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In the Supreme Court of Judicature at Madras

Third Term

Ecclesiastical Side

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 Mooat Esquire deceased

Wherein

A. D. Campbell Esquire one of the Executors named in the last Will and Testament of the said Edward Samuel Mooat deceased is

Proponent

And

Virginie Mooat Widow of the said Edward Samuel Mooat deceased is

Opponent

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 the advocates learned on both sides. Upon opening the Libel exhibited by the above named Proponent and the answer and the 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

R. Comyn
J. Gambier

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 Gholam Moortoozar Khan Bahadur to the first second seventh and last Interrogatories in chief filed on behalf of the said Proponent; The Deposition of Anthony Rodriguez to the first second seventh and last Interrogatories in chief filed on behalf of the said Proponent; The Deposition of William Verridge to the first and second Cross Interrogatories filed on behalf of the said Proponent; the Deposition of Appasawmy to the fifth Cross Interrogatory filed on behalf of the said Proponent; the Deposition of Angelica Ollier to the fifth Cross Interrogatory filed on behalf of the said Proponent; the Deposition of Seenivasen to the fifth Cross Interrogatory filed on behalf of the said Proponent; the Deposition of Condojee to the fifth Cross Interrogatory filed on behalf of the said Proponent and the paper writing propounded as the last Will and Testament of the said Edward Samuel Mooat deceased marked A. And having read as Evidence for the said Opponent the Deposition of the said William Borridge 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 Seenevassen to the first second third and fourth Interrogatories in chief filed on behalf of the said Opponent; The Deposition of the said Condoppa to the first second third and fourth Interrogatories in chief filed on behalf of the said Opponent; The Deposition of the said Ghulam Moortoza Khan Bahadur 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 twelth 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 Proponent — Whereupon and upon debate of the matter and hearing what was alledged 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 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 Proponent be confirmed and doth Decree Sentence of the same accordingly. —

By the Court. —

Drawn by me this first
day of September 1838.
William Serle

Exd pr. Office Copy and found correct

In the Supreme Court of Judicature at Madras.

Wednesday the first day of August
One thousand Eight Hundred and Twenty Seven
and in the Eighth Year of the Reign of His
Majesty King George the Fourth Between
Tottically Casava Moodelly the only Son
of Tottically Kistnasawmy Moodelly decd.
Complainant

And

Tottically Soobaroy Moodelly, Tottically
Vadamall, Tottically Davasakamoney Moodelly
and Tottically Balla Soobaroy Moodelly
Defendants.

This Cause coming on this day before the Honble the Judges of this Court in the presence of Counsel learned on the behalf of the Complainant and the 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 Vadamall pursuant to an Order of this Honorable Court of the 27th day of March 1827 Now upon opening the Bill of Complaint Exhibited by the above named Complainant and the Joint and several Answer of the said Defendants Tottically Davakamoney Moodelly and Tottically Balla Soobaroy Moodelly thereto, and upon hearing read the said Order of the said 27th day of March 1827. Whereby it is directed that the said Complainants Bill in this Cause should be entered to be taken Pro-Confesso as against the said Defendants Tottically Soobaroy Moodelly and Tottically Vadamall for want of their answer and the last Will and Testament of Tottically Casava Moodelly deceased the Testator in the Complainants Bill named as also the Probate of the said last Will and Testament of the said Tottically Casava Moodelly deceased granted by this Honorable Court in favor of Tottically Vadachellum Moodelly as one of the Executors therein named, and upon hearing read the Deposition of Pothoorooda-chenna Chocalingum Moodelly to the first, second, third, Seventh Eighth and last Interrogatories on behalf of the Complainant as Evidence for the said Complainant; The Deposition of Pinna

Soorachellum Moodelliar to the First Second third Sixth and last Interrogatories on behalf of the Complainant as Evidence for the said Complainant, The Deposition of Vallapah Soobaroy Moodelly to the First, third, Sixth, Seventh, Eighth Ninth and last Interrogatories on behalf of the Complainant as Evidence for the said Complainant The Deposition of Moodiarpolliam Vydelingum Chitty to the first Second third fourth sixth seventh eighth, and ninth interrogatories on behalf of the Complainant as evidence for the said Complainant and also the said Complainants Bill, and upon debate of the Matter and hearing what was alledged by the Counsel for the Complainant and the Defendants Tottically Dasasakamoney and Tottically Balla Soobaroy Moodelly and on mature consideration had thereon, This Court doth think fit to Order and Decree, and it is accordingly Ordered and Decreed that the said Complainant Bill be taken Pro Confesso as against the said Defendants Tottically Soobaroy Moodelly and Tottically Vadamall respectively; and that it be referred to the Master of this Court 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 what part or parts of the same 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 and also what part or parts of such Estate were or was after the death of the said Vadachellum possessed or received by Kristnasawmy the Father of the Complainant in his life time or by any person or persons for his use and 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, and 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 and whether there are any and what part or parts of such Estate outstanding at the date of his report And if any let him state the amount and particulars thereof and why and for what reason the same have not been gotten in; And let the said Master take an Account of the said Testator's debts and Funeral Expenses and of the several charity and other legacies bequeathed by the said Will and let him 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 is to cause the usual advertisements with Translations thereof into the Native Languages to be published in the Government Gazette and such other Public Newspapers as he shall think proper for the Creditors and Legatees of the said Testator 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 shall not come in and make their respective demands before the Master within that period are to be excluded the benefit of this decree and let the effects of the said Testator be applied in payment of his debts Funeral Expences and Legacies respectively in a due course of Administration, and after payment thereof Let the Master ascertain what, if any, was the clear residue of the said Testators Estate at the time of his death, and if any let him state the particulars, Amount of the Plaintiffs and the Defendants shares and proportions of and in the same respectively and what is now due to the parties respectively on account thereof and in case he shall find any sum to be due and forthcoming in respect of the shares and proportions of the said Infant Complainant and Infant Defendant respectively of and in the said Testator's Estate then let him enquire and 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 Dabasakamoney and Balla Soobaroy respectively for the time to come and to whom and out of what fund such allowance ought to be paid, and in taking the accounts aforesaid the Master is to make unto all parties all just allowances. And it is further Ordered and Decreed that the receiver who was appointed in this Cause under the Order of this Honorable Court dated the 9th day of December 1825 do 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 that the Defendants Soobaroy and Vadamall do 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

several Accounts and discovery of the Matters aforesaid the said Complainant and Defendants are to produce before the said Master upon Oath all Books, Papers Writings Accounts, Deeds Bonds Cadjans and Documents in their custody or power relating to the matters in question in this Cause and the said Master is to be at liberty to examine the Defendants in this Cause except the Infants Complainants and Defendants Davasakamoney and Balla Sooberoy upon Oath or Interrogatories as the said Master shall direct and he is to be at liberty to proceed de die in diem if he thinks proper. 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 this Court as there shall be occasion. —

By the Court

C. H. Clay
Deputy Registrar

In the Supreme Court of Judicature at Madras. —

Tuesday the Twenty Seventh day of March One thousand Eight hundred and twenty seven and in the Eighth Year of the Reign of his Majesty King George the Fourth Between
Manuel Watkins
Complainant
And
Roattoo Kistnamah Chitty and Vencataramjaloo Chitty, an Infant by Guntoor Bashear his next friend
Defendant

This Cause coming on this day before the Honorable the Judges of this Court in the presence of Counsel learned learned on behalf of the Complainant and Defendant, Roattoo Kistnamah Chitty pursuant to an Order of this Honorable Court of the 21st day of March instant to be heard for the further directions and Costs reserved in and by the decretal Order made in this Cause bearing date the 11th day of February 1826. Upon opening the Bill of Complaint filed by the above named Complainant, and the separate answer of the Defendant Roattoo Kistnamah Chitty thereto and upon hearing read the said decretal Order of the said 11th of February 1826 whereby it is directed that the Bill in this Cause should be retained for twelve months with liberty for the parties Complainant and Defendants in the mean time to proceed to trial of the following issue viz. whether the Defendant Roattoo Kistnamal Chitty has between the 20th day of November 1820 being the day of the imprisonment of N. Vencataroonga Chitty deceased in the Pleadings in this Cause inclusive and the 27th day of June 1823 being the day of the Complainants original bill of Complaint was filed in this Cause possessed himself of any property of the said Nallatala Vencataroonga Chitty deceased and if any to what amount and value and that the said Defendant Roattoo Kistnamah Chitty should be the Defendant at Law and that the said Complainant should be the Plaintiff at Law in such Issue and that the said Complainant and Defendant should be examined upon oath at such Trial; and that the said ~~Plaint~~ Manuel Watkins should furnish the Defendant Roattoo Kist=

B. Palmer
R. Comyn
G. W. Ricketts

=namah Chitty

Chittys Attorney with a bill of Particulars of the property possessed by the said Roattoo Kistnamah Chitty; but if the said Roattoo Kistnamah Chitty upon his examination should admit to have possessed himself of the property of or belonging to the said Nellabo Vencatasawmy Chitty deceased or to his Estate then the Plaintiff is not to be bound by his bill of Particulars as to such other property so admitted. And in default of the Plaintiffs trying such issue within the time aforesaid then it was ordered that the Plaintiffs bill should stand dismissed with costs out of this Court to be taxed by the Master of this Court. But in case he should duly proceed to the trial of such issue as aforesaid then the Court did reserve the consideration of all further directions touching the matters in this said Cause, And the parties in the meantime to be at liberty to apply to the Court touching such issue as they may be advised. And Upon hearing read the certificate of the Deputy Prothonotary that in pursuance of the said Order an Action in feigned issue wherein Manuel Watkins was Plaintiff and Roattoo Kistnamah Chitty was Defendant came on to be tried on the 15th 16th and 17th days of February last and that on the 17th day of the last mentioned month The Honorable the Judges found a verdict for the Defendant Whereupon, and upon debate of the matter and hearing what was alledged by the by the Counsel on either side This Court doth think fit to Order and Decree and it is accordingly Ordered and Decreed that the Complainants Bill of Complaint do stand and be dismissed, but upon consent of the Counsel of the Defendant Roattoo Kistnamah Chitty without Costs, the Complainant undertaking to pay the costs of the Action in Feigned Issue within twelve months from the date of this Decree.

By the Court

C.M.C.

Depty Regist:

Oriel Viveash
Defts Solior:

In the Supreme Court of Judicature at Madras

Tuesday 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 Manelly Ponniah Moodelly
Complainant

And

Mulay Chingleroy Moodelly
Defendant

This Cause coming on the thirteenth, fourteenth, fifteenth, and sixteenth days of September last as 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 14 to the words [illegible]nable Court in folio 15. From the words And this Defendant in [illegible]lio 38 to the words "In that purpose in Folio 42 From the words and [illegible]is Defendant in Folio 44 to the words his dwelling house (in folio [illegible] 45 from the words But he this Defendant in the last mentioned folio to the words knowledge and belief. In folio 53. from words And this defendant in folio 56 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 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 Pullemuntarum Nadachella Moodelly to the first, second third and fourth Interrogatories in chief filed in behalf of the said Complainant Whereupon, and upon debate of the matter, and hearing what was alledged by the Counsel on either side 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 alledged by the said by the said Defendant in his said Answer to have been given to him by the said Manally Ponniah Moodelly deceased came into the possession, custody and Power of the said Defendant or 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 Manally Ponniah Moodelly deceased and in case the said Master shall find that any of such Notes were in possession of the said Defendant to inquire and report how such 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 Interests thereon. And it is further Ordered that the said Master do inquire and report whether the gift of the said subdivided Notes alledged by the said Defendant to have been made really took place and under what circumstances and at what time the said was made. And in case the 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 Triplicane 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 Defendant: and the Master is to be at liberty to state any special circumstances, and for the better taken of the said account and discovering 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 the said 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.

By the Court.
J. Y. Futterton Depy Regr

Supreme Court of Judicature at Madras

Maria Anne Ormsby Executrix
P. Secluna deceased by A. J. Ormsb
her husband
Complainant
And
Martha Ellen Scawen Administratr
of Robert Scawen deceased.
Defendant

R. Comyn
E. J. Gambier.

This Cause coming on the seventh day of February Insta and also on this present day to be heard and debated before the Honora the Judges of the Supreme Court of Judicature of 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 abo named Complainant and the Answer of the said defendant thereto, and upon hearing read the Probate of the last Will and Testament of Captain P. Secluna deceased granted on the 23d of January One thousand Eight hundred and Twenty Eight, in favour of Mary Secluna and Robert Scawen as the Executrix and Execu of the said P. Secluna deceased, and the letters of administrati of the Estate and effects of the said R. Scawen deceased granted on the ninth of January one thousand Eight hundred and thirty seven in favor of M. H. Scawen as the widow of the sa Robert Scawen deceased and also the letters of Administration de bonis non with Will annexed of the Estate and effects of the said P. Secluna deceased granted on the sixth of July one Thousand Eight Hundred and thirty seven in favour of the said Complainant Martha Anne Ormsby and upon hearing rea also the accounts Estate and Effects of the said P. Secluna de=ceased filed in the Registry of this Honorable Court in the Ecclesiastical Side thereof on the 3d February One thousand Eight Hundred and thirty by the said M. Secluna and R. Scawe as such Executor and Executrix aforesaid Whereupon and upon debate of the matter and hearing what was alledged by the Counse on both sides and upon mature consideration had thereon This Court doth declare that the Complainant Maria Anne Ormsby as administratrix of the said Captain P. Secluna deceased is entitled to all Bonds securities for money vouchers Papers and documents belonging to the Estate of the said P. Secluna deceased as particularized and set forth in the Schedule No. 4 annexed to the answer of the said Defendant and Decrees delivery of the same accordingly. And this Court doth further declare that the said Complainant as adminis-
-trix

money of rupees One thousand [illegible] of the said Co... rupees One thousand three hundred (R.1300) in the pleadings of this cause mentioned together with the Interest thereon respectively to be paid in the administration of the assets of the said R. Seaven deceased in preference to all simple contract creditors - And this Court doth accordingly Order that it be referred to the Master of this Honorable Court to compute the Interest and principle due upon the two several sums of Rupees One thousand Seven hundred and fifty (R.1750) and Rupees One thousand three hundred (R.1300) and also to take an account of what is due to all other creditors by specialty or other instrument of higher degree of the said Robert Seaven deceased and the said Master is to cause advertisements to be published in the Fort St George Gazette and such other public Newspapers as he shall think fit for such Creditors of the said Robert Seaven deceased 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 not coming in to prove their debts by the time so appointed they are 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 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 waved taking the account of the Estate of the said Robert Seaven deceased and also the account of the Estate of the said P. Seclena deceased This Court gives no order with regard thereto, and This Court doth reserve the consideration of all further directions 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 the occasion shall require

By the Court
P. Cator
Regr.

In the Supreme Court of Judicature at Madras.

Tuesday the twenty seventh day
of March One thousand Eight
hundred and twenty seven and in
the Eighth Year of the reign of His
Majesty King George the Fourth
Between Joseph Nazar Shamier
Complainant
And
John Shamier. Nazar Jacob Shamier
Satur Arathoon and Shamier Zoer
Defendant

This Cause coming on the ninth, tenth, twelfth, thirteenth fourteenth and fifteenth days of February last and also on this present day to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on behalf of the Complainant and Defendant John Shamier to be heard on the Bill and Answer
R. Palmer as against the said Defendant John Shamier, and the Bill to be taken
R. Comyn Pro confesso as against the other Defendants Nazar Jacob Shamier,
G. W. Ricketts Satur Shamier and Shamier Zoer pursuant to an Order of this Honble Court of the second of February last. Upon opening the original and amended Bill of complaint Exhibited by the above named Complainant
Wits: and the answer and the further Answer of the Defendant John Shamier thereto, and upon hearing read the said Order of the said second of February last, whereby it is directed that the said Complainant should be at liberty to enter his amended and original Bill to be taken as Pro Confesso as against the said Defendants Nazar Jacob Shamier, Satur Shamier Arathoon and Shamier Zoer for want of their answer to the said original and amended Bill filed in this cause. And the last Will and Testament and Codicil thereto of Shamier Sultaun deceased the Testator in the Complainants Bill mentioned. And also the affidavit of Stephen Narcis made in this Cause on the tenth day of February last. Now upon debate of the matter and hearing what was alledged by the Advocates for the said Complainant and the Defendant John Shamier, and on mature consideration had thereon This Court doth think fit to Order and Decree and it is accordingly Ordered and Decreed that the said Complainants Bill be taken Pro Confesso as against the said Defendants Nazar Jacob Shamier Arathoon Jacob, and Maria Zoer or any or either of them with the consent privity or permission of the said Defendant John Shamier, were or was guilty of any breach or breaches of trust in relation to the legacy of fifteen thousand Pagodas (15,000) on the Book Legacy bequeathed to the said Complainant by the Will and Codicil of the said Testator John Shamier Sultaun or in respect to the said Complainants fourth share of the residue

of the said Testators Estate, or the fourth part of the lands and houses specifically
devised to the said Complainant by the said Will and Codicil or any or either and
which of such bequests and devises respectively. And in respect of which breach or
breaches of trust the said Defendant John Shamier was personally answerable
to the said Complainant. And in case upon enquiry it shall appear to the
Master that the said Defendant John Shamier was answerable, then the
Master is to state in what such breach or breaches of trust took place and
enquire and report whether the Complainant Joseph Nazar Shamier
previous to his executing the release in the Pleadings mentioned had any
and what knowledge or notice of such breach or breaches of trust – And
that by reason thereof the said Defendant John Shamier was so answerable.
And it is Ordered that the Master do also enquire and state what was
the amount in value of the residue of the said Testators Estate so far as the
same could be ascertained at the time of the Execution of the said release, And
of the said Complainants fourth part or share thereof, and also of the said
Complainants fourth part or share of and in the said Lands and Houses
specifically devised by the said Will and Codicil. And let the Master
also enquire and state the particulars and amount in Value of
any property possessed by the said Complainant or by any person or
persons by his Order and for his use in or towards payment or satisfac-
-tion of his rights and Interests under the said Will and Codicil or any or
either or which of them and when and from whom the same was received
And it is Ordered that the Master do enquire and state when and in whose
presence and for what consideration the said release was executed by
the said Complainant Joseph Nazar Shamier and he is to be at liberty to
state any special circumstances relative thereto or to any of the enquiries
aforesaid. And it is Ordered that the said Complainant and the said
Defendant John Shamier and also the said other Defendants Nazar
Jacob Shamier, Sateer Arathoon, and Shamier Zoer do produce to and leave
with the said Master upon Oath if required, All deeds bonds Agreements books
papers & vouchers in their custody possession or power touching or in any way
relating to the matters in dispute in this Cause. And that the said Master be
at liberty to examine the said Complainant and the said Defendant John Shamier
and the other Defendants, and also witnesses upon oath or Interrogatories
or otherwise touching all and singular the matters in dispute in this Cause or
so many thereof or in such manner as the said Master shall think proper
And it is Ordered that upon proceeding upon the enquiries aforesaid the entries
in the Books and Accounts in the Pleadings in this Cause mentioned to have
been delivered over by the said Defendant John Shamier to the said Complai-
-nant and his father Nazar Jacob Shamier, and his brother Jacob Nazar Shamier
at the time of the execution of the said Release relating to the receipts of any
receipts

or payments on account of the said Testators Estate, be taken and received by the Master as sufficient Evidence of such fact or facts respectively without calling on the said Defendant John Shamier to produce any further vouchers for the same. And that the said Defendant John Shamier do sell the property of the Testator in his possession and pay the money to be made by such sale into Court in Trust in this Cause. And this Court doth reserve the consideration of all further directions and Costs including the Costs of the said reference to the Master until the said Master shall have made his report. And any of the parties are to be at liberty to apply to this Court as there shall be occasion.

By the Court
C. M. Clay
Deputy Registrar

In the Supreme Court of Judicature at Madras

Tuesday the tenth day of April One thousand Eight Hundred and twenty Seven and in the Eighth Year of the reign of His Majesty King George the Fourth
Between Bundy Goverdana Doss
Complainant
And
Robert Torrens, Hamilton Hall, Thomas Hart and Thomas Stepton Fanning
Defendants

R. Palmer
R. Comyn
G.W. Ricketts

This Cause coming on the thirty first day of March last and also on this day before the Honorable the Judges of this Court, in the presence of Counsel learned on behalf of the Complainant and the Defendants Robert Torrens, Hamilton Hall and Thomas Hart Davi and in the presence of the Defendant Thomas Stepton Fanning pursuant to the Order of this Honorable Court made in this Cause bearing date the 26th day of March last to be heard for the further directions and Costs reserved in and by the decretal Order made in this Cause and bearing date the 7th day of August 1826. Upon opening the Bill of Complaint exhibited by the above named Complainant and the separate Answers of the Defendants Robert Torrens, and Thomas Stepton Fanning thereto, and upon hearing read the said Decretal Order of the said 7th day of August 1826 whereby it is directed that that the Complainant and Defendant Robert Torrens should proceed to Trial of the following issues. First whether the Complainant Bundy Goverdana Doss in or about the 9th of March 1811 and when delivered any and what Jewels, Ornaments, or precious stones and of what value to the Testator Francis Torrens in the pleadings named for securing the repayment of the sum of One thousand three hundred Pagodas with Interest. Secondly whether the said Complainant in or about the month of June 1815 and when delivered a waist Ornament called Roomapettah and of what value to the said Testator for securing the repayment of the sum of Eight hundred Pagodas with Interest. Thirdly what was the value of the Ornaments or Jewels called Bunjabunds in the Complainant's Bill mentioned to have been pledged in or in behalf of the said Complainant to the Testator Francis Torrens. And it was further ordered that the Complainant in this Cause should be the Plaintiff at Law and that the said Defendant Robert Torrens should be the Defendant at Law in such issues respectively and that the said parties and their witnesses should be examined upon oath at and

Trial and that all deeds, bonds notes agreements, papers accounts, Cadjans, and writings in the custody or power of either of the parties relating to the matters in question in this cause should be produced at the trial of the said issues at the request of the said parties respectively. And it was further Ordered that the said parties should proceed to Trial of the said Issues in the then next ensuing Term. And the Court did reserve the consideration of Costs and all further directions until after the Trial of such issues. And upon hearing read the Certificate of the Deputy Prothonotary that in pursuance of the said Order an action in feigned issue wherein Bundy Goverdana Doss was Plaintiff and Robert Torrens was Defendant came on to be tried on the 19th 20th 21st 22d 23d and 24th days of February last and that on the said 24th day of the last mentioned month the Honorable the Judges by their verdict said as to the first issue joined between the parties aforesaid that the above named Bundy Goverdana Doss did not in or about the month of March 1811 or at any other time deliver to Francis Torrens the Testator in the said Plaintiff's Plaint named any Jewels, Ornaments or precious stones of any value whatsoever for securing the repayment of the sum of One thousand three hundred Star Pagodas with Interest in manner and form as the said Goverdana Doss hath in that behalf in his Plaint alleged. And as to the second issue joined between the said parties aforesaid that the said Bundy Goverdana Doss did not in or about the month of June 1815 or at any other time whatsoever deliver a Waist Ornament called Roomavapettah of any value whatsoever to the said Francis Torrens for securing the repayment of Eight hundred Pagodas with Interest in manner and form as the said Bundy Goverdana Doss hath in his said Plaint on that behalf alleged. And as to the third issue joined between the parties aforesaid that the ornaments or Jewels called Bunjabunds were of the value of Two Thousand and Two hundred Star Pagodas and not of the value of Five Thousand Pagodas in manner and form as the said Bundy Goverdana Doss hath in his said Plaint in that behalf alleged. Whereupon and upon debate of the matter and hearing what was alleged by the Counsel on either side and upon due consideration had thereon This Court doth think fit to Order and Decree and it is accordingly Ordered and Decreed that so far as the Bill seeks a redemption of the Jewels alleged by the said Complainant to have been pledged to the said Testator Francis Torrens in or about the month of June 1815 respectively the same be dismissed out of this Court no such pledges or either of them having been found to have taken place. And with respect to the Jewels called Bunjabunds in the said Bill mentioned to have been pledged by the said Complainant to the said Testator, it appearing now to the Court that the Principal money and Interest which is due to the said Testator's Estate upon such Pledge must upon any calculation exceed the sum which has been found to be value of such last mentioned Jewels. The Court doth Declare that under the special circumstances of this case and the Complainant suing In formâ Pauperis it is not expedient to direct a reference to the Master to take any accounts of the (such) monies due in respect of such last mentioned Pledge but that the Bill ought now to be dismissed as to that also And it doth Order and Decree the same accordingly.—

By the Court
C. M. Clay
Deputy Registrar

No 8

In the Supreme Court of Judicature at Madras

Friday the twenty second day of July One
Thousand Eight hundred and twenty five
and in the sixth Year of the reign of
His Majesty King George the Fourth
Between Kashecara Vydee Chitty
Complainant

And

Kashecara Sabapathy Chittee and
Darunee Ummall Widow and personal representative
of Lutchmana Chitty deceased
Defendant

This Cause coming on this day to be heard and debated upon Bill and Answer in the presence of the Advocates learned on both sides. Upon reading the Bill of Complaint exhibited by the above named Complainant and the answer of the Defendants thereto and upon reading a Decree of this Court dated the sixth day of April 1816. made in a Cause wherein Chinny Chitty Sabaupudy Chitty was Complainant and Vydee Chitty, Lutchmana Chitty were Defendants and also certain articles of agreement made and concluded on the 25th day of May 1824 between Vydee Chitty of the first part Sabapathy of the second part and Daranee Ummall on the third part marked as Exhibit A. The Court by and with the consent of the parties Complainant and Defendants by their respective Advocates and Solicitors doth Order Direct and Decree that it be a reference to the Master of this Court to approve of a proper person or persons to be forthwith appointed receiver or receivers to collect and get in the Estate and Effects of Cashekara Chinny Chitty Cashekara Vencatakistnama Chitty, Cashekara Lutchmana Chitty and Cashekara Tombo Chinny Chitty respectively deceased in the Pleadings in this Cause named and also to receive the rents issues and profits and the outstanding debts and balances due to the said several Estates. And that such person or persons so to be appointed receiver or receivers do first give security to be approved of the said Master. that he or they will duly and annually or half Yearly account for what he or they shall receive And that the said Master do enquire and report how much and what part or parts of the said Estates of the said Cashekara Chinny Chitty, Cashekara Vencatakistnama Chitty Cashekara Lutchmana Chitty and Cashekara Toomboo Chinny Chitty respectively deceased doth or do now remain outstanding or unreceived and for what reason, and by whose acts, means, prevention, default or neglect the same hath or hath not been gotten in or received. And that the said Master do also enquire and report whether there are any and what debts or Charges upon the several Estates of the said Cashekara Chinny Chitty, Cashekara Vencatakistnama Chitty, Cashekara Lutchmana Chitty and Cashekara Tombo Chinny Chitty still remaining unpaid or unsatisfied and the particulars of such debts or Charges and to whom due. And the said Master is to cause advertisements to be published in such public Newspapers as he shall think proper for the creditors of the said Cashekara Chinny Chitty Cashekara Vencatakistnama Chitty Cashekara Lutchmana Chitty and Cashekara Tombo Chinny Chitty to come in before him and prove their debts. And the said Master is to be at liberty to make a separate report of such Creditors: And the said Master is also to be at liberty to report specially if he shall have occasion or be required so to do, and all further directions and consideration of Costs are hereby reserved until after the said Master shall have made his report —

By the Court
[illegible]

No 9

19

In the Supreme Court of Judicature at Madras

Friday the fifth day of August One thousand Eight
hundred and twenty five and in the sixth Year of the reign
of his Majesty King George the Fourth Between
Parasooramah Pillay and Streenevasa Pillay sons and
personal representatives of Moonea Pillay deceased
Complainant

And

John William Dare, and Joseph Pugh executors of Thomas
Parry deceased, the Administrator of Thomas Chase deceased
Josiah Marshall Executor of L. McDonall deceased
who was the executor of J. McDonall deceased and
others.

Defendants.

By original Bill and Bills of Revivor.

R. Palmer

This Cause coming on to be heard yesterday and also on this day in the presence of Advocates on both sides to be heard upon the further directions reserved by a decretal Order of this Court of the 22d day of February 1808. Upon reading the original bill of Complaint filed in this Cause and the answers of the several defendants thereto, and also the decretal order of the 22d of February 1808 and the report of the Master of this Court made in pursuance thereof bearing date the 31st day of March 1824. Upon hearing what was alledged by the Advocates on both sides and on due consideration had thereon This Court doth order and direct that it be referred back to the Master to review his report as to so much of the Decree as directs him to enquire and ascertain how many of the dividends or sums of money which by his said report bearing date the 31st day of March 1824 he has found to have become due under and by virtue of the five several certificates in the pleadings in this Cause mentioned from the dates of the several assignments thereof, have or hath been paid and to whom and to report to this Court specially and particularly under what circumstances the same or any of them have or hath been so paid, and also how much of the principal Amount of the several shares secured in and by such certificates have been paid and when, and to whom and under what circumstances, and also as to so much of the said Decree as directs the said Master to take an account of all sum and sums of money that may have been lent or advanced by the several Defendants to this Suit being Proprietors of the said Asiatic Bank or any person or persons, and whom, duly authorized for that purpose to the said Defendants Thomas Chase, John Chinnery, John McDonall and Edward Watts and under what circumstances such loans and advances if any were made and how and in what manner the same or any of them have been secured and made payable. And it is further Ordered that the Costs of this Order and all suit Costs and charges as shall be duly and properly incurred by the Plaintiffs in the taking the accounts and making the enquiries hereby directed, be taxed and paid to the Plaintiffs by the (Defendants (here follow the names of the various and several members of the Asiatic Bank) And the Master is

to be

to be at liberty to proceed de die in diem on the matters hereby referred to him and each Warrant taken out in the prosecution of this is to be deemed and considered to be a peremptory warrant for the purpose therein expressed. And the Court doth reserve all further directions and all other Costs including the Costs of the present hearing until after the Master shall have made his report.

By the Court
E. M. Clay
Deputy Registrar

No. 10

In the Supreme Court of Judicature at Madras

Wednesday the third day of August One Thousand Eight hundred and twenty five and in the sixth Year of the reign of His Majesty King George the Fourth Between
Pareatomby Chitty
Complainant
And
Cattepully Soobooroyloo Iyer
Defendant

This Cause coming on to be heard upon Bill and Answer in the presence of Advocates learned on both sides on the first day of August instant and also upon this day. Upon reading the amended Bill of Complaint exhibited by the above named Complainant the Answer of the Defendant thereto and also an assignment of the estate and effects of Cottapully Vencatanarrayer to S. Pareatomby Chitty dated the 29th day of April 1813 and marked as Exhibit A. The Court by and with the consent of the parties complainant and defendant by their respective Advocates and Solicitors Doth Order decree and Direct that it be referred to the Master to take an account of the just debts and incumbrances if any of Tondool &c in the pleadings in this cause named at the time of the death of the said Tondool and also of such payments or instalments if any as have been since made on account thereof, and the said Master is to cause advertisements properly translated into the Native Languages in the usual manner to be published in the Madras Government Gazette and such other public papers and in such other manner as he shall think proper for such creditors if any of the said Tondool to come in before him and prove their debts and fix a peremptory day for that purpose, and in default of their so coming in they will be excluded the benefit of this decree. And it is further referred to the said Master in like manner to take an account of all the just debts and incumbrances if any of the Sooba &c in the pleadings in this cause also mentioned at the time of the death of the said Sooba and also of such payments and instalments if any as have since been made on account thereof. and the said Master is in like manner as aforesaid to cause Advertisements translated into the Native Languages in the usual way to be published for such Creditors if any of the said Sooba if any to come in before him and prove their debts, and to fix a peremptory day for that purpose, and in default of their so coming in before him and proving their debts they are to be excluded the benefit of the said Decree. And this Court doth refer it also to the said Master to take an account in like manner as aforesaid of all the just debts and incumbrances if any of Vencatanarsoo Iyer in pleadings in this Cause likewise mentioned at the time of the date of the deed of Assignment therein also mentioned, and also of such payments or instalments (if any) on account of such debts and incumbrances as have been made to such Creditors or any or either of them since the date of the said deed of Assignment, under or by virtue thereof or otherwise. and the said Master is likewise in the like manner as he is hereinbefore directed with respect to the said Creditors if any of the said Tondool and Sooba respectively to cause an advertisement translated into the native Languages in the usual way to be published for such last mentioned Creditors of the said Vencatanarsoo to come in before and prove their debts and to fix a peremptory day for that purpose and that in default of their so coming in they will be excluded the benefit of this decree. And this Court by and with the consent of the said Plaintiff and Defendant duly signified as aforesaid doth Declare that the Claim or Carnatic Stock in the

R. Palmer.

pleadings in this Cause mentioned and the Interest thereon due is liable and applicable in the first instance so far as the same will extend to the payment and liquidation of so much and such proportions of such debts if any such shall appear of the said Kindool at the time of his death as continue to be and remain at the present time unsatisfied. and in the event of any residue of the said claim or Carnatic Stock and Interest thereon due remaining after such payments and liquidation as aforesaid then that Stock residue shall be divided into two equal parts proportions or shares and that one of such equal parts proportions or shares is liable and applicable so far as the same will extend to the payment and liquidation of so much and such proportions of such debts and such incumbrances (if any such shall be proved) of the said Sooba at the time of his death as continue to be and remain at the present time unsatisfied and that subject to the last mentioned provision. The said last mentioned half part proportion or share together with the whole of the other half part proportion or share of such residue of such aforesaid claim or Carnatic Stock and the Interest thereon due, if any such residue shall appear after the payment of such just debts and incumbrances of the said Kindool as aforesaid, is liable and applicable to the payment and liquidation of the Claims of or debts due from the said Vencatanarsoo at the date of the said deed of Assignment so far as the same will extend rateably and proportionally to each of their respective debts and claims as are still unpaid and due and subject to such several payments as aforesaid if any residue shall remain of the produce of the said Claim or Carnatic Stock and the Interest thereon due, the same shall be paid over to the said defendant as the only lawful personal Representative of the said Kindool Sooba, and Vencatanarsoo respectively. And this Court doth Order that the said Claim or Carnatic Stock be forthwith sold by the said Master, and that the said Defendant as such only real lawful representative of the said Kindool Sooba and Vencatanarsoo respectively as aforesaid do join in and do all necessary acts to enable the said Master to sell and transfer the said Claim or Carnatic Stock into the name or names of such person or persons as may become the purchaser or purchasers thereof and that the Interest thereon due together with the produce thereof so to be sold and transferred as aforesaid be forthwith paid into the Treasury of Fort St George of the united Company of Merchants trading to the East Indies with the privity of the Accountant General of this Court to the Credit of this Cause - And that the

personal

said Defendant as such only lawful legal representative of the said Kindool Sooba and Vencatanarsoo respectively as aforesaid join in and do all necessary Acts to enable the Commissioners at Madras for investigating the Claims upon the late Nabob of the Carnatic in the pleadings in this Cause mentioned to pay or cause to be paid such Interest as is due and payable on the said Claim or Carnatic Stock in the said Treasury as aforesaid. 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 touching the several & respective matters herein referred to him.

By the Court
C. M. Clay
Deputy Registrar

438.

No 11

In the Supreme Court of Judicature at Madras -

The Third, Fourth, Sixth and Eleventh days of February
One thousand Eight Hundred and twenty Six, and in
the Seventh Year of the reign of his Majesty
King George the Fourth Between Manuel Walkins
Complainant

And

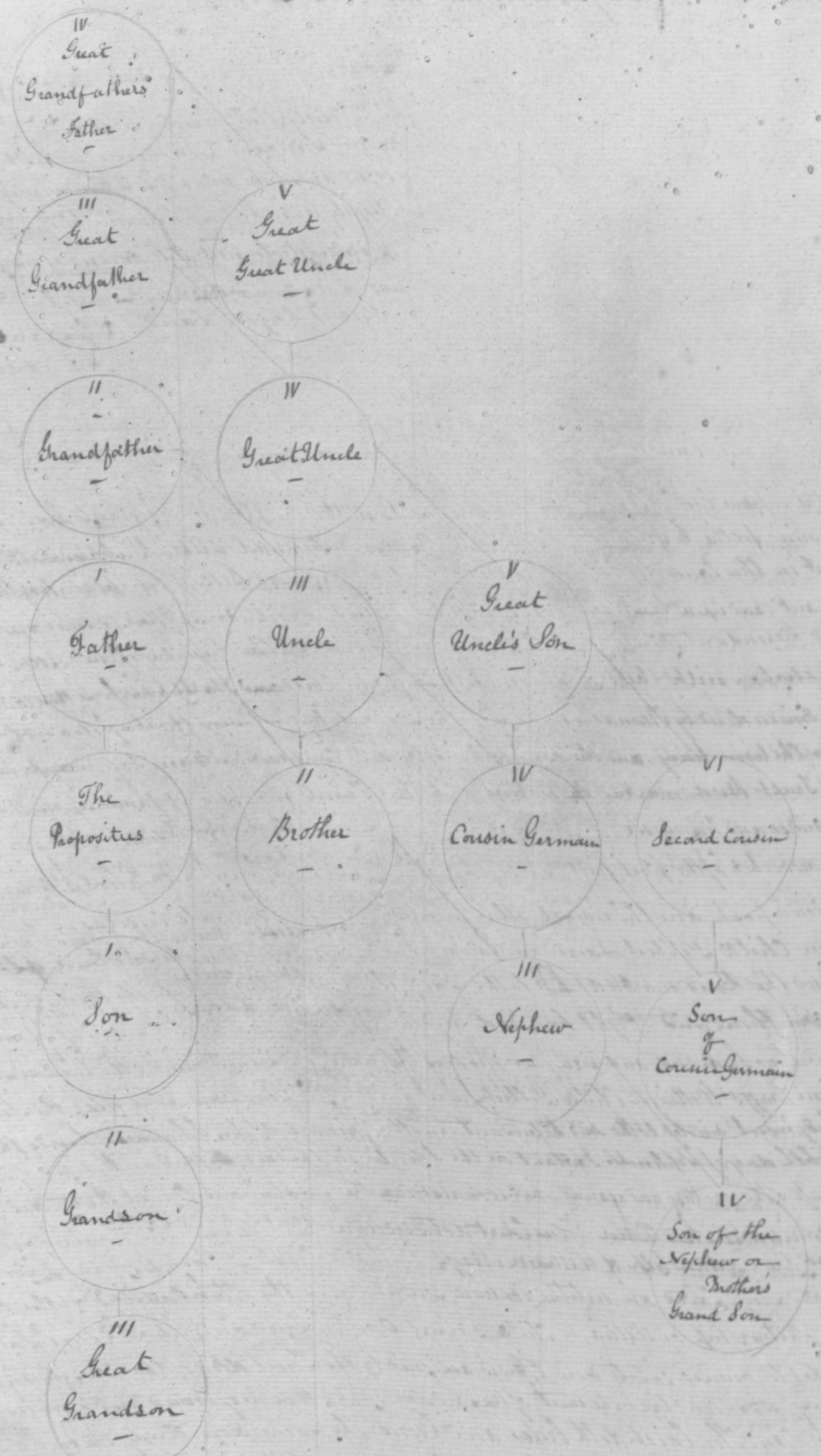
Roattoo Kistnamah Chitty and Vencataramanjeloo Chitty
an Infant by Guntoor Bashian his next friend
Defendants

This Cause coming on to be heard in the presence of Counsel learned in the Law on both sides. This Court doth direct that the Bill in this Cause be retained for twelve months with liberty for the parties Complainant and Defendants in the mean time to proceed to Trial of the following issue viz. Whether the Defendant Roattoo Kistnamah Chitty has between the twentieth day of November 1820 being the of the imprisonment of Nullabala V. Chitty deceased in the Pleadings of this Cause named inclusive and the Twenty seventh day of June 1823 being the day of the original Bill of Complaint (being) filed by the Complainant in this Cause possessed himself of any property of the said Nullabala V. Chitty deceased. and if any to what amount and value - And it is further ordered that the said Complainant be the Plaintiff at Law. and that the said Defendant Roattoo Kistnamah Chitty be the defendant at Law in such issue and that the said Complainant and Defendants be examined upon oath at such Trial and that the said Plaintiff Manuel Walkins do furnish the Defendants Roattoo Kistnamah's Chitty's Attorney with a Bill of Particulars of the property possessed by the said Roattoo Kistnamah Chitty. But if the said Roattoo Kistnamah Chitty upon his examination shall admit to have possessed himself of other Property of or belonging to the said Nallabala Vencataranga Chitty deceased or to his Estate then the Plaintiff is not to be bound by his Bill of Particulars to such other property so admitted. And in default of the Plaintiff trying such issue within the time aforesaid. Then it is ordered that the Plaintiffs Bill do stand and be dismissed out of this Court with Costs to be taxed by the Master of this Court. But in case he shall duly proceed to the trial of such issue as aforesaid then the Court doth reserve the consideration of all further directions touching the matters in the said Cause and the parties are in the mean time to be at liberty to apply to the Court touching such issue as they shall be advised. -

A. Palmer.
R. Comyn.
G. W. Ricketts.

By the Court
O. M. Clay
Deputy Registrar

438.



In the Supreme Court of Judicature at Madras

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 dec^d.

and

Gilbert Douglas Laird

Defendant

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras 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 the 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 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 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 seal of William Mayss William Childs Gilbert Laird and Edward Lloyd Laird and also the Subpoena to hear Judgment directed to the said Defendant. and the Affidavit of John Johannes 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 Complainants Counsel thereto and upon mature consideration had thereon This Court doth declare that the said Complainant and the Creditors of the Partnership of William Mayss, 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 1826. 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 31st May 1823 left unpaid on the 21st of January 1826. 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 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 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 any other person or persons by his Order or for his use or which without his wilful neglect or default might have been recovered, 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 20th Feby 1837 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 Complainants Costs of this Suit as between Solicitor and Client and that such Costs when taxed to be paid to Mr. Nathaniel Bradley Acworth the said Complainants Solicitor by the Sub Treasurer of Fort St 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 accounts 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 Subpoena to be served on him for that purpose shall show unto this Court good cause to the contrary but the said Defendant before he is permitted to show such Cause is to pay unto the said Complainants his Costs of this days default in appearance to be taxed by the said Master

By the Court
J. A. [illegible] Registrar

No. 13

In the Supreme Court of Judicature at Madras

Wednesday the fifteenth day of February One Thousand Eight Hundred and Twenty Six and in the seventh Year of the reign of His Majesty King George the Fourth Between Syed Ahmed Syed Ally Syed Gayah Habeboon Nissa Begum the Widow of Buckah Sultaun deceased Tahah Saib and Sadunda Begum

Complainants

and

Ruthna Boyee and Kullee Moolah Khan

Defendants

R. Palmer
R. Comyn
G. W. Ricketts

This Cause coming on yesterday and also on this day to be heard. Upon reading the Bill of Complaint: The Answer of the Defendant Ruthna Boyee thereto with the Schedules thereto annexed, and the Deposition of Kistna Row to the first and second Interrogatories on behalf of the Complainants as Evidence for the said Complainants The Deposition of Arcot Unnamunta Row to the first and third Interrogatories on behalf of the Complainants as evidence for the said Complainants. The Deposition of Thorry Kistna Sawker to the first second and third Interrogatories on behalf of the Defendant Ruthna Boyee. 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 Order and Decree that the Complainants said Bill of Complaint do stand and be dismissed with Costs

By the Court
O. M. Clay
Deputy Registrar

No. 4

In the Supreme Court of Judicature at Madras

Saturday the first day of October One thousand Eight Hundred and Twenty five and in the sixth Year of the reign of his Majesty King George the Fourth
Between Nawrany Vencatasawmy Reddy
Complainant

and

Chinny Chitty. Tydee Chitty Lutchmana Chitty Sabanbady Chitty and Tomboo Chinnoo Chitty
Defendants

R. Palmer.
R. Comyn.

This Cause coming on this day in the presence of the Advocates for the Complainant the heard upon the further directions reserved by a Decretal Order of this Court of the fourth day of August of the Year One thousand Eight hundred and seventeen and the report of Thomas Greenway Esquire the late master of this Court made in pursuance thereof bearing date the 2d day of December One thousand Eight hundred and Seventeen. And upon reading also the report of Henry Byrne Esquire the Master of this Court dated the 16th day of March One thousand Eight hundred and twenty four. and the a Subpoena to hear judgment directed to the Defendants Chinny Chitty. Tydee Chitty Lutchmana Chitty and Sabanbady Chitty. and the affidavit of Francis de Souza of service of a true Copy of the said Subpoena on Mr Thomas Teed the Solicitor for the defendants Chinny Chitty, Tydee Chitty and Sabanbady Chitty on the seventeenth day of September last. And upon reading the Affidavit of Aroomoogum Chitty stating that Mooloo Vallee Ummall the only wife of Tomboo Chitty one of the Defendants in this Cause departed this life without issue on the eleventh day of November One thousand Eight hundred and nineteen, and that the said Defendant Tomboo Chinny Chitty departed this life on the fourth day of July One thousand Eight hundred and twenty two.. and that Lutchmana Chitty one of the Defendants in this Cause also departed this life without issue on the thirteenth day of September One thousand Eight hundred and twenty three - Upon debate of the matter and hearing what was alleged by the advocates of the Complainant and on due consideration had thereon This Court doth Order and decree that the said Masters report bearing date the sixteenth day of March One thousand Eight hundred and twenty four be absolutely confirmed and that the said Defendants Chinny Chitty Tydee Chitty and Sabanbady Chitty do pay unto the Complainant the sum of One thousand six hundred and seventy two pagodas fifteen fanams and seventy cash being the amount mentioned in the said Masters' Report bearing date the sixteenth day of March One thousand Eight hundred and twenty four to be due and owing by the defendants to the said Complainant And it is lastly ordered and decreed that the Complainants Costs in this Cause be taxed by the said Master and paid by the said defendants Chinny Chitty Tydee Chitty and Sabanbady Chitty to the said Complainant or his Solicitor

By the Court
C. M. Clay
Deputy Registrar

No. 15

In the Supreme Court of Judicature at Madras

Friday the thirty first day of March and first day of April One thousand Eight hundred and Twenty Six, and in the Seventh Year of the reign of his Majesty King George the Fourth Between William Collins Brunton
Complainant

and

Charles Rundall and Peter Whannell
Defendants

R. Palmer
R. Comyn
G. W. Ricketts

This Cause coming on to be heard on further directions upon the Master's Report pursuant to the Decretal order of this Court bearing date the seventh day of April One thousand Eight hundred and twenty four. Was upon opening the matter and debate thereof and hearing what was alleged by the Advocates on either Side. and upon reading the said decretal Order and also the said Report of the Master of this Court dated the sixth day of March One thousand Eight hundred and twenty six. This Court doth Order and decree that the said Master's Report bearing date the sixth day of March One thousand Eight hundred and twenty six be absolutely confirmed, and that the Costs of the Complainant and Defendants in this Suit be taxed by the Master and first paid by the Defendant Charles Rundall from and out of the funds and monies in his hands as reported by the Master. And that after deducting the said Costs from the said monies in equal proportions he do pay over the residue to the parties entitled that is to say the residue of the Sum of Six thousand One hundred and Twenty Eight Pagodas Twenty three fanams and fifty five Cash and all interest thereon due to the Complainant or his Solicitor or duly constituted Attorney. And the residue of the sum of Eleven thousand Six hundred and Eighteen Pagodas Eight fanams and fifty six Cash and Interest thereon to Mary Kirkpatrick Brunton or her duly constituted Attorney

By the Court
C. M. Clay
Depy. Registrar

No. 16

In the Supreme Court of Judicature at Madras.

Wednesday the twenty Eighth day of September
One thousand Eight hundred and twenty five and
in the Sixth Year of the reign of his Majesty
King George the fourth Between
Robert Torrens, Hamilton Hall and Thomas
Hart Davis

Complainants

and

Thomas Skipton Fanning

Defendant

This Cause coming on to be heard and debated in the presence of the advocates learned on both sides on the twenty first twenty second twenty third and twenty fourth and twenty sixth days of September instant and also on this day. Upon reading the amended and original Bill of Complaint. the answer of the Defendant Thomas Skipton Fanning thereto

R. Palmer
R. Comyn.

The Replication of the Complainants and the Rejoinder of the Defendant. and upon reading also particular passages of the Answer of the said Defendant to the said Complainants Bill. The last Will and Testament of Lieutenant General Francis Torrens deceased marked **A.** and several letters as Exhibits marked respectively **A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. Aa. Bb. Cc.** as evidence on behalf of the said Complainants

And upon reading certain interrogatories in chief filed on behalf of the Complainants and the deposition of Mr. Appoo taken thereto to the first, second, third eighth and tenth Interrogatories as evidence on behalf of the said Complainants and the deposition of Miss Sophia Phillipina Burton and Mrs. Mary Tanner taken thereto respectively, to the first, fourth, fifth, and eighth Interrogatories as Evidence on behalf of the said Complainants. and upon reading the whole of the Interrogatories exhibited on behalf of the Defendant. and the Deposition of Anthony de Rogue taken thereto to the First Second Third Fourth Fifth Sixth Seventh and Eighth Interrogatories as Evidence for the said Defendant And upon reading a power of Attorney executed by Lt. General Francis Torrens, the Testator in the Pleadings in this Cause mentioned, to the Defendant and marked as Exhibit **A.** 26 referred to by the Deposition of the said Anthony de Rogue and also a letter marked as Exhibit **B** 27. and the additional deposition of Anthony de Rogue to the additional Interrogatories on the part of the Defendant as Evidence for the said Defendant together with four several Exhibits marked **W** 39. **X** 40. **Y** 41. and **Z.** 42. referred to in the said additional Deposition of the said Anthony de Rogue The deposition of Mr. Ramasawmy Naick. to the second Interrogatory on the part of the Defendant as Evidence for the said Defendant. The Deposition of Mr. Appoo to the fourth and fifth Cross Interrogatories on the part of the Defendant as Evidence for the said Defendant The Deposition

Mr Ramasawmy Naick Butler to the first second third and fourth Interrog
on the part of the Defendant as Evidence for the said Defendant. The Deposition of
Lutchmana Moodelly to the third Interrogatory on the part of the Defendant
Evidence for the said Defendant. The Deposition of James Annesley to the first
Second third fourth fifth and Sixth Interrogatories on the part of the Defen
as Evidence for the said Defendant. The Deposition of John William
on the part of the Defendant as Evidence for the said Defendant. The Cross Dep
sition of James Annesley to the fourth and fifth Cross Interrogatories on the pa
of the Defendant as evidence for the said Defendant.
letters marked No. 1 2 3. and 4. as Evidence for the said Defendant. And also several
Deposition of James Annesley to the third Cross Interrogatory on the part of the
Defendant as Evidence for the said Defendant. The Cross
de Rogue to the second Cross Interrogatory on the part of the Defendant as
evidence for the said Defendant. The Deposition of Anthony
of Cecil Treatt to the first second and third Interrogatories on the
part of the Complainant as Evidence for the said Complainant. Upon
debate of the matter and on hearing what was alledged by the Advoca
on both sides, and on due consideration had thereon This Court doth
Order and Decree that as to so much of the said Bill as prays, "that
"the Legacy given and bequeathed to the said Defendant Thomas
"Stripton Fanning, and struck out and cancelled as in the said Bill
"mentioned may be declared still to form a part thereof for the
"purpose of construing the same as against the said Thomas
"Stripton Fanning and the claims set up by him as an Executor
"and that the said Legacy may be declared to have been given to the
"said Thomas Stripton Fanning for his care and trouble as an Execu
this same be dismissed. And declare that the said Will of the said
Testator as proved in the Ecclesiastical Court be established. And it is
further Ordered that it be referred to Henry Byrne Esqr. the Master
of this Court to take an Account of the personal Estate and Effects
of the said Testator not specifically bequeathed which have come to
the hands of or been possessed or received by the said Defendant
Thomas Stripton Fanning and the said Complainant Robert
Torrens respectively, or of, or by any other person or persons by their or
either of their order or for their or either of their use. And in taking
the said Account against the said Defendant Thomas Stripton
Fanning the Master is to charge the Defendant Thomas Stripton
Fanning with the amount of principal money and Interest
due upon the Bond in the pleadings mentioned and bearing
date the first day of April One thousand Eight hundred and
Twenty and which debt the court doth declare was not extin-
-guished by reason of the said Defendant having been appointed an

Executor under the said Will. And the said Master do also take an account of the said Testator's debts and funeral Expences, and of the Legacies, and to compute Interest on his debts at the rate they respectively carry. And on his legacies from the end of one year after the death of the said Testator up to the time of making his Report + + + + + or Reports + + + + + as after mentioned and to state the rate at which the Interest on the said Legacies respectively shall have been computed by him. And that the said Master in taking such Account shall make unto the parties Complainants and Defendant all usual and just allowances, and should state at the request of either of the parties his reasons for making such allowances as he shall allow or for refusing such as he should not allow. And the said Master is to cause the usual advertisements to be published in such public News papers as he shall think proper for the said Testators Creditors and pecuniary Legatees to come before him and prove their debts and claim their respective Legacies within a time to be therein limited and in default thereof they are to be excluded the benefit of this Decree. And it is further Ordered that the said Testators personal Estate and Effects not specifically bequeathed should be applied in payment of his debts and funeral expences in due course of administration and then in payment of his Legacies. And the Master is to be at liberty to make a seperate Report as to the said Testators debts and also a seperate Report or seperate Reports of any or either of the Legacies bequeathed by the said Will at the request and expence of the Legatee or Legatees requiring the same. And the Master is also to be at liberty to state any special circumstances touching the matters hereby referred to him or any or either of them and to proceed de die in diem if he shall be applied to or see occasion so to do. And this Court doth reserve further directions and question of Costs, as well as to so much of the Bill as has been dismissed as to the rest of the Suit until after the Master shall have made his General Report. And all parties are to be at liberty to apply to this Court as they may be advised.

By the Court
C. M. Clay
Deputy Registrar

Mary Ilbert Vaughan are likewise entitled in equal shares and proportion the further sum of Rupees Three hundred and eighteen annas nine and Pi six and 6/16 (318" 9" 6 6/16) being the moiety of the sum of Rupees six hundred and thirty seven annas three and Pice 3/4 (637" 3" 3/4) the balance found by the said Master to be in the hands of the said Defendant Patrick Clepho belonging to the Estate of the said Major General Edward Collins deceased, and that the said Martha Kerr Vaughan, and Bridget Mary Ilbert Vaughan, are respectively entitled to a quarter share each of any other monies which may be received from the Estate of Gilbe Ricketts deceased as administrator of the Estate of the said Testator Edward Collins; And that the trustees under the settlement of Eliza Jackson Hall in the pleadings in this Cause mentioned were entitled to have transferred in the said Treasury otherwise of the Estate of the said Edward Collins deceased "The account of the Trustees of the marriage settlement of Eliza Jackson Hall late late Rand" the sum of Rupees Thirteen Thousand six hundred and thirty four and Pice seven (13,634" 0" 7) found by the said Master to be standing in the said Treasury to the credit of the persona Chattels of the said Major General Edward Collins deceased in trust for the said Eliza Jackson Hall late Rand, and also the sum of Rupees One thousand seven hundred and six annas three and Pice six (1,706" 3" 6) being a moiety of the said sum of Rupees Three Thousand four hundred and Twelve and annas seven (3412" And that the said Trustees under the said settlement were likew entitled to have paid into the said Treasury to the credit of the said estate of the said Edward Collins "The like account of the trustees of the marriage settlement of Eliza Jackson Hall late Rand" the further sum of Rupees Three hundred and eighteen annas nine and Pice 6 6/16 being the moiety of the sum of Rupees 637 Annas three and Pice 3/4 (637" being the Balance found by the said Master to be in the hands of the said Defendant Patrick Clephorn and belonging to the estate of the said Major General Edward Collins as aforesaid, and likewise one moiety or half share to be paid into the said Treasury in "The like account of the Trustees of the Marriage Settlement of Eliza Jackson Hall late Rand" of any other monies which may be received from the Estate of the late Gilbert Ricketts on account of the Estate of the said Edward Collins; And this Court doth further Order and Direct that the said Defendant Patrick Clephorn do deposit in the Honorable Company's Treasury of Fort St George with the privity of the Accountant General of this Court to the credit of the Estate of the said Edward Collins the sum of Six hundred and thirty seven Rupees three Annas and 3/4 Pice (637" 3" 3/4) found to be due by the said Master as balance in his hands belonging to the said Estate

said Estate. And it is further Ordered that the said Accountant General should forthwith transfer in his books the said several sums of Rupees Thirteen Thousand Six hundred and Thirty four and Pice Seven (13,634" 0" 7) and Rupees One Thousand Seven hundred and Six Annas three and Pice six (1706" 3" 6) together with the Sum of Rupees Three hundred and eighteen annas nine and Pice 6 6/16 (318" 9" 6 6/16) when so paid in by the said Registrar aforesaid to the credit of the Estate of the said Edward Collins "The account of the Trustees of the Marriage Settlement of Eliza Jackson Hall late Rand" And that the Sub-Treasurer with the privity of the Accountant General should from time to time pay the Interest now due or which hereafter may accrue on the said several last mentioned Securities, and Sums when so carried to the said Trust Account of the Trustees of the Marriage Settlement of Eliza Jackson Hall late Rand to the Complainant Charles Rundall as the constituted Attorney of Eliza Jackson Hall late Rand during her life time or until the further Order of the Court, And it is lastly Ordered that all parties interested in the monies and Securities so directed to be transferred to the said Trust Account of the Trustees of the said Eliza Jackson Hall late Rand be at liberty to apply to this Court touching the same as they may be advised.

By the Court

C. M. Clay

Deputy Regr.

No. 19

In the Supreme Court of Judicature at Madras

Thursday the Twentieth of July One thousand Eight Hundred and Twenty Six, and in the seventh Year of the reign of His Majesty King George the Fourth Between Paupalketor Vincatakistnaimah Chitty and Paupalitor Veerasawmy Chitty an infant by his uncle and next friend the said Paupalitor Vincatakistnaimah Chitty

Complainants

and

Patrick Cleghorn Esqr administrator de bonis non of F. [illegible] deceased and Sadaringapatam V. Mordelly

Defendants.

R. Palmer
R: Comyn
G.W. Ricketts

This Cause coming on yesterday as also on this day to be heard now upon opening the Bill of Complaint exhibited by the above named Complainants and the Answers of the Defendants thereto, and no evidence being offered at the hearing by the Complainants on behalf of the Bill. This Court doth think fit to order and Decree and it is accordingly Ordered and Decreed that the said Complainants said Bill of Complaint do stand dismissed.—

By the Court
C. M. Clay
Depty Regr

No. 20

In the Supreme Court of Judicature at Madras—

R. Palmer
R. Comyn
G. W. Ricketts.

Friday the ninth day of February one thousand Eight hundred and Twenty seven and in the seventh year of his Majesty King George the Fourth between Teroopaty Gopaulkistna Pillay

Complainant

and

Teenampettah Chinnatomby Mordelly

Defendant.

This Cause coming on this Seventh and Eighth 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 Madras, and in presence of Counsel learned on both sides— Upon opening the Bill of Complaint filed by the above named Complainant, and the answer of the Defendant thereto, and upon having read an order of Court dated the 3rd February instant giving liberty to the Complainant to examine one or more witnesses viva voce to prove the handwriting of the Defendant to certain Exhibits, And upon the examination viva voce of Lutchmana Narrain Pillay and Appasawmy, and also upon the examination viva voce of Arnachellum on behalf of the Defendant as to the [illegible] witness to a certain receipt marked as Exhibit A, and upon hearing read the answer of the said Defendant, and also certain Exhibits marked with the letters A. B. F. G. L. and M. and the proofs taken in this Cause [illegible] of Court dated the 6th day of February instant giving [illegible]

one or more witnesses viva voce to prove the handwriting of the subscribing witnesses to certain Exhibits. And upon the examination viva voce of Sydapooram Appasawmy Whereupon and upon debate of the matter and hearing what was alledged by the Advocates on both sides, and on mature consideration had thereon This Court doth think fit to order and Decree, and it is accordingly ordered and Decreed that the said Complainants said Bill of Complaint do stand and be dismissed

By the Court
C. M. Clay
Deputy Registr

No. 21

In the Supreme Court of Judicature at Madras—

Thursday the Twenty ninth day of September one thousand Eight hundred and Twenty five and in the sixth Year of the reign of His Majesty King George the Fourth Between Bommaganty Soondaradu Iyer an Infant by Rattaputty Vencatasoobiah Iyer his father and next friend

Complainant

and

Tethat Narsoo, Comsatapootty Ramasamiah, and Milay Vrapoo Seevaramiah

Defendants

Palmer.—
Comyn.—

This Cause coming on yesterday as also on this day to be heard. Upon reading the original and amended Bill of Complaint. The joint and several answers of the Defendants Comsatapootty Ramasamiah, and Milay Vrapoo Seevaramiah and upon reading an order of this Court of the Twentieth day of July last directing that the Bill of Complaint filed in this Cause against the defendants [in this Cause] be taken Pro Confesso as against the defendant Tethat Narsoo— And upon reading another Order of Court of the Twenty fifth day of May 1824 appointing Rattaputty Vencatasoobiah Iyer guardian of the Complainant.— And also the certificate of the Accountant General of this Court dated the Twelth day of September instant— Upon debate of the matter, and on hearing what was alledged by the Advocates for the Complainant and the Defendants Comsatapootty Ramasamiah and Milay Vrapoo Seevaramiah, and on due consideration had thereon This Court doth Order and Decree that the Complainant's Bill be taken Pro Confesso as against the Defendant Tethat Narsoo, And that it be referred to the Master of this

Court

Court to take an account of the real and personal Estate and Effects of
Sankariah the Testator in the Pleadings in this Cause mentioned dece-
-ased which came into the hands of the said Tethat Naidoo and Vun
-rayloo his executor or either of them or of any other person or persons by their or
either of their order for their or either of their use, and what part or parts
remained in the hands of the said Vuncatarayloo at the time of his de
and came into the hands of the Defendants Ramasamiah and Su
-miah the executors of the said Vuncatarayloo or of any other person
persons by their or either of their order for their or either of their use
on taking the said Account the said Master is to make unto the parties a
just and usual allowances. And the said Master is to enquire and
-tain whether all the Debts, Legacies and Funeral Expences of the said
have been paid and discharged, and whether any claims remain
-standing and unpaid against the Estate of the said Sunkariah
particularly against the fund in the Honorable Company's Treasury
to the credit of this Cause – And this Court doth further Order and
that the said Master do also enquire and state whether any pro
has been made for Meenachee Ummall and Gnanummall the
of the said Testator Sunkariah – and if not the said Master is to state
will be a fit and proper sum to be allowed out of the estate of the
Testator Sunkariah for the maintenance and support of the said
Meenachee Ummall and Gnanummall. And the said Master
cause advertisements with translations thereof into the Native Langua
to be published in the Government Gazette and such other public
-papers as he shall think fit for the creditors of the said Testator Sunka
to come in before him and prove their respective debts and to fix
peremptory day for that purpose, and that in default of their com
in they are to be excluded the benefit of this Decree – And it is further
Ordered that a special Notice of this Decree be given to the Advocate
and to the persons mentioned in the Will of the said Sunkariah
addition to such advertisements as above mentioned. And the sa
Master is to be at liberty to make a separate report, and to state any spe
circumstances concerning all or any of the matters hereby to him refer
and to proceed de die in diem if he shall be applied to or see occasion
so to do – And this Court doth reserve the consideration of all further
directions, and the question of Costs until after the master shall have
made his general Report, and all parties are to be at liberty to apply
to this Court as they may be advised

By the Court
C. M. Clay
Depy. Regist.

N°22

In the Supreme Court of Judicature at Madras —

Chedumbaukum Annachary Moodelly an Infant by Danacootee Ummall his mother and next friend

Vers.

Chendrumbaukum Comaravaloo Moodelly —

R. Comyn.
P. G. Gambier

Forasmuch as upon reading a notice in writing from Mr. James William Branson Solicitor for the Complainant to Mr. Leonard Cooper Solicitor for the Defendant of this application, And upon reading the answer of the said Defendant sworn and filed in this Office on the Twenty first day of December One Thousand Eight hundred and Thirty Eight, and resworn on the Twenty fifth day of January One Thousand Eight hundred and Thirty Nine under an Order of this Court bearing date the Eighteenth day of the same said month of January – And upon reading also the certificate of the Deputy said Registrar that no Exceptions or Replication have been filed on behalf of the Complainant to the defendants Answer in this Cause. A motion was this day made by Mr. Advocate General and Mr. Teed of Counsel for the said Complainant for an Order that the said Defendant should within one week or such other time as the Court should appoint from the date of such Order pay into the Treasury of Fort St. George with the privity of the Accountant General of this Court to the credit of this Cause and subject to the further Order of this Honorable Court All the Government Promissory Notes and Company's Papers, Bonds Securities for money Title Deeds of landed property Vouchers, Documents and Papers, and all the gold and silver Toys Jewels and other articles of property mentioned and described in and by the said defendants Answer filed in this Suit And upon hearing Cause shewn by Mr. Minchin and Mr. Smyth of Counsel for the said Defendant against the said motion grounded upon the Bill of Complaint filed in this Cause on the second day of November One Thousand Eight hundred and Thirty Eight. And the Affidavit of the said Defendant, the said Defendants Solicitor, and Jacob George D'Silva the managing clerk in the Office of the said defendant's solicitor sworn and filed on the said Eighteenth day of January One Thousand Eight hundred and Thirty Nine – But by and with the consent of the Counsel for the said Defendant in regard to to the Title Deeds and Securities for money standing in the name of Chendrumbaukum Vencatachella Moodelly deceased in the Pleadings of this Cause named, It is Ordered that the said Defendant do within fourteen days from the date of this Order deposit in the Treasury of Fort St. George with the privity of the Accountant General of this Court to be placed to the credit of this Cause the Several Government Securities &c &c &c. —

By the Court
J. G. Fullarton
Depty. Regist.

In the Supreme Court of Judicature at Madras —

Saturday the sixteenth day of February One thousand Eight hundred and thirty nine, and in the second year of the reign of Her Majesty Queen Victoria, Between Maria Anne Ormsby administratrix de bonis non of Captain Paul Sechina deceased by Arthur Johnstone Ormsby her husband and next friend

Complainant

and

Marcella Ellen Scawen administratrix of R. Scawen Dec.d

Defendant.

N. B. The prior part of this decree, in the original, sets forth the decree of the twelth of Feb.y /38. referring to the Master &c. as will be seen by referring ante fo 11. W.H.

. . . . And in pursuance of the said decree the said Master made his report dated the twenty Eighth day of September one thousand Eight hundred and Thirty Eight, and thereby among other things reported that he had computed interest upon the said sum of Rupees One thousand Seven hundred and fifty, as in and by the said decree directed from the first day of January One thousand Eight hundred and Twenty two, to the twenty Eighth day of September then Instant at the rate of five per Cent per Annum — And he found that such interest amounted to the sum of Rupees One thousand Four hundred and Sixty three Annas Eleven and Pice six, which being added to the said sum of Rupees One thousand Seven hundred and fifty, made the sum of Rupees Three thousand Two hundred and fourteen, Annas Eleven and Pice Six, which he found was due then for Principal and Interest. — And that he had likewise computed interest upon the said sum of Rupees, One thousand and Three hundred as in and by the said decree directed from the said first of January One thousand Eight hundred and Nineteen to the Twenty Eighth day of September then instan at the rate of five per cent per annum. And he found that such interest amounted to the sum of Rupees One thousand Two hundred and Eighty three anna one and Pice three which being added to the said sum of Rupees One Thousand and Three hundred, made the sum of Rupees Two Thousand Five hundred and Eighty Three Anna One, and Pice Three which he found was then due for Principal and Interest — And he further Reported that he had caused advertisements to be published, and had in such advertisements fixed a peremptory day (which had then expired) for the creditors of the said Robert Scawen deceased as in the said Decree directed to come in and prove their debts, and that a state of facts, and charge had been left with him by Tottecally Bala Soobaroy Moodelly on behalf of himself and the representatives of Tottically Casavah Moodelly deceased whereby they stated and charged themselves to be judgment creditors of the said late Robert Scawen under and by virtue of a decree of this Honnable Court bear date the ninth day of February One thousand Eight Hundred and nine, a report of the Master of this Court dated the Twenty first day of January One thousand Eight Hundred and Eleven and subsequent proceedings in a Cause entitled "Tottecally Casavah Moodelly, versus Robert Scawen. And that in support thereof there had been produced and read before him the entry of the Decre in the Registrar's Books, in the said cause "Tottecally Cashevai Moodelliar vers Robert Scawen

And that in support thereof there had been produced and read before him the entry of the Decree in the Registrar's books in the said cause of "Tottecally Cashewa Moodelly versus Robert Scawen" The Examination of Frederick Orme Examined viva voce on the Fourth of September One thousand Eight hundred and thirty Eight, The examination of Felix D'Silva examined viva voce on the Twenty first of August One thousand Eight Hundred and thirty Eight and certain exhibits marked No 1. A. No 2 A Z Y and X. And he found that the said Robert Scawen was in his life time and at the time of his death under and by virtue of the said Decree and Report indebted to the Estate of the said Tottecally Cashewa Moodelly in the principal sum of Rupees Three thousand Seven hundred and Seventy Nine annas five and pice five - And that he had calculated interest thereon at the rate of six per cent per annum from the fifth day of September One thousand Eight hundred and fifteen so claimed as therein mentioned to the Twenty Eighth day of September then instant and that such interest amounted to the sum of Rupees Five thousand Two hundred and twenty Nine annas twelve and pice four which being added to the said sum of Rupees Three thousand Seven hundred and seventy nine annas five and pice four made a total sum of Rupees Nine Thousand and nine anna one and pice nine which last mentioned sum of Rupees Nine thousand and nine anna one and pice nine he found to be a Judgment claim yet unsatisfied of the Estate of the said Tottecally Cashewa Moodelly against the Estate of the said Robert Scawen deceased To which said Report the said Complainant took Six Several Exceptions And the same coming on to be argued on the Eight, Ninth, and Eleventh days of February Instant before this Honorable Court by counsel learned in the law on both sides And the Exceptions being opened ...... And thereupon and upon reading the said Report and the proofs and Exhibits adduced before the master Their Lordships were pleased among other things to Order that the First Second and Third Exceptions should be overruled and that the Fourth Fifth and Sixth Exceptions should be allowed - And this Cause coming on this present day (by consent) to be heard on further directions and Costs reserved by the said decretal Order of the Twelfth day of February One thousand Eight hundred Thirty Eight before the Honorable the Judges of this Court in the presence of Counsel learned on both sides - Whereupon and upon hearing read the said Decree, the said Master's Report, The Exceptions taken thereto by the said Complainant, and the Order made thereon dated the said Eleventh day of February Instant; And upon hearing read what was alledged by the Counsel on both sides This Court doth declare that there is now due and owing to the said Complainant as Administratrix of the late Captain Paul Sechina deceased Two several sums of Rupees Three thousand Two hundred and fourteen annas Eleven and pice six (3,214. 11. 6) and Rupees Two Thousand Five hundred and Eighty Three annas one and pice three (2,583. 1. 3) For principal and Interest due in respect of the Two several sums of Rupees One thousand Seven hundred and Fifty (1750) and Rupees One thousand Three hundred (1300) in the

Vide exceptions in pleadings Wk.

said decretal Order of the Twelfth day of February One thousand Eight hundred and thirty Eight mentioned, And that she is entitled to be paid the Costs of this Suit to be taxed by the Master - And this Court doth decree payment of the same from and out of the Estate of the said Robert Scawen deceased in the hands of the said Defendant in the manner hereinafter mentioned - And it is Ordered that it be referred to the Master of this Court to tax the Costs of the said defendant in this suit as between Solicitor and client, and that the same when taxed be paid by the said Defendant from and out of the funds of the said Estate of the said Robert Scawen deceased admitted by the said Defendant to be in her hands - And by and with the consent of Counsel for the said Complainant and the said Defendant It is ordered that the residue of the said funds after payment of the said Costs, be by the said Defendant paid to the said Complainant in payment as far as the same will extend of the said several sums of Rupees Three Thousand Two hundred and fourteen Annas Eleven and pice six (3,214. 11. 6) and Rupees Two Thousand Five hundred and Eighty Three Anna one and Pice three (2,583. 1. 3) so found due to the said Complainant as such administratrix as aforesaid, and her said Costs of suit which it is hereby referred to the master to tax. And with the like consent It is further Ordered that upon payment of such aforesaid Residue by the said Defendant she be discharged from the further administration of the Estate of the said Robert Scawen deceased - And either of the parties of this Cause is to be at liberty to apply to this Court as there may be occasion. -

By the Court
P. Cater
Registrar

MB/134

and Proponent in the said secondly mentioned Cause – The deposition of
Purdmoraba Iyer to the first Second Sixth Seventh Eighth and ninth Interroga-
-tories in chief filed on behalf of the said Proponents in the original Cause and to
the second and fifth Cross Interrogatories filed on behalf of the said Respondent in
the same Cause – The deposition of Mahadava Row to the first second and
third Interrogatories in chief filed on behalf of the said Proponents in the said
original Cause – The deposition of Boya Sunkur Salut to the first second third
and fourth interrogatories in chief filed on behalf of the said Proponent in the
said secondly mentioned Cause – The deposition of Ramjee to the first second third
and fourth interrogatories in chief filed on behalf of the said Proponent in
the said secondly mentioned Cause – The deposition of Jayananda Jaevady
Sowcar to the first second and fifth Interrogatories in chief filed on behalf of
the said Proponent in the said secondly mentioned Cause – The deposition of
Cansy Nanda Davay to the first second and fifth Interrogatories in chief filed on behalf
of the said Proponent in the said secondly mentioned Cause and the Exhibit
marked **K**, and upon reading the citation issued in this matter bearing
date the twenty fifth day of June One thousand Eight hundred and thirty eight calling
in the Probate of the last Will and Testament of the said Dawajee Viejaya Kristnajee
Caivala Kristnajee deceased granted to the said Proponents in the said original
and Respondents in the said secondly mentioned Cause And upon reading also
the certificate of the Registrar that on the twenty seventh day of June One thousand
Eight hundred and thirty Eight the Probate of the last Will and Testament of
Dawajee Viejaya Kristnajee Caivala Kristnajee deceased granted out of and under
the seal of this Honorable Court on the Twentieth day of the same month to
Davay Mully Carjoon Moolswar and Nummjee Tanker as the Executors therein
named during the minority of Davay Soobaroy Viddy Arnacum Viejaya Kristnajee
the son of the said deceased was brought in and deposited in the Registry of
this Honorable Court by Mr James William Branson the Proctor for the said
Davay Mully Carjoon Moolswar and Nammjee Tanker in pursuance of a
Citation issued in that behalf on the Twenty fifth day of the same month –
Whereupon and upon debate of the matter and hearing what was alledged 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 Dawajee Veedaya Kristnajee Caivala Kristnajee deceased
is null and void and this Court doth accordingly order and decree that the
Probate of the said Paper writing granted in favour of the said Proponents in
in the Original, and Respondents in the said secondly mentioned Cause, on the
twentieth day of June One thousand Eight hundred and thirty Eight be by the
Registrar of this Court forthwith cancelled – And this Court doth further order
and decree that the said Libel exhibited by the above named Proponents in
the said original Cause be dismissed out of Court – And it is hereby further ordered that the
Costs of both the said suits which are hereby referred to the Master of this Court
to tax, be when taxed paid by the said Proponents in the said original and
Respondents in the said secondly mentioned causes to the said Respondent in
in the said original, & Proponent in the said secondly mentioned Cause – And
this Court doth decree Sentence of the same accordingly

WH 459

By the Court

Introductory Part.

J. Doe Plaintiff versus Richard Roe Defendant } This Cause coming on as also on this day to be heard and debated before in the presence of counsel learned on both sides. The substance of the Pltfs bill appeared to be that &c. Therefore that the defendant may &c and to be relieved is the scope of the Plfs bill – Whereto the counsel for the defendts. alledged that they by their answer &c. Whereupon and upon debate of the mat-ter and hearing the bill &c dated 9th March 1820. and the defts answer and the proofs taken in this Cause read, and of what was alleged by the counsel on both sides do think fit and so order and decree that &c.

WH 09

Further directions Introd. Part.

This Cause coming on the 30th of June last to be heard and debated before &c. in the presence of counsel learned on both sides – upon opening and debate of the matter and hearing &c. read and what was alleged by the counsel on both sides ordered that &c. and all the parties were to be paid their costs &c. and were to be at liberty to apply to this Court from time to time for further directions, as there sh.d be occasion – That in pursuance of the said decree the said Master made his report dated &c, which stands absolutely confirmed and thereby certified that &c. and this Cause coming on this present day to be heard for further directions on the said report before &c. in the presence of counsel learned on both sides – Whereupon and upon hearing the said decree and the said Masters report read and what was alleged by the counsel on both sides &c. doth order that &c &c.

WH 09

Ordering Part. 1.

Reference to the Master — It is ordered that it be referred to the Master to inquire and state to the Court &c. and for the better discovery (2) of the matters aforesaid the parties are to produce (3) before the said Master upon oath all papers &c. d (documents) in their custody or power relating thereto and are to be examined (4) upon inter-rogatories as the said Master shall direct –

2.

WH 09

An account directed — It is ordered that it be referred to the master to take an account &c. and for the better taking of the said account, and discovery of the matters aforesaid the parties are to produce (3) &c. and are to be examined (4) &c as the said Master shall direct Who in taking the said account is to make unto the parties all just allowances –

WH 09 "And the master is at liberty to state any special circumstances".

"and let the master be at liberty to make a separate report as to any of the matters aforesaid". –

Order for Payt. into Court: } It is ordered that the said defendant do pay the sum &c. into the Treasury of Fort St George with the privity of the accountant General of this Court to the credit of this Cause subject to the further order of this Court. –

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directions for investt. — And it is ordered that the sd. sum when so paid into &c. be laid out in the &c. in the name and with the privity of the said acct. General in trust for this cause and the sd. Acct. General is to declare the trust thereof accordingly subject to the further order of this Court and [for the purposes aforesaid the sd. Acct. General is to draw upon the Treasury according to the form prescribed by the act of Parliament and the general rules and orders of this Court in that case made and provided]

WH 09

A decree in Creditor's Suit –

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 Plaintiffs, and all other the creditors of – dec.d the intestate in the pleadings named and of his funeral expences, and to compute interest on such of the debts as carry interest after the rate the same respectively carry interest and the said Master is to cause an advertisement to be published in the London Gazette, and such other public papers as he shall think fit for the creditors of the said intestate 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 Plaintiffs their proportion of the expense of this suit to be settled by the Master And it is ordered that the said Master do take an account of the perso-nal

° This is the Custom or rather Practice of the Court of Chancery –

estate of the said intestate come to the hands of the said defendant, his administrator or to the hands of any other person by his order or for his use, and it is Ordered that the said intestate's personal estate be applied in payment of his debts and funeral expences in a due course of administration, and for the better taking of the said account and discovery of the matters aforesaid the parties are to produce before the said Master upon oath all deeds or books papers and writings in their custody or power relating 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. —

ff 59

Direction for establish.g Will -

Their Lordships do declare that the Will of the said Testator B. T. S. is well proved and ought to be established and the trusts thereof performed and do therefore Order and Decree the same accordingly —

Where Will admitted

Their Lordships declare that the Will of the said Testator being admitted by the said Defendant P. H. his heir at Law ought to be established and the trusts thereof performed, and doth Order and Decree the same accordingly. —

Decree for reference to Title —

This Court doth order that it be referred to the Master of this Court to inquire whether a good title can be made &c. in the pleadings mentioned - And it is ordered that he do state his opinion thereon to the Court - and in case he shall be of opinion that a good title can be made, it is ordered that he do inquire and state when it was first shewn that a good title could be made. and for the better discovery of the matters aforesaid the parties are to produce before the said Master all deeds or books papers and writings in their custody or power relating 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 either of the parties are to be at liberty to apply to this Court as occasion shall require. —

ff 204

Order for Cause to stand over with liberty to add parties.

This Cause coming on this present day to be heard and debated before &c. in the presence of Counsel learned on both sides - And the pleadings in the cause being opened, and it appearing that the Plaintiffs had not all proper parties before this Court. Whereupon and upon debate of the matter and hearing the answer &c. and what was alleged by the advocates on both sides: Their Lordships do order ~~that~~ this Cause do stand adjourned over. And the plaintiffs are to be at liberty to amend their Bill by adding proper parties, & bring on their cause again to a hearing as they shall be advised - But the Plaintiffs are to pay unto the defendants the costs of the day —

ff 39

Decree by default.

This Cause coming before this Court in the presence of Counsel learned for the Plaintiff, none appearing for the defendant, although he hath been duly served with a subpœna to hear judgment in this Cause as by affidavit now read appears - The substance of the Plaintiff's Bill, appeared to be that &c. Whereupon and upon hearing the defendant's answer read and what was alleged &c. This Court doth think fit and so order and decree that &c. and this decree is to be binding unto the said defendant, unless he on being served with a subpœna, to be served on him

You

that purpose, shall shew unto this Court good cause to the contrary – But
unto the Plaintiff, his Costs of this day's default in appearance to be taxed by the said master —

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rder making
ree absolute

Whereas by an order bearing date &c. made on the hearing of this Cause it was ordered and decreed that (vide ante) and it was ordered that the said decree was to be binding upon the defendant unless (vide ante) Now upon motion this day made unto this Court by Mr &c being of the Plaintiffs counsel, it was alleged that the defendant hath been duly served with a subpœna to shew Cause against the said decree returnable the first day of this Term as by affidav appears, and no cause being shewn to the contrary thereof as by the Registrar's certificate appears, it was therefore prayed that the said decre may be made absolute which is ordered accordingly. —

Order to rectify
minutes

"Upon opening of the matter this present day unto &c by Mr &c being of the counsel with the Plaintiffs in the original Cause, it was alleged that this cause received a hearing on &c and by the minutes then taken it was ordered that &c That &c and therefore it was prayed that the said minutes may be rectified and that &c Whereupon and upon hearing the minutes, and an affidavit of notice of this motion read and of what was alleged by the plaintiff's counsel it is ordered that These words &c &c be added to the minutes. —

Inquiry as
to next of Kin

". And the said Master is also to inquire and state to the Court who were the next of kin of the said Testator living at the time of his death, and whether any of them are since dead and if dead who is or are their personal representative or representatives – And for that purpose the said Master is to cause advertisements to be published in the London Gazette or such other public papers as he shall think fit for such next of Kin to come in and make out their Kindred, and he is to fix a peremptory day for that purpose, and in default thereof they are to be exclude the benefit of this decree, and for the better taking &c and discovery of the matters aforesaid &c &c" usual directions. —

Hughes
v
Biddulph
Russell's Rep
Vol 4 P 190

"His Lordship doth order that the defendant Charlotte Myddelton Biddulph do within a week after service of this Order leave in th
hands of her clerk in Court in this Cause the several letters and copies of letters and also the notes documents and writings men
-ned and set forth in the schedule to the two several answers of the said defendant filed in this Cause, and by her said ans
answers admitted to be in her possession and power excepting the deeds therein mentioned and excepting such of the said
letters copies of letters, notes documents and writings as the defendant shall declare upon her oath to have passed between her
and Robert Archibald Douglas and John Cooper Williams merely in the relation of Solicitor and client and to have passed in the
progress of this cause and with reference to this Cause previously to its being instituted; and excepting also such of the said letters copies of lett
notes documents and writings as either the said defendant or the said R. A. Douglas shall declare upon his or her oath to have passed betw
them the sd R A Douglas and J C Williams merely in the relation of country solicitor and town solicitor, and to have passed in the progress of
cause or with reference to this Cause previously to its being instituted – such letters copies of letters, notes documents and writings to

ger and receiving in said affidavits - And it is ordered that the s.d defendant be at liberty to seal up any part of the
h she upon her oath shall declare do not relate in any of the matters in question in this Cause —

No. 25

In the Supreme Court of Judicature at Madras —

Monday the Seventh day of August One thousand Eight Hundred and Twenty Six, and in the Seventh Year of the reign of His Majesty King George the Fourth Between Goverdana Doss
Complainant

and

Robert Torrens, Hamilton Hall, Thomas Hart Davis and Thomas Skipton Fanning
Defendants —

This Cause coming on this day to be heard and debated pursuant to an Order of Court dated the Twenty Eighth day of July last on Bill Answer Replication and Rejoinder Upon opening the Bill of Complaint exhibited by the above named Complainant and the Answers of the Defendants thereto - And upon Mr. Paulin the Solicitor of the defendant Thomas Skipton Fanning admitting service of Notice upon him of this Cause being entered for hearing and upon consent of the parties complainant and Defendant by their respective advocates and Solicitors - This Court doth direct that the said Complainant and defendant proceed to trial of the following issues - First whether the complainant Bundy Goverdana Doss in or about the month of March One thousand Eight Hundred and Eleven and when delivered any and what Jewels, Ornaments, or precious stones and of what value to the Testator Francis Torrens in the pleadings named, for securing the repayment of the sum of One Thousand three hundred Pagodas with Interest Secondly whether the said Complainant in or about the month of June One Thousand Eight Hundred and Fifteen and when delivered a waist Ornament called Romaraputtah and of what value to the said Testator for securing the repayment of the sum of Eight Hundred Pagodas with Interest - And Thirdly what was the value of the ornaments or Jewels called Bungah=bunds in the Complainants Bill mentioned to have pledged by or on behalf of the said Complainant to the Testator Francis Torrens - And it is further Ordered that the Complainant in this Cause be the Plaintiff at Law and that the said Defendant Robert Torrens be the defendant at Law in such Issues respectively - And that the said parties and their Witnesses be examined upon oath at such Trial - And that all deeds bonds, notes, Agreements, papers, accounts, cadjans and writings in the custody or power of either of the parties relating to the matters in question in this Cause be produced at the trial of such Issues at the request of the said parties respectively - And it is further Ordered that the said parties do proceed to trial of the said issues in the next ensuing term And this Court doth reserve the consideration of Costs, and all further directions until after trial of such issues —

T. S. Fanning —

R. Palmer
R. Comyn
J. Ricketts

By the Court
C: M: Clay
Depty Regr. —

WHS/35

In the name of God Amen. We Sir R. B. C Knight Chief Justice and Sir E. F. G. one of H. M. Justices of the Supreme Court of Judicat at Madras lawfully appointed rightly and duly proceeding having heard ~~seen~~ understood and fully and maturely discussed the merits a circumstances of a certain Testamentary business or proving by Witnesses the Paper Writing purporting to be the Testament or last Will in writing o late of Madras deceased having whilst living and at the time of her death goods chattels and credits in Madras aforesaid which is now controve and remains undetermined before us in Judgment between C D. the alleged Executor the party promoting the said business of the one par E. F. the party against whom the said business is promoted on the other part. and the parties aforesaid lawfully appearing before us viz. Ju by their Proctors respectively and the Proctor of the said C D. praying Sentence to be given and Justice done to his party - and the Proctor of the sa also earnestly praying that the said Paper Writing purporting to be a Will might be pronounced and declared null and void to all inte purposes of Law whatsoever - and we having first carefully and diligently searched into and considered of the whole proceedings had and do before us in this business and having observed all and singular the matters and things that by Law in this behalf ought to be obs We have thought and do also think fit to proceed to the giving of our definitive Sentence or Final Decree on this business in manner and f following (to wit) For as much as by the Acts enacted deduced alleged Exhibited propounded proved and confessed in this business we have found it doth evidently appear unto us that the Proctor of the said C D. hath not sufficiently founded and proved his intention deduced in a c Allegation and alleged last Will and Testament of the said A B. and other Pleadings given in Exhibited and admitted on his behalf in t business and now remaining in the Registry of this Court - which said allegation and last Will and Testament of the said deceased and oth 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 R. B. C Knight Chief Justice and Sir E. F. G. Knight one of H. M. Justices as aforesa 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 A B deceased (~~having~~ 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 promulga by these Writings -

Signed A. B. C.
E. F. G.

No 45

In the Supreme Court of Judicature at Madras

Burlam Moodelly
v
Sonapen and Appasawmy

This Cause coming on to be heard on the first day of August Instant and also on this day - Upon opening the Bill of Complaint, and the Answer of the Defendant Appasawmy Moodelly thereto, and upon the Defendants Sonapen and Appasawmy appearing in Court and praying that all matters in dispute between them and the Complainant may be referred to the arbitration of the Court Interpreter Yanoogala Veerasawmy Braminy. This Court doth think fit to order and direct the Complainant to assent to such reference and doth accordingly Order and direct that all matters in difference between the said parties in this Cause be referred to the award, order, arbitration, final end and determination of the said Court Interpreter Yanoogala Veerasawmy Braminy - So that his award be made in writing of and concerning the premises in question, and ready to be delivered to the parties on or before the second day of February now next ensuing, and that the said parties shall and do perform, fulfil and keep such award so to be made by him the said Arbitrator as aforesaid - And in case the said Arbitrator shall not be prepared to make and publish his award at the time aforesaid, the said parties shall from time to time consent to such enlargement of the time for the making and publishing the said award as this Court or any of the Judges shall deem reasonable - And it is also ordered that the Costs of the said Cause, and of this reference and the award to be made in pursuance thereof be in the discretion of the said Arbitrator who shall direct and award by whom and to whom, and in what manner the same shall be paid - And it is likewise Ordered that the parties Complainant and Defendants respectively and their respective witnesses shall be examined before the said Arbitrator upon Oath to be sworn in Open Court, or before some of the Judges of this Court, and that the said parties respectively do and shall produce before the said Arbitrator, all papers, writings, bonds, notes accounts and other documents in the possession of or power of them respectively which relate to the matters in question in this Cause, and that until the making and publishing such award as aforesaid neither of the said parties do further prosecute or commence any action or suit at Law or in Equity touching the matters in question between them which are comprised by this reference And in case either party shall neglect or refuse to attend the said Arbitrator, the said Arbitrator shall be at liberty to proceed in the said Arbitration, and make his award Exparte -

By the Court
C. M. Clay
Dept. Regr.

No. 27

In the Supreme Court of Judicature at Madras

Wednesday the twenty second day of
February, and Friday the third of March
One Thousand Eight Hundred and
Twenty Six and in the seventh Year of
the reign of His Majesty King George the
Fourth between Edward de Silva and
Hippolite de Silva the Executor and
Executrix of Francis de Silva deceased
Complainants

and

Francis Zavier, Simon Martinez
Alexander Henry Rogers, Hygene de
Souza, Simon Constancio, The Revd
Fre John Fidelis, Manuel Viera and
Salvator de Cruz, Peter Jansen, William
Rawlin, Gaspar Henrick, Francis
Fernandez, Joseph Peris and Francis
Anderson

Defendants –

This Cause coming on to be heard by the Advocates for the Complainants and Defendants, on the twentieth day of February and also on these days – Upon reading an order made in this Cause on the ninth day of February One thousand Eight hundred and twenty Four whereby it was ordered and directed that the further hearing of this Cause should stand over until after the Master's report on the Bill filed in this Cause on the Thirtieth day of September then last by the Defendants Peter Jansen William Paulin Jaspar Henrick, Francis Fernandez, and Joseph Peris against the other defendants Fre John Fidelis, Francis Zavier – Alexander Henry Rogers, Hygene de Souza, Simon Martinez, Salvator de Cruz, Manuel Viera and Simon Constancio shall come in, and by and with the consent of Mr Savage advocates for the said defendants Peter Jansen William Rawlin Jaspar Henrick Francis Fernandez and Joseph Peris that the Costs of the interpleading Complainants should be taxed by the Master of this Court, and paid to the said Complainants or their Solicitor by the Sub-treasurer of Fort St George with the privity of the Accountant General of this Court from and out of the funds then standing in the Honorable Company's Treasury to the credit of this Cause – And that the Costs of the day should abide the event of the said Suit – And upon reading the certificate of the said Accountant General of this Court bearing date the twenty first day of February One thousand Eight Hundred and twenty Six whereby it was certified that according to the Books of the Supreme Court, there appears to have stood to the credit of the above cause
the sum of Madras Rupees 14219" 15" 8
and that there is certified to have been paid
to the Complainants or their Solicitors as and for the

the costs above mentioned	5013 " 0 " 0
Leaving a balance of Madras Rupees	9206 " 15 " 8

And upon reading an order made in this Cause on the fifteenth day of February one thousand Eight hundred and twenty five whereby it was ordere that this Cause should be forthwith entered for (trial) hearing but without prejudice to the Cross bill filed in the said Cause – And also another Order made on the further hearing of this Cause on the seventh day of April one thousand Eight hundred and twenty five whereby it was ordered that this Cause should stand over with liberty to the defendants Peter Jansen William Rawlin Gaspar Henrick Francis Fernandez Joseph Peris, and Francis Andersen to bring an action at Law in such form as they might be advised to ascertain whether the said defendants or any or either of them were or was at the time of such Order entitled to the fund or money secured by the bond in the Pleadings mentione or any part thereof, or to the management of the said fund or to any part thereof, and that the said defendants Peter Jansen William Rawlin Gaspar Henrick Francis Fernandez Joseph Peris and Francis Andersen should be the Plaintiffs in such action and upon hearing certain other orders made in this Cause bearing date the twenty third day of July one thousand Eight Hundred and twenty five, and the thirteenth day of September one thousand Eight hundred and twenty five whereby the said last named defendants were to be at liberty to try their alleged title to the funds in question in the form of an issue or issues instead of an Action And upon reading the Certificate of the Prothonotary made on the Plea Side of this Court bearing date the twenty second day of February One thousand Eight hundred and twenty six, and a Verdict therein found for the defendants Francis Xavier, Simon Martinez, Hygine de Souza Simon Constancio and Salvator de Cruz – And upon reading another certificate of the Accountant General of this Court bearing date the twenty first day of January One thousand Eight hundred and twenty six, whereby it appeared that according to the books of the Supreme Court the Funds standing to the credit of this Cause are as follows viz

Balance of Principal		9206-15-8
Interest due 31st August at 6 p Ct pr annum	1395 " 8 " 1	
Do from 31st August 1823 to 31st January Inst at 5 p Ct per annum	1268 " 2 " 9	2663-10-10
Making a total of Madras Rupees		11.870-10-6

Now upon debate of the matter and hearing what was alleged by Messrs Compton, Bridgman and Cator of counsel for the defendants Francis Xavier, Simon Martinez, Hygine de Souza Simon Constancio and Salvator de Cruz; and Messrs Savage and Cochrane of Counsel for the defendants Peter Jansen, William Rawlin Gaspar Henrick Francis Fernandez and Joseph Peris, and also upon hearing the Subpoena to hear Judgment duly se to the defendant Alexander Henry Rogers, and an affidavit of personal service thereof and on due consideration had on the matters aforesaid This Court doth Order and decree that th Sub-treasurer of Fort St George, with the privity of the Account of this Court upon the production of this decree or an exemplification thereof do pay to the defendants Francis Zavier, Simon Martinez, Hygine de Souza Simon Constancio and Salvator de Cruz or to Mr Thl Teed their Solicitor the sum of Eleven thousand Eight hundred and Seventy Madras Rupees Ten annas and Six pice now in the Honorable Company's Treasury standing to the credit of this Cause together with all interest accrued or to accrue thereon - And this Court doth further Order and Decree that the said defendants Peter Jansen, William Rawlin Gaspar Henrick Francis Fernandez and Joseph Peris do within a fortnight after service of this decree on them or their Solicitor pay to the said defendants Francis Zavier Simon Martinez Hygine de Souza Simon Constancio and Salvator de Cruz or to their solicitor the sum Five thousand and thirteen Rupees being the taxed amount of the Costs of the Complainants in this suit recieved by them under and by virtue of the order made in this Cause on the ninth day of February One thousand Eight hundred and twenty four from and out of the funds and monies then in the Honorable Company's Treasury to the credit of this Cause - And this Court doth further order and decree that the Costs of the defendants Francis Zavier Simon Martinez, Hygine de Souza Simon Constancio and Salvator de Cruz of the said issue directed and tried on the Plea Side of this Honorable Court and also the Costs of the said last named defendants in this suit be taxed by the Master - And the said Peter Jansen William Rawlin, Gaspar Henrick, Francis Fernandez and Joseph Peris do pay the amount of such taxed Costs respectively to the said Francis Zavier Simon Martinez, Hygine de Souza Simon Constancio and Salvator de Cruz or their Solicitor within a fortnight after service of this decree on the said Peter Jansen William Rawlin Gaspar Henrick Francis Fernandez and Joseph Peris or their Solicitor —

By the Court
C. M. Clay
Depy. Regr.

1K5/59

No 28

In the Supreme Court of Judicature at Madras

Friday the fourth day of August One thousand Eight Hundred and Twenty Six and in the seventh Year of the reign of His Majesty King George the Fourth between Cooty Ummall
Complainant

By original Bill

and

Carpaga Ummall, Moodookistna Moodelly Kistnasawmy Moodelly Poonah Moodelly Lutchmana Moodelly, N. Tombreyappah Moodelly Mannispaukum Mootoo Chitty and Nullumbadoo Sabaputty –
Defendants

Cooty Ummall
Complainant

and

Nullumbadoo Ramasawmy son and N. Pombeyappah and N. Vedenanda Moodelly the two brothers and personal representatives of N. Sabaputty deceased and N. Soobaroy Moodelly and N. Ruthna Moodelly his two nephews being sons of his deceased brother N. Ammah Moodelly
Defendants

By Bill of Revivor on death of N. Sabaputty

Cooty Ummall
Complainant

and

Mannispaukum Mootoo Chitty & M. Amachella Chitty the Sons and M. Monnyapah Chitty the Brother of the said M. Mootoo Chitty deceased
Defendant

By Bill of Revivor on death of M. Mootoo Chitty

Monally Gopaulkistna Moodelly the only Son and personal Representative of Cooty Ummall deceased
Complainant

By Bill of Revivor on death of Cooty Ummall

and

Carpaga Ummall, M. Moodookistna Moodelly, M. Kistnasawmy Moodelly M. Poonah Moodelly, M. Lutchmana Moodelly, Nullumbadoo Ramasawmy Moodelly, M. Tombeyappah Moodelly N. Vedenanda Moodelly, N. Soobaroy Moodelly, N. Ruthna Sabaputty Na
-munn-

paukum Mootoo Chitty, Nu Arnachella Chitty, M Moonyapah Chitty, Tripoorsoondaneen Punagnagum Ummall

Defendants

This Cause coming on to be heard on the twentieth day of February One thousand Eight Hundred and Twenty Six and on the fourth and tenth days of April One thousand Eight Hundred and Twenty Six and also on this day pursuant to an order of this Court of the fifteenth day of February One thousand Eight Hundred and Twenty five - Upon reading the said Order, and the Original Bill of Complaint filed by Coorty Ummall, The several Answers of the Defendant Manally Moodookistna Moodelly thereto - The Bill of Revivor filed by Manally Gopaulkistna Moodelly, and upon reading the affidavit of Martin Stephen Arathoon and Puriny Yeagaroy Chitty of Service of Notices of this Cause being entered for rehearing - And also particular passages in the answer of the said defendant Manally Moodookistna Moodelly as evidence for the Complainant Manally Gopaulkistna Moodelly, another deposition of Manally Shunmoogum Moodelliar to the first second third and seventh Interrogatories on behalf of the original Complainant as evidence for the Complainant Manally Gopaulkistna Moodelly - The deposition of Candada Sheenevassa Iyer to the first third fifth and sixth Interrogatories on behalf of the original Complainant as evidence for the Complainant Manally Gopaulkistna Moodelly The deposition of Salvaukum Vincatachella Iyer to the first second and fifth Interrogatories on behalf of the original Complainant as evidence for the Complainant Manally Gopaulkistna Moodelly - The deposition of Puringy Pattah Pareasawmy Moodelliar to the first fifth and seventh interrogatories on behalf of the original Complainant as evidence for the Complainant Manally Gopaulkistna Moodelly. The deposition of Candada Sasha Iyer to the first second third and seventh Interrogatories on behalf of the original Complainant as evidence for the Complainant Manally Gopaulkistna Moodelly - And upon reading also three several Bonds marked respectively as Exhibits A. B. & C. and a letter marked as Exhibit D. as evidence for the Complainant - Now upon debate of the matter, and hearing what was alleged by the advocates for the complainant Manally Gopaulkistna Moodelly, and the defendant Manally Moodookistna Moodelly, and the several other defendants not appearing and upon due consideration had thereon, This Court doth think fit to order and decree and it is accordingly ordered and decreed; that the Decree in this Cause pronounced on the second day of the month of October One thousand Eight Hundred and twenty four be reversed, and that the said Bill of Revivor filed by the said Manally Gopaulkistna Moodelly do stand and be dismissed —

By the Court
C. M. Clay
Dep. Regr.

No. 89

No. 29

In the Supreme Court of Judicature at Madras —

Tuesday the first day of August One thousand Eight Hundred and twenty Six and in the seventh year of the reign of his Majesty King George the Fourth
Between Paracatomby Chitty
Complainant

and

Cattepully Soobrayloo Iyer
Defendant

This Cause coming on to be heard on further directions upon the Master's Report, pursuant to a decretal Order of this Court bearing date the third day of August One thousand Eight hundred and twenty five - Now upon opening and debate of the matter and hearing what was alleged by the Advocates on either side and upon reading the said decretal order and the master's said report bearing date the tenth day of July One thousand — Eight hundred and twenty six - And also the certificate of the Accountant General of this Court, whereby it is certified, that according to the books of the Supreme Court the funds standing to the credit of this cause are as following viz.

A receipt of the deputy Accountant General for a Treasury acknowledgement of the new five per cent loan transmitted to Calcutta to be exchanged for a promissory Note of the Supreme Government No. 469 dated 29th May 1826 for
Sicca Rupees 15,600 — or — — — — — 16,614 - -
In cash not bearing Interest — — — — 86 - 5 - 4
Madras Rupees — 16,700 - 5 - 4

This Court doth order and decree that the said Master's report be absolutely confirmed; and that the Subtreasurer of the Honorable Company's Treasury at Fort St. George with the privity of the Accountant General of this Court do from and out of the said sum of sixteen thousand seven hundred Madras rupees annas five and pice four now remaining in the Honorable

Company's Treasury to the credit of this Cause, pay unto the said Complainant Pareatomby Chitty the sum of four thousand five hundred and fifty seven Madras rupees three annas and nine pice being the amount certified by the said Master to be due and owing to the said Complainant out of the said fund in this cause — And it is further ordered and decreed that the said Complainant be allowed the costs of this suit to be taxed by the Master as between Solicitor and Client and paid out of the said fund remaining in the Treasury with the like privity unto the said Complainant or his Solicitor Mr. Ceril Vireash upon the production of this decree, and the taxed Bill of Costs — And it is lastly ordered and decreed that the Balance or clear residue which shall remain in the said Treasury to the credit of this Cause after payment of the said sum and taxed Bill of Costs aforesaid be paid over to the said defendant Cattipully Soobaroyloo Iyer or to Mr. Charles Robert William Innes his Solicitor — And for the purpose of making such payments as are hereinbefore by this decree directed The sub-Treasurer with the like privity of the Accountant General of this Court do forthwith sell and dispose of the said promissory note of the Supreme Government for fifteen thousand and six hundred Sicca rupees and convert the same into cash. —

By the Court
C M Clay
Dep. Regr.

Vol 39.
No. 30

In the Supreme Court of Judicature at Madras.
Saturday the thirtieth day of September
One thousand Eight hundred and
Twenty Six and in the seventh Year of
the reign of His Majesty King George
the Fourth Between Catharine Stephens
executrix of Marian Sarguis deceased
Complainant

and

Hosanna Carapiet surviving administra-
-trix of Cachick Ayammah deceased
and Judith Stephens executrix of
Theynel Stephens deceased
Defendants

This Cause coming on yesterday and also on this present day to be heard in the presence of Advocates learned on both sides — Upon reading the Bill of Complaint exhibited by the above named Complainant, and the several answers of the said defendants thereto - Now upon debate of the matter and hearing what was alleged by the advocates on both sides, and upon hearing read particular passages in the answers of the said defendants, and depositions of witnesses, and on due consideration had thereon - This Court doth declare the sale of the house and premises in the pleadings in this Cause mentioned to have been invalid and that the said house and premises (and that) ought still to be considered as part of the said Testator's Estate, and subject to the trusts of his will - And the Court doth decree the same accordingly and doth order the conveyance of such premises to the said Theynel Stephens to be delivered up to be cancelled, and that it be referred to the master of this Court to take an account of the purchase money paid for the said house by the said Theynel Stephens and calculate Interest therein, at the rate of Six per cent per annum, and also of all sums of money laid out by her and expended by her orders or by her, and the defendant Judith Stephens in substantial repairs of the said premises and out of what funds the same have been expended and let interest be calculated thereon at the rate of six per cent per annum - And that the said master do take an account of the rents and profits of the said house from the time of the purchase thereof up to the time of making his report which have been recieved or might have been recieved by the said Theynel Stephens in her life time and by the defendant Judith Stephens since her death, or by their or either of their order or for their or either of their use, or in case the said Theynel Stephens in her life time or the said defendant Judith Stephens since her death have or hath been in the occupation of the said house, let him set a fair and annual rent upon the same according to what it would be worth to let during such period and let him charge the said defendant with the same and calculate Interest upon such rents and profits respectively at the rate of Six per cent per annum - And that the said master do deduct the amount of such interest from the amount of such (interest) rents and profits - and in case the same shall exceed the amount of interest then that he deduct the same from the said Interest and ascertain and report the balance on either side - And the said complainant having submitted to account - This Court doth further order and direct that the said master do take an account of the Estate and Effects of the testator

Cathick Ayammah which came into the hands possession or power of the defendant Ysammah Caiahel and of Theynel Stephens and Marian Canoon Sarguis in their lifetimes the administratrixes of the said Cathick Ayammah and of the defendant Judith Steph since the death of the said Theynel Stephens, and of the complainant since the death of the said Marian Canoon Sarguis or of any or either and which of them or to the hands of any person by their, or any or either, and which of their order, or for their, or any, or either of their use or which if due diligence had been used might have been gotten in or recieved; and he is to inquire and report whether any and what part of such Estate remains outstanding at the time of making his report, and why and for what reason and under what circumstances and by whose default — And it is further ordered that if upon taking the account aforesaid it shall appear that the said Theynel Stephens was indebted in her life time to the Estate of the said Cathick Ayganah the same shall be answered by the said defendant Judith Stephens her executrix out of her assets in a course of administration, and if she shall not admit sufficient assets for that purpose before the Master, then she is to account before the master for the personal Estate and Effects recieved by her from the said Theynel Stephens in the usual manner. — And that the said Master do also state any special circumstances touching the matters aforesaid which he may think fit — And for the better taking of the accounts and discovery of the matters aforesaid the said parties are to produce before the said Master upon oath all books papers, accounts, biles of Sale grants, deeds, agreements bonds, mortgages and securities for money or other documents in their custody or power belonging to the said Estate and relating to the matters in question in this Cause. And the said Master is to be at liberty to examine the said parties and their Witnesses upon oath or interrogatories as the said master shall direct — And in taking the said accounts the said master is to make unto the parties all just allowances — And this Court doth reserve the consideration of all further directions and of the Costs of this suit, until after the said master shall have made his report and any of the parties are to be at liberty to apply to this Court as there shall be occasion —

By the Court
C M Clay
Dep^ty. Reg^r

No. 31.

In the Supreme Court of Judicature at Madras

Tuesday the first day of August
One thousand Eight hundred and
twenty six and in the sixth year of
the reign of his Majesty King George
the Fourth Between Charles Hawkey
Joseph Peter Peter Paterson Truscott
Hawkey Henry Charles Morhead
Hawkey and Amy Arabella Hawkey
Infants by their next friend
Francis Grostall
Complainants

and

Thomas Stewart the surviving execu-
-tor of Lt. General John Pater deceased
and John Dent one of the executors
of John Douglas White deceased
who was one of the Executors of the
said Lt. General John Pater
Defendants -

This Cause coming on to be heard this day upon Bill and Answers in the presence of advocates learned on both sides - Upon reading the bill of complaint exhibited by the above named Complainants - the several answers of the defendants Thomas Stewart and John Dent thereto, and upon reading a subpoena to hear judgment directed to the said defendants Thomas Stewart and John Dent, and the affidavit of Marterows Stephen Arathoon of personal service of a true copy of the said subpena on Mr. Thomas Teed the solicitor for the said defendants on the twenty Eighth day of July last - And upon reading also the letters of administration of the Estate of Mrs. Sophia Hawkey deceased granted to Patrick Cleghorn Esquire the Registrar of this Court for the time being marked A - Now upon debate of the matter and hearing what was alleged by the advocates on both sides - This Court doth declare the Will of the said Testator John Pater dated the Eighteenth day of September One thousand Eight hundred and Seventeen and the Codicils dated the Eighth and Fourteenth days of October in the said year One thousand Eight hundred and Seventeen ought to be performed and the trusts thereof carried into execution - and doth Order and Decree accordingly - And it is further ordered that it be referred to the master of this Court to take an account of the personal Estate of the said testator not spe-
-cifically

bequeathed come into the hands of the defendants Thomas Stewart and John Douglass White Esquire in his life time the Executors of the said John Pater or of either of them or to the hands of any other person or persons by their or either of their use, and whether any and what part of such personal Estate is outstanding at the time of making his report, and why and for what reason; - And it is further ordered that upon taking the account aforesaid what shall appear to have been received by the said John Douglas White in his life time shall be answered by the said John Dent his Executor out of his assets in a course of administration; And if he shall not admit sufficient assets for that purpose before the Master then he is to account before the said Master for the personal Estate and Effects received by him of the said John Douglas White in the usual manner - And it is further ordered that the said Master do take an account of the said testators debts and funeral Expences and of the legacies and annuities given by his will, and which (if any) of said debts funeral expences annuities or other legacies are still due and unsatisfied - And for the purpose aforesaid the said Master is to cause advertisements to be published in some public Newspapers as he shall think proper for the said Testators creditors and Legatees to come in before him and prove their respective debts and claim their respective legacies within a time to be therein limited - and in default thereof they are to be excluded the benefit of this decree - And it is further ordered that the personal Estate of the said Testator not specifically bequeathed be applied first in a course of administration to the payment of his debts and funeral expences and then in payment of his legacies and annuities or of such of them as still remain due and unsatisfied and it is ordered that the said Master do ascertain and state to the Court what shall appear to be the clear residue or surplus of the said Testator's said Estate after payment of his debts funeral expences annuities and Legacies as aforesaid - and whether Sophia Hawkey the mother of the said Infant Complainants in her lifetime made any and what appointment of such residue or any part thereof pursuant to the power in that behalf given to her by the said Testator's said codicil of the Eighth day of October One thousand Eight hundred and Seventeen And it is further ordered that it be referred to the said Master to approve of some proper person or persons to be guardian or guardians of the said Complainants during their respective minorities - And the Master is to state the respective ages of the said Infants and the nature and amount of their fortunes and to inquire by whom the said infants have been respectively maintained since the death of

their mother Saphira Hawkey in the pleadings named and
what hath been properly expended in such their maintenance
and education respectively, and to consider what will be
proper to be allowed for the maintenance and education
of the said infants respectively for the time to come, and out
of what funds the expence of such maintenance and education
ought to be paid, and state the same with his opinion to the
Court thereupon, when such order shall be made as shall be just
And the said master is to be at liberty to make a seperate report
of such guardian and maintenance and also to state all
special circumstances touching the matters aforesaid as he
may think proper - And for the better taking of the said
several accounts and discovery of the matters aforesaid
the said parties are to produce before the said master
upon oath all such books papers and writings in their
custody or power relating to the matters aforesaid and
are to be examined upon interrogatories as the said
Master shall direct, who in taking the said accounts
is to make unto the parties all just allowances - And
this Court doth reserve the consideration of all further direc-
-tions, 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 this Court as
there shall be occasion -

By the Court. C M Clay

Dep^s Reg^r.

In the Supreme Court of Judicature at Madras.

Tuesday the nineteenth day of
September One thousand Eight
hundred and twenty Six and in
the seventh year of the reign of his
Majesty King George the Fourth

By original Bill

Between Connoe Moodoo Moodelliar
Complainant
and
Iyammall and Iyah Pillay
Defendants

By Bill of Revivor

Connoe Moodoo Mordelliar
Complainant
and
Iyah Pillay, Conjeveram Mootiah
Seva Sedumbar and Caumoo
Defendants

By Bill of Revivor

Connoe Moodoo Moodelliar
Complainant
and
Conjeveram Mootiah Caumoo
Annasawmy Pillay and Attelandummall
Defendants

By Bill of Revivor

Connoe Moodoo Mordelliar
Complainant
and
Madavoyal Annasawmy Pillay
Defendant

This Cause coming on to be heard on the Twelfth and thirteenth days of September instant and also in this present day before the Justices of this Honorable Court in the presence of Counsel learned on both sides - Upon opening the original Bill of Complaint the joint and several answers of the defendants Iyammall and Iyah Pillay thereto - And upon reading the Bill of Revivor filed against Madavoyal Annasawmy Pillay and the answer of the said Madavoyal Annasawmy Pillay thereto - And also several passages in the joint and several answer of the said defendants Iyammale and Iyah Pillay as evidence for the Complainant - The deposition of Narrain Clay Draming to the first and eighth interrogatories on behalf of the Complainant as evidence for the

Complainant - And upon reading a certain Malabar Agreement with translate annexed dated the fifteenth of April One thousand seven hundred and ninety one from Caunchyvarum Patchiappan to Connive Moodoo Moodelliar marked as exhibit A1 as evidence for the Complainant - The deposition of Tanapah Moodelliar to the first third and sixth Interrogatories on behalf of the Complainant as evidence for the Complainant The deposition of Ramiah Braminy to the first second third and seventh interrogatories on behalf of the Complainant as evidence for the said Complainant - The deposition of Vencataram Pillay to the first second third seventh and eighth interrogatories on behalf of the Complainant as evidence for the said Complainant - The deposition of Vencatachellum Moodelliar to the last interrogatory on behalf of the complainant as evidence for the said complainant - The cross deposition of Ramasawmy Moodelliar to the second cross interrogatory on behalf of the defendants Iyammall and Iyah Pillay as evidence for the Complainant The deposition of Ramiah Braminy to the second cross interrogatory on behalf of the defendants Iyammall and Iyah Pillay as evidence for the complainants - The deposition of Pillapah Moodelly to the first and ninth interrogatories on behalf of the complainant as evidence for the said complainant - And upon reading also a particular passage in the answer of the defendant Nadavoyel Annasawmy Pillay as evidence for the complainant - The deposition of Veera Naidoo to the first and third interrogatories on behalf of the defendants Iyammall and Iyah Pillay as evidence for the defendant Nadavoyele Annasawmy Pillay - The deposition of Sawmy Pillay to the first and fifth interrogatories on behalf of the defendants Iyammall and Iyah - Pillay as evidence for the defendant Nadavoyale Annasawmy Pillay - The deposition of Chella Permall to the first and fourth interrogatories on behalf of the defendants Iyammall and Iyah Pillay as evidence for the defendant Nadavoyel Annasawmy Pillay - The deposition of Kejalor Naidoo to the first second and third interrogatories on behalf of the defendants Iyammall and Iyah Pillay as evidence for the defendant Nadavoyel Annasawmy Pillay

Manally Chinniah 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 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 "Honourable 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 Mungador 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 deposition of Canagarajah Gopaul Moodelly to the first and second interrogatories in chief filed on behalf of the said Complainants - The deposition of Muthemtados Veerasawmy Moodelly to the first second, and Third Interrogatories in chief filed on behalf of the said Complainants - The deposition of Mylay Narrainna 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 Comatoor Iyasawmy Moodelliar was Plaintiff, and Manally Ponniah Moodellyar and Mangador Survanah 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 advocates on both Sides and on mature consideration had thereon, This Court doth order and decree that the Complainants Bill of Complaint in this Cause as against the said Defendant Mangador 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 Moodelly the Testator in the said Pleadings named and the said defendant Mungadoo Suwanah Moodelly to be considered as Judgment Creditors of the said Manally Ponniah Moodelly deceased 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 at the rate of Twelve per cent per annum from the date of the Judgment in the pleadings in 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 interest(2) and principal(1) due to the said Complainants on the said Promissory note and also to take an account of what is still due to all others 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 St George Gazette or such other public newspapers as he shall think fit for the creditors of the said Testator to come in before him and to 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 expence of this suit to be settled by the Master — And it is ordered that the said Master do take an account of all the real and personal estate of the said Testator come into 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 further ordered that the said Testator's 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 Cudjans, 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 accounts 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 are to be at liberty, who are interested in this suit, to apply by petition in this Cause as occasion shall require

By the Court

P. Cator

Registrar

No. 34. Vide P 75. and Master's Report."

This Court doth order that it be referred to the Master to tax the costs of the Complainants and Defendant Peter Cator of this suit as between Attorney and Client - And it is ordered that out of the sum of Rupees Eight Thousand Seven hundred and Thirty annas six and pice Eleven (8,730-6-11) cash by the master's Report found due by the defendant Peter Cator to the Testator's Estate, and from the proceeds of one or more as may be necessary of the government securities (other than the Government Promissory Note of the Tanjore Debt No. 263 of 110 of 1832/33 dated Twenty fourth day of June One thousand Eight hundred and Thirty four for Rupees five thousand (5,000) belonging to the Testators Estate amounting together to rupees Ninety Thousand Eight hundred and nineteen (90,819) by the Master's Report found to be in the hands of the defendant Peter Cator belonging to the Testators Estate the costs of the Complainants when so taxed to be paid by the defendant Peter Cator to Mr John Innes their Solicitor and the Costs of the defendant Peter Cator when so taxed be paid by him to Mr Nathaniel Brindley Acworth his Solicitor - And it is ordered that such payments be allowed to the defendant Peter Cator in passing his further accounts before the said Master - And it is further ordered that the defendant Peter Cator do deliver up to Davamee Ummall in the Master's said report mentioned the said Government Promissory Note of the Tanjore debt No. 263 of 110 of 1832/33 dated the Twenty fourth day of June one thousand Eight hundred and thirty four for Company's Rupees Five Thousand (5,000) by the Master's Report found to have been given by the Testator Manally Ooriniah Moodeliy to the said Davamee Ummall - And it is further ordered that out of the proceeds of the Residue of the said Government Promissory Notes belonging to the Testators Estate The defendant Peter Cator do pay to the said Davamee Ummall so much money as with the sums already paid to her and allowed by the Master to the Defendant Peter Cator will make up the amount of Interest which shall have been received by the defendant Peter Cator on the said Government Promissory Note of the Tanjore Debt - And it is further ordered that the defendant Peter Cator do also from and out of the residue of the proceeds of the said Government Promissory Note pay unto the Complainants the sum of Rupees Six Thousand Five Hundred and fifty nine Annas Fourteen and Pice four (6559 - 14 - 4) being the amou of the Principal money found due to them by the Master on the Judgment obtained against the said Manally Pennuch Moodelly and Mungadoo Survanah Moodelly by Comatoor Ezasawmy Moodelly - And under the circumstances in the Masters Report mentioned This Court doth declare that as far as it will extend the said Testators Estate is liable as well to the payment of the sums found due to the creditors mentioned in the second part of the First Schedule to the said Report annexed as to the payment to the Creditors named in the first part of the first Schedule to the said Report annexed - And this Court doth accordingly Order that it be referred back to the Master to compute subsequent Interest on the debts mentioned in the first and second parts of the said first Schedule to his Report annexed on which he has computed interest and make a separate report of the whole of the debts in the said Schedule mentioned exclusive of so much of the said Judgment Debt of the Complainants as consists of Principal - And it is further Ordered that the said Peter Cator do apply the residue of the proceeds of the said Government Promissory Notes which may be in his hands (after setting apart a sufficient sum to answer the future Costs of this Suit and of the general administration of the Estate of the Testator Manally Pennuch Moodelly such sum to be certified by the Master, and any further Sums proper to be allowed to him in his administration of the Testators Estate) in payment to the creditors except Seeva Caumee Unmall in the First and Second parts of the First Schedule to the Master's Report mentioned of the several sums of money to be so reported due to them according and in proportion to the amount of their respective debts and the debt of Seeva Caumee Unmall - And it is Ordered that the defendant Peter Cator do invest the proportion of the said proceeds to which the said Seeva Caumee Unmall may be intitled in respect of the sum to be reported due to her or so much thereof as he can in Government Securities or a Government Security and do until the further order of this Court retain the same in his hands and pay the interest to accrue upon such Government Securities or Security unto Davan Unmall for the maintenance of the said Seeva Caumee Unmall And it is ordered that it be referred to the Master to ascertain who has now the care or custody of the said Seeva Caumee Umma and how long such person has had such care or custody, and wh is a fit person to have the care and custody of her for the future during her minority or until her marriage - And also to report whether any thing and if any what sum is due to such person for the maintenance of the said Seeva Caumee Unmall, and wh sum ought to be allowed for her future maintenance during her minority or until her marriage - And it is ordered that the Master do carry on the account of the real and personal estate of the Testator Manally Pennuch Moodelly by the former decree directed and that in continuing such accounts he do allow the defend

Peter Cator the sum of rupees four hundred and fifty five annas twelve and pice six (455, 12. 6) being the amount of taxed Costs paid by him to Inday Chingleroy Moodelly in pursuance of the said order made in this cause and in a cause wherein the said Peter Cator as executor of the said Manally Ponniah Moodilly was complainant and Inday Chingleroy Moodilly was defendant bearing date the seventh day of April One Thousand Eight hundred and Thirty Seven — And it is further ordered that the master in continuing such accounts do report what parts (if any) of the monies received on account of the real or immoveable Estate or the rents or profits have been specifically bequeathed and to whom and it is further ordered that it be referred to the master to ascertain whether any and what parts of the Testators real and personal Estate be out-standing and why and for what reason and whether any and what proceedings ought to be taken to recover such parts as he may find to be outstanding and whether any and what parts of the real and personal estates which he may find to be outstanding be specifically bequeathed — And it is further ordered that the master do inquire and report whether any of the Jewels Title deeds or other property of which the said defendant Peter Cator is now in possession as the executor of the said Testator Manally Ponniah Moodilly was or were in the possession of the said Testator at the time of his decease or previous thereto as Trustee for any other person or persons or otherwise than as an owner or beneficially interested therein — and whether the said defendant Peter Cator as such executor of the said Testator is now in the possession of any Jewels Title deeds or other property not belonging to the said Testators Estate, and that he do ascertain and report to whom such Jewels Title Deeds or other property (if any) belongs — And it is ordered that any person or persons claiming to be entitled to any such Jewels Title deeds or other property be at liberty to go in before the Master and establish such claims — And it is ordered that the Master do report what shall remain due to the creditors of the said Testator in the first and second Parts of the first Schedule mentioned after such payments shall be made to them or on their account as are hereinbefore (mentioned) directed — And this Court doth reserve all further directions and 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 occasion shall require —

By the Court
J. B. Fullerton

In Chancery. Reg. Lib xlix. 507. – Kennedy v. Daly. Schoales & Lefroy's Repts V. 1. P. 384–

No. 35. (Declare that the proceedings in the Court of Exchequer, in the Cause in which James Farrell Esqr. was Plaintiff, and the said Thomas Kennedy, Walter Kennedy and others, were Defendants, appear to have been carried on in pursuance of a fraudulent agreement between the said Thomas Kennedy and Walter Kennedy and their creditors, for the benefit of the said Thomas and Walter Kennedy and to the prejudice of the rights of the Plaintiffs claiming under the articles of the 3d. day of August 1764. in the pleadings mentioned; and that such suit appears to have been fraudulently conducted, so that the same ought not to bind the rights of the Plaintiffs claiming under such articles; and that the Defendant Owen Daly appears to have been privy to, and acting in all such fraudulent transactions; and that the purchase set up by the Defendant Owen Daly of the lands of Rowlah and Rahean having been made with full knowledge of the said articles and of such fraudulent transactions, the same cannot be insisted upon in Equity to bar the rights of the Plaintiffs to have a specific execution of the said articles by a conveyance of the estates comprised therein; and therefore that said Defendant cannot protect himself against the claims of the Plaintiffs claiming such specific execution under said articles – but declare that the said Owen Daly is entitled against the Plaintiffs to the benefit of the Judgment obtained by Elizabeth Clarke against Marinus James Kennedy, father of the said Thomas and Walter Kennedy, the same affecting said estates prior to said articles; and that according to the true construction of the said articles the said Owen Daly is also entitled to the benefit of the Judgment obtained by the said James Farrell against the said Thomas Kennedy, the same having been obtained before the said Thomas Kennedy was by law entitled to convey to the uses of the articles and refer it to the Master to take an account of what said defendant Owen Daly received, or without wilful default might have received out of the said premises from the time he entered into possession thereof, to the time of the appointment of the Receiver in this cause; and also an account of what was due on foot of the said judgment for £700 principal obtained by Elizabeth Clarke deceased in the pleadings mentioned, for principal and interest at the time the said Defendant entered into possession; and also an account of the sum due at the same time on foot of the judgment for £400 principal obtained by James Farrell in the pleadings named: and let the sums so received by said Owen Daly be set off first against the interest and next to sink the principal due on said judgments respectively; and Declare that beyond the said two debts, the said Defendant is not entitled to set up any claim against the rights of the Plaintiffs claiming under the said articles –

and particularly that the proceedings in the said suit in the Court of Exchequer, having been as against the Plaintiffs in this cause wholly fraudulent no part of such costs ought to be charged against the Plaintiffs; but inasmuch as the Plaintiffs neglected to institute their suit immediately on the death of the said Thomas Kennedy, and the said defendant Owen Daly before the commencement of their suit, executed leases of said premises to persons not parties to this suit, Declare, that the interests of the said lessees ought not to be impeached on the ground of this decree, and that the conveyance herein after directed ought to be made subject to such leases so far as the same are binding on the said Defendant Owen Daly – And let the said Defendant Owen Daly and all proper parties join in a conveyance of the said Estates to the uses in the said articles; and let what (if any thing) shall appear to be due to the said defendant Owen Daly on the accounts aforesaid be paid to him by the Plaintiffs, and if the balance shall appear to be due from him let him pay the same to the Plaintiff James Marinus Kennedy, and decree defendants Thomas Daly and the Attorney General their costs against Plaintiffs – Plaintiffs to have same over against Defendant Owen Daly —

N.36. In the Supreme Court of Judicature at Madras –

Present:
Sir Robert Buckley Comyn Knight C. J.
Sir Edward J. Gambier Knight – P. J.

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 Moottee Ram
Soonet Ram and Davy Chund
Complainants

and

Alexander Duncan Campbell Esqr
the Executor of the last Will and
Testament of Edward Samuel Moorat dec.d
Defendant.

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, and 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 Defendants 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 ha 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 dec.d the Testator in the Pleadings named and of his Funeral and Testamentary Expences and to compute Interest on such of the debts as carry Interest after the rate the same respectively carry Interest and the s.d Master is to cause Advertizements to be published in the Fort St. George Gazette, the London Gazette the Government Gazette at Calcutta and such Public Newspapers as he shall think fit of the countries whe 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 to 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 admitted Creditors to contribute to the Complainants their proportion of the expence of this Suit to be settled by the Master - And it is ordered that the said Master do take an account of the personal 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 further 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 of 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 such 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 is report and any of the are to be at liberty to apply to this Court as occasion shall require —

By the Court
P. Cator.
Regr.

A. I. Crampton
Plffs Solr.
N. B. Acworth
Defts Solr.

No 37. In the Supreme Court of Judicature at Madras –

Friday the twenty third day of July one
thousand Eight Hundred and Nineteen and
in the fifty ninth year of the reign of His
Majesty King George the Third Between
Johannes Narcis & Anna Johannes his
Wife –

Complainants

and

Jacob Nagar Shamier

Defendant.

Whereas Proceſs (to the extent) of (a) sequestration hath been awarded against the Defendant for want of his answer, and by an order of this Court of the nineteenth day of July instant it was ordered that the Complainants should be at liberty to enter their Bill to be taken Pro Confesso against the said Defendant on the Twenty third day of the said month of July – It is now on the motion of Sir Samuel Toller on the part of the Complainants that the Court will be pleased to pronounce a Decree according to the Prayer of the said Bill – and upon reading the aforesaid Order of the Nineteenth day of July instant and also the Bill of Complaint in this Cause, ordered and decreed that the said Bill be taken Pro Confesso and that it be referred to the Master of this Court to take an account of all and every the trust Property and securities which have been received by the said Defendant or by any other person or persons by his order or to his use in pursuance of the Trust Deeds mentioned and referred to in the said Complainants Bill and that it be also referred to the said Master to take an account of the principal money as also an account of the Interest which has accrued thereon and the application thereof and what interest is now in arrear and due and owing to the Complainants by the Defendant and that the said Defendant do pay and deliver into the Treasury of this Honorable Court, with the privity of the Accountant General what shall appear to be due or in his poſseſsion upon the taking of such account of Principal Money and Interest and that the said Defendant be removed from being a Trustee under the last Indenture in the said Bill mentioned and that the said Master do also approve and appoint one or more person or persons to be Trustee or Trustees under the said several Indentures in the place and stead of the Defendant and that the said Defendant upon the appointment of such Trustee or Trustees, and all proper persons do join in aſsigning and conveying to such Trustee or Trustees the principal money of such trust funds and all securities belonging or appertaining thereto for the benefit of such trusts as are mentioned and expreſsed in the Indenture of Trust first mentioned in the said Complainants

Bill and that the Master in taking the said account do make unto the parties all just allowances, and that the said Master be at liberty to examine the complainants and Defendant in this Cause upon Oath ~~and~~ on Interrogatories touching the said Trust Fund and the Interest and Profits thereof in such manner as the said Master shall think fit, and that the said Parties do produce to and leave with the said Master (upon Oath if required) all Deeds Books Papers Accounts and writings in their or either of their Custody possession or Power touching or in any way relating to or connected with the said Trust Fund. And that the said Master be at liberty to report specially if he shall have occasion or be required so to do and all further directions are hereby reserved until after the said Master shall have made his Report.

By the Court
C. M. Clay
Depy Regr

Thos Teed
Compts Solicr

In the Supreme Court of Judicature at Madras.

No. 38.

Present.

Sir Robert Comyn. C. J. and Sir Edward J. Gambier P. J.

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 Anne Ormsby Administratrix de bonis non of Captain Paul Sechuna deceased by Arthur Johnstone Ormsby her husband and next friend — — —

Complainant

and

Marcella Helen Scawen administratrix of Robert Scawen deceased —

Defendant.

This Cause coming on the seventh day of February instant and also on this present day to be heard and debated before the Hono-

-rable 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 Answer of the said Defendant thereto - and upon hearing read 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 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 Secluna deceased granted on the Twenty sixth day of July One thousand Eight Hundred and Thirty Seven in favor of the said Complainant Maria Anne Ormsby and upon hearing read also the accounts of the Estate and Effects of the said Paul Secluna 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 Secluna and Robert Scawen as such Executor and Executrix as aforesaid - Whereupon and upon debate of the matter and hearing what was alleged by the Counsel on both sides, and upon mature consideration had thereon This Court doth declare that the Complainant Maria Anne Ormsby as Administratrix of the late Captain Paul Secluna deceased is entitled to all Bonds, Securities for money Vouchers - Papers and Documents belonging to the estate of the said Paul Secluna deceased as particularized and set forth in Schedule Number Four 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 and Three Hundred (1,300) 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 Interest and Principal due upon the said Two several sums of Rupees One thousand Seven Hundred and Fifty (1750) and Rupees One thousand 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 and advertisement to be published in the Fort St George Gazette and such other

PS.

Public Newspapers as he shall think fit for such creditors of the said Robert Scawen deceased to come in before him and to prove their said debts, and in default of their so 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 expenses of this Suit to be settled by the Master and the said Complainant having by her counsel waived taking the account of the said Estate of the said Robert Scawen deceased and also the Estate of the said Paul Seclena deceased. This Court gives no order in regard thereof — 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 this Court as occasion shall require —

and he shall
x a peremptory
ay for that pur-
ose —

By the Court
P. Calor
Regr.

L. W. Branson
Compl. Solr.

Willcsule
1/45

Original Decree

Date & Title —

1. This cause coming on this present day to be heard and debated before the Hble the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides and the pleadings in this cause being opened upon debate of the matter and hearing [here state the evidence] and what was alleged by the Counsel on both sides Their Lordships do order and decree [or doth declare] —

2 For further Directions & Costs — Date and Title

This cause coming on to be heard and debated before &c. their Lordships did order and decree or declare [here state the order and decretal part except the words of course] that in pursuance of the said decree the said Master made his Report bearing date the which stands absolutely confirmed [or amended the — and thereby found [here state the Masters finding or Opinion above] and this cause coming on this present day to be heard before the Hble the Supreme Court of Judicature at Madras for further directions and as to the matter of costs reserved in the said Decree [&c. such be the case] in the presence of —

of Counsel learned on both sides [or alt. [illegible]
upon opening and ~~debate~~ debate of the mat[illegible]
evidence thereof being read and wh[illegible]
was alleged of counsel on both sides this [illegible]
do order and decree & [illegible] —

=

on Petition

8 Whereas [illegible] did on the — [illegible] Date and Petition of [illegible] prefer
his Petition unto this Honble Court setting
forth as is therein set forth and praying [illegible]
then unto the prayer (whereupon all parties
concerned were to attend their Lordship [illegible]
matter of the said Petition and counsel for
the petitioner and for — then [illegible]
attending accordingly upon hearing the said
Petition read and what was alleged of the
for the Petition and the Counsel for
their Lordship doth order

Cases in Chancery - Hare's Reports Vol 2. 1842-43 - P. 596 -

Martin v Norman -

This Cause coming on, this &c., to be heard and debated before this Court in the presence of Counsel learned on both Sides, And upon opening the ~~Bill~~ Plaintiff's Bill shewing a Certificate of the Clerk of Records & Writs that the Plaintiff filed his traversing Note, pursuant to the 21st Genl Order of the 26th of Augt, 1841, on the 13th of Septr 1842, an Afft of the due service of such Note on the Defendant Sarah Norman, and &c., (Conditions of Sale: Memorandum of Agreement for &c., dated the 9th September 1840. Indentures of lease and release, bearing date respectively the — 1841, and purporting to be made between the Plaintiff of the one part, and the Defendant of the other part. Letter from the Plaintiff's Solicitor to the Defendant, 22d April 1842. Letter from the Defendant's Solicitor to the Plaintiff's Solr, 26th of April, 1842,) read, — and what was alleged by the Counsel on both Sides, This Court doth declare the Plft entitled to a Specific performance of the Agreement in &c. And it is Ordd that it be referred to the Master &c. to take an Account of what is due in respect of the purchase money for the hereditaments and premises comprised in the said Agreement, & to calculate Intt thereon at &c., according to the conditions of Sale. And it is Ordd that the said Master do also take an Acct of the rents & profits, if any, of the sd hereditaments and premises recd by the Plft since &c.: or which without his wilful default, might have been so recd. (Rents to be deducted from Princl & intt as aforesaid) And it is Ordd that the balance be paid by the Deft, Sarah Norman, to the Plft: and thereupon it is Ordd that the Plft do execute all proper conveyances of the sd hereditaments & premises, and deliver over all deeds & papers relating thereto, upon Oath to the sd Deft, or to whom she shall appoint, having regard to the conditions of Sale; such conveyances to be settled by the Master in case the parties differ. And with respect to such conveyances & delivery of such deeds & papers, it is Ordd that the sd Master do have regard to the sd conditions of Sale. And for the better taking &c. (Usual directions for production of papers — examination of parties — just allowances.) Plaintiff's Costs to be taxed, and paid by the Defendant, Sarah Norman.

Edwards v Megsich. D^{o} D^{o} P 79.

This Court doth dismiss so much of the Plff's bill as seeks to set aside the sale in the pleadings mentioned, but without Costs; And it is Ord^{d}, that it be referred to the Master to whom &c^{a} to take an Acct of what (if anything) is due in respect of the purchase money on such sale, &, in taking such Acct, the Master is to inquire & state what were the Bill of Costs & acct which made up the Sum of 1109£ 1s. 3d. for which the mortgage of the 2^{d} day of July 1823, in the Pleadgs mentd, was taken; & whether any & which of the items of such Bill & Acct were improper, & ought not to be allowed on taxation; And it is Ord^{d} that each of the parties be at liberty to shew that they have not had Credit for Sums or done for which credit ought to have been given; And it is Ord^{d}, that the s^{d} Master do tax the Subsequent bill of the Deft as Sol^{r} for the Plff, & take an Acct of subsequent Money trans between the Plff & the Deft, And for the better taking, &c^{a}, the parties are to produce &c^{a}, examined upon Interrs as the s^{d} Master shall direct, who in taking the s^{d} Acct, is to make parties all just allowances; And the Master is to be at liberty to state any circumstances as he shall think fit; And this Court doth reserve the consideration of all further directions & Costs of this Suit not hereinbefore disposed of, until after the s^{d} Master shall have made report. Liberty to apply.

Fuller v Bennett. D^{o} D^{o} P 407.

This Court doth declare, that, under the Agreement of the 18th of Nov^{r} 1831 the Plff R. Fuller surviving of the Plff R. F. since dec^{d}, is entitled to a lien on the undivided moiety of the ment^{d} & comprised in the Agreement of the 15th of Nov^{r} 1831, for such princ^{l} sum, not exceeding as, on the 18th day of Nov^{r} 1831, was due from Sir J. T. Dillon dec^{d}, to T. M. Chitty, on the s^{d} with int^{t} thereon at 5 ℘ Cent per Annum as a Security for the Amount due to the s^{d} R. Fuller, as and for principal & int^{t} under & by virtue of the s^{d} Indenture of the 1st March 1832; and the Defts (the Assignees of Chitty) admitting, that the Amt due to the Plff exceeds what will be found due & int^{t} on taking the Acct hereinafter directed. This Court doth Order & Decree, that it be referred to the Master in &c^{a} to take an Acct of what is due for princ^{l}, not exceeding 2000£ & int^{t} thereon, on the of the s^{d} Agreement of the 18 Nov^{r} 1831, and, for that purpose, the s^{d} Master is to ascertain what the balance or Sum of money due & owing from the s^{d} Sir J. T. Dillon to the s^{d} C. M. Chitty, in respect of the dealings & transactions in the Pleadgs mentd &c^{a} at the times and date of

the s^{d} Agreement of the 18th of Nov^{r} 1831. And the s^{d} Master is to compute int^{t} on such balance or Sum, in case the same shall not exceed 2000£; but, if the same shall exceed 2000£, then on the Sum of 2000£, part thereof, at the rate of 5 ℘ Cent per Annum from the 18 day of Nov^{r} 1831. And for the better &c^{a} all just allowances. Reserve further directions & Costs.-

Commission to examine witnesses

Abroad

In the Supreme Court of Judicature at Madras

Victoria by the Grace of God of the united Kingdom of Great Britain and Ireland Queen Defender of the Faith and so forth

To John Horsley Palmer Esquire, John Hampden Gledstanes Esquire, Nathaniel Alexander Esquire, Lawrence Desbrough Esquire, John Young Esquire and Joseph Whitehouse Esquire or any two of you at London

Greeting

Know Ye that We in confidence of your prudence and fidelity have appointed you and by these presents do give unto you, or any two or more of you full power and authority diligently to examine M^{r} John Parry and M^{r} Phillips, Clerks in the employ of the Plaintiffs and M^{r} Robert Orford Buckley of London Broker and such other Witnesses as shall be produced before you upon certain Interrogatories to be exhibited to them on behalf of the Plaintiffs in a certain action on promises now depending before Us at Madras wherein James Alexander, Charles Kerr, Charles Dashwood Bruce, Christopher Pearse, James Alexander the younger and James Fletcher are Plaintiffs and Carical Appasawmy Pillay and Carical Chocalinga Pillay are Defendants and therefore We command you or any two or more of you at a certain day and place to be appointed by you for that purpose you cause the said Witnesses to come before you at London and then and there examine each of them

them apart upon the said Interrogatories on their respe
corporal Oath first taken before any two or more of
according to the form of their several Religions and the
do take such their Examinations and reduce the
writing on Paper or Parchment and when you shall
taken them, you are to send the same on or before
Twenty eighth day of August next to Our said Court
so closed up under your Seals or the Seals of any
more of you distinctly and plainly set together with
Interrogatories and this Writ to be filed of Record
Office of the Prothonotary of the same Court and
further command you and every of you that before
act in or be present at the swearing or examining of
witness or witnesses, you take an Oath according to the
of your several religions, that you will according to
of your skill and knowledge, truly and faithfully,
without partiality to any or either of the parties, take the
examination and deposition of all and every witness
witnesses produced and examined by virtue of this
upon the said Interrogatories produced and left
and We give you, any two or more of you, full po
authority, jointly or severally, to administer such Oath
rest, or any other of you. And We further command
and every the Clerk or Clerks employed in taking,
transcribing or ingrossing the deposition or deposition
witnesses to be examined by virtue hereof, shall, bef
or they be permitted to act as Clerk or Clerks as afo
severally take an Oath, truly, faithfully and witho
to any or either of the Parties in the Cause to take and
down, transcribe and ingross the deposition of all and
witness and witnesses produced before and examined b
the said Commissioners, or any of you as far forth
he or they are directed and employed by you the
Commissioners or any of you to take down,

ingross the said depositions; which Oath any two or more of you are hereby empowered to administer to such Clerk or Clerks according to his or their several religions. Witness Sir Edward John Gambier Knight Chief Justice at Madras aforesaid this Twenty eighth day of February in the year of Our Lord One thousand Eight hundred and Forty nine.

William A. Serle
Prothy.

Witnesses' Oath.

You are true answer to make to all such questions as shall be asked you, upon the Interrogatories now produced and shewn to you, without favour or affection to either Party; and therein you shall speak the truth, the whole truth, and nothing but the truth.

So help you God.

Commissioners' Oath.

You shall, according to the best of your skill and knowledge, truly and faithfully, and without partiality to any or either of the Parties in this Cause, take the examinations and depositions of all and every Witness and Witnesses, produced and examined by virtue of the Commission within written, upon the Interrogatories now produced and left with you.

So help you God.

Clerks' Oath.

You shall truly, faithfully and without partiality to any or either of the Parties in this Cause, take, write down, transcribe and ingross the depositions of all and every witness and witnesses, produced before and examined by the Commissioners, or any of them, named in the Commission within written, as far forth as you are directed and employed by the said Commissioners, or any of them, to take, write down, transcribe or ingross the said depositions.

So help you God.

In reference to Master.

With liberty to state any circumstances specially as he shall think fit.-

Feigned Issues.

And it is Ordered that the said Claimant be Plaintiff at Law in the said Issue Plffs here not opposing the same) and the Plaintiffs here are to be Defendants at La who are forthwith to name an Attorney, accept a declaration, appear and plead to And it is Ordered that it be referred to the Master to settle such Issues in case th differ about the same.- And if upon the trial of such Issues any special circumstance arise the same are to be endorsed upon the Postea.-

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March. 16. 16. 1849.

(From Reports of Cases Argued & determined in the High Court of Chancery)

Watson & anor. v. Life.

Form of Order referring Answer, when the Bill has been Amended, and Deft directed to Answer Amendments and Exceptions at the same time.-

Forasmuch as the Court was this day informed, &c. that the Plff having take Exceptions to Defts Answer, the Deft submitted to put in a further Answer (or the said Answe was reported insufficient;) that the Plff obtained an Order for liberty to Amend his Bill, and tha Deft should Answer the Amendments and Exceptions together; that the Deft put in a further An to the exceptions, and an Answer to the Amendments (that is, he Answered the Amendments an exceptions at the same time;) that the Answer was again reported insufficient; since which th has put in a further Answer, which the Plff is advised is also insufficient (Since 1828 we upon the exceptions No. 1. 2. &c. See 7. of the General Orders of 1828.) It is thereupon Ordered it be referred to the Master to look into the Plffs Bill, the Defts Answer, and the Plffs Excep and Certify whether the Defts Answer is sufficient or not. (Since 1828, we add, upon the exceptio No. 1. 2. &c. taken by the Plff to the said Answer See 7. of the General Orders of 1828.)

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