

MADRAS RECORD OFFICE.

Government of Madras.

Police DEPARTMENT.

G.O. No.	532	Press ~~Mis.~~
Dated	8-5-	1918

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Political Department,
5th September 1860.*

No. 11. Read the following letter from Surgeon Major E. G. BALFOUR, Government Agent at Chepauk, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 28th August 1860, No. 1,120.

Order of Government, No. 492 of 18th instant, commanded me to ascertain the amounts due to Shahab-ud-Din Khan and Jahangeer Khan.

2. On Tuesday the 21st instant, Shahab-ud-Din obtained an *exparte* Decree for his claim, in Her Majesty's Supreme Court of Judicature—and investigation now, as to that debt; will not therefore be required.

3. Jahangheer Khan, to whom permission to sue was granted, has not, he says, made any progress in his suit: because the Prince's Bond is drawn out, not in the name of Jahangeer Khan only, but jointly in those of his father, Futtah Khan, and himself; and to admit of suit, the Order of Government must be in favor of the father and son jointly.

4. I subjoin (A) translation of this joint Bond, and mention as the statement of Jahangeer Khan that the original of this transaction was in the form of a loan to Shahab-ud-Din Khan by whom monies belonging to himself, or borrowed from other people, was lent to the Prince. Subsequently, the Prince issued Bonds to the different people who had been parties, as it were, in the loan by Shahab-ud-Din. He states, also, that the sum lent to Shahab-ud-Din, was Rupees 1,600 or Rupees 1,700, and on the 19th December last he received of the principal Rupees 40, and Rupees 458-14-6, as interest.

5. The Bond is for Rupees 2,050. But, if Rupees 12 per cent. per annum simple interest be allowed on the Rupees, say 1,650 originally stated to have been lent, the sum at the credit of claimants up to 29th instant would amount to Rupees 2,442. But by debiting this with the Rupees 498-14-6, already received, the balance due to him is Rupees 1,943-1-6.

6. I do not report on the claim of Zilla Khan and Mulla Mahomed, as Order of Government under reply does not so command. It is, however, proper to mention that, the Futtah Khan, father of Jahangeer Khan, mentioned in my letter of 7th and Order of 18th instant, is not the Futtah Khan to whom Order No. 213, of 13th April last relates.

7. I would also submit that my letter of 7th instant was written only with reference to Order of Government of 23rd ultimo. If Government be pleased to take into consideration the subject of the Prince's debts generally, I would recommend the Honorable the Governor in Council not to commence the settlement of them. They are so large in amount and due to so many Creditors that it could not be possible for Government to give the time required for their investigation. But recognising that some step is necessary, it might perhaps be deemed possible for Government to permit me to ask His Highness to reinstitute the Committee or Commission alluded to in paragraph 6 of my letter of 3rd December No. 1,928 of 1858.

8. I there mentioned that at the close of the Regency, when it was found how greatly His Highness Prince Azim Jah Bahadoor had misapplied monies, and left debts unpaid, the late Nabob, from date of accession, allowed the Prince Rupees 4,000 per month, the whole of which at the out set, the Nabob himself appropriated, to repay to himself the debt due by the Prince for the monies misapplied.

9. Some time, thereafter, the late Nabob took only Rupees 2,000 for himself and allowed the other 2,000 to be applied to the liquidation of those personal and Regency debts of the Prince which the Sircar had refused to recognise as Sircar liabilities.

10. For the settlement of the personal and Regency debts of the Prince, five Sircar Officers were appointed by the late Nabob as a Committee, which Committee up to the 31st December 1856, by appropriating the allotted Rupees 2,000 per month, paid off and settled Rupees 1,39,600 by creditors, claiming to that amount, consenting to receive Rupees 37,200 in full of all demands. And Government will recognize that Her Majesty's Supreme Court will not be able to settle these debts so cheaply as that Committee did.

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11. I resubmit these views in the hope they may enable Government to issue such instructions as would induce His Highness to recommence arrangements for the settlement of his debts generally, and the claims under report could be attended to along with others.

12. It is obvious, however, that efficiently to carry out any such plan as that of a Committee, it would be indispensable for His Highness to allot for the Committee's entire control and disposal, some fixed portion of his monthly allowance. I am not certain that His Highness would now consent to do so, although it would only be recommencing what he was voluntarily performing up to January 1857; and, if he did not act thus of his own accord, it does not seem advisable for Government to take the responsibility of allotting any sum.

13. If this suggestion of a Committee do not seem feasible, I may mention the only other mode that occurs to me by which Government could give such orders on His Highness' allowance as without a degree of labour and employment of time in investigations which it will be

*No.	Name of creditor.	Amount actually borrowed.	Date of borrowing.	Rate of Interest at which borrowed.	Amount now due.
					R. A. P.

impossible to bestow. It is to ask His Highness for a statement of his debts in the form as per margin*, which being before Government could at any time be referred to on a petition being received from any creditor.

14. I think either or both of these courses possible to be followed. But if not so deemed as I think that something should be done for the sake of the Prince himself, as also of his creditors while he is alive and of his family after his demise, if the Honorable the Governor in Council concur in thinking something necessary, perhaps some other course could be planned before any further application from the Prince be received. His Highness may soon draw the entire of his arrears and but small portion of it be paid to his creditors; and, being exempt from the Jurisdiction of British Courts, unless some settlement be put in train, the time of Government must become very greatly occupied by the references of His Highness' creditors.

A.

He is the Merciful.

27th Zeehujja 1272 Hijree, 29th August 1856.

Rupees 2,090 the half of which is Rupees 1,045 for debt not bearing interest, from the Affghans Futtah Khan and Jahangeer Khan will be repaid after three months. In case of this not being acted up to, from the date of failure 8 Annas per cent. per mensem will be paid.

(Signed) GHOLAM MAHOMED ALLY.

2ndly. With the consent of Futtah Khan and Jahangeer Khan mentioned in this bond, by reason of payment of seven months' interest in advance on this bond from Gholam Mahomed Ally the signer of this bond to Futtah Khan and Jahangeer Khan mentioned in this bond, it has been agreed between the borrower and lenders that after seven months from this day's date, viz: 19th December 1859, corresponding with 23rd Jamadee-ul-Awal 1273 Hijree, the principal mentioned in this bond, which after deducting Rupees 40 paid on account, amounts to 2,050 Rupees, will be paid accordingly. Rupees 40 of the principal of this bond, and Rupees 458-14-6 the interest of this bond up to 19th July 1860, on the 19th December 1859 has been paid to Futtah Khan and Jahangeer Khan, and their signatures have been taken with Maravuth and Payeen Khan witnesses.

(Signed) GHOLAM MAHOMED ALLY.

*Proceedings of the Madras Government, Political Department,
5th September 1860.*

No. 12.

ORDER THEREON, 5th September 1860, No. 532.

The Government do not understand how the Agent has concluded that he was not ordered to report on the claims of Zillah Khan and Mulla Mahomed. In the Order of 18th ultimo, paragraphs 2 and 3, the Government after noticing that, although His Highness Prince Azeem admitted that debts were due to these men, it did not appear what was the exact sum due to them severally, desired that the Agent would endeavour to ascertain this.

2. The omission however is not of importance, nor need it now be remedied. The Government learn from the present letter that Shahab-ood-Deen, one of the Affghan Merchants to whom Government gave permission to sue His Highness the Prince, has availed himself of it and has obtained a decree in his favor.

3. Under these circumstances, it appears to Government that the other Affghans should be left to make good their demands by the like means. The Agent will therefore inform Zillah Khan, Mullah Mahomed and Futtah Khan (the individual alluded to in his letter of 31st March last, No. 333) that the Government will on their application be prepared to grant them the necessary permission under Act XXXVII of 1858.

4. He will also inform Jihangir Khan that the Government will on his application enlarge their former order, so as to include his father's name with his own.

5. Permission to sue will be granted in these cases on the grounds that the creditors are strangers and foreigners and have therefore peculiar claims to consideration. With respect however to what is stated in paragraph 7 and the following paragraphs of the Agent's letter, the Government resolve to inform him that they will not in any way enter upon the question of the Prince's debts generally, nor as to their mode of investigation or settlement. His Highness must be left to make his own arrangements with his creditors.

(Signed) T. PYCROFT,
Chief Secretary.

Proceedings of the Madras Government.

Read the following letter
from the Government Agent
Chepauk. —

(Here enter 20 August 1869)
B. 1120.

Order thereon 5 September 1869, B. 532.

M
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The Government do not
understand how the Agent
has concluded that he was
not ordered to report on the
claims of Zilla Khan and
Mulla Mahmood. In the order
of 14th ultimo paras 248, the
Government, after noticing
that, altho' His Highness
Prince Azem admitted that
debts were due to these men
it did not appear what was
the exact sum due to them
severally, desires that the
Agent would endeavour
to ascertain this.

The

2. The omission however is not of importance, nor need it now be remedied. The Govt. learn from the present letter that Shahab ood Deen, one of the Affghan Merchants, to whom Govt. gave permission to sue His Highness the Prince, has availed himself of it, and has obtained a decree in his favor.

3. Under these circumstances, it appears to Govt. that the other Affghans should be left to make good their demands by the like means. The Agent will therefore inform Zillah Khan, Mulla Mahomed and Futtah Khan (the individual alluded to in his letter of 31st March last No. 333) that the Govt. will on their application be prepared to grant them the necessary permission under Act XXXVII of 1850.

4. He will also inform Jihangir Khan that the Govt. will on his application enlarge

enlarge their former order so as to include his father's name with his own.

5. Permission to sue will be granted in these cases on the grounds that the creditors are strangers and foreigners and have therefore peculiar claims to consideration. With respect however to what is stated in para. 7 and the following paras. of the Agent's letter, the Govt. resolve to inform him that they will not in any way enter upon the question of the Prince's debts generally, nor as to their mode of investigation or settlement. His Highness must be left to make his own arrangements with his creditors.

J.P.

To the Govt. Agent at Shepaul. } Sirp 8th
" Government Solicitor.

H. H. M. M. M.

