M.R. O. 1—32,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 196-97 Press ~~Mis.~~

Dated 18-4- ~~19~~ 1861

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department,
15th April 1861.

No. 36. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 10th April 1861, No. 335.

1. I have the honor to bring to the notice of Government that one Rajah Ruggoonada Ram Bahadoor of Hyderabad preferred a claim against the Estate of the late Nabob of the Carnatic under Act XXX of 1858 for an amount which inclusive of interest to this date aggregates Rupees 1,23,414-10-9.

2. I forwarded a copy of the particulars of this claim to Government with my letter of the 8th of February 1860, No. 100.

3. The Law Officers of Government after investigating the claim as fully as the nature of it and the circumstance of the alleged transactions having taken place at Hyderabad admitted of, arrived at the conclusion that the claim ought to be resisted and they are still of this opinion. I have therefore intimated to the Claimant's Solicitor at Madras that I do not intend to make any offer under the provisions of the Act and that the Claimant will be required to prove his case.

4. The Claimant by his Solicitor and Counsel thereupon contended and still maintains that his own evidence as well as the evidence of Rai Tak Chund is material and necessary to support his claim and that he cannot safely proceed to a hearing without it and inasmuch as both he and Rai Tak Chund are resident at Hyderabad he moved the Supreme Court by his Counsel on the 15th ultimo for the issue of a Commission to Hyderabad to take the evidence of himself and Rai Tak Chund upon Interrogatories.

5. The Law Officers of Government considering it especially desirable for the protection of the public interests and the furtherance of substantial justice that both the Claimant and Rai Tak Chund should if possible be examined vivâ voce in open Court where they would be available for searching cross examination and the Court would be able to test their credibility and the value of their testimony by seeing their demeanour and the manner in which they gave their evidence ; the Advocate General appeared on behalf of Government and most strenuously (on these grounds and others) opposed the taking of the evidence under a Commission and urged that the Claimant himself should at all events be required to come down to Madras for the purpose of giving his evidence vivâ voce.

6. Sir Adam Bittleston the Presiding Judge concurred in the Advocate General's position as to the great advantage of having vivâ voce testimony and refused under the then existing circumstances and upon the affidavit then before him (a copy whereof is herewith sent) to authorize the taking of the Claimant's evidence by Commission but considered that inasmuch as the Claimant's witness Rai Tak Chund was resident beyond the Supreme Court's Jurisdiction and could not therefore be compelled to appear for the purpose of being examined, the Claimant was entitled to a Commission to examine him and sanctioned its issue directed to Lieutenant Colonel Davidson the British Resident at Hyderabad.

7. On the hearing of the motion the Advocate General stated to the Court that Government would address His Highness the Nizam of Hyderabad through the British Resident and request as matter of special consideration that the Claimant should be granted leave of absence for such a period as will enable him to come down to Madras and be present during the hearing of his claim and would further this arrangement as far as practicable. The Advocate General also stated that we would meet the Claimant's convenience and that of the Nizam's Government as far as possible by having a day specially fixed for the hearing and saving the Claimant from all unnecessary detention at Madras.

8. The Law Officers of Government still think it extremely desirable if it can be so arranged that the witness Rai Tak Chund should likewise come down to Madras for the purpose of being examined vivâ voce and they think it very probable as he also is in the service of the Nizam that His Highness if applied to, through the Resident, will be pleased to issue such instructions or make such communication to Rai Tak Chund as will induce him to accompany his friend Rajah Ruggoonada Ram to Madras.

9. Under these circumstances I have now to request that the needful communication may be made to His Highness the Nizam through the Resident and that it may be couched in such terms as will be best calculated to ensure the object which we are so especially anxious to attain *viz.*, the examination of Rajah Ruggoonada Ram the Claimant, and Rai Tak Chund his witness vivâ voce in the Supreme Court.

No. 37. ORDER THEREON, 15th April 1861, No. 196.

As desired an application will be made to the Resident of Hyderabad and he will be requested to use his best exertions to ensure Rai Tak Chund proceeding to Madras to give evidence on the matter of Rajah Ruggoonada Ram Bahadoor's claim against the Estate of the late Nawab.

(Signed) T. PYCROFT,
Chief Secretary.

No. 38. To the Resident at Hyderabad, dated Fort Saint George, 15th April 1861, No. 197.

I am directed by His Excellency the Governor in Council to forward for your information the accompanying copy of a letter from the Solicitor to the Madras Government.

2. From this it will be perceived that Rajah Ruggoonada Ram Bahadoor of Hyderabad has preferred a claim against the Estate of the late Nabob of the Carnatic, under Act XXX of 1858, for an amount which inclusive of interest to the 10th instant aggregates Rupees 1,23,414-10-9. The circumstances attendant on his application that he himself, and one Rai Tak Chund, represented to be a material witness in his case, might be examined at Hyderabad by a Commission are clearly explained in Mr. Boyson's letter.

3. You will observe that this request has been refused in his own case, but granted in that of Rai Tak Chund. It is however of much importance that this latter individual, no less than Rajah Ruggoonada Ram Bahadoor himself, should appear before the Supreme Court in person, and be there subjected to such examination, as will fully elicit the real merits of the case. The amount at issue is very large, nearly a lac and a quarter of Rupees, and the sum awarded, if any, will have to be borne by the Government, who have charged themselves with the payment of the Nabob's debts. Under these circumstances, the Madras Government do not doubt, that you will take every means that may be in your power, to ensure Rai Tak Chund proceeding to Madras to give evidence on the matter of Rajah Ruggoonada Ram Bahadoor's claim.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Supreme Court
Madras
Under Act XXX of 1858
& II of 1859

In the Matter of the Estate of the late Nabob of the Carnatic – The Claim of Rajah Ragoonada Ram Bahadoor an accountant in the service of His Highness the Nizam of Hyderabad.

I Meer Ghoolam Mohideen Hoossain of Madras Mahomedan Gentleman residing at № 40 in Veerarajavah Moodelly Street at Triplicane within the local limits of Madras Make Oath and say as follows –

1 That Rajah Ragoonada Ram Bahadoor the Claimant above named is an inhabitant of Hyderabad and is still residing at Hyderabad.

2 That the said Rajah Ragoonada Ram Bahadoor is and will be a very material witness in support of his Claim.

3 That Rai Take Chund who is also residing at Hyderabad is and will be another very material Witness in support of the above Claim.

4 That on the 2d day of February 1861 I received a letter from the said Rajah Ragoonada Ram Bahadoor in which he says in effect that in Consequence of his being in Service of the Nizam of Hyderabad he is unable to come down to Madras and that as to the said Rai Take Chund he further says that he is also in the Nizam Service and is greatly involved in consequence of which he is also unable to leave Hyderabad.

5 And I further say that I am advised and believe that the said Rajah Ragoonada Ram cannot safely proceed to trial of his Claim without out his own and the said Rai Take Chunds evidence.

6 And further say that I am also informed and believe that the said Rajah Ragoonada Ram Bahadoor is Conducting the affairs of his brother who has proceeded to Banares and that the said Rajah Ragoonada Rams leaving Hyderabad would be attended with very considerable loss to himself and to the affairs of his said brother.

7 And I further say that this application is not made for the purpose of delay

8 And I further say that the letter herein before mentioned refers to various private matters and that I therefore decline annexing the same to this my Affidavit.

The Contents hereof having been previously explained to the Deponent by the Court Interpreter Sworn to this Eleventh day of March one thousand Eight hundred and sixty one by the said Meer Ghoolam Mohideen Hoossain

Before me
(Sgd) B. Brooks
Commissioner

(Sgd) Meer Ghoolam Mohideen Hoossain

True Copy
[illegible]
Solicitor

Supreme Court
Madras
Under Act 30 of 58

In the Matter
of
The Estate of the late
Nabob of the Carnatic

The claim of Rajah
Ragoonada Ram
Bahadoor.

(Copy)
Affidavit, whereon Motion
for a Commission to Examine
the Claimant and Raja
Chund in support of the
Claimant's Claim, was
grounded.

to be
printed

Boyton
Solicitor

Pol. Sec. Dept.
Dec. No. 181.

Order thereon 15 April 1861 No 196.

As desired your application will be made to the Resident of Hyderabad & he will be requested to use his best exertions to ensure Rai Lak Chund proceeding to Madras to give evidence on the matter of Rajah Ruggoonada Ram Bahadoor's claim against the Estate of the late Nawab.

J P

To the Govt Solicitor Dispd 15-4-61

A.G.H.

Desps 15-4-61.

List

5

Political Department.

No. 197

To The Resident at Hyderabad &c.

Sir,

I am directed by His Excellency the Governor in Council to forward for your information the accompanying copy of a letter from the Solicitor to the Madras Government.

2. From this it will be perceived that Rajah Ruggoonada Rauu Bahadoor of Hyderabad has preferred a claim against the Estate of the late Nabob of the Carnatic under Act XXX of 1858, for an amount which inclusive of Interest to the 10th inst. aggregates Rupees 1,23,414-10-9. The

circumstances

circumstances attend-
-ant on his applica-
-tion that he himself
and one Rai Jak Chund,
represented to be a
material witness in
his case, might be ex-
-amined at Hyderabad
by a Commission are
clearly explained in
Mr. Boyson's letter.-

3. You will observe
that this request has
been refused in his
own case, but granted
in that of Rai Jak
Chund. It is however
of much importance
that this latter indi-
-vidual, no less than
Rajah Ruggoonada
Kam Bahadoor him-
-self, should appear
before the Supreme Court
in person, and be
there subjected to such
examination, as will
fully elicit the real
merits of the case -
The amount at issue
is

is very large, nearly a
lac and a quarter
of Rupees, and the sum
awarded, if any, will
have to be borne by
the Govt, who have
charged themselves
with the payment of
the Nabob's debts. Under
these circumstances
the Madras Govt. do
not doubt, that you
will take every means
that may be in your
power, to ensure Rai
Jak Chund proceeding
to Madras to give evi-
-dence on the matter
of Rajah Ruggoonada
Kam Bahadoor's claim.

Fort St. George
15th April 1861

I have &c

List of 19 April

Pol. Lr. to Engd. 26. April
No. 8 of 1861.

Replies to 29 June
No 9 of 61

Political 1861 Dept.

No 197.

To
The Resident at
Hyderabad

D/ 15 April /61 -

Requesting that
steps be taken to
ensure the proceeding
of Rai Tak Chund
to Madras to give
evidence in the
case of Rajah Ra-
-gonatha Ram
Bahadoor against
the estate of the late
Nabob of the Carna
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