M.R.O. 1—30,000—16-10-29

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	78	Press ~~Mis.~~
Dated	13 - 2 - 19	~~19~~ 186

Not to be folded or roughly handled

No. 9. Read the following letter from THOMAS SYDNEY SMYTH, Esq., Advocate General; to the Chief Secretary to Government, Fort Saint George, dated 11th February 1860.

On the 29th July 1859, a Soucar named Gunsham Doss, one of the claimants against the estate of the late Nabob of the Carnatic, under Act XXX of 1858, moved the Supreme Court to postpone the hearing of his claim until he could petition the Secretary of State for India against Act XVI of 1859, then lately passed by the Legislative Council of India.

On the 8th August 1859, the Judges delivered written judgments, declaring the said Act to be "of the grossest *ex post facto* character" and that it violated "the first principles of legislation and of justice," and that they could not permit themselves to doubt of the success of the Petitioner's intended appeal, and granted his motion.

I had the honor to transmit to Government a copy of their Lordships' judgments on the 20th August 1859, along with a letter from myself connected therewith, and on the 1st September 1859, I also forwarded another letter on the same subject.

I have reason to believe that a petition to the above effect was transmitted to England some time last December, with the view of its being presented to the House of Commons by Mr. Bright; the intention of petitioning Her Majesty's Secretary of State for India having been, as I have heard, altogether abandoned.

I obtained a perusal of the printed petition but have not been able to obtain a copy for use. Speaking generally, it appeared to me merely to dilute the statements contained in the Judges' judgments, and to be supplemented by editorial articles from the "Indian Statesman," 13th August, "Madras Spectator," August 10th, both well known to be written by the retained Counsel of the claimants, and one or two other articles from minor papers; and by the three Acts XXX of 1858, and II and XVI of 1859.

The Judges have on more than one occasion since the delivery of their said judgments declared distinctly that they will permit no claim to be tried, except at the request of the claimant himself, until the result of the above petition to Parliament is known; and more than one intimation has been given in the shape of casual observation, that there is a decided indisposition to act, until the result of that petition is known, upon *any* of the *merely permissive* Sections of either Act II or Act XVI of 1859; for instance, applications on behalf of Government to appoint, under Section IX of Act II of 1859, an early day for the hearing of particular cases, have been more than once refused.

I therefore would respectfully submit for the consideration of Government, whether it may not be desirable to move Her Majesty's Secretary of State for India to take such steps as he may deem advisable for expediting the disposal of the above petition; as, under the circumstances which I have mentioned, it will be impossible, until then, to deal with some forty-three cases, many of which might otherwise, I think, be easily settled.

No. 10. ORDER THEREON, 13th February 1860, No. 78.

Resolved, that a copy of the above letter be transmitted to the Right Honorable the Secretary of State for India by the next Mail, with reference to the previous correspondence on the subject.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge

Aden Mauritius 13 February 1860 & 70

Remitted, that a copy
be transmitted to the C.O.
of State for India by the next Mail
Despatches to the Mauritius Com
on the subject.

[illegible]

To the Advocate General. (Despatch No. 13 of 1860)

From
The Advocate General.

2/18
Rec'd 11th Feby. 1860

No. 70.

Under circumstances stated
requests Govr. Grey to
beg: of State for India to ex-
pedite the disposal of the
Petition which was forwar-
ded to England in Dec. last
for presentation to the
House of Commons - praying
that Act XVI of 1859 may
be rescinded.

I have &c
William Reden

9 & 10.