M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

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Government of Madras.

Political **DEPARTMENT.**

G.O. No.	269	Press ~~Mis.~~
Dated	2 – 5 –	1859.

Not to be folded or roughly handled

Read the following papers:

No. 5. From Surgeon E. G. BALFOUR, Government Agent at Chepauk; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 13th April 1859, No. 668.

I have the honor to subjoin copies of communications with enclosures* from and to Madar Ool Oomrah Bahadoor Dewan of the Durbar on the subject of former correspondence as per margin regarding certain costs incurred in the suit of Casse Doss versus Madar Ool Oomrah Bahadoor for Rs. 14,000.

* *Requested to be returned.*

1 *Letter to the Chief Secretary to Govt. No.* 634 *dated 25th March* 1858.
2 *Extract Minutes of Consultation* „ 215 „ „ „ „
3 *Letter to the Chief Secretary to Govt.* „ 659 „ *29th* „ „
4 *Extract Minutes of Consultation* „ 244 „ *9th April* „

From MADAR OOL OOMRAH, Dewan of the Durbar; to E. G. BALFOUR, Esq., Government Agent at Chepauk, dated 25th March 1859.

In March 1858, Casse Doss Sowcar had filed a suit against me in Her Majesty's Supreme Court for the sum of Rupees 14,000 which the late Nabob had borrowed from him and for which he had given him a letter in his own hand writing. I had neither guaranteed the payment of that sum by any written Voucher nor even verbally promised the same to the Sowcar, who wrongly considering me to be His late Highness' Executor for the adjustment of his debts preferred an improper claim against me, as has already been intimated to you in letter dated 23rd March 1858.

Messrs. Boyson and Miller however were constituted by me as my Attorney to defend the Case, and on the hearing thereof the Sowcar's claim against me was disproved.

I have now, on the application of that firm paid from my own pocket the sum of Rupees 187-6-0 being the amount of Court Cost. As this is not a personal transaction of myself but of the late Nabob I solicit you will be so kind as to communicate the circumstance to Government, and obtain their sanction to enter the above sum of Court Cost in the Sircar accounts.

From E. G. BALFOUR, Esq., Government Agent at Chepauk; to MADAR OOL OOMRAH BAHADOOR, Dewan of the Durbar, dated 2nd April 1859, No. 579.

With reference to your letter, of the 25th Ultimo, I have the honor to request you will inform me for what reasons you were called upon to pay Costs the case having as you say been decided in your favor under these circumstances the parties losing the suit have generally to pay.

From MADAR OOL OOMRAH, Dewan of the Durbar; to E. G. BALFOUR, Esq., Government Agent at Chepauk, dated 4th April 1859.

In reply to your letter of the 2nd Instant, I have the honor to mention that according to the Custom of the Supreme Court the party losing the Suit is made to pay, not the whole but some of the items of Court Cost and as Mr. Boyson is thoroughly acquainted with the rules of the Court, he would not demand any sum save what is properly payable. But still, if you permit me, I will write to the Government Solicitor asking explanation on this point.

I beg to enclose, for your perusal a copy of Mr. Boyson's note together with one of the Bill of Cost.

Referred to the Government Solicitor.

(Signed) T. PYCROFT,
Chief Secretary.

FORT SAINT GEORGE,
16*th April* 1859.

Proceedings of the Madras Government, Political Department, from 30th April to 3rd May 1859.

No. 6. From J. R. BOYSON, Esq., Government Solicitor, Madras; to the Chief Secretary to Government, Fort Saint George, dated 20th April 1859, No. 689.

Order of Government, dated 16th April 1859, on the letter of the Government Agent at Chepauk, to the Chief Secretary to Government, dated 13th April 1859, No. 668.

I have the honor to acknowledge the order of Government noted in the margin and the papers which accompanied it.

I submitted same together with all other papers in my Office, relating to the subject for the consideration of the Advocate General and I have since conferred with him thereon and afforded him all such further information as he required.

I now forward a copy of his opinion, and return the enclosures above noted, and I have &c.

COPY OPINION.

The Dewan is in error in saying that the Case was decided in his favor. It was never tried After issue joined and before trial, Act 30 of 1858, was passed, and Section 13 prevented any further proceedings on either side, a result which Government in communication with the Legislature must be taken to have foreseen and intended, and as, but for this Legislative interposition I have no doubt that the Dewan would have recovered his costs from the other side, I am of opinion that Government ought to re-imburse him. They are after all a mere trifle, Rupees 187½

(Signed) THOMAS SYDNEY SYMTH,
Advocate General.

20th April 1859.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 6. A. ORDER THEREON, 2nd May 1859, No. 269.

Under the opinion expressed by the Advocate General, the Government sanction the reimbursement to the Dewan of the costs paid by him in the matter of the suit of Cassi Doss Soucar amounting to Rupees (187-6-0) One hundred and eighty seven, and annas six.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. A. P. W. Begbie.

Political Departt.

No. 269

Extract from the Minutes of Consultation
Under date 2d May 1859.

Read again letter from the Govt. Agent at Chepauk dated 13th Ultimo No. 668 and recorded in Con: of the 19th idem.

Read also the following letter from the Govt. Solicitor.

(Dated 20th April 1859 No. 689)

Under the opinion expressed by the Advocate General, the Government sanction the reimbursement to the Dewan of the costs paid by him in the matter of the Suit of Cassi Doss Soucar, amounting to

to Rupees (187-6-") One hundred and eighty seven and Annas six

JP

To the Govt. Agent at Chepauk.
with bill of costs - sent 14/5
" Govt. Solicitor.
" Acctt. General.
" Civil Auditor.

Dispd 7th

14/7

Pros. of Govt 2d May.
Political 1859 Deptt

No 269

Pro: of Govt.

D/ 2d. May 1859.

Under the opinion expressed by the Advocate General Sanction the reimbursements to the Dewan of the costs paid by him in the Matter of the Suit of Cassi Doss Sonear, amounting to Rs 187-6-

5 rb-6 A

C21 April
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