

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 433

Press

~~Mis~~

Dated

26-10-1862

Not to be folded or roughly handled

*Proceedings of the Madras Government, Political Department,
24th October 1862.*

Read the following papers :—

No. 57. To His EXCELLENCY SIR W. DENISON, K. C. B.,

Governor in Council of Fort Saint George, Madras.

The humble Memorial of Tunkey Cutcherry Bond
Creditors of His late Highness the Nawab of
the Carnatic.

SHEWETH,

That your Memorialists are Tunkey Cutcherry Bond Creditors of His late Highness the Nawab of the Carnatic, respectively, to a considerable amount as set forth in the particulars thereof hereto annexed.

That they, one and all have, under the provisions of Act XXX of 1858, duly filed their respective claims in the late Supreme Court of Judicature of Madras for the recovery of the several sums due to them, and which said claims are now on the files of the present High Court of Judicature, by transfer from the files of the said late Supreme Court.

That notwithstanding, that these respective and several claims were so laid before the late Supreme Court under the Act aforesaid, yet, in consequence and in consideration of the Appeal preferred to Her Most Gracious Majesty the Queen in Council, by Government, from the Judgment pronounced by the said late Supreme Court in the matter of the claims of another similar Claimant or Creditor, Damoodra Doss, your Memorialists deemed it advisable, upon an arrangement to that effect which had been come to between their Solicitor and Mr. Boyson, the Government Solicitor, to await the decision of that August Tribunal ere they advanced or pressed their claims to a hearing, as any decree pronounced by Her Majesty the Queen in Council, would have been conclusive as to the validity or otherwise of the Judgment given by the said Supreme Court on the matter or point of the Tunkey Cutcherry Bonds adjudicated upon on the hearing of the said claim of the said Damoodra Doss, as aforesaid, and might have induced your Excellency in Council to arrest the further opposition to your Memorialists' said several claims whereby a large amount of legal charges would have been avoided, and your Memorialists spared all the annoyance and vexation, the inevitable concomitants of litigation.

That the appeal so preferred by Government, having been abandoned and not proceeded with, was, under the standing orders made and passed by Her Majesty, dated 30th November 1860, at the end of six months from the date of its registration in the Privy Council Office, *ipso facto* dismissed for non-prosecution, and accordingly on or about the 22nd March 1862, the said Appeal was so dismissed, and instructions transmitted to the Registrar of the said late Supreme Court to terminate the said Suit of Damoodra Doss, according to the Judgment appealed against. Hence, the Judgment pronounced by the late Supreme Court in favor of the said Damoodra Doss as aforesaid, became confirmed, and now stands unimpeached and in full force and virtue, serving for a precedent in all other suits brought for similar claims and demands, on precisely the same grounds, proofs and principles as admitted by the late Supreme Court in its Judgment aforesaid.

That the amount awarded by the late Supreme Court to the Said Damoodra Doss has since been paid to him by the Government of Fort Saint George.

That the principle involved in and which guided the late Supreme Court in the decision upon the said claim of the said Damoodra Doss, is the same which will regulate and apply to your said Memorialists' several claims they being all founded upon Tunkey Cutcherry Bonds.

That, your Memorialists are confident that their respective claims, will, if proceeded with before the High Court one and all, be decided in their favor on the very same proofs and evidence that have been adduced, admitted and received as valid in the said claim of the said Damoodra Doss. But with the view of avoiding litigation and expense to themselves and the Government, your Memorialists have been advised to apply to your Excellency in Council, for the settlement of their claims before they proceed with the hearing and disposal of their said several claims by the said High Court of Madras.

Your Memorialists, therefore, humbly pray that your Excellency in Council will be pleased to take the foregoing matters into due consideration, and order that the several claims of your

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Memorialists be at once recognized and paid with interest at and after the rate of six (6) per cent. per annum as allowed by Act XXX of 1858, and thereby induce and enable your Memorialists to withdraw their respective Suits as aforesaid from the files of the High Court.

List of the Tunkey Cutcherry Bonds.

	Rs.
1. Roop Kisshoor Lalah...	46,500
2. Kissen Chund Soba Chund for Jevumull Butchraj...	16,800
3. Ram Doss Narrain Doss on account of Govinshee Kissenchund...	13,500
3. Ram Doss Narrain Doss on account of Narrain Doss Gopaul Doss.	65,745
3. Ram Doss Narrain Doss on account of Girder Doss Dwarka Doss.	17,000
4. Orah Ball Moocoondoo Doss...	83,184
5. Permana Doss Anan Doss, for Anan Doss Virjee Valub Doss.	97,631
6. Teekum Doss Rasheek Doss...	16,800
7. Gunsham Doss...	11,434
8. Seetharam...	5,200
9. Safer Begum, widow of Hufiz Yarjung...	8,595
10. Damoodra Doss Purmanah Doss...	50,634

Referred, through the Government Solicitor, for the report of the Advocate General.

FORT SAINT GEORGE,
3rd October 1862.

(Signed) T. PYCROFT,

Chief Secretary.

No. 58. From JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable T. PYCROFT, Chief Secretary to Government, Madras, dated 15th October 1862, No. 456.

Order, dated 3rd October 1862, and endorsed on Memorial of certain Tunkey Cutcherry Bond-holders to Government, dated 30th September 1862.

1. I have the honor to acknowledge the Order of Government noted in the margin.
2. I submitted it, together with the information I possessed relative to Tunkey Cutcherry claims, for the consideration of the Advocate General, and I now forward a copy of his opinion.
3. At the same time, I think it right to state that from private letters I have received from Mr. Boyson, I feel certain that there was no such arrangement as that alluded to by the Memorialists, entered into between him and their Solicitor Mr. Shaw.
4. The Memorialists' claims were all of them finally disposed of by the late Supreme Court, and they are incorrect in stating that these claims are now pending, and that they can be re-heard or brought on again for further hearing.
5. I herewith return the Order above noted.

COPY—OPINION.

The phraseology of the present Petition is peculiar. It states that the respective claims of the several Petitioners, "are now on the files of the present High Court of Judicature by transfer from the files of the said Supreme Court." I doubt if this assertion be true in any sense; but at most, it is only true in the sense in which the same assertion might be made of any suit finally decided in the eighteenth century by the Recorder's Court of Madras.

The claims of these Petitioners, preferred under Act XXX of 1858, were finally disposed of by the late Supreme Court, and the present High Court can no more entertain them than it could any suit wherein a Decree was made by the last Recorder of Madras.

Of the same character is the assertion of the claimants that they "deemed it advisable, upon an arrangement to that effect which had been come to between their Solicitor and Mr. Boyson the Government Solicitor, to await the decision of the Privy Council in the appeal in the claim of Damoodra Doss ere they advanced or pressed their claims to a hearing."

Mr. Boyson, the Government Solicitor, is now in England, as is Mr. Shaw, the only Solicitor of the claimants who was in Madras at the time referred to; but I am confident that Mr.

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Boyson would never have entered into any arrangement of the kind without my knowledge and approval, and I never heard a syllable from him on the subject. On the other hand from my general knowledge of his views about these Tunkey Cutcherry Bonds, which I believe entirely greed with my own, I am satisfied he never would have sanctioned such an arrangement in the case of any of these claimants.

I am equally certain that Mr. Shaw was far too careful of the interests of his clients to have rested satisfied with any mere conversational arrangement. If any thing passed in writing can of course be produced, and will speak for itself. Till I see some such writing I can never believe the Petitioner's assertion as to the existence of any such "arrangement."

The last paragraph moreover of the last Despatch of the Secretary of State in Council on this subject appears to me positively to forbid the re-opening of claims like those of the Petitioners.

(Signed) T. SYDNEY SMITH,

Advocate General.

4 October 1862.

Subjoin a Memorandum of the date and substance of the several Orders of the late Supreme Court passed in the matter of the claims of these Petitioners.

Numbers.	Claimants' Names.	Dates of Orders.	Substance of Orders.
1	Roop Kishore Lallah and Soojunnul Lallah.	4th April 1860...	Decree for payment of Rs. 50,284-3-11 in full of all demands.
2	Heerah Lall and Bayroon Lall...	3rd Feby. 1860...	Decree for payment of Rs. 47,436-2-5 in full of all demands.
	Bacharaz Lallah...	Do.	Claim dismissed.
	Narrain Doss Gopaul Doss...	22nd March 1860.	Decree for payment of Rs. 30,084-5-2 in full of all demands.
	Orah Balamoocun Doss...	21st March 1860..	Decree for payment of Rs. 45,551-12-11 in full of all demands.
	Permanun Doss...	23rd Octr. 1860..	Claim dismissed with costs.
	Teekum Doss...	2nd Feby. 1861...	Decree for payment of Rs. 3,350 in full of all demands.
	Gunsham Doss...	17th Feby. 1861...	Decree for payment of Rs. 18,909-4-11 in full of all demands.
	Seetaram...	23rd Octr. 1860...	Claim dismissed.
	Zuffeah Baigum...	31st May 1860...	Decree for payment of Rs. 10,160-12-3 in full of all demands.
	Damoodra Doss...	19th Novr. 1860...	Decree for payment of Rs. 1,10,664-5-3 in full of all demands.

(True Copy.)

(Signed) JOHN MILLER,

Acting Government Solicitor.

59.

ORDER THEREON, 24th October 1862, No. 433.

Resolved, that the Memorialists be informed that their claims have been finally disposed of by the late Supreme Court of Judicature, and that under Orders of the Right Honorable the Secretary of State for India, they are not to be re-opened.

(Signed) T. PYCROFT,

Chief Secretary.

R. H. Lee.

Political Department

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Read the following
papers:

Memorial from certain
- Key Catchers, Pondicherry.
- this of R. H. the late Nawab
of the Carnatic.

(Dated 30th September, 1862)

From the Ag. Govt Solicitor.

(Dated 10 Oct. - No 456)

Order thereon. 24 October 1862 No 433.

Resolved that the Mem-
-orials be informed
that their claims have
been finally disposed of
by the late Supreme Court
of Judicature, and that
under orders of the R. H.
the Secretary of State for
India they are not to be
re-opened.

Will

Will

JP

To Pooj. Kishoor Lalak.
and other Turkey Catchers.
- by Pondicherry of the
late Nawab of the Carnatic.

} despd 25th Order also

Antislavery 1862 22nd

No. 4033.

Proceedings of Govt.

of 24. October

Inasmuch as the Anti-Slavery
Board of Trustees, the late Trustees of
the American Anti-Slavery Society, claiming
have been financially embarrassed,
by the late explosion of the
cannon of the Arsenal.

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