M.R.O. 1—88,000—16-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 445 Press Mis

Dated 11 — 60. 1861

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department,
11th October 1861.

Read the following papers:—

No. 21. To His Excellency the Governor in Council of Fort Saint George.

The humble Petition of ABOOL AYASH GHOOLAM Mahomed YAHYA NAKAVEE, Mooftee, Sudr Ameen of Guntoor.

RESPECTFULLY SHEWETH,

That Munsoor-ood-Dowlah Bahadoor, styled Gholam Ghouse Mootamid-ood-Dowlah Meer Samanee Khan Bahadoor Moontuzum Jung, in or about the year 1847, borrowed from Narrain Doss of Madras Soucar on the responsibility and security of your Petitioner's father Moolvie Syed Mahomed Abdool Vadood Oon Nakavee, who died in the year 1852, the sum of two thousand Arcot Rupees, to be repaid with interest at the rate of 12 per cent. per annum.

That Munsoor-ood-Dowlah Bahadoor paid fifty Rupees on account of such loan but refused to pay the balance, whereby your Petitioner's father as his security became liable to pay the balance thereof to the Soucar, and was called upon by the Soucar to pay such balance.

That your Memorialist thereupon obtained a Decree from the Makhama Court of His late Highness the Nabob of the Carnatic bearing date the 26th January 1849, whereby it was awarded that Munsoor-ood-Dowlah Bahadoor, should pay to the Soucar Narrain Doss the sum of 1,950 Arcot Rupees on account of his debt.

That notwithstanding such Decree the said Munsoor-ood-Dowlah Bahadoor, still refused to pay the said balance of Rupees 1,950 and your Petitioner's father his surety was forced to pay the same.

That the said Munsoor-ood-Dowlah Bahadoor afterwards paid your Petitioner's father and your Petitioner since his father's death various small sums in the whole amounting to the sum of Rupees 1,321 in part repayment of the said sum of Rupees 1,950 paid by your Petitioner's father to the said Narrain Doss Soucar, leaving the sum of Rupees 629 and interest still due to your Petitioner.

That the last of such payments was made by the said Munsoor-ood-Dowlah Bahadoor, to your Petitioner on the 16th March 1859, and he has since refused to make any further payments though frequently requested so to do.

That the said Munsoor-ood-Dowlah Bahadoor, was one of the retainers of the late Nabob of the Carnatic who was protected from the process of the Civil and Criminal Courts by Act 1 of 1844, and his name is entered in Schedule C, annexed to Act 37 of 1858.

Your Petitioner therefore humbly prays your Excellency in Council that your Excellency in Council will be pleased to grant your Excellency in Council's consent in the form prescribed by Section II, of Act 39 of 1858, to an action being commenced and such Writs or process as may be necessary or advisable being sued forth by your Petitioner against the said Munsoor-ood-Dowlah Bahadoor, for the recovery of his abovementioned claim and that such consent may be certified by the signature of one of the Secretaries to Government or that your Excellency in Council will be pleased to make such other order as to your Excellency may seem meet.

And your Petitioner will ever pray, &c.

MADRAS, *22nd August* 1861.

Referred for the report of the Government Agent at Chepauk.

7th September 1861. (Signed) J. D. SIM,
Secretary to Government.

No. 22. From Surgeon Major EDWARD G. BALFOUR, Government Agent at Chepauk, and Paymaster of Carnatic Stipends; to the Chief Secretary to Government, Fort Saint George, dated 24th September 1861, No. 1,205.

* Requested to be returned.

† Petition herewith returned.

I have the honor to enclose a letter* from Munsur-ud-Dowlah Bahadoor in answer to Order of Government, dated 7th instant† in which he offers to pay off, by instalments, the unliquidated balance of Rupees 629; and declines to pay interest, as such was not awarded by the Court.

2. I have the honor to mention that the award has been examined by me, and it merely decrees the sum of Rupees 1,950.

3. Under these circumstances, I beg to recommend that petitioner be informed that the instalments offered should be re-accepted, as before. The original award must be in possession of the claimant and on it the instalments must be duly noted.

From MUNSOOR-OOD-DOWLAH BAHADOOR; to E. G. BALFOUR, Esq., Government Agent at Chepauk, dated Madras, 19th September 1861.

After presenting my compliment, I have the honor to inform you that in reply to the petition presented by Abool Ayash Gholam Mahomed Yahya Sahib Nakavee, to the Honorable Government, and transmitted to me through your Office, I beg to state that I had borrowed the sum of Rupees 2,000 in 1840, for the Prince Azim Jah Bahadoor, who having failed to liquidate the said sum at the specified terms of the debt, I was obliged to meet the demand by borrowing from different parties on two occasions; and lastly from one Narrain Doss on note of hand in 1847, on the security of Petitioner's father.

This debt has not been incurred on my own account but for Prince Azim Jah Bahadoor, who has not yet paid a cash towards the debt.

I admit of having paid Rupees 50 at first and Rupees 1,321 on a monthly instalments of Rupees 20 (remitted at the Court) according to the *award* of the Makama Court and after the abolition of that Court the instalments were continued to Abool Ayash Gholam Mahomed Yahya Sahib Nakavee in small sums (Rupees 15) with the consent of the said party; but this amount of repayment has been entered on the Makama Court's award and not on the debt bond executed to Narrain Doss.

Jahhir Ally Khan Bahadoor the brother-in-law of the Abool Ayash Gholam Mahomed Yahya Sahib Nakavee, through whom the sums were remitted, informed me in the year 1859, that he will settle the matter at once if I were to pay Rupees 400 instead of Rupees 629 that was actually due, I answered that I am unable to pay Rupees 400 at once and I will liquidate the amount of Rupees 629 by instalments, but, *I never refused to pay the balance "on frequent request" as stated in the petition;* consequently, the delay has been caused by the said Jaghir Ally Khan Bahadoor refusing to receive the balance by instalments and to produce the note of hand executed by me to Narrain Doss.

I further beg to state that the interest claimed by the said Abool Ayash Gholam Mahomed Yahya Sahib Nakavee *was not allowed by the award of the said Makama Court* and therefore he is to receive only the principal.

I therefore returning the petition of Abool Ayash Gholam Mahomed Yahya Sahib Nakavee pray that you will recommend to the Honorable Government to issue orders to the said Abool Ayash Gholam Mahomed Yahya Sahib Nakavee to receive the balance by monthly instalments, as I hitherto, after abolition of the said Court he used to receive from me, as also you will be pleased to forward the reply of mine to Government with your favourable report on the subject.

No. 23. ORDER THEREON, 11th October 1861, No. 445.

In the foregoing letter the Government Agent at Chepauk reports that Munsur-ud-Dowlah has signified his readiness to resume payment of the balance due to the Petitioner by monthly instalments, but has declined to pay interest, on the ground that such was not awarded by the Mahakamah Court. The Government however think that interest should be paid from March 1859, when payment of the instalments ceased, and they desire that the Agent will offer to Munsur-ud-Dowlah the option of paying the interest so due, or of permission being given to the Petitioner, to sue him in Court for the recovery of the debt.

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

Exd. F. Cartledge.

Madras 31st August 1861.

From

Messrs. Ritchie & Shaw
Solicitors
Madras

To J. Wycroft Esqre
Chief Secretary to Government.

Sir,

We have the honor to forward herewith a Petition of Abool Ayash Gholam Mahomed Yahya Nakavee Mooftee Sudr Ameen of Guntoor to His Excellency in Council and will thank you to lay the same before His Excellency in Council at your earliest Convenience.

We have the honor to be
Sir
Your most obedt Servts
Ritchie & Shaw

Received 1861 Department

From

The Government Agent at Chepauk,

and Paymaster of Carnatic Stipends.

To

The Chief Secretary to Government Fort St. George

Dated 24th September 1861.

No. 1265 of 1861

Subject

Enclosing Letter from Munsiff of Tindivanam and Abstract in reduction in amount of Order of Government No. 405 dated 7th February in favor of Pichaudi, in which he appears to have overdrawn by sundry payments the sanctioned Establishment of

3971] Madras—Printed at the Government Press.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:

From Abool Ayaals Ghoolam Mahomed Yahya Nakawa (Dated 29th August 1861)

Report of Govt. Agent at Ghazipunk (——— 24th Septr. 1861 No 1205)

Order thereon 11th October 1861 No 4945

In the foregoing letter the Govt Agent at Ghazipunk reports that Munsur-ud Doulah has signified his readiness to pay the payment of the balance due to the Petitioner by monthly instalments, but has declined to pay Interest, on the ground that such was not awarded by the Mahakamah Court. The Govt. however think that Interest should be paid from March 1859 when payment of the instalments ceased. They desire that the Agent will offer to Munsur-ud Doulah the option of paying the interest so due, or of [illegible] being given to the Petitioner to [illegible]

Political 1861. Department.

No. 4415

PROCEEDINGS of GOVERNMENT.

Dated 11th October 1861.

Account for the year ending 31st March 1862 of the Salt Agent at Chilpaul