M.R.O. 1—32,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 506 Press ~~Mis.~~

Dated 16 - 12 - ~~19~~ 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department, 16th December 1862.

No. 49. Read the following letter from JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 13th December 1862, No. 527.

1. I have the honor to acknowledge receipt of the Proceedings of Government noted in the margin, relative to the special case now pending in the High Court between Ghoolam Mahomed Naimud Khan, and Mr. Dale, as the Receiver of the Carnatic Property, and to state for the information of His Excellency the Governor in Council that the special case has been amended by Mr. G. E. Branson, the Solicitor for Ghoolam Mahomed Naimud Khan, and has been submitted to Messrs. Ritchie and Shaw, the Solicitors for the Receiver of the Carnatic Property, and to me as the Solicitor of the Secretary of State for India.

Dated 12th December 1862, Political Department, No. 498.

2. I have since submitted the case as it has been amended by the Plaintiff's Solicitor for the consideration of the Advocate General and having had it settled by him, I have returned to the Plaintiff's Solicitor for the purpose of his bringing on the matter for hearing before the Court.

3. The amendments suggested by Ghoolam Mahomed Naimud Khan's Counsel, and approved of by the Receiver's Counsel and by Mr. Advocate General on behalf of Government, are comprised in the two paras. Nos. 62 and 63 respectively of the special case, a copy of which I forwarded to Government in my letter dated 30th September last, No. 432.

62. If the Court shall be of opinion that the property in question was not Public or State or Circar property but was the private and personal property of the late Nabob in his private capacity it is expressly admitted but only for the purposes of this special case that the taking possession of the said property by the Receiver was not an act of State.

63. If this Honorable Court shall be of opinion that the property in question was not Public or State or Circar property but was the private and personal property of the late Nabob in his private capacity the Secretary of State submits himself but only for the purposes of this special case to the judgment of this Honorable Court on such of the points raised in this special case as the Court shall consider necessary for the decision of the question whether the Plaintiff (if the said property shall be decided or considered by this Honorable Court to have been not Public or State or Circar property but the private and personal property of the said Nabob in his individual capacity) is under the circumstances stated in this special case entitled to the said property.

4. These paras., as amended, will now stand as in the margin, and I shall be happy to alter the copy submitted to Government on your returning same to me for that purpose.

No. 50. ORDER THEREON, 16th December 1862, No. 506.

Ordered that the copy of the special case referred to be returned to the Acting Government Solicitor for the purpose of being altered according to the amendments noted in the margin of para. 4 of his letter.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Order thereon 11th December 1862 No 506

Ordered that the copy
of the Special Case referred to be
returned to the Acting Govern-
-ment Solicitor for the purpose of
being altered according to the
amendments noted in the mar-
-gin of para 4 of his letter.

Govt No. 9-10
7/10/62
37-38
21-10-62
498
12/12/62

To the Govt Solicitor
with copy of the Special Case. 3 sheets