

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	698	Press Mis.
Dated	23. 10. 1938	

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18

Fort Saint George, Political Consultation, 29th October 1858.

No. 17. From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 18th October 1858, No. 326.

SIR,

I have had the honor to receive the communication marginally noted, in which I am informed that, under the circumstances, the Government consider that application should not be made to the Supreme Court, unless the removal of the property in litigation in Kamachee Boyee Sahib's Suit, be absolutely necessary for its security, in which case I am again to address the Government, stating fully the reasons which have led me to that conclusion.

Extract Minutes of Consultation, 22nd September 1858, No. 629.

2. The absolute necessity contemplated by the Government appears to me to exist: I beg therefore to comply with the requisition communicated to me, by detailing two occurrences on which, in addition to the reasons already assigned, I found my opinion.

3. In a large oblong building called the "Sungeeta Mahal," there still remains a large quantity of very valuable European and Native Weapons of kinds, including many Fowling Pieces by some of the best makers in England and a stock of the richly mounted Swords and Daggers used by Hindoo Noblemen of rank. There are also numerous Daggers and Swords of less value and several hundred Weapons of a more ordinary, but still costly, description. Outside this building in a Vaulted Muntapum attached to it, is the immense stock of Musketry brought out of the main Hall of the Mahal, of which it has been my anxious object to induce the Government to sanction the destruction.

4. On a late occasion when a party of the former dependents of the Raj who are not opposed to the Government, were going to take up the position they have invariably occupied by night since the Raja's demise, for the protection of the property in the Mahal, they discovered that a door with iron bars had been forced open and that some one was at that time actually inside the Hall. The intruder's brass lotah had been placed outside it, when seized he pleaded that he had come there for no evil purpose, that finding the door ajar he had entered. He was a Sepoy of the 34th Regiment Native Infantry of which a Havildar's guard is stationed at the principal entrance of this Mahal, but on the opposite side. Curiosity may have led him there and it may have been true, as asserted, that his purpose was not dishonest. But, that a door of this class should have been rendered insecure when previously, from my own observation, it had been well fastened, indicated on the part of persons not known, artful and fraudulent intentions which, owing to the shape and size of the Hall, the Sepoy sentry could not have thwarted.

5. I now proceed to the second occurrence. The fifteen Junior widows of the late Rajah were left by His Highness in possession of Jewels estimated to be worth 1½ lac of Rupees. Being articles to which the Ladies had a joint right, they were deposited for security in a part of the straggling buildings forming the Palace in an upper Room to which access may be had by a Corridor through a yard, as well as through a dark private sort of lane, under the upper Story of another wing of the building. Certain of the domestics of the Ladies' Establishment appear to have been constituted the custodians of the Jewels, the principal being Babay Row Appa, who was also the Manager or confidential domestic Steward of the Ladies' Department. Numerous formalities were at all times observed when even a part of these Jewels were required for use and they were always, as a rule, restored to the depository in a similar manner. A cloth formed the cover of the door Padlock of which Babay Row Appa kept the key, and over the cloth was

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a strip of paper with the signature or mark of one or the other of the Ladies fastened on with wax and sealed.

6. Since the demise of the Rajah these Jewels had not been brought into use by any of the widows, neither had they been subjected to the operation of the Supreme Court's Injunction.

7. The Government are aware that eleven of the fifteen widows have sided with Kamachee Boyce Sahib, although not ostensibly parties to that Lady's Suit, and that four are content to abide by any arrangements which Government may hereafter make for their comfort and maintenance.

8. Such being the state of affairs, I lately received complaints from two of the eleven Ladies, and from the Sirkele on behalf of the other four, that the whole of this valuable property had been secretly and unlawfully removed by night, to the apartment of the nine remaining widows, and my aid was earnestly solicited to secure its surrender so as to prevent its being made available for improper purposes in which the complainants had no interest.

9. At the period when these complaints reached me, I had reason to believe that much exertion was being made in the Tanjore Fort and elsewhere, to realize a large sum of money for transmission, as was understood, to the Agent of Kamachee Boyce at Madras. The Ladies not concerned in the abstraction of the Jewels were, then, naturally enough alarmed, that their shares of the property might be made use of, sold or mortgaged for that end, and the more so that difficulties had been experienced in raising the required amount.

10. Babay Row Appa and his subordinate custodians of the property were soon discovered to have been the men who opened the door of the Jewel Room and carried away its contents. Babay Row Appa after being arrested, attempted to justify his act, by alleging the instructions of the Ladies, his Mistresses, but as he had not obtained those instructions from more than nine of the fifteen widows to whom the Jewels belong, he was made over to the Criminal Court of the Raj for trial in the usual course. Nothing, however, has as yet resulted from this step, as his three Assistants in the theft and trespass sought refuge in the part of the Palace occupied by the Avoo Sahiba (mother of the late Raja) who has not yet taken any notice of a letter I addressed to her demanding their ejection and surrender to justice. Babay Row Appa therefore still remains under restraint, and, I apprehend, that it will eventually become necessary to commit him for trial before the Criminal Court at Combaconum under the approaching operation of Act XXXII of 1858.

11. Recently, two of the three accessories to the theft were detected whilst endeavouring to elude the guard at the Palace gate and pass out, but were apprehended. They also were committed for trial, but one died a few days after his arrest from the effects of diseases brought on apparently by close confinement wherever he may have been secreted in the recesses of the Palace, and the other is so seriously ill from the same cause, I infer, that I have permitted him to proceed in custody to his own house for Medical attendance.

12. The nine Boyce Sahibs have addressed me stating that what Babay Row Appa had done, they accepted as their own Act, and protested strongly against his being in any way held personally answerable for his proceeding. The other two of the eleven, on the contrary, have urgently demanded justice and the Sirkele, as the immediate representative of the remaining four, has formally charged Babay Row Appa and others with theft. I should add that the third of Babay Row's associates in the commission of this offence is supposed still to be sheltered by the Avoo Sahiba.

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13. I have reason to hope that the preventive and precautionary measures taken soon after the abstraction of the jewels became known, has operated to prevent their removal from the precincts of the Palace.

14. It is also true that in a personal interview which I have had with the nine Boyce Sahibs, they indirectly acknowledged that the property was with them and steadily avoided accepting my advice that they would best consult their own interests by restoring it. I even hinted that on becoming aware of what had occurred, the Government might perhaps deem it necessary to assign to them separate and distinct places of residence, but it availed not. Their final answer was, that as the matter had reached the Court, the Court should decide it. I have no means of ascertaining whether this valuable property is really in their hands, or whether they may not have yielded to the influence exercised by the Avoo Sahiba who joined the party of nine Ladies during my visit to them.

15. If the Avoo Sahiba obtains possession of the jewels, she will, beyond all doubt, devote their proceeds to the object on which she has already expended so much of her own Funds and property and that of others; and it will be possible hereafter to reimburse to the six Ladies who have sought my aid, the value of their portions, only by stoppages from the allowances which may be assigned to the other nine widows. In order to secure this end and at the same time, if possible, dispose the nine Boyce Sahibs to restore the jewels, I have withheld their Palace allowances for the last three months, but as yet they have themselves made no sign.

16. Mr. J. B. Norton, styling himself their Agent, has certainly addressed to me, in terms offensively flippant, a long letter dated Madras, which from the writing, however, was, I see, copied here, threatening to bring against me an Action "*in formâ pauperis*" for the Allowances in question, but I have not noticed it and still retain what, through Mr. Norton, the Ladies have demanded should be paid to them.

17. A sufficient refutation of the Agent's assertion that his Clients are poor and needy is afforded by pointing to the unlawful retention by his Clients, if Clients they be, of 6-15th of property not belonging to them, valued at one and a half lac of Rupees.

18. I have unwillingly troubled the Government with a recital of these circumstances, solely in order to supply facts on a consideration of which they may form their own opinion of the degree of security attending the present deposit of property of the same kind, but of far higher value, in which the Government themselves have a clear, eventual interest.

19. The jewels of the Raj and the late Raja and the other valuable property placed under Seal when the Injunction of Her Majesty's Court was received, are so placed in two Halls, in different portions of the Palace. Their entrance doors are guarded by Sepoys of the Line, two Sentries being at one Hall and one Sentry at the other. But the line of way to these doors is through numerous long, very narrow and dark passages and turnings. If any one of these be once closed, or blocked up by men or material, so that by sacrificing the Sentries evil disposed persons might break the Padlocks and open the Hall doors, nothing could prevent the success of the most complete robbery. The Main Guard of a Havildar and 12 Sepoys is far away from the Sentries who could be sacrificed, one after the other, with the greatest ease.

20. I am not disposed to state that I think the Avoo Sahiba or other Widows would attempt or organize such a deed; neither have I reason to suppose that it would be planned by any of the numerous needy Mahrattas who have followed the fortunes of those of the 15 widows who were brought from the Concan and South Mahratta Country and married to the late Raja, but I do submit that, if attempted, the success of the attempt is certain. From what has occurred, it is clear that the females lack not the requisite determination of character and it would, I think, be almost hopeless to expect the recovery of the property when once it had reached the private recesses of the females' apartments in the Palace.

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21. Premising that up to the present time I have not been able to ascertain that what is supposed to be under my charge, is or is not in the assumed depositories, I beg to state that in other respects, too, I deem the present position of this valuable property to be extremely unsafe. The upper apartments of the Palace have been so distributed and the effect of the Court's Injunction has been such, that much required repairs cannot be executed. Neither can I reach the upper portions of the Halls, although I am informed that the roofs want renovation. In fact, I am so shut out by the peculiar condition of the occupancy of the upper parts of the Palace, the keys of some of the doors being in the hands of the Ladies who will not give them up, whilst from the tenor of the Injunction I feel precluded from breaking into them, that I do not know whether at the present time there may not be openings in the roofs available for the abstraction of the property, and I cannot say that the property is in the Halls.

22. Should the judgment of the Privy Council be ultimately unfavorable to Kamachee Boyee, assuming the roofs still to be safe, there is nothing to prevent her dependents from working away through the roof to the jewels, to rob what may not have been awarded to her. The contingency, I admit, is remote, but it is possible, and after what has recently occurred, I beg earnestly to recommend that the property be brought from the Halls where it now is, and placed in the Sungeeta Mahal.

23. In explanation of this selection, I may mention that referring to the late correspondence I had full reason to believe I should receive an order from Government to remove the property to a safe place of deposit. I therefore repaired the basement of this Mahal which much required it. I bricked up the doors and windows of the basement and by the removal of an old arched gateway that was dangerous, disconnected the building from all other parts of the Palace. The vaulted Muntapum before adverted to has been likewise so altered by me as to its walls, that the view along the side of the Mahal in which the entrance door is, will not be obstructed, whilst the corresponding side is bounded by a large open garden of which to the North and West the Fort wall forms the limit. The shorter sides of the oblong Mahal are also clear with an open space beyond each, so that two Sentries will effectually command the four sides of the building the Havildar's Guard being close at hand by the door in the Muntapum, into a recess of which the batch of ordinary arms, which ought to be broken up, will be stored in a heap.

24. The only approach to the Mahal from the Palace, is by a narrow lane with high walls on each side, at the end of which is the Muntapum. This position could therefore be defended by two or three armed men against hundreds, whilst the open ground around the Mahal would further tend to its security.

25. The whole of the property affected by the Suit of Kamachee Boyce should, I submit, be transferred to this single depository. It could not be placed in a safer position and the Government will, I apprehend, be satisfied from what I have now represented that at present it is by no means in a position of security.

No. 18. ORDER THEREON, No. 698; dated 23rd October 1858.

Ordered that the foregoing letter be forwarded to the Government Solicitor, with reference to his communication of the 13th Ultimo, No. 498, and that he be requested to take the opinion of the Advocate General whether a case has been made for an Application to the Supreme Court to allow the Resident at Tanjore to remove the property to a place of greater security.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

Exd. J. A. Wilson.

Political Dept. 36

No. 416

The Commissioner of Slave Trade

22nd Feb. 1848. Oct. 1848.

For Order.

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed amendment to the Act of 1847, 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, &c.

I think now - better a testimony of
conscience, from first to last
anybody is better than nobody
has permission to ask for

Walt

h. 698

Ab

Fort St. George
23 Oct. 1858

Chief Secretary

To the N. C. Senators, Sep^r 25th
 Received 25th and returned 25th Oct. 50
 2 Printed Copies. Dispd. 12th Nov
 W. R. P. 100.

Ordered that the foregoing letter be forwarded
ference to his communication of the 13th Ultimo, No.
the opinion of the Advocate General whether a case
Supreme Court to allow the Resident at Tanjore to re
security.

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Exd. J. A. Wilson.

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PC 78: Sept 12/58 N. 112
* Entry in List 5 Nov 3/58.
Col. L. to Eng. 25th Nov.
No 3 of 1858 Part 4
Rep. to by the Sec of State
for India 17th Nov:
115 of 1859

In 52 before 29 Oct
Political 58
1858 Department
From
The Commissioner
of Tanjore
The Chief Secretary
to Government
Fort St George
Dated 18 } October/58
No 326
A. 715.
Submitting a detailed
recital of two occurrences
& afeigning reasons
for transferring to one
to cure depositor the
property of the late Raj
& Raja of Tanjore not
in other unoccupied places
of deposit

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Exd. J. A. Wilson.