

MADRAS RECORD OFFICE.

Government of Madras.

Marine

DEPARTMENT.

G.O. No. 184

Press
~~Mis.~~

Dated 7. 5.

1857.

Not to be folded or roughly handled

N^o 3578.

2

Mr. T. S. S. S.

T. S. S. S. Esq.

Civil Auditor.

To

T. S. S. Esq.

Chief Secretary to Government

Dated 27 April 1857

Sir,

With reference to my letter of the 21st Instant, I have the honor to submit for the information of the Right Hon^{ble} the Governor in Council copy of a communication with enclosure from the Hon^{ble} Company's Solicitor on the subject of the Annual Donation Batta sought to be recovered from Mess^{rs} Parry & Co and Arthur & Co and as it will be observed that Mr. Dale, the Counsel retained on the question, advises acceptance of the terms proposed by these firms, and to request that I may be favored with orders as to whether, I may inform Mess^{rs} Parry & Co & Arthur & Co that the portions of the Batta in question still in their possession will be received back on the conditions proposed by them, and which were submitted for the consideration of Government

Government with my letter to your
address dated the 21st January
last.

2. According to the 4th & 5th
paras. of Mr. Dale's opinion, they
to point out that he is correct
in assuming that at the time
the payments on account of Batta
were made to Messrs. Arbuthnot &
and Parry & Co. their constitutions were
really and bona fide entitled to
the sums so paid, but that he
is in error in supposing that any
double payments have been made
besides those which have been
already recovered.

Have the honor to be
Sir

Your most Obedt. Servant.

Carlisle Office,
Fort St. George,
The 27th April 1857.

A. Cunningham

Civil Auditor

N^o 211.

From

The Honorable Company's Solicitor.

To

The Civil Auditor

dated April 24th 1857.

Sir,

I have the honor to inform you that I submitted
all the papers which you from time to time handed
me relating to the right of Government on behalf of
the Honorable Company to Claim from Messrs.
Arbuthnot & Co., and Messrs. Parry & Co., the
refund of certain Burmah Donation Batta paid
to them as attorneys (under powers) of Officers and
Crews of various ships in Her Majesty's Navy for the
consideration of Mr. Dale the retained Counsel of the
Honorable Company with a request that he would
advise generally on the whole question involved and
as to the course which Government should pursue.

I now send you a Copy of Mr. Dale's opinion
and return the papers above noted.

If you have not already done so, I would beg
to suggest that you forthwith furnish the Government
of India and the Honorable the Court of Directors
with such Returns information and data as will
prevent further error and promote as far as may be
practicable the recovery of such sums as have been
improperly disbursed.

I have &c.
Signed / J. B. Boyson.
Hon. Secy. Solr.

Copy

Copy - Opinion.

1. I have perused the whole of the Correspondence which accompany and I advise that the Conditions proposed by Messrs Arbutnot & Co and Parry & Co be accepted.
2. The questions arise under certain Bonds of Indemnity 1 given by the former Firm and 2 by the latter all of which appear to be much in the same form, and the Condition is that if the obligors shall pay to the East India Company all such money as shall or may be drawn by or paid to them (the obligors) for or on account or under Color of the Pay or allowances of the Officers & Co (there named) on any or either of them over and above such Sum or sums of money as they the Officers & Co or any or either of them may be or at the time or times of such payment or payments may have been entitled to. And do and co shall in all respects well and effectually indemnify and save harmless the East India Company from all loss Costs damages and expenses in respect of or co occasioned by the East India Company having paid to the obligors any sum or sums of money for or on account or under Color of the pay and allowances or either of them of the said Officer & Co Then & Co
3. Messrs Arbutnot and Co and Parry & Co refuse to refund alleging in effect as I understand their Letters that the sums they received from the East India Company on account of their Constituents were not over and above the amounts which those Constituents at the times of such payments were entitled to.
4. If I understand the Correspondence correctly but it is very inexplicit on the point I collect that

that at the time those payments were made at co Madras to those Firms their constituents were really and bona fide entitled to the sums so paid.

5. I further Collect that the Batta & Co to which those Constituents were entitled has been subsequently remitted by the Bengal Government to the Court of Directors, and by them many of the sums so paid to these 2 Firms have been paid a second time to the Constituents, and that it is now wished to force from those 2 Firms the repayment of the sums so paid to them.

6. Assuming the foregoing to be a Correct State of the facts I am of opinion that the Evidence would not support the breach which must be co alleged, and that therefore no action could be co sustained against those obligors.

Madras 9th April 1857.

/Signed/ C. Dale.

/True Copy/

/Signed/ J. R. Boyson.
H. C. Sol.

/True Copies/

L. J. J.
Civil Auditor.

C. H.

Due to com: 1/2 pay
from

The Civil Auditor

The Chief Secretary
to Government

Oct 27.
Revised 28 } April 1859.

No 3578.

12165

Submit for the information
of Government copy for com-
-munication with enclosure
from the Honorable Secy of War.
My solicitor on the subject
of Bannock Donation Battle
purport to be recovered from
Hobbs & Co and
substantially and to
with a Bader

My Mother-in-Law dated 27 May 1887
under the opinion

Under the opinions

of Counsel for the Carthage Com-
pany, is recommended in the
following papers the Comd. receive
to a vote to the Librarian school
Hepner Bang and Co. and think
that it is proper to report the
same said to them & receive.

ing in those hands on account
of General Abner's letter to
Secrets of the Royal Navy, and
therefore the Civil Auditor to take
account accordingly.

Sept 21st 1857

Being

To Carol Hunter
Post Office
General P.O.
Chas. Deane

Dr Sept 13 and returned
18th May 1857

Chief Secretary

2300 ft.
24 May

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