M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No. 97 Press ~~Mis.~~

Dated 9 — 2 — ~~19~~ 1859

Not to be folded or roughly handled

No. 4. From J. R. BOYSON, Esq., Government Solicitor, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th January 1859, No. 77.

SIR,

Extract Minutes Consultation, dated 24th December 1858, No. 839, Political Department.

I have the honor to acknowledge the Extract from Minutes of Consultation noted in the margin.

I submitted same for the consideration of the Advocate General and I have since conferred with him frequently thereon.

I now forward for the information of Government a copy of his opinion, dated the 21st Instant.

I am in communication with the Government Agent at Chepauk with a view to obtaining the further information alluded to by the Advocate General in para: 12 of his opinion and as soon as I receive it, I shall re-submit the papers to the Advocate General for his further consideration and then address Government again on the subject.

COPY OPINION.

A letter like this of Dr. Balfour's amounts in my opinion to a great public nuisance, and as such ought to be at once abated or at least its repetition strictly prohibited.

2. It is also objectionable upon another ground as taking up the time and attention of Government under a false pretence, that of offering important and valuable suggestions of which not a trace, that I can discover, is to be found in the letter, after wading through 31 Paragraphs filling 49 pages of foolscap written in so wordy diffuse and inconsecutive a style, that in manuscript it was quite bewildering, and even when I received it in a printed form I found it impossible to grapple with the contents except by making an abstract of the whole.

3. In para: 2 Dr. Balfour professes that he writes this letter in order to submit to Government his views "as to the necessity for and the means of"

1stly. "Expediting the settlement of the Nabob's debts."

2ndly. "Saving the money of the State and its Subjects."

3rdly. "Saving the time of the Officers of Government and of the Community."

4thly. "Saving the Government from appearing for years as Defendant in doubtful transactions."

5thly. "Doing full justice to the Creditors especially the poor and ignorant and uninformed."

6thly. "Warding from the community the temptation to immoralities," &c., &c., "of a magnitude," &c., &c.

4. Under cover of this magnificent preamble Dr. Balfour proceeds, para: 4, to inform Government that in his opinion they have committed a grave and lamentable error in dissolving the Commission of which he was a member, and in allowing Act 30 of 1858 to be substituted for it, especially without consulting him and allowing him to "submit his opinion as to the feasibility" of Mr. Dale's "observations" which Dr. Balfour thinks led to these results. He intimates, delicately, that he considers Government to have unduly withheld "these opinions" (whether he here means Mr. Dale's "observations" or the "opinions" which he himself did *not* submit, I am quite unable to say) from the Honorable Court,—explains *why* it was that he did not "unasked and seemingly undesired" "obtrude his opinion" recommending Government to retain the "Commission of which he was a paid member," and cautiously to avoid the Legislative Council and the Supreme Court. He tells Government that they are aware that his silence proceeded not merely from his being kept in the dark, and not being consulted, but because "Private Society and the Public Press was" worked and a book written to "throw obloquy on the Commission,"—which he seems to think was cruelly used, in that it experienced no special protection from Government under these distressing circumstances. He reminds Government how Mr. Peacock, the Legislative Councillor, by his remarks in Council so "derogated from the worth" of the Commissioners, that he Dr. Balfour felt constrained to wait on the Governor, but was graciously pleased to be "content with his Lordship's reply,"— in addition to which Dr. Balfour informs Go-

vernment, that he "accepts" ten letters from the Government Solicitor "as an acquittance in "full, as regards *himself* of all disparaging attacks on the *composite* body," and thus arrives at the comfortable conclusion that he may now with a clear conscience, offer his suggestions to Government, though he fears too late to be more than partially useful. They will however, he says, undoubtedly expedite a settlement but he does *not* "anticipate" they will enable it to be effected more cheaply.

5. Dr. Balfour had previously personally informed me of his opinions in these matters ; on the 9th October the Government Solicitor and Dr. Balfour with several of the Durbar Servants met at my house, in order that I might ascertain what evidence existed respecting Mr. Arathoon's claim and decide on the course to be pursued respecting it. Dr. Balfour at the very commencement took occasion to observe with great emphasis of voice and gesture, that "he must premise "that he utterly disapproved of the whole course now pursued respecting the late Nabob's "affairs," which obliged me to reply that "very likely he did but as we had much to do, and "little time to do it in, it would be desirable to proceed to business and not waste time by "talking of opinions which could concern no one but himself." "Indeed!" Dr. Balfour replied, "why then may I ask, am I brought here?. "Simply" I said "to furnish the Law Officers of "Government with all the information respecting Mr. Arathoon's claim which yourself or your "Records or these Native Officers can supply, and to act as Interpreter." We then proceeded with business but when it became necessary to refer to Act 30 of 1858 on some point, Dr. Balfour again exclaimed, with uplifted hands and voice, "Oh! that blessed Act! Thank God. I had nothing to do with its preparation," to which I replied, "I am quite aware of the fact, and "entirely agree with you in considering it a fit subject of thanksgiving." I was not however prepared for his adopting so similar a tone in volunteering his opinions on these matters to the Government.

6. Throughout his letters in various paragraphs, Dr. Balfour reiterates that his opinion always was, and is now more strongly than ever that a Commission was not only the best way of settling the Nabob's debts, but was the "*only* medium" by which "full justice" could be done to Creditors and the State, that the Act 30 of 1858 and the intervention of the Supreme Court are fraught with evil consequences, for all which he considers Government responsible; he tells Government that whatever course they take, whether they admit or dispute certain claims "Government *must* adopt the very same measures which in my letters, No. 1620, *I recommended* and in para: 5 of Extract Minutes Consultation, No. 673, were *rejected*," and informs them that he entirely differs from the opinion of Government expressed in the last two sentences of para: 4, Extract Minutes Consultation, No. 673 of 12th October last. Now if Dr. Balfour does *bonâ fide* believe that by reiterating that his opinions on these matters are in direct opposition to these deliberately and long since adopted by Government he will induce Government to re-appoint the superseded Commission, and to obtain the repeal of Act 30 of 1858, why then well and good—but if not, I do submit that the course he has adopted is as objectionable as it is unprecedented and inconvenient.

7. Bad as Act of 30 of 1858 is in Dr. Balfour's opinion it nevertheless exists and all claims preferred under it must, he admits, be dealt with in the Supreme Court, but, since the Act is not very likely to be repealed it might have been supposed that Dr. Balfour would have found some consolation in being able to state (para : 24) that "it has nevertheless been found "impossible to proceed without a Commission, "I have had the honor of being selected sole "Commissioner," &c., and again, that the duty thrown on him by the Government Solicitor "reconstitutes him sole Commissioner" with (as Dr. Balfour is pleased to say, but as I most distinctly deny) "arbitrary power of virtually determining on every case" submitted to him especially when he reminds Government that he "fears no responsibility which can be thrown on him" and that he possesses such "natural facility for conducting varied business" (para: 31) that he states gravely (para: 15) that he could settle in "two months" what the Judges could not possibly

> "*These cases must come on there, I do not know of any means of preventing them being then brought forward* * * * *I am not aware of any means of diminishing the extent of the agitation, &c., which these doubtful cases will create*," *para :* 10.

complete "in less than three years," — and again, para : 21, he says of certain claims "the Court could not decide them for years and they all could be decided," by himself, he evidently means "within the course of a few weeks" and again, in para: 22, that "another item" "which the Judges never for years could complete," to him Dr. Balfour "would be a very simple matter." So far however from this arbitrary power and importance pleasing Dr. Balfour, he finds in it his main grievance, for he says "I remain wholly unheard of *by the community* or by the Government," he considers that he is not "openly recognized," that he is "no sharer" in the "honors, credit or esteem emanating from success," that he is unnoticed and so forth. And this seems to me really the substance, the pith of this interminable epistle. The "solid pudding" is not enough—Dr. Balfour pines for the "praise" also not from Government only but from "the community" as well "on this sole point" says Dr. Balfour "I claim the just consideration of Government."

8. I do full justice to Dr. Balfour as a zealous, hard working public Servant, I believe that no desire for mere salary as any share in his urgent recommendation to re-appoint a paid Commission of which he would certainly be a principal—if not the sole member, and I allow it to be fair and natural to desire to have the sole credit for the due performance of his duties but I do submit to Government that Dr. Balfour ought to leave it to *them* to do him justice, that he is not justified in supposing them wholly ignorant of the duties which Act 30 of 1858 *necessarily* entail upon whoever fills the Office of Chepauk Agent, and that no craving for being "heard of *by the community*" or for sharing in *their* eyes, in the "honors credit and esteem emanating from success" warrant Dr. Balfour in so entirely misconceiving his real position and duties, and so needlessly occupying the time of Government and its Servants as he has done in his present letter.

9. Dr. Balfour's lecture on the various errors committed by Government in not consulting him, in acting contrary to his opinion and in rejecting his offers, Government will no doubt duly appreciate, but in justice to the Supreme Court and Her Majesty's Judges I feel it my duty to submit to Government whether Dr. Balfour is justified in penning what I can only call such libels on the administration of public justice as the following. I do not mean merely such passages as those already noticed where he states that "the Judges could never for *years* complete" what *he* considers very simple matters such as *he* could settle in a few weeks!" I refer to his statement in para · 10 that *all fair* claimants would *prefer any other* tribunal to the Supreme Court. A statement which I am satisfied is directly contrary to the fact, but that in all doubtful or fraudulent cases the claimants would prefer the Court : again, in para: 30 "that "the evidence admissible in a Court of Judicature" is "not of a character on which just decisions *could be* come to," "in cases like the present: again that "it is *not* by a case being decided by Law in a suitor's favor that its *truth* is established," and again that "the world recognize" that it is the Solicitor's industry and the Barrister's intellect "on which *more* than *all the merits* of the case the decision depends." I only notice these passages in order to submit to Government whether any public Servant is warranted in obtruding upon the Government such gratuitous and unfounded remarks under the pretence of submitting valuable suggestions calculated amongst other things to "save the time of the Officers of Government and of the community" para : 2.

> "*In every* legitimate *case the persons would prefer deciding in any other way than in Her Majesty's Supreme Court of Judicature, but in all* doubtful *cases I need entertain no hesitation in expressing my believe that the claimants would prefer the Court.*"

10. To Doctor Balfour's assertion (made in order to shew the great expense of working Act 30 of 1858) that "it is generally supposed that the Mahomedan Interpreter will earn about Rupees 20,000 for Translations alone" it may suffice to say that Rupees 2,000 or *one-tenth* of Doctor Balfour's supposition is the estimate of those much better able to judge—as yet, the only expense of this kind incurred by Government has not exceeded Rupees 28. But surely mere supposition resting on no tangible foundation, is not a legitimate ground upon which thus to occupy the time of Government. Doctor Balfour's next statement as that a Committee appointed by the late Nabob's settled claims amounting to Rupees 1,39,600 for Rupees 37,200 and that "this alone might suffice" to prove the correctness of Doctor Balfour's views that a Commission is vastly preferable to the Supreme Court. To my humble judgment it proves nothing of the sort. It proves only that the claimants knowing that they had to deal with a Committee, from whose decision

there was no appeal, and who were subject to no Law on being offered Hobson's choice Rs. 37,200 or nothing took (the sum so offered—connected with this subject is Doctor Balfour's remark in para: 10 that while the claims under Act 30 of 1858 are being investigated in the Supreme Court "Government as Defendant and its Subjects claimants" the community "will regard Government as *in opposition* to them, and it is *not politic* for Government to be in opposition to its people." I can see neither sense nor meaning in such remarks unless Doctor Balfour seriously means that Government ought to admit *every* demand made on it by any of its Native Subjects. He seems quite unaware that unless he is prepared to recommend such a course the "impolitic opposition" which he talks of, would exist just as much of the settlement of the Nabob's debts were referred to a Commission with this material difference that in the latter case, Government would be not only equally "in opposition to its people" but would also be Judge in its own cause, any decisions in favour of Government, if made by a paid servant of that Government, holding his appointment at the pleasure of that Government, could hardly be expected to obtain as much credit with the public for impartiality as those passed by the Supreme Court.

11. In paras: 8 and 9 and 23, Doctor Balfour intimates that he considers "that Government have not been kept" duly informed by their advisers as "to the extent of jurisdiction conveyed by Act 30 of 1858," and that Government is "seemingly unaware" "of the extent of the Act" upon what grounds Doctor Balfour has formed this most gratuitous supposition or in what respect he considers Government or their advisers to have erred Doctor Balfour preserves a mysterious silence. I can only conjecture that he may *possibly* mean that he supposes Government to be not aware that the Act embraces debts contracted by the Regent during the Nabob's minority. If this be really Doctor Balfour's meaning seeing that the Preamble of the Act makes distinct mention of this class of Nabob's debts in no less than two places* I admit that I have not thought it necessary to obtrude upon Government any advice or opinion whatever upon so plain and obvious a matter; still less have I felt myself at liberty to assume Government to be ignorant upon the subject. If this be not what Doctor Balfour means I am unable to divine his meaning.

* "*And whereas the Nabob died leaving debts and liabilities to a large amount unsatisfied some of which were contracted by himself (and some by Azeem Jah Bahadoor as Nabob Regent, &c.*"

"*All such debts as shall be proved to have been fairly and justly contracted by the said Nabob or on his behalf during his infancy by the said Azeem Jah as Nabob Regent.*"

12. In paras: 11 and 13, Doctor Balfour recommends my opinion being taken upon two points, a very legitimate recommendation doubtless, but certainly not one of his reasons (as described by himself in para: 2) for writing this letter, nor seeing that the recommendation is conveyed in about four lines, requiring 49 pages of Foolscap. Before attempting to answer the points here referred to, I must ascertain (as I shall do either directly or through the Government Solicitor without troubling Government) the nature of the engagements and duties or offices of the persons called in one place "Beycars Pensioners Syed and Neeaz Retainers" in another place non-doing duty Retainers, and in a third place "Retainers Becar Sadaat, Pensioners and" Neeaz and I must also ascertain precisely what it was that the late Nabob did, and obtain copies of his orders respecting the wages spoken of in paras: 11 and 12. In the former Doctor Balfour speaks of orders "deferring or suspending or discontinuing" &c., "portions of his Servants' wages," but in para: 12, he says, "His Highness in his lifetime ordered *stoppage*" &c. I can give no opinion till I know exactly what the orders were—in short till I have the exact facts fully before me.

13. In para: 17, 18, 19, Doctor Balfour says that exclusive of the Istafah Cutcherry Cases (about 1000 in number) there is a List of 643 claims averaging Rupees 106 in each case, and that the Istafah Cutcherry Cases may include 500 such small cases. In para: 21 he says *the Court* could not decide these cases for *years*, but *he* sees no difficulty in them, and they all could be decided in the course of a few weeks "and the decision within a few weeks of the large number of 1,200 claims would greatly expedite the conclusion of these affairs". In a similar strain in the next paragraph he speaks of "about 300 wage claims' lodged in the Istafah Cutcherry "and recognized and treated as debt along with about 1000 other claims of kinds" "the settlement of these wages would be a very simple matter and to their extent settlement of the Carnatic Affairs would be expedited." To say that the settling of many

hundred Carnatic claims would greatly expedite the conclusion of these Affairs (meaning I suppose all the Carnatic business) seems rather a self-evident proposition hardly requiring to be demonstrated at such formidable length, but, when Dr. Balfour leaves it to be *inferred* as he here does (for his meaning to me at least is painfully obscure) that *his* settling these hundreds of claims would relieve *the Supreme Court* of that amount of business he only shows how totally uninformed he is on points *so* easily within his reach that I do submit he ought to have made *some* attempt to inform himself upon them, before making his ignorance a plea for occupying the time of Government at such portentous length. In paras: 10 and 16 he professes his inability to "form an opinion of the number of cases," "what may be the entire number of cases, I have *no means* "of now stating." This is not the fact, a simple enquiry at the office of either the Registrar or the Government Solicitor would have informed Dr. Balfour that the whole number of declarations filed up to and inclusive of the 24th November were 392 and 18 since then total 410.

14. These figures would, I presume, have satisfied Dr. Balfour that his 1200 small cases of Rupees 106 each and his 300 wage claims lodged in the Istafa Cutcherry and the 1000 other cases there, cannot possibly be compressed in the 410 cases lodged in Court that therefore the Supreme Court can have nothing to do with them and therefore that the handing over of these cases to Dr. Balfour for settlement would in no way whatever save the time of the Supreme Court or expedite the settlement of the claims which the Court will have to decide or save time or expense to Government or its Servants so far as Act XXX of 1858 is concerned or in any way benefit the morals of the community or save it from the perils which so alarm Dr. Balfour. These figures might therefore have considerably curtailed the dimensions of Dr. Balfour's letter.

15. In para: 10, Dr. Balfour says "if the Court *can* be relieved of all cases regarding "which there is *little* doubt the whole of the doubtful transactions could be disposed of in a few "terms." Dr. Balfour himself and the Records and native employés under his control are the main, almost the only source, from which I am likely to be furnished with evidence sufficient to enable me to say which are the cases regarding which there is *little* doubt, "as yet, Dr. Balfour has not met with *one* such, except, perhaps Mr. Arathoon's; *all* the others of which particulars have as yet been furnished Dr. Balfour has declared to be, in his opinion, inadmissible. I can only say that I will at once relieve the Court of "*all* cases regarding which there is little doubt," if Dr. Balfour will only furnish me with evidence to enable me to ascertain which they are.

16. In conclusion, I come to Dr. Balfour's complaints of the course adopted by the Government Solicitor with my full concurrence in forwarding to him the particulars of each claim as soon as filed in Court, and requesting to be early furnished with all information in Dr. Balfour's power respecting the same, no other course *could* have been taken. The Records and the native employés under Dr. Balfour's control constitute the *only* sources to which the Law Officers of Government *can* look for information in these matters; but in requesting Dr. Balfour to furnish such information and his opinion as to the validity of each claim, wholly or in part, I most distinctly deny that Dr. Balfour was ever allowed, or that there was ever any idea of allowing to him the "arbitrary power of virtually determining on every case submitted" to him, which he has so complacently assumed. He is simply required to supply information, and evidence, and if more importance is attached to *his* information than to that of *other* witnesses it is simply because he is naturally supposed from having been for years the Government Agent at Chepauk and Paymaster of Carnatic Stipends to possess or have the means of obtaining more and better information respecting the Nabob's Affairs than others have. Dr. Balfour may rest assured that he will *never* be *permitted* far less called upon, to exercise any such "arbitrary power" as he alludes to, while Act XXX of 1858 is in force and I have the honor to be Advocate General. He may be equally assured, that, so long as he furnishes me with all the information and evidence in his power, no blame will be laid on him by me or the Government Solicitor, (or I think I may venture to say by Government,) for any thing that may go wrong, while (though Dr. Balfour may possibly still remain "unheard of by the *community.*") I shall take care that, with Government at least, Dr. Balfour shall have full opportunity to claim all the "honors credit and esteem" Government may consider due to his having done his duty in this respect. Dr. Balfour further observes that he doubts if the course at present pursued by the Government legal Servants (in referring these claims to him

with a view to his furnishing information respecting them) be correct, as he before stated (para: 8,) that in his opinion, we had not "kept" the Government duly informed respecting Act XXX of 1858. Dr. Balfour is probably very competent as a linguist and as a judge of medical matters, and I submit he would do well to confine himself to matters which he does understand, instead of wasting the time of Government, and its Servants by volunteering criticisms upon matters which he clearly does *not* understand. His reason, however, for objecting to the course pursued in referring to him for information, requires further notice from me. His words will be found in the margin,* I could not understand them until in order to save public time, and expedite business, I went one day with the Government Solicitor to the building in the Chepauk Palace, where Dr. Balfour holds his Cutcherry or Office, as I shall probably have to do pretty often, and there I saw that there was indeed, but too much reason for his remark, owing however entirely to the extraordinary and very objectionable course pursued by himself. He brought up the Dewan and a Mahomedan Interpreter to the table, and proposed that everything should be discussed and examined in their presence, to which I of course at once and decidedly objected, and requested him to have no one present, but those whom I wished to question, and then only one at a time, without the presence of any one else but himself, the Government Solicitor and myself. I stated the points on which I required information, and put my questions, in a purposely low voice, but Dr. Balfour too frequently replied to me, and spoke to his Native Subordinates, on subjects about which I was trying to enquire information secretly, in a tone that was audible over half of that enormous room, full in the hearing of persons whom he had just told me *he entirely distrusted*, and showed about documents in a similarly incautious way, evincing a total unconsciousness of the necessity of caution and secrecy that I confess quite astonished me. I believe, I at last in some degree succeeded in convincing him of the necessity of great caution, which is the only thing required to obviate his above mentioned objection.

* *It appears to me that making me investigate without my possessing power of deciding on a case, exposes the weak points of the defence, and shews the claimant the points in his evidence which require strengthening.*"

17. As regards Dr. Balfour's objections (paras: 26 to 30) to the manner in which copies of the particulars of claims are sent to him, his request that they may be sent to him at an earlier date, and his complaints of want of leisure for due investigation, I can only say that while I entirely sympathize with Dr. Balfour on these points, his objections, requests and complaints are alike beyond the power of the Government Solicitor or myself to remove or satisfy. The claimants file the particulars of their claims whenever they choose, and may move to have them heard 21 days after filing them. All we can possibly do is to furnish copies to Dr. Balfour forthwith on the filing of the particulars in the Registry of the Court and this has been done in every case.

18. I have just observed that the claimants may file the particulars of their claims whenever they choose, neither the Government nor its Law Officers nor the Court have any power to compel them to do so until they please, and I would pointedly request the attention of Government to this very grave defect in the Act, with a view to their moving the Legislative Council to amend it *forthwith*, suspending the usual forms for the purpose.

19. All claimants have long since had ample notice by the publication of the Draft Act, and the six months that have now elapsed since the Act became law, and had ample time to prepare their particulars in all cases of *bonâ fide* claims, and there is grave reason to suppose that, in several instances, the continuing to withhold particulars of claims *now* though six months have elapsed since the passing of the Act, proceeds from fraudulent motives, and a desire to concoct and fabricate evidence to support these claims, while the recent felonious abstraction of two of the late Nabob's State Seals, and information connected therewith points strongly to an intention to fabricate Bonds bearing date during the time of the Regency of Prince Azeem Jah, when those Seals were actually used to authenticate Sircar Bonds.

20. A very short Act, such as I herewith submit a Draft of, would suffice, and if sent here by Telegraph, or Steamer, might soon be in operation. The saving to Government, and the check to fraud, would both, in my opinion, be as considerable as desirable.

21st January 1859.

(Signed) THOS. SYDNEY SMYTH,
Advocate General.

DRAFT ACT.

Whereas in Act XXX of 1858 it has been omitted to specify any time within which parties filing declarations under Section 14 of that Act shall be bound to furnish particulars of their respective claims as required by Section 20 of the said Act, and whereas upwards of six months have now elapsed since the passing of the said Act, and 400 Declarations or there abouts have been filed under the provisions thereof, but no particulars have yet been furnished except in a very few cases. And whereas all parties who have filed such declarations have had ample notice, and full time for preparing the particulars of their respective claims, and whereas it is just and expedient that the same shall be furnished as required by the said Act without any further delay, It is hereby enacted that all parties who have filed such declarations as aforesaid shall furnish the particulars of their respective claims as required by Section 20 of the said Act within one week from the publication of this Act in the Fort St. George Gazette [unless the Court upon special ground shewn, shall enlarge the time for furnishing such particulars which enlarged time nevertheless shall in no case exceed one calendar month] or else be barred from recovering the amount thereof under the provisions of the said Act.

No. 5. From J. R. BOYSON, Esq., Government Solicitor; to the Chief Secretary to Government, Fort Saint George, dated 27th January 1859, No. 103.

SIR,

With reference to para: 3 of my letter to your address of the 25th Instant, No. 77, I have now the honor to forward, for the information of Government, a copy of a Postscript which the Advocate General has added to his opinion of the 21st Instant, a copy of which accompanied my letter above noted.

COPY.

P. S.—With reference to para: 12 of my opinion and the points noticed in paras: 9 and 11 and paras: 12 and 13 of Dr. Balfour's letter, I have had an interview together with the Government Solicitor with Dr. Balfour at his Office at Chepauk and from his information I am of opinion that the persons called Becar, Sadaat and Neeaz have no claim whatever, legal or moral, to anything whatever. The Pensioners, however, in my opinion stand on a different footing. According to several Pension Papers produced to me and translated by Dr. Balfour these Pensions appear to me to have been granted either for long service performed by the Pensioner himself or for the services of his father or other near relation. In these cases I think there is such a consideration as would sustain the promise and that the claim is legal as well as moral.

As regards the cases of Servants whose wages have been stopped, discontinued, deferred or suspended by orders of the Nabob, the terms of those orders vary, so that I cannot give any opinion applicable to the whole of these cases, but I saw enough to satisfy me that, in the great majority of these cases, the Nabob's orders and the usage which obtained thereon, were tantamount to an actual reduction of wages such as left the Servant affected thereby simply the option of refusing to submit to the reduction and leaving the service, or submitting to it,—in which case of course they can have no claim to any thing under the head of arrears.

(True Copy.)

January 26th, 1859.

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

No. 6. ORDER THEREON, No. 97; dated 9th February 1859.

Resolved that copy of the Enclosure in Mr. Boyson's letter of the 27th Ultimo, be furnished to the Government Agent at Chepauk in reference to his letter under date 3rd December 1858, paras: 9, 11, 12 and 13.

2. Dr. Balfour will inform Government what is the probable amount of arrears due to the Pensioners alluded to by the Advocate General, for the period of the incumbency of the late Nawaub.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Political Dep.t

No. 97

Extract. Mins: of Consultation

Dated 9th February 1859

Read again a letter from the Govt Solicitor 25th January 1859 - No 77 -

Read letter from do 27 Jany 1859 - No 113

Resolved that a copy of the enclosure in Govt Solicitor's letter of the 27th ultimo be furnished to the Govt Advocate at Chapanah in reply to his letter under date 3 Dec 1858 Para 9: 11: 12 and 13 -

2. The Govt Solicitor will inform Govt what is the probable amount of arrears due to the Pensioners alluded to by the Advocate General - for the period

of the incumbency of
the late Edward ~~of~~
~~his said Deputy~~
respectively -

Sent Agent Depart — } Disp'd 12th Feb
Sent Solicitor. — }

Rec'd Govt. 15 Feby.

Political 1859 Dept

Roll 2 to Engd 8th March
No. 4 of 1859 Para 9.

No 97

Extract from Mins: of Govt

9th February 1859

Transmitting the
accompanying letter
from the Secretary to
the Board of General
Purposes requesting
directions respecting
the claim preferred
against the Estate
of the late Nabob
of Arcot

Read letter from Mr Boyd's letter
to Secy to Govt dated 1st instant
requesting Govt to
inform him what is
the probable amount of
arrears due to the pensioners
alluded

alluded to by the deceased
late Nabob for the
period of the incumbency
of the late Nabob.

C.G. Pl.
27.