

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 644

Press
~~Mis.~~

Dated

30. 10. 1860

Not to be folded or roughly handled

17

*Proceedings of the Madras Government, Political Department,
30th October 1860.*

No. 93. Read the following letter from THOMAS SYDNEY SMYTH, Esq., Advocate General, to the Chief Secretary to Government, Fort Saint George, dated 24th October 1860.

As I have understood it to be the express wish of the Government of Madras and of the Right Honorable the Secretary of State for India, both upon political and financial grounds, that the claims against the late Nabob's Estate should be disposed of as soon as possible, I beg you to bring it to the notice of the Honorable the Governor in Council that not only have postponements been recently granted, at the request of the Claimants, in a manner, and upon grounds, which in cases between ordinary suitors would in my opinion have never been allowed; but yesterday, in granting one of these postponements, Mr. Justice Bittleston put it upon the ground that no public inconvenience could possibly arise from such postponements.

2. I stated in reply, that I knew not upon what grounds Mr. Justice Bittleston had come to that conclusion, but that my information was exactly the contrary; but my observation, so far as I could see, had no effect whatever upon Mr. Justice Bittleston's opinion, it certainly had none upon his decision.

3. I would therefore request to be furnished officially with a statement of the views of this Government, and of the Right Honorable the Secretary of State for India, respecting the importance, for both political and financial reasons, of having the whole of these cases disposed of without any further delay beyond what may be considered absolutely necessary for the purposes of justice.

No. 94. ORDER THEREON, 30th October 1860, No. 644.

Resolved that the Advocate General be informed, in reply to his letter of the 24th instant, that from the whole tenor of the correspondence of Her Majesty's Government on Carnatic affairs, it is clearly their wish, as it certainly is that of the Madras Government, that the settlement of the long pending claims against the Estate of His Highness the late Nabob should be effected with the utmost practicable despatch, consistent with the full and due administration of justice.

2. More than five years have elapsed since the death of His Highness Mahomed Ghouse Bahadoor, and more than four years since the Policy of Her Majesty's Government was declared in respect to the Musnud of the Carnatic. During the whole of these four years investigations and legal proceedings have been carried on for the disposal of the many and heavy claims against the deceased Prince, and much excitement has prevailed and will continue to prevail until the whole have been brought to a close. On merely financial grounds it is very inconvenient both to the Government of Madras and to the Supreme Government, that they should be kept in a state of uncertainty as to the amount of funds to be provided for the discharge of these claims and should have to maintain an expensive establishment for conducting the researches connected with their settlement, while on political and general considerations it is very advisable that the question should not be left open for any longer period than may be really necessary.

(Signed) T. PYCROFT,
Chief Secretary.

From

The Advocate General

To

The Chief Secretary to Government

Sir,

As I have understood it to be the express wish of the Government of Madras and of the Right Honourable the Secretary of State for India, both upon political and financial grounds, that the claims against the late Nabob's Estate should be disposed of as soon as possible, I beg again to bring it to the notice of the Honourable the Governor in Council that not only have postponements been recently granted, at the request of the Claimants, in a manner, and upon grounds, which in cases between ordinary Suitors would in my opinion have never been allowed, but yesterday, in granting one of these postponements, Mr. Justice Bithlston put it upon the ground that no public inconvenience could possibly arise from such postponements.

2.

I stated in reply that I knew not upon grounds Mr. Justice Bithlston had come to that conclusion but that my information

mation was exactly the contrary, but my observation, so far as I could see, had no effect whatever upon Mr Justice Bithell's opinion - it certainly had none upon his decision.

3. I would therefore request to be furnished officially with a statement of the views of this Government, and of the Right Honorable the Secretary of State for India, respecting the importance, for both political and financial reasons, of having the whole of these cases disposed of without any further delay beyond what may be considered absolutely necessary for the purposes of justice.

I have the honor to be
Sir,
Your most Obedt Servant
Wm. James Smith
Advocate General.

Supreme Court Buildings
24th October 1860.

37
Political Department.

Proceedings of the Madras Government.

Read the following letter
from the Advocate General.

(Here enter 24 October 1860.)

Order thereon 30 October 1860. No. 614

Resolved that the Advocate General be informed, in reply to his letter of the 24th instant, that from the whole tenor of the correspondence of H. M. Government on fanatic affairs, it is clearly their wish, as it certainly is that of the Madras Govt, that the settlement of the long pending claims against the estate of His Highness, the late Nabob should be effected with the utmost practicable despatch, consistent with the full and
due

our administration of justice.

2.- More than five years have elapsed since the death of His Highness Mahomed Ghouse Bahadoor, and more than four years since the Policy of Her Majesty's Govt. was declared in respect to the Musnud of the Carnatic. During the whole of these four years investigations and legal proceedings have been carried on for the disposal of the many and heavy claims against the deceased Prince, and much excitement has prevailed and will continue to prevail until the whole have been brought to a close. On merely financial grounds it is very inconvenient both to the Govt. of Madras and to the Supreme Govt., that they should be kept in a state of uncertainty as to the amount of funds to be provided for the discharge of these claims and should have to maintain an expensive

expensive establishment for conducting the researches connected with their settlement, while on political and general considerations it is very advisable that the question should not be left open for any longer period than may be really necessary.

JP

to the Advocate General. Resp'd in M.S. 30th

JP

gm

Political Office (Engd) 25th January
1830

Noticed. 1860. Sept.

Robert.

Proceedings of Foot.

of 30 October

Informing the advocate
General that from the whole tenor
of the correspondence of 19. ult. appears
that our Barister's affairs it is
clearly that with the latter
instead of the long standing claim
against the State of 19. 19. the late
Robert should be settled with
the estate purchased to dispatch