

மே. ப. புதன். 21—

புதன்.

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிகை கட்டிவிட்டும் எடுக்கப்பட்ட தகவல்.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.

287

Press

Mis.

Dated

9-4-

19 1857

Not to be folded or roughly handled

In the Dewany Adawlut of the Pillah of Coombacorum
Before the Subordinate Judge

Plaintiff

Ramakristanien Son of Ramaswamien
an alleged Merafidar of Masookam
in the Myaveram Talook.

Defendants

1. St. Cherry Esq^{re} late Acting Collector of Tanjore
2. Schoo Ralinga Pillay Tahsildar
of Myaveram
3. Dyavanayaga Iyengar Peshcar
of Pan Rasaly
4. Ramaswaminagar Curram
of Kelyore.

The Answer of the 4 Defendants above named
These Defendants reserving to themselves all right of exception
to the plaint filed in this Suit answering say that the late
Rajah Serfoje 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 appertaining to the
Raj or 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 father Serfoje as the then reigning Sovereign of Tanjore
and the East India Company bearing date the 25th November 1799
II.

The said Rajah 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 Reigning Monarch
of the whole of the territory of Tanjore and to receive from the
Government of India the honours due to a Sovereign friend
and ally of the British Nation.

III. The said Rajah died on the 29th day of
October 1855 without Male issue whereupon it was determined
as an Act of State by the British Government and the East India
Company

V

India Company that the Raj and dignity of Rajah of Tanjore was extinct and that the state of Tanjore had thereupon lapsed to the East India Company in trust for Her Majesty the Queen and it was thereupon also determined by the East India Company as an Act of state and government that the whole dominions and Sovereignty of the said State of Tanjore together with the property belonging thereto should be assumed by them in trust for Her Majesty and should become part of the British Territories and Revenues in India in trust for Her Majesty as aforesaid.

IV. The said Rajah at the time of his death as and being absolute Sovereign of Tanjore was possessed of and absolutely entitled to divers villages Mefuages Gardens Pagodas lands and real estates which were held and enjoyed by him and the rents and profits thereof 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.

V. Since the death of the said Rajah the East India Company have proceeded to enforce the lapse of the Sovereignty and their Sovereign rights in Trust for Her Majesty 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.

VI. With a view to enforce the said Sovereign rights, and on or about the 8th day of September 1856 the Right Honorable the Governor General of India in Council duly sanctioned the Appointment by the Right Honorable the Governor of Madras of Henry Forbes Esquire a Covenanted Servant of the East India Company as a Special Commissioner to Enquire 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.

VII. The East India Company further with a view to enforce the said Sovereign rights have by the said Commissioner and by the Defendant John William Henry Esquire acting Collector

Collector of Tanjore and other Subordinate Officers and Servants 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 the lands and real estate which were held and enjoyed by the said Rajah as aforesaid.

VIII. For the purpose of enforcing the said Sovereign Rights and furthering the inquiries before mentioned the East India Company by the said Governor of Madras in Council considered it necessary or expedient to resume all grants made by former Rajahs of Tanjore as such absolute Sovereigns as aforesaid and which the said East India Company on the lapse of the said Raj and for the purposes aforesaid. In Trust for the British Crown, had full and absolute power to do. But it was the intention of the said East India Company that such resumption should be merely temporary with respect to such portions of the said Lands and property whereof the Holders at the time of the death of the said Rajah were not fraudulently in possession and who claimed such possession as the right ful Heirs or Descendants of or bona fide purchasers from Grantees under Grants which had been really and bona fide made by any preceding Rajah and it was the intention of the said East India Company that on such being satisfactorily shewn those portions should be restored to such Holders and their rights to hold the same would have been recognized and established by the said East India Company in the exercise of their Sovereign Rights. In Trust for Her Majesty as aforesaid.

IX. For the purpose of carrying out such object the said Henry Forbes as such Commissioner and Acting for and on behalf of the said East India Company exercising such Sovereign Rights In Trust as aforesaid did issue a Proclamation authorising such resumption and giving Notice of the objects for the same.

X. The act complained of by this Plaintiff was an act done in furtherance of the objects before set forth.

XI. The Authority and directions hereinbefore mentioned as given by the Governor of Madras and under which the said Henry Forbes and the Defendants acted were given

Now see Council point

I have no Copy of this Proclamation. please see that its effect is correctly stated if not please correct it. CD

Offg Secy to Govt

as a copy of the said Proclamation is in the possession of the said Henry Forbes and the Defendants

by an Order or orders of the Governor of Madras in Council acting
in his public Capacity as such Governor in Council and the
property so taken possession of by the said Henry Forbes and the
said Defendant J. M. Cherry as such Acting Collector and the
3 Defendants as Subordinate Officers were taken as part of the
property which belonged to the said Rajah as such Sovereign
at the time of his death and as part of the Revenues and State
property of the East India Company 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 East India
Company in Trust for Her Majesty The Queen as aforesaid

XII All the Acts and matters hereinbefore set forth
were done by the said Governor General in Council and by
the said Governor of Madras in Council respectively in their
public political Capacity and in exercise of the general powers
privileges and authorities vested in the East India Company
under or by virtue of the various Charters and Acts of Parliament
by which the possession and Government of the British Territories
in India have been and are committed to the East India
Company in Trust for Her Majesty The Queen and were
and are Acts and matters of State.

XIII The Defendants submit that the question as to
the right of the said East India Company acting in the exercise
of their Sovereign rights in Trust as aforesaid to take possession
of the property of and to which the said Chevaer died possessed
and entitled as Rajah of Tanjore as aforesaid or of any part
of the same was and is a question of State arising from the
Character of the said Rajah as such Sovereign as aforesaid and
the Political Relations between the said East India Company
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 justify the doing the Acts
complained of under the authority and orders before referred to
by involving the construction of the said treaty and other treaties
made between the East India Company and the Rajahs of
Tanjore and of other Acts of State are matters which

This will be
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of the
JP

in a box

8
Forbes and other Defendants and more

be enquired into by this or any Municipal Court of Justice within Her Majesty's Dominions.

XIV The Plaintiff in his plaint alleges that the Land which he states was placed in his possession is Sursumaniam land, the ostensible object of his plaint is to recover the alleged value of certain grain stated to have been forcibly taken away from the thrashing floor, but these Defendants submit that to establish his case he must prove his allegation that the land in question was Sursumaniam Land, and the Plaintiff thus endeavours by this tortious proceeding to obtain a Decree of this Court as to the tenure of the Land.

N^o 39.

From Clement Dale Esqre. Operating Government Peaser
 To Thomas Pycroft Esqre. Chief Secretary, to Government
 @ Madras 8th April 1857

Sir

Parat. With reference to the Extracts from minutes
 of Consultation and Correspondence notes in the
 margin. I have the honor to
 forward to you the Draft of
 an Answer which I am of
 opinion should be filed in
 the suit in the subordinate Court
 of Combaconum against Mr
 D. Mr. Cherry late Acting Collector
 of Tanjore and 3 others.

2. I have prepared this answer on
 the principle suggested in the minutes of Consultation
 of the 23rd February 1857 and taken the
 answer filed in the suit against the Honorable
 Company by Kamache Raje Sahiba as my
 guide.

3. I have added the 14th para in "
 consequence of the observation made by Mr
 Phillips in his letter of the 5th February 1857
 No 108 altho' I do not perceive the full force
 of them; I am of opinion that Regn 31 of 1802
 does not apply to this case.

4. It does not appear to me that
 the observation contained in Mr Phillips' letter
 dated

M/C 23 February 1857 No 160 Political
 Department
 Letter from Offg Govt Peaser to Chief Secy
 27 February 1857 No 31.
 M/C 2nd March 1857 No 192 P.O.
 " 20 March 1857 No 237 -"

Col. G. L. Esq. of the Army
 1857

Combaconum Sub. Court

O. H. N. 29 of 1856

Honorary
 J. H. Esq.
 J. H. Esq.
 J. H. Esq.

L. J. Esq.
 J. H. Esq.

date 3 March 1857 No 237 render any alter-
ation in this Draft necessary.

I have the honor to be

for

Your most obedient servant

Wm. K. Mills

Ug Government Printer

Parall 21.

Wm. D. Johnson Esq. Phila.
Political 1857 (Appendix)

Dec 39.

Oct 1st 8th 1853
Dec 9th April 1854

18308.

with 1 each.

Manufacturing Drafts answer
to the best effect in the
debtors hands. Court of law.
become by force.
indication against
Mr. J. W. DeLong & others.
with an order

No 287.

The
Record that a copy of the foregoing
letter and the original Papers
thereon which accompanied it
be forwarded to the Commission-
ers of Virginia, with reference thereto
Letter of the 5th February & 3rd
March last and that he be required
to file the same with ^{any modification}

-cation that may be necessary in
Phase IX - & which
~~is present in the sketch filed by Bureau.~~
Adoption Order C-
~~which was approved the late Mr.~~

Col. Carter June 2111
at 11/15 }
9. June 1854

Copy to Com^{rs} of Vaccine
with my thanks. 3 Dec 1846
J. P.