

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 720

Press
~~Mis.~~

Dated 12-11.

1857

B no - 6-7 -

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Not to be folded or roughly handled*E*
11/12

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Fort Saint George, Financial Consultation, 17th Novr. 1857.

No. 6. From S. D. BIRCH, Esq., Secretary to the Civil Fund; to E. MALTBY, Esq., Acting Chief Secretary to Government, dated 2nd November 1857, No. 185.

SIR,

1. The Government have doubtless 'ere this, been furnished by the Honorable Company's Solicitor, with a copy of the Judgment given in the Suit of "Robertson *versus* the East India Company and the Trustees of the Civil Fund."

2. In my letter to your address, dated 24th June 1857, it was stated, that Mr. Boyson, the Honorable Company's Solicitor, had intimated to the Trustees, that he could not continue to conduct the Suit on their behalf for reasons, which, that Gentleman intimated, should be officially communicated to them but with which, up to this time, they have not been favored.

3. The papers connected with the Suit, so far as the Trustees were concerned, were handed over by Mr. Boyson, to Mr. Ritchie, who, at his request, undertook to act for the Trustees.

4. In forwarding to them copy of the judgment, Mr. Ritchie has advised the Trustees of the course he considers it expedient they should adopt in the event of an Appeal by the Honorable Company to the Privy Council against the decision of the Supreme Court.

5. The Trustees are led, from all the correspondence that has passed on the subject, to infer that an Appeal will be made to Her Majesty in Council against the judgment of this Court, and they propose, unless the Government see fit to issue other instructions to them, to direct their legal adviser to take such steps, as he may be of opinion are absolutely requisite to protect the interests of the Fund.

(Signed) S. D. BIRCH,
Secretary.

No. 7. ORDER THEREON, No. 720; dated 12th November 1857.

The Government have not yet been furnished with a copy of the Judgment of the Supreme Court in the Suit of "A. Robertson *versus* the East India Company and the Trustees of the Civil Fund;" but they resolve to forward the foregoing letter to the Honorable Company's Solicitor for his remarks, and to request with reference to the Des-

* *Dated, 26th May, No. 12 of 1857.* patch* from the Honorable Court of Directors communicated to him in Extract Minutes of Consultation of the 26th June 1857, No. 376, that he will state what steps are being taken, in accordance with the orders therein conveyed, for prosecuting an Appeal to the Privy Council against the decision of the Supreme Court, and advice the Government as to the course it would be most expedient to adopt in prosecuting such Appeal.

Ed. J. A. Wilson.

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An order
has been issued accordingly.
Is this letter to be sent to the Honble Comptroller
Solicitor for any suggestions or remarks
he may have to offer?
Mr. Boyson defended the suit for Govt
only, leaving the Trustees of the Fund
to make their defence separately.

The Honble Court ordered the suit to be
carried in appeal to the Privy Council
of ~~the~~ judgment was ^{given} against them - a
copy of this Despatch was sent to Mr.
Boyson for his guidance, but he has
not yet communicated the judgment
of the Court or stated what steps he
is taking to prosecute an appeal

I am
Yours faithfully
J. H. M.

I should suppose the same course will
be adopted in the appeal - as has
been during the trial here - viz. that
the trustees will prosecute it the law
on the part of the Court - with the
parties - but the point should be passed
to Mr. Bayton -

It
The point should be referred to Mr. Bayton

It should have Mr. Bayton's advice how
to proceed

ask Mr. B. but it is quite clear
advice - I think that the trustees
will not appeal - they have had

Two Juries must be
already agreed
there - well -
6th

Financial Department

No. 720

Excerpt from the Minutes of Consultation
under date 12th November 1857.

Read letter from the
Secretary to the Civil
Fund.

Dated 2nd Nov. 1857. No. 1651

The Govt have not
yet been furnished with
a copy of the Judgment
of the Supreme Court
in the suit of "H. Robert
son v. the East India
Company and the Treas-
urers of the Civil Fund,"
but they resolve to for-
ward the foregoing let-
ter to the H. C. Solicitor
for his remarks & to request
to be with reference to

* Dated 20th May No. 12 of 1857. The Despatch from the
Honble Court of Directors
communicated to him

in Ex. Min. of Council of the
20th June 1857. No 346, ~~and~~
~~I request~~ that he will
state what steps ~~have~~
~~being~~ are being taken,
in accordance with the
orders therein conveyed,
for prosecuting an ap-
peal to the Privy Council
against the decision of the
Supreme Court, and advise
the Govd as to the course,
it would be most expe-
dient to adopt in prose-
cuting such Appeal.

W

To the H.C. Solicitor
in Regd to the Civil Fund. } Disp'd 12th

Dr. J. L. L. to Eng. 24th Nov.
Dec. 23 of 1857

Dr. L. L. L. to Eng. 24th Nov.
Financial. 1857 & 1858

1857

Contract to build of 1857

of 1857

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