M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 638 Press ~~Mis.~~

Dated 27-9- ~~18~~1858

Not to be folded or roughly handled

7-12-30

Fort Saint George, Political Consultation, 28th September 1858.

No. 19. From THOMAS SYDNEY SMYTH, Esq., Advocate General ; to the Chief Secretary to Government, Fort Saint George, dated 24th September 1858.

SIR,

With reference to the Extract Minutes of Consultation, passed upon my memorandum,* concerning the Nabob's Act (of which Extract Minutes of Consultation, I have no copy, but the Solicitor to Government favored me with the perusal of that sent to him,) I beg to report for the information of Government what passed this morning before the full Court.

* *Dated 16th Instant.*

2. Mr. Norton moved on behalf of Mr. Arathoon to appoint a day for ascertaining the amount of his debt, under Section 19, he having already filed a Declaration purporting to be in pursuance of Section 14. I urged on the Court that the making of such a motion by Counsel in every case would be an expense as heavy as it was needless.

3. The Court at once agreed with me, and ruled that all parties filing their Declarations were to accompany them with a request in writing to the Registrar to ask the Court to fix a day for disposing of their claims. The Court afterwards ruled that, inasmuch as, under Section 14, all Declarations must be filed within 3 months from the passing of this Act, and as it was also desirable, for the interests of Government, whose Law Officers would have a very severe and onerous duty to perform in investigating these claims, that there should be due time allowed for such investigation, it was better to avoid hurrying them all on simultaneously. That therefore the Declaration might be filed first, and alone, but that it must contain a Statement from the Claimant of the mortgages and securities possessed by him, and that he possessed none other, and that he had given up the same to the Receiver. The Receiver's receipt for the same is to be attached either to the Declaration, or to the particulars (under Section 20) and when a Claimant furnishes his particulars to the Government Solicitor, he is to file a copy of them in Court, and may then ask the Court, through the Registrar, to fix a day for the hearing.

4. Mr. Norton next applied for the direction of the Court as to the necessity of serving copies of the Declaration and particulars on the Receiver, Mr. Dale urging all the grounds already mentioned in my former Memorandum. I replied on the grounds I also mentioned in that Memorandum, and the Court ruled that Mr. Dale as Receiver only represented the Nabob's Estate so far as he collected it, and not the interests of Government, and had nothing to do with the investigation of the claims, and was not entitled to appear by Counsel, at least not at the cost of the Government.

5. All Declarations may be filed and applications for a hearing made till the 2nd October, and all claims respecting which such application is then made will be entered for the 23rd October, and the Court will sit a few days then for the disposal of such cases. If too many, those undisposed of must stand over till the first Term of 1859.

6. The above rulings seem to me very satisfactory, and well calculated to promote the working of the Act in an inexpensive way, and as speedily as is consistent with a due and thorough investigation.

No. 20. ORDER THEREON, No. 638; dated 27th September 1858.

To be Recorded.

(Signed) T. PYCROFT,
Cehief Scretary.

Exd. J. A. Wilson.

Pol. Lr. to Eng. 25th Novr. No. 2 of 1858. Paras 8 & 9.

Replied to by the Secy. of State for India of 8th Decr. No. 19 of 159

In Dl. to Cons. 28 Sept. Political. 1858. Deptt.

From the Advocate General Madras.

D/24
R/26 Sep /58.

No. Eng.

With reference to the order of Govt. on his memo of the 16 instt. concerning the Nabob's acts, reports for information the rulings of the Supreme Court on certain motions made by Mr. Norton.

C. Will.

No. 638.

To be recorded
27/9/58.

19 & 20.

C 25 Sept
R 25