M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 388 Press ~~Mis.~~

Dated 16.6. 1838

Not to be folded or roughly handled

No. 3. From Surgeon E. G. BALFOUR, Government Agent at Chepauk ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 11th June 1858, No. 1045 of P. C. S.

SIR,

At the request of Carnatic Stipendiary, No. 433, Baker Hoossain Khan, I have the honor to forward a letter to your address.

From BAKER HOOSSAIN KHAN ; to the Chief Secretary to the Government of Madras, dated 10th June 1858.

SIR,

I have the honor to request that you will submit this letter to the Right Honorable the Governor in Council of Madras.

My name is entered as No. 3, in Schedule No. 1, in the List of persons belonging to the family of His Highness the late Nabob of the Carnatic who were thereby declared, entitled under Act 1 of 1844, to the privilege of exemption from Civil and Criminal process and jurisdiction of Courts of Justice for the time being or until further orders, which List is published at Page 17 of the Fort Saint George Gazette of the fifth day of January 1855.

Such last mentioned List has never yet been revoked or altered and is still in force and unrepealed so far as relates to the Members of the family of the late Nabob whose names are entered in the Schedules Nos. 1 and 2.

By the preamble to Act XXII of 1857, it is incorrectly and in fact untruly recited that "it has been decided by Her Majesty's Supreme Court of Judicature at Fort Saint George that "Act No. 1 of 1844 was a personal Act, and that upon the death of His late Highness the "Nabob of the Carnatic it ceased to have any effect."

No such decision or Judgment was at any time given before the said last mentioned Act was passed or since.

The judgment which has been erroneously considered to apply to the members of the immediate family of the late Nabob whose names are entered in the Schedules Nos. 1 and 2 of the List above referred to was in fact confined, as I am informed by Mr. Ritchie my Attorney, (who was engaged in the Action in which such Judgment was given,) to the Servants of the late Nabob whose names are entered in Schedule No. 3 of the said List, the Chief Justice and Sir William Burton who gave the said Judgment expressly confirming their Judgment to the Servants of the late Nabob, one of whom Madar Ool Oomrah Bahadoor was the Defendant in that Action, and in corroboration of this Statement, I would humbly crave a reference to the Chief Justice of Her Majesty's Court at Madras.

The Act XVIII of 1857 would seem to be intended to extend the provisions of Act 1 of 1844 for one year, to enable the persons affected by the decision of the Supreme Court therein referred to, to appeal therefrom, or otherwise the property and person of all the persons named in the three Schedules of the List herein before referred to would be subject to seizure and arrest the same as any ordinary individual.

Myself and the other Members of the family of the late Nabob whose names are entered in Schedules Nos. 1 and 2 in the said List are unable to appeal against a Judgment to which we are no parties and which was confined only to the Servants of the late Nabob named in Schedule No. 3, and was expressly stated not to apply to the Members of his family whose names are entered in Schedules Nos. 1 and 2.

Under these circumstances, I humbly submit, for the consideration of His Lordship in Council, that in fairness myself and the rest of the Members of the family of the late Nabob should not be prejudiced because the effect of the Judgment of the Supreme Court in the case referred to in Act XVIII of 1857 has been misunderstood and misrepresented, and that we in common justice ought not to be punished as we undoubtedly shall be, if Executions against our persons and properties

are to be issued at the expiration of the year mentioned in the last mentioned Act, simply because we did not appeal against a Judgment to which we are no parties and which Judgment in no way interfered with or affected our then privileges as Members of the late Nabob's family under Act 1 of 1844.

Under the above circumstances, I would humbly crave on behalf of myself and the other Members of the late Nabob's family whose names are entered in Schedules Nos. 1 and 2 of the said List, that His Lordship in Council will be pleased to cause the privileges extended to us under Act 1 of 1844, to be continued to us on the same terms by another Act of the Legislature or otherwise, that the provisions of Act XVIII of 1857 may be repealed so far as it has reference to us, and that Act 1 of 1844 and our privileges under that Act may be declared to be in no way prejudiced by the Act of 1857.

No. 4. ORDER THEREON, No. 388; dated 16th June 1858.

Resolved that the communication, which accompanied the above letter, be forwarded to the Honorable Company's Solicitor for his remarks.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

No. 388

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Resolved that the communication which accompanied the above letter be forwarded to the Hon'ble Company's Solicitor for his remarks

Wells

Hon'ble Company's Solicitor } Dispd 21st

For agent

Fort St George
16 June 1858

JP

Pol ~~Letter~~ Ltr to England No. 22

21/9/58