

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 120	<u>Press</u> <u>Mis.</u>
Dated 6-2-1918	

Not to be folded or roughly handled

11-11-30

N^o 63

From J R Peyton Acting Honorable Company's Solicitor

The Chief Secretary to Government

January 31st 1857

Sir

M/C dated 15th Jan'y
1857 No 54 Political
Department
M/C dated 22nd Jan'y
1857 No 79 Political
Department

I have the honor to acknowledge the extracts from minutes of Consultation notes in the margin and to state that the further information afforded by the Government Agent in his letter to Government of the 6th instant at 4 and by the Dewan of the Durbar in his letter to the Government Agent of the 17th instant relative to the nature and origin of Mr A. S. Johanne's claim against the late Ataboh fully confirms my previous impression of this transaction as communicated to Government in my letter of the 2nd instant at 4 and has strengthened my conviction of the expediency of that course which in my letter at 4 I advised should be pursued with reference to the action instituted in the Supreme Court by Mr. Johanne against Messrs Waller and Co; and I adhere to the opinion expressed in that letter.

The Government Agent admits that the late Ataboh for a long time employed
Ghoolam

Ghoolam moortoga Khan as his agent in borrowing money; that on the aTabob's withholding this authority Ghoolam moortoga Khan claimed 14 Lakhs of Rupees to be due to him from the aTabob, that the aTabob refused to recognize this claim and called for accounts; that such accounts were never furnished; that Ghoolam moortoga Khan was for several years in great pecuniary difficulties and compelled to keep his house in order to evade legal process; that ultimately the aTabob was induced to relieve him from his difficulties by entering into an arrangement with his creditors under which they accepted Isteefa Cutcherry Bonds in liquidation of their demands against Ghoolam moortoga Khan; and that Mr Johannes' present claim is founded upon one or more of these Bonds.

Assuming (what I believe to be true) that Mr Johannes had a bona fide claim for value against Ghoolam moortoga Khan and that under the arrangement above mentioned the aTabob took this liability upon himself in consideration of Mr Johannes' releasing Ghoolam moortoga Khan and accepting Isteefa Cutcherry Bonds for an amount agreed upon and that Mr Johannes' claim against Ghoolam moortoga Khan exceeded the aggregate of the instalments paid to him on the Bonds

in question during the aTabob's life time and the amount paid into Court by Messrs Waller and Co, I am at a loss to imagine how the Government Agent can have arrived at the conclusion that in paying the amount in question into Court Messrs Waller and Co "yielded to a baseless demand on the part of an alleged creditor". On the contrary I can not but consider Mr Johannes' claim against the aTabob to the extent of his bona fide claim against Ghoolam moortoga Khan to be as valid and legitimate a demand as if the Bonds in question had been issued from the Isteefa Cutcherry in exchange for a money payment direct to the aTabob or into His Majesty's Treasury.

I do not consider it necessary to trouble Government with any remarks upon the Dewan's letter of the 17 instant beyond observing that the grounds which he urges for not recognizing Mr Johannes' claim seem to me wholly untenable.

I have the honor to be

for
your most obedient servant

M. J. M. J.
Actg Hon. Secy

To the Hon. Secy of the
 U.S. Treasury
 No. 37 (Serial 1013) - Office of the
 Comptroller of the Treasury

From the H. C. Clatsop
 California
 No. 63

Dated 21st day of

Feb. 2. 57

1857

referred in the opinion
 since by him in his letter
 of the 21st instant.

1857

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By the way, with reference to the
 matter in question referred
 to the Govt Agent and the
 name of the person receiving
 the money again
 in the amount that is in
 the file in order

No. 120

Ordered to be communicated
 to the Govt Agent at Chepauk
 in reference to his letter of
 the 6th and 20th ultimo

W. H. C. Clatsop
 To the Secy of the
 6 February 1857

J. H.

Govt Agent
 with copy of letter No. 63 { Dispt. 6th
 H. C. Clatsop Dispt. 6th