M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1406 Press Mis.

203-204.

Dated 30—10—1930

3/3

Not to be folded or roughly handled

No 1406

Proceedings of the Madras Government, Judicial Department,
30th October 1860.

No. 203. Read the following Proceedings of Government in the Military Department, dated 19th October 1860, No. 3,742.

Petition from HOOSSAIN KHAN, son of the late Subadar Major EMAUM KHAN, Sirdar Bahadur, of the 48th Regiment Native Infantry, and formerly Aide-de-Camp to His Excellency the Commander-in-Chief, Poodoopettah, Madras, 27th September 1860, to the Honorable the Governor in Council, Fort Saint George.

That your petitioner with sentiments of the highest respect and submission, begs leave to submit for your Excellency's kind and gracious consideration, that he has a younger brother named Dustagherry Khan, a Naigue in the 48th Regiment Native Infantry, who lately came down to Madras on leave for the purpose of getting married, and prosecuting a Civil suit against his step-mother for certain moneys due to him. That your petitioner received him into his house, fed him, and gave him every other comfort, and finally got him married at your petitioner's own expense. That in carrying on the suit against his step-mother, your petitioner took the necessary steps therein in procuring for him a Pauper Attorney in prosecuting such suit, and ultimately he succeeded in obtaining the Judgment of the Small Cause Court in his favor, when he granted your petitioner an Agreement, binding himself therein to pay your petitioner one half of the amount which may be recovered from the Defendant under such Decree of the Small Cause Court, and which Agreement was sanctioned by the signatures of the Judges of the said Court, on the strength of which, your petitioner advanced his said brother a further sum of fifty Rupees, as a loan, to enable him to rejoin his Regiment at Bangalore.

That while matters stood in this posture, your petitioner's brother on Tuesday last, the 25th instant, appeared before Colonel Colbeck, at the Royapett Police Court, and obtained a Summons from that Magistrate, directing your petitioner therein, to appear before him immediately. Your petitioner was naturally much surprised and dismayed at this extraordinary proceeding, and the Peon who brought the Summons, peremptorily desired your petitioner to follow him, and he was obliged to do so, as a prisoner escorted by the Peon all the way. That when your petitioner appeared before the worthy Magistrate, his Worship became furiously exasperated and made use of very offensive language towards him, and added that if he did not give up the Agreement his brother had given him, in five minutes, he would punish him with hard labor for two months. Having said this, the Colonel went up for his tiffin, and on his return, ordered your petitioner into his private room, and by threats and intimidations, forced him to deliver up the Agreement above alluded to—your petitioner represented to the Magistrate under what circumstances the Agreement had been given to him, and the lien he had on it, but, nevertheless, he compelled your petitioner to give up the Agreement without inquiring into his case, or examining his witnesses.

That your petitioner lives in the village of Poodoopettah, and his brother also lives in the same District, subject to the jurisdiction of the Vepery Police Court, and not amenable to the Royapett Police Court, of which Colonel Colbeck is the Senior Magistrate, nevertheless, the worthy Magistrate by a stretch of authority, cited your petitioner before him, and without taking into consideration the reasons he had urged, treated him with the utmost scurrility, disgraceful to a Musselman of caste and position in life, forced him, by threats of condemning him to hard labor on the public roads, to give up the Agreement which his brother had voluntarily executed to him, under the sanction and authority of the Judges of the Small Cause Court. That your petitioner's character has been damnified in the eyes of the public by this unjust and arbitrary proceeding against him. He, therefore, humbly appeals to your Excellency, as the guardian and protector of your Indian subjects, to inquire into the above extraordinary case, and grant to your petitioner such justice, redress and protection as he may appear to be entitled to, and for such act of justice, your petitioner as in duty bound will ever pray.

We the undersigned inhabitants of Poodoopettah, do hereby testify that we know Hoossain Khan, the son of the late Subadar Major Sirdar Bahadur Emaum Khan, Aide-de-Camp to His Excellency the Commander-in-Chief of the Presidency of Fort Saint George, who has lived in our village about 10 years, and we can safely declare that, to the best of our information, belief, and knowledge, he is a man of the most irreproachable character, and always conducted

Proceedings of the Madras Government, Judicial Department,
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himself as becoming a Musselman of caste and position in life—we further declare that the said Hoossain Khan has a step-brother or cousin, a Naigue in some Native Regiment located at some out-station, who has lately come down to Madras and resides in the said village of Poodoopettah, where his brother Hoossain Khan had always resided.

We have given this Certificate to the said Hoossain Khan, in the hope, that it may be of use to him—this 27th day of September 1860.

(Signed) S. FERNANDEZ, and seventeen others.

Ordered to be referred to the Judicial Department, in view to a report being called for from the Commissioner of Police.

(True Extract.)

(Signed) R. HAMILTON, Lieut. Colonel,
Dy. Secy. to Government.

No. 204. ORDER THEREON, 30th October 1860, No. 1,406.

Referred for explanation to Colonel Colbeck, Magistrate of the Royapettah Police Court.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Special 1860 Sept 5
Prot Board Clerks

Proc: of the Madras Govt
in the Judy Dept 30th 3742.

Dr. 19 to 2 Sheets 1860.
Sept. 20 to 3 Sheets copies -
12 / 787.

Petitioners to the Govt of Fort St
in favour of a respectable Native
in favour of Hoossain Khan
called for from the Commissioner
of Police, a petition praying
Hoossain Khan may be allowed
to act as Chief of the Colbeck
in favour of which petition
Hoossain Khan has produced
certificates signed by seventeen
respectable Natives of Madras
and other testimonials of his
character & conduct
The Original Petition Copy

Exd. G. Rodrigues.

No. 1406 30 October 1860.
Referred for explanation to
Col. Colbeck, Magistrate of
the Royapettah Police Court.

Exd. F. Cartledge.

The Magistrate of the
Royapettah Police Court. Sept 30th

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