M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 392 Press ~~His~~

Dated 27—9— 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department, 27th September 1862.

No. 75. 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 London, 23rd August 1862, No. 26.

Judicial.

Your letter in the Political Department, dated the 23rd May (No. 9) 1862, stating that you have ordered payment to the Receiver of the Carnatic Property of the sum of Rupees 1,10,600, to enable him to pay to Damodara Doss and others, the amount adjudged to them by the Supreme Court at Madras, has been considered by me in Council.

2. I approve of your having ordered the payment in question, and now transmit to you a copy of the Opinion of the Law Advisers in this country, dated 3rd December last, which will explain to you the circumstances under which the appeal, for the prosecution of which no steps were taken on the part of the Secretary of State in Council, was dismissed.

3. I concur with you, that the cases of the parties who have accepted Orders of Court in full satisfaction of their claims should not be re-opened.

Estate of the late Nabob of the Carnatic.

OPINION.

We cannot advise a prosecution of the Appeal in this case. We think that there was evidence to satisfy the Court below that the debt in question was incurred actually and *bond-fide* on behalf and for the use of the Nabob, and that the Judicial Committee of the Privy Council would not set aside or disturb the Judgment appealed from.

With reference to the points urged in the petition praying for leave to appeal, set out at pages 181-4 of the Copy Record of Proceedings, we are of opinion that it was not incumbent on the claimants to prove the necessity of the loans contracted by the Regent on behalf of the Nabob during his minority. The recital of Act XXX of 1858, shows that it was the intention of the Government to pay all debts proved to have been fairly and justly contracted by the Nabob, or on his behalf during his infancy by the Regent, and Section 14 provides that the debt which the claimant may recover shall be "in respect of moneys at the amount which shall be proved to have been actually advanced to or paid for the use of the said Nabob." We think that there was evidence in the case to justify the Court in coming to the conclusion that the debt allowed by the Court was for moneys "actually advanced to or paid for the use of the Nabob." Any argument that might be drawn from the disallowance of Act XVI of 1859, would be in favor of the case of the claimants.

3rd December 1861.

(Signed) ROUNDELL PALMER.
(,,) WILLIAM FORSYTH.

No. 76. ORDER THEREON, 27th September 1862, No. 392.

Ordered that a copy of the foregoing Despatch and its enclosure be furnished, through the Government Solicitor, for the information of the Advocate General.

(Signed) T. PYCROFT,
Chief Secretary.

Exd F. Cartledge.

Political Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Despatch from the Rt. H. the Secy. of State for India in the Judicial Department.

(Dated 23 Augt 1862 No 24)

Order 24 Septr 1862 No 392

Ordered that a copy of the foregoing Despatch & its enclosure be furnished, through the Govt. Solicitor, for the information of the Advocate General.

To the Govt Solicitor dispd 27

dated 3d Octr.

Pol Ca 1862. Department.

No. 392

PROCEEDINGS OF GOVERNMENT.

Dated 27 Septr 1862

Communicating to the Advocate General through the Govt Solicitor a despatch and enclosure from Sir C. Wood dated 22nd Augt 62.

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