

ACT No. XXXVIII OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th August 1860.)

An Act to explain Act XXX of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)

WHEREAS doubts have arisen whether certain debts contracted by Prince Azeem Jah Bahadoor during the infancy of the late Nabob of the Carnatic were debts or claims within the meaning of Section XIV or any subsequent Section of Act XXX of 1858; and whereas it is expedient to remove such doubts as well as other doubts which exist as to the power of the Supreme Court of Judicature at Madras to award costs in investigations under Section XXII of the said Act, and as to whether cases so investigated are appealable to Her Majesty in Council; and whereas Act XVI of 1859 removing such doubts has been repealed; It is declared and enacted as follows:—

I. No debt contracted by the said Prince Azeem Jah Bahadoor during the minority of the said late Nabob shall be deemed a debt or claim within the meaning of the said Section XIV or any subsequent Section of the said Act, unless such debt was incurred by the said Prince Azeem Jah Bahadoor actually and *bonâ fide* on behalf and for the use of the said Nabob.

II. Upon any investigation under Section XXII of the said Act XXX of 1858, it shall be lawful for the Court, except as otherwise provided by the said Act, to award costs to either party and to

Debts contracted by Prince Azeem Jah during the minority of the Nabob.

Power to award costs.

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and to cause the same to be levied in the same manner as costs in an ordinary suit.

III. It is hereby declared that it was not the intention of the said Act to
Appeal to the Queen in Council. exclude from appeal to Her Majesty in Council any awards,
orders, or decisions of the said Supreme Court made upon
any investigation under Section XXII as aforesaid.