M.H.O. 1—39,600—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No. 454 Press ~~Mis.~~

Dated 13. 6. ~~19~~ 1857

Not to be folded or roughly handled

No. 24. Read the following letter from the Honorable Company's Solicitor; to the Acting Chief Secretary to Government, dated 10th June 1857, No. 321.

SIR,

Min. Con. dated 8th May 1857, No. 363, Political Department.
Min. Con. dated 29th May 1857, No. 416, Political Department.

With reference to the Extracts from Minutes of Consultation noted in the margin I have the honor to advise that *no* notice be taken of Mr. John Shaw's letter to the Collector of Tanjore under date the 30th of April last.

I am of opinion that the East India Company are morally responsible (and I incline to think that they are legally responsible also,) for the safe Custody of all moveable property which belonged to the late Rajah of Tanjore of which they (by their Officers and Servants) had taken possession *prior* to intimation of the Injunction granted by the Supreme Court in the Suit instituted by Khamatchee Boyee against the Honorable Company reaching the then Commissioner of Tanjore; and that any measures which might fairly and reasonable be deemed *necessary* for ensuring the safety of such property pending litigation, would not amount to a breach of the Supreme Court's Injunction.

I assume that the *whole* of the property contained in the Potay Mahal, the Raj Mahal, the Zamdar Khana and the Zeral Khana was *virtually* taken possession of by the Honorable Company through their Officers and Servants *prior* to the late Commissioner of Tanjore being aware of the grant of the Injunction and that when intimation thereof reached him the Honorable Company (by their Officers and Servants) *virtually* had the Custody of such property. If this were the case I think that the Judges of the Supreme Court upon having *all* the facts fully and fairly before them would arrive at the conclusion that, in the course, which Mr. Phillips has pursued (as explained in his Reports to Government under date the 4th and 18th Ultimo) he has *not* committed any breach of their Injunction, but on the contrary has done his duty, *fairly and well*, under very peculiar and difficult circumstances.

I think it would have been better if Mr. Phillips had *not* sealed up *those* Cloths and Dresses, in the Zamdar Khana, which the late Commissioner had left available for use by the Members of the late Rajah's family; but, assuming the facts to be as above supposed, I think it can be successfully maintained (in case of need) that this act on the part of Mr. Phillips did not amount to a breach of the Injunction.

I consider it desireable that the Sirkele should refrain from realising any debts or other property due or belonging to the Estate of the late Rajah; for I am of opinion that he has no authority whatever for so doing and cannot give a valid discharge for any such debts or property. I fear that, under existing circumstances, the present position of the Sirkele and the authority which he is permitted to exercise at Tanjore, may lead (and as it seems to me very naturally) to the impression that he is a recognized Agent or Servant of the Honorable Company and that it might become a question whether as such an Agent he did not come within the operation of the Injunction. It is beyond doubt that he holds his present position with the knowledge and sanction of the Honorable Company. I also think it very undesireable that he should be permitted as Serkele to exercise any authority in Tanjore, for the reasons mentioned in my letter to Government of the 9th Instant, No. 313.

The above are the only remarks which, under present circumstances, I deem it necessary to offer on Mr. Phillips' communications to Government above noted.

(Signed) J. R. BOYSON,
Honorable Company's Solicitor.

No. 25. ORDER THEREON, No 454; dated 13th June 1857.

Ordered that a copy of the foregoing letter be furnished to the Commissioner of Tanjore fo his information and guidance with reference to his communications of the 4th and 18th Ultimo.

Exd. J. A. Wilson.

No. 454

Ordered that a copy of the foregoing letter be furnished to the Commissioner of Tanjore for his information and guidance with reference to his Communications of the 4th and 18th Instant.

Fort St George,
13 June 1857

To the Acting Resident Tanjore
To the Advocate

Dispd 16th