

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	628	Press <u>M.R.</u>
Dated	28-10-	1959

Not to be folded or roughly handled

102/
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*Proceedings of the Madras Government, Political Department,
from 22nd to 31st October 1859.*

Read the following papers :

No. 26. From TEEKUM DOSS and GUNSHAM DOSS, Soucars; to the Chief Secretary to Government, Fort Saint George, dated Madras, 29th September 1859.

We have the honor to submit the accompanying Petition with a request that you will be pleased to submit the same to His Excellency the Governor in Council at Madras and favor us with a reply at an early date as possible either direct to us or through our Solicitor, A. M. Ritchie, Esq.

To His Excellency the Governor in Council at Madras.

The humble Petition of TEEKUM DOSS and
GUNSHAM DOSS respectively of Madras
Soucars.

SHEWETH,

That your Petitioners by and with the sanction and authority of the Governor in Council at Madras as appears by the Minutes of Consultation bearing date the twenty seventh day of April 1858, filed a Bill in the Supreme Court of judicature at Madras against His Highness Prince Azeem Jah, as the administrator of Syed Oon Nissa Begum his deceased mother praying on behalf of themselves and all the other creditors of Her Highness the said Syed Oon Nissa Begum deceased for the due administration of her estate.

That your Petitioners have on the security of the said sanction of the Governor in Council at considerable expense to themselves prosecuted the said suit and did on the 30th day of August 1859, obtain in the said suit a decree, a copy of which is herewith submitted from which it will be seen that His Highness is ordered to pay into the Treasury to the credit of this suit the full sum of Rupees 25,480 Annas 5 and Pice 2, being the monies forming part of the estate of the said Syed Oon Nissa Begum received by him as her administrator down to the 30th day of June 1859.

That your Petitioner's Solicitor have served a copy of the said decree on the Solicitor of His Highness, but has hitherto been unable to serve a copy upon His Highness.

That should default be made in the payment of the said sum of Rupees 25,480 Annas 5 and Pice 2, within the time mentioned in the said decree, your Petitioners are advised that under the sanction of the Governor in Council bearing date the 27th day of April 1858, before mentioned, His Highness would be liable to be arrested and imprisoned until the money was paid.

That your Petitioners are anxious if possible to avoid the necessity of arresting His Highness and as they are informed and believe it to be true that there is now a considerable sum of money belonging to His Highness deposited in the Government Treasury they are induced to lay the whole case before your Excellency in Council in the hope that the above sum may be paid under the order of your Excellency in Council into the Treasury to the credit of this cause on His Highness' account from and out of his monies in the Treasury.

Your Petitioners and the other Creditors of the deceased Begum have incurred great expense in prosecuting this suit which they have done wholly on the faith of the sanction of the Governor in Council above referred to and their sole object is to receive in part payment of their just debts the estate left by their creditor the deceased Begum and possessed by His Highness as her administrator—but in doing so your Petitioners have no wish if it can be possibly avoided to take any steps against His Highness except with the full knowledge and sanction of your Excellency in Council and have therefore instructed their Solicitor to stay all proceedings against His Highness under this decree until your Excellency's answer to this Petition is received.

Your Petitioners would respectfully refer your Excellency in Council to the proceedings on which the Minutes of Consultation of the 27th day of April 1858, had their origin and particu-

to be returned

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larly to His Highness' letter to the then Governor in Council wherein he suggests that a Bill should be filed against him on behalf of all his mother's creditors which has been done.

Your Petitioners therefore humbly pray your Excellency in Council to order that the said sum of Rupees 25,480 Annas 5 and Pice 2, may be taken from the monies due of right payable to His Highness Prince Azeem Jah Bahadoor and now deposited in the Government Treasury and paid on his account into the said Treasury to the credit of this suit or otherwise that your Excellency in Council will be pleased in continuation of the sanction to sue His Highness dated the 27th day of April 1858 to favor your Petitioners with the necessary certificate authorising the issuing of a writ against the person of His Highness in case default shall be made by him in the payment directed to be made by him in and by the said decree.

MADRAS, } (Signed) TEEKUM DOSS.
29th September 1859. } („) GUNSHAM DOSS.

Referred for the early report of the Government Solicitor.

FORT SAINT GEORGE, } (Signed) T. PYCROFT,
30th September 1859. } Chief Secretary.

No. 27. From J. R. BOYSON, Esq., Government Solicitor; to the Chief Secretary to Government, Fort Saint George, dated Madras, 13th October 1859, No. 1661.

Order of Government dated 30th September 1859, 1. I have the honor to acknowledge the or letter from Teekum Doss and Gunsham Order of Government noted in the margin with Doss dated 29th September 1859. the papers that accompanied it.

2. I obtained from Mr. Ritchie the Solicitor for Woodeaghery Gosayee and others a copy of the Master's report dated 16th July 1859, in their suit against Prince Azeem Jah Bahadoor as the administrator of the estate of his deceased mother Syed Oon Nissa Begum deceased.

8. I then laid the papers above mentioned with all previous papers and correspondence relating to the same matter before the Advocate General for his consideration and I subsequently conferred with him—hereon and afforded him such further information as he required.

4. I now forward a copy of his opinion and return the papers which accompanied the order of Government above acknowledged.

5. I also send for reference in case of need the copy of the Masters report obtained from Mr. Ritchie and beg that it may be returned when no longer required I solicit attention to the Extracts from Minutes of Consultation marginally noted.

Extract Minutes Consultation, dated 8th March 1858, No. 169, and 27th April 1858, No. 280, Political Department.

COPY OPINION.

The present Petition refers immediately only to a sum of Rupees 25,480, but I am aware that it must shortly be followed up by a similar application respecting a sum of Rupees 30,000 or thereabouts, the proceeds of certain landed property of Prince Azeem Jah's mother, which His Highness has sold, realized and received. I am further aware that the Master has found certain valuable Houses, including the Shadee Mahal in Triplicane, now occupied by the Prince, to belong to the Estate, of Her deceased Highness, and has charged the Prince with a rent of Rupees 300 monthly for the Shadee Mahal. A similar Petition with reference to these Houses, which I understand are likely to be advertised for sale by Public Auction before long, will probably follow at no distant period. The Shadee Mahal stands on a large piece of very valuable ground, in the heart of Triplicane, and is likely to sell for about two Lakhs of Rupees.

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2. It is of course utterly out of the question that Government can go to any expense to pay the Prince's debts for him, or to provide a House for him especially, so long as there is a large arrear of Pension, which His Highness might, but hitherto has not chosen, to request Government to apply in liquidation of pressing claims like the present.

3. It appears to me, equally out of the question, that Government can refuse to comply with the present application. The Prince in this case, by applying to the Supreme Court, for administration, to his mother's Estate, voluntarily and expressly subjected himself, to the jurisdiction of the Court, so far as that Estate is concerned: he thereby became the sole legal possessor and manager of that Estate, and thereby, prevented other creditors from taking out administration, and clothing themselves with a legal title to the property, and applying it to payment of their just claims—but as administrator he took it subject to all its legal liabilities.

4. Moreover, the present suit was filed under an express arrangement with His Highness, proposed in a letter from His Highness, to the Government Agent at Chepauk, under date the 13th April 1858, and subsequently carried out, by Mr. Wilkins, His Highness' Solicitor, in communication with the Government Solicitor and Mr. Wilkins, at His Highness' request, undertook to appear for him, and did so, and has, to some extent, protected the Estate.

5. Government having sanctioned the institution of the suit, it appears to me that it cannot possibly now say to the suitors—we have let you incur, all the expense of obtaining the Decree, but you shall not reap the fruits of it.

6. I would suggest that the present Petition, Decree &c., be sent to the Prince with an intimation, that unless, he is prepared to pay the money, or to make some satisfactory arrangement, Government will be compelled, however reluctantly, to let the law take its course in this matter, as it is by his own act, that he has, in this case, subjected himself to the jurisdiction of the Supreme Court, by applying to it for administration of his mother's Estate.

(Signed) THOMAS SYDNEY SMYTH,
12th October 1859. Advocate General.
(True Copy.)

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

No. 28. ORDER THEREON, 28th October 1859, No. 628.

The Government resolve, under the circumstances of the case, to authorise the course suggested in the last paragraph of the Advocate General's opinion; and desire that the Assistant Agent at Chepauk will make the proposed communication to His Highness Prince Azim Jah.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. W. J. Boyton.

to be returned

Proceedings of the Madras Government.

Read the following papers:

From Jackson Davis & Co.
Chambers, London.

(Dated 29 September, 1859)

From the Govd Solicitor.

(Letter to the Secy No 1001)
Order Dated 28 October 1859 No 128.

The Govd resolves,
under the circumstances
of the case, to authorize
the course suggested
in the last para of the
Advocate General's opinion,
and desire that the
Assistant Agent at
Chepank will make the
proposed communication
to His Highness Prince
Azim Shah.

Ly
J. M.

J. P.

To the Govd Solicitor
" Asst. Agent at Chepank
With the Peace & Justice Report
to be returned } Sep 29

Ex. of Genl 2512
Political 1859 Report

No 1220

21 Jan 2514

Ex. of Genl 2512

29/12/1859

C.E. No. 1241 - 125
12/3/51

Authorizing the
course suggested in the
last part of the above
General's opinion in 1859
to the claim of the
and General 2512
against the
Genl. and the
Department of the
to make the
communication to the
Treasury