

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	19	Press ~~Mis.~~
Dated	5 - 1 -	1959

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 11th January 1859.

No. 19. From Surgeon E. G. BALFOUR, Government Agent at Chepauk ; to W. H. BAYLEY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 3rd December 1858, No. 1923 of G. A.

SIR,

On Wednesday, the 24th Ultimo, I drafted a letter on the subject of the Carnatic debts, which sudden indisposition, preventing all but absolutely necessary work, hindered me completing until the 1st Instant, and as it is now ready, I hope it will be with you to-day. But on the 1st and 2nd Instant, letters have been received, by me which have made one point that I have touched in that letter of so much importance and the amount at stake, certainly more than a million sterling, is of such magnitude, that I dare not allow any doubts to exist as to which of their Officers, Government principally look to for the protection of the interests of the State.

2. When the plan of proceeding by a Commission was departed from and all these debts were resolved to be thrown into Her Majesty's Supreme Court of Judicature, I had understood that the duty of conducting the investigations and the responsibilities for their due investigation, rested solely with the legal Officers of Government. But the letters with copies of filed Cases which the Honorable Company's Solicitor continues to address to me, have seemed to throw the duty and responsibility primarily if not wholly on the Government Agent at Chepauk. I therefore, yesterday, hastened to address to that legal Officer of Government, the letter of which copy is now subjoined, in order that Government may graciously state on whom rests the duty and responsibility of duly, leisurely, and suitably, investigating these claims. At present, so far as the letters of the Honorable Company's Solicitor show or my information extends, the entire duty of primarily conducting these investigations seems thrown on me, and I earnestly but respectfully beg the very early decision of Government in this matter so that the interests of the State may be duly watched over by the Officer whose special duty it is to do it. For if it indeed be my duty to do all that these letters of the Honorable Company's Solicitor continue to ask me to perform, I will immediately respectfully address the Right Honorable the Governor in Council, begging that such arrangements may be made, as will allow me the leisure indispensable to admit of its due performance.

From Surgeon E. G. BALFOUR, Government Agent at Chepauk ; to J. R. BOYSON, Esq., Honorable Company's Solicitor, dated 2nd December 1858, No. 1921 of G. A.

SIR,

I have the honor to acknowledge receipt of your communications, Nos. 588, 599, 601 and 603 of 22nd and 30th Ultimo, and hasten to express my great regret at being obliged to mention to you that I will not be

Mr. Arathoon...	Rupees 1,42,266	10	8	able duly to complete the investigation
Messrs. Richardson	5,10,089	1	5	of these and the other cases which you
Daveton Nagojee Row	4,500	0	0	have now referred to me, and I hasten
Mr. MacLean...	3,38,686	9	2	to give you this information since
Mudavaputty Teroomala Row	609	8	0	receipt of your letter, No. 515 of 30th
Mudiyam Gomatum Singavar Chari	14,405	8	5	September last, you have sent for me
	Rupees 10,10,557	5	8	to report on claims against the Estate
				of the late Nabob of the Carnatic to
				the extent of Rupees 10,10,557-5-8.

2. In each case in the 2nd para : you request me to have the records carefully searched with the view of ascertaining how far they corroborate or evidence the alleged transactions and request me also to furnish you with all the information which it is in my power to afford or obtain from other sources relative to the matter in question, and to favor you with my views upon the claims and the extent (if at all) to which they should be admitted.

3. I do not think that Government will recognise it to be my duty to have the sole getting up of the cases which, if I could comply with all you ask of me, would, I think, undoubtedly be the case. Had I the ultimate decision of these cases, perhaps, the course you are adopting would be all advantageous, but it seems to me that cases which are to be ultimately decided upon in Her

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Majesty's Supreme Court of Judicature upon evidence of a character and form which that Court alone will admit, should not thus seemingly be left to my sole investigation to get up, and I gravely doubt even if these Court cases should be referred to me at all further than to aid in the records' search. But as you are aware I have other very heavy and many important duties to attend to, and one of these duties is that of paying the arrears of wages due to the servants of the late Nabob of the Carnatic which I am under a solemn engagement to Government to complete within a limited time, and even if it be my duty to do all that you are asking of me to do regarding these cases, it is with much regret that I mention to you, that I have not time to spare to give to them all that consideration which the magnitude and extent of the claims demand. I think however with deference that the duty is solely and wholly that of the Legal Advisers of the State and I hasten to mention to you that my present engagements will not admit of my suitably undertaking all you ask of me and that if yourself or the Advocate General be disposed, my acquaintance with the records will enable me greatly to facilitate your labors in their examination, and the remaining duty of collecting information from all other sources is one which I am clearly of opinion can only be properly conducted by a person trained to those Legal forms to which Courts of Law adhere. I have no hesitation in expressing my opinion that in the present circumstances and in the existing hostile condition of all who have been engaged in these transactions, only the greatest care can avoid showing claimants the points wherein their own claim is weak and where the defence would fail, and that in cases which are ultimately to go before the Supreme Court, such care can only be secured by the whole investigation being conducted by a Legal Officer trained to legal forms, &c., of which that Court will approve. If however, notwithstanding these remarks of mine, you take a different view and consider that the duties as also the responsibilities of these investigations should devolve wholly on me, I am prepared to bestow from day light to dark every moment of my time in the general discharge of those duties which I am entrusted with, but I repeat that duly to carry on inquiries and investigation, such as you are asking me to perform would alone more than occupy the time of any one individual however gifted he may be.

No. 20.

ORDER THEREON, No. 19; dated 5th January 1859.

To be Recorded.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

POLITICAL 1858 DEPARTMENT.

From Surgeon E. G. BALFOUR,

Government Agent at Chepauk.

To

H. V. Bayley Esquire

Chief Secretary to Government

Fort St. George

Dated 3rd December 1858

Received 3rd " 1858

No. 1923 of 1858
W. H. Bayley Esquire
10820

Enclosing copy
of a letter dated 2nd
instant addressed to the
Surgeon General's
office.

Madras 1.—Printed at the Government Press.

To be recorded.
5th Jan 1859.
Enclosure not to be printed

*C 15 Dec
A 18
C 24
A 3 Jan 59*