

ACT No. XVIII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 4th July 1857.)*

AN ACT relating to the issuing of writs or process against certain Members of the Family, Household, and Retinue of His late Highness the Nabob of the Carnatic.

WHEREAS it has been decided by Her Majesty's Supreme Court of Judicature at Fort St. George that Act I of 1844 was a personal Act, and that upon the death of His late Highness the Nabob of the Carnatic it ceased to have any effect; and whereas doubts are entertained as to the correctness of the decision, and it is desirable that the persons against whom any such decision has been given should have an opportunity of petitioning Her Majesty in Council for leave to appeal against the same, and that litigation should be prevented in the meantime: It is enacted as follows:—

I. No writ or process shall, at any time within the period of one year from the time of the passing of this Act, be sued forth or prosecuted against the person, goods, or property of any person whose name was included in any list which was published under the provisions of the said Act, and which was in force and effect for the purpose of the said Act at the time of the death of His said late Highness the Nabob of the Carnatic, unless such writ or process shall be sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary or one of the Secretaries of Government.

No process to issue against the Family or Retinue of the late Nabob of the Carnatic for one year, unless with the consent of the Governor in Council.

II. If

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II. If an appeal against any such decision as aforesaid be admitted by Her Majesty in Council, no such writ or process shall be sued forth or prosecuted against the person, goods, or effects of any person named in such list as aforesaid until after the determination of the appeal, unless such writ or process be sued forth or prosecuted with the consent of the said Governor in Council to be testified as aforesaid, or unless the Court out of which such writ or process shall be sued forth or prosecuted shall be satisfied that the appellant has been guilty of unreasonable delay in prosecuting the appeal, and shall make a special order authorizing such writ or process to be sued forth and prosecuted.

If appeal to Queen in Council be admitted, no process to issue until after the determination of the appeal.

Unless with consent of Governor in Council.

Or unless by special order of Court.

Process issued contrary to the Act to be void.

III. Every writ or process sued forth or prosecuted contrary to the provisions of this Act shall be utterly null and void.

