalf Contained And that the said Master do ascertain and state the particulars of the Bazars and Botiques in the last mentioned Paragraph of the said Testators Will mentioned And where the same are situated And whether there are any and what Title Deeds relating thereto and in whose possession such Title Deeds are. **And it is further Ordered** that the said Master do

Calculate

Calculate Interest on the said Legacy of Sicca Rupees Seven thousand to Valathamall a Child of her body from the said Twenty fourth day of September One thousand Eight hun and Thirty Six to the day from which Interest shall or may be Accruing due on the Governmen Promissory Note or Notes for Sicca Rupees Seven thousand which shall in pursuance of the direction hereinbefore in that behalf Contained be Carried to the Credit of this Cause to the said Account "The Legacy to Valathamall and the Child of her body Rutna Moodelly" And Report the same Accordingly. **And it is further Ordered** that the said Master do Calculate Interest on the said Legacy of Sicca Rupees Seven thousand to Davance Unmall in the said Third Paragraph of the said Testator's Will mentioned from the Twenty fourth day of September One thousand Eight hundred and Thirty Six up to the day from which Interest shall or may be Accruing due on the Government Promissory Note or No for Sicca Rupees Seven thousand which shall in pursuance of the direction hereinbefore in that behalf Contained be Carried to the Credit of this Cause to the said Account "The "Legacy to Davance Unmall and the Children of her body" And state the Amount thereof and do enquire and state what will be a sufficient Sum for the Marriage Expences of the said Davance Unmall in the said Third Paragraph of the said Testator's Will directed to b paid and what part of the said Testator's Personal Estate ought to be set apart and appropriated to Answer such Expences and also to Answer the Sum of Pagodas One thousand to purchase the Jewels by the said last mentioned Paragraph of the said Will directed to be given to the said Davance Unmall. **And it is further Ordered** that the said Master do enquire and report what will be a Sufficient Sum for the Marriage Expences of the said Singaru Valoo by the Tenth Paragraph of the said Testator's Will directed to be paid and what part of the said Testator's Personal Estate ought to be set apart and appropriated to Answer such Expences. **And it is further Ordered** that the said Master do enquire and Report which and what part of the Government Securities belonging to the said Testator's Estate ought to be set apart and appropriated to Answer and Satisfy the Sum of Twenty One thousand Rupees which the Master has by his said Report bearing date the Ninth day of December One thousand Eight hundred and Thirty four found to be necessary to Secure the Maintenance of the said Singarvoonee Ummall **And it is further Ordered** that the said Master do enquire and Report what Sum of the said Testator's Personal Estate ought to be set apart and appropriated to Answer and Satisfy the Monthly Sum of Rupees three hundred and Fifty being the Sum which the Master found by his Report dated the Fourth day of July One thousand Eight hundred and Thirty Six ought to be allowed for the maintenance of the said Singara Valoo And it appearing that the Defendant has not had any allowance made to him for his own exclusive use and benefit and has only retained for his own exclusive use the Sum of Madras Rupees Four thousand Two hundred and Seventy four Annas Two and Pice Nine **It is further Ordered** that the said Master do ascertain and Report what Sum of Money in Addition to the said Sum of Rupees Four thousand Two hundred and Seventy four Annas Two and Pice Nine ought to be allowed to the said Defendant for his own exclusive use and benefit And that the said Defendant be at liberty to retain the same from and out of the Sum of Rupees Twenty One thousand Two hundred and Seventy Seven Annas Twelve and Pice Eleven found by the said Master to be in the said Defendant's hands and also what will be a proper Monthly or other Sum to be hereafter allowed to the said Defendant for his Exclusive use and benefit and what part of the said Testator's Estate ought to be set apart to Secure the same. **And it is further**

Ordered

Ordered that the said Master do also ascertain and Report what Annual or other Sum of Money will be Sufficient to be held by the said Defendant as Executor for the general purposes of the said Testator's Estate not hereinbefore provided for or in respect of which Enquiries are not hereby directed and that the said Master do Specify what those purposes are and what part of the said Testator's Estate ought to be set apart to Secure the same. **And it is further Ordered** that the said Master do in the manner in the said Decree directed carry on the Accounts of the Personal Estate and Effects of the said Testator and of the debts and Compute Subsequent Interest on such of the debts as carry Interest And the said Master is to enquire and Report which of the debts and Legacies if any shall be remaining unpaid at the date of his next general Report And whether any and what part or parts of the said Testator's Estate and Effects shall be then outstanding and due and why and for what reason And the said Master is to ascertain and Report the Clear residue of the said Testator's Estate and whether there are any and what charge thereon and in what manner the same ought to be Secured. **And it is further Ordered** that the said Master do Tax both Parties their Costs of this Cause as between Solicitor and Client and that the same be paid by the said Sub Treasurer of Fort Saint George with the privity of the said Accountant General from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" And in the Certificate of the said Accountant General mentioned on the same respectively being allowed and Certified at the foot of this Decree under the Signature of One of the Judges of this Court that is to say to Mr. Oriel Viveash the Costs of the Complainant and to Mr. William Henry Rose the Costs of the Defendant provided nevertheless that the said Singara Valoo shall be at liberty to insist that the Amount of the said Costs of the said Defendant are to be taken as part of his share of the Clear residue of the said hr Testators Estate – **and it is further Ordered** that for any of the purposes aforesaid the said Sub Treasurer with the privity of the said Accountant General is to be at liberty to sell or otherwise to dispose of such of the Securities in the said Accountant Generals Certificate mentioned as may be necessary.

and it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General do Continue from time to time Until the further Order of this Court to pay to the said Defendant for the purposes in the said Decree mentioned the Interest now due and hereafter to Accrue due upon all and every the Government Securities in the said Decree mentioned And upon all those which shall hereafter be standing to the Credit of this Cause the said Account, "The Account of the Testator's Estate" except those which are hereby appropriated or which may be required for sale for the purpose of Carrying this Decree into Execution And the Surplus of the said Interest and of the Rents Profits and Produce hereinbefore mentioned after defraying the Annual Expences of the said Testator's Family and Estate and carrying into effect such of the Trusts of his Will as have not been hereinbefore provided for are to be invested and deposited as by the said Decree in that behalf directed – **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 Cadjans Accounts and Writings in their Custody or power relating thereto and are to be Examined upon Interrogatories or Viva Voce as the

said