

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.

359

Press

~~Mis.~~

Dated

12-8-1861

Not to be folded or roughly handled

Handwritten signature/initials
3-1-31

*Proceedings of the Madras Government, Political Department,
12th August 1861.*

No. 23. Read the following letter from Messrs. RITCHIE and SHAW, Solicitors, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 25th July 1861.

We have the honor to forward herewith a Petition preferred by Gunsham Doss of Madras, Soucar, to His Excellency in Council, and will thank you to lay the same before His Excellency in Council at your earliest convenience.

To His Excellency the Governor in Council of Fort Saint George, dated 25th July 1861.

The humble Petition of GUNSHAM DOSS of
Sallay street, in the Black Town of Madras,
Soucar.

SHEWETH,

That your Petitioner on or about the 29th day of September 1858, filed a Declaration in the Supreme Court of Judicature at Madras, claiming to be a creditor of the late Nabob of the Carnatic, and agreeing to accept payment of the amount due to him as such creditor under the provisions of Act 30 of 1858.

That your Petitioner afterwards filed particulars of his claim against the said Nabob's Estate in the Office of the Registrar of the Supreme Court, and delivered a copy of such particulars to the Government Solicitor.

That in such particulars as amended by a Notice to the Government Solicitor, dated 16th April 1859, your Petitioner claimed payment of the amount of principal and interest due on the following Tunka Cutcherry Bonds, viz.:—

No. 113 of 1st January 1836, for Rupees	10,000
„ 125 of 1st do. for „	8,700
„ 222 of 1st August 1836 for „	10,000
„ 232 of 1st do. for „	7,000
„ 236 of 1st do. for „	8,000
„ 237 of 1st do. for „	8,000
„ 241 of 1st do. for „	17,700 and
„ 223 of 1st do. for „	10,000

the amount of principal and interest due on a Cajanah Bond for Rupees 20,000, dated 7th January 1840, and the sum of Rupees 6,293-6-0, for goods sold and delivered.

That your Petitioner before filing such particulars had on the 14th day of January 1859, delivered all the above mentioned Bonds to the Receiver of the Carnatic Property as required by the said Act No. 30 of 1858.

That a Commission was issued out of the Supreme Court on the 12th May 1859, for the examination of His Highness Prince Azeem Jah in the matter of your Petitioner's claim aforesaid, and that the said Prince Azeem Jah was examined on behalf of your Petitioner, and cross-examined on behalf of the Government, and his deposition signed by him on the 18th May 1859.

That on or about the 6th day of July 1859, your Petitioner received an offer from the Solicitor for the Government of Fort Saint George of the sum of 18,909 Rupees, 4 Annas and 11 Pice in full discharge of what was justly and fairly due to your Petitioner from the Estate of the late Nabob of the Carnatic.

That such last mentioned sum was offered in payment of the balance due on the above mentioned Cajanah Bond for Rupees 20,000, and for goods sold and delivered, the Government Solicitor being of opinion upon a consideration of the evidence of the said Prince Azeem Jah taken under the said Commission, that all the above mentioned Tunka Cutcherry Bonds had been given for debts due by the Prince Azeem Jah Bahadoor and not by the late Nabob of the Carnatic.

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That your Petitioner was at first unwilling to accept such offer, but after the investigation of his claim had been proceeded with to a considerable extent, he was advised, reference being especially had to the said evidence of His Highness Prince Azeem Jah, to accept the above mentioned offer.

That some expense having in the meantime been incurred by Government in investigating your Petitioner's claim, the Government Solicitor refused to abide by his offer unless your Petitioner would agree to pay the costs of the Government which your Petitioner accordingly did, and on the 17th day of February 1860 an order was made by the Supreme Court with the consent of the Advocate General on behalf of the Government of Fort Saint George acting for the Secretary of State in Council for India that the Receiver of the Carnatic property should pay to your Petitioner the sum of Rupees 18,909-4-11 in full discharge of what was justly and fairly due to your Petitioner from the Estate of the late Nabob of the Carnatic and that the costs of the Government of Fort Saint George, as between party and party which amounted to Rupees 2,441-0-0 of, and incident to, all the items in the particulars of your Petitioner's claim mentioned and set forth, save and except the items covered by the tender of Government bearing date the 6th day of July 1859, should be paid by your Petitioner to the Solicitor for the Government of Fort Saint George.

That by an order made in this cause by the late Chief Justice Sir Henry Davison on the 16th day of March 1860, upon hearing the Solicitors of your Petitioner and the Government of Fort Saint George, it was ordered that the Registrar do deliver out to you Petitioner or his Solicitor all the books of account filed by your Petitioner under Act 11 of 1859, and the Receiver of the Carnatic Property do deliver out to the claimant or his Solicitor all the Cajanah or Tunka Cutcherry Bonds deposited with him, the said Receiver, excepting the Cajanah or Tunka Cutcherry Bonds for Rupees 20,000 dated 7th January 1840.

That there is now due to your Petitioner for principal and interest up to the 30th day of June 1861 upon the said several Tunka Cutcherry Bonds the sum of Rupees 2,25,893-0-0 as appears by the sworn admission of Prince Azeem Jah made on his examination under the Commission aforesaid.

That your Petitioner is informed and believes that there is a large sum in the Treasury of the Government of Fort Saint George amounting to several lacs of Rupees and far exceeding the amount of your Petitioner's claim being the arrears of an allowance granted by your Excellency's Government to the Prince Azeem Jah Bahadoor out of the Revenues of the Carnatic.

Your Petitioner therefore humbly prays your Excellency in Council that this his petition may be received and that your Excellency in Council may be pleased to order that the amount of your Petitioner's claim be paid from and out of the arrears of the allowance so accumulated as aforesaid, or that your Excellency in Council may be pleased to sanction your Petitioner's proceeding against His Highness the Prince Azeem Jah Bahadoor in the Supreme Court to recover the amount of your Petitioner's claim against him on the said eight Bonds in the form prescribed by Section 1, of Act 37 of 1858, or that your Excellency in Council will make such other order in the premises as to your Excellency in Council may seem meet.

And your Petitioner will ever pray, &c.

No. 24.

ORDER THEREON, 12th August 1861, No. 359.

The Governor in Council cannot comply with Petitioner's requests.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

order thereon - 12th August 1861 No. 359.

The Govt. in Council
cannot comply with
Petitioner's requests.

J. D. S.

W. Gurnham Does - { 12/8
Salary Sheet - N. Gurnham