M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT**

G.O. No. 131	Press ~~Mis.~~
Dated 28.2.-	~~19~~ 1857

Not to be folded or roughly handled

No. 14. From Surgeon E. G. BALFOUR, Government Agent at Chepauk; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21th February 1859, No. 384.

SIR,

With reference to Extract from the Minutes of Consultation, No. 769, dated 20th November 1858, I have the honor to submit to the Right Honorable the Governor in Council a full statement from the Dewan of the Durbar of all the circumstances connected with the original claims of Tota Veeraragava Permal Chetty, which statement of the Dewan of the Durbar corresponds with the Accounts in the Treasury Cutcherry records. In conclusion doubts may be entertained whether this claim as now preferred by the Dewan should not have been made as similar ones now are through the Supreme Court—only that the law-suit was in a manner forced on the Dewan by the orders of Government.

From MADAR OOL OOMRAH, Dewan of the Durbar; to E. G. BALFOUR, Esq., Government Agent at Chepauk, dated 18th December 1858.

SIR,

In reply to your letter of the 25th Ultimo, I have the honor to state, for the information of Government, that, in obedience to the late Nabob's verbal order, I had, on the 30th June 1855, delivered to Lutchman Doss and Narrain Doss, Sowcars, a letter by way of Hoondee to the address of Mahomed Kaleeb Navaz Khan, the late Sircar Naib at Trichinopoly, which is transcribed in the margin, stating that 6,000 Rupees was received from the above Sowcar's Rooms, and ordering the Khan to pay to his Agent Tota Veeraraghoo Permal Chetty, Rupees 1,000 per mensem from the sum monthly received from the Collector of Trichinopoly and remitted to the Sircar Treasury, until the final liquidation of the whole amount. Of the sum thus mentioned as having been received from the Sowcar's Rooms, the Sowcar had paid in hand Rupees 4,550, and for the remaining Rupees 1,450, he was desired to pay the same to one from whom the Sircar had borrowed money but he failing to pay it, the above sum of Rupees 1,450 should be deducted from the Hoondy alluded to. Hence the whole amount of the Sowcar's debt was Rupees 4,550, out of which, up to the Nabob's demise, his Agent received Rupees 3,000 from the Sircar Naib by monthly instalments, endorsing each payment on the back of the Hoondee or letter alluded to and a balance of only Rupees 1,550 was payable, when, the Nabob having died and no orders having been issued by Government authorising payment to His Highness' creditors, I despatched instructions to the Naib not to pay the Sowcar's Agent but to remit the money as usual to the Sircar Treasury.

خانصاحب مشفق مهربان محمد خليل نوازخان سلمه الله تعالے
مبلغ شش هزار روپيه كمپني از دوكان لچهمن داس و نارائن داس
ساهو ساكن چنا پٹن حاصل نموده هنڈوي هذا بنام توتا ويرا راگهو
پرمال شتهي داده شد بايد كه آن مهربان بعد آمدن از ارسالي از كلكٹر
آنجا از ماهواري ماه جولائي سنه ١٨٥٥ عيسوي بپرساه به شتهي صدر
رسانيده وصول برآن نوشته بعد انفصال مبلغ هنڈوي هذا واپس گيرند
مرقوم چهاردهم شوال سنه ١٢٧١ هجري موافق سي ام ماه جون
سنه ١٨٥٥ عيسوي

مدار الثمرا

ديوان دربار نواب كرناٹك

Consequent on the discontinuance of payment, the Sowcar resorted to litigation in March 1857, and issued a Summons against me from Her Majesty's Supreme Court of Judicature at Madras, which I submitted to you, for the information of Government, with my communication under

date the 31st Idem, and Government directed the Honorable Company's Solicitor to defend the case, and the Sowcar's claim was disproved, subsequently, Messrs: Boyson and Miller having demanded from me the Court Cost. I intimated the same to you by letter, dated 4th June 1857, in reply to which I received from you on the 19th Idem, an Extract from the Minutes of Consultation bearing date the 9th June, No. 441, 1857, stating that as "the Government are not aware how the litigation in that Suit at present stands they wish for information on this point." I therefore wrote to you on the 22nd June saying that Messrs: Boyson and Miller had not as yet communicated to me what had passed regarding the Hoondee for 6,000 Rupees but had only required Rupees 500, as being the Court Cost in that Suit.

In February 1858, the Sowcar again filed a Suit on behalf of their Agent Tota Veeraraghoo Permall Chetty and issued a Summons against me from the Supreme Court. With this I acquainted you in my letter of the 26th February and requested that Government might be solicited to instruct the Honorable Company's Solicitor to defend the case. In answer to this I was favored with Extract Minutes of Consultation, No. 165, dated 8th March, wherein Government having declined to interfere in the matter and left the defence to myself observed that they will give the matter further consideration after it has been finally disposed of as between myself and the Plaintiff consequently at the suggestion offered by the Honorable Company's Solicitor in his two letters, copies of which are herewith enclosed, I paid from my own pocket Rupees 1,700, being the amount of debt and Rupees 141-10-0 the Court Cost.

I therefore again beg to submit, for the information of Government, that I had not received that amount for my personal use neither had I executed a Bond in favor of the Sowcar, nor undertaken the payment of the sum by any verbal promise, nor was the order given for the payment of my own debt, but that in the capacity of the Dewan of the Durbar, I had only written and delivered to the Sowcar, under the orders of the late Nabob, a letter to the Sircar Naib at Trichinopoly directing the payment of a sum borrowed for the Sircar expenditure. Consequently the Sowcar's claim is not justly payable by me, moreover, during His Highness' life time, I had not so much power as to take a sum of Rupees 6,000 from the Sircar Funds for my own use, had I done so, I would not have ordered the Sircar Naib to stop the payment of the balance. I would observe that I never received a single Rupee as an advance from the Sircar Treasury to meet my exigency, which fact will be established upon enquiry. How then, would I have ventured to take such an immense sum, as Rupees 6,000 is, from the Sircar finances.

In conclusion, bearing in mind the kind promise of Government as conveyed in Extract Minutes of Consultation, dated 8th March, No. 165 of 1858, I have the honor now to solicit you will be so good as to submit the case for the favorable consideration of Government.

From Messrs. BOYSON AND MILLER, Attorneys at Law; to MADAR OOL OOMRAH BAHADOOR, dated 24th April 1858.

DEAR SIR,

We have the pleasure to inform you that, on the 27th Ultimo, the Suit of Thota Veeraragava Permall Chetty in the Supreme Court against yourself, was compromised by payment of 1,700 Rupees to his Attorney in full.

Mr. Boyson has addressed Government on the subject to which your letter to his address of the 14th Instant refers.

We will shortly send you a Bill of our professional Costs in the matter, and you can *then* apply to Government for reimbursement to you of the 1,700 Rupees and the amount of our Costs.

From Messrs BOYSON AND MILLER, Attorney's at Law; to MADAR OOL OOMRAH BAHADOOR, dated 26th October 1858.

DEAR SIR,

Yourself *ats* T. Veeraragava Permall Chetty.

We beg to forward herewith our Bill of Costs herein. If you wish it to be taxed please return us the Bill for that purpose; if not, we shall be obliged by you sending us the sum of Company's Rupees 141-10-0 being the amount memo: Costs of taxation.

(True Copies.)

(Signed) E. BALFOUR,
Government Agent.

No. 15. ORDER THEREON, No. 131; dated 28th February 1859.

Forwarded to the Government Solicitor for his observations.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Lect

No. 131.

Forwarded to the Govt Solicitor for his observations

Fort St George, 28 February 1859.

JP

Govt Solicitor Dispd Ord

Ex 23 November 58 No 30 & 31

[illegible]

Ind. to Cons. 1st March

POLITICAL 1859 DEPARTMENT.

From Surgeon E. G. BALFOUR,

Government Agent at Chepauk.

To

J. Pycroft Esquire

Chief Secretary to Government,

Fort St. George.

Dated 24th February 1859

Received 1859

No 142. No. 384.

With reference to Extract Minutes of Consultation No 769 dated 20th November 1858 subjoins a statement from the Dewan of the Durbar connected with the claim of Totah Veeraragavah Permal Chetty.

Madras:—Printed at the Government Press.

Written order