M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 40 Press ~~Mis.~~

Dated 23-1- 1860

Not to be folded or roughly handled

No. 7. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 8th December 1859, No. 22.

No. 8. ORDER THEREON, 23rd Jan. 1860, No. 40.

India Public, 31st July, No. 94, 1858.
1st Octr., No. 127 ,,
16th Decr., ,, 29 ,,
3rd Septr., ,, 92, 1859.
Madras Political, 15th Feby., No. 2, p. 14 to 17.
8th March, No. 4 ,,
28th ,, ,, 10 ,,
7th June, ,, 18 ,,
21st ,, ,, 19 ,,
12th ,, ,, 23 ,,

Para. 1. Your letters and extracts noted in the margin, which report the proceedings of your Government relative to the estate of the late Nawab of the Carnatic and subjects therewith connected have been considered in Council.

Legislative enactments.

2. I regret to observe that the extremely loose manner in which Act XXX of 1858 was drawn has necessitated your application to the Legislative Council for two Acts to amend or explain that enactment. Its failure to prescribe any term within which the particulars of claims against the estate of the late Nawab were to be filed, was in itself a serious omission: and the necessity of repairing it was rendered yet more apparent by the felonious abstraction, evidently for fraudulent purposes, of two of the late Nawab's seals, as well as of the original Treaty of 1801, (of the means taken to recover which articles and of their result I shall expect early information.)

Ordered that copies of paragraphs 2 to 4, 11 and 12 of the above Despatch be furnished to the Advocate General, and that his attention be drawn to the request made at the end of paragraph 12.

3. The 2nd enactment referred to, which has become law under the title of Act 16 of 1859, appears to have been scarcely less necessary since the language of Act XXX of 1858, as interpreted by the Supreme Court at your Presidency, rendered your Government responsible for the debts incurred by Azeem Jah as Nawab Regent for his own benefit, as well as for those contracted by him for the use and benefit of the then minor Nawab, an interpretation which I observe affected claims amounting to 50 lakhs of Rupees.

4. Under the above circumstances, I approve the passing of these two Acts.

5. I also entirely approve the continuance (by Act 37 of 1858) of the exemption from Civil process, to the immediate relations of the late Nawab for life and to his retainers in respect of claims incurred during the Nawab's lifetime.

Realizations of property and payments of debts.

6. Your appointment of Mr. Clement Dale, late Solicitor to your Government as Receiver of Carnatic property; has already come under my notice. The measures you now report for making over charge to that Officer of all the property are approved as is your determination to purchase at their fair value such portions* of it as could not be conveniently sold at auction, or allowed to pass into private hands. The remark of the Advocate General that, however fair the valuation, the purchase by Government of property "in the absence of

(* *Korans and seals.*)

"any independent person qualified to represent the interests of the "Nawab's Estate would be sure to give rise to imputations" properly influenced you in restricting such private purchases within the narrowest possible limits.

7. Your purchase of the Chepauk Palace and grounds, though at the high sum of 5½ lakhs is fully approved. It seemed to you indispensable on Political, Military, and Sanitary grounds that it should belong to Government and the truth of your remark that whatever price you might give beyond what it would have realized from a private purchaser would be applied to payment of the Nawab's debts which you would have to "pay at any rate" is self-evident.

8. The arrangements to be made for rendering available the Palace and adjoining buildings for public offices, will, it is presumed, be reported in the Public Works Department.

9. I observe that Her Highness Khyre Oon Nissa Begum and other ladies of the late Nawab's family advanced claims to certain portions of the property in the Receiver's hands. With reference to those of the first named lady, no particulars whatever are given in the collection, reference being made to Schedules which are not included in it. But, so far as I am able to judge, there seems no reason to doubt that you have rightly determined to follow the opinion of your Advocate General.

10. The claims to houses advanced by Her Highness and the other ladies referred to have, I observe, been compromised by you, either by allowing each of them the rent-free use of the house in which she resided, or by the grant of a small sum for house rent.

11. Your proceedings relative to the payment of those creditors whose claims were, after enquiry before the Supreme Court, admitted, are generally approved. I have noticed with much satisfaction the energetic efforts of your Advocate General, Mr. T. Sydney Smyth, to protect the interests of your Government from fraudulent claimants.

12. The only point of difficulty which calls for notice is the question of costs. It appears from Mr. Smyth's reports of the 5th April and 9th April 1859, that the Supreme Court have, while admitting it to be the duty of Government to scrutinize all claims preferred, resolved to award costs to all claimants against whom fraudulent practices, or attempts to obtain excessive sums, shall not be established.

(See paragraph 11 *of Mr. Smyth's letter of 9th April* 1859.*)*

This determination imposes on your Government an outlay of an enormous amount, and I approve your resolution to bring the matter in appeal, under the consideration of Her Majesty's Privy Council on the first suitable occasion. You will inform me of any proceedings which may be taken under this resolution.

13. Her Majesty's Government have observed with much satisfaction that Prince Azeem Jah the present head of the Carnatic family, has responded to your proper invitation to abandon the chimerical idea of the restoration of the Nawabship, and to accept his position as the first Native nobleman in Madras. I approve your having permitted His Highness, in accordance with the Orders of the late Court of Directors, to entertain the Military Guard formerly maintained by him.

Prince Azeem Jah.

14. Your recommendation that Fatimah Begum should not be granted a pension is confirmed.

Pensions for servants of the family.

15. The case of Rajah Eshwar Doss is a peculiar one. The decision passed by your Government, and, at the time, approved with other proceedings relative to Carnatic affairs by the Home authorities* was to recognize as Chief Officers, and to allow full pensions to those only who had seats near the Nawab's person at Durbars. Acting on this rule, Memorialist has been refused a full pension, he having possessed no Sunnud from the Nawab, nor a seat near the throne. He now alleges that the nature of his office, that of introducing persons to audiences, in itself precluded him from occupying a seat, that he has already been recognized as a Chief Officer, and that another person who did not occupy a seat in Durbar has since been admitted to full pension as a Chief Officer.

* *Despatch* 1*st September,* 1858, *No.* 10.

16. The report of your Government on these points being far from explicit, I request further information thereon.

17. In addition to the provision to be made for servants of the family, you have, I observe, found it necessary to take into consideration the means of affording some relief to the poor of Triplicane who had received either employment or charity at the hands of the Nawabs. The proposal to establish a poor house for the relief of the destitute of all classes has my general approval, but claims arising from destitution alone should be postponed to those in which age, infirmity or incapability to work also exist.

18. I approve, under the circumstances stated in Vol. 23, the grant by you of permission to issue a Writ of Habeas Corpus against Her Highness Khyre Oon Nissa Begum to obtain the production of a certain dancing girl alleged to have been violated under the Begum's roof.

Miscellaneous.

19. The magnitude of the duties entrusted to Dr. Balfour (the Government Agent at Chepauk) under Act XXX of 1858 in preparing for the Government Solicitor papers relating to claims under investigation in the Supreme Court, appears to have rendered necessary the application for an Assistant which you have addressed to the Government of India.

(Signed) T. Pycroft,
Chief Secretary.

2. These paragraphs will be considered separately.

Exd. F. Cartledge.

Political Dept.

Proceedings of the Madras Government.

Read the following
Despatch from the Q.A.
to Secretary of State for
India

Revenue Department
Extract Public Consultation
dated 23rd January 1860. No 40.

Read Despatch from
the Secretary of State
for India in Council
dated 8th December 1859
No 2.

Received the Governor
General's Minute
dated 11th January 1860.

Ordered that the same
be recorded.

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Political 1860 Dept.

No. 40

Proceedings of the
Madras Government
Dated 25th January 1860

No 7 to 8.

List of Papers

31st January 1860.

Political 1860 Despatch

No. 40.

Govt. of Government

Canada

No 23 January 1860.

Transmitting the Advocate General with Copies of Papers and Correspondence of the Despatch from the Secretary of State for India of 8th Dec. 1859 reviewing the proceedings of Government relative to the Estate of the late Mr. Arbuthnot & the Court will consider the Petition of Mr. Arbuthnot separately Papers 15 & 16 Case of Rajah Eshwar Dass.

908.