

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT

G.O. No.	183	Press
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Dated	2 3	11/838

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 2nd March 1858.

No. 37. From EDWARD BALFOUR, Esq., Government Agent at Chepauk and Paymaster of Carnatic Stipends; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 1st March 1858, No. 513 of G. A.

SIR,

I have the honor to forward for any orders which Government may desire to issue, the corres-

* *Letter dated 20th February 1858, from Messrs. G & J. Richardson.* pondence, as per margin.*

Letter " 26th " " to " " "

Letter " 27th " " from " " "

From Messrs. G. G. K. RICHARDSON and J. S. S. RICHARDSON; to E. G. BALFOUR, Esq., Government Agent at Chepauk, dated 20th February 1858.

SIR,

We beg to bring to your notice the following facts connected with a right asserted by Her Highness Kyre Oon Nissa Begum, the Shada widow of the late Nabob of the Carnatic, to the Premises known as "Pater's garden," purchased by us at the late sale in the Master's Office on the 14th of January last, under the Decree of the Supreme Court in the cause of ourselves *versus* Gholam Mahomed.

This person borrowed large sums from our Firm from time to time on the Mortgage of the Premises in question together with others, Title Deeds of which were deposited with us as security for our advances and interest thereon.

The monies borrowed not having been repaid we filed a Suit against the said Gholam Mahomed on account of what was due in the said transaction and for the foreclosure of the said Mortgage.

A Decree was pronounced in our favor on the 24th day of March 1857, whereby the Mortgages were established, and it was referred to the Master to take an account of what was due to us on the said transactions and the said Gholam Mahomed was desired to pay the same or in default thereof the said Premises were Decreed to be sold by the Master.

The Master made his report whereby he found the sum of Rs. 5,55,813-12-2 was due to us on the said transactions, and the said Gholam Mahomed not having paid the same, the Property was sold as above stated by the Master, when we, having leave from the Court to bid, became the purchasers of the said "Pater's gardens," for the sum of Seventy thousand Rupees.

At this time the Dewan of His late Highness the Nabob of the Carnatic was in possession of the Premises as we understand by orders of Government given shortly after the Nabob's death; not that the Government intended to assert thereby any Right or Title to the said Premises; but solely with a view to their safe Custody.

On Sunday last, Goolam Mahomed, the Dewan's Son, informed us that the Effects of the late Nabob then in "Pater's gardens," were about to be removed elsewhere, and requested us to take possession of the Premises.

Accordingly on Monday, we took possession of the Premises by placing our Peons in charge of the same.

About half past six on Tuesday evening, a mob of Mussulmen, many armed with sticks entered upon the Premises and forcibly expelled our Peons. The mob was led by one Abdool Guffoor, the Khansama of Her Highness Kyre Oon Nissa Begum, who informed our Peons that he had the orders of his Mistress, the Begum, to turn them out of the Premises.

Her Highness is, as you are aware, one of the persons protected by Act 18 of 1857, and we submit that it is not to be tolerated that a person in her position, whom the law cannot reach for her illegal conduct, should take the Law into her own hands and forcibly expell our Peons instead of establishing her Title, if any, by peaceable and legal means.

There is not a shadow of pretence for asserting that Kyre Oon Nissa Begum has any Title to these Premises either in Law or Equity; and we put it to you to call upon her to state and prove how she claims and seeks to establish her claims; and if you shall be satisfied that she is wholly without any justification of her late Act, then that you will aid us in obtaining relief against her oppressive conduct by representing the matter to Government and obtaining an order, either by the removal of her name from the list of protected persons, or by such other means as the Government may deem fitting which may defeat this pretended claim, and place Justice within our reach.

We shall esteem it a favor if you will give this matter your very earliest attention, as the long delay which we have experienced in bringing our claims to a settlement has been and is attended with considerable inconvenience to our business.

Fort Saint George, Political Consultation, 2nd March 1858.

From E. G. BALFOUR, Esq., Government Agent at Chepauk; to Messrs. G. G. K. RICHARDSON, and J. S. S. RICHARDSON, dated 26th February 1858, No. 494 of G. A.

GENTLEMEN,

I had the honor of forwarding to Her Highness Nabob Khyre Oon Nissa Begum your joint communication of the 20th Instant, but since then I have had confirmed to me the fact of Her Highness having on the 13th Ultimo, filed in Her Majesty's Supreme Court of Judicature, a Bill of complaint against you both, which is still pending.

2. Her Highness having thus of her own accord brought herself in this case, under the Jurisdiction of British Courts, it is not usual and it would be needless in my now interfering in the matter of dispute.

From Messrs. G. G. K. RICHARDSON and J. S. S. RICHARDSON; to E. G. BALFOUR Esq., Government Agent, dated 27th February 1858.

SIR,

We have the honor to acknowledge the receipt of your letter, No. 494, under date 26th February 1858, and we are induced to address you again in the hope, that you may still be disposed to assist us, when the misconception, under which you appear to us to be labouring, is cleared up.

It is very true that Her Highness Khyre Oon Nissa Begum has instituted a Suit against us claiming the premises in question, and by such Act has made herself amenable to the Jurisdiction of the Supreme Court for all the purposes of that Suit, but for nothing else.

If she should succeed in that Suit, she will have the property in question, decreed to her by the process of the Law.

But the Act of which we complain, is Her Highness having taken the Law into her own hands, and taken forcible possession of the house and Premises in question, by the expulsion of our servants by a mob armed with sticks.

For this Act we are without redress. The Police Authorities decline to interfere, so that a forcible entry can be effected within Madras with impunity so far as any Criminal proceedings are concerned; while the protection which the Law throws around Her Highness precludes our having any Civil redress against her.

The question which we wished, and still anxiously wish you to submit to the Government, is this: whether the Government, having regard to all the circumstances of the case laid before you in our former letter, will permit a party, situated as Her Highness is, to take the Law into her own hands: especially when she has already instituted a Suit for the Establishment of her rights claimed by Law.

The privileges enjoyed by the family of the late Nabob are very extensive, and probably necessary for their dignity and comfort: but we submit that it is a question for the Government to decide, whether persons who choose to violate the Law, and break the peace, shall have such privileges continued to them.

What we submit is, either that we should be replaced in the condition in which we were with reference to the possession of "Pater's Gardens," before our illegal ouster by Her Highness, she being left to establish any right she may have by the Suit which she has already instituted; or that the Government will, by visiting this Act of hers with their marked displeasure, afford us the opportunity of pursuing Her Highness at Law, by granting us permission to Sue her, and withdrawing the protection which she enjoys for this specific Act.

No. 38. ORDER THEREON, No. 153; dated 2nd March 1858.

Ordered that the above letter and the correspondence which accompanied it, be forwarded to the Honorable Company's Solicitor for reference to the Advocate General.

(Signed) T. PYCROFT,

Chief Secretary.

Exd. J. A. Wilson.

No 153.

At
J. A. Wilson

Ordered that the above letter & the
correspondence which accompanied
it be forwarded to the Hon
Solicitor for reference to the Advocate
General.

Resolution - Dispt 2^d

for Agent with copy Encl. Dispt 5th

For copy.

2^d March 1858.