

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	4661	Press ~~Min.~~
Dated	12.7.	1838

Not to be folded or roughly handled

5/2/30

No. 24. From H. D. PHILLIPS, Esq., Commissioner of Tanjore ; to T. PYCROFT, Esq.,
Chief Secretary to Government, Fort Saint George, dated 28th June 1858, No. 304.

SIR,

1. I have had the honor to receive an Extract Minutes of Consultation, of date 15th April last, No. 258, which communicated to me the opinion of the Advocate General in regard to the proposed disposal of the Arms and Ordnance Stores of the late Raja of Tanjore.

2. I would respectfully deprecate the belief that my revival of this subject proceeds from any pertinacious adherence to the views which, in the course of my duty, I have felt bound to submit for consideration by Government and I should certainly have abstained from now again addressing you, if the tenor of the Minutes of Consultation under remark justified the impression that the Government themselves were convinced of the propriety of Mr. T. Sydney Smyth's opinion on those points of the matter which are not professional.

3. In my former communications I have adverted to the facility with which the abstraction of the Raja's Weapons could be effected by determined and evil disposed persons. Their distribution after abstraction, could be managed with no greater difficulty and the peculiar character of the locality where they are deposited effectually bars a more secure and judicious arrangement than the one now adopted, unless, indeed, setting at nought the Injunction of Her Majesty's Supreme Court, I permitted myself to bring together in one place of security the Jewels, Ornaments, Regalia, Arms and other valuables which are at present distributed in several halls of the Tanjore Palace.

4. Recent Gang Robberies of a daring and most determined character, two of which were perpetrated in the very dwelling houses of two of my Thasildars, whilst one was committed within the Tanjore Fort walls which were scaled for the purpose, appear to me, to form a new and I trust the Government will regard it as a sufficient ground for again pressing for the adoption of measures for breaking up the rusty and, viewed by an official standard, useless offensive Weapons of the Raj now extinct. I need not at present enlarge on the reasons by which in my earlier communications I have endeavoured to establish the Policy and expediency, if even there be at present wanting a Political necessity for the step.

5. In regard to its strict legality there would seem to be no obstacle, for the Advocate General, I observe, states that "if the Arms had been broken up, the step might be sustained and shown not to be a breach of the Injunction."

6. In a subsequent remark, Mr. Smyth it is true, has offered the opinion that no plea of necessity with a view to the preservation of the public peace could possibly be pleaded for taking such a step and therefore he deems it undesirable and highly inexpedient to alter existing arrangements.

7. However much I may respect the professional opinion of the Government Law Officer, I am unable to reconcile the latter with the former intimation. It seems to me to be sufficiently obvious that as to the necessity and policy of breaking up a mass of offensive Weapons, large enough to arm the doubtful classes of the Southern Division, the Government itself, as the ruling power, would form their own opinion, for the grounds of which they could not, I apprehend, be called to account even by that Court which has assumed jurisdiction over an area excepted from the operation of the ordinary Madras Regulations.

8. Supposing me to be right in this respect and assuming that orders to break up the Arms had been duly issued by Government and acted on by me, nothing remains to be done but to require the Advocate General to sustain the Act and show that there has not been an invasion of the Injunction.

9. The Advocate General, after expressing his views as to the inexpediency of the measure, would seem still to suspect that his professional limits have been somewhat exceeded and to feel that he is not certain of their adoption by the Government in a matter not pertaining to his Office, for he points out how, when the destruction of the Arms is about to be enforced "the other side" are to be apprized that there is no intention of infringing the Injunction.

Fort Saint George, Political Consultation, 13th July 1858.

10. Finally the Advocate General qualifies the opinion he originally gave by intimating that the execution of the proposed measure might give rise to troublesome proceedings and concludes by again recording his professional view of a question which I venture with all deference to state, will not be properly or judiciously treated if it be judged professionally.

11. As to the absence of the plea of necessity, to which Mr. Sinyth adverts, for the preservation of the public peace, the local authorities, it seems to me, should be allowed the exercise of a discretion as to what will best consist with the continuance of a tranquil state of affairs; and as in the confidence with which I appear to have been honored by the Government, they have done me the favor to bring under consideration my proposition to place these Arms out of harm's way, I trust I may now venture the suggestion that it is desirable to carry it into execution since the formal opinion of the Government Law Officer has shown that it may be sustained.

12. But in respect of the Arms themselves: I would point to the benefit which their destruction will secure for the members of the family who may eventually be held to have an interest in the property of the late Raja. Their present value is very small, but insignificant as it is, it will be fairly and truly established under the rules of the Ordnance Department, and thus the legal representatives will have a certain sum to receive when the litigation shall have closed by a decree from the Judicial Committee of the Privy Council. If the Arms remain as they now are untouched and uncleaned, they are daily and hourly suffering from rapidly increasing deterioration. They are useless for future purposes of state for the Raj is extinct. None of the family would be willing to come forward and assert a right to their retention in his own charge as his own share of the late Prince's property, for the terms of the Arms Act are well understood in this Province and so far as my observation enables me to judge, persons now in possession of Arms would rather resign than keep them. Will the future Pensioners of the Tanjore Palace be actuated by different feelings? I think not; but if they are, it will be the clear and obvious duty of the authorities here to nullify the wish by seeking permission from Government than to enforce the Arms Act and formally to remove what may have fallen into their hands under the terms of the appeal judgment.

13. It is not likely the family of the Raja when this judgment shall have been given, will find a better market for what can be valued even now only as old iron; for the Natives of the District would be deterred from buying them under the view of the Arms Act which I have above stated.

14. Holding then in view the fact that the family of the Raja cannot but benefit by the breaking up these Arms and the removal of such Military Stores as may be brought into use at the Government Arsenals: adverting also to the security undoubtedly attained by rendering utterly useless what in the present position of Tanjore affairs the family have no ground for retaining unless at the risk of possible embarrassment to themselves and the authorities. I beg with respect earnestly to press on the consideration of Government, the propriety of sanctioning their destruction in the manner formerly proposed.

No. 25.

ORDER THEREON, No. 111: dated 12th July 1858.

The Commissioner of Tanjore addresses the Government in reference to the opinion of the Advocate General, communicated to him in Extract Minutes of Consultation, 15th April last, regarding the proposed disposal of the Arms and Ordnance Stores of the late Raja of Tanjore.

2. Mr. Phillips represents that "in his former communications he had adverted to the facility with which the abstraction of the Raja's Weapons could be effected by determined and evil disposed persons. Their distribution after abstraction could be managed with no greater difficulty, and the peculiar character of the locality where they are deposited effectually bars a more secure and judicious arrangement than the one now adopted, unless, indeed, setting at nought the Injunction of Her Majesty's Supreme Court, he permitted himself to bring together in one place of security, the Jewels, Ornaments, Regalia, Arms and other valuables, which are at present distributed in several halls of the Tanjore Palace."

Fort Saint George, Political Consultation, 13th July 1858.

3. Recent gang robberies, he continues, of a daring and most determined character, two of which were perpetrated in the very dwelling houses of two of his Thasildars, whilst one was committed within the Tanjore Fort Walls which were scaled for the purpose, appear to him, to form a new and, he trusts, the Government will regard it as a sufficient ground for again pressing for the adoption of measures for breaking up the rusty, and, viewed by an official standard, useless offensive Weapons of the Raj now extinct.

4. The gist of the Commissioner's letter is to set forth the necessity for breaking up these Arms, arising from the present state of the District, and the danger that the seizure and distribution of these Weapons which, as he subsequently says, are enough to arm the doubtful classes of the Southern Division, would involve the peace of the country. He is of opinion that the circumstances of the Tanjore District are such as to warrant the measure and afford sufficient justification in the event of the proceeding being challenged in the Supreme Court.

5. Such being the case, it appears to the Government that the remedy proposed by the Commissioner or that of breaking up the old Muskets, Swords, &c., would be insufficient. It is not proposed to destroy the more valuable Arms, but these, and there is a considerable number of them, would be more serviceable and more likely to be sought after than the old ones. Neither is it proposed to remove the Jewels and other valuables which, supposing any attempt to plunder the Palace at Tanjore to be by any means probable, would be most likely to excite cupidity.

6. It seems to Government that the only way of effectually guarding against this danger, would be that indicated by Mr. Phillips, *viz.*, that of bringing together in one place of security the Jewels, Ornaments, Regalia, Arms and other valuables, which are at present distributed in several halls of the Tanjore Palace, the step being however taken not in despite of the Injunction of Her Majesty's Supreme Court, but with its assent on good grounds shown.

7. The Government therefore resolve to consult their Advocate General whether on the ground of present insecurity all the Weapons, new or old, Jewels and other valuable moveables now under the Government Seal in various apartments of the Tanjore Palace might not be brought together in one place where they could be safely guarded. The proceeding is one so palpably for the benefit of all persons interested in the property, that the Government can hardly suppose that any objection would be made by the Supreme Court to an application to that effect. Kamatchee Boye and her Agent could hardly pretend to entertain any apprehension that the property would not be duly and fully transferred to the place selected for it, and the Government would be prepared to allow them all reasonable means of satisfying themselves that the measure had been carried out fairly and in good faith.

8. Meanwhile however, as the public safety must be paramount, the Commissioner is authorized, as Magistrate, to remove all the Arms, new and old, to a place of security, or to destroy the old Arms and secure the more valuable ones, if such circumstances should occur, before further orders can reach him, as would in his judgment render such measures indispensably necessary for preserving the peace of the Country.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

-Munition

Political Department.

a. p. 441

Extract from the Minutes of Consultation

(Dated 12th July 1858.)

Read the following
letter from the Commissioners
of Tanjore:-

(Recd. Letter 28th June 1858 No. 304)

The Commissioners
of Tanjore address the
Government in reference to
the opinions of the Director
General, communicated to
him in G. O. Min. Cons. 15th
April last, regarding the
proposed disposal of the
Arms and Ordnance Stores
of the late Rajah of Tanjore.

2. Mr. Phillips repre-
sents that "in his former
communications he had
adverted to the facility with
which the abstraction of
the Rajah's purapans could
be effected by determined
and well-disposed persons.
Their distribution after ab-

-straction

- Structures could be managed with no greater difficulty, and the peculiar character of the locality, where they are deposited, especially being more secure and judicious in arrangement than the one more adapted, unless indeed, setting at naught the opinion of Her Majesty's Supreme Court, he permitted himself to bring together in one place of security, the jewels, ornaments, regalia, arms and other valuables which were at present distributed in several Halls of the Tanjore Palaces.

3. Recent gang robberies, the continuance of a daring and most determined character, two of which were perpetrated in the very dwelling houses of two of his Highnesses, whilst one was committed within the Tanjore Fort walls which were sealed for the purpose, appear to him, to form a new and he trusts the Government will regard it as a sufficient ground

ground for again pressing for the adoption of measures for breaking up the gang, and, revised by an official standard, useful offensive weapons of the Raj now extinct.

4. The gist of the Commissioner's letter is to set forth the necessity for breaking up these gangs, arising from the present state of the District, and the danger that the seizures and distribution of these weapons which, as he subsequently says, are enough to arm the doubtful classes of the Southern Division, would involve to the peace of the Country. He is of opinion that the circumstances of the Tanjore District are such as to warrant the measure and a sufficient ground for justification in the event of the proceeding being challenged in the Supreme Court.

5. Such being the case, it appears to the Government that

that the newly proposed
by the Commissioner or that
of breaking up the old ones.
Nets, Swords &c. would be
insufficient. It is not pro-
posed to destroy the more
valuable things, but these,
and there is a considerable
number of them, would
be more serviceable and
more likely to be sought
after than the old ones.

Whether it proposed to remove
the Jewels and other valuables
which, supposing any at-
tempt to plunder the palace
at Tanjore to be by any
means probable, would be
most likely to excite cupidity.
It seems to Government
that the only way of effec-
tually guarding against
this danger, would be
that indicated by Mr Phil-
lips, viz, that of bringing
together in one place of security
the jewels, ornaments, regalia,
arms and other valuables
which are at present distri-
buted in several Halls of the
Tanjore Palace. The step however
being

however
being taken not in despite
of the objection of the
Supreme Court, but with
its assent on good grounds
shown.

The Government therefore
wishes to consult their Advo-
cate General whether on the
ground of present insecurity
all the weapons now or
old jewels and other valu-
able moveables now under
the Government Seal in
various apartments of the
Tanjore Palace might be
brought together in one place
where they could be safely
guarded. The proceeding is
one so palpably for the bene-
fit of all persons interested
in the property, that the
Government can hardly
suppose that any objection
would be made by the
Supreme Court to an applica-
tion to the effect. Ramat-
jee Bap, and her Agent
could hardly pretend to
entertain any apprehension
that the property would not
be

Medical & the body of 15th Edition
1858

1852 (20)
Medical, from the 15th
the 15th Edition of 1858

1854 (one 15th Edition)
Medical, 1858 23rd Edition

1854

Medical, 1858 23rd Edition

1854 23rd Edition

1854 23rd Edition