M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT

G.O. No. 669 Press Mis.

Dated -12-11- No 85.9.

Not to be folded or roughly handled

6/11/29

No. 24. Read the following letter from J. R. BOYSON Esq., Government Solicitor, Madras; to the Chief Secretary to Government, Fort Saint George, dated Madras, 12th October 1859, No. 1646.

1. I have the honor to acknowledge the Proceedings of Government, noted in the margin, with the papers therein referred to.

Proceedings of Government in its Political Department, dated 18th August 1859, No. 501.

2. I submitted same with all other needful information, for the consideration of the Advocate General, and I now forward a copy of his opinion.

3. The jewels mortgaged to Naráin Dás Gópál Dás, by the 2 Tunkee Cutcherry Bonds (Nos. 352 and 360 for 3,000 Rupees and 3,225 Rupees respectively) mentioned in paragraph 6 of Naráin Dás Gopál Dás' petition to the Legislative Council were sold by public auction by Messrs. Ashton Richardson and Co., under orders from the Receiver of the Carnatic Property, and realised after deducting the auctioneer's commission of 5 per cent, the nett sum of Rupees 11,599-8-0.

4. The amount of the 2 Bonds in question, inclusive of interest at 6 per cent per annum to the 11th instant is Rupees 12,646-15-9.

COPY OPINION.

At present the decision of the Supreme Court respecting the meaning of the words "fairly and justly contracted," in Act 30 of 1858; Preamble and Section 14 is, no doubt, the law—but as no opportunity has as yet been given for appealing to the Privy Council, I cannot regard the matter as finally settled,—and meantime, Act 16 of 1859, settles the matter for the *future* just the other way.

I have already advised that I consider this Petitioner entitled to two sums of Rupees 9,900 (being the balance of a sum of Rupees 11,100, in the 5½ lakh list whereof Rupees 1,100 have been paid) and of Rupees 244-14-0 (being the only balance traceable of a sum entered as Rupees 4,433-8-0 due from Hissam ool Moolk, as to whose affairs I made a very full Report, on which the Court of Directors decided that the Nabob must be considered as responsible) with interest at 6 per cent.

If it be true as Petitioner states that he has given up to the Receiver, jewels which he held as security for 2 Tunkee Cutcherry Bonds for Rupees 3,000 and Rupees 3,225, I am of opinion that he should have the proceeds of the sale of those jewels applied to pay these sums and interest in full.

I think he would do well to ask leave of the Court to which I shall consent, to amend his particulars by striking out his claim against Prince Azeem Jah, which will leave him at liberty to proceed with his claim, solely with reference to his transactions with the Nabob—and to pursue what course he pleases against Prince Azeem Jah.

I see no grounds for advising Government to pay this Petitioner anything beyond what I have mentioned.

(Signed) THOMAS SYDNEY SMYTH,
Advocate General.

August 30th 1859.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

Proceedings of the Madras Government, Political Department, for the month of November 1859.

No. 23. ORDER THEREON, 17th November 1859, No. 669.

Resolved that the Government Solicitor be requested to communicate to the Petitioner Narráin Dás Gópál Dás, the substance of the Advocate General's opinion—and to tender him on behalf of Government the proceeds, Rupees 11,599-8-0 of the jewels held by him as security for the two Tunkee Cutcherry Bonds, Nos. 352 and 360—and delivered up to the Receiver of Carnatic property—as well as the two sums of Rupees 9,900-0-0 and Rupees 244-14-0 mentioned by Mr. T. Sydney Smyth in the second paragraphs of his opinion.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. W. J. Boyton.

Political Department.

Proceedings of the Madras Government.

Read the following letter from the Government Solicitor.—
(Received 12th October 1859 No. 1646.)

Order thereon 17th November 1859 No. 669.

Resolved that the Government Solicitor be requested to communicate to the Petitioner Narráin Dás Gópál Dás the substance of the Advocate General's opinion—and to tender him on behalf of Government the proceeds, Rupees 11,599-8-0 of the jewels held by him as security for the two Tunkee Cutcherry Bonds, Nos. 352 and 360—and delivered up to the Receiver of Carnatic Property—as well as the two sums of Rupees 9,900-0-0 and Rupees 244-14-0 mentioned by Mr. T. Sydney Smyth

Smyth in the [redacted]
paragraphs of his opinion

JP

To the Government Solicitor - Disp. by

[redacted]

Pres. of Gov.t 19 Nov.r
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No. 669

Proceedings of Govt.
of 17 November 59.

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