507

CREE BOOK
1837-1838
10

No. 4347

DECREE BOOK.

Vol. 8.

Commencing 13th February 1837.

and

Ending 21st September 1838.

617

266

No. 254 of 37

In the Supreme Court of Judicature at Madras

Plea Side

First Term 13th February 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices.

Narsoo
~~vs~~
Goday Vencatapatty Naick and Vada Goorookul

R. Comyn.
Edwd. J. Gambier.

The Matter upon the Demurrer put in by the Plaintiff to the Third Fourth and Fifth Pleas of the Defendant Goday Vencatapatty Naick in this Action the Joinder thereto coming on to be Argued on the Tenth day of February instant And also on this present day before the Honorable the Judges of this 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 Demurrer to the Third and Fifth Pleas be allowed And the said Demurrer to the Fourth Plea be Overruled.

By the Court.

266

Messrs Rowlandson & Rose
Attys for Plff

530 of 37

In the Supreme Court of Judicature at Madras

Equity ~~Plea~~ Side

First Term 17th February 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices

Nullamaury Ummall
~~vs~~
Pondicherry Arnachella Chitty, Maroondoocada Vencatasa Chitty, Chellapah Chitty and C: Moodooramoo Chitty

R Comyn
Edw. J. Gambier

The Matter upon the Demurrer put in by the Defendants Pondicherry Arnachella Chitty Maroondoocada Vencatasa Chitty and Chellapah Chitty to the Amended Bill of Complaint in this Cause Coming on to be Argued on the Sixteenth day of February Instant And also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened **Upon** debate of the Matter and hearing what was alleged by the Counsel on both sides. **This Court doth Order** that the said Demurrer be Overruled with Costs.

By the Court.

Regr

8

Mr Cooper
Complts Solr

9

In the Supreme Court of Judicature at Madras
Equity Side First Term 1837.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices

Friday the Tenth day of February one thousand Eight Hundred and Thirty Seven and in the Seventh year of the Reign of His Majesty King William the Fourth. Between Connatoor Soobaroy Moodelly and Connatoor Sawmynada Moodelly and Connatoor Moorgasha Moodelly and Connatoor Shunmoogaroy Moodelly Respectively Infants by their next friend the said Connatoor Soobaroy Moodelly . . . . . . Complainants

and

Mangadoo Surwanah Moodelly and Peter Cator Esquire the Sole Executor of the Last Will and Testament of Manally Poonniah Moodelly Deceased . . . . . . Defendants

1

This Cause Coming on the Sixth and Seventh days of February Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all sides. Upon Opening the Bill of Complaint of the above named Complainants, the answer of the said Defendant Mangadoo Surwanah Moodelly and the answer of the said Defendant Peter Cator. and upon hearing Read as Evidence for the said Complainants the several passages in the said answer of the said Defendant Peter Cator as follows that is to say from the words "this Defendant" in folio 6 to the words "Chengleroy Moodelly" in the same folio from the words "this Defendant" in folio 13 and 14 to the words "Manally Chinniah Moodelly"

R Comyn

Edward J. Gambier

Read at the Hearing for further directions and Costs - the 4th day of April 1839.
J H Allen
D Rg

Read at the hearing for further directions and Costs the 15th day of February 1841.
W. H. Unwoodh

Moodelly" in folio 14 from the words "this Defendant" in folio 21. to the words "and property" in folio 29. from the words "and this Defendant" in folio 31 to the words "personal Estate" in folio 34 from the words "and this Defendant" in folio 35 to the words "or value" in the same folio from the words "and this Defendant" in folio 36 to the words "Complainants as aforesaid" in folio 41. from the words "and this Defendant" in folio 43 to the words "said Judgment" in folio 44. from the words "and this Defendant" in folio 44 to the words "Honorable Court" in folio 45 and the Schedule No. 1 annexed to the said answer. and the whole of the said answer of the said Defendant Mangados Survanah Moodelly together with such parts of the said Bill of Complaint as are Referred to in the said passages of the said answers and the admissions of the Solicitor for the said Defendant Peter Cator bearing date the Twenty third day of August one Thousand Eight Hundred and Thirty Six now filed of Record and also the Depositions of Canagarajah Gopaul Moodelly to the First and Second Interrogatories in chief filed on behalf of the said Complainants The Deposition of Nuttumbados Veerasawmy Moodelly to the First Second and Fourth Interrogatories in chief filed on behalf of the said Complainants The Deposition of Mylay Narraina Moodelly to the First Second Fifth and Sixth Interrogatories in chief filed on behalf of the said Complainants also the Exhibit **A**. and also upon hearing read as Evidence for the said Complainant the Record of the action wherein Ennathoor Iyahsawmy Moodelliar was Plaintiff and Manally Ponniah Moodelliar and Mangados Suravanah Moodelliar were Defendants together with two several writs of Fieri Facias which were issued therein and also the Memoranda of an agreement made and Executed between Manally Moodookistna Moodelly. Manally Ponniah Moodelly and Manally Lutchmana Moodelly bearing date the Eleventh day of June one Thousand Eight Hundred and Thirty four and the Last Will and Testament of the said Testator Manally Ponniah Moodelliar deceased. 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 the Complainants Bill of Complaint in this Cause as

against

against the said Defendant Mangados Survanah Moodelly do stand and be dismissed out of Court with Costs. and this Court doth Declare that the said Complainants are Entitled in respect of the Promissory Note granted by the said Manally Ponniah Moodelliar the Testator in the said Pleadings named and the said Defendant Mangados Survanah Moodelly to be considered as Judgment Creditors of the said Manally Ponniah Moodelliar and to be paid in the administration of the Assets of the said Manally Ponniah Moodelliar Rateably and in proportion with all other Judgment Creditors (if any) of the said Testator in preference to all his other Creditors of inferior degree and that the said Complainants are Entitled to Interest thereon after the Rate of Twelve per Cent per annum from the date of the Judgment in the pleadings of this Cause mentioned and to be paid the same as a Simple Contract debt Rateably and in proportion with all other Simple Contract Creditors of the said Testator. And this Court 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 Complainants on the said Promissory Note and also to take an account of what is still due to all other the Creditors of the said Manally Ponniah Moodelliar 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 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 Complainants their proportions of the Expences of this Suit to be settled by the Master and it is ordered that the said Master do take an account of the Real and Personal Estate of the said Testator Coming to the hands of the said Defendant Peter Cator his Executor or to the hands of any other Person by his order or for his use and it is ordered that the said Testators Real and 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 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 this Court doth Reserve all further directions in this Cause and also all the Costs of this suit Except those hereinbefore mentioned until after the Master shall have made his Report and all Parties interested in this suit are to be at liberty to apply by Petition in this Cause as occasion shall Require.

By the Court.

Register

In the Supreme Court of Judicature at Madras.
Plea Side.
Second Term 10th April 1837.

Present
The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices

John Alves Arbuthnot
administrator of George Taswell
Deceased.
vers
The East India Company

The Matter upon the Demurrer put in by the Defendants as to the sum of One thousand Five hundred and Forty Rupees parcel of the several sums of money in the first Count of the Plaint in this Action mentioned and the Joinder thereto Coming on to be argued on this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Demurrer and Plaint being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the said Demurrer be over ruled with Costs.

R Comyn

Edw. J. Gambier.

By the Court

Regr

In the Supreme Court of Judicature at Madras

Equity Side   Second Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majestys Justices.

Tuesday the Twenty first day of March One thousand Eight hundred and thirty Seven And in the Seventh Year of the Reign of His Majesty King William the Fourth. Between Parendavy Unmall Widow of Appasawmy Pillay deceased . . . Complainant

and

Nairoo Narrainsawmy Pillay Nairoo Appasawmy Pillay Vadama
and Nayagummall . . . . Defendants

By Bill of Revivor

Parendavy Unmall Widow of Appasawmy Pillay deceased . Complainant

and

Nairoo Varda Pillay the Administrator of the Estate and Effects of Nairoo Narrainsawmy Pillay deceased . . . . Defendant

R Comyn

Edwd. J. Gambier

This Cause coming on the Eighteenth and Twentieth days of February last And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on behalf of the Complainant and of the Defendants Nairoo Appasawmy Pillay and Nairoo Varda Pillay **Upon** opening the Original Bill of Complaint and also the Bill of Revivor of the above named Complainant And upon reading the Order of this Court made in this Cause and bearing date the Fourth day of March One thousand Eight hundred and thirty Six Whereby it was Ordered that this Suit and all the proceedings therein should stand and be in the same plight state and Condition as the same were in at the time of the abatement thereof by the death of the Defendant Nairoo Narrainsawmy Pillay. **And** upon opening the Separate Answer of the said Defendant Nairoo Narrainsawmy Pillay And the Separate Answer of the said Defendant Nairoo

Appasa

Appasawmy Pillay to the said Original Bill of Complaint. And upon hearing read as Evidence for the said Complainant the several paſsages in the said Answer of the said Defendant Nairoo Narrainsawmy Pillay as follow that is to say from the words "Admits that" in folio 2 to the words "and set forth" in the same folio from the words "And this Defendant" in folio 3 to the words "behalf mentioned" in the same folio from the words "And this Defendant" in folio 9 to the words "also stated" in folio 10 from the words "And this Defendant" in folio 15 to the words "said Veerasawmy" in folio 17 from the words "And this Defendant" in folio 24 to the words "to refer" in folio 25 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 Kistnamah Chitty to the First Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Pounah Pillay to the First Fourth and Fifth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Vencataramah Pillay to the First and Sixth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Singhery Davanayaga Moodelliar to the Second Additional Interrogatory filed on behalf of the said Complainant The Deposition of Myla Allagapah Moodelly to the Second Additional Interrogatory filed on behalf of the said Complainant The Deposition of Abel Marcar to the Second and Third Additional Interrogatories filed on behalf of the said Complainant The Deposition of Vencataroyloo Brammy to the First Second and Third Additional Interrogatories filed on behalf of the said Complainant And also the Exhibit marked **A.** And upon hearing read as Evidence for the said Defendant Nairoo Varda Pillay the Deposition of Kistnamah Chitty to the First and Second Croſs Interrogatories filed on behalf of the said Defendant Nairoo Narrainsawmy Pillay The Deposition of Chingleput Pounah Pillay to the First and Third Croſs Interrogatories filed on behalf of the said Defendant Nairoo Narrainsawmy Pillay The Deposition of Vencataramah Pillay to the Fourth Croſs Interrogatory filed on behalf of the said Defendant Nairoo Narrainsawmy Pillay The Deposition of Collatore Pillay to the First Second Third Fourth Fifth Sixth Seventh and last Interrogatories in Chief filed on behalf of the said Defendant Nairoo Narrainsawmy Pillay The Deposition of Vencataramah Pillay to the First Second Third Fourth Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendant Nairoo

Narrainsawmy

Narrainsawmy Pillay. And also upon hearing read the Bill of Complaint in a Cause wherein Ramakistna Pillay the Adopted Son of Nairoo Appasawmy Pillay deceased by Parendawy Unmall his next friend was Complainant and Ipevangada Pillay Iyah Sawmy Pillay Gopaul Kistna Pillay and Narrainsawmy Pillay were Defendants filed on the Thirteenth day of February One thousand Eight hundred and Thirteen. Another Bill of Complaint in a Cause wherein Parendawy Unmall was Complainant and Ipevangada Pillay Iyah Sawmy Pillay Gopaul Kistna Pillay Narrainsawmy Pillay and Ramakistna Pillay were Defendants filed on the Twenty third day of April One thousand Eight hundred and Thirteen. Another Bill of Complaint in a Cause wherein the said Parendawy Unmall was Complainant and Nayaroo Iyah Sawmy Pillay Nayaroo Gopaul Kistnamah Pillay Nayaroo Narrain Sawmy Pillay and Ipevangada Pillay were Defendants filed on the Eleventh day of February One thousand Eight hundred and Fourteen. And Another Bill of Complaint in a Cause wherein the said Parendawy Unmall was Complainant and Nairoo Iyahsawmy Pillay Nairoo Gopaul Kistna Pillay Nairoo Narrainsawmy Pillay and Ipevangada Pillay were Defendants filed on the Twelfth day of September One thousand Eight hundred and Seventeen. And also the Decree of this Honorable Court made in a Cause wherein Nairoo Iyasawmy Pillay was Complainant and Nairoo Ipevangada Pillay Nairoo Narrainsawmy Pillay Parendawy Unmall and Vadamall were Defendants bearing date the Third day of April One thousand Eight hundred and Twenty three And upon hearing read the Order of this Court made in this Cause bearing date the Tenth day of February One thousand Eight hundred and Thirty Seven whereby it was Ordered that the said Complainant should be at liberty to enter her Bill filed in this Cause to be taken Pro Confeſso as against the said Defendants Vadamall and Nayagummall on Saturday the Eighteenth day of February One thousand Eight hundred and Thirty Seven. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel of the said Complainant And also of the said Defendants Nairoo Narrainsawmy

Pillay and Nairos Varda Pillay. And on mature consideration had thereon. **This Court doth Order and Decree** that the said Complainant's Bill in this Cause as against the said Defendants Nairos Appasawmy Pillay and Nairos Varda Pillay do stand and be dismissed out of Court with Costs. **And this Court doth further Order** that the said Bill of Complaint be taken Pro Confesso as against the said Defendants Vadamall and Nayagummall. **But this Court doth not think fit to make any Order in regard thereto.**

Rowlandson & Rose
Solrs. for Defts
N Appasawmy Pillay
& N Vardah Pillay

By the Court.

Registrar

In the Supreme Court of Judicature at Madras.

Plea Side — Third Term 20th July 1837

Present.

The Honorable Sir Robert Buckley Comyn, Knight Chief Justice

and

The Honorable Sir Edward John Gambier, Knight

One of His Majesty's Justices.

Pooroshootama Davay
~~vers~~
& Faure De Fondclair Esquire

The Matter upon the Demurrer put in by the Plaintiff to the First, Second and Third Pleas of the Defendant in this Action And the Joinder thereto coming on to be argued Yesterday and also on this present day before the Honorable the Judges of this 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.

R Comyn
Edwd. J. Gambier

By the Court.

Prothy

W Wilkins
~~Plt~~ Atty

In the Supreme Court of Judicature at Madras

Plea Side — Third Term 20th July 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices.

Nuttumbadoo Ramasawmy Moodelly the Son and legal personal representative of Nuttumbadoo Sabapatty Moodelly Deceased.

~~vs~~

Mongadoo Survaniah Moodelly the Surviving Son and legal personal representative of Mongadoo Valappen Moodelly Deceased

R Comyn.

Edw^d. J. Gambier.

The Matter upon the Demurrer put in by the Plaintiffs to the Ninth and Eleventh Pleas of the Defendant in this Action and the Joinder thereto coming on to be Argued on this present day before the Honorable the Judges of this 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 Over-ruled with Costs.

By the Court.

W B[illegible]nan
Defts Atty

1952 of 37

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 24th July 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices.

Lutchmee Ummall
vs
Soobammall and Rasem Gooroosawmy Naidoo

R Comyn.
Edwd. J. Gambier

The Matter upon the Plea put in by the Defendant Rasem Gooroosawmy Naidoo to the Bill of Complaint in this Cause Coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Plea and Bill being Opened Upon debate of the Matter and hearing what was alledged by the Counsel on both Sides. This Court doth Order that the said Plea be allowed with Costs.

By the Court.
Regr.

Ent.

JHB

In the Supreme Court of Judicature at Madras

Plea Side — Third Term 20th July 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices

John Alves Arbuthnot Administrator of George Taswell deceased
~~vs~~
The East India Company

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 the Judges of this 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 Over-ruled with Costs with liberty to the said Defendants to withdraw their Demurrer to the Plaint and Plead And to the said Plaintiff to withdraw his Demurrer to the Plea and Reply.

R Comyn

Edw. J. Gambier

By the Court.

Mr Acworth
Defts Atty

In the Supreme Court of Judicature at Madras

Third Term 1837.

Equity Side

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices

Tuesday the Eighteenth day of July One thousand Eight hundred and thirty Seven And in the Eighth Year of the Reign of His Majesty King William the Fourth Between Manally Moodookistna Moodelly and Manally Litchmana Moodelly. Complainants

and

Peter Cator Esquire Executor of the Last Will and Testament of Manally Tonniah Moodelly deceased Mangadoo Saravana Moodelliar Mangadoo Vydalingum Moodelliar Myla Ballakistna Moodelliar and Cootanoor Soobyer Braminy and Teroovallee Saravana Mootoo Pillay when he shall come within the Jurisdiction of this Honorable Court.
Defendants.

R Comyn

Edwd. J. Gambier.

This Cause coming on the Twenty fifth Twenty Seventh Twenty Eighth Twenty Ninth and Thirtieth days of March last And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all sides **Upon** opening the Bill of Complaint of the above named Complainants the Answer of the said Defendant Peter Cator and the joint and Several Answer of the said Defendants Mangadoo Suravanah Moodelly and Cootanoor Soobyer Braminy And also the Joint and Several Answer of the said Defendants Mangadoo Vydalingum Moodelly and Myla Balakistna Moodelly Infants by their Guardians And upon hearing read as Evidance for the said Complainants the several passages in the said Answer of the said Defendant Peter Cator as follow that is to say from the words "Saith that in folio 2 to the words "Awarded due" in folio 9 from the words "And that on or about" in folio 15 to the words "thirty four" in folio 16 from the words "and that in" in folio 23 to the words "parties dismiſsed" in the same folio from the words "And that in" in folio 26 to the words "and outstanding" in folio 27 from the words "And this" in folio 28 to the words "said Kistnasawmy" in folio 29 from the words "And this" in folio 32 to the words "said Parties" in folio 34 from the words "And this" in folio 36 to the words "of Agreement" in folio 37 from the words "And this Defendant further" in folio 39 to the words "survived him" in folio 40 from the words "And this" in folio 44 to the words "or otherwise" in folio 45 from the words "And this Defendant further Answering" in folio 51 to the words "Honorable Court" in folio 52 from the words "And this Defendant says" in folio 60 to the words "behalf mentioned" in folio 62 from the words "And this Defendant Admits" in folio 64 to the words "Bill mentioned" in folio 65 from the words "And this Defendant Admits" in folio 69 to the words "Survanah Moodelly" in the same folio from the words "And this Defendant Admits" in folio 79 to the words "therein mentioned" in the same folio from the words "And this Defendant further" in folio 83 to the words "sufficient maintenance" in folio 85 from the words "And this Defendant Admits" in folio 85 to the words "Davanee Ummall" in the same folio from the words "And this Defendant" in folio 95 to the words "said Will" in folio 96. And also the following paſsages in the said Answer of the said Defendant Mangadoo Suwanah Moodelly and Cootanoor Soobyer Brammy that is to say from the words "Answering say" in folio 2 to the words "Hindoo Law" in folio 4 from the words "And these Defendants" in folio 32 to the words "Cannot set forth" in folio 33 from the words "And these Defendants" in folio 45 to the words "his only Brothers" in folio 46 from the words "And these Defendants" in folio 59 to the words "Honorable Court" in folio 60 from the words "And these Defendants" in folio 67 to the words "his father" in the same folio from the words "And these Defendants in folio 72 to the words "part thereof" in the same folio from the words "And these Defendants further" in folio 72 to the words "of India" in folio 73 from the words "And these

Defendants" in folio 83 to the words "therein mentioned" in folio 84 together with such parts of the said Bill as are referred to in the said paſsages of the said Answers. Also the Deposition of Myla Sevanada Moodelly to the First Fourth Fifth Seventh and last Interrogatories in chief filed on behalf of the said Complainant. The Deposition of Cottingoolum Teroochidumbra Moodelly to the First Fifth and Seventh Interrogatories in chief filed on behalf of the said Complainant. The Deposition of Timmavagjhala Narayana Sastre to the First Eighth Tenth and last Interrogatories in chief filed on behalf of the said Complainant. The Deposition of Nauwalpaukum Ragavah Charyar to the First and Eighth Interrogatories in chief filed on behalf of the said Complainant. And upon hearing read as Evidence for the said Defendant Peter Cator the Deposition of Mr. John Innes to the First and Second Interrogatories in chief filed on behalf of the said Defendant Peter Cator. The Deposition of Mr. Leonard Cooper to the First Second and last Interrogatories in Chief filed on behalf of the said Defendant Peter Cator. The Deposition of Mr. Gilbert George Jeremiah to the First and third Interrogatories in chief filed on behalf of the said Defendant Peter Cator. The Deposition of Mr. Oriel Viveash to the First Fourth Fifth and Sixth Interrogatories in chief filed on behalf of the said Defendant Peter Cator. The Deposition of Chocalingum Pillay to the First and Seventh Interrogatories in Chief filed on behalf of the said Defendant Peter Cator. And also upon hearing read as Evidence for the said Defendant Peter Cator the Original Last Will and Testament of the said Testator Manally Ponniah Moodelliar deceased with Translate thereof Annexed marked **Z** and the Memoranda of an Agreement made and Executed between the said Manally Moodookistna Moodelly Manally Ponniah Moodelly and Manally Lutchmana Moodelly bearing date the Eleventh day of June One thousand Eight hundred and Thirty four marked **B** with Schedules Annexed **A** Lot No. 1. Lot No. 2. and Lot No. 3. And also the Exhibits **A.G.I.K.L.M.N.O.P.** and **Q.** **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 the said Complainants Bill of Complaint in this Cause do stand and be dismissed out of Court with Costs.

W. A. Arnott [illegible]
Adv. for Deft Cator

By the Court.

J H Wallace
D Regr

In the Supreme Court of Judicature at Madras

Equity Side Third Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices.

Friday the Twenty Eighth day of July One thousand Eight hundred and Thirty Seven And in the Eighth 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
Edwd. J. Gambier

This Cause coming on the Sixth day of April One thousand Eight hundred and Thirty Six to be heard and debated before the Honorable the Chief Justice 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 His Lordship made his Decree bearing date the said Sixth day of April One thousand Eight hundred and Thirty Six And thereby declared 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 thereby Ordered and decreed that it should 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 was 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 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 the 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 in default of their Coming in to prove their debts by the time so to be appointed they were all to be Excluded the benefit of the said Decree but the Persons so Coming in to prove their debts not Parties to this Suit were before they were to be Admitted Creditors to Contribute to the Complainant his Proportion of the Expences of this Suit to be settled by the Master. And it is thereby Ordered that the said Master should 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 thereby Ordered that the said Testator's Personal Estate should be applied in payment of his debts and Funeral Expences in a due Course of Administration in taking the said Account the Master was to make unto the Parties all just allowances. And it is thereby Ordered that it should 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 should be paid out of the Funds of the Estate of the said late John Butter and should be allowed to the said Defendant in passing the said Accounts. And the Court reserved 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 should have made his Report That in pursuance of the said Decree the said Master made his Report dated the Twenty Seventh day of June last which stands absolutely Confirmed and

thereby

thereby Reported among other things that he had in due Course as therein mentioned proceeded with the Accounts and enquiries directed by the said Decree And he found that there was due to the said Plaintiff for Principal money the Sum of Star Pagodas Three thousand and for Interest from the said First day of December One thousand Eight hundred and Fourteen to the First day of August One thousand Eight hundred and thirty One the Sum of Star Pagodas Three thousand being Sixteen Years and Eight Months at the rate of Six per Cent per Annum making together the Sum of Star Pagodas Six thousand the penalty of the said Bond and he had Caused the usual Advertisements to be published 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 John Butter Executed and delivered to Poovaloor Iyen Chitty under the hand and Seal of the said John Butter his Bond bearing date the Fifteenth day of April One thousand Seven hundred and Ninety five in the Penal Sum of Pagodas Fifty thousand Conditioned for the payment of the Sum of Star Pagodas Twenty five thousand together with Interest at the rate of Twelve per Cent per Annum within four Months from the date thereof. And he found that ~~the said~~ one Vurdah Pillay on the Eleventh day of October One thousand Seven hundred and Ninety five lent to the said Iyen Chitty the Principal Sum of Pagodas Ten thousand. And he found that the said Iyen Chitty on the Sixth day of August One thousand Seven hundred and Ninety Six delivered to the said Vurdah Pillay the said last mentioned Bond of the said John Butter as a Security for the repayment to the said Vurdah Pillay of the said Principal Sum of Pagodas Ten thousand And he found that no Sum had been received by the said Vurdah Pillay in his life time or by his representatives since his death in repayment of the said Loan of Pagodas Ten thousand and that the whole remains due and unpaid And that Noyaroo Appasawmy Pillay

Vadamall Noyaroo Vurdah Pillay and Parendavy Unmall Widow of Noyaroo Veerasawmy Pillay deceased as such representatives of the said Vurdah Pillay deceased as in the now stating Report mentioned are Creditors of the Estate of the said John Butler for the Sum of Pagodas Ten thousand in respect of the said Bond of the said John Butler so delivered to the said Vurdah Pillay by the said Iyen Chitty as such Security as aforesaid. And he found that Mootoosawmy Chitty did execute such deed of Aſsignment to ~~the said~~ Pauliam Kistnamah Chitty As in the now stating Report mentioned. And he found that the Bond bearing date the said Fifteenth day of April One thousand Seven hundred and Ninety five being a Bond of the said John Butler and thereby aſsigned was the same Bond that was so delivered by the said Iyen Chitty to the said Vurdah Pillay as hereinbefore stated And the Master had taken an Account of what is now due on the said Bond of the said John Butler in the Penal Sum of Pagodas Fifty thousand bearing date the said Fifteenth day of April One thousand Seven hundred and Ninety five and the Interest thereon exceeding the Amount due in respect of the Penalty thereof He had only Computed interest to the Amount of the balance due on the said Penalty. And he found that there is due on the said last mentioned Bond for balance of Principal the Sum of Pagodas Twelve thousand Seven hundred and Fifty One Fanams three and Cash Six And for Interest thereon from the Fourth day of December One thousand Seven hundred and Ninety five to the Fifth day of January One thousand Eight hundred and Eleven Pagodas Twenty three thousand and Eighty four Fanams Forty One and Cash Seventy four being Fifteen Years and Thirty two days at the rate of Twelve per Cent per Annum making together the Sum of Pagodas

Thirty

Thirty five thousand Eight hundred and Thirty Six being the balance of Penalty due on the said last mentioned Bond. And he found that the said Sum of Pagodas Ten thousand so found due by him as hereinbefore mentioned to the said Noyaroo Appasawmy Pillay Vadamall Noyaroo Vurdah Pillay and Parendavy Unmall Widow of the said Noyaroo Veerasawmy Pillay deceased representatives of the said Noyaroo Vurdah Pillay deceased ought to be deducted from the said Sum of Pagodas Thirty five thousand Eight hundred and Thirty Six and paid to them as such representatives And he found that the Sum of Pagodas Twenty five thousand Eight hundred and Thirty Six (being the remainder of the said Sum of Pagodas Thirty five thousand Eight hundred and Thirty Six) is due from the Estate of the said John Butler to the said Parcapolliam Codundaramah Chitty as such Executor of the said Parcapolliam Kistnamah Chitty deceased as aforesaid under and by Virtue of the said Deed of Aſsignment to the said Parcapolliam Kistnamah Chitty by the said Mootoosawmy Chitty. And he found that there is due to ~~the said~~ one Sadras Arnamalay Moodelly by the Estate of the said John Butler the Sum of Porto Novo Pagodas Five hundred together with Interest upon and by Virtue of a Promiſsory Note in Writing bearing date the Thirteenth of June One thousand Seven hundred and Ninety Seven granted by the said John Butler in his life time to and in favor of Aloof Khan for the Principal Sum of Porto Novo Pagodas Five hundred payable on the First day of December then next ensuing with interest at the rate of Twelve per Cent per Annum And he had Computed Interest on the said Sum of Porto Novo Pagodas Five hundred (or Company's Rupees One thousand three hundred and Ninety Annas Fourteen and Pice Two) from the said Thirteenth of June One thousand Seven hundred and Ninety Seven up to the Eighteenth day of July One thousand Eight hundred and Thirty Seven at the rate of Twelve per Cent per Annum And he found that such Interest Amounts to the Sum of Company's Rupees Six thousand Six hundred and Ninety two and Annas four which being added to the said Sum of Company's Rupees One thousand Three hundred and Ninety Annas fourteen and Pice Two (or Porto Novo Pagodas Five hundred) makes the Sum of Company's Rupees Eight thousand and Eighty three Annas Two and Pice Two which he found to be due to the said Sadias Aramalay Moodelly for Principal and Interest on the said Promiſsory Note And he had taken 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 he had set forth in the First Schedule to his Report a particular Account of such Personal Estate Amounting in the whole to the Sum of Rupees One hundred and Fifty thousand Four hundred and thirty five Annas Two and Pice four And he had made unto the said Defendant all just Allowances And he had in the Second Schedule to his Report set forth a particular Account of all such allowances and of the payments deposits and disbursements made by the said Defendant in respect of the said Testators Estate Amounting in the whole to the Sum of Rupees One hundred and Fifty thousand Four hundred and thirteen Anna One and Pice Eleven and all of which several payments and disbursements he allowed And he had Taxed the Defendant his Costs of and relating to this Suit as between Solicitor and Client at the Sum of Rupees One thousand five hundred and Ninety five and Annas Ten And had allowed the same to the said Defendant in paſsing his Account before him As by the said Decree directed and the same is likewise set forth in the said Second Schedule amongst the said several payments therein mentioned And he found that there was a balance of Rupees Twenty Two and Pice five in the hands of the said

Defendant

Defendant and belonging to the said Testator's Estate and no claim or discharge in respect of the Funeral Expences of the said Testator having been brought in before him he was unable to Report in respect thereof - **And** upon hearing read the the Certificate of the Accountant General of this Court of the Funds in deposit in the Honorable Company's Treasury at the Credit of the Estate of the said late John Butler whereby it appeared that there was then in deposit a Sum of Rupees One hundred and Twenty Six thousand Six hundred and Eighty One and Pice One - **And this Cause** coming on this present day to be heard for further directions on the said Report and Costs before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides - **Whereupon and upon** hearing the said Decree and the said Master's Report read **And** upon hearing what was alleged by the Counsel on both Sides - **This Court doth Order** that it be referred to the Master of this Court to Tax the Subsequent Costs of the said Defendant Peter Cator as between Solicitor and Client And to Tax the Complainant his Costs of the said Suit also as between Solicitor and Client **And it is Ordered** that the same when Taxed be paid by the said Defendant Peter Cator out of the Estate of the Testator John Butler in his hands **And inasmuch** as it appears that the Aſsets of the said Estate will prove insufficient to pay the Specialty Debts of the said Testator John Butler as found by the Master in full **It is further Ordered** that the said Master do apportion the balance of the said Estate which shall remain after payment of the said Costs among the said Specialty Creditors of the deceased as found by the Master Viz - The Complainant Richard Taylor the said Nayaroo Appasawmy Pillay, Vadamall, Nayaroo Vindah Pillay and Parandavy Ummall the representatives of Vindah Pillay deceased And the said Parrapolliam Cachendanamah Chitty as Executor of the said Parrapolliam

Kistnamah Chitty deceased. **And this Court doth Order** that out of the said balance of the said Estate the Several Sums to be appointed to such Creditors to be paid to them respectively or to the legal Personal representatives of such of them as may be dead by the said Defendant Peter Cator as such Administrator as aforesaid of the Estate of the said Testator John Butler. **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 shall be advised.

W.K.

By the Court.

H. M. Poulandan
Compl.ts Sol.r

D Reg.

E.D.

28

In the Supreme Court of Judicature at Madras.

Equity Side. Third Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of His Majesty's Justices.

Friday the Fourth day of August One thousand Eight hundred and Thirty Seven and in the Eighth Year of the Reign of His Majesty King William the Fourth Between Philip Webb the surviving Son of Vencamah deceased and Nathaniel Webb Junior, Mary Webb, Charlotte Webb, Richard Marmaduke Webb and John William Webb Sons and daughters of John Webb deceased who was the other son of the said Vencamah deceased . . . . Complainants.

and

Peter Cator Esquire Administrator of the Estate and Effects of Vencamah deceased . . . . Defendant.

R Comyn.

Edw. J. Gambier

This Cause coming on the Twenty Seventh day of July 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 and amended Bill of Complaint of the above named Complainants the answer of the said Defendant thereto and upon hearing read as Evidence for the said Complainants the several passages in the said Answer of the said Defendant as follow that is to say from the words "and this Defendant" in folio 8 to the words "Estate and Effects" in folio 9 from the words "and this Defendant" in folio 10 to the words "minute particulars" in folio 12 from the words "this Defendant" in folio 13 to the words "relations of the said Vencamah" in folio 14 together with such parts of the said Bill of Complaint as are referred to in the said Passages of the said answer and also the Depositions of Nathaniel Webb Esquire to the First Second Third and Fourth Interrogatories in chief filed on behalf of the said Complainants and the Deposition of Bellary Narasimah Sastry to the Fifth and Sixth Interrogatories in chief filed on behalf of 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 **This Court doth Declare** that the Complainants are entitled to the funds standing to the credit of the Estate of Vencamah in the Pleadings of this cause named and that the Defendant is a Trustee for their benefit but that under the circumstances he be entitled to his Commission and to be allowed all usual charges and Expences in passing his account before the Master according to the Rules of Court in regard to Estates the Administration of which is committed to the Registrar in pursuance of the act of Parliament and Charter in that behalf provided and inasmuch as the Complainants by their Counsel waive the taking of the accounts as by their Bill of Complaint is prayed **This Court doth order and Decree** that it be referred to the Master of this Court to Tax both Parties their Costs of this suit as between Solicitor and Client and that the same when Taxed be paid by the said Defendant out of the Funds now standing to the Credit of the said Estate of the said Vencamah and by and with the consent of the Counsel for the said Complainants **It is ordered** that the residue of the said Funds after payments of the said costs be by the said Defendant paid to the said Complainants per Stirpes that is to say one half part thereof to the Complainant Philip Webb or his legal Personal representative and the other half part thereof to the Complainants Nathaniel Webb Junior Mary Webb Charlotte Webb Richard Marmaduke Webb and John William Webb or to their legal Personal representatives respectively in equal shares and proportions and all Parties are to be at liberty to apply by Petition in this cause as occasion shall require

W.R.

By the Court.

Rowlandson & Roce
Complts Solrs

JW

F. JMB

In the Supreme Court of Judicature at Madras

Ecclesiastical Side — Sittings after the Third Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices.

Friday the Eleventh day of August One thousand Eight hundred and Thirty Seven and in the Eighth Year of the Reign of His Majesty King William the Fourth. In the Matter of the Paper Writing purporting to be the Last Will and Testament of Anne Cecilia Rothmyer deceased.

wherein

Parseemoorthee Alvar Chitty is . . . . Proponent.

and

George Rothmyer is . . . . Respondent.

R. Comyn.

Edw. J. Gambier.

This Matter coming on the Fifth and Seventh days of August instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both sides Upon opening the Libel Exhibited by the above named Proponent the Answer of the said Respondent thereto And upon hearing read as Evidence for the said Proponent the Deposition of Daniel De Rozario to the First Second Third Seventh and Eighth Interrogatories in chief filed on behalf of the said Proponent. The Deposition of Ramalinga Moodelly to the First and Sixth Interrogatories in chief filed on behalf of the said Proponent. The Deposition of Paupah to the First and Fifth Interrogatories in chief filed on behalf of the said Proponent. And the Paper Writing purporting to be the Last Will and Testament of the said Anne Cecilia Rothmyer deceased marked **A**. And upon hearing read as Evidence for the said Respondent the Deposition of the said Daniel De Rozario to the First Second Third Fourth Fifth, Sixth Eighth and Ninth Cross Interrogatories filed on behalf of the said Respondent. The Deposition of the said Ramalinga Moodelly to the First Second Fourth Fifth Sixth and Ninth Cross Interrogatories filed on behalf of the said Respondent. The Deposition of the said Paupah to the First Second Fourth Fifth Sixth Seventh and Ninth Cross Interrogatories filed on behalf of the said Respondent. The Deposition of Robert Simon to the First Second Third Fourth and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Sarah Miller to the First Second Third and last Interrogatories in Chief filed on behalf of the said Respondent. The Deposition of Elizabeth Dewsnap to the First Second Third and last Interrogatories in chief filed on behalf of the said Respondent. The Deposition of Mahomed Khauder to the First Third and last Interrogatories in Chief filed on behalf of the said Respondent. And upon reading the Citation issued in this Matter bearing date the Twentieth day of June One thousand Eight hundred and thirty Six calling in the Probate of the Last Will and Testament of the said Anne Cecilia Rothmyer deceased granted to the said Proponent. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Advocates on both Sides And on Mature Consideration had thereon. **This Court doth pronounce and Declare** that the Paper Writing in the Pleadings in this Suit named marked **A** purporting to be the Last Will and Testament of the said Anne Cecilia Rothmyer deceased is Null and Void. **And this Court doth Accordingly Order and Decree** that the Probate of the said Paper Writing granted in favor of the said Proponent on the Sixth day of January One thousand Eight hundred and Thirty Six (which it appears has been delivered up by the said Proponent to the Registrar of this Court in pursuance of the said Citation in that behalf) be by the said Registrar forthwith cancelled. **And this Court doth further Order and Decree** that the said Libel exhibited by the above named Proponent be dismissed out of Court with Costs to be paid by the said Proponent to the said Respondent. **And this Court doth Decree** Sentence of the same Accordingly.

By the Court.

J W Brannon
Proctor for Respondent.

Registrar

In the Supreme Court of Judicature at Madras.

Ecclesiastical Side.

Sittings after the Third Term 1837.

In the Matter of the Last Will and Testament
of Anne Cecilia Rothmyer Deceased.
wherein
Parseemoorthee Alvar Chitty - is Proponent
and
George Rothmyer - is Respondent

In the Name of God Amen

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight one of His Majesty's Justices of the Supreme Court of Judicature at Madras lawfully appointed rightly and duly proceeding having heard seen understood and fully and maturely discussed the merits and circumstances of a certain Testamentary business or proving by witnesses the Paper writing purporting to be the Testament or Last Will in writing of Anne Cecilia Rothmyer late of Madras Deceased having whilst living and at the time of her death Goods Chattels and Credits in Madras aforesaid which is now controverted and remains undetermined before us in Judgment between Parseemoorthee Alvar Chitty the alleged Executor the party promoting the said business of the one part and George Rothmyer the party against whom the said business is promoted on the other part and the parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively and the Proctor of the said Parseemoorthee Alvar Chitty praying Sentence to be given and Justice to be done to his party and the Proctor of the said George Rothmyer also earnestly praying that the said Paper writing purporting to be a Will might be pronounced and declared to be null and void to all Intents and purposes of Law whatever and we having first carefully and diligently searched into and considered of the whole proceedings had and done before us in this business and having observed all and singular the matters and things that by Law in this behalf ought to be observed we have thought and do thus think fit to proceed to the giving of our definitive Sentence or Final Decree in this business in manner and form following (to wit) For as much as by the acts mutted deducted Exhibited propounded proved and confessed in this business we have found and it doth evidently appear unto us that the Proctor of the said Parseemoorthee Alvar Chitty hath not sufficiently and fully founded and proved his intention deduced in a certain allegation and alleged Last Will and Testament of the said Anne Cecilia Rothinger Deceased and other pleadings given in Exhibited and admitted on his behalf in this business and now remaining in the Registry of the Court which said allegation and Last Will and Testament of the said deceased and other matters propounded Exhibited and admitted in this business we take and will have taken as if here read and inserted for us to pronounce as hereinafter mentioned Therefore we Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight one of His Majesty's Justices as aforesaid having first called upon the name of Christ and having God alone before our Eyes and having heard the Advocates on both sides in this behalf do pronounce Decree and Declare that the Paper writing marked **A** purporting to be the Last Will and Testament of the said Anne Cecilia Rothinger Deceased bearing date the Twelfth day of June One Thousand Eight hundred and thirty five is null and void to all intents and purposes and to have no force or validity in Law whatsoever and we do order that the Probate of the said Paper Writing heretofore granted be forthwith cancelled by this our definitive Sentence and final Decree which we read and promulge by these Writings.—

W.R.

Robert Comyn, Ch: J.

J. W. Brandon
Proctor for Respondent

Edw. J. Gambier

JWB

In the Supreme Court of Judicature at Madras

Plea Side

Fourth Term 16th September 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices

Annum Doss
~~vs~~
Jaganauda Doss Jayakristna Doss and Cheranjeeve Gopaul Doss

The Matter upon the Demurrer put in by the Defendants to the Plaint in this Action and the Joinder thereto coming on to be argued on this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Plaint being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be over-ruled without Costs with liberty to the defts to withdraw his demurrer & plead to the Action And it is further Ordered that the Plaintiff do at his option either furnish the said Defendants with a Bill of particulars in regard to the subject Matter of the Second and Third Counts of the said Plaint or strike out the said Two last mentioned Counts.

~~R Comyn~~
~~Edw. J. Gambier.~~
U

By the Court.

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices.

R Comyn

Edwd. J. Gambier

Friday the Fourth day of August One thousand Eight hundred and Thirty Seven And in the Eighth Year of the Reign of His Majesty King William the Fourth. Between. Charles William Henry Dowden an Infant by Godlieb Vansomeren his next freind . . . . Complainant.

and

Edward Gordon the Surviving Executor of William Douglas Brodie Deceased . . . . Defendant.

By Bill of Revivor.

Charles William Henry Dowden an Infant by Godlieb Vansomeren his next freind . . . . Complainant.

and

James Ouchterlony Administrator with Will annexed of William Douglas Brodie Deceased . . . . Defendant.

This Cause coming on the Twenty Ninth day of September One thousand Eight hundred and Twenty Eight 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 what was alleged by the Counsel on both Sides their Lordships made their Decree bearing date the said Twenty Ninth day of September One thousand Eight hundred and Twenty Eight and thereby Ordered by Consent of the said Defendant that he should forthwith proceed to recover and realize the principal Sum of Six thousand Pagodas in the Pleadings mentioned to be due from Hussain Mulk Bahader and Moyen Ul Omrah Mutacha Ally Khan Bahader together with the Interest due on the same and also the Principal Sum of Four thousand Pagodas in the Pleadings mentioned to be due from Peter Cachart together with the Interest due on the same and to take all necessary steps for that purpose and that when and as soon as the same or any part thereof should be so recovered and realized that the said Defendant should immediately pay in the same to the Treasury with the privity of the Accountant General to the Credit of this Cause. And it was further Ordered that the Cause should stand over until after it should be ascertained and Certified to the Court what Sum or Sums of Money should be so recovered and realized. **And Whereas** in pursuance of the said Decree and of Certain Orders of Court respectively bearing date the Twenty first day of March One thousand Eight hundred and Twenty Nine the Fifteenth day of April One thousand Eight hundred and Thirty One And the Third day of March One thousand Eight hundred and Thirty Seven three Several Sums of Company's Rupees Fourteen thousand Nine hundred and Sixty One Annas five and Pice four. Rupees Three thousand Eight hundred and Eighteen and Annas Six. and Rupees Two thousand Five hundred and Fifty have been paid into the said Treasury with the privity of the said Accountant General to the Credit of this Cause. **And Whereas** the said Defendant Edward Gordon having as it is alleged departed this life the said Suit became abated And the said Complainant on or about the Second day of June One thousand Eight hundred and Thirty Six exhibited and filed his Bill of Revivor against the said Defendant James Ouchterlony and thereby prayed to grant unto him His Majesty's most gracious Writ of Subpoena to revive issuing out of and under the Seal of this Honorable Court to be directed to the said James Ouchterlony thereby Commanding him at a Certain day and under a Certain pain to be therein limited personally to be and appear before his Lordship in this

Honorable

Honorable Court then and there to shew Cause if he can why the said Suit and proceedings therein had should not stand and be revived against him and be in the same plight and Condition as the same were at the time of the abatement thereof and further to stand to and abide such Order and Decree in the premises as to His Lordship should seem meet. **And** thereupon this Court by its Order bearing date the Fifteenth day of July One thousand Eight hundred and Thirty Six was pleased to Order that the said Suit and the proceedings had therein should be revived and stand in the same plight and Condition as they were in at the time of the abatement thereof. **And Whereas** the said Complainant on or about the Fifth day of August One thousand Eight hundred and Thirty Six presented his Petition to this Honorable Court Setting forth among other things that the said Hoosain Ul Mulk was dead and that the said Moyen Ul Omrah Mootashee Ally Khan Bahader had made an Offer for payment as therein mentioned and praying that it might be referred to the Master to enquire and Certify whether it would be for the benefit of the said Complainant that the offer so made as aforesaid but therein called the Offer of the said Hoosain Ul Mulk should be Accepted and Carried into execution **Which** this Court by its Order bearing date the Eighth day of August One thousand Eight hundred and Thirty Six was pleased to Order Accordingly. **And Whereas** in pursuance of the said Order the said Master made his Report bearing date the Twenty Seventh day of September One thousand Eight hundred and Thirty Six which stands absolutely Confirmed and thereby Reported among other things that the offer made by the said Moyen Ul Omrah Mootashee Ally Khan Bahader (and not Hoosain Ul Mulk as in the said Order mentioned) should be accepted and Carried into Execution. **And this Cause** coming on this present day to be heard before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides. **Whereupon and Upon** reading the said Orders And the Certificate of the Accountant General of this Court in the words and figures following that is to say.

"Charles William Henry Dowden an Infant by Godlieb
"Vansomeren his next friend. ~~M~~ Edward Gordon Surviving
"Executor of William Douglas Brodie deceased.

"I hereby Certify that According to the Books of the Supreme Court the funds which
"have been deposited in the Treasury to the Credit of this Cause are as follows Vizt.

"1829 "April 6th. Cash deposited pursuant to an Order of the Supreme Court dated 26th March 1829	14961. 5. 4
"1831 "May 16th. Do. Do. pursuant to an Order of Do. dated 15th. April 1831	3818. 6. ..
"1837 "March 22d. Do. Do. pursuant to an Order of Do. dated 3d. March 1837	2,550. .. ..
"Company's Rupees	**24329. 11. 4.**

"And ~~that~~ the Funds now standing to the Credit of this Cause are as follows Vizt.

"In Six Promy. Notes of the 5 Pr. Cent Loan of 18th. Augt. 1825 amounting to Sicca Rupees	16,700. .. ..
"In Eight ditto of the 5 Pr. Cent Loan of 16th. January 1830 Amounting to Sicca Rupees	1600. .. ..
"In nine ditto of the 4 Pr. Cent Loan of 1st. May 1832 amounting to	5,100. .. ..
"In a Ditto of the 4 Pr. Cent Loan of 3d. July 1828 for	500. .. ..
"Sicca Rupees	**23,900. .. ..**
"Company's Rupees	**25,453. 8. ..**
"In two ditto of the 4 Pr. Cent Loan of 31st. March 1836 Amounting to	1,200. .. ..
"In a Deputy Accountant General's Receipt for 4 Pr. Cent Treasury Acknowledgmts. "of 16th. Sept. 1835 transmitted to Bengal to be Exchanged for a Promy. Note "of the Supreme Govt. for	600. .. ..
"Company's Rupees	**27253. 8. ..**
"In Cash to be invested by the Sub Treasurer in purchase of Govt. "Securities when procurable	1316. 4. 5.
	28,569. 12. 5.
"Interest due on Govt. Securities Sa. Rs. 223. 12. ..	238. 4. 8.
"Company's Rupees	**28,808. 1. 1.**

"Fort St. George Acctt. Genl. Office
"19th. June 1837.
"J: G: Turnbull
"Acctt. Genl. Supt. Court

"This Certificate is granted as per
" Application from Mr. N: B: Acworth
" Complts. Sol. dated 17th. June 1837.
"Exd. M: V: Sorbrayloo"

And upon hearing what was alleged by the Counsel on both sides And on mature Consideration had thereon **This Court doth declare** that the said Complainant is exclusively entitled to all Sums that have been

or

or may hereafter be recovered in respect of the Two Bonds for Pagodas Twelve thousand and Eight thousand in the Pleadings of this Cause respectively mentioned and that the Complainant is a Creditor upon the Estate of the late William Douglas Brodie Esquire the Testator in the Pleadings of this Cause mentioned for the difference between what may be recovered and what may be due upon the said Two Bonds respectively and entitled to stand as such Creditor next after the Specialty Creditors of the said Testator William Douglas Brodie. And the Complainant having by his Counsel waived taking the Account of the said Testator William Douglas Brodie's Estate which by his Bill he prayed. **This Court gives no Order** in regard thereto. **And this Court doth Order and Decree** that the said Defendant James Ouchterlony do Continue to get in and receive all that may be recoverable from Moyen Ul Omrah Mootashee Ally Khan according to the proposal in the said Report of the Master mentioned And that he continue to pay all that he may get in and receive into the said Treasury with the privity of the said Accountant General to the Credit of this Cause. **And it is Ordered** that it be referred to the Master of this Court to Tax the Complainants' Costs as between Solicitor and Client And that the same when Taxed and Certified at the foot of this Decree under the Signature of One of the Judges of this Court be by the Sub Treasurer of Fort Saint George with the privity of the said Accountant General paid from and out of the Funds which shall then be standing at the Credit of this Cause to Mr. Nathaniel Brindley Acworth the Complainants Solicitor and to that end the said Sub Treasurer with the like privity of the said Accountant General is to be at liberty to Subdivide and Sell such of the Government Securities then remaining at the Credit of this Cause as may be necessary. **And this Court doth Declare** that the Complainants

Costs of this Cause as between Party and Party are to be paid by the said Defendant James Ouchterlony out of the Estate in his hands of the said Testator William Douglas Brodie in a due Course of Administration **And it is Accordingly Ordered** that when such Costs become so payable he do pay the same into the said Treasury with the privity of the said Accountant General to the Credit of this Cause And both Parties are to be at liberty to apply to this Court by Petition in this Cause as they may be advised.

H. B: Arnold
Plts Solicitor

By the Court

Registrar

No 2801. f37

In the Supreme Court of Judicature at Madras

Ecclesiastical Side.   Fourth Term 2d October 1837.

In the Matter of the Goods and Chattels of Maria Johannes Baboom otherwise called Maria Gregory Baboom late of Pondicherry but recently of Madras Widow deceased

wherein

Margaret Arathoon wife of John Arathoon is Petitioner

and

Peter Cator Esquire Registrar of this Honorable Court is Caveator.

R. Comyn.

Edw. J. Gambier –

Forasmuch as upon reading a Notice in Writing from Mr. Nathaniel Brindley Acworth Proctor for the Petitioners to Mr. Joshua Thomas Crampton Proctor for the Caveator of this application and upon reading the Petition of the said John Arathoon and Margaret his Wife (verified by their Affidavit) Sworn and filed on the 13th day of September last praying that Letters of administration of the Estate and Effects of the said Maria Johannes Baboom otherwise called Maria Gregory Baboom deceased might be granted to the said Petitioner Margaret Arathoon as the only Child and next of Kin of the said Deceased with the Consent of the said Petitioner John Arathoon – and upon reading the Affidavit of Johannes Aviet Seth filed on the 25th day of September last in Support of the said Petition – and the Affidavit of Jane Maria Tatius filed on the 25th day of September last in Support thereof. And upon reading the Caveat of Peter Cator Esquire filed on the 16th day of September last the affidavit of William Haylett Esquire on the 16th day of

Ho

of September last in Support of the said caveat The Affidavit of John Baptist Ricardo filed on the 28. September last in Support thereof And the Affidavit of Edward Samuel Mowat Esquire filed this day in Support thereof A Motion was this day made by Mr. Advocate General of Counsel for the said Petitioners for an Order according to the said Notice And upon hearing Mr. Minchin and Mr. Teed of Counsel for the Caveator against such Motion. It is Ordered that the said Petition do stand and be dismissed out of Court with Costs.

J. Hampton
Proctor for Caveator

By the Court

A. A. Acworth
Proctor for Petr.

H. Hulett
Regr.

In the Supreme Court of Judicature at Madras

Equity Side   Fourth Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

one of Her Majesty's Justices

Saturday the Thirtieth day of September One thousand eight hundred and thirty Seven And in the First Year of the Reign of Her Majesty Queen Victoria Between Adolphus Luxa and Johanna Alicia Luxa his Wife . . . Complainants

and

John Lee and James Johnson —

Defendants

R Comyn

Edw. J. Gambier

This Cause Coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras on Bill and Answer in the presence of Counsel learned on both Sides Upon opening the Bill of Complaint of the above named Complainants And the Joint and Several Answer of the said Defendants thereto And upon reading the Probate of the Last Will and Testament of the Testatrix in the pleadings of this Cause named Also the accounts of her Estate filed by the said Defendants on the Ecclesiastical Side of this Court on the Sixteenth day of August One thousand eight hundred and thirty three

and on the First day of August One thousand eight hundred and thirty
Six respectively 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 trusts of the said Will of the Testatrix in the pleadings of
this Cause named ought to be carried into execution And doth
Order and Decree the same accordingly And in as much as
the Complainants by their Counsel waive the taking of the accounts as
by their Bill is prayed This Court makes no Order in
regard thereto And it is further Ordered that the said
Defendants do within one Week from the Service of this Decree upon
them deposit in the Treasury of Fort Saint George with the privity
of the Accountant General of this Court to the credit of this Cause
all Cash which may be in their hands belonging to the said
Testatrix's Estate And the Eleven Government Promissory Notes
following that is to say No. 288 for Sicca Rupees Three thousand
and five hundred No. 803 for Sicca Rupees Seven hundred No. 2135
for Sicca Rupees Six hundred all of the Five per Cent Loan of
1829/30. No. 950 for Sicca Rupees Four thousand and Seven hundred
No. 1916 for Sicca Rupees Seven hundred. No. 6761 for Sicca Rupees
Five hundred No. 9664 for Sicca Rupees One thousand and one
hundred No. 11879 for Sicca Rupees One thousand. No. 12716 for
Sicca Rupees One thousand. No. 2227 for Sicca Rupees One thousand
and two hundred No. [illegible] for Sicca Rupees One thousand and
five hundred All of the Four per Cent Loan of 1832/33 being the
Eleven Government Promissory Notes mentioned in the said Account of
the said Defendants as Executors of the said Testatrix filed on the
Ecclesiastical Side of this Honorable Court on the First day of
August One thousand eight hundred and thirty Six And this
Court doth further Order that the said Defendants upon
filing in the Registry of this Court a Certificate of the said
Accountant General that they have deposited in the said Treasury

with the privity the said Cash which may be in their hands belonging to the
Estate of the said Testatrix and the said Eleven Government Promissory Notes
hereinbefore particularly mentioned and described be discharged from the
further Execution of the Trusts of the Will of the said Testatrix and
from the Administration thereof And this Court doth further
Order that it be referred to the Master to tax the Costs of both the
parties Complainant and Defendant in this Cause as between Solicitor and
Client And that the same 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 of Fort Saint George with the privity of the said
Accountant General out of the said Government Promissory Notes when the
same shall have been deposited in the said Treasury as hereinbefore
ordered that is to say the Costs of the Complainants to their Solicitor
Mr. John Henry Wilkins and the Costs of the Defendants to Mr. William
Henry Rose And it is Ordered that for the purpose of making
such payments the said Sub Treasurer is to be at liberty with the
privity of the said Accountant General to sell and dispose of such of
the same Government Promissory Notes as may be necessary and in
regard to the residue which shall remain after payment of such Costs
It is further Ordered that the said Sub Treasurer with the privity
of the said Accountant General do receive the interest thereof as the
same from time to time becomes due and pay one half thereof to
the said Complainant and his Wife until she attain her age of
Twenty five Years or until the further Order of this Court and
carry until the further order of this Court the other half of the said
Interest to the credit of this Cause to an account to be entitled
"The Account of the Legacy of Anne Eliza Stringer" And the
parties in this Cause and the said Anne Eliza Stringer are respectively
to be at liberty to apply to this Court by Petition in this Cause as they may
be advised —

Wilkins
Pltts Sol.
Rowlandson & Rose
Defts Sol.

By the Court

Registrar

The amount of the taxed Bill of Costs to be paid to Mr. John Henry Wilkins Solicitor for the Complainants as between Solicitor and Client in pursuance of this Decree is Eight hundred and thirty two Rupees and eight fanams (832 8 ..) as appears by the Certificate of the Master dated this 21st day of December 1837

(Signed) R Comyn

The amount of the taxed Bill of Costs to be paid to Messrs Rowlandson and Rose Solicitors for the Defendants as between Solicitors and Client in pursuance of this Decree is Seven hundred and thirty six Rupees and eleven fanams (736 - 11 - ..) as appears by the Certificate of the Master dated this 22d day of December 1837

(Signed) R Comyn

In the Supreme Court of Judicature at Madras.

Equity Side. Fourth Term 1837.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight.

One of Her Majesty's Justices

Wednesday the Twenty Seventh day of September one thousand eight hundred and thirty seven And in the First year of the Reign of Her Majesty Queen

By Original Bill – Victoria. Between Tottically Casava Moodelly the only Son of Tottically Casava Kistnasawmy Moodelly deceased an Infant by Lutchmee Ummall his Mother and next friend. – Complainant

and

R Comyn.

Edwd. J. Gambier.

Tottically Soobaroya Moodelly Tottically Vadamall, Tottically Davasakamaney Moodelliar and Tottically Bala Soobaroy Moodelliar. – – – – Defendants

And By Bill of Revivor – Tottically Casava Moodelly an Infant by Tottically Lutchmee Ummall his next friend. – – Complainant

and

Tottically Sawmynada Moodelly and Tottically Chunglroya Moodelly the Sons and legal representatives of Tottically Soobaroy Moodelly deceased. – – Defendants

This Cause Coming on the First day of August One thousand eight hundred and Twenty Seven to be heard and debated before the

Honorable

The
of Costs
Henry W
Complain
and Sie
Decree
~~thirty two~~
(832 8…
~~Certificate~~
~~this 21~~

The
Costs
and R
at lette
pursuan
hundre
eleven
by the
dated

Honorable Judges of this Court in the presence of Counsel learned on behalf of the Complainant and the Defendants Tottically Davasakamoney Moodelly and Tottically Balla Soobaroy Moodelly to be heard against the said Defendants Tottically Davasakamoney Moodelly and Tottically Balla Soobaroy Moodelly and for the Bill to be taken Pro Confesso as against the other Defendants Tottically Soobaroy Moodelly and Tottically Vadamalle pursuant to an Order of this Court of the Twenty Seventh day of March One thousand eight hundred and thirty Seven. Upon opening and debate of the Matter and hearing the evidence which was adduced and what was alleged by the said Counsel. Their Lordships made their Decree bearing date the said First day of August One thousand eight hundred and Twenty Seven and thereby among other things Ordered and Decreed that the Receiver who was appointed in this Cause under the Order of this Honorable Court dated the Ninth day of December One thousand eight hundred and twenty five should Continue to collect get in and receive all the outstanding debts Estate and Effects and property of every kind whatsoever belonging to the undivided family of the said Testator and pay the same from time to time into the Treasury in the name of the Accountant General in trust in this Cause subject to the further Order of this Court. And the Court did reserve the Consideration of all further directions and of the Costs of this Suit until after the said Master should have made his Report. And before the Master made his Report a Bill of Revivor was filed by the said Complainant in this Cause on the thirty first day of October One thousand eight hundred and twenty eight in Consequence as is therein alleged of the death of the Defendant Tottically Soobaroy Moodelly. Setting forth as is therein set forth and therefore praying that the said suit and proceeding

so

so abated as aforesaid might stand revived against the said Tottically Sawmynada Moodelly and Tottically Chengleroya Moodelly and be in the same plight State and Condition as the same were in at the time of the abatement thereof or that the Defendants might shew Cause to the Contrary. And thereupon an Order was made by this Court on the Thirteenth day of September Instant that this suit should be revived against the said Defendants Tottically Sawmynada Moodelly and Tottically Chengleroya Moodelly And in pursuance of the said Decree the Master made his Report dated the Fourteenth day of September Instant (which stands absolutely Confirmed) and thereby Among other things found that the Receivers appointed in this Cause have Continued to collect get in and receive a Certain part of the outstanding debts and property belonging to the undivided family of the said Testator and that they have duly passed their Accounts and that there is in the hands of the Receiver ^Mr Joshua Thomas Crampton belonging to this Cause a Balance in Cash Amounting to the sum of Four thousand eight hundred and eighty nine Rupees Five Annas and eight Pice and likewise a Government Promissory Note for Tanjore debt Number One hundred and Forty eight of One thousand eight hundred and thirty three and thirty four dated Twenty fourth day of September One thousand eight hundred and thirty three for Six thousand and Ninety Seven Rupees Ten Annas and Eleven Pice bearing Interest from Thirtieth day of April One thousand eight hundred and thirty Seven at four per Cent per Annum. And that there is likewise in the possession of the said Receiver Bonds Promissory Notes and other Documents purporting to be Securities for money with instruments purporting to be instruments of Mortgage accompanying them belonging to the said Estate which are too Numerous to be particularized in this his Report **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 the Supreme Court of Judicature at Madras in the presence of Counsel learned on behalf of the Complainant and the Defendants Totthically Soobaroy Moodelly Totthically Davasattamoney Moodelly Totthically Saumynada Moodelly and Totthically Chengleroya Moodelly **And** upon reading the Petition of the said Complainant and the said Defendants (verified by their Affidavit) setting forth That Totthically Casava Moodelly the Testator in the Pleadings in this Cause named previous to his death made and published his last Will and Testament in the Malabar Language and Character a translation whereof into the English Language is as follows "I have made this Last Will and Testament for the disposal of my Estate and for what is to be performed by my Executors after me. the Firstly my Executors are to Collect in the money due to me and pay to any person. If I am indebted any agreeable to my account they are to lend the remainder of my Estate upon proper Security in such manner that there may not be loss to the Principal and with Interests which might accrue thereon, they are to perform agreeably to what is here under Specified. Secondly. My Executors are to Continue performing Sumptuously the daily offerings and devotions as well as Punchee Puroum and Brammo Chavam or annual and other Periodical Celebration of the Feasts &ca of both Stree Shedumbareeswarer and Casava Paroomall or Gods having the Title or appellation of Stree Akhlandacody Bramandah Naighur in such manner as I used to perform Thirdly. My Executors are to Continue paying thro' the means of Teroovadoo Toory Pundaray Chennadyan annual sum of Ninety Pagodas for Charitable subsistence at my Choultry at Sedambarum Ten Pagodas for the Gooroopoosy or Ceremoney of Seevagyanah Sawmy and three Pagodas for the Gooroopoosy or Ceremony which is to be performed

performed in the month of Thy or January in all Pagodas one hundred and three and Cause the same to be performed after the manner I caused to perform. Fourthly they are to Continue paying a annual sum of Twenty five Pagodas for the offerings to be made at noon at the Celebration of Annual Feast called Brammoo Chavam of Conjeeveram Yagambra Esoovarren or God Fifthly they are to pay a Monthly sum of one hundred Pagodas in the hands of my Eldest Grandson Vadachellum for my House Expence. Sixthly with respect of my Grandsons own Expenditure they are to pay every month at Twenty Pagodas a month to my Eldest Grandson Vadachellum at Fifteen Pagodas to my Second Grandson Soobaroyen and at Ten Pagodas to my third Grandson Casava Histnasawmy. Seventhly. My Third Grandsons Vadachellum Soobaroyen and Casava Histnasawmy are to collect in the produces of Totthically Ceroocalatoor and Clambaukum in all three Villages which the Honorable Company was pleased to grant me as Sotreeam for my long Service as Corricopoly under Military Store Keepers and pay the Kist money due to the Company and enjoy themselves the residue thereof from Posterity to Posterity. Eighthly. I have purchased the Meetah of Talavoo in the name of my son Davaseeamony by paying the Nadir money and Continued paying the money Necessary for Kist to the Company and after the death of my son Davaseeamony I caused it to be Registered in the name of my Eldest Grandson Vadachellum and out of the produce of the said Meetah the Kist money which is to be paid to the Company and the Charges attending Aullenahcarnem are to be deducted and if there be any remainder profit it is to be defrayed for the charges attending daily offerings annual Celebration of the feast &ca of the aforesaid Stree Shedumbareeswarer and Casava Paroomall or Gods. Ninthly. My Funeral rites &ca are to be performed by defraying the sum of One thousand Pagodas. Tenthly. If my Wife dies her funeral rites to be performed by defraying the sum of Five hundred Pagodas. Eleventhly. Besides the monthly sum of one hundred Pagodas which I directed to be paid for my House Expense in the Fifth article they are to Continue paying moderately such a sum as shall be adequate to respective affairs in all other joyful and sorrowful Circumstances at the time when the same shall happen in such manner as I continued to perform. Twelfthly. I do hereby appoint my Eldest Grandson Vadachellum Tondaly Gopaul Moodelly and Totthically Soobaroy Moodelliar In all three persons as my Executors after me and they are to Continue performing agreeable to what is above mentioned. Thirteenthly. The whole of my Estate Consisting Bonds ready money Jewels &ca is to be secured in a Chest and it is to be locked up with different Keys one of which is to remain with my Eldest Grandson Vadachellum one of my Executors and the other Key is to remain with one of the other Two Executors and the Chest is to remain at my House. Fourteenth. With respect to the whole of my Estate if sons shall be born to my Eldest Grandsons Vadachellum Soobaroy and Casava Histnasawmy in all three Grandsons and if they arrive to the proper age and appear to be fit to take care the said Estate the whole of my Estate is to be delivered to them agreeable to account they are to perform also all the charities which I hereinbefore stated from Posterity to Posterity thus I have with sound mind and memory made this last Will and Testament as far as my Knowledge would permit" That the said Testator had one son named Davasecamony Moodelly who departed this life previous to the said Testator. That the said Davasakamony Moodelly had three sons named respectively Tottically Vadachellum Moodelly Tottically Soobaroy Moodelly and Tottically Histnasawmy Moodelly who all survived the said Testator. That the said Testator departed this life in or about the year of Christ one thousand eight hundred and twelve. That upon the death of the said Testator the said Vadachellum alone obtained Probate of the Will of the said Testator the other Executors named in the said Will having renounced Probate. That the said Vadachellum Soobaroy and Histnasawmy and Vadamall the Widow of the said Vadachellum possessed themselves of the property of the said Testator amounting in value to the sum of Five Lacs of Pagodas and squandered and misapplied the same. That the said Histnasawmy departed this life on or about the Twenty fourth day of December One thousand Eight hundred and Twenty three leaving the Petitioner Tottically Casava Moodelly his only son and legal personal representative him surviving. That the said Vadachellum departed this life in or about the month of September One thousand eight hundred and twenty one leaving his Widow the said Defendant Vadamall and two sons the Petitioners Balla Soobaroy Moodelly and Davasekamony Moodelly him surviving That the said Petitioner Tottically Casava Moodelly on or about the seventh of August One thousand Eight hundred and Twenty four Exhibited and filed his Original Bill on the Equity Side of this Honorable Court against the said Soobaroy Vadamall and the said Petitioners Davasakamony and Balla Soobaroy Praying that an account might by and under the direction and decree of this Honorable Court be taken before the Master of all and singular the property and Effects of the said Tottically Casava Moodelly deceased left by him at the time of his death and which came to the hands possession or power of the said Tottically Vadachellum Moodelly deceased or of any other person or persons by his Order or for his use or which came to the hands possession or power of any of the said Defendants or of any person or persons by their or either of their Order or for their or either of their use and that the said Last Will and Testament of the said Tottically Casava Moodelly might be pronounced to be a Valid Will and that subject to the due performance of the several Charities therein mentioned the Complainant as one of the great Grandsons of the said Testator might be decreed to be entitled to a third of the property in and by the said Will bequeathed and that the same might

might be secured for the benefit of the Complainant during his minority a reasonable and adequate sum thereout being allowed by the said Master for the maintenance and Education of the Complainant to be paid to such person as to this Honorable Court should seem meet or if the said Will should be decreed to be invalid and inoperative then that after securing a proper sum for the maintenance and support of the Widows of the said undivided family a division of the property of the said Tottically Casava Moodelly might be made and the same divided into three equal shares that the Complainant might be declared to be entitled to one of such shares as being the only son of the said Tottically Casava Histnasawmy deceased who was one of the three sons of Tottically Davasakamony Moodelly deceased the only son of the said Tottically Casava Moodelly deceased and that a proper and adequate sum of money might by the said Master be allowed for the maintenance and Education of the Complainant during his minority and be paid to such person for the said purpose as to the Court should seem fit and that on taking such account and making such partition and division of the said Family property belonging as aforesaid to the Descendants of the said Tottically Casava Moodelly deceased whatsoever sum or sums of money or other valuable property belonging to the said Estate and Effects of the said Tottically Casava Moodelly deceased which might have been received by the said Tottically Vadachellum Moodelly deceased in his life time by the said Defendants Tottically Soobaroy Moodelly or by the said Casava Histnasawmy the Complainants said Father deceased in his life time or by any person or persons for their or either of their respective uses or by their or either of their respective orders might be carried to the respective debits of the parties who received the same or of their respective representatives in the said accounts and the same might go in deduction Protanto in the respective shares of such persons or their representatives and that in the mean time a receiver might be appointed to collect get in and receive all the outstanding debts and all the Estate and property of the said Tottically Casava Moodelly deceased and the rents and profits arising therefrom and the receiver might from time to time pay into the Treasury of Fort Saint George with the privity of the Accountant General of this Honorable Court whatever property he might collect get in or receive and that the same might remain in the said Treasury to the Credit of this Cause until the further Order of this Honorable Court and that in the mean time the Defendants and all persons acting under them or by their authority might be by the Writ of Injunction issuing under the seal of this Honorable Court restrained from interfering or intermeddling with any of the property or effects belonging to the Estate of the said Tottically Casava Moodelly deceased or disposing of the same or any part thereof as on reference to the said Bill will appear. That such proceedings were afterwards

had in the said Cause that the same came on to be heard on the First day of
August one thousand eight hundred and Twenty seven when it was amongst
other things Ordered and decreed that the Petitioner Tottically Casava
Moodelly's Bill should be taken Proconfesso against the said Defendants
Soobaroy and Vadamall and that it should be referred to the Master of this
Honorable Court to take an account of all and Singular the property
Estate and Effects of the said Testator at the time of his death and
what part or parts of the same were or was possessed or received by
the said Vadachellum in his life time as one of the Executors of the
said Testator or by any other person or persons by his Order or for his
use and also what part or parts of such Estate were or was after the
death of the said Vadachellum possessed or received by Kistnasawmy
the Father of the Petitioner Tottically Casava in his life time
or by any person or persons for his use and what also since the
same period had been possessed or received by the said Defendants
Soobaroy and Vadamall or either of them or by any other person or
persons by their or either of their order or for their or either of their
use and how and in what manner the said Vadachellum
Soobaroy and Vadamall or any such person or persons as aforesaid
had respectively applied or disposed of the same Estate And
whether there were any and what part or parts of such Estate
outstanding at the date of the report of the said Master and if any
the said Master was directed to State the amount and particulars
thereof and why and for what reason the same had not been
gotten in and it was further Ordered that the said Master
should take an account of the said Testators debts and Funeral
Expences and of the several Charity and other Legacies bequeathed
by the said Will and the said Master was directed to enquire
and report whether any and which of such debts and legacies
respectively still remain unsatisfied and unprovided for and if any
why and for what reason and for the purpose aforesaid the
Master was directed to Cause the usual advertisements with
translations thereof into the native languages to be published
in the Government Gazette and such other public News papers as
he should think proper for the Creditors and Legatees of the
said Testators to come in before him and prove their respective
demands within a time to be fixed by him for that purpose
and such of the said Creditors and Legatees as should not
Come in and make out their respective demands before
the Master within that period were to be excluded the benefit
of the said Decree and it was further Ordered that the
Estate and Effects of the said Testator should be applied in
payment of his debts funeral Expences and legacies respectively
in a due Course of Administration and after payment thereof

the

the Master was directed to ascertain what if any was the clear residue of the said
Testators Estate at the time of his death and if any he was directed to
state the particular amount of the Complainant and Defendants shares and
proportions of and in the same respectively and what was then due
to the said parties respectively on account thereof and in Case he should
find any Sum to be due and forthcoming in respect of the Shares
in proportions of the said Complainant and Infant Defendants
respectively of and in the said Testators Estate he was directed to enquire
and report what would be a fit and proper sum to be allowed for
the maintenance Support and Education of the Petitioners the Infant
Complainant and of the then Infant Defendants the said Petitioners
Davasakamony and Ballasoobaroy respectively for the time to come
and to whom and out of what funds such allowance ought to be
paid and in taking the accounts aforesaid the Master was directed
to make and to all parties all just allowances and it was further
Ordered and decreed that the receiver who was appointed in this
Cause under the Order of this Honorable Court dated the ninth
day of December One thousand Eight hundred and twenty five
should Continue to Collect and get in and receive all the outstanding
debts Estate and Effects and property of every Kind whatever belonging
to the said Undivided family of the said Testator and pay the same from
time to time into the Treasury in the name of the Accountant General
in trust in this Cause Subject to the further order of this Court and
that the Defendants Soobaroy and Vadamall should not in any manner
interfere or intermeddle with any part of the property or effects
belonging to the Estate of the said Testator or dispose of the Same
or any part thereof and for the better taking of the said several
accounts and discovery of the Matters aforesaid the said Complainant
and Defendants were directed to produce before the said Master
upon oath all Books Papers writings Documents Deeds Bonds Cadjans
and Documents in their Custody or power relating to the matters
in question in this Cause and the said Master was to be at
liberty to Examine the Defendants in this Cause Except the Infant
Complainants and Defendants Davasakamoney and Balla
Soobaroy Moodelly upon Oath or Interrogatories as the said Master
should direct and he was to be at liberty to proceed de die
in diem if he thought proper and this Honorable Court did
reserve the Consideration of all further directions and of the Costs
of this Suit until after the said Master should have made
his report and any of the parties were to be at liberty to apply
to this Honorable Court as there should be occasion. That after
the making of the said Decree and on or about the Twelfth
day of July One thousand Eight hundred and Twenty eight
the said Soobaroy departed this life Intestate leaving the Petitioners
Sawmynada Moodelly and Chengleroy Moodelly his sons and only

personal Representatives him surviving and that thereupon a Bill of Revivor was filed against them to which the said Sawmy Nada and Chengleroy appeared by their next friend and that the said suit has been duly revived against them. That in pursuance of an order of this Honorable Court bearing date the Seventh day of July last Latchmee Ummall the Mother of the Petitioner Tottically Casava Moodelly has been duly appointed the Guardian of the said Petitioner during his minority and has given the usual Security to account for all sums of money and other property she shall receive on account of the said Petitioner. That in pursuance of an order of this Honorable Court bearing date the said Seventh day of July last Poonapaukum Soobaroy Moodelly has been appointed the Guardian of the Petitioner Tottically Chengleroy Moodelly during his minority and has given the usual Security to account for all sums of money and other property he shall receive on account of the said Petitioner That the said Petitioners Balla Soobaroy Davaseekamony Moodelly and Sawmy Nada Moodelly have severally attained their respective ages of Sixteen Years That the said Master by his report made in this Cause and dated the Fourteenth day of September One thousand Eight Hundred and Thirty Seven has Certified that he has not been enabled for the reasons thereinafter stated to take an Account of all and Singular the property Estate and Effects of the said Testator Tottically Casava Moodelly at the time of his death and of such part or parts of the same as were or was possessed or received by Tottically Vadachellum Moodelly in the Pleadings in this Cause named in his life time as one of the Executors of the said Testator or by any other person or persons by his order or for his use or of such part or parts of such Estate as were or was after the death of the said Vadachellum possessed or received by Kistnasawmy the Father of the Complainant in his life time or by any person or persons for his use or of what also since the same period have or hath been possessed or received by the said Defendants Tottically Soobaroy Moodelly and Tottically Vadamall or either of them or by any other person or persons by their or either of their order or for their or either of their use or how and in what manner the said Vadachellum Soobaroy and Kistnasawmy and Vadamall or any such person or persons as aforesaid have or hath respectively applied or disposed of the same Estate or to ascertain whether (save and Except as thereinafter mentioned) there are now any and what part or parts of such Estate outstanding and that he has for the same reason been unable to take an account (save and Except as thereinafter mentioned) of the said Testators debts and funeral Expences and of the several Charity

and

and other Legacies bequeathed by the said Will or to ascertain whether any and which of such debts and Legacies respectively still remain unsatisfied and unprovided for and that he has caused the usual advertisements with a translation thereof into the native language to be published as by the said Decree directed for the Creditors and Legatees of the said Testator to come in before him and prove their respective demands within a time fixed by him for that purpose and since Expired and (save and Except as thereinafter mentioned) he has not been able to ascertain the clear residue of the said Testators Estate at the time of his death or to state the particular amount of the Plaintiff and the Defendants shares and proportions of and in the same respectively or what is now due to the said Parties respectively on account thereof and that no proceedings were ever had before him to enable him to report what would be a fit and proper sum to be allowed for the Maintenance Support and Education of the Infant Complainant and Infant Defendants Davaskamany and Balla Soobaroy respectively for the time to come or to whom or out of what funds such allowance ought to be paid and the said Master has found that the Receivers appointed in this Cause have Continued to collect get in and receive a certain part of the outstanding debts and property belonging to the undivided family of the said Testator and that they have duly passed their accounts and he has found that there is in the hands of the Receiver Mr. Joshua Thomas Crampton belonging to this Cause a balance in Cash amounting to the sum of Rupees Four thousand Eight hundred and Eighty Nine annas Five and Pice Eight and likewise a Government Promissory Note for Tanjore debt No. 148 of 1833/34 dated twenty fourth September One thousand eight hundred and thirty three for Rupees Six thousand and Ninety seven, annas Ten and Pice Eleven, bearing Interest from Thirtieth day of April One thousand Eight Hundred and Thirty Seven at Four per cent per annum and he has found that there is likewise in the possession of the said Receiver Bonds Promissory Notes and other documents purporting to be Securities for money with instruments purporting to be instruments of Mortgage accompanying them belonging to the said Estate which are too Numerous to be particularized in the said Report and that a State of Facts has been left with him by the Solicitor for the said Plaintiff stating that after the death of the said Testator the said Tottically Vadachellum Moodelly took possession of the Estate of the said Testator and Squandered and wasted the same and that no regular Accounts were kept in consequence of which it is impossible to acertain how much thereof he so squandered and wasted the said Estate and that on the death of the said Vadachellum his Brothers the said soobaroy in his life time and the said Kistnasawmy and the said Vadamall the Widow of the said Soobaroy after his death took possession of the Estate of the said Testator and likewise squandered and wasted it but that no regular Accounts were kept of what they respectively received and that it is impossible to ascertain how much they so squandered or wasted respectively and that there is still a Considerable part of the Estate of the said Casava outstanding and that the same has not been gotten in because the demands are stale the debtors generally in insolvent Circumstances and without the means of paying the Money and the great expence which would necessarily have been incurred if proceedings had been taken and that the said Testator at his death left no debts unsatisfied and that his funeral Expences and those of his Wife were paid out of his Estate but that for the reasons aforesaid no account thereof has been kept and that all the Legacies given by the said Testators will have lapsed and that for the last Fifteen Years the several Charities mentioned in the said Testators Will have been discontinued in consequence of the Confusion which has arisen in the Management of the said Testators Estate and that it would be very beneficial to the parties interested in the said Testators Estate if the same were placed in their hands to enable them to deal with it in any manner most beneficial to themselves and Witnesses have been produced for examination before him by the Solicitor for the said Plaintiff in support of such last mentioned state of Facts and that he the said Master has proceeded to examine such Witnesses and he has found from the examination on Oath of Tondalum Shunmugum Moodelly and Pinnapuntum Thonachellum Moodelly respectively taken before me on the Twenty Ninth of August One Thousand Eight hundred and Thirty Seven that the Property Estate and Effects of the said Testator Came to the Possession of his Grandson Tottically Vadachellum Moodelly (who died on the Twenty First of September One Thousand Eight Hundred and Twenty One) and that no regular Accounts of receipts and payments were kept by the said Tottically Vadachellum Moodelly or by any persons on his behalf and that after the death of the said Tottically Vadachellum Moodelly the Estate of the said Testator was possessed by Vadamall and by Tottically Kistnasawmy Moodelly and Tottically Soobaroy Moodelly the Brothers of the said Tottically Vadachellum Moodelly and that no Accounts were kept by them or either of them in respect of their receipts and disbursements of the said Testators Estate and that it would be next to impossible to ascertain or distinguish the several Amounts received or spent by the aforesaid several members of the

Family

Family of the said Testator and he has found from the Examination of the said Joshua Thomas Crampton taken before him on the Twenty fifth of August One Thousand Eight hundred and Thirty Seven that he was Receiver in this Cause came into the possession of the papers belonging to the Estate of the said Tottically Casava Moodelly the Testator in the Pleadings mentioned for which he was enabled to make some Collections for which he has given Credit in his Accounts left and passed before the said Master and that from the Papers which so came into his possession the said Receiver has not been able to distinguish what parts of the Estate were possessed by or on behalf of the said Tottically Vadachellum Moodelly or by or on behalf of the said Tottically Kistnasawmy Moodelly or by or on behalf of the said Tottically Soobaroy Moodelly or by or on behalf of the said Vadamall or how or in what manner the said Tottically Vadachellum Moodelly the said Tottically Soobaroy Moodelly the said Tottically Kistnasawmy Moodelly or Vadamall or any person on their behalf had respectively applied or disposed of the same and that the Papers belonging to the said Estate in his possession are still in a State of Confusion although he has done his best to arrange them and that he believes there is a Considerable part of the Estate outstanding the amount or particulars of which he is unable to state and that there is a great many Bonds Promissory Notes and other documents purporting to be Securities for money with instruments purporting to be instruments of Mortgage Accompanying them and that the reason why the same have not been gotten in and received by him is that all the demands are stale and the Debtors generally in Insolvent Circumstances and without the means of paying the Money and the great expence which would necessarily have been incurred had proceedings at Law been taken to attempt to enforce payment and that in a Number of Cases in which property has been Mortgaged in favor of the Estate the Mortgagers have from time to time appeared before him and requested him to receive the Mortgaged property in full satisfaction of the several Claims against them which he refused to do and that in almost all instances the amount due to the Estate of the said Casava Considerably exceeded the value of the property so Mortgaged and the said Master has found from the said Examinations of the said Joshua Thomas Crampton and Tondalum Shunmugum Moodelly that it would be very beneficial to the parties interested in the Estate if the same were placed in the hands of such parties to enable them to deal with it in any manner they may think most beneficial to themselves and the said Master has found from the said Examination of the said Joshua Thomas Crampton that he the said Joshua Thomas Crampton has reason to believe from his experience and knowledge of the Customs and dealings of the Natives

of Madras with each other that the parties in this suit would not
encounter the same difficulties that he or any other Receiver
would meet with in attempting to realize the monies due to
the Estate and the said Master has found that the said Testator
hath in and by the Second Paragraph of his Will directed
his Executors to continue to perform Sumptuously the daily
offerings and devotions as well as Punchiporum and
Brammachoram or annual and other periodical Celebration
of the feast &ca of both Stree Shedumbareeswarer and
Casava Permall or Stree Akelandacoody Brammoonder
Naigar in such Manner as the said Testator used to perform
them and the said Master has found from the Examination
on Oath of Moyapare Narrain Moodelly taken before him
on the Twenty fifth of August One Thousand Eight hundred
and thirty seven and from the said Examination of the
said Tondalum Shunmugum Moodelly that the last
mentioned Charity was discontinued after the death of the
said Tottically Vadachellum Moodelly and that the same
has not been performed since the year of Christ one
Thousand Eight Hundred and Twenty three and the said
Master has found that the said Testator hath in and by
the Third Paragraph of his Will directed his Executors to
pay an annual sum of Ninety Pagodas for charitable
Subsistance at his Choultry at Shedumbarum Ten
Pagodas for the Gooroopasy or Ceremony of Shevayagham
Sawmy and Three Pagodas for the Gooroopooay or
Ceremony performed in the Month of Thyoe or January
and that they should be performed after the manner the
said Testator Caused them to be performed and the
said Master has found from the said Examinations
of the said M. Narrain Moodelly and T. Shunmugum
Moodelly that such last mentioned Charity has not been
performed for the last Fifteen Years and the said Master
has found that the said Testator hath in and by
the Fourth Paragraph of his Will directed his Executors
to pay an Annual Sum of Twenty Five Pagodas
for the offerings to be made at noon the celebration
of the annual feast Called Brammacharum of
Conjevarum Yaganbara Esvarer and he
has found from the said Examinations of
the said M. Narrain Moodelly and T. Shunmugum
Moodelly that such last mentioned Charity has
not been performed for the last Fifteen years
and he has found that the said Testator
hath in and by the Fifth Paragraph of
his Will directed his Executors to pay
a Monthly Sum of One Hundred

Pagodas

Pagodas in the hands of his Eldest Grandson Vadachellum (who had departed
this life after the death of the said Testator and before the Commencement
of this Suit) for the House expences of the said Testator And the said
Master has found that the said Testator hath in and by the Sixth
Paragraph of his Will directed his Executors to pay every Month
Twenty Pagodas a Month to his Eldest Grandson the said Vadachellum
and Fifteen Pagodas to his Second Grandson Soobaroyen (who hath
departed this life) and Ten Pagodas to his third Grandson Cashava
Histnasawmy the Father of the Plaintiff above named for their
own expenditure and the Master has found that the said Testator
hath in and by the Seventh Paragraph of his Will directed his
Three Grandsons Vadachellum Soobaroyen and Cashava Histnasawmy
to collect the produce of his Three Villages Tottically Sarovalatore
and Claumbaukum and to pay the Kist money due to the
Company and enjoy themselves the Residue thereof from posterity
to posterity and the said Master has found from the said
Examinations of the said M. Narrain Moodelly and T. Shunmugum
Moodelly that such last mentioned Three Villages have been
Sequestered and Sold on behalf of the East India Company for
non payment of Kist and the said Master has found that the
said Testator hath in and by the Eighth Paragraph of his Will
directed that out of the produce of his Meetah of Toolavoore registered
in the name of his Eldest Grandson the said Vadachellum the
Kist money should be paid to the Company and the Charges attending
Autmahanon should be deducted and that should there be any
profit remaining the same should be defrayed for the Charges
attending daily Offerings Annual Celebration of Feast &ca
of the aforesaid Stree Shedumbara and Cashava Permaul
and the said Master has found from the said Examinations
of the said M. Narrain Moodelly and T. Shunmugum Moodelly
that such last mentioned Meetah has been Sequestered and Sold on
behalf of the East India Company for non payment of Kist
and the said Master has found that the said Testator has in and by
the Ninth Paragraph of his Will directed that his funeral rites &ca
should be performed by defraying the sum one thousand
Pagodas but whether any or what Sum has been expended for such
last mentioned purpose he the said Master is unable to
report no statement or claim in respect thereof having
been made or preferred before him and the said Master has
found that the said Testator has in and by the Tenth Paragraph
of his Will directed that should his Wife die her funeral
rites should be performed by defraying the sum of Five Hundred
Pagodas and he has found that the Wife of the said Testator
has departed this life but whether any or what sum has been
expended for her funeral rites he is unable to report no Statement
or claim in respect thereof having been made or preferred before
him and the said Master has found that the said Testator
hath in and by the Fourteenth Paragraph of his said

Will declared that with respect to the whole of his Estate if Sons should be born to his Three Grandsons the said Vadachellum Soobaroy and Casava Kistnasawmy and if they should arrive at a proper age and appear fit to take care of the said Estate the whole of such Estate should be delivered to them and that they should also perform all the Charities stated by the said Testator in his Will from posterity to posterity and the said Master has found that the said Vadachella hath left the Defendants Davasakamoney Moodelly and Balla Soobaroy Moodelly his Two Sons him Surviving and he has found that the said Soobaroy Moodelly hath left the Defendants Sawmy Nada Moodelly and Chingleroy Moodelly his Two sons him surviving and he has found that the said Casava Kistnasawmy hath left the said Complainant Casava Moodelly his only Son him Surviving who are the Five several persons entitled under the said Fourteenth Paragraph of the said Testators said Will That from the circumstances setforth in the said Masters Report and in Order to prevent the total waste of the said Testators Estate the said Petitioners being the only representatives of the said Testator now living have agreed that the said Bill so filed by the said Casava and all proceedings in the said suit shall be withdrawn and that the Estate of the said Testator shall be administered by the said Petitioners inconjunction with One another According to the terms of an agreement executed by and on behalf of the Petitioners and According to the Will of the said Testator **and Praying** that the Receiver appointed in this Cause be directed to deliver to the Petitioners the said Government Promissory Note for Tanjore Debt No. 148 of 1833. 1834 dated Twenty fourth of September One thousand Eight hundred and thirty three for Rupees Six Thousand and ninety Seven Ten annas and Eleven Pice and the sum of Four thousand Eight hundred and Eighty nine Rupees Five Annas and One Pice in Cash found by the Master to be in his possession and also all Securities documents Vouchers Papers and Cadjans belonging to the Estate of the said Casava deceased in his Custody possession or power as such Receiver and that thereupon he be discharged from all further interference with the said Estate of the said Casava deceased and that the Bill and Bill of Revivor filed herein be dismissed or that their Lordships would be pleased to make such other Order in the Premises as to their

their Lordships should seem meet **Whereupon** and upon reading the said Decree Dated the said First day of August One thousand eight hundred and Twenty seven and the said Bill of Revivor and the said Order of Court dated the said Thirteenth day of September Instant and the said Master's Report and also the Order of Court dated the Twenty Seventh day of September Instant Confirming the same **This Court doth Order** by and with the Consent of Mr. Teed of Counsel for all the Defendants except the Defendant Tottically Vadamall who is in Contempt for want of her Answer that the Receiver appointed in this Cause do deliver to the said Lutchmee Ummall the Guardian of Tottically Casava Moodelly the Infant Complainant to the Defendants Tottically Bala Soobaroy Moodelly Tottically Davasakamoney Moodelly and Tottically Sawmynada Moodelly and to Poonapaukum Soobaroy Moodelly the Guardian of the Infant Defendant Tottically Chingleroy Moodelly the said Government Promissory Note for Tanjore debt No. 148 of 1833 dated Twenty fourth of September One thousand eight hundred and Thirty three for Rupees Six thousand and Ninety Seven Ten Annas and Eleven pice (6097-10.11) and the Sum of Four thousand eight hundred and eighty nine Rupees Five Annas and Eight pice (4889-5.8) in Cash found by the Master to be in the possession of the said Joshua Thomas Crampton as such Receiver as aforesaid also all Securities documents Vouchers Papers and Cadjans in his possession belonging to the Estate of the said Tottically Casava Moodelly deceased And that thereupon the said Joshua Thomas Crampton be discharged from his said Receivership and that the recognizance entered into by him and his sureties be vacated by the said Master **and it is further Ordered** by and with the like Consent as aforesaid that the Original Bill of Complaint the Bill of Revivor filed herein and all subsequent proceedings be dismissed out of Court without Costs.

Shed Morris
Pltffs Sol.

By the Court.

Registrar

Pauper

In the Supreme Court of Judicature at Madras

Equity Side   Fourth Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Saturday the Thirtieth day of September One thousand eight hundred and thirty Seven And in the First Year of the Reign of Her Majesty Queen Victoria Between Avadana Rungiah Braminy an Infant by Tanjore Shama Row his Guardian and next friend

Complainant

and

Avadana Codunda Ramasawmy Braminy . . . . . Defendant

R Comyn

Edw. J. Gambier

Whereas the Complainant did on the Seventh day of April One thousand eight hundred and thirty Seven Exhibit his Bill of Complaint in this Court against the Defendant Setting forth as therein setforth and therefore praying that a Writ of Injunction therein mentioned and 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 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 Complainant's Bill the said Defendant appeared thereto by his Solicitor 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 Writ of — Sequestration under the Seal of this Court was awarded against him — by virtue of which the Sheriff seized certain Messuages Lands and Tenements as in and by the return thereto is particularly Setforth notwithstanding which the said Defendant persisting in his contempt the Complainant obtained an order dated the Twenty Second day of September Instant that the said Complainant should be at liberty to enter his Bill of Complaint to be taken Pro — Confesso against the said Defendant on the Thirtieth day of September Instant And this Cause coming on this present day to be heard before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Complainant's Counsel And the Registrar being present and producing the Record of the Complainant's Bill accordingly and the said Defendant still persisting in his Contempt And upon hearing read the said Order of Court of the Twenty Second day of September Instant And the Affidavit of Service thereof on the said Defendant's — Solicitor And upon hearing read also the Subpoena to hear — Judgment And the Affidavit of Service thereof on the Defendant's Solicitor And upon hearing read 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 it be referred to the

Master

Master of this Court to take an account of all and Singular the undivided Family Estate Property and Effects whether real or personal of or to which the said Avadana Paupiah Braminy deceased was possessed of or otherwise entitled at the time of his death 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 and that the Master do also take an account of the debts and funeral expenses of the said Avadana Paupiah Braminy deceased 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 Avadana Paupiah Braminy 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 Avadana — Paupiah Braminy's Estate be applied in payment and satisfaction of his debts and Funeral Expenses in a due Course of Administration and after satisfying the same the Master is to ascertain the clear residue (if any) of the said Estate both real and personal. and the particulars of the same respectively and whether any and what part or parts thereof is or are now outstanding and if so for what reason And this Court doth Declare that one clear moiety of such clear residue if any of the said Estate of the said Avadana Paupiah Braminy belongs to the said — Complainant as one of the Sons of the said Avadana Paupiah — Braminy 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 Defendant all just allowances And it is further Ordered that the Injunction issued under and by Virtue of the Order of the Eighth day of April One thousand eight hundred and thirty Seven restraining the said Defendant from further wasting mastring or making away with any part of the said undivided Family Property be in the mean time continued And this Court doth reserve the Consideration of all further directions and Costs until after the said Master shall have made his Report and the party Complainant is to be at liberty to apply to this Court by Petition as occasion shall require.

Parlander & Rose
Compl^ts Solrs

By the Court

Registrar

Exd.

In the Supreme Court of Judicature at Madras
Equity Side Fourth Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Wednesday the Twenty Seventh day of September One thousand eight hundred and thirty Seven And in the First Year of the Reign of Her Majesty Queen Victoria Between Chaund Beebee otherwise called Saudoo Beebee Ummall and Laul Beebee and Paupa Beebee respectively Infants by the said Chaund Beebee their Mother and next friend — Complainants

and

Khader Saib and Meerum Beebee and Mahomed Yesoof Seydoh Beebee and Marcam Saib when they shall come within the Jurisdiction of this Honorable Court.

Defendants.

R Comyn

Edw. J. Gambier

This Cause Coming on the Twenty third day of September Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on behalf of the Complainants and also the Defendants Khader Saib and Meerum Beebee Upon Opening the Bill of Complaint of the above named Complainants

And the Joint and Several Answer of the said Defendants Khader Saib and Meerum Beebee And upon hearing read as Evidence for the said Complainants the several passages in the said Answer of the said Defendants as follow that is to say from the words "they admit it to be true" in folio 2. to the words "not a very considerable Amount in value" in folio 10 from the words "And these Defendants further answering" in folio 14 to the words "his only Children him Surviving" in folio 15 from the words "And these Defendants" in folio 46 to the words "called a Shop" in folio 47. from the words "And they also admit" in the same folio to the words "the said Complainant Chainda Beebee" in the same folio from the words "But these Defendants" in folio 49 to the words "Defendant Khader Saib" in folio 50 from the words "And these Defendants" in folio 60 to the words "limits of Madras aforesaid" in the same folio from the words "And these Defendants" in the last mentioned folio to the words "This Honorable Court" in folio 63. The Deposition of Coottee Pillay to the First and Sixth Interrogatories in Chief filed on behalf of the said Complainants The Deposition of Veerasawmy Pillay to the First and Sixth Interrogatories in Chief filed on behalf of the said Complainants And upon hearing read as Evidence for the said Defendants The Deposition of the said Coottee Pillay to the First and Second Cross Interrogatories filed on behalf of the said Defendants The Deposition of the said Veerasawmy Pillay to the Second Third and Fourth Cross Interrogatories filed on behalf of the said Defendants And upon hearing read as Evidence for the said Complainants The Deposition of Mahomed Ibrahim to the First Second and Third Interrogatories in chief filed on behalf of the said Complainants The Deposition of Nutter Saib alias Shaik Nutter Saib to the First Second and Third Interrogatories in Chief filed on behalf of the said Complainants The Deposition of Baboo Hyder Saib to the First third and Fourth Interrogatories in

Chief

Chief filed on behalf of the said Complainants The Deposition of Venkutraminyen to the First fourth and Fifth Interrogatories in chief filed on behalf of the said Complainants And also the Complainants Exhibit marked A. Whereupon and upon debate of the Matter and hearing what was alleged by the said Counsel 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 without Costs.

J. M. Branson

Vakl for the Defts Khader Saib and Meerum Beebee

By the Court

Registrar

No 7

In the Supreme Court of Judicature at Madras.

Equity Side — Sittings after the Fourth Term 1837

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices

Friday the Seventeenth day of November One thousand eight hundred and thirty Seven And in the First Year of the Reign of Her Majesty Queen Victoria. Between Peter Cator Esquire Executor of the Last Will and Testament of Mainally Ponniah Modelly — Complainant

and

Mylay Chengleroy Modelly - Defendant

R. Comyn.

Edw. J. Gambier

Read at the Hearing for further Directions and Costs this 16th day of February 1839.

This Cause coming on the Thirteenth Fourteenth Fifteenth and Sixteenth days 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 Bill of Complaint of the above named Complainant and the Answer of the said 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 "And this Defendant" in folio 2 to the words "that behalf mentioned" in folio 13 from the words "And this Defendant" in folio 14 to the words "Honorable Court" in folio 15 from the words "And this Defendant" in folio 38 to the words "for that purpose" in folio 42 from the words "And this Defendant" in folio 44 to the words "his dwelling House" in folio 45 from the words "But as this Defendant" in the last mentioned folio to the words knowledge and belief in folio 53 from the words "And this Defendant" in folio 55 to the words "Promissory Notes" in the same folio from the words "And this Defendant" in folio 61 to the words "P. Cator" in folio 67 from the words And this Defendant in folio 68 to the words "his own use" in folio 69 from the words "And this Defendant" in folio 70 to the words "was received" in folio 72 from the words "And this Defendant" in folio 74 to the words "his possession" in folio 75 from the words "And this Defendant" in the last mentioned folio to the words "Bill stated" in folio 76 from the words "And this Defendant" in folio 77 to the words "his possession" in folio 78 from the words "And this Defendant" in the last mentioned folio to the words" as aforesaid" in folio 81 from the words "And this Defendant" in folio 89 to the words "said Ponniah" in the same folio from the words "And this Defendant" in folio 92 to the words "of Creditors" in folio 93 from the words "And this Defendant" in folio 102 to the words "Ponniah Moodelly" in folio 104 from the words "And this Defendant" in folio 106 to the words "that purpose" in folio 108 And upon hearing read as Evidence for the said Complainant The Deposition of Pullernumbarcum Nadachella Moodelly to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Mylay Sodarey Moodelly to the First Fifth and Ninth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Nattambadoo Veerasawmy Moodelly to the First and Fifth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Maing Moodo to the First and Sixth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Mr. John Wheeler to the First Seventh Eighth and last Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Moorogapah Moodelly to the First and Seventh Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as evidence

for

for the said Defendant The Deposition of the said Pullernumbarcum Nadachella Moodelly to the last Interrogatory in Chief filed on behalf of the said Complainant The Deposition of Coothanoor Soobiah Brameny to the First Third Sixth and last Interrogatories in Chief filed on behalf of the said Defendant The Deposition of Mungadoo Suwanah Moodelly to the First Fourth and Fifth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of Cantoopanthum Sodarey Moodelly to the First and Fifth Interrogatories in Chief filed on behalf of the said Defendant And upon hearing read as Evidence for the said Complainant the Exhibits marked respectively **A.B.C. D.E.F. I.J. M.P. Q. R. S. V. Y.** and **Z.** And also the Probate of the Last Will and Testament of the said Monally Ponniah Moodelly in the pleadings of this Cause named granted to 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 it be referred to the Master of this Court to enquire and report whether any and which of the said Subdivided Notes in the pleadings of this Cause mentioned other than the Fifteen Notes alleged by the said Defendant in his said Answer to have been given to him by the said Monally Ponniah Moodelly deceased came to the possession custody or power of the said Defendant or of any other person or persons by his order or for his use and benefit in the life time or after the death of the said Monally Ponniah Moodelly deceased And in case the said Master shall find that any of such Notes were possessed by the said Defendant or by any other person or persons by his order or for his use then the said Master is to enquire and report how and in what manner the said Defendant has disposed of the same and to take an account of the proceeds of such Subdivided Notes and the interest thereon And it is further Ordered that the said Master do enquire and report whether the gift of the said Fifteen Notes alleged by the said Defendant to have been made really took place and under what circumstances and at what time the same was made And in Case the said Master shall find that no such gift took place then he is to take an account of all monies received by the said Defendant on such Notes and to enquire and report as to the House and Garden in the Ooriwatoor Road which the said Defendant admits to have been purchased with part of the produce of Four of the said Fifteen Notes and to whom and for what consideration the same was sold by the said Defendant And the Master is to be at liberty to state any Special circumstances 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 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 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 both parties are to be at liberty to apply to this Court by Petition in this Cause as they shall be advised. –

W. P. Aworth
Compl. Solr

Geo Gomes
defts Solr

By the Court

Eq. S.

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Saturday the third day of February One thousand Eight hundred and Thirty Eight And in the First Year of the Reign of Her Majesty Queen Victoria. Between Mootee Ram Soorut Ram and Davy Chund Sallah – Complainants –

and

Alexander Duncan Campbell Esquire the Executor of the Last Will and Testament of Edward Samuel Moorat Esquire late of Madras Deceased – – – – Defendant –

R. Comyn.

Edw. J. Gambier

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 on Bill and Answer in the presence of Counsel learned on both Sides **Upon** opening the Bill of Complaint of the above named Complainants and the Answer of the said Defendant thereto. **And** upon reading the Probate of the Last Will and Testament of the Testator in the Pleadings of this Cause named. **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 take an Account of what is due to the Complainants and all other the Creditors of Edward Samuel Moorat Esquire deceased the Testator in the Pleadings named and of his Funeral and Testamentary Expences and to Compute Interest on such of the debts as carry

Read at the hearing for further directions and costs the 19th day of February 1841.
W. Aworth
Regr.

Interes

Interest after the rate the same respectively carry Interest and the said Master is to Cause advertisements to be published in the Fort Saint George Gazette the London Gazette the Government Gazette at Calcutta and such Public News Papers as he shall think fit of the Countries where he shall find that Creditors of the said Testator reside in Madras Calcutta Bombay China England and elsewhere 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 Complainants their proportion of the expenses of this Suit to be settled by the Master. **And it is Ordered** that the said Master do take an Account of the Personal or moveable and of the immoveable Estate and of the Rents Profits and Produce thereof of the said Testator come to the hands of the said Defendant his Executor or to the hands of any other Person or Persons by his Order or for his use and of the payments and disbursements thereout and also an Account of what parts of the Personal Estate are outstanding and for what reason. **And it is farther Ordered** that the said Testators Personal or moveable and immoveable Estate be applied in payment of his Debts and Funeral and Testamentary Expences in a due Course of Administration And for the better taking the said Accounts and discovery of the Matters aforesaid the Parties are to produce before the said Master all Books Papers and Writings in their Custody or Power relating to the matters aforesaid and are to be Examined upon Interrogatories as the Master shall direct who in taking the said Account is to make unto the Parties all just allowances. **And this Court doth reserve** the Consideration of all further directions and of the Costs of this Suit until after the 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.

J. Hampton
Pltffs Solicitor

By the Court.

Registrar

G.C.D.S.

In the Supreme Court of Judicature at Madras

Equity Side First Term 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Monday the Twelfth day of February One thousand Eight hundred and Thirty Eight And in the First Year of the Reign of Her Majesty Queen Victoria Between Maria Ann Ormsby Administratrix de bonis non of Captain Paul Secluna deceased by Arthur Johnstone Ormsby her husband and next friend - - - - - - - - - - - - - Complainant

and

Marcella Helen Scawen Administratrix of Robert Scawen deceased - - - - - - - - - - - Defendant

R Comyn

Edw. J. Gambier.

Read at the Hearing for further Directions and Costs this 16th day of February 1839.

H Walcott Dy Rr

This Cause coming on the Seventh day of February instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras on Bill and Answer in the presence of Counsel learned on both Sides **Upon** opening the Original and Amended Bill of Complaint of the above named Complainant And the answers of the said Defendant thereto And upon hearing read the Probate of the Last Will and Testament of Captain Paul Secluna deceased granted on the Twenty third day of January One thousand Eight hundred and Twenty Eight in favor of Mary Secluna and Robert Scawen as the Executrix and Executor of the said Paul Secluna deceased. And the Letters of Administration of the Estate and Effects of the said Robert Scawen deceased granted on the Ninth day of January One thousand Eight hundred and Thirty Seven in favor of Marcella Helen Scawen as the Widow of the said Robert Scawen deceased. And also the Letters of Administration de bonis non with Will annexed of the Estate and Effects of the said

Paul Sechina deceased granted on the Twenty Sixth day of July One thousand Eight hundred and Thirty Seven in favor of the said Complainant Maria Ann Ormsby And upon hearing read also the Accounts of the Estate and Effects of the said Paul Sechina deceased filed in the Registry of this Honorable Court on the Ecclesiastical Side thereof on the Third day of February One thousand Eight hundred and Thirty by the said Mary Sechina and ~~[illegible]~~ Robert Scawen as such Executrix and Executor as aforesaid **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 Complainant Maria Ann Ormsby as Administratrix of the late Captain Paul Sechina deceased is entitled to all Bonds Securities for Money Vouchers Papers and Documents belonging to the Estate of the said Paul Sechina deceased as particularized and set forth in the Schedule No. 4 annexed to the Answer of the said Defendant **and Decree delivery** of the same accordingly **And this Court doth further Declare** that the said Complainant as such Administratrix as aforesaid is also entitled in respect of the Two several Sums of Money of Rupees One thousand Seven hundred and Fifty (1750) and Rupees One thousand Three hundred (1300) in the Pleadings of this Cause mentioned together with Interest thereon respectively to be paid in the Administration of the Assets of the said Robert Scawen deceased in preference to all his Simple Contract Creditors **And this Court doth accordingly Order** that it be referred to the Master of this Honorable Court to Compute the Principal and Interest due upon the said two several Sums of Rupees One thousand Seven hundred and Fifty and Rupees One thousand and Three hundred (1300) and also to take an Account of what is due to all other the Creditors by Specialty or other instrument of higher degree of the said Robert Scawen deceased And the said Master is to Cause an Advertizement to be published in the Fort Saint George Gazette and such other Public News Papers as he shall think fit for such Creditors of the said Robert Scawen deceased to come in before him and prove their said debts and he is to fix a peremptory day for that purpose and in default

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 their proportion of the expense of this Suit to be settled by the Master And the said Complainant having by her Counsel waived taking the Account of the Estate of the said Robert Scawen deceased and also the Account of the Estate of the said Paul Sechina deceased **This Court** gives no Order in regard thereto **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 any of the Parties are to be at liberty to apply to the Court as Occasion shall require

By the Court

Regr.

Complts Solr

Rowlandson & Price
Defts Solrs

In the Supreme Court of Judicature at Madras

Plea Side

Second Term 21st March 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices

Cumbumpauty Meenaschyer Brammy
vs
Arnachella Chitty Namasevoy Chitty

The Matter upon the Demurrer put in by the Plaintiff to the Fourth Plea of the Defendant in this Action And the Joinder thereto coming on to be argued on the Third Fifth and Ninth days of February last and also on this present day before the Honorable the Judges of this 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.

R Comyn
Edw. J. Gambier

By the Court.

Parke

In the Supreme Court of Judicature at Madras

Plea Side Second Term 4th April 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Carcambaukum Armoogum Moodelly

vers

Peter De Celes . . .

The Matter upon the Four Several Demurrers put in by the Plaintiff to the Four Several Pleas of the Defendant in this Action And the Joinder thereto coming on to be Argued on the Second and Third days of April Instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrers 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 Several Demurrers to the First Second Third and Fourth Pleas be respectively allowed with Costs. —

R Comyn.

Edw^d J. Gambier.

By the Court

Ecclesiastical Side

In the Name of God Amen

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her 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 Johnstone Napier a Lieutenant Colonel in the Military Service of the East India Company on their Madras Establishment the Party Agent and Complainant on the One part and Isabella Napier the Wife of the said Johnstone Napier 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 Johnstone Napier praying Sentence to be given and Justice to be done to his Party and the Proctor of the said Isabella Napier also praying due Justice to be done to his Party and having first carefully and deligently 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 Johnstone Napier hath Sufficiently and fully founded and proved his intention deduced in a Certain Libel and other Pleadings Exhibited and proved on his behalf in this Cause and now remaining in the Registry of this Court / which said Libel and other Pleadings We take and will have taken 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 Isabella Napier 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 Johnstone Napier Therefore We having first called upon the name of **Christ** and having **God** alone before **Our** Eyes and having heard Counsel on this behalf on the part of the said Johnstone Napier **Do pronounce Decree and Declare** that the said **Johnstone Napier** and **Isabella Napier** 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 **Seventeenth** day of **January** in the Year of Our Lord One thousand Eight hundred and Twenty two at **Bombay** in the East Indies by the **Reverend George Barnes** Doctor of Divinity a Priest in Holy Orders Archdeacon of **Bombay** aforesaid and One of the **Chaplains** of the said Company at their Presidency of Bombay aforesaid 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 **Johnstone Napier** and **Isabella Napier** 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 **Isabella Napier** 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 **Johnstone Napier** ought by Law to be Divorced and Separated from **Bed Board** and **Mutual Cohabitation** with the said **Isabella Napier** 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 Johnstone Napier according to the tenor of the Canon in that behalf made and provided that he the said **Johnstone Napier** shall live Chastly and shall not Contract any other Marriage whilst the said **Isabella Napier** 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 **Johnstone Napier** as the said **Isabella Napier** 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.--

Robert Buckley Comyn. C. J.

Edw.^d I. Gambier

This Sentence was read promulged and given by the within named **Sir Robert Buckley Comyn** Knight Chief Justice and **Sir Edward John Gambier** Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras on **Thursday** the **Fifth** day of **April** in the Year of **Our Lord** One thousand Eight hundred and Thirty Eight at the **Court House** 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 Johnstone Napier with Isabella his Wife -

adduced on behalf of the said Lieutenant Colonel Johnstone Napier and deposed to by me this 30th day of November 1838 -

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Second Term 26th March 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices –

In the Matter of the Last Will and Testament of
Maria Johanness Baboom late of Madras
Widow deceased – – – – – – – – – –
Wherein
Peter Cator Esquire the Registrar of this Honorable
Court for the time being is – – – – – Promovent –
and
John Arathoon and Margaret his Wife are
Impugnants –

R Comyn

Edwd. J. Gambier

This Matter coming on the Twenty Second day of March Instant and also on this present day to be Argued and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on both Sides – **Upon** opening the Libel exhibited by the above named Promovent and the Exceptive Allegations put in by the said Impugnants thereto – **Whereupon** and **Upon** debate of the Matter and hearing what was alleged by the said Advocates. **And on** Mature Consideration had thereon –

This Court doth think fit to Order that the said Exceptive Allegations of the said Impugnants be allowed with Costs –

By the Court –

J Wallerton D Regr

W. O. Ainsworth
Impugnants Proctor

Exd. J.S.

Ecclesiastical Side

In the Name of God. Amen.

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras having Authority and rightly and duly proceeding having heard seen and understood and Maturely discuſsed the Merits and Circumstances of a Certain Cause of Divorce or Separation from Bed 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 James Perry a Lieutenant Colonel in the Military Service of the East India Company on their Madras Establishment the Party Agent and Complainant on the one part and Elizabeth Margaret Perry the Wife of the said James Perry 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 James Perry praying Sentence to be given and Justice to be done to his Party and the Proctor of the said Elizabeth Margaret Perry also praying due Justice to be done to his Party and having first carefully and deligently 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 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 James Perry hath sufficiently and fully founded and proved his intention deduced in a Certain Libel and other Pleadings Exhibited and proved on his behalf in this Cause and now remaining in the Registry of this Court (which said Libel and other Pleadings We take and will have taken as if here read and inserted) for US to pronounce as hereinafter is pronounced and that

No 2

that nothing at least effectual in Law hath on the part and behalf of the said Elizabeth Margaret Perry 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 James Perry. 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 James Perry Do pronounce Decree and Declare that the said James Perry and Elizabeth Margaret Perry being free from all Matrimonial Contracts and espousals (saving to each other) did at the time and place Libellate Contract true pure and lawful Marriage between each other and did Solemnize or Cause the same to be Solemnized on the Third day of July in the Year of Our Lord One thousand Eight hundred and Twenty Six at Madras aforesaid by the Reverend William Roy 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 James Perry and Elizabeth Margaret Perry 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 Elizabeth Margaret Perry 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 James Perry ought by Law to be Divorced and Separated from Bed Board and Mutual Cohabitation with the said Elizabeth Margaret Perry his Wife until they shall be reconciled to each other and We do by these presents Divorce and Separate them accordingly

Bond

(Bond being first given on the part of the said James Perry according to the tenor of the Canon in that behalf made and provided that he the said James Perry shall live chastly and shall not Contract any other Marriage whilst the said Elizabeth Margaret Perry 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 James Perry as the said Elizabeth Margaret Perry 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.—

Robert Comyn, C.J.

Edw. J. Gambier

This Sentence was read promulged and given by the within named Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras on Wednesday the Fourth day of April in the Year of Our Lord One thousand Eight hundred and Thirty Eight in the Court House at Madras aforesaid which I attest.—

Registrar

No 1775/38

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Sittings after the Second Term 1838
25th May 1838.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices.

In the Matter of the Last Will and Testament of Maria Johannes Baboom late of Madras Widow deceased - - -

wherein

Peter Cator Esquire the Registrar of this Honorable Court for the time being is - - - - - - - - - - Promovent -

and

John Arathoon and Margaret his Wife are - - - Impugnants -

The Matter of the Exceptive Allegations brought in by the Impugnants being called on under the Order granted upon the Petition of the Promovent for a re-hearing and bearing date the Fourth day of May One thousand Eight hundred and thirty Eight on this present day before this Court in the presence of the said Promovent in Person And of Counsel learned on behalf of the Impugnants. Upon hearing what was alleged by the Promovent in support of the said Order for a rehearing And the Counsel for the Impugnants having been stopped by the Court. This Court doth Order that the said Order of the said Fourth day of May One thousand Eight hundred and thirty Eight be discharged and the Petition of the Promovent be dismissed out of Court with Costs. And that the Sum of Rupees Three hundred deposited by the Promovent to abide the result of the rehearing be repaid to him. -

Robert Comyn
Edw. J. Gambier

By the Court. -

D Regr

A. B. Acworth
Impugnants' Proctor

E.A.S.

P

No. 1962 of 38

In the Supreme Court of Judicature at Madras

Equity Side Second Term 1838.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight.

One of Her Majesty's Justices.

R Comyn.

Edw.d J. Gambier

Tuesday the Tenth day of April One thousand Eight hundred and Thirty Eight And in the First Year of the Reign of Her Majesty Queen Victoria Between Teroovalloor Annondar Chitty - - - - - - - - - - Complainant

and

Streeparambadoor Annasawmy Modelly - - - Defendant

Whereas the Complainant did on the Twenty fifth day of September One thousand Eight hundred and Thirty Seven Exhibit his Bill of Complaint 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 the said Complainant might have such relief as 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 by his Solicitor on the Second day of October then following but not having put in his Answer to the said Bill a Writ of Attachment for want of an Answer under the Seal of this Court issued against him and by Virtue of which the Sheriff returned that he had attached the said Defendant and had his body ready. **And Forasmuch** as the said Defendant persisting in his Contempt the Complainant obtained an Order dated the First day of December One thousand Eight hundred and Thirty Seven that a Writ of Habeas Corpus Cum Causis should issue directed to the Sheriff requiring him to bring up the body of the said Defendant on the First day of the then next Term to

Answer his Contempt and that the Registrar should at the same time produce the Bill filed in this Cause in Order that the same might be taken Pro Confeſso against the said Defendant. And in pursuance of such Order the Writ of Habeas Corpus accordingly iſsued on the Third day of January One thousand Eight hundred and Thirty Eight. And by Virtue thereof the said Sheriff brought up the body of the said Defendant at the Bar of the Court on the Second day of February One thousand Eight hundred and Thirty Eight. And on the last mentioned day it was Ordered that the said Defendant should put in his Answer on or before the last day of the then present Term otherwise that the Bill in this Cause should be taken Pro Confeſso against him for want of his Answer. **And Forasmuch** as the said Defendant filed his Plea to the said Bill of Complaint on the Nineteenth day of the said Month of February the said Complainant obtained another Order dated the Second day of March One thousand Eight hundred and Thirty Eight that the said Plea of the said Defendant filed in this Cause on the Nineteenth day of February last should be taken off the file for irregularity with Costs against the said Defendant. **And Forasmuch** as the said Defendant still persisting in his Contempt the said Complainant obtained another Order dated the Twenty Sixth day of the said Month of March that the Bill in this Cause should be set down to be taken Pro Confeſso against the said Defendant for want of his Answer on Friday then next the Thirtieth day of March One thousand Eight hundred and Thirty Eight. **And Forasmuch** as on the last mentioned day the said Cause being Called on in Order that the Bill might be taken Pro Confeſso against the said Defendant it was found the said Defendant was not present in Court **And** thereupon the said Complainant obtained another Order bearing date the said Thirtieth day of March last that a Writ

of

of Habeas Corpus should iſsue directed to the Sheriff of Madras requiring him to bring up the Body of the said Defendant on Wednesday the said Fourth day of April Instant And that the Bill herein should be then taken Pro Confeſso against the said Defendant for want of his answer **And** in pursuance of such Order the Writ of Habeas Corpus accordingly iſsued on the Second day of April instant And by Virtue thereof the Sheriff brought up the body of the said Defendant at the Bar of the Court on the said Fourth day of April instant. **And Forasmuch** as on the last mentioned day the said Cause was again called on in order that the Bill might be taken Pro Confeſso against the said Defendant But Counsel appeared for the said Defendant and prayed for further time and thereupon the Court was pleased to give the Defendant time until Tuesday the Tenth day of April instant to file his answer. **And in Consequence** thereof the said Complainant obtained another Order dated the Ninth day of April Instant that a Writ of Habeas Corpus Cum Causis should iſsue directed to the Sheriff of Madras requiring him to bring up the body of the said Defendant on the said Tenth day of April instant at Eleven O'Clock in the forenoon for the purpose of the said Bill being taken Pro Confeſso against the said Defendant for want of his Answer. And in pursuance of such Order the said Writ of Habeas Corpus accordingly iſsued on the same day And by Virtue thereof the said Sheriff brought up the Body of the said Defendant at the Bar of the Court on the said Tenth day of April instant. **And this Cause** coming on this present day to be heard before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel and the said Defendant in Person and the Registrar being present and producing the Record of the Complainants Bill the same was interpreted to the said Defendant by the Court Interpreter And the said Defendant still persisting in his Contempt. And upon hearing read the said Several Orders of Court dated respectively First December One thousand Eight hundred and Thirty Seven, Second February and Second, Twenty Sixth and Thirtieth days of March One thousand Eight hundred and Thirty Eight And Ninth day of April Instant. And the said Bill of Complaint also the Plaint Cognovit Judgment and whereby it appeared that Interest was due thereon and the Seven Several Writs of Fieri Facias issued on the Plea Side of this Court in an Action wherein the said Teroovalloor Annunda Chitty was Plaintiff and the said Streeparambadoor Annasawmy Moodelly was Defendant. And the Probate of the Last Will and Testament and Codicils of Streeparambadoor Moodoo Moodelly deceased in the Pleadings of this Cause named. And the Bill filed on the Equity Side of this Court on the Seventeenth day of March One thousand Eight hundred and Two in a Suit wherein Treepooram Widow of Streeparoombadore Nincapah Moodelly otherwise called Cootty Moodelly and Jaggonandom the Daughter of the said Nincapah were Complainants and Streeparoombadore Vadachella Moodelliar Collah Ravanapah Chitty Chinnamanaickencoopum Maselamoney Moodelliar and Teroomanum Vincatachella Moodelliar Executors of Streeparoombodore Mootoo Moodelliar deceased were Defendants. And the Decree made therein dated Fourth day of August One thousand Eight hundred and Three. And upon hearing, read also the Bill filed on the Equity Side of this Court on the Twenty Ninth day of December One thousand Eight hundred and Ten in a Suit wherein the said Streeperambadoor Annasawmy Moodelliar was Complainant and the said Streeperambadoor Vadachella Moodelliar Collah Rownapah Chitty and Teroomanum Vencatachella Moodelliar the Surviving Executors of the said Streeperambadoor Moodoo Moodelliar deceased were Defendants. And the Decree made therein dated Nineteenth day of February One thousand Eight hundred and Twelve. And the Report therein of the Master of this Court dated Seventh day of May One thousand Eight hundred and Twenty Eight. And upon hearing read also the Decree made in the said last mentioned Original and Subsequently revived Suits dated the Third day of February One thousand Eight hundred

hundred and Twenty Nine. And the Certificate of the Accountant General of this Court in the words and figures following that is to say.-

"Treepooram Widow and Jaganandom daughter of Streeperambadore
"Nyncapah Moodelliar deceased vs Streeperambadore Vadachella
"Moodelliar and others."

"In trust for Jaganandom"

"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 Promy Notes of the 5 pr Cent Loan of 18th Augt 1825.
"No 6174 dated 23d August 1826 bearing Interest from 23rd May 1837 for Sa Rupees. 8000 - " - " -
" " 7149 ——— 8th January 1827 bearing do from 8th July 1837 for ——— " ——— 100 - " - " -
" " 7627 ——— 13th March 1827 bearing do from 13th June 1837 ——— " ——— 100 - " - " -
" " 8426 ——— 26th June 1827 bearing do from 26th ditto ——— " ——— 100 - " - " -
" " 9097 ——— 7th Septr 1827 bearing do from 7th Ditto ——— " ——— 100 - " - " -
" " 12095 ——— 25th January 1828 bearing do from 25th July 1837 ——— " ——— 100 - " - " -
" " 12797 ——— 18th March 1828 bearing do from 18th June 1837 ——— " ——— 100 - " - " -
" " 13878 ——— 12th July 1828 bearing do from 12th July 1837 ——— " ——— 100 - " - " -
"In Seven Ditto of the 5 pr Cent Loan of 15th January 1830.
"No 412 dated 18th March 1830 bearing do from 18th June 1837 for ——— " ——— 200 - " - " -
" " 908 ——— 14th July 1830 bearing do from 14th July 1837 for ——— " ——— 200 - " - " -
" " 909 ——— 14th Ditto ——— bearing do from 14th Ditto ——— for ——— " ——— 200 - " - " -
" " 1215 ——— 2d Septr 1830 bearing do from 2d June 1837 for ——— " ——— 200 - " - " -
" " 2147 ——— 11th Jany 1831 bearing do from 11th July 1837 for ——— " ——— 200 - " - " -
" " 2252 ——— 22d Ditto ——— bearing do from 22d Ditto ——— for ——— " ——— 100 - " - " -
" " 338 ——— 16th March 1830 bearing do from 16th June 1837 for ——— " ——— 100 - " - " -
"In four Ditto of the 4 pr Cent Loan of 1st May 1832
"No 1182 dated 1st May 1832 bearing do from 1st May 1837 for ——— " ——— 500 - " - " -
" " 4899 ——— 1st Ditto ——— bearing do from 1st Ditto ——— for ——— " ——— 600 - " - " -
" " 13180 ——— 1st Ditto ——— bearing do from 1st Ditto ——— for ——— " ——— 600 - " - " -
" " 17018 ——— 1st Ditto ——— bearing do from 1st Ditto ——— for ——— " ——— 500 - " - " -

"Sicca Rupees 12,100 - " - " -

"Company's Rupees 12,886 - 8 - " -

"In a Ditto of the 4 pr Cent Loan of 31st March 1836.
"No 2911 dated 31st March 1836 bearing do from 31st March 1837 for ——— " ——— 700 - " - " -

"Carried forward 13,586 - 8 - " -

"Brought forward C. Rups. 13,586 - 8 - "	
"In a 4 P.c. Cent Treasury Acknowledgment of 16th September 1835 "No. 642 dated 1st Septr. 1837, bearing Interest from that date "for Company's Rupees	700 - -
	"14,286 - 8 -
"In Cash	35 - 10 - 10
	"14,322 - 2 - 10
"Interest due on Govt. Securities	119 - 6 - -
"Company's Rupees	14,441 - 8 - 10

"This Certificate is granted as per
"Application from Mr. J. B. Sauncey Atty. for
"T. Anunda Chitty dated 15th Septr. 1837.
"(Sd.) P. Appasawmy

"Fort St. George Acctt. Genl. Office
"22d. September 1837
"J. G. Turnbull
"Acctt. Genl. Sup. Court

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 balance due upon the said Judgment and Execution in the Bill mentioned obtained by the said Complainant against the said Defendant Amounts Exclusive of Interest to the Sum of Rupees Twenty two thousand Two hundred and Twenty Eight Annas Ten and Pice Eight /22,228 - 10 - 8 -/ **and this Court doth Order and Decree** that it be referred to the Master of this Honorable Court to take an Account of the Houses and Lands and Villages and of the Annual Rents and Value thereof so descended to the said Defendant from the said Streeparambadoor Moodoo Moodelly as in the said Bill mentioned. **and it is further Ordered** that it be referred to the Master to ascertain and Report whether any and which of the said Assignments of the said Houses and Lands and Villages so descended to the said Defendant as in the said Bill mentioned were made for a good and Valuable Consideration and whether any and which of them were made for a nominal Consideration and in Benamie for the benefit of the said Defendant only. **and it is further Ordered** that it be referred to the Master to take an Account of

all

all and every the Mortgage and Mortgages made by the said Streeparambadoor Vadachella
Moodelly or the said Defendant or by any other Person or Persons for him and on his Account and
the Consideration really and bona fide advanced and paid thereon. And that the said Master
do also take an Account of the Principal and Interest really due on such Mortgages respectively
And for the better taking of the said Accounts and discovery of the Matters aforesaid the
Parties are to produce before the 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
Defendant all just allowances. **and it is further Ordered** that the said Complainant
be at liberty by and in the name of the said Defendant to institute such proceedings as
he may be advised are necessary for the purpose of obtaining the Defendant's share
of and in the funds now standing in the Books of the Accountant General of this Court
in the Account in the said Bill mentioned Entitled "Treepooram Widow and
"Jaganandom daughter of Streeperambadore Nyneapah Moodelliar deceased ~~&~~
"Streeperambadore Vadachella Moodelliar and others" "In trust for Jaganandom" And
that such Share when obtained be applied in Satisfaction or part Satisfaction of the said
Judgment and Execution obtained by the said Complainant against the said Defendant
and it is further Ordered that the said Complainant be also at liberty by and
in the name of the said Defendant to revive and carry on the Suit in the said Bill
mentioned so instituted as therein mentioned by the said Defendant against the said
Streeperambadoor Vadachella Moodelliar Collah Ravanapah Chitty and Teroomanum
Vencatachella Moodelly as such Surviving Executors of the said Will of the said
Streeperambadoor Moodoo Moodelly and now abated and obtain the benefit of the Decree
therein and Carry the same into Execution and obtain Satisfaction of the said Decree
and payment of the said Sum so decreed to be due to the said Defendant Streeperambadoor
Annasawmy Moodelly from the Estate and Effects of the said Streeperambadoor Vadachella
Moodelly in the hands and possession of the representatives of the said Streeperambadoor

Vadachella Moodelly and that each and every Sum when recovered be applied in Satisfaction or part Satisfaction of what may then be due and owing to the said Complainant from the said Defendant on his said Judgment and Execution. **And it is further Ordered** that it be referred to the said Master to Tax the Costs of the said Complainant in this Suit up to the date of this Decree and that the same when Taxed be paid by the said Defendant to the said Complainant or his Solicitor Mr. John Ridgood Janney. **And this Court doth reserve** the Consideration of all Subsequent Costs of this Suit the reference to the Master to Calculate Interest upon the said Judgment and of all further directions until after the said Master shall have made his Report And the Party Complainant is to be at liberty to apply to this Court as Occasion shall require.

J. R. Janney
Complts Solicitor

By the Court.

Registrar

No. 1716 of 38.

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

R Comyn

Edwd. J. Gambier

Read at the Hearing for further Directions and Costs the 4th day of April 1839-

Wednesday the Twenty first day of March One thousand Eight hundred and Thirty Eight And in the First Year of the Reign of Her Majesty Queen Victoria Between - By Original and Amended Bill - Francis Anthony Gerspach Anna Maria Smutz Gerspach widow of John Alexander Gerspach deceased, Francis Anthony Gerspach Junior, Maria Walburge Gerspach, Anna Maria Gerspach John Alexander Gerspach Junior, Francis Joseph Gerspach and Jeannette Gerspach an Infant by the said Anna Maria Smutz Gerspach her Mother and next friend, Anna Maria Fellaner Gerspach widow of John Theobald Gerspach deceased John Theobald Gerspach the Younger Maria Anne Elizabeth Gerspach, Maria Madelaine Josephene Gerspach and John Francis Gerspach and Francis Joseph Gerspach an Infant by the said Anna Maria Fellaner Gerspach his Mother and next friend, Peter Heydt and Catherine Elizabeth his Wife late Catherine Elizabeth Rebold Spinster, Francis Ignatius Rebold Ignatius Frederick and Catherine his Wife late Catherine Rebold Spinster, Joseph Roth and Mary Elizabeth his Wife late Mary Elizabeth Rebold Spinster, John Bernard Rebold and James Peter Rebold an Infant by the said John Bernard Rebold his Brother and next Friend, John Phillip Katharinus and Barbara his Wife late Barbara Rebold Spinster and George Zeig and Catherine his Wife late Catherine Rebold Spinster - - - - - - - - - - Complainants

and

Patrick Cleghorn Catherine Moss, Charles Francis Moss, Acton Rodrigues Fes, Georgiana Moss and Daniel Moss and George Phillip Guntzert, John Adam Henry Guntzert, Henry Bock, and Rozina Margaritta Bock when they shall come within the Jurisdiction of this Honorable Court - - - - - - - - Defendants

And by amended Supplemental Bill

The same Parties - - - - - - - - - - - - - - - - Complainants

and

Peter Cator Esquire Catherine Moss, Charles Francis Moss Georgiana Moss and Daniel Moss - - - - - - - Defendants

And by Bill of Revivor.

Francis Anthony Gerspach, Anna Maria Smutz Gerspach Widow of John Alexander Gerspach deceased Francis Anthony Gerspach Junior Maria Walburge Gerspach Anna Maria Gerspach, John Alexander Gerspach Junior, Francis Joseph Gerspach and Jeannette Gerspach an Infant by the said Anna Maria Smutz Gerspach her Mother and next friend Anna Maria Fellaner Gerspach widow of John Theobald Gerspach deceased John Theobald Gerspach the Younger, Maria Anne Elizabeth Gerspach, Maria Madelaine Josephine Gerspach and John Francis Gerspach and Francis Joseph Gerspach an Infant by the said Anna Maria Fellaner Gerspach his Mother and next friend, Peter Heydt and Catherine Elizabeth his Wife late Catherine Elizabeth Rebold Spinster, Maria Cecelia Matharin Rebold the Widow and Universal Legatee of Francis Ignatius Rebold deceased, Ignatius Frederick and Catherine his Wife late Catherine Rebold Spinster, Joseph Roth and Mary Elizabeth his Wife late Mary Elizabeth Rebold Spinster, John Bernard Rebold and James Peter Rebold an Infant by the said John Bernard Rebold his Brother and next friend John Phillip Katharinus and Barbara his Wife late Barbara Rebold Spinster and George Zeig and Catherine his Wife late Catherine Rebold Spinster - Complainants

and

Peter Cator Esquire Catherine Moss Charles Francis Moss, Georgiana Moss and Daniel Moss and George Phillip Guntzert, John Adam Henry Guntzert, Henry Bock, and Rozina Margaritta Bock when they shall come within the Jurisdiction of this Honble Court - - - Defendants

And by Bill of Revivor and Supplement

Francis Anthony Gerspach, Anna Maria Smutz Gerspach Widow of John Alexander Gerspach deceased Francis Anthony Gerspach Junior, Maria Walburga Gerspach Anna Maria Gerspach John Alexander Gerspach Junior Francis Joseph Gerspach and Jeannette Gerspach, John Theobald Gerspach the Younger Anthony Kriegel and Maria Anne Elizabeth Kriegel his Wife late Maria Anne Elizabeth Gerspach Spinster, John Wieddensollar and Maria Madelaine Josephine Wieddensollar his Wife late Maria Madelaine Josephene Gerspach Spinster and John Francis Gerspach and Francis Joseph Gerspach, Peter Heydt, Maria Cecelia Mathien Rebold the Widow of Francis Ignatius Rebold deceased, Ignatius Frederick and Catherine his Wife late Catherine Rebold Spinster Francis Joseph Roth and Maria Elizabeth his Wife late Maria Elizabeth Rebold Spinster Catherine Duringer Rebold Widow of John Bernard Rebold the Younger deceased and Catherine Wilhelmine Rebold, Augustus Rebold and Maria Louisa Rebold respectively Infants by the said Catherine Duringer Rebold their Mother and next friend James Peter Rebold Phillip Katharinus and Barbara his Wife late Barbara Rebold Spinster and George Zeig and William Scott Binny Esquire Administrator of Catherine Elizabeth Gerspach Widow of John Theobald Gerspach deceased formerly Catherine Elizabeth Moss Spinster and also Administrator of John Bernard Rebold the Elder deceased and also the Administrator with the Will annexed of Francis Ignatius Rebold deceased and also the Administrator of Catherine Zeigh late the Wife of George Zeigh deceased formerly Catherine Rebold Spinster - - - - Complainants

and

Peter Cator Esquire Charles Francis Moss and Daniel Moss and George Phillip Guntzert John Adam Henry Guntzert Henry Bock and Rosina Margaritta Bock when they shall come within the Jurisdiction of this Honorable Court - - - - Defendants

This Cause coming on the Twenty Seventh and Twenty Eighth days of September One thousand Eight hundred and Thirty Seven And Thirteenth and Fourteenth days of February One thousand Eight hundred and Thirty Eight 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 and Amended Bill of Complaint the Amended Supplemental Bill the Bill of Revivor filed on the Second day of August One thousand Eight hundred and Twenty Eight And also the Bill of Revivor and Supplement filed on the Ninth day of December One thousand

Eight hundred and Thirty Six of the above named Complainants respectively the Separate Answer of the said Defendant Patrick Cleghorn to the said Original Bill of the above named Complainants And the Joint and Several Answer of the said Defendants Catherine Moſs Hoton Rodrigues Feo and Georgiana Moſs to the said Original and Amended Bill of the above named Complainants. And the Separate Answers respectively of Charles Francis Moſs by Catherine Moſs his Guardian and of Daniel Moſs by his Guardian the said Georgiana Moſs to the Original and Amended Bill of Complaint of the above named Complainants the Two Separate Answers of the said Defendant Peter Cator to the said Supplemental Bill and Bill of Revivor and Supplement And also the Separate Answer of the said Defendant Charles Francis Moſs to the said Bill of Revivor and Supplement of the above named Complainants respectively Also the Separate Answer of the said Daniel Moſs by his Guardian to the said Bill of Revivor and Supplement. And upon hearing read as Evidence for the said Complainants the Deposition of Jacques Brucker to the First Fourth and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of John Jacob Wentzel to the First Third and last Interrogatories in chief filed on behalf of the said Complainants. The Deposition of Apolonia Boltz to the third Interrogatory in Chief filed on behalf of the said Complainants. The Deposition of William Henry Charles Boell to the First Second Third and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Jean Baptiste Furler to the First and Third Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Joseph Rusbaum to the First Second Third and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Lewis Cordelet to the First Second and Third Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Karl Werner to the First Fifth and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition

of

of Cornelius Ehrhardt to the First and Second Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of George Reher to the First Third and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Godlieb Iding to the First and Sixth Interrogatories in chief filed on behalf of the said Complainants. The Deposition of Julius Charles Lichtenburger to the First and last Interrogatories in Chief filed on behalf of the said Complainants The Deposition of Paul Augustus Abraham Caillard to the Second and last Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of John Christian Thomhaupt to the First and Second Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of George Amstadt to the First Second and Third Interrogatories in Chief filed on behalf of the said Complainants. The Deposition of Edward Petitville to the Second and Sixth Interrogatories in Chief filed on behalf of the said Complainants. And upon hearing read also as Evidence for the said Complainants the Exhibits from Wissenburg and Strasburg Marked respectively A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, W, X, Y, Z. AA, BB, CC, DD, EE, FF, GG, HH, II, KK, LL, MM, and NN. And also the Exhibits from Thaunne Marked respectively A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z. and AA.. And upon reading the Last Will and Testament of the Testator in the Pleadings of this Cause named. And the Extract from the General Register of the Adjutant General's Office and the Admiſsion of the Solicitors for the Complainants and Defendants Annexed thereto. And also the Grant of the Government of Fort Saint George Aſsigning over their Claim of the Undisposed part of Captain John Moſs' Estate to George Moſs. And the Order of this Court made thereon bearing date the Nineteenth day of October One thousand Eight hundred and Thirteen intitled "In the Goods and Chattels of John Moſs deceased" whereby it was among other things Ordered that the Interest of the Funds therein mentioned should be paid to the said George Moſs upon his giving good and Sufficient Security to be approved by the Master And the Order of this Court made intitled as aforesaid and bearing date the Eighteenth day of March One thousand Eight hundred and Fourteen.

And upon reading also the following Letters of Administration granted by and under the Seal of this Honorable Court of the Estate of George Moss to Charles Christopher Moss on behalf of himself and Thomas Moss Katherine Moss Annabella Moss and James Daniel Moss as the nearest of Kin of the said George Moss- Also of the Estate of John Moss with a Copy of his Will Annexed remaining unadministered by Gilbert Ricketts to the Registrar of the Supreme Court of Judicature at Madras for the time being- Also of the Estate of the said George Moss remaining unadministered by the said Charles Christopher Moss to Catherine Moss on behalf of herself and Annabella Moss and James Daniel Moss As the surviving nearest of Kin of the said George Moss deceased- Also of the Estate of the said John Moss with a Copy of his Will Annexed remaining Unadministered by John Shaw Esquire and Patrick Cleghorn Esquire to Peter Cator Esquire as the Registrar of the Supreme Court of Judicature at Madras for the time being- Also of the Estate of the said Katherine Moss with a Copy of her Will Annexed to the said Peter Cator As Registrar of the Supreme Court of Judicature at Madras for the time being upon the renunciation of the Executors of the said Katherine Moss deceased- Also of the Estate of the said George Moss remaining unadministered by the said Charles Christopher Moss and Catherine Moss respectively to the said Peter Cator as the Registrar of the Supreme Court of Judicature at Madras for the time being- Also of the Estate of Annabella Feo late the Wife of Hoton Rodrigues Feo deceased formerly Annabella Moss to the said Peter Cator as the Registrar of the Supreme Court of Judicature at Madras for the time being- Also of the Estate of Thomas Moss to the said Peter Cator As the Registrar of the Supreme Court of Judicature at Madras for the time being. Also of the Estate of the said James Daniel Moss to the said Peter Cator As the Registrar of the Supreme Court of Judicature at Madras for the time being. Also of the Estate of Catherine Elizabeth Gerspach to William Scott Binny Esquire As the duly Constituted Attorney of Francis Anthony Gerspach the only Surviving Son

of

of the said Catherine Elizabeth Gerspach deceased- Also of the Estate of John Bernard Rebold to the said William Scott Binny As the duly Constituted Attorney of Ignatius Frederick and Catherine Rebold his Wife Francis Joseph Roth and Maria Elizabeth Rebold his Wife and James Peter Rebold the said Catherine Rebold Maria Elizabeth Rebold and James Peter Rebold being the only Surviving Children of the said John Bernard Rebold deceased- also of the Estate of Catherine Zeigh formerly Catherine Rebold Spinster the Wife of George Zeigh deceased to the said William Scott Binny As the duly Constituted Attorney of John Phillip Catharinus and Barbara his Wife the only Sister and next of Kin of the said Catherine Zeigh deceased Also of the Estate of the said Charles Christopher Moss with a Copy of his Will annexed to the said Peter Cator as the Registrar of the Supreme Court of Judicature at Madras for the time being upon the renunciation of the Executors of the said Charles Christopher Moss deceased- And of the Estate of Francis Ignatius Rebold with a Copy of his Will Annexed to the said William Scott Binny as the duly Constituted Attorney of Catherine Frederick One of the Nieces of the said Francis Ignatius Rebold deceased Catherine Duringer Rebold the Widow of John Bernard Rebold One of the Nephews of the said deceased Francis Joseph Roth and Maria Elizabeth his Wife another of the Nieces of the said deceased James Peter Rebold a Nephew of the said deceased and John Phillip Cathrinus and Barbara his Wife a Niece of the said deceased- **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 John Moss alias John Wolfgang Moss the Testator in the Pleadings mentioned was at the time of his death domiciled at Saint Thome a Place within the British Territories in the East Indies And that he left as his next of Kin him surviving his Sister the said Catherine Elizabeth Gerspach and Catherine Elizabeth Haydt the Wife of the Complainant Peter Haydt formerly Catherine Elizabeth Rebold John Bernard Rebold and Francis Ignace Rebold three of the Children of the Testator's Sister Maria Clara deceased and that after payment of the several

Legacies in the Will mentioned the said Catherine Elizabeth Gerspach became entitled to One Moiety of the residue And the said Catherine Elizabeth Heydt formerly Catherine Elizabeth Rebold John Bernard Rebold and Francis Ignace Rebold to One Third each of the other Moiety And that the Complainant William Scott Binny as the Administrator of the said Catherine Elizabeth Gerspach is now entitled to her said One Moiety of the Clear residue of the Testator's Estate And that the said William Scott Binny as the Administrator of the said John Bernard Rebold is entitled to his said One Third of the other Moiety of such residue And as the Administrator of the said Francis Ignace Rebold to his said One Third of such last mentioned Moiety **And this Court doth Order and Decree** that it be referred to the Master to ascertain what is due for Principal and Interest on the Legacy of Two thousand Pagodas /2000/ by the Testator's Will given to his Sister Clara and in Case of her death to the next Heir of her body or next relation And on the Legacy of Five hundred Pagodas bequeathed unto the Charity School of Weiſsenburg **and this Court doth refer** it to the Master to ascertain who the Testator meant by the words in his Will "next heir of her body or next relation" And to ascertain what School the Testator meant by the Charity School at Weiſsenburg And whether such School is now in existence and whether any Person and who is entitled to receive what may be due for Principal and Interest on the said Legacy of Five hundred Pagodas with liberty to the Master to make a Separate Report of the Matters last aforesaid **And it is further Ordered** that it be referred to the Master to Tax the Costs of the Complainants of and relating to this Suit Subsequent to the last Taxation at the instance of the Complainants as between Solicitor and Client And that the Master do add the Costs to be so Taxed to the Costs Charges and expences of the Complainants of and relating to this Suit And in and about the prosecution of their Claims already Taxed including the Costs of taking out Administration to Catherine Elizabeth Gerspach John Bernard Rebold the Elder Francis Ignatius Rebold and

Catherine Zeigh also already Taxed And let him also Tax the Costs of the Defendants of this Suit as between Solicitor and Client and include in such Taxation the Costs of the Defendant Peter Cator already Taxed of taking out Administration to Thomas Moſs Annabella Fee James Daniel Moſs and Charles Christopher Moſs and make a Separate Report of the Amount of such Costs of the Complainants already Taxed including the said Costs of Letters of Administration to Catherine Elizabeth Gerspach John Bernard Rebold the elder Francis Ignatius Rebold and Catherine Zeigh and those directed to be so Taxed as aforesaid And of the Defendants Costs to be so Taxed as aforesaid including the said Costs of Letters of Administration taken out by the said Peter Cator **and this Court doth further Order** that out of the Sum of Money Admitted by the Defendant Peter Cator to be in his hands that is to say in the Honorable Company's Treasury and forming part of the Testator's Estate amounting according to the Accountant General's Books filed of Record this day to the Sum of Rupees Two Lacs and Ninety Eight thousand Seven hundred and Thirty two Annas Three and Pice Eleven /298,732-3-11./ the said Defendant Peter Cator do pay the Amount of the Complainants Costs including the Costs of the said Letters of Administration to the said Catherine Elizabeth Gerspach John Bernard Rebold the Elder Francis Ignatius Rebold and Catherine Zeigh to be so reported as aforesaid to Mr Nathaniel Brindley Neworth their Solicitor And the Amount of the Costs of the Defendant Peter Cator including the Costs of the Letters of Administration taken out by him to Mr John Innes his Solicitor And the Amount of the Costs of the other Defendants to Mr Leonard Cooper their Solicitor **and it is further Ordered** that the said Defendant Peter Cator do pay into Court to the Credit of this Cause the residue of the said Sum of Rupees Two Lacs and Ninety Eight thousand Seven hundred and Thirty two Annas Three and Pice Eleven /298,732-3-11./ Admitted by him to be in his poſseſsion and forming part of the Testator's Estate after payment of such Costs as aforesaid such residue to be Certified by the Master **and it is further Ordered** that it be referred to the Master to take an Account of the Personal Estate of the said John Wolfgang Moſs come to the hands of the Defendants Patrick

Cleghorn and Peter Cator respectively 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 the said Master do also take an Account of all Sums of Money received by the said George Moss in his life time for or on Account of the dividends belonging to the Estate of the said John Wolfgang Moss and let what he shall appear to have so received be Answered by the said Peter Cator as the Administrator of the said George Moss out of his Assets in Case he shall admit Assets sufficient for the purpose And in case the said Peter Cator shall not admit Assets let him come to an Account before the Master of the Personal Estate of the said George Moss received by him and the said Charles Christopher Moss and Catherine Moss (who is admitted to have taken out Administration to the Estate of the said George Moss remaining Unadministered by the said late Charles Christopher Moss) And in case the said Peter Cator shall not admit Assets sufficient to satisfy what may be found due by the said Charles Christopher Moss and Katherine Moss respectively to the Estate of the said George Moss let the said Peter Cator come to an Account of the Estate of the said Charles Christopher Moss and Catherine Moss (to whose Estate the said Peter Cator is admitted to have taken out Administration) respectively received by the said Peter Cator And let the Estates of the said Charles Christopher Moss and Catherine Moss respectively received by the said Peter Cator make good as far as they will extend what may be due to the Estate of the said George Moss from the Estates of the said Charles Christopher Moss and Catherine Moss on taking such Account and the Estate of the said George Moss received by the said Peter Cator as far as it will extend what may remain due from the said George Moss' Estate to the said John Moss' Estate on taking such Account And in case there shall be a deficiency of Assets for that purpose let the proper Officer of the Court under the directions of the Master take the necessary steps to receive from the Sureties of the said George Moss the Amount of the Sums of Money received by him belonging to the said John Wolfgang Moss' Estate 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 Deeds Books Papers and Writings in their Custody or Power relating to the Matters aforesaid and are to be Examined upon Interrogatories as the Master shall direct who in taking the said Accounts is to make unto the Parties all just allowances And the said Master is to be at liberty to state any Special Circumstances and to make a Separate Report as he may be advised **And the 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 are to be at liberty to apply to this Court as they may be advised.

By the Court.

Regr.

Exd D.S.

Gratis

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

R Comyn

Edw.d J. Gambier

Monday the Twenty third day of July One thousand Eight hundred and Thirty Eight And in the Second Year of the Reign of Her Majesty Queen Victoria — Between Meerza Mahomed Tayer — Complainant

and

Ganasa Prasada Executor of the Last Will and Testament of Soree Sookoo Davy deceased — — — — — — — Defendants

This Cause coming on the Twenty fifth day of March One thousand Eight hundred and Thirty five to be heard before the Judges of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel And the Registrar being then present and producing the Record of the said Complainants Bill for the purpose of the same being taken Pro Confesso against the Defendant for want of his Answer in pursuance of an Order obtained therein on the Thirteenth day of March One thousand Eight hundred and Thirty five — **Upon** hearing read the said Bill of Complaint **And** upon debate of the Matter and hearing what was alleged by the said Counsel **Their Lordships made their Decree bearing date the said Twenty fifth day of March One thousand Eight hundred and Thirty five** and thereby **Ordered and Decreed** that it should be referred to the Master of this Court to take an Account of what was due to the Complainant as the Son and legal personal representative of Meerza Rauza Khan in the Pleadings named for and in respect of the Agreement in the Bill of Complaint mentioned to have been executed by Jayaram Doss as the Gomastah in the name of the Cottee or Banking House of Gopaul Doss Bishund Chund in favor of the said Meerza Rauza Khan and bearing date the Eighteenth day of October One thousand Eight hundred and Eleven — **And it was thereby Declared** that the said Complainant was entitled to receive payment of what should be found due to him in taking such Account from and out of the Estates of the said Gopaul Doſs Bishund Chund and Gopaul Doſs Monahur Doſs respectively — **and it was thereby accordingly Ordered** that it should be referred to the said Master to take an Account of all and every the Estate and Effects of the said Gopaul Doſs Bishund Chund and Gopaul Doſs Monahur Doſs or either of them which had been poſseſsed by or come to the hands or for the use of the said Defendant Ganasa Prasada either in his own right or as the personal representative of Losee Sookoo Davy and Jayaram Doſs or of either of them and particularly of any Sum or Sums of Money which had been so poſseſsed or received for or on Account of any Bond or Bonds granted by the Rajah of Tanjore to the said Jayaram Doſs for or on the behalf of the said Cottee or Banking House carried on in the name of the said Gopaul Doſs Bishund Chund or to Losee Sookoo Davy Rajah Ram in the Pleadings named on the behalf of the said Cottee or Banking House carried on in the name of Gopaul Doſs Monahur Doſs respectively or for or in respect of any Awards or award made upon such Bonds or any of them by the Commiſsioners for investigating the debts of the late Rajah of Tanjore and thereby in taking the said Several Accounts the said Master was directed to make unto the Parties respectively all just allowances and all Parties were to produce to and leave with the said Master upon Oath all Books Writings and Cadjans in their Custody or power relating thereto and were to be examined on Oath on Interrogatories as the Master should direct — **and it was thereby further Ordered** that the Writ of Injunction which iſsued in this Cause on the Twenty third day of January last restraining the said Defendant from applying for or receiving from the Commiſsioners for investigating the debts of the Rajahs of Tanjore or from their Registrar or from the Government of Fort Saint George or from any of its Officers the Award to be made on the Claims Nº 56 and Nº 95 preferred on Bonds Executed by the late Rajah of Tanjore or from applying for or receiving the Bond or Bonds Stock and Interest to be awarded due thereon or any part thereof should be in the mean time Continued — **And it was thereby further Ordered** that it should be referred to the said Master to tax the Costs of the said Complainant in this Suit up to the date of the said Decree and that the same when Taxed should be paid by the said Defendant to the said Complainant or his Solicitor Mr John Henry Wilkins — **and the Court did thereby reserve** the Consideration of the Subsequent Costs of the said Inquiry and of all further directions until after the said Master should have made his Report and all Parties in this Cause were to be at liberty to apply to this Court touching the Matters aforesaid as they might be advised — **And in pursuance of the said Decree the said Master made his Report dated the Twenty Sixth day of January One thousand Eight hundred and thirty Eight and thereby Reported** that he had been attended by the Solicitor for the said Complainant no Person appearing for or on behalf of the said Defendant although the said Defendant and his Solicitor were duly Summoned for that purpose as by Oath made before him appeared and he had in the presence of the Solicitor for the said Complainant proceeded to take such last mentioned Account and a state of Facts and charge had been left with him on the Ninth day of the Month of January One thousand Eight hundred and Thirty Eight by the Solicitor for the said Complainant stating that the said Jayaram Doſs duly Executed the said Agreement in the said Decree mentioned which when translated into the English Language was in the words following that is to say "Gopaul Doſs Beson Chund Executed this to Meerza Rauza Khan Bahader as "you have deposited in Our Mercantile house in Madras a Sum of Rupees (17,000) "Seventeen thousand I agree to pay interest at the rate of Eight per cent per annum and "repay this Principal and Interest Rupees on demand and take up my Bond — Friday "1st day of the increase of Moon in the Month called Cartika of the Guzerat Year 1868 — "or 18th of October in the Year of Christ 1811" **And** that no part of the Principal or Interest on the said Agreement had ever been paid to the said Meerza Rauza Khan in his life time or to the said Complainant as his Son heir and legal representative since his death either by the said Jayaram Doſs or any Person on his Account or by any of his representatives or by the said Cottee of Gopaul Doſs Becjun Chund or by any Person on its Account but that the whole Amount of Principal and Interest was still due and unpaid and charging that the Amount due on the said Agreement was the Sum of (17,000) Seventeen thousand Rupees with Interest thereon at the rate of Eight per Cent per annum from the Eighteenth day of October One thousand Eight hundred and Eleven And that he had examined on Oath the said Complainant on the Twelfth day of the said Month of January in support of the said State of facts and charge And he found from his Examination and a Paper Writing in the Guzzaratee Language and Character which (together with translates thereof in the Teloogoo and English Characters and Languages by the Sworn Interpreters of the said Court and which he had marked with the Letter A) had been produced before him that there was then due to the said Complainant as such Son and legal personal representative of the said Meerza Rauza Khan for and in respect of the said Agreement in the said Bill of Complaint mentioned for Principal the Sum of Rupees Seventeen thousand And that he had calculated Interest on such last mentioned Sum of Rupees Seventeen thousand from the said Eighteenth day of October One thousand Eight hundred and Eleven up to the date of this Report at and after the rate of Eight per Cent per annum (the rate of Interest in the said Agreement mentioned) And he found such interest amounted to the Sum of Thirty five thousand Seven hundred and Thirty two Rupees Nine Annas and Seven Pice which together with the said Sum of Rupees Seventeen thousand made a total Sum of Fifty two thousand Seven hundred and Thirty two Rupees Nine Annas and Seven Pice which he found to be then due to the said Complainant as the Son and legal Personal representative of the said Meerza Rauza Khan for and in respect of the said Agreement in the said Bill of Complaint mentioned. **And with regard to that part of the said Decree Whereby it was Ordered that it should be referred to the Master to take an Account of all and every** the Estate and Effects of the said Gopaul Doſs Bishund Chund and Gopaul Doſs Manoohur Doſs or either of them which had been poſseſsed by or came to the hands or for the use of the said Defendant Ganasa Prasada either in his own right or as the Personal representative of Josee Sookoo Davy and Jayaram Doſs or of either of them and particularly

particularly of any Sum or Sums of Money which had been so poſseſsed or received for or on Account of any Bond or Bonds granted by the Rajah of Tanjore to the said Jayaram Doſs for or on the behalf of the said Cottee or Banking House carried on in the name of the said Gopaul Doſs Bishund Doſs or to Josee Sookoo Davy Rajah Ram in the Pleadings named on the behalf of the said Cotter or Banking House Carried on in the name of Gopaul Doſs Manoohur Doſs respectively or for or in respect of any Awards or award made upon such Bonds or any of them by the Commiſsioners for investigating the debts of the late Rajah of Tanjore **no proceedings** having been taken before him in respect thereof **He had not been enabled** to take such last mentioned Account and for want of such proceedings or other information he was unable to report in respect of the Matters as in and by such last mentioned part of the said Decree were directed. **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 for the said Complainant no one appearing for the said Defendant altho the Solicitor for the said Defendant was duly Served with Notice of this Cause having been entered for further directions and Costs this day as by Affidavit now produced and read appears **Whereupon and upon** hearing read the said Decree and the said Masters Report and also the Order of this Court bearing date the Sixteenth day of February One thousand Eight hundred and thirty Eight whereby the said Report and all the Matters and things therein Contained became absolutely Confirmed **This Court doth Order** that it be referred to the Master of this Court to Tax the Costs of the Complainant Subsequently to the said Decree of the Twenty fifth day of March One thousand Eight hundred and thirty five And that the same when Taxed be paid by the said Defendant to Mr John Henry Wilkins Solicitor for the said Complainant **And it appearing by the said Report** of the Master that there is now due to the said Complainant as such Son and legal personal representative of the said Meerza Rauza Khan for and in respect of the said Agreement in the said Bill mentioned for Principal and Interest the Sum of Rupees Fifty two thousand Seven hundred and thirty two Annas Nine and Pice Seven (52,732 - 9 - 7 -) This Court doth declare that the Complainant is entitled to be paid the same from and out of the Estate of the said Gopaul Doss Bishund Chund and Gopaul Doss Monohur Doss respectively and doth decree payment thereof accordingly.

H. Williams.
Pltffs Soli.

By the Court.

No 2424 f 38

In the Supreme Court of Judicature at Madras

Equity Side | Third Term 25th July 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices

Cottee Lingum Chitty - - - - - - -
vs
Vencatachella Chitty Lutchman Sing Iyasawmy
Naick and Senjoo Chitty - - - - - - - - - - -

The Matter upon the Demurrer put in by the Defendants Lutchman Sing Iyasawmy Naick and Senjoo Chitty to the Bill of Complaint in this Cause coming on to be Argued on this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be Over-ruled with Costs and that the said Defendants Lutchman Sing Iyasawmy Naick and Senjoo Chitty do have One Months further time to Answer the Bill of Complaint filed in this Cause.-

R Comyn.
Edw. J. Gambier

By the Court.-

Regr.

Mr Branson
Complts Solr

2462 of 38

In the Supreme Court of Judicature at Madras
Plea Side   Third Term 27th July 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
one of Her Majesty's Justices

Conjeeveram Soobaroya Moodelly
~~vers~~
Arthur John Mackane Esquire _ .

The Matter upon the Demurrer put in by the Plaintiff to the Second Plea of the Defendant in this Action coming on for Judgment Exparte on this day before the Honorable the Judges of this Court in the presence of the said Plaintiffs Counsel in pursuance of an order obtained in the said Action on the fiat of the said Plaintiff on the 20th day of July Instant. Upon hearing what was alleged by the said Counsel in Support of the said Demurrer And upon hearing read the Affidavit of Anthony Francis De Sylva of Service on the 23d day of July Instant of the said order of the 20th day of July Instant on Mr Leonard Cooper Attorney for the said Defendant. This Court doth Order that the said Demurrer be allowed with Costs . _

Comyn.
Edwd J. Gambier

By the Court

Messrs Rowlandson
& Roxe Attornies

2463 of 38

In the Supreme Court of Judicature at Madras

Plea Side   Third Term 27th July 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Conjeeveram Sorbaraya Moodelly
vers
Arthur John Maclean Esquire . .

The Matter upon the Demurrer put in by the Plaintiff to the Third Plea of the Defendant in this Action and the Joinder thereto coming on to be argued on this day before the Honorable the Judges of this 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. —

R Comyn
Edwd. J. Gambier

By the Court

Mr Cooper
deft's Atty

No. 2593 of 38.

In the Supreme Court of Judicature at Madras

Plea Side

Third Term 3rd August 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices

Virgine Moorat Widow
~~vs~~
Alexander Duncan Campbell Esquire

The Matter upon the Demurrer put in by the Plaintiff to the Third Plea of the Defendant in this Action and the Joinder thereto coming on to be argued on the Twenty Sixth and Thirty first days of July last and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides – And the said Demurrer and Plea being opened – Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides – This Court doth Order that the said Demurrer be allowed with liberty to the said Defendant to amend his Plea and that the Costs be Costs in the Cause.–

R Comyn
Edw. J. Gambier.

By the Court

E/c D.S

Mr. Branson
Pltff. Atty

Duplicate

2765 of 38.

In the Supreme Court of Judicature at Madras.

Ecclesiastical Side   Third Term 1838

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight
One of Her Majesty's Justices.

Tuesday the Seventh day of August One thousand Eight hundred and thirty Eight And in the Second Year of the Reign of Her Majesty Queen Victoria. In the Matter of the Last Will and Testament of Edward Samuel Moorat Esquire deceased.

wherein

Alexander Duncan Campbell Esquire One of the Executors named in the Last Will and Testament of the said Edward Samuel Moorat deceased is - - - - - - - - - - - - - - - Proponent.

and

Virgine Moorat the Widow of the said Edward Samuel Moorat deceased is - - - - - - - - - - - - - - - Opponent.

R. Comyn.

Edw. J. Gambier

This Matter coming on the Sixth day of August instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Advocates learned on both Sides. **Upon** opening the Libel exhibited by the above named Proponent And the Answer and Personal Answer of the said Opponent thereto And upon hearing read as Evidence for the said Proponent The Deposition of William Mortimer to the First Second Third Fourth Fifth Sixth and Eighth Interrogatories in chief filed on behalf of the said Proponent. The Deposition of John Green to the First Second Seventh and Eighth Interrogatories in chief filed on behalf of the said Proponent. The Deposition of George Fonceca to the First Second and Seventh Interrogatories in chief filed on behalf of the said Proponent. The Deposition of Ghoolam Moortoza Khan Bahader to the First Second Seventh and last Interrogatories in chief filed on behalf of the said Proponent. The Deposition of Anthony Rodrigues to the First Second Seventh and last Interrogatories in chief filed on behalf of the said Proponent. The Deposition of William Herridge to the First and Second Cross Interrogatories filed on behalf of the said Proponent.

The

Mr. B
Pltf

The Deposition of Appasawmy to the Fifth Cross Interrogatory filed on behalf of the said Propounent. The Deposition of Angelica Oliver to the Fifth Cross Interrogatory filed on behalf of the said Propounent. The Deposition of Seenewasen to the Fifth Cross Interrogatory filed on behalf of the said Propounent. The Deposition of Condojee to the Fifth Cross Interrogatory filed on behalf of the said Propounent. And the Paper Writing propounded as the Last Will and Testament of the said Edward Samuel Moorat deceased Marked **A**. And upon hearing read as Evidence for the said Opponent The Deposition of the said William Herridge to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Opponent. The Deposition of the said Appasawmy to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Opponent. The Deposition of the said Angelica Oliver to the First Second Third Fourth and Last Interrogatories in Chief filed on behalf of the said Opponent. The Deposition of the said Seenewasen to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Opponent. The Deposition of the said Condojee to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Opponent. The Deposition of the said Gholam Moortaza Khan Bahader to the First Cross Interrogatory filed on behalf of the said Opponent. The Deposition of the said Anthony Rodrigues to the First Cross Interrogatory filed on behalf of the said Opponent. And the Exhibit marked **I**. And upon reading the Citation issued in this Matter bearing date the Twelfth day of March last calling in the Probate of the Last Will and Testament of the said Edward Samuel Moorat deceased granted to the said Propounent. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Advocates on both Sides And on Mature Consideration had thereon. **This Court doth pronounce and Declare** for the force and Validity of the said Testamentary Paper Writing marked **A** as and for the Last Will and Testament of the said Edward Samuel Moorat deceased. **And doth Decree** that the Probate thereof granted out of and under the

the Seal of this Honorable Court in Common form on the thirty first day of October One thousand Eight hundred and thirty Seven to the said Propounent be Confirmed. **and doth Decree** Sentence of the same accordingly.

By the Court.

Reg.

A. B. Aworth
Proctor

Exd

Duplicate

2765 of 38

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Third Term 1838.

In the Matter of the Last Will and Testament of Edward Samuel Moorat Esquire deceased.

wherein

Alexander Duncan Campbell Esquire One of the Executors named in the Last Will and Testament of the said Edward Samuel Moorat deceased is - - - - - - - - - - - - - Proponent.

and

Virgine Moorat the Widow of the said Edward Samuel Moorat deceased is - - - - - - - - - - - - - - Opponent.

In the Name of God Amen.

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras lawfully appointed rightly and duly proceeding having heard seen and Understood and fully and Maturely diſcuſsed the Merits and Circumstances of a Certain Testamentary busineſs or proving by Witneſses of the Testament or Last Will in Writing of Edward Samuel Moorat late of Madras Esquire deceased Marked with the Letter **A** having whilst living and at the time of his death Goods Chattels and Credits in Madras aforesaid which is now Controverted and remains undetermined before Us in Judgment between Virgine Moorat Widow of the said Edward Samuel Moorat the Party promoting the said busineſs of the One part and Alexander Duncan Campbell Esquire One of the Executors of the said Edward Samuel Moorat the Party against whom the said busineſs is promoted on the other part and the Parties aforesaid lawfully appearing before us in Judgment by their Proctors respectively And the Proctor of the said Alexander Duncan Campbell praying Sentence to be given and Justice to be done to his Party And the Proctor of the said Virgine Moorat also earnestly praying that the said Will might be pronounced and declared to be Null and Void to all intents and purposes of Law whatsoever and We having first Carefully and diligently searched into and Considered of the whole proceedings had and done before Us in this business and having observed all and singular the Matters and things that by Law in this behalf ought to be observed We have thought and do thus think fit to proceed to the giving of Our definitive Sentence or Final Decree in this business in manner and form following (to wit) **Forasmuch** as by the Acts enacted deduced alleged Exhibited propounded proved and Confessed in this business We have found and it doth Evidently appear to us that the Proctor of the said Alexander Duncan Campbell hath Sufficiently and fully founded and proved his intention deduced in a Certain Allegation and Last Will and Testament of the said Edward Samuel Moorat deceased marked **A** and other Pleadings and Evidence given in Exhibited and Admitted on his behalf in this business and now remaining in the Registry of this Court which said Allegation and Last Will and Testament of the said Deceased and other Matters propounded Exhibited and Admitted in this business We take and will have taken as if here read and inserted for Us to pronounce as hereinafter mentioned and that nothing at least nothing effectual hath on the part and behalf of the said Virgine Moorat been excepted deduced Exhibited propounded proved or Confessed in this business which may or ought in any wise to defeat prejudice or weaken the intention of the said Alexander Duncan Campbell. **Therefore We Sir Robert Buckley Comyn** Knight Chief Justice and **Sir Edward John Gambier** Knight One of Her Majesty's Justices as aforesaid having first called upon the name of **Christ** and having God alone before Our Eyes and having heard Advocates in this behalf **do pronounce Decree and Declare** that the aforesaid Edward Samuel Moorat the Testator in this Cause deceased whilst living being of Sound and perfect mind memory and understanding rightly and duly made his Last Will and Testament in Writing marked with the Letter **A** Exhibited and Pleaded in this business and thereof named and appointed the said Alexander Duncan Campbell and Henry Chamier Esquire Executors and did will give and bequeath and do in all things as therein is Contained and We **do pronounce Decree and Declare** for the force and Validity of the said Last Will and

Exd

an Testament of the said deceased to all intents and purposes in Law whatsoever and We do approve of and receive the same and Confirm the Probate thereof already issued by this **Our definitive Sentence or Final Decree** which We read and promulge by these Writings.—

R. Comyn

Edw. J. Gambier

W. [illegible] Proctor

This Sentence was read promulged and given by the within named **Sir Robert Buckley Comyn** Knight Chief Justice and **Sir Edward John Gambier** Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras on **Tuesday** the Seventh day of **August** in the Year of **Our Lord** One thousand Eight hundred and Thirty Eight in the **Court House** at **Madras** aforesaid which I attest.—

Registrar

No. 3851 of 38.

In the Supreme Court of Judicature at Madras.

Equity Side

Fourth Term 1838.

Present.

The Honorable Sir Robert Buckley Comyn Knight Chief Justice
and
The Honorable Sir Edward John Gambier Knight
One of Her Majestys' Justices.

Friday the Twenty first day of September One thousand Eight hundred and Thirty Eight. And in the Second Year of the Reign of Her Majesty Queen Victoria. Between Peter Cator Esquire the Administrator with Will annexed of Ann Childs deceased - - - - - - - - - - - - - - Complainant

and

Gilbert Douglas Laird - - - - Defendant.

R Comyn

Edwd. J. Gambier.

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Complainants Counsel. No one appearing for the Defendant although he hath been duly served with a Subpoena to hear Judgment in this Cause. Upon opening the Original and Amended Bills of Complaint of the said Complainant. And upon hearing read by the Deputy Registrar the Answer and further Answer of the said Defendant thereto. And upon hearing read also the Registry of the Letters of Administration with the Will annexed of the said Ann Childs in the pleadings of this Cause named left unadministered by Thomas Adamson to the said Peter Cator as the Registrar of the said Court for the time being. And the Admissions of the said Complainants and Defendants Solicitors And the Trust Deed marked A bearing date the Twenty first day of

January One thousand Eight hundred and Twenty Six made between William Childs Gilbert Douglas Laird and Edward Lloyd Laird therein described of the first part Gilbert Laird Thomas Adamson and John Edwin Childs of the second part and the several other persons joint and separate Creditors of the said William Childs Gilbert Douglas Laird and Edward Lloyd Laird executing the said Deed of the Third part. And the Bond marked **B** to the said Ann Childs bearing date the Thirty first day of May One thousand Eight hundred and twenty three in the penal Sum of Twenty Six thousand two hundred and Sixty four Madras Rupees and Six Annas under the hands and Seals of William Maggs William Childs Gilbert Douglas Laird and Edward Lloyd Laird. And also the Subpœna to hear Judgment directed to the said Defendant And the Affidavit of John Johanneſs of service thereof on the Eighth day of September Instant on the Solicitor for the said Defendant. **Whereupon** and upon debate of the Matter and hearing what was alleged by the Counsel for the said Complainant. And upon mature consideration had thereon. **This Court doth Declare** that the said Complainant and the Creditors of the Partnership of William Maggs William Childs Gilbert Douglas Laird and Edward Lloyd Laird are entitled to share equally with the other Creditors of the continuing Partnership of William Childs Gilbert Douglas Laird and Edward Lloyd Laird in the Debts Monies Estate and Effects aſsigned by the Trust Deed of the Twenty first day of January One thousand Eight hundred and Twenty Six And that the Trusts of the said Deed ought to be performed and carried into execution. **And this Court doth Order and Decree** the same accordingly. **And this Court doth further Declare** that the said Complainant is a Creditor under the said Trust Deed to the Amount of the balance of the Bond to Ann Childs dated Thirty first May One thousand Eight hundred and Twenty three left unpaid on the Twenty first January One thousand Eight hundred and Twenty Six with Interest thereon according to the Condition of the said Bond after deducting the payments since made on account thereof. **And this Court doth Order and**

Decree

Decree that it be referred to the Master to ascertain what was then due upon the said Bond and what has been since paid on account thereof and what is now due thereon. **And it is further Ordered** that it be referred to the Master to take an Account of all and singular the Estate Monies and Effects of and belonging to the said Partnership and continuing Copartnership aſsigned by the Trust Deed which have come to the hands of the said Defendant or of any other Person or Persons by his Order or for his use or which without his wilful neglect or default might have been received collected or gotten in by him and of the application of such Estate Monies and Effects. **And this Court doth Declare** that the said Defendant is liable to make good the Amount of the Policy of Insurance effected on the life of Colonel Snow after allowing to him such payments as would have been made for the premiums of the same had the same been kept on foot and is also liable to make good the Sum of Rupees Thirty four thousand One hundred and fifty five Annas Six and Pice One (34,155. 6. 1) the Amount of the Partnership Estate alleged by him to have been received by the said Edward Lloyd Laird and unapplied by him. **And this Court doth Order and Decree** the same accordingly. **And this Court doth further Declare** that the said Defendant ought to be removed from being a Trustee of the said Trust Deed **And doth Order and Decree** the same accordingly And that it be referred to the Master to appoint some fit and proper person or persons to be a Trustee or Trustees thereof in the room of the said Defendant And that the said Defendant and all other neceſsary Parties do execute all neceſsary Deeds for the purpose of aſsigning unto or vesting the residue of the said Trust Estate in the Trustee or Trustees so to be appointed And that it be referred to the Master to settle such Deeds. **And it is further Ordered** that the Receiver who was appointed in this Cause under the Order of this Honorable Court dated Twentieth February One thousand Eight hundred and thirty Seven be continued until after the Master shall have made his Report or until the further Order of this Court. **And it is further Ordered** that it be referred to the Master to

Tax the Complamants Costs of this Suit as between Solicitor and Client and that such Costs when taxed be paid to Mr. Nathaniel Brindley Acworth the said Complainants Solicitor by the Sub Treasurer of Fort Saint George with the privity of the Accountant General of this Court out of the Funds in the Treasury standing to the Credit of this Cause paid in by the Receiver — 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 Accounts Books Papers and Writings in their Custody or Power relating thereto And are to be examined upon Interrogatories as the Master shall direct who in taking the said Account is to make unto the Parties all just Allowances — And this Court doth reserve the consideration of all further directions and of the subsequent Costs of this Suit and also the question whether such Costs and the Costs hereby directed to be taxed shall be ultimately paid by the said Defendant until after the Master shall have made his Report — And either of the Parties are to be at liberty to apply to this Court as occasion shall require — And this Decree is to be binding unto the said Defendant unless he on being served with a Subpœna to be served on him for that purpose shall shew unto this Court good Cause to the Contrary but the said Defendant before he is to be permitted to shew such Cause is to pay unto the said Complainant his Costs of this days default in appearance to be taxed by the said Master

R

By the Court

M. Acworth
Plaintiffs Solicitor

INDEX

A

Arbuthnot John Alves Admor of George Taswell deceased Vs The East India Company — Order upon Argument of Demurrer to the Plaint — dated 10th April 1837 — 13.

Arbuthnot John Alves Admor of George Taswell deceased — Vs The East India Company — Order upon Argument of Demurrer to the Second Plea of the Defendants — 33

Annum Doss — Vs Saganauda Doss and others — Order upon Argument of Demurrer to the Plaint dated 16th September 1837 — 63

Armoogum Moodelly C. Vs Peter Delbes — Order on Argument of Demurrers to Four Several Pleas of Defendant dated 4th April 1838 — 127

Annonda Chitty Teroovalloor Vs Streeparambadoor Annasawmy Moodelly — Decree Pro Confesso dated 10th April 1838 — 147

B

Baboom Maria Johannes. In the Matter of the Goods &ca. — M. Arathoon Petitioner and P. Cator Regr. Caveator Order dismissing Petition for Letters of Admon dated 2d October 1837 — 75

Baboom Maria Johannes. In the Matter of the Will of — P. Cator — Regr. — Proponent and J. Arathoon and another Impugnants Order upon Argmt of Exceptive Allegations to Libel of Propt — dated 26 March 1838. — 135

Baboom Maria Johannes. In the Matter of the Will &ca. of — P. Cator — Regr. Propt and J. Arathoon & another Impugnants Order upon rehearing Exceptive Allegations upon Petition of Promovent. dated 25th May 1838 — 143

C

Casava Moodelly Totticatty Vs T. Sawmynada Moodelly and another — Decretal Order dated 27th Septr. 1837 — 83

Chaund Beebee and others Vs Khader Saib and others — Decree on hearing — dated 27th September 1837 — 107

Cator Esquire Peter Exor of M. Pouniah Moodelly Vs M. Chengleroy Moodelly — Decree on hearing — dated 17th November 1837 — [illegible]

Cator Esquire Peter — Admor of Ann Childs deceased Vs G. D. Laird — Decree Nisi on hearing dated 21st September 1838 — [illegible]

D

Dowden Charles William Henry an Infant Vs Edward Gordon Answer dated 4th August 1837 —

Gerspach Anthony Francis and others vs Peter Cator Esquire and others - Decree on hearing - Dated 21st March 1838 - - - 157

L

Lutchmee Ummall vs Soobamall and another - Order upon Argument of the Second Defendant's Plea to the Bill of Complaint dated 24th July 1837 - - - 29

Luxa Adolphus and another vs John Lee and another - Decree upon Bill and Answer - dated 30th September 1837 - - - 79

Linguum Chitty Cottee vs Vencatachella Chitty and others - Order on Argument of Demurrer to the Bill of Complaint - dated 25th July 1838 - - - 177

M

Moodookistna Moodelly Manally & another - vs L. Cator Esq Exor of M. Lounah Moodelly and others Decree on hearing dated 18th July 1837 - - - 37

Mootter Ram Soorut Ram and another vs A. D. Campbell Esq Exor of E. S. Moorat Esquire deceased Decree on Bill and Answer - dated 3rd February 1838 - - - 115

Meinachyer Braminy C. vs Armachella Chitty Namasevoy Chitty - Order on Argument of Demurrer to the Fourth Plea of Defendant - dated 21st March 1838 - - - 123

Meerza Mahomed Tayer vs Ganasa Prasada Exor &ca Decree on further directions and Costs dated 23rd July 1838 - - - 169

Moorat Virgine Widow vs A. D. Campbell Esquire - Order upon Argument of Demurrer to the Third Plea of the Defendant dated 3rd August 1838 - - - 189

Moorat Esqre E. S. deceased - In the Matter of the Will of - A. D. Campbell - Propt - and V. Moorat Opponent Decree upon hearing dated 7th August 1838 - - - 193

Moorat Esqre E. S. deceased - In the Matter of the Will of - A. D. Campbell - Propt and V. Moorat - Opponent Sentence dated 7th August 1838 - - - 197

Narsoo vs G. Vencataputty Naick and another - Order upon Argument of Demurrer to the Third Fourth and Fifth Pleas of Defendant - dated 13th February 1837 - - - 1

Mamaury Ummall vs L. Armachella Chitty and others - Order upon Argument of Demurrer to amend Bill of Complaint dated 17th February 1837 - - - 5

pier Johnstone Esquire - vs Isabella Napier his Wife - Sentence dated 5th April 1838 - - - 131

f. Adminx of Captn P. Sechina deceased vs M. H. Scawen Adminx of R. Scawen deceased Decree on Bill and Answer dated 12th February 1838 - - - 159

P

Parendavy Ummall Widow &ca vs N. Narramsawmy Pillay and others - Decree on Bill and Answer dated 21st March 1837 - - - 17

Pooroshootama Davay vs Faure de Fondclair Esquire - Order upon Argument of Demurrer to the First Second and Third Pleas of Defendant - dated 20th July 1837 - - - 21

Perry James Esquire vs Elizabeth Margaret Perry his Wife - Sentence dated 4th April 1838 - - - 139

R

Ramasawmy Moodelly Nuttambadoo vs Mangadoo Survanah Moodelly - Order on Argument of Demurrer to the Ninth and Eleventh Pleas of Defendant dated 20th July 1837 - - - 25

Rothmyer deceased A. C. In the Matter of the Will of - P. Alvar Chitty Propt - and G. Rothmyer Respondent Decree on hearing dated 15th August 1837 - - - 55

Rothmyer deceased A. C. In the Matter of the Will of - P. Alvar Chitty - Propoment and G. Rothmyer Respondent Sentence dated 15th August 1837 - - - 59

Rungiah Braminy Avadana vs Avadana Codunda Ramasawmy Braminy - Decree Pro Confesso dated 30th September 1837 - - - 103

S

Soobaroy Moodelly Coumatoor and others vs Mangadoo Survanah Moodelly and another Decree on Bill and Answer dated 30th February 1837 - - - 9

Soobaroy Moodelly Conjeveram vs A. S. Macleane Esqre Order upon Argument of Demurrer to the Second Plea of Defendant (Exparte) dated 27th July 1838 - - - 181

Soobaroy Moodelly Conjeveram vs A. S. Macleane Esqre Order upon Argument of Demurrer to the Third Plea of Defendant dated 27th July 1838 - - - 185

T

Taylor Richard vs L. Cator Esquire Admor of Captn S. Butter deceased - Decree on further directions dated 28th July 1837 - - - 41

W

Webb Phillip and others vs L. Cator Esquire Admor of Vencamah deceased - Decree on hearing dated 4th August 1837 - - - 51