M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 384 Press ~~Mis.~~

Dated 28-6-~~19~~ 1.85

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department, from 25th June to 1st July 1859.

Read the following letters:

No. 12. From H. FORBES, Esq., Member of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Fort William, the 18th June 1859.

I have the honor to forward the copy of a Bill to explain Act XXX of 1858, which, in consequence of a communication from His Excellency the Governor General, I this day brought into the Legislative Council.

2. The standing Orders of the Council were suspended on my motion, the Bill passed at once through its several stages, and immediately received the assent of the Governor General.

3. I have to request that you will point out to Government that the latter part of Section I of the Act is intended to provide for a settlement under Act XXX of 1858, of the claims to the total sum of five lacs of Rupees which are represented in Mr. Advocate General's letter to your address of the 30th Ultimo, to have been adopted by the late Nabob although the debt was incurred during the minority of the Nabob, and not for the use or benefit of His Highness.

4. These claims could not have come before the Court for adjudication under the Act now transmitted, unless provision had been made in it for dispensing with proof, at the discretion of Government, that the debts on which they were founded had been necessarily and properly contracted on behalf of the Nabob.

5. It will be seen that provision has been made for the award of costs to Government, and that decisions under Act XXX of 1858, are declared open to appeal.

No. 13. From C. BEADON, Esq., Secretary to the Government of India; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Fort William, 20th June 1859, No. 3704.

Foreign Department.

I have the honor to acknowledge the receipt of your letter, dated the 1st Instant, No. 341, and its enclosures, relative to certain claims now being brought under litigation in the Supreme Court at Madras under Act 30 of 1858, and to the construction which has been placed by the Court on the provisions of the Act.

2. In reply I am directed by the Governor General in Council to state that the subject has been duly considered, and a Legislative Enactment, explaining Act 30 of 1858, has been passed. A copy of this Enactment is herewith enclosed.

3. At the end of Section 1 of the Enactment the following words occur. "Or unless the Governor in Council shall dispense with such proof;" the object of this provision I am to state is to enable the Madras Government to dispense with the proof in respect of any claim forming part of the 5 Lac debt, which though contracted by the Regent without any necessity, and consequently not properly incurred, was ratified by the Nabob, and was in the course of being paid off at the time of his death.

No. 14. ORDER THEREON, 28th June 1859, No. 384.

The Act received with the foregoing letter from the Government of India, will be published in the Fort Saint George Gazette, and a copy of that letter and, also, of that above recorded from the Member, for Madras, of the Legislative Council, will be furnished to the Government Solicitor, in reference to the order of Government, 1st Instant No. 340.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

A

BILL

TO

Explain Act XXX of 1858 *(to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic).*

Preamble.

WHEREAS doubts have arisen whether certain debts contracted by ~~His Highness~~ Prince Azeem Jah Bahadoor during the infancy of the late Nabob of the Carnatic were debts or claims within the meaning of Section XIV or any subsequent Section of Act XXX of 1858; and whereas it is expedient to remove such doubts as well as other doubts which exist as to the power of the Supreme Court of Judicature at Madras to award costs in investigations under Section XXII of the said Act, and as to whether cases so investigated are appealable to Her Majesty in Council; It is declared and enacted as follows:—

Debts contracted by Prince Azeem Jah during the minority of the Nabob.

I. No debt contracted by ~~His~~ the said ~~Highness~~ Prince Azeem Jah Bahadoor during the minority of the said late Nabob shall be deemed a debt or claim within the meaning of the said Section XIV or any subsequent Section of the said Act, unless it shall be proved that it was necessary and proper that such debt should be incurred on behalf or for the use of the said

Dn No. 541.

Nabob, and that the same was so contracted; or unless the Governor in Council of Fort Saint George shall dispense with such proof.

Power to award costs.

II. Upon any investigation under Section XXII of the said Act, it shall be lawful for the Court, except as otherwise provided by the said Act, to award costs to either party and to cause the same to be levied in the same manner as costs in an ordinary suit.

Appeal to the Queen in Council.

III. It is hereby declared that it was not the intention of the said Act to exclude from appeal to Her Majesty in Council any awards orders or decisions of the said Supreme Court made upon any investigation under Section XXII as aforesaid.

(3)

Legislative Council of India.

Estate of the late Nabob of the Carnatic.

A

BILL

TO

Explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic).

(Prepared and brought in by Mr. Forbes.)

Price 2 Annas.

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Pol 59 D
Dr W. 541.

The Fort St. George Gazette

EXTRAORDINARY.

Published by Authority.

TUESDAY EVENING, JUNE 28, 1859.

LEGISLATIVE COUNCIL OF INDIA.

THE 18TH JUNE 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this-day, and is hereby promulgated for general information :—

ACT No. XVI OF 1859.

An Act to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)

Preamble.

WHEREAS doubts have arisen whether certain debts contracted by Prince Azeem Jah Bahadoor during the infancy of the late Nabob of the Carnatic were debts or claims within the meaning of Section XIV or any subsequent Section of Act XXX of 1858 ; and whereas it is expedient to remove such doubts as well as other doubts which exist as to the power of the Supreme Court of Judicature at Madras to award costs in investigations under Section XXII of the said Act, and as to whether cases so investigated are appealable to Her Majesty in Council ; It is declared and enacted as follows :—

Debts contracted by Prince Azeem Jah Bahadoor during the minority of the Nabob.

I. No debt contracted by the said Prince Azeem Jah Bahadoor during the minority of the said late Nabob, shall be deemed a debt or claim within the meaning of the said Section XIV or any subsequent Section of the said Act, unless it shall be proved that it was necessary and proper that such debt should be incurred on behalf or for the use of the said Nabob, and that the same was so contracted ; or unless the Governor in Council of Fort Saint George shall dispense with such proof.

Power to award costs.

II. Upon any investigation under Section XXII of the said Act, it shall be lawful for the Court, except as otherwise provided by the said Act, to award costs to either party and to cause the same to be levied in the same manner as costs in an ordinary suit.

Appeal to the Queen in Council.

III. It is hereby declared that it was not the intention of the said Act to exclude from appeal to Her Majesty in Council any awards orders or decisions of the said Supreme Court made upon any investigation under Section XXII as aforesaid.

W. MORGAN,
Clerk of the Council.

Republished by order of the Honorable the Governor in Council.

T. PYCROFT, *Chief Secretary,*

Madras :—Printed and Published by H. SMITH, at the Fort St. George Gazette Press.

Pub/59/D
Sent No. 541

5

Political Departt.

Proceedings of the Madras Government.

Read the following letter

From the Member for Madras of the Legislative Council of India. } (Here enter 18 June 1859.)

From the Secretary to the Government of India. } (" " 20th " " No. 37

Order thereon, 28th June 1859, No. 384

The Act received with the foregoing letter from the Government of India will be published in the Fort Saint George Gazette and a copy of that letter, and also, of that above recorded from the Member for Madras, of the Legislative Council will be furnished to the Government Solicitor, in reference to the Order of Govt. 1st Instant No. 340.

J.P.

To the Government Solicitor. Disp. 28 M.S.

Le[illegible] of 8 July.

Pol^{ce}. L^{r}. to Eng^{d}. 12th. Aug^{t}.
No. 23 of 1859.
Replied to by the Secy of State for India 18th. Dec^{r}.
No 22 of 1859

Pros. of Gov^{t}. 1st. July
Political 1859 Dep^{t}.

No. 384.

Pro: of Governm^{t}.

D/28 June 59.

Directing the publication in the Official Gazette of Act No. XVI of 1859 - an act to Explain Act XXX of 1858 (to provide for the administration of the Estate and for the payments of the debts of the late Nabob) and furnishing the Gov^{t}. solicitor with a copy of the letter from the Gov^{t}. and that from Mr. Forbes on the subject.

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