M.R.O. 1—32,000—16-10-32.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1593 Press Mis.

25-27

Dated 22. 11 1859

Not to be folded or roughly handled

No. 25. Read the following Petition:—

His Excellency the Honorable Sir C. E. TREVELYAN, K. C. B.,
&c. &c. &.
Governor of Fort Saint George, and its Dependencies.

The humble Memorial of Margaret Jane Alexander, Widow of the late Serjeant Major Samuel Alexander of His Highness the Rajah's Nair Brigade, and an Out-pensioner of Chelsea Hospital.

Most Humbly Sheweth.

That Memorialist's husband died on the 9th of May last, leaving herself, a child and 4 other male children aged 5, 9, 11 and 13 years of age by a former marriage, to deplore his loss, that according to Military usage Memorialist believes (though she is of a different opinion in the present instance, owing to the deceased having been *a pensioner of Her Majesty's Army*) the Commandant of the Nair Brigade, Colonel Faunce, convened a Committee, composing of the following Officers of the Brigade,* for the purpose of taking an Inventory of the deceased's effects.

* *Captain Daly Local President.*
" *Staig. do. Member.*
" *Playfair, 34th C. L. Infantry.*
Doing duty with Nair Brigade.

2. Memorialist deeply regrets that she should be under the painful necessity of bringing to your Excellency's notice, the conduct and behaviour of one of these Officers, particularly Captain Playfair, whose President Captain Daly, Memorialist considers equally culpable, in having permitted such proceedings, and Memorialist will now take the liberty to state it as concise as possible.

3. On the morning of the 10th of May, (whilst deceased was yet unburied) between the hours of 8 and 9 A. M., these gentlemen entered the house, and Captain Playfair on seeing my father, called and asked him, if deceased left a Will, he was answered in the negative; Captain Playfair then said, he came to take an Inventory, and asked Memorialist for the keys, which in a few instances were complied with, but the repeated calls for them were so annoying, heartrending and painful to Memorialist and her friends' feelings, (*and that whilst she was bedewing her husband with tears*) that Memorialist's father, desired her to withhold the keys, and represented to the Members, that he was very much excited owing to his having lost his mother* at Madras only a fortnight ago, which circumstance, added to the present bereavement, had quite unsettled him.

* *27th April* 1859.

4. Here Memorialist would beg respectfully to observe, that her mother was in an advanced state of pregnancy, and consequently unable to be present on the occasion, and her father was requested to send her away either to her mother's or a neighbouring widow's, but her father anticipating the result of such a proceeding, added considerably to his feelings, and positively refused to remove Memorialist, and observed that it was not usual with East Indians to do so.

5. None of these remonstrances seem to have had any effect, especially with Captain Playfair, and jealous apparently of his authority, he still continued demanding the keys: her father then begged that he might refer to the British Resident, (the distance of deceased's house being about half a mile only from the Residency) to this request, her father was told by Captain Playfair, that " the resident had nothing to do with it, he came by order, and must have the keys," but when he found that Memorialist refused the keys at her father's suggestion, he threatened to break open the boxes &c., and called for a blacksmith who was present.

6. The side-board being then open, Captain Playfair ordered a few things to be taken out for Inventory, and on seeing this, her father desired her a second time to withhold the keys, telling her, that the Government could never have intended such outrageous proceedings on the part of their Officers, and that he would bring it to notice.

To cast upon the co

7. Such inhuman and ungentlemanly proceedings seemed to have some weight, at least, with the President Captain Daly, and the other Member Captain Staig, though Memorialist's and her father's ideas of the conduct of Captain Playfair *as a British Officer*, surpassed all belief. A few minutes conversation ensued between them, and the result was, that the whole of the furniture and bedroom (where Memorialist's wearing apparel &c., were,) were sealed, the corpse still in the hall, and a strong guard placed: the Committee then left the house.

8. Their precipitate exit led Memorialist and her father to suppose, that neither of these gentlemen were fully acquainted with the duty on which they were deputed, neither could the 2 *Locals* be supposed to be so, whilst that of the other impressed our minds, that he was equally at a loss.

9. Such have been the proceedings of the Officers of the Nair Brigade towards the widow of their own Serjeant Major, (an European) who was then a corpse only 17 hours, and who was in connection with the Brigade 13 years, and drilled 13,00 recruits into the effective service, and whose character stood high in the estimation of his superior Officers, both in the Borderers and the Nair Brigade, as per testimonials attached.

No. 1.

10. In due course the Committee proceeded to their duty the following day, and a question arose from Memorialist's father, viz., claiming the *personal* property of Memorialist, such as those given to her by him on her marriage in February 1855, as well as those made by the deceased for *her* personal use, in an official, to which no reply was given, but a verbal intimation by the Commandant, that "if any is to be given, it will be sent," and eventually it was refused her by the Commandant, and the sale of the effects was advertized on two occasions, but postponed at her father's particular request with the Resident, officially; and the Commandant was directed to apply to the Military Secretary to Government for instructions.

No. 2.

No. 3.

11. On the 23rd of May last, the Commandant addressed the Military Secretary to Government—Memorialist has not the means of furnishing a copy—but begs to attach that Officers *reply* to the Commandant, dated the 1*st June* 1859.

No. 4.

12. Prior to Memorialist's father receiving a copy of the reply, and on receipt by him of a communication from the Commandant's writer, intimating the sale of the effects (with the exception of the jewels) by *order of the Resident*, he again addressed the Commandant officially on the 24th June, to know the result of his reference to the Government, which was kept away from him, and furnished only on the 25*th June*, some 20 days perhaps *after its receipt*, and even then through his *writer*, and unattested.

No. 5.

No. 6.

13. The Commandant himself would appear to have been in a non-plus as to further proceedings in the Estate matter, and resolved upon addressing the Administrator General.

No. 7.

In this communication he has clearly set forth the whole of the particulars, especially as regards the personal property claimed, as he says, "but the widow has claimed all the jewellery (found in the house) as her personal property, value from 340 to 400 Rupees;" and seemed to request instructions as to the future *distribution* only of the remaining effects.

No. 8.

14. The reply of the Administrator General reads thus, "the residue of the above Estate should be divided, one-third thereof to the deceased's widow, and two-thirds to the children."

15. Memorialist's construction of this reply has been as follows, *the residue* or *remaining part*, or that which is LEFT, *after the claim of the widow's personal property*, (as intimated by the Commandant himself), but the Commandant's construction being at variance, led him again to advertize the sale of the Effects, *including the jewellery*, against the wishes of the British Resident under whose instructions Memorialist believes, the Commandant was acting, and with whom her father was then in communication, as well as against Memorialists Protests.

No. 9 & 10 *with replies.*

16. The Resident states as follows to her father: "I do not see there is any great hurry "about the sale of jewels, and I have no doubt Colonel F. will attend to any request of your's "for delay to dispose of *them*." This was read over by her father to the Commandant on the morning of the sale, *but in total disregard to the British Resident's sentiments*, the Commandant called *a second time* to the sale-room (as if in defiance) and authorized the sale in his presence on the 4th Instant.

17. A recent case published in the Fort Saint George Gazette of the 17th June last, viz. that of a Mr. Chambers, *a pensioned British Subject*, and who died at Palghat, confirms Memorialist's impression, that the Commandant's interference in the case of the deceased Serjeant Major, was quite uncalled for, *particularly after the reply from the Military Secretary to Government*, and not, Memorialist believes, allowable even under the Military Code of Regulations, as regards *Her Majesty's pensioned British Subjects.*

18. The Civil Judge Mr. Cook, in this instance, took *charge* of the Estate, *but did not sell it outright as the Commandant has done*, and that in the short space of 2 *months*, but *advertized* the Effects, and called upon the heir or heirs within 12 MONTHS to prefer their claim, which Memorialist humbly presumes should have been done with the Effects in question, if it was deemed necessary, though the heir or heirs were *on the spot*, in the present instance.

19. During the question of the claim of personal property, the Resident deemed it proper to authorize the sale of the live stock, a pair of bullocks, and advantage was also taken to sell a large hay-stack and some planks, and Memorialist believes, without the usual Notification on such occasions, and which she understands (the hay-stack and planks) were sold *under* their value, and purchased by the Commandant's writer, who professes to be a cabinet maker also.

20. Another irregularity has taken place in the sale of the Effects, viz., the property of *private* individuals, of various descriptions, especially those of the Commandant's writer, the consequence of which has been, that several of the attendants left the place, and thus the property of the deceased (whose property *alone* was notified for sale as per accompanying notice) has not perhaps sold to that advantage, which might have been the case under other circumstances.

No. 11.

21. After the demise of Memorialist's husband, the children by the first marriage aged 9, 11, and 13 years of age (males) as well as her own daughter, were suddenly thrown on her father's protection, (the youngest child by former marriage living with a widow for a time) who is in somewhat straitened circumstances, having to educate a son at Madras in the Doveton College, and who has recently been admitted in the Volunteer Guards, rendered it necessary, (inasmuch as the Estate was *more than solvent*) to request the Commandant for pecuniary assistance; Memorialist begs respectfully to attach that Officer's reply, to the request made.

No. 12.

22. Memorialist humbly takes the liberty to transmit herewith, an Extract copied from the "North British Daily Mail" on the subject of "a wife's chest of drawers," in which it will be clearly perceived by your Excellency, that Memorialist is perfectly justified in her claim to personal property.

No. 13.

23. Under these painful circumstances, Memorialist respectfully implores pardon for intruding on your Excellency's valuable time, and taking into consideration the services of her departed husband, as well as the services rendered to the Government by her Grand Fathers and Uncles, one of the former of whom was a British Commissioned Officer Captain Thos. Robson, 26th Regiment N. I., both in garrison and field, your Excellency would be graciously pleased

to render her Justice, and for which act of kindness, Memorialist will ever consider herself under the deepest obligation, and shall ever pray.

(Signed) MARGARET JANE ALEXANDER,
Widow of the late Serjeant Major Samuel Alexander of H. H. the Rajah's Nair Brigade.

24. Memorialist begs further to add for your Excellency's information that her father addressed the Administrator General for his opinion in the matter, and the accompanying is
No. 14. the reply received from that Officer.

25. Memorialist's father addressed the British Resident, and that gentleman communi-
No. 15. cated with the Administrator General, whose reply Memorialist begs respectfully to transmit herewith.

26. Thus your Excellency's Memorialist has waited 4 months, and finding no hope of her legal claim being adjusted, earnestly entreats your Excellency's kind interference and orders in the matter.

(Signed) MARGARET JANE ALEXANDER.

Transferred to the Judicial Department.

Fort Saint George, *28th September* 1859.

(Signed) H. MARSHALL, Colonel,
Ag. Secy. to Govt. Mily. Dept.

No. 3748 of 1859.

Ordered to be forwarded to the Officiating Resident for report.

Fort Saint George, *15th October* 1859.

By order,
(Signed) L. FORBES,
Deputy Secretary to Government.

No. 26. From Major H. DRURY, Assistant Resident in charge, Travancore and Cochin; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Trevandrum, 2nd November 1859, No. 92.

Agreeably to the Order of Government on Petition,* No. 3748 of 1859, I have the honor to report that it would appear that Serjeant Alexander, an effective Serjeant Major in the service of the Rajah of Travancore, having died at Trevandrum, in May last, the Officer Commanding Nair Brigade, in conformity with the customs and usages of the service (the same custom being observed here as in Her Majesty's Army,) ordered a Committee to assemble at deceased's quarters, for the purpose of taking an Inventory of the effects.

* *Herewith returned.*

2. Memorialist complains of the conduct of the Officers of the Committee. Colonel Faunce is surprised that Officers of such high character and experience as Captains Daly and Playfair, should for one moment have such accusations brought against them, but has no hesitation in stating that the behaviour attributed to them is undeserving and untrue.

3. The Committee, in pursuance of orders, assembled at the deceased's quarters, where they found the widow of the Serjeant and her father. Captain Playfair requested the latter to give him the keys, in order to secure the property,—a request which was only complied with in part, and subsequently entirely withheld. The Committee had then no alternative, but to seal up the property in the best way they could and leave the house, especially as the widow persisted in remaining in the house, a proceeding both objectionable and irregular. Colonel Faunce then having informed the Resident what had been already done, the latter authorized the former to take formal charge of the Estate.

4. The following day, at the especial request of Memorialist's father, she was permitted to take away, for her own use, a considerable amount of property. She subsequently asked for the

Proceedings of the Madras Government, Judicial Department, for the month of November 1859.

whole of the jewels left by deceased; but Serjeant Alexander having left 4 boys by a former marriage, Colonel Faunce did not feel himself justified, in consideration of these poor orphans, in permitting Memorialist to retain, as her own, any more of the personal property of the deceased, beyond what the Committee had already given her. There is too much reason to believe that Memorialist had already appropriated to herself great number of the jewels belonging to her late husband.

5. There having been some misunderstanding about Memorialist's *personal property, i. e.*, the said jewels, some correspondence on the subject took place between Colonel Faunce and the Resident. Subsequent references on the subject were made to the Military Secretary to Government, and the Administrator General; the reply of the latter functionary being to the effect that, "the residue of the estate should be divided, one-third to the widow and two-thirds to the children." Upon this disposal of the question, the jewels were put up to auction with the rest of the property, and sold accordingly. In this as well as in every other instance, Colonel Faunce appears to have shewn every consideration to the feelings and interests of Memorialist and her father, consistent with his duties as the Officer in charge of the Estate.

6. At first Mr. Gouge, Memorialist's father, appeared perfectly satisfied with the arrangement that the jewels should be sold, and expressed himself so to Colonel Faunce; but on Colonel Faunce leaving the sale-room, Mr. Gouge attempted in his absence to stop the sale. This irregular and injudicious proceeding was speedily put a stop to. Mr. Gouge then purchased the jewels, though he has not yet paid for them, in consequence of which delay, the Estate remains unadjusted.

7. There is no question but that the sale of the jewels, upon which so much stress is laid in Memorialist's 12, 13, 14, and 15, and 16th paragraphs, was conducted and carried out in a perfectly correct and proper manner by Colonel Faunce; in consultation with the British Resident, and in reply to the opinion of the Administrator General, Memorialist's statements in these paragraphs are too highly colored and at variance with fact.

8. With reference to the sale of certain planks, &c., which Memorialist insinuates were purposely disposed of at a disadvantage, to the benefit of the Commandant's writer, such a charge meets with the most emphatic denial, in the explanation of Colonel Faunce. A small stock of straw and the little wood lying in the compound were sold to prevent their being destroyed or stolen, as the walls of the compound were broken down and cattle straying in. Neither did the sale of other property, as complained of in the 10th paragraph, at all affect the prices of the Effects of the deceased Serjeant at the auction, for Mr. Gouge himself remarked upon the large sum realized by some of the articles. Besides, the custom of putting property belonging to others at these auctions is of very common occurrence and never objected to. So far therefore from the indirect imputation of Memorialist upon the irregular proceedings of the Commandant's writer, who is the regular Auctioneer of the place, the same individual, out of regard for the Memorialist's family, offered to forego the usual commission by a reduction of two per cent. on the usual charge.

9. The Memorialist alludes to the children of her late husband, being suddenly thrown on her father's protection. The treatment these poor orphan boys received at the hands of those who should have protected them is the most painful feature in the whole affair, and it would have been more becoming in the Memorialist to have omitted all mention of a subject, wherein her family showed so great disregard for the common dictates of humanity. Suffice it to say, that by the kind and active interference of the Resident, and Colonel Faunce, all the boys were happily provided for.

10. In recapitulation of the whole subject, there is ample proof to show the Memorialist has in point of fact no real grievance to bring forward. The duties of the Committee were conducted in fairness and justice to all parties; the personal property were sold in strict conformity to the usual custom in such cases and the opinion of the Administrator General. All other property was disposed of in like manner. Mrs. Alexander was treated with every consideration and kindness, consistent with the responsibilities the Committee had imposed on them. The orphan

children of her late husband were provided for, and it is therefore with some reason that Colonel Faunce complains of the unjust reflections that have been cast upon himself, and the Officers of the Brigade, which he cannot but attribute to some personal feeling of animosity, whereby these grievances have been put forward which have no existence in fact or probability.

No. 27. ORDER THEREON, 22nd November 1859, No. 1593.

The Government are perfectly satisfied with the explanation furnished in the above letter.

2. The Petitioner* will be informed that the Government have received a report touching the matters referred to in her Petition, and that they are of opinion she has no ground whatever to consider herself aggrieved. The reflections she attempts to cast upon the conduct of the Officers of the Committee are wholly unwarrantable, and her representations regarding the mode in which the property was disposed of are shown to have been undeserving of credit. The auction of her husband's effects appears to have been conducted with all propriety and fairness and with every reasonable consideration for the feelings of the family.

(Signed) T. PYCROFT,
Chief Secretary.

* *Mrs. Alexander.*

Exd. S. T. Augustin.

25427.

Proceedings of the Madras Govt Judicial Dept 4

Read the following papers

Petn from Mrs J. Alexander widow of the late Serjeant Major Alexander of the Main Brigade of H.M. the Royal Regiment } 31st July - 1859 -

From the Agent } dated 2nd Nov - 1859.
Resident - Travancore }
& Cochin }

Order thereon 22d November 1859 No 1593

The Govt are perfectly satisfied with the explanation furnished in the above letter

The Petr will be informed that the Govt have received a report touching the matters referred to in her petition, and that they are of opinion she has no ground whatever to consider herself aggrieved - The reflections she attempts to cast upon the conduct

Mrs Alexander.

Report of the Committee
Commissioners
Representations
regarding the Petition
in which the Peti-
-tioner was described
& are shown to
have been indebted
to credit - the auction
of the husbands effects
appears to have been
conducted with the
proprietor and fairness
and with every
reasonable consideration
-tion for the feelings
of the family -

L S
Dy: Secy: to Govt

To the Offg Resident
To Do. to Jaffna
to the Officer &c
-porting to and
To Petr - with enclosures
the Petition

Copy 25 pages