509

REE BOOK

39-1841

12.

DECREE BOOK

Vol. 9.

Commencing 7th February 1839

and

Ending 2nd August 1841.

619

In the Supreme Court of Judicature at Madras

Equity Side

Tuesday Term 4th February 1839

Present

The Honorable Sir Robert Buckle Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

one of Her Majesty's Justices

Nazir Buddowlah Bahander Mahsher Jhah and Nazir Mood Nissa Begum alias Mumtaz called Hoosnah Begum - -

Versus

Srenger Mahn Sing Lalah - -

Bill being filed

Comyn.

Edw.d J. Gambier

In the Matter upon the Demurrer of the Defendant to the Bill of Complaint in this Cause Coming on to be argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both sides And the Demurrer and Bill being opened Upon debate of the matter and hearing what was alleged by the Counsel on both sides This Court doth Order that the Demurrer are hereby allowed and the Demurrer on record be over-ruled with Costs to the Defendant as to so much of the Bill and Demurrer as related to the Bond and without Costs as to so much thereof as related to the Title Deeds in the pleadings of this Cause mentioned

By the Court

302

W. Crampton
Deft's Sol'r

In the Supreme Court of Judicature at Madras
First Term 8th February 1839

Equity Side

Present

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

Ponnamall the Widow of Ruthna Sabaputty Moodelly deceased
vs
Colunthalore Condapah Reddy and Catna Jungamah Chitty

The Matter upon the Separate Demurrer of Catna Jungamah Chitty One of the Defendants to the Bill of Complaint in this Cause coming on to be Argued on the Sixth and Seventh days of February Instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Separate Demurrer and Bill being opened. Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the said Separate Demurrer of the said Defendant Catna Jungamah Chitty do stand over for the Complainant to amend her Bill of Complaint in this Cause upon payment of the usual Costs.

R Comyn.
Edw. J. Gambier

By the Court.

8.
W. Brunsen
Dept Sol.

8th 442 of 39.

In the Supreme Court of Judicature at Madras

Equity Side

First Term 11th February 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Maria Ann Ormsby Administratrix de bonis non of Captain Paul Sechuna deceased by Arthur Johnstone Ormsby her husband and next Friend - - - - - - - - - -

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

The Matter upon the Exceptions taken by the Complainant to the Report of the Master of this Court dated the Twenty Eighth day of September One thousand Eight hundred and Thirty Eight made in pursuance of the Decree in this Cause bearing date the Twelfth day of February One thousand Eight hundred and Thirty Eight coming on to be Argued on the Eighth and Ninth days of February instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Exceptions and Report being opened. Upon debate of the matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the First Second and Third Exceptions be Over-ruled And that the Fourth Fifth and Sixth Exceptions be allowed. And this Court doth further Order that the Master do Tax to the Complainant the Costs of the said Fourth Fifth and Sixth Exceptions And to Totically Beda Soobaroy Moodelly Totically Dow ushamonay Moodelly Totically Sawmynader Moodelly Totically Changleroy Moodelly and Totically Casawah Moodelly the Creditors claiming under and by short

R Comyn.

Edw. J. Gambier.

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

H Hallcroft Dep

the said Master's Report the Costs of the said First Second and Third Exceptions and Strike the balance. And that such balance be paid by the Party or Parties from whom it shall appear to be due.

By the Court.

12

Mr Branson
Compltt Solr

In the Supreme Court of Judicature at Madras
First Term 12th February 1839
Plea Side

Present

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

William Frances Wilkins - - - -
1838
Corala Vencatalingum Chitty - -

The Matter upon the Demurrer put in by the Defendant to the Plaint in this Action and the joinder thereto coming on to be argued on this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides - And the said Demurrer and Plaint being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides - This Court doth Order that the said Demurrer be allowed with Costs -

R Comyn
Edwd J. Gambier

By the Court -

H Ullett
J Beatty

No 700 of 39.

In the Supreme Court of Judicature at Madras

Equity Side. First Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Saturday the 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 Peter Cator Esquire Executor of the Last Will and Testament of Manally Lonniah Moodelly - - - - - - - - - - - - - - - Complainant

and

Mylay Chengleroy Moodelly - - - - - - - Defendant

This Cause coming on the Thirteenth Fourteenth Fifteenth and Sixteenth days of September and Seventeenth day of November One thousand Eight hundred and Thirty Seven 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 and debate of the Matter and hearing the proofs therein taken read and what was alleged by the Counsel on both Sides their Lordships made their Decree bearing date the said Seventeenth day of November One thousand Eight hundred and Thirty Seven And thereby Ordered and Decreed that it should be referred to the Master of this Court to enquire and Report whether any and which of the Subdivided Notes in the Pleadings of this Cause mentioned other than the Fifteen Notes alleged by the Defendant in his Answer to have been given to him by the said Manally Lonniah Moodelly deceased come to the possession Custody or power of the said Defendant or of any other Person or Persons by his Order or for his use and benefit in the life time or after the death of the said Manally Lonniah Moodelly deceased And in Case the said Master should find that any of such Notes were proved by the said Defendant or by any other Person or Persons by his Order

A Comyn.

Edw.d J. Gambier.

found that the Promissory Notes Nos 278-279-280-285-282-283 and 284 for One thousand Rupees each and No 285 for One thousand and One hundred Rupees thirteen Annas and Ten Lice and Nos 406-407-408-409-410 and 411 for One thousand Rupees each and Nos 356 357 and 358 for three thousand Rupees each and No 359 for One thousand and five hundred Rupees and Nos 375 and 386 for One thousand Rupees each amounting together to Twenty Six thousand and Six hundred Rupees thirteen Annas and Ten Lice formed other part of the Subdivided Notes in the pleadings in this Cause mentioned and that the same came to the propepion Custody or power of the said Defendant upon or immediately after the death of the said Testator but no Evidence had been adduced before him to shew that the said Defendant had disposed of such Subdivided Promissory Notes or of any or either of them And he was therefore unable to report in respect thereof as in and by the Decree directed or to take an Account of the proceeds of such Subdivided Notes and the Interest thereon - And as respected such part of the said Decree whereby it was Ordered that the Master should enquire and report whether the gift of the said Fifteen Notes alleged by the said Defendant to have been made really took place and under what Circumstances and at what time the same was made the said Master found that the Gift of the said Fifteen Notes alleged by the said Defendant to have been made never did take place - and in respect of that part of the Decree whereby it was Ordered that in case the Master should find that no such gift as alleged by the Defendant of the Fifteen Notes in the Pleadings mentioned took place then he was 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 Trevatore road which the Defendant admitted to have been purchased with part of the produce of Four of the said Fifteen Notes and to whom and for what Consideration the same was sold by the said Defendant the said Master found that Eleven of the said Fifteen Notes were delivered up by the said Defendant to the said Complainant and that on Ten of such Government Promissory Notes Viz Nos 387-388-389-390-391-392-393-394-395 and 396 of 550 of 1832/33 for One thousand and five hundred Rupees each the said Defendant had received the Interest from the Thirtieth day of April One thousand Eight hundred and thirty four to the Thirtieth day of April One thousand Eight hundred and

or for his non then the said Master was to enquire and report how and when the said Defendant had disposed of the same and to take an Account of such Subdivided Notes and the Interest thereon - and it was thereby Ordered that the said Master should enquire and report whether the gift of said Fifteen Notes alleged by the said Defendant to have been made took place and under what Circumstances and at what time the same was made And in case the said Master should find that no such gift took place then he was 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 Trevatore road which the Defendant admitted to have been purchased with part of the produce of Four of the said Fifteen Notes and to whom and for what Consideration the same was sold by the said Defendant And the Master was to be at Liberty to state any Circumstances And for the better taking of the said Accounts and doing all other Acts and things touching the Premises the Parties were to produce before the said Master upon Oath all Deeds Books Papers Writings in their Custody or power relating thereto and were to be examined upon Interrogatories as the said Master should think fit and the Court did thereby reserve the Consideration of all further Directions and of the Costs of this Suit until after the said Master should have made his Report - That in pursuance of the said Decree the said Master made his Report dated the Twenty Eighth day of January One thousand Eight hundred and Thirty Nine And thereby Reported among other things That he was of Opinion And found that the Promissory Notes Nos 354 and 355 Five thousand Rupees each and Nos 376 377 378 379 380 and 381 One thousand Rupees each amounting together to Fifteen thousand Rupees being part of the Subdivided Notes in the pleadings of this Cause mentioned and that the same came to the propepion Custody or power of the said Defendant upon or immediately

amounting to Six hundred Rupees And he also found that the remaining four of the said Fifteen Notes being for One thousand Rupees each had been applied by the said Defendant to his own use And he also found that the said Defendant on the Ninth day of March One thousand Eight hundred and Thirty Six Sold the said House and Garden on the Trevelyan road to the late Edward Samuel Moorat Esquire deceased for the Sum of Two thousand six hundred and forty two Rupees and received payment thereof. And this Cause coming on this present day to be heard for further directions and Costs reserved by the said Decretal Order of the Seventeenth day of November One thousand Eight hundred and Thirty Seven 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 and the said Masters Report And also the Orders of this Court bearing date the First and Ninth days of February Instant Whereby the said Report and all the Matters and things therein contained became absolutely Confirmed. This Court doth Order that the Defendant do pay unto the Complainant the Sum of Company's Rupees Forty two thousand and Six hundred Annas Thirteen and Pice Ten /42,600-13-10/ the Amount of the Subdivided Notes other than the Fifteen Notes alleged by the Defendant in his Answer to have been given to him by the said Testator /which came to the profession Custody or power of the said Defendant upon or immediately after the death of the said Testator together with Interest on the said Sum of Company's Rupees Forty two thousand and Six hundred Annas Thirteen and Pice Ten /42,600-13-10/ at four per Cent per Annum from the Thirtieth day of April One thousand Eight hundred and Thirty four to the Third day of May One thousand Eight hundred and Thirty five and at Six per Cent per Annum from the last mentioned day such Interest to be Certified by the Master. And it is further Ordered that the Defendant do

pay unto the Complainant the Sum of Company's Rupees Six hundred /600/ the Amount of Interest received by the Defendant on Ten of the Eleven Government Promissory Notes delivered up by the Defendant to the Complainant together with Interest on each Sum of Rupees Six hundred /600/ from the Thirtieth day of April One thousand Eight hundred and Thirty four at Six per Cent per Annum each Interest to be Certified by the Master And this Court doth declare that the Gift of the Fifteen Subdivided Notes alleged by the Defendant in his Answer to have been given to him by the Testator never really took place. And doth Order that the Defendant do pay unto the Complainant the Sum of Company's Rupees Four thousand /4,000/ the Amount of the four of the Fifteen Subdivided Notes /alleged by the Defendant to have been given to him/ which have been applied by the Defendant to his own use together with Interest on the said Sum of Company's Rupees Four thousand /4000/ at four per Cent per Annum from the Thirtieth day of April One thousand Eight hundred and Thirty four to the Third day of May One thousand Eight hundred and Thirty five and at Six per Cent per Annum from the last mentioned day such Interest to be Certified by the Master And it is Ordered that the Defendant do endorse to and in favor of the Complainant the Ten Notes remaining unindorsed of the Eleven of the said Fifteen Notes which were delivered up by him to the Complainant Viz. No. 387 of 330 of 1832/33 for Rupees One thousand and five hundred /1500/ No. 388 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 389 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 390 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 391 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 392 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 393 of 330 of 1832/33 for Rupees One thousand and five hundred /1,500-/ No. 394 of 330 of 1832/33 for Rupees One thousand

and five hundred /1500/ №. 395 of 110 of 1832/33 for Rupees One thousand and five hundred /1500/ and №. 396 of 110 of 1832/33 for Rupees One thousand and five hundred /1500/ and it is further Ordered that the Defendant do pay unto the Complainant his Costs of this Suit to be Taxed by the Master.

By the Court.

A. D. Acworth Esq
Assistt Sr Master

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№ 758 of 39.

In the Supreme Court of Judicature at Madras

Equity Side

First Term 1839.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majestys Justices

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 Ann Ormsby Administratrix de bonis non of Captain Paul Seduna deceased by Arthur Johnstone Ormsby her husband and next friend - - - - Complainant

and

Marcella Helen Seaven Administratrix of Robert Seaven deceased - Defendant

Ack. comp.

Edw. J. Gambier

This Cause Coming on the Twelfth day of February one thousand Eight Hundred and thirty Eight to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras upon Bill and Answer in the presence of Counsel learned on both sides Upon Opening and debate of the matter and hearing what was alleged by the Counsel on both sides their Lordships made their Decree bearing date the said Twelfth day of February one thousand Eight hundred and thirty Eight and thereby Declared that the Complainant Maria Ann Ormsby as administratrix of the late Captain Paul Seduna deceased was Entitled to all Bonds Securities for Money

Vous

Vouchers Papers and Documents belonging to the Estate of
said Paul Seelma deceased as particularized and
setforth in the Schedule A.4 annexed to the answer of the
said Defendant and Decreed delivery of the same
accordingly And it was thereby further Declared
that the said Complainant as such Administratix as aforesaid
was also entitled in respect of the Two several Sums of Money
of Rupees One thousand Seven hundred and Fifty /1750/ and
Rupees One thousand three hundred /1300/ in the Pleadings
of this Cause mentioned together with Interest thereon respectively
to be paid in the administration of the Assets of the said
Robert Seaven deceased in preference to all his simple
Contract Creditors. And it was thereby accordingly
Ordered that it should be referred to the Master of this
Honorable Court to Compute the Principal and Interest due
upon the said two several Sums of Rupees One thousand seven
Hundred and fifty and Rupees One thousand and three hundred
/1300/ and also to take an account of what was due to all other
the Creditors by Specialty or other instrument of higher degree
of the said Robert Seaven deceased And the said Master
was to cause an advertisement to be published in the
Fort Saint George Gazette and such other Public Event as he
he should think fit for such Creditors of the said Robert
Seaven deceased to come in before him and prove their said debts
And he was to fix a peremptory day for that purpose and in
default of their coming in to prove their debts by the time so
appointed they were all to be Excluded the benefit of the said Decree
but the Persons so Coming in to prove their Debts not Paid to

this suit were before they were to be Admitted Creditors to Contribute
to the Complainants their proportion of the Expense of this suit to be
settled by the Master. And the said Complainant having by his
Counsel waived taking the account of the Estate of the said
Robert Seaven deceased and also the account of the Estate of the
said Paul Seelma deceased the Court gave no Order in
regard thereto And the Court did thereby reserve
the Consideration of all further directions and of the Costs of
this suit until after the said Master should have made his
Report. And 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 said
First day of January One thousand Eight hundred and twenty
two to the Twenty Eighth day of September then Instant at the
x 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 then due 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 day of

January

Vouchers Papers and Documents belonging to the Estate of the said Paul Seeluna deceased so particularized and setforth in the Schedule N.4 annexed to the Answer of the said Defendant and Decreed delivery of the same accordingly and it was thereby further Declared that the said Complainant as such Administratrix as aforesaid was also entitled in respect of the Two Several Sums of Money of Rupees One thousand Seven hundred and Fifty /1750/ and Rupees One thousand three hundred /1300/ in the Pleadings of this Cause mentioned together with Interest thereon respectively to be paid in the administration of the Assets of the said Robert Seaven deceased in preference to all his simple Contract Creditors. and it was thereby accordingly Ordered that it should be referred to the Master of this Honorable Court to Compute the Principal and Interest due upon the said two several Sums of Rupees One thousand seven Hundred and Fifty and Rupees One thousand and three hundred /1300/ and also to take an account of what was due to all other the Creditors by Specialty or other instrument of higher degree of the said Robert Seaven deceased And the said Master was to Cause an Advertisement to be published in the Fort Saint Georg Gazette and such other Public News Papers as he should think fit for such Creditors of the said Robert Seaven deceased to come in before him and prove their said debts And he was to fix a peremptory day for that purpose and in default of their Coming in to prove their debts by the time to be appointed they were all to be Excluded the benefit of the said Decree but the Persons so Coming in to prove their Debts not Parties to this

this suit were before they were to be admitted Creditors to Contribute to the Complainant their proportion of the Expence of this suit to be settled by the Master. And the said Complainant having by her Counsel waived taking the account of the Estate of the said Robert Seaven deceased and also the account of the Estate of the said Paul Seeluna deceased the Court gave no Order in regard thereto and the Court did thereby reserve the Consideration of all further directions and of the Costs of this suit until after the said Master should have made his Report. And 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 said 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 then due 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 day of

January

January one thousand Eight hundred and Nineteen 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 Two hundred and Eighty three Annas 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 Seaven deceased as in the said Decree directed to come in and prove their debts And that a State of facts and Charges had been left with him by Pottecally Baba Sooberoy Moodelly on behalf of himself and the Representatives of Pottecally Casawah Moodelly deceased whereby they stated and Charged themselves to be Judgment Creditors of the said late Robert Seaven under and by virtue of a Decree of this Honorable Court bearing 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 "Pottecally Casawah Moodelly versus "Robert Seaven" And that in support thereof three had been produced and Read before him the Entry of the Decree in the Registrars Books and the said Cause

of "Pottecally Casheva Moodelliar versus Robert Seaven" the Examination of Frederick Orme Examined Vivâ voce on the Fourth of September one thousand Eight Hundred and thirty Eight the Examination of Felix D'Silva Examined Vivâ 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 Seaven 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 Pottecally Casheva 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 to 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 five made a total Sum of Rupees Nine thousand and Nine annas One and pice nine which last mentioned Sum of Rupees Nine thousand and Nine annas One and pice nine he found to be a Judgment claim still unsatisfied of the Estate of the said Pottecally Casheva Moodelly against the Estate of the said Robert Seaven deceased. To which said Report the said Complainant took Six Several Exceptions and the same coming on to be argued on the

Eight

Eighth 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 the First of such Exceptions being For that
the said Master had in and by his said Report stated
and Certified that he had received in Evidence on the
part of Tolleeally Bullasoobaroy Moodelly and Tolleeally
Davasekeny Moodelly Tolleeally Saromynada Moodelly
Tolleeally Chingebay Moodelly and Tolleeally Casava
Moodelly as great Grand Sons and Legal personal
Representatives of Tolleeally Casavah Moodelly deceased
a certain writing called the Ruby of the Deceased Bagathar
Books in the Cause of T. Casheva Moodelly & R. Seaven
whereas the said Master ought not to have received
the same in Evidence. The Second of such Exceptions
being For that the said Master had in and by his said
Report stated and Certified that he had also received
in Evidence Certain Exhibits N.º 1 A and N.º 2 A.
Referred to in the Examination of Frederick Orme Esquire
whereas the said Master ought not to have received
the same in Evidence. The Third of such Exceptions
being For that the said Master had in and by his said
Report stated and Certified that he had also received in
Evidence the Exhibits **Z Y** and **X** Referred to in the
Examination of Felix Desilva whereas the said Master
ought not to have received the same in Evidence The
Fourth of such Exceptions being For that the said
Master had in and by his said Report found that the

said Robert Seaven was in his life time and at the time of
his death under and by virtue of the alleged Decree and
Report in the said Report mentioned indebted to the Estate of
the said Tolleeally Casheva Moodelly in the principal Sum of
Rupees three thousand Seven Hundred and Seventy nine annas
five and pice five whereas the said Master ought not to
have found. The Fifth of such Exceptions being For that
the said Master had in and by his said Report stated and
Certified that he had Calculated interest upon such alleged
debt of three thousand Seven hundred and Seventy nine Rupees
five annas and five pice at the Rate of Six per Cent per annum
from the fifth day of September one thousand Eight hundred and
fifteen to the said Twenty Eighth day of September last past
and that such interest amounted to the Sum of Five thousand
five hundred and twenty nine Rupees twelve annas and
four pice whereas the said Master ought not to have calculated
such interest and The Sixth and Last of such Exceptions
being For that the said Master had in and by his said
Report found the Sum of Nine thousand and nine Rupees
one anna and nine pice to be a judgment claim still
unsatisfied of the Estate of the said T. Casheva Moodelly
against the Estate of the said Robert Seaven deceased
whereas the said Master ought not to have so found
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

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 and 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 what was alleged 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 Peter Seaward deceased two Sunnad 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 Sunnad Sums of Rupees One thousand Seven Hundred and Fifty (1750) and Rupees one thousand and three Hundred (1,300) in the 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 her Costs of this suit to be taxed by the Master and this Court doth Decree payment of the said from and out of the Estate of the said Robert Seaward 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 Seaven deceased admitted by the said Defendant to be in his hands and by and with the Consent of the Counsel for the said Complainant and the said Defendant It is further 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 shall extend of the said Sunnad 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) 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 Seaven 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.

J. Peter
Registrar

J. M. Brandon
Complts Sol.

Pontardawe
Defts Sol.

In the Supreme Court of Judicature at Madras

Equity Side.

Second Term 26th March 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Chunchoo Nunnall

~~Plff~~

Rungamah and Chinnee Kistnamah Chitty

The Matter upon the Plea put in by the Defendant Chinnee Kistnamah Chitty to the Bill of Complaint in this Cause coming on to be Argued on the Twenty Second day of March Instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Plea and Bill being opened. Upon Debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the said Plea be Over-ruled with Costs and that the said Defendant Chinnee Kistnamah Chitty do have One Months further time to Answer the Bill of Complaint filed in this Cause.

R Comyn

Edw.d J. Gambier

By the Court.

J Newell

Regr.

Eq. Sd.

40

Mr Jenkins
Compltt Sols

41

No 1184 of 39

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Comyn C.J.

Edw. J. Gambier

Thursday the Fourth day of April One thousand Eight hundred and Thirty Nine and in the Second Year of the Reign of Her Majesty Queen Victoria By Original and Amended Bill between Francis Anthony Sequeira Anna Maria Smyth Sequeira Widow of John Alexander Sequeira deceased Frances Anthony Sequeira Junior Maria Mathews Sequeira Anna Maria Sequeira John Alexander Sequeira Junior Frances Joseph Sequeira and Jeanette Sequeira Infants by Richard Smyth Sequeira their Guardian and next Friend Anna Maria Fillauer Sequeira Widow of John Theobald Sequeira deceased John Theobald Sequeira the Younger Maria Annette Agnata Sequeira Maria Madeleine Josephine Sequeira and Frances Joseph Sequeira Infants by Sequeira the Younger Maria Annette Agnata Sequeira Maria Madeleine Josephine Sequeira and John Francis Sequeira and Frances Joseph Sequeira Infants by the said Anna Maria Fillauer Sequeira their Mother and next Friend Peter Reynd and Catherine Elizabeth his Wife late Catherine Elizabeth Rebold Spinster late Mary Elizabeth Rebold Frances Jonathan Rebold Jonathan Frederick and Catherine the Wife late Catherine Rebold Spinster Joseph Roth and Mary Elizabeth his Wife late Mary Elizabeth Rebold Spinster John Bernard Rebold and James Peter Rebold an Infant by the said John Bernard Rebold his Brother and next Friend John Shellig Parkinson and Barbara his Wife late Barbara Rebold Spinster and George Zagoni and Catherine his Wife late Catherine Rebold Spinster - - - - Complainants

and

Patrick Colquhoun Catherine Mosse Charles Frances Mosse Peter Rodriques Eve Georgiana Mosse and Daniel Mosse and George Philip Muntzer John Adam Henry Muntzer Henry Dorck and Rosina Margaretta Dorck when they shall come within the Jurisdiction of this Honorable Court - - - - Defendants

And by Amended Supplemental Bill - - - - Complainants

The same Parties - - - - Defendants

and

Peter Carbo Esquire Catherine Mosse Charles Frances Mosse Georgiana Mosse and Daniel Mosse - - - - Defendants

and By Bill of Revivor

Frances Anthony Sequeira Anna Maria Smyth Sequeira Widow of John Alexander Sequeira deceased Frances Anthony Sequeira Junior Maria Mathews Sequeira Anna Maria Sequeira John Alexander Sequeira Junior Frances Joseph Sequeira and Jeanette Sequeira Infants by Richard Smyth Sequeira their Guardian and next Friend Anna Maria Fillauer Sequeira Widow of John Theobald Sequeira deceased John Theobald Sequeira the Younger Maria Annette Agnata Sequeira Maria Madeleine Josephine Sequeira and John Francis Sequeira and Frances Joseph Sequeira an Infant by the said Anna Maria Fillauer Sequeira their Mother and next Friend Peter Reynd and Catherine Elizabeth his Wife late Catherine Elizabeth Rebold Spinster late Mary Elizabeth Rebold Frances Jonathan Rebold Jonathan Frederick and Catherine the Wife late Catherine Rebold Spinster John Bernard Rebold and James Peter Rebold an Infant by the said John Bernard Rebold his Brother and next Friend John Shellig Parkinson and Barbara his Wife late Barbara Rebold Spinster and George Zagoni and Catherine his Wife late Catherine Rebold Spinster - - - - Cont Complainants

and

Peter Carbo Esquire Catherine Mosse Charles Frances Mosse Georgiana Mosse and Daniel Mosse and George Philip Muntzer John Adam Henry Muntzer Henry Dorck and Rosina Margaretta Dorck when they shall come within the Jurisdiction of the Honorable Court - - - - Defendants

And By Bill of Revivor and Supplement

Frances Anthony Sequeira Anna Maria Smyth Sequeira Widow of John Alexander Sequeira deceased Frances Anthony Sequeira Junior Maria Mathews Sequeira Anna Maria Sequeira John Alexander Sequeira Junior Frances Joseph Sequeira and Jeanette Sequeira Infants by Richard Smyth Sequeira their Guardian and next Friend Anna Maria Fillauer Sequeira Widow of John Theobald Sequeira deceased John Theobald Sequeira the Younger Maria Annette Agnata Sequeira Maria Madeleine Josephine Sequeira and John Francis Sequeira and Frances Joseph Sequeira an Infant by the said Anna Maria Fillauer Sequeira their Mother and next Friend Peter Reynd and Catherine Elizabeth his Wife late Catherine Elizabeth Rebold Spinster late Mary Elizabeth Rebold Frances Jonathan Rebold deceased Jonathan Frederick and Catherine the Wife late Catherine Rebold Spinster Joseph Roth and Mary Elizabeth his Wife late Mary Elizabeth Rebold Spinster John Bernard Rebold and James Peter Rebold an Infant by the said John Bernard Rebold his Brother and next Friend John Shellig Parkinson and Barbara his Wife late Barbara Rebold Spinster and George Zagoni and Catherine his Wife late Catherine Rebold Spinster - - - - Cont Complainants

and

Peter Carbo Esquire Charles Frances Mosse and Daniel Mosse and George Philip Muntzer John Adam Henry Muntzer Henry Dorck and Rosina Margaretta Dorck when they shall come within the Jurisdiction of the Honorable Court - - - - Defendants

This Cause coming on the Twenty Seventh and Twenty Eighth days of September One thousand Eight hundred and Thirty Seven and Thirteenth and Fourteenth days of February and Twenty first day of March One thousand Eight hundred and Thirty Eight to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides Upon opening and debate of the Matter and hearing the Proofs then taken read and what was alleged by the Counsel on all Sides Their Lordships made their Decree bearing date the said Twenty first day of March One thousand Eight hundred and Thirty Eight and thereby Declared that John Mosse alias John Wolfgang Mosse the Testator in the Pleadings mentioned was at the time of his death domiciled at Saint Thome a

Mere within the Parish Territories on the East Indies And that he left a Will
of his bearing date the Sixteenth day of March One thousand Seven hundred and
Eighty Eight in Life of the Complainant Peter Royal formerly Executor
Ronald John Bernard Cobb and Francis Ignace Ribeiro Esqrs of the Children
Testators Brother Thomas Clarke deceased And that after payment of his Debts
in the first mentioned the said Catharine Elizabeth Troyack became entitled
thereby of the residue And he the said Thomas Elizabeth Troyack departed
Elizabeth Ribeiro John Bernard Cobb and Francis Ignace Ribeiro
each of the other Family And that the Complainant Thomas Clarke
Administrator of the said Catharine Elizabeth Troyack was entitled
One Twenty of the clear proceeds of the Testators Estate And
Scott Surrey as the Administrator of the said John Bernard Cobb
entitled to the said One third of the Twenty of the residue
Administrator of the said Francis Ignace Ribeiro to the
part thereof and thereby covering other Purposes
And Decreed that it should be referred to the Master to examine
Principal and Interest on the Sum of Two hundred Pagodas in the
Will given to the Entire Clerk and in case of his death to the next
or next relation Andrew McGregor of Tanjore hundred Pagodas bequeathed
the Charity School of Wijeyambay And it was thereby referred
ascertain who the Testator meant by the words my late Brother
or next relation And to ascertain what School the Testator meant by
School at Wijeyambay And whether such School was
whether any

Principal and Interest on the said Legacy of Five hundred Pagodas with liberty to the Master
to make a Separate Report of the Matters last aforesaid And it was thereby referred to
the Master to Tax the Costs in the manner therein mentioned respectively And it was thereby
further Ordered that out of the Sum of Money admitted by the Defendant Peter Cator to be in his
hands that is to say in the Honorable Company's Treasury and forming part of the Testators
Estate amounting according to the Accountant Generals Books filed of Record on the said Twenty
first day of March One thousand Eight hundred and Thirty Eight to the Sum of Rupees Two Lacs
Ninety Eight thousand Seven hundred and Thirty two Annas Three and Dice Eleven in the
said Defendant Peter Cator should pay the Amount of the said Costs therein respectively
mentioned so to be reported by the said Master to the Solicitors therein mentioned And it
was thereby further Ordered that the said Defendant Peter Cator should pay into Court to
the Credit of this Cause the residue of the Sum of Rupees Two Lacs Ninety Eight thousand
Seven hundred and Thirty two Annas Three and Dice Eleven Admitted by him to be in his
possession and forming part of the Testators Estate after payment of such Costs as aforesaid
such residue to be Certified by the said Master And it was thereby further Ordered that
it should be referred to the Master to take an Account of the Personal Estate of the said John
Wolfgang Mohr come to the hands of the Defendants Patrick Creighton and Peter Cator
respectively or to the hands of any other Person or Persons by their or either of their Order or for
their or either of their use And that the said Master should also take an Account of all Sums
of Money received by George Mohr in his life time for or on account of the dividends belonging
to the Estate of the said John Wolfgang Mohr And that what he should appear to have so
received should be Answered by the said Peter Cator as the Administrator of the said George
Mohr out of his assets in case he should admit assets sufficient for the purpose And in case
the said Peter Cator should not admit assets that he should come to an Account before the Master
of the Personal Estate of the said George Mohr received by him and Charles Christopher Mohr
and Katherine Mohr who were admitted to have taken out Administration to the Estate of

the said George Moss remaining unadministered by the said late Charles Francis Moss deceased and the said Peter Caton should not account as to the assets coming to his hands which might be found due by the said Charles Francis Moss and Katherine Moss respectively to the Estate of the said George Moss And that the said Peter Caton should be at liberty to carry in an Account of the Estate of the said Charles Christopher Moss and Katherine Moss whose Estate the said Peter Caton was admitted to have taken out Administration respectively received by the said Peter Caton And that the Estate of the said Charles Christopher Moss and Katherine Moss respectively received by the said Peter Caton And that the Estate of the said Charles Christopher Moss and Katherine Moss respectively received by the said Peter Caton might be charged with what he should make good as far as they would extend which might be short of the said George Moss from the Estates of the said Charles Christopher Moss and Katherine Moss on taking such Account But that the Estate of the said George Moss received by the said Peter Caton as aforesaid might extend which might be short from the said George Moss's Estate in taking such Account and that the Master should be at liberty to state any special Circumstances as he should see fit for the direction of the Court touching the necessity or propriety of the said Peter Caton keeping down a Balance in his hands for the Debts of the said George Moss or the Payment of the Sums of Money coming to him belonging to the said Charles Christopher Moss for the Debts of the said Account and discovery of the Matters aforesaid the said Peter Caton should produce before the Master upon Oath all the Books Papers and Writings in his Custody or Power relating to the Matters aforesaid And as to the Interrogatories on the Master should direct who in taking the said Account was to make unto the Parties all just Allowances and the said Master was at liberty to state any special Circumstances and to make such Special Report might be directed And

further directions and of the Subsequent Costs of this Suit until after the Master should have made his Report And any of the Parties were to be at Liberty to apply to the Court as they might be advised

And in pursuance of the said Decree the said Master made his Report dated the Eighth day of March One thousand Eight hundred and Thirty Nine And thereby among other things Reported that he had been attended by the Solicitor for the Complainants And the Defendants Peter Caton and Charles Francis Moss and Daniel Moss And he found by a former Report made by him in this Cause bearing date the Thirteenth day of October One thousand Eight hundred and Thirty Eight he Certified that by his Certificate in this Cause made at the instance of the Solicitor for the said Complainants And bearing date the Twelfth day of September One thousand Eight hundred and Thirty Eight he Certified that he had Taxed the Costs of the Complainants of and relating to this Suit subsequent to the Last Taxation at the instance of the said Complainants as between Solicitor and Client at the Sum of Four thousand Three hundred and Thirty two Rupees and Seven Fanams And that he had as directed by the said Decree added thereto the several Sums therein mentioned making altogether the Sum of Twenty four thousand five hundred and Seventy five Rupees and four fanams. And that he had Taxed the Costs of this Suit of the said Defendant Peter Caton as between Solicitor and Client at the Sum of Five thousand Rupees and Eight fanams and that he had as directed by the said Decree added thereto the several Sums therein mentioned making altogether the Sum of Six thousand and forty five Rupees and four fanams. And that he had likewise Taxed the Costs of the other Defendants Katherine Moss Horton Rodrigues Eve Georgiana Moss Charles Francis Moss and Daniel Moss as between Solicitor and Client at the Sum of Five thousand Five hundred and Forty Six Rupees And he further Certified that the said Three Several Sums making together the Sum of Thirty Six thousand One hundred and Sixty Six Rupees and Eight fanams Constituted the whole of

the Costs directed by the said Decree to be taxed and paid by the said Defendant Peter Cator out of the said Sum of Two hundred and twenty Eight thousand three hundred and thirty two Rupees Three Annas and Eleven Pice and Reducing the Interest thereon to Thirty Six thousand One hundred and thirty two Rupees and Eight Annas part of the said Sum of Two hundred and Twenty Eight thousand three hundred and thirty two Rupees Three Annas and Eleven Pice be found to be remaining in the hands of the said Defendant Peter Cator the Sum of Two hundred and Eighty thousand five hundred and Sixty five Rupees Nine Annas and Eleven Pice the residue of the said Sum of Two hundred and Twenty Eight thousand three hundred and thirty two Rupees Three Annas and Eleven Pice mentioned in the said Decree as directed And he further Certified that the said Sum of Two hundred and Sixty two thousand five hundred and Sixty five Rupees Nine Annas and Eleven Pice was the residue of the said Sum of Two hundred and Twenty Eight thousand seven hundred and thirty two Rupees Three Annas and Eleven Pice after payment of the said Costs And that the said Sum of Two hundred and Sixty two thousand five hundred and Sixty five Rupees Nine Annas and Eleven Pice should be paid by the said Defendant Peter Cator into Court that is to say the Honorable Company's Treasury to the Credit of this Cause in pursuance of the said Decree but he did not find that the said Sum of Two hundred and Sixty two thousand five hundred and Sixty five Rupees Nine Annas and Eleven Pice had been so paid by the said Defendant Peter Cator And he further certified by an Order made in this Cause bearing date the Twenty Eighth day of October One thousand Eight hundred and Thirty Eight on the Petition of the said Defendant Peter Cator it was Ordered that the said Defendant Peter Cator should be at Liberty to deposit in the Treasury with the privity of the Accountant General to be placed to the Credit of this Cause Fifty Eight Government Promissory Notes amounting together to One hundred and Twenty Nine thousand Five hundred and Sixteen Company's Rupees and Eight Annas in the said Order particularly specified And the said Master further certified that the said Defendant Peter Cator did on the First day of November One thousand Eight hundred and Thirty Eight as directed by the said Order deposit in the Treasury with the privity of the said Accountant General to the Credit of this Cause the said Two Receipts of the Deputy Accountant General And the said Fifty Eight Government Promissory Notes Amounting together to One hundred and Twenty Nine thousand Five hundred and Sixteen Rupees and Eight Annas And that on the Thirteenth day of December One thousand Eight hundred and Thirty Eight the said Defendant Peter Cator received back the said Two Receipts and deposited in lieu thereof in the said Treasury with the privity of the said Accountant General the renewed Government Promissory Notes therein respectively mentioned for One hundred and Nineteen thousand and Nine hundred Sicca Rupees Four thousand Sicca Rupees Eight hundred Sicca Rupees Four hundred Sicca Rupees and Two thousand five hundred

Two receipts of the Deputy Accountant General One for a Government Promissory Note for One hundred and Nineteen thousand and Nine hundred Sicca Rupees And the other for Four Government Promissory Notes for Four thousand Sicca Rupees Eight hundred Sicca Rupees Four hundred Sicca Rupees and Two thousand and Five hundred Sicca Rupees and which had been sent to Calcutta for renewal And that when the renewed Notes should be received from Calcutta the said Defendant Peter Cator should receive back the said Two receipts and should with the privity of the said Accountant General deposit with the said Sub Treasurer the said renewed Notes And also that the said Defendant Peter Cator should be at liberty to deposit in the Treasury with the privity of the said Accountant General to be placed to the Credit of this Cause Fifty Eight Government Promissory Notes Amounting together to One hundred and Twenty Nine thousand Five hundred and Sixteen Company's Rupees and Eight Annas in the said Order particularly specified. And the said Master further found that the said Defendant Peter Cator did on the First day of November One thousand Eight hundred and Thirty Eight as directed by the said Order deposit in the Treasury with the privity of the said Accountant General to the Credit of this Cause the said Two Receipts of the Deputy Accountant General And the said Fifty Eight Government Promissory Notes Amounting together to One hundred and Twenty Nine thousand Five hundred and Sixteen Rupees and Eight Annas And that on the Thirteenth day of December One thousand Eight hundred and Thirty Eight the said Defendant Peter Cator received back the said Two Receipts and deposited in lieu thereof in the said Treasury with the privity of the said Accountant General the renewed Government Promissory Notes therein respectively mentioned for One hundred and Nineteen thousand and Nine hundred Sicca Rupees Four thousand Sicca Rupees Eight hundred Sicca Rupees Four hundred Sicca Rupees and Two thousand five hundred

Seven Rupees making in all Seven and Twenty Rupees that by the said Defendant Peter Cator in the Treasury with the priority of the said Deed to the Credit of this Cause Government Promissory Note for Rupees Nine thousand five hundred and Sixteen Company's Rupees and Eight Annas Government Promissory Note for One hundred and Forty four Current Six hundred Sicca Rupees. And the said Master further also Reported that in the presence of the Solicitor for the said Complainants and of the Def. Peter Cator proceeded to ascertain what was due for Principal and Interest on Legacy of Two thousand Pagodas by the Testators Will given to his Sister Maria in case of her death to the next heir of her body or next relation under the Legacy of Five hundred Pagodas bequeathed unto the Charity School at Vepery Burg And he found that no part of both of the said Legacies had been paid And that he had Calculated Interest at the rate of Six per Cent per Annum upon the said Sum of Two thousand Pagodas from the said Thirteenth day of August One thousand Eight hundred and Three (being the time of the death of the Testator) up to the Eighth day of March One thousand Eight hundred and Sixty Nine the date of his said Report And he found such Interest Amounted to the Sum of Four thousand Two hundred and Eight Pagodas Two Fanams and Thirty Seven Cash which being added to the said Sum of Two thousand Pagodas made together the Sum of Six thousand Two hundred and Sixty Eight Pagodas Two Fanams and Thirty Seven Cash or Twenty One thousand Four hundred and Thirty Eight Rupees Eight Annas and One Piece which he found was then due for Principal and Interest on the said Legacy of Two thousand Pagodas by the Testators Will given to the

Maria and in case of her death to the next heirs of her body or next relation And that he had also calculated Interest at the rate of Six per Cent per Annum upon the said Sum of Five hundred Pagodas from the said Thirteenth day of August One thousand Eight hundred and Three up to the said Eighth day of March One thousand Eight hundred and Sixty Nine And he found such Interest amounted to the Sum of One thousand and Sixty Seven Pagodas and Forty Nine Cash which being added to the said Sum of Five hundred Pagodas made together the Sum of One thousand Five hundred and Sixty Seven Pagodas and Forty Nine Cash or Five thousand Four hundred and Eighty four Rupees Eight Annas and Nine Pice which he found was then due for Principal and Interest on the said Legacy of Five hundred Pagodas by the Testators Will bequeathed unto the Charity School at Vepery. And the Master Reported that a State of facts had been laid before him by the Solicitor for the said Complainants stating that the said Testator died on the Thirteenth day of August One thousand Eight hundred and Two having had Two Sisters only Namely Catherine Elizabeth Mos who Married John Theobald Gerspach and survived him and Maria Elena Mos who married Peter Paul Rebold by whom she had four Children / and who died on the Twenty first day of August One thousand Seven hundred and Sixty Nine / after which she Married Michael Stemmer by whom she had no Children / and who died on the Fourth day of February One thousand Seven hundred and Ninety One / And that the said Maria Elena Mos died the Widow of the said Michael Stemmer in the life time of the said Testator And on the Seventh day of October One thousand Seven hundred and Ninety One having had four children and no more and leaving her surviving such four Children namely Catherine Elizabeth Rebold since deceased / who married Peter Heydt who is still living / John Bernard Rebold since deceased Frances Ignatius Rebold since deceased and Peter

George

George Rebold also ever deceased. And he found that the said Testator made the words "next heirs of his body or next relations" the said Jeremiah Rebold was of the said Maria Eleanor Rebold now by Marriage Elizabeth Rebold who survived the said John Bernard Rebold the said Frances Augusta Rebold and the said John George Rebold. And the said Master thereby further Certified that the said Bill was filed the third day of August One thousand Eight hundred and Sixty Eight and the Solicitor for the Complainants got it published in the London Gazette and at Kufferburg on the Rhine in the usual manner by an Advertisement whereby any Person or Persons or Body Corporate claiming to be entitled to receive what should be found due for Legacy allowance and Interest in respect of the Legacy of Five hundred Rix Dollars were ordered before the Twelfth day of September One thousand Eight and Sixty Nine required to come in before him and by affidavit before Competent Authority or in such other manner as they might be advised prove their Debts and Establish such Claim. And whereby the Master further Certified that he had taken an Account of the Personal Estate of the said Testator Johan Wolfgang Mosz come to the hands of the Defendants Executors Cleghorn and Peter Cator respectively or to the hands of any other or Persons by their or either of their Order or for their or either of their use And he found that the said Defendant Executor Cleghorn had also received divers Sums of Money on Account of the Personal Estate of the said Testator the particulars whereof are mentioned and set forth in the Second Schedule to his said Report Annexed Amounting together to the Sum of Five hundred and Thirty three thousand Five hundred and Ninety One Company's Rupees One Anna and Four Pice exclusive of the Sums of Money paid and applied by the Sub Treasurer with the privity of the Accountant General for the use of the said Defendants the particulars whereof are mentioned and set forth in the Second part of the First Schedule to his said Report Annexed. And he found that the said Defendants Patrick Cleghorn and Peter Cator had paid expended disbursed or allowed divers Sums of Money on Account of the Personal Estate of the said Testator the particulars whereof are mentioned and set forth in the first part of the Second Schedule to his said Report Annexed and Amounting together to the Sum of Five hundred and Thirty three thousand Five hundred and Ninety One Company's Rupees One Anna and Four Pice exclusive of the Sums of Money paid and applied by the Sub Treasurer with the privity of the Accountant General for the use of the said Defendants the particulars whereof are mentioned and set forth in the Second part of the Second Schedule to his said Report Annexed and deducting the first mentioned Sum of Five hundred and Thirty two thousand Seven hundred and Sixty Six Company's Rupees and Two Pice from the last mentioned Sum of Five hundred and Thirty three thousand Five hundred and Ninety One Company's Rupees One Anna and Four Pice left the Sum of Eight hundred and Twenty five Rupees One Anna and Two Pice which Sum of Eight hundred and Twenty five Rupees One Anna and Two Pice he found to be due to the Defendant Peter Cator on the foregoing Account. And that he had also proceeded to take an Account of all Sums of Money received by George Mosz in his life time for or on Account of the dividends belonging to the Estate of the said Testator Johan Wolfgang Mosz And he found that the said George Mosz received divers Sums of Money on Account of such dividends the particulars whereof are mentioned and set forth in the Third Schedule to his said Report Annexed Amounting together to the Sum of Eleven thousand Eight hundred and Seventy Six Company's Rupees Fifteen Annas and Nine Pice And the Defendant Peter Cator not having admitted Assets of the Estate of the said George Mosz sufficient to answer the said

Sum

Sum of Eleven thousand Eight hundred and Seventy Six Rupees Eight Annas and Nine Lice received by the said George Mosp on Account of the Estate he had taken an Account of of the personal Estate of the said George Mosp viz. the said Defendant Peter Cator and the said Charles Christopher Mosp and Katherine Mosp respectively And he had on the Fourth Schedule to his said Report set forth the particulars of all Sums of Money received and paid by the said Peter Cator on Account of the Estate of the said of the said George Mosp and that there was due from the said Defendant Peter Cator on such Account the Sum of Two hundred and Fifty three Rupees Thirteen Annas and Nine Lice And the Sum of Five thousand One hundred and Seventy One Rupees Eight Annas and Ten Lice which last mentioned Sum he found to be on the Credit of the Estate of the said George Mosp and consisting of Government Securities to the Value of Five thousand Eight hundred and Fifty Six Company's Rupees Eight Annas And in Cash the Sum of Three hundred and Company's Rupees Fifteen Annas and Ten Lice And he had likewise found the said Sum of Two hundred and fifty three Rupees Thirteen Annas and Nine Lice to the said Defendant Peter Cator as improperly paid but he found the same was paid by the said Defendant Peter Cator as the Administrator of the said George Mosp's Estate to the said Katherine Mosp's Estate and that he had such payment was made the said Katherine Mosp's Estate was a Creditor of the said George Mosp's Estate And he found that Notwithstanding reason of the said George Mosp's Estate being found indebted to the said Wolfgang Mosp's Estate under

made by the said Katherine Mosp to the residuary Legatees under the said George Mosp's Estate having been therefore disallowed to her that the said Katherine Mosp's Estate appeared to be indebted to the said George Mosp's Estate And he found that but for such payments to the residuary Legatees of the said George Mosp's Estate the said Katherine Mosp's Estate would be a Creditor of the said George Mosp's Estate to the extent of the said Sum of Two hundred and fifty three Rupees Thirteen Annas and Seven Lice And that it appeared to be a Creditor for that Sum at the time that the payment was made by the said Defendant Peter Cator: And that he had taken an Account of all Sums of Money received and paid by the said Charles Christopher Mosp on Account of the Estate of the said George Mosp And he found that there was due from the Estate of the said Charles Christopher Mosp to the Estate of the said George Mosp on such Account the Sum of Seventeen thousand Seven hundred and Sixty Nine Rupees Three Annas and Five Lice And that he had likewise taken an Account of all Sums of Money received and paid by the said Katherine Mosp on Account of the Estate of the said George Mosp And he found that there was due from the said Katherine Mosp on such Account the Sum of Four thousand Four hundred and Eighty Rupees One Anna and Three Lice And he found that that the Sum of Four thousand Two hundred and Sixty Rupees had come to the hands of the said Defendant Peter Cator as her Administrator and which Sum had been Accounted by him in his Account of George Mosp's Estate contained in the said Fourth Schedule and deducting the said Sum of Four thousand Five hundred and Sixty Rupees from the aforesaid Sum of Four thousand Four hundred and Eighty Rupees One Anna and Three Lice he found that there was then due from the Estate of the said Katherine Mosp to the Estate of the said George Mosp the Sum of Six thousand Two hundred and Twenty Rupees One Anna and Three Lice And the said Defendant Peter Cator not admitting assets sufficient to satisfy the said Sum of Seventeen thousand Seven hundred and Ninety Nine Rupees Three Annas and five Lice so due as aforesaid from the Estate of the

said Charles Christopher Mofs to the Estate of the said George Mofs be proceeded to examine him upon Interrogatories to ascertain what he had received on account of the Estate of the said Charles Christopher Mofs he found that the said Defendant Peter Cator had not proceeded any thing with Notice on Account of said Estate and that the Sum of Three Rupees Four Annas and Ten Pice was due to the said Defendant Peter Cator as Administrator of the said Charles Christopher Mofs And the said Defendant Peter Cator did not admitting Assets sufficient to satisfy the said Sum of Six thousand Two hundred and Twenty Rupees One Anna and Three Pice as aforesaid from the Estate of the said Charles Mofs to the Estate of the said George Mofs he proceeded to examine him upon Interrogatories to ascertain what he had received on Account of the Estate of the said Katherine Mofs And he found that the said Defendant Peter Cator had paid as much as he received on Account of the Estate of the said George Mofs And that there was nothing due from him in respect of such Estate And he found that the said Sums of Two hundred and Fifty three Rupees Thirteen Annas and Seven Pice And Five thousand One hundred and Twenty One Rupees Seven Annas and Ten Pice as aforesaid from the said Defendant Peter Cator as the Administrator of the said George Mofs Estate were not sufficient to satisfy the said Sum of Eleven thousand Eight hundred and Twenty Seven Rupees Eight Annas and Nine Pice received by the said George Mofs on Account of the Estate belonging to the Estate of the said Testator And due from the said George Mofs Estate to the said John Wolfgang Mofs Estate But he proceeding had been taken under his directions to ascertain from the Executor of the said George Mofs the Amount of the Sums of Money received by him belonging to the said John Wolfgang Mofs Estate beyond what the said Sums of Two hundred and Fifty three

three Rupees Thirteen Annas and Seven Pice And Five thousand One hundred and Twenty One Rupees Seven Annas and Ten Pice were sufficient to satisfy. And this Cause coming on this present day to be heard for further directions and subsequent Costs reserved by the said Decretal Order of the Twenty first day of March One thousand Eight hundred and Thirty Eight before the Honorable the Judges of this Court in the presence of Counsel for the said Complainants and the said Defendant Peter Cator. Also One appearing for the other Defendants. Whereupon and upon hearing read the said Decree And the said Master's Report dated Eighth day of March One thousand Eight hundred and Thirty Nine. And the Certificate dated Twelfth day of September One thousand Eight hundred and Thirty Eight. And Report dated Thirteenth day of October One thousand Eight hundred and Thirty Eight And the Order of Court dated Twenty Sixth day of October One thousand Eight hundred and Thirty Eight in the said first mentioned Report of the said Master respectively referred to And also the Orders of this Court bearing date the Eighth and Twenty second days of March One thousand Eight hundred and Thirty Nine whereby the said Report dated Eighth day of March One thousand Eight hundred and Thirty Nine And all the Matters and things therein Contained became absolutely Confirmed. And upon reading also the Registry of the following Letters of Administration granted by and under the Seal of this Honorable Court of the Estate of John Bernard Rebold to William Scott Bonny Esquire as the duly Constituted

Constituted Attorney of Ignatius Frederick and Catherine Rebold his Wife Francis Joseph Roth and Maria Elizabeth Rebold his Wife and James Peter Rebold the said Catherine Rebold Maria Elizabeth Rebold and James Peter Rebold being the only surviving Children of the said John Bernard Rebold deceased Also of the Estate of Francis Ignatius Rebold with a Copy of his Will annexed to the said William Scott Bunny as the duly Constituted Attorney of Catherine Frederick One of the Nieces of the said Francis Ignatius Rebold deceased Catherine Dorinyer Rebold the Widow of John Bernard Rebold One of the Nephews of the said Deceased Francis Joseph Roth and Maria Elizabeth his Wife another of the Nieces of the said Deceased James Peter Rebold a Nephew of the said deceased and John Phillips Katherine and Barbara his Wife a Niece of the said deceased And of the Estate of Catherine Elizabeth Dorsch to the said William Scott Bunny as the duly Constituted Attorney of Francis Anthony Dorsch the only surviving Son of the said Catherine Elizabeth Dorsch deceased And upon reading also the Certificate of the Accountant General of this Court in the words and figures following that is to say.

By Original and Amended Bill.

Francis Anthony Dorsch Anne Maria Smith Dorsch Victoria Johns Alexander Dorsch deceased Francis Anthony Dorsch Junior Maria Francis Anthony Dorsch Anne Maria Dorsch Alexander Dorsch Junior Francis Joseph Dorsch and Jeannette Dorsch an Infant by the said Anne Maria Dorsch John Alexander Dorsch Junior Francis Joseph Dorsch and Jeannette Dorsch an Infant by the said Anne Maria Dorsch Widow of John Rebold Dorsch deceased and Anne Maria Dorsch her mother and next friend Anne Maria Dorsch Widow of John Rebold Dorsch deceased and Maria Louisa Dorsch her mother and next friend Anne Maria Dorsch Widow of John Rebold Dorsch deceased and John Francis Dorsch and Francis Joseph Dorsch and John Rebold Dorsch the Younger Maria Anne Elizabeth Dorsch Maria Magdalene Josephine Dorsch and John Francis Dorsch and Francis Joseph Dorsch and Peter Keydt and Catherine Elizabeth his Wife late Catherine Rebold Spinster the said Maria Anne Maria Dorsch her mother and next friend Peter Keydt and Catherine Elizabeth his Wife late Catherine Rebold Spinster Francis Joseph Roth and Mary Elizabeth his Wife late Mary Elizabeth Rebold Spinster John Bernard Rebold and James Peter Rebold the Younger Children of the said John Bernard Rebold deceased Ignatius Frederick and Catherine his Wife late Catherine Rebold Spinster Francis Ignatius Rebold Spinster John Bernard Rebold and James Peter Rebold the Younger Children of the said John Bernard Rebold deceased Catherine Dorinyer Rebold Widow of John Bernard Rebold the Younger Joseph Roth and Maria Elizabeth his Wife late Maria Elizabeth Rebold Spinster Catherine Dorinyer Rebold aforesaid and Maria Louisa Rebold Margaretta Rebold and Maria Louisa Rebold respectively by their said Mother and next friend Catherine Dorinyer Rebold aforesaid and Catherine Frederick Rebold Mary Elizabeth Rebold Catherine and Barbara his Wife late Barbara Rebold Spinster and George Leigh Read Williams his said Mother and next friend James Peter Rebold Phillips Catherine and Barbara his Wife late Barbara Rebold Spinster and George Leigh Read Williams Esquire the said John Bernard

Brought forward S.a Rupees 185200-- --

Sr. 10657 dated 29th Novr 1827 bearing Interest from 29th Novr last 1835 for ---- 1500 ---
---- 10496 ---- 8th October 1827 bearing Ds ---- from 15th Jany 1835 for ---- 500 ---
---- 7156 ---- 8th January 1827 bearing Ds ---- from 8th Ds ---- for ---- 500 ---
---- 6186 & 6187 ---- 25th May 1826 bearing Ds ---- from 25th Ds ---- for ---- 2000 ---

In Seven Promissory Notes of the 5 pr Cent Loan of 8th January 1836.

Sr. 932 dated 22d July 1830 bearing Interest from 22d January 1836 for ---- 3000 ---
---- 1226 ---- 23d Sept. 1830 bearing Ds from ---- December 1835 for ---- 3000 ---
---- 3551 ---- 15th January 1831 bearing Ds from 15th January 1836 for ---- 3100 ---
---- 2432 ---- 10th February 1831 bearing Ds from 10th Novr 1835 for ---- 400 ---
---- 1487 ---- 1st August 1830 bearing Ds from 1st Ds ---- for ---- 2200 ---
---- 1440 ---- 10th Ds ---- bearing Ds from 10th Ds ---- for ---- 400 ---
---- 2986 ---- 4th March 1831 bearing Ds from 4th December 1835 for ---- 3000 ---

In three Sr. of the 4 pr Cent Loan of 8th July 1828.

---- 56 dated 15th October 1828 bearing Interest from 15th January 1836 for ---- 1200 ---
---- 66 ---- 28th Ds ---- bearing Ds from 28th Ds for ---- 900 ---
---- 10 ---- 7th August 1828 bearing Ds from 7th March 1836 for ---- 900 ---

In Ninety four Sr. of the 4 pr Cent Loan of 8th May 1832.

---- 626 dated 8th May 1832 bearing Interest from 8th Novr 1828 for ---- 3000 ---
---- 1873 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 3800 ---
---- 1384 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2,300 ---
---- 2785 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2200 ---
---- 4903 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 4400 ---
---- 3509 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 500 ---
---- 7268 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 4600 ---
---- 18373 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2300 ---
---- 10389 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 700 ---
---- 18398 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 700 ---
---- 1856 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 5000 ---
---- 1624 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2400 ---
---- 1647 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 5000 ---
---- 1648 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 6000 ---
---- 1645 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 4000 ---
---- 14900 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 600 ---
---- 625 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 600 ---
---- 1635 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 1500 ---
---- 2742 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2100 ---
---- 7273 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 500 ---
---- 13595 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 5000 ---
---- 13712 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 3000 ---
---- 15026 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 3000 ---
---- 15023 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 3000 ---
---- 17322 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 3000 ---
---- 17015 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2500 ---
---- 17016 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 2600 ---
---- 2533 & 6178 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 1000 ---
---- 2534 & 6178 ---- 5th Ds ---- bearing Ds from 5th Ds for ---- 1000 ---

Brought forward S.a Rs. 228400 ---

Nr. 2155 & 6178 dated 5th May 1832 bearing Interest from 5th November 1838 for ---- 1000 ---
---- 2156 & 6178 ---- 5th Ds ---- bearing Ds from 5th Ds ---- for ---- 1000 ---
---- 3093 ---- 5th Ds ---- bearing Ds from 5th Ds ---- for ---- 4000 ---
---- 2158 ---- 5th Ds ---- bearing Ds from 15th Ds ---- for ---- 3000 ---
---- 3136 ---- 5th Ds ---- bearing Ds from 5th Ds ---- for ---- 2000 ---

In a Promissory Note of the 4 pr Cent Loan of 18th September 1834

Sr. 1003 ---- dated 18th Novr 1834 bearing Interest from 18th Novr 1835 for ---- 2300 ---

Sicca Rupees 241700 ---

Company's Rupees 257410-8 ---

In Four Bills of the 4 pr Cent Loan of 31st March 1836.

Nr. 880 ---- dated 31st March 1836 bearing Interest from 30th Sept. 1838 for ---- 1600 ---
---- 2924 ---- 31st Ds ---- bearing Ds from 30th Ds ---- for ---- 3000 ---
---- 3373 ---- 31st Ds ---- bearing Ds from 30th Ds ---- for ---- 1200 ---
---- 9336 ---- 31st Ds ---- bearing Ds from 30th Ds ---- for ---- 2200 ---

265410-8 ---

To Cash being Interest drawn and Credited to this Cause ---- 5988-7-7

271398-15-7

To Interest due on Government Securities S.a Rs. 89-8-0 ---- 95-5-1

Company's Rupees 271494-4-8

Fort St. George Acctt. Genl. Office
15th February 1839
S. G. Turnbull
Acctt. Genl. Supr. Court

The Certificate is annexed as to Affidavit from Dr. and Mr. Lyall dated 2d February 1839.
Ed. Jeffreys

This Court doth Order and Decree that it be referred to the Master to tax the Costs of the Complainants and of the Defendant Peter Cator of and relating to this Suit since the last Taxation thereof as between Solicitor and Client and that the Amount of the Complainants Costs when so Taxed and also of the residue of the Defendant Peter Cator's Costs after he shall have retained such part thereof as hereinafter directed be added to the foot of this Order under the Signature of one of the Judges of this Court. And it is further Ordered that the

Defendant Peter Cator from and out of the Sums of Rupees Two hundred and fifty-three Annas Thirteen and Decem Jun 253-13-7/ Each and Rupees Five thousand One hundred and Seventy One Annas Seven and Dece Jun 5171-7-10/ Consisting of Government Securities and Cash found due from him as the Administrator of the said George Moss and from any Interest to arise on such Government Securities until sale thereof do retain the Sum of Rupees Eight hundred and Twenty five Annas One and Dece Two 825-1-2/ found due to him as the Administrator of the said John Wolfgang Moss And that he do retain the remedies of such Sums in payment as for as they will extend of his Costs to be so taxed as aforesaid. And it is further Ordered that the Sub Treasurer of Fort Saint George with the privity of the Accountant General of this Court do sell the whole of the Government Promissory Notes or Securities in his Certificate mentioned. and any other Government Promissory Notes (if any) in which the Interest or any portion of the Interest in his Certificate mentioned may have been laid out or invested previously to his receipt of this Order and that the proceeds of such Sale to the Credit which may then be in the Treasury to the Credit of this Cause And it is Ordered that all Orders of such Notes be subdivided in such manner as may be necessary for the purpose of effecting such Sale And it is further Ordered that from the Cash which may be in the Treasury to the Credit of this Cause previously to such Sale if sufficient for that purpose Rs. if not then sufficient and from the proceeds of such Sale the Sub Treasurer with the privity of the Accountant General do pay the Amount of the Complainants Costs to be so Taxed and added to the foot of this Order to Mr. Nathaniel Bromley Ranworth his Solicitor and the residue of the Costs of the Defendant Peter Cator to be so Taxed and added to the foot of this Order to Mr. John James his Solicitor. And it is further

Ordered that also out of the Proceeds of such Sale the Sub Treasurer with the privity of the Accountant General do carry to an Account to be intitled "The Legacy bequeathed unto the "Charity School at Bepenburgh" the Sum of Rupees Five thousand Four hundred and Eighty four Annas Eight and Dece Nine 5484-8-9/ being the Sum by the Masters Report found to be due from the Testators Estate in respect of such Legacy. And it is further Ordered that such Sum of Rupees Five thousand four hundred and Eighty four Annas Eight and Dece Nine 5484-8-9/ or so much thereof as can be be by the Sub Treasurer with the privity of the Accountant General laid out in the purchase of Government Securities And that the Interest of such Government Securities and all Accumulations of Interest be laid out in the purchase of other like Securities And that all such Government Securities when so purchased be carried to the Credit of the said Account "The Legacy bequeathed unto the "Charity School at Bepenburgh." And it is further Ordered that from the Proceeds of such Sale the Sub Treasurer with the privity of the Accountant General do pay unto the Lieutenant William Scott Binny the Administrator of John Bernard Rebold the Elder deceased One Fourth part of the Sum of Rupees Twenty One thousand Nine hundred and Thirty Eight Annas Three and Dece One 21938-3-1/ by the Masters Report found to be due for Principal and Interest on the Legacy of Lagodas Two thousand 2000/ by the Testators Will given to his Sister Johanna or in Case of her death to the next-heir of her Body or next relation And unto the said William Scott Binny as the Administrator with the Will Annexed of Francis Ignatius Rebold deceased One other Fourth part of the said Sum of Rupees Twenty One thousand Nine hundred and Thirty Eight Annas Three and Dece One 21938-3-1/ And it is further Ordered that One other Fourth part of the said Sum of Rupees Twenty One thousand Nine hundred and Thirty Eight Annas Three and Dece One 21938-3-1/ be by the said Sub Treasurer with the like privity of the said Accountant General Carried to the Credit of this Cause "The Account of the Estate of the late John George Rebold deceased." And it is further Ordered that from the Proceeds of such Sale the Sub Treasurer with the pri

General do carry to an Account to be entitled "The Amount due to Catherine Elizabeth
"Heydt in respect of her Share in the Legacy of Pagodas Two thousand /2000/ by the
"Testator's Will given to his Sister Clara and in case of her death to the next of kin of her
"body or next relation" the remaining Fourth part of the said Sum of Rupees
Twenty One thousand Nine hundred and Thirty Eight Annas Three and Pice One
/21938-3-1/ found due by the Master in respect of such last mentioned Legacy
and it is further Ordered that such last mentioned One fourth Part of
the said Sum of Rupees Twenty One thousand Nine hundred and thirty Eight
Annas Three and Pice One /21938-3-1/ or so much thereof as can be be by the
Sub Treasurer with the privity of the Accountant General laid out in the purchase
of Government Securities and that the Interest of such Government Securities
and all Accumulations of Interest be laid out in the purchase of other like
Securities And that all such Government Securities when so purchased be carried
to the Credit of the said last mentioned Account "The Amount due to Catherine
"Elizabeth Heydt in respect of her Share in the Legacy of Pagodas Two thousand
"/2000/ by the Testator's Will given to his Sister Clara and in case of her death
"to the next of kin of her body or next relation" And it is further Ordered
that the Sub Treasurer with the like privity of the Accountant General do pay
One Moiety of the residue of the Proceeds of such Sale unto the Complainant
William Scott Binny as the Administrator of Catherine Elizabeth Brosnach
deceased and a third Part of the other Moiety of such residue unto the said
William Scott Binny as the Administrator of the said John Bernard Rebold
the Elder deceased And another third Part of such last mentioned Moiety
unto the said William Scott Binny as the Administrator with the Will annexed
of the said Francis Ignatius Rebold And that he do carry the remaining third
Part of such last mentioned Moiety to an Account to be entitled "The Amount

"due to Catherine Elizabeth Heydt in respect of her Interest in the residue of the Testator's Estate"
and it is further Ordered that the Sub Treasurer with the like privity of the Accountant
General do lay out the last mentioned third part of such last mentioned Moiety or so
much thereof as can be in the purchase of Government Securities And also the Interest
to grow due on such Government Securities when purchased and all Accumulations
of Interest on the purchase of other like Securities And do carry also such Securities
when purchased to the Credit of the said Account "The Amount due to Catherine
"Elizabeth Heydt in respect of her Interest in the residue of the Testator's Estate"
And any of the Parties to this Suit and any Persons or Parties interested in the
Monies or Government Securities to be carried to the respective Accounts aforesaid are to be
at Liberty to apply to this Court as they shall be advised.

By the Court.

The Amount by the Taxed Bill of Costs
to be paid to Mr Nathaniel Brindley Newath
Solicitor for the Complainants as between
Solicitor and Client in pursuance of this
Decree is Twenty two thousand and Seventy
Six Rupees and Six Annas /22076-6-/
as appears by the Certificate of the Master
dated this 18th day of June 1839.

/Signed/ R Comyn

The residue of the Taxed Costs
to be paid to Mr John Purves Solicitor for
the Defendant Peter Cator Esquire as between
Solicitor and Client in pursuance of this
Decree is the Sum of Eight thousand four
hundred and Eighty three Rupees Annas
Four and Pice Eleven /8483-10-11/ as
appears by the Certificate of the Master
dated this 18th day of July 1839.

/Signed/ R Comyn

No 1203 of 39

In the Supreme Court of Judicature at Madras

Nautical Side. Second Term 1839.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Comyn.

E. J. Gambier

Thursday the Fourth day of April One thousand Eight hundred and Thirty Nine And in the Second Year of the Reign of Her Majesty Queen Victoria. In the Matter of the Last Will and Testament of Davaje Vijaya Kristnaje Cavala Kristnaje deceased....

By Original Libel

Wherein

Davay Mully carjoon Mocleswar and Vaunooje Tanker are ..... Proponents

and

Yasoodah Boye is ..... Respondent

And by Cross Libel

Wherein

Davay Soobaroy Viddyanan Vijaya Kristnaje an Infant by Ambadut Pundiah his Guardian and next friend is ..... Proponent

and

Davay Mullicarjoona Mocleswar and Vanooje Tanker are .. Respondents

This Matter coming on the Thirtieth day of March last and First and Second days of April Instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of the Advocates on all Sides.—

Upon opening the Libel Exhibited by the above named Proponents in the Original Cause And the Answer of the Respondent thereto And also the Libel exhibited by the above named Proponent in the Secondly mentioned Cause and the Answer of the Respondents thereto And upon hearing read as Evidence for the said Proponents in the said Original and Respondents in the said

Secondly

Secondly mentioned Cause. The Deposition of Nyuk Ramanjee Bandeh taken to the 2d Interrogatories and Fifth Interrogatories in Chief filed on behalf of the said Proponents in the said Original Cause to the Second and Third Cross Interrogatories filed on behalf of the said Respondent in the same The Deposition of Shah Boolaj Thackersee Deputed to the First Second Sixth and Eighth Interrogatories in Chief filed on behalf of the said Proponents in the said Original Cause and to the Second Cross Interrogatories filed on behalf of the said Respondent in the same Cause. The Deposition of Mully Bayjoon Dossy to the First Second Sixth and last Interrogatories in Chief filed on behalf of the said Proponents in the said Original Cause and to the Second and Seventh Cross Interrogatories filed on behalf of the said Respondent in the same Cause. The Deposition of Cowasjee Dossy to the First Second and Sixth Interrogatories in Chief filed on behalf of the said Proponents in the said Original Cause and to the Second Cross Interrogatory filed on behalf of the said Respondent in the same Cause. And the Paper Writing purporting to be the Last Will and Testament of the said Dawajee Vejeya Kristnajee Vaivala Kristnajee deceased marked **A** And also read as Evidence for the said Respondent in the said Original and Proponent in the said Secondly mentioned Cause. The Deposition of Ludmanabo Lyn to the First Second Sixth and Seventh Interrogatories in Chief filed on behalf of the said Proponents in the Original Cause to the Second and Fifth Cross Interrogatories filed on behalf of the said Respondent in the same Cause. The Deposition of Mahadoo Rao to the First Second and Third Interrogatories in Chief filed on behalf of the said Proponents in the said Original Cause. The Deposition of Rupa Sambo 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 Jeejeebhoy to the First Second and Third Interrogatories in Chief filed on behalf of the said Proponent in the said Secondly mentioned Cause and to the Second Cross Interrogatory filed on behalf of the said Respondent in the same Cause. The Deposition of Dossy Dawoy to the First Second and Fifth Interrogatories in Chief filed on behalf of the said Proponents in the said Secondly mentioned Cause. And the Exhibit marked **K**. And upon reading the Petition filed in this Matter bearing date the Twenty fifth day of June One thousand Eight hundred and Thirty Eight calling on the Probate of the Last Will and Testament of the said Dawajee Vejeya Kristnajee Vaivala 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 Vejeya Kristnajee Vaivala Kristnajee deceased granted out of and under the Seal of this Honorable Court on the Twentieth day of the same Month to Dawoy Mully Bayjoon Mooleswar and Ramnojee Tanker as the Executors therein named during the Minority of Dawoy Sorabjee Viddy Canajun Vejeya 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 Dawoy Mully Bayjoon Mooleswar and Ramnojee 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 alleged by the Advocates on both Sides **And on** Mature Consideration had thereon **This Court doth Pronounce and Declare** that the Paper Writing in the Pleadings in this Suit named marked **A** purporting to be the Last Will and Testament of the said Dawajee Vejeya Kristnajee Vaivala Kristnajee deceased is null and void **And this Court doth** accordingly **Order and Decree** that the Probate of the said Paper Writing granted in favor of the said Proponents in the Original and Respondents in the 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 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 Cause to the said Respondent in the said Original and Proponent in the said Secondly mentioned Cause. **And this Court doth Decree** Sentence of the same according ly.

J Rose

By the Court.

Registrar

Rowlandson Proctor for the first Respondent in the first suit and for the Respondent in the Second suit

In the Supreme Court of Judicature at Madras

Ecclesiastical Side — Second Term 1839

In the Matter of the Last Will and Testament of Davajee Veejaya Kristnajee Cairala Kristnajee Deceased

By Original Libel

wherein

Davay Mullycarjoon Mooleswar and Nannojee Tanker are - - - - - - - - - - - - - - Proponents

and

Yasoodah Boyee is - - - - - - - - - - Respondent

And by Cross Libel

wherein

Davay Sooharoy Viddyanun Veejaya Kristnajee an Infant by Umbadut Trindiah his Guardian and next friend is - - - - - - - - - - Proponent

and

Davay Mullicarjoona Mooleswar and Nanojee Tanker are - - - - - - - - - - - - Respondents

In the Name of God Amen

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras lawfully appointed rightly and duly proceeding having heard seen understood and fully and maturely discussed the merits and circumstances of a certain Testamentary business or proving by Witnesses the Paper Writing purporting to be the Testament or Last Will in Writing of Davajee Veejaya Kristnajee Cairala Kristnajee late

late of Madras Dwaded having whilst living and at the time of his death
Chattels and Credits in Madras aforesaid which is now controverted and
remains undetermined before us in Judgment By Original Libel Before
Davey Mullycarjoon Mooleswar and Naunoojee Tanker the alleged Ex
the parties promoting the said Business of the one part and Yasoodah Boy
the party against whom the said Business is promoted on the other part
by another Libel Between Davey Sorabjey Vuddyaman Vijaya Kristnajee an
Infant by Umbadut Pundiah his Guardian and next friend the party
promoting the said Business of the one part and the said Davey Mully
Mooleswar and Naunoojee Tanker the parties against whom the said
is promoted on the other part and the parties aforesaid lawfully appearing
us in Judgment by their Proctors respectively and the Proctor of the said
Davey Mullycarjoon Mooleswar and Naunoojee Tanker praying
to be given and Justice to be done to his party and the Proctor of the
Yasoodah Boye and Davey Sorabjey Vuddyaman Vijaya Kristnajee
by the said Umbadut Pundiah his Guardian and next friend also
praying that the said Paper Writing purporting to be a Will
pronounced and declared to be null and void to all intents and
of Law whatsoever and we having first carefully and diligently
into and considered of the whole proceedings had and done before
this Business and having observed all and singular the
things that by Law in this behalf ought to be observed We have
and do this think fit to proceed to the giving of our definitive
Final Decree in this Business in manner and form following
Forasmuch as by the acts matters deduced alleged exhibited
proved and confessed in this Business we have found and doth

unto us that the Proctor of the said Davey Mullycarjoon Mooleswar and
Naunoojee Tanker hath not sufficiently and fully founded and proved his
intention deduced in a certain allegation and alleged last Will and Testament
of the said Dawajee Vijaya Kristnajee Cairala Kristnajee Dwaded and other
pleadings given in exhibited and admitted in this behalf in this Business and
now remaining in the Registry of the Court which said allegations and alleged
last Will and Testament of the said Dwaded and other matters propounded
exhibited and admitted in this Business we take and will have taken as
if here read and inserted for us to pronounce as hereafter mentioned
Therefore we Sir Robert Buckley Compyn Knight Chief Justice and
Sir Edward John Gambier Knight One of Her Majesty's Justices as aforesaid
having first called upon the name of Christ and having God alone before our
Eyes and having heard 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 Dawajee Vijaya Kristnajee Cairala
Kristnajee Dwaded bearing date the Nineteenth day of May One thousand
Eight hundred and thirty Eight is null and void to all intents and purposes
and to have no force or validity in Law whatsoever and we do order that the
Probate of the said Paper Writing heretofore granted be forthwith cancelled by this our
definitive Sentence and final Decree which we read and promulge by these Writings

Robert Buckley Compyn, C. J.

Edw. J. Gambier.

This Sentence was read promulged and given by the within named Sir Robert
Buckley Compyn Knight Chief Justice and Sir Edward John Gambier Knight one of Her
Majesty's Justices of the Supreme Court of Judicature at Madras on Thursday the Fourth day of
April in the year of our Lord One thousand eight hundred and thirty nine in the Court
House at Madras aforesaid which I attest. —

Registrar

Rowlandson & Pope
Proctors for the Respondents in
the first cause suit and for
the Opponent in the 2d suit

No 1185 of 39

In the Supreme Court of Judicature at Madras.

Ecclesiastical Side. Second Term 1839

Present

The Honorable Sir Robert Buckley Bourryn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Friday the Fifth day of April One thousand Eight hundred and Thirty Nine And in the Second Year of the Reign of Her Majesty Queen Victoria. Between Daniel Alexander Fenning a Captain in the Military Service of the East India Company on their Madras Establishment - - - - - - - - - - - - - - - - - Promovent

and

Elizabeth Fenning - - - - - - - - - - - Impugnant

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 Advocate for the Promovent also One appearing for the Impugnant although she hath been duly served with a Citation to hear Sentence in this Cause. Upon opening the Libel exhibited by the said Promovent And the Answer of the said Impugnant thereto. And upon hearing read as Evidence for the said Promovent the Deposition of Captain George Elliott to the First Second Tenth and last Interrogatories in Chief filed on behalf of the said Promovent. The Deposition of Lieutenant Hugh Fraser to the First Second Tenth and last Interrogatories in Chief filed on behalf of the said Promovent. The Deposition of Pennant to the First Third Seventh Ninth and last Interrogatories in Chief filed on behalf of the said Promovent. The Deposition of a Mr William Garrett to the First Fourth and last Interrogatories in Chief filed on behalf of the said Promovent. The Deposition of John Findley McKennie Esquire to the First Fifth and last Interrogatories in Chief filed on behalf of the said Promovent. The Deposition of Seeranguem to the First Sixth and last Interrogatories in Chief filed on behalf of the said Promovent. And the Deposition of Ali Khan to the First Third Seventh Eighth Ninth and last Interrogatories in Chief filed on behalf

P Morris.

Edw. J. Gambier

behalf of the said Promovent And the Exhibits marked **A** And upon reading also the said Impugn
Decree dated First December One thousand Eight hundred and Thirty Eight marked **B** And the Writ
to hear Sentence passed in this Matter bearing date the Twenty Seventh March One thousand
hundred and Thirty Nine marked **C** And the return of the Sheriff thereto also the Affi
of William Boyd a Bailiff in the Service of the Sheriff of Madras Sworn and filed this
personal Service of the said Citation on Mr John Henry Wilkens the Proctor for the said Impu
Whereupon and upon debate of the Matter and hearing what was alleged by the
Advocate for the said Promovent And on Motion Consideration had thereon This
Court doth pronounce and Declare that the said Promovent and Impugnant
free from all Matrimonial Contracts and Espousals pertaining to each other did at the
place in this Cause Libelled Contract true pure and lawful Marriage between each
and did Solemnize or Cause the same to be Solemnized on the Twenty Eighth day of
in the Year of Our Lord One thousand Eight hundred and Twenty Six at the Parish
Saint Mary-le-bone in the County of Middlesex in the Kingdom of Great Britain
Reverend J. H. Spry a Priest in Holy Orders and Rector of the said Parish acc
the rites and Ceremonies of the Church of England and afterwards Consummated
by Carnal Copulation and Mutual Cohabitation And that the said Promovent
Impugnant were and are lawful Husband and Wife and for and as such were
held reputed and taken to be. And this Court doth also pronounce and
that the said Impugnant after the Solemnization and Consummation of the said
did Libellate Commit the Crime of Adultery and did Violate her Conjugal
Wherefore and by reason of the Premises This Court doth pronounce
and Declare that the said Promovent ought by Law to be divorced and Sep
Bed Board and Mutual Cohabitation with the said Impugnant his Wife
shall be reconciled to each other. And this Court doth by these Presents
and Separate them Accordingly Bond being first given on the part of
Promovent according to the tenor of the Canon in that behalf made and provi
he the said Promovent shall live Chastely and shall not Contract any other

whilst the said Impugnant shall be living intimating nevertheless and by such intimation
expressly inhibiting according to the Ecclesiastical Laws and Canons made in that behalf as
well the said Promovent as the said Impugnant that neither of them in the life time of each
other shall in any wise attempt or presume to Contract another Marriage And this Court
doth Decree Sentence of the same Accordingly.

By the Court.

Registrar

Wm Acworth
Proctor

behalf of the said Promovent And the Exhibit marked **A** And upon reading also the said Impugnant
Proxy dated First December One thousand Eight hundred and Thirty Eight marked **B** And the Citation
to hear Sentence given in this Matter bearing date the Twenty Seventh March One thousand Eight
hundred and Thirty Nine marked **C** And the return of the Sheriff thereto also the Affidavit
of William Boyd a Bailiff in the Service of the Sheriff of Madras sworn and filed this day proving
personal Service of the said Citation on Mr John Henry Wilkens the Proctor for the said Impugnant
Whereupon and upon debate of the Matter and hearing what was alleged by the Proctor and
Advocate for the said Promovent And on Motive Consideration had thereon This
Court doth pronounce and Declare that the said Promovent and Impugnant were
free from all Matrimonial Contracts and Espousals pleading to each other and did at the time
place in this Cause Libelled Contract true pure and lawful Marriage between each other
and did Solemnize or Cause the same to be Solemnized on the Twenty Eighth day of
in the Year of Our Lord One thousand Eight hundred and Twenty Six at the Parish
Saint Mary-le-bone in the County of Middlesex in the Kingdom of Great Britain
Reverend I. H. Spry a Priest in Holy Orders and Rector of the said Parish according
the rites and Ceremonies of the Church of England and afterwards Consummated the
by Carnal Copulation and Mutual Cohabitation And that the said Promovent and
Impugnant were and are lawful Husband and Wife and for and as such were and
held reputed and taken to be. And this Court doth also pronounce and
that the said Impugnant after the Solemnization and Consummation of the said
did Libellate Commit the Crime of Adultery and did dilate her Conjugal duty
Wherefore and by reason of the Premises This Court doth pronounce
and Declare that the said Promovent ought by Law to be divorced and Separated
Bed Board and Mutual Cohabitation with the said Impugnant his Wife and
shall be reconciled to each other. And this Court doth by these Presents
and Separate them accordingly Bond being first given on the part of the
Promovent according to the tenor of the Canon in that behalf made and provided
he the said Promovent shall live Chastely and shall not Contract any other

whilst the said Impugnant shall be living / intimating nevertheless and by each intimation
expressly inhibiting according to the Ecclesiastical Laws and Canons made in that behalf as
well the said Promovent as the said Impugnant that neither of them in the life time of each
other shall in any wise attempt or presume to Contract another Marriage And this Court
doth Decree Sentence of the same Accordingly.—

By the Court.—

Registrar

Wm Carroll
Proctor

40

78.

H.
S.M.

R. Padmanaba Iyer
Admitted a Proctor for Persons

№ 1185 of 39.

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Ecclesiastical Side.

In the Name of God Amen.

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of His Majesty's Justices of the Supreme Court of Judicature at Madras having authority and rightly and duly proceeding having heard seen and understood and fully and maturely discussed the merits and circumstances of a certain Cause of Divorce or Separation from Bed and Board and mutual Cohabitation by reason of Adultery which lately was and still is controverted and remains undetermined before Us in Judgment on the Ecclesiastical Side of the said Supreme Court Between Daniel Alexander Fanning a Captain in the Military Service of the East India Company on their Madras Establishment the Party Agent and Complainant on the One part and Elizabeth Fanning the Wife of the said Daniel Alexander Fanning the Party Accused and Complained of on the other part And the Parties aforesaid lawfully appearing before Us in Judgment by their Proctors respectively and the Proctor for the said Daniel Alexander Fanning praying Sentence to be given and Justice to be done to his Party and the Proctor of the said Elizabeth Fanning also praying due Justice to be done to his Party And having first carefully and diligently looked into and considered of the whole proceedings had and done before Us in this Cause and having observed all and Singular the Matters and things that by Law in this behalf ought to be observed We have thought fit and do thus think fit to proceed to the giving Our definitive Sentence or Final Decree in this Cause in manner following (to wit) Forasmuch as by the Acts enacted deduced alleged exhibited propounded proved and confessed in this Cause We have found and it doth evidently appear unto Us that the Proctor for the said Daniel Alexander Fanning hath Sufficiently and fully founded and proved his intention deduced in a certain Libel and other Pleadings exhibited and proved on his behalf in this Cause and now remaining in the Registry of this Court (which said Libel and other Pleadings

We

We take and will have taken as if here read and inserted for Us to pronounce as hereinafter is pronounced and that nothing of Law hath on the part and behalf of the said Elizabeth Fenning been excepted declared alleged exhibited propounded proved or confessed in this Cause which may or ought in any wise defeat prejudice or weaken the instance of the said Daniel Alexander Fenning. Therefore We having first called upon the name of Christ and having God alone before Our Eyes and having Good Counsel in this behalf on the part of the said Daniel Alexander Fenning do pronounce Decree and Declare that the said Daniel Alexander Fenning and Elizabeth Fenning being free from all Matrimonial Contracts and Espousals saving to each other at the time and place in this Cause Libelled to Contract true pure and lawful Marriage between each other and did Solemnize or Cause the same to be Solemnized on the Twenty Eighth day of February in the Year of Our Lord One thousand Eight hundred and Twenty Six at the Parish of Saint Mary Lambeth in the County of Middlesex in the Kingdom of Great Britain by the Reverend S. T. Shaw a Priest in Holy Orders and Rector of the said Parish according to the Rite and Ceremonies of the Church of England and afterwards Consummated the same by Carnal Copulation and frequent Cohabitation And that the said Daniel Alexander Fenning and Elizabeth Fenning were and are Lawful Husband and Wife and for and as such were commonly held reputed and taken And We do also pronounce Decree and Declare according to the Lawful proofs made in this Cause as aforesaid that the said Elizabeth Fenning after the Solemnization and Consummation of the said Marriage being altogether unmindful of her Conjugal Vow not having the fear of God before her Eyes but being instigated and seduced by the Devil did on the Months and Years aforesaid commit the Crime of Adultery and did Violate her conjugal Duty Wherefore and by reason of the premises We do pronounce Decree and Declare that the said Daniel Alexander Fenning ought by Law to be Divorced and Separated from Bed Board and Mutual Cohabitation with the said Elizabeth Fenning his Wife until they shall be reconciled to each other And We do by these presents Divorce and Separate them according to Law being first given on the part of the said Daniel Alexander Fenning according to the form of the Canon in that behalf made and provided that he the said Daniel Alexander Fenning

shall live chastely and shall not contract any other Marriage whilst the said Elizabeth Fenning shall be living intimating nevertheless and by such intimation expressly inhibiting according to the Ecclesiastical Laws and Canons made in that behalf as well the said Daniel Alexander Fenning as the said Elizabeth Fenning that neither of them in the life time of each other shall in any wise attempt or presume to Contract another Marriage. And We do hereby accordingly pronounce Decree and Declare the same by this Our definitive Sentence or Final Decree which We read and promulge by these Writings.

Robt Buckley Comyn C. J.

Edw. J. Gambier

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

Registrar

W. Cavendish
Deputy Registrar

No 1609 of 39.

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Thursday the Fourth day of April One thousand Eight hundred and Thirty nine and in the Second Year of the Reign of Her Majesty Queen Victoria. Between Connatoor Doobaroy Moodelly and Connatoor Sawmynada Moodelly and Connatoor Moorgasha Moodelly and Connatoor Shunmoogaroy Moodelly respectively Infants by their next friend the said Connatoor Doobaroy Moodelly - - - - - - - - Complainants

And

Mangadoo Survanah Moodelly and Peter Cator Esquire the sole Executor of the Last Will and Testament of Manally Ponniah Moodelly Deceased - - - - - - - - - - Defendants

Reg.r

Edw.d J. Gambier

This Cause coming on the Sixth Seventh and Tenth days of February One thousand Eight hundred and Thirty seven to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides - Upon Opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on all Sides - Their Lordships made their Decree bearing date the

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

W Maworth
M.J

the Tenth day of February One thousand Eight hundred and Thirty seven And thereby Ordered and Decreed that the Complainants Bill of Complaint in this Cause as against the Defendant Mangadoo Sawmah Moodelly should stand and be dismissed out of Court with Costs And declared that the said Complainants were entitled in respect of the Promissory Note granted by Manally Ponniah Moodelliar the Testator in the Pleadings named And the said Defendant Mungadoo Sawmah Moodelly to be considered as Judgment Creditors of the said Manally Ponniah Moodelliar and to be paid in the Administration of the Assets of the said Manally Ponniah Moodelliar rateably and in proportion with all other Judgment Creditors (if any) of the said Testator in preference to all his other Creditors of inferior Degree and that the said Complainants were entitled to Interest thereon after the rate of Twelve per cent per Annum from the date of the Judgments in the Pleadings of this Cause mentioned and to be paid the same as a Simple Contract Debt rateably and in proportion with all other Simple Contract Creditors of the said Testator And did thereby accordingly Order and Decree that it should be referred to the Master of this Court to take an Account of Principal and Interest due to the said Complainants on the said Promissory Note and also to take an Account of what was still due to all other the Creditors of the said Manally Ponniah Moodelliar deceased and of his funeral expences and to compute Interest on such of the debts as carry Interest after the rate the same respectively carry and the said Master was to cause an Advertisement to be published in the Fort Saint George Gazette and such other Public Papers as he should think fit for the Creditors of the said Testator to come in before him and prove their debts

debts And he was to fix a peremptory day for that purpose and in default of their coming in to prove their debts by the time so to be appointed they were all to be excluded the benefit of that Decree But the Persons so coming in to prove their debts not Parties to this Suit were before they were to be admitted Creditors to Contribute to the Complainants their proportion of the expense of this Suit to be settled by the Master And The Court did thereby Order that the said Master should take an account of the real and personal Estate of the said Testator come to the hands of the said Defendant Peter Cator his Executor or to the hands of any other Person by his Order or for his use And did thereby further Order that the said Testators real and personal Estate should 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 were to produce before the said Master upon Oath all Codjans Deeds Books Papers and Writings in their Custody or Power relating thereto and were to be examined upon Interrogatories as the said Master should direct who in taking the said Account was to make unto the Parties all just allowances And the Court did thereby reserve all further directions in this Cause and also all the Costs of this Suit except those thereinbefore mentioned until after the Master should have made his Report and all Parties interested in the Suit were to be at liberty to apply by Petition in this Cause as Occasion should require And in pursuance of the said Decree the said Master made his Report dated the Twenty first day of March One thousand Eight hundred and Thirty nine And thereby among other things Reported that he had in due course as therein mentioned proceeded with the Accounts and enquiries directed by the said Decree and

he

he found that there was due to the said Complainant Connator Sodasa Moodelly in respect of the said Promissory Note granted by the said Manally Ponniah Moodelly the Testator in the Pleadings named and the said — Mangadoo Suwana Moodelly for Principal Money the Sum of Rupees six thousand Five hundred and Fifty nine Annas fourteen and piece four — (6559-14-4) and for Interest from the Fourteenth day of December One thousand Eight hundred and Thirty the date of the Judgment in the pleadings of this Cause mentioned to the Twenty first day of March One thousand Eight hundred and Thirty nine the date of his said Report at and after the rate of Twelve per cent per Annum the Sum of Rupees Six thousand Five hundred and Six Annas eleven and piece one (6506-11-1) making together the Sum of Rupees Thirteen thousand and Sixty six Annas nine and piece five (13066-9-5) And that he had caused the usual Advertisements to be published for the Creditors of the said Testator to come in before him and prove their debts and fixed a peremptory day for that purpose which has been effected. And after setting out the several Claims which had been made before him and his several findings thereon respectively the Master reported that he had in the first part of the first Schedule to his Report set forth the particulars of the several Sums of Money due to the said several — Creditors thereinbefore named of the said Testator Manally Ponniah Moodelly amounting in the whole to the Sum of Rupees Thirty eight thousand One hundred and Ninety five Annas thirteen and piece Six (38195-13-6) and with reference to the liability of the Estate of the said Testator to the payment of the debts of the said Manally Kistnasawmy Moodelly proved before the Master and which he had allowed. He found that by a Memorandum of Agreement made between Manally Moodookistna Moodelly the said Testator and Manally Lutchmana Moodelly (being Agreement for the division of the family Property) bearing date the Eleventh

Eleventh day of June One thousand Eight hundred and Thirty four it was amongst other things agreed as follows:- "That the said Ponniah "should likewise receive from the said Accountant General or other proper Offic "of Government the Sum of Pagodas Twenty three thousand Four hundred and "Fifty seven fanams Seventeen and Cash Forty five (23,457-17-45) portion of "Tanjore Stock awarded to Ponniah as the Executor of the said Kistnasawmy "and the Interest due thereon and to dispose of the same the said Ponniah "in Consideration thereof Covenanting therefrom to pay to Lutchmana the "Sum of Rupees Twenty four thousand (24,000--0) in ready Cash also "undertaking to pay and satisfy the debts of the said Kistnasawmy so far "as the Amount to be received by him should extend and to maintain "and provide for Seeva Caumoo Ummall the Infant Daughter of "Kistnasawmy and for Davanee Ummall the Widow of Ponniah Moodelly "deceased who was the Brother of Chinniah and to indemnify and save "harmless the said Moodookistna and Lutchmana against all charges in "respect thereof but it was thereby declared that the said Ponniah should "not be liable to the payment of any debts or liabilities entered into by the "said Kistnasawmy in his life time jointly with his brothers the said several "parties thereto and that all such last mentioned debts and liabilities as "should be bona fide due and owing should be paid and satisfied from "and out of the General Estate of the said Chinniah." And the Master found that in pursuance of the said Agreement the said Manally Ponniah Moodelly on or about the Twentieth day of June One thousand Eight hundred and Thirty four received from the Accountant General a Government Promissory Note of the Tanjore Debt Number One hundred and ten bearing date the Eighteenth day of October One thousand Eight hundred and Thirty two in favor of him the said Ponniah as Executor of the said Kistnasawmy for the Sum of Rupees Eighty two thousand and One hundred Annas thirteen and piece ten (82,100-13-10) in payment of the said

Sum

Sum of Pagodas Twenty three thousand Four hundred and Fifty seven Fanams Seventeen and Cash Forty five (23457-17-45) being the Amount mentioned in the said Agreement Awarded to him as the Executor of the said Manally Kistnasawmy Moodelly and bearing Interest at the rate of Four per Cent per Annum from the Thirtieth day of April One thousand Eight hundred and Twenty three and the said Penniah afterwards and on or about the Twentieth day of June One thousand Eight hundred and Thirty four received the Interest due thereon to the Thirtieth day of April One thousand Eight hundred and Thirty four Amounting to the Sum of Rupees Thirty six thousand One hundred and Twenty four Annas Six and pice One (36124-6-1) and he found that the said Testator Manally Penniah Moodelly in and by the Third Paragraph of his Will dated the Thirtieth day of April One thousand Eight hundred and Thirty five stated and directed as follows- "I have settled a great part with the "Creditors of my deceased Brother Manally Kistnasawmy Moodely "as specified in the Memorandum Agreement Lin the way of a Release) "passed between me and my Brothers Manally Moodeskistna Moodelly "and Lutchmana Moodelliar under date the Eleventh day of June "One thousand Eight hundred and Thirty four and obtained Deeds of "Release but as some small balances are still due you will after "examining the regular Documents existing for the same pay them" And the Master further Reported that he had in the Second part of the said First Schedule to his Report annexed set forth the particulars of the several Sums of Money due to the said several Creditors thereinbefore mentioned of the said Manally Kistnasawmy Moodelly and to the payment of which he found that the Estate of the said Testator was liable Amounting together to the Sum of Rupees Eighty two thousand Nine hundred and Twenty six and Pice Six (82,926-6-.) And the said Master further Reported that he

he had taken an Account of the real and personal Estate of the said Testator come to the hands of the said Defendant Peter Cator his Executor or to the hands of any other Person by his Order or for his use and he had in the Second Schedule to his Report annexed setforth an Account of the real Estate of which the said Testator was seized or possessed at the time of his death together with the particulars whereof the same consisted And he found that certain parts of such real Estate had been sold or otherwise disposed of and that other parts remain unsold And he found that the said Defendant Peter Cator had received divers Sums of Money on account of the real and personal Estate of the said Testator the particulars whereof are mentioned and setforth in the Third Schedule to his said Report annexed Amounting together to the Sum of Rupees Ninety one thousand Seven hundred and Ninety four Annas Six and pice eight (91,794-6-8) And he found that the said Defendant Peter Cator had paid expended disbursed or allowed divers Sums of Money on account of the real and personal Estate of the said Testator and which the said Master allowed him- the particulars whereof are mentioned in the Fourth Schedule to his said Report annexed Amounting together to the Sum of Rupees Eighty three thousand and Sixty three Annas Fifteen and pice Nine (83,063-15-9) and deducting such last mentioned Sum from the first mentioned Sum of Rupees Ninety one thousand Seven hundred and Ninety four Annas Six and pice eight (91,794-6-8) there remained the Sum of Rupees Eight thousand Seven hundred and Thirty Annas Six and pice eleven (8,730-6-11) which he found to be due by the said Defendant Peter Cator to the said Testator's Estate on the foregoing Account besides the several Government Promissory Notes thereinafter mentioned and with reference to that part of the Decree whereby the said Master was directed to take an Account of the Funeral Expences of the said Testator he found that the said Peter Cator expended the Sum of Rupees Nineteen Annas fourteen and pice Six (19-14-6) for the funeral

funeral Expences of the said Testator and that the same so included in the said fourth Schedule to his Report. And he found that there was then in the hands of the said Defendant Peter Cator belonging to the Estate of the said Testator Government Securities (including the Government Promissory Note of Tanjore Debt in the said Report mentioned No 263 of 110 of 1832/33 dated Twenty fourth June One thousand Eight hundred and Thirty four for Rupees Five thousand (5,000--) belonging to the said Davanee Ummall Amounting together to the Sum of Rupees Ninety thousand Eight hundred and Nineteen (90,819--) the particulars whereof are mentioned and set forth in the Fifth Schedule to his said Report annexed. And this Cause coming on this present day to be heard for further directions and the Costs of this Suit reserved by the said Decretal Order of the said Tenth day of February One thousand Eight hundred and Thirty three before the Honorable the Judges of this Court in the presence of Counsel for the said Complainants and the said Defendant Peter Cator. Whereupon and upon hearing read the said Decree bearing date the Tenth day of February One thousand Eight hundred and Thirty seven and the said Master's Report dated the said Twenty first day of March One thousand Eight hundred and Thirty nine. And the Order of this Court bearing date the Twenty second day of March One thousand Eight hundred and Thirty nine whereby the said Report and all the Matters and things therein contained became Absolutely Confirmed. And upon reading the Agreement bearing date the Eleventh day of June One thousand Eight hundred and Thirty four also an Order made in this Cause and an Order wherein Peter Cator Esquire Executor of the Last Will and Testament of Mooddelly deceased was Complainant and Mylay Chenglevoy Mooddelly and bearing date the Seventh day of April One thousand Eight hundred and Seven and the Taxed Bill of Costs thereof amounting to the Sum of Rupees and fifty five Annas twelve and pies 8 (455-12-8) This Court doth Order that

the Master to Tax the Costs of the Complainants and of the Defendant Peter Cator of this Suit as between Solicitor and Client. And it is Ordered that out of the Sum of Rupees Eight thousand Seven hundred and Thirty Annas Six and pice Eleven (8730-6-11) 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 Testator's 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 Testator's Estate the Costs of the Complainants when so Taxed be paid by the Defendant Peter Cator to Mr. John Innes their Solicitor and that the Costs of the Defendants 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 Master. And it is further Ordered that the Defendant Peter Cator do deliver up to Davanee 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 Ponniah Moodelly to the said Davanee Ummall and it is further Ordered that out of the proceeds of the Residue of the said Government Promissory Notes belonging to the Testator's Estate the Defendant Peter Cator do pay to the said Davanee 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

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 (6,559-14-4) being the Amount of the Principal Money found due to them by the Master on the Judgment obtained against the said Manally Ponniah Moodelly and Mungador Suruvanaka Moodelly by Commaton Ignasamy Moodelly and Under the Circumstances in the Master's 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 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 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 Ponniah Moodelly

Moodelly such Sum to be certified by the Master and any further Sums proper to be allowed to him in his Administration of the Testator's Estate) in payment to the Creditors except Seeva Caunee Ummall 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 Caunee Ummall And it is Ordered that the Defendant Peter Cator do invest the proportion of the said proceeds to which the said Seeva Caunee Ummall may be entitled 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 Davanee Ummall for the maintenance of the said Seeva Caunee Ummall And it is Ordered that it be referred to the Master to ascertain who has now the Care or Custody of the said Seeva Caunee Ummall and how long such person has had such Care or Custody and who 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 Caunee Ummall and what 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 Ponniah Moodelly by the former Decree directed and that in continuing such Accounts he do allow the Defendant Peter Cator the Sum of Rupees Four hundred and Fifty five Annas twelve and pice Six (455-12-0) being the Amount of Taxed Costs paid by him to Milay Chenglevoy Moodelly in pursuance of

the

the said Order made in this Cause and in a Cause wherein the said Peter Cator as Executor of the said Manally Ponniah Moodelly was Complainant and Mylay Chenglevoy Moodelly 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 and 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 outstanding 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 Estate which he may find to be outstanding be specifically bequeathed and it is further Ordered that the Master do enquire 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 Moodelly was or were in the possession of the said Testator at the time of his decease or previously thereto as Trustee for any other Person or Persons or otherwise than as 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 Testator's 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 give before the Master and establish such claims And it is further 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

on their Account as are hereinbefore 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

W. P.

Wm Enock
Complts Solr

W. W. Arnold
Defts Solr

21156 of 39.

Court of Judicature at Madras

Third Term 5th August 1839

Present

The Honorable Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majestys Justices

Paloor Calastry Chitty

vs

Palavadoo Chengalvaroy Pillay

Comyn.

Edw.d J. Gambier.

In the Matter upon the Demurrer put in by the Defendant to the Plaint in this Action and the Same coming on to be Argued on the 30th day of July last and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Plaint being opened upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed with Costs the Plaintiff having liberty to amend the Plaint as he may be advised. —

By the Court

Ex'd

2456 of 39.

In the Supreme Court of Judicature at Madras

Plea Side

Third Term 5th August 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majestys Justices

Paloor Calastry Chitty

vrs

Palavadoo Chenglevaroy Pillay

In the Matter upon the Demurrer put in by the Defendant to the Plaint in this action and the Joinder thereto coming on to be Argued on the 30th day of July last and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Plaint being opened upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed with Costs the Plaintiff having liberty to amend the Plaint as he may be advised. —

Monro.

Edw.d I. Gambier.

By the Court

Ed. Ford

In Wilkins
Defendant

No 2490 of 39

In the Supreme Court of Judicature at Madras

Equity Side — Third Term 7th August 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

And

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

Pothundalum Narrainsawmy Pillay
—versus—
Ulamaloo Ummall and Nayaroo Vurdah Pillay

} The Matter upon the Exceptions taken by the Complainant to the Answer of the Defendants in this Cause for Evasion and insufficiency Coming on to be Argued on the Fifth and Sixth days of August instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Exceptions and Answer being Opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Exceptions be Over-ruled with Costs.—

R Comyn
Edw. J. Gambier

By the Court

J Newell
Registrar

Ex Fol

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Friday the Second day of August One thousand Eight hundred and Thirty nine And in the Third Year of the Reign of Her Majesty Queen Victoria. Between Henry Hinton ..... Complainant

and

Adelaide Hunter Executrix of the Last Will and Testament of William Hunter Deceased .. Defendant

R Comyn
Edw. J. Gambier

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras on Bill and Answer in the presence of Counsel learned on both Sides Upon Opening the Bill of Complaint of the above named Complainant And the Answer of the said Defendant thereto. And upon reading the Promissory Note made by William Hunter by the Style or Firm of "Hunter & Co." in favor of the said Complainant bearing date the Ninth day of June One thousand Eight hundred and Thirty eight — Marked A And the Admission of the Solicitor for the said Defendant Annexed thereto And also the Probate of the Last Will and Testament of the said William Hunter deceased granted on the Fourteenth day of December One thousand Eight hundred and Thirty eight in favor of the said Defendant as the sole Executrix in the said Will named Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on Mature Consideration

had

had thereon. This Court doth declare that the said Complainant is
in respect of the said Promissory Note to the Sum of Company's Rupees three
1600-0-0 together with Interest thereon from the Ninth day of September One
thousand Eight hundred and Thirty eight the day when the same became due to
paid in a due course of Administration of the Assets of the said William Hunter
the Testator in the Pleadings of this Cause named And this Court doth
accordingly Order that it be referred to the Master of this Honorable Co
compute the Principal and Interest due upon the said Sum of Company's R
Six hundred (600-0-0) and also to take an Account of what is due to all other
Creditors of the said Testator and of his Funeral and Testamentary expences
compute Interest on such of the Debts as carry Interest after the rate tha
respectively carry And the said Master is to cause an Advertizement to be pu
in the Fort Saint George Gazette and such other Public News Papers as he sh
think fit for the Creditors of the said Testator to come in before him and prov
said Debts and he is to fix a peremptory day for that purpose and in default
their coming in to prove their Debts by the time so to be appointed they are
excluded the benefit of this Decree that the Persons so coming in to prove
Debts not Parties to this Suit are before they are to be Admitted Creditors
contribute to the said Complainant their respective proportions of the expen
this Suit to be settled by the Master And it is Ordered that the said
Master do take an Account of the Estate moveable and immoveable of the
Testator come to the hands of the said Defendant his Executrix or to the hand
of any other person or persons by her Order or for her use And it is Ord
that the said Testator's said Estate be applied in payment of his Debts a
Funeral and Testamentary expences in a due course of Administration and f
better taking of the said Accounts and discovery of the Matters aforesaid
Parties are to produce before the Master upon Oath all Deeds Books Papers
Codicils and Writings in their Custody or power relating thereto and are to

In the Supreme Court of Judicature at Madras

examined upon Interrogatories as the Master shall direct And this Court
doth Reserve the Consideration of all further directions and of the Costs of
this Suit until after the said Master shall have made his Report And any
of the Parties or other Persons interested are to be at liberty to Apply to the Court
as occasion shall require.

By the Court

Rowlandson & Moore
Compts Sols.

G. G. Spencer
Defts Sols.

X. [illegible]

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

R. H. Arnold Regr.

Monday the Twenty ninth day of July One thousand Eight hundred and Thirty nine and in the Third Year of the Reign of Her Majesty Queen Victoria

Between Shah Abootoorab Shaul Kadary, Shah Ghoolam Mynoodeen Shaul Kadary, Shah Ghoolam Moyuddeen Shaul Kadary, Shah Mahmud Ysac Shaul Kadary, Marcunnissa Baigum, Munthool Ameena, Fathmah Baigum and Faruthunissa Baigum, Shah Moortozah Shaul Kadary and Thullum Baigum, Shah Ghoolam Ahmed Shaul Kadary and Ahmaddee Baigum - Plaintiffs

And

Shah Ismail Shaul Kadary, Shah Ghoolam Hoosain Shaul Kadary, Shah Ghoolam ally Shaul Kadary, Rahmuth Bannoo and Aleema Bee - Defendants

By Original Bill

and between The same Parties - - -

Defendants Shah Ghoolam Hoosain Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the Amended Bill and Bill of Revivor respectively. The Separate Answer of the said Defendant Shah Ismail Shavil Hadary to the said Original and Amended Bill and Bill of Revivor respectively. The Replication of the said Plaintiffs to the Answer and further Answer of the said Defendants Shah Ghoolam Shavil Hadary, Shah Ghoolam Ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the said Original Bill And to the Answer of the Defendants Shah Ghoolam Hoosain Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the Amended Bill and Bill of Revivor And the Answer of the said Defendants Shah Ghoolam Hoosain Shavil Hadary Rahmuth Baunoo and Aleema Bee to the said Replication And upon reading the Subpoenas to hear Judgment issued out of this Court under the Seal of this Honorable Court directed to the said Defendants Shah Ismail Shavil Hadary, Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam Ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee bearing date respectively the Nineteenth day of July instant and the Affidavit of William Christian of Service on the Twentieth day of the same Month of the said Subpoenas to hear Judgment on Mr. Samuel Greenway Lowdin Jenkins the Solicitor for the said Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam Ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee Whereupon and upon debate of the Matter and hearing what was alledged by the Counsel for the said Plaintiffs and for the Defendant Shah Ismail Shavil Hadary Mr. Advocate General his Counsel consenting to such a Decree as should be thought fit by the said Plaintiffs And upon Mature consideration had thereon This Court doth Declare that the said Shah Mahomed Shavil Hadary in the pleadings of this Cause named departed this life intestate and without having made any Last Will or Testament And this Court doth further Declare that the said Plaintiffs and Defendants are the only Children and Representatives of the said Shah Mahomed Shavil Hadary and entitled to have possession of the whole of his said Property Estate and Effects in such Shares and proportions as by the Mahomedan Law they are entitled to And this Court doth further Declare that the said Annuity or pension of Eighty Pagodas in the Plaintiffs Bill mentioned received by the said Defendant Shah Ghoolam Hoosain Shavil Hadary forms so long as the East India Company shall be pleased to pay or continue the same part and parcel of the Estate of the said Shah Mahomed Shavil Hadary and liable to be divided amongst the said Plaintiffs and Defendants in the like manner as his other Estate And this Court doth Order that it be referred to the Master to take an Account of the Sum and Sums of Money received by the said Defendant Shah Ghoolam Hoosain Shavil Hadary for or on Account of the said Shah Mahomed Shavil Hadary from such time as he the said Shah Mahomed Shavil Hadary was of unsound mind and incapable to

manage his affairs and the appropriation thereof And it is further Ordered that it be referred to the Master to take an Account of the Estate Property and Effects real and personal of the said Shah Mahomed Shavil Hadary and of the rents issues profits and proceeds of such Estate or of any part thereof which since the death of the said Shah Mahomed Shavil Hadary have come to the hands possession custody or power of the said Defendants or any or either of them or of any other person or persons by their or any or either of their Order or for their or any or either of their use and of the appropriation thereof And it is further Ordered that the said Master do take an Account of the Debts of the said Shah Mahomed Shavil Hadary and compute Interest on such of the Debts as carry interest after the rate the same respectively carry And it is Ordered that the said Master do cause an Advertisement to be published in the Fort Saint George Gazette and in such other of the public News papers as he shall think fit for the Creditors of the said Shah Mahomed Shavil Hadary to come in before him and prove their Debts and he is to fix a peremptory day for that purpose and such of them as shall not come in by the time so to be limitted are to be excluded the benefit of this Decree And it is Ordered that the Master do ascertain and Report the clear Residue of the Estate and Property of the said Shah Mahomed Shavil Hadary 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 Cadjans Deeds 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 it is Ordered that the said Master be at liberty to state any special circumstances And is also to be at liberty to make a Separate Report as to any of the Matters 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 And any of the Parties are to be at liberty to apply to the Court as occasion shall require And this Decree is to be binding unto the said Defendants Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam Ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee unless they on being served with a Subpoena to be served on them for that purpose shall shew unto this Court good Cause to the contrary But the said Defendants before they are to be admitted to shew such Cause are to pay unto the Plaintiffs their Costs of this days default in appearance to be taxed by the said Master.

Mr. R.

By the Court

J. Bracken
Compts Mr

H. Millett Jr Sy.

Ent. D.D.

Defendants Shah Ghoolam Hoosain Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the Amended Bill and Bill of Revivor respectively. The Separate Answer of the said Defendant Shah Ismail Shavil Hadary to the said Original and Amended Bill and Bill of Revivor respectively. The Replication of the said Plaintiffs to the Answer and further Answer of the said Defendants Shah Ghoolam Shavil Hadary, Shah Ghoolam ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the said Original Bill And to the Answer of the Defendants Shah Ghoolam Hoosain Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the Amended Bill and Bill of Revivor And the Answer of the said Defendants Shah Ghoolam Hoosain Shavil Hadary, Rahmuth Baunoo and Aleema Bee to the said Replication And upon reading the Subpoenas to hear Judgment issued out of this Honorable Court under the Seal of this Honorable Court directed to the said Defendants Shah Ismail Shavil Hadary, Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee bearing date respectively the Nineteenth day of July instant And the Affidavit of William Christian of Service on the Twentieth day of the same Month of the Subpoenas to hear Judgment on Mr. Samuel Greenway Lowden Jenkins the Solicitor for the Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee. Whereupon and upon debate of the Matter and hearing what was alledged by the Counsel for the said Plaintiffs and for the Defendant Shah Ismail Shavil Hadary Mr. Advocate General his Counsel consenting to such a Decree as should be made by the said Plaintiffs. And upon Mature consideration had thereof This Court doth Declare that the said Shah Mahomed Shavil Hadary in the pleadings of this cause named departed this life intestate and without having made any Last Will or Testament And this Court doth further Declare that the said Plaintiffs and Defendants are the only Children and Representatives of the said Shah Mahomed Shavil Hadary and entitled to have possession of the whole of his said Property Estate and Effects in such Shares and proportions as by the Mahomedan Law they are entitled to. And this Court doth further Declare that the said annual pension of Eighty Pagodas in the Plaintiffs Bill mentioned received by the said Defendant Shah Ghoolam Hoosain Shavil Hadary forms so long as the East India Company shall be pleased to pay or continue the same part and parcel of the Estate of the said Shah Mahomed Shavil Hadary and liable to be divided amongst the said Plaintiffs and Defendants in the same manner as his other Estate. And this Court doth Order that it be referred to the Master to take an Account of the Sum and Sums of Money received by the said Defendant Shah Hoosain Shavil Hadary for or on account of the said Shah Mahomed Shavil Hadary and at such time as he the said Shah Mahomed Shavil Hadary was of unsound mind and incapable of

appropriation thereof. And it is further Ordered that it be referred to the Master to take an Account of the Estate Property and Effects real and personal of the said Shah Mahomed Shavil Hadary and of the rents issues profits and proceeds of such Estate or of any part thereof which since the death of the said Shah Mahomed Shavil Hadary have come to the hands possession custody or power of the said Defendants or any or either of them or of any other person or persons by their or any or either of their Order or for their or any or either of their use And of the appropriation thereof. And it is further Ordered that the said Master do take an Account of the Debts of the said Shah Mahomed Shavil Hadary and compute Interest on such of the Debts as carry interest after the rate the same respectively carry. And it is Ordered that the said Master do cause an Advertisement to be published in the Fort Saint George Gazette and in such other of the public News papers as he shall think fit for the Creditors of the said Shah Mahomed Shavil Hadary to come in before him and prove their Debts and he is to fix a peremptory day for that purpose and such of them as shall not come in by the time so to be limitted are to be excluded the benefit of this Decree. And it is Ordered that the Master do ascertain and Report the clear Residue of the Estate and Property of the said Shah Mahomed Shavil Hadary. 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 Cadjans Deeds Books Papers and Writings in their Custody or Power relating thereto and are to be examined upon Interrogatories as the Master shall direct which in taking the said Account is to make unto the Parties all just allowances. And it is Ordered that the said Master be at liberty to state any special circumstances. And is also to be at liberty to make a Separate Report as to any of the Matters 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. And any of the Parties are to be at liberty to apply to the Court as occasion shall require. And this Decree is to be binding unto the said Defendants Shah Ghoolam Hoosain Shavil Hadary, Shah Ghoolam ally Shavil Hadary, Rahmuth Baunoo and Aleema Bee unless they on being served with a Subpoena to be served on them for that purpose shall shew unto this Court good Cause to the contrary. But the said Defendants before they are to be admitted to shew such Cause are to pay unto the Plaintiffs their Costs of this days default in appearance to be taxed by the said Master.

M.R.

By the Court

J. Maclean
Compts Mr

Ed. H. D.

H. Millett Sec.

In the Supreme Court of Judicature at Madras

Equity Side

Sittings after the Third Term 1839

13th August 1839.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Tuesday the Thirteenth day of August One thousand Eight hundred and Thirty Nine and in the Third Year of the Reign of Her Majesty Queen Victoria Between Mootien Ram Soorut Ram and Dary Chund Sattah - - - Complainants

and

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

R Comyn.

Edwd J. Gambier.

This Cause coming on the Second and Third days of February One thousand Eight hundred and Thirty Eight to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned in both sides Upon opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on both Sides Their Lordships made their Decree bearing date the said Third day of February One thousand Eight hundred and Thirty Eight And thereby Ordered and Decreed that it should be referred to the Master of this Court to take an Account of what was due to the Complainants and all other the Creditors of the said Edward Samuel Moore Esquire deceased the Testator in the Pleadings named and of his Funeral and Testamentary Expences and to compute Interest on such of the Debts as Carry Interest after the rate the same respectively Carry Interest and the said Master was to Cause Advertisements to be published in the Fort Saint George Gazette the London Gazette the Government Gazette at Calcutta and such Public News Papers as he should think fit of the Countries where he should find that Creditors of the said Testator reside

Read at the hearing for further directions and Costs the 19th day of February 1840.

J.B. Norris Dep.

pende in Madras Calcutta Bombay China England and Ireland and Wales for the Debts
of the said Testator to come in before him and prove their Debts and to
a peremptory day for that purpose And in default of their coming with
Debts by the time to be appointed they were all to be excluded the benefit
Decree And the Persons so coming in to prove their Debts not Parties to
before they were to be Admitted Creditors to Contribute to the Charges
proportion of the expence of this Suit to be settled by the said Master And
Court did thereby Order that the said Master should take an
the Personal or Moveable Estate of the said Testator and of the Produce
Produce thereof of the said Testator come to the hands of the said Defendants
or to the hands of any Person or Persons by his Order or for his use and
payments and disbursements made therout and also an Account of what
personal Estate were outstanding and for what reason And it was
Ordered that the said Testators Personal or moveable Estate
should be applied in payment of his Debts and Funeral and Testamentary
expences in a due course of Administration And for the better taking
Accounts and discovery of the Matters aforesaid the Parties were to produce
the said Master all Books Papers and Writings in their Custody or
to the Matters aforesaid and were to be examined upon Interrogatories
Master should direct who in taking the said Account was to make
all just allowances And the Court did thereby reserve
of all further directions and of the Costs of this Suit until after the
have made his Report and any of the Parties were to be at Liberty to
Court as occasion should require And in pursuance of the
Decree the said Master made his Report dated the Third day
August instant And thereby Reported that he had
several Advertisements to be

and the "Conservative" News Papers published at Madras the "Calcutta Gazette" and the
"Bengal Hurkara" News Papers published at Calcutta the "Bombay Gazette" and the
"Bombay Courier" News Papers published at Bombay the "Colombo Observer" and the
"Ceylon Chronicle" News Papers published at Ceylon the "Penang Gazette" published at
Penang the "Canton Register" published at Canton the "Mauritius Government Gazette"
and "Le Mauricien" News Papers published at Mauritius the "Javasche Courant"
News Paper published at Batavia the "Cape of Good hope Government Gazette" News
Paper published at the Cape the "London Gazette" the "Times" and the "Globe" News Papers
published in England the "Memorial Bordelens" and the "Feville D'Affiches" News
Papers published at Bordeaux And he had caused like Advertisements to be published
at Saint Helena the last of which Advertisements were peremptorily for the Creditors of
the said Testator therein described late of Madras in the East Indies Merchant deceased to
come in before him and prove their debts by a time in the last of the said Advertisements
limited for that purpose and since expired And he stated that he had been attended by
Counsel and the Solicitors for the said Complainants and Defendants respectively and
had in their presence proceeded with the Enquiries in and by the said Decree directed
And that Charges had been left with him on behalf of the Complainants and the
several Persons therein particularly mentioned charging as therein respectively
mentioned And that several Creditors of the said Testator had come in and proved
their debts before him And that he had in the presence of the Solicitors for the said
Complainants and Defendants taken an Account of what was due to all such
Creditors of the said Testator And that he had Calculated Interest on such of the
debts as carry Interest after the rate the same respectively carry Interest And he
found that there was due to the said Complainants and other Creditors of the said
Testator in the Aggregate the Sum of Rupees Six hundred and Thirty four thousand
Three hundred and Fifty Annas Ten and Pice Three the particulars of which are
mentioned and set forth in the First Schedule to the said Report Annexed And he had
in the presence of the Solicitors for the said Complainants and Defendants taken an

account

Account of the Funeral and Testamentary Expences of the said Testator
of the personal or moveable part of the said Testator's Estate and Effects
and for reduce thereof of the said Testator, come to the hands of the said
his Executor or to the hands of any other Person or Persons by his Order
use and for that purpose the said Master had examined the said Defendant
upon Interrogatories and the said in the first part of the said Report
annexed to the said Report set forth the particulars dates and
moneys received by the said Defendant or by any other Person or
Order or for his use on Account of such Personal or moveable
Testator and of the immoveable Estate and of the Rents and Profits
thereof amounting to the Sum of Rupees Six hundred and Forty
Two hundred and Six Annas Four and Piece four and a half which
Master had in the Second part of the Second Schedule to his said
and disbursements made thereout by the said Defendant for the
Testamentary Expences of the said Testator and likewise as to the
Testators moveable and immoveable Estate amounting to the
Five hundred and Sixty three thousand and Sixty Annas Two
Seven which he allowed And that he had likewise allowed
Defendant the two several Sums of Rupees Eleven thousand
and Eight and Annas Nine and Rupees Forty four thousand
hundred and Seventy Seven Annas four and Piece Ten making
the Sums of Rupees Fifty Six thousand and Eighty five Annas
Piece Two retained by him on Account of a Debt due to himself
Testator as the particulars of which appear in the said second part
Second Schedule which said Sums of Rupees Fifty Six thousand
five Annas Thirteen and Piece Two being added to the
hundred and Sixty three thousand and Sixty Annas Two

makes the Sum of Rupees Five hundred and Eighty nine thousand One hundred and Forty
Six Annas Two and Piece five and deducting the last mentioned Sum of Rupees Five hundred
and Eighty nine thousand One hundred and Forty Six Annas Two and Piece five from
the first mentioned Sum of Rupees Six hundred and Twenty Seven thousand Two
hundred and Six Annas four and Piece four and a half leaves the Sum of Rupees
Thirty Eight thousand and Fifty nine Annas nine and Piece Eleven and a half in the
hands of the said Defendant belonging to the Estate of the said Testator. And he found
that the said Testator in his life time by his Bond bearing date the Second day of
September One thousand Eight hundred and Thirty Seven became bound to the East
India Company in the Penal Sum of Company's Rupees Two Lacs Forty Seven
thousand One hundred and Sixty five Annas five and Piece Eight to be paid to the
said East India Company or to the Treasurer for the time being of the Government
Bank at Madras for and on behalf of the said East India Company Conditioned
for the repayment of the Sum of Company's Rupees One Lac Twenty three thousand
Five hundred and Eighty two Annas Ten and Piece Ten with Interest for the same at an
after the rate of Five per Cent per Annum on the Second day of December One thousand
Eight hundred and Thirty Seven And he found that by a Deed Poll under the hand
and Seal of the said Testator indorsed on and bearing even date with the said Bond
after reciting the said Bond and that for securing the repayment of the said Sum
with Interest according to the Condition of the said Bond the said Testator had
delivered to John Cannac Morris Esquire the Treasurer for the time being of the
said Government Bank acting for and on behalf and in the name of the said
East India Company Twenty five Certain Promissory Notes of the Government of Fort
Saint George (therein particularly described) for the payment of the Sum of Company
Rupees One Lac and Forty two thousand Three hundred and forty four and Piece
Eleven and Interest at the rate of Four per Cent per Annum in the manner
therein mentioned. And he had indorsed the same previously to the delivery
thereof

thereof to the East India Company the better to enable the said
as such Treasurer and his Successors for the time being
and on behalf of the said East India Company to sell and
Promissory Notes in the manner hereinafter mentioned
at Law or in Equity provided the said Testator should not
payment of the said Money with Interest according to the
Bond It is Witnessed that in Consideration of the premises
enable the said East India Company through and by the said
Morris as such Treasurer or through and by his said Successors
to realize the said Sum with Interest according to the Condition
Bond without Action or Suit at Law or in Equity provided
Conditioned if the said Bond should not be well and truly
East India Company or to the said John Carnac Morris as
for the time being or to his said Successor at the time therein
it should and might be lawful for the said John Carnac
Treasurer and for his said Successors at the expiration of
the day when the said Sum with Interest should be due
according to the Condition of the said Bond And the said
Morris and his Successors was and were thereby respectively
to sell assign and dispose of the said Promissory Notes at such
Market or Selling Price of the day and to apply the Proceeds
far as the same might extend after deducting the expences
payment of the Principal and Interest due on the said Bond
the Residue if any to the said Testator his heirs Executors
And the Testator in and by the said Deed Poll did Covenant
to and with the said East India Company that he the said Testator
Executors Administrators or Assigns should not and would not

Suit or other proceeding either at Law or in Equity restrain or seek to restrain the said
John Carnac Morris or his said Successors from selling or disposing of the said Promissory
Notes in the manner aforesaid for the payment of the Principal and Interest mentioned
in the Condition of the said Bond And that the said Testator his Heirs Executors
Administrators or Assigns should not and would not Commence any Action Suit or
other proceeding at Law or in Equity against the said East India Company or against
the said John Carnac Morris as such Treasurer or otherwise or against his Successor
or Successors or any or either of them for any thing that he or they might do in
pursuance of the said Deed or for or on Account of the Sale or disposal of the
Promissory Notes in the manner and for the purpose aforesaid And that the said
Deed Poll should and might be lawfully pleadable and pleaded as a release or in
bar of any Action Suit or other proceeding that might be Commenced or prosecuted
at Law or in Equity by the said Testator his heirs Executors Administrators or Assigns
against the said East India Company or against the said John Carnac Morris as
or for having otherwise Acted in pursuance of the true intent and meaning of the
said Deed Poll And he found that the said Defendant on the Thirtieth of November
One thousand Eight hundred and Thirty Seven Authorized and requested the
Superintendant and Treasurer of the said Government Bank to dispose of the said
Government Promissory Notes deposited with the Bank in Security of the said Bond
for Rupees One Lac and Twenty three thousand Five hundred and Eighty two Annas
Ten and Pice Ten as would Satisfy that Sum And he found that the said Defendant
had in and by his Account of the said Testators Estate brought in before the Master
included the whole of the said Twenty five Promissory Notes and Accounted for the
same as if they all had actually come to the hands of and been received by the said
Defendant and had in and by his said Account given Credit for them at their
Nominal

nominal value in Cash though in fact they were when issued
incurred Sold at a discount and brokerage was paid thereon
of the Sale of Twenty two of the said Notes such discount and
deducted and the Net proceeds Credited by the said John
his Account rendered to the said Defendant And that the said
in and by his said Account brought in before the said Master
and brokerage on the whole of the said Twenty five Promissory
made by him And he found that in pursuance of the Defendant
John Carnac Morris on behalf of the said Government Bank
of Twenty two of the said Promissory Notes and after retaining
by the said Testator's Estate to the said Government Bank on
said Bond there remained in favor of the said Testators Estate
to the Account rendered by the said John Carnac Morris to the
on the Ninth day of December One thousand Eight hundred and
the Sum of Company's Rupees Three hundred and Ninety three
and Three four together with Three of the said Twenty five
for payments of the Sum of Company's Rupees Thirteen thousand
Three Promissory Notes were by the said John Carnac Morris
into the hands of the said Defendant And he found that the
on the Sixteenth of December One thousand Eight hundred and
Sold and disposed of the said Three last mentioned Promissory
that the same after deducting discount and brokerage realized for
Testators Estate the Net Sum of Company's Rupees Twelve thousand
hundred and Forty One Annas five and Pice Four on which
Sum and likewise on the said Sum of Company's Rupees Three hundred
Ninety three Annas

the said Defendant the Customary Commission calculated at and after the rate of Five
per Cent And that he had refused to allow the Defendant any Sum for Commission on the
said Twenty two Promissory Notes Sold and disposed of by the said John Carnac Morris
or on the proceeds thereof (although claimed by him) as it had not been shewn to him
that the Sale of the said Twenty two Promissory Notes at an Earlier time than the said
John Carnac Morris as such Treasurer or his Successors were by the said Deed Poll
authorized to sell Assign and dispose thereof was necessary or expedient or that such
earlier Sale was in any manner beneficial to Parties interested in the Administration
of the said Testator's Estate by the said Defendant And he found that the said Testator by
his Bond bearing date the Twenty Second day of July One thousand Eight hundred and
Thirty four became bound to the United Company of Merchants of England trading
to the East Indies in the penal Sum of Two Lacs of Rupees of lawful Money of Madras
to be paid to the said United Company or to the Treasurer for the time being of the
Government Bank at Madras for and on behalf of the said United Company and
that such Bond after reciting that the said Edward Samuel Monat was desirous of
opening a Cash Account with the said United Company at and through and acting
in the name of their Government Bank at Madras and to be allowed a Credit in
Account with the said United Company at and through their said Bank to the
Extent of One Lac Madras Rupees and had applied to John Carnac Morris Esquire
as the then present Treasurer of the said Bank to be allowed to open such Account
and to have such Credit and at the same time (agreeably to the terms for Credits
Established at the said Bank) had proposed and Agreed to assign over to the said
John Carnac Morris Esquire as such Treasurer of the said Bank for the time being
or to his Successors Rupees Certain Promissory Notes of the Honorable the United East
India Company issued by the Government of Fort Saint George Viz Tanjore
Certificates Amounting to Madras Rupees One hundred and Eighteen thousand
/118,000/

£15000 of Principal Money And that he had no other respect
and confirms to the terms for Credit established at the said
his name thereto and reciting that the said John Carnac
Treasurer on the terms before proposed and mentioned
of the Bond or Obligation before written to be conditioned
was mentioned had with the previous assent of the directors
and for and on behalf of the said United Company agreed
Account and give such Credit was subject to a Condition
same if the said Edward Samuel Moorat and his heirs
Administrators should at the end of every three months
date of the said Bond or Obligation and oftener if required
required by the said John Carnac Morris Esquire as such
said Bank for the time being or by his Successors for the
make up and adjust Accounts with the United Company
their said Government Bank according to the terms for
thereat and subscribed by him the said Edward Samuel
from time to time so from adjusting and settling such Accounts
aforesaid with the said Government Bank in for want of such
Accounts with the said Bank should immediately on demand
notice given to him well and truly satisfy and pay or cause
to the said John Carnac Morris Esquire as Treasurer of the said
to his said Successor for and on behalf of the said United
such Sum and Sums of Money as should appear to be due and
by and from him the said Edward Samuel Moorat unto the said
Company at and through and acting in the name of their said
Bank together with Interest thereon at and after the rate of Seven
per Annum up to and until the time of payment And the said

found that by a Deed Poll Annexed to the said Bond and bearing even date therewith
the said Edward Samuel Moorat for the better Securing the repayment of such Sum
and Sums of Money as should appear to be due from him to the United Company of
Merchants of England trading to the East Indies Acting by and through and in the
name of their said Government Bank for the Nominal Consideration therein mentioned
Did grant bargain sell assign and set over unto the said Company & the Government
Promissory Notes of the Tanjore Debt therein particularly described amounting together
to Madras Rupees One hundred and Eighteen thousand. To Hold the same in trust
and to the intent and purpose that if (Contrary to the Conditions of the said Bond or
Obligation) default should thereafter be made in the immediate payment of such
Sum and Sums of Money as should appear to be due and owing from him the said
Edward Samuel Moorat to the said United Company or and through and acting
in the name of their said Government Bank then the said Company acting by and
through the said John Carnac Morris the Treasurer of the said Bank for the time being
or his said Successors should and might And he the said Edward Samuel Moorat
for himself his Executors and Administrators did thereby Authorize and Empower
the said Company acting by and through the said John Carnac Morris Esquire so
being such Treasurer or his said Successors to sell assign and dispose of the said
Tanjore Certificates thereby assigned and set over or intended so to be by Public
Sale or Private Contract and to pay and apply the produce of such Sale in discharge
of such Sum and Sums of Money as should as aforesaid be due and owing from him the
said Edward Samuel Moorat nevertheless rendering to him his Executors and
Administrators any Overplus that might remain. And the Master found that on
the Twenty first day of November One thousand Eight Hundred and Thirty Seven
the said Defendant addressed and sent a letter to the Superintendent and Treasurer
of the Government Bank requesting him to furnish the Defendant with a Copy of the
Cash Account of the said Testator with the Government Bank (meaning the Account
under

under the last mentioned Bond shewing the balance due to the Bond in order to prevent loss to the Estate by the further Accumulation of thereon at Six per Cent he would dispose of the best advantage of the Tanjore Bonds deposited with the Bank on that Account towards balance due upto the date of their sale and that he would hand over remainder to the Defendant And the Master found by a letter dated Ninth December One thousand Eight hundred and Thirty Seven and sent by the Superintendant and Treasurer of the said Government Bank to the said Defendant and by an Account rendered by the late firm of Messrs E. S. Moorat & Co. on Account Current with Government Bank and dated the same Ninth December Eight hundred and Thirty Seven that there was on that day due said Bank by the said Testators Estate the Sum of Company's Sixty Nine thousand Nine hundred and Thirty two Annas Eight Eight and the Master found that in pursuance of the request the said letter of the said Defendant the Superintendant and Treasurer Government Bank sold and disposed of Four of the Government Notes of the Tanjore Debt included in the last mentioned Bond amounting together to Company's Rupees Twenty two thousand produced the Net Sum of Company's Rupees Sixty nine thousand hundred and Sixty Eight Annas five and Pice Six which together Interest Bill for the Sum of Company's Rupees Two thousand and Twenty received by the Officers of the said Government Bank belonging to the said Testators Estate making together the Sum Rupees Sixty Nine thousand Nine hundred and Eighty Eight and Pice Six was by the said Superintendant and Treasurer Government Bank applied in Satisfaction of the said Sum of

Rupees Sixty Nine thousand Nine hundred and Thirty two Annas Eight and Pice Eight and that there then remained a balance from such Sale of the Sum of Company's Rupees Fifty five Annas Twelve and Pice Ten due by the said Government Bank to the said Testators Estate. And the Master found that the said Defendant on the said Ninth day of December One thousand Eight hundred and Thirty Seven received from the said Officers of the said Government Bank Three other of the said Government Securities of the Tanjore Debt belonging to the said Testators Estate and Comprised in the last mentioned Deed Poll for the payment of Company's Rupees Fifteen thousand And the Master found that the said Defendant on the Sixteenth day of December One thousand Eight hundred and Thirty Seven Sold and disposed of the said Three Tanjore Government Securities so received by him from the said Superintendent and Treasurer of the said Government Bank and that the same after deducting discount and brokerage realized for the said Testators Estate the Net Sum of Company's Rupees Fourteen thousand and Fifty five Annas Six and Pice two on which Sum of Company's Rupees Fourteen thousand and Fifty five Annas Six and Pice two as well as on the said Sum of Company's Rupees Fifty five Annas Twelve and Pice Ten And the Master stated that he had calculated and allowed to the said Defendant the Customary Commission at and after the rate of Five per Cent And that the said Defendant had in and by his said Account of the said Testator's Estate brought in before him included the said Four Government Securities of the Tanjore Debt so sold and disposed of by the said Superintendant and Treasurer of the Government Bank and had accounted for the same as if they had actually come to the hands of and had been received by the said Defendant And had in and by his said Account given Credit for them at their nominal value in Cash though they were in fact when sold by the said Officers of the said Government Bank Sold at a discount and a brokerage was paid thereon And on the occasion of the sale of the said Four Government Securities of the Tanjore Debt such discount and brokerage were deducted and the net proceeds thereof Credited by the said Officers of the said Government Bank in his Account rendered to the said Defendant And the said

Defendant

Defendant had incurred by his said Account brought in before the Master discount and brokerage on all the said Seven Government Securities Jewgore debts as fragments made by him. And the Master Reported that refused to allow the said Defendant (although Admitted by him) any Commission on the Amount received by the Sale of the said Securities of the Jewgore debts sold and disposed of by the said and Treasurer of the said Government Bank on the occasion in the stated or on the Proceeds thereof as it had not been shewn to the that the interference of the said Defendant in his Capacity as Executor such last mentioned Sale was necessary or expedient or that any or was likely to arise to Parties interested in the due Administration said Testators Estate And that he had in the Third Schedule to his Report Annexed set forth a Statement of the mode in which the in his Account brought in before the said Master had Accounted said several Promissory Notes deposited under the said Trust Deeds bell of the Second day of September One thousand Eight and Thirty Seven and the Twenty Second day of July One thousand hundred and Forty four with the Government Bank a sufficient as aforesaid either by the Superintendent and Treasurer of the Bank or by the said Defendant And the Master stated that in regret both of the Complainants and Defendant he refused to under which he had prayed to allow the Defendant a Commission such of them as were actually Sold by the Superintendent and of the said Government Bank with the view of enabling the the opinion of this Honorable Court upon the Question whether Defendant was entitled to a Commission upon the Notes Sold Superintendent and Treasurer of the Government Bank

should be of opinion that he was entitled to and ought to be allowed such Commission upon the Notes so sold by the Superintendent and Treasurer of the Government Bank the said Master found that such Commission would Amount to the Sum of Rupees Ten thousand Two hundred and Twenty Nine Annas Eleven and Lice One And in that case he found that there was due from the Defendant on the foregoing Account of his receipts and payments in respect of the said Testators Estate the Sum of Rupees Twenty Seven thousand Eight hundred and Twenty Nine Annas Fourteen and Lice Ten and a half and not the Sum of Rupees Thirty Eight thousand and Fifty Nine Annas Nine and Lice Eleven and a half as therein before mentioned And he found that the Defendant had paid expended and disbursed to the Clerks and Writers in the Service of the said Edward Samuel Moorat at the time of his decease for bringing up and balancing the books of Account of the said Testator several Sums of Money Amounting together to the Sum of Rupees Two thousand Five hundred and Fifty Eight Annas Three and Lice Three the particulars whereof are mentioned and set forth in the Fourth Schedule to his said Report but that he had refused to allow against the Testators Estate the payments so made by the said Defendant as aforesaid Amounting to the Sum of Rupees Two thousand Five hundred and Fifty Eight Annas Three and Lice Three on the ground that they were covered by the Customary Commission of Five per Cent on all Sums Collected and received by the Defendant as the Executor of the said Testator And he had at the request of the Complainants and Defendant stated the Principle upon which he had refused to make such allowances with the view of enabling them to take the opinion of this Honorable Court on the Defendants right to such allowance And if this Honorable Court should be of Opinion that the Defendant was entitled to such last mentioned allowances as well as to the allowance of the said Sum of Rupees Ten thousand Two hundred and Twenty Nine Annas Eleven and Lice One for Commission then he found that there was due from the Defendant on the foregoing Account of his receipts

receipts and payments in respect of the Testator's Estate the Sum of Rupees Twenty five thousand Two hundred and Seventy One Annas Eleven and Pies Seven and a half but if this Honorable Court should be of opinion that the Defendant was entitled to the allowance of the said Sum of Rupees Twenty Five hundred and Fifty Eight Annas Three and Pies Three And that the said Sum of Rupees Two thousand Two hundred and Twenty Nine Annas Eleven and Pies One for Commission And the said Master further stated that there was due from the Defendant on the foregoing Account of his receipts and payments in respect of the said Testators Estate the Sum of Rupees Thirty five thousand Five hundred and One Annas Six and Pies Eight and a half - And the Master stated that an Affidavit had been left at his Office by the Defendant Sworn at Ootacamund on the Coast Indies on the Twenty fifth day of July One thousand Eight hundred and Thirty Nine before J. B. Thomas Esquire One of Her Majesty's Justices of the Peace And that he had in the Eighth Schedule Annexed to the said Report set forth the particulars of such parts of the immoveable Property of which the Testator was possessed at the time of his death and which now remains outstanding together with the names of such several persons to whom it remains outstanding And he found that at the time of his death the said Testator was jointly interested with Shaw Mocrat his Brother under their Fathers Will in certain immoveable Property and Certain moveable or personale Property and which are set forth in the Sixth Schedule Annexed to the said Report remained outstanding the particulars whereof are mentioned and set forth in the Sixth Schedule Annexed to the said Report And the reasons why the same were outstanding And he found that the said Testator by his Will bearing date the Twelfth day of October One thousand Eight hundred and Thirty Seven did among other things

state and direct as follows "All the Property in her Wife's possession including Jewels is her own Property and to be given to her as such" And he found that the Jewels mentioned and specified in the Seventh Schedule Annexed to the said Report were found by the Defendant after the death of the Testator in a Chest of Drawers in the possession of the Widow of the said Testator of which a Key was in her possession there being Another Key kept by the Testator which also opened a Similar Chest of Drawers belonging to the Testator And he found that the Jewels mentioned and specified in the said Seventh Schedule are the Jewels believed by the Defendant to be those referred to by the Testator in his Will as in his Wife's possession and directed thereby to be given to her as such And that the whole of such Jewels were Claimed by the Widow of the said Testator as belonging to her as her Paraphernalia or otherwise And he found that they had not been sold by the Defendant and were still outstanding And he found that in the Testator's possession at the time of his death there were sundry Jewels and other Property afterwards Claimed of the Defendant by different Persons as belonging to them - And he found that Ghoolam Moortoozah Khan Bahander was one of the Claimants of part of the Jewels and Property so Claimed and that part Claimed by him was afterwards with his Consent sold by the Defendant without prejudice to the Claimants right to the proceeds of such Sale - And the Master stated that he had in the Eighth Schedule Annexed to his said Report set forth an Account of particulars of the Jewels and Property found by the Defendant on the Testators death in his possession and so Claimed by other Persons And as to those Claimed by Ghoolam Moortoozah Khan the prices for which the same sold were set forth And he found that on the Testators death there were Certain Articles of Furniture and other things belonging to him in the possession of Mr. D. B. Shaw a Creditor of the Testator and who Claimed to have a lien on them in respect of such debt and that the Property so Claimed by him was afterwards with his Consent sold by the Defendant without prejudice to the Claimants right to the proceeds of such Sale - And the

Master

Master stated that he had in the said Eighth Schedule referred to
Securities as claimed by the said G. B. Shaw together with the
the same were sold. And the Master found that the Defendant
profession besides the Securities before mentioned an Office copy
the Testator's Estate which was seen by the Defendant for the
Testators Estate And that he had in a Box at the Bank of
Richardson and Company several Articles belonging to the
which came to the Defendant's profession after the Testators
the Defendant had not related because it was questionable if they
Testators Estate. And the Master found that the Testator was
professed of divers Securities for money (besides those which are
in the First and Second parts of the Tenth and in the Eleventh
Annexed to the said Report) some of which were not at the date
Report due and there appeared also by his mercantile Books
balances due to him from various Persons in respect of his
transactions (some of which had never been recovered by the
And the Master stated that he had in the Ninth Schedule
said Report set forth a list of such Securities for Money (together
included in the said First and Second parts of the Tenth and
Schedules) which were at the date of the Report outstanding
balances at the date of the Report due to the Testator's Estate
such mercantile Books in respect of his mercantile transactions
with the reasons why they were outstanding. And the Master
on the Testator's death the Defendant found in the Repositories
Testator Securities of various kinds for large sums of money

have been due And it appeared to the Defendant that the Testator received various
sums of Money in respect of some of such Securities And that with the exceptions appearing
in the first part of the Tenth Schedule Annexed to the said Report he treated the Monies
due in respect of the residue of such Securities as irrecoverable And the Defendant
Considered that almost if not all such Monies with the exceptions aforesaid were
in fact irrecoverable And the Master stated that he had in the first part of the
Tenth Schedule Annexed to his said Report set forth a List or Inventory of such
Securities as found by the Defendant (with such exceptions as therein appearing)
with such information respecting them which was at the date thereof obtained
of the Monies which had been paid on any of such Securities and of the
circumstances or Situation of the Parties giving the same and all such further
information as could be at that time obtained material for the purpose of
ascertaining the value of such Securities And the Master found that the Defendant
after the death of the Testator applied to and obtained from his Solicitors various
Securities for Money which had come into their profession for the purpose of
enabling them to recover the Amounts due thereon to the Testator And that all
the Monies which could be recovered by or for the Testator in respect of such
last-mentioned Securities were recovered in the Testator's life time And that the
residue of such Monies were irrecoverable And the Master stated that he had
in the second part of the said Tenth Schedule Annexed to the said Report set forth
a List or Inventory of such last-mentioned Securities with such information
respecting them viz. of the Monies which had been paid on any of such last-
mentioned Securities and of the Circumstances under which such Securities
were given and of the Circumstances or the Situation of the Parties giving the
same and all such further information material for the purpose of ascertaining
the value of such last-mentioned Securities as could be then obtained And the
Master found that the Defendant after the death of the said Testator found a

great

great Quantity of Bonds Promissory Notes Bills of Exchange and Securities for Money in the Office of the said Testator and which were leased by the Defendant at that time to belong to the Estate of the Testators Father but that the Defendant had since found on a Careful perusal thereof that they belonged to the Testators Estate and related to transactions previously to his Commencing business as a Merchant And the Master stated that he had in the Eleventh Schedule annexed to his said Report set forth a List of all such last mentioned Bonds Promissory Notes Bills of Exchange and Securities for Money as found by him save and except the Seconds and Thirds of Certain Sets of Bills of Exchange which the Testator appears to have purchased on the occasion of remitting Monies to England and elsewhere and which did not agree to the vouchers for Money due to the Testators Estate. And the Master stated that he had in the said Eleventh Schedule set forth the same as appears by the said Schedule such information as the Testators Books and other Papers Contain relative to such Bonds Promissory Notes Bills of Exchange and Securities for Money And the Circumstances under which they came into and remained in the Testators profession and the reasons why such of them as appeared to have been unrecovered remained unrecovered And the Master found that there were in the Defendants profession a few Jewels of small value belonging to the Testators Estate the particulars whereof are mentioned and set forth in the Twelfth Schedule to his said Report annexed which were at first advertised for Sale by the Defendant but were not then Sold in Consequence of an Injunction having been obtained at the instance of the Testators Widow to restrain the Sale of the Jewels which were then Advertised for Sale And the Master found that after the dissolution of the said Injunction the Defendant retained the Jewels mentioned in the said Twelfth Schedule to the said Report for the purpose of using them as Evidence in the Suit instituted against him by

by the Testators Widow And the Master found that one Ledger of the Testators for the Year One thousand Eight hundred and Thirty and One thousand Eight hundred and Thirty One Came into the hands of the Defendant unbalanced by the Testator when he died in One thousand Eight hundred and Thirty Seven And had only recently been balanced by the Defendant And in the Thirteenth Schedule annexed to the said Report the Master had specified all such debts which thereby appeared due to the said Testators Estate and the reasons so far as were known to the Defendant why such as appeared to have never been recovered remained unrecovered but inasmuch as the said Ledger was left by the Testator unbalanced and inasmuch as for the time intervening between the close of the Year One thousand Eight hundred and Thirty One to which the said Ledger extended until the middle of the Year One thousand Eight hundred and Thirty Four when the Testator opened his Mercantile house of Agency no regular Books or Accounts were kept by the said Testator or had reached the said Defendant and inasmuch as (save as appearing by the said Ledger to be due to the Testator at the close of the Year One thousand Eight hundred and Thirty One had been brought forward as due to him in his Mercantile Ledger for the Year One thousand Eight hundred and Thirty Four on his opening his Mercantile house the Defendant had been unable to ascertain whether the Testator in the said Interval did or did not realize any part of the Sums Scheduled in the said Thirteenth Schedule as due by the said Ledger And the Master found that the information Contained in the aforesaid several Schedules Contained all that of which the Defendant was in possession as to what parts of the Testators Estate were outstanding and for what reason And Because coming on Yesterday and on this present day to be heard further directions and the Costs of the Suit reserved by the said Decretal Order of the said Third day of February One thousand Eight hundred and Thirty Eight before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides Whereupon and upon

Upon hearing read the said Decree bearing date the ninth day of February One thousand eight hundred and thirty Eight And the said Master's Report dated the second third day of August instant And the Order of this Court bearing date the said fifth day of August Instant Whereby the said Report and all the matters and things therein Contained became absolutely Confirmed And upon reading the Certificate of the Accountant General of this Court on the words and figures following that is to say.—

Nº 12

Supreme Court
Equity Side.

"Moottee Ram Mocurul Ram and Dwy Cumul de Silk

Vs!

"Alexander Duncan Campbell Esq! the Executor of the Last Will and Testament of Edward Samuel Moore Esq! late of Madras deceased—

"I hereby Certify that According to the Books of the Supreme Court the Funds standing to the Credit of this Cause are as follows Viz!—

"In Nine Promissory Notes of the 5 P! Cent Loan of 18th August 1825

"Nº 3422 of 8335 dated 18th March 1830 bearing interest from 18th March 1839 for Rupees 24160—

" 7998 — 1st May 1827 bearing Int! from 1st May 1839 for — 2000—

" 9494 — 27th Sept! 1827 bearing Int! from 27 March 1839 for — 2000—

" 30423 — 25th Feb! — bearing Int! from 25th Feb! — for — 6500—

" 12968 — 7th Feby 1828 bearing Int! from 1st May 1839 for — 5000—

" 30169 — 15th Oct! 1827 bearing Int! from 15th April 1839 for — 10000—

" 4383 of 7469 — 26 Dec! 1825 bearing Int! from 26th March 1839 for — 10500—

" 11869 of 61774 — 23d Aug! 1826 bearing Int! from 23d May 1839 for — 6000—

" 5340 of 1469 — 3d Nov! 1832 bearing Int! from 3d Feb! — for — 26500—

"In One ditto of the 5 P! Cent Loan of 15th January 1830

" 38750 dated 17th July 1830 bearing interest from 17th April 1839 for — 5000—

"In One ditto of the 4½ P! Cent Loan of 3d July 1828

" Nº 4 of 58 dated 19th July 1829 bearing interest from 19 April 1839 for — 7000—

"In Six ditto of the 4½ P! Ct Loan of 1st May 1832.

" Nº 17083 dated 1st May 1832 bearing Int! from 1st May 1839 for — 500—

" 16694 — 1st Feb! — bearing Int! from 1st Feb! — for — 2000—

" 4224 — 1st Feb! — bearing Int! from 1st Feb! — for — 3600—

" 215 — 1st Feb! — bearing Int! from 1st Feb! — for — 3200—

" 1303 — 1st Feb! — bearing Int! from 1st Feb! — for — 20000—

" 1306 — 1st Feb! — bearing Int! from 1st Feb! — for — 30000—

"In Ten Ps of the 4 per Cent Loan of 31st March 1836

" Nº 6910 dated 31st March 1836 bearing interest from 31st March 1839 for — 500—

"Carried forward Comp! Rup! 161634-8-

Sup! Rup! 151500—

"Comp! Rup! 161634-8-

"Brought forward Comp! Rup! 161634-8-

"Nº 6918 dated 31st March 1836 bearing interest from 31st March 1839 for — 500—

" 7167 — 31st Feb! — bearing Int! from 31st Feb! for — 500—

" 11053 — 31st Feb! — bearing Int! from 31st Feb! for — 1500—

" 11320 — 31st Feb! — bearing Int! from 31st Feb! for — 2000—

" 22334 — 31st Feb! — bearing Int! from 31st Feb! for — 600—

" 7007 — 31st Feb! — bearing Int! from 31st Feb! for — 500—

" 9635 — 31st Feb! — bearing Int! from 31st Feb! for — 500—

" 12390 — 31st Feb! — bearing Int! from 31st Feb! for — 2000—

" 3050 — 31st Feb! — bearing Int! from 31st Feb! for — 500—

"In Twenty two Promissory Notes of the 4 P! Cent Loan of Bengal Viz!

"Nº 103 of 106 dated 5 Dec! 1837 bearing interest from 30th April 1839 for — 7000—

" 684 of 672 — 16 March 1837 bearing Int! from 30th Feb! for — 1000—

" 358 of 134 — 7th April 1837 bearing Int! from 30th Feb! for — 3000—

" 727 of 5 — 13th Dec! 1837 bearing Int! from 30th Feb! for — 3000—

" 729 of 15 — 13th Feb! — bearing Int! from 30th Feb! for — 17449-2-6

" 713 of 674 — 27 Nov! 1837 bearing Int! from 30th Feb! for — 5000—

" 19 of 68 — 6th Jany 1838 bearing Int! from 30th Feb! for — 5000—

" 20 of 68 — 6th Feb! — bearing Int! from 30th Feb! for — 10000—

" 425 of 93 — 6th Feb! — bearing Int! from 30th Feb! for — 5000—

" 21 of 68 — 6th Feb! — bearing Int! from 30th Feb! for — 1000—

" 411 of 110 — 6th Feb! — bearing Int! from 30th Feb! for — 2000—

" 565 of 16 — 13th May 1837 bearing Int! from 30th Feb! for — 1000—

" 696 of 69 — 6th ditto — bearing Int! from 30th Feb! for — 7486-9-7

" 202 of 131 — 12th March 1838 bearing Int! from 30th Feb! for — 2000—

" 39 of 19 — 31st July 1836 bearing Int! from 30th Feb! for — 5000—

" 625 of 107 — 26th Aug! 1836 bearing Int! from 30th Feb! for — 5339-11-6

" 655 of 8 — 26th Feby 1836 bearing Int! from 30th Feb! for — 2500—

" 592 of 15 — 6th ditto — bearing Int! from 30th Feb! for — 2000—

" 593 of 16 — 5th Aug! 1834 bearing Int! from 30th Feb! for — 1000—

" 336 of 135 — 24th June 1834 bearing Int! from 30th Feb! for — 1000—

" 264 of 110 — 28th Aug! 1835 bearing Int! from 30th Feb! for — 5000—

"Carried forward Comp! Rup! 255409-15-7

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...this Court
...and Eight
...of the Decree
...November
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...ides and
...Matter
...Court
...rt is
...r his

" Brought forward 6th Rs 255,109 15 7

" Ditto being the receipt of Cash deposited to be
" invested in Government Securities when procurable 195 13 2

" Ditto being Interest drawn and Credited to this
" Cause to be invested in Government Securities 1980 14 7

2376 11 9

257,586 11 4

" Interest due on Govern[t] Securities Sa Rs 1345 or 1219 6 9

" Company's Rupees 258,806 2 5

" This Certificate is granted as per
" Application from Mr Wm B. Acworth Solr
" for the Defendant dated 2nd July 1839

" Fort St George Acctt Genl Office
" 3rd August 1839

" Lt R Affleck

" J. G. Turnbull
" Acctt Genl Supr Court

This Court doth declare that the Defendant is not
Entitled to Rupees Ten thousand Two hundred and Twenty Nine Annas
Eleven and Pies One /10229 11 1/ as Commission upon the Promissory
Notes deposited [illegible] by the Testator under the said
Two Several Decrees Roll of the Second day of September One thousand Eight
hundred and Thirty Seven And the Twenty Second day of July One thousand
Eight hundred and Thirty four with the Government Bonds which were
Actually sold by the Superintendant and Treasurer of the Government
Bonds but that he is entitled to be allowed the Sum of Rupees Two thousand
four hundred and Fifty Eight Annas Three and Pies Three /2458 3 3/ in the
said Fourth Schedule to the said Report particularly mentioned paid by
him to the Friends and Relations of the Testator for bringing up and
balancing the Books of Account of the Testator And this Court doth
declare that the Sum due from the Defendant on the Account of the
receipts and payments appearing by the Master's Report is the Sum of
Rupees Thirty five thousand Two hundred and One Annas Six and Pies
Eight and a half /35201 6 8½/ and this Court doth Order and

and Decree that the said be referred to the Master to Tax the Costs of the Complainant and
the Defendant Mr Acworth of this Court as between Solicitor and Client and that such
Costs when Taxed be added to the foot of this Decree in Order that the same may be
Certified under the Signature of One of the Judges of this Court And it is
further Ordered that the said Executors of Lord Saint George with the privity of
the Accountant General do sell and Convert into Money the whole of the Government
Securities in which may be standing to the Credit of this Cause previously to his
making his Report and pay the proceeds of such Sale and Cash after payment of such
Costs as aforesaid among the Creditors of the Testator named in the First
Schedule to his Report according to the Sums reported due to them together with
the Subsequent Interest on such of them as Carry Interest And it is Ordered
that the Master do make a Separate Report of the Matters aforesaid And it is
Ordered that out of the residue of the proceeds of such Sale and Cash the several
Sums to be apportioned to such Creditors be paid to them respectively or to the
Legal personal Representative of such of them as may be dead And this
Court

Court doth Order that the Defendant Alexander Duncan Campbell do sell the unmoveable Property mentioned in the said Fifth Schedule to the Masters Report and the personal Property mentioned in the Tenth Schedule to the said Report. and this Court doth Order and Decree that it be referred back to the Master to Continue the Accounts of the Defendant Alexander Duncan Campbell by the former Decree directed and that the Master do Report whether any proceedings ought to be taken for the purpose of calling in or recovering payment of any part of the Property mercantile balances and Debts mentioned in the said Ninth Tenth and Eleventh Schedules to his Report respectively and it is Ordered that he do state any matter specially touching the same as he may think fit. And it is further Ordered that any Person or Persons claiming to be entitled to any part of the Jewels and Property mentioned in the said Eighth Schedule to the Masters Report be at liberty to go in before the Master and establish their Claims on their undertaking to abide by the decision of the Master on the validity of their Claims. and it is further Ordered that the Master do ascertain and Report what is due to the said Several Creditors of the Testator after such payments as hereinbefore directed shall have been made to them and the Master is to be at liberty to receive proof of the debts of any Creditor who may not have been entered in his former Report but he is not to Advertise for Creditors afresh. And this Court doth reserve the Consideration of all further directions and Subsequent Costs until after the said Master shall have made his Report and any of the Creditors and all Persons interested are to be at liberty to apply to this Court as Occasion shall require.

By the Court.

Registrar

J. Richardson
Plff's Sol.
Wm. Lawrence
Defts Sol.

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 13th September 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

chmy Ummall and Neelathachy Ummall the Executrixes of the Last Will and Testament of
rgatha Vullee Ummall who was the Widow of
narambado Collingaroy Moodelly deceased

Connore Ivjasawmy Moodelly - - - -

The Matter upon the Exceptions taken by the Complainants to the Report of the Master of this Court dated the Twenty third day of July One thousand Eight hundred and Thirty nine made in pursuance of the Decree in this Cause bearing date the Seventh day of November One thousand Eight hundred and Thirty four Coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Exceptions and Report being Opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Exceptions be allowed with Costs and it is further Ordered that it be referred back to the Master to review his Report.

R Comyn

Edwd. J. Gambier.

By the Court

Registrar

Ed. T. D.

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2806 of 39

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 13th September 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

And

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

chmy. Ummall and Neelathachy Ummall the Executrixes of the Last Will and Testament of rgatha Vullee Ummall who was the Widow of narambado Collingaroy Moodelly deceased

Connore Iyjasawmy Moodelly - - - - -

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R Comyn.

Edwd. J. Gambier.

By the Court

Registrar

Ed. V. D.

Mr Wilkins

Complte Sols

No 2985 of 39

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 27th September 1839.

Present

The Honorable Sir Robert Backley Comyn Knight Chief Justice.

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Paundore Teroovengada Moodelly - - -

~~1838~~

Pundore Thillay Moodelly and Vengody Sashachella Moodelly - - -

Wm Brunton
Compl[t] Solr

38

No 2986 709

In the Supreme Court of Judicature at Madras.

Plea Side

Fourth Term 27th September 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice.

and

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

William Waddell Esquire ------ }
John Younge Fullerton Esquire --- } The Matter upon the General and Special Demurrers put in by the Plaintiff to the Plea of Puis Darrein Continuance of Estoppel in this Action and the Joinder thereto Coming on to be Argued Yesterday and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrers and Plea being Opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the General Demurrer be Overruled with Costs to be paid by each Party respectively And that the Special Demurrer be allowed with Costs to be paid by the Defendant And it is further Ordered that the said Defendant be at liberty to Amend his Plea on payment of Costs.

R Comyn.
Edw. J. Gambier

By the Court

W. Stew
Regr

Mr Cooper
Deft Attyt

1478 of 40.

In the Supreme Court of Judicature at Madras

Equity Side. Second Term 1840.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Friday the Twenty Seventh day of March one Thousand Eight Hundred and Forty and in the Third year of the Reign of Her Majesty Queen Victoria

Between The Right Reverend Don Antonio Tristao Teixeira Episcopal Governor or Vicar General and Bishop elect of Saint Thome . . . . Plaintiff

and

Emanuel Bilderbeck . . . . . Defendant

R Comyn

This Cause coming on the Thirtieth day of September one thousand Eight hundred and Thirty nine and on the Third Tenth Eleventh Twelfth Thirteenth Fourteenth Fifteenth and Seventeenth days of February last and the Twenty first day of March instant and also on this present day to be heard and debated before The Honorable the
2 Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides upon opening the Original and Amended Bill of Complaint of the above named Plaintiff and the answers of the said Defendant thereto And upon hearing read as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendant to the said Original Bill as follows that is to say from the words "And this"
3 in folio 1 to the words "Side of this Honorable Court" in folio 3 from the words "And this Defendant further answering saith" in folio 3 to the words "John Binny and William Scott" in folio 5 from the words "But he admits" in folio 6 to the words in the Bill set forth "in folio 7 from the words "And this Defendant further answering saith" in folio 7 to the words "the Jurisdiction of this Honorable Court" in folio 22 from the words "And this Defendant further
4 answering" in folio 57 to the words "the same when produced" in folio 60 from the words

"And

and this Defendant further answering saith" in folio 82 to the words "about any Bishop" in folio 83 from the words "and this Defendant admits" in folio to the words "for the time being" in folio 84 and upon hearing read as Evidence for the said Plaintiff The Deposition of Doctor Manl. Fr. Lobo to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Joachim Gabriel Rodrigues to the First Second Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Domingos de Antonio Alves to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Francisco de Assis Rodrigues to the First Third Fourth Sixth and last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Sebastian Jeboya to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Antonio Regano Gracias to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Manl. Fr. Lobo to the First and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Manuel Caetano Joaquim Barbozo to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Antonio Constantino Dias Esquire to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Antonio Jose de Almeida to the First Second Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Miguel Archanjo de Saldanha to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Nicolao Marianno Fernandez to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Redegundo Lopez das Neves to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Romano de Cantor Castro to the First Third Fourth Fifth and Last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Right Reverend Clement Bernard to the First Cross Interrogatory filed on behalf of the said Plaintiff And upon hearing read

also as Evidence for the said Plaintiff the Exhibits Marked respectively **CD** and **E** and the Order of this Court made in this Cause on the part of the said Plaintiff bearing date the thirtieth day of September one thousand Eight hundred and thirty nine and the Last Will and Testament and Codicil of John Deallonte Esquire deceased the Testator in the Pleadings of this Cause mentioned and the Record of the Probate of the said Will and Codicil of the said Testator granted out of and under the Seal of this Honorable Court to Emanuel Bilderbeck as one of the Executors therein named And the Bill in the Cause wherein George Arbuthnot James Morgan Strachan John Binny and William Scott form of the Executors of the Last Will and Testament of John Deallonte Esquire deceased were Complainants and the Reverend Fre Don Manuel de ave Maria the acting Bishop or Vicar-General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his Wife Mary Dias were Defendants The Decretal Orders made by this Court in the same Cause bearing date respectively the thirty first day of March one thousand Eight hundred and thirty two and the Fourth day of August one thousand Eight hundred and thirty two the Report of the Master of this Court bearing date the Fifteenth day of March one thousand Eight hundred and thirty three made in pursuance of the said last mentioned Decretal Orders and the Orders of this Court made in the said Cause and bearing date respectively the Tenth day of April one thousand Eight hundred and thirty three the Twenty fourth day of July one thousand Eight hundred and thirty four the nineteenth day of September one thousand Eight hundred and thirty four the second day of November one thousand Eight hundred and thirty five and the Sixteenth day of October one thousand Eight hundred and thirty seven and also the Petition of the said Defendant on which the last mentioned Order was made and upon hearing read the admission in writing of the Plaintiffs and Defendants Solicitors dated the Twenty first day of March instant and the Order of this Court made in the last mentioned Cause bearing date the Tenth day of April one thousand Eight hundred and thirty three therein referred to and also another admission in writing of the said Plaintiffs and Defendants Solicitors also dated the Twenty first day of March instant And the Order made in the said Cause and bearing date the Seventh day of February one thousand Eight hundred and forty and referred to in the said last mentioned admission And upon hearing read also part of the said answer in Explanation for the said Defendant as follows that is to say from the words "And this Defendant" in folio 5 to the words "Bishop of Saint Thome" in folio 6 and upon hearing read

Read as Evidence for the said Defendant The Deposition of the said Doctor
Ill. F. Lobo to the First Second Third Fourth Fifth Sixth Twelfth Thirteenth
Fourteenth Fifteenth Sixteenth Seventeenth Eighteenth Nineteenth Twentieth
Twenty first Twenty Second Twenty third and Twenty fourth Cross
Interrogatories filed on behalf of the said Defendant The Deposition of
said Joachim Gabriel Rodrigues to the Ninth and Tenth Cross Interrogatories
filed on behalf of the said Defendant The Deposition of the said The Reverend
Domingo Jose Antonio Ferreira to the First Second Third Fourth Fifth Sixth
Twelfth Thirteenth Fourteenth Fifteenth Sixteenth Seventeenth Eighteenth
Nineteenth Twentieth Twenty first Twenty Second Twenty third and Twenty
fourth Cross Interrogatories filed on behalf of the said Defendant The
Deposition of the said The Reverend Francisco das Dores to the First
Second Third Fourth Fifth Sixth Tenth Twelfth Thirteenth Fourteenth
Fifteenth Sixteenth Seventeenth Eighteenth Nineteenth Twentieth Twenty
first Twenty Second Twenty third and Twenty fourth Cross Interrogatories
filed on behalf of the said Defendant The Deposition of the said The
Reverend J. Sebastian de Souza to the First Second Third Fourth Fifth and
Sixth Cross Interrogatories filed on behalf of the said Defendant The Deposition
of the said The Reverend Antonio Rozario Cardozo to the First Second Third
Fourth Fifth and Sixth Cross Interrogatories filed on behalf of the said
Defendant The Deposition of the said The Reverend M.r Ribeiro to the
First Third Fourth and Sixth Cross Interrogatories filed on behalf of
the said Defendant The Deposition of the said The Reverend Manuel
Caetano Joaquim Barbozo to the First Second Third Fourth Fifth and
Sixth Cross Interrogatories filed on behalf of the said Defendant The
Deposition of the said Antonio Jose de Ataide to the last Interrogatory
in Chief filed on behalf of the said Plaintiff The Deposition of the Right
Reverend Clement Bonnand to the First Second Third Fourth Fifth
Sixth Seventh and Eighth Interrogatories in Chief filed on behalf of the
said Defendant and the Deposition of the same Witness to the Second
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Third Fourth Fifth Sixth Seventh Eighth Tenth Eleventh Twelfth and Thirteenth Cross
Interrogatories filed on behalf of the said Plaintiff The Deposition of The Reverend
William Kelly to the First Fifth Sixth Seventh Eighth Ninth and part of the last
Interrogatories in chief filed on behalf of the said Defendant and the Deposition of the
same Witness to the First Second Third Fourth Fifth Sixth Seventh Eighth Ninth Tenth
Eleventh and Twelfth Cross Interrogatories filed on behalf of the said Plaintiff The
Deposition of The Reverend Baselio Eleriam to the First and Fourteenth Interrogatories
in chief filed on behalf of the said Defendant and also The Deposition of the same
Witness to the First Third Fourth Fifth Sixth Seventh Eighth and Tenth Cross
Interrogatories filed on behalf of the said Plaintiff The Deposition of Robert Clerk
Esquire to the First Second Third and Fourth Interrogatories in chief filed on behalf
of the said Defendant The Deposition of Elieabon Vanderveen to the First and Tenth
Interrogatories in chief filed on behalf of the said Defendant The Deposition of
Major John Chisholm to the First and Eleventh Interrogatories in Chief filed on
behalf of the said Defendant The Deposition of William Oliver to the First Twelfth
and Fifteenth Interrogatories in chief filed on behalf of the said Defendant and
The Deposition of Michael Pennick to the First and Thirteenth Interrogatories in
Chief filed on behalf of the said Defendant and upon hearing Read also as Evidence
for the said Defendant the Exhibits Marked respectively **A** No 29 **BCDE**
FGH and **I**. And upon Reading the Orders of this Court made in this Cause
on the part of the said Defendant bearing date Respectively the Twenty fourth day of
September one thousand Eight hundred and thirty nine and the Fifth day of February
one thousand Eight hundred and Forty and the Plaintiffs Counsel admitting at the
Bar that "in the Petition of the Plaintiff in the Cause wherein "George Arbuthnot
and Others are Complainants and The Reverend Fr Don Manuel De Ave Maria and
Others are Defendants" by him Sworn on the Ninth day of December one thousand
Eight hundred and thirty Six the Plaintiff styled himself Bishop of Saint Thome
and Signed himself Bishop of Meliapoor and Swore that on the Sixth day of October
then last he was duly installed Bishop of Saint Thome and assumed the duties of
that See and had ever since been and then was the Bishop of Saint Thome in
Succession to the Defendant Fr Don Manuel De Ave Maria and that by his

Petition

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In the Supreme Court of Judicature at Madras

Equity Side

Vacation after the Fourth Term 1839.

5th October 1839.

In the Matter of the Office of
Registrar of the Supreme Court Vacant
by the Resignation of Peter Cator Esquire
the former Registrar of the Court.

It is Ordered that Nathaniel Brindley
Howorth Esquire be and he is hereby appointed Registrar
of the Court.

Robert Comyn C. J.

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In the Supreme Court of Judicature at Madras

Plea Side

Vacation after the Fourth Term 1839.

5th October 1839.

In the Matter of the Office of Prothonotary of the Supreme Court Vacant by the Resignation of Peter Cator Esquire the former Prothonotary of the Court.

It is ordered that Nathaniel Brindley Acworth Esquire he and he is hereby appointed Prothonotary of the Court.

Robert Comyn, C.J.

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In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Vacation after the Fourth Term 1839.

5th October 1839.

In the Matter of the Office of Registrar of the Supreme Court about to be Vacant by the Resignation of Peter Cator Esquire the former Registrar of the Court.

It is ordered that Nathaniel Brindley Steworth Esquire be appointed Registrar of the Court instead of Peter Cator Esquire upon his entering into a Bond with Two or more sufficient Securities in the Sum of One Hundred Thousand Company's Rupees Conditioned for his duly and faithfully accounting for all Sums of Money and all the Estates of deceased persons which shall be Committed to his care or to which he shall administer as Registrar under the Statute of 39th and 40th of George the III. Chapter 79 Sec 21st and that it be referred to the Master to approve of proper Securities for that purpose.

Robert Comyn
C. J.

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Victoria - Between
Connatoor Sawmynad
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In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Vacation after the Fourth Term 1839.

7th October 1839.

In the Matter of the Office of Registrar of the Supreme Court Vacant by the Resignation of Peter Cator Esquire the former Registrar of the Court.-

Upon reading an order made this day whereby it was Ordered that Nathaniel Brindley Ainsworth Esquire be appointed Registrar of the Court instead of Peter Cator Esquire upon his entering into a Bond with Two or more sufficient Securities in the sum of One Hundred Thousand Company's Rupees Conditioned for his duly and faithfully accounting for all sums of Money and all the Estates of deceased persons which shall be Committed to his care or to which he shall administer as Registrar under the Statute of the 39th. and 40th. of George the III Chapter 79 Sec 21st. and that it should be referred to the Master to approve of proper Securities for that purpose and upon reading the Report of the Master made in pursuance of the said Order bearing date this day whereby he has Certified that he has approved of George Norton of Madras Esquire and Collah Vencatachellum Chitty of Madras Hindoo Inhabitant as proper Securities for the said Nathaniel Brindley Ainsworth for the purposes in the said Order mentioned and that he the said Nathaniel Brindley Ainsworth with the said George Norton and Collah Vencatachellum Chitty had entered into a Bond before him in the sum of One Hundred Thousand Company's

made his Report dated the Twenty first day of March One thousand Eight hundred and

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Victoria - Between
Connator Sawmynad
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Steworth's duly and faithfully accounting for all sums of Mony
the Estates of deceased persons which shall be Committed to his
which he shall administer as Registrar under the Statute of 3
of George the III Chapter 79 Sec 21st It is ordered that Nath
Brindley Steworth be and he is hereby appointed Registrar of the
And it is further Ordered that the Master do deposit the Bond
Report mentioned in the Honorable Company's Treasury with
of the Accountant General of this Court subject to the
Order of this Court.

Robert Comyn, C.J.

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Victoria. Between
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In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Wednesday the Second day of October One thousand Eight hundred and Thirty nine and in the Third Year of the Reign of Her Majesty Queen Victoria - Between Connatoor Soobaroy Moodelly and Connatoor Sawmyanad Moodelly and Connatoor Moorgasha Moodelly and Connatoor Shunmoogaroy Moodelly respectively Infants by their next friend the said Connatoor Soobaroy Moodelly - - - - - - - - - - Complainants

and

Mangadoo Suriyanah Moodelly and Peter Cator Esquire the Sole Executor of the Last Will and Testament of Manally Ponniah Moodelly Deceased - - Defendants

R Comyn.

Edwd. J. Gambier.

This Cause Coming on the Sixth Seventh and Tenth days of February One thousand Eight hundred and Thirty seven to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on all Sides And upon opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on all Sides Their Lordships made their Decree bearing date the said Tenth day of February One thousand Eight hundred and Thirty seven And thereby Ordered and Decreed as is therein mentioned And in pursuance of the said Decree the said Master made his Report dated the Twenty first day of March One thousand Eight hundred and

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

R. C.

J. G.

reported

and Thirty nine And thereby as is therein reported And this Cause
Coming on to be heard on the Fourth day of April last for further
directions and Costs reserved by the said Decretal Order of the said
Tenth day of February One thousand Eight hundred and Thirty seven
before the Honorable the Judges of this Court in the presence of
Counsel for the said Complainants and the Defendant Peter Cator
This Court did Order that it should be referred to the Master to
Tax the Costs of the said Complainants and of the Defendant Peter Cator
of this Suit as between Solicitor and Client And thereby Ordered that
out of the Sum of Rupees Eight thousand Seven hundred and Thirty
Annas Six and pice eleven (8730-6-11) Cash by the Masters Report found
due by the Defendant Peter Cator to the Testators Estate and from the
Proceeds of One or more as might 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 (5000)
belonging to the Testators Estate Amounting together to Rupees Ninety
thousand Eight hundred and Nineteen (90,819) by the Masters 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 should
be paid by the Defendant Peter Cator to Mr. John Innes their Solicitor
and that the Costs of the Defendant Peter Cator when so Taxed should
be paid by him to Mr. Nathaniel Brindley Acworth his Solicitor
And it was Ordered that such payments should be allowed to
the Defendant Peter Cator in his passing his further Accounts before
the Master And this Court did further Order that the Defendant
Peter Cator should deliver up to Davanee Unnaiall in the Masters
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

Rupees Five thousand (5000) by the Masters Report found to have been given
by the Testator Manally Ponniah Moodelly to the said Davanee Unnaiall And
it was 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 should pay to the said Davanee Unnaiall so much Money as with
the Sums already paid to her and allowed by the Master to the said Defendant
Peter Cator would make up the Amount of Interest which should have been
received by the said Defendant Peter Cator on the said Government Promissory Note
of the Tanjore Debt And it was thereby further Ordered that the said Defendant
Peter Cator should also from and out of the Residue of the Proceeds of the said
Government Promissory Notes 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 Amount of the Principal Money found due to them by the Master on the
Judgment obtained against the said Manally Ponniah Moodelly and Mangadoo
Suriavanah Moodelly by Connaloor Vyasawmy Moodelly And under the Circumstances
in the said Report mentioned The Court declared that as far as it would
extend the said Testators Estate was 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 in the first part
of the first Schedule to the said Report annexed And the Court did accordingly
Order that it should 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 said Report annexed on which he had computed Interest and
that he should 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 was Ordered that the said
Peter Cator should apply the residue of the Proceeds of the said Government
Promissory Notes which might 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 Ponniah Moodelly such Sum to be Certified
by

by the said Master and any further proper Sums to be allowed to him in his Administration of the Testator's Estate) in payment to the Creditors except Seeva Caunoo Ummall in the First and Second parts of the said First Schedule to the said 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 the said Seeva Caunoo Ummall And it was Ordered that the Defendant Peter Cator should invest the Proportion of the said Proceeds to which the said Seeva Caunoo Ummall might be entitled in respect of the Sum to be Reported due to her or so much thereof as he could invest in Government Securities or a Government Security and should until the further Order of the Court retain the same in his hands and pay the Interest to accrue upon such Government Securities or Security unto the said Davance Ummall for the maintenance of the said Seeva Caunee Ummall And it was further Ordered that it should be referred to the Master to ascertain who had the Care & Custody of the said Seeva Caunoo Ummall and how long such person has had such Care or Custody and who was 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 anything and if any what Sum was due to such person for the maintenance of the said Seeva Caunee Ummall and what Sum ought to be allowed for her future maintenance during her Minority or until her Marriage And it was Ordered that the Master should carry on the Account of the real and personal Estate of the Testator Manally Ponniah Moodelly by the Decree of the Tenth day of February One thousand Eight hundred and Thirty seven directed and that in continuing such Accounts he should allow the Defendant Peter Cator the

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 Mylay Chengleroy Moodelly in pursuance of the Order made in this Cause and in a Cause wherein the said Peter Cator as Executor of the said Manally Ponniah Moodelly was Complainant and Mylay Chengleroy Moodelly was Defendant bearing date the Seventh day of April One thousand Eight hundred and Thirty seven And this Court did further Order that the Master in continuing such Accounts should Report what parts (if any) of the Monies received on Account of the real or immoveable Estate or the Rents and Profits have been specifically bequeathed and to whom And it was further Ordered that it should be referred to the said Master to ascertain whether any and what parts of the Testator's real and personal Estate be outstanding and why and for what reason and whether any and what proceedings ought to be taken to recover such parts as he might find to be outstanding and whether any and what parts of the real and personal Estate which he might find to be outstanding be specifically bequeathed And it was further Ordered that the Master should enquire and Report whether any of the Jewels Title Deeds or other Property of which the said Defendant Peter Cator was then in possession as the Executor of the said Testator Manally Ponniah Moodelly was or were in the possession of the said Testator at the time of his decease or previously thereto as Trustee for any other person or persons or otherwise than as Owner or beneficially interested therein and whether the said Defendant Peter Cator as such Executor of the said Testator was then in the possession of any Jewels Title Deeds or other Property not belonging to the said Testator's Estate And that he ascertain and Report to whom such Jewels Title Deeds or other Property (if any) belonged And it was Ordered that any Person or Persons claiming to be entitled to any such Jewels Title Deeds or other Property should be at liberty to go in before the

Master

Master and establish their Claims And this Court did further Order that the Master should Report what should remain due to the Creditors of the said Testator in the first and Second parts of the said first Schedule mentioned after such payments should be made to them or on their Account as were thereinbefore in the said Decree directed And the Court reserved all further directions and the subsequent Costs of this Suit until after the said Master should make his Report and any of the Parties were to be at liberty to apply to this Court as Occasion should require And in pursuance of the last recited Decree the said Master made his Report dated the Thirtieth day of September last And thereby Reported that he had been attended by the Solicitors for the said Complainant and the Defendant Peter Cator and had in their presence proceeded with the enquiries as in and by the said Decree directed And that he had Taxed the Costs of the Complainants and of the Defendant Peter Cator in this Suit as between Solicitor and Client and that the same had been paid by the said Defendant Peter Cator as in and by the said Decree directed And that he allowed such payments to the said Defendant Peter Cator on passing his further Accounts before him and which payments were setforth and particularized in the Second Schedule to the now recited Report annexed And the said Master found that the said Defendant Peter Cator had delivered up to Devance Ummall in his Report of the Twenty first day of March last mentioned the said Government Promissory Note of the Tanjore Debt N° 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 and had paid to her the Sum of Company's Rupees One hundred and Eighty three Annas five and piece four which together with the Sums already paid to

to her and allowed by him to the said Defendant Peter Cator makes the Sum of Company's Rupees One thousand and Sixteen Annas ten and piece eight the Amount of Interest which had been received by the said Defendant Peter Cator on the said last mentioned Government Promissory Note of the Tanjore Debt And he found that the said Defendant Peter Cator had also paid unto the said Complainants the Sum of Company's Rupees Six thousand Five hundred and Fifty nine Annas fourteen and piece four being the Amount of the Principal Money by the said Master found due to them on the Judgment obtained against the said Manally Pannia Moodelly and Mangadoo Sunnanah Moodelly by Connatoor Iyasawmy Moodelly which payment he allowed And that the same is likewise contained in the said Second Schedule annexed to the said Report And he found by his Separate Report made in pursuance of the said Decree and bearing date the Seventeenth day of September last that he had proceeded to compute subsequent Interest as in and by the said Decree directed and in a Schedule annexed to his said Separate Report setforth an Account of the Debts mentioned in the first and Second parts of the said First Schedule to the Report of the Twenty first day of March last annexed together with subsequent Interest on the Debts on which Interest had been already computed by him and he thereby found that the whole of the debts in the said Schedule mentioned exclusive of so much of the said Judgment debt as consists of Principal with subsequent interest on such as carry Interest Amounted to the Sum of Rupees One Lac Sixteen thousand Six hundred and Ten Annas ten and piece three And he thereby found and Certified that for the purpose of defraying the future Costs of this Suit and of the general Administration of the Estate of the said Testator Government Promissory Notes or Securities of the East India Company in the possession of the said Defendant Peter Cator Amounting together to the Sum of Sicca Rupees Eleven thousand and Three hundred or Company's Rupees Twelve thousand

thousand and Thirty four and Annas eight ought to be set apart And he found that the residue of the Proceeds of the said Government Promissory Notes in the said Decree mentioned in the hands of the Defendant Peter Cator Amounted to the Sum of Company's Rupees Thirty three thousand and Two hundred and Twenty and Annas three and that the said Defendant Peter Cator had applied the Sum of Company's Rupees ~~One~~ Thirteen thousand Seven hundred and Twenty eight Annas fourteen and pice nine part of such Residue in payment to part of the Creditors (except Seeva Cannoo Ummall) in the first and Second parts of the said First Schedule to his said former Report mentioned And that the said Defendant Peter Cator had retained other part of the said Residue Amounting to the Sum of Company's Rupees Nineteen thousand Four hundred and Ninety one Annas four and pice three to be paid by him to others of such Creditors of the several Sums of Money Reported due to them by his said Separate Report according and in proportion to the Amount of their respective debts and the debt of Seeva Cannoo Ummall which he had allowed And the particulars of which payments and the Sums of Money retained were setforth in the said Second Schedule annexed to the now recited Report And he found that the proportion of the Amount due to the said Seeva Cannoo Ummall had been by the Defendant Peter Cator laid out in the purchase of two Government Promissory Notes bearing Interest at five per cent per Annum Amounting together to the Sum of Rupees Four thousand Six hundred and Eighty six which together with the Sum of Rupees Ninety and Anna One in Cash was in the hands of the Defendant Peter Cator on Account of the said Seeva Cannoo Ummall the particulars of which are contained in the said Second

Schedule

Schedule Annexed to the now recited Report And that a State of facts and Charge had been laid before the said Master by Mangadoo Suruvanah Moodelly Supported by his Affidavit and One Gnendy Soobrayloo Naicko Sworn on the Twenty fourth day of September One thousand Eight hundred and Thirty nine And he found that the said Mangadoo Suruvanah Moodelly had now the Care or Custody of the said Seeva Cannoo Ummall and had had such Care and Custody from the Month of May One thousand Eight hundred and Thirty five to the Thirtieth day of November One thousand Eight hundred and Thirty six And he found that Davanee Ummall the Aunt of the said Seeva Cannoo Ummall had had the Care or Custody of the said Seeva Cannoo Ummall from the Month of December One thousand Eight hundred and Thirty six to the Thirtieth day of August One thousand Eight hundred and Thirty nine And he found that from such last mentioned date up to the present time the said Seeva Cannoo Ummall was maintained and Supported by the said Mangadoo Suruvanah Moodelly And he found that the said Mangadoo Suruvanah Moodelly was a fit and proper person to have the care and custody of the said Seeva Cannoo Ummall for the future during her Minority or until her Marriage And the said Master found that a Sum of Rupees Two hundred and Sixty six Annas ten and pice eight was due to the said Davanee Ummall for the maintenance of the said Seeva Cannoo Ummall And he found that a Sum of Rupees Sixteen per Mensem ought to be allowed to the said Mangadoo Suruvanah Moodelly for the future maintenance of the said Seeva Cannoo Ummall during her Minority or until her Marriage And he found that the said Sum of Rupees Ninety and Anna One in Cash in the hands of the said Peter Cator ought to be paid to the said Davanee Ummall in part satisfaction of the said Sum of Rupees Two hundred and Sixty six Annas ten and pice eight due to her on account of Maintenance of the said

Seeva

Seeva Caumoo Ummall and that the balance of the said Sum of Rupees Two hundred and Sixty six Annas ten and piece eight ought to be paid to the said Davance Ummall from the excess of Interest upon the said Two Government Promissory Notes which may remain after payment of the said Sum of Rupees Sixteen per Month to the said Mungelo Sunvanah Moodelly on Account of the Maintenance of the said Seeva Caumoo Ummall And he found that the Jewels mentioned in the Thirteenth Schedule to the now reciting Report annexed belonged to the said Seeva Caumoo Ummall and not to the Testator's Estate And the said Master reported that he had carried on the Account of the Defendant Peter Cator in respect of the real and personal Estate of the said Testator Manally Pownish Moodelly as in and by the former Decree directed and that he had in such Account allowed the Defendant Peter Cator the Sum of Rupees Four hundred and Fifty five Annas twelve and piece Six being the Amount of Taxed Costs paid by the said Defendant Peter Cator to Mylay Chungleroy Moodelly in pursuance of the said Order in the Decree of the Fourth day of April last mentioned And that he had in the First Schedule annexed to the now reciting Report setforth the several Sums of Money received by the said Defendant Peter Cator on account of the real and personal Estate of the said Testator which together with the Cash and Government Securities in the hands of the Defendant Peter Cator on the Twenty first day of March last amounted to the Sum of Company's Rupees One Lac Seventy eight thousand Five hundred and Ninety five Annas eight and piece Seven And he found that the said Defendant Peter Cator had paid expended disbursed retained or allowed diverse Sums of Money on account of the real and personal Estate of the Testator Amounting to the

Sum

1797

Sum of Company's Rupees One Lac Sixty six thousand Four hundred and Fifty four Annas Six and piece eight all which payments the said Master had allowed and deducting such last mentioned Sum from the first mentioned Sum of Company's Rupees One Lac Seventy eight thousand Five hundred and Ninety five Annas eight and piece Seven leaves the Sum of Company's Rupees Twelve thousand One hundred and Forty one Anna One and piece eleven which the said Master found to be in the hands of the said Defendant Peter Cator belonging to the said Testator's Estate on the foregoing Account of which the Sum of Company's Rupees Twelve thousand and Thirty four and Annas eight consists of Government Securities set apart for the purpose of defraying the future Costs of this Suit and of the general Administration of the Testator's Estate as aforesaid And the said Master had in the first and Second parts of the Third Schedule annexed to the now reciting Report setforth such parts of the Monies received by the Defendant Peter Cator on Account of the real or immoveable Estate and the Rents and profits which had been specifically bequeathed and that he had therein setforth to whom the same had been specifically bequeathed And that a State of facts had been laid before him on behalf of the Defendant Peter Cator supported by his Affidavit Sworn on the Twenty third day of August One thousand Eight hundred and Thirty nine And the said Master had in the first and Second parts of the fourth Schedule annexed to the said Report setforth an Account of the real Estate of the Testator which at the date of the now reciting Report was outstanding And the said Master found that with the exception of the House at Trichinopoly which was in course of Sale the whole of the real Estate mentioned in the first part of the said fourth Schedule had been specifically bequeathed And that he had in the first part of the said Fourth Schedule setforth such information respecting the said Estate and the Rents payable in respect thereof and the

Title

Title Deeds under which the same was held and the Persons to whom the different parts thereof had been specifically bequeathed And he found that the Defendant Peter Cator held possession of a power over the real Estate contained in the First part of the said Fourth Schedule And he found that he had not hitherto sold the same because until the Accounts of the Testator's Estate had been taken and his debts ascertained it did not appear whether such specific bequests could take effect but that inasmuch as the said Testator's Estate was insufficient to satisfy his debts the said Master was of opinion and found that the whole of the real Estate mentioned in the First part of the said Fourth Schedule should be sold And he found that the real Estate mentioned in the Second part of the said Fourth Schedule annexed to the now reciting Report had not been specifically bequeathed by the Testator and that with the exception of the Garden called Durma Thotum opposite the Mowgar Choultry the Testator was not ever in possession thereof and of several parts of such last mentioned real Estate there were no Title Deeds to be found shewing the Testator's right thereto (if any he had) And the said Master found that any attempts to recover possession of the real Estate (except the Garden called Durmah Thotum) mentioned in the said Second part of the said fourth Schedule would even if successful be attended with more loss than benefit to the Testator's Estate And that with the exception of the said Garden called Durmah Thotum he found that no proceedings ought to be taken to recover the real Estate mentioned in the Second part of the said Fourth Schedule. And he found that the said Garden called Durmah Thotum was put up to sale by Public Auction And that no bidders appeared And the said

said Master was of Opinion and found that the said Garden ought to be again put up to sale by Public Auction And that he had in the Fifth Schedule to the now reciting Report annexed setforth a Statement of the Personal Estate of the Testator or in which as appearing by Papers in his possession he could have any Interest which at the date of the said Report was outstanding and the reasons why it was outstanding And he found that with the exception of the small Sums which appear by the said Fifth Schedule to be in a course of recovery and the debt appearing to be due from Mylay Chengleroy Moodelly no part of the personal Estate so outstanding was recoverable and that no proceedings ought to be taken for that purpose And he found that with respect to the small Sums in the course of recovery if the Parties liable to pay the same were prefsed they could not pay at once And he found that there had been no want of diligence on the part of the said Defendant Peter Cator in endeavouring to recover from the said Mylay Chengleroy Moodelly the debt due by him under the Decree of this Honorable Court obtained against him at the Suit of the said Peter Cator as the Executor of the said Testator and in the Second Schedule annexed to such last mentioned State of facts left on behalf of the Defendant Peter Cator were included the Sums of Company's Rupees Three thousand Nine hundred and Sixty one Annas Fifteen and pice Six as being the net proceeds of Indian built House and Garden which was sold under the directions of the said Defendant Peter Cator by John Wheeler on Account of the Estate of the said deceased and Company's Rupees Nine hundred and Forty nine Annas eight and pice eight as the net proceeds of Sale of Manally Garden House Materials which had been likewise sold by the said John Wheeler the Auctioneer employed by the Defendant Peter Cator to sell the same being part of the said Testator's Landed Estate as forming part of the outstanding Estate of the said Testator And he found that the said John Wheeler became

Insolvent

Instrument before the Defendant Peter Cator could have obtained the said Two several Sums and that all his endeavours to recover them had failed And he found that the same are irrecoverable from the said John Wheeler and although no charge had been prefered before the said Master on behalf of the said Complainants or any other persons interested in the said Testator's Estate he conceived it right to submit to the consideration and Judgment of this Honorable Court whether the said Two several Sums of Company's Rupees Three thousand Nine hundred and Sixty one Annas fifteen and piece Six and Company's Rupees Nine hundred and Forty nine Annas eight and piece eight due and owing by the said John Wheeler as aforesaid formed part of the said Testator's outstanding Estate and which two several Sums of Company's Rupees Three thousand Nine hundred and Sixty one Annas fifteen and piece six and Company's Rupees Nine hundred and Forty nine Annas eight and piece eights were setforth and contained in the said fifth Schedule And that the said Master did on the Thirteenth day of September last Cause an Advertisement to be published in the Fort Saint George Gazette of that date together with a Translation thereof in the Tamil Language calling upon any person or persons Claiming to be entitled to any such Jewels Title Deeds or other Property to come in before him on or before the Twenty sixth day of the same Month and prove and establish their Claims and that a State of Facts had been laid before him on behalf of the said Defendant Peter Cator supported by his Affidavit Sworn on the Twenty sixth day of July last And the said Master found that the Defendant Peter Cator was then in the profession as the Executor of the Testator of the

the Jewels and other Property mentioned and setforth in the first part of the Sixth Schedule to the now reciting Report annexed And that such Jewels and other Property (with the exception of the Diamond Necklace mounted with Gold Containing Sixty Diamonds of Sizes and the Pearl Necklace of three Pearls with a locket containing One hundred and seventy nine Pearls received by the Defendant Peter Cator from Mylay Chengleroy Moodelly) were in the possession of the said Testator at the time of his death and as such were taken possession of by the said Defendant Peter Cator as his Executor And he found that the Defendant Peter Cator was at the date of the now reciting Report in possession as the Executor of the said Testator of the Title Deeds mentioned and specified in the second part of the said Sixth Schedule annexed to the said Report and that such Title Deeds were in possession of the said Testator at the time of his death and as such were taken possession of by the said Defendant Peter Cator as his Executor And that a State of Facts and Charge had been laid before him by Seeva Cannoo Ummall the Widow of Mylay Soobaroy Moodelly deceased supported by two several Affidavits of the said Seeva Cannoo Ummall and Mylay Chengleroy Moodelly & Enjembaukum Sabapatty Moodelly Sworn respectively on the Thirteenth and Twentieth days of September last And he found that the Jewels and Title Deeds mentioned in the Seventh Schedule annexed to the now reciting Report belonged to the said Seeva Cannoo Ummall the Widow of Mylay Soobaroy Moodelly deceased and not to the Estate of the said Testator and that a State of Facts and Charge had been laid before him by Milay Chengleroy Moodelly supported by the Affidavit of the said Milay Chengleroy and Streeperamadoo Sawmynada Moodelly Sworn on the Twentieth day of September last And he found that the Jewels mentioned in the Eighth Schedule annexed to the now reciting Report belonged to the said Milay Chengleroy Moodelly and not to the said Testator's Estate and that the Title Deeds mentioned in the said Eighth

Schedul

Schedule belonged to the said Ampermadoo Saunyanada Moodelly and not to the said Testator's Estate and that a State of facts and charge had been laid before the said Master by Milay Ballakistna Moodelly supported by his Affidavit Sworn on the Thirteenth day of September Instant and he found that the Jewels and Title Deeds mentioned in the Ninth Schedule annexed to the said Report belonged to the said Milay Ballakistna Moodelly and not to the Estate of the said Testator And that a State of facts and charge had been laid before him by Mangadoo Sawanah Moodelly supported by his Affidavit Sworn on the Twenty eighth day of September instant And he found that the Jewels Silver Articles Title Deeds and other Documents mentioned in the Tenth Schedule annexed to the now reciting Report belonged to the said Mangadoo Sawanah Moodelly and not to the said Testator's Estate And that a State of facts and charge had been laid before him by Annavy Teroopoora Soondaram Moodelly supported by his Affidavit Sworn on the Twenty fourth day of September last And he found that the Articles and Documents mentioned in the Eleventh Schedule annexed to the said Report belonged to the said Annavy Teroopoora Soondaram Moodelly and not to the said Testator's Estate and with the exception of the Claims to such Jewels Title Deeds or other Property as which the said Master had Reported no other Claim had been made for any of the Jewels Title Deeds or other Property of which the Defendant Peter Cator was at the date of the said Report in possession as the Executor of the said Testator or otherwise And the said Master found that there then remained due to the Creditors of the said Testator in the First and Second parts of

the said First Schedule mentioned after such payments and Monies retained by the Defendant Peter Cator to be paid in respect thereof as aforesaid together with subsequent Interest on such as carry Interest the Sum of Company's Rupees Eighty three thousand Five hundred and Ten Annas two and pice four the particulars of which are mentioned in the Twelfth Schedule Annexed to the said Report And this Cause coming on this present day to be heard for further directions on the said Report of the Thirtieth day of September last and the Costs of this Suit reserved by the said Decretal Order of the Fourth day of April One thousand Eight hundred and Thirty nine before the Honorable the Judges of this Court in the presence of Counsel for the said Complainants and the said Defendant Peter Cator. Whereupon and upon hearing read the said Decree bearing date the said Tenth day of February One thousand Eight hundred and Thirty seven And the Report made thereon dated the Twenty first day of March One thousand Eight hundred and Thirty nine And also the said Decree bearing date the said Fourth day of April One thousand Eight hundred and Thirty nine And the Separate Report dated the Seventeenth day of September One thousand Eight hundred and Thirty nine And the said Report of the said Thirtieth day of September last made respectively in pursuance of the said last mentioned Decree And also the Order of this Court bearing date the First day of October instant whereby the said Report of the said Thirtieth day of September last and all the Matters and things therein contained became Absolutely Confirmed This Court doth Order that it be referred to the Master to Tax the Costs of the Complainants and of the Defendant Peter Cator of this Suit since the last Taxation thereof as between Solicitor and Client And it is Ordered that out of any Money which may be in the hands of the said Defendant Peter Cator or which may hereafter come to his hands belonging to the Testator's Estate he do pay the Complainants Costs to be so Taxed to Mr. John Innes their Solicitor And the Defendants

Costs

Costs to be so Taxed to Mr. Nathaniel Brindley Acworth his Solicitor And that such Payments be allowed to him in passing his future Accounts before the Master And it is further Ordered that the Defendant Peter Cator do henceforth until the Marriage of Seeva Cannoo Munnall and until the Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) due to Davanee Munnall for the past maintenance of the said Seeva Cannoo Munnall be paid or until further Order of this Court pay to Mangadoo Sawandi Moodelly for and on account of the future Maintenance of the said Seeva Cannoo Munnall so long as he shall have the Care and custody of her the Sum of Rupees Sixteen (16) per Mensem on the Interest hereafter to arise on the two Government Promissory Notes for Sicca Rupees Four thousand (4000) and Sicca Rupees Four hundred (400) equal in value to Company's Rupees Four thousand Six hundred and Eighty six (4686) in the Master's Report and in the Second Schedule thereto mentioned belonging to the said Seeva Cannoo Munnall and that the Defendant Peter Cator do pay to the said Davanee Munnall on account of the said Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) the Sum of Rupees Ninety and Anna One (90-1-0) in his hands belonging to the said Seeva Cannoo Mungall and the excess of Interest to arise on the said Two Government Promissory Notes after payment of the said Sum of Rupees Sixteen (16) per Mensem until the said Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) is satisfied and that after such satisfaction he do until the Marriage of the said Seeva Cannoo Munnall or until the further Order of this Court pay to the said Mangadoo Sawandi Moodelly for and on account of her maintenance so long as he shall continues to have the care and Custody of her the whole of the Interest to arise on the said two Government Securities And it is Ordered that the Master do continue the Accounts of the Defendant Peter Cator

of the real and personal Estate of the Testator Manally Ponniah Moodelly by the Decrees of the said Tenth day of February One thousand Eight hundred and Thirty seven and the Fourth day of April One thousand Eight hundred and Thirty nine directed And it is further Ordered that the Defendant Peter Cator do sell the whole of the real Estate mentioned in the First part of the Fourth Schedule to the Master's Report and also the Garden called Dennah Fottum mentioned in the Second part of the said Fourth Schedule to his said Report And this Court doth Declare that the Defendant Peter Cator ought not to be charged with the Sums of Rupees Three thousand Nine hundred and Sixty one Annas fifteen and pice Six (3961-15-6) the Net Proceeds of Tondiapettah House or the Sum of Rupees Nine hundred and Forty nine Annas eight and pice eight (949-8-8) the Net Proceeds of the Sale of the Manally Garden House Materials And it is Ordered that the Master do compute subsequent Interest on the Debts in the first and Second Schedules to his Report of the Twenty first day of March One thousand Eight hundred and Thirty nine mentioned and Report what shall remain due to the Creditors of the Testator in his said former Report mentioned for Principal and Interest on each of the said Debts as carry Interest And it is further Ordered that any persons Claiming to be entitled be at liberty to go in before the Master and establish their Title to any of the Title Deeds Jewels and other Property mentioned in the Sixth Schedule to his Report which he has not found to belong to others than the Testator's Estate And this Court doth Reserve the Consideration of all further directions and of the subsequent Costs of this Suit until after the Master shall have made his Report and any of the Parties are to be at liberty to apply to this Court as they may be Advised.

By the Court

Jno Lynch Compts Solr

W. Acworth Deputy

Registrar

Costs to be so Taxed to Mr. Nathaniel Brindley Acourth his Solicitor And that such Payments be allowed to him in passing his future Accounts before the Master And it is further Ordered that the Defendant Peter Cator do henceforth until the Marriage of Seeva Cannoo Mmmall and until the Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) due to Davanee Mmmall for the past maintenance of the said Seeva Cannoo Mmmall be paid or until further Order of this Court pay to Mangadoo Suwamb Moodelly for and on account of the future Maintenance of the said Seeva Cannoo Mmmall so long as he shall have the Care and custody of her the Sum of Rupees Sixteen (16) per Mensem on the Interest hereafter to arise on the two Government Promissory Notes for Sicca Rupees Four thousand (4000) and Sicca Rupees Four hundred (400) equal in value to Company's Rupees Four thousand Six hundred and Eighty six (4686) in the Master's Report and in the Second Schedule thereto mentioned belonging to the said Seeva Cannoo Mmmall and that the Defendant Peter Cator do pay to the said Davanee Mmmall on account of the said Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) the Sum of Rupees Ninety and Anna One (90-1-0) in his hands belonging to the said Seeva Cannoo Mmmall and the excess of Interest to arise on the said Two Government Promissory Notes after payment of the said Sum of Rupees Sixteen (16) per Mensem until the said Sum of Rupees Two hundred and Sixty six Annas ten and pice eight (266-10-8) is satisfied and that after such satisfaction he do until the Marriage of the said Seeva Cannoo Mmmall or until the further Order of this Court pay to the said Mangadoo Suwamb Moodelly for and on account of Her maintenance so long as he shall continue to have the care and Custody of her the whole of the Interest to arise on the said two Government Securities And it is Ordered that the Master do continue the Accounts of the Defendant Peter Cator of

of the real and personal Estate of the Testator Manally Ponniah Moodelly by the Decrees of the said Tenth day of February One thousand Eight hundred and Thirty seven and the Fourth day of April One thousand Eight hundred and Thirty nine directed And it is further Ordered that the Defendant Peter Cator do sell the whole of the real Estate mentioned in the First part of the Fourth Schedule to the Master's Report and also the Garden called Durmah Tottum mentioned in the Second part of the said Fourth Schedule to his said Report And this Court doth Declare that the Defendant Peter Cator ought not to be charged with the Sums of Rupees Three thousand Nine hundred and Sixty one Annas fifteen and pice Six (3961-15-0) the Net Proceeds of Tondiapettah House or the Sum of Rupees Nine hundred and Forty nine Annas eight and pice eight (949-8-8) the Net Proceeds of the Sale of the Manally Garden House Materials And it is Ordered that the Master do compute subsequent Interest on the Debts in the first and Second Schedules to his Report of the Twenty first day of March One thousand Eight hundred and Thirty nine mentioned and Report what shall remain due to the Creditors of the Testator in his said former Report mentioned for Principal and Interest on such of the said Debts as carry Interest And it is further Ordered that any persons Claiming to be entitled be at Liberty to go in before the Master and establish their Title to any of the Title Deeds Jewels and other Property mentioned in the Sixth Schedule to his Report which he has not found to belong to others than the Testator's Estate And this Court doth Reserve the Consideration of all further directions and of the Subsequent Costs of this Suit until after the Master shall have made his Report and any of the Parties are to be at Liberty to apply to this Court as they may be Advised.

By the Court

Jno Lynch
Comptr Sol.

W. Record
Dy Regr

Peter
Registrar

In the Supreme Court of Judicature at Madras

Equity Side

Fourth Jeun 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Thursday the Twelfth day of September One thousand Eight hundred and Thirty nine And in the Third Year of the Reign of Her Majesty Queen Victoria Between Chendrumbaukum Arnagherry Moodelly an Infant by Danacotee Ummall his Mother and next friend - - - - - - - - - - - - - Complainant

and

Chendrumbaukum Conaravaloo Moodelly - - Defendant

This Cause coming on the Second Third Fifth Sixth Seventh Twelfth and Thirteenth days of August last And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of 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 "he admits it to be true" in folio 2 to the words "in that behalf stated" in folio 3 from the words "And this Defendant" in folio 12 to the words "Poongavanum Maistry" in the same folio from the words "And this Defendant further Answering says that the said" in folio 24 to the words "thereabouts intestate" in the same folio from the words "And this Defendant further Answering says he admits" in folio 24 to the words "him surviving" in

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Edw. J. Gambier

in folio 25 from the words "And this Defendant" in folio 26 to the word
"in that behalf mentioned" in folio 28 from the words "And this Defen
further answering" in folio 37 to the words "Estate or Effects" in the same
from the words "And this Defendant further" in folio 38 to the words "Estate
and Effects" in folio 40 from the words "And this Defendant" in folio 52
the words "as aforesaid" in folio 53 from the words "this Defendant says" in
54 to the words "into effect" in folio 57 from the words "And this Defendant
folio 63 to the words "in that behalf mentioned" in the same folio And upon
hearing read as Evidence for the said Complainant The Deposition of Geo
Clarke Smaller to the First Third and Sixteenth Interrogatories in Chief
filed on behalf of the said Complainant The Deposition of Mrs Samuel Smaller
to the First and Seventeenth Interrogatories in Chief filed on behalf
of the said Complainant The Deposition of Mrs George Walter to the First
Sixth and Seventh Interrogatories in Chief filed on behalf of the said
Complainant The Deposition of Thomas Adamson to the First and Eleventh
Interrogatories in Chief filed on behalf of the said Complainant The
Deposition of Cancaloor Nyneapah Moodelly to the First Second Fourth Fifth
Thirteenth Fourteenth Fifteenth and last Interrogatories in Chief filed on
behalf of the said Complainant The Deposition of Comarasawmy Moodelly
to the First Fifth Thirteenth Fourteenth and Fifteenth Interrogatories
in Chief filed on behalf of the said Complainant The Deposition of
Kelamoor Surwanah Pillay to the First Fifth Thirteenth Fourteenth
Fifteenth and last Interrogatories in Chief filed on behalf of the said
Complainant The Deposition of Yallamboor Paromboador Sawmy
Reddy to the First Thirteenth Fourteenth Fifteenth and Twentieth
Interrogatories in Chief filed on behalf of the said Complainant The
Deposition of the said Yallamboor Paromboador Sawmy Reddy to the Third
Fourth and Eighth Cross Interrogatories filed on behalf of the said Defen
The Deposition of Moovoogapah

Fourteenth Fifteenth and last Interrogatories in Chief filed on behalf of the said Complainant
The Deposition of Gocala Vencatanarain Naick to the First and Nineteenth Interrogatories
in Chief filed on behalf of the said Complainant The Deposition of Addeepullee Gopaul
Chitty to the First and Nineteenth Interrogatories in Chief filed on behalf of the said
Complainant The Deposition of the said Addeepullee Gopaul Chitty to the Ninth Cross
Interrogatory filed on behalf of the said Defendant The Deposition of Moovoogapah
Grauiny to the First and Eighth Interrogatories in Chief filed on behalf of the said
Complainant The Deposition of Soobaroy Chitty to the First and Tenth Interrogatories
in Chief filed on behalf of the said Complainant The Deposition of Pedacalucoopum
Mooncapah Moodelly to the First Fourth and last Cross Interrogatories filed on behalf
of the said Complainant The Deposition of Mylapoor Vencatachella Moodelly to the last
Cross Interrogatory filed on behalf of the said Complainant The Deposition of
Seralapankum Soobaroy Moodelly to the Third Cross Interrogatory filed on behalf
of the said Complainant And upon hearing read as Evidence for the said Complainant
the Exhibits Marked respectively A N°1 A N°2 A N°3 A N°4 and A N°5 And the
Rent Bills Marked respectively A N°1 A N°2 A N°3 A N°4 A N°5 A N°6 A N°7
A N°8 A N°9 A N°10 A N°11 A N°12 A N°13 A N°14 A N°15 A N°16 A N°17
A N°18 A N°19 A N°20 A N°21 A N°22 A N°23 A N°24 A N°25 A N°26
A N°27 A N°28 A N°29 A N°30 and B And the Exhibits Marked respectively
H N°2 H N°3 H N°4 H N°5 H N°6 H N°7 H N°8 H N°9 H N°10 H N°11
H N°12 H N°13 H N°14 H N°15 H N°16 H N°17 H N°18 H N°19 H N°20
H N°21 H N°22 H N°23 and H N°24 And also the Exhibits Marked
respectively I N°1 and I N°2 And upon hearing read as Evidence for the said
Defendant the Deposition of the said Cancaloor Nyneapah Moodelly to the First
Second Third Fourth Fifth Sixth and Seventh Cross Interrogatories filed on behalf
of the said Defendant The Deposition of the said Comarasawmy Moodelly to the Second
Third Fourth Sixth and Seventh Cross Interrogatories filed on behalf of the said
Defendant The Deposition of the said Kelamoor Surwanah Pillay to the First

Second

Second Third Fourth Sixth and Seventh Cross Interrogatories filed on behalf of the said Defendant The Deposition of Pedacala coopum Mungul Moodelly to the First Second Third Fourth Sixth Eighth Eleventh and Seventeenth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of Rungiah Naick to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of Vellevoyel Soobaroy Moodelly to the First Seventh Eighth Twelfth Thirteenth and Fourteenth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of the said Vellevoyel Soobaroy Moodelly to the Fourth Cross Interrogatory filed on behalf of the said Complainant The Deposition of Mylapoor Soobaroy Moodelly to the First Fifth Sixth Eleventh and Seventeenth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of the said Mylapoor Soobaroy Moodelly to the First Cross Interrogatory filed on behalf of the said Complainant The Deposition of Venkatakistnah Iyer to the First Second Third Fourth and Seventh Interrogatories in Chief filed on behalf of the said Defendant The Deposition of Mylapoor Venkatachella Moodelly to the First Fifth Sixth Seventh Eighth Tenth Eleventh Twelfth Thirteenth Fourteenth and Seventeenth Interrogatories in Chief filed on behalf of the said Defendant The Deposition of the said Mylapoor Venkatachella Moodelly to the Fourth Cross Interrogatory filed on behalf of the said Complainant The Deposition of Swalapathen Soobaroy Moodelly to the First Fifth and Ninth Interrogatories in Chief filed on behalf of the said Defendant and also the Exhibits Marked **E** and **A** Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on Mature Consideration had thereon This Court doth Declare that the said Defendant Chendrumbaukum Comaravaloo

Chendrumbaukum Venkatachella Moodelly deceased the Intestate in the Pleadings of this Cause named were at the time of the death of the said Chendrumbaukum Venkatachella Moodelly members of a divided Hindoo family and altogether separate and divided in interest and property and that the said Chendrumbaukum Comaravaloo Moodelly and Chendrumbaukum Venkatachella Moodelly held their several Estates in severalty And this Court doth further Declare that the said Complainant Chendrumbaukum Arnaghery Moodelly as the only Son and only Legal personal representative of the said Chendrumbaukum Venkatachella Moodelly is entitled to have possess and enjoy the whole of the Property Estate and Effects of which the said Chendrumbaukum Venkatachella Moodelly died possessed subject to the maintenance and support of the said Damacootee Unnuall the Widow and Soornamall the infant Daughter of the said Venkatachella Moodelly And this Court doth Order and Decree that it be referred to the Master of this Honorable Court to take an Account of the real and personal Estate of the said Chendrumbaukum Venkatachella Moodelly come to the hands of the said Defendant or to the hands of any other person or persons by his Order or for his use and of all the just debts and funeral expences of the said Chendrumbaukum Venkatachella Moodelly deceased and compute interest on such of the Debts as carry interest after the rate the same respectively carry And the said Master is to cause an Advertisement to be published in the Fort Saint George Gazette and such other public Newspaper as he shall think fit for the Creditors of the said Chendrumbaukum Venkatachella Moodelly to come in before him and prove their Debts And he is to fix a peremptory day for that purpose and in default of their coming in to prove their Debts by the time so to be appointed they are all to be excluded the benefit of this Decree And this Court doth further Order and Decree that the said Chendrumbaukum Venkatachella Moodelly's real and personal Estate be applied in payment of his Debts and Funeral expences in a due course of Administration And it is further Ordered that it be referred to the Master of this Honorable Court to enquire and Report what will be a sufficient Sum for the Maintenance and Support of the said Damacootee Unnuall and Soornamall respectively and what part of the said Estate ought to be set apart for the purpose & how the Sum required ought to be secured and also what will be a sufficient Sum to be allowed for the Maintenance and education of the said Complainant during his minority 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

Oath all Codjans Deeds Books Papers and Writings in their Custody or power relating thereto and are to be examined upon Interrogatories as the said Master shall direct who in taking the said Account is to make unto the Parties all just allowances And by and with the consent of the Counsel for the Complainant and Defendant It is further Ordered that Charles William Blount Esquire be appointed Receiver of the said Estate of the said Chundrumbankum Mookelly with such Salary or Remuneration as the Master shall direct the said Charles William Blount first giving Security to be approved of by the Master duly and Annually or oftener if required to Account for what he shall receive And this Court doth further Order and Decree that it be referred to the said Master to tax the Costs of the said Complainant in this Suit upto the date of this Decree And that such Costs when taxed be paid by the said Defendant to the Complainant or his Solicitor And this Court doth Reserve the consideration of all further directions and subsequent Costs until after the said Master shall have made his Report And any of the Parties to be at liberty to apply to the Court as occasion shall require

By the Court

In the Supreme Court of Judicature at Madras
Equity Side

Sittings after the Fourth Term 1839
18th October 1839

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Friday the Eighteenth day of October One thousand Eight hundred and Thirty nine And in the Third Year of the Reign of Her Majesty Queen Victoria Between Alexander Duncan Campbell Esquire Executor of the Last Will and Testament of Edward Samuel Moorat Esquire deceased
Complainant

and

The East India Company . . . . . Defendants

R Comyn.

Dn. E. J. Gambier.

This Cause coming on the Twenty third Twenty fourth and Twenty fifth days of September last And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides Upon Opening the Bill of Complaint of the above named Complainant And the Answer of the said Defendants thereto And upon hearing read as Evidence for the said Complainant the several passages in the said Answer of the said Defendants as follow that is to say from the words "they Admit" in folio 2 to the words "behalf mentioned" in the same folio from the words "they Admit" in folio 3 to the words "mentioned proposition" in folio 4 from the words "they Admit" in folio 10 to the words "to the same" in folio 11 from the words "And these Defendants" in folio 19 to the words "reply to the said Letter" in folio 21 from the words "And that on" in folio 25 to the words "behalf set forth" in folio 22 from the words "Admit that" in folio 26 to the words "the said Account" in folio 27 from the words "they Admit that" in folio 34 to the words "that purpose" in folio 35 from the words "And these Defendants further" in folio 41 to the words "profession of these Defendants" in folio 42 from the words "these Defendants" in folio 70 to the words "in such Deed" in folio 71 from the words "these Defendants" in folio 72 to the words "Sum of Money" in folio 73 from the words "they Admit" in folio 76 to the words "becoming due" in folio 77 from the words "And these" in folio 80 to the words "separate transaction" in the same folio from the words "they Admit" in folio 83 to the words "Cash Account" in the same folio from the words "And these" in folio 87 to the words "each other" in the same folio And upon hearing read as

Evidence

Evidence for the said Complainant The Deposition of Mr. Benjamin De Meder to the First Second Third Fourth Fifth Sixth Tenth and Thirteenth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Mr. John Baptist Cruendo to the First Second Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Mr. Thomas Watkins to the Second and Third Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Archibald Francis Arbuthnot Esquire to the First Seventh and Eighth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of William Scott Binny Esquire to the First Seventh and Eighth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Joseph Pugh Esquire to the First Seventh and Eighth Interrogatories in Chief filed on behalf of the said Complainant The Deposition of Andrew Robertson Esquire to the First and Eighth Interrogatories in Chief filed on behalf of the said Complainant And upon hearing read as Evidence for the said Complainant the Exhibit **A N°1** and **B N°1** and the Admission of the Complainant and Defendants Solicitors dated Nineteenth July One thousand Eight hundred and Thirty-one the Exhibits Marked respectively **A B C D E E N°1 F G H I K L M N** and upon the Admission at the Bar of the Defendants Counsel that the whole of the Account of the Testator in his life time and the Government Bank were Accounts of Cheques and Drafts on Bank and Interest of Money on deposited Government Promissory Notes and fees paid on Notes and that the Interest on the Notes was carried to his Credit and that the Interest balances and the fees were carried to his debit and that all the Notes and Bills discounted by the Testator were taken up at Maturity by Money or Cheques on the Bank to their own Credit hearing read also parts of the said Answer in Explanation for the said Defendants as to say from the words "but these Defendants" in folio 2 to the words "mentioned thought" in folio words "but herein" in folio 22 to the words "this Honorable Court" in folio 23 from the words folio 87 to the words "Notes discounted" in the same folios And upon hearing read as Evidence said Defendants the Deposition of the said Archibald Francis Arbuthnot to the Interrogatory filed on behalf of the said Defendants The Deposition of the said William Binny to the First Cross Interrogatory filed on behalf of the said Defendants and of the said Joseph Pugh to the First Cross Interrogatory filed on behalf of the said Defendants Whereupon and upon debate of the Matter and hearing what was alleged by Counsel on both Sides And on Mature Consideration had thereon This Court doth Declare the Promissory Notes of the Tanjore Debt deposited by the said Edward Samuel Moorat to the said Deed Poll of the Twenty Second day of July One thousand Eight hundred and

were deposited solely as a Security for the Sums to be Advanced by the Defendants on a Cash Account and not for the payment of any Sums to become due from the said Edward Samuel Moorat to the Defendants on Bills of Exchange or Promissory Notes discounted by him And this Court doth Order that the Defendants do indorse and deliver over to the Complainant as the Executor of the said Edward Samuel Moorat the said Two Promissory Notes of the Tanjore Debt in their possession Viz^t. N°102 of 106 of 1832/33 for Company's Rupees Twenty One thousand (21,000) and N°114 of 109 of 1832/33 for Madras Rupees Ten thousand (10,000) And it is Ordered that the Defendants do pay unto the Complainant his Costs of this Suit to be Taxed by the Master

By the Court

W. Arnold Reg.

650. of 40.

In the Supreme Court of Judicature at Madras

Equity Side

Civil Cause 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of His Majesty's Justices

Tuesday the Fourth day of February One thousand eight hundred and forty and in the third year of the Reign of Her Majesty Queen Victoria.

Between - Chitragaloo Vencatarantnum and Augusta Mary Paterson and John Carmichael Paterson Infants by the said Chitragaloo Vencatarantnum their Mother and next friend Plaintiffs

and

James Stevenson Esquire the Executor of the Last Will and Testament of Andrew Paterson Esquire deceased . . Defendant

R Monypr.
Edw. J. Gambier

This Cause coming on this present day to be heard and debated on Bill and Answer before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides Upon opening the Bill of Complaint of the above named Plaintiffs and the answer of the said Defendant thereto and upon reading the Rejality of the Probate of the Last Will and Testament of the said Testator Andrew Paterson deceased in the pleadings of this Cause named granted to the said Defendant as one of the Executors in the said Will named Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both sides and on all & singular consideration had thereof And it appearing to this Court by the Plaintiffs Counsel admitting at the Bar that since the institution of this said the

the Legacy of the Plaintiff Christopher Vansittartsmith had been p
paid and satisfied and also that the sum of Rupees seven hund
and twenty four (724-0-0) had been paid by the Defendant on ac
of the interest on the Legacies of the Infants Augusta Mary Pat
and John Carmichael Paterson for their respective equal proport
And this Court doth Order that the Defendant do pay to
goods the Legacy of Sicca Rupees Eight thousand (8000) by the
Will given to the Infant Plaintiff Augusta Mary Paterson with interest
at Six per Cent per annum from the Sixteenth day of September one
thousand eight hundred and thirty five being one year after the Test
death after deducting a Moiety of the said sum of Rupees seven hu
and twenty four (724) and also the Legacy of Sicca Rupees Eig
thousand (10,000) by the Testators Will given to the Infant Plain
John Carmichael Paterson with interest thereon at Six per Cent p
annum from the said Sixteenth day of September One thousand e
hundred and thirty five after deducting the other Moiety of the said
of Rupees seven hundred and twenty four (724). And this Co
doth Order that it be referred to the Master to Tax the Costs of the
Plaintiffs and Defendant of this suit as between solicitor and cl
and that he do apportion the amount of such Costs between the
principals of the said Legacies of Sicca Rupees Eight thousand
and Sicca Rupees Ten thousands (10,000) And it is Ordered
that what the Master shall apportion to the said Legacies for the
Costs to be paid by the Defendant from the amounts due from him
respect of such Legacies to Mr. John Reynolds Lowry the
and that what the Master shall apportion to the said Legacies for
Defendants Costs to be also paid by the Defendant from the amo
due from him in respect of such Legacies to Mr. Henry Morgan
his Solicitor And this Court doth further Order that it be
referred to the Master to ascertain what remains due for Principal
interest on the said two Legacies after deducting therefrom the Cost
he is to take and apportion as aforesaid and a Moiety of the
sum of Rupees seven hundred and twenty four (724) from each
said Legacies And it is Ordered that the Master shall
him to remain due on account of the said Legacy of Sicca Rupees
Eight thousands (8000) to be paid by the Defendant into the Court
of Cost Bank Sicca with the Interest of the Accountant General
this Court and thereafter to the Credit of this Cause to the
account

account to be entitled "In trust for Augusta Mary Paterson an Infant"
and that what the Master shall find to remain due on account of the
said Legacy of Sicca Rupees Ten thousands (10,000) be paid by the
Defendant into the said Treasury with the like privity of the said
Accountant General and there placed to the credit of this Cause to
"an account to be entitled" In trust for John Carmichael Paterson
an Infant" And it is further Ordered that the said Treasurer
with the like privity of the said Accountant General do invest the
Sums to be so paid by the Defendant into the Treasury to the
respective accounts aforesaid in the purchase of Government Securities
or Promissory Notes of the East India Company and that he do
carry the Government Securities or Promissory Notes when so
purchased to the respective accounts to which the monies wherewith
they were purchased respectively stood And it is Ordered that
the interest to accrue due on such Government Securities or Promissory
Notes when so purchased and all accumulations thereof be by
the said Treasurer with the like privity of the Accountant General
from time to time laid out in the purchase of the like Government
Securities or Promissory Notes and carried to the like accounts
aforesaid subject to the further order of this Court And it is
further Ordered that it be referred to the said Master to approve
of a proper person or persons to be Guardian or Guardians of the
person and Estates of the Infant Plaintiffs during their respective
Minorities and it is Ordered that all proper parties have
notice to attend the said Master thereon and be at liberty to
propose such Guardian or Guardians And it is Ordered
that the Master do enquire into state the Infant Plaintiffs ages
and the nature and Amount of their Fortunes and on what
Evidence or grounds the approval of such person or persons do to be
appointed Guardian or Guardians And it is Ordered that
the said Master do enquire and state what will be proper to be
allowed for the maintenance and Education of the Infant Plaintiffs
during their respective minorities and from what Funds such
Allowances should commence and out of what Funds they should
be taken and the said Master is to be at liberty to state any
special Circumstances and to make a separate Report as to

any

ing of the Matters aforesaid and the Court doth Order that
all further Directions and the Subsequent Costs of this Suit and
1842 after the Matters shall have been made Report and any of the
Parties or Persons interested are to be at Liberty to apply to
the Court as occasion shall require

By the Court

W. Ewer Registrar

I B Harney
Complt's Sol.

Rowlandson & Rose
Defts Sol.

No 422-/40.

In the Supreme Court of Judicature at Madras

Equity Side

First Term 7th February 1840.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Kiamut Dowlah Bahauder and Kamoruel Dowlah Bahadur Zamiat Un Nyssa Begum and Imatoo Sakeena Begum - - - - - - - - - - - -

vs

Mumtaz Begum and Nowroz Begum Rutten Bhartee Gosain and Fakeer Saib - - - - - -

The Matter upon the Demurrer put in by the Defendant Fakeer Saib to the Bill of Complaint in this Cause coming on to be Argued on the Fourth and Fifth days of February instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Demurrer and Bill being opened and the said Defendants Counsel also Demurring one times upon debate of the Matter and hearing what was alleged by the Counsel on both Sides - This Court doth Order that the Demurrer on Record be Overruled without Costs and the Demurrer one times be allowed without Costs And that the said Complainants be at liberty to amend their Bill by making Poongatoor Soondarum Moodelliar in the said Bill named a Party Defendant to this Suit the said Complainants undertaking to amend the said Bill and the said Defendants Office Copy within Three Weeks from the date hereof.-

R Comyn

Edw.d J. Gambier.

By the Court.-

W. Ewer Registrar

Exd

№ 610 of 40

In the Supreme Court of Judicature at Madras

Equity Side

First Term 19th February 1840.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Bhavoo Row otherwise called Sham Row - - -

Anboo Boye Narrahsawmy Pant Anpah Pant Ramasawmy Iyengar Canagamah Krishna Row and The East India Company - - - - - - - - - - - - - - -

The Matter upon the Separate Demurrer put in by the Defendant Anboo Boye to the Amended Bill of Complaint in this Cause coming on to be Argued on the Seventeenth and Eighteenth days of February instant And also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Amended Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed with Costs.-

R Comyn

By the Court.-

W. D Acworth

Deputy Reg

Ex 6 L.D.

Wraumpton
Deft's Solr

No 609 f 40

In the Supreme Court of Judicature at Madras

Plea Side — First Term 20th February 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

one of Her Majesty's Justices

Poodoopaukum Veerasawmy Naick

vers

Poodoopaukum Iyah Cumroo Moodelly and Chinna Apparoo Moodelly

The Matter upon the Demurrer put in by the Plaintiff to the amended Third Plea of the Defendants in this Action And the Same thereto coming on to be Argued on this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and amended Third Plea being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be overruled with Costs and that the said Plaintiff be at liberty to withdraw the said Demurrer and reply to the said amended Third Plea within one Week from the date hereof

By the Court

C. H. Ansorth

Registrar

H Conyn
Edwd J. Gambier

Engd

Mr Cooper
Deft Attyt

1478 of 40.

In the Supreme Court of Judicature at Madras

Equity Side. Second Term 1840.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Friday the Twenty Seventh day of March one Thousand Eight Hundred and Forty and in the Third year of the Reign of Her Majesty Queen Victoria

Between The Right Reverend Don Antonio Tristao Teixeira Episcopal Governor or Vicar General and Bishop elect of Saint Thome . . . . Plaintiff

and

Emanuel Bilderbeck . . . . . Defendant

R Comyn

This Cause coming on the Thirtieth day of September one thousand Eight hundred and Thirty nine and on the Third Tenth Eleventh Twelfth Thirteenth Fourteenth Fifteenth and Seventeenth days of February last and the Twenty first day of March instant and also on this present day to be heard and debated before The Honorable the
2 Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides upon opening the Original and Amended Bill of Complaint of the above named Plaintiff and the answers of the said Defendant thereto And upon hearing read as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendant to the said Original Bill as follows that is to say from the words "And this"
3 in folio 1 to the words "Side of this Honorable Court" in folio 3 from the words "And this Defendant further answering saith" in folio 3 to the words "John Binny and William Scott" in folio 5 from the words "But he admits" in folio 6 to the words in the Bill set forth "in folio 7 from the words "And this Defendant further answering saith" in folio 7 to the words "the Jurisdiction of this Honorable Court" in folio 22 from the words "And this Defendant further
4 answering" in folio 57 to the words "the same when produced" in folio 60 from the words

"And

and this Defendant further answering saith" in folio 82 to the words "about any Bishop" in folio 83 from the words "and this Defendant admits" in folio to the words "for the time being" in folio 84 and upon hearing read as Evidence for the said Plaintiff The Deposition of Doctor Manl. Fr. Lobo to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Joachim Gabriel Rodrigues to the First Second Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Domingos de Antonio Alves to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Francisco de Assis Rodrigues to the First Third Fourth Sixth and last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Sebastian Jeboya to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Antonio Regano Gracias to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Manl. Fr. Lobo to the First and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Reverend Manuel Caetano Joaquim Barbozo to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Antonio Constantino Dias Esquire to the First Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Antonio Jose de Almeida to the First Second Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Miguel Archanjo de Saldanha to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Nicolao Marianno Fernandez to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Redegundo Lopez das Neves to the First Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Romano de Cantor Castro to the First Third Fourth Fifth and Last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of the Right Reverend Clement Bernard to the First Cross Interrogatory filed on behalf of the said Plaintiff And upon hearing read

also as Evidence for the said Plaintiff the Exhibits Marked respectively **CD** and **E** and the Order of this Court made in this Cause on the part of the said Plaintiff bearing date the thirtieth day of September one thousand Eight hundred and thirty nine and the Last Will and Testament and Codicil of John Deallonte Esquire deceased the Testator in the Pleadings of this Cause mentioned and the Record of the Probate of the said Will and Codicil of the said Testator granted out of and under the Seal of this Honorable Court to Emanuel Bilderbeck as one of the Executors therein named And the Bill in the Cause wherein George Arbuthnot James Morgan Strachan John Binny and William Scott form of the Executors of the Last Will and Testament of John Deallonte Esquire deceased were Complainants and the Reverend Fre Don Manuel de ave Maria the acting Bishop or Vicar-General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his Wife Mary Dias were Defendants The Decretal Orders made by this Court in the same Cause bearing date respectively the thirty first day of March one thousand Eight hundred and thirty two and the Fourth day of August one thousand Eight hundred and thirty two the Report of the Master of this Court bearing date the Fifteenth day of March one thousand Eight hundred and thirty three made in pursuance of the said last mentioned Decretal Orders and the Orders of this Court made in the said Cause and bearing date respectively the Tenth day of April one thousand Eight hundred and thirty three the Twenty fourth day of July one thousand Eight hundred and thirty four the nineteenth day of September one thousand Eight hundred and thirty four the second day of November one thousand Eight hundred and thirty five and the Sixteenth day of October one thousand Eight hundred and thirty seven and also the Petition of the said Defendant on which the last mentioned Order was made and upon hearing read the admission in writing of the Plaintiffs and Defendants Solicitors dated the Twenty first day of March instant and the Order of this Court made in the last mentioned Cause bearing date the Tenth day of April one thousand Eight hundred and thirty three therein referred to and also another admission in writing of the said Plaintiffs and Defendants Solicitors also dated the Twenty first day of March instant And the Order made in the said Cause and bearing date the Seventh day of February one thousand Eight hundred and forty and referred to in the said last mentioned admission And upon hearing read also part of the said answer in Explanation for the said Defendant as follows that is to say from the words "And this Defendant" in folio 5 to the words "Bishop of Saint Thome" in folio 6 and upon hearing read

Read as Evidence for the said Defendant The Deposition of the said Doctor
Ill. F. Lobo to the First Second Third Fourth Fifth Sixth Twelfth Thirteenth
Fourteenth Fifteenth Sixteenth Seventeenth Eighteenth Nineteenth Twentieth
Twenty first Twenty Second Twenty third and Twenty fourth Cross
Interrogatories filed on behalf of the said Defendant The Deposition of
said Joachim Gabriel Rodrigues to the Ninth and Tenth Cross Interrogatories
filed on behalf of the said Defendant The Deposition of the said The Reverend
Domingo Jose Antonio Ferreira to the First Second Third Fourth Fifth Sixth
Twelfth Thirteenth Fourteenth Fifteenth Sixteenth Seventeenth Eighteenth
Nineteenth Twentieth Twenty first Twenty Second Twenty third and Twenty
fourth Cross Interrogatories filed on behalf of the said Defendant The
Deposition of the said The Reverend Francisco das Dores to the First
Second Third Fourth Fifth Sixth Tenth Twelfth Thirteenth Fourteenth
Fifteenth Sixteenth Seventeenth Eighteenth Nineteenth Twentieth Twenty
first Twenty Second Twenty third and Twenty fourth Cross Interrogatories
filed on behalf of the said Defendant The Deposition of the said The
Reverend J. Sebastian de Souza to the First Second Third Fourth Fifth and
Sixth Cross Interrogatories filed on behalf of the said Defendant The Deposition
of the said The Reverend Antonio Rozario Cardozo to the First Second Third
Fourth Fifth and Sixth Cross Interrogatories filed on behalf of the said
Defendant The Deposition of the said The Reverend M.r Ribeiro to the
First Third Fourth and Sixth Cross Interrogatories filed on behalf of
the said Defendant The Deposition of the said The Reverend Manuel
Caetano Joaquim Barbozo to the First Second Third Fourth Fifth and
Sixth Cross Interrogatories filed on behalf of the said Defendant The
Deposition of the said Antonio Jose de Ataide to the last Interrogatory
in Chief filed on behalf of the said Plaintiff The Deposition of the Right
Reverend Clement Bonnand to the First Second Third Fourth Fifth
Sixth Seventh and Eighth Interrogatories in Chief filed on behalf of the
said Defendant and the Deposition of the same Witness to the Second
Third

Third Fourth Fifth Sixth Seventh Eighth Tenth Eleventh Twelfth and Thirteenth Cross
Interrogatories filed on behalf of the said Plaintiff The Deposition of The Reverend
William Kelly to the First Fifth Sixth Seventh Eighth Ninth and part of the last
Interrogatories in chief filed on behalf of the said Defendant and the Deposition of the
same Witness to the First Second Third Fourth Fifth Sixth Seventh Eighth Ninth Tenth
Eleventh and Twelfth Cross Interrogatories filed on behalf of the said Plaintiff The
Deposition of The Reverend Baselio Eleriam to the First and Fourteenth Interrogatories
in chief filed on behalf of the said Defendant and also The Deposition of the same
Witness to the First Third Fourth Fifth Sixth Seventh Eighth and Tenth Cross
Interrogatories filed on behalf of the said Plaintiff The Deposition of Robert Clerk
Esquire to the First Second Third and Fourth Interrogatories in chief filed on behalf
of the said Defendant The Deposition of Elieabon Vanderveen to the First and Tenth
Interrogatories in chief filed on behalf of the said Defendant The Deposition of
Major John Chisholm to the First and Eleventh Interrogatories in Chief filed on
behalf of the said Defendant The Deposition of William Oliver to the First Twelfth
and Fifteenth Interrogatories in chief filed on behalf of the said Defendant and
The Deposition of Michael Pennuck to the First and Thirteenth Interrogatories in
Chief filed on behalf of the said Defendant and upon hearing Read also as Evidence
for the said Defendant the Exhibits Marked respectively **A** No 29 **BCDE**
FGH and **I**. And upon Reading the Orders of this Court made in this Cause
on the part of the said Defendant bearing date Respectively the Twenty fourth day of
September one thousand Eight hundred and thirty nine and the Fifth day of February
one thousand Eight hundred and Forty and the Plaintiffs Counsel admitting at the
Bar that "in the Petition of the Plaintiff in the Cause wherein "George Arbuthnot
and Others are Complainants and The Reverend Fre Don Manuel De Ave Maria and
Others are Defendants" by him Sworn on the Ninth day of December one thousand
Eight hundred and thirty Six the Plaintiff styled himself Bishop of Saint Thome
and Signed himself Bishop of Meliapoor and Swore that on the Sixth day of October
then last he was duly installed Bishop of Saint Thome and assumed the duties of
that See and had ever since been and then was the Bishop of Saint Thome in
Succession to the Defendant Fre Don Manuel De Ave Maria and that by his

Petition

Petition filed the Thirteenth day of January
27 and Forty four in the Supreme Court by the Right Reverend
Thomas and Sworn to by his Procurator in the
Sixth day of October then last in due manner
and assumed the duties of that See and has
the Bishop of Saint Thome in succession to the
De Ave Maria and that the Humbly Prayed
28 Petition as Bishop Elect of Malacca and the Hon.
admitting of the Bar that on a letter from the Court of
East India Company to the Governor of Fort Saint
day of July one thousand eight hundred and
29 following passage

"8. Reporting that the Government had with the Concurrence
of the Supreme Government recognized Dr O'Connor the
Vicar Apostolic as the Official Superior thro whom all
Communications respecting the Roman Catholic Religion
and church should be made

29 28. Any difficulties that may
the Royal claims of the British
and the Portuguese acting

Ecclesiastical Jurisdiction under
Subjects in the Madras Presidency having been removed by
the latter. We approve of your Recognition of Dr O'Connor as
30 of Character and Education who holds a Commission direct
and whose Exertions in the short period of his Residence at
proved beneficial to the People. The Secretary of the East
Thome who holds his appointment from the Portuguese
has advanced claims to this Jurisdiction but as his Residence
have been recognized in the absence of a British Person of
31 Dignitary the claims of the present Bishop cannot
upon Reading also the Certificates of the accounts
made in the Cause wherein George Arbuthnot and others are
The Reverend Fre Don Manuel de Ave Maria and others are
Marked respectively (N° 27). 28. 29. 33. 35. 36. 38. 37 as
in the words and figures following that is to say

N° 27

"Supreme Court
"Equity side

George Arbuthnot James Morgan Strachan John Binny and
32 William Scott four of the Executors of the Last Will and
"Testament of John De Monte Esq.re deceased Complainants
"and The Reverend Fre Don Manuel De Ave Maria the acting
"Bishop or Vicar General of Saint Thome Emanuel Bilderbeck
"and Constantio Dias and his Wife Mary Dias Defendants

""The Legacy in the Fifth Paragraph of the said Testator's Will mentioned

"I hereby Certify that according to the Books of the Supreme Court the funds standing
33 "to the Credit of this Cause "The Legacy in the Fifth Paragraph of the said Testator's Will
"mentioned" are as follows Viz.t

"In one Promissory Note of the 4 p Cent Loan of 1.st May 1832
"N.° 2752 dated 1.st May 1832 bearing interest from 1.st May 1839 for Sa Rs. 16000. " "
"Comp.y's Rupees 17892 " "

"In Cash being the Interest drawn on the Residue of the abovementioned
"Security & Remaining unappropriated " 1A 1

"Company's Rupees 17892 1A 1

"Fort St George Accts Gen.l Office
"26.th October 1839
"J. G. Turnbull
34 "Accl Genl Supr. Court

"This Certificate is granted as p.r application
from Mr. N. B. Acworth Solr. for the Right Revd
Don Antonio Tristao Teixeira Episcopal Governor
Vicar General and Bishop Elect of Saint Thome
dated 16. Septr 1839

"Exd M. V. Doobraylee

"Supreme Court
"Equity side

"28

"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and
35 "Testament of John De Monte Esq.re deceased Complainants
"and The Reverend Fre Don Manuel De Ave Maria the acting
"Bishop or Vicar General of Saint Thome Emanuel Bilderbeck
"and Constantio Dias and his Wife Mary Dias Defendants

""The Legacy in the Sixth Paragraph of the said Testator's Will mentioned

"I hereby Certify that according to the Books of the Supreme Court the funds
"standing to the Credit of this Cause "The Legacy in the Sixth Paragraph of the said Testator's
"Will mentioned" are as follows Viz.t:

36 "In one Promissory Note of the 4 p Cent Loan of 1.st May 1832
"N.° 2757 dated 1.st May 1832 bearing interest from 1.st May 1839 for Sa Rs. 6800 " "
"Comp.y's Rupees 7242 " "

"In Cash being the Interest drawn on the Residue of the above mentioned
"Security and remaining unappropriated 2 " 11

"Company's Rupees 7244 " 11

"Fort St George Accts Gen.l Office
"26. October 1839
"J. G. Turnbull
"Acct Genl Supr Court

"This Certificate is granted as p.r application from
"Mr N. B. Acworth Solr for the Right Revd Don
"Antonio Tristao Teixeira Episcopal Governor Vicar
"General and Bishop Elect of Saint Thome dated 16.
"September 1839

"Exd M. V. Doobraylee.

31 Supreme

"Supreme Court
"Equity Side }

"N° 29

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^r deceased Complainants and The Reverend Fre Don Manuel De ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants

"The Legacy in the Seventh Paragraph of the said Testator's Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the Credit of this Cause "The Legacy in the Seventh Paragraph of the said Testator's Will mentioned" are as follows Viz^t

"In one Promissory Note of the 4 p Cent Loan of 1^st May 1832
"N° 2755 dated 1^st May 1832 bearing interest from 1^st May 1839 for S^a R^s 8400 " "
"Comp^y^s Rupees 8946 " "

"In Cash being the Interest drawn on the Residue of the above mentioned Security and remaining unappropriated — " 2
"Company's Rupees 8946 " 2

"This Certificate is granted as p^r application from
"M^r N. B. Acworth Sol^r for the Right Rev^d Don
"Antonio Tristao Teixera Episcopal Governor or Vicar General
"and Bishop Elect of Saint Thome dated 16^th Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^r Court

"Supreme Court
"Equity Side }

"N° 33

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^r deceased Complainants and The Reverend Fre Don Manuel De ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants

"The Legacy in the Twenty Sixth Paragraph of the said Testator's Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the Credit of this Cause "The Legacy in the Twenty sixth Paragraph of the said Testator's Will mentioned" are as follows Viz^t

"In one Promy Note of the 4 p Cent Loan of 1^st May 1832
"N° 2754 dated 1^st May 1832 bearing interest from 1^st May 1839 for S^a R^s 16800 " "
"Comp^y^s Rupees 17892 " "

"In Cash being Thirty months Interest drawn on S^a R^s 16750-9-11 part
"of the above Gov^t Security from 1^st May 1836 to 1^st Nov^r 1838 - 1784-12-8
"Ditto being Six months d^o drawn with above Gov^t Security from
"1^st Nov^r 1838 to 1^st May 1839 — 357-13-5
2142 10 1
"Company's Rupees 20034 10 1

"This Certificate is granted as p^r application from
"M^r N. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar General
"and Bishop Elect of Saint Thome dated 16 Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26 October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^r Court

"Supreme Court
"Equity Side }

"N° 35

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^r deceased Complainants and The Reverend Fre Don Manuel De ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants.

"The Legacy for the College of Priests at the Cathedral of Saint Thome in the Twenty Eighth Paragraph of the said Testator's Will mentioned."

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the Credit of this Cause. "The Legacy for the College of Priests at the Cathedral of Saint Thome in the Twenty eight Paragraph of the said Testator's Will mentioned" are as follows Viz^t

"In one Promy Note of the 4 p Cent Loan of 1^st May 1832
"N° 2747 dated 1^st May 1832 bearing interest from 1^st May 1839 for S^a R^s — 25000 " " or
"Company's Rupees 26625 " "

"This Certificate is granted as p^r appl^n from
"M^r N. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar Gen^l
"& Bishop Elect of S^t Thome dated 16^th Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^r Court

"N° 34

"Supreme Court
"Equity Side }

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^r deceased Complainants and The Reverend Fre Don Manuel De ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants.

"The Legacy for the Seminary for the instruction of Priests in the Twenty Eighth Paragraph of the said Testator's Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the Credit of this Cause "The Legacy for the Seminary for the instruction of Priests in the Twenty Eighth Paragraph of the said Testator's Will mentioned" are as follows Viz^t

"In one Promy Note of the 4 P Cent Loan of 1^st May 1832
"N° 2748 dated 1^st May 1832 bearing interest from 1^st May 1839 for S^a R^s — 25000 " " or
"Company's Rupees 26625. " "

"This Certificate is granted as p^r appl^n from
"M^r N. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar General and
"Bishop Elect of S^t Thome dated 16 Sept^r 1839.
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^r Court

"N° 38

"Supreme Court
"Equity Side }

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^r deceased Complainants and the Reverend Fre Don Manuel De ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants

"The Legacy for the Covelong Church Seminary and School at Covelong in the Codicil to the said Testator's Will in that behalf mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing

"Supreme Court
"Equity Side

"N°29

"George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esq^re deceased Complainants and The Reverend The Don Manuel De Ave Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio Dias and his wife Mary Dias Defendants

"The Legacy in the Seventh Paragraph of the said Testators Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the Credit of this Cause "The Legacy in the Seventh Paragraph of the said Testators Will mentioned" are as follows Viz^t

"In one Promissory Note of the 4 p Cent Loan of 1^st May 1832
"N° 2755 dated 1^st May 1832 bearing interest from 1^st May 1839 for Sa Rs 8000 — "
"Comp^y Rupees 8456 "

"In Cash being the Interest drawn on the Securities of the above
"mentioned Security and remaining unappropriated — "
"Company's Rupees 8456 "

"This Certificate is granted as p^r application from
"Mr A. B. Acworth Sol^r for the Right Rev^d Don
"Antonio Tristao Teixera Episcopal Governor Vicar General
"and Bishop Elect of Saint Thome dated 16^th Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^e Court

"Supreme Court
"Equity Side

"N°33

"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and
"Testament of John De Monte Esq^re deceased Complainants
"and The Reverend The Don Manuel De Ave Maria the acting
"Bishop a Vicar General of Saint Thome Emanuel Bildarbeck
"and Constantio Dias and his wife Mary Dias Defendants

"The Legacy in the Twenty Sixth Paragraph of the said Testators Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing
"to the Credit of this Cause "The Legacy in the Twenty sixth Paragraph of the said Testators
"Will mentioned" are as follows Viz^t
"In one Promy Note of the 4 p Cent Loan of 1^st May 1832
"N° 2754 dated 1^st May 1832 bearing interest from 1^st May 1839 for Sa Rs 16000 — "
"Comp^y Rupees 17892 — "

"In Cash being Thirty months Interest drawn on Sa Rs 16750-9-11 part
"of the above Govt Security from 1^st May 1836 to 1^st Nov^r 1838 - 1784.12.8
"Ditto being Six months do drawn on the above Govt Security from
"1^st Nov^r 1838 to 1^st May 1839 — 357.13.5
2142 10 1
"Company's Rupees 2003 10 1

"This Certificate is granted as p^r application from
"Mr A. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar General
"and Bishop Elect of Saint Thome dated 16^th Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^e Court

"Supreme Court
"Equity Side

"N°35

"George Arbuthnot James Morgan Strachan John Binny and William
"Scott four of the Executors of the Last Will and Testament of John De Monte Esq^re
"deceased Complainants and The Reverend The Don Manuel De Ave Maria
"The acting Bishop or Vicar General of Saint Thome Emanuel Bildarbeck
"and Constantio Dias and his wife Mary Dias Defendants.

"The Legacy for the College of Priests at the Cathedral of Saint Thome in the Twenty
"Eighth Paragraph of the said Testators Will mentioned."

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the
"Credit of this Cause. "The Legacy for the College of Priests at the Cathedral of Saint Thome in the
"Twenty eight Paragraph of the said Testators Will mentioned" are as follows Viz^t
"In one Promy Note of the 4 p Cent Loan of 1^st May 1832
"N° 2747 dated 1^st May 1832 bearing interest from 1^st May 1839 for Sa Rs — 25000 " "
"Company's Rupees 26625 " "

"This Certificate is granted as p^r appl^n from
"Mr A. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar Gen^l
"& Bishop Elect of S^t Thome dated 16^th Sept^r 1839
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^e Court

"N°34

"Supreme Court
"Equity Side

"George Arbuthnot James Morgan Strachan John Binny and William Scott
"four of the Executors of the Last Will and Testament of John De Monte Esq^re
"deceased Complainants and The Reverend The Don Manuel De Ave Maria the acting
"Bishop or Vicar General of Saint Thome Emanuel Bildarbeck
"and Constantio Dias and his wife Mary Dias Defendants.

"The Legacy for the Seminary for the instruction of Priests in the Twenty Eighth
"Paragraph of the said Testators Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing to the
"Credit of this Cause "The Legacy for the Seminary for the instruction of Priests in the Twenty Eighth
"Paragraph of the said Testators Will mentioned" are as follows Viz^t
"In one Promy Note of the 4 p Cent Loan of 1^st May 1832
"N° 2748 dated 1^st May 1832 bearing interest from 1^st May 1839 for Sa Rs — 25000 " " or
"Company's Rupees 26625. " "

"This Certificate is granted as p^r Appl^n from
"Mr A. B. Acworth Sol^r for the Right Rev^d Don Antonio
"Tristao Teixera Episcopal Governor or Vicar General and
"Bishop Elect of S^t Thome dated 16^th Sept^r 1839.
"Ex^d M. V. Soobrayloo

"Fort S^t George Accl^t Gen^l Office
"26^th October 1839
"J. G. Turnbull
"Accl^t Gen^l Sup^e Court

"N°38

"Supreme Court
"Equity Side

"George Arbuthnot James Morgan Strachan John Binny and William Scott
"four of the Executors of the Last Will and Testament of John De Monte Esq^re deceased
"Complainants and the Reverend The Don Manuel De Ave Maria the acting
"Bishop or Vicar General of Saint Thome Emanuel Bildarbeck and Constantio
"Dias and his wife Mary Dias Defendants

"The Legacy for the Cowlong Church Seminary and School at Cowlong in the
"Codicil to the said Testators Will in that behalf mentioned"

"Thereby Certify that according to the Books of the Supreme Court the funds standing
"to

"to the Credit of this Cause" The Legacy for the Cowlong Church Seminary and
"at Cowlong in the Codicil to the said Testators Will in that behalf mentioned
"as follows Viz.t
51 "In one Promy Note of the 4 P Cent Loan of 1.st May 1832
"N.o 279 of 27/4th dated 1.st May 1832 bearing interest from 1.st May 1839 for Sic.a Rup.s 6000
"Comp.y's Rup.s 7220 "

"In Cash being the balance of the Sale proceeds of a 4 P Cent Promy Note
"of 1.st May 1832 for Sic.a Rupees 4000 and remaining after payment of
"the Taxed Costs of the Defendants Pre Don Manuel De ave Maria and
"Emanuel Bilderbeck pursuant to an order of the Supreme Court
52 "dated 10.th April 1833 578 14. 6
"In dello being the Interest drawn on the Residue of the above
"mentioned Security and Remaining unappropriated " 6. 3
384 4
"Company's Rupees 7205 "

"This Certificate is granted as p.r applic.n from
"M.r N. B. Acworth Sol.r for the Right Rev.d Don Antonio
"Cristao Teixera Episcopal Governor or Vicar General of
"Saint Thome dated 16.th September 1839
"Ex.d M. V. Soobroyloo

"Fort St. George accl.t Gen.l Office
"26. October 1839
"J. G. Turnbull
53 "Accl.t Gen.l Sup.e Court

"Supreme Court
"Equity Side

"N.o 37
"George Arbuthnot James Morgan Strachan John Binny
"and William Scott four of the Executors of the Last
"Will and Testament of John De Monte Esq.re deceased
"Complainants and the Reverend Pre Don Manuel
"De Ave Maria the acting Bishop or Vicar General
"of Saint Thome Emanuel Bilderbeck and Constantio
"Dias and his wife Mary Dias Defendants

54 "The Legacy to the Church situated at the Luz in the Codicil
"to the said Testators Will in that behalf mentioned."

"Thereby Certify that according to the Books of the Supreme Court
"the Funds standing to the Credit of this Cause "The Legacy to the Church
"situated at the Luz in the Codicil to the said Testators Will in that
"behalf mentioned" are as follows Viz.t
"In one Promy Note of the 4 P Cent Loan of 1.st May 1832
55 "N.o 2759 dated 1.st May 1832 bearing interest from 1.st May 1839 for Sic.a Rupees 1200 "
"Comp.y's Rup.s 1810 8.
"In Cash being the Interest drawn on the Residue of the above 0 3
"mentioned Security and Remaining unappropriated 1811 3
"Company's Rupees

"This Certificate is granted as p.r applic.n from
"M.r N. B. Acworth Sol.r for the Right Rev.d Don Antonio
"Cristao Teixera Episcopal Governor or Vicar General of
"and Bishop Elect of Saint Thome dated 16.th September 1839
"Ex.d M. V. Soobroyloo.

56 "Fort St. George accl.t Gen.l Office
"26. October 1839
"J. G. Turnbull
"Accl.t Gen.l Sup.e Court

"Supreme Court
"Equity Side

"N.o 38
"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and Testament of
"John De Monte Esq.re deceased Complainants and the Reverend Pre
"Don Manuel De Ave Maria the acting Bishop or Vicar General of
"Saint Thome Emanuel Bilderbeck and Constantio Dias and his
"wife Mary Dias Defendants.

"The Legacy for the Hospital and Charity House at Cowlong in the
"Twenty ninth Paragraph of the said Testators Will mentioned."

"Thereby Certify that according to the Books of the Supreme Court the Funds standing
"to the Credit of this Cause "The Legacy for the Hospital and Charity House at Cowlong in
"the Twenty ninth Paragraph of the said Testators Will mentioned" are as follows Viz.t
"In one Promissory Note of the 4 P Cent Loan of 1.st May 1832
61 "N.o 2745 dated 1.st May 1832 bearing interest from 1.st May 1839 for Sic.a Rupees 50300 "
"Company's Rupees 53569 8 "
"In Cash being the Interest drawn on the Residue of the above mentioned
"Security and Remaining unappropriated 8 3
"Company's Rupees 53570 " 3

"This Certificate is granted as p.r applic.n from
"M.r N. B. Acworth Sol.r for the Right Rev.d Don Antonio
"Cristao Teixera Episcopal Governor or Vicar General and
"Bishop Elect of Saint Thome dated 16.th Sept.r 1839
"Ex.d M. V. Soobroyloo

62 "Fort St. George accl.t Gen.l Office
"26. October 1839
"J. G. Turnbull
"Accl.t Gen.l Sup.e Court

"N.o 36
"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and Testament of
"John De Monte Esq.re deceased Complainants and the Reverend Pre
"Don Manuel De Ave Maria the acting Bishop or Vicar General of
"Saint Thome Emanuel Bilderbeck and Constantio Dias and his wife
"Mary Dias Defd.ts

57 "The Legacy in the Eleventh Paragraph of the said Testators Will mentioned"

"Thereby Certify that according to the Books of the Supreme Court the Funds standing
"to the Credit of this Cause "The Legacy in the Eleventh Paragraph of the said Testators Will
"mentioned" are as follows Viz.t
"In one Promy Note of the 4 P Cent Loan of 1.st May 1832
"N.o 2753 dated 1.st May 1832 bearing interest from 1.st May 1839 for Sic.a Rup.s 16000 " "
58 "Company's Rup.s 17892 "

"In Cash being the Interest drawn on the Residue of the above mentioned Security
"& Remaining unappropriated 14 1.
"Company's Rupees 17892 14 1.

"Fort St. George accl.t Gen.l Office
"26. October 1839
"J. G. Turnbull
59 "Accl.t Gen.l Sup.e Court

"This Certificate is granted as p.r application from
"M.r N. B. Acworth Sol.r for the Right Rev.d Don Antonio
"Cristao Teixera Episcopal Governor or Vicar General &
"Bishop Elect of Saint Thome dated 16.th Sept.r 1839
"Ex.d M. V. Soobroyloo

Supreme

"Supreme Court
"Equity Side }

"N.31

"George Arbuthnot James Morgan Strachan John Binny
"and William Scott four of the Executors of the Last Will and
"Testament of John De Monte Esqre deceased Complainants
"and The Reverend Fre Don Manuel De Ave Maria the
"acting Bishop or Vicar General of Saint Thome Emanuel
"Bilderbeck and Constantio Dias and his wife Mary
"Dias Defendants.

63 "The account of Thomas Pereira one of the Legatees in the Sixteenth
"Paragraph of the said Testator's Will mentioned"

"Hereby Certify that according to the Books of the Supreme Court the sum
"standing to the Credit of this Cause "The account of Thomas Pereira one of
"the Legatees in the Sixteenth Paragraph of the said Testator's Will mentioned"
"are as follows Viz.t

"In one Promissory Note of the 4 p Cent Loan of 1st May 1832
64 "N.2749 dated 1st May 1832 bearing interest from 1st May 1839 for Rupees 20200 ... 0

"Company's Rupees 21513 ..

"In Cash being the interest drawn on the Principal of the above mentioned
"Security & Remaining unappropriated ——— 1. 14 0

"Company's Rupees 21514 14 0

"This Certificate is granted as pr. application from
"Mr. N. B. Acworth Sol.r for the Right Revd Don Antonio
"Tiolao Teixra Episcopal Governor or Vicar General and
"Bishop Elect of Saint Thome dated 16th September 1839
"Exd. M. V. Soobroyloo

66 "Fort St George Accl Gen.l Office
"26th October 1839
"J. G. Turnbull
"Accl Genl Supt Court

"Supreme Court
"Equity Side }

"N.32

"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and Testament of
"John De Monte Esqre deceased Complainants and the Reverend Fre
"Don Manuel De Ave Maria the acting Bishop or Vicar General
"of Saint Thome Emanuel Bilderbeck and Constantio Dias and
"his wife Mary Dias Defendants.

64 "The account of Antonio Pereira one of the Legatees in the Sixteenth
"Paragraph of the said Testator's Will mentioned.

"Thereby Certify that according to the Books of the Supreme Court the sum standing to the
"Credit of this Cause "The account of Antonio Pereira one of the Legatees in the Sixteenth Paragraph
"of the said Testator's Will mentioned" are as follows Viz.t

67 "In one Promissory Note of the 4 p Cent Loan of 1st May 1832
N.2750 dated 1st May 1832 bearing interest from 1st May 1839 for Rupees 20200 ... 0

"Company's Rupees 21513

"In Cash being the Interest drawn on the Principal of the above mentioned
"Security and Remaining unappropriated ——— 1 14 0

"Company's Rupees 21514 14 0

"This Certificate is granted as p application from Mr. N. B. Acworth
"Sol.r for the Right Revd Don Antonio Tiolao Teixera Episcopal Governor
"or Vicar General and Bishop Elect of Saint Thome dated 16th Sept.r 1839
68 "Exd. M. V. Soobroyloo

Whereupon and upon debate of the Matter and hearing what was
alleged by the Counsel on both sides And on Mature Consideration had
thereon This Court doth declare that the Plaintiff is the Episcopal
Governor and Vicar General of St. Thome and as such is entitled to the
69 benefit of the Decretal order and Several other orders in the Bill mentioned and to
carry into Effect and perform such of the Trusts of the said Testator's Will and Codicil
as by the said Will and Codicil and the said Decretal and other Orders were vested
in or Committed to the said Fre Don Manuel De Ave Maria as the Bishop or Vicar
General of St. Thome for the time being and for that purpose to Receive the Interest
70 on the Several Funds appropriated by such Decretal and other Orders to the
performance of such Trusts in the same manner as the same were received by the
said Fre Don Manuel De Ave Maria in his life time And this Court doth
Refer it to the Master of this Court to Tax the Costs of the said Plaintiff and Defendant
71 of this suit as between Solicitor and client And it is Ordered that he do apportion
such Costs when so Taxed between Sicca Rupees Sixteen thousand Seven hundred and
Fifty Eight Annas Nine and Pice Eleven (16758.9.11) part of the Government Promissory
Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the
Credit of the Cause "George Arbuthnot James Morgan Strachan John Binny and William
Scott four of the Executors of the Last Will and Testament of John De Monte Esquire
72 deceased Complainants and The Reverend Fre Don Manuel De Ave Maria the acting
Bishop or Vicar General of St. Thome Emanuel Bilderbeck and Constantio Dias and
his wife Mary Dias Defendants" to the account Entitled "The Legacy in the Fifth
Paragraph of the said Testator's Will mentioned" Sicca Rupees Six thousand Seven
hundred and Three Annas Seven and Pice Two (6703.7.2) part of the Government Promissory
Note for Sicca Rupees Six thousand and Eight Hundred (6800—) Sicca Rupees Eight thousand
73 three hundred and Seventy nine and Annas five (8379.5—) part of the Government
Promissory Note for Sicca Rupees Eight thousand and four hundred (8400—) Sicca
Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven
(16758.9.11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand
and Eight hundred (16800—) standing to the Credit of the said Cause to the account
Entitled "The Legacy in the Twenty Sixth Paragraph of the said Testator's Will mentioned" the

"Government

"Supreme Court
"Equity Side }

"N.º 31

"George Arbuthnot James Morgan Strachan John Binny
"and William Scott four of the Executors of the Last Will and
"Testament of John De Monte Esqr.e deceased Complainants
"and The Reverend Fre Don Manuel De Ave Maria the
"acting Bishop or Vicar General of Saint Thome Emanuel
"Bilderbeck and Constantho Dias and his wife Mary
"Dias Defendants.

63 "The account of Thomas Pereira one of the Legatees in the Sixteenth
"Paragraph of the said Testator's Will mentioned"

"Hereby Certify that according to the Books of the Supreme Court the sum
"standing to the Credit of this Cause "The account of Thomas Pereira one of
"the Legatees in the Sixteenth Paragraph of the said Testator's Will mentioned
"are as follows Vizt.

"In one Promissory Note of the 4 p Cent Loan of 1st May 1832
64 "N.º 2749 dated 1st May 1832 bearing interest from 1st May 1839 for 2 Years 20200 " "
"Company's Rupees 21513 " "

"In Cash being the interest drawn on the Residue of the above mentioned
"Security & Remaining unappropriated _____ 1 4 0

"Company's Rupees 21514 4 0

"This Certificate is granted as pr application from
"Mr. N. B. Acworth Sol.r for the Right Revd Don Antonio
"Tristao Pereira Episcopal Governor or Vicar General and
"Bishop Elect of Saint Thome dated 16th September 1839

"Ex.d M. V. Soobroyloo

68 "Fort St George Accts Genl Offices
"26th October 1839
"J. G. Turnbull
"Accts Genl Supreme Court

"Supreme Court
"Equity Side }

"N.º 32

"George Arbuthnot James Morgan Strachan John Binny and
"William Scott four of the Executors of the Last Will and Testament of
"John De Monte Esqr. deceased Complainants and the Reverend Fre
"Don Manuel De Ave Maria the acting Bishop or Vicar General
"of Saint Thome Emanuel Bilderbeck and Constantho Dias and
"his wife Mary Dias Defendants.

66 "The account of Antonio Pereira one of the Legatees in the Sixteenth
"Paragraph of the said Testator's Will mentioned".

"Hereby Certify that according to the Books of the Supreme Court the sum standing to the
"Credit of this Cause "The account of Antonio Pereira one of the Legatees in the Sixteenth Paragraph
"of the said Testator's Will mentioned" are as follows Vizt.

67 "In one Promissory Note of the 4 p Cent Loan of 1st May 1832
"N.º 2750 dated 1st May 1832 bearing interest from 1st May 1839 for 2 Years 20200 " "
"Company's Rupees 21513 " "

"In Cash being the Interest drawn on the Residue of the above mentioned
"Security and Remaining unappropriated _____ 1 4 0

"Company's Rupees 21514 4 0

"This Certificate is granted as p application from Mr. N. B. Acworth
"Sol.r for the Right Revd Don Antonio Tristao Pereira Episcopal Governor
"or Vicar General and Bishop Elect of Saint Thome dated 16th Sept.r 1839

68 "Ex.d M. V. Soobroyloo

"Accts Genl Supreme Court
"26th October 1839
"J. G. Turnbull
"Accts Genl Supreme Court

"Whereupon and upon debate of the Matter and hearing what was
alleged by the Counsel on both sides And on Mature Consideration had
thereon This Court doth declare that the Plaintiff is the Episcopal
Governor and Vicar General of St. Thome and as such is entitled to the
69 benefit of the Decretal order and several other orders in the Bill mentioned and to
carry into Effect and perform such of the Trusts of the said Testator's Will and Codicil
as by the said Will and Codicil and the said Decretal and other Orders were vested
in or Committed to the said Fre Don Manuel De Ave Maria as the Bishop or Vicar
General of St. Thome for the time being and for that purpose to receive the Interest
70 on the several Funds appropriated by such Decretal and other Orders to the
performance of such Trusts in the same manner as the same were received by the
said Fre Don Manuel De Ave Maria in his Lifetime And this Court doth
refer it to the Master of this Court to Tax the Costs of the said Plaintiff and Defendant
71 of this suit as between Solicitor and client And it is Ordered that he do apportion
such Costs when so Taxed between Sicca Rupees Sixteen thousand Seven hundred and
Fifty Eight annas Nine and pice Eleven (16758.9.11) part of the Government Promissory
Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the
Credit of the Cause "George Arbuthnot James Morgan Strachan John Binny and William
Scott four of the Executors of the Last Will and Testament of John De Monte Esqre
72 deceased Complainants and the Reverend Fre Don Manuel De Ave Maria the acting
Bishop or Vicar General of St. Thome Emanuel Bilderbeck and Constantho Dias and
his wife Mary Dias Defendants" to the account Entitled "The Legacy in the Fifth
Paragraph of the said Testator's Will mentioned" Sicca Rupees Six thousand Seven
hundred and Three annas Seven and pice Two (6703.7.2) part of the Government Promissory
Note for Sicca Rupees Six thousand and Eight Hundred (6800—) Sicca Rupees Eight thousand
73 three hundred and Seventy nine and annas five (8379.5—) part of the Government
Promissory Note for Sicca Rupees Eight thousand and Four hundred (8400—) Sicca
Rupees Sixteen thousand Seven hundred and Fifty Eight annas Nine and pice Eleven
(16758.9.11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand
and Eight hundred (16800—) standing to the Credit of the said Cause to the account
Entitled "The Legacy in the Twenty Sixth Paragraph of the said Testator's Will mentioned" the

"Government

71 Government Promissory Note for Sicca Rupees Twenty five thousand (25000)
Standing to the Credit of the said Cause to the account intitled "Rent
for the College & Priests at the Cathedral of St Thome" in the Twenty
Paragraph of the said Testators Will mentioned" the Government Promisso
Note for Sicca Rupees Twenty five thousand (25000) standing to the Cred
of the said Cause to the account intitled The Legacy for the Seminary"
75 the Institution of Priests in the Twenty Eighth Paragraph of the said
Testators Will mentioned" the Government Promissory Note for nine hund
Sixty Eight Thousand and one hundred (68100) and Company's Rupees
Three Hundred and Twenty Eight Annas Fourteen and a half (328.14.½)
Cash and Sicca Rupees One thousand Six Hundred and Seventy five Annas
Thirteen and Pice Nine (1675.13.9) part of the Government Promissory
76 Note for Sicca Rupees One thousand and Seven hundred (1700) standing
respectively mentioned and the aggregate amount of so much of the Sum
Annas in the Accountant Generals General Certificate mentioned remains
or form part of the Residue of the said Testators Estate and it is Ordered
that such Costs when so Taxed and apportioned be Certified at the foot of
Decree under the hand of one of the Judges of this Court and by the Sub Treasurer
of Fort Saint George with the privity of the said Accountant General of this
77 Court do Raise and pay in manner hereinafter directed to Mr Henry Morgan
Rowlandson the Plaintiffs Solicitor the Several Sums which may be so Certified
as the Plaintiffs Costs and to Mr John Henry Wilkins the Defendants Solicitor
the Several Sums which may be so Certified as the Defendants Costs and it is
Ordered that the Sub Treasurer with the like privity of the said Accountant
78 General do from and out of Sicca Rupees Sixteen thousand Seven hundred and
Fifty Eight Annas Nine and Pice Eleven (16758.9.11) part of the Government
Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred
(16800) standing to the Credit of the said Cause to the said account The
Legacy in the Fifth Paragraph of the

the said Certificate of the said Accountant General numbered Twenty Seven mentioned have
and pay what shall be so Certified and apportioned as Costs to the said Sicca Rupees Sixteen
Thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven (16758.9.11) and
Carry the difference between the said Sicca Rupees Sixteen thousand Seven hundred and Fifty
Eight Annas Nine and Pice Eleven (16758.9.11) and the Amount of the said Note for Sicca Rupees
Sixteen thousand and Eight hundred (16800) and any Interest which may have previously
accrued due on such difference to the Credit of the said last mentioned Cause to an account to
be intitled "The Legacy in the Thirty first Paragraph of the said Testators Will mentioned" and
Keep invested the Residue of the said Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight
Annas Nine and Pice Eleven (16758.9.11) or so much thereof as the Cause after payment of such
Costs in one or more Government Promissory Notes or Securities and Carry the same and any Cash
which may remain over to the Credit of the said Cause to the said account "The Legacy in the
Fifth Paragraph of the said Testators Will mentioned" and it is Ordered that the said
Sub Treasurer with the like privity of the said Accountant General do from time to time until
the further Order of this Court pay to the said Plaintiff as the Episcopal Governor and Vicar
General of St Thome for the time being and his Successors the Interest to accrue due on the said
Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven
(16758.9.11) until the said Government Promissory Note for Sicca Rupees Sixteen thousand and
Eight hundred (16800) be sold or Subdivided for the purpose of paying the said Costs and also
the Interest from time to time to accrue due on the Government Promissory Notes or Securities
in which the Residue of the said Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight
Annas Nine and Pice Eleven (16758.9.11) shall be invested after payment of such Costs to be by
the said Plaintiff applied for the purposes in the said Fifth Paragraph of the said Testators
Will in that behalf contained and it is further Ordered that the said Sub Treasurer
with the like privity of the said Accountant General do from and out of Sicca Rupees Six
thousand Seven hundred and Three Annas Seven and Pice two (6703.7.2) part of the said Government
Promissory Note for Sicca Rupees Six thousand and Eight hundred (6800) standing to the Credit of
the said Cause to the said account "The Legacy in the Sixth Paragraph of the said Testators
Will mentioned" and in the said Certificate of the said Accountant General numbered Twenty
Eight mentioned Raise and pay what shall be so Certified and apportioned as Costs to the said Sicca Rupees
Six thousand Seven hundred and Three Annas Seven and Pice two (6703.7.2) and Carry the difference

between

between the said Sicca Rupees Six thousand Seven hundred and Three Annas seven and
five two (6703.7.2) and the amount of the said Note for Sicca Rupees six thousand
and Eight hundred (6800) and any Interest which may have previously accrued due on
such difference to the Credit of the said Cause to the account to be entitled "The Legacy
in the Thirty first Paragraph of the said Testators Will mentioned" and kept invested
the residue of the said Sicca Rupees Six thousand Seven hundred and Three Annas
Seven and five two (6703.7.2) or so much thereof as he can after payment of such
Costs in one or more Government Promissory Notes or Securities and Carry the same
and any Cash which may remain over to the Credit of the said Cause to the said
account "The Legacy in the Sixth Paragraph of the said Testators Will mentioned" and
it is Ordered that the said Sub Treasurer with the like privity of the said Accountant
General do from time to time until the further order of this Court pay to the said
Plaintiff as the Episcopal Governor and Vicar General of St. Thome for the time being
and his Successors the Interest to accrue due on the said Sicca Rupees six thousand
Seven hundred and Three Annas Seven and five two (6703.7.2) until the said
Government Promissory Note for Sicca Rupees Six thousand and Eight hundred (6800)
shall be sold or Subdivided for the purpose of paying the said Costs and also the Interest
from time to time to accrue due on the Government Promissory Notes or Securities in
which the residue of the said Sicca Rupees six thousand Seven hundred and Three
Annas Seven and five two (6703.7.2) shall be invested after payment of such Costs
to be by the said Plaintiff applied for the purposes in the said Sixth Paragraph of the
said Testators Will in that behalf contained And it is further Ordered that the
said Sub Treasurer with the like privity of the said Accountant General do from and
out of Sicca Rupees Eight thousand three hundred and Seventy nine and Annas five
(8379.5.-) part of the said Government Promissory Note for Sicca Rupees Eight thousand
and Four hundred (8400) standing to the Credit of the said Cause to the said account
"The Legacy in the Seventh Paragraph of the said Testators Will mentioned" and in the
said Certificate of the said Accountant General Numbered Twenty nine mentioned
Raise and pay what shall be so Certified and apportioned as Costs to the said Sicca
Rupees Eight thousand three hundred and Seventy nine and Annas five (8379.5.-)
and Carry the difference between the said Sicca Rupees Eight thousand three hundred
and Seventy nine and Annas five (8379.5.-) and the amount of the said Note for

Sicca Rupees Eight thousand and Four hundred (8400) and any Interest which may have
previously accrued due on such difference to the Credit of the said Cause to the said account to be
entitled "The Legacy in the Thirty first Paragraph of the said Testators Will mentioned" and kept
invested the residue of the said Sicca Rupees Eight thousand three hundred and Seventy nine
and Annas five (8379.5.-) or so much thereof as he can after payment of such Costs in one or
more Government Promissory Note or Securities and Carry the same and any Cash which may
Remain over to the Credit of the said Cause to the said account "The Legacy in the Seventh
Paragraph of the said Testators Will mentioned" And it is Ordered that the said Sub
Treasurer with the like privity of the said Accountant General do from time to time until the
further order of this Court pay to the said Plaintiff as the Episcopal Governor and Vicar
General of St. Thome for the time being and his Successors the Interest to accrue due on the
said Sicca Rupees Eight thousand three hundred and Seventy nine and Annas five (8379.5.-)
until the said Government Promissory Note for Sicca Rupees Eight thousand and Four
hundred (8400.) shall be sold or subdivided for the purpose of paying the said Costs and
also the Interest from time to time to accrue due on the Government Promissory Notes or
Securities in which the residue of the said Sicca Rupees Eight thousand three hundred and
Seventy nine and Annas five (8379.5.-) shall be invested after payment of such Costs to
be by the said Plaintiff applied for the purposes in the said Seventh Paragraph of the said
Testators Will in that behalf contained And it is further Ordered that the said Sub-
Treasurer with the like privity of the said Accountant General do from and out of Sicca
Rupees Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven
(16758.9.11) part of the said Government Promissory Note for Sicca Rupees Sixteen thousand
and Eight hundred (16800) standing to the Credit of the said Cause to the said account
"The Legacy in the Twenty Sixth Paragraph of the said Testators Will mentioned" and in
the said Certificate of the said Accountant General Number Thirty three mentioned Raise
and pay what shall be so Certified and apportioned as Costs to the said Sicca Rupees
Sixteen thousand Seven hundred and Fifty Eight Annas Nine and Pice Eleven (16758.9.11) and
Carry the difference between the said Sicca Rupees Sixteen thousand Seven hundred and Fifty
Eight Annas Nine and Pice Eleven (16758.9.11) and the Amount of the said Note for Sicca
Rupees Sixteen thousand and Eight hundred (16800) and any Interest which may have
previously accrued due on such difference to the Credit of the said Cause to the account to be
entitled "The Legacy in the Thirty First Paragraph of the said Testators Will mentioned"

and

and Keep invested the Residue of the said seven Rupees sixteen thousand
99 and Fifty eight annas nine and five Pence (R 58.9.11) as soon as
can after payment of such Costs in one or more Government Pro-
missories and Carry the same and any Cash which may
of the said Cause to the said account "The Legacy for the
of the said Testators Will mentioned" and it is Ordered that the said
99 Treasurer with the like privity of the said Accountant General do from
time to time until the further Order of this Court pay to the said Plaintiff
Episcopal Governor and Vicar General of St Thome for the time being
Successors the two several sums of Company's Rupees one
hundred and Eighty four annas twelve and five eight
Rupees three hundred and Fifty three annas Thirteen and
102 in the last mentioned Certificate mentioned and all further
due on the said seven Rupees sixteen thousand seven hundred
General time and from time to time (R 58.9.11) until the said
Promissory Note for seven Rupees sixteen thousand and Eight
shall be sold or Subdivided for the purpose of paying the
101 Interest from time to time to accrue due on the Government
or Securities in which the Residue of the said seven Rupees
seven hundred and Fifty eight annas nine and five Pence
be invested after payment of such Costs to be by the said
purposes in the said Twenty Sixth Paragraph of the said
behalf Contained and it is further Ordered that the said
103 with the like privity of the said Accountant General do from
Government Promissory Note for seven Rupees Twenty five
Standing to the Credit of the said Cause to the account "The
College of Priests at the Cathedral of St Thome in the Twenty Eighth
of the said Testators Will mentioned" and in the said
Accountant General Number Thirty five mentioned
103 be so Certified and apportioned as Costs to the said Government
for seven Rupees Twenty five thousand (25000) and Keep invested
the proceeds of the said

five thousand (25000) or so much thereof as can after payment of such Costs in one or more
Government Promissory Notes or Securities and Carry the same and any Cash which may
Remain over to the Credit of the said Cause to the said account "The Legacy for the
College of Priests at the Cathedral of St Thome in the Twenty Eighth Paragraph of the
said Testators Will mentioned" and it is Ordered that the said Sub Treasurer with
the like privity of the said Accountant General do from time to time until the further
Order of this Court pay to the said Plaintiff as the Episcopal Governor and Vicar
General of St Thome for the time being and his Successors the Interest to accrue due
on the said Government Promissory Note for seven Rupees Twenty five thousand
(25000) until the same shall be sold or subdivided for the purpose of paying the said
Costs and also the Interest from time to time to accrue due on the Government Promissory
Notes or Securities in which the Residue of the proceeds of the said Government Promissory
Note for seven Rupees Twenty five thousand (25000) shall be invested after payment
of such Costs to be by the said Plaintiff applied for the purpose of the said College of
Priests and it is further ordered that the said Sub Treasurer with the like
privity of the said Accountant General do from and out of the Government Promissory
Note for seven Rupees Twenty five thousand (25000) standing to the Credit of the said
Cause to the account "The Legacy for the Seminary for the Instruction of Priests in
the Twenty Eighth Paragraph of the said Testators Will mentioned" And in the said
Certificate of the said Accountant General Number Thirty four mentioned raise and pay
unto what shall be so Certified and apportioned as Costs to the last mentioned Government
Promissory Note for seven Rupees Twenty five thousand (25000) and Keep invested the
104 residue of the proceeds of such Government Promissory Note for seven Rupees Twenty
five thousand (25000) or so much thereof as he can after payment of such Costs in
one or more Government Promissory Notes or Securities and Carry the same and any
Cash which may remain over to the Credit of the said Cause to the said account "The
Legacy for the Seminary for the Instruction of Priests in the Twenty Eighth Paragraph
of the said Testators Will mentioned" and it is Ordered that the said Sub Treasurer
105 with the like privity of the said Accountant General do from time to time until
the further Order of this Court pay to the said Plaintiff as the Episcopal Governor
and Vicar General of St Thome for the time being and his Successors the Interest to

accrue

accrue due on the last mentioned Government Promissory Note for Sicca
Rupees Twenty five thousand (25000) until the same shall be sold or
Subdivided for the purpose of paying the said Costs and also the Interest
from time to time to accrue due on the Government Promissory Notes or
Securities in which the Residue of the proceeds of the said last mentioned
Government Promissory Note for Sicca Rupees Twenty five thousand (25000)
shall be invested after payment of such Costs to be by the said Plaintiff
applied for the purposes of the said Seminary And it is further Ordered
that the said Sub Treasurer with the like privity of the said Accountant General
do from and out of the said Government Promissory Note for Sicca Rupees
Sixty Eight thousand and one hundred (68100) and the Sum of Company's Rupees
Three hundred and Seventy Eight Annas fourteen and Pice six (378.14.6) Cash
standing to the Credit of the said Cause to the Account "The Legacy for the
Cowlong Church Seminary and School at Cowlong in the Codicil to the said
Testators Will in that behalf mentioned" And in the said Certificate of the
said Accountant General Number Thirty Eight mentioned Raise and pay what
shall be so Certified and Apportioned as Costs to the said Government Promissory
Note for Sicca Rupees Sixty Eight thousand and one hundred (68100) and
Cowlongs Rupees Three hundred and Seventy Eight Annas fourteen and Pice Six
(378.14.6) Cash and Carry the Six (6) Annas and three (3) Pice Cash in the last
mentioned Certificate also mentioned to the Credit of the said Cause to the account to
be Entitled "The Legacy in the Thirty first Paragraph of the said Testators Will
mentioned" And Keep invested the Residue of the proceeds of the said Government
Promissory Note for Sicca Rupees Sixty Eight thousand and one Hundred
(68100) or so much thereof as the same after payment of such Costs in one or
more Government Promissory Notes or Securities and Carry the same and any
Cash which may Remain over to the Credit of the said Cause to the said Account
"The Legacy for the Cowlong Church Seminary and School at Cowlong in the
Codicil to the said Testators Will in that behalf mentioned And it is
Ordered that the said Sub Treasurer with the like privity of the said
Accountant General do from time to time until the further order of this Court

pay to the said Plaintiff as the Episcopal Governor and Vicar General of St. Thome for
the time being and his Successors the Interest to accrue due on the said Government
Promissory Note for Sicca Rupees Sixty Eight thousand and one hundred (68100)
until the same shall be sold or subdivided for the purpose of paying the said Costs
and also the Interest from time to time to accrue due on the Government Promissory
Notes or Securities in which the Residue of the proceeds of the said Government
Promissory Note for Sicca Rupees Sixty Eight thousand and one hundred (68100) shall
be invested after payment of such Costs to be by the said Plaintiff applied for the
purposes of the said Church Seminary and School in the Codicil mentioned And
it is further Ordered that the said Sub Treasurer with the like privity of the said
Accountant General do from and out of Sicca Rupees One thousand Six hundred and
Seventy five Annas thirteen and Pice nine (1675.13.9) part of the Government Promissory
Note for Sicca Rupees One thousand and Seven hundred (1700) standing to the Credit of
the said Cause to the said account "The Legacy to the Church situated at the Lizz in the
Codicil to the said Testators Will in that behalf mentioned" And in the said Certificate
of the said Accountant General Number Thirty Seven mentioned Raise and pay what shall
be so Certified and Apportioned as Costs to the said Sicca Rupees One thousand Six
hundred and Seventy five Annas thirteen and Pice nine (1675.13.9) and Carry the difference
between the said Sicca Rupees One thousand Six hundred and Seventy five Annas thirteen
and Pice nine (1675.13.9) and the Amount of the said Note for Sicca Rupees One thousand
and Seven hundred (1700) and any Interest which may have previously accrued due
on such difference to the Credit of the said Cause to the said account to be Entitled
"The Legacy in the Thirty first Paragraph of the said Testators Will mentioned" and Keep
invested the Residue of the said Sicca Rupees One thousand Six hundred and Seventy
five Annas thirteen and Pice nine (1675.13.9) or so much thereof as the same after payment
of such Costs in one or more Government Promissory Notes or Securities and Carry the
same and any Cash which may Remain over to the Credit of the said Cause to the said
account "The Legacy to the Church Situated at the Lizz in the Codicil to the said
Testators Will in that behalf mentioned" And it is Ordered that the said Sub
Treasurer with the like privity of the said Accountant General do from time to time
until the further order of this Court pay to the said Plaintiff as the Episcopal
Governor and Vicar General of St Thome for the time being and his Successors the

Interest

Interest to accrue due on the said Sicca Rupees one thousand six hundred and twen-
122 ty five annas thirteen and pice nine (1625.13.9) credited on such
Government Promissory Note for Sicca Rupees one thousand and seven hundred
(1700) shall be sold or subdivided in manner aforesaid and the said Cash
and also the Interest from time to time to accrue due on the Government
Promissory Notes or Securities in which the Residue of the Amount of the said
Government Promissory Note for Sicca Rupees one lack and seventeen hundred
123 and twenty five annas thirteen and pice nine (1625.13.9) shall be invested
after payment of such Costs to be by the said Plaintiff applied for the benefit
of the said Church and it is Ordered that for the purpose of effecting
the directions hereinbefore contained in this Decree with regard to
the said Accountant General be at liberty to sell or otherwise dispose of all or any
of the Government Promissory Notes or Securities hereinbefore mentioned
124 in the Accountant Generals Certificate hereinbefore referred to as may be
necessary and it is Ordered that the said Sub Treasurer out of the Cash
of the said Accountant General do pay the Costs which shall be so taxed
and apportioned to the aggregate Amount of the several sums in the
Accountant Generals Certificates mentioned or being in the hands of the
Testators Estate from and out of the Amount of the several sums directed
125 directed to be carried to the said Account by the said Thirty
Thirty first Paragraph of the said Testators Will mentioned and also the
Residue of such last mentioned sums to the said Plaintiff as the Episcopal
Governor or Vicar General of St Thome for the time being to be applied
upon the Trusts and for the purposes in the Thirty first Paragraph of the
Testators Will mentioned and it is further Ordered that the said Sub
126 Treasurer with the privity of the said Accountant General do pay
the said Emanuel Pallenbeck the Interest now due and hereafter to
accrue due on Sicca Rupees Seventeen thousand and Eighty three
current nine and pice eleven (17083.9.11) part of the Government Promissory
Note or Security for one lack of Sicca Rupees standing to the Credit of the said Cause The Legacy and

127 of the said Testators Will mentioned and in the Certificate of the said Accountant General Number
Thirty mentioned and of the Interest now due and hereafter to accrue due on Sicca Rupees
fifty thousand two hundred and twenty five annas thirteen and pice nine (50225.13.9)
part of the said Government Promissory Note or Security for Sicca Rupees fifty thousand
and three hundred (50300) standing to the Credit of the said Cause "The Legacy for the
128 Hospital and Charity House at Cuddalore in the Twenty ninth Paragraph of the said
Testators Will mentioned" and in the Certificate of the Accountant General Number
Thirty Six mentioned as by the Decree of this Court made in the said Cause bearing date
the Thirty first day of March one thousand eight hundred and Thirty two directed
and also after payment to Thomas Pereira of the Interest now due and hereafter to
accrue due on Sicca Rupees Twenty thousand one hundred and Ten annas five
129 and pice five (20110.5.5) part of the Government Promissory Note or Security for
Sicca Rupees Twenty thousand and Two hundred (20200) standing to the Credit of
the said Cause "The account of Thomas Pereira one of the Legatees in the Sixteenth
Paragraph of the Testators Will mentioned" and in the Certificate of the said Accountant
General Number Thirty one mentioned as by the Order of this Court made in the said
130 Cause bearing date the Tenth day of April one thousand Eight hundred and Thirty three
directed do from time to time until the further Order of this Court pay to the Plaintiff
as the Episcopal Governor and Vicar General of St Thome for the time being and
his Successors the Interest now due and hereafter to accrue due on the Residue of
the Several last mentioned Government Promissory Notes or Securities to be by him
131 applied upon the Trusts and for the purposes in the Thirty first Paragraph of the said
Testators Will mentioned and it is further Ordered that the said Sub Treasurer
with the like privity of the said Accountant General do when he shall have carried into
effect the Order made in the said Cause on the Seventh day of February last pay to
the Plaintiff as the Episcopal Governor or Vicar General of St Thome for the time
132 being or his Successor to be by him applied upon the Trusts and for the purposes in the
Thirty first Paragraph of the said Testators Will mentioned the difference between
Sicca Rupees Twenty thousand one hundred and Ten annas Five and pice five
(20110.5.5) part of the Government Promissory Note for Sicca Rupees Twenty

thousand

thousand and Two Hundred (20200) then standing to the Credit of the said
Cause "The account of Antonio Pereira one of the Legatees in the Sixteenth
Paragraph of the said Testators Will mentioned" and in the said Order and
in the Certificate of the said Accountant General Number Thirty two
mentioned and also the Sum of Sicca Rupees One annas Fourteen and pice
Eight (1-14-8) in the last mentioned Certificate also mentioned then drawn
for Interest on the Residue of the said Government Promissory Note and
any further Interest which may have accrued on the Residue of the said
Note previously to the Sale thereof directed by the last mentioned Order
And any of the Parties to this Suit and any Persons or Parties
interested in the Several Legacies aforesaid not to be at liberty to
apply to this Court as they shall be advised.

By the Court

H. B. Ewer Esq.

Registrar

Rowlandson & Rose
Proctors for Complts Solrs.

Wm Wilkins
Defts Solr. 83

The Taxed Costs payable to Mr. Henry Morgan Rowlandson Solicitor for the Plaintiff as between Solicitor and Client in pursuance of this Decree as appears by the Certificate of the Master of this Court dated the Twenty first day of August last and the Schedule thereto are as follows Viz.t The Sum of Company's Rupees one thousand Four hundred and Seventy five annas Eight and pice one (1475-8-1) from and out of Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight annas nine and pice eleven (16758-9-11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the Credit of the Cause "George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire deceased Complainants and The Reverend Fre Don Manuel de Assumpcam Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his wife Mary Dias Defendants" to the Account intitled "The Legacy in the Fifth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Five hundred and Seventy annas three and pice Two (570-3-2) from and out of Sicca Rupees Six thousand Seven hundred and three annas Seven and pice two (6703-7-2) part of the Promissory Note for Sicca Rupees Six thousand and Eight hundred (6800) standing to the Credit of the said Cause to the account intitled "The Legacy in the Sixth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Seven hundred and Thirty seven and annas twelve (737-12-2) from and out of Sicca Rupees Eight thousand three hundred and Twenty nine and five annas (8379-5-) part of the Government Promissory Note for Sicca Rupees Eight thousand and Four hundred (8400) standing to the Credit of the said Cause to the account intitled "The Legacy in the Seventh Paragraph of the said Testators Will mentioned" The sum of Company's Rupees one thousand Four hundred and Seventy five annas Eight and pice one (1475-8-1) from and out of Sicca Rupees Sixteen thousand seven hundred and Fifty eight annas nine and pice eleven (16758-9-11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the Credit of the said Cause to the account intitled "The Legacy in the Twenty Sixth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Two thousand Two hundred and one annas one and pice nine (2201-1-9) from and out of the Government Promissory Note for Sicca Rupees Twenty five thousand (25000) standing to the Credit of the said Cause to the account intitled "The Legacy for the College of Priests at the Cathedral of Saint Thome in the Twenty Eighth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Two thousand two hundred and one annas one and pice nine (2201-1-9) from and out of the Government Promissory Note for Sicca Rupees Twenty five thousand (25000) standing to the Credit of the said Cause to the account intitled "The Legacy for the Seminary for the Instruction of Priests in the Twenty Eighth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Six thousand and Twenty Six annas fifteen and pice ten (6026-15-10) from and out of the Government Promissory Note for Sicca Rupees Sixty Eight thousand and one hundred (68100) and the sum of Company's Rupees three hundred and Seventy eight annas fourteen and pice six (378-14-6) Cash standing to the Credit of the said Cause to the account intitled "The Legacy for the Cowlong Church Seminary and School at Cowlong in the Codicil to the said Testators Will in that behalf mentioned" the sum of Company's Rupees one hundred and Forty seven annas eight and pice nine (147-8-9) from and out of Sicca Rupees one thousand six hundred and Seventy five annas thirteen and pice nine (1675-13-9) part of the Government Promissory Note for Sicca Rupees one thousand and Seven hundred (1700) standing to the Credit of the said Cause to the account intitled "The Legacy to the Church Situated at the Lauz in the Codicil to the said Testators Will in that behalf mentioned" And the sum of Company's Rupees Twenty annas two and pice ten (20-2-10) from and out of the amount of the several sums by this Decree directed to be carried to the said account to be intitled "The Legacy in the Thirty first Paragraph of the said Testators Will mentioned" Dated this 4th day of September 1840 -

(Signed) R. Comyn

The Taxed Costs payable to Mr. John Henry Wilkins Solicitor for the Defendant as between Solicitor and Client in pursuance of this Decree as appears by the Certificate of the Master of this Court dated the Twenty first day of August last and the Schedule thereto are as follows Viz.t The sum of Company's Rupees one thousand one hundred and fifty one and pice eleven (1151-11-11) from and out of Sicca Rupees Sixteen thousand Seven hundred and Fifty Eight annas nine and pice eleven (16758-9-11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the Credit of the Cause George Arbuthnot James Morgan Strachan John Binny and William Scott four of the Executors of the Last Will and Testament of John De Monte Esquire deceased Complainants and the Reverend Fre Don Manuel de Assumpcam Maria the acting Bishop or Vicar General of Saint Thome Emanuel Bilderbeck and Constantio Dias and his wife Mary Dias Defendants" to the account intitled "The Legacy in the Fifth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Five hundred and Seventy annas three and pice two (570-3-2) from and out of Sicca Rupees Six thousand Seven hundred and three annas Seven and pice two (6703-7-2) part of the Government Promissory Note for Sicca Rupees Six thousand and Eight hundred (6800) standing to the Credit of the said Cause to the account intitled "The Legacy in the Sixth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Seven hundred and Thirty seven and annas twelve (737-12-2) from and out of Sicca Rupees Eight thousand three hundred and Twenty nine and five annas (8379-5-) part of the Government Promissory Note for Sicca Rupees Eight thousand and Four hundred (8400) standing to the Credit of the said Cause to the account intitled "The Legacy in the Seventh Paragraph of the said Testators Will mentioned" The sum of Company's Rupees one thousand Four hundred and Seventy five annas Eight and pice one (1475-8-1) from and out of Sicca Rupees Sixteen thousand seven hundred and Fifty eight annas nine and pice eleven (16758-9-11) part of the Government Promissory Note for Sicca Rupees Sixteen thousand and Eight hundred (16800) standing to the Credit of the said Cause to the account intitled "The Legacy in the Twenty Sixth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Two thousand Two hundred and one annas one and pice nine (2201-1-9) from and out of the Government Promissory Note for Sicca Rupees Twenty five thousand (25000) standing to the Credit of the said Cause to the account intitled "The Legacy for the College of Priests at the Cathedral of Saint Thome in the Twenty Eighth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Two thousand two hundred and one annas one and pice nine (2201-1-9) from and out of the Government Promissory Note for Sicca Rupees Twenty five thousand (25000) standing to the Credit of the said Cause to the account intitled "The Legacy for the Seminary for the Instruction of Priests in the Twenty Eighth Paragraph of the said Testators Will mentioned" The sum of Company's Rupees Six thousand and Twenty Six annas fifteen and pice ten (6026-15-10) from and out of the Government Promissory Note for Sicca Rupees Sixty Eight thousand and one hundred (68100) and the sum of Company's Rupees three hundred and Seventy eight annas fourteen and pice six (378-14-6) Cash standing to the Credit of the said Cause to the account intitled "The Legacy for the Cowlong Church Seminary and School at Cowlong in the Codicil to the said Testators Will in that behalf mentioned" the sum of Company's Rupees one hundred and Forty seven annas eight and pice nine (147-8-9) from and out of Sicca Rupees one thousand six hundred and Seventy five annas thirteen and pice nine (1675-13-9) part of the Government Promissory Note for Sicca Rupees one thousand and Seven hundred (1700) standing to the Credit of the said Cause to the account intitled "The Legacy to the Church Situated at the Lauz in the Codicil to the said Testators Will in that behalf mentioned" And the sum of Company's Rupees Twenty annas two and pice ten (20-2-10) from and out of the amount of the several sums by this Decree directed to be carried to the said account to be intitled "The Legacy in the Thirty first Paragraph of the said Testators Will mentioned" Dated this 4th day of September 1840 -

(Signed) R. Comyn

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1277 of 40

In the Supreme Court of Judicature at Madras

Equity Side — Second Term 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

And

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Saturday the Fourth day of April One thousand Eight hundred and Forty and in the Third Year of the Reign of Her Majesty Queen Victoria

R Cornys
Edw.d J. Gambier

Between The Reverend William Longbottom and Evrard Mollien Esquire two of the Executors of the Last Will and Testament and Codicils of the late Mrs Coromsemee Eleazer Leembruggen of Negapatam Widow deceased ——— Plaintiffs

And

Belthazar Manook Satoor and Arathoon Jacob Johannes and Caspard Henry Leembruggen and James Roosmalee Cocq when they shall come within the Jurisdiction of this Honorable Court and The Advocate General of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George Madras Defendants

This Cause coming on the Tenth day of April One thousand Eight hundred and Thirty four to be heard and debated on Bill and Answers before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And upon Opening the Bill of the Plaintiffs and the Answer of the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes thereto and hearing read the Last Will and Testament and Codicils of Mrs Coromsemee Eleazer Leembruggen the Testatrix in the Pleadings of this Cause named And the Probates thereof granted to the Plaintiffs and the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes And what was alleged by the Counsel on all Sides Their Lordships made their Decree bearing date the said Tenth day of April

April One thousand Eight hundred and Thirty four And thereby among other things Ordered that it should be referred to the Master of this Court to enquire and state what Collegiate body or other Society was meant by the said Testatrix in the Second Codicil to her said Will under the description of "The Greek College for the Education of Youths in Arts and Sciences" and of what Persons the same consisted and whether the same existed at the time of the death of the said Testatrix and still did exist and where situate and in case any such Collegiate Body or Society should be found still to exist then the Master should enquire and state who were according to the Laws Usages and Customs of such body entitled to receive any Charitable Legacy bequeathed for the benefit thereof and how and in what manner and by whom a legal and effectual receipt and discharge for the same could be given with liberty to the Master to state any special circumstances as he might think proper And the Court thereby reserved the consideration of all further Directions and the Costs of the Suit until after the said Master should have made his Report and all Persons interested in the Trusts of the said Will and Codicils of the said Testatrix as well as the Parties in the Suit were to be at liberty to apply to the Court by Petition in this Cause as Occasion should require And in pursuance of the said Decree the said Master made his Report dated the Tenth day of July One thousand Eight hundred and Thirty five And thereby among other things Certified that on the Application of the Solicitor for the Plaintiffs and by and with the consent of the Advocate General he had not pursued the enquiry in and by the said Decree directed as to what Collegiate body or other Society was meant by the said Testatrix in the said Codicil to her said Will under the description of the "Greek College for the Education of Youths in Arts and Sciences" and of what Persons the same consisted and whether the same existed at the time of the death of the said Testatrix and still did exist and where situate the Solicitor for the said Plaintiffs upon due enquiry made by him having been unable to obtain the necessary information in respect thereof at Madras although the Solicitor for the said Plaintiffs had been informed by Persons who had been resident in the Ionian Islands that several such Colleges Societies did there exist And this Cause coming on to be heard on the Twenty eighth

eighth day of July One thousand Eight hundred and Thirty five for further directions on the said Report and Costs before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides Whereupon and upon hearing the said Decree and the said Master's Report and the Orders confirming the same and also the Certificate of the Accountant General of this Court read And upon hearing what was alleged by the Counsel on both Sides This Court did Among other things Order that the Sub Treasurer of Fort Saint George with the privity of the said Accountant General should from and out of part of the Funds in the said Accountant General's Certificate mentioned carry to the Credit of this Cause to an Account to be entitled "The Legacy for the Greek College for the Education of Youths in Arts and Sciences in the Second Codicil to the said Testatrix's Will in that behalf mentioned" the Sum of Madras Rupees Fifteen thousand together with the Sum of Rupees One thousand and Sixty seven and Annas eight the Interest accrued due thereon from the Twenty second day of May One thousand Eight hundred and Thirty four to the date of that Decree and should invest the same and the Interest accruing due on all funds thereafter to be standing to the Credit of the last mentioned Account for the purpose of accumulation subject unto and until the further Order of this Court And in respect of the said last mentioned Legacy The Court did further Order that it should be referred back to the Master to prosecute the enquiry relating to the same as in and by the Decree of the Tenth day of April One thousand Eight hundred and Thirty four he was specifically directed And it was thereby further Ordered that all persons or bodies Corporate claiming to be interested in the said last mentioned Legacy were to be at liberty to come in before the Master of the Court and prefer their Claims by themselves or their Attorney on or before the First day of January One thousand Eight hundred and Thirty nine or otherwise to be excluded from all benefit under that Decree And it was further Ordered that the Master should cause Notice of that part of the Decree to be published thrice in the Fort Saint George Gazette of this Presidency and should also send a Copy of the same and of so much of the Testatrix's Second Codicil as relates to this bequest to His Excellency the Lord High Commissioner of the Ionian Islands at Corfu and to the English Consul General or Consul at Venice respectively with a request that the same might be publicly advertised in such places and in such manner as those Officers might deem most efficient and that a return might be made to this Court of what should have been done together with the particulars of the publication and the Court did thereby declare that

all

all necessary Costs and expences incurred in the prosecution of the said enquiry in and by the said Decrees of the Tenth day of April One thousand Eight hundred and Thirty four and also thereby directed touching the said Legacy of Rupees Fifteen thousand should be a charge upon the funds set apart and appropriated for the same and not upon the Testatrix's general Estate and to all further directions touching the said Legacy of Rupees Fifteen thousand thereinbefore directed to be set apart as aforesaid for "The Greek College for the Education of Youths in Arts and Sciences" The Court reserved the consideration thereof until after the said Master should have made his Report thereon And all Parties and other Persons interested therein were to be at liberty to apply to the Court by Petition in this Cause touching their respective claims as they might be advised And in pursuance of the last recited Decree the said Master made his Report dated the Thirty first day of January last and thereby Reported that he had been attended by the Solicitors for the Plaintiffs and the Advocate General and by the Solicitors for the Defendants Bettinazar Manook Sator and Aratheon Jacob Johannes and had in their presence proceeded on the Matters referred to him in and by the said two several Decrees in respect of the said Legacy of Fifteen thousand Rupees And that on the Twenty eighth day of November One thousand Eight hundred and Thirty four he delivered to Mr. Rose the Solicitor for the Advocate General on his Application an Advertisement bearing date the Twenty seventh day of the same Month and Year for all Persons or bodies Corporate claiming to be interested in the said Legacy to the "Greek College for the Education of Youths in Arts and Sciences" to come in and prefer such Claim by themselves or their Attorney before him on or before the First day of January One thousand Eight hundred and Thirty nine with directions to publish the same twice in the Fort Saint George Gazette at this Presidency And that he at the same time delivered to Mr. Rose as such Solicitor for the Advocate General two letters from him bearing date Twenty seventh day of November One thousand Eight hundred and Thirty five addressed to His Excellency the Lord High Commissioner of the Ionian Islands and His Britannic Majesty's Consul General or Consul at Venice respectively containing an Extract

Extract from the said Decree bearing date the said Tenth day of April One thousand Eight hundred and Thirty four and so much of the Second Codicil as related to the bequest to the "Greek College" and requesting that the said Advertisement might be published in manner most efficient as directed by the said Decree of the Twenty eighth day of July One thousand Eight hundred and Thirty five for the purpose of having such letters and Advertisements forwarded to Corfu and Venice which two several letters and Advertisements Mr. Rose stated he duly forwarded to his Agent in London by whom they were received and afterwards as he had reason to believe dispatched to Corfu and Venice but that he had received no answer or Acknowledgment from either of the said Officers And the said Master further Certified that on the Seventh day of December One thousand Eight hundred and Thirty eight a State of Facts and Charge was left with him by Mr. Acworth Solicitor on behalf of the University of the Ionian States stating that in the latter end of the Year One thousand Eight hundred and Twenty four an University for the Ionian States was Opened at Corfu And that the name given to such University by the Constitutional Charter was "a College for the different branches of Science Literature and the fine Arts" and that such University had continued ever since to exist and was attended by Students from all parts of Greece And that there was no other Institution having similar objects with the said University in the Kingdom of Greece at the date of the Codicil to the Will of the said Testatrix And that the fact of the Endowment of such University was well known and numerous donations were made thereto by Persons in England in particular and Charging that the said University was the Institution intended by the Testatrix in the Second Codicil of her Will as the "Greek College for the Education of Youths in Arts and Sciences" and charging that it was entitled to the whole Fifteen thousand Rupees given to the said College by the said Codicil and the Interest which had accrued thereon or to other the funds and Securities in which such Legacy and Interest might then be invested And that he the said Master in the presence of the Solicitors for the Advocate General for the Defendants and for the said University had proceeded to take into further consideration the said Matters so referred to him in and by the said Decrees of the Tenth day of April One thousand Eight hundred and Thirty four and Twenty eighth day of July One thousand Eight hundred and Thirty five and that the Solicitor for the Advocate General on the Eleventh day of December One thousand Eight hundred and Thirty eight produced before him the Fort Saint George Gazette of the Twenty eighth day of November One thousand Eight hundred and Thirty

five

five containing the said Advertisement dated the said Twenty seventh of June One thousand Eight hundred and Thirty five and that the publication of the last mentioned Advertisement had been repeated in the same Gazette on the Ninth Sixteenth Twenty third and Thirtieth days of November and on the Seventh Eighteenth and Twenty eighth days of December One thousand Eight hundred and Thirty eight and not having received any Acknowledgment from the Lord High Commissioner of the Ionian Islands at Corfu or from the English Consul General or Consul at Venice of the receipt of his said two Letters and Advertisements he the said Master on the Application of the Solicitor for the Defendants on the Eighteenth of December One thousand Eight hundred and Thirty eight delivered to him for transmission to His Excellency the Lord High Commissioner of the Ionian Islands and to His Britanic Majesty's Consul General or Consul at Venice respectively a Notice dated the said Eighteenth day of December One thousand Eight hundred and Thirty eight containing the particulars of the said bequest and of the said reference made to the said Master in respect thereof and calling upon all Persons or bodies Corporate claiming to be entitled in the said Legacy by themselves or their Attorney to come in before him on or before the first day of January One thousand Eight hundred and Forty and afford the necessary information to enable him to report on the said several enquiries in and by the said Decree of the Tenth day of April One thousand Eight hundred and Thirty four directed and likewise establish their Claim to the said Legacy or that otherwise he would proceed to make his final Report And that he the said Master did on the said Eighteenth day of December likewise deliver to the said Solicitor for the Defendants Two several Letters addressed to the said Officers respectively stating that not having received any Acknowledgment of his said Letters of the Twenty seventh of November One thousand Eight hundred and Thirty five he was unable to Report what had been done together with the particulars of the publication as directed by the said last mentioned Decree and requesting they would be pleased to cause the said last mentioned Notice to be publicly advertised in such places as they might deem most efficient and to inform him the said

Master of what had been done together with the particulars of the publication to enable him to make his Report to this Honorable Court And he found from the Affidavit of Paul Melitus Sworn before him on the Tenth of January One thousand Eight hundred and Forty that he and the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannis Governors of the Madras Armenian Orphan Funds caused his said last mentioned two Letters with the said Notices enclosed to be forwarded to the Lord High Commissioner of the Ionian Islands and to Her Majesty's Consul General or Consul at Venice by the Overland Route from India to Europe and that on or about the Eleventh day of January One thousand Eight hundred and Thirty nine they in like manner caused the Duplicates of such last mentioned Letters and Notices to be forwarded by the Overland Route from India to Europe and that the said Paul Melitus had been informed and verily believed that such Original and Duplicate Letters and Notices were duly forwarded to their respective destinations And the said Master further Certified that the said Notice dated the said Eighteenth day of December One thousand Eight hundred and Thirty eight had been published in the Fort Saint George Gazette on the Twenty sixth day of February the Twenty sixth day of March the Ninth day of April the Twenty eighth day of May the Fourth day of June the Nineteenth day of July the Ninth day of August the Twenty seventh day of September the Fifteenth day of October the Twenty second day of November and the Twenty seventh day of December One thousand Eight hundred and Thirty nine And the said Master further Certified that on the Eighth day of July and Sixth day of August One thousand Eight hundred and Thirty nine he received by Post (Original and Duplicate) a Letter from Sir Thos S. Sowell His Britanic Majesty's Consul General for the Lombardo Venetian States and for the Austrian Territories in the Adriatic Sea enclosing parts of the Numbers of the Osservatore Triestino of the Sixth of April One thousand Eight hundred and Thirty nine and of the "Gazetta Privilegiata Di Venezia" of the Twenty ninth of April One thousand Eight hundred and Thirty nine respectively containing the said Notice (in the Italian and English languages) so delivered by the said Master to the Solicitor for the Defendants on the said Eighteenth day of December One thousand Eight hundred and Thirty eight And that he had to his said Report annexed a Copy of the said Letter and that he had not received any acknowledgment from His Excellency the Lord High Commissioner of the

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Ionian Islands of either of his said Letters and Communications addressed to that Office and the said Master further Certified that on the Application of Mr. Wilkins Solicitor for the Defendants a Warrant issued returnable on the Third of January One thousand Eight hundred and Forty underwritten at which time the Solicitor for the University of the Ionian States is to prove his State of Facts and Charge or in default thereof the Master will peremptorily disallow the same And which Warrant was attended by the Solicitor for the University of the Ionian States and that no Evidence having been adduced before him in support of such State of Facts and Charge the said Master disallowed the same and Certified that same and except as is contained in the said State of Facts and Charge on behalf of the said University of the Ionian States no Claim had been preferred before him in respect of the said Legacy And this Cause coming on the Thirtieth day of March last and the First day of April instant and also this present day to be heard for further directions on the said Report of the Thirty first day of January One thousand Eight hundred and Forty before the Honorable the Judges of this Court in the presence of Counsel for the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes and the Defendant the Advocate General Whereupon and upon hearing read the said Decree bearing date the said Tenth day of April One thousand Eight hundred and Thirty four and the Report made in pursuance thereof dated the Tenth day of July One thousand Eight hundred and Thirty five And also the said Decree made in this Cause bearing date the said Twenty eighth day of July One thousand Eight hundred and Thirty five And the said Report of the said Thirty first day of January last made in pursuance of the said last mentioned Decree And also the Orders of this Court bearing date respectively the Thirteenth and Twenty third days of March last whereby the said Report of the said Thirty first day of January last and all the Matters and things therein contained became absolutely confirmed And upon reading the Certificate of the Accountant General of this Court in the words and

and figures following that is to say

"Supreme Court
"Equity Side }

"No 50

"The Reverend William Longbottom and Errand Mollien Esqrs two
"of the Executors of the Last Will and Testament & Codicils of the late Mrs
"Coronemee Eleazer Leemburg gen deceased Complainants V. Belthazar
"Manook Satoor and Arathoon Jacob Johannes and Caspard Henry
"Leemburggen and James Roosmallee Coeg when they shall come
"within the Jurisdiction of this Honorable Court and the Advocate
"General of the United Company of Merchants of England trading
"to the East Indies under their Presidency of Fort St. George Madras Defts

"The Legacy for the Greek College for the Education of Youths in Arts and Sciences
"in the Second Codicil to the said Testatrix's will in that behalf mentioned

"I hereby Certify that according to the Books of the Supreme Court the funds standing to the credit of this Cause are as follows Viz.

"In One Promr. Note of the 5 p Ct. Loan of 18th Augt 1825 for Sa Rs	800- "- "	
"In Eight Lotts of the 5 p cent Lotts of 1st May 1832 amounting to "	13,700- "- "	
"Sa Rupees	14,500- "- "	
"Comp. Rs	15,442- 8- "	
"In Five Lotts of the 4 p Cent Lotts of 31st March 1835 amounting to "	3,200- "- "	
	18,642- 8- "	
"In Cash to be invested by the Sub Treasurer in other Government Securities	488- 11- 8	
	19,131- 3- 8	
"Interest due on the above Govt Securities	74- 10- 5	
"Company's Rupees	19,205- 14- 1	

"Fort St. George Acctt Genl Office
"31st March 1840
"J. Crawford
"Acctt General Supreme Court

"This Certificate is granted on the application
"from Mr. J. H. Wilkins Defendants Solicitor
"dated 26th March 1840.

"Exd R appearing

This Court doth Order that it be referred back to the Master of this Court to inquire and Report whether or not the University in the Ionian States in his said Report of the Thirty first day of January last mentioned is "the Greek College for the Education of Youths in Arts and Sciences" in the Second Codicil of the said Testatrix's Will mentioned and for that purpose the said Master is to require the said University to produce Evidence before him in support of its Claim And it is further Ordered that it be referred back to the said Master to Tax the Costs of the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes

Johannes and the Advocate General of and relating to the enquiry what Collegiate body or other Society was meant by the said Testatrix in the Second Codicil to her said Will under the description of "the Greek College for the education of Youths in Arts and Sciences" by the Decree of the Tenth day of April One thousand Eight hundred and Thirty four directed since the last taxation thereof as between Solicitor and Client and that the same when Taxed be Certified at the foot of this Decree under the Signature of One of the Judges of this Court And it is Ordered that the Sub Treasurer of Fort Saint George with the privity of the Accountant General of this Court from and out of the Funds standing to the Credit of this Cause to the Account "The Legacy for the Greek College for the Education of Youths in Arts and Sciences in the Second Codicil to the said Testatrix's Will in that behalf mentioned" in the said Certificate of the said Accountant General mentioned do raise and pay what shall be so certified as the Costs of the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes to Mr. John Henry Wilkins their Solicitor and what shall be so certified as the Costs of the Defendant the Advocate General to Mr. William Henry Rose his Solicitor and to enable him to make such payment the Sub Treasurer is to be at liberty with the privity of the Accountant General to sell or subdivide any one or more of the Government Promissory Notes in his Certificate mentioned as he may find occasion and this Court doth Reserve the consideration of all further directions and the Subsequent Costs of the Defendants until after the Master shall have made his Report and any of the parties to this Suit are to be at liberty to apply to this Court as there may be occasion

By the Court

H. D. Acworth
Registrar

Sol: for Defts Satoor & Johannes
W. H. Rose
Sol. for the Defts the Advte Genl

The Amount of the Taxed Costs to be paid in pursuance of this Decree to Mr. John Henry Wilkins Solicitor for the Defendants Belthazar Manook Satoor and Arathoon Jacob Johannes is Rupees One thousand Nine hundred and Fifty eight (1958) and to Mr. William Henry Rose the Solicitor for the Defendant The Advocate General is Rupees Nine hundred and Eight and Fanams three (908-3-) as appears by the two several Certificates of the Master of this Court dated respectively the 4th day of June 1840.

/Signed/ Edwd. I. Gambier

E. & O. E.

Pauper

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Tuesday the Seventh day of April One thousand Eight hundred and Forty and in the Third Year of the Reign of Her Majesty Queen Victoria

Between Johannes Narcis and anna Johannes his Wife -- Plaintiffs

and

Jacob Nazar Shamier - - - - - - - - - - Defendant

By Original Bill

and Between Johannes Narcis and anna Johannes his Wife -- Plaintiffs

and

Joseph Nazar Shamier the sole surviving Executor of the Last Will and Testament of Jacob Nazar Shamier deceased - Defendant

By Bill of Revivor

Comyn

Edw. J. Gambier

Whereas the Plaintiffs did on the Fifteenth day of September One thousand Eight hundred and Eighteen Exhibit their Bill of Complaint in this Court against the Defendant Jacob Nazar Shamier Setting forth as is therein Set forth and praying that a Writ of Injunction as therein mentioned and Process of Subpoena might issue against the said Defendant to compel him to appear to and Answer the said Bill and that they might have such relief as in the prayer of the said Bill prayed And Forasmuch as the said Plaintiffs having sued out a Subpoena to compel the said Defendant to appear to and Answer the Plaintiffs Bill the said Defendant appeared thereto accordingly but did not put in his Answer to the said Bill and stood out all Process of Contempt for want of his Answer and a Writ of Sequestration under the Seal of this Court was Awarded against him by Virtue of which the Sheriff seized certain Messuages Lands and

Tenements

Tenements as in and by the return thereto is particularly set forth and
which the said Defendant persisting in her Contempt the Plaintiffs
Order on the Nineteenth day of July One thousand Eight hundred and
that the said Plaintiffs should be at liberty to enter their Bill to be
Confesso against the said Defendant on the Twenty third day of the same
and the Cause coming on the said Twenty third day of July One
Eight hundred and Nineteen to be heard before the Honorable the
of this Court in the presence of the said Plaintiffs Counsel and upon
said Order of the Nineteenth day of July One thousand Eight hundred
Nineteen and also the Bill of Complaint in the said Cause Their Lo
made their Decree bearing date the said Twenty third day of July
Eight hundred and Nineteen and did thereby Order and Decree
said Bill should be taken Pro Confesso and that it should be referred
Master of this Court to take an Account of all and every the Trust
Securities which had been received by the said Defendant or by any
Persons by his Order or to his use in pursuance of the Trusts
and charged in the said Plaintiffs Bill and that it should be
to the said Master to take an Account of the Principal Money
to as also an Account of the Interest which had accrued thereon and
Application thereof and what Interest was then in arrear and due
to the said Plaintiffs by the Defendant And that the said Defendant
and deliver into the Treasury of the Honorable Court
Account and General what should appear to be due over
taking of such Account of Principal Money and Interest
Defendant should be removed from being a Trustee under the
in the said Bill mentioned And that the said Master should
and appoint One or more Person or Persons to be Trustee or
said several Indentures therein referred to in the place and
Defendant and that the said Defendant upon such appointment
or Trustees and all proper Parties should join in assigning
be such Trustee or Trustees the Principal Money

all Securities belonging or appertaining thereto for the benefit of such Trusts as were
mentioned and expressed in the Indenture of Trust first mentioned in the said Plaintiffs
Bill And that the Master in taking the said Account should make unto the Parties all
just allowances And that the said Master should be at liberty to examine the Plaintiffs
and Defendant in the said Cause upon Oath on Interrogatories touching the Trust Fund
and the Interest and profits thereof in such manner as the said Master should think
proper And that the said Parties should 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 should be at liberty to Report specially if he
should have Occasion or be required so to do And all further directions were thereby
reserved until after the said Master should have made his Report And Whereas by an
Order made in this Cause and bearing date the Twenty first day of February One thousand
Eight hundred and Twenty It was Ordered that the said Decree should be made
absolute And before the Master made his Report a Bill of Revivor was filed by the
said Plaintiffs on the Ninth day of May One thousand Eight hundred and Thirty
two in consequence as is therein alleged of the death of the said Defendant setting
forth as is therein set forth And therefore praying that the said Suit and proceedings
so abated by the death of the said Defendant might stand and be revived against
Joseph Nazar Shamier as the sole surviving Executor of the said Defendant and he
in the same plight State and condition as the same were in at the time of the
abatement thereof or that the said Joseph Nazar Shamier might shew Cause to the
contrary And thereupon an Order was made by this Court on the Thirteenth day
of July One thousand Eight hundred and Thirty two that the said Suit and all
the proceedings had herein should stand and be revived and be in the same plight
state and condition against the said Joseph Nazar Shamier as the same were in
at the time of the abatement thereof by the death of the said Jacob Nazar Shamier
And Whereas by another Order of this Court made in this Cause dated the —
Fifteenth day of March One thousand Eight hundred and Thirty nine It was
Ordered that the Master of this Honorable Court should be at liberty to proceed

Ex parte

Ex parte with the reference made by the said Decree in this Cause and the Service of that Order as well as all future Orders Warrants and Proceedings hereon on the said Defendant should be dispensed with until he should come within the Jurisdiction of this Honorable Court And on pursuance of the said Decree and the last mentioned Order the said Master made his Report bearing date the Seventh day of February One thousand Eight hundred and Forty (which stands absolutely Confirmed) And thereby Certified that on the Eighth day of October One thousand Eight hundred and Thirty two on the Application of Mr. Leonard Cooper Solicitor for the Plaintiffs a Warrant was issued by him for the purpose of taking into Consideration the Matter of the said Decree (Copies of the Ordering part thereof and of the said Order to Revive having been left with him on the Twentieth day of July One thousand Eight hundred and Thirty two) returnable on the Twelfth day of the same Month and which was attended by the said Solicitor for the Plaintiffs who produced an Affidavit of due Service of the said Warrant on Mr. Charles Philip Gordon Solicitor for the Defendant Joseph Nazar Shamier and on the said Defendant Joseph Nazar Shamier personally and that on the Nineteenth of the same Month the said Solicitors for the Plaintiffs and Defendant Joseph Nazar Shamier attended before him on a Warrant to proceed on the Charge of the Plaintiffs before him on the Thirteenth of the same Month and the Solicitor for the said Defendant Joseph Nazar Shamier alleged that the said Defendant Joseph Nazar Shamier was unable to furnish him with any instructions further than that the said Jacob Nazar Shamier died totally insolvent indeed a Lunatic for many Years before his death and that the said Solicitor for the said Defendant Joseph Nazar Shamier disclaimed with Service on him of the said Defendant Joseph Nazar Shamier of any Warrants for the future and during the reference under the said Decree And that the Plaintiffs lay their said Charge Claim against the said Defendant Joseph Nazar Shamier Executor of the said Jacob Nazar Shamier the different Sums of Money

forming the Trust Property of the Plaintiffs received by and come to the hands of the Defendant Joseph Nazar Shamier's Testator in his life time as the Trustee of the Marriage Settlement of the Plaintiffs as per an Account Current rendered by the said Testator to the Plaintiffs on the Thirtieth day of June One thousand Eight hundred and Eighteen Amounting to the Principal Sum of Seventeen thousand Two hundred and Ninety five Pagodas Three fanams and Forty eight Cash together with Interest at the rate of Eight per Cent per Annum on the said Sum of Seventeen thousand Two hundred and Ninety five Pagodas Three fanams and Forty eight Cash from the First day of July One thousand Eight hundred and Eighteen up to the date of his Report And that on the Fourteenth day of December One thousand Eight hundred and Thirty two an Account Current dated the Thirtieth of June One thousand Eight hundred and Eighteen in the Armenian Character (marked **A**) headed "the fourth Trusteeship Account of Mr. and Mrs. Johannes Narcis "with me Jacob Nazar Shamier" with a Translate Copy thereof by the Sworn Interpreter of this Honorable Court was produced and left with him by the Solicitor for the said Plaintiffs and on the Evidence of John Shamier Esquire examined Viva Voce before him on the said Fourteenth of December One thousand Eight hundred and Thirty two he the said Master found that the said Account Current was signed by the Defendant Jacob Nazar Shamier who was a Relation of the said John Shamier and with whom the said John Shamier was intimately acquainted and whom the said John Shamier had frequently seen write And he found from the said Account Current that the said Defendant Jacob Nazar Shamier was as Trustee of the Marriage Settlement of the said Plaintiffs on the said Thirtieth day of June One thousand Eight hundred and Eighteen indebted to the said Trust in the Sum of Seventeen thousand Two hundred and Ninety five Pagodas four fanams and Forty eight Cash And he found that the Estate of the said Defendant Jacob Nazar Shamier was still indebted to such Trust in such last mentioned Principal Sum of Money And that he had Calculated Interest thereon from the said Thirtieth day of June One thousand Eight hundred and Eighteen up to the date of his Report at the Rate of Eight per Cent per Annum being the rate at which the said Defendant Jacob Nazar Shamier had charged himself in and by the said Account Current on all Monies in Trust with him from the

Esparte with the reference made by the said Decree in this Cause and the Service of that Order as well as all future Orders Warrants and Proceedings hereon on the said Defendant should be dispensed with until he should come within the Jurisdiction of this Honorable Court and in pursuance of the said Decree and the last mentioned Order the said Master made his Report bearing date the Seventh day of February One thousand Eight hundred and Forty (which stands absolutely Confirmed) and thereby Certified that on the Eighth day of October One thousand Eight hundred and Thirty two on the Application of Mr. Leonard Cooper Solicitor for the Plaintiffs a Warrant was issued by him for the purpose of taking into Consideration the Matter of the said Decree (Copies of the Ordering part thereof and of the said Order to Revive having been left with him on the Twentieth day of July One thousand Eight hundred and Thirty two) returnable on the Twelfth day of the same Month and which was attended by the said Solicitor for the Plaintiffs who produced an Affidavit of the Service of the said Warrant on Mr. Charles Philip Lyden Solicitor for the Defendant Joseph Nazar Shamier and on the said Defendant Joseph Nazar Shamier personally and that on the Nineteenth of the same Month the said Solicitors for the Plaintiffs and Defendant Joseph Nazar Shamier attended before him on a Warrant to proceed on the Charge of the Plaintiffs left with him on the Thirteenth of the same Month and the Solicitor for the said Defendant Joseph Nazar Shamier alleged that the said Defendant Joseph Nazar Shamier was unable to furnish him with any instructions further than that the said Jacob Nazar Shamier died totally insolvent and was a Lunatic for many Years before his death and that the said Solicitor for the said Defendant Joseph Nazar Shamier declined with Leave on behalf of the said Defendant Joseph Nazar Shamier of any Warrants for the future and during the reference under the said Decree And that the Plaintiffs by their said Charge claim against the said Defendant Joseph Nazar Shamier as Executor of the said Jacob Nazar Shamier the [illegible] Sums of Money

forming the Trust Property of the Plaintiffs received by and come to the hands of the Defendant Joseph Nazar Shamier's Testator in his life time as the Trustee of the Marriage Settlement of the Plaintiffs as per an Account Current rendered by the said Testator to the Plaintiffs on the Thirtieth day of June One thousand Eight hundred and Eighteen Amounting to the Principal Sum of Seventeen thousand Two hundred and Ninety five Pagodas Three fanams and Forty eight Cash together with Interest at the rate of Eight per Cent per Annum on the said Sum of Seventeen thousand Two hundred and Ninety five Pagodas Three fanams and Forty eight Cash from the First day of July One thousand Eight hundred and Eighteen up to the date of his Report And that on the Fourteenth day of December One thousand Eight hundred and Thirty two an Account Current dated the Thirtieth of June One thousand Eight hundred and Eighteen in the Armenian Character (marked A) headed "the fourth Trusteeship Account of Mr. and Mrs. Johannes Nareis" with me Jacob Nazar Shamier" with a Translate Copy thereof by the Sworn Interpreter of this Honorable Court was produced and left with him by the Solicitor for the said Plaintiffs and on the Evidence of John Shamier Esquire examined Viva Voce before him on the said Fourteenth of December One thousand Eight hundred and Thirty two he the said Master found that the said Account Current was signed by the Defendant Jacob Nazar Shamier who was a Relation of the said John Shamier and with whom the said John Shamier was intimately acquainted and whom the said John Shamier had frequently seen write And he found from the said Account Current that the said Defendant Jacob Nazar Shamier was as Trustee of the Marriage Settlement of the said Plaintiffs on the said Thirtieth day of June One thousand Eight hundred and Eighteen indebted to the said Trust in the Sum of Seventeen thousand Two hundred and Ninety five Pagodas four fanams and Forty eight Cash And he found that the Estate of the said Defendant Jacob Nazar Shamier was still indebted to such Trust in such last mentioned Principal Sum of Money And that he had Calculated Interest thereon from the said Thirtieth day of June One thousand Eight hundred and Eighteen up to the date of his Report at the Rate of Eight per Cent per Annum being the rate at which the said Defendant Jacob Nazar Shamier had charged himself in and by the said Account Current on all Monies in Trust with him from the

the First day of July One thousand Eight hundred and Seventeen to the said Thirtieth day of June One thousand Eight hundred and Eighteen And he found that such Interest Amounted to the Sum of Twenty nine thousand Eight hundred and Ninety Seven Pagodas Twelve fanams and Ten Cash or One hundred and Four thousand Six hundred and Forty Company's Rupees Seven Annas and One Pice which being added to the said Sum of Seventeen thousand Two hundred and Ninety five Pagodas Four fanams and Forty eight Cash or Sixty thousand Five hundred and Thirty two Company's Rupees Thirteen Annas and Nine Pice makes the Sum of Forty Seven thousand One hundred and Ninety two Pagodas Seven fanams and Fifty eight Cash or One hundred and Sixty five thousand One hundred and Seventy three Company's Rupees Four Annas and Six pice in which last mentioned Sum he the said Master found the Estate of the said Jacob Nazar Shamier to be indebted to the Trust of the Marriage Settlement of the said Plaintiffs And he found that the said Jacob Nazar Shamier as such Trustee as aforesaid from the Thirtieth day of June One thousand Eight hundred and Seventeen up to the Thirtieth day of June One thousand Eight hundred and Eighteen and previously to the filing of the Original Bill of Complaint in this Cause received the several Sums of Money mentioned in the first part of the Schedule to the said Report annexed Amounting to the Sum of Eighteen thousand and Sixty nine Pagodas Forty three fanams and Thirty Cash And he found that the said Jacob Nazar Shamier as such Trustee as aforesaid from the said Thirtieth day of June One thousand Eight hundred and Seventeen up to the said Thirtieth day of June One thousand Eight hundred and Eighteen made several payments and became entitled to several Allowances Amounting in the whole to Seven hundred and Seventy four Pagodas Thirty eight fanams and Sixty two Cash as set forth in the Second part of the said Schedule and that no further Allowance having been preferred before him or Evidence offered beyond what was contained in the said Account Current ( ) by the said Master

had been enabled to take any further or fuller Account of any part of the Trust Property which had been received by the said Jacob Nazar Shamier or by any other Person or Persons by his Order or to his use And that a State of Facts and proposal was on the Sixteenth day of May One thousand Eight hundred and Thirty eight laid before him by the Solicitor for the Plaintiff Anna Johannes Narcis stating (Amongst other things) that some time in the Year One thousand Eight hundred and Fourteen the Trust Monies funds and Securities for Money mentioned in the Pleadings in this Cause amounting then in the whole to Fourteen thousand Nine hundred and Seventy five Star Pagodas and Eighteen fanams of and belonging to the said Plaintiffs were by virtue of a certain Indenture bearing date the Twentieth day of June One thousand Eight hundred and Fourteen and made and entered into between the Plaintiffs of the First part Seth Sam and Gregory Sam of the Second part and the Defendant Jacob Nazar Shamier of the Third part assigned transferred and delivered over to the said Defendant Jacob Nazar Shamier as the Trustee of the said Marriage Settlement with a part of the Accumulated Interest thereon and that the said Defendant Jacob Nazar Shamier departed this life on the Seventh day of August One thousand Eight hundred and Twenty four having first duly made and published his last Will and Testament in Writing bearing date the Sixth day of November One thousand Eight hundred and Fifteen and thereby appointed the Defendant Joseph Nazar Shamier Nazar Jacob Shamier and John Shamier since deceased Executors of his said Will which said John Shamier refused and declined to act as Executor and the said Nazar Jacob Shamier proved the same on the Ecclesiastical Side of this Honorable Court and took upon himself the burthen of the Execution thereof and afterwards departed this life at Batavia sometime in the Year One thousand Eight hundred and Thirty since which the said Defendant Joseph Nazar Shamier duly proved the said Will on the Ecclesiastical Side of this Honorable Court and obtained Probate thereof in his favor as the sole surviving Executor therein named and that the Complainant Johannes Narcis having followed the said Defendant to Batavia on other affairs died there on or about the Fourteenth of February One thousand Eight hundred and Thirty seven leaving him surviving the Plaintiff Anna Johannes Narcis his Widow and Seven Children Namely Eliza Narcis Aged

Twenty

Twenty four Years John Narcis Aged Twenty three Years and Emma Narcis Aged Twenty One Years Gaspar Narcis Aged Nineteen Years Mary Narcis since deceased Hosannah Narcis Aged Six Years and Anna Narcis also since deceased And that the Complainant Johannes Narcis previous to his death duly made and published his Last Will and Testament in Writing at Batavia whereof he appointed Jacob Arathoon of that place and the said John Narcis his Executors and the said Anna Johannes Narcis his Executrix and that the said Jacob Arathoon proved the Will and obtained Probate in his favor at Batavia as One of the Executors and that the Complainant Anna Johannes Narcis had been informed and believed it to be true that the Defendant Joseph Nazar Shamier intends shortly to proceed to Bombay for the purpose of recovering as Executor of the said Jacob Nazar Shamier (the Trustee) from the Registrar of the Supreme Court there or such other Person or Persons as may be liable to pay the same the Amount of certain Property forthcoming to the late Jacob Nazar Shamiers Share to the extent of Ninety thousand Rupees or thereabouts in the Estate of his Mother Mrs Merjohn Nazar Shamier and that the Executors of One Chinnatomby Moodelly at Madras hold an Assignment given them by the said Joseph Nazar Shamier under date the Fifth January One thousand Eight hundred and Twenty one not only of his own but also of his Brother Jacob Nazar Shamiers Share in the said Property left them by their said Mother Mrs Merjohn Nazar Shamier to the extent of about Eighty Six thousand Rupees and that the Executors of the said Chinnatomby are about joining in suing a Power of Attorney with One Stephen Lazar (who holds a Power of Attorney from the Executor of Jacob Nazar Shamier) and Thamar his Wife now at Madras the latter of whom was the only Daughter of the said Mrs Merjohn Nazar Shamier to some Person or Persons at Bombay to recover the whole of the Funds forthcoming to such Children But as the said Assignment bears a date long subsequent to the Decree thereinbefore mentioned the Complainant

Anna

Anna Johannes Narcis (on behalf of herself and Children) as a Judgment Creditor of the said Jacob Nazar Shamier who was such Trustee as aforesaid claims a preferable right to the said Funds as far as the said Jacob Nazar Shamiers Share therein is concerned to any other Person or Persons under the said Orders of Court and Decretal Order and that the Complainants not having any friends at Bombay to Advocate their Case there several letters have been written on their behalves by their Solicitors to the Registrar of the Supreme Court at Bombay (who is in possession of the funds above mentioned) amongst other things Cautioning him against disposing of the Share or Proportion therein of the said Jacob Nazar Shamier without previous intimation to the Complainants and that the Complainant Anna Johannes Narcis is desirous of having Trustees approved of and appointed by the said Master for the purpose of Carrying into effect the directions contained in the said Decree and proposing the Reverend Thomas Haswell Wesleyan Missionary of Madras and her eldest Son John Narcis as proper Persons to be appointed Trustees for the purposes aforesaid under the aforesaid Trust Deeds with the usual directions and the said Master after stating the said Order bearing date the Thirteenth day of March One thousand Eight hundred and Thirty nine further Certified that in compliance with the said Order he had proceeded with the said reference and found from the Affidavit of Varden Seth Sam of Madras Merchant and Agent Sworn before him on the Sixth of September One thousand Eight hundred and Thirty nine that he was intimately acquainted with the said Thomas Haswell and John Narcis the proposed Trustees and that he had been so intimately acquainted with and known the said Thomas Haswell for a period of Five Months or thereabouts and the said John Narcis from his Childhood and that he verily believes the said Thomas Haswell and John Narcis were fit proper and eligible persons to be appointed as such Trustees and were ready and willing to accept the Trust And the said Master approved of the said Thomas Haswell and John Narcis as Trustees under the said several Indentures in the place and stead of the said Original Defendant And the said Master further certified that on the Eighteenth of September One thousand Eight hundred and Thirty nine a State of Facts was left with him by the Solicitors for the Plaintiffs for the purpose of enabling him to Report specially as to the impediments that exist to the Execution of an Assignment or Conveyance of the Trust Funds in this

Cause

Cause to such Trustees as he the said Master might appoint And that an Affidavit of John Narcis Sworn before him on the Twentieth of September One thousand Eight hundred and Thirty nine had likewise been left with him in support of such last mentioned State of Facts And he found from such last mentioned Affidavit that the said John Narcis had been informed and believed it to be true that there was no Property appertaining or belonging to the Estate of the Original Defendant Jacob Nazar Shamier within the Jurisdiction of this Honorable Court which can at this present time be made available to satisfy such Decree as might be pronounced on the part of the said Complainant Anna Johannes Narcis and that the present Defendant Joseph Nazar Shamier the Executor of the said Original Defendant Jacob Nazar Shamier and against whom this Suit had been revived left Madras and proceeded to Batavia without the Jurisdiction of this Honorable Court sometime in the Year One thousand Eight hundred and Thirty four and that he the said Defendant Joseph Nazar Shamier had never since been and was not then resident within such Jurisdiction but that he was then as the said John Narcis had recently been informed and believed to be true residing at a Place called Samarang in the Island of Java and he had been informed and believed it to be true that there was considerable Property forthcoming at Bombay to the Estate of the Original Defendant Jacob Nazar Shamier to the extent of Ninety thousand Rupees or thereabouts being his Share or proportion in the Estate of his late Mother Mrs Marjohn Nazar Shamier deceased And this Cause coming on this present day to be heard for further directions on the said Report before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on the behalf of the said Plaintiffs Whereupon and upon hearing read the said Decree the said Bill of Revivor and the said Master's Report And also the Order of this Court dated the Twenty seventh day of March last Whereby the said Report and all the Matters and things therein contained became Absolutely confirmed. And upon hearing read also the several Orders of Court made in this Cause and bearing date respectively the Tenth day of May One thousand Eight hundred and Nineteen the Twenty first day of February

February One thousand Eight hundred and Twenty the Thirteenth day of July One thousand Eight hundred and Thirty two the Thirtieth day of November One thousand Eight hundred and Thirty eight and the Fifteenth day of March One thousand Eight hundred and Thirty nine And also the Subpoena to hear Judgment issued out of and under the Seal of this Honorable Court in this Cause directed to the said Defendant And upon due Consideration had thereon. This Court doth Declare that the Estate of Jacob Nazar Shamier is indebted to the parties interested under the Settlement made on the Marriage of the Plaintiffs in the Sum of Company's Rupees One hundred and Sixty five thousand One hundred and Seventy three Annas four and pice ten (165,173-4-10) being the Amount due for Principal and Interest to the date of the Master's Report in respect of the Sum of Pagodas Seventeen thousand Two hundred and Ninety five Fanams four and Cash Forty (17295-4-40) received by him as the Trustee of such Settlement as in the Master's Report stated And this Court doth Order and Decree that the Reverend Thomas Roswell and Mr. John Narcis in the Master's Report mentioned be appointed Trustees of the said Settlement in the Room of the said Jacob Nazar Shamier And it is Ordered that it be Referred to the Master to Tax the Costs of the Plaintiffs of this Suit as between Solicitor and Client and that such Costs when Taxed be paid to Mr. Leonard Cooper their Solicitor out of the Estate of the said Jacob Nazar Shamier And any of the Parties or Persons interested in this Suit are to be at liberty to apply to this Court as they shall be Advised.

By the Court

H. D. Ellsworth
Deputy Clerk

11 of 40.

In the Supreme Court of Judicature at Madras

Equity Side

Sittings after the Second Term 1840

18th April 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Read all the pleadings & Exhibits Decrees &c &c filed 24th of September 1839

Saturday the Eighteenth day of April One thousand Eight hundred and Forty and in the Third Year of the Reign of Her Majesty Queen Victoria

Between Emily Moody and Amelia Tatham, Salome Tatham and John Tatham respectively Infants under the age of Twenty one Years by the said Emily Moody their Mother and next friend ... Plaintiffs

and

Nathaniel Brindley Acworth Esquire Executor of the Last Will and Testament of John Tatham deceased and George Norton Esquire Advocate General of The East India Company at their Presidency of Fort Saint George and Cecilia Mary Tatham and Mary Ann Tatham when they shall come within the Jurisdiction of this Honorable Court ... Defendants

R Comyn.

This Cause coming on the Third and Fourth days of April instant and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides Upon Opening the Bill of Complaint of the above named Plaintiffs the Answer of the said Defendant Nathaniel Brindley Acworth And the Answer of the said Defendant the Advocate General thereto And upon hearing read as Evidence for the said Plaintiffs the Answer of the said Defendant Nathaniel Brindley Acworth And also the Deposition of Solomon to the First Second and Third Interrogatories in Chief filed on behalf of the said Plaintiffs The Deposition of Mungamah to the

the First and Third Interrogatories in Chief filed on behalf of the said Plaintiffs The Deposition of Mootoomah to the First and Fourth Interrogatories in Chief filed on behalf of the said Plaintiffs The Deposition of James Clanse to the First Second and Fifth Interrogatories in Chief filed on behalf of the said Plaintiffs Deposition of The Reverend Frederick Spring to the First and Sixth Interrogatories in Chief filed on behalf of the said Plaintiffs And the Exhibits marked respectively **A B** and **C**. And upon hearing read also the Record of the Probate of the Will and Testament and Codicil of John Tatham deceased the Testator in the Pleadings of this Cause named granted out of and under the Seal of this Honorable Court to the said Defendant Nathaniel Brindley Acworth as the Registrar of this Court for the time being and as such the only Executor appointed by the said Will so long as he continues such Registrar Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on all Sides and on Mature Consideration had thereon This Court doth Declare that the Will and Codicil of the said Testator John Tatham ought to be established And doth Order and Decree the same accordingly And this Court doth Declare that the Infant Plaintiffs are entitled as joint Tenants to the Sums of Company's Rupees Twenty thousand (20,000-0-0) and Company's Rupees Ten thousand (10,000-0-0) bequeathed by the said Testator's Will and Codicil with Interest thereon at Six per cent per Annum from the death of the Testator subject to the maintenance during her life of the Plaintiff Emily Moody thereout not exceeding One fourth of the Interest And this Court doth Order that it be referred to the Master to ascertain what under the circumstances will be a sufficient proportion of the Interest (such proportion not to exceed One fourth) on the said Sums to be paid to the said Emily Moody during her life for her maintenance And this Court doth Order that it be referred to the Master to approve of a proper person or persons to be appointed the Guardian or Guardians of the persons and fortunes of the Infant Plaintiffs during their Minorities And it is Ordered that all proper parties have notice to attend the Master thereon and be at liberty to propose such Guardian or Guardians And it is Ordered that the Master do enquire and state the Infants Ages and the nature and Amount of their fortunes and on what evidence or grounds the

approves of such person or persons so to be appointed Guardian or Guardians And it is Ordered that the said Master do enquire and state what will be proper to be allowed for the maintenance and education of the Infants during their respective minorities and from what period such allowances should commence and out of what fund they should be taken And it is Ordered that it be referred to the Master to tax the Costs of all parties of this Suit as between Solicitor and Client And that the Defendant Nathaniel Brindley Acworth do from and out of the said Sums of Rupees Twenty thousand (20,000-0-0) and Rupees Ten thousand (10,000-0-0) and interest pay the Amount which shall be so taxed for the Plaintiffs Costs to Mr. John Henry Wilkins their Solicitor and the Amount which shall be so taxed for the Defendants Costs to Mr. William Henry Rose their Solicitor And it is Ordered that it be referred to the Master to take an Account of the Sums of Money paid by Peter Cator Esquire and the Defendant Nathaniel Brindley Acworth to the Plaintiff Emily Moody on account of interest on the said two Sums for the Support of herself and the Infant Plaintiffs and that such payments and the Costs to be so paid as aforesaid be allowed to the Defendant Nathaniel Brindley Acworth on taking an Account of what remains due for principal and interest on the said Sums And it is Ordered that it be referred to the Master to take an Account of what remains due on the said two Sums of Company's Rupees Twenty thousand (20,000-0-0) and Company's Rupees Ten thousand (10,000-0-0) for principal and interest calculated at Six per Cent per Annum from the death of the Testator after giving Credit for the Sums which he shall find to have been so paid to the said Emily Moody as aforesaid and the said Costs And for the better taking of the said Account and discovery of the Matters aforesaid the Parties are to produce before the Master upon Oath all 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 it is Ordered that what shall remain due on the taking of the said Account for principal and interest on the said two Sums be by the said Nathaniel Brindley Acworth paid into the Treasury with the privity of the Accountant General and there placed to the Credit of this Cause And it is Ordered that

that the Sub Treasurer with the like privity of the Accountant General do invest the Money which shall be so paid in by the said Nathaniel Brindley Acworth in one or more Government Promissory Notes or Securities and carry such Notes or Securities to the Credit of this Cause subject to the further Order of this Court and the Master is to be at liberty to make a Separate Report as to any of the Matters aforesaid And this Court doth Reserve the consideration of all further directions and the subsequent Costs of this Cause until after the Master shall have made his Report and any of the Parties or persons interested are to be at liberty to apply to the Court as occasion shall require.

By the Court

I B Saunders

Pr Registrar

Pr Reserve
Pr Acworth
Pr Robertson
Deft to pay

No 221 of 40

In the Supreme Court of Judicature at Madras

Eccn Side

Third Term 20th July 1840.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Jarah Bee and Siddick Sait an Infant by Mahomed Syed his next friend the only legal Personal Representatives of Aly Saib Deceased - - - - - - - - - - - - - - - - - -

Pr

Baharudeen - - - - - - - -

The Matter upon the Demurrer put in by the Defendant to the First Count of the Plaint in this Action and the Joinder thereto coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides - And the said Demurrer and Plaint being opened And upon hearing the Counsel for the Defendant in Support of the said Demurrer And the Counsel for the Plaintiff asking leave to Amend the said Plaint - This Court doth Order that the said Plaintiff have liberty to Amend the said Plaint on payment of Costs within One Week from the date hereof.

By the Court.

A B Acworth

Pr Reg

R Comyn

Edwd J Gambier

W H Jenkins
Plffs Atty

Ex Pr

№ 2216 of 40

In the Supreme Court of Judicature at Madras

Equity Side — Third Term 21st July 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

one of Her Majesty's Justices

Ramparsaud Saulah - - - -

Vendalore Moottoo Moodelly and
Vendalore Davadeecamaney Moodelly

The Matter upon the Demurrer put in by the Defendant Vendalore Davadeecamaney Moodelly to the Bill of Complaint in this Cause coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened — Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed And that the said Bill be dismissed as against the said Defendant Vendalore Davadeecamaney Moodelly with Costs. -

By the Court

W. B. Ainsworth

Superintendent

№2293/40

In the Supreme Court of Judicature at Madras

Equity Side

Third Term 24th July 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Khousalchund Govindjee Executor of the Last Will and Testament of Nanechund Lowchund deceased

—vs—

Nathoo Pradan - - - - - - - -

Comyn.

Edw.d J. Gambier

The Matter upon the Tenth and Eleventh Exceptions taken by the Plaintiff to the Answer of the Defendant to the Original Bill of Complaint in this Cause And also the Exceptions taken by the said Plaintiff to the further Answer of the said Defendant to the Original and Amended Bill of Complaint in the said Cause Coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Exceptions, Answer and further Answer and the said Original and Amended Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Tenth and Eleventh Exceptions of the said Plaintiff to the Answer of the said Defendant to the Original Bill And the Exceptions of the said Plaintiff to the further Answer of the said Defendant to the Original and Amended Bill be Allowed with Costs And that the said Defendant do have One Months time to put in his further Answer to the said Original and Amended Bill.

By the Court

H. B. Ansorth

Registrar

Rowlandson & Rose
Complts Solrs

Ex. H. R.

Miss[n] Rawlinson and Rose
Comp[t] Colln

No 2307 of 40.

In the Supreme Court of Judicature at Madras

Equity Side — Third Term 27[th] July 1840

Present

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

Chendrumbaukum Arnagherry Moodally an Infant by Danacotien Ummall his Mother and next friend

Vs[us]

Chendrumbaukum Comaravaloo Moodally - - - - - - - -

The Matter upon the Exceptions taken by the Defendant to the Certificate of the Master of this Court dated the Sixteenth day of June last made in pursuance of the Decree in this Cause bearing date the Twelfth day of September One thousand eight hundred and thirty nine Coming on to be Argued on the Twenty first and Twenty Second days of July instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides and the said Exceptions and Certificate being a perused upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Exceptions be overruled with Costs.

Comyn
Edw[d] J. Gambier

By the Court

W. H. Morris
Registrar

J. M. Brunton
Complainants

2514 of 40.

In the Supreme Court of Judicature at Madras

Ecclesiastical Side

Third Term 1840.

Present

The Honorable Sir Robert Buckeley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Monday the Third day of August One thousand Eight hundred and Forty and in the Fourth Year of the Reign of Her Majesty Queen Victoria. In the Matter of the Last Will and Testament and Codicil of Siddaloor Conduit Row Punitaloo deceased.

wherein

Poomalapully Narasinga Row Vemalagunty Hanoomunta Row and Nerroloor Ramanoja Syngar the Executors named in the Last Will and Testament and Codicil of the said Siddaloor Conduit Row Punitaloo deceased are - - - - - - - - Proponents.

and

Siddaloor Ram Row is - - - - - - - - - Opponent.

Comyn.

This Matter 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 Advocate for the Proponents No One appearing for the Opponent although he was duly Served with a Citation to appear and hear Sentence in this Matter this day as by the Affidavit of William Boyd Sworn and filed this day now produced and read appears Upon opening the Libel Exhibited by the said Proponents. And the Answer of the Opponent thereto And upon hearing read as Evidence for the said Proponents The Deposition of Punganamaroloo Sagunah to the First and Third Interrogatories in Chief filed on behalf of the said Proponents The Deposition of Hoogahallee Narasinga Row to the First and Third Interrogatories in Chief filed on behalf of the said Proponents The Deposition of Ballavarapoo Narasinga Row to the First Second and Third Interrogatories in Chief filed on behalf of the said Proponents. The Deposition of Ramadurchela Dasika Charloo to the First and Seventh

Interrogatories

Interrogatories in Chief filed on behalf of the said Proponents. The Deposition of John Bidgood Saunsey Esquire to the First and Seventh Interrogatories in Chief filed on behalf of the said Proponents The Deposition of Nanasiah Browning to the First and Fourth Interrogatories in Chief filed on behalf of the said Proponents The Deposition of Appavoo Pillay to the First and Fourth Interrogatories in Chief filed on behalf of the said Proponents. And the Two several Testamentary Paper Writings propounded as the Last Will and Testament and Codicil of the said Siddaloor Vendul Rowthen Tuntatee deceased marked respectively **C** and **B** And upon reading the Citation issued in this Matter bearing date the Tenth day of December One thousand Eight hundred and Thirty nine Calling on the Probate of the said Last Will and Testament and Codicil of the said Siddaloor Vendul Rowthen Tuntatee deceased granted to the said Proponents And also the said Citation bearing date the Twenty fourth day of July last to the said Opponent to appear and hear Sentence this day And the Affidavit of the said William Boyd of due Service thereof on the Twenty fifth day of July last **Whereupon** and upon hearing what was alleged by the Advocates for the said Proponents And upon Mature Consideration had thereon **This Court doth Pronounce and Declare** for the force and Validity of the said Testamentary Paper Writings marked respectively **C** and **B** as and for the Last Will and Testament and Codicil of the said Siddaloor Vendul Row Tuntatee deceased And doth **Decree** that the Probate thereof granted out of and under the Seal of this Honorable Court in common form on the Seventh day of February One thousand Eight hundred and Thirty nine for the said Proponents be Confirmed And doth Decree Sentence of the same accordingly—

By the Court.—

H. D. Acworth
Registrar

C. C. Smedley
Proponents Proctor

Interrogatories in chief filed on behalf of the said Proponents. The Deposition of John Bidgood Saunsey Esquire to the First and Seventh Interrogatories in Chief filed on behalf of the said Proponents The Deposition of Nawasiah Bromley to the First and Fourth Interrogatories in chief filed on behalf of the said Proponents The Deposition of Appawoo Pillay to the First and Fourth Interrogatories in Chief filed on behalf of the said Proponents. And the Two several Testamentary Paper Writings proponded as the Last Will and Testament and Codicil of the said Siddaloor Cundul Row Tantatoo deceased Marked respectively **C** and **B** And upon reading the Citation issued in this Matter bearing date the Tenth day of December One thousand Eight hundred and Thirty Nine calling on the Debts of the said Last Will and Testament and Codicil of the said Siddaloor Cundul Row Tantatoo deceased granted to the said Proponents And also the said Citation bearing date the Twenty fourth day of July last to the said Opponent to appear and hear Sentence this day And the Affidavit of the said William Boyd of due Service thereof on the Twenty fifth day of July last Whereupon and upon hearing what was alleged by the Advocates for the said Proponents And upon Mature Consideration had thereon This Court doth Pronounce and Declare for the force and Validity of the said Testamentary Paper Writings marked respectively **C** and **B** as and for the Last Will and Testament and Codicil of the said Siddaloor Cundul Row Tantatoo deceased And doth Decree that the Probate thereof granted out of and under the Seal of this Honorable Court in Common form on the Seventh day of February One thousand Eight hundred and Thirty Nine for the said Proponents be Confirmed And doth Decree Sentence of the same accordingly

By the Court.

H. D. Acworth
Registrar

C. C. Pereira
Proponents Proctor

25th of 40.

In the Supreme Court of Judicature at Madras

Third Term 1840

Ecclesiastical Side

C B

In the Matter of the Last Will and Testament and Codicil of Siddaloor Vendul Row Tuntaloo deceased.

wherein

Toomalapully Narasinga Row Vemalaguntty Hanoomunta Row and Nuroolloor Ramanoja Iyengar the Executors named in the Last Will and Testament and Codicil of the said Siddaloor Vendul Row Tuntaloo deceased are . . . . . Proponents.

and

Siddaloor Ram Row is . . . . . Respondent.

In the Name of God Amen.

We Sir Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices of the Supreme Court of Judicature at Madras lawfully appointed rightly and duly proceeding having heard Seen and understood and fully and Maturely discussed the merits and Circumstances of a certain Testamentary Business or proving by Witnesses of the Testament or Last Will and Codicil thereto in Writing of Siddaloor Vendul Row Tuntaloo late a Hindoo Inhabitant of Madras deceased marked with the Letters C and B having whilst living and at the time of his death Goods Chattels and Credits in Madras aforesaid which is now Controverted and remains undetermined before Us in Judgment between Toomalapully Narasinga Row Vemalaguntty Hanoomunta Row and Nuroolloor Ramanoja Iyengar the Parties Promoting the said Business of the one part and Siddaloor Ram Row the Party against whom the said Business is promoted on the other part And the Parties aforesaid lawfully appearing before Us in Judgment by their Proctors respectively And the Proctor for the said Toomalapully Narasinga Row Vemalaguntty Hanoomunta Row and Nuroolloor Ramanoja Iyengar praying Sentence to be given and Justice to be done to them And We having first carefully and diligently Searched into and Considered of the whole proceedings had and done before Us in this Business and having observed all and Singular the Matters and things that by Law in this behalf ought to be Observed We have thought

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thought and do Wee think fit to proceed to the giving of Our definitive Sentence or Final Decree in
business in manner and form following (to wit) Forasmuch as by the Acts enacted decreed
Exhibited propounded proved and Confessed in this business We have found and it doth kindly
unto Us that the Procter of the said Propounds hath sufficiently and fully founded and proved
intention declared in a certain Allegation and Last Will and Testament and Codicil of the said
Condul Row Suntaloo deceased marked respectively **C** and **B** and other Pleadings and Evidence
given in Exhibited and Admitted on his behalf in this business and now remaining in the Registry
Court which said Allegation and Last Will and Testament and Codicil of the said deceased and the
Matters propounded Exhibited and Admitted in this business We take and will have taken as Read
and inserted for Us to pronounce as hereinafter mentioned And that nothing at least in this regard
hath on the part and behalf of the said Respondent been excepted declared Exhibited propounded
or Confessed in this business which may or ought in any wise defeat prejudice or weaken the validity
of the said Propounds. Therefore We Sir Robert Buckley Comyn Knight Chief
Justice and Sir Edward John Gambier Knight One of Her Majesty's Justices
aforesaid having first called upon the Name of Christ and having God alone before Our eyes
and having heard the Advocates on the behalf of the said Propounds None appearing for the
Respondent although he was duly Served with a Citation to hear this Our Sentence Do
pronounce Decree and Declare that the aforesaid Siddaloor Condul Row
Suntaloo the Testator in this Cause deceased whilst living being of Sound and perfect
Memory and Understanding rightly and duly made his Last Will and Testament with a Codicil
thereto in Writing marked respectively with the Letters **C** and **B** Exhibited and Admitted in
this business and thereof named and appointed the said Formale fully Nowasinga
Vennalagunty Kanoonmuta Row and Neerthor Ramanuja Iyengar
Propounds in this Matter the Executors and did Will give and bequeath and do in all things
as therein is Contained And We do pronounce Decree and Declare for the Force and
Validity of the said Last Will and Testament and Codicil of the said deceased to all intents and
purposes in Law whatsoever And We do approve of and receive the same and Confirm the
Probate thereof already issued By this Our definitive Sentence or Final Decree
which We read and promulge by these Writings.

Robert Comyn C. J.
Edwd J. Gambier

This Sentence was read promulged and given by the within named Sir
Robert Buckley Comyn Knight Chief Justice and Sir Edward John Gambier Knight

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One of Her Majesty's Justices of the Supreme Court of Judicature at Madras on Monday
the Third day of August in the Year of Our Lord One thousand Eight hundred and
Forty in the Court House at Madras aforesaid which I attest.

G. G. Fyfe Mack
Proctor for Respondent

H. B. Acworth
Regr

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In the Supreme Court of Judicature at Madras

Equity Side — Fourth Term 16th September 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Pillaypaukum Pauthenjee Streenevasa Vurdacharry . . . . . vers

Pillaypaukum Bahoocootumbee Streenevasa Ragavah Charry, Pillaypaukum Bahoocootumbee Kistna Iyengar, Pillaypaukum Bahoocootumbee Streenevasa Iyengar, Pillaypaukum Bahoocootumbee Rungah Charry, Sochennum Vencatah Charry and Pillaypaukum Bahoocootumbee Streenevasa Iyengar . . . .

The Matter upon the Demurrer put in by the Defendants Pillaypaukum Bahoocootumbee Streenevasa Ragava Charry, Pillaypaukum Bahoocootumbee Kistna Iyengar, Pillaypaukum Bahoocootumbee Streenevasa Iyengar, Pillaypaukum Bahoocootumbee Runga Charry and Pillaypaukum Bahoocootumbee Streenevasa Iyengar to the Bill of Complaint in this Cause — Coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides. And the Counsel for the Plaintiff asking leave to Amend the said Bill upon payment of Costs of the said Demurrer and the Counsel for the said Defendants Consenting thereto. This Court doth Order that the said Plaintiff be at liberty to Amend his Bill of Complaint filed in this Cause upon payment of the Costs of the said Demurrer the said Plaintiff Undertaking to Amend the said Bill and in Case no new Engrossment shall be necessary the said Defendants Office Copy of the same Gratis within One Month from the date hereof.

R Comyn

Ed. J. Gambier

By the Court

H. D. Arnold

Registrar

J. B. Jenkins

Complainants Solr

In the Supreme Court of Judicature at Madras

Equity Side — Fourth Term 16th September 1820

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Pillaypaukum Pauthenjee Streenevasa Vurdacharry . . . . . .

versus

Pillaypaukum Bahoocootumbee Streenevasa Ragavah Charry, Pillaypaukum Bahoocootumbee Kistna Iyengar, Pillaypaukum Bahoocootumbee Streenevasa Iyengar, Pillaypaukum Bahoocootumbee Rungah Charry, Sochennum Vencatah Charry and Pillaypaukum Bahoocootumbee Streenevasa Iyengar . . . .

The Matter upon the Demurrer put in by the Defendants Pillaypaukum Bahoocootumbee Streenevasa Ragava Charry, Pillaypaukum Bahoocootumbee Kistna Iyengar, Pillaypaukum Bahoocootumbee Streenevasa Iyengar, Pillaypaukum Bahoocootumbee Runga Charry and Pillaypaukum Bahoocootumbee Streenevasa Iyengar to the Bill of Complaint in this Cause — Coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides. And the Counsel for the Plaintiff asking leave to Amend the said Bill upon payment of Costs of the said Demurrer and the Counsel for the said Defendants to Consenting thereto. This Court doth Order that the said Plaintiff be at liberty to amend his Bill of Complaint filed in this Cause upon payment of the Costs of the said Demurrer the said Plaintiff Undertaking to Amend the said Bill and in Case no new Engrossment shall be necessary the said Defendants Office Copy of the same Gratis within One Month from the date hereof.

R Comyn

Edw. J. Gambier

By the Court

H. B. Cavendish

Registrar

W. H. Jenkins

Complts Sol.

In the Supreme Court of Judicature at Fort
St. George

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward Ashton Gambier Knight
One of the Puisne Judges

Pillayperumalum Pauthinjee Mudaliar ... Plaintiff

and

Pillayperumalum Pachaiyappa Mudaliar ... Defendant

The Matter upon the Summons taken out by the Defendant Pillayperumalum Pachaiyappa Mudaliar dated the 29th day of March 1815 praying that the Plaintiff may be ordered to give Security for Costs in this Cause or that the Bill of Complaint filed therein may be dismissed with Costs

Upon reading the Affidavit of Rangah Chetty filed herein on the 29th day of March 1815 and upon hearing Mr Norton of Counsel for the Defendant and Mr Strange of Counsel for the Plaintiff

It is ordered that the Plaintiff do give Security for Costs in this Cause to the amount of Star Pagodas Two hundred and fifty within one Month from the date hereof

By the Court

W. B. Chamier
Register

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In the Supreme Court of Judicature at Madras

Equity Side — Fourth Term 23rd September 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Bahauudeen ..... Plaintiff

versus

Tara Bee Mahomed Siddeck Hawder Hoosain and Tuckee Hoosain ..... Defendants

The Matter upon the Plea put in by the Defendants Tara Bee and Mahomed Siddeck to the Bill of Complaint in this Cause coming on to be Argued on the Twenty first day of September instant and also on this present day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Plea and Bill being Opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that the said Plea be Over ruled without Costs And that the said Defendants Tara Bee and Mahomed Siddeck do have One Months further time to Answer the Bill of Complaint filed in this Cause.

Morgan.

By the Court

W. B. Ainsworth

Registrar

J. B. Jenkins.

Solr for Defts Tarah Bee and Mahomed Siddeck

2 Jan.

Present

The Right Honorable Sir Rt. Ed. Buckley Baronet Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of the Justices

Brownrigg
Howard
Tucker

The Master upon the Plaintiffs Motion by their Solicitor this day made and upon reading the Plaintiffs Bill of Complaint in the Cause coming on to be heard on the Twenty first day of this instant June and on this present day upon the Motion of Counsel learned on both sides and upon hearing what was alledged by Counsel aforesaid this Court doth Order that the said Defendants do put in their Answers to the said Bill of Complaint on the first day of the next Term and that the same Defendants do then answer the said Bill of Complaint

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In the Supreme Court of Judicature at Madras

Equity Side

Fourth Term 1840.

Present:-

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Monday the Twenty Eighth day of September One thousand Eight hundred and Forty and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between- Wordiaghurry Sungeedevaroo Doctor Soorayya Naick ... Plaintiff

Comyn.

Edw.d J. Gambier.

and

Alexander Duncan Campbell Esquire Executor of the Last Will and Testament of Edward Samuel Morrat deceased Vanee Soobramanya Moodelly and Soreevarum Narasimaloo Naick and Varacamall the Executor and Executrix of the Last Will and Testament of Vareeagutter Kistnamah Naick deceased and Varenday Ummall ... Defendants

This Cause coming on the Twenty Ninth Thirtieth and Thirty first days of July last the First Third and Sixth days of August last And the Twelfth Sixteenth and Twenty fifth days of September instant And also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides Upon opening the Original and Amended Bill of Complaint of the above named Plaintiff and the Separate Answers of the Defendants Alexander Duncan Campbell Soreevarum Narasimaloo Naick and Varacamall and Vanee Soobramanya Moodelly to the Original Bill of Complaint of the said Plaintiff And also the Separate Answers of the said Defendants Soreevarum Narasimaloo Naick and Varacamall and Vanee Soobramanya Moodelly and Varenday Ummall to the Amended Bill of the said Plaintiff respectively. And upon hearing read as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendant Alexander Duncan Campbell to the said Original Bill as follows that is to say from the words "through this Defendant saith" in folio 12 to the words "alleged purchase" in the same folio from the words "through this Defendant saith" in folio 55 to the words "Sold to the said Edward Samuel Morrat" in folio 52 from the words "but this Defendant admits" in folio 64 to the word "Ensure" at the beginning of folio 65 from the words "and this Defendant further answering saith" in folio 65 to the words "Dr Sawmy Naick" in folio 74 from the words "and such Letter concludes as

follows"

follows" in folio 80 to the words "subject — excuse me" in folio 82 from the words "And this Defendant believes" in folio 82 to the words "instead of Eight thousand Rupees" in folio 84 from the words "And this Defendant further answering saith" in folio 308 to the words "Answer is requested" in folio 310 from the words "And this Defendant Admits" in folio 310 to the words "Edward Samuel Morrat" in the same folio from the words "But this Defendant saith" in folio 315 to the words "Letter was received by the said Edward Samuel Morrat" in folio 320 from the words "And this Defendant further answering saith that he has been" in folio 324 to the words "Solicitor for the said Edward Samuel Morrat" in folio 325 from the words "And that the Complainant" in folio 325 to the words "Solicitor of the said Edward Samuel Morrat" in folio 326 from the words "And this Defendant saith" in folio 329 to the words "Edward Samuel Morrat by the said Mr Acworth" in folio 332 from the words "But this Defendant" in folio 337 to the words "receipt is not attested" in folio 343 from the words "And this Defendant admits" in folio 345 to the words "in the Bill in that behalf mentioned" in folio 356 from the words "And that the Complainant" in folio 356 to the words "in that behalf mentioned" in folio 357 from the words "And this Defendant saith" in folio 367 to the words "not fifty Cannies" in the same folio from the words "And this Defendant Admits" in folio 370 to the words "Comply therewith" in folio 373 from the words "And this Defendant saith" in folio 373 to the words "Edward Samuel Morrats Estate" in folio 373 from the words "And this Defendant further answering saith" in folio 375 to the words "took place" in folio 376 from the words "And this Defendant further answering saith" in folio 382 to the words "Consent of the said Complainant" in folio 383. And upon hearing read as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendant Vaneea Seshamanya Moodelly to the said Original Bill as follows that is to say from the words "And this Defendant" in folio 3 to the words "in favor of this Defendant" at the beginning of folio 4 from the words "And this Defendant Admits" in folio 9 to the words "Share in the said Property" in the same folio from the words "And this Defendant further" in folio 17 to the words "prosecution of said Building" in folio 18 from the words "And this Defendant further saith" in folio 18 to the words "in that behalf mentioned" in the same folio. And upon hearing read as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendants Narasimalen Naick and Vairavamall to the said Original Bill as follows that is to say from the words "And these Defendants" in folio 57 to the words "obtain Probate thereof" in folio 58 from the words "And these Defendants Admit" in folio 24 to the words "Honorable Court" in folio 25. And upon hearing read also as Evidence for the said Plaintiff the several passages in the said Answer of the said Defendant Tarendawy Ummall to the Amended Bill as follows that is to say from the words "And this Defendant further" in folio 8 to the words "time of such purchase" in the same folio from the words "And this Defendant in folio 29 to the words "Vardarajeloo Naick" at the beginning of folio 30 from the words "and this Defendant further" in folio 85 to the words "of and in the said Premises" in the same folio from the words "And this Defendant further" in folio 88 to the words "as in the Bill mentioned" in the same folio from the words "And this Defendant admits" in folio 95 to the words "Honorable Court" in folio 96. And upon hearing read as Evidence for the said Plaintiff the Deposition of Mr Benjamin De Meder to the First Second and Third Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Mr Thomas Watkins to the First and Third Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of William Haylett Esquire to the First and Third Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Seneveya Jan Moodelly to the First Twenty Eighth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Cheetput Annaswamy Moodelly to the First Third Fourth Thirteenth Sixteenth Twenty fourth Twenty Sixth Twenty Eighth Twenty Ninth and Thirty Eighth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Vincataramah Naick to the First and from the beginning of the Thirteenth to the words "away to Bangalore and Mysore" of the same Interrogatory and from the words "the said Complainant" in the same Interrogatory to the end thereof and also the Twenty fourth Twenty Sixth Twenty Eighth and Thirty Eighth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Seetaramasawmy Naick to the First Fourth Twenty third Twenty fifth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Permaul Sawmy Naick to the First Fourth Twenty third Twenty fourth Twenty fifth Twenty Sixth Twenty Seventh Twenty Ninth Thirty Seventh and Fortieth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Nathaniel Brindley Acworth Esquire to the First and Thirty fifth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Agarum Egoore Ramasawmy Naick to the First Nineteenth Twentieth and Last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Mootoosawmy Naick to the First and Eighteenth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Joseph Gaudin D'Silva to the First and Tenth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Parvatheputty Audee Narrain Naick to the First Sixth and Last Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Mr James Richard Hogg to the First and Fifteenth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Veeravoorum Moodly to the First Seventh and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Ennore Veelapah Naick to the First Seventh Seventeenth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Roodroppah Chetty Moodly to the First Eighth Eleventh Twelfth and Last Interrogatories in chief filed on behalf of the said Plaintiff.

The

The Deposition of Cunnapatticus Ramasawmy Pillay to the First and Ninth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Ichottium Cavarah Naick to the First and Third Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Gopaul Naick to the First Eighth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Soonda Vincatachilla Iyen to the First Seventh Eighth Twelfth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Rungiah Mastry to the First Seventh Eighth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Seemia William Brannon Esquire to the First and Thirty fourth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Cannee Vadamalay Mastry to the First Copy Interrogatory filed on behalf of the said Plaintiff. The Deposition of Cundapah Mastry to the Seventh Copy Interrogatory filed on behalf of the said Plaintiff. And upon hearing read also as Evidence for the said Plaintiff the Exhibits Marked respectively A.B.C.D.E.F.No 1 F.No 2 F.No 3. F.No 4. F.No 5. and H.I.L. and M. And the Counsel for the Defendant Cannee Seobramanya Moodelly admitting at the Bar that the said Defendant Cannee Seobramanya Moodelly is subject to the Jurisdiction of this Court. And upon hearing read as Evidence for the said Defendants the Deposition of Cannee Vadamalay Mastry to the First Second Third Fourth Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of the said Cundapah Mastry to the First Second Third Fourth Fifth Sixth and Last Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Ponnapah Mastry to the First Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Ancheravanny Chetty to the First Second Third Fourth Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Cannee Himmayah Iyengar to the First and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Benjamin Deckker to the First Nineteenth Twenty first and Twenty third Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Cannee Nagapah Moodelly to the First Ninth Tenth Twentieth and Twenty third Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Allaghappah to the First Tenth Thirteenth Sixteenth and Twentieth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John Frigrad to the First and Fifteenth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Sooreyanum Narasimaloo Naick to the Twenty first and part of the Twenty third Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John Beatty to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Thomas Hamilton Taylor Esquire to the Eighteenth and Eighteenth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition

Mahomed Hoosain to the First and part of the Eighth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Anthony Rodrigues to the First Twenty fourth and Twenty fifth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Narrainsawmy Naick to the First Twenty fourth and Twenty fifth Interrogatories in Chief filed on behalf of the said Defendants. And the Plaintiff's Counsel Admitting at the Bar the due Execution of the Exhibit marked T and registered in the Collector's Cutcherry at Madras the 5th day of February 1828 And also the due execution by J. H. Macleod and the Defendant Cannee Seobramanya Moodelly respectively of the Instruments Confirmed in Exhibit U. And upon hearing read also as Evidence for the said Defendants the Exhibits marked respectively A.B.C.D.E.G.H.I.K.N.O.P.Q.R.T and V. and also the Order of this Court made in this Cause on the part of the Defendant Alexander Duncan Campbell and bearing date the Thirtieth day of August One thousand Eight hundred and Thirty Nine. Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides and on Mature Consideration had thereon This Court doth Declare that the Share of the Property in the Pleadings mentioned assigned to Parrectiputtoo Vuedanagaloo Naick deceased formed part of the Estate of Parrectiputtoo Kistnamah Naick at the time of his death and on his death became vested in the Defendants Sooreyanum Narasimaloo Naick and Cannecamall his Executor and Executrix. And this Court doth Order that the Plaintiff's Bill do stand dismissed out of this Court against the Defendant Parendavy Unnaall without Costs. And it is Ordered that it be referred to the Master to take an Account of all Sums of Money laid out by the Plaintiff and the said Defendant Cannee Seobramanya Moodelly and the said Parrectiputtoo Kistnamah Naick or either of them with the Concurrence of the others of them on the Premises in the Pleadings mentioned in improvements and of what if any thing remains due to the other or others of them on the balance of such Account. And this Court doth Declare that the Plaintiff has a lien on the said Premises whether in the hands of the Defendants Sooreyanum Narasimaloo Naick and Cannecamall as the Executor and Executrix of the said Parrectiputtoo Kistnamah Naick or of the Defendant Cannee Seobramanya Moodelly or of the Defendant Alexander Duncan Campbell Esquire as the Executor of the said Edward Samuel Monrat Esquire for any balance which may be found due to him from the Estate of the said Parrectiputtoo Kistnamah Naick or from the Defendant Cannee Seobramanya Moodelly on the taking of the Account aforesaid. And it is Ordered that the Plaintiff's Bill do stand dismissed out of this Court against the Defendant Alexander Duncan Campbell without Costs except in so much as seeks that the Share of the said Premises in his hands may stand as a Security for any Sum which may be decreed to be paid to the Plaintiff in respect of the improvements made by him. And for the better taking of the Account hereinbefore directed and discovery of the Matters aforesaid the Parties are to produce before the Master upon Oath all Deeds Bodjans Books Papers and Writings in their Custody or Power relating thereto and are to be examined upon Interrogatories as the said Master shall direct or

The Deposition of Cunnapatticaya Ramasawmy Tillay to the First and Ninth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Ahottum Cassarah Naick to the First and Second Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Sopanah Naick to the Eighth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Vencatachella Iyen to the First Seventh Eighth Twelfth and Last Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Rungiah Mastry to the First Seventh Eighth and Sixteenth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Seemon William Spranger Esquire to the First and Thirty fourth Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Cannee Vadamalay Mastry to the First Copy Interrogatory filed on behalf of the said Plaintiff. The Deposition of Cundapah Mastry to the Seventh Copy Interrogatory filed on behalf of the Plaintiff. And upon hearing read also as Evidence for the said Plaintiff the Exhibits Marked respectively A.B.C.D.E.F.M.1 F.M.2 F.M.3 F.M.4 F.M.5 and H.I.L. and M. And the Counsel for the Defendant Cannee Seobramanya Moodelly admitting at the Bar that the said Cannee Seobramanya Moodelly is subject to the Jurisdiction of this Court. And upon hearing read as Evidence for the said Defendants the Deposition of Cannee Vadamalay Mastry to the Second Third Fourth Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of the said Cundapah Mastry to the First Second Third Fourth Fifth Sixth and Last Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Ponnapah Mastry to the First Fifth Sixth and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Cannee Shannapa Iyengar to the First and Seventh Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Benjamin Devadien to the First Seventh Twenty first and Twenty third Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Cannee Nagapah Moodelly to the First Seventh Tenth Twentieth and Twenty first Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Allagapah to the First Tenth Thirteenth Sixteenth and Twentieth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John Frigrad to the First and Fifteenth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Sooreeaman Narasimaloo Naick to the Twenty first and part of the Twenty third Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of John Beasley to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of the said Cannee Seobramanya Moodelly to the First and Eighteenth Interrogatories in Chief filed on behalf of the said Defendants

Mahomed Hoosain to the First and part of the Eighth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Anthony Rodrigues to the First Twenty fourth and Twenty fifth Interrogatories in Chief filed on behalf of the said Defendants. The Deposition of Narrainsawmy Naick to the First Twenty fourth and Twenty fifth Interrogatories in Chief filed on behalf of the said Defendants. And the Plaintiffs Counsel admitting at the Bar the due Execution of the Exhibit marked T and registered in the Collector's Cutcherry at Madras the 3rd day of February 1828 And also the due Execution by J. M. Macleod and the Defendant Cannee Seobramanya Moodelly respectively of the Instruments comprised in Exhibit U. And upon hearing read also as Evidence for the said Defendants the Exhibits marked respectively A.B.C.D.E.G.H.I.K.N.O.P.Q.R.T and U. and also the Order of this Court made in this Cause on the part of the Defendant Alexander Duncan Campbell and bearing date the Thirtieth day of August One thousand Eight hundred and Thirty Nine. Whereupon and Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on Mature consideration had thereon This Court doth Declare that the Share of the Property in the Pleadings mentioned assigned to Parrecteputtoo Vurdurajaloo Naick deceased formed part of the Estate of Parrecteputtoo Kistnamah Naick at the time of his death and on his death became vested in the Defendants Sooreeaman Narasimaloo Naick and Cannamall his Executor and Executrix. And this Court doth Order that the Plaintiffs Bill do stand dismissed out of this Court against the Defendant Parendavy Unnaall without Costs. And it is Ordered that it be referred to the Master to take an account of all Sums of Money laid out by the Plaintiff and the said Defendant Cannee Seobramanya Moodelly and the said Parrecteputtoo Kistnamah Naick or either of them with the Concurrence of the others of them on the Premises in the Pleadings mentioned in improvements and of what if any thing remains due to the other or others of them on the balance of such Account. And this Court doth Declare that the Plaintiff has a lien on the said Premises whether in the hands of the Defendants Sooreeaman Narasimaloo Naick and Cannamall as the Executor and Executrix of the said Parrecteputtoo Kistnamah Naick or of the Defendant Cannee Seobramanya Moodelly or of the Defendant Alexander Duncan Campbell Esquire as the Executor of the said Edward Samuel Monrat Esquire for any balance which may be found due to him from the Estate of the said Parrecteputtoo Kistnamah Naick or from the Defendant Cannee Seobramanya Moodelly on the taking of the Account aforesaid. And it is Ordered that the Plaintiffs Bill do stand dismissed out of this Court against the Defendant Alexander Duncan Campbell without Costs except so much as seeks that the Share of the said Premises in his hands may stand as a Security for any Sum which may be decreed to be paid to the Plaintiff in respect of the improvements made by him. And for the better taking of the Account hereinbefore directed and discovery of the Matters aforesaid the Parties are to produce before the Master upon Oath all Deeds Bonds Books Papers and Writings in their Custody or Power relating thereto and are to be examined upon Interrogatories as the said Master shall direct or

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 all other 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.

W. Branch
Complts Soll.

T. B. Crowell
Register

Thos Lanahan Solr

Dept to Defts Soll.

Northampton Sct. I do certify that the above is a true Copy of the Decree passed in the case of Thos Lanahan & Wife vs Wm Campbell & others on the 13th day of December 1843. Given under my hand this 13th day of December 1843. — J. Hutchins

In th[illegible]ure at Madras

Equity Side [illegible]840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Tuesday the Twenty ninth day of September One thousand Eight hundred and Forty and in the Fourth Year of the Reign of Her Majesty Queen Victoria.

Between Emily Moody and Amelia Tatham, Salome Tatham and John Tatham respectively Infants under the Age of Twenty one years by the said Emily Moody their Mother and next friend ..... Plaintiffs

And

Nathaniel Brindley Ainsworth Esquire Executor of the Last Will and Testament of John Tatham dec[illegible] and and George Norton Esquire Advocate General of The East India Company at their Presidency of Fort Saint George and Cecilia Mary Tatham and Mary Ann Tatham when they shall come within the Jurisdiction of this Honorable Court ..... Defendants

This Cause coming on the Third Fourth and Eighteenth days of April last to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides Upon opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on all Sides Their Lordships made their Decree bearing date the Eighteenth day of April last And thereby Declared that the Will and Codicil of the Testator John Tatham ought to be established And Ordered and Decreed the same accordingly And thereby further Declared that the Infant Plaintiffs were entitled as joint Tenants to the Sum of Company's Rupees Twenty thousand (20,000) and Company's Rupees Ten thousand (10,000) bequeathed by the said Testator's Will and Codicil with Interest thereon at Six per Cent per Annum from the death of the Testator subject to the Maintenance during her life of the Plaintiff Emily Moody thereout not exceeding One fourth of the Interest And the Court did thereby Order that it should be referred to the Master to ascertain what under the Circumstances would be a sufficient proportion of the Interest (such proportion not to exceed One fourth)

on

In th[illegible]ure at Madras

Equity Side 1840

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Thursday the Twenty ninth day of September One thousand Eight hundred and Forty and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Emily Moody and Amelia Tatham, Salome Tatham and John Tatham respectively Infants under the Age of Twenty one Years by the said Emily Moody their Mother and next friend ..... Plaintiffs

and

Nathaniel Brindley Ainsworth Esquire Executor of the last Will and Testament of John Tatham deceased and George Norton Esquire Advocate General of The East India Company at their Presidency of Fort Saint George and Cecilia Mary Tatham and Mary Ann Tatham when they shall come within the Jurisdiction of this Honorable Court ..... Defendants

This Cause coming on the Third Fourth and Eighteenth days of April last to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on all Sides. Upon opening and debate of the Matter and hearing the Proofs therein taken read and what was alleged by the Counsel on all Sides. Their Lordships made their Decree bearing date the Eighteenth day of April last and thereby Declared that the Will and Codicil of the Testator John Tatham ought to be established And Ordered and Decreed the same accordingly and thereby further Declared that the Infant Plaintiffs were entitled as joint Tenants to the Sum of Company's Rupees Twenty thousand (20,000) and Company's Rupees Ten thousand (10,000) bequeathed by the said Testator Will and Codicil with Interest thereon at Six per Cent per Annum from the death of the Testator subject to the Maintenance during her life of the Plaintiff Emily Moody thereout not exceeding One fourth of the Interest and the Court did thereby Order that it should be referred to the Master to ascertain what under the Circumstances would be a sufficient proportion of the Interest (such proportion not to exceed One fourth

Edw. J. Gambier

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on the said Sums to be paid to the said Emily Moody during her Life for her
maintenance and that it should be referred to the Master to approve of a proper
person or persons to be appointed the Guardian or Guardians of the Person and
Fortunes of the Infant Plaintiff during their Minorities and it was Ordered
that all proper Parties should have notice to attend the Master thereon and should
be at liberty to propose such Guardian or Guardians And it was Ordered that
the Master should enquire and state the Infants Age and the nature and value
of their Fortunes and on what Evidence or ground he approved of such Person or
Persons to be appointed Guardian or Guardians And that the said Master
should enquire and state what would be proper to be allowed for the maintenance
and Education of the Infants during their respective Minorities and from what
period such allowances should commence and out of what Fund they should be
taken And it was thereby Ordered that it should be referred to the Master
to Tax the Costs of all Parties of the Suit as between Solicitor and Client and
that the Defendant Nathaniel Brindley Acworth should pay and out of the
said Sums of Rupees Twenty thousand (20000) and Rupees One thousand (1000)
and interest pay the Amount which should be so Taxed for the Plaintiffs Costs
Mr John Thomas Kilburn the then Solicitor and the Amount which should be so
Taxed for the Defendants Costs to Mr William Money the then Solicitor and
it was Ordered that it should be referred to the Master to take an Account of
the Sums of Money paid by Peter Cator Esquire and the Defendant Nathaniel
Brindley Acworth to the Plaintiff Emily Moody on account of Interest on the
said Two Sums for the Support of herself and the Infant Plaintiffs and that
such payments and the Costs to be so paid as aforesaid should be allowed to the
Defendant Nathaniel Brindley Acworth on taking an Account of what remained
due for principal and Interest on the said Sums And that it should be referred to
the Master to take an Account of what remained due on the said two Sums of
Company's Rupees Twenty thousand (20000) and Company's Rupees One thousand
(1000) for Principal and Interest calculated at Six per Cent per annum from
the death of the Testator after giving Credit for the Sums which he should find
to have been so paid to the said Emily Moody as aforesaid and the said Costs
And that for the better taking of the said Account and discovery of the Assets
aforesaid the Parties were to produce before the Master upon Oath all such
Papers and Writings as were in their Custody or power and to be
examined upon Interrogatories as the Master should direct and as to

the said Account was to make unto the Parties all just allowances And it was thereby Ordered
that what should remain due on the taking of the said Account for Principal and Interest on the
said two Sums should be by the said Nathaniel Brindley Acworth paid into the Treasury
with the privity of the Accountant General and there placed to the Credit of this Cause And
it was Ordered that the Sub Treasurer with the like privity of the Accountant General
should invest the Money which should be so paid in by the said Nathaniel Brindley
Acworth in one or more Government Promissory Notes or Securities and carry such Notes
or Securities to the Credit of this Cause subject to the further Order of this Court And
the Master was to be at liberty to make a Separate Report as to any of the Matters
aforesaid And the Court did thereby reserve the Consideration of all further
directions and the Subsequent Costs of this Cause until after the Master should have
made his Report And any of the Parties or persons interested were to be at liberty to
apply to the Court as occasion should require And in pursuance of the said Decree
the said Master made his Report dated the Twenty third day of September One thousand
Eight hundred and Forty And thereby Reported that he found by a Separate Report
made by him in this Cause bearing date the Tenth day of July One thousand Eight
hundred and Forty he Certified that he had been attended by the Solicitors for the Plaintiff
and Defendant Nathaniel Brindley Acworth and in their presence had proceeded on the
Matters referred to him in and by the said Decree as in the said Separate Report mentioned
And that he had taxed the Plaintiffs Costs as between Solicitor and Client at the Sum of
One thousand Nine hundred and Eighty four Rupees eleven Annas and three pice the
Costs of the Defendant Nathaniel Brindley Acworth as between Solicitor and Client at
the Sum of Nine hundred and Seven Rupees Thirteen Annas and Nine pice And the
Costs of the Defendant the Advocate General as between Solicitor and Client at the Sum
of Three hundred and Seven Rupees and ten Annas And that he had taken an Account
of the several Sums of Money paid by the said Peter Cator and the said Defendant Nathaniel
Brindley Acworth respectively to the said Plaintiff Emily Moody on account of interest on
the said Two Sums of Twenty thousand Company's Rupees and Ten thousand Company's
Rupees for the support of herself and the Infant Plaintiffs and that they amounted together
with the Costs of the Plaintiffs and of the Defendant Nathaniel Brindley Acworth and
the Advocate General to the Sum of Four thousand and One hundred Company's Rupees
and three Annas which several Payments together with the said Costs he allowed And
that he had in the First part of the Schedule to his said Separate Report annexed
set forth the particulars of such several payments made to the said Plaintiff Emily

Moody

Moody as aforesaid and the said Costs and that he had taken an account of what remained due on the said two Principal Sums of Twenty thousand Company's Rupees each Ten thousand Company's Rupees and that he had calculated interest thereon at the rate of Six per cent per Annum from the Fourteenth day of March One thousand Eight hundred and Thirty since the day of the death of the Testator up to the date of his said Separate Report And he found that the same amounted to the Sum of Two thousand Three hundred and Eighty Company's Rupees five Annas and two pice and which last mentioned Sum of Two thousand Three hundred and Eighty Company's Rupees five Annas and two pice being added to the said two several Sums of Twenty thousand Company's Rupees and Ten thousand Company's Rupees made the Sum of Forty two thousand Three hundred and Eighty Company's Rupees five Annas and two pice the particulars of which were set forth in the Second part of the Schedule to his said Separate Report annexed from which said Sum of Forty two thousand three hundred and eighty Company's Rupees five Annas and two pice he had deducted the first Sum of Four thousand and One hundred Company's Rupees and Three Annas which left the Sum of Twenty eight thousand Two hundred and Eighty Company's Rupees and One Anna and which last mentioned Sum of Twenty eight thousand Two hundred and Eighty Company's Rupees and One Anna he found remained due at the date of his said Separate Report by the said Defendant Nathaniel Brindley Acworth for Principal and interest on the said Two Sums of Twenty thousand Company's Rupees and Ten thousand Company's Rupees And the said Master Reported that a Certificate of the Accountant General had been left with him by the Solicitor for the Plaintiffs bearing date the Fifteenth day of September instant whereby it appears that according to the Books of this Honorable Court the Funds standing to the Credit of this Cause were as follows Viz.t

Fifteen Annuities Rate of the 3 per cent Loan of 1st May 1832 amounting to Sicca Rupees 25,000 or Company's Rupees ——— 27,750.

In Cash not bearing interest ——— 14,617.

And the said Master further reported that two several Shares of Five

been laid before him And on the part of the said Plaintiff Emily Moody and the other on the part of the said Infant Plaintiffs Amelia Fatham Salome Fatham and John Fatham supported by two several Affidavits thereunto after mentioned he had further proceeded in the presence of the Solicitors for the Plaintiffs and the Defendant Nathaniel Brindley Acworth upon the Matters referred to him in and by the said Decree and not contained in his said Separate Report And he found from the Affidavit of James Clamp of Madras Inhabitant residing in New Town Sworn on the fourth day of September One thousand Eight hundred and Forty And the Affidavit of Montune James residing in Egmore Sworn on the Eleventh September One thousand Eight hundred and Forty that the smallest Sum with which the said Emily Moody could maintain herself with respectability and decency would be the Sum of Twenty Company's Rupees Monthly which would barely suffice for the purpose And the said Master accordingly found that a Sum of Money at and after the rate of Twenty Company's Rupees per Mensem ought to be taken out of the Funds standing to the Credit of this Cause and be paid to the said Emily Moody during her life time and that the same was sufficient and proper for the Maintenance of the said Plaintiff Emily Moody And he found from the said two several Affidavits that the said James Clamp and Montune James were well acquainted with John Fatham the Testator in the Pleadings in this Cause named and that they were also well acquainted with the said Plaintiff Emily Moody and that they frequently saw them together and that the said Testator always appeared to treat the said Plaintiff Emily Moody with respect and kindness and that since the death of the said Testator the said Plaintiff Emily Moody had resided with her Children the said Infant Plaintiffs Amelia Fatham and Salome Fatham and John Fatham since his birth in a decent and respectable manner and that the said Testator had no relations in India and that to the best of the information and belief of the said James Clamp and Montune James there was no Person who would take charge of the said Infant Plaintiffs except the said Plaintiff Emily Moody and that the said Infant Plaintiffs had no other Property besides that bequeathed by the said Testator and that from experience in such matters the said James Clamp and Montune James were enabled to state what was required for the Maintenance Education and Support of the Infant Plaintiffs and that the Monthly Sum of Twenty One Company's Rupees was requisite for the Maintenance Education and Support of the said Plaintiff Amelia Fatham and that the Monthly Sum of Twenty One Company's Rupees was requisite for the Maintenance Education and Support of the said Plaintiff Salome Fatham and that the Monthly Sum of Fifteen Company's Rupees was requisite for the present Maintenance

Education

Education and support of the said Plaintiff John Tatham but that it would be necessary that the same should be increased to the Sum of Twenty One Company Rupees Monthly when the Plaintiff John Tatham should have attained the age of Seven Years And that the said James Camp and Martha Smith had been informed and verily believed that during the first Year after the said Testatrix death the said Emily Moody could not support herself and Children on the Monthly Sum of One hundred Company's Rupees in consequence of her having during that period to buy many Articles of furniture and clothing for herself and her Children and for the funeral of Pamella Tatham deceased in the pleadings in this Cause named and the Affidavit of the said Plaintiff John Tatham and also the evidence contained in the said two several Affidavits and on the Motion of the Solicitor for the said Defendant Nathaniel Brindley Acworth that the said Defendant declined being proposed as Guardian of the Infant Plaintiffs and that the said Defendant Nathaniel Brindley Acworth did not know of any Person who would be willing to be proposed as such Guardian and that the said Defendant Nathaniel Brindley Acworth known of no objection to the said Plaintiff Emily Moody being appointed such Guardian the said Master reported that he approved of the said Plaintiff Emily Moody as a proper person to be appointed the Guardian of the Persons and fortunes of the Infant Plaintiffs during their Minorities and he found that the said Plaintiff Amelia Tatham was of the age of Seven Years and ten Months or thereabouts and that the Plaintiff Salome Tatham was of the age of Five Years and eight Months or thereabouts and that the said Plaintiff John Tatham was of the age of Six Year and two Months or thereabouts and that he was born on the Tenth day of June One thousand Eight hundred and Thirty nine And he found that the nature and Amount of the fortunes of the said Infant Plaintiffs were fully set forth and contained in the said Certificate of the Accountant General of the funds so standing to the Credit of this Cause as aforesaid And that the Infant Plaintiffs were not entitled to any other Property or fortunes and he found that a Sum of Money at and after the rate of Twenty Company's Rupees per Mensem ought to be taken out of the funds standing to the Credit of the Cause for the Maintenance and Education of the Infant Plaintiff Salome Tatham during her Minority And the said Master reported that he was

of Opinion and found that the same was proper to be allowed for the Maintenance and Education of the said Infant Plaintiff Amelia Tatham during her Minority and that such allowance should commence from the Second day of June One thousand Eight hundred and Forty being the date of the last payment made by the said Defendant Nathaniel Brindley Acworth to the said Plaintiff Emily Moody as appeared by the First part of the Schedule annexed to his said Separate Report And he found that a Sum of Money at and after the rate of Twenty Company's Rupees per Mensem ought to be taken out of the funds standing to the Credit of this Cause for the Maintenance and Education of the Infant Plaintiff Salome Tatham during her Minority And he was of Opinion and found that the same was proper to be allowed for the Maintenance and Education of the said Infant Plaintiff Salome Tatham during her Minority and that such allowance should commence from the said Second day of June One thousand Eight hundred and Forty And the said Master reported that he was of Opinion and found that a Sum of Money at and after the rate of Fifteen Company's Rupees per Mensem was proper to be allowed for the present Maintenance of the said Infant Plaintiff John Tatham and until he should have attained the Age of Seven Years and that such allowance should commence from the said Second day of June One thousand Eight hundred and Forty And that from and after the said Infant Plaintiff John Tatham should have attained the Age of Seven Years and during his Minority a Sum of Money at and after the rate of Twenty Company's Rupees per Mensem was proper to be allowed for the Maintenance and Education of the said Infant Plaintiff John Tatham And that such last mentioned allowance ought to be taken out of the funds standing to the Credit of this Cause And this Cause coming on this present day to be heard for further directions and subsequent Costs reserved by the said Decretal Order of the said Eighteenth day of April One thousand Eight hundred and Forty before the Honorable the Judges of this Court in the presence of Counsel for the said Plaintiffs and the said Defendant Nathaniel Brindley Acworth Whereupon and upon hearing read the said Decree And the said Separate Report of the Master of this Court dated the Tenth day of July One thousand Eight hundred and Forty And the Order of this Court dated the said Tenth day of July One thousand Eight hundred and Forty whereby the said Separate Report became absolutely Confirmed and also the Report dated the Twenty third day of September instant And the Order of this Court bearing date the said Twenty third day of September instant And upon reading also the Certificate of the said Accountant General of this Court in the words and figures following that is to say

Supreme

Supreme Court
Equity Side

Emily Moody and Amelia Tatham Salome Tatham and John Tatham respectively Infants under the Age of Twenty One Years by the said Emily Moody their Mother and next friend

versus

Nathaniel Brindley Acworth Esq^r Executor of the Last Will and Testament of John Tatham deceased and George Norton Esq^r Advocate General of the East India Company at their Presidency of Fort Saint George and Cecilia Mary Tatham and Mary Ann Tatham when they shall come within the Jurisdiction of this Honorable Court

I hereby Certify that according to the Books of the Supreme Court the Funds standing to the Credit of this Cause are as follows Viz^t

In three Promissory Notes of the 6 per cent Loan of 1^st May 1835
Amounting to Sicca Rupees 26,900 - - - -
Comp^y Rs 27,692 - - -

In Cash not bearing Interest 1021. 7. 2

Company's Rupees 28,711. 7. 2

Fort St George Accountant General's Office
20th September 1839
J. Crawford
Asst to Accountant General

This Certificate is granted as per Application from Mr J. H. Wilkins Complt's Sol^r dated 26th Septr 1839.

Ex^d & Appearing

This Court doth Order that the said Report bearing date the said Twenty third day of September instant be confirmed and that the Plaintiff Emily Moody be appointed the Guardian of the persons and fortunes of the Infant Plaintiffs Amelia Tatham Salome Tatham and John Tatham during their respective Minorities And it is Ordered that from and out of the Sum of Rupees One thousand and Twenty one Annas Seven and Six tenths (1021-7-2) Cash in the Accountant General's Certificate mentioned the Sub-Treasurer of Fort Saint George with the privity of the Accountant General of this Court do pay unto the said Plaintiff Emily Moody the Sum of Rupees Sixty (60) as and for her Maintenance from the Second day of June last to the Second day of September instant the Sum of Rupees Sixty (60) as and for

the Maintenance and Education of the Infant Plaintiff Amelia Tatham for the like period and the further Sum of Rupees Sixty (60) as and for the Maintenance and Education of the Infant Plaintiff Salome Tatham for the like period and the further Sum of Rupees Forty five (45) as and for the Maintenance and Education of the Infant Plaintiff John Tatham for the like period And it is Ordered that it be referred to the Master to Tax the Costs of the Plaintiff and the Defendant Nathaniel Brindley Acworth of and relating to this Suit since the last taxation thereof as between Solicitor and Client And that such Costs when taxed be added at the foot of this Order under the Signature of One of the Judges of this Court And it is Ordered that from and out of the Residue of the said Sum of Rupees One thousand and Twenty One Annas Seven and Six tenths (1021-7-2) after such payments thereout as hereinbefore directed and by Sale or Subdivision of One or more of the Government Promissory Notes in the Accountant General's Certificate mentioned if there shall be occasion the said Sub Treasurer with the privity of the Accountant General do pay to Mr John Henry Wilkins their Solicitor what shall be so Taxed and certified for the Plaintiffs Costs and to Mr William Henry Rose his Solicitor what shall be so Taxed and Certified as the Costs of the Defendant Nathaniel Brindley Acworth And it is Ordered that after such payments as hereinbefore directed shall have been made the Sub Treasurer with the privity of the Accountant General do invest and keep invested the Residue of the funds in the Certificate of the said Accountant General mentioned or so much thereof as he can in Government Promissory Notes or Securities And it is Ordered that from and out of the Interest due and to grow due on the Residue of the Funds in the Accountant General's Certificate mentioned or which shall from time to time be standing to the Credit of this Cause the Sub Treasurer of Fort Saint George with the privity of the Accountant General do every Six Months viz^t on or after the Second day of March and the Second day of September in every year until the further Order of this Court pay unto the Plaintiff Emily Moody the Sum of Rupees One hundred and Twenty (120) for her Maintenance and the Sum of Rupees One hundred and Twenty (120) for the Maintenance and Education of the Infant Plaintiff Amelia Tatham and the further Sum of Rupees One hundred and Twenty (120) for the Maintenance and Education of the Infant Plaintiff Salome Tatham and the further Sum of Rupees Eighty (80) for the Maintenance and Education of the Infant Plaintiff John Tatham such last mentioned several payments

J. B. Saunders
Dep^y

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payments to the said Emily Moody to begin on or after the second day of March next And any of the Parties to this suit are to be at liberty to apply to this Court as there shall be occasion.

By the Court

I. B. Saunders

Registrar

Proceedings

Pltf's

Bordandson & Ors

Defts bill

The amount of the Taxed Costs to be paid in pursuance of this Decree to Mr. John Henry Wilkins Solicitor for the Plaintiff is Rupees One thousand Nine hundred and Ninety seven and Annas five (1997 5-) and to Mr. William Henry Rose Solicitor for the Defendant Nathaniel Brindley Amount to which is Rupees One thousand and Fifty three and Annas One (1053 1-) as appears by the Two several Certificates of the Master of this Court bearing date respectively the 17th of November One thousand Eight hundred and Forty Dated this 22nd November 1841

(Signed) R. Comyn

In the Supreme Court of Judicature at Madras.

Equity Side. First Term 1841.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Monday the Fifteenth day of February one Thousand eight Hundred and Forty one. And in the Fourth Year of the Reign of Her Majesty Queen Victoria.

Between Connatoor Soobaroy Moodelly and Connatoor Saumynada Moodelly and Connatoor Moorgasha Moodelly and Connatoor Shunmoogaroy Moodelly Respectively Infants by their next friend the said Connatoor Soobaroy Moodelly _____ Plaintiffs.

Comyn.

Edwd. J. Gambier

and

Mangadoo Survanah Moodelly and Peter Cator Esquire the Sole Executor of the Last Will and Testament of Manally Ponniah Moodelly Deceased. _____ Defendants.

This Cause coming on the Sixth, Seventh and Tenth days of February one Thousand Eight Hundred and Thirty Seven to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on all sides. And upon Opening and debate of the matter and hearing the proofs therein taken read and what was alleged by the Counsel on all sides Their Lordships made their Decree bearing date the said Tenth day of February one thousand Eight hundred and thirty seven And thereby Ordered and Decreed as is therein mentioned. And in pursuance of the said Decree the Master of this Court made his Report dated the Twenty first day of March one Thousand Eight Hundred and Thirty nine and thereby Reported as is therein Reported. And this Cause coming on to be heard on the Fourth day of April one thousand Eight hundred and

and Thirty nine for further directions on the said Report dated the
Twenty first day of March one thousand eight hundred and thirty nine
the Costs reserved by the said Decree of the said Tenth day of Febr
one Thousand Eight hundred and Thirty seven before the Honorable
Judges of this Court in the presence of Counsel for the said Plaintiffs
the said Defendant Peter Cator Their Lordships made their Decree
date the said Fourth day of April one thousand eight hundred and thirty
And thereby Ordered as is therein mentioned And in pursuance
mentioned Decree the said Master made his Report dated the thirtie
of September one thousand Eight hundred and Thirty nine and duly
as is therein referred And this Cause coming on to be heard on the
day of October one thousand Eight Hundred and Thirty nine for further
on the said Report dated the said Thirtieth day of September one thou
Eight hundred and Thirty nine And the Subsequent Costs reserved by
Decree of the said Fourth day of April one thousand eight hundred
Thirty nine before the Honorable the Judges of this Court in the
of Counsel for the said Plaintiffs and the said Defendant Peter C
Their Lordships made their Decree bearing date the said
of October one thousand Eight hundred and thirty nine And thereby
that it should be referred to the Master to tax the Costs of the Plaintiffs
the Defendant Peter Cator of this suit when the last taxation thereof
Solicitor and Client and it was Ordered that out of any money
might be in the hands of the said Defendant Peter Cator or which
come to his hands belonging to the Testators Estate he should pay the
to be so taxed to Mr. John Innes their Solicitor and the Defendant
to be so taxed to Mr. Nathaniel Brindley Newell his Solicitor
such payments should be allowed to him in passing his future
the Master And it was further Ordered that the Defendant Peter
should thenceforth until the marriage of Seeva Cannoo Unnall
until the sum of Rupees Two Hundred and sixty six annas Ten and
to Davanee Unnall for the past maintenance of the said Seeva
should be paid or until the further order of this Court to the said
Moodelly for and on account of the future maintenance of the said Seeva
Unnall so long as she should have the Care and Custody of him the
sixteen per annum on the Interest thereby to arise on the two
Government Promissory Notes for Sicca Rupees Four Thousand and

Rupees Four Hundred Equal in Value to Company's Rupees Four thousand Six Hundred and
Eighty Six in the Masters Report and in the Second Schedule thereto mentioned belonging to
the said Seeva Cannoo Unnall and that the Defendant Peter Cator should pay to Davanee
Unnall on account of the said Sum of Rupees Two Hundred and Sixty Six annas Ten and
Pice Eight the Sum of Rupees Ninety and anna one in his hands belonging to the said Seeva
Cannoo Unnall and the Keeps of Interest to arise on the said Two Government Promissory Notes
after payment of the said Sum of Rupees Sixteen per Mensem until the said Sum of Rupees
Two Hundred and Sixty Six annas Ten and Pice Eight should be satisfied and that after
such satisfaction he should until the marriage of the said Seeva Cannoo Unnall or until
the further Order of this Court pay to the said Mangadoo Sinnanah Moodelly for and on
account of her maintenance so long as she should continue to have the Care and Custody of
him the whole of the Interest to arise on the said Two Government Securities And it was
Ordered that the Master should Continue the accounts of the Defendant Peter
Cator of the real and personal Estate of the Testator Manally Ponniah Moodelly
by the Decrees of the said Tenth day of February one thousand Eight hundred and
thirty Seven and the Fourth day of April one thousand Eight hundred and thirty nine
directed And it was further Ordered that the Defendant Peter Cator should
sell the whole of the Real Estate mentioned in the First part of the fourth Schedule to the
Masters Report and also the Garden called Durmah Tottum mentioned in the second
part of the said Fourth Schedule to his said Report And this Court did thereby
Declare that the Defendant Peter Cator ought not to be charged with the Sums of
Rupees Three thousand Nine Hundred and Sixty one annas Fifteen and Pice Six
the net proceeds of Tondiarpettah House or the Sum of Rupees Nine Hundred and
Forty nine annas Eight and Pice Eight the net Proceeds of the Sale of the Manally
Garden House Materials And it was Ordered that the Master should Compute
Subsequent Interest on the Debts in the first and second Schedules to his Report of
the Twenty first day of March one thousand Eight hundred and thirty nine mentioned
and Report what would remain due to the Creditors of the Testator in his said former
Report mentioned for Principal and Interest on such of the Debts as carry Interest and it was
further Ordered that any persons claiming to be Entitled should be at liberty to go in
before the Master and Establish their Title to any of the Title Deeds Jewels and other
Property mentioned in the Sixth Schedule to his Report which he had not found to
belong to others than the Testators Estate And the Court did thereby Reserve
the Consideration of all further directions and of the Subsequent Costs of this suit
until after the Master should have made his Report and any of the parties were
to be at liberty to apply to this Court as they might be advised And in pursuance
of the said last Recited Order the said Master made his Report dated the
Thirtieth day of January one thousand Eight hundred and Forty one and
thereby (Amongst other things) Reported that he had been attended by the
Solicitors of the Plaintiffs and of the Defendant Peter Cator and that he had
in their presence proceeded on the matters as in and by the said Decree of

the

the said Second day of October one thousand Eight Hundred and thirty nine directed and that he had taxed the Costs of the Plaintiffs and of the Defendant Peter Cator of this suit since the last taxation thereof as between Solicitor and Client and that he had allowed the same to the said Defendant on passing his account before him as by the said last mentioned Decree directed And the Master reported that he had Continued the accounts of the Defendant Peter Cator of the Real and personal Estate of the Testator Manally Connoah Moodelly to the decease of the Tenth day of February one thousand Eight hundred and Thirty nine and the Fourth day of April one thousand Eight hundred and Thirty nine directed and he found that the said Defendant Peter Cator had received since the 5th day of October one thousand Eight hundred and thirty nine the sum of Eight Pagodas Thousand Three Hundred and six Rupees Three Annas and one Pice belonging to the said Testators Estate the particulars of which Receipts are set forth in the First part of Schedule No. 5 annexed to his said Report and that he had in hand on the Second day of October one thousand Eight Hundred and thirty nine the sum of Company's Rupees Twelve Thousand and Thirty four and Annas Eight in Company's Paper for the purposes in his separate Report of the Seventeenth day of September one thousand Eight Hundred and thirty nine mentioned. And he found that the said Peter Cator had made payments on account of the said Testators Estate all which several Payments he allowed Amounting to the sum of Twenty one Thousand six Hundred and Twenty four Rupees Fourteen Annas and Five Pice the particulars of which several payments are set forth in the Second part of the said Schedule No. 5 And he found that there was in the Eleventh day of the then Instant month of January in the hands of the said Defendant Peter Cator a balance of Sixty three Thousand Six Hundred and Eighty one Rupees Four Annas and Eight Pice belonging to the said Testators Estate part of which to the amount of Three Thousand Three Hundred and Sixty six Rupees Eight Annas and Four Pice the said Defendant Peter Cator in his Answer with him on the last mentioned day claimed to be allowed to retain for the purpose of paying the same to the parties mentioned in the Schedule No. 2 annexed to his said Report. And that he had in the said Schedule No. 2 set forth the several sums so claimed to be Retained by the said Defendant Peter Cator together with the grounds on which the said Defendant Peter Cator had in his account left with him submitted to be allowed to retain the same for the purpose aforesaid - And the said Master further Reported that he had Computed Subsequent Interest on the debts in the First and Second Schedules to his Report of the Twenty first day of March one thousand Eight hundred and thirty nine mentioned And he found that there was due to the Creditors of the said Testator the sum of Eighty Eight Thousand and Twenty Eight

Rupees Nine Annas and Ten Pice the particulars of the sums due in respect of the said several Debts are set forth in Schedule No. 3 annexed to his said Report and that no person had appeared before him to substantiate any claim in respect of the Pelle Deceased Jewels and other property mentioned in the Sixth Schedule to his Report dated the thirtieth day of September one thousand Eight Hundred and thirty nine and in the said Decree of the said Second day of October one thousand Eight Hundred and thirty nine respectively mentioned. And whereas by an order of this Court made in this Cause on the application of the said Defendant Peter Cator and bearing date the Twenty third day of December one thousand Eight Hundred and Forty it was Ordered that it should be referred to the Master of this Honorable Court to appoint a next friend to the Infant Complainants in this Cause in the room of Connatoor Soobaroy Moodelly deceased and in pursuance of the said last recited Order the said Master made his Report dated the Twenty Ninth day of January one thousand Eight hundred and Forty one. And thereby reported that he had been attended by the Solicitors for the Plaintiffs and of the Defendant Peter Cator and a state of Facts and Proposal supported by the Affidavit of Poonamallee Appoo Moodelly Sworn before him on the thirteenth day of the then Instant month of January had been left with him whereby Valavadoo Somasoondara Moodelly had been proposed as a proper person to be the next friend to the Infant Complainants in this Cause and he had appeared before him and Consented to be appointed their next friend and that he had appointed the said Valavadoo Somasoondara Moodelly to be the next friend to the Infant Complainants in this Cause in the room of Connatoor Soobaroy Moodelly deceased And this Cause Coming on this present day to be heard for further directions on the said Report dated the said Thirtieth day of January one thousand Eight Hundred and Forty one and the Subsequent Costs Reserved by the said Decree of the said Second day of October one thousand Eight hundred and thirty nine before the Honorable the Judges of this Court in the presence of Counsel for the said Plaintiffs and the said Defendant Peter Cator. Whereupon and upon hearing read the said Decree bearing date the said Tenth day of February one thousand Eight hundred and thirty seven And the said Report made in pursuance thereof dated the said Twenty first day of March one thousand Eight hundred and thirty nine and also the said Decree bearing date the said Fourth day of April one thousand Eight hundred and thirty nine and the Separate Report dated the Seventeenth day of September one thousand Eight Hundred and thirty nine. And the said Report of the said Thirtieth day of September one thousand Eight hundred and thirty nine made in pursuance of the said last mentioned Decree. And upon Reading also the said Decree bearing date the said Second day of October one thousand Eight hundred and thirty nine and the said Report made in pursuance thereof dated the said Thirtieth day of January one thousand Eight hundred and Forty one and the Order of this Court bearing date the Fifth day of February instant whereby the

said

said last mentioned Report and all the matters and things therein Contained became absolutely Confirmed And upon Reading also an Order of this Court made in this Cause on the application of Seeva Caumoo Ummall Mangadoo Vydelingum Moodelly and Mangadoo Sirvanah Moodelly bearing date the Sixteenth day of May one thousand Eight hundred and Forty and also the said Order of this Court made in this Cause on the part of the said Defendant Peter Cater and bearing date the said Twenty third day of December one thousand Eight Hundred and Forty and the said Report made in pursuance thereof dated the said Twenty ninth day of January one thousand Eight hundred and Forty one. This Court doth Order that it be referred to the Master of this Court to Tax the Costs of the Plaintiffs and of the Defendant Peter Cater of this suit since the last Taxation thereof as between Solicitor and Client And it is Ordered that the said Defendant Peter Cater out of the balance of Company's Rupees Sixty three Thousand six Hundred and Eighty one Annas four and pies eight (63,681.4.8) in the said Master to be in his hands do pay the Plaintiffs costs when Taxed to Mr John Innes their Solicitor and the Defendants Costs when to be Taxed to Mr William Henry Rose his Solicitor. And it is Ordered that it be referred back to the Master to Compute subsequent Interest on such Debts in the third Schedule to his said Report mentioned as may Interest remain Certain how much remains due to the said Creditors of the said Testator Sonnah Moodelly in the said Schedule mentioned And it is Ordered that he do Apportion amongst such Creditors the balance of the sum of Rupees in the second Schedule to the Master's said Report mentioned Retained by the which shall remain in the hands of the said Defendant Peter Cater after of the Costs to be so Taxed as aforesaid and after setting apart a sufficient to answer the future Costs of this suit and the administration of the said Testator such sum to be Certified by the said Master. And it is Ordered that the said Defendant Peter Cater do pay to the Creditors in the said Third Schedule to the Masters Report such such sums as shall by the Apportionment of the Master be found payable to them Respectively on account of the Debts due to them by the Estate of the said Testator And it is Ordered that the Interest to be Apportioned on account of the Debt due to Seeva Caumoo in the Masters said Report named be paid by the said Peter Cater to the said Seeva Caumoo Ummall Mangadoo Vydelingum Moodelly his Husband upon their joint receipt And this Court doth Reserve the Consideration of all further directions and of the Subsequent Costs of this suit until after the said Master shall have made his Report and any of the Parties or Persons interested herein are to be at Liberty to apply to this Court as they may be advised.—

By the Court

H. B. Ommanney
Registrar

For Innes
Coppin Sols.
Rowlandson & Rose
Sol. for Defts Cater.

3158 Q45.

In the Supreme Court of Judicature at Madras.

Equity Side

First Term 1841.

Present.

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Wednesday the Seventeenth day of February One Thousand Eight hundred and Fortyone and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Collatoor Annasawmy Moodelly Complainant

and

Pallavarcadoo Mootoo Comarapah Moodelly Anavy Namasewoy Moodelly and Pallavarcadoo Chocalinga Moodelly and Vadagherry Moodelly and George Norton Esquire Advocate General of the United Company of Merchants of England trading to the East Indies under their Presidency of Fort Saint George Madras Defendants.

This Cause coming on the Twenty third, Twenty fourth, Twenty fifth, Twenty sixth, Twenty eighth and Twenty ninth days of September One thousand Eight hundred and Forty and on the Second, Eighth and Fifteenth days of February instant and also on this present day to be heard and debated before the Supreme Court of Judicature at Madras in the presence of Counsel learned on behalf of the said Complainant and the Defendants Pallavarcadoo Mootoo Comarapah Moodelly, Pallavarcadoo Chocalinga Moodelly Vadagherry Moodelly and George Norton Esquire Advocate General as against the aforesaid Defendants and the Bill to be taken Pro Confesso as against the Defendant Anavy Namasewoy Moodelly for want of his Answer in this Cause pursuant to an Order of this Honorable Court bearing date the Twenty second day of November One thousand Eight hundred and Thirtynine Now upon opening the Bill of Complaint Exhibited by the above named Complainant and the Several Answers of the Defendants Pallavarcadoo Mootoo Comarapah Moodelly, Pallavarcadoo Chocalinga Moodelly and Vadagherry Moodelly an Infant by Palava Seeva Chocalingum his Guardian and George Norton Advocate General respectively thereto. And upon hearing read the Order of the said Twenty second day of November One thousand Eight hundred and Thirty nine whereby it is Ordered that the said Complainant should be at liberty to enter the

Edwd J. Gambier.

said

3158 Q45.

In the Supreme Court of Judicature at Madras.

Equity Side

First Term 1841.

Present.

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Wednesday the Seventeenth day of February One thousand Eight hundred and Forty one and in the Fourth Year of the Reign of Her Majesty Queen Victoria

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and

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Thus Cause coming on the Twenty third, Twenty fourth, Twenty fifth, Twenty sixth, Twenty eighth and Twenty ninth days of September One thousand Eight hundred and Forty and on the Second, Eighth and Fifteenth days of February instant and also on this present day to be heard and debated before the Supreme Court of Judicature at Madras in the presence of Counsel learned on behalf of the said Complainant and the Defendants Pallavarcadoo Mootoo Comarapah Moodelly, Pallavarcadoo Chocalinga Moodelly Vadaghevy Moodelly and George Norton Esquire Advocate General as against the aforesaid Defendants and the Bill to be taken Pro Confesso as against the Defendant Anavy Namasevoy Moodelly for want of his Answer in this Cause pursuant to an Order of this Honorable Court bearing date the Twenty second day of November One thousand Eight hundred and Thirty nine Now upon Opening the Bill of Complaint Exhibited by the above named Complainant and the Several Answers of the Defendants Pallavarcadoo Mootoo Comarapah Moodelly, Pallavarcadoo Chocalinga Moodelly and Vadaghevy Moodelly an Infant by Palava Seeva Chocalingum his Guardian and George Norton Advocate General respectively thereto. And upon hearing read the Order of the said Twenty second day of November One thousand Eight hundred and Thirty nine whereby it is Ordered that the said Complainant should be at liberty to enter the

Edwd J. Gambier.

said

said Bill to be taken Pro Confesso as
Defendant Ramasawmy Mudaly
or any Subsequent Terms and upon
for the said Complainant the deed
Answer of the said Defendant Pallaa
Moodelly as follows that is to say
Answering Saith" in folio 1 to the
Family" in folio 4 from the word
her Answering Saith" in folio
the Pagoda"

in the Malabar Language" in folio 21 from the
this Defendant" in folio 22 to the words "Suit of the
Complainant" in folio 29 from the words "this Defend
Saith" in folio 40 to the words "One thousand Eight hund
and Twenty seven" in the same folio from the words "and
this Defendant further" in folio 42 to the words "Bill
that behalf stated" in the same folio from the words
"and this Defendant further" in folio 44 to the words "
of the Executors" in the same folio from the words "and
this Defendant further" in folio 51 to the words "finally
professed himself of" in folio 52 from the words "this
Defendant with the Cast" in folio 53 to the words "Pagoda
at Madras" in the same folio from the words "and this
Defendant" in folio 55 to the words "this Honorable Court
in folio 56 from the words "this Defendant Saith" in folio
to the words "belief now are" in folio 57 from the words
"this Defendant admits" in folio 62 to the words "attorney
at Law" in folio 64 from the words "and this Defendant
admits" in folio 65 to the words "answer to the said Letter
in the same folio from the words "the said Complainant
who" in folio 70 to the words "blood and Consanguinity"
in the same folio from the word "this" the last word of
folio 73 to the words "hereinbefore stated" in folio 74 from
the words "this Defendant Saith" in folio 75 to the words
"able to do" in the same folio from the words "and this
Defendant" in folio 76 to the words "offering from the said
Complainant" in folio 78 from the words "this Defendant
Saith" in folio 79 to the words "Defendant Vadagherry" in folio
from the words "this Defendant Saith" in folio 82 to the
words "came to this Defendant" in folio 83 from the words
"this Defendant admits" in folio 84 to the words "of the
Contents thereof" in folio 86 from the words "and this
Defendant further Answering" at the end of folio 86 to
the words "on such refusal" in folio 87 and upon hearing
read the Schedule Marked A annexed to the Answer of the
said Defendant Pallavarcadoo Choodlinga Moodelly and the
Schedule Marked A annexed to the Bill of complaint
filed in this Cause respectively as Evidence for the said
Complainant and upon hearing read as Evidence for the
said Complainant the several passages in the said answer

of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly
as follows that is to say from the words "Saith he hath heard"
in folio 1 to the words "belonging to them jointly" in folio 4 from
the words "and this Defendant" in folio 4 to the words "therein
mentioned certain property" in folio 5 from the words "this
Defendant Saith" in folio 10 to the words "Family of the said
Cundapah" in folio 11 from the words "and this Defendant further
answering Saith" in folio 11 to the words "with certain Property"
at the end of folio 14 from the words "and this Defendant
further" in folio 15 to the words "the said Pagoda" in the same
folio from the words "and this Defendant" in folio 16 to the words
"the family property" in folio 19 from the words "and this Defendant
further answering Saith he hath heard" in folio 21 to the
words "legal representative" in folio 26 from the words "this
Defendant admits" in folio 35 to the words "issue him surviving"
in the same folio from the words "and this Defendant" at the
begining of folio 36 to the words "Jurisdiction of this Honorable
Court" in folio 37 from the words "and this Defendant further
Saith" in folio 38 to the words "Testament in Writing" in folio 39
from the words "and this Defendant further answering admits
in folio 46 to the words "this Honorable Court" in folio 47 and
upon hearing likewise read the Deposition of Goomadapoondy
Sooboo Goorroocal to the First Second Third Fourth Sixth Seventh
Eighth Sixteenth Twenty first Twenty second Twenty third Twenty
fourth Twenty seventh and last Interrogatories in Chief
filed on behalf of the said Complainant as Evidence for the
said Complainant. The Deposition of Collatoor Ramah Iyen
to the First Second Third Fourth Sixth Eleventh Twenty
fourth Twenty fifth and last Interrogatories in Chief filed
on behalf of the said Complainant as Evidence for the said
Complainant. The Cross Deposition of the same Witness to
the Second Cross Interrogatory filed on behalf of the Defendants
as Evidence for the said Complainant. The Deposition of
Paudy Ramasawmy Iyer to the First Second Third Fourth
Seventh Eighth Ninth Tenth Fourteenth Fifteenth Sixteenth
Seventeenth Eighteenth Nineteenth Twentieth Twenty first
Twenty Seventh and Last Interrogatories in Chief filed on
behalf of the said Complainant as Evidence for the said
Complainant. and the Cross Deposition of the same Witness
to the Second Cross Interrogatory filed on behalf of the Defendant
Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the
said Complainant. The Deposition of Pulliar Covil Woonamalay
to the First Second Fourth Sixth Seventh Eighth Eleventh
and Last Interrogatories in Chief filed on behalf of the said
Complainant as Evidence for the said Complainant and the
Cross Deposition of the same Witness to the Second Cross
Interrogatory filed on behalf of the said Defendants as
Evidence for the said Complainant. The Deposition of Pulliar
Covil Canacah to the First Second Third Fourth Sixth Seventh
Eighth Eleventh and Last Interrogatories in Chief filed on behalf
of the said Complainant as Evidence for the said Complainant.
The Cross Deposition of the same Witness to the Second Cross
Interrogatory filed on behalf of the said Defendants as Evidence
for the said Complainant. The Deposition of Ramanjooloo to
the

the First Second Third Fourth Sixth Seventh Eighth Eleventh and Last Interrogatories in Chief filed on behalf of the said Complainant as Evidence for the said Complainant and the Cross Deposition of the same Witness to the Second Third and Fourth Cross Interrogatories filed on behalf of the said Defendants as Evidence for the said Complainant The Deposition of Vencatarawmy to the First Second Third Fourth Sixth Seventh Eighth and Eleventh Interrogatories in Chief filed on behalf of the said Complainant as Evidence for the said Complainant and the Cross Deposition of the same Witness to the Second Cross Interrogatory filed on behalf of the said Defendants as Evidence for the said Complainant. The Deposition of Collatoor Soobroo Goorookul to the First Second Third Fifth Sixth Seventh Eighth Ninth Tenth Eleventh Twelfth Thirteenth and Last Interrogatories in Chief filed on behalf of the said Complainant as Evidence for the said Complainant and The Cross Deposition of the same Witness to the Eighth Cross Interrogatory filed on behalf of the Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Complainant The Deposition of Collatoor Canacah to the First Second Third Fifth Sixth Seventh Eighth and Eleventh Interrogatories in Chief filed on behalf of the said Complainant as Evidence for the said Complainant and the Cross Deposition of Meenumbaukum Sonachella Moodelly to the Second and Third Cross Interrogatories filed on behalf of the said Complainant as Evidence for the said Complainant. The Deposition of Angarapaukum Vencatarayer to the Seventh Interrogatory in Chief filed on behalf of the Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Complainant and the Cross Deposition of the same Witness to the Cross Interrogatory filed on behalf of the said Complainant as Evidence for the Complainant. The Cross Deposition of Nuttoovah Soobroo to the First and Eighth Cross Interrogatories filed on behalf of the said Complainant & the Cross Deposition of Collatoor Ramasawmy Brammy to the Second and Eighth Cross Interrogatories filed on behalf of the said Complainant as Evidence for the said Complainant and upon hearing read the Cross Deposition of Goomadapoondy Soobroo Goorooral to the First Second Third Fifth and Seventh Cross Interrogatories filed on behalf of the Defendants as Evidence for the said Defendant The Cross Deposition of Collatoor Ramasawmy Iyer to the First Third Fifth and Seventh Cross Interrogatories filed on behalf of the said Defendant as Evidence for the said Defendant. The Cross Deposition of Pandy Ramasawmy Iyer to the First Third Fifth and Seventh Cross Interrogatories filed on behalf of the Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendants. The Cross Deposition of Pullier Covil Woonamalay to the First Cross

Cross Interrogatory filed on behalf of the said Defendants as Evidence for the said Defendants The Cross Deposition of Pullier Coual Canacah to the First Cross Interrogatory filed on behalf of the Defendants as Evidence for the said Defendants. The Cross Deposition of Ramangaloo to the First Fifth and Eleventh Cross Interrogatories filed on behalf of the said Defendants as Evidence for the said Defendants. The Cross Deposition of Vencatarawmy to the First and Fifth Cross Interrogatories filed on behalf of the said Defendants as Evidence for the said Defendants. The Cross Deposition of Collatoor Soobroo Goorookul to the First and Ninth Cross Interrogatories filed on behalf of the said Defendants. The Cross Deposition of the Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendants and The Cross Deposition of the same Witness to the First Second Third and Fourth Cross Interrogatories filed on behalf of the Defendant Pallavarcadoo Chevalinga Moodelly as Evidence for the said Defendants. And upon hearing read also as Evidence for the said Defendants the Exhibits Marked respectively No 1. to No 2 and No 3. And the Deposition of Meenumbaukum Sonachella Moodelly to the First and Second Interrogatories in Chief filed on behalf of the Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly The Deposition of Angarapaukum Vencataroyer to the First Third and Fourth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly The Deposition of Nuttoovah Soobroo to the First Third and Fourth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly and The Cross Deposition of the same Witness to the Seventh and Ninth Cross Interrogatories filed on behalf of the said Complainants as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly. The Deposition of Perattee Thungul Veerabadra Moodelly to the First and Fifth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly The Deposition of Moorogapah Chitty to the First and Sixth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly The Deposition of Collatoor Sabapatty Goorooral to the First and Additional Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly

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Chief Justice
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Moodelly and The Cross Deposition of the same Witness to the Second and Eighth Cross Interrogatories filed on behalf of the said Complainant as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly The Deposition of Collatoor Ramasawmy Sinnatamby First and additional Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly as Evidence for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly and the Order of this Honorable Court made in this Cause bearing date the Twenty first day of September One Thousand Eight hundred and Forty and the Affidavit of the Complainant Sworn and filed on the Fourteenth of June One thousand Eight hundred and Forty and the joint Affidavit of the said Defendant Mootoo Comarapah Moodelly and Pararapathy Moodelly Sworn and filed in the Twenty eighth of June One thousand Eight hundred and Forty and the Entry of the Order of this Honorable Court in this Cause bearing date the said Twenty eighth of June One thousand Eight hundred and Forty and also the Exhibits for the said Defendant Pallavarcadoo Mootoo Comarapah Moodelly and upon hearing read the Deposition of Parangyrattoor Veerasawmy Moodelly to the First and Tenth Interrogatories in Chief filed on behalf of the Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly The Deposition of Collatoor Sabapathy Moodelly to the First Third Seventh and Eleventh Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly The Deposition of Tinnamore Kistnasawmy Moodelly to the First Fourth and Last Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly The Deposition of Appoe Moodelly to the First and Fifth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly The Deposition of Coduendanthurai Segaravy Moodelly to the First Sixth Eighth and Ninth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly The Deposition of Mootoo Moodelly to the First Seventh and Eleventh Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly and

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of Jeparajerpoorum Soobroo Iyer to the First Eighth and Ninth Interrogatories in Chief filed on behalf of the said Defendant Pallavarcadoo Chocalinga Moodelly as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly and upon hearing read as Evidence for the said Defendant Pallavarcadoo Chocalinga Moodelly the Exhibits Marked respectively N:10. N:11. N:12 N:13 N:14 and N:15. and the Complainant and Defendants Counsel admitting at the Bar that the Proceedings in the Suit wherein Collatoor Annavaumy Moodelly is Complainant and Collatoor Gurnaputty Moodelly is Defendant were as stated in the Answers of the Defendants Pallavarcadoo Mootoo Comarapah Moodelly and Pallavarcadoo Chocalinga Moodelly. Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel for the said Complainant and the said Defendants Pallavarcadoo Mootoo Comarapah Moodelly, Pallavarcadoo Chocalinga Moodelly, Vadagherry Moodelly and George Norton Advocate General. And on Mature Consideration had thereon. This Court doth Order and Decree that the said Complainants Bill be taken Pro confesso as against the Defendant Annavy Namasevoy Moodelly. And this Court doth Declare that the Complainant and the Infant Defendant Vadagherry Moodelly on his attaining the age of Sixteen Years will as the Descendants of Collatoor Cundapah Moodelly the Elder be entitled to the management of the Pagoda called Stree Prevena Veginasvoovara Covil in the Pleadings of this Cause mentioned and that the Complainant is entitled to the Sole Management thereof until the Infant Defendant Vadagherry Moodelly attains the age of Sixteen years. And this Court doth Order that the Complainants Bill do stand dismissed out of this Court against the Defendant the Advocate General with Costs and against the Defendant Pallavarcadoo Mootoocomarapah Moodelly with Costs since the filing of his Answer to be taxed by the Master and as to so much of the Bill as seeks Relief against the Defendant Pallavarcadoo Chocalinga Moodelly in respect of the Pagoda called Augusteevara Covil at Collatoor. This Court doth Order that the same be dismissed without Costs as against the Defendant Pallavarcadoo Chocalinga Moodelly and as to the rest of the Relief sought by the Complainants Bill against the last named Defendant. This Court doth Declare that the Defendant Pallavarcadoo Chocalinga Moodelly is not entitled to the Wardenship of the Pagoda called Stree Prevena Veginasvoovara Covil. And doth Order and Decree that the Injunction formerly granted in this Cause restraining him from Collecting getting in or receiving any Money or other Property belonging to such Pagoda and from all further interference with the Affairs of the same be made perpetual. and the Complainant waiving against the last named Defendant the Account prayed by the Bill. This Court doth not think fit to direct any account And doth Order that the Defendant Pallavarcadoo Chocalinga Moodelly do pay to the Complainant his Costs of this Suit except those incurred by the Examination of Witnesses to be taxed by the Master. And this Court doth Declare that the Defendant Annavy Namasevoy Moodelly is not entitled to the Wardenship either of the Pagoda

called

called Angusteswara Covil at Callatore & of the Pagoda called Shee Preema Veganaswara Covil. And doth Order and Decree that the Injunction formerly granted restraining the Defendant Arnavy Namasavay Moodelly from Collecting getting in or receiving any Money or other Property belonging to the said Pagodas and from all further interference with the affairs of the same be made perpetual and the Complainant also waiving against the last named Defendant the Account prayed by the Bill. This Court doth not think fit to direct any account And doth Order that the Defendant Arnavy Namasavay Moodelly do pay unto the Complainant his Costs of this Suit to be taxed by the Master and that the Complainant do pay to the Infant Defendant Vadagherry Moodelly his Costs of this Suit to be taxed by the Master

Henry Compton
Solicitor for Compt

By the Court
W. H. Leake
Registrar
For Mr Blaconth late
Registrar

Here there was drawn out Caveat signed
by Mr H. Compton Sol. for the Compt
on the 18th October 1805 for the Compts
Application &c

322K

No 262 /41

In the Supreme Court of Judicature at Madras

Equity Side

First Term 18th February 1841.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Carpooga Ummall ..... The Matter upon the Demurrer put in by the Defendant

1765

Paravaukum Iyasawmy Moodelly and Paranee Ummall Paravaukum Iyasawmy Moodelly to the Bill of Complaint in this Cause coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides Both the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed with Costs.

R Comyn

Edwd J. Gambier

By the Court.

H. H. Arnold

Registrar

J Williams

Sol for Plff

Iyasawmy Moodelly

No 470 for 61

In the Supreme Court of Judicature at Madras

Equity Side. First Term 19th February 1861.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Ramanada Iyer and Anuntharama Iyer otherwise called Ranzoo Iyer ..... Plts

Ambro Boye Conaca Ummall Kunga Iyer and Vishnasawmy Iyer ..... Defts

The Matter upon the Demurrer put in by the Defendant Ambro Boye to the Bill of Complaint in this Cause coming on to be Argued this day before the Honorable the Judges of this Court in the presence of Counsel learned on both Sides And the said Demurrer and Bill being opened Upon debate of the Matter and hearing what was alleged by the Counsel on both Sides This Court doth Order that the said Demurrer be allowed without Costs.

By the Court.

R. D. Acworth

Registrar

Thos Collins
Sol: for Defts
Ambro Boye

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In the Supreme Court of Judicature at Madras

Equity Side

First Term 1841

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

And

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Friday the Nineteenth day of February One thousand eight hundred and Forty one and in the Fourth year of the Reign of Her Majesty Queen Victoria

Between Mooltee Ram Soonul Ram and Davy Chund Lallah _____ Plaintiffs

And

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

R Comyn.
Edw. J. Gambier.

This Cause coming on the Second and Third days of February One thousand eight hundred and thirty eight to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on both sides. And upon opening and debate of the Matter and hearing the proofs therein taken read and what was alleged by the Counsel on both sides Their Lordships made their Decree bearing date the said Third day of February One thousand eight hundred and thirty eight and thereby Ordered and Decreed as is therein mentioned. And in pursuance of the said Decree the Master of this Court made his Report dated the third day of August One thousand eight hundred and thirty nine and thereby reported as is thereon reported And this Cause coming on to be heard on the Twelfth and thirteenth days of the said Month of August One thousand eight hundred and thirty nine for further directions on the said Report dated the said third day of August One thousand eight hundred and thirty nine and the Costs reserved by the said Decree of the said Third day of February One thousand eight hundred and thirty eight before the Honorable the Judges of this Court in the presence of Counsel learned on both sides Their Lordships made their Decree bearing date the said thirteenth day of the said August One thousand eight hundred and thirty nine and thereby after declaring as is therein mentioned Ordered and Decreed that it should be referred to the Master to tax the Costs of the Plaintiffs and Defendant of and relating to this suit as between Solicitor and Client and that such Costs when taxed should be added

at the foot of the said Decree in order that the same might be Certified under the Signature of One of the Judges of this Court And it was further Ordered that the Sub Treasurer of Fort Saint George with the privity of the Accountant General should sell and convert into money the whole of the Government Promissory Notes or Securities in his Certificate mentioned amounting to the Sum of Company's Rupees Two Lacs Fifty five thousand Four hundred and Nine Annas fifteen and pice Seven and any Government Securities or Promissory Notes which might be standing to the Credit of this Cause previously to his receipt of the said Decree And it was further Ordered that from the proceeds of such sale and the cash which might be standing to the Credit of this Cause on his receipt of the said Decree the said Sub Treasurer with the privity of the said Accountant General should pay the amount of the Plaintiffs Costs when so taxed and certified at the foot of the said Decree to Mr Joshua Thomas Crampton their Solicitor and the Defendant's Costs when so taxed and Certified at the foot of the said Decree to Mr Nathaniel Brundley Smith his Solicitor And it was further Ordered that the Master should calculate subsequent interest on the Debts mentioned in the First Schedule to his Report on which he had computed Interest and that he should apportion the residue of the Proceeds of such sale and Cash after payment of such Costs as aforesaid amongst the Creditors of the Testator named in the First Schedule to his Report according to the sums reported due to them together with the subsequent Interest on such of them as carry Interest And it was Ordered that the Master should make a separate Report of the Matters aforesaid And it was further Ordered that out of the residue of the proceeds of such sale and Cash the several sums to be apportioned to such Creditors should be paid to them respectively or to the legal personal representative of such of them as might be dead And the Court did thereby Order that the Defendant Alexander Duncan Campbell should sell the immoveable Property mentioned in the Fifth Schedule to the Master's said Report and the personal Property mentioned in the Sixth Schedule to the said Report And the Court did thereby Order and Decree that it should be referred back to the Master to continue the Accounts of the Defendant Alexander Duncan Campbell by the former Decree directed and that the Master should report whether any proceedings ought to be taken for the purpose of calling in or recovering payment of any part of the Property Mercantile Balances and Debts mentioned in the Ninth Tenth and Eleventh Schedules to his said Report respectively And it was Ordered that he should state any Matter specially touching the same as he might think fit And it was further Ordered that any Person or Persons claiming to be entitled to any part of the Jewels and Property mentioned in the Eighth Schedule to the Master's

before the Master and Establish their claims on their undertaking to abide by the decision of the Master on the validity of their claims And it was further Ordered that the Master should ascertain and report what was due to the said several Creditors of the Testator after such payments as thereinbefore directed should have been made to them and the Master was to be at liberty to receive proof of the Debts of any Creditor who might not have been included in his former Report but he was not to advertise for Creditors afresh And the Court did thereby reserve the consideration of all further directions and subsequent Costs until after the said Master should have made his Report and any of the Parties and all Persons interested were to be at liberty to apply to this Court as occasion should require And whereas by an Order of this Court made in this Cause on the Application of William Haylett Esquire and bearing date the Fifteenth day of November One thousand eight hundred and thirty nine it was Ordered that it should be referred to the Master of this Honorable Court to take an Account of the dealings and transactions between Edward Samuel Moorat Esquire the Testator in the Pleadings of this Cause named and the said William Haylett from the foot of the account commencing the Twenty eighth day of June One thousand eight hundred and thirty five and ending the Twenty ninth day of August One thousand eight hundred and thirty five made up and delivered by the said Edward Samuel Moorat to the said William Haylett and exhibiting a balance on the Twenty ninth day of August One thousand eight hundred and thirty five in favor of the said William Haylett of Rupees Twenty thousand Eight hundred and Fifty eight Annas four and Pice four and of what was due to the said William Haylett from the Testator's Estate or from the said William Haylett to the Testator's Estate in respect of such dealings and transactions with liberty for the said Master if he should find that the said Account commencing the said Twenty eighth day of June One thousand eight hundred and thirty five and ending on the said Twenty ninth day of August One thousand eight hundred and thirty five ought to have been made up with Interest to charge and allow Interest on the respective Items composing such Account from the respective times from which he should find that such Interest ought to be charged and allowed and according to the rate that Interest was charged and allowed in the previous Accounts between the said Edward Samuel Moorat and the said William Haylett and that the said Master should be at liberty to state any special circumstances touching the said Account and in case a balance should be found due to the said William Haylett on the taking of such Account that he should be at liberty to prove such balance against the said Testator's Estate as a Creditor under the Decree made on the hearing of this Cause bearing date the third day of February One thousand eight hundred and thirty eight and the Decree made on further directions bearing date the thirteenth day of August One thousand eight hundred and thirty nine the said William Haylett thereby undertaking to pay to the said Defendant the balance if any which should be found due from him upon taking such Accounts and that for the purposes of taking such Account the said Parties should produce before the said Master all Deeds Books Papers Vouchers or Documents in their Custody or power relating thereto and that the said Master

should

should be at liberty to Examine the said Parties upon Interrogatories to be filed for that purpose as the said Master should direct And whereas by another Order of this Court made in this Cause on the Application of Ghoolam Moortooza Khan Bahader and bearing date the Twenty ninth day of November One thousand eight hundred and thirty nine it was Ordered that it should be referred to the Master of this Court to take an Account of all dealings and transactions which have taken place between Edward Samuel Mooral Esquire deceased the Testator in the pleadings of this Cause named and the said Ghoolam Moortooza Khan Bahader from the Eleventh day of February One thousand eight hundred and thirty five and of all Monies paid or received by the said Ghoolam Moortooza Khan Bahader and the said Testator on account of such dealings and transactions respectively and of all Securities now outstanding and unsatisfied executed by the said Ghoolam Moortooza Khan Bahader to the said Testator and by the said Testator to the said Ghoolam Moortooza Khan Bahader respectively and that the Master should ascertain and Report what was due and payable by the said Ghoolam Moortooza Khan Bahader to the Estate of the said Testator or by the said Testator to the said Ghoolam Moortooza Khan Bahader and that the said Master should take an Account of all existing liabilities by the Estate of the said Testator to the said Ghoolam — Moortooza Khan Bahader and by the said Ghoolam Moortooza Khan Bahader to the Estate of the said Testator and how such liabilities have accrued and how and when the same are payable respectively and what should be at the time of making his said Report so — payable and the said Ghoolam Moortooza Khan Bahader agreeing and undertaking to pay to the said Defendant as Executor of the said Testator what if any thing should be found by him to be due and payable to the Estate of the said Testator on taking such Account It was further Ordered that the said Ghoolam Moortooza Khan Bahader should be at liberty to prove as a Debt under the Decree in this Cause dated the third day of February One thousand eight hundred and thirty eight and the Decree on further directions — dated the thirteenth day of August One thousand eight hundred and thirty nine what if any thing should be found to be due and payable to him from the Estate of the said Testator and for the better taking the several Accounts before directed the said Ghoolam Moortooza Khan Bahader and the said Defendant were to be examined upon Interrogatories and to produce before the said Master all Books Papers and Writings in their Custody or power relating thereto as the said Master should direct who on taking the said Accounts was to make to the said

said Ghoolam Moortooza Khan Bahader and the said Defendant all just allowances and it was further Ordered that the said Master should be at liberty to state any special circumstances that might be brought to his Notice by the said Ghoolam Moortooza Khan Bahader or the said Defendant or either of them respectively and that the consideration of all further directions should be reserved until the said Master should have made his Report and the said Ghoolam Moortooza Khan Bahader and the said Defendant were to be at liberty to apply to the said Court in respect of the Matters aforesaid as there should be occasion. And whereas in pursuance of the said Order bearing date the Fifteenth day of November One thousand eight hundred and thirty nine the said Master made his Report dated the Twenty eighth day of January One thousand eight hundred and forty one and thereby Reported that he had been attended by the Solicitors for the said Plaintiffs and Defendant and by the said William Haylett and his Solicitor and he had in their presence proceeded with the Accounts as in and by the said last mentioned Order — directed and that he had taken an Account of the dealings and transactions between the said Testator and the said William Haylett from the foot of the said Account — commencing the Twenty eighth June One thousand eight hundred and thirty five and ending the Twenty ninth day of August One thousand eight hundred and thirty five and of what was due to the said William Haylett from the said Testator's Estate in respect of such dealings and transactions and the said Master reported that he found that the said Account commencing the said Twenty eighth day of June One thousand eight hundred and thirty five and ending the said Twenty ninth day of August One thousand eight hundred and thirty five ought to have been made up with Interest and that he had charged and allowed interest on the respective Items composing such Account from the respective times from which he found that such Interest ought to be charged and allowed and he had charged and allowed such Interest according to the rate that Interest was charged and allowed in the previous Accounts between the said Edward Samuel Mooral and the said William Haylett up to the second day of February One thousand eight hundred and forty one and he found that on the said Second day of February One thousand eight hundred and forty one there would be due to the said William Haylett from the said Testator's Estate for Balance of Principal and Interest the Sum of Rupees Nine thousand and Nine hundred and Annas four and he had in the First part of the Schedule to his Report annexed setforth the particulars of the Sums for which he found the said William Haylett was entitled to have credit and with which he had accordingly credited him in taking the Account of the said dealings and transactions between the said Testator and the said William Haylett and that he had in the second part of the said Schedule setforth the particulars of the Sums for which he found the said William Haylett ought to be debited and for which he had accordingly debited him in taking the Account of such

such dealings and transactions. And whereas in pursuance of the said Order bearing
date the Twenty ninth day of November One thousand eight hundred and thirty
nine the said Master made his Report dated the Twenty eighth day of January One
thousand eight hundred and forty one and thereby reported that he had been
attended by the Solicitors for the Plaintiffs and Defendant and likewise by the
Solicitor for the said Ghoolam Moortooza Khan Bahader and that he had
in their presence proceeded with the Accounts and enquiries in and by the
said Order directed and that he had taken an Account of all dealings and
transactions which have taken place between the said Testator and the said
Ghoolam Moortooza Khan Bahader from the said Eleventh day of February
One thousand eight hundred and thirty five and of all Monies paid or received
by the said Ghoolam Moortooza Khan Bahader and the said Testator on account
of such dealings and transactions respectively and of all Securities now outstanding
and unsatisfied executed by the said Ghoolam Moortooza Khan Bahader to the
said Testator and by the said Testator to the said Ghoolam Moortooza Khan
Bahader respectively and he had in the first part of the Schedule to that his
Report annexed setforth the particulars of the several Sums chargeable against
the said Ghoolam Moortooza Khan Bahader and with which he had charged
the said Ghoolam Moortooza Khan Bahader for payments made Goods sold
and delivered and in respect of Securities outstanding and unsatisfied —
executed by the said Ghoolam Moortooza Khan Bahader to the said Testator
amounting to the Sum of Rupees Three hundred and Fifty one thousand
Five hundred and eight Annas five and Pice Six And that he had in the
second part of the said Schedule setforth the particulars of the several Sums
chargeable against the said Testator and with which he had charged the said
Testator's Estate for payments made by the said Ghoolam Moortooza Khan
Bahader property belonging to the said Ghoolam Moortooza Khan —
remaining in the possession of the said Testator at the time of his death and
in respect of Securities outstanding and unsatisfied executed by the said
Testator to the said Ghoolam Moortooza Khan Bahader together with
Interest amounting to the Sum of Rupees Three hundred and Twenty
six thousand Five hundred and eight Anna One and pice One and
that he had in taking such Account calculated and allowed Interest
at and after the rate of nine per cent per annum up to the second day of
February then next being the rate at which the said Testator and Ghoolam
Moortooza Khan Bahader were in the habit of charging each other respectively

and he found that on the said second day of February One thousand eight hundred and
forty one there would be due by the said Ghoolam Moortooza Khan Bahader to the said
Testator for Principal and Interest the Sum of Rupees Twenty five thousand Annas
four and pice five and that he had taken an Account of all existing liabilities by
the Estate of the said Testator to the said Ghoolam Moortooza Khan Bahader and
he had in the first part of the Schedule No 2 to his said Report annexed setforth
how such liabilities have accrued and how and when the same are payable
respectively and what is at the present time so payable and that he had likewise
taken an Account of all existing liabilities by the said Ghoolam Moortooza Khan
to the Estate of the said Testator and he had in the second part of Schedule No 2
annexed to that his said Report setforth how such liabilities have accrued
and how and when the same are payable respectively and what is at the present
time so payable And whereas in pursuance of the said Decree bearing date the
thirteenth day of August One thousand eight hundred and thirty nine the said Master
made his General Report dated the thirtieth day of January One thousand eight
hundred and forty one and thereby (amongst other things) Reported that a State of
Facts and Charge had been left with him by the Solicitor for the said William Haylett
in respect of the Moneys so found by the Master to be due to the said William Haylett
by the said Report of the Twenty eighth day of January One thousand eight hundred
and Forty one and the said Master found that the said William Haylett was entitled
to receive out of the said Testator's Estate the Sum of Rupees Six thousand One
hundred and Forty three Annas two and pice ten being at the rate of Rupees Sixty
eight Annas five and pice eight per cent on the Sum which was due to him from
the Estate of the Testator on the Twenty fourth day of January One thousand eight
hundred and forty up to which date Interest had before been calculated on the
claims of the several Creditors bearing Interest and dividends on which had been
paid at the last mentioned rate and he found that after such last mentioned
payment the balance ought to be paid to the said William Haylett rateably
with the other Creditors of the said Testator and the said Master by his said Second
Report dated the Thirtieth day of January One thousand eight hundred and
forty one (amongst other things) further reported that he had continued the
Accounts of the Defendant Alexander Duncan Campbell by the First Decree
directed and he found that there was a balance of Rupees Twenty eight —
thousand One hundred and seventy nine Annas five and pice eleven and a half
in the hands of the said Defendant Alexander Duncan Campbell and he had in the
first part of the Schedule No 1 annexed to his said Report setforth the particulars
of the sums received by the said Defendant Alexander Duncan Campbell and in the
second part of the said Schedule No 1 the particulars of the Payments made by the

said

said Defendant Alexander Duncan Campbell commencing from the sixth day of March One thousand eight hundred and thirty nine and continued up to the Fourth day of the then instant Month of January and the said Master reported that on behalf of the said Defendant had been left with him a state of Facts supported by the Affidavit of the said Defendant Sworn before him on the Twenty sixth day of the then Month of January and the Books of the said Testator in respect of the property Mercantile balances and Debts mentioned in the Ninth Tenth and Eleventh Schedules to his Report dated the third day of August One thousand eight hundred and thirty nine and that he was of opinion and found that no Proceedings ought to be taken at the present time for the purpose of calling in or recovering payment of any part of the Property Mercantile balances and Debts mentioned in the said Ninth Tenth and Eleventh Schedules to his said last mentioned Report and the said Master found that there was due to the said several Creditors of the said Testator after such payments as have been made to them in pursuance of the said Decree of the thirteenth day of August One thousand eight hundred and thirty nine the sum of Rupees Two hundred and five thousand four hundred and seventeen Annas fifteen and pice four the particulars of which are setforth in the Schedule No 2 annexed to his said Report and the said Master found that there was due to several Creditors who are not included in his former Report and in respect of whose Debts he had received proof the several sums setforth in the Schedule No 3 annexed to his said Report which likewise contained the particulars of the claims of such Creditors and the said Master Reported that a State of Facts and Charge had been left with him on behalf of the said Defendant on the Twenty eighth day of the then instant Month of January stating that after the Death of the said Edward Samuel Moorat and on the Fourteenth day of December One thousand eight hundred and thirty nine a Bill was filed on the Equity Side of the Supreme Court of Judicature at Madras by Woodiagherry Lenjeedevankum Doctor Saumy Naick against the said Defendant as Executor of the said Edward Samuel Moorat and Carne Soobramanya Moodelly and Soorevarum Narasimaloo Naick and Canacamal as the Executor and Executrix of Purreteiputtee Kistnamah Naick deceased stating and charging as are therein stated and charged and praying that an Account might be taken by and under the directions and Decree of the said Supreme Court of the sum or sums of Money (if any) payable to the said Soobramanya Moodelly and to the said Narasimaloo Naick and Canacamall as such Executor and Executrix of the said Kistnamah Naick deceased as aforesaid

aforesaid for and on account of the advances made by them the said Soobramanya Moodelly and the said Kistnamah Naick in and about the repairing and improving of the upper Roomed House and Buildings at Ennore in the said Bill mentioned and of the sum and Sums of Money received by them for or on account of the said premises and that they the said Soobramanya Moodelly and the said Narasimaloo Naick and Canacamall might be Decreed to pay to the said Complainant such Balance if any as might appear due to the said Complainant in the premises the said Complainant thereby offering on his part to pay and satisfy such Balance if any as upon the taking of such Account might appear to be due by him and that the shares and Interest which were of the said Soobramanya Moodelly and Narasimaloo Naick and Canacamall and then of the said Alexander Duncan Campbell as Executor as aforesaid in the said Premises at Ennore might be decreed to stand as a Security for any sum so to be decreed to be paid to the said Complainant and that upon payment of such Balance the said Complainant and the said Soobramanya Moodelly and Narasimaloo Naick and Canacamall might be decreed to execute mutual Releases to each other of and concerning the Matters and things thereinbefore mentioned and relating to the said Property at Ennore and that the Estate of the said Edward Samuel Moorat might by the Decree of the said Court be declared to be liable to pay to the said Complainant the full value of the said Complainants Interest in the said Premises at the time when the same were taken possession of by the said Edward Samuel Moorat as in the said Bill mentioned and also to pay the full amount of whatever Balance might appear to be due to the said Complainant from the said Soobramanya Moodelly and Narasimaloo Naick and Canacamall and that it might be referred to the Master of the said Supreme Court to take an Account of the value of the said upper Roomed House and Buildings and Ground and of the Property secured in the Godowns and that the Amount of such value when ascertained might by the Decree of the said Court be decreed to be paid to the Complainant by the said Alexander Duncan Campbell from and out of the Estate of the said Edward Samuel Moorat in the hands of him the said Alexander Duncan Campbell to be administered and if the said Alexander Duncan Campbell should not admit assets of his Testator sufficient to pay whatever should be decreed to be paid or payable out of such assets that an Account might be taken of such Estate and assets of the said Edward Samuel Moorat or else that the Complainant might be decreed entitled to come in as a Creditor under any existing Creditors Suit under which such Account might have been decreed to be taken and that the said Premises at Ennore might be decreed to stand as a Security for the Payment of whatever should be decreed to be paid or payable out of such Assets and that the said Defendant Alexander Duncan Campbell and the other Defendants to the said Bill appeared and put in their Answers to the said Bill whereupon the said Bill was by the Order of

of the said Supreme Court amended whereby after stating and charging as are in the said Amended Bill stated and charged it is prayed that it might be decreed that the share assigned by the said Defendant Soobramanya Moodelly in the name of Vurdarajooloo Naick in the said Bill mentioned did form a part of the Estate of Kistnamah Naick also in the said Bill mentioned at the time of his death and if it is decreed that the share assigned in the name of Vurdarajooloo did not form part of the Estate of the said Kistnamah Naick then that similar Accounts (as thereinbefore prayed by the said Original Bill) might be taken against Parendavy Ummall so claiming as in the said Amended Bill mentioned and that she should be declared to pay whatever should be found due to the said Complainant on account of the Proportion of expence of such share and that the Answers to the said Amended Bill were duly filed and such subsequent proceedings were thereupon had so that the said Suit came on to be heard before the said Supreme Court on the Twenty ninth day of July last and on several subsequent days until the Twenty eighth day of September last when the said Court did declare that the share of the Property in the Pleadings mentioned assigned to Purreeteeputtoo Vurdarajooloo Naick deceased formed part of the Estate of Purreeteeputtoo Kistnamah Naick at the time of his death and on his Death became vested in the Defendant Canacamall his Executor and Executrix and the said Court did Order that the Plaintiffs Bill should stand dismissed out of the said Court against the Defendant Parendavy Ummall without Costs And it was further Ordered that it should be referred to the Master to take an Account of all sums of Money laid out by the Plaintiff and the said Carnee Soobramanya Moodelly and the said Purreeteeputtoo Kistnamah Naick or either of them with the concurrence of the others of them on the Premises in the Pleadings mentioned in improvements and of what if any thing remained due to the other or others of them on the balance of such Account and the said Court did declare that the Plaintiff had a lien on the said Premises whether in the hands of the Defendant Soorreeram Narasimaloo Naick and Canacamall as the Executor and Executrix of the said Purreeteeputtoo Kistnamah Naick or of the Defendant Carnee Soobramanya Moodelly or of the Defendant Alexander Duncan Campbell Esquire as the Executor of the said Edward Samuel Moorat Esquire for any Balance which might be found due to him from the Estate of the said Purreeteeputtoo Kistnamah Naick or from the Defendant Carnee Soobramanya Moodelly on the taking of the Account aforesaid and it was further Ordered that the Plaintiffs Bill should stand dismissed out of the said Court against the Defendant Alexander Duncan Campbell without Costs except as to so much as sought that the share of the said Premises in his hands might stand as a Security for any sum which might be decreed to be paid to the Plaintiff in respect of the Improvements made by him [illegible]

directed and discovery of the Matters aforesaid the Parties were to produce before the said Master upon Oath all Deeds Cadjans Books Papers and Writings in their custody or power relating thereto and were to be Examined upon Interrogatories as the said Master should direct who in taking the said Account was to make unto the Parties all just allowances and the said Court did reserve the consideration of all further directions and all other Costs of the said Suit until after the Master should have made his Report and any of the Parties were to be at liberty to apply to the said Court as occasion should require and that the Decree had not yet issued and that no Proceedings had been thereupon had and that the Defendant claimed to retain in his possession a sufficient sum to meet what might be ultimately Ordered to be paid to the said Complainant by the Defendant for his half share of the premises at Ennore and that the Defendant likewise claimed to retain in his possession a sum sufficient to meet such Costs as had been and might be incurred by the Defendant and to which the Testators Estate might ultimately be liable in and about the said Suit of the said Doctor Laurey Naick against the said Defendant and others and that a Bill on the Equity Side of the said Supreme Court was on the thirtieth day of October last filed against the Defendant as Executor of the late Edward Samuel Moorat by Parungeepettah Appavoo Modelly Parungeepettah Moodookistna Moodelly Parungeepettah Seevarajah Moodelly and Parungeepettah Seevanandum Moodelly stating and charging as were therein stated and charged and praying that the Assignment made by Seeva Chedumbarum might be declared null and void and in no ways binding on the said Complainants and for an Account of all and every the sums of money and of the stock received by the Defendant under the award in the said Bill mentioned made by the Tanjore Commissioners in the said Bill mentioned in favor of the said Edward Samuel Moorat as Assignee of Seeva Chedumbarum Modelly Assignee of Singaree Seenevasa Moodelly and of the value thereof and of all Interest received by the said Defendant thereon and that the said Testator and the said Defendant as his Executor might be declared to be a Trustee or Trustees for the above named Complainants in respect of such sum and sums of Money Stock and Interest and that the Defendant might be directed to pay over the same to the said Complainants and that the said Defendant put in his Answer to the said Bill on the Fourth day of January then instant and no further Proceedings had been had in the said Suit and that an Award No 84 and which is the same as in the said Bill mentioned had arrived from the Tanjore Commissioners in England in favor of the Defendant for Star Pagodas Six thousand Six hundred and five Fanams four and Cash thirty nine and he had received from the Accountant General in consequence thereof a Bond for the Tanjore Debt No 251 of 1839/40 for Twenty three thousand One hundred and Seventeen Rupees thirteen Annas and Seven pice and on Account of Interest the Sum of Fifteen thousand two hundred and fifty seven Rupees twelve Annas and five pice which had been credited by him in his Account with the Testators Estate under date the Fifteenth day of November One thousand eight hundred and thirty nine and that the Defendant claimed to retain the said Bond of the Tanjore Debt No 251 of 1839/40 for Twenty three thousand One hundred and Seventeen Rupees Thirteen

Thirteen Annas and seven pice and the said Sum of Fifteen thousand two hundred and fifty seven Rupees twelve Annas and five pice and the Interest thereon — respectively until the said Suit should be terminated or until the Decree or Order of the said Supreme Court should be made in respect to the said Award and the Defendant likewise claimed to retain a sufficient sum to meet the Costs of the said last mentioned Suit and that the Defendant had paid to his Solicitors Messieurs Rowlandson and Rose on the Twenty third day of January then instant the Sum of Five thousand Company's Rupees as an advance on account of the Costs incurred by them in the said Creditors Suit of Mootee Ram and another against the said Defendant which Sum the said Defendant claimed to retain in his possession And this Cause coming on this present day to be heard for further Directions on the said Report of the Thirtieth day of January One thousand eight hundred and forty one made in pursuance of the said Decree bearing date the said thirteenth day of August One thousand eight hundred and thirty nine and on the said Report of the Twenty eighth day of January One thousand eight hundred and forty one made in pursuance of the said Order bearing date the said Fifteenth day of November One thousand eight hundred and thirty nine and also on the said Report of the Twenty eighth day of January One thousand eight hundred and forty one made in pursuance of the said Order bearing date the said Twenty ninth day of November One thousand eight hundred and thirty nine and the subsequent Costs of this Suit reserved by the said Decree bearing date the said thirteenth day of August One thousand eight hundred and thirty nine before the Honorable the Judges of this Court in the presence of Counsel for the said Plaintiffs and Defendant and for the said William Haylett and Ghoolam Moortooza Khan Bahader Thereupon and upon hearing read the said Decree bearing date the said third day of February One thousand eight hundred and thirty eight and the said Report made in pursuance thereof dated the said third day of August One thousand eight hundred and thirty nine And also the said Decree bearing date the said thirteenth day of August One thousand eight hundred and thirty nine and the said Report made in pursuance thereof dated the said thirtieth day of January One thousand eight hundred and forty one and the Order of this Court bearing date the Tenth day of February instant whereby the said Report of the said thirtieth day of January One thousand eight hundred and forty one and all the Matters and things therein contained became absolutely confirmed. And upon reading also the said Order of this Court made in this Cause on the application of the said William Haylett and bearing date the said Fifteenth day of November One thousand eight hundred and thirty nine and the said Report made in pursuance thereof dated the said Twenty eighth day of January One thousand eight hundred and forty one and the Order of this Court bearing date the Twenty ninth day of January One thousand eight hundred and forty one whereby the said last mentioned Report and all the Matters and things therein contained became absolutely

absolutely confirmed. And upon reading also the said Order of this Court made in this Cause on the part of the said Ghoolam Moortooza Khan Bahader and bearing date the said Twenty ninth day of November One thousand eight hundred and thirty nine And the said Report made in pursuance thereof dated the said Twenty eighth day of January One thousand eight hundred and forty one and the Order of this Court bearing date the Twenty ninth day of January One thousand eight hundred and forty one whereby the said last mentioned Report and all the Matters and things therein contained became absolutely confirmed And upon reading also the Separate Report of the Master made in this Cause bearing date the third day of February One thousand eight hundred and forty And the Order of this Court dated Seventeenth February One thousand eight hundred and forty and also upon reading the Certificate of the Accountant General of this Court in the words and figures following that is to say-

"Supreme Court "Equity Side

"№ 20

"Mootteeram Soonul Ram and Dary Chund Lallah "vs Alexander Duncan Campbell Esq^re the Executor "of the Last Will and Testament of Edward Samuel "Monat Esq^re late of Madras Deceased

"I hereby Certify that according to the Books of the Supreme Court "the funds standing to the Credit of this Cause are as follows Viz^t

"In Six Promissory Notes of the 5 p Ct Loan of 18th August 1825 amounting to S^a Rs 23,300- -- -	
"In Eight Ditto of the 5 1/2 Cent Loan of 15th January 1830 amounting to	54,000- -- -
"In two Ditto of the 4 p Ct Loan of 1st May 1832 amounting to	1,800- - --
	"S^a Rs 79,100- -- --
	"C^a Rs 84,241- 8- -
"In Five Ditto of the 4 p Cent Loan of 31st March 1836 amounting to	10,500- - --
"In Four Ditto of the 4 p Cent Loan of Tanjore Debt	35,117- 13- 7
	1,29,359- 5- 7
	1,424- 8- 10
"In Cash	1,31,283- 14- 5
	594- 1- 11
"Interest due on the above Govt Securities S^a Rs 567- 4- 0	"Company's Rupees 1,31,888- -- 4 14

"Fort St George Accts Genl^s Office
"8th February 1841
"J. Crawford
"Acct Gen^l Supreme Court

"This Certificate is granted as p^r application
"from M^r J. T. Crampton Comp^ts Solicitor dated
"3^d February 1841.

"Ex^d P. Appasamy

This Court doth Order that it be referred to the Master to tax the Costs of the Plaintiffs and Defendant of this Suit since the last taxation thereof as between Solicitor and Client and that the amount thereof be certified at the foot of this Order under the hand of one of the Judges of this Court and

And it is Ordered that the Sub Treasurer of Fort Saint George with the privity of the Accountant General do sell and convert into Cash the whole of the Promissory Notes or Securities in his Certificate mentioned with the exception of the Promissory Note of the Tanjore Debt Number 251 of 1839/40 for Company's Rupees Twenty three thousand One hundred and Seventeen Annas thirteen and Pice Seven (23,117-13-7) forming part of the four Notes of the four per cent Loan of the Tanjore Debt for Company's Rupees Thirty five thousand One hundred and Seventeen Annas thirteen and pice Seven (35,117-13-7) in the Accountant General's Certificate mentioned and that he do from the proceeds of such Sale and from the Interest which shall have been drawn on the said Promissory Notes previously to the said Sale pay the Amount of the Plaintiff's Costs to be so Certified at the foot of this Order to Mr. Joshua Thomas Crampton their Solicitor and the Defendant's Costs to be so Certified to Mr. Henry Morgan Rowlandson his Solicitor And it is Ordered that out of the residue of the proceeds of such sale and the said interest the Sub Treasurer with the like privity of the Accountant General do invest the Sum of Rupees Fifteen Thousand Two hundred and Fifty seven Annas twelve and Pice five (15,257-12-5) or so much thereof as he can in one or more Government Promissory Notes and carry such Notes and any Cash which may remain over of the said Sum of Rupees Fifteen thousand Two hundred and Fifty seven Annas twelve and pice five (15257-12-5) after such Investment and also the said Promissory Note of the Tanjore Debt Number 251 of 1839/40 for Company's Rupees Twenty three thousand One hundred and Seventeen Annas thirteen and pice Seven (23117-13-7) to the Credit of this Cause subject to the further Order of this Court And it is further Ordered that the Sub Treasurer with the like privity of the Accountant General do also out of the residue of the proceeds of such Sale and Interest pay to William Haylett Esquire the Sum of Rupees Six thousand One hundred and Forty three Annas two and pice ten (6,143-2-10) being a dividend at the rate of Rupees Sixty eight Annas five and pice eight (68-5-8) per cent on the Debt due to him from the Testators Estate on the Twenty fourth January One thousand Eight hundred and Forty being the date at which the Creditors embodied in the Master's Separate Report of the third day of February One thousand Eight hundred and Forty have already received a dividend on their respective [illegible]

Account by the [illegible]

Master to calculate dividends at the rate of Rupees Sixty eight Annas five and pice eight (68-5-8) per Cent on the several Debts due to the Creditors in the Third Schedule to his Report of the Thirtieth January One thousand Eight hundred and Forty one mentioned but on such of the said Debts as carry Interest such dividend is to be calculated on the Principal and Interest only made up to the Twenty fourth January One thousand Eight hundred and Forty And it is Ordered that it be referred to the Master to calculate subsequent Interest on such of the Debts in the Second Schedule to his Report of the Thirtieth day of January One thousand Eight hundred and Forty one specified as carry Interest and also on so much of such of the Debts in the Third Schedule to his last mentioned Report mentioned carrying Interest as will remain after paying a dividend thereon of Rupees Sixty eight Annas five and pice eight (68-5-8) and also on so much of the Debt of the said William Haylett as will remain after the payment to him hereinbefore directed and report how much will remain due to the Creditors on the several Debts mentioned in the Second Schedule to the Master's said Report of the thirtieth day of January One thousand Eight hundred and Forty one and on the several Debts mentioned in the Third Schedule thereto (after payment of the said dividend of Rupees Sixty eight Annas five and pice eight (68-5-8) per cent thereon) and to the said William Haylett And it is Ordered that of the Cash which will be standing to the Credit of this Cause after such Sale payment Investment and carrying over by the Sub Treasurer as are hereinbefore directed the Master do calculate and Report how much will be necessary to satisfy the dividends hereinbefore directed to be calculated on the Debts due to the Creditors in the said Third Schedule to the Master's said Report of the thirtieth January One thousand Eight hundred and Forty one mentioned And it is Ordered that the Master do apportion the residue of such Cash exclusive of so much as will be necessary to satisfy the said dividends amongst the Creditors mentioned in the Second and Third Schedules to his last mentioned Report and the said William Haylett according to the Amounts to be respectively reported due to them in pursuance of the directions hereinbefore contained And it is Ordered that the Master do add the dividend of Rupees Sixty eight Annas five and Pice eight (68-5-8) per cent which he shall find due to the said several Creditors mentioned in the third Schedule to his said Report to what he shall find due to them on the Apportionment hereinbefore directed And it is Ordered that the Master do make a Separate Report as to the directions hereinbefore contained And it is Ordered that the Master do continue

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the Accounts of the Defendant Alexander Duncan Campbell by the Decree of the third day of February One thousand Eight hundred and Thirty eight and the Order of the thirteenth August One thousand Eight hundred and Thirty nine directed And it is Ordered that the Master do enquire and ascertain whether the Defendant Alexander Duncan Campbell should sell and convert into Money all or any and which of the Jewels and other things in the Seventh and Eighth — Schedules to his Report bearing date the third day of August One thousand Eight hundred and Thirty nine specified other than those which have been claimed and allowed by the Master in pursuance of the Order on further directions in this Cause bearing date the thirteenth day of August One thousand Eight hundred and Thirty nine And it is Ordered that the Master do ascertain what will be a sufficient sum for the — Defendant to retain to meet the Costs to be further incurred in this Suit and the Costs in the several Suits of Woodiagherry Sengeedeevaukeum Doctor Saumy Naick against the Defendant and of Paringapettah Appavoo Moodelly and others against the Defendant in the Master's Report of the thirtieth — January One thousand Eight hundred and Forty one mentioned And it is Ordered that the Defendant be at liberty to retain what the Master shall Certify to be sufficient to be retained for the purposes aforesaid and also the sum of Rupees Five thousand (5000-0-0) appearing by the Master's last mentioned Report to have been paid by the Defendant to his Solicitors on account of Costs in this Cause from and out of the sum of Rupees Twenty eight thousand One hundred and Seventy nine Annas five and Pice eleven and a half (28179-5-11½) by such Report appearing to be due from the Defendant on the balance of his receipts and payments on account of the Testator's Estate or from any other Money which may come to his hands on account thereof And this Court doth refer it to the Master to ascertain and Report in what manner Gholam Moortooza Khan — Bahander should pay the sum of Company's Rupees Twenty five thousand Annas four and pice five (25000-4-5) by the Master's several Reports of the Twenty eighth day of January One thousand Eight hundred and Forty one and Thirtieth day of January One thousand Eight hundred and Forty one found to be due from him to the Testator's Estate and also any further sum which may be found due by the said Gholam Moortooza Khan Bahander to the Testator's Estate on the taking of the Account hereinafter directed And it is Ordered that it be referred to the Master to continue the

Account

Account by the Order of this Court of the Twenty ninth day of November One thousand Eight hundred and Thirty nine directed of all existing liabilities of the Estate of the said Testator to the said Gholam Moortooza Khan Bahander and of the said Gholam Moortooza Khan Bahander to the Estate of the said Testator from the foot of his Report of the Twenty eighth day of January One thousand Eight hundred and Forty one And it is Ordered that the Master do Report whether the Defendant — Alexander Duncan Campbell has sold the immoveable property mentioned in the Fifth Schedule and the personal property mentioned in the Twelfth Schedule to the Master's Report of the Third day of August One thousand Eight hundred and Thirty nine in pursuance of the directions contained in the Order of this Court of the Thirteenth day of August One thousand Eight hundred and Thirty nine And the Master is to be at liberty to make a Separate Report as to any of the Matters aforesaid And this Court doth reserve the consideration of all further directions and the subsequent Costs of this suit until after the Master shall have made his Report and any of the parties or persons interested are to be at liberty to apply to the Court as occasion shall require.

By the Court

H. B. Ainsworth
Registrar

J. Brampton
Complts Sole

Pr Saunders & Place
Defts Sole

Williams Sol: for Defendant

Mr Adams Sol: for D. Mr Shaw

The Amount of the Taxed Costs to be paid in pursuance of this Decree to Mr Joshua Thomas Crampton Solicitor for the Plaintiffs is Rupees Seventeen thousand seven hundred and Seventeen and Fanams three (17717-3 fs) and to Mr Henry Morgan Rowlandson Solicitor for the Defendant is Rupees Nineteen thousand and Twenty six and Fanams three (19,026-3 fs) as appears by the two several Certificates of the Master of this Court Dated respectively the 14th day of May 1841.

R. Comyn.

Moothee Ram Sooral Ram
by
Complts
Produced in support of the
Defts Sole Apt. Referred to
inter Examinator of Mr
Dated this 29 June 1841

J. Morrison

C. In re Aly den Hoossain Khan Bahadoor. Produced on behalf of the E. I. Co in the Insolvent Court this 9th December 1853 [illegible] O.C.
109 of 44.

In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1845.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

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

Monday the Fifth day of April One thousand Eight hundred and Forty One and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between. Hyder Hoossain Khan Bahaudor . . . . . Plaintiff -

and

The East India Company . . . . . Defendants
By Original Bill.

A Comyn
E. J. Gambier

And Between - The East India Company . . . . . Plaintiffs

and

Hyder Hoossain Khan Bahaudor . . . . . Defendant
By Cross Bill.

These Causes coming on the Twenty Sixth and Twenty Seventh days of March last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides Upon opening the Bill of Complaint of the Plaintiff in the Original Cause And the Answer of the Defendants thereto And also the Bill of Complaint of the Plaintiffs in the Cross Cause And the Answer and further Answer of the Defendant thereto And upon hearing read the Evidence for the said Plaintiff in the Original and the Defendant in the Cross Cause the Several Passages in the Answer of the Defendants in the Original Cause as follows that is to say from the words "And these Defendants" in folio 6 to the words "said Ashery Said" at the beginning of folio 7 from the words "And these Defendants further" in folio 9 to the words "are unable to Answer" in folio 10 from the words "And these Defendants further" in folio 15 to the words "in that behalf mentioned" in the same folio from the words "And these Defendants admit" in folio 22 to the words "said Ashery Said" in the same folio from the words "And these Defendants further Answering" in folio 24 to the words "resume possession" in folio 25 from the words "And these Defendants" in folio 25 to the words "possession of the same" in the same folio from the words "And these Defendants" in folio 26 to the words "enforce the worth" in folio 27 from the words "And these Defendants" in folio 27 to the words "One thousand Eight hundred and Sixteen" in folio 28 from the words "And these Defendants" in folio 28 to the words "payment of the said Defendant" in folio 29 from the words "And these Defendants" in folio 29 to the words "Acknowledgment and Will" in the same folio from the words

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C. In re Hy der Hoossain Khan Bahadoor. Produced on behalf of the E. I. Co in the Insolvent Court this 9th December 1853 [illegible] C.C.
109 of 44.

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In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1845.

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Monday the Fifth day of April One thousand Eight hundred and Forty One and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Hyder Hoossain Khan Bahauder ..... Plaintiff

and

The East India Company ..... Defendants

By Original Bill.

Comyn

E. J. Gambier

And Between The East India Company ..... Plaintiffs

and

Hyder Hoossain Khan Bahauder ..... Defendant

By Cross Bill.

These Causes coming on the Twenty Sixth and Twenty Seventh days of March last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both Sides Upon opening the Bill of Complaint of the Plaintiff in the Original Cause And the Answer of the Defendants thereto And also the Bill of Complaint of the Plaintiffs in the Cross Cause And the Answer and further Answer of the Defendant thereto And upon hearing read as Evidence for the said Plaintiff in the Original and the Defendant in the Cross Cause the Several Passages in the Answer of the Defendants in the Original Cause as follows that is to say from the words "And these Defendants" in folio 6 to the words "said Nekery Sale" at the beginning of folio 7 from the words "And these Defendants further" in folio 9 to the words "are unable to Answer" in folio 10 from the words "And these Defendants further" in folio 11 to the words "in that behalf mentioned" in the same folio from the words "And these Defendants admit" in folio 12 to the words "said Nekery Sale" in the same folio from the words "And these Defendants further Answering" in folio 14 to the words "resume possession" in folio 15 from the words "And these Defendants" in folio 15 to the words "possession of the same" in the same folio from the words "And these Defendants" in folio 21 to the words "enforce the writ" in folio 22 from the words "And these Defendants" in folio 22 to the words "One thousand Eight hundred and Sixteen" in folio 23 from the words "And these Defendants" in folio 25 to the words "process of the said Court" in folio 26 from the words "And these Defendants" in folio 27 to the words "Acknowledgment and Bill" in the same folio from the words

words "and their Defendants" in folio 29 to the words "Harry Verelst as aforesaid" at the beginning of folio 30. And upon hearing read as Evidence for the said Plaintiff in the Original and the Defendant in the Cross Cause The Deposition of Mookoonda Roy to the Second Interrogatory in Chief filed on behalf of the said Plaintiff in the said Original Cause. The Deposition of Mahammed Ruzzah Khan to the Second Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of George Clark Smellie to the First Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Saib Roy to the Third Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Shaick Buddeerdeen to the Third Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Kishin Dilloy to the First Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Sarah Andrew Huddleston Esquire to the Fifth and Tenth Interrogatories in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Sethen Knick to the Eighth Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. The Deposition of Veeraswamy Moodelly to the Ninth Interrogatory in Chief and from the beginning of the Last Interrogatory in Chief to the words "per hundred by the said Appavoo Moodelly" filed on behalf of the said Plaintiff in the same Cause. The Deposition of Appavoo Moodelly to the Ninth Interrogatory in Chief filed on behalf of the said Plaintiff in the same Cause. And upon hearing read also as Evidence for the said Plaintiff in the said Original Cause the Schedule **B** to the Answer of the said Defendants in the said Original Cause And the Exhibits **A A** N°1 and **A** N°2. And the Exhibits **A** N°3 **A** N°4 **A** N°5 and **A** N°6 in Book **D** also the Exhibits **A** N°7 and **B** in the same Cause. And the Counsel for the Defendants in the Original and the Plaintiffs in the Cross Cause Admitting at the Bar that the Exhibits **L M N** and **O** in the Original Cause dated respectively the Sixteenth day of July One thousand Eight hundred and Thirty Six were signed by the then Acting Collector of Madras and bear the Seal of the Collectors Office. And upon hearing read also as Evidence for the said Plaintiff in the said Original and the Defendant in the Cross Cause the said Exhibits **L M N** and **O** in the Original Cause. And upon hearing read also as Evidence for the said Plaintiff in the said Original Cause and Defendant in the Cross Cause The Deposition of Rajah Gopaul Dilloy to the Fifth Interrogatory in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. And upon hearing read in Explanation for the Defendants in the Original and the Plaintiffs in the said Cross Cause parts of the Answer of the Defendants in the Original Cause as follows that is to say from the words "And these Defendants" in folio 3 to the words "has now professions" in folio 4 and from the words "And these Defendants" at the end of folio 15 to the words "professions of the said Second" in folio 12. And upon hearing read as Evidence for the Defendants in the said Original Cause and the Plaintiffs in the said Cross Cause the Deposition of Sarah Andrew Huddleston Esquire to the First and Second Cross Interrogatories filed on behalf of the said Defendants in the said Original Cause. And the Deposition of Sethen Knick to the Fourth Fifth Sixth Seventh and Eighth Cross Interrogatories filed on behalf of the said Defendants in the said Original Cause. And upon hearing read as Evidence for the said Plaintiffs in the said Cross Cause and the Defendants in the Original Cause the Several Passages in the Answer of the said Defendant in the Cross Cause as follows that is to say from the words "he says that" in folio 9 to the words "last for a fragment" at the beginning of folio 10 from the words "and this Defendant" in folio 15 to the word "Complainants" at the end of folio 16 from the words "And this Defendant further answering" in folio 17 to the words "three and a hundred

hundred and Thirty Six" at the beginning of folio 18 from the words "And this Defendant further" in folio 35 to the words "by virtue thereof" at the end of the same folio from the words "And this Defendant further" in folio 43 to the words "Honorable Court" at the end of the same folio. And upon hearing read as Evidence for the said Plaintiffs in the Cross Cause and the Defendants in the Original Cause from the beginning of the further Answer of the Defendant in the Cross Cause to the words "Mylaporeer near Madras" in folio 3 of the same Answer. And also the Deposition of Vencatarawn Dillay to the First Second Third Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Godaram Kishanath Knick to the First Second and Third Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Rajah Gopaul Dillay to the First Second Third and Fourth Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Purdapah Chitty to the First Second and Seventh Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Mr Anthony Frances Debybra to the First and Fifteenth Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Lutchman Roy to the First Second Sixth Eighth and Ninth Interrogatories in Chief and from the beginning of the Deposition to the Tenth Interrogatory in Chief to the words "answer endorsed thereon" in folio 20 and from the words "Says that" in folio 21 of the Deposition to the same Interrogatory to the end thereof and also the Deposition to the Eleventh Interrogatory in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. The Deposition of Ramjee to the First and Twelfth Interrogatories in Chief filed on behalf of the said Plaintiffs in the said Cross Cause. And upon hearing read also as Evidence for the said Plaintiffs in the said Cross Cause the Exhibit **C** 1. in Book **C** and the Exhibit **B**. And upon reading the Order of this Court made in these Causes and bearing date the Twentieth day of March One thousand Eight hundred and Forty One. **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 Order** that the Plaintiffs Bill in the Original Cause do stand dismissed out of this Court with Costs to be taxed by the Master And in the Cross Cause **This Court doth declare** that the Plaintiffs are the owners and Proprietors of the Piece or Parcel of Ground in the Cross Bill mentioned and that the Four Grants thereof respectively bearing date the Sixteenth day of July One thousand Eight hundred and Thirty Six in the Cross Bill also mentioned were obtained from Sarah A. Huddleston Esquire by misrepresentation and fraud. And **this Court doth Order** that the Defendant Hyder Hosseain Khan Bahaudder do deliver to the Plaintiffs the East India Company the said Four Grants to be Cancelled. And also the possession of the said Piece or Parcel of Land or Ground and Premises thereon compriced. And **it is further Ordered** that it be referred to the Master to take an Account of the Rents and Profits of the said Land and Premises come to the hands of the said Hyder Hosseain Khan Bahaudder or of any other Person or Persons by his order or for his use or which he without his wilful default might have received since the said Sixteenth day of July One thousand Eight hundred and Thirty Six And for the better taking of the said Account and discovery of the Matters aforesaid the Parties are to produce before the Master upon Oath all Deeds Books Cadjans Papers and Writings in their Custody or Power relating thereto and are to be examined upon Interrogatories the Master shall direct touching the said Account is to make unto the Parties all just allowances **And it is Ordered** that the said Hyder Hosseain Khan Bahaudder do pay to the East India Company what upon the taking of the said Account shall be found due from him **And it is further Ordered** that the said Hyder Hosseain Khan Bahaudder do pay to the said East India Company their Costs of the Suit Cause to be taxed by the Master And either of the Parties are to be at liberty to apply to this Court as occasion shall require.

By the Court

H. B. Bree
Sol. for the East India Company

H. B. Awdry
Regr

1079 of 41.

In the Supreme Court of Judicature at Madras

Equity Side — Second Term 1841

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Wednesday the Seventh day of April One thousand Eight hundred and Fortyone And in the Fourth year of the Reign of Her Majesty Queen Victoria

Between Paukum Narrainsawmy Moodelly ..... Plaintiff

and

Connore Arnachella Moodelly ..... Defendant

Vernon
Edw. J. Gambier

This Cause coming on the Thirty first day of March and the Second day of April One thousand Eight hundred and Thirty four to be heard and debated before the Honorable the Judges of this Court in the presence of Counsel learned on both sides upon opening and debate of the Matter and hearing the proofs therein taken read and what was alleged by the Counsel on both sides Their Lordships made their Decree bearing date the said Second day of April One thousand Eight hundred and Thirty four and thereby Ordered as is therein mentioned. And in pursuance of the said Decree the Master of this Court made his Separate Report bearing date the Ninth day of December One thousand Eight hundred and Thirty four and his General Report dated the Twenty fourth day of September One thousand Eight hundred and Thirty six and thereby reported as is therein respectively Reported. And this Cause coming on the First day of October One thousand Eight hundred and Thirty six to be heard for further directions on the said Report of the Twenty fourth day of September One thousand Eight hundred and Thirty six and the Costs reserved by the said Decree of the said Second day of April One thousand Eight hundred and Thirty four before this Court in the presence of Counsel learned on both sides this Court made a Decree bearing date the said First day of October One thousand Eight hundred and Thirty six and thereby Ordered and Decreed that the Defendant

should

should continue until the further Order of this Court to Collect and get in the outstanding Effects and Debts belonging to the said Testator's Estate and for that purpose it was Ordered that the Master should deliver to the said Defendant all the several Bonds Notes and other Securities given for the Payment of the Debts not recovered by the said Plaintiff and Defendant jointly or by the said Defendant alone as in the said Report of the said Twenty fourth day of September One thousand Eight hundred and Thirty six mentioned and the Title Deeds relating to the immoveable Property Mortgaged and that the Sub Treasurer of Fort Saint George with the privity of the Accountant General should permit the said Master to Unseal and the said Plaintiff and Defendant to Unlock the Chest mentioned in the said Report and which was deposited in the said Treasury in pursuance of the said Decree of the Second day of April One thousand Eight hundred and Thirty four and that the Jewels deposited with the Testator as Security for payment of Debts then unrecovered and unreceived and placed in the said Chest should be taken out of the said Chest by the said Master and delivered to the said Defendant And it was further Ordered that the said Defendant should from time to time until the further Order of this Court pay into the Treasury with the privity of the said Accountant General to be placed to the Credit of this Cause "The Account of the Testator's Estate" all such Sum and Sums of Money as he should or might recover and receive in pursuance of the directions aforesaid And that the said Sub-Treasurer with the like privity of the said Accountant General should from time to time until the further Order of this Court invest all such Sum and Sums of Money when so paid into the Treasury and carry the Security and Securities in which the same should be invested to the like Account And it was thereby further Ordered that the said Defendant should continue until the further Order of this Court and for the purposes in the said Decree in that behalf directed to Collect and receive the Rents Profits and produce of the Bazars and other Property except the Bazars and Boliques thereinafter mentioned And that for the better enabling the said Defendant to Collect get in and receive the said outstanding Effects and Debts and the said Rents Issues and produce he was to continue to be at Liberty to use the name of the said Plaintiff who was thereby directed to Continue to join in all necessary Acts being first indemnified as in the said Decree of the Second day of April One thousand Eight hundred and Thirty four directed And it was further Ordered that

that the said Sub Treasurer with the privity of the said Accountant General should carry to the Credit of this Cause to an Account to be entitled "The Legacy to the Mootah and Charity in the fifth Paragraph of the said Testator's Will mentioned" the Six per Cent Madras Government Promissory Note No 59 dated first February One thousand Eight hundred and Eleven for Madras Rupees Seven thousand in the Report mentioned and described in the said Accountant General's Certificate as a Six per cent Madras Government Charity Promissory Note for that Amount And that the said Sub Treasurer with the like privity of the said Accountant General should from time to time until the further Order of this Court pay to the said Defendant to be by him applied for the purposes in the said Fifth Paragraph of the said Testator's Will in that behalf contained the Interest then due and thereafter to accrue due thereon And it was thereby further Ordered that the said Defendant should until the further Order of this Court continue to receive and apply the rents and profits of the Bazars and Boliques in the Eighth Paragraph of the said Testator's Will mentioned and that he should apply the same for the purposes in the same Paragraph in that behalf contained And it was thereby further Ordered that the said Master should deliver the said Defendant the Title Deeds of the Dwelling Upstair house in Iyah Moodelliar's Street and the Godown House in the same Street described in the Sixth Schedule to the Master's Report as "an Upstair House and Thackery Godown House in all Two Houses situate in Iyah Moodelly's Street in Chintadrepett" the same having been specifically bequeathed to the said Defendant And it appearing that the said Singara Valoo had attained his Age of Sixteen Years and that he had separated himself and gone away from the family House It was further Ordered that the said Defendant should deliver over to the said Singara Valoo possession of the House and Stable in the Garden in Sawmy Naicks Street described in the Sixth Schedule to the Master's Report as a large terraced House and Stables situated within a Garden Situate in Sawmy Naicks Street And that the said Master should deliver to the said Singara Valoo the Title Deeds thereof And it was thereby further Ordered that Pungavance Ummall should retain possession during her life of the House where Andeapah was living Situate in Sawmy Naicks Street described in Schedule Six as a House situated in Sawmy Naicks Street being the first mentioned by that description in the said Schedule and that the Master should detain the Title Deeds thereof during the term of her natural life or until the further Order of this Court And it was further Ordered that the said Defendant should from and out of any Sum come or thereafter to come to his hands pay to Yellamall in the said Report mentioned the Sum of Rupees Two hundred and Sixty nine Anna One and pice four together with further Interest on the principal to the day of payment and if the parties should differ about the Amount It was thereby referred to the said Master to Calculate subsequent Interest on the principal Sum And it was further Ordered that the said Defendant should out of any

Moneys

Moneys come or thereafter to come to his hands pay to Cannoo Chitty or if dead to his Legal representatives the Sum of Rupees One thousand and Sixty two Annas fifteen and pice four and to Sawmy Naick the Sum of Rupees Forty three and pice eleven And it appearing that since the said Report of the Master in Pungavanee Ummall's Claim for Maintenance bearing date the Ninth day of December One thousand Eight hundred and Thirty four the said Defendant had paid and satisfied her in respect to her said Claim at the rate of Rupees Seventy per Month as reported by the said Master It was further Ordered that the said Defendant should Continue to pay to the said Pungavanee Ummall the Sum of Rupees Seventy Monthly and every Month until the further Order of this Court And it was thereby further Ordered that the said Sub Treasurer with the privity of the said Accountant General should carry to the Credit of this Cause to an Account to be entitled "The Legacy to Valathamäll and the Child of her body Rutna Moodelly" in one or more of the Government — Promissory Notes of the four per cent Loan of First May One thousand Eight hundred and Thirty two in the said Accountant General's Certificate mentioned the Sum of Sicca Rupees Seven thousand and should receive the interest due thereon and carry the same together with Interest on the said last mentioned Legacy from the Twenty fourth day of October One thousand Eight hundred and Thirty three to the Twenty fourth day of September One thousand Eight hundred and Thirty six Amounting to a Sum of Rupees Seven hundred and Eighty eight Annas six and pice six (which Sum was to be taken from and out of the Funds in the said Accountant General's Certificate mentioned) to the like Account all such Interest there to remain subject to the further Order of this Court and in the mean time until such further Order that the said Sub Treasurer with the like privity of the said Accountant General should invest the same and receive and invest for the purpose of Accumulation all interest as the same should accrue due on all Securities which should then and at any time thereafter be standing to the Credit of the last mentioned Account And it was thereby further Ordered that the said Sub Treasurer with the like privity of the said Accountant General should carry to the Credit of this Cause to an Account to be entitled "The Legacy to Davanee Ummall and the Children of her body" in one or more of the Government Promissory Notes of the four per cent Loan of First May One thousand Eight — hundred and Thirty two in the said Accountant General's Certificate mentioned the Sum of Sicca Rupees Seven thousand and should receive the

the Interest then due and thereafter to grow due thereon and carry the same to the Credit of this Cause to an Account to be entitled "The separate Account of Davanee Ummall" during her life or until the further Order of this Court And that the said Sub Treasurer with the like privity of the said Accountant General should carry from and out of the Funds in the said Certificate of the Accountant General mentioned the Sum of Rupees One thousand Two hundred and Twelve Annas six and pice six being the Amount of the Interest due on the last mentioned Legacy to the Twenty fourth day of September One thousand Eight hundred and Thirty six to the Credit of the last mentioned Account "The separate Account of Davanee Ummall" and should invest the same together with the Interest thereinbefore directed to be Carried to the same Account and should receive and invest for the purpose of — Accumulation for the benefit of the said Davanee Ummall during her Minority or until the further Order of this Court all the Interest as the same should accrue due on all the Securities which should at any time thereafter be standing to the Credit of the said last mentioned Account "The Separate Account of Davanee Ummall" And it was thereby further Ordered that the said Sub Treasurer with the like privity of the said Accountant General should from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" and in the said Certificate of the Accountant General mentioned raise and pay to the said Plaintiff the Sum of Rupees Two thousand in the Sixteenth Paragraph of the said Testator's Will mentioned And it was further Ordered that it should be referred to the said Master to enquire and report whether the Interest of the said Government Promissory Note for Madras Rupees Seven thousand bequeathed for the Mootah and Charity in the Fifth Paragraph of the said Testator's Will mentioned together with the Rents Profits and Produce of the said Mootah were sufficient for the purpose or otherwise and if they should prove to be deficient the said Master was to enquire and state to the Court the Annual Amount of such deficiency and the probable Annual Amount thereof And what part of the said Testator's Personal Estate ought to be set apart and appropriated to — Answer such probable Amount of deficiency And the said Master was to enquire and state to the Court whether there were any and what Title Deeds belonging to the said Mootah and where the same then were. And it was further — Ordered that it should be referred to the said Master to enquire and Report how much and what part of the Government Security № 589 dated First May One thousand Eight hundred and Thirty two for Sicca Rupees Three thousand and Nine hundred in the said Master's Report and Accountant General's Certificate

mentioned

Moneys come or thereafter to come to his hands pay to Caumoo Chitty or if dead to his Legal representatives the Sum of Rupees One thousand and Sixty two Annas fifteen and pice four and to Saumy Naick the Sum of Rupees Forty three and pice eleven And it appearing that since the said Report of the Master in Pungavanee Ummall's Claim for Maintenance bearing date the Ninth day of December One thousand Eight hundred and Thirty four the said Defendant had paid and satisfied her in respect to her said Claim at the rate of Rupees Seventy per Month as reported by the said Master It was further Ordered that the said Defendant should Continue to pay to the said Pungavanee Ummall the Sum of Rupees Seventy Monthly and every Month until the further Order of this Court And it was thereby further Ordered that the said Sub Treasurer with the privity of the said Accountant General should carry to the Credit of this Cause to an Account to be entitled "The Legacy to Valathamall and the Child of her body Rutna Moodelly" in one or more of the Government — Promissory Notes of the four per cent Loan of First May One thousand Eight hundred and Thirty two in the said Accountant General's Certificate mentioned the Sum of Sicca Rupees Seven thousand and should receive the interest due thereon and carry the same together with Interest on the said last mentioned Legacy from the Twenty fourth day of October One thousand Eight hundred and Thirty three to the Twenty fourth day of September One thousand Eight hundred and Thirty six Amounting to a Sum of Rupees Seven hundred and Eighty eight Annas six and pice six (which Sum was to be taken from and out of the Funds in the said Accountant General's Certificate mentioned) to the like Account all such Interest there to remain subject to the further Order of this Court and in the mean time until such further Order that the said Sub Treasurer with the like privity of the said Accountant General should invest the same and receive and invest for the purpose of Accumulation all interest as the same should accrue due on all Securities which should then and at any time thereafter be standing to the Credit of the last mentioned Account And it was thereby further Ordered that the said Sub Treasurer with the like privity of the said Accountant General should carry to the Credit of this Cause to an Account to be entitled "The Legacy to Davanee Ummall and the Children of her body" in one or more of the Government Promissory Notes of the four per cent Loan of First May One thousand Eight — hundred and Thirty two in the said Accountant General's Certificate mentioned the Sum of Sicca Rupees Seven thousand and should receive the

the Interest then due and thereafter to grow due thereon and carry the same to the Credit of this Cause to an Account to be entitled "The separate Account of Davanee Ummall" during her life or until the further Order of this Court And that the said Sub Treasurer with the like privity of the said Accountant General should carry from and out of the Funds in the said Certificate of the Accountant General mentioned the Sum of Rupees One thousand Two hundred and Twelve Annas six and pice six being the Amount of the Interest due on the last mentioned Legacy to the Twenty fourth day of September One thousand Eight hundred and Thirty six to the Credit of the last mentioned Account "The separate Account of Davanee Ummall" and should invest the same together with the Interest thereinbefore directed to be Carried to the same Account and should receive and invest for the purpose of — Accumulation for the benefit of the said Davanee Ummall during her Minority or until the further Order of this Court all the Interest as the same should accrue due on all the Securities which should at any time thereafter be standing to the Credit of the said last mentioned Account "The Separate Account of Davanee Ummall" And it was thereby further Ordered that the said Sub Treasurer with the like privity of the said Accountant General should from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" and in the said Certificate of the Accountant General mentioned raise and pay to the said Plaintiff the Sum of Rupees Two thousand in the Seventeenth Paragraph of the said Testator's Will mentioned And it was further Ordered that it should be referred to the said Master to enquire and report whether the Interest of the said Government Promissory Note for Madras Rupees Seven thousand bequeathed for the Mootah and Charity in the Fifth Paragraph of the said Testator's Will mentioned together with the Rents Profits and Produce of the said Mootah were sufficient for the purpose or otherwise and if they should prove to be deficient the said Master was to enquire and state to the Court the Annual Amount of such deficiency and the probable Annual Amount thereof And what part of the said Testator's Personal Estate ought to be set apart and appropriated to — Answer such probable Amount of deficiency And the said Master was to enquire and state to the Court whether there were any and what Title Deeds belonging to the said Mootah and where the same then were. and it was further — Ordered that it should be referred to the said Master to enquire and Report how much and what part of the Government Security No 589 dated First May One thousand Eight hundred and Thirty two for Sicca Rupees Three thousand and Nine hundred in the said Master's Report and Accountant General's Certificate mentioned

Moneys come or thereafter to come to his hands how so Cannon Clive

mentioned was applicable to the Legacy for the expences of the Family in the Eighth Paragraph of the said Testator's Will in that behalf contained And that the said Master should ascertain and state the particulars of the Bagars and Boliques in the last mentioned Paragraph of the said Testator's Will mentioned And where the same were situated and whether there were any and what Title Deeds relating thereto and in whose possession such Title Deeds were And it was thereby further Ordered that the said Master should Calculate Interest on the said Legacy of Sicca Rupees Seven Thousand to Valathamall and the Child of her body from the said Twenty fourth day of September One Thousand Eight hundred and Thirty six to the day from which Interest should or might be Accruing due on the Government Promissory Note or Notes for Sicca Rupees Seven Thousand which should in pursuance of the direction thereinbefore in that behalf contained be carried to the Credit of this Cause to the said Account "The Legacy to Valathamall and the Child of her body Rutna Moodelly" and report the same accordingly And it was further Ordered that the said Master should Calculate Interest on the said Legacy of Sicca Rupees Seven Thousand to Davanee Ummall in the said Third Paragraph of the said Testator's Will mentioned from the Twenty fourth day of September One Thousand Eight hundred and Thirty six up to the day from which Interest should or might be Accruing due on the Government Promissory Note or Notes for Sicca Rupees Seven Thousand which should in pursuance of the direction thereinbefore in that behalf Contained be carried to the Credit of this Cause to the said Account "The Legacy to Davanee Ummall and the Children of her body" and state the Amount thereof and should enquire and state what would be a sufficient Sum for the Marriage Expences of the said Davanee Ummall in the said Third Paragraph of the said Testator's Will directed to be paid and what part of the said Testator's Personal Estate ought to be set apart and appropriated to Answer such Expences and also to Answer the Sum of Pagodas One Thousand to purchase the Jewels by the said last mentioned Paragraph of the said Will directed to be given to the said Davanee Ummall And it was thereby further Ordered that the said Master should enquire and Report what would be a sufficient Sum for the Marriage

Expences

Expences of the said Singara Valoo by the Tenth Paragraph of the said Testator's Will directed to be paid and what part of the said Testator's Personal Estate ought to be set apart and appropriated to Answer such expences And it was further Ordered that the said Master should enquire and Report which and what part of the Government Securities belonging to the said Testator's Estate ought to be set apart and appropriated to Answer and satisfy the Sum of Twenty one Thousand Rupees which the Master had by his said Report bearing date the Ninth day of December One Thousand Eight hundred and Thirty four found to be necessary to secure the maintenance of the said Pungavanee Ummall And it was further Ordered that the said Master should enquire and Report what Sum of the said Testator's Personal Estate ought to be set apart and appropriated to Answer and satisfy the Monthly Sum of Rupees Three hundred and Fifty being the Sum which the Master founder by his Report dated the fourth day of July One Thousand Eight hundred and Thirty six ought to be allowed for the Maintenance of the said Singara Valoo And it appearing that the Defendant had not had any allowance made to him for his own exclusive use and benefit and had only retained for his own exclusive use the Sum of Madras Rupees Four Thousand Two hundred and Seventy four Annas two and price nine It was further Ordered that the said Master should ascertain and Report what Sum of Money in addition to the said Sum of Rupees Four Thousand Two hundred and Seventy four Annas two and price nine ought to be allowed to the said Defendant for his own exclusive use and benefit And that the said Defendant should be at liberty to retain the same from and out of the Sum of Rupees Twenty one Thousand Two hundred and Seventy seven Annas twelve and price eleven found by the said Master to be in the said Defendant's hands and also what would be a proper Monthly or other Sum to be thereafter allowed to the said Defendant for his exclusive use and benefit and what part of the said Testator's Estate ought to be set apart to secure the same And it was thereby further Ordered that the said Master should also ascertain and Report what Annual or other Sum or Sums of Money would be sufficient to be held by the said Defendant as Executor for the general purposes of the said Testator's Estate not thereinbefore provided for or in respect of which enquiries were not thereby directed and that the said Master should specify what those purposes were and what part of the said Testator's Estate ought to be set apart to secure the same And it was further Ordered that the said Master should in the manner in the said Decree of the second day of April One thousand Eight hundred and Thirty four directed carry on the Accounts of the Real Estate and Effects

Effects of the said Testator and of the debts and Compute subsequent Interest on such of the Debts as carry Interest and the said Master was to enquire and Report which of the Debts and Legacies if any should be remaining unpaid at the date of his next General Report and whether any and what part or parts of the said Testator's Estate and Effects should be then outstanding and due and why and for what reason And the said Master was to ascertain and Report the clear Residue of the said Testator's Estate and whether there were any and what Charges thereon and in what manner the same ought to be secured And it was further Ordered that the said Master should Tax both Parties their Costs of this Cause as between Solicitor and Client and that the same should be paid by the said Sub Treasurer of Fort Saint George with the privity of the said Accountant General from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" and in the Certificate of the said Accountant General mentioned on the same respectively being allowed and Certified at the foot of the now reciting Decree under the Signature of one of the Judges of this Court that is to say to Mr. Oriel Viveash the Costs of the Plaintiff and to Mr. William Henry Rose the Costs of the Defendant provided nevertheless that the said Singara Valoo should be at liberty to insist that the Amount of the said Costs of the said Defendant were to be taken as part of his share of the clear Residue of the said Testators Estate And it was further Ordered that for any of the purposes aforesaid the said Sub Treasurer with the privity of the said Accountant General was to be at liberty to sell or otherwise to dispose of such of the Securities in the said Accountant General's Certificate mentioned as might be necessary And it was further Ordered that the said Sub Treasurer with the like privity of the said Accountant General should continue from time to time until the further Order of this Court to pay to the said Defendant for the purposes in the said Decree mentioned the Interest then due and thereafter to accrue due upon all and every the Government Securities in the said Decree mentioned and upon all those which should thereafter be standing to the Credit of this Cause the said Account "The Account of the Testators Estate" except those which were thereby appropriated or which might be required for Sale for the purpose of Carrying that Decree into Execution And the Surplus of the said Interest and of the Rents profits and produce thereinbefore mentioned after defraying the Annual Expences of the said Testators family and Estate and

carrying

carrying into effect such of the Trusts of his Will as had not been thereinbefore provided for were to be invested and deposited as by the said Decree of the said Second day of April One thousand Eight hundred and Thirty four in that behalf directed And for the better taking of the said Accounts and discovery of the Matters aforesaid the Parties were to Produce before the said Master upon Oath all Deeds Books Papers Cadjans Accounts and Writings in their Custody or power relating thereto And were to be examined upon Interrogatories or Viva Voce as the said Master should direct who in taking the said Account was to make unto the Parties all just allowances And the Court did thereby Continue the reservation of all further directions and of subsequent Costs until after the Master should have made his General Report and all Persons interested in any of the Matters aforesaid were to be at liberty to apply to this Court by Petition in this Cause as they should be Advised And whereas in pursuance of the said Decree bearing date the said first day of October One thousand Eight hundred and Thirty six the said Master made his General Report dated the Twenty second day of March last And thereby Reported that the late Master John Savage Esquire was attended by the Solicitors for the said Plaintiff and Defendant respectively And that he found that the said John Savage did in pursuance of the said Decree bearing date the said first day of October One thousand Eight hundred and Thirty six deliver to the said Defendant on the Twenty third day of February One thousand Eight hundred and Thirty eight the several Bonds Notes and other Securities mentioned in the said Decree and likewise the Title Deeds relating to the immoveable Property Mortgaged to the said Testator the particulars of which were setforth in the Schedule No. 1 annexed to his said Report And that he found that the said John Savage Esquire did in pursuance of the said Decree inacted and that the Plaintiff and Defendant did unlock the Chest deposited in the Treasury of the Honorable Company with the permission of the Sub Treasurer and by and with the privity of the Accountant General and that the several Jewels deposited with the said Testator as Security for payment of Debts then unrecovered and unreceived and placed in the said Chest were by the said John Savage taken out of the said Chest and by him delivered to the said Defendant on the said Twenty third day of February One thousand Eight hundred and Thirty eight on his receipt the particulars of which were setforth in the Schedule No. 2 annexed to the said Report And that by the Minutes of Proceedings in the Master's Office it appeared that the said Plaintiff attended before the said John Savage on the Twenty first day of January last and stated that his Solicitors Messieurs Viveash and Acworth having ceased to practise and that as he had no Interest under the Decree and moreover Singara Valoo had attained the Age of Twenty one Years and as the said Defendant and Singara Valoo were the Persons principally interested in prosecuting the Decree of the first day of October One thousand Eight hundred and Thirty six he the Plaintiff was unwilling to proceed unless compelled

compelled so to do And he found that the said John Savage did on the said Twenty first day of January last commit the prosecution of the said Decree to the said Singara Valoo Moodelly in pursuance of the LXXVII Rule on the Equity Side of the Court And the said Master further reported that he had been attended by the Solicitor for the Defendant and by the Solicitor for Singara Valoo Moodelly in the said Decree named and in their presence had proceeded with the several enquiries as in and by the said Decree directed And that he found that the said Singara Valoo Moodelly did attain the Age of Twenty one Years on the Twenty eighth of July One thousand Eight hundred and Forty And that the said Defendant and the said Singara Valoo with the view of rendering more easy the settlement of the affairs of their late Father and to prevent unnecessary litigation and to obtain the final directions from this Court in this suit duly respectively and by mutual Consent executed an Agreement a translation whereof made by the Interpreter of this Court is as follows.

"On the Thirty first day of the Month of October in the Year One thousand Eight hundred and Forty we both of us Vizt Conoor Arnachella Moodelliyar and Conoor Singara Valoo Moodelliyar Sons of the late Conoor Moorooguiah Moodelliyar deceased have Unanimously written this Agreement respecting the division of our Paternal Estate That is to say according to the provisions of the Will written and left by our Father on the Seventeenth day of the Month of August in the Year One thousand Eight hundred and Thirty two both Paukum Narrainsawmy Moodelliyar and the above said Co Arnachella Moodelliyar after his death proved the said Will in the Supreme Court and obtained a Probate thereof in their joint names and then both the above said Paukum Narrainsawmy Moodelliyar and Co Arnachella Moodelliyar had been keeping all the Accounts of receipts and disbursements of the above said Estate as Executors for some days and having afterwards had a dispute with each other the said Paukum Narrainsawmy Moodelliyar filed an Equity Bill against the said Co Arnachella Moodelliyar in the Supreme Court to which an Answer having been filed by Arnachella Moodelliyar the said Cause came on for Trial before the Court who passed a Decree and then referred the same to the Master on which the Master having sent for the whole of our Father's Estate deposited it into the Treasury and on inspecting (examining) all the Accounts and receipts and disbursements of

of the Estate above mentioned he made his Report to the said Court stating that after deducting the neutral expences of the above said Estate there was a balance of Rupees 25,551-15-8 Twenty five thousand five hundred and fifty one fifteen Annas and eight price against the said Co Arnachella Moodelliyar and also a balance of Rupees 12,273-10-0 Twelve thousand two hundred and Seventy three Annas ten and price eleven against the said Co Singara Valoo Moodelliyar And he further stated such particulars as were mentioned in the above said Will The Court having thereupon confirmed the Report of the said Master made a Decretal Order on the first day of the Month of October in the year One thousand Eight hundred and Thirty six in pursuance of which Order the Court Costs of both parties were paid away from the above said Estate The Court afterwards referred again to the said Master in Order to examine the Accounts of receipts and disbursements subsequently occurred to the said Estate and the various affairs referred to in the said Decretal Order but as there was no dispute whatever between us regarding the Accounts Vizt We have hitherto allowed the said business in the Master's Office to stand over finding it unnecessary that it should proceed on any further according to the above said Decretal Order while Co Arnachella Moodelliyar the above said Executor Managed the whole Accounts of receipts and disbursements of the above said Estate from that time up to the Thirty first day of the Month of August of the present year the amount received by Co Arnachella Moodelliyar himself after deducting the joint Expences incurred on Account of the Estate is Rupees 15,250-4-2 Fifteen thousand two hundred and sixty and price two and the Amount received by the said Co Singara Valoo Moodelliyar himself is Rupees 28,538-4-11 Twenty eight thousand five hundred and thirty eight Annas four and price eleven The total Amount received by the said Co Arnachella Moodelliyar himself up to this day including what was formerly received by him as per Account filed in the Office of the above said Master is Rupees Forty thousand Eight hundred and eleven Annas fifteen and price ten (40,811-15-10) and the total Amount received by the said Co Singara Valoo Moodelliyar himself up to this day including what was formerly received by him as per Account in the Master's Office is Rupees Forty thousand eight hundred and eleven Annas fifteen and price ten (40,811-15-10) which being deducted in consequence of both of us having received equal sums without any balance (amongst either of us) being due to the remaining portion of the above Estate We both of us have minutely inspected (Examined) the whole of the Accounts Vizt the Accounts filed in the above said Master's Office as well as the Accounts which were subsequently kept by Co Arnachella Moodelliyar up to this day and both of us having Agreed as to the correctness thereof we have this day made out two Copies of the whole of the above said Accounts in which said two Copies of Accounts both of us have affixed our Signatures and one Copy has been

compelled so to do And he found that the said John Savage died on the said Twenty first day of January Last commit the prosecution of the said Decree to the said Singara Valoo Moodelly in pursuance of the LXXVII Rule on the Equity Side of the Court And the said Master further reported that he had been attended by the Solicitor for the Defendant and by the Solicitor for Singara Valoo Moodelly in the said Decree named and in their presence had proceeded with the several enquiries as in and by the said Decree directed And that he found that the said Singara Valoo Moodelly did attain the Age of Twenty one Years on the Twenty eighth of July One thousand Eight hundred and Forty And that the said Defendant and the said Singara Valoo with the view of rendering more easy the settlement of the affairs of their late Father and to prevent unnecessary litigation and to obtain the final directions from this Court in this suit duly respectively and by mutual Consent executed an Agreement a translation whereof made by the Interpreter of this Court is as follows.

"On the Thirty first day of the Month of October in the Year One thousand Eight hundred and Forty we both of us Viz. Conoor Arnachella Moodelliyar and Conoor Singara Valoo Moodelliyar Sons of the late Conoor Moorooguiah Moodelliyar deceased have Unanimously written this Agreement respecting the division of our Paternal Estate - That is to say according to the provisions of the Will written and left by our Father on the Seventeenth day of the Month of August in the Year One thousand Eight hundred and Thirty two both Paukum Narrainsaumy Moodelliyar and the above said Co Arnachella Moodelliyar after his death proved the said Will in the Supreme Court and obtained a Probate thereof in their joint names and then both the above said Paukum Narrainsaumy Moodelliyar and Co Arnachella Moodelliyar had been keeping all the Accounts of receipts and disbursements of the above said Estate as Executors for some days and having afterwards had a dispute with each other the said Paukum Narrainsaumy Moodelliyar filed an Equity Bill against the said Co Arnachella Moodelliyar in the Supreme Court to which an Answer having been filed by Arnachella Moodelliyar the said Cause came on for Trial before the Court who passed a Decree and then referred the same to the Master on which the Master having sent for the whole of our Fathers Estate deposited it into the Treasury and on inspecting (examining) all the Accounts and receipts and disbursements of

of the Estate above mentioned he made his Report to the said Court stating that after deducting the neutral expences of the above said Estate there was a balance of Rupees 25,551-15-8 Twenty five thousand five hundred and fifty one fifteen Annas and eight price against the said Co Arnachella Moodelliyar and also a balance of Rupees 12,273-10-11 Twelve thousand two hundred and Seventy three Annas ten and price eleven against the said Co Singara Valoo Moodelliyar And he further stated such particulars as were mentioned in the above said Will The Court having thereupon confirmed the Report of the said Master made a Decretal Order on the first day of the Month of October in the year One thousand Eight hundred and Thirty six in pursuance of which Order the Court Costs of both parties were paid away from the above said Estate The Court afterwards referred again to the said Master in Order to examine the Accounts of receipts and disbursements subsequently occurred to the said Estate and the various affairs referred to in the said Decretal Order but as there was no dispute whatever between us regarding the Accounts &c. We have hitherto allowed the said business in the Masters Office to stand over finding it unnecessary that it should proceed on any further according to the above said Decretal Order while Co Arnachella Moodelliyar the above said Executor Managed the whole Accounts of receipts and disbursements of the above said Estate from that time up to the Thirty first day of the Month of August of the present year the amount received by Co Arnachella Moodelliyar himself upon deducting the joint Expences incurred on Account of the Estate is Rupees 15,250-4-2 Fifteen thousand Two hundred and Sixty and price two and the Amount received by the said Co Singara Valoo Moodelliyar himself is Rupees 28,538-4-11 Twenty eight thousand five hundred and thirty eight Annas four and price eleven The total Amount received by the said Co Arnachella Moodelliyar himself up to this day including what was formerly received by him as per Account filed in the Office of the above said Master is Rupees Forty thousand Eight hundred and eleven Annas fifteen and price ten (40,811-15-10) and the total Amount received by the said Co Singara Valoo Moodelliyar himself up to this day including what was formerly received by him as per Account in the Masters Office is Rupees Forty thousand eight hundred and eleven Annas fifteen and price ten (40,811-15-10) which being deducted in consequence of both of us having received equal sums without any balance (amongst either of us) being due to the remaining portion of the above Estate We both of us have minutely inspected (Examined) the whole of the Accounts Viz. the Accounts filed in the above said Masters Office as well as the Accounts which were subsequently kept by Co Arnachella Moodelliyar up to this day and both of us having Agreed as to the correctness thereof we have this day made out two Copies of the whole of the above said Accounts in which said two Copies of Accounts both of us have affixed our Signatures and one Copy has been

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been kept by each of us there will consequently be no dispute whatever hereafter between us regarding the Accounts of receipts and disbursements of the above said Estate Besides this as we have agreed between ourselves that there shall be no occasion to inspect (Examined) the above said Accounts of receipts and disbursements of the aforesaid Estate in the presence of the Master that we shall admit the whole Accounts of receipts &c. of both parties as are entered in the above said Account and settle the whole of them ourselves and that we shall ourselves agree in as far as we can to (the result of) the enquiries alluded to in the above said Decretal Order we should as soon as possible obtain the report which ought to be received from the Master without incurring any further expences.

Paukum Narrainsawmy Moodelliyar and Co Arnachella Moodelliyar the above said Executors having had a dispute regarding the above said Estate commenced an Equity Suit in the Supreme Court and caused the above said Estate to be deposited in Court for which they had lately incurred (certain) Costs of Court which (Costs) as well as the Amount of the expences for the enquiry that took place regarding the maintenance of our Mother Poongavanammall had been paid by the Accountant General in common from the above said Estate which we have jointly agreed to the Costs of Court which may be incurred in the enquiries that may be made hereafter regarding the above said Equity Suit and in obtaining possession of the above said Estate through the means of the Court which is now in deposit in the Treasury after bringing it (enquiry) into conclusion shall be admitted by both of us jointly in equal shares

All the Shawls Cloths &c. as well as brass Articles and furniture together with Mirror Globe &c. and Cart and Bullocks which are at present in our possession have been weighed valued and divided between both of us in equal portions besides this. No sooner we obtain from the Treasury through the means of the Court the whole of our Father's Estate above mentioned which is in deposit in the Treasury viz Company's ~~Rupees~~ Bonds, Ready Cash, Jewels, Chits and Documents we shall add to it the Jewels set with precious stones as well as the Gold Jewels and Silver Articles which are now in possession of both of us and also the outstanding balances due to us as belonging to the above said Estate and after setting apart the Legacies specified in the Will we shall divide between ourselves the remainder thereof according to the shares setforth in the above said Will and then according to the intention of the fifth and fourteenth Paragraphs of the said Will we shall in the presence of an Attorney execute a General Release to each other

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The Jewels which had been left by our Sister Valauthummall at the time of her death in our house have been secured in a Box and left in possession of Co Arnachella Moodelliyar the above said Executor an Inventory thereof having been first taken which Jewels should be delivered over to Rutna Moodelliyar the Son of the said Valauthummall when he attains his Age and a Paurekutt (Deed of Acquittance) obtained from him and in the interim the interest on the Company's Bond for 7000 Seven thousand Sicca Rupees which was left by the Will for the above said Valauthummall should be drawn by both of us and given for the Maintenance of the said Rutna Moodelliyar to such persons as may be appointed Guardians to the above said Rutna Moodelliyar and a receipt obtained from them for the same

As setforth in the Third Paragraph of the Will we got Davany Ummall our second Sister married and gave (her) Jewels of the value of One thousand Pagodas and obtained a receipt from her the interest on the Company's Bond for 7000 Seven thousand Sicca Rupees which was left by the Will for the above said Davany Ummall should be drawn and paid by both of us for the maintenance of the said Davany Ummall and a receipt obtained (from her)

We should draw the interest on the Company's Bond which will be set a part by the Court out of the above said Estate for the maintenance of our Mother Poongavanummall and continue to pay (it) for her maintenance and after her death we should both of us receive the above said Company's Bond and divide it into equal shares.

As it is written in the Will that the Bungalow and garden situated in Saumy Naicker Street in Chintadrepettah as well as the furniture belonging thereto Viz. Globe Lustre Wall Shades Mirror Sopha Marble Table Chair Carpet and all other things belonging thereto which are particularized in the thirteenth Paragraph of the said Will should be jointly enjoyed by both of us and as we think that there is some inconvenience in the way of their being thus enjoyed jointly by both of us the said Co Arnachella Moodelliyar has agreed to sell finally his half share of the above said Bungalow and ground with the Garden attached as well as of the whole furniture thereunto belonging to his above said Brother Connoo Singara Valoo Moodelliyar for eight thousand Company's Rupees and an Agreement has passed accordingly between each other under this day's date agreeably to which as soon as we recover the Grant Deeds of the above said Bungalow and Garden from the Court the said Arnachella Moodelliyar should write and give a Bill of Sale to the said Singara Valoo Moodelliyar and receive the Amount of the said Sale

Agreeably to the Deed of Gift which was written and given by our Father regarding Saumy Kayenkarjam (Service of God at Chedumbaram in privity of the

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annually the expences for the above said Charity Affairs in equal shares

To this effect we have with our mutual Consent afforsaid and written this Agreement respecting the diuision of our Paternal Estate"

And the said Master further reported that he found that the said Defendant had recovered and received considerable sums of Money on Account of the Testators Estate in pursuance of the said Decree which the said Defendant had not paid into the said Treasury as by the said Decree directed but that in Consequence of the said Agreement thereinbefore mentioned the Solicitor for the said Singara Valoo had waived before him all Accounts in respect thereof And he had therefore not taken any account of such sums of Money so received by the said Defendant And the said Master found that the said Defendant had continued since the date of the said Decree for the purposes in the said Decree in that behalf directed to collect and receive the rents Profits and Produce of the Bazars and other Property except the Bazars and Botiques in the said Decree in that behalf mentioned but that inconsequence of the said Agreement thereinbefore mentioned the Solicitor for the said Singara Valoo Moodelly had waived before him the Accounts in respect thereof And he had therefore not taken any account of such Rents Profits and Produce And the said Master amongst other things further certified that he found that the Defendant had continued to receive and apply the rents and profits of the Bazars and Botiques in the Eighth Paragraph of the said Testators Will mentioned And that he had applied the same for the purposes in the said Paragraph in that behalf contained but that in consequence of the said Agreement so as aforesaid entered into by the said Defendant and the said Singara Valoo Moodelly and inconsequence of the said Singara Valoo having attained his Age of Twenty one Years and having separated himself as aforesaid the Solicitor for the said Singara Valoo had waived before the said Master the Accounts in respect thereof And he had therefore not taken any account of such Rents and Profits of the said Bazars and Botiques as aforesaid And the said Master further Reported that in pursuance of the said Decree he did on the second day of the then instant Month of March deliver to the said Defendant a Collectors Certificate No. 7375 dated first December One thousand Eight hundred and Ten and a Collectors Certificate No. 8210 dated the Twenty first day of January One thousand Eight hundred and Eleven the same being the Title Deeds of the Dwelling Upstair House in Iyah Moodelly's Street and the Godown House in the same Street described

described in the Sixth Schedule to the Masters former Report "as an Upstair House and Hackery Godown House" in all Two Houses situate in Iyah Moodelly's Street in Chindatrepett the same having been specifically bequeathed to the said Defendant and he found that the said Singara Valoo had received from the said Defendant possession of the House and Stable in the Garden in Sawmy Naicks Street described in the Sixth Schedule to the Masters Report as a large terraced House and Stables Situated within a Garden Situate in Sawmy Naicks Street And he found that the Title Deeds of the said House and Stable consisted of the several particulars therein specified but that inasmuch as the same were also the Title Deeds of the Garden and Bungalow also therein mentioned which were directed by the said Testators Will to be held in Common by the said Defendant and the said Singara Valoo he the said Master had not delivered to the said Singara Valoo the said Title Deeds in pursuance of the said Decree And he found that the said Poongavanee Ummall had retained possession of the House where Andeapah was living Situated in Sawmy Naicks Street described in the said Schedule No. 6 as a House Situate in Sawmy Naicks Street being the first mentioned by that description in the said Schedule And he found that the only Title Deed thereof was a Collectors Certificate No. 8997 dated Eighth December One thousand Eight hundred and Twenty seven And that he had in pursuance of the said Decree retained possession thereof And the said Master found that the said Defendant did on the first day of the then instant Month of March pay from and out of the said Testators Estate to Yellamah in the said Decree mentioned the sum of Rupees Two hundred and Fifty seven and Annas four part of the sum of Rupees Two hundred and Sixty nine Anna One and piece four in the said Decree mentioned And he found that there was still due to the said Yellamah the sum of Rupees Ninety Annas five and piece eight being the balance of Principal and Subsequent interest calculated thereon up to the date of the said Report And he found that Caunoo Chetty was dead and had left him surviving as his legal representative an Adopted Son who was stated to be an Infant under the Age of Twenty one Years that is to say of the Age of Eleven Years or thereabouts And the said Master found that the said Defendant had not paid the sum of Rupees One thousand and Sixty two Annas fifteen and piece four in the said Decree directed to be paid to the said Caunoo Chetty or his legal representative And he found that Sawmy Naick in the said Decree mentioned did on the first day of March One thousand Eight hundred and Forty one acknowledge to have received the sum of Rupees Forty three and piece eleven as the balance due to him by the said Testators Estate And he found that the said Defendant had continued to pay to the said Poongavanee Ummall the sum of Rupees Seventy Monthly and every Month up to the Twenty eighth day of February One thousand Eight hundred and Forty one And the said Master further Certified that he found that the Sub Treasurer with the privity of the said Accountant General did from and out of the funds standing to the Credit of

of this Cause "The Account of the Testators Estate" and in the said Certificate of the Accountant General mentioned in or about the Month of March One thousand Eight hundred and Thirty seven pay to the said Plaintiff the sum of Rupees Two thousand in the Sixteenth Paragraph of the said Testators Will mentioned And he found that the Interest of the Government Promisory Note for Rupees Seven thousand in the said Decree mentioned bequeathed for the Mootah and Charity in the Fifth Paragraph of the Testators Will mentioned together with the Rents Profits and produce of the said Mootah were insufficient for such purpose And he found that the Annual Amount of such deficiency and the probable Annual Amount thereof Amounts to the sum of Company's Rupees One thousand Four hundred and Seventy seven Annas nine and pice One And that he had in a Schedule No 3 annexed to the said Report setforth a Debtor and Creditor Account of the said Mootah shewing the Amount received and paid by the said Defendant on Account thereof from Twelfth day of July One thousand Eight hundred and Thirty five up to the Eleventh day of July One thousand Eight hundred and Forty And as the said Testator by the Fifth Paragraph of his Will directed that if loss occur it should be paid and continued to be performed out of the Interest receivable on his Estate and that after his youngest Son Singara Valoo Moodelly should attain the Age of Twenty one Years his Eldest Son Arnachellam should alone perform and maintain the said Zemeen or Charity of — Sadavartee Vcs in the Choultry And that he should pay out of his own share the deficiency and Continue to Conduct and manage the same and as the said Singara Valoo Moodelly had attained his Age of Twenty one Years on the said Twenty eighth day of July One thousand Eight hundred and Forty as aforesaid And the Defendant had Admitted before him that he was willing to take upon himself the whole management of the said Mootah and Charity he found that no part of the said Testators personal Estate ought to be set apart and appropriated to Answer such probable Amount of deficiency And he found that there were no Title Deeds belonging to the said Mootah of Madrawoyel but that the same was registered in the Books of the Collector of Chingleput in the name of the Testator in the Pleadings in this Cause named And the said Master further reported that he found that the sum of Sicca Rupees Three thousand and Seven hundred part of the said Government Security No 589 dated first May One thousand Eight hundred and Thirty two for Sicca Rupees Three — thousand and Nine hundred in the said Decree and in the former Masters

Report

Report mentioned was applicable to the legacy for the expences of the family in the Eighth Paragraph of the said Testators Will in that behalf contained And that he had in the Schedule No 4 annexed to his Report setforth the particulars of the Bazars and Boliques in the last mentioned Paragraph of the said Testators Will mentioned and where the same were situate and the Title Deeds relating thereto and in whose profession such Title Deeds then were And the said Master reported that he had calculated Interest on the Legacy of Sicca Rupees Seven thousand to Valathamall in the said Decree named and the Child of her body from the Twenty fourth day of September One thousand Eight hundred and Thirty six to the first day of November One thousand Eight hundred and Thirty six the day from which Interest accrued due on the Government Promissory Notes for Sicca Rupees Seven thousand And he found that such Interest Amounted to the Sum of Rupees Forty seven Annas twelve and pice eight And the said Master reported that he had likewise calculated interest on the Legacy of Sicca Rupees Seven thousand to Davanee Ummall in the said Decree and in the third Paragraph of the Testators Will mentioned from the Twenty fourth day of September One thousand Eight hundred and Thirty six up to the first day of November One thousand Eight hundred and Thirty six the day from which Interest accrued due on the Government Promissory Notes for Sicca Rupees Seven thousand And he found such Interest Amounted to the Sum of Rupees Forty seven Annas twelve and pice eight And he found that the said Davanee Ummall had been married to Tonoo Soobroyloo Moodelly since the date of the said Decree of the first day of October One thousand Eight hundred and Thirty six and that the sum of Rupees Three thousand and six hundred Annas fifteen and pice eight had been expended in the performance of the necessary Ceremonies on her said Marriage and that such Sum was sufficient for the Marriage expences of the said Davanee Ummall And he found that the said Davanee Ummall had received from the said Defendant Jewels of the value of Rupees One thousand seven hundred and Seventy nine and Annas fifteen and Cash (which she had invested in Jewels) to the Amount of Rupees One thousand seven hundred and Seventy and Anna One and which two Sums Amounted to the Sum of Rupees Three thousand and Five hundred or Pagodas One thousand directed by the Third Paragraph of the said Testators Will to be given to her And the said Master reported that he found that no part of the Testators Estate ought to be set apart and appropriated to Answer the expences of such Marriage or the Sum of Pagodas One thousand to purchase the Jewels by the Third Paragraph of the said Testators Will directed to be given to the said Davanee Ummall And he found that the said Singara Valoo had been Married since the date of the said Decree of the said first day of October One thousand Eight hundred and Thirty six and that the Sum of Rupees Seven thousand Two hundred and

Annas

Annas fifteen and pice two had been expended by the said Defendant in the necessary Ceremonies of the said Marriage and that such Sum of Rupees Seven thousand Two hundred and One Annas fifteen and pice two was sufficient for the Marriage Expences of the said Singara Valoo And he found no part of the said Testator's personal Estate ought to be set apart and appropriated to Answer such expences and as the said Singara Valoo Moodelly had attained the Age of Twenty one Years as aforesaid since the date of the said Decree and was entitled to receive his share of the residue of the said Testator's Estate he found it was — unnecessary that any Sum should be set apart and appropriated to Answer and satisfy the maintenance of the said Singara Valoo Moodelly And the said Master further reported that he found that from and out of the Testator's Estate standing in the said Treasury to the Credit of this Cause the undermentioned Two Government Securities namely N.s 296 of 135 of the four per Cent Tanjore Debt Loan dated fifth August One thousand Eight hundred and Thirty four bearing interest from thirtieth October One thousand Eight hundred and Forty for Rupees Five thousand and N.s 448 of 105 dated fifteenth October One thousand Eight hundred and Thirty four bearing Interest from Thirtieth October One thousand Eight hundred and Forty for Rupees Ten thousand together with a Security or — Securities in the said Tanjore Debt to the extent of Rupees six thousand to be purchased as thereinafter mentioned by the Sub Treasurer with the privity of the Accountant General from and out of the Government Securities and Cash standing to the Credit of this Cause to the Account entitled "The Account of the Testator's Estate" ought to be set apart and Secured for the Maintenance of Poongavanee Ummall the Widow of the said Testator and the Defendant had waived before the said Master any investigation in respect of what Sum of Money in addition to the Sum of Rupees Four — thousand Two hundred and Seventy four Annas two and pice nine in the said Decree mentioned ought to be allowed to the said Defendant for his own exclusive use and benefit or in respect of any Monthly or other Sum to be thereafter allowed to the said Defendant for his exclusive use and benefit or what part of the said Testator's Estate ought to be set apart to secure the same And that he had not therefore taken any Account thereof and that consequent to the said Agreement and Separation as aforesaid the said Defendant and the said Singara Valoo had waived before him any Account or investigation in respect of any Annual or other Sum or Sums of Money to be held by the said Defendant as Executor for the general purposes of the said Testator's Estate in the said Decretal Order not thereinbefore provided for or in respect of which inquiries were not thereby directed And he found that under the Circumstances aforesaid and in consequence of the said —

Agreement

Agreement and Separation of the said Singara Valoo as aforesaid the said Defendant and the said Singara Valoo had waived before him all further Accounts of the personal Estate and Effects of the said Testator as far as they themselves as such residuary Legatees as aforesaid were concerned And that he had therefore not taken any — Account thereof And the said Master did thereby further Report that the said Decree of the first day of October One thousand Eight hundred and Thirty six not directing any further Advertisements for Creditors to be published no further Advertisements had been published by the said John Savage or by the said Master And he found that the only Debts due by the said Testator's Estate remaining — unpaid and payable under the Decrees in this Cause were the Sum of Rupees Ninety Annas five and pice eight due to the said Yellamah including subsequent interest and the Sum of Rupees One thousand and Sixty two Annas fifteen and pice four due to the representative of the said Caumoo Chitty and that the said last mentioned Sum did not carry interest And he found that the only — Legacy under the said Testator's Will exclusive of the residue of his Estate remaining unpaid at the date of his said Report was the Legacy of Three thousand and Seven hundred Rupees the Bonds for which Sum were directed by the Eighth Paragraph of the Testator's Will to be enjoyed by the said Defendant for the expences of the Family And he had in a Schedule N.o 5 Annexed to his said Report set forth such part of the said Testator's Estate and Effects as were then outstanding and due and why and for what reason And he found that the clear residue of the said Testator's Estate consisted of the Bungalow and Garden situate in Savury Naick's Street and the Globes Lustres Furnitures &c.a directed by the said Testator's Will to be enjoyed by the said Defendant and the said Singara Valoo Moodelly of certain Jewels partly in the Treasury (sealed and locked in the said Chest in the said Treasury) as aforesaid and partly in the possession of the said Defendant and Singara Valoo Moodelly and Poongavanee Ummall and which said Jewels had been Agreed to be divided between the said Defendant and the said Singara Valoo and the taking an Account of which said Jewels had been waived before him by the said Defendant and the said Singara Valoo of the outstanding Debts mentioned in the said Schedule N.o 5 annexed to his said Report and of the — standing in the Treasury to the Credit of this Cause
Government Promissory Notes and Cash in the said Report particularly specified Amounting together to Company's Rupees Three hundred and Fourteen thousand and Two hundred and Seventy four and Annas thirteen And the said Master further reported that he found that the only Charges against the said Testator's Estate remaining unpaid and unsatisfied were as follows the Sum of Rupees Ninety Annas five and pice eight due to the said Yellamall as aforesaid the Sum of One thousand and Sixty two Rupees fifteen Annas and four pice due to the

the legal representative of the said Caumoo Chitty the Sum of Six thousand Rupees required for the Maintenance of the said Poongavanoo Ummall the Sum of Madras Rupees Forty seven Annas twelve and pice eight being the difference of Interest as aforesaid on the Legacy to Valathamall and the Child of her body Rutna Moodelly from the Twenty fourth day of September One thousand Eight hundred and Thirty six to the first day of November One thousand Eight hundred and Thirty six the Sum of Madras Rupees Forty seven Annas twelve and pice eight being the difference of Interest as aforesaid on the Legacy to Davanee Ummall and the Children of her body from the Twenty fourth day of September One thousand Eight hundred and Thirty six to the first day of November One thousand Eight hundred and Thirty six and the Legacy of Rupees Three thousand and seven hundred directed by the said Testator's Will to be enjoyed by the said Defendant for the expences of the said Testator's family And he found that the said Sum of Rupees Three thousand and seven hundred ought to be paid to the said Defendant from and out of the Government Promissory Note No 689 for Sicca Rupees Three thousand and Nine hundred thereinbefore mentioned And he found that the said Accountant General should be directed to purchase from and out of the funds standing to the Credit of this Cause "The Account of the Testators Estate" a Security or Securities in the said four per cent Tanjore Debt Loan to the Amount of Rupees six thousand and carry the same to the Account in this Cause to be entitled the Maintenance of "Poongavanoo Ummall" as thereinbefore mentioned And the said Master found that the said Sum of Rupees Ninety Annas five and pice eight ought to be paid by the said Defendant and the said Singara Valoo to the said Yellamall And he found that the said Sum of Rupees One thousand and Sixty two Annas fifteen and pice four due to the Legal representative of the said Caumoo Chitty ought to be carried to an Account in this Cause to be entitled "The Amount due to the legal representative of the said Caumoo Chitty" And he found that the said Sum of Madras Rupees Forty seven Annas twelve and pice eight ought to be Carried to the said Account entitled "The Account of Valathamall and the Child of her Body Rutna Moodelly" and that a like Sum of Rupees Forty seven Annas twelve and pice eight ought to be carried to the said Account entitled "The Separate Account of Davanee Ummall" and this Cause coming on this present day at the instance of the said Comm Singara Valoo to be heard for further directions on the said General Report dated the said Twenty second day of March One thousand Eight hundred and Forty one and the Subsequent Costs reserved by the said Decree of the said first day of October One thousand Eight hundred and Thirty six before the Honorable the Judges of this Court in the presence of Counsel

Counsel for the said Plaintiff and Defendant and also for the said Singara Valoo Moodelly. Whereupon and upon hearing read the said Decree bearing date the said second day of April One thousand Eight hundred and Thirty four And the said Reports made in pursuance thereof dated respectively the Ninth day of December One thousand Eight hundred and Thirty four and the Twenty fourth day of September One thousand Eight hundred and Thirty six And also the said Decree bearing date the said First day of October One thousand Eight hundred and Thirty six And the General Report made in pursuance thereof dated the said Twenty second day of March One thousand Eight hundred and Forty one And the Order of this Court made in this Cause bearing date the Second day of April One thousand Eight hundred and Forty one whereby the said last mentioned Report and all the Matters and things therein contained became absolutely confirmed And upon reading also Five several Certificates of the Accountant General of this Court made in this Cause and marked respectively Nos 23, 24, 25, 26 and 27 in the words and figures following that is to say.

No 23

"Supreme Court
"Equity Side

"Paukum Narrainsaumy Moodt Complainant V Connore Arnachella Moodelliar Defendant.

"The Legacy to the Mootah and Charity in the Fifth Paragraph of the said Testator's Will mentioned."

"I hereby Certify that according to the Books of the Supreme Court the funds "standing to the Credit of the above Cause "The Legacy to the Mootah and Charity in "the fifth Paragraph of the said Testator's Will mentioned are as follows Viz.t

"In One six per Cent Madras Government Charity Promissory Note

"No 59 dated 1st February 1811 bearing Interest from 1st February 1840 for M. Rs - - 7,000 - - -

"Interest due from 1st February to 31st May 1840 on which latter date it ceased agreeably to the Advertisement published in the Fort Saint George Gazette under date the 11th April 1840 - - - 138 - 1 - 3

"Company's Rupees - 7,138 - 1 - 3

"Fort St George Acctt Genl Office
"3d April 1841
"J. Crawford
"Acctt Genl Supreme Court

"This Certificate is granted as per application from Mr J. H. Wilkins Solicitor for Singara Valoo Moodt dated 29th March 1841

"Exd P. Appasamy

No 24

"Supreme Court
"Equity Side

Paukum Narrainsaumy Moodt Complainant V Connore "Arnachella Moodelly Defendant.

"The Legacy to Valathamall and the Child of her body Rutna "Moodelly"

"I hereby Certify that according to the Books of the Supreme Court "the funds standing to the Credit of this Cause "The Legacy to Valathamall" and the Child

"Child of her body Rutna Moodelly are as follows Vizt.

"In Two Promt. Notes of the 4 p Ct. Loan of 1st. May 1832

"No. 2201 dated 1st. May 1832 bearing Interest from 1st. Novemr. 1840 for Sa. Rs. 5000 — " "

" " 1258 — " — 1 ditto — bearg. dº. from 1st. dº. — for " — 2,000 — " — "

"Sa. Rupees 7000 — " — "

"Ca. Rupees 7,455 — " — "

"In Three Ditto of the 4 p Ct. Loan of 31st. March 1836

"No. 6765 dated 31st. March 1836 bearing Interest from 30th. Septemr. 1840 is " — 900 — " — "

" " 13295 — " — 31st. ditto — bearing dº. from 30th. dº. — is " — 500 — " — "

" " 16451 — " — 31st. ditto — bearing dº. from 30th. dº. — is " — 500 — " — "

9,355 — " — "

"In Cash being Interest drawn and credited to this Account — 225 — 1 — 11

9,580 — 1 — 11

"Interest due on the above Govt. Securities — 38 — " — "

"Company's Rupees 9,618 — 1 — 11

"Fort St. George Acctt. Genl. Office
"3d. April 1841
S. Crawford
"Acctt. Genl. Supreme Court

"This Certificate is granted as pr. application
"from Mr. J. H. Wilkins Solicitor for Singara
"Valoo Moodly dated 29th. March 1841
"Exd. P. Appasamy

"No. 25

"Supreme Court
" Equity Side

"Paukum Narrainsawmy Moodelliar Complainant and Connore
"Arnachellum Moodelliar Defendant

"The Account of the Testator's Estate

"I hereby Certify that according to the Books of the Supreme Court the funds
"standing to the Credit of this Cause are as follows Vizt.
"In Nine Promissory Notes of the 4 p Ct. Loan of 1st. May 1832
"No. 2192 dated 1st. May 1832 bearing Interest from 1st. Novemr. 1840 for Sa. Rs. 1,00,000 — " — "
" " 2193 — 1st. ditto — bearg. dº. — from 1st. dº. — for " — 1,00,000 — " — "
" " 2194 — 1st. ditto — bearg. dº. — from 1st. dº. — for " — 30,000 — " — "
" " 2195 — 1st. ditto bearg. dº. — from 1st. dº. — for " — 30,000 — " — "
" " 2196 — 1st. ditto bearg. dº. — from 1st. dº. — for " — 10,000 — " — "
" " 2197 — 1st. ditto bearg. dº. — from 1st. dº. — for " — 10,000 — " — "
" " 461 — 1st. ditto bearg. dº. — from 1st. dº. — for " — 2,500 — " — "
" " 689 — 1st. ditto bearg. dº. — from 1st. dº. — for " — 3,900 — " — "
" " 3706 of 2205 1st. ditto bearg. dº. — from 1st. dº. — for " — 1,000 — " — "
"In One Ditto of the 5 p Ct. Loan of 18th. Augt. 1825
No. 6794 dated 1st. May 1826 bearg. Intt. from 1st. Novr. 1840 for " — 300 — " — "
"In One Ditto of the 5 p Ct. Loan of 15th. January 1830
No. 253 dated 19th. March 1830 bearg. Intt. from 19th. Septr. 1840 for 1,800 — " — "
"Sa. Rupees 2,89,600 — " — "
"Ca. Rupees 2,08,317 — 8 — "

"In Three Ditto of the 4 p Ct. Loan of Tanjore Debt
No. 11 dated 9th. Augt. 1831 bearg. Intt. from 30th. Octr. 1840 for 5,882 — 4 — 9
" " 296 of 1305 5th. Augt. 1834 bearg. dº. from 30th. ditto — for 5,000 — " — "
" " 448 of 1105 15th. October 1834 bearg. dº. from 30th. ditto — for 14,000 — " — "
32,999 — 12 — 9
"In Cash not bearing Interest — 47 — 1 — "
32,946 — 13 — 9
"Interest due on the above Govt. Securities Rs. 48 — 12 or — 61 — 14 — 8
"Company's Rupees 32,498 — 12 — 5

"Fort St. George Acctt. Genl. Office
"3d. April 1841
"S. Crawford
"Acctt. Genl. Supreme Court

"This Certificate is granted as pr. application
"from Mr. J. H. Wilkins Solicitor for Singara
"Valoo Moodly dated 29th. March 1841
"Exd. P. Appasamy

No. 26

"No. 26

"Supreme Court
"Equity Side

"Paukum Narrainsawmy Moodelly Complainant V Connore
"Arnachella Moodelly Defendant.

"The Legacy to Davanee Ummall and the Children of her body."

"I hereby Certify that according to the Books of the Supreme Court the funds
"standing to the Credit of this Cause "The Legacy to Davanee Ummall and the Children
"of her body" are as follows Vizt.
"In Two Promt. Notes of the 4 p Ct. Loan of 1st. May 1832
No. 2202 dated 1st. May 1832 bearing Interest from 1st. Novemr. 1840 for Sa. Rs. 5,000 — " — "
" " 3705 of 2203 — " — 1st. ditto — bearing dº. from 1st. dº. — for " — 2,000 — " — "
"Sa. Rupees 7,000 — " — "
"Company's Rupees 7,455 — " — "

"This Certificate is granted as pr. application
"from Mr. J. H. Wilkins Solicitor for Singara
"Valoo Moodly dated 29th. March 1841.
"Exd. P. Appasamy"

Fort St. George Acctt. Genl. Office
3d. April 1841
S. Crawford
Acctt. Genl. Supreme Court

"No. 27.

"Supreme Court
"Equity Side

"Paukum Narrainsawmy Moodelly Complainant V
"Connore Arnachella Moodelly Defendant.

"The Separate Account of Davanee Ummall"

"I hereby Certify that according to the Books of the Supreme Court the fund
"standing to the Credit of this Cause "The Separate Account of Davanee Ummall" are
"as follows Vizt.
"In One Promt. Note of the 5 p Ct. Loan of 15th. Janr. 1830
"No. 1277 dated 6th. Septemr. 1830 bearing Interest from 6th. Decemr. 1840 for Sa. Rs. — 100 — " — "
"In One Ditto of the 4 p Ct. Loan of 1st. May 1832
"No. 1272 dated 1st. May 1832 bearing Interest from 1st. Novemr. 1840 for " 1,000 — " — "
"Sa. Rupees 1,100 — " — "
"Ca. Rupees 1,171 — 8 — "

"In Two Ditto of the 4 p Cent Loan of 31st. March 1836
"No. 11993 dated 31st. March 1836 bearing Interest from 30th. Septemr. 1840 for " — 500 — " — "
"No. 4403 — " — 31st. dº. — bearing dº. from 30th. ditto — for " — 500 — " — "
2,171 — 8 — "

"In Cash not bearing Interest — 10 — " — 1
"Ditto being Interest drawn and credited to this Account — 456 — 3 — 9
456 — 3 — 10
2,627 — 11 — 10
"Interest due on the above Govt. Securities — 21 — 5 — 3

"Company's Rupees 2,559 — 1 — 1

"Fort St. George Acctt. Genl. Office
"3 April 1841
"S. Crawford
"Acctt. Genl. Supreme Ct.

"This Certificate is granted as pr. application
" " from Mr. J. H. Wilkins Solicitor for Singara
" " Valoo Moodly dated 29th. March 1841.
"Exd. P. Appasamy"

Whereupon and upon debate of the Matter and hearing what was allo
by the Counsel for the said Plaintiff and Defendant and for the said Singara Valoo
Moodelly and on their respectively Consenting. This Court doth Order that the
Sub Treasurer of Fort Saint George with the privity of the Accountant General of
this Court do pay and deliver to the said Defendant Connore Arnachella Moodelly

The

the Government Promissory Note №59 dated First February One thousand Eight hundred and Eleven for Madras Rupees Seven thousand (7000) standing to the Credit of this Cause "The Legacy to the Mootah and Charity in the Fifth Paragraph of the Testators Will mentioned And also the sum of Rupees One hundred and Thirty eight Anna One and pice three (138-1-3) the Interest due thereon standing to the Credit of the same Account and in the Accountant General's Certificate №23 respectively mentioned to be by the said Defendant applied for the purposes of the said Mootah and Charity And this Court doth further Order that the said Sub Treasurer with the like privity of the said Accountant General do sell and dispose of the Government Security №689 dated First May One thousand Eight hundred and Thirty two for Sicca Rupees Three thousand and Nine hundred (3900) part of the Funds in the Accountant Generals Certificate №25 mentioned to be standing to the Credit of this Cause to the Account entitled "The Account of the Testator's Estate" and from the Proceeds of such Sale do pay to the said Defendant the sum of Company's Rupees Three thousand and Seven hundred (3,700) the Amount of the Legacy payable to the Defendant for the Expences of the Testators Family as directed by the Eighth Paragraph of the said Testators Will) and do Carry the residue of such Proceeds to the Credit of this Cause to the Account entitled "The Account of the Testators Estate" And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" in the said Accountant General's Certificate №25 mentioned do transfer and Carry to the Credit of the Account in the Accountant General's Certificate №24 mentioned entitled "The Legacy to Valathamall and the Child of her body Rutna Moodelly" the Sum of Rupees Forty seven Annas twelve and pice eight (47-12-8) being the Interest on such Legacy from the Twenty fourth day of September One thousand Eight hundred and Thirty six to the First day of November One thousand Eight hundred and Thirty six as in the Masters Report mentioned And it is Ordered that the Sub Treasurer with the like privity of the said Accountant General do invest the said Sum of Rupees Forty seven Annas twelve and pice eight (47-12-8) when so transferred and all Cash and Interest due or to grow due on the Government Promissory Notes or Securities in the Accountant Generals Certificate №24 mentioned and on all Government Promissory Notes or Securities to be at any time standing to the Credit of the said Account "The Legacy to Valathamall and the Child of her body Rutna Moodelly" in other Government Promissory Notes or Securities and Carry such last mentioned Government Promissory Notes or Securities when so purchased to the like Account "The Legacy to Valathamall and the Child of her body Rutna Moodelly" subject to the further Order of this Court and as by the Decree in this Cause dated First October One thousand Eight hundred

hundred and Thirty six directed And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General also from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" in the said Accountant General's Certificate №25 mentioned do transfer and Carry to the Credit of the Account in the Accountant Generals Certificate №27 mentioned entitled "The Separate Account of Davanee Ummall" the Sum of Rupees Forty seven Annas twelve and pice eight (47-12-8) being Interest from the Twenty fourth day of September One thousand Eight hundred and Thirty six to the First day of November One thousand Eight hundred and Thirty six on the Legacy given to Davanee Ummall and the Children of her body as in the Master's Report mentioned And it is Ordered that the Sub Treasurer with the like privity of the Accountant General do invest the said Sum of Rupees Forty seven Annas twelve and pice eight (47-12-8) when so transferred and all Interest from time to time to grow due on the Government Promissory Notes or Securities standing to the Credit of the Account "The Legacy to Davanee Ummall and the Children of her body" in the Accountant General's Certificate №26 mentioned and also all Cash and Interest due and to grow due on the Government Promissory Notes or Securities in the Accountant General's Certificate №27 mentioned and on all other Government Promissory Notes or Securities to be at any time standing to the Credit of the Account entitled "The Separate Account of Davanee Ummall" in the Accountant General's said Certificate №27 mentioned in other Government Promissory Notes or Securities and carry such last mentioned Government Promissory Notes when so purchased to the said Account entitled "The Separate Account of Davanee Ummall" subject to the further Order of this Court and as by the said Decree dated First October One thousand Eight hundred and Thirty six is directed And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General do Carry to an Account in this Cause to be entitled "The Account of the Maintenance of Poongavanee Ummall the Testator's Widow" the two following Government Promissory Notes of the Four per cent loan of the Tanjore Debt now standing to the Credit of this Cause "The Account of the Testator's Estate" and in the Accountant Generals said Certificate №25 mentioned that is to say №296 of 135 dated Fifth August One thousand Eight hundred and Thirty four bearing Interest from Thirtieth October One thousand Eight hundred and Forty for Company's Rupees Five thousand (5,000) and №448 of 105 dated Fifteenth October One thousand Eight hundred and Thirty four bearing Interest from Thirtieth October One thousand Eight hundred and Forty for Company's Rupees Ten thousand (10,000) And that the said Sub Treasurer with the like privity of the said Accountant General do from and out of other part of the funds standing to the Credit of this Cause "The Account of the Testator's Estate" purchase and carry to the said Account to be entitled "The Account of the Maintenance of Poongavanee Ummall the Testator's Widow" a Promissory Note of the four per Cent Loan of the Tanjore Debt for the Sum of Rupees Six thousand (6,000) And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General do from time to time until the further Order of this Court pay to

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to the said Poongavanee Ummall for her Maintenance and Support the Interest due and to accrue due on the said Promissory Notes of the Four per Cent Loan of the Tanjore Debt for Company's Rupees Five thousand (5,000) and Company's Rupees Ten thousand (10,000) and for Rupees Six thousand (6,000) (when purchased) to be so respectively Carried to the said Account to be entitled "The Account of the Maintenance of Poongavanee Ummall the Testator's — Widow" And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General do from and out of other part of the Funds standing to the Credit of this Cause "The Account of the — Testator's Estate" carry the sum of Rupees One thousand and Sixty two Annas Fifteen and pice four (1062-15-4) to an Account to be entitled "The Amount due to the legal Representative or Representatives of Caumoo Chitty" And do invest the same sum or so much thereof as may be practicable in a Government Security or Securities and Carry such Security or Securities when so purchased to the Credit of the last mentioned Account And it is Ordered that the Sub Treasurer with the like privity of the Accountant General do invest the Interest from time to time to grow due on the — Government Security or Securities to be standing to the last mentioned Account and any Cash which may at any time be standing to such Account in other Government Security or Securities and carry all such Securities when so purchased to the Credit of the said Account to be entitled "The Amount due to the legal representative or representatives of Caumoo Chitty" the whole of such Government Securities to be standing to such Account to be subject to the further Order of this Court And it is further — Ordered that it be referred to the Master of this Court to Tax the Costs of the Plaintiff and Defendant and of the said Comoro Singara Valoo Moodelly of this Suit since the last Taxation thereof as between Solicitor and Client And it is Ordered that the same when so Taxed be Certified at the foot of this Order under the hand of One of the Judges of this Court And it is further Ordered that the said Sub Treasurer with the like privity of the said Accountant General do from and out of the residue of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" pay the Amount of the Plaintiff's Costs to be so Certified to Mr. Henry Morgan Rowlandson his Solicitor the Amount of the Defendant's Costs to be so Certified to Mr. William Henry Rose his Solicitor And the Amount of the Costs of the said Singara Valoo Moodelly to be so Certified to Mr. John Henry Wilkins his Solicitor And it is further Ordered that after the several payments and transfers from and out of the Funds standing to the Credit of this Cause "The Account of the Testator's Estate" shall have been made as hereinbefore directed the said Sub Treasurer with the like privity of the said Accountant General do deliver and pay the remaining Securities and Cash then standing to the Credit of the last mentioned Account to the Defendant and the said Singara Valoo Moodelly And it is further Ordered that for the purpose of Carrying this Order into effect the said Sub Treasurer with the like privity of the said Accountant General be at liberty to sell and subdivide such of the Government Securities standing to the Credit of this Cause as may be necessary And it is further Ordered that the said Defendant and the said — Singara Valoo Moodelly do from and out of the Residue of the Funds standing to the Credit of the said Account "The Account of the Testator's Estate" when so paid and delivered to them as hereinbefore directed pay to Yellamah in the Master's Report mentioned the Sum of Rupees Ninety Annas five and pice eight (90-5-8) being the Amount found by the Master to be due to her by the said Testator's Estate And it is Ordered that the Sub Treasurer with the like privity of the said — Accountant General do deliver to the said Defendant and the said Singara Valoo Moodelly the Chest deposited in the Treasury by the Plaintiff and Defendant in pursuance of the directions contained in the Decree in this Cause dated Second April One thousand Eight hundred and Thirty four And it is further Ordered that the said Plaintiff do deliver to the said Defendant and the said Singara Valoo Moodelly the Key of the said Chest in his possession And it is further Ordered that the Master do retain in his possession until and subject to the further Order of this Court the Collector's Certificate No. 8997 dated Eighth December One thousand Eight hundred and Twenty seven in his said Report mentioned being the Title Deed of the House where Andeapah in the Testator's Will mentioned was living and which House was bequeathed to Poongavanee Ummall the — Widow of the said Testator for her life And it is Ordered that the said Master do deliver up to the said Defendant the Title Deeds of the Bazars and Boutiques and other Property mentioned and set forth in the Fourth Schedule to his Report dated Twenty second March One thousand Eight hundred and Forty one And it is further Ordered that the said Master do deliver to the said Defendant and the said Singara Valoo Moodelly all Title Deeds and Securities other than those before mentioned in his possession deposited with the Master in this Cause And this Court doth Order that all Parties interested in the Matters aforesaid are to be at liberty to apply to this Court by Petition as they may be advised.

By the Court

H. D. Acworth
M

H. M. Rowlandson
Complt's Solr

R. H. Rose
Defts Solr

Wilkins
Pltffs Solr

The amount of the Taxed Costs to be paid in pursuance of this Decree to Mr. Henry Morgan Rowlandson Solicitor for the Plaintiff is Rupees Three hundred and Seventy and Annas eight (370-8-) to Mr. William Henry Rose Solicitor for the Defendant is Rupees Four thousand Two hundred and Twenty seven and Annas One (4227-1-) and to Mr. John Henry Wilkins Solicitor for Singara Valoo Moodelly is Rupees Five thousand six hundred and Eighty three and Annas ten (5683-10-) as appears by the Three several Certificates of the Master of this Court bearing date respectively the Twenty eighth day of May One thousand Eight hundred and Forty one Dated this Fourth day of June One thousand eight hundred and Forty one

/Signed/ Edwd. J. Gambier

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In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1841

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices

Wednesday the thirty first day of March One thousand Eight hundred and Forty one and in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Shah Abootorab Shavil Kadary, Shah Ghoolam Moynoddeen Shavil Kadary, Shah Ghoolaum Moyuddeen Shavil Kadary, Shah Mahomed Isaac Shavil Kadary, Mareunnissa Baigum, Umthool Ameena, Fathmah Baigum and Faruthunissa Baigum, Shah Moortozah Shavil Kadary and Thullum Baigum Shah Ghoolaum Ahmed Shavil Kadary and Ahmaddee Baigum Plaintiffs

and

Shah Ismail Shavil Kadary, Shah Ghoolam Hoosain Shavil Kadary, Shah Ghoolam Ally Shavil Kadary, Rahmuth Bunoo and Aleima Dee Defendants

By Original Bill

And between The same Parties . . . . . Plaintiffs

and

The same Parties . . . . . Defendants

By Amended Bill

And also between Shah Abootorab Shavil Kadary, Shah Ghoolam Moynoddeen Shavil Kadary, Shah Ghoolam Moyuddeen Shavil Kadary, Mareunnissa Baigum, Umthool Ameena, Fathma Baigum and Faruthunissa Baigum, Shah Moortozah Shavil Kadary and Thullum Baigum, Shah Ghoolam Ahmed Shavil Kadary and Ahmaddee Baigum . . . . . Plaintiffs

and

Shah Ismail Shavil Kadary, Shah Ghoolam Hoosain Shavil Kadary, Shah Ghoolam Ally Shavil Kadary, Rahmuth Bunoo and Aleima Dee and Ghoolam Mahomed Shavil Kadary, Hauthoonah Baigum and Maumoodee Baigum when they shall come within the Jurisdiction of this Honorable Court . . . . . Defendants

By Bill of Revivor

This Cause coming on the Twenty ninth day of July One thousand Eight hundred and Thirty nine 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 the behalf of the Plaintiffs and the Defendant Shah Ismail Shavil Kadary. Upon Opening and debate of the Matter and hearing what was alleged by the Counsel for the said Plaintiffs and for the Defendant Shah Ismail Shavil Kadary and Mr. Advocate General his Counsel Consenting to such a Decree as should be taken by the said Plaintiffs Their Lordships made their Decree bearing date the said Twenty ninth day of July One thousand Eight hundred and Thirty nine And thereby Declared that Shah Mahomed Shavil Kadary in the Pleadings of this Cause named departed this life intestate and without having made any Last Will or Testament And the Court did thereby further declare that the said Plaintiffs and Defendants were the only surviving representatives of the said Shah Mahomed Shavil Kadary and entitled to have possess and enjoy the whole of his

his said Property Estate and Effects in such Shares and proportions as by the Mahomedan Law they were entitled to And the Court further Declared that the Monthly Pension of Eighty Pagodas in the Plaintiffs Bill mentioned received by the Defendant Shah Ghoolam Hoossain Shavil Kadary formed so long as the East India Company should be pleased to pay or Continue the same part and parcel of the Estate of the said Shah Mahomed Shavil Kadary and liable to be divided amongst the said Plaintiffs and Defendants in the same manner as his other Estate And the Court did thereby Order that it should be referred to the Master to take an Account of the Sum and Sums of Money received by the said Defendant Shah Ghoolam Hoossain Shavil Kadary for or on Account of the said Shah Mahomed Shavil Kadary during such time as he the said Shah Mahomed Shavil Kadary was of unsound mind and of his Appropriation thereof And it was further Ordered that it should be referred to the Master to take an Account of the Estate Property and Effects real and personal of the said Shah Mahomed Shavil Kadary and of the Rents issues and Profits and Proceeds of such Estate or of any part thereof which since the death of the said Shah Mahomed Shavil Kadary have come to the hands possession Custody or power of the said Defendants or any or either of them or of any other Person or Persons by their or any or either of their Order or for their or any or either of their use and of the appropriation thereof And it was further Ordered that the said Master should take an Account of the Debts of the said Shah Mahomed Shavil Kadary and Compute Interest on such of the Debts as carry Interest after the rate the same respectively carry And it was Ordered that the said Master should Cause an Advertisement to be published in the Fort Saint George Gazette and in such other of the Public News papers as he should think fit for the Creditors of the said Shah Mahomed Shavil Kadary to come in before him and prove their Debts And he was to fix a peremptory day for that purpose and such of them as should not come in by the time so to be limitted were to be excluded the benefit of that Decree And it was Ordered that the Master should ascertain and Report the clear residue of the Estate and Property of the said Shah Mahomed Shavil Kadary and for the better taking of the said Account and discovery of the Matters aforesaid the Parties were to produce before the said Master upon Oath all Coljams Deeds Books Papers and Writings in their Custody or Power relating thereto and were to be examined upon Interrogatories as the Master should direct who in taking the said Account was to make unto the Parties all just allowances And it was Ordered that the said Master should be at liberty

liberty to state any special Circumstances and was also to be at liberty to make a Separate Report as to any of the Matters aforesaid And the Court did thereby reserve the Consideration of all further directions and of the Costs of this Suit until after the said Master should have made his Report and any of the Parties were to be at liberty to apply to the Court as Occasion should require And the said Decree was to be binding unto the said Defendants Shah Ghoolam Hoossain Shavil Kadary Shah Ghoolam Ally Shavil Kadary Rahmuth Baunoo and Aleema Bee Unless they on being served with a Subpoena to be served on them for that purpose should shew unto this Court good Cause to the contrary But the said Defendants before they were to be Admitted to shew such Cause were to pay unto the Plaintiffs their Costs of the days default in appearance to be taxed by the said Master and whereas by an Order made in this Cause bearing date the Twenty seventh day of July One thousand Eight hundred and Forty it was Ordered that the said Decree should be made absolute And whereas in pursuance of the said Decree the Master made his Report dated the Thirtieth day of January One thousand Eight hundred and Forty one And thereby Reported that he had been attended by the Solicitor for the said Plaintiffs and by the Defendant Shah Ghoolam Hoossain Shavil Kadary in Person and in their presence he had proceeded to take an Account of such part of the Estate Property and Effects real and personal of the said Shah Mahomed Shavil Kadary and of the Rents Issues Profits and Proceeds of such Estate as since the death of the said Shah Mahomed Shavil Kadary had come to the hands possession Custody or power of the said Defendant Shah Ghoolam Hoossain Shavil Kadary And that he had in the Schedule No 1 annexed to his said Report setforth the particulars of such Rents Issues profits and proceeds of such Estate Amounting to the Sum of Company's Rupees Twenty three thousand One hundred and three Annas fourteen and pice three And no Evidence having been adduced before him in respect of the Application thereof he the said Master found the said Sum of Company's Rupees Twenty three thousand One hundred and three Annas fourteen and pice three to be the clear Residue of the Estate and Property of the said Shah Mahomed Shavil Kadary in the hands of the said Defendant Shah Ghoolam Hoossain Shavil Kadary and that he had in the Schedule No 2 annexed to the said Report setforth the particulars of the real Estate of the said Shah Mahomed Shavil Kadary which the said Master found to be in the possession of the said Defendant Shah Ghoolam Hoossain Shavil Kadary and that he had Caused an Advertisement to be published in the "Fort Saint George Gazette" and in the "Commercial Circulator" "The Spectator"

and

and "The United Service Gazette" public News papers at Madras for the Creditors of the said Shah Mahomed Shavil Kadary to come in before him and prove their Debts and that he fixed a peremptory day for that purpose which had since expired and no Person had appeared before him Claiming to be a Creditor of the said Shah Mahomed Shavil Kadary deceased And that no Charge had been left with him in respect of the Sum and Sums of Money received by the said Defendant Shah Ghoolam Hoossain Shavil Kadary for and on Account of the said Shah Mahomed Shavil Kadary during such time as the said Shah Mahomed Shavil Kadary was of unsound mind or of his application thereof. And this Cause Coming on this present day to be heard for further directions on the said Report and the Costs of this Suit reserved by the said Decree of the Twenty ninth day of July One thousand Eight hundred and Thirty nine before the Honorable the Judges of this Court in the presence of the Counsel for the said Plaintiffs and for the said Defendant Shah Ismail Shavil Kadary And Mr. Advocate General his Counsel Consenting to such a Decree as should be taken by the said Plaintiffs. And the said Defendant Shah Ghoolam Hoossain Shavil Kadary personally appearing in Court. Whereupon and upon hearing read the said Decree bearing date the Twenty ninth day of July One thousand Eight hundred and Thirty nine And the Order of this Court made in this Cause dated the Twenty seventh day of July One thousand Eight hundred and Forty Whereby the said Decree was made absolute And the said Report of the said Master of this Court made in pursuance of the said Decree bearing date the said Thirtieth day of January One thousand Eight hundred and Forty one And the Orders of this Court made in this Cause bearing date respectively the Eighteenth day of February last And the Fifth day of March instant Whereby the said Report and all the Matters and things therein Contained became absolutely Confirmed And upon reading also a Notice in Writing from Mr. James William Branson Solicitor for the said Plaintiffs to Mr. Samuel Greenway Lowden Jenkins Solicitor for the said Defendants Shah Ghoolam Hoossain Shavil Kadary, Shah Ghoolam Ally Shavil Kadary, Raumuth Bauoo and Aleema Bee that this Cause was entered for further directions and Costs this day. And the Affidavit of George Clarke Smaller Sworn and filed this day of personal Service of the said Notice on the said Mr. Jenkins on the Twenty fourth day of March instant — This Court doth Order that the said Defendant Shah Ghoolam Hoossain Shavil Kadary do within One Month after Service on him of this Order pay into the Treasury of Fort Saint George with the privity of the Accountant General of this Court to the Credit of this Cause the Sum of

Company's Rupees Twenty three thousand One hundred and Three Annas fourteen and pice three (23,103-14-3) being the clear residue of the Estate and Property of Shah Mahomed Shavil Kadary the intestate in the Pleadings of this Cause named by the Master's Report found to be in the hands of the said Defendant Shah Ghoolam Hoossain Shavil Kadary. And it is further Ordered that the Sub Treasurer of Fort Saint George with the privity of the said Accountant General do invest the said Sum of Company's Rupees Twenty three thousand One hundred and three Annas fourteen and pice three (23,103-14-3) when so paid in by the said Defendant Shah Ghoolam Hoossain Shavil Kadary in one or more Government Promissory Notes or Securities and carry such Notes or Securities to the Credit of this Cause subject to the further Order of this Court And this Court doth Order that so much of the real Estates of the said Shah Mahomed Shavil Kadary specified in the Second Schedule to the Master's Report and which he found to be in the possession of the said Defendant Shah Ghoolam Hoossain Shavil Kadary as consists of One large House and three other Houses close to each other with Cocoanut and Mango Trees on the Land attached to the same situate opposite to Sir Henry Gwillims House on the Road leading to Saint Thome and certain Premises called Goya Thotum be sold with the approbation of the Master to the best Purchaser or Purchasers who can be got for the same to be allowed of by the said Master — wherein all proper Parties are to join as the said Master shall direct and in Order to such Sale the said Parties are to produce before the said Master upon Oath all Deeds Cadjans and Writings in their Custody or power relating to the said Estate And the said Master is to settle the Conveyances or Assignments of the said Estates in case the Parties differ about the same And it is further Ordered that it be referred to the Master to ascertain and Report in what Shares or proportions the Plaintiffs and Defendants are respectively entitled to the Net proceeds of the said real Estate and also to the said Sum of Company's Rupees Twenty three thousand One hundred and three Annas fourteen and pice three (23103-14-3) so found due from the said Defendant Shah Ghoolam Hoossain Shavil Kadary And this Court doth Order that it be referred to the Master to Tax the Costs of the Plaintiffs and of the Defendant Shah Ismail Shavil Kadary of this Suit and that the Plaintiffs do pay to the said Defendant Shah Ismail Shavil Kadary the Amount of his Costs so

1842 6 14 The Plaintiffs Counsel undertaking on their behalf that no process to enforce payment of the said Sum shall issue against the person of the said Defendant

to be taxed as aforesaid and that the Defendant Shah Gholam Hoosain Shawl Kadary do pay to the Plaintiffs the Amount of their Costs to be so taxed as aforesaid and also of what they shall so pay to the said Shah Ismail Shawl Kadary for his Costs And it is Ordered that the Plaintiffs shall be entitled to be paid the Amount of their Costs to be so taxed as aforesaid and of what they shall so pay for the Costs of the said Shah Ismail Shawl Kadary from and out of the proceeds of the Sale of the real Estates in case such Costs shall not in the meanwhile be paid by the said Shah Gholam Hoosain Shawl Kadary And this Court doth reserve the Consideration of all further directions and also the subsequent 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.

the said Plaintiffs Counsel undertaking on their behalf that no process to enforce payment of any such Costs shall issue against the person of the said Defendant Shah Gholam Hoosain Shawl Kadary

By the Court

E. H. Arwidi

Registrar

Pauper

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In the Supreme Court of Judicature at Madras

Second Term 1841

Equity Side

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Friday the Second day of April One thousand Eight hundred and Forty One And in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Pauperum all ..... Plaintiff

and

Goodaloor Veeraswamy Moodelly and Mungatay Ummall Defendants

This Cause coming on this day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides Upon opening the Bill of Complaint of the above named Plaintiff And the Answers of the said Defendants thereto And upon hearing read as Evidence for the said Plaintiff against the Defendant Goodaloor Veeraswamy Moodelly the Several Passages in the Answer of the said Defendant Goodaloor Veeraswamy Moodelly as follows that is to say from the words "And this Defendant" in folio 5 to the words "the limits of Madras" in the same folio from the words "this Defendant saith" in folio 6 to the words "Government House at Madras" in folio 7 from the words "And this Defendant" in folio 9 to the words "since so continued" in folio 19 from the words "And this Defendant" in folio 12 to the words "and proper manner" in folio 13 from the words "And this" at the end of folio 15 to the words "Mungathay Ummall" in folio 16 from the words "And this Defendant" in folio 16 to the words "as in the Bill stated" at the beginning of folio 18 from the words "and this Defendant" in folio 25 to the words her maintenance and support" in folio 26 from the words "And this Defendant" in folio 32 to the words "Undivided Hindoo Family" in the same folio And upon hearing read also as Evidence for the said Plaintiff the Deposition of Goodaloor Cotter Moodelly to the First Second Third Fourth and Fifth Interrogatories on chief filed on behalf of the said Plaintiff The Deposition of Chunga Raunee Moodelly to the First and Fourth Interrogatories in Chief filed on behalf of the said Plaintiff The Deposition of Nellecoopum Veeraswamy Moodelly to the First Fourth and Fifth Interrogatories in Chief filed on behalf of the said Plaintiffs And upon hearing read part of the said Answer of the said Defendant Goodaloor Veeraswamy Moodelly in explanation for the said Defendant Goodaloor Veeraswamy Moodelly as follows that is to say from the words "And this Defendant" in folio 20 to the words "first butler as aforesaid" in folio 22. And upon hearing read

read also as Evidence for the said Defendant Goordalore Veeraswamy Mordelly The Deposition of Anaciaven Tandavroy Mordelly to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Defendant Goordalore Veeraswamy Mordelly. The Deposition of Perumalcutty Parasseramah Mordelly to the First Second Third Fourth Fifth and Sixth Interrogatories in Chief filed on behalf of the said Defendant Goordalore Veeraswamy Mordelly The Deposition of Chinga Venkatachellum Mordelly to the First Second Third Fourth and Sixth Interrogatories in Chief filed on behalf of the said Defendant Goordalore Veeraswamy Mordelly. The Deposition of Perumbaw Kanagarayen Parasseramah Mordelly to the First Second Third Fourth Fifth Sixth and Last Interrogatories in Chief filed on behalf of the said Defendant Goordalore Veeraswamy Mordelly. And upon hearing read also as Evidence for the said Defendant Goordalore Veeraswamy Mordelly the Exhibit marked A And upon reading for the Plaintiff a further the Answer of the Defendant Mungatay Ammall this Cause coming on as against her upon Bill and answer. Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides And on Mature Consideration had thereon This Court doth Order that it be referred to the Master of this Court to take an Account of the Family Property of Eeroappah Mordelly in the Plaintiffs Bill mentioned And of the Rents Issues and Profits thereof which since the death of Rungapah Mordelly in the Bill also mentioned have been received by the Defendant Goordalore Veeraswamy Mordelly or by any other Person or Persons by his Order or for his use or which but for his wilful default might have been received And this Court doth further Order that it be also referred to the Master to ascertain and Report what would be a proper Sum to be allowed for the maintenance of the Plaintiff out of the said Family Property from the death of the said Rungapah Mordelly And for the time to come 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 Books Books Papers Cadjans 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 also of the costs of this Suit until after the Master shall have made his Report And any of the Parties are to be at Liberty to apply to this Court as there shall be Occasion:-

By the Court.

H. Brandon
Compltts Sol

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In the Supreme Court of Judicature at Madras

Equity Side

Second Term 1843

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Monday the Fifth day of April One thousand Eight hundred and forty One And in the Fourth Year of the Reign of Her Majesty Queen Victoria

Between Ram Parsaud Sawlah . . . . . Plaintiff

and

Vendalore Mootoo Moodelly and Vendalore Dava seccamany Moodelly . . . . . Defendants.

R Comyn.

Edw J Gambier

This Cause coming on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras as against the Defendant Vendalore Mootoo Moodelly in the presence of the Counsel for the Plaintiff and the said Defendant Vendalore Mootoo Moodelly Upon opening the Bill of Complaint of the above named Plaintiff And the Answer of the said Defendant Vendalore Mootoo Moodelly thereto And upon hearing read as Evidence for the said Plaintiff the Several passages in the said Answer of the said Defendant Vendalore Mootoo Moodelly as follows that is to say from the beginning of the said Answer to the words "drawn up by Chettypoonyum Ragavachariar" in folio 20 and from the words "And this Defendant" in folio 21 to the words "and Premises" in the same folio from the words "this Defendant" in folio 18 to the words "profits of the said Garden" in the same folio from the words "he admits" in folio 21 to the words "such pretended Tender" in the same folio from the words "And this Defendant" in folio 22 to the words "in the said Premises" in folio 23 And upon hearing read as Evidence for the said Plaintiff The Deposition of Dampala Venkatasawmy Naick to the Second Interrogatory in Chief filed on behalf of the said Plaintiff. The Deposition of Balakistnah Sawlah to the First Interrogatory in Chief filed on behalf of the said Plaintiff. The Deposition of Vayampayee Ramoo Naick to the Fifth and Last Interrogatory in Chief filed on behalf of the said Plaintiff. The

Deposition

Deposition of Vayampayder Danacorthe Moodelly to the Fifth and Last Interrogatories in chief filed on behalf of the said Plaintiff. The Deposition of Veyampayder Saverrie to the Fifth Interrogatory in chief filed on behalf of the said Plaintiff. The Deposition of Emmanis Moodelly to the Fifth Interrogatory in Chief filed on behalf of the said Plaintiff. And upon hearing read also as Evidence for the said Plaintiff the Exhibits marked with the Letters A and C. Whereupon and upon hearing what was alleged by the Counsel for the said Plaintiff (the Counsel for the Defendant Vindalore Mootoo Moodelly not being heard) And it appearing to the Court that the Defendant Vindalore Davaseecanany Moodelly filed a Demurrer to the said Bill of Complaint And upon reading an Order of this Court bearing date the Twenty first day of July One thousand Eight hundred and Forty whereby it was Ordered that the said Demurrer should be allowed and that the said Bill should be dismissed as against the said Defendant Vindalore Davaseecanany Moodelly with Costs. This Court doth Order that the Plaintiffs Bill do as against the Defendant Vindalore Mootoo Moodelly stand dismissed out of this Court with Costs to be Taxed by the Master.

By the Court.

W. H. Ansley

Registrar

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In the Supreme Court of Judicature at Madras

Equity Side

Third Term 1841

Present

The Honorable Sir Robert Buckley Comyn Knight Chief Justice

and

The Honorable Sir Edward John Gambier Knight

One of Her Majesty's Justices.

Monday the Second day of August One thousand Eight hundred and Forty One And in the Fifth Year of the Reign of Her Majesty Queen Victoria

Between Khoosalchund Govindjee Exrs of the Last Will and Testament of Nemichund Sowchund deceased ..... Plaintiff

and

Nathoo Prudan ..... Defendant

This Cause coming on the Thirty first day of July last and also on this present day to be heard and debated before the Honorable the Judges of the Supreme Court of Judicature at Madras in the presence of Counsel learned on both sides Upon opening the Original and Amended Bill of Complaint of the above named Plaintiff And the Answer and further Answers of the said Defendant to the said Original and Amended Bills And upon hearing read as Evidence for the said Plaintiff the Probate of the Last Will and Testament of Nemichund Sowchund Deceased the Testator in the Pleadings of this Cause named granted out of and under the Seal of this Honorable Court to the said Plaintiff as one of the Executors in the said Will named And upon hearing read as Evidence for the said Plaintiff the Several passages in the Answer of the said Defendant to the said Original Bill as follows that is to say from the words "And this Defendant" in folio 36 the words "Banyee Indoojee at Bombay" in folio 4 from the words "And this Defendant" in folio 16 to the words "this Honorable Court" in folio 15 from the words "And this Defendant" in folio 32 to the words "in the Bill mentioned" in the same folio from the words "And this Defendant further" in folio 45 to the words "in the Bill mentioned" in the same folio from the words "And this Defendant" in folio 53 to the words "Defendant thinks" in folio 52. And upon hearing read as Evidence for the said Plaintiff a Passage in the further Answer of the said Defendant to the Original and Amended Bill of Complaint as follows that is to say from the words "It is Defendant admits" in folio 55 to the words "this Honorable Court" in the same folio. And upon hearing read also as Evidence for the said Plaintiff The Deposition of Ragoonaee Jaba Khund taken in the First and

Seventh

Seventh Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Gordon Dossa Gromda Dossa to the First Third and Seventh Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Sangeregu Dada Boyke to the First Third Fourth and Seventh Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Hurreem Chund to the First and Second Interrogatories in Chief filed on behalf of the said Plaintiff. And upon hearing read also as Evidence for the said Plaintiff the Exhibits marked with the Letters A and B. And upon hearing read as Evidence for the said Defendant The Deposition of Ragoonaga Saba Chund to the Fifth Cross Interrogatory filed on behalf of the said Defendant. The Deposition of Gordan Doss Gromda Doss to the Fifth Sixth and Seventh Cross Interrogatories filed on behalf of the said Defendant. The Deposition of Sangeregu Dada Boyke to the Sixth Cross Interrogatory filed on behalf of the said Defendant. The Deposition of Hurreem Chund to the Second Cross Interrogatory filed on behalf of the said Defendant. The Deposition of Gordan Doss Gromda Doss to the Fourth Interrogatory in Chief filed on behalf of the said Plaintiff. The Deposition of Seeram Mull to the Third Sixth and Seventh Interrogatories in Chief filed on behalf of the said Plaintiff. The Deposition of Ragoonaga Saba Chund to the Third Interrogatory in Chief filed on behalf of the said Plaintiff. The Deposition of Appasee Raj Moodelly to the First and Second Interrogatories in Chief filed on behalf of the said Defendant. The Deposition of Mr Thomas Dyson to the Second and Third Interrogatories in Chief filed on behalf of the said Defendant. And upon hearing read also as Evidence for the said Defendant the Exhibits marked respectively No 1. No 2. No 3. No 4 and No 5.

Whereupon and upon debate of the Matter and hearing what was alleged by the Counsel on both Sides. This Court doth Order that it be referred to the Master to take an Account of all and every the Agency Dealings and Transactions in the Bill mentioned from the Commencement thereof during the life time of the said Nanechund Sowchund and since his decease And also an Account of the Monies received and paid by the said Nanechund Sowchund in his life time and by the Plaintiff as his Executor since his death and by the said Defendant in respect of such dealings and transactions and of what is due to the Plaintiff or Defendant from the other of them on the balance of such Account And this Court doth Order that it be referred to the Master to take an Account of all Goods transmitted for Sale to the said Firm of Nathagudgu Nathoo Tradam by the said Nanechund Sowchund in his life time upon the private Account of the said Nanechund Sowchund and of the Monies realized by the sale of such of the said Goods as have been sold And it is Ordered that the Master do state what of such Goods remain Unsold And for the better taking the said Account and discovery of the Matters aforesaid the Parties are to produce before the said Master upon Oath all such Books Papers and Writings in their Custody or Power relating thereto and are to be examined upon

upon Interrogatories as the Master shall direct who in taking the Accounts is to make unto the Parties all just allowances And this Court doth reserve the Consideration of all further directions and of the Costs of this Suit until after the said Master shall have made his Report And either Party is to be at liberty to apply to this Court as there shall be Occasion.

By the Court.

J Pope

Rob Cauldfield
Comptr

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