

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.

2

~~Press~~
~~Mis.~~

Dated

3 - 1 - 19 1861

Not to be folded or roughly handled

*Proceedings of the Madras Government, Political Department,
3rd January 1861.*

No. 1. Read the following letter from CLEMENT DALE, Esq., Receiver of the Carnatic Property, to THOMAS PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st December 1860, No. 255.

*Letter from the Receiver of the Carnatic Property, to Chief Secretary to Government, 10th April 1860, No. 78.
Proceedings of Government, 23rd April 1860, No. 257, Political Department.*

Paragraph 1. With reference to the letter and Order of Government noted in the margin, on the subject of the claim put forward by the Official Assignee of the Court for relief of Insolvent Debtors, as the Assignee of the Estate of one Gholam Mahomed Niamud Khan,

to certain portions of the gardens at Arcot and Trichinopoly, which belonged to His late Highness the Nabob of the Carnatic, and are known as the Ally Bagh and the Ameer Bagh, I do myself the honor of stating for the information of the Honorable the Governor in Council, that after receipt of the Proceedings of Government, I placed myself in communication with the Government Solicitor, requesting him to furnish to me copies of all information he had obtained from the Dewan of the Carnatic Durbar in June 1857, in pursuance of the Order of Government dated the 5th June 1857, No. 428, with any other information it was in his power to afford me. Subsequently the Government Solicitor forwarded to me a copy of a report submitted by the Dewan to the Government Agent under date the 25th of June 1857.

2. On receipt of this paper, I communicated to the Official Assignee all the information I had obtained, and from what fell from him, I understood he was of opinion that he could not establish a claim to the land in question; he moreover intimated he had no objection to my selling the lands claimed by him, with the other properties at Arcot and Trichinopoly belonging to the Nabob, on my undertaking to retain the purchase money for the portions claimed by him, until the question of his claim was settled; either by his withdrawing it, or by a judgment of the Supreme Court, to be obtained on a special case submitted by us, and the Official Assignee was to consult with the creditors of his Insolvent, and with the Insolvent himself, for the purpose of obtaining their ultimatum as to supporting or abandoning the claim.

3. Upon this understanding, I advertised for sale the whole of the property at Arcot and issued catalogues, soon after doing which the Official Assignee intimated to me, that creditors of his Insolvent, and the Insolvent himself, disapproved of the course proposed, and insisted on his stopping the sale, and asserting his right to the property claimed; in consequence, I desisted from offering for sale 6 of the lots.

4. Under these circumstances the claim put forward by the Official Assignee must be disposed of, and it is my present intention, to concur in the proposal of the Official Assignee to submit to the Supreme Court a special case, and thus obtain the judgment of the Court upon the claim set up.

5. In a special case all the facts must be stated, and it follows that the parties must previously agree upon such facts, the Court not having the power in such a proceeding to take evidence of any fact which is not fully admitted, or is disputed.

6. Now the Official Assignee asserts, that the gardens, &c., which he claims were the private property of the late Nabob; whereas I am satisfied that such gardens did not come under that category. Here therefore is an important fact upon which at present we cannot agree, and unless we do agree upon it, or upon some data, from which the Court can decide whether the gardens were or were not the private property of the late Nabob, it is clear no special case can be submitted for the opinion of the Court.

7. I feel assured that much information may be obtained from the Records in the possession of the Government Agent at Chepauk, and under that impression I, on the 17th of September last, addressed the letter of which I enclose a copy, but after repeatedly soliciting the information there sought, I have been lately informed by the Government Agent that search was being made in the Records, but "the constant presence in Court (of himself I presume) prevents that constant attention to my requests which they require."

*Proceedings of the Madras Government, Political Department,
3rd January 1861.*

8. The want of information and data prevents my arranging with the Official Assignee, and until I am enabled to do so and dispose of his claim, I am stopped from offering the property for sale, and from complying with the wishes of Government for speedily disposing of the property.

9. It is under these circumstances I solicit that His Excellency in Council will permit an immediate and careful search to be made amongst the Government Records, with the view of ascertaining whether any of the information I seek can be furnished from those Records.

10. I think it probable that some of the information referred to in my letter to the Government Agent may not be procurable from the Government Records, owing to change of names given to the properties, and the length of time that has elapsed, but I apprehend much information may be procured, particularly the Orders of Government for restoring the possession of the gardens to Azeem-Ood-Dowlah.

11. In my letter to the Government Agent I have entered so fully into the subject, I do not believe I can add anything that would facilitate the search, but (as there observed) in disposing of the claim set up, much will depend on the fullness and accuracy of the information afforded; and it is not improbable, if it be clearly and satisfactorily shown that the gardens now claimed were the public property of the Carnatic Sircar, the Official Assignee may not further press his claim, I have therefore the honor to request that the search may be most carefully made and that copies (or translations if in a Vernacular) of any correspondence or papers which can be found on the subject may be forwarded to me.

From CLEMENT DALE, Esq., Receiver of the Carnatic Property, to E. G. BALFOUR, Esq.,
Government Agent at Chepauk, dated 17th September 1860, No. 163.

Para. 1. From the Minute of Consultation and letter noted in the margin, I learn that you are aware that the Official Assignee of the Court for relief of Insolvent Debtors, as the Assignee of the Estate of one Gholam Mahomed Niamud Khan, claims to be entitled to certain portions of the Gardens at Arcot and Trichinopoly known as the Ally Bagh and the Ameer Bagh which belonged to His late Highness the Nabob of the Carnatic.

Mahomed Niamud Khan, claims to be entitled to certain portions of the Gardens at Arcot and Trichinopoly known as the Ally Bagh and the Ameer Bagh which belonged to His late Highness the Nabob of the Carnatic.

2. Previously to communicating again with the Official Assignee, I am desirous of obtaining some further information regarding these properties, and as the claim of the Official Assignee may become a matter for decision of the Supreme Court, it is requisite I should be in possession of accurate and trustworthy information, and therefore I do myself the honor of soliciting your assistance.

3. I am informed that prior to the Treaty of 1781, the properties in question belonged to the Nabobs and formed part of their Highnesses territorial possessions. That on the Honorable Company assuming the management of the Carnatic, these properties were retained by the then Nabob.

4. I am aware that from 1781 to 1785, the Honorable Company were in possession of certain Districts of the Carnatic and received the revenues. That in 1785 those Districts were returned to the Nabob, but by the Treaty of 1785, the Honorable Company had power in certain events to possess themselves of certain Districts; and by the Treaty of 1792, other events were mentioned on the occurrence of which the Company were to "possess full authority over the Carnatic," and might "assume the management of and make the collection of the revenues from the Districts mentioned." I cannot, however, ascertain whether subsequent to 1785, and prior to 1801, the Honorable Company did assume the management or take possession of any part of the Carnatic; and if they did so, whether such management and possession extended to the Districts in which these properties are located.

*Proceedings of the Madras Government, Political Department,
3rd January 1861.*

5. I should wish to be informed regarding that point; and if such management were assumed or possession taken, then I should wish to be informed (should the information be obtainable), whether these particular properties were included in the portions managed or possessed by the Honorable Company; or whether during that interval they remained in the possession of the Nabobs.

6. From a letter addressed by the Dewan of the Durbar to Major P. T. Snow, under date the 16th of August 1859, I learn that "the GARDENS at Arcot were originally possessed by the Nabob Wallajah, on whose death they came into the possession of the Nabob Oomdut Ul Omrah, and on his demise they were seized by the late East India Company. Subsequently in June 1802, these Gardens were at the desire of Nabob Azeem-Ood-Dowlah Bahadoor allowed by the Government of Madras to be possessed by His Highness, and from him they have descended in succession to his successors." That "a copy of the Minute of Government enjoining the transfer of these properties to the Nabob Azeem-Ood-Dowlah would be found in the records of the Sircar English Department now in your custody."

7. I gather that in penning that letter the Dewan referred to all the Gardens at Arcot and its vicinity; and I assume that the information there conveyed applies equally to the various properties at Trichinopoly and its vicinity, and would include the 2 Gardens now claimed by the Official Assignee. I should wish however to have certain information and do myself the honor of requesting that. The Dewan will state whether I am correct in my conclusions.

8. In forwarding the Dewan's letter to me, Major Snow subjoined to his letter, dated the 17th of June 1859, No. 1,351 of 1859, a copy of a letter from Lord Clive to His Highness the late Nabob Azeem-ood-Dowlah, dated the 12th June 1802; and in a subsequent letter, dated the 14th of September 1859, No. 1,445, Major Snow enclosed me a copy and translation of a letter, dated 29th June 1802, addressed by the Nabob to Lord Clive in reply to His Lordship's letter of the 12th June; in both of these only one Garden is mentioned, the Nowluckah, whereas the Dewan mentions that these Gardens were at the desire of the Nabob allowed by the Government of Madras to be possessed by His Highness, and that a copy of the Minute of Government enjoining the transfer of these properties to the Nabob would be found in the records of the Sircar in your custody. In adjusting the question now raised by the Official Assignee a great deal may turn on the fact of the Gardens in dispute having been so restored to the Nabob Azeem-ood-Dowlah, and it is probable if that were satisfactorily shown, the Official Assignee might be disposed to withdraw his claim. I therefore do myself the honor of soliciting, that a most careful search may be made for any correspondence or papers which can be found bearing on the subject, and that I may be favored with copies or (if in a Vernacular) translations of any such that can be found.

9. In his letter to the Dewan dated the 14th of May 1857, No. 343 of 1857, the Official Assignee states that by an order dated the 28th Jamadeewolowal 1261 Higree, made by Nazrmood Dowlah Bahadoor President of the Maul Dewanee, the Dewan was directed to separate from that of other sircar property the produce, &c., of the disputed Gardens, in order that they might be paid to the Donee Gholam Mahomed, I do myself the honor of requesting that I may be furnished with a translate copy of such order, if any such were issued, together with any explanation which you may consider would be useful to me showing the nature of the office and the powers held by Nazrmood Dowlah, and whether it was within the scope of his general authority to issue such order, or whether there is any evidence to show it was issued by the direction, or with the knowledge or sanction of His late Highness.

10. I learn that the Gardens in dispute were in the possession of the Sircar Naibs at Arcot and Trichinopoly, that the Dewan drew the revenues from the Naibs on his own receipt and paid them to Gholam Mahomed receiving his acknowledgment for the same. I do myself the honor of soliciting that I may be informed up to what month the last amount of revenue was so paid to Gholam Mahomed and that I may be favored with a translate copy of the last acknowledgment given by Gholam Mahomed to the Dewan. I presume from the time that the revenue was last paid by the Dewan to Gholam Mahomed the revenues have been credited to the Sircar.

Proceedings of the Madras Government, Political Department,
3rd January 1861.

No. 2. ORDER THEREON, 3rd January 1861, No. 2.

Resolved, that the Record Keeper be directed to cause careful search to be made among the Government Records for any papers bearing on the subject of the properties referred to in the above letter, and to submit a list of them with their contents for communication to the Receiver of the Carnatic Property. The Government Agent at Chepauk will also be desired to prosecute the search in the Records of his Office.

2. Mr. Dale, to whom these Orders will be communicated, will be informed at the same time that there seems no reason why the other properties in the Trichinopoly and North Arcot Districts not yet disposed of, and not affected by the Official Assignee's claim, should not be sold at an early date.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. O'Connor.

Political Dept 8

Proceedings of the Madras Government

Read the following
letter from the Receiver
of the Carnatic Property.

(Dated 21st Decr 1860 No 255)

Order thereon 3rd January 1861. No. 2.

Resolved, that the
Record-keeper be direct-
ed to cause careful search
to be made among the
Govd Records for any pa-
pers bearing on the sub-
ject of the properties re-
ferred to in the above
letter, and to submit a
List of them with their
contents for communi-
cation to the Receiver
of the Carnatic Property.
The Govd Agent at Che-
pauk will also be de-
sired to prosecute the
search

The Record-keeper has been
informed of the above
order and will be
directed to cause
search to be made
among the Govd
Records for any
papers bearing on
the subject of the
properties referred
to in the above
letter.

Search in the records
of his Office.

2. As to date, to whom
these orders will be com-
municated, will be in-
formed at the same time
that there seems no rea-
son why the other pro-
perties in the Washington
and North Street Dis-
tricts not yet disposed
of, and not affected by
the Official Assignee's
claim, should not be
sold at an early date.

JF

M. L. D.

To the Receiver of the
Emancipated Property,
as God Agent at Chancery,
Record Keeper of the
God Record Office.

} and st.

Det.

*Official business relating
to certain properties in
the township of St. Andrew*

15-5-95

Pat. 1861. Dep. 1861

No. 2

Proceedings of Court

1861 January 1861

During the month
of January 1861
I have made a survey
of the land belonging to
the poor of the township
of St. Andrew and
in the township of St.
Andrew claimed by the
Official of the same.

1861-1862

P.C. No. 16417

30/4/60

374

2/6/55

576

9/6/59

21-22

27-11-55

1-2

44