

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 208

Press
~~Mis.~~

Dated 23. 4. 1918/

Not to be folded or roughly handled

1020

Proceedings of the Madras Government, Political Department,
23rd April 1861.

No. 57. Read the following letter from THOMAS SYDNEY SMYTH, Esq., Advocate General, to the Chief Secretary to Government, Fort Saint George, dated 11th April 1861.

I have the honor to state for the information of His Excellency the Governor in Council that of the eleven claims against the estate of the late Nabob of the Carnatic, mentioned in my letter of the 18th December last, as then remaining undisposed of, only one, that of Rajah Ruggoonada Ram Bahadoor, now remains outstanding; but as I am unable to say when that claim may be tried, the Claimant having obtained a Commission to Hyderabad for the examination of a witness, I shall no longer defer submitting this report.

2. Ten claims have been disposed of as follows:

Claimant's Name.	Amount of claim with Interest.			When settled.	How settled.	Rs. A. P.		
	RS.	A.	P.			RS.	A.	P.
1. Teekum Doss.....	93,445	15	7	1861. 2nd Feby.	Order by consent for...	3,350	0	0
2. Mooktar-oon-Nissa Begum.....	47,392	12	0	Do do...	Dismissed by consent...			
3. Nabob Ghouseya Begum.	25,625	10	0	8th do...	Order by consent for...	7,500	0	0
4. Administrator of Rajah Eswara Doss.....	28,199	2	9	Do do...	Do do for...	25,000	0	0
5. Auzeem-oon-Nissa Begum.....	5,27,131	0	0	14th do...	Do do for...	20,000	0	0
6. Meer Ahmud Ali.....	324	0	0	22nd do...	Dismissed by consent...			
7. Auzeez-oon-Nissa Begum and others.....	2,21,060	3	7	6th March.	Order by consent for...	90,000	0	0
8. Syud Mahomed Ghouse.	964	12	0	12th do...	Dismissed by consent...			
9. Assignee of Shajee-ul Mulk.....	1,56,320	8	6	14th do...	Order by consent for...	15,561	12	9
10. Heirs of Hissam-ul Mulk.....	7,14,831	13	6		Offer accepted of ...	18,966	15	10
	18,15,295	14	9			1,80,378	12	7

3. This last claim has not been *formally* settled, because, though the contending Claimants have agreed that the offer made them is quite satisfactory as regards their claim on the Nabob's estate, they have not as yet agreed amongst themselves who is the proper party to receive it. In fact however and in substance it is settled.

4. The one remaining claim, that of Rajah Ruggoonada Ram Bahadoor, is brought for a sum which, with interest to the 23rd February 1861, amounts to Rupees 1,22,756-0-4; but, after having heard the Claimant's Counsel fully, and seen everything that he could adduce in support of the claim, I am of opinion that he cannot make out any claim against the Nabob's estate. The Claimant however being a wealthy, and I hear rather obstinate man, holding an influential position at the Nizam's Court, considers himself bound in honor to maintain the claim having once advanced it.

5. Even if however this Claimant should, contrary to my expectation, recover a few thousand Rupees when his claim is tried, I think I may congratulate Government that the estimate of two lakhs of Rupees, which I suggested would probably be sufficient to settle the eleven claims then outstanding, has proved so nearly correct.

6. I take this opportunity to mention that in the claims of Damoodra Doss and others and Munnobun Doss and others upon which I reported to Government in my letter of the 21st November 1860, the Supreme Court on the 30th November 1860 gave leave to appeal to Her Majesty in Council against its Decrees in each of these two claims; but subsequently, in the latter of these two claims, reversed its order giving leave to appeal, on the ground that though the sum claimed was about Rupees 16,000 yet that the Decree awarded to the Claimant only Rupees 8,350, and that no appeal would lay for that sum.

*Proceedings of the Madras Government, Political Department,
23rd April 1861.*

7. I feel grave doubts as to the correctness of this ruling; it is the first time such a decision has been pronounced, and the question is one of such importance generally, though not perhaps in this particular case, that I would suggest to Government that the opinion of the Judicial Committee be taken on this point by a regular appeal.

No. 58. ORDER THEREON, 23rd April 1861, No. 208.

The Government are gratified at learning that the anticipations entertained by the Advocate General, as shown in his letter of the 18th December last, relative to the amount from which the remaining claims against the Nabob's estate might be settled, have been so nearly realized. They resolve to forward a copy of Mr. T. S. Smyth's letter to the Right Honorable the Secretary of State in continuation of their Despatch of the 25th January, Political Department, No. 3 of 1861.

2. With respect to the question discussed in the two concluding paragraphs of his letter the Government will forward to the Advocate General for his information a copy* of the Judgment of the Privy Council, June 15th, 1860, from which it would seem that if the amount Rupees 8,350 awarded in Munmohun Doss' case includes interest, or if it does not but the addition of interest to the date of decree, would not raise the entire award to Rupees 10,000—an appeal is not admissible.

(Signed) T. PYCROFT,
Chief Secretary.

13th April 1861.

My dear Pycroft,

This is the last ruling of the Privy Council on the subject of appeals. Please let me have it when no longer required. If the Rs 8,350 was only principal, and interest was also awarded, which, with the principal, made the sum payable under the decree at the time of the judgment not less than Rs 10,000, an appeal to Her Majesty would

lie, but not otherwise, I think.

Yours sincerely

C. S. Chamier

F. P. P. P.

My dear Mr. P. P.

The above seems
correct

It does not appear

Whether the R 8350

includes interest
or not.

Yours very truly

P. P.

13

Political Department.

Proceedings of the Madras Government.

Read the following
letter from the Advocate
General.

(Here enter 11th April 1861.)

Order thereon 23^d April 1861 No. 208.

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My dear Sir
I have the honor to acknowledge the receipt of your letter of the 18th December last, relative to the amount from which the remaining claims against the Nabob's estate might be settled, and am glad to hear that the anticipations entertained by the Advocate General, as shown in his letter of the 18th December last, have been so nearly realized. I have the honor to forward a copy of Mr. J. S. Smyth's letter to the Right Honorable the Secretary of State in continuation of their Despatch of the 25th January Pol^r Depart^t No. 3 of 1861 2. With respect to the question discussed in the two concluding

* Requested to be returned

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admissible.

[Signature]

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W. D.

To, The Advocate General
with the Paper referred to } Rs. 23-4-61.

Theophilus

O. W. L. to Wm. L. 26.
 April 22^d of 1861.
 Philadelphia -
 May 1/61

Political
Department 1861.

No. 208

*Proceedings of the Madras
Government.*

Dated, 23rd April 1871 -

Nothing removed
on the right summit
stood by the Adversate
General, of the Clans,
against the estate
of the late Duke of
the Carnarvon, which
have been divided
of