

## ACT No. XXI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 10th September 1868.)*

*An Act to appoint a Receiver of the property of the late Nawáb of the Carnatic.*

WHEREAS certain property belonging to the estate of the late Nawáb of the Carnatic has lately been discovered both in the District of Madras and in the territories of His Highness the Nizám, and it is expedient to appoint a Receiver to collect and administer such property and any other property belonging to the said estate which may hereafter be discovered, or has not hitherto been administered; It is hereby enacted as follows:—

1. The Governor of Fort St. George in Council shall appoint such person as he may think fit to act under the orders of the High Court of Judicature at Madras in the administration of the property left by the late Nawáb of the Carnatic, and not hitherto collected or administered.

Appointment of Receiver of Carnatic property.

The person so appointed shall have power to collect and take possession of all such property: he shall deal with the same according to the provisions herein contained: he shall give such security (if any) for the due execution of his office as the said Governor in Council may require; and he shall be called "the Receiver of the Carnatic property."

2. The Receiver of the Carnatic property shall be entitled to such commission not exceeding five per centum upon the amount or value of the property collected and distributed under the provisions of this Act as the said Governor in Council shall prescribe. Such commission shall be charged to the estate of the said Nawáb.

Remuneration of Receiver.

3. The

3. The said Governor in Council may suspend or remove any person appointed such Receiver as aforesaid, and may also from time to time fill up any vacancy in such office occasioned by death, resignation, suspension or removal.

Suspension or removal of Receiver.

4. The Receiver shall represent the estate of the said Nawáb in all proceedings relating thereto: he shall do all acts in performance of his duties by his name of office; and in all legal proceedings he shall be designated by such name.

Receiver to represent Nawáb's estate in all proceedings.

No proceedings to which the Receiver may be a party shall abate by reason of the death, resignation, suspension or removal from office of any such Receiver, but the same shall be continued by his successor as if no such death, resignation, suspension or removal had occurred.

5. The Receiver shall have power to collect and take possession of all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said Nawáb at the time of his death was entitled, and if necessary to sue for and recover the same property, and to realize its value by sale or otherwise.

Receiver to collect Nawáb's property.

6. Whenever the said Receiver by the order or with the sanction of the said High Court sells any of the said immoveable property, he shall execute a conveyance thereof to the purchaser.

Conveyance on sale by Receiver of immoveable property.

Every such conveyance shall be valid as against the heirs of the said Nawáb, and all persons claiming under them, and also against all persons claiming under the said Nawáb by virtue of any conveyance or instrument declared by the said Court or by the late Supreme Court of Judicature at Madras, to be void as against the creditors of the said Nawáb, or by virtue of any security the benefit of which was barred under the provisions of Act No. XXX of 1858 (*to provide for the administration of the estate and for the payment of the debts of the late Nawáb of the Carnatic*).

7. Upon any suit being instituted for the administration of the said estate, the said Receiver shall be deemed subject to the orders of the said High Court, and, so far as such orders shall not extend, to the general practice of such Court in the same

In case of suit for administration, Receiver to be subject to orders of High Court.

same manner as any other Receiver specially appointed thereby, except that the Court shall not require him to give security.

8. This Act shall be deemed to have come into operation on the second day of April 1868, and any person holding the office of Receiver of the Carnatic property immediately before that day shall be deemed to have been appointed on that day under this Act.

Commencement of Act.