

~~BACK~~

G.O.NO.412

DATE : 29TH
MAY 1857.

Fort Saint George, Political Consultation, 2nd June 1857.

No. 7. From E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George,
to the Secretary to the Government of India, dated the 29th May 1857, No. 412.

SIR,

With reference to my letter of the 14th Instant, No. 381, I am directed by the Right Hon-
orable the Governor in Council to transmit copy of a letter, just received
Dated 28th May 1857, from the Company's Solicitor, enclosing a Draft answer to the amended
No. 276. Bill in the Suit of Kamachee Boyee Sahiba *versus* the East India Com-
pany and others, and to request that these two papers may be laid before
the Advocate General at Calcutta for his information.

(Signed) E. MALTBY,
Acting Chief Secretary.

Exd. W. Komareck.

Extract from the Minutes of Consultation under date the 29th May 1857

Read the following letter from the Honorable Company's Solicitor; to the Acting Chief Secretary to Government; dated 28th May 1857, No. 376.

SIR,

Kamachee Boye Sahaba,
versus
The East India Company and others.

I have the honor to forward for the consideration and approval of Government the draft of the proposed answer of the Honorable Company to the Plaintiff's "Amended" Bill in the Suit noted in the margin.

This draft answer has been prepared by Mr. Dale.

I also forward a copy of the proposed answer for submission (through the Government of India) to the Advocate General at Calcutta for his information.

The answer should be filed with as little further delay as can conveniently be avoided, and neither Mr. Dale or I consider it necessary that the filing of it should be delayed pending further reference to Calcutta.

(Signed) J. R. BOYSON,

Honorable Company's Solicitor.

IN THE SUPREME COURT OF JUDICATURE AT MADRAS.

(IN EQUITY.)

BETWEEN—Kamachee Boye Sahiba, Plaintiff,

AND

The East India Company and Soyemba Bhoyee, Oomamba Bhoyee, Iyentumba Bhoyee, Jesayeeumba Boyee, Deepumba Boyee, Ramakumarumba Boyee, Leegoonumba Bhoyee, Appavoo-parumba Bhoyee, Yeshwarumba Bhoyee, Ansumba Boyee, Gowrumba Bhoyee, Aroonumba Bhoyee, Sookoomarumba Bhoyee, Geesnumba Bhoyee, and Chenumba Boyee, when they shall come within the Jurisdiction of this Honorable Court Defendants.

The answer of the East India Company the Defendant: firstly above named to the Amended Bill of complaint of the above named Plaintiff.

In answer to the said Amended Bill the East India Company say as follows:

I. They admit that Seevajee in the Bill mentioned subsequently to his marriage with the Plaintiff, and on or about the 18th day of July 1852, was married to 17 other Wives, and these Defendants are informed and believe that the said marriages took place duly so far as the ceremonies performed thereat were concerned, but whether or not the said marriages, or any and which of them were due or lawful according to Hindoo Law, these Defendants submit as matter of law to this Honorable Court.

II. They admit that 2 of such last mentioned Wives named respectively Soyeeram Bahbeye and Fookumbahberjee predeceased the said Rajah without leaving any issue.

III. They admit that the other 15 of such 17 Wives are named respectively Soyemba Bhoyee, Oomamba Bhoyee, Iyentumba Bhoyee, Jesayeeumba Bhoyee, Deepumba Bhoyee, Ramakumarumba Bhoyee, Leegoonumba Bhoyee in the said Amended Bill called Seegoonumba Bhoyee, Appavoo-parumba Bhoyee, Yeshwarumba Bhoyee, Anasumba Bhoyee, Goorumba Bhoyee, in the said Amended Bill called Gowrumba Bhoyee, Aroonumba Bhoyee, Sookoomarumba Bhoyee, Geesnumba Bhoyee and Chenumba Bhoyee, and that they were married in the order above set out, and

that they are now alive and are Hindoo Inhabitants of and Residents at Tanjore, and these Defendants are advised and admit that Tanjore is a place beyond the Jurisdiction of this Honorable Court.

IV. They do not assert, but they have been advised that according to Hindoo Law as existing or prevailing among the Mahrattas, on the death of a Mahratta man who is not a Rajah or Zemindar or person of that description, and is not a Member of an undivided family, and who leaves no son natural or adopted, but leaves more than one Widow, his senior Widow does not succeed him as sole Heiress to his private and particular Estate, but that all the Widows of the deceased are the joint Heiresses and Representatives of his person, and are entitled to inherit such his private and particular Estate. And these Defendants submit the same as a matter of law to the judgment of this Honorable Court.

V. They have heard and believe the same to be true that Bavah Sahib, otherwise called Yakojee Row, did become, although by usurpation, Rajah of Tanjore, and was the fifth Rajah under the Mahratta Dynasty, and further that he died in or about the year 1738 without issue, but leaving a Nephew named Appoo Sahib, as also six Widows, named respectively first Soogan Bhojee, second Tayavant Bhojee, third Sakharav Bhojee, fourth Sookoomar Bhojee, fifth Geeriya Bhojee, and sixth Parvaty Bhojee, him surviving.

VI. They have been further informed and believe the same to be true that the said Appoo Sahib was the legal heir to the said Bavah Sahib, but that at the time of Bavah Sahib's death he the said Appoo Sahib was an Infant of tender years.

VII. They have been further informed and believe the same to be true that on the death of Bavah Sahib disturbances ensued in which the adherents of Appoo Sahib were overpowered, and the said Soogan Bhojee was placed on the Musnud by the then principal authorities of the Durbar, but in less than 12 months, and about the year 1739, was herself deposed by Savagee Shabagee, otherwise called Shabagee Bhoonslah (who was a son of Serfojee, a former Rajah of Tanjore and was a Cousin of the said Bavah Sahib) assisted by the parties who had been instrumental to the elevation of the said Soogan Bhojee, and by forces despatched from Fort Saint David.

VIII. That in the manner and under the circumstances hereinbefore mentioned the Eldest Widow of the said Bavah Sahib was upon his death placed upon the Musnud of Tanjore, but whether the said Soogan Bhojee did or did not succeed him as his Heiress and personal Representative these Defendants cannot say, further than and except that they do not believe she did so succeed as his Heiress and personal Representative, but they believe that she so succeeded by usurpation and force. And these Defendants further say they believe it may be true that during the few months the said Soogan Bhojee was permitted to retain the Musnud she did ostensibly reign as Ranee at Tanjore, but whether with the sole absolute control of the said Raj and all property real and personal of her late Husband these Defendants are unable to say, further than and except that they believe she was a mere cipher in the hands of a party of rebels, and had no power or control whatsoever either in the affairs of the said Raj or over any property real or personal.

IX. That the foregoing information regarding the said Bavah Sahib and the succession to to the said Musnud after his death is derived from the Records belonging to the former Raj of Tanjore, now in the possession or under the control of these Defendants, and they believe that no further or more precise particulars or information could be shewn or made to appear by the said Records and the Genealogical Trees of the said family of the Rajahs of Tanjore now in the possession or under the control of the Defendants.

I have perused and settled this Draft referring to the 16, 17, 18, and 19 Paras: of Mr Phillips' letter, I think it would have been desirable to have raised the question had we been in possession of that information when the first Answer was prepared; I fear it would be irregular to introduce it into this answer, and as every advantage will be taken I deem it best to let this Draft stand as now settled.

(Signed.) C. DALE.

M. 6. Order thereon, 18th July 1840

Under the opinion expressed in the last para: of the foregoing letter, the Government authorise the proposed answer to the Plaintiff's Amended Bill being filed at once, without awaiting the result of a further reference to Calcutta.

~~(The Record and Copies)~~

(D) E. atty.
Acting Chief Secretary.

Dispt. Sept 14
at home. Boston

Attn: Capt. Brown

Dear Sir

To The Hon. the Gen. S. J. S. J. S.

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H

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Sept 28

I have the honor to
acknowledge the receipt of
your letter of the 14th inst.
and in reply to inform you
that the same has been
forwarded to the proper
authorities for their
consideration. I am, Sir,
very respectfully,
Yours, Sir,
J. S. J. S. J. S.

Very respectfully,
J. S. J. S. J. S.

Order to the Engineer
No 13 of 1857
105

Subj. to Com. of the
Political. 1857. Dehra

No 112

The order to the
Public

2/29/57

Transmitting for the
- from of being laid before the
- the present of the
- after from the Hon. for the
- including the draft answer
- the annexed Bill in the
- this Committee Report &
- also to the East India Co.
- and others.

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