

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	416	Press ~~Mis.~~
Dated	29-5-1887	

Not to be folded or roughly handled

8/10/20

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

No. 15. Read the following letter from H. D. PHILLIPS, Esq., Acting Resident Tanjore : to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 18th May 1857.

SIR,

1. Adverting to my communication of the marginal dates, I have the honor to report that with the exception of very few, the Peons of the Raj hitherto employed under the Fort Cotwal, have declined to perform their usual Police duties, and that the few in question merely await relief in a formal way, from certain unimportant charges previously imposed on them.

2. The Police operations of the Raja's exempted limits are thus placed in abeyance by the act of these men, who deliberately warned their immediate superior, the Raj Police Ameen, that from the morning of three days ago they should not return to duty.

3. There is no reason to expect any embarrassments from their absence. I had expected the strike, and had taken steps to bring in from the Talooks a number of regular Peons sufficient for any emergency, I had also arranged for placing at each of the three Gates of the Fort, a Guard of Sepoys from the Detachment now at Tanjore.

4. Indeed, so confident am I that no immediate harm is likely to arise from the secession of these men, that I should have doubted the necessity of making any special Report of the circumstance, had I not learned from the communication marginally noted, that the Government, although recognizing the desirableness of employing the new force proposed in my recent address, have called for an opinion by the Honorable Company's Solicitor, the submission of which may perhaps involve certain delay.

5. The reason alleged for the withdrawal of the Peons from duty, is their determination not to receive from the Government for their past services, either the pensions or the gratuities payable under the Orders which recently dissolved the Hoozoor Pamloke Establishment. Their impression seems to be strong and clear, that in July the Raj will be revived; that the present acceptance from the Government of any Stipendiary Allowance would nullify their right to future employment as hereditary Servants of the Raj, or if things come to the worst eventually, that having been pensioned, it is not worth their while to continue at work.

6. Adverting to the event which I have now reported, and to the unsettled state of affairs previously brought to the notice of Government, I trust that the question of whether the four Mahals were properly or improperly sealed by me, will not be disposed of on reference solely to the point whether the contents of those places are or are not affected by the Court's injunction. Assuming them to be touched by it, I submit that the Court whence it issued cannot have been sensible of the character of the place where the property lies which is embraced in its process. I also submit that the peculiar circumstances which induced me to seal the Mahals must not be weighed in the usual legal scale, and that my proceedings cannot be properly or correctly appreciated by simple reference to the ordinary rule of procedure in an English Court of Equity. I do not offer these observations under anxiety for consequences personal to myself, for if I were affected by any feeling of the kind, it would have been sufficient to meet the request of John Shaw by removing the Seals. I am conscious that the state of affairs here called for the measure, and I feel that it ought not to be condemned if, in the view of the legal functionary to whom it has been referred for an opinion, it should appear to be not strictly regular, as injunction processes are ordinarily treated.

7. That the Government may be more precisely informed of the actual condition of the four Mahals, I will add to the statements which I submitted on the 4th Instant. On the 19th December last, the Government were informed by the then Collector, Mr. Cherry, of the amount of Cash in hand on the date of his letter. This sum, I beg to state, is believed to be in a place of deposit called the Potay Mahal, but I have not felt myself at liberty to enter the room where it is declared to be, owing to the terms of the injunction; and I cannot therefore guarantee the accuracy of the sum there secured. Mr. Cherry's Report, does not appear to have been founded on actual examination. It is based on a written Report made by the Raja's Acting Sirkele, but unless

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

examined and counted by myself, I have no disposition to accept the amount as being there in hand, although I believe the Sirkele to be an honorable, upright man, and perfectly trustworthy.

8. On a late occasion I was applied to by the guardian of the young Princess, when on a visit of ceremony to the young Lady, to allow four new rings and a similar number of signets of gold to be prepared for the four Widows of the late Raja, who are not opposed to the Government, and I assented to the proposal under the impression that the Articles were to be made up from the savings of the sum monthly drawn by the Sirkele for the expences of the fifteen Widows. It seemed to me at the time, to be rather an odd request on such an occasion, but the circumstance passed from my mind.

9. Subsequently, I received information that a certain amount had been withdrawn for the above purpose from the money in the Potay Mahal and thus my attention was most pointedly attracted to the fact that *that* Depôt contained Funds beyond my superintendence and control. I directed it to be replaced, but it proved on enquiry to have been gold taken from the Raja Mahal and not coin from the Potay Mahal. That gold however was not used, but restored to whence it had been withdrawn.

10. The circumstance is mentioned merely to show that whatever ought to have been the extent of property brought under the operation of the injunction, much was treated as if no injunction had ever been received. Of the property so treated, that in the Potay Mahal is a part. A portion of it consisted of Funds debited to the Raja's Treasury and actually disbursed from it, but which, under the system of payment and account followed by the Raja's Servants, remained in hand as a deposit until claimed by, and paid to individuals possessing a right to receive it. The other portions are shown in Mr. Cherry's letter.

11. The allowances monthly received from the Government Treasury for the support of the Raja's family and relations, is paid on the Sirkele's indent, and passes through his hands to the different Departments of the Palace. Much occasionally remains undischursed. Payments have been made to him by parties indebted to the Raj. He has not considered himself debarred by the injunction from receiving them; for that process is not applicable to an Officer of the late Raj, whatever it may be to the Officers of the Madras Government. Therefore, as the contents of the Potay Mahal have stood until a few days ago, they were not touched by the injunction.

12. They have increased in various ways since the injunction arrived at Tanjore, and from a Memorandum furnished to me by the Sirkele yesterday, the sum on hand is now Rupees 3,91,500, inclusive of Rupees 9,123-12-5½, which, before affixing my seal, I directed should be retained outside the principal room for Current Expenditure. It will now remain for the Government to decide whether, under the circumstances represented, I have not rather aided than opposed the obvious, common sense object of the injunction, whatever the act may be susceptible of when legally construed.

13. I shall now proceed to notice the Rajamahal. In this Department, which comprises three principal rooms used as Depôts, there have been placed pieces of gold and silver in ingots, precious stones not set, and ornaments in various stages of completion. Any jewel that the Rajah desired to have made up would have been manufactured here by Workmen in his own pay, with tools belonging to the Raj, and repairs and alterations of ornaments would have been effected in the same way by similar hands. The Workmen here employed have ceased to be Servants of the late Raj since the 1st Instant, but until the 1st Instant, they had been at work for the inmates of the Palace, and for any purpose to which the Raja's Officials required their labor.

14. Now, whatever ought to have been done under the receipt of the Supreme Court's injunction, and whatever was the liability of the contents of the Rajamahal to the effect of that mandate, they were not, in fact, in the slightest degree brought under its operation. The Department has, since the arrival of the injunction, been exactly in the state in which it was before the issue of that process, and whatever control was exercised in regard to it heretofore, has been so exercised up to the moment when, a few days ago, I placed my own seal over the seal of an Officer under my own orders and control, and which he could remove and replace whenever he chose.

15. I am not disposed to doubt the applicability of the injunction to the contents of this Depôt: on the contrary, my proceedings have strictly held in view the necessity of checking inter-

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

ference with them by any one, whether belonging to my Establishment or in no wise connected with it, and as this was my aim, I submit that the Supreme Court will acknowledge the propriety of my proceedings, whatever, as a rule of practice in Equity, may be John Shaw's opinion of it.

16. The richest and most valuable cloths and dresses of this, the Wardrobe Department, were placed aside and sealed up by the late Commissioner, Mr. Forbes, and were then deposited in a room called the Yasavinda Mahal. They were there before the arrival of the injunction, and there they now remain under that Officer's seal, previously applied. But numerous bundles of clothes of a less costly description were not so disposed of. These, it is believed, are worth about 10,000 Rupees, and they have been completely in the hands of the servants of this Department, under the general control of the Sirkele, until the day when I affixed my Seal over that of the Zamdar Khanah seal. Doubtless the injunction may have been intended to touch these as well as the more valuable garments of the Rajah, but in effect it was not so, and they have remained as free and as accessible to the Subordinates of the Raj Establishments now dissolved, as before the injunction reached Tanjore. Unless the perpetuation of an error be a merit, or a necessity, I believe the parties interested will acknowledge that my stepping in to seal this Department also, was an act of propriety, and that trust it will in the proper quarter be so recognized.

17. This is the fourth of the places mentioned in Mr. John Shaw's communication, the contents are peculiarly such as were likely to be pilfered, if opportunity offered, by the Miscellaneous unemployed Servants in the Palace. It contains numerous Brass, Copper, Iron and Wooden Vessels, old Tongs, Screws, Chisels in various stages of decay, Chairs in a similar condition, Tables in various and various Stands. My seal was here placed with the same view as that by which I was guided in the other three instances. For the contents of this Department also had not been registered, and coming under the operations of the injunction.

18. I would submit in conclusion that much weight should be attached to the fact that a large number of persons thrown out of employ created a state of affairs here, which immediately called for the adoption of the measure I took, and that I should have deemed myself bound by moral and moral duty to have acted about its adoption.

Signed J. D. PHILLIPS

(In attestation)

No. 16

ORDER THAMES. No. 100, dated 10th May 1857.

Government resolve to refer this letter to the Honorable Company's Solicitor for his opinion, and request that it may be considered with Mr. Phillips' opinion, and that the May be forwarded with Extract Minute Consultation, dated 2nd June.

Signed J. D. PHILLIPS

(In attestation)

The Honble Comptrolr solicitor for
 opinion and request that it may be
 considered with a Mr Phillips's paper of 4th day inst for a certificate
 dated 8th idem.

This being
 29 May 1857

Copy to the Resident
 of Tanjong
 .. to the Honble Comptrolr
 Solicitor with copy
 of letter

Sept 24

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