

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 133

Press

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Dated

5. 5. 1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Political Department,
5th May 1863.*

No. 6. Read the following Proceedings of Government in the Judicial Department, dated 27th April 1863, No. 643.

Communicating Extract from a letter from the Advocate General, stating that in the case Gholam Mahomed Naimud Khan versus the Secretary of State and the Carnatic Receiver, in the matter of the Nabob's Trichinopoly Property, the Court have given judgment for the defendants, and that Mr. Dale may therefore now sell the property without any further delay.

(Vide Proceedings Judicial Department, dated 27th April 1863, Nos. 218 & 219.)

No. 7.

ORDER THEREON, 5th May 1863, No. 133.

Communicated to the Receiver of the Carnatic Property.

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

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Extract from a letter from the Honorable T. SYDNEY SMYTH, Advocate General; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 27th March 1863.

Paragraph 12. The fourth case, Gholam Mahomed Naimud Khan,

versus.

The Secretary of State and the Carnatic Receiver, is the case where the Plaintiffs' claim has so long delayed the Carnatic Receiver, Mr. Dale, from selling the Noddy's Trichinopoly Property. At the first hearing of the special case I satisfied the Court that the Receiver's possession was the possession of Government, and that the possession vested in Government by an act of State. The Court therefore declined further to entertain the case, unless the Secretary of State should elect to submit to the jurisdiction of the Court. This, Government will remember, I advised should be done; provided always, however, and only in case that, the Court should be satisfied that the Gardens claimed were private property, which I was satisfied the Court never could hold—the facts, in my opinion, showing them clearly to have been always, and always treated as Crown or State property.

13. Of this opinion was the Court, which accordingly gave Judgment for the defendants. The Carnatic Receiver may therefore now sell the property without any further delay. I trust that these results will appear satisfactory to His Excellency.

ORDER THEREON, 27th April 1863, No. 643.

Paragraphs 1 to 9 of this letter will be communicated to the Revenue Department; paragraph 10 to the Master Attendant in charge of the Marine Office, and to Lieutenant Colonel Wilson; paragraph 11 to the Magistrate of the Town Police Court, and to the Commissioner of Police; and paragraphs 12 and 13 to the Political Department.

2. The Governor in Council concurs with the Advocate General in considering the result in each of the cases referred to, to have been very satisfactory.

(True Extracts.)

Signed A. J. Arbuthnot

Chief Secretary.

To the Political Department.

Exd. T. McMootry.

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