M.R.O. 1—36,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	45	Press ~~Mis.~~
Dated	14—1—~~19~~ 1839	

Not to be folded or roughly handled

Read again letter from Mr. G. E. BRANSON, Solicitor, dated 14th Ultimo, and recorded in Consultation of the 21st December 1858.

Read also the following papers

No. 29. From Surgeon E. G. BALFOUR, Government Agent at Chepauk; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 24th December 1858, No. 2109 of G. A.

SIR,

I have the honor to report on the matter of the Petition and letter sent with Extract Minutes of Consultation, No. 816, dated 16th Instant.

2. I have the honor to submit as my opinion that subjects of this kind are of a character not meriting to be noticed by Government, the person calling herself Hoossain Mah can apply to the Agency or to the Police, and as it has never been customary, nor is it advisable for the dispatch of business to permit an Agent or Solicitor to become the medium of communication between a Petitioner and the State, I would recommend that Mr. Branson be advised, if he choose, to apply to the Police and his client to this Office.

3. While making these recommendations, I have the honor to add that the subject matter of the Extract Minutes of Consultation under reply received my immediate attention, and the following is the result of the inquiries.

4. The person styling herself Hoossain Mah was a servant of a woman known as Kamounjee, the leader of a Taefa or band of dancing girls, who were servants of the late Nabob, but were paid by Her Highness Nabob Khyre oon Nissa Begum, in whose service until lately they continued.

5. Her Highness reports that they are all now out of her service and from private information, as well from the reports before the Police, it appears that the Taefa has broken up and the young girls been taken in charge of servants of Her Highness or their charge is connived at by the two principal servants of Her Highness.

6. I have the honor to subjoin copies of Her Highness' reply as also of the Police reports. If ordered by Government, I will beg Her Highness to warn all in her establishment that the Right Honorable the Governor in Council will not sanction that Her Highness retain in Her household but only such servants as may not create similar scandals.

7. Kamounjee and two others of the broken up band have twice come to the Agency but all my efforts through them and otherwise have failed to induce Hoossain Mah to make her appearance.

8. The Right Honorable the Governor in Council will therefore observe that the present case is one in which the Government nor this Office can interfere.

From Her Highness Nabob KHYRE OON NISSA BEGUM; to Surgeon E. G. BALFOUR, Government Agent, dated 18th December 1858.

MY DEAR SIR,

I received your letter, in which the copies of the correspondences from Branson, Esq., the Solicitor, &c., were inclosed. Now Pearoojee is not by me, nor under my control that I may send her to you. I do not know who Hoossain Mah is, nor I am aware that, who has violated her daughter.

But the circumstance is this, that the band of (Songstress or dancing girls whose head was) Camoony was, since, many days, in my service, out of that, Camony had left 4 girls near me some days ago, when I discharged several Singers (who were employed in my Surkar.) I was thinking to dismiss this band also, so that, while I was in Mahbook Baugh I sent for Camoony, and ordered her take way the said 4 girls along with her, she, then, hesitated to take them away, and began to play tricks with me, although the 4 girls were willing to go along with her, from my quarter. Four days have lapsed in that hesitation, but on the 5th day Camoony went away alone without my order, the next morning the said 4 girls (Pearoo, was one of the number came to me crying and stated that a person has come and says that our Bany, that is Camoony, is attacked with Cholera. "We wish to go, if order be given to us," then, as usual I sent them away in the Surkar Bandy, a little while after the Bandy man reported me that the 4 girls coming down from his bandy went away getting into another. On that very day and time I informed Camoony the circumstance of her girls going away, and also I made her known of my order regarding the dis-

It appears nearly certain that the girl (who so far from being of 11 years only is to all appearance nearly 15 in the opinion of those who saw her at the Police Office) has deliberately elected, with her 3 female companions, to commence a course of voluntary prostitution, or, at best, concubinage.

Still, looking to the nature of the charges alleged, violation of chastity of an infant of tender years, and forcible withholding of that infant from her mother, I think it would be unadviseable in the last degree that Government should afford the slightest room to ill disposed persons, to say that it had sheltered or protected persons charged with crimes so likely to excite the public mind, even here, but much more so in England.

I am of opinion therefore that the proper course for Government would be to inform the Petitioner that her complaint has not been neglected; that the Begum has been called upon to answer it, and that reference has been made to the Commissioner of Police, and that Government see no reason to doubt the truth of the Statements made to them that the Petitioner's daughter, with others of her female associates, formerly inmates of the Begum's House, left it prior to the 24th December, and are now residing in a house in Sooparee Goonta; but that, where charges of so highly criminal a nature as violation of female chastity, and forcible detention of a female infant from its mother, have been preferred, Government must decline the task of deciding upon such charges and determines to grant the Petitioner the permission she requests, leaving to her the responsibility of the Affidavits which Government cannot doubt the Supreme Court will require, before granting a Writ of Habeas Corpus in this case.

January 10th, 1859.

(Signed) THOMAS SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 32. From Mr. G. E. BRANSON, Solicitor, Madras; to the Chief Secretary to the Government of Fort Saint George, dated 10th January 1859.

SIR,

I had the honor to address you on the 14th of December last enclosing a Petition which I requested that you would be so good as to lay before the Right Honorable the Governor in Council and to favor me with the decision come to thereon.

I have not yet been favored with any reply from you, and shall feel obliged by your kindly acquainting me at your early convenience whether his Lordship has come to any determination on the subject.

No. 33. ORDER THEREON, No. 45; dated 14th January 1859.

Resolved that the Petitioner Hoossain Mah be informed that her complaint, presented by her Attorney, Mr. G. E. Branson, has been attended to, that Her Highness Khyre Oon Nissa Begum was called upon to answer it, and that reference was also made to the Commissioner of Police on the subject. The Government see no reason to doubt the truth of the Statements made to them that the Petitioner's daughter, with others of her female associates, formerly inmates of the Begum's house, left it prior to the 24th December, and are now residing in a house in Sooparee Goonta; but where charges of so highly criminal a nature as violation of female chastity and forcible detention of a female infant from its mother have been preferred, they will not undertake to decide upon such charges, and accordingly they resolve to grant the Petitioner the permission she requests, leaving to her the responsibility of the Affidavits which, Government cannot doubt, the Supreme Court will require before granting a Writ of Habeas Corpus in this case.

(Signed) T. PYCROFT,
Chief Secretary.

The Right Honorable the Governor in Council of Fort Saint George hereby consents to the issue from the Supreme Court at Madras at the instance of one Hoossain Mah of a writ of Habeas Corpus calling upon Her Highness Khyree Oon Nissa Baigum to account for the person of one Parojee, alleged to be the daughter of said Hoossain Mah, and to be now of the age of eleven years or thereabouts; If the Supreme Court shall consider that sufficient cause is shewn for the issue of such writ. Dated this fourteenth day of January one thousand eight hundred and fifty-nine.

By order.

Exd. J. A. Wilson.

(Signed) T. PYCROFT,
Chief Secretary.

Political Department

No 45.

Extract from the Minutes of Consultation
Under date the 14th January 1859.

Read again letter
from Mr G. C. Branson,
Solicitor, dated 4th Ultimo
and recorded in Consultation
of the 21st December 1858

Read also the
following papers:

From the Govt Agent at Chepauk
(Dated 21st & 30th December 1858)

From the Govt Solicitor
(Dated 11th January 1859)

From Mr G. C. Branson, Solicitor
(Dated 8th do)

Resolved that the
Petitioner Hoomaira Bibi,
be informed that her com-
plaint, presented by her
Attorney Mr G. C. Branson,
has not been attended to
that Her Highness Mahgreem
Nissa

Mme Begum and others
who to former
that reference and
made to the

permission she requests, in
leaving to her the responsi-
bility of the affidavits which
Govt cannot doubt, the
Supreme Court will require
before granting a writ of
Habeas corpus in this
case.

J.P.

Dispd 15th

Sir G. C. Bowen
Solicitor General with the consent
of the Govt Agent
for Chepauk.
with copy of Advocate
General's Opinion
for the Solicitor.

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29th January 1859