

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No. 171	Press ~~Mis.~~
Dated 24. 2. 1837.	

Not to be folded or roughly handled

No 738.

From

The Secretary to the
Government of India.

To

The Secretary to the Govt
of Fort St. George.

At Fort William, 14th February 1857.

Foreign Department.

Sir,

I am directed to transmit for
the information of the Right Honble
the Governor in Council, the annexed
copy of a Telegraphic Message despatched
to you this day.

Fort William
The 14th February 1857.

I have the honor to be,

Sir,

Your most Obedient Servant,

W. P. D. M. S.

Secretary to the Govt of India.

Telegraphic Envelope

From G. H. Edmonstone Esq
To Secy to Gov^t Madras

Calcutta, 14 Feb 1857

Wait for letter by Express
and obtain further time to answer
in Mysore suit. -

If time refused, make
following alterations:

- (1.) All the property in D. 8 to
be claimed absolutely on behalf of the
Government as State Property; without
reference to the time when acquired.

Necessary alterations throughout
Answer to be made such as omitting
Paragraph 17 (one) -

- (2.) Amend heading of Schedule
D. 8 making it as follows -

Personal property claimed
by the Defendants as State property
whether acquired before or after 1/99.

- (3.) If property intended for
D. 9 cannot be distinguished, include it
in D. 8; and alter Paragraph 12 (two)

by stating that it cannot be ascertained whether the funds claimed by third persons are among those in D8, or not, or according to the fact.

In Paragraph 10, omit words both to individuals and to Chultrams and public institutions of that character. (4)

In Paragraph 13 alter words 'Collector of Tanjore', say - 'acting under the said authority and directions of Government of Madras'. (5)

At end of Paragraph 13 add The said authority and directions were given by an order of the Governor of Madras in Council acting in their public capacity, as such Governor in Council, and the property so taken in possession of by the said Commissioner and Collector were taken as part of the Revenue and State property of the Defendants, which by reason of the extinction and lapse of said Raj, had devolved and become vested in the Defendants. (6)

At end of 13 (2) say as aforesaid the Defendants have

not taken or been in possession of any property of said Rajah.

[8] In 17 (2) omit words - "acquired since the Treaty except as herein is excepted."

and substitute "in Schedule D, D1, D5, or the value thereof."

Omit words from "in the first instance" down to word "should."

Insert word "and" before "should."

[9] Omit 17 (4) - substitute words - And the Government has resolved to appropriate the whole of property mentioned in D8, after payment thereof of any of the debts due by said Rajah which may appear to them fair and just, towards making a provision for family of Rajah.

[10] In Paragraph 21 omit words "lands and real Estate lately belonging to the said Rajah" situate in - and substitute "the matters aforesaid being

being matters concerning the Revenues
under the management of the said
Governor in Council; or in respect
of the real or personal property situate
and taken possession of in the
lapsed?

Omit words "to do much"
to end of Paragraph 21.

The other alterations sent by
Steamer of 9th February, - approved.

[Signature]

Springland 26th
Feb 24 of 1857
Parus 1 @ 15.

In Cons: 24th Feb
Political 1857 Report.

From
The Secretary to the Govt. of India
Foreign Department
No 738

Dated 14th Feb 1857

25

179

Forwards copy of a Tele-
graph message regarding
the property contained in
Schedule 28, and certain
alterations to be made
in the answer to the Bill
filed in the Supreme Court
by Kamachee Thong Sahita
to the East India Company

From G. F. Comenstone Esq.
Secretary to the Govt of India
To J. Pycroft Esq.
Secretary to Govt of Madras

Dactyloctenium aegyptium L., B. Minang 1857.

Dept

Sir, By the Mails Steamer of the 9th Instant, I forwarded to you the opinion and advice of the Advocate General as to the answer of Govt. in the Tanjore suit, after consideration of the circumstances communicated in your letter N^o 85, dated the 26th Ult^o and its enclosures, intimating to you at the same time that the papers would be laid before the Governor General in Council without delay and that approval or disapproval of each suggested alteration would be telegraphed to you.

2. After careful consideration of the circumstances in question the Governor General in Council has determined on throwing upon the Plaintiff the burden of proof that any portion of the property of the Rajah of Tanjore was acquired since the Treaty of 1799 - and for purposes other than State purposes; and on claiming for the Govt. all the property in D 8 - whether acquired before or since the Treaty: - stating however that it has been resolved by the Govt. to appropriate the property contained in that Schedule (and property similarly situated) to the payment of such debts of the late Rajah as shall appear to the Govt. fair and just claims, and to apply the surplus, if any, to making a provision for the family.

3. This will render it necessary to
alter the heading of D 8 and to introduce

Correspondence

corresponding alterations in the Answer. These alterations are too extensive to admit of being correctly transmitted by telegraph, as far as the thoroughly intelligible. The principal amendments were transmitted by telegraph yesterday with a suggestion to apply for further time to file the answer, in order to admit of the receipt of instructions by letter. A copy of yesterday's telegraphic message was despatched by you by express last night.

It has been found, however, that besides those transmitted by telegraph yesterday, some other alterations are necessary, and these have been embodied in a second message transmitted by telegraph today, of which a copy accompanies this despatch. It is hoped that these two messages will have reached Madras in intelligible form, and enabled the advisers of the Govt. to make the requisite amendments, in case the Supreme Court should have refused the application for further time.

It may be convenient to send herewith the entire paragraphs of the original answer, which have been altered either by the Advocate General's amendments of 8th February, or by the present amendments, with both sets of Amendments copied therein. The original paragraphs are written in black ink: the alterations of the Advocate General of 8th February in blue: and the present amendments in red.

Fort William
the 15th February
1857

I have the honor to be
Your most humble servant
Edmondstone
Secy to the G. of India

Le England 20th
Feb 14 1857.
Paris 10 15.

In com. 24th Feb 1857
Political 1857 Depart.
From
The Secy to the Govt. of India
Foreign Depart.
No 739

15th Feb 1857
No 23
1 Encl
No 180

38

Intimates the decision of the Govt. of India in Council with regard to the property of the late Rajah of Tanjore contained in Schedule D. and that certain alterations will consequently be required in the heading of that Schedule and in the answer to the Bill filed in the Supreme Ct. by Kamachee Bhowe to the E. I. Co.

Copy
J. H. Munro Esq.
Secy to Govt of India
To Secy to Govt of India
Calcutta 15th March 1857

Make the following additional alterations in the answer to Tanjore suit.

- (1) In paragraph 13 after the words 'personal property' add 'therein' —
- (2) At end of paragraph 18 add the words:
"Or have been by the said Rajahs mixed up with and treated as part of the said State and public property acquired before the said Treaty, or in its very nature essentially State Property" —
- (3) In paragraph 35 omit words: "A.B.C and D2" and additional words to end of paragraph.
- (4) 39. In alteration of 8th February 1857 of para: 39. omit words:
"Or so much of the property described in Schedule D8" down to words 'after that date' at end of alteration of that paragraph.
- (5) 41. Omit alteration marked 41(1) substitute after word 'D(2)' and before word 'described' words D4 and D8. —

Encl-

Omit alteration marked 41(2) (6)
Substitute after word 'D1', &
before words 'the latter' 'D3, D5 and
D6' -

43. In paragraph 43 for 'C' (7)
substitute 'D8' and after word 'Raj'
omit words "or heirlooms before the
Treaty of 1799" to end of paragraph
and substitute 'and are set forth
in Schedule D8' -

(Two Copies)
J. Edmonstone
Secy, Govt of India

Pol. Depart.
No 171
Extract from the Minutes of Consultation
Dated 24th February 1857.
Read the following
letters from the Secretary
to the Govt of India.
I Herewith submit 11th 915 Feb 1857
No 17384/59.

H
G
H
M

Resolved that copies
of the above letters and
their enclosures be com-
municated to the Honble
Company's Acting Solicitor
in reference to the Order
of the 13th Instant No 135.

J

Copy to the Company's Agt. Solr. } Dep. 24th
with Copies of Letters & Enclosures

England 20
Feb 24 of 1837.
Paris 1835

In Cont. 24th Feb. 1837.

Printed 1837 of Depart.

No. 171

Ex. mins. of Law:

Dated 24th Feb. 1837.

37(a) 37

For more copies
of the Telegraphic message
on the Anglo-Swiss Telegraph
Company etc.