M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 392 Press ~~Mis.~~

Dated 9-6-1858

Not to be folded or roughly handled

No. 9. From Messrs. WILKINS AND SHAW; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th June 1858.

SIR,

We have the honor to request that you will lay the following circumstances before the Right Honorable the Governor in Council, with the view of obtaining his consent to our issuing Writs of Execution against Mahomed Bauker Hoossain Khan Bahadoor, under the Provisions of Acts 18 of 1857, and 1 of 1844.

On the 1st of April 1857, a sentence was pronounced by Her Majesty's Supreme Court of Judicature at Madras on its Ecclesiastical Side, in the matter of the Goods and Chattels of Shasavar Jung Bahadoor deceased, wherein Mayroon Nissa Baigum was Proponent and Shamee calling herself Ameena Baigum, Salabuth Khan otherwise called Naseer Ool Moolk Behauder, and Mahomed Bauker Hoossain Khan Bahadoor were Respondants, and thereby certain costs were awarded to be paid to our Client Mayroon Nissa Baigum, the Proponent, which costs were subsequently taxed at 981 Rupees and 6 Annas.

Under a Decree of the same Court on its Equity Side, bearing date the 9th February 1858, and made in a cause wherein Mahomed Bauker Hoossain Khan Bahadoor is Plaintiff, and Mayroon Nissa Baigum and Madar Ool Oomrah Bahadoor are Defendants, the said Mahomed Bauker was ordered to pay to our Client the Defendant Madar Ool Oomrah Bahadoor, his costs of that Suit. These costs have been taxed at the sum of 800 Rupees and 2 Annas.

Under another order of the same Court on its Equity Side, bearing date the 13th of April 1858, and made in a cause wherein Shurfoon Nissa Baigum an Infant by Syed Farreed, her grandfather and next friend, is Plaintiff, and Mayroon Nissa Baigum and Madar Ool Oomrah Bahadoor, formerly Dewan of His late Highness the Nabob of the Carnatic, are Defendants, the said Mahomed Bauker was ordered to pay certain costs which have since been taxed at Rupees 177 and Annas 8 to our Client the infant Plaintiff.

Subpœnas for each of these amounts have been served by us on Mahomed Bauker Hoossain Khan Bahadoor, but he refuses to pay, and we are unable to enforce our Client's rights owing to his name being included in the List published under the Provisions of the Act, No. 1 of 1844, and which was in force for the purposes of the said Act at the time of the death of His late Highness the Nabob of the Carnatic.

We have therefore the honor to request that we may be furnished with the consent of the Right Honorable the Governor in Council, to our suing out execution against the said Mahomed Bauker Hoossain Khan, to enforce payment of the three several sums before mentioned or such one or more of them as His Lordship may think fit, such consent to be testified by the signature of the Secretary or one of the Secretaries to Government.

Ordered to be referred to the Honorable Company's Solicitor for his remarks.

FORT ST. GEORGE,
5th June 1858.

(Signed) T. PYCROFT,
Chief Secretary.

No. 10. From J. R. BOYSON, Esq., Honorable Company's Solicitor; to the Chief Secretary to Government, Fort Saint George, dated 8th June 1858, No. 310.

SIR,

Order dated 5th June 1858, *on a letter addressed by Messieurs Wilkins and Shaw to Government, and bearing the same date.*

I have the honor to acknowledge the order of Government, noted in the margin.

2. I submitted same for the consideration of the Advocate General.

3. I subsequently conferred with him therein and afforded him all needful information on the matter in question.

4. I now forward a copy of his opinion and return the papers above noted,

This

COPY OPINION.

The present seems to me a very proper case for Government to grant the consent requested. The party to be proceeded against seems to have indulged in a good deal of litigation, both as Plaintiff and Defendant, on various sides of the Supreme Court, and in the course thereof has incurred certain costs, and he is now about to receive from the Court a considerable sum out of the Estate that formed the subject of litigation; and the question is, shall he be obliged before he receives it to pay the costs, he has voluntarily incurred, or shall Government, by refusing the permission now requested, enable him to defraud his Opponents and laugh at the Supreme Court, and indeed to use it as an engine of gross injustice, powerful to secure his rights, but powerless to obtain for others their rights as against him, even out of the funds which he obtains through the medium of the Court itself.

No. 11. ORDER THEREON, No. 392; dated 19th June 1858.

Under the opinion expressed by the Advocate General, Government resolve to grant their consent to Messrs. Wilkins and Shaw suing out Execution against Mahomed Bauker Hoossain Khan Bahadoor, to enforce payment of the costs of the several Suits referred to in their letter of the 5th Instant.

This is to certify that the Governor in Council of Fort Saint George, under the authority given him by Section I of Act No. XVIII of 1857, consents to Writs of Execution being issued by Messrs: Wilkins and Shaw of Madras, against Mahomed Bauker Hoossain Khan Bahadoor, for the recovery of the costs alleged to have been awarded in the undermentioned Suits decided by the Supreme Court of Judicature; *viz.*

On the 1st of April 1857, in the matter of the Goods and Chattels of Shasavur Jung Bahadoor deceased, Rupees 981-6-0.

On the 9th of February 1858, in a cause, wherein Mahomed Bauker Hoossain Khan Bahadoor is Plaintiff and Mayroon Nissa Begum and Madar Ool Oomrah Bahadoor are Defendants, Rupees 800-2-0.

And on the 13th April 1858, in a cause wherein Shurfoon Nissa Begum is Plaintiff and Mayroon Nissa Begum and Madar Ool Oomrah Bahadoor are Defendants, Rupees 177-8-0.

FORT SAINT GEORGE,
19th June 1858.

By order,
(Signed) T. PYCROFT,
Chief Secretary.

Exd. J. A. Wilson.

Political Department

~~No. of 1858~~
No 392

Extract from the Minutes of Consultation
Under date 19th June 1858.

Read ~~——~~ letter
from Messrs Wilkins & Shaw
dated 5th June 1858, ~~recorded~~
~~in Consultation of the~~
idem No 372

Read also the following
letter from the Honorable
Company's Solicitor.

(Dated 8th June 1858 No 310)

Under the opinion
expressed by the Advocate
General, Government re-
-solve to grant their consent
to Messrs Wilkins and Shaw
suing out Execution against
Mahomed Bauker Hoossain
Khan Bahadoor to enforce
payment of the costs of the
several Suits referred to in
their letter of the 5th Instant

This

...ins & Shaw with
...tificate ——— Despd 23d
...stant Chapman

This is to certify that the Governor in Council of Fort St. George, under the authority given him by Sec. I of Act No. XVIII of 1857, consents to Writs of Execution now being issued by Messrs. Wilkins and Shaw of Madras, against Mahomed Bunker Hossain Khan Bahadoor, for the recovery of the costs alleged to have been awarded in the undermentioned Suits decided by the Supreme Court of Judicature.

On the 1st of April 1857 in the matter of the goods & chattels of Shasaeur Jung Bahadoor deceased, Rs: 981-6-

On the 9th of February 1858 in a cause, wherein Mahomed Bunker Hossain Khan Bahadoor is Plaintiff and Inayroon Nissa Begum and Madar Ool Oomrah Bahadoor are Defendants, Rupees 800-2-

And

And on the 15th April 1858 in a cause wherein Shumsoon Nissa Begum is Plaintiff and Inayroon Nissa Begum and Madar Ool Oomrah Bahadoor are Defendants, Rs: 177-8-

Fort St. Geo
19 June 1858

Political Letter to Engd 21st Sess.r No. 22
of 1858

Paras 18 @ 21

9 @ 11

In St to Conl 22 June
Political 1858 Separate

No 392

Extract Mins of Conl

21 19 June /58