

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	730	Press Mis.
Dated	10.11.	13 1838

Not to be folded or roughly handled

Fort Saint George, Political Consultation, 16th November 1858.

No. 1. From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 30th October 1858. No. 329.

SIR,

22nd October 1858. I have the honor to transmit in original, an address which nine of the fifteen widows of the late Rajah of Tanjore have requested me to lay before the Government. This communication, it will be observed, refers to the abstraction of the jewels reported on in my letter of date 18th Instant. It is obviously the production of the legal Gentleman at Madras whom these Ladies have been induced to constitute their Agent.

2. Adverting to the course taken by me of withholding the Allowances ordinarily disbursed to the nine Ladies in question, I have followed the measure adopted in regard to the Concubines of the late Rajah's Predecessor, when in December 1854, they forcibly took possession of the Accounts, Vouchers, Jewels and some ready money appertaining to the Kulliana Mahal.

3. The Allowances of these Ladies were retained in deposit until the month of April last, when they restored to the Residency Sherishtadar, Vencut Row, what they had violently seized and received payment of the Stipends which had intermediately accumulated.

4. No other step that I could have taken was, or is, likely to be attended with any advantage, especially as no regard was shewn to a communication, dated the 9th June last, which I felt called on to address to the nine Boyce Sahibs.

5. Writing to the Government on the 18th Instant on a subject which did not require reference to Records, I have omitted, I observe, to enter such dates as may be wanted for the disposal of the address now transmitted. I therefore beg to state that the jewels belonging to the 15 widows, were removed by Babay Row Appah and his co-adjutors on the night of the 11th May last, and that, with my approval, the Sirkele abstained from paying to the 9 widows what they would otherwise have received for that month. The monthly amount which under other circumstances would have reached the nine Boyce Sahibs now addressing the Government, is Rupees 2,118-0-0 or a total up to the close of the past month of Rupees 10,590, or a few Rupees in excess of 6-15th of a lac and a half, the supposed value of abstracted jewels.

6. Babay Row Appah was arrested on the 27th May last and owing to the difficulties created by the Avoo Sahiba's neglect to reply to my letter, dated the 9th June following, or to remove the other offenders from their places of concealment, he still remains under restraint in the Cutcherry of the Rajah's Police Ameen whose functions will cease on the 1st Proximo.

7. In order to test the innocence or criminality of the act which the nine widows adopt as their own and acknowledge the responsibility of, the best plan which occurs to me is to have Babay Row Appah committed after the close of this month, for trial by the Subordinate Court at Combaconum, when it will be apparent whether the English law of "joint tenant or tenant in common" is to prevail against the less refined Code by the ordinary rules of which our Criminal tribunals are bound to be guided. The Act according to Mahomedan Law will, I believe, be punishable.

8. As regards the propriety or otherwise of applying English Law to the proceedings of which these nine Ladies, according to their own admission, have been guilty, it may be remarked that as yet, English Law does not admittedly prevail in the Jurisdiction of our Zillah Courts, and that it is difficult to gather on what plea they would now wish it to operate in a tract which up to the present time has had its own Courts, and its own simple modes of procedure.

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9. Respecting the threat of "banishment," which I am stated to have uttered and of which the horror felt by the nine widows is expressed in the language of their Presidency Agent, I may simply observe that I feel satisfied it will sooner or later be unavoidably necessary to separate the several widows of the late Rajah and that what I have pointed to by way of hint, will hereafter be an inevitable course of proceeding. I submit further that, if the Government do not wholly repudiate the claim to consideration, support and protection which the unoffending six Widows have on the State, some distinct course of action is desirable to show to the other nine, that they cannot with impunity set at defiance the requirements of right and justice.

10. It will scarcely consist, I apprehend, with the position of the Government to recognise the legality, under English Law, of the abstraction of property belonging to, but not yet divided between the fifteen widows of the late Ruler, even if it had been seized by night for the mere purpose of asserting a fancied or a disputed claim. It will still less accord with that position, I submit, to accept the insult offered to the representatives of the late Rajah and the British Government, when in addition to such insult, a clear robbery is committed and injustice done to six unprotected females, for the probable purpose of raising money to fee persons who in the course of their professional calling, are creating litigation out of rights which these Hindoo Ladies knew not that they possessed and certainly would never have asserted, unless under the influence of bad and interested advice.

To the Right Honorable ROBERT FRANCIS LORD HARRIS, Governor in Council,
Fort Saint George, dated 22nd October 1858.

The humble Petition of M. SYEMBA BOYEE
SAHAIB, and other 8 Ranees, Widows of
His Highness the late SEEVAGEE RAJAH
of Tanjore.

SHEWETH,

That for the last six months your Petitioners have not received the sum theretofore paid to them as subsistence money from the time of the late Rajah's death by order of your Lordship's Government.

That in a conversation which your Petitioners lately held with the Resident, they brought this to his notice and were informed that their subsistence money was retained, because they declined to give up certain jewels the property of themselves and the other Widows of the Rajah (with the exceptions of Her Highness Kamachee Boyee) and that their Allowance would not be paid them unless they give up the jewels in question.

The Resident further informed your Petitioners, that unless the jewels were given up, they would be banished from the Palace and sent separately to distant Zillahs, a threat which your Petitioners beg to bring to the notice of your Lordship, as they cannot believe that it can have been made under orders from your Lordship's Government.

Your Petitioners maintain that they have the legal Custody of the jewels in question and they doubt not that the Law Officers of Government, if consulted, will state that the possession of one joint tenant or tenant in common is the possession of all, and that one such perceiver cannot bring an action of trespass or trover against the others, unless the common property be absolutely destroyed.

Further your Petitioners' Servant who under their orders took the Jewels from the place where they had been kept and delivered them to your Petitioners, is in Custody on a charge of theft, which your Petitioners are given to understand, is to be pressed against him in the Criminal Court. They are prepared to justify his act, as it was done by their orders; and if the taking is not wrongful by them, neither can it be by him. They request his prosecution may be dropped.

Your Petitioners having no other means of subsistence than the sum monthly allowed them, are reduced to great inconvenience and distress by its being withheld and they submit that there is no rational connection between their exercising an act of ownership over their own property and their receipt of the money paid them for bare subsistence.

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They pray that they may be relieved from such threats as the Resident has thought proper to hold out to them. They submit that his position is political, and that he has no right or power whatever to interfere in the family domestic affairs of the Palace. The Government can have no claim to these jewels at any rate. They are confessedly the private property of your Petitioners and other widows; and the existence of dispute respecting this property among those entitled to it, can, your Petitioners respectfully submit give the Resident no Jurisdiction. They pray therefore that he may be instructed to confine himself within the sphere of his legitimate duties and that he may be warned against repeating such language to your Petitioners, threatening them with banishment as he has lately ventured to indulge in.

Further your Petitioners pray as a bare act of justice, that the arrears of their Allowance may be ordered to be paid up to them forthwith and that the same may be paid to them henceforth with regularity and punctuality.

And your Petitioner shall ever pray.

From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to MATOOSREE SYEMBA
BOYEE and eight other BOYEE SAIBS, dated 9th June 1858.

MESDAMES,

The recent secret and unlawful removal by Babay Row Appah of jewels, the property of certain Boyee Sahibs other than yourselves, has, as you are doubtless aware, been made the ground for that person's Criminal prosecution and in the event of his offence being formally established in the proper Judicial course, it will, I beg now to assure you, be my painful duty to let the sentence take effect.

2. Whatever the object in view, or the impression under which you acted, if, as Babay Row Appah asserts, he obeyed your orders in breaking off from the Padlock of the place of deposit, the joint signet of the fifteen Boyee Sahibs to whom the jewels belong, and acted under your instructions in abstracting them, it will, I hope, be clear to you on consideration, that you could have had no just right to send for and take possession of property which has owners other than yourselves.

3. I have therefore the honor now to bring the subject to your particular notice and beg most earnestly that you will consult the dignity of your own high position by adopting measures for restoring the jewels to proper custody.

4. I shall be glad to accept them in charge on account of the several Ladies to whom they belong and you may rest satisfied that care will be taken eventually to distribute them to the rightful Owners.

5. If, however, you decline to take the step of which I advise the adoption for your own advantage and comfort, and consequences of a disagreeable nature ensue, you will, I trust, acquit me of neglect and of a disregard of your interests in not having given a timely warning.

From H. D. PHILLIPS, Esq., Commissioner of Tanjore; to M. AVOO SAHIBA, dated
9th June 1858.

MADAME,

Information having reached me which leads to the belief that certain jewels, the property of the Boyee Sahibs recently abstracted from their place of deposit by one Babay Row Appah, have been transferred to your hands and that you retain them in your possession with a view to their disposal by sale, or otherwise, for an object opposed to the interests of those Ladies and with which they have no concern.

2. I have the honor to intimate for your consideration, that it has become my duty to adopt measures to prevent the removal of the jewels in question from the precincts of the Palace and that any person who may be detected in an endeavour to bring any of them out, or to pawn or otherwise dispose of them, will at once be proceeded against criminally as if he had assisted Babay Row Appah in his unlawful act. Should they be at your disposal, I beg, then, with respect, to call on you to surrender them to me for restoration to their rightful owners.

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3. In the event of your not being in a position to give them back to me, I would, Madam permit myself to press on your attention, the necessity of your abstaining from doing aught that shall justify a belief that you directly or indirectly sanction or approve the dishonesty which has been imputed to Babay Row Appah, and for which he is at present, as you are doubtless aware, under formal trial.

4. It has further been reported to me that three Individuals supposed to have aided Babay Row Appah in unlawfully removing these jewels, have secreted themselves within the limits of the Gardens of your Mahal.

5. Should such be found by you on enquiry to be the case, I need hardly point out that their immediate Ejection is necessary for the ends of justice and for the upholding of your own dignity. The adoption of a different course will be attended with consequences of a disagreeable nature, but which, however painful to me they may prove, will in the execution of my duty be unavoidable.

No. 2. ORDER THEREON, No. 730; dated 10th November 1858.

Ordered that Mr. Phillips be desired to obtain the opinion of the Mahomedan Law Officer whether a Criminal prosecution will lie against Babay Row Appah for the abstraction of the jewels referred to.

2. In the meantime the Government resolve to inform the nine Ladies, widows of the late Rajah of Tanjore, in reply to their joint address of the 22nd Ultimo, that they fully approve of the Commissioner's proceedings with respect to the stoppage of the payment of their allowances and the arrest of their Servant Babay Row Appah.

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

Exd. J. A. Wilson.

Doll Deptt

No.

From

The Commissioner
Tanjore.

D/30: Oct/58.

For Orders.

Let ask the East Collection
in Son "with the East Phadon
to determine whether a prosecution
will lie against Babay Row
Meanwhile the Revenue
Department marked in his
proceeds to

W.H.

wednesday

Political Report

85730

Extract from the Minutes of Consultation
under date 10 November 1858.

Read the following
letter from the Com-
missioner of Georgia.

(dated 15 Oct. 1858: 1858/1)

Ordered that Mr
Phillips be desired
to obtain the opinion
of the Mahomedan
Law Officers

Ordered that the
following letter and
its enclosure be for-
warded to the Govern-
ment Solicitor, and that
he be requested, in com-
munication with the
Gord. Pleader, to deter-
mine whether a
criminal prosecution will lie
against Rahay now
appah for the abduc-
tion of the Jewels re-
ferred to.

2. In the mean time
the Gord. Pleader to in-
form the nine Ladies,
widows

widows of the late Ra-
jah of Tanjore, in reply
to their ^{joint} address of the
22^d ultimo, that they
fully approve of the Com-
missioner's proceedings
with respect to the stop-
page of the payment of
their allowances and
the arrest of their Ser-
vant Rahay row Sp-
yah.

W. P.

To the good collector.
of the District of Tanjore.
" Council of Tanjore. Dist. N. S.

In 254. 47 and 16. 24 are

Collection 1858-1861

W. H. L. is to be the direct
State production of
Low in 1857 of 1859

No 730.

Robert Harris of New York

9/10th of Nov. 1858

Desiring Mr. Phillips to
obtain the opinion of the
Massachusetts State Officer
whether a criminal
prosecution will be
agreed to by him or not
for the obstruction of
certain funds in favor
the 9 ladies and one of the
late Captain of Georgia,
that you fully approve
of the conduct and
proceedings

Proceeding with respect
to the discharge of the
payment of that allowance
until the receipt of their
demand. Doubtless you
will find