

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	227	Press ~~Mis~~
Dated	17-3-1887.	

Not to be folded or roughly handled

In the Supreme Court of Judicature at Madras.
(In Equity)

Between Nanache Bay Sahab
Plaintiff

And
The East India Company
Defendants.

The Answer of the above named Defendants The East India Company
to the Bill of Complaint of the above named Plaintiff

The East India Company in answer to the said Bill say as follows

1. Rajah Serfoje in the said Bill mentioned was, up to and at the time of his death the Rajah and reigning monarch of Tanjore and was a sovereign Prince entitled to and in the exercise and enjoyment of the rights, privileges, powers and dignity of an absolute sovereign within the limits of the hereditary Fort of Tanjore and of certain other districts and lands adjacent thereto but subject especially as to the residue of the country adjoining

to the Rajah's Kingdom of Tanjore to certain engagements and relations between himself and the British Government and particularly to a Treaty entered into between his predecessor and the British Government as the then reigning Sovereign of Tanjore and the Defendant Company on the 26 November 1799.

2. The said Rajah Serfoje also continued up to the time of his death subject to the said engagements relations and treaty to enjoy the outward state and dignity of a sovereign monarch of the whole of the Territory of Tanjore and to receive from the Government of India and from the Defendants the honours due to a sovereign Prince and ally of the British nation.

3. The said Rajah Serfoje died on the 9 day of October 1855 and the British nation determined as an act of state by the Defendants and the British Government that the dignity of Rajah of Tanjore was extinct and that the state of Tanjore had thereupon ceased to be the Defendants in trust for the Rajah and it was thereupon also determined by the Defendants as an act of state and a representation that the whole Government and sovereignty of the said state of Tanjore together with the property belonging thereto should be assumed by the British Government and the Defendants in India and should become part of the

4. Peppre and at the time of the said death of 1799 the said Rajah was possessed of a large estate in right of his crown and sovereignty to which was added the property of the said Rajah and other real Estates situate and being within the limits of the said state of Tanjore and had previously formed part of the said state and belonged to the said Rajah for the time being and the rents and profits thereof were paid to the said Rajah.

5. The said Rajah Serfoje was also entitled to the said state of Tanjore and

and absolutely sold it in such manner as to leave other villages messuages dyas
Sim to and real Estates which had theretofore been dedicated by the preceding Rajahs
of Tanjore to religious and charitable purposes and such last mentioned
real Estates were then also held by the said Rajahs and being such Sovereign as aforesaid.

6. The said Rajah Serfojee was also at the date of the said Treaty as such Sovereign
of Tanjore in right of his crown and sovereignty possessed of and entitled to divers State
Jewels ornaments trappings and other Chattels appertaining to and forming part of the
Royal Equipage of the Rajahs of Tanjore.

7. The real and personal property mentioned and referred to in the three preceding
paragraphs (except such part of the real property as was given in exchange as hereinafter
after mentioned) were held and possessed by the said Rajah Serfojee from and
after the execution of the said Treaty of 1799 as part of the State property of the Rajah
of Tanjore and on his death the same were taken possession of by his son the said
Rajah Serfojee in his character of Successor to the Throne of Tanjore.

8. At different times between the year 1799 and 1829 portions of the real Estates
heretofore mentioned to have been held and possessed by the said Rajah Serfojee
at the date of the said Treaty were exchanged by him for other real Estates also situate
in Tanjore and the Estates so taken in exchange were thenceforth held by the said
Rajahs as part of the State property of the Raj of Tanjore in the same manner as the Estates given
in exchange had theretofore been.

9. Besides the above property the said Rajah Serfojee and after his death the
said Rajah Serfojee at different times after the said Treaty of 1799 purchased with and
out of the portions of the Revenues of the State of Tanjore which they respectively
received as such Rajahs under a provision in the said Treaty divers other villages
messuages gardens Ponds and other real Estate and also divers Jewels ornaments
State robes Cannon munitions of war Arms and Armour Bikes for the Royal
Library Elephants Animals and Trappings which were from the times of their
respective purchases held and used by the said Rajahs respectively in the same
manner as the State property belonging to the Raj of Tanjore before 1799 and were
used and applied for the purpose of maintaining the outward state and dignity
of the Rajah and for purposes connected with such state and dignity.

10. The said Rajah Serfojee who being Sovereign of Tanjore as aforesaid
also became possessed by gift of certain other Jewels which were all along used
and applied by him for the purpose of maintaining his outward state and
dignity as such Sovereign as aforesaid for purposes connected with such state
part of the State Jewels of the Raj of Tanjore.

11. The said Rajah Serfojee also left certain Jewels and personal property
part of which were acquired before and part of which were acquired after
the said Treaty of 1799 but all of which were held used and applied in the
manner in the 9th Paragraph mentioned and which were by the Rajah Serfojee
and are now so mixed up as to prevent the Defendants from being able now
to distinguish between the same or to ascertain which were acquired before
and

and which after the said Treaty.

12. The said Rajah Serfojee and after his death the said Rajah Serfojee, a C. various times after the said Treaty of 1799 purchased with and out of the portions of the Revenues in the 9th Paragraph referred to divers other villages messuages gardens lands and other real Estate but which were not from their nature essentially public or state property.

13. The particulars of the said real Estates forming part of the state property of the Rajah of Tanjore before and at the date of the said Treaty as also of the said real Estates subsequently acquired in exchange as aforesaid as also of the said personal Effects forming part of such ^{state} property at the date of the said Treaty as likewise of the said real Estates and of the personal effects acquired since the date of the said Treaty of the personal effects partly acquired before and partly acquired after the date of the said Treaty used as in the 9th paragraph mentioned but as to which the Defendants have not been able to ascertain which were acquired before and which after the said Treaty the same having been mixed up and blended by the said Rajah so as to be at present undistinguishable so far as such particulars are known to the Defendants are set forth in the Schedules hereto annexed and marked respectively **HIKLMNOPQ** and **R** which with the other schedule hereto the Defendants pray

14. The said Rajah Serfojee also left debts to a very considerable amount and claims due by him unpaid at the time of his death.

15. Since the death of the said Rajah Serfojee the Defendants have proceeded to enforce the lapse of the Sovereignty and their sovereign rights in trust for Her Majesty the Queen in respect thereof and of the property belonging thereto and have declared the said Raj of Tanjore to be extinct and to have lapsed as aforesaid.

16. With a view to enforce the said sovereign rights and on or about the 8th of September 1856 the Right Honourable the Governor General of India in Council duly sanctioned the appointment by the Right Honourable the Governor of Madras of Mr Henry Forbes a Covenanted servant of the Defendants as a special Commissioner to inquire into and report on various questions arising as to the state property of the late Raj and otherwise in consequence of the said lapse and extinction of the sovereignty of Tanjore, the said Mr Forbes was in particular authorized and directed by the said Government of Madras to adopt measures for preserving in safe custody on behalf of the Government of India the Jewels munitions of war, arms and other effects appertaining to and forming part of the said late Raj.

17. The Defendants further with a view to enforce the said sovereign rights have by the said Commissioner and by Mr John William Cherry their then Collector of Tanjore acting under the said authority and directions of the said Government of Madras taken possession of the Kingdom and hereditary Fort of Tanjore and of such real and personal property therein late of the said Rajah Serfojee as is specified and enumerated in the several Schedules **A C D E G H I K L M N O P** and **R** hereto annexed since they claim as to them such possession certain claims have been preferred to these Defendants by certain persons who allege that some of the Jewels so taken possession of by the Defendants were

the property of such claimants but the same had been taken possession of (and kept in his possession) by the said Rajah Sevaajee and particularly such a claim has been so preferred by one Venkunt Rao himself of and as representing his deceased wife Phoyemmah Phoyee on the ground that the Jewels which he claims were exclusive property of his said wife and that the said Rajah had wrongfully or possessed himself thereof. The Defendants have been hitherto unable to ascertain whether the Jewels so claimed were or were not included amongst those which have been so taken possession of by the said Rajah or not but they say that all the Jewels of which the said Rajah Sevaajee possessed themselves were found in the Tashakhana or Depository of the said Jewels of him the said Rajah Sevaajee at the time of his death and the said Jewels had been in his possession many years and these Defendants have always intended since the said claims were first preferred and still intend to hold the said Jewels so claimed (if in their possession) for the rightful owners when these Defendants shall have ascertained who are such rightful owners. But save as aforesaid the Defendants have not taken or been in possession of any property of the said Rajah Sevaajee.

10. -- The said Authority and directions were given by an order of the Governor of Madras in Council acting in his public capacity as such Governor in Council and the said property so taken possession of by the said Mr. Forbes and the said collector were

taken as part of the state property which belonged to the said Rajah Sevaajee as such sovereign at the time of his death and as part of the Revenues and State property of the Defendants which by reason of the death of the said Rajah and extinction of the Raj and lapse thereof had devolved upon and become vested in the Defendants in trust for the Crown as aforesaid.

19. In entering into the said treaty in declaring the extinction of the Raj and of the dignity of Rajah in treating the Sovereignty and Territories of Tanjore as lapsed to the Defendants for the purposes of the Government of India in trust for the British Crown in appointing through the Government of India the said Mr. Forbes as Special Commissioner as aforesaid and in taking possession of the said Rajah, the Defendants acted in their public capacity as such Defendants and in the exercise of the powers and authorities vested in them by the

British Territories in India and the powers of making peace and war and entering into treaties have been and are committed to the Defendants in trust for the Crown of Great Britain and all the acts and matters hereinbefore set forth are and are acts and matters of State.

20. In particular the Defendants respectively insist that the question as to the right of the Defendants to take possession of the Estate and property of and to which the said Rajah Sevaajee did possess and is held as Rajah of Tanjore as aforesaid or of any and what parts of the said estate and property was and is a question

5
of state arising from the character of the said Rajah as a sovereign as aforesaid and the Political relations between the Defendants acting in trust for Her Majesty, and the state of Tanjore. The Defendants therefore submit that the matters set forth and on which the Defendants rest their right to take possession of the property which was of the said late Rajah of Tanjore by involving the construction of the said treaty and other treaties made between them and of other acts of state are matters which cannot be inquired into by this Honorable Court or in any municipal Court of Justice within Her Majesty's dominions.

21. The Defendants further say that under the circumstances herein set forth the whole of the property which the Defendants claim to retain for their own use in trust as aforesaid was to all intents and purposes state property, which had belonged to the said Rajah only in his sovereign capacity.

22. The Defendants further say that without in any way waiving the right of the Defendants to retain possession of the whole of the property so possessed as aforesaid and mentioned in the Schedules hereto annexed and without in any way admitting the Jurisdiction of the Honorable Court to inquire into the grounds (as and being grounds of state) on which such right is vested it has been determined as an act of state and government by the Defendants through their said Governor General of India in Council and their said Governor of Fort Saint George in Council that the property and effects specified in the Schedules hereto annexed and marked **G.H.O.P.** and **Q** (being property acquired subsequent to the date of the said Treaty of 1799) shall be dealt with and disposed of as if the same had been the property of the said Rajah Senajee as a private individual, regard being had in the first instance to the just debts of and claims upon the said Rajah Senajee which debts these Defendants are desirous should be paid from the said Estate. They being willing for that purpose and for the purpose herein mentioned to relinquish their own claim as aforesaid and to allow the whole Estate and property of the said Rajah specified in Schedules **G.H.O.P.** and **Q** or the value thereof to be administered and distributed in a due course of administration and to be delivered over subject to the debts of and claims upon the said late Rajah to the person or persons who may have been the legal representative of the

individual upon such person or persons giving adequate security to the satisfaction of the Defendants for the proper administration of the said property in the payment of the said debts and otherwise. And that the Government have resolved to appropriate the whole of the property mentioned in the Schedules **G.H.O.P.** and **Q** and all property similarly circumstanced and really belonging to the said Rajah Senajee and to all persons who may claim the same for the payment of any of the debts due by the deceased Rajah or who may appear to them to be fair and just and after such payment to appropriate the

the residue of such property... provision for the family of the said Rajah.

23 The Defendants... without admitting that... in law between the public and private property of a sovereign... was, or that the Honorable Court has any jurisdiction to inquire... to direct an account of the private or particular Estate of any of the said Rajah... the jurisdiction as aforesaid) that it is not the intention of the Defendants... government aforesaid to retain possession for the benefit of the Defendants... of any portions of the property and effects of the said late Rajah other than... as formed part of the state or public property of the Rajah of Tanjore... the said Treaty of 1799 or have been since that date acquired or assumed by the Rajah in exchange for property pertaining to the Raj before that date or such... have been acquired since that date but were in their very nature property for the purposes or which have been by the said Rajah's Serajee or Serajee... and treated as part of the state and public property acquired by the... property.

24 But the Defendants... submit that in any point of view the question whether any and what portions of the property left by the said Rajah Serajee were his private property or were property of the state of Tanjore is also a question involving the construction of the said Treaty and... from the said state and the general political powers of the government of India and... a question not cognizable by any municipal Court of Justice.

25 The Defendants therefore claim... benefit as if they had pleaded to the said Bill of Complaint that the matters therein set forth... in respect of which relief is prayed were matters of state and as to which this Honorable Court has no jurisdiction to inquire.

26 The Defendants are further advised and submit that this Honorable Court has no jurisdiction in respect of the matters aforesaid being matters concerning the Promises made to the management of the said Government or in Council or in respect of the real or personal property of the said late Rajah or of the said Territories of Tanjore aforesaid and they claim that they had demurred or pleaded...

27 And the Defendants further... say that they admit that the said Rajah Serajee was in his life time Rajah of Tanjore and that he departed this life at Tanjore on or about the 29th of October 1817 and without leaving any male issue or any son by adoption or any Brother...

28 The Defendants admit that... and Serajee was in his life time a Hindu of the Suddra Caste.

29 The Defendants admit that... the said Serajee was...

month of May 1831 duly and lawfully
his eldest and senior widow and
widows him surviving.

30. The Defendants say that
Seerjee who himself was an
of the said Rajah Seerjee or
Rajah and absolute sovereign
Sing but these Defendants believe
some by the said Rajah Tooljajee
property of the state no
of his successors was joint in
division was made between
to the Indemnity of this Honourable
the said Rajah Seerjee men or men
but the Defendants say that
Seerjee was not a member of

31. The Defendants admit
with the Plaintiff and on or about
wives and these Defendants are

to the Plaintiff and that he left the Plaintiff
in the point of time among his surviving

Seerjee was the only son of the said Rajah or
of the former Rajah Tooljajee and that neither
Brother and the said Rajah Tooljajee being
formed in Estate with his only Brother Ameer
actual division was made between them
succession to the musnud assuming all the
necessary and in the same manner neither
the said Ameer Sing though no actual
the Defendants submit as a matter of law
whether under the circumstances aforesaid
member of an undivided Hindoo family
and they believe and admit the said Rajah
undivided Hindoo family.

said Seerjee subsequently to his marriage
day of July 1832 was married to 7 other
and believe that the said marriages took

place duly so far as the ceremonies
the said marriages on any and all
these Defendants submit as matter
that two of such last mentioned women
Toolkamba Bhojee and not married
Bill stated predeceased the said Rajah
named respectively Soyemba Bhojee,
Bhojee Deepumbar Bhojee, Ramabhar
Apparupurumbar Bhojee, Yashwanth
Bhojee, Aroonumbar Bhojee, Sookoom
Bhojee were married in the said place
at Tanjore and these Defendants are advised and admit

at were concerned but whether or not
were due or lawful according to Hindoo law
to this Honourable Court and these Defendants admit
respectively Soyceerum Bhojee and
Seib and Soomooray Seib as in the said
without leaving any issue and that the other
named respectively Soyemba Bhojee, Ramabhar
Bhojee Deepumbar Bhojee, Ramabhar
Apparupurumbar Bhojee, Yashwanth
Bhojee, Aroonumbar Bhojee, Sookoom
Bhojee were married in the said place
at Tanjore and these Defendants are advised and admit

that Tanjore is a place beyond the jurisdiction of this Honourable Court.

32. The Defendants admit that the said Seerjee a last left two daughters
him surviving (that is to say) Soobagavathy Cherumjeeva Rajasabhojee Ammanay-
Rajah his eldest daughter (but since deceased) and Cherumjeeva Rajasabhojee Ammanay-
bhojee Ammanay Rajah Sahib's youngest daughter who were respectively, born
of a former wife one Sydeembar Bhojee Sahiba who predeceased the said Seerjee.
and the Defendants say that the said Soobagavathy Cherumjeeva Rajasabhojee

Ammany Rajah departed this life about the 26th day of December 1856 and they admit that the said Cherumjeera Raja also a Mookta boyee Ammany Rajah Sahib is also an Hindoo Inhabitant of and about at Tanjore--

33. The Defendants admit that the said eldest daughter was in the life time of the said Seerajee married to one Roy Sahib and that she has died since the death of the said Rajah Seerajee, but these Defendants submit as matter of law to the Judgment of the Court the question whether according to Hindoo law by her marriage she became separated from the family of the said Rajah Seerajee.

34. The Defendants admit that the said and younger daughter is still under 16 and is the age of 16 years (that is to say) or thereabouts and is a Hindu inhabitant of and resident at Tanjore and the Defendants say that applications have been made to them the Defendants by Ray Suckarom said Ray Neelacumar and Rasamud row and Rao moodhoie and Rao calling themselves guardians and manage to protect her alleged rights in respect of the property claimed in this suit against the Plaintiff.

35. And these Defendants have in like manner been applied to by 4 of the widows of the said late Rajah Seerajee namely Soogoomaramba Bhojce Gowmamba Bhojce Yeshwarambha Bhojce and Geesambha Bhojce and also by divers persons claiming to be creditors of the said late Rajah and particularly by Roy Suetaram Sahib Vincent Roy and the said Roy Suetaram Sahib Roy Neelamantarow Amudro and Rao Moodhoojee Gound Rao [redacted] deliver over any of the said property to the Plaintiff without full security that she will apply the same in payment of the debts of the said late Rajah or without saying that full provision is made for such payment.

36. The Defendants admit that the said Serejae also left him surviving to another Mathoosty Choleetchoo Sahib commonly termed the Aroo Sahiba and is likewise a Hindoo Inhabitant and resident at Tomjise aforesaid -

37. The Defendants admit that the said Secojee at the time of his death was as such Rajah and Sovereign Prince as aforesaid possessed of and some as is herein mentioned, entitled and entitled but not of his own right private property or distinct from or independent of the property rights claims and privileges pertaining and belonging to the Raj of Tanjore Estate both real and personal as is herein mentioned.

and answer the same fact these Defendants for the reasons aforesaid are ignorant and
 answer. But these Defendants say that those schedules give the full and true parties
 and descriptions of the said property so far as the Defendants have been able to ascertain
 same and that the said property is some of the property referred to in paragraph five
 altogether of the value so far as the Defendants' servants and officers have been ab-
 le to ascertain of the value of the property in round numbers..

30 Besides the property in the last preceding para particularly mentioned the Dep

are informed and believe that the said Rajah Seevajee was at the time of his death possessed of and entitled as of his own right, but whether as of his own private property or distinct from or independent of the property, rights claims or privileges appertaining or belonging to the Raj of Tanjore these Defendants do not know and cannot say save as herein appears, to certain property consisting of furniture pictures wearing apparel equipages Carriages Horses Ponies Cattle Carts and other Sundries a list of which is set forth so far as these Defendants have any knowledge or respecting the same in the Schedule hereto annexed and marked A which were purchased or acquired by the said Rajah Seevajee from his portion of the Revenue of the State received by him as aforesaid, but which so far as the Defendants have been informed were used and applied by him not for the purposes of the State or for keeping up the show or pageantry thereof but for his own private purposes so far as it is possible to distinguish between the public and private purposes of a Sovereign situated as the said Rajah Seevajee was. But these Defendants say that they have not nor has their said Commissioner or Collector nor have nor has any or any one of their officers Agents or servants so far as the Defendants are aware and believe taken possession of or interfered with any of the said property so situated as last aforesaid and save as aforesaid the said Commissioner of the Defendants all his Officers and their other officers and servants who have been employed in that behalf have not as yet discovered and therefore the Defendants so far as their means of information go, do not believe that the said Seevajee left any property real or personal distinct from or independent of the property, rights claims and privileges appertaining and belonging to the Rajah of Tanjore or which were in that sense possessed by him as of his own right or as private property and save as herein and as in the said Schedules appears these Defendants are ignorant and cannot answer whether

the said Seevajee was at the time of his death possessed of or entitled either as of his own right as private property or distinct from or independent of the property, rights claims or privileges appertaining or belonging to the Raj of Tanjore or otherwise of any Estate or Effects real or personal whatsoever and cannot say forth of what the same consisted or any of the particulars or the description or value of the same, if any there were, other than as aforesaid.

39. The Defendants are wholly unable to say whether the particulars or the value aforesaid are unknown to the Plaintiff but such particulars or value have never been concealed or suppressed in any way from the Plaintiff by the Defendants or any of their officers or servants and if such particulars are unknown to the Plaintiff it is because she has not chosen to inform herself thereof. But these Defendants are advised that it is probable and they believe that the said ~~statements as to the concealment from the Plaintiff and a statement in the~~ sixth paragraph of the said Bill as to certain Articles ~~not admitting of temporary possession~~ have been inserted in the said Bill for the purpose of founding the equitable jurisdiction of the Court thereon.

40. The Defendants submit a matter of law to this Honorable Court whether (even if the said Seevajee did die possessed of or entitled to any private or particular Estate which these Defendants do not admit and if the property of the said Seevajee was liable to be administered and distributed as that of a private individual which also these Defendants do not admit) the Plaintiff did or did not as his Eldest widow according to Hindu law become entitled to inherit or possess the same or to administer the same in due course of Administration

named not under the false colour or picture but with the bonafide and lawful and authorized object of taking possession of the state or throne property of the said Raj and on the ground and in the belief that the same is part of the revenues of the Defendants as aforesaid and for the purpose of collecting the revenue of the Defendants themselves not of any private or particular Estate or Effects of the said Sevahee unconnected with the said Raj but of such Estate and Effects of the said Sevahee as Rajah of Tanjore as is specified in Schedules **AC DFG IKMO** and **R** hereto annexed) and all which property was and is as hereinbefore set forth in the nature of and was by the said officers and servants possessed as and believed to be state property which lapsed on the death of the said Sevahee and the said servants and officers of the Defendants have for the purpose and in the belief aforesaid made but have not yet completed full and particular lists and inventories thereof but no part thereof has been sold or disposed of save and except the articles specified and enumerated in the Schedule hereto annexed and marked **R** which articles have been sold with the sanction of the Government of Madras for the prices specified in the last mentioned Schedule and which prices (so far as these Defendants are aware) represent the full value of the same articles and these Defendants say that the said last mentioned articles were sold with the view of saving a wholly useless expenditure and that the net proceeds arising from such sale were placed in the Treasury of the said late Rajah Sevahee, and these Defendants say that no part of the property of the said late Rajah Sevahee has been destroyed by them or by their servants or officers save and except certain gunpowder mentioned in Schedule **K** which formed part of the munitions of war and property of the state of Tanjore and which being useless from age and dangerous has for the safety of the said Fort and neighbourhood with the sanction of the Governor in Council of Madras been destroyed by the orders of the said Mr. Forbes as such Commissioner as aforesaid and so far as the Defendants their officers Agents or servants are aware the said Sevahee left no private or particular property and property of any kind save that in the Schedules hereto set forth.

45. The Defendants have to the best and utmost of their knowledge information and belief set forth in the said Schedules hereto annexed and hereinbefore in that behalf referred to a full true and particular account of all and singular the property Estate and Effects of the said Rajah Sevahee including the property claimed by third parties as hereinbefore mentioned possessed by them or by their officers or Agents on their behalf and of the value thereof so far as these Defendants are able to form any opinion or belief respecting such value but they are informed and believe that the greater part of such effects have no marketable value and uncertain value and that it is not possible to estimate the same by round numbers which the Defendants have accordingly done and the Defendants have in the Schedules hereto, marked **EHLNP** and **Q** respectively set forth a like account of all other property of the said Rajah Sevahee known to them to exist and not possessed by them but they are at present wholly ignorant whether or not there is any other property of the said Sevahee not possessed by them.

46. These Defendants further answering say that they are not aware nor are as they are informed and believe their officers Agents or servants or any of them that the

property of the said Rajah Sevaajee come to them: possession as aforesaid never did and does not belong to the Defendants and does not and never has formed part of them. Revenues and never has been and is not applicable to the purposes thereof, but these Defendants say that without admitting that the Rajah left any property that can legally or properly be called his private or particular property and without admitting that the Plaintiff has any legal claim or right in respect of any property taken possession of by these Defendants or their officers or Agents as aforesaid the Defendants do not intend to treat the property of the said Rajah Sevaajee in the Schedules hereto marked **G H O P** and **Q** respectively, as belonging to the Defendants for their own use or in trust as aforesaid or otherwise or as forming part of their revenues or as being applicable to the purposes aforesaid.

47. The Defendants do not pretend but they allege that the property Estate and Effects left by the said Sevaajee as described in the said several Schedules hereto and hereinafter in that behalf referred to (and which is the only property of the said Sevaajee of which the Defendants have at present any knowledge or information) belonging to him as the Rajah of Tanjore and not otherwise and to the extent herein mentioned and not otherwise does belong to the Raj of Tanjore and is of the nature of State or Throne property and is to the extent herein appearing and not otherwise part of and applicable to the purposes of the Revenues of the Government of India in Trust for Her Majesty and the Defendants have hereinafter set forth and explained how they make out the same so to belong and appertain to the said Raj and to be part of and applicable to the purposes of the said Revenues so far as they intend to treat the same as part of or applicable to the purposes of the said Revenues and have set forth to what extent they intend so to treat the same and they have distinguished herein and in the said Schedules so far as they are able to distinguish between the different kinds of property left by the said Rajah Sevaajee and how and when the same came to be invested as aforesaid so far as it was so invested and so far as these Defendants have been able to discover the same.

48. And these Defendants say that without admitting that there is any legal distinction or legal means of distinguishing between the two classes of property, they are willing under the circumstances to distinguish between the property described in the Schedules marked **A C D E F I L M N** and **R** and the property described in the Schedules marked **G H O P** and **Q** the latter of which property they are as aforesaid willing to give up as if it formed private property of the said Rajah Sevaajee subject to the payment of the dues and claim upon him as aforesaid in such Paragraph mentioned without this that the Defendants in any way ask the Honourable Court or of any Municipal Court of Justice to decide or determine whether the Defendants are justified in treating the said property or any and what part thereof as State property belonging to them for the purposes of the Government of India in trust as aforesaid or whether they ought to give up any and what part thereof to the Plaintiff or to any other claimant or to treat any and what part thereof as private property of the said Sevaajee.

49. The Defendants contend that the said property and effects having been de facto the property and effects not of a private individual but of a Sovereign Prince and the Defendants now

now representing the sovereignty which that Prince in his life time held and the Defendants right to such representation being exclusively a matter of state and not of municipal Cognizance the Defendants right to possess themselves of the property in question and to deal therewith or dispose thereof is also exclusively a matter of state and is in fact included in and forms part of their right to represent the sovereignty and that the decision of the question whether any of such property had been private property of the said Rerajee and as such descended to his natural Heirs depends on the question whether the said Rerajee having regard to the relations between him and the British government was an absolute sovereign and is therefore equally a matter of state in respect of which a Court of Justice has no jurisdiction to grant relief or enforce discovery.

50. Among the state property left by the said Rajah Rerajee and possessed by the Officers Servants and Agents of the Defendants not as in the Bill, but as hereinbefore mentioned and set forth, are certain Jewels and other costly Articles more particularly described in the Schedules marked **IK** and **M** or some or one of them hereto annexed which have a specific and particular value as being in the nature of state Heirlooms and Crown Jewels. But the Defendants do not nor do their Officers Servants or Agents or any of them intend to dispose of the same or any of them save that these Defendants claim and reserve the right to dispose of the same as they may think fit.

51. The Defendants are wholly unable to say whether such articles have any specific or particular value in the eyes of Hindoo Widows or of the Plaintiff in particular. But these Defendants do not believe that the loss or deprivation of the said Jewels or articles could be compensated to the Plaintiff by a pecuniary recompense.

52. The Defendants do not withhold from the Plaintiff any private Estate or Effects of the said Rerajee possessed by them from avaricious motives and not from any reasonable doubt as to her being the party entitled to possess or receive the same or otherwise at all the only property which the Defendants withhold from Plaintiff being as these Defendants believe property of state. And the Defendants further say (but without in any way admitting the Jurisdiction of this Honorable Court to enquire whether any and what part of the property so possessed by them had been private property of the said Rerajee) that they have not any intention of taking or retaining possession of any property or effects which in any fair or proper sense of the term can be deemed the private and particular property of the said Rerajee and not property of the state and on the contrary the Defendants always have been and are desirous of having the possession and enjoyment of all property which can in any such sense be deemed private property to the Rerajee ~~or his representatives~~ or representatives in any such sense the said Rajah Rerajee and of all property except the property hereinbefore described in that he had which they intend to retain as part of their revenues as aforesaid.

53. The Defendants by their Officers Servants and Agents have not seized but have in their possession drawers boxes letters papers documents Copies of letters Agreements lists of Jewels Inventories vouchers memoranda entries and writings relating to the matters in the Bill and hereinbefore set forth although the truth of the matters in the Bill alleged would not appear therefrom inasmuch as such matters (except as hereinbefore admitted) are not true and these Defendants have in the schedule hereto annexed and

marked & set forth a full and true list of such of the said documents as they are ready to produce...

54. The Defendants have also certain other of such documents as aforesaid, in their possession which are communications which have passed between the Defendants or the Government of India or of Madras and their Counsel and Solicitors in the course of the professional employment of such Counsel and Solicitors with reference to the present litigation and the Defendants therefore submit that they are not bound and they decline to produce or disclose the contents of such last mentioned documents, and these Defendants say that the last mentioned documents are voluminous and that the adding a list thereof to this their Answer would unnecessarily increase the length thereof.

55. The Defendants have likewise certain other of such documents in their possession as aforesaid which are documents relating to affairs of State extending from a date anterior to the year one thousand seven hundred and ninety nine to the present time and are extremely voluminous and that the preparation of a complete and particular list thereof would occupy considerable time and the annexing such a list in the shape of Schedule to this Answer would render it very burdensome to the Plaintiff as well as to the Defendants and these Defendants say that the production of the said last mentioned documents would be contrary to good Policy because the said last mentioned documents are either political communications which have passed between the Defendants and their Court of Directors and the Government of India or Government of Madras in the fulfilment of the Defendants' political duties, and with a view to the good Government of India or political communications and reports and minutes which passed between the official Agents and servants of the Government of India or of the Government of Madras and the said respective Governments in fulfilment of their public political duty and for the purposes of the Government of India in trust for Her Majesty, and the Defendants say that with a view to the good Government of India it has always been part of the system of the Government of India to require the most full and unreserved communications in writing between the Defendants and the several local Governments and between the various political Agents and officers of the said local Government and those Governments and that the public interest would be prejudicially affected by the disclosure of such public duty or the contents of the same. ~~the Defendants submit that they are not bound and decline to produce the contents of such last mentioned documents.~~

56. Besides the above documents the Defendants have taken into and have now in their possession divers books accounts vouchers entries and writings being the public accounts and vouchers of the State or Raj of Tanjore extending over a period of fifty years and upwards prior to the death of the late Rajah Serfojee a particular description whereof could not be given without great delay and without rendering their answer very burdensome to the Plaintiff as well as to the Defendants, for these Defendants say that the said accounts are extremely voluminous and were written in the Mahattar language

language and that the preparation of a complete and particular list thereof would occupy several months and would be productive of no real benefit as none of the said accounts vouchers or entries are at all material to the matters in issue in this suit and these Defendants say that the several last mentioned documents also relate to matters of state the production whereof would be contrary to good policy wherefore the Defendants submit as in the fifty fifth Paragraph of their answer that they are not bound and they decline to produce or disclose the contents of the several last mentioned documents.

57 And same as aforesaid these Defendants deny that they have by their officers servants or Agents or any or one of them seized or that they have or have had in the possession custody or power divers or any books letters papers documents Caddies Copies of letters agreement lists of Journals Inventories Vouchers Memoranda Entries or writings by which the truth of any of the matters in the said Bill mentioned appear if the same were produced.

58 The Defendants admit that they are subject to the Jurisdiction of this Honourable Court in a suit properly cognizable by the Court though they insist and submit that the Court has for the reasons hereinbefore set forth no Jurisdiction to entertain the present suit.

Sealed with the common seal of the said East India Company by and with the Authority of The Right Honourable George Thomas Robert Lord Harris The Governor of Fort Saint George in Council at Madras in the presence of.

J. Dyeroff
Chief Secretary

Clement Dale
C. I. Coy seal

878/22.

Supreme Court
Madras
(In Equity)

No 16th March 1857.

Namachee Boye
Sahaba

vs

The East India
Company.

Copy,

Answer

Bayson

24671

In case of attendance.	Date of attendance.	Time taken in taking the paper of the case.	For use as evidence.	Department No. 1 sec.	Department No. 2 sec.
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7
No 119

John J. A. Boyson Honorable Company's Acting
Solicitor

To The Chief Secretary to Government

Madras March 14 1857

Sir,

I have the honor to forward herewith
the Answer of the Honorable Company in
the Suit noted in the Margin,
and to request that the seal
of the Honorable Company
may be affixed thereto, and
that it may then be returned to me for the
purpose of being filed.

I have the honor to be,

Sir,

Your most obedient servant.

J. A. Boyson

Acting for John

Dec. 9: Wed.
Entered 1859 24th inst.

Received on the 29th of May 1857
of the late George H. & Mary
the sum of 1057 Dollars 16 Cts
879202

Down the Horn: Straight up
By Deviation: *Westerly*

Oct 26/49

9-2816-7-7

12-230

I am made for the slave of the
 world; Confound the division of the
 Confound in the unity of the
 God within me: the end of the
 Confound

28429

7

Wm. H. W. W. W.

266

Resolved that the Honorable Company
shall be apprised of the document received
with the foregoing letter and that
the same be returned to the Honorable
Company's solicitor

To the Editors of the
N. Y. Herald, March 15, 1857



Copy to the H. C. & Co. 17