M.S.O. 14 - 5,480—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 670 Press ~~Mis~~

26-27

Dated 5 - 5 - 1857

Not to be folded or roughly handled

No. 26. Read the following letter from BAVANEE LALLA; to T. PYCROFT, Esq., Chief Secretary to Government, dated 15th April 1857.

SIR,

I respectfully beg to forward (3) three copies of Memorials to the address of the Right Honorable the Court of Directors of the East India Company, which I hope you will be pleased to transmit to them with your opinion on the subject.

(Signed) BAVANEE LALLA,
பவானிலாலருடு.

To the Right Honorable the Court of Directors of the East India Company, &c., &c., &c., &c.

The humble Memorial of BAVANEE LALLA,
Sowcar, an Inhabitant of Coimbatore.

MOST HUMBLY SHEWETH,

That your Memorialist is a native of Coimbatore, but now residing at Madras. That he was compelled to leave his family and his native country on account of the gross injustice he has suffered from the Collector, E. B. Thomas, Esq., that longing to return to his native country but afraid to go thither on account of the Collector, your Memorialist presented a Petition to the Madras Government, begging they should be pleased to remove Mr. Thomas to some other District, as not only himself, but many of the other inhabitants of his District had often experienced similar wrongs and injustice at his hands, during the time that he has been amongst them. And this Petition, the Government endorsed the following decisions dated 17th January 1857, the Government see no reason to issue the orders asked for, a copy of which Petition with endorsement is herewith respectfully enclosed; considering the decision unsatisfactory, your Memorialist ventures to appeal to your Honorable Court, will be graciously pleased to extend to him that justice which he from the peculiar circumstances of a situation hopes to deserve instances of the injustice of the Collector may be gathered from the Petition to the Madras Government, as a proof of the truth of your Memorialist's statement, he begs to bring to your notice that your Memorialist submitted a Petition to the Madras Board of Revenue, complaining against the Collector's orders in unlawfully imposing a fine upon him, and preventing him from making use of certain Wells, sunk in his Dorkaha's lands as the explanation subsequently afforded by the Collector was unsatisfactory, the Board of Revenue were pleased to issue instructions to the Collector, to remit the fine and to permit the free use of the Wells.

Your Memorialist has no other object in presenting this humble Memorial to your Honorable Court, than to be enabled by your influence to return to his native country, and to enjoy with peace and safe by the blessing of life, with his family which he could never hope to do while the Collectors permanently situated at Coimbatore. Trusting your Honorable Court would kindly take your Memorialist's case into your benign consideration and redress his wrongs.

Your Memorialist as in duty bound shall ever pray.

(Signed) BAVANEE LALLA.
பவானிலாலருடு.

Madras, 15th April 1857.

No. 27. ORDER THEREON, No. 510; dated 4th May 1857.

Ordered that the Memorial received with the foregoing address do lie on the table for the prescribed period of 20 days, and that it be then forwarded to the Honorable the Court of Directors with the next General letter, the Court being referred to the Despatches from this Government of 13th December, No. 43 of 1855, para: 13, Judicial Department, and 10th February, No. 4 of 1857, para: 54, Public Department.

(Signed) T. PYCROFT,
Chief Secretary.

R. T. Cartledge.

To

The Right Honorable George Stevens
Robert Lord Hobart
Governor and Council
Fort Saint George
The humble Petition of
Dewaney Lord Clarkson Commander in
Chief of Cocanada

Respectfully Sheweth,

That your Lordships Petitioner with the utmost deference submits himself to be heard to your Lordships gracious consideration the deplorable position and dread apprehension your Petitioner is filled with upon the present alarming appearance of affairs between the English East India Company and the Nabob of the Carnatic, your Petitioner humbly begs leave to represent to your Lordships that your Petitioner is the only son of the late Lord Clarkson who was killed in the year 1766 in the siege of Pondicherry and your Petitioner was then an infant of two years old, your Petitioner was left entirely destitute of support and protection, your Petitioner was then taken under the protection of the late Nabob Mahomed Ali Khan who was a friend to your Petitioners father, your Petitioner was then brought up in the Nabobs family and was treated with the greatest tenderness and affection by the Nabob and his family, your Petitioner was then sent to England for his education where he remained for the space of seven years, your Petitioner then returned to India and was received with the greatest affection by the Nabob and his family, your Petitioner was then appointed to the command of a Company of Sepoys in the Nabobs service, your Petitioner was then appointed to the command of a Troop of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Regiment of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Brigade of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Division of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Corps of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Grand Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Supreme Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Universal Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Cosmic Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Infinite Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Eternal Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Timeless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Boundless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Limitless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Unbounded Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Unlimited Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Infinite Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Eternal Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Timeless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Boundless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Limitless Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Unbounded Army of Horse in the Nabobs service, your Petitioner was then appointed to the command of a Unlimited Army of Horse in the Nabobs service,

&c &c

That your Petitioner at such time was absent from Coimbatore his Native Land, having ten days previously to the occurrence of the above Festivals proceeded to Palghat on some urgent mercantile affair where he remained for about one Month.

That on the return of your Petitioner to Coimbatore E. B. Thomas Esqr the Collector at the instigation of some of your Petitioner's Enemies whose intention was to disgrace your Petitioner and in the absence of any Complaint against your Petitioner and by becoming Prosecutor himself caused your Petitioner to be brought before his Cutchery suddenly and after imposing on him the humiliating degradation of appearing before it for several days and without making any inquiry into the matter and without any proof of guilt on the part of your Petitioner condemned him to have been the head of some wicked persons and the leader of some sedition alleged to have taken place on the occasion of the above Festivals and refused to receive personal Bail or security or property from your Petitioner in violation of the Regulations.

That notwithstanding your Petitioner's [illegible] the said Collector [illegible] regardless of your Petitioner's [illegible] [illegible] caused him to be imprisoned as a Felon in the Criminal Jail and thereby brought him into public infamy and disgrace.

That

That your Petitioner thereupon commenced Action in the Supreme Court here against the said Mr. Thomas for False imprisonment and that the cause was tried by the Chief Justice on the 9th and 10th June 1836 and the violence and oppression with which your Petitioner was treated by the said Collector having been fully established by evidence, a Verdict was given for your Petitioner with 1000 Rupees damages and costs and the particulars of which trial and the whole of the evidence were published in the Madras News Papers and which he humbly trusts your Lordship has had a perusal of.

That three days after your Petitioner and his Witnesses left Coimbatore for Madras to appear upon the Trial of the said Action, the said Collector receiving intelligence of the same issued a Summons and an attachment for the apprehension of your Petitioner upon a false Complaint preferred by one Sootiah an Inhabitant of that [illegible] that the Peons who had the execution of such Process having come to your Petitioner's House to apprehend him were informed by his Brother that your Petitioner had proceeded to Madras with his witnesses.

That the said Collector [illegible] that the [illegible] of your Petitioner's Brother [illegible] [illegible] the House of his [illegible] of the Police as well as the [illegible] [illegible] the House of your Petitioner and of his Brother's Relations and [illegible] which they having done the Collector [illegible]

following

[illegible] Lordship may seem regard to the right of
the Crown to hear the female Members of your Petitioners
family by Name as Parties entered here Plea to answer
there upon Oath and thereby and only for that the same
by the usual course of proceeding to be taken by Scan Sent also
that your Petitioners Counsel may be heard in
the same behalf

That the Pope of Rome notwithstanding
your Petitioners Loyalty to the Crown and Government
the Court of Exchequer entertained an Information against
the Effects of your Petitioner were Seized and Sequestered
as if your Petitioner were Convicted of Treason
or Felony and that your Petitioner was thereby
Ruined and Impoverished

That your Petitioner is advised that
by Law the Sequestration of the Effects
of your Petitioner and the Profits
thereof ought to be Ordered upon Petition
by your Petitioner and not by Information
by the Attorney General and your Petitioner
is advised that the Information against
your Petitioner ought to be dismissed
for the Irregularity of the Proceedings

That your Petitioner hath Petitioned
the Crown for Relief and Your Petitioner
having explained the Irregularity of
your Petitioners the Order of Reference was duly
made by the Lord Chancellor and Petitioner
came into the Court of Exchequer and
Petitioned the Court for Relief but
the Court refused to hear your Petitioner
as to the Irregularity of your Petitioners
Proceedings

That on the 20th of January 1853
your Petitioner presented a Petition to
the Court of Exchequer praying that
your Petitioner might be heard as to the
Irregularity of your Petitioners Proceedings
and the Court was pleased to Order
that your Petitioner should be heard
by Counsel upon the Petition and
Counsel was accordingly heard upon the
Petition and the Court was pleased
to Order that your Petitioner should
be heard by Counsel upon the Petition
and Counsel was accordingly heard upon

on Duty Lands in Ireland remembering there to
be Tenants of Prompter Lands

That your Petitioner in conformity
to such Orders presented an Application on the 20th
1853 to grant him 28 Crowns of Waste Land on the Tillage
of Tetuan Portlaw and Coonagh Mattock subject to Rent
there reserved with the Portion thereof was granted on
the 20th of January 1854 your Petitioner after expending
a Considerable Sum of Money in the Improvement
of the Land to be called the Farm and to pay Head Rent
ment up to the end of April 1856.

That among other Rights to by virtue of
Patent aforesaid your Petitioner claimed
an Exclusive Right of Fishery in the Sea
which is fully Set out in your Petitioners
Petition to the Right Honorable the Lord Chancellor
more was passed to the middle of the Bay and Harbour
Tramore and Ballyvoyle Head and by the Tenants of
Petitioner and by Persons claiming under your Petitioner
and that he should not trespass the Land or Waters
or to Shoot Land and Fish with Nets or Seines
the Waters the Property of your Petitioner and
Persons claiming under your Petitioner and
Persons claiming under your Petitioner

That the aforesaid Petitioner
Petitioner has been advised that the Petitioner
Petitioner might be heard upon the Petition
the Petitioner Petitioner Petitioner Petitioner
Petitioner Petitioner Petitioner Petitioner
Petitioner Petitioner Petitioner Petitioner
Petitioner Petitioner Petitioner Petitioner

ons, or a circumstance never known before of any of your Petitioner has no more other alternative left to them of throwing himself upon your Lordships most parrill protection and in duty bo.

Most humbly and earnestly implores your Lordships most favourable interference and decree in favour to your Petitioner who has lost all his honour Reputation and Credit as well as his Income Person and Merchant, that safety of his Life, Person and property which the proceedings or commissioners of said Court may endanger by Seizing such property belonging to his Partner Connections there to fore the Court of Exchequer in the Exchequer Court and Your Petitioner as in duty bound will ever pray

Your Petitioner now humbly

Thereupon

Your Petitioner

Humbly

Your Petitioner now humbly prays that your Lordships will be graciously pleased to grant unto your Petitioner the Writ of Injunction to restrain the said Commissioners of the Customs and Excise and their Officers from seizing the Goods and Effects of your Petitioner and that your Petitioner may be at liberty to carry on his Trade and Business as usual and that your Petitioner may have such other relief in the premises as to your Lordships shall seem meet and your Petitioner as in duty bound will ever pray

Your Petitioner now humbly prays that your Lordships will be graciously pleased to grant unto your Petitioner the Writ of Injunction to restrain the said Commissioners of the Customs and Excise and their Officers from seizing the Goods and Effects of your Petitioner and that your Petitioner may be at liberty to carry on his Trade and Business as usual and that your Petitioner may have such other relief in the premises as to your Lordships shall seem meet and your Petitioner as in duty bound will ever pray

Your Petitioner now humbly prays that your Lordships will be graciously pleased to grant unto your Petitioner the Writ of Injunction to restrain the said Commissioners of the Customs and Excise and their Officers from seizing the Goods and Effects of your Petitioner and that your Petitioner may be at liberty to carry on his Trade and Business as usual and that your Petitioner may have such other relief in the premises as to your Lordships shall seem meet and your Petitioner as in duty bound will ever pray

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their duty to acknowledge them with a due sense of gratitude.

P.S. Your Petitioner takes the liberty to add that similar injustice and oppression which he has met with at the hands of the Collector have also been done to the other Inhabitants of Cumbaconum with impunity and that although they have frequently addressed a memorial & appeal to the Government for redress yet such appeal was taken no notice of by reason of the influence which the Collector then had from the circumstance of his Brother having been at the time one of the Council there and your Petitioner therefore begs to bring to your worthy notice that unless the said Collector be removed to some other district your Petitioner and the other Inhabitants of Cumbaconum and their families will never enjoy any comfort, peace or safety of their persons, property and in proof of which your Pet. will be able to obtain the Declaration of the other Inhabitants if required or [illegible].

Madras
29th [illegible]

[illegible]

Judicial Department

No 8/10

Extract from the Minutes of Consultation

Fort St George 19th January 1857

Read the following letter

from Mr Maunsell dated

(Vizagapatam 15th January 1857 -)

Ordered that the Government

Counsel under the provisions

of the Law for the Public Prosecutor

be requested to attend the Court

on the 20th Instant and

instructed to conduct the Prosecution

in the Name of the Government

Whether the Court shall

exercise the power vested in it

by the Criminal Procedure Code, of

dismissing the Complaint, or

Committing the Accused for

Trial, or otherwise disposing of

the case, as it may think proper

/ 3 A Select Copy / 19th January 1857

Lushington

Secretary to Government

No 12 of 1857.

The Government

see occasion

to issue the orders

asked for.

Fort St George,

19 January 1857.

By order

D. F. Maunsell

Officiating Secretary to Govt

No 12 of 1857

From Branfill Law

Sworn an Inhabitant

of Coimbatore

now at Madras.

Dated 29th December

1856 2nd January 1857

States that, his wife & child

the Collector in the Province

of Coimbatore, have now at an end,

he is desirous of returning to

Coimbatore; but, fearing

the enmity of Mr Thomas,

requests this Court to issue

such orders as may shield

him (Petr) from the annoyance

of that functionary.

In Dy Quarter Sessions

Judicial 1857 Depts

No 310.

Ext Mins Corrs

Dfd 4th May 1857

...dl Cr to Emp. 7 & 20 Adr

...26 of 1857

Para 17.—

~~Resp. to Cr. 20 of 1858~~

~~No 5 of~~ ~~P. 17~~

26427