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# MADRAS RECORD OFFICE.

## Government of Madras.

Financial DEPARTMENT.

G.O. No. 496 Press
56-57 ~~Mis.~~

Dated 25-10- 1869.

56-57 21/22

**Not to be folded or roughly handled**

No. 56. Read the following letter from C. SEETARAMIAH, residing at Madras, to the Chief Secretary to Government, Fort Saint George, dated Madras, 9th September 1869.

I respectfully beg to enclose a memorial, which I am about to submit to Government on the subject of the continuance to me of the annuity, which was granted to my grandfather's family on account of the Shrotrium, which was originally sanctioned to be given to him for three *lives* in consideration of his long, faithful, onerous, and valuable services to the State. I have discussed the whole question in the memorial, so I shall not trouble you any further here more than to solicit your kind support to the prayer of your old, faithful, and devoted servant.

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To

HIS GRACE THE DUKE OF ARGYLL, K.T. & G.C.B.,

*Her Majesty's Principal Secretary of State for India, London.*

The humble petition of COODOOR SEETARAMIAH, the surviving younger grandson of the late C. SAWMY BRAMINY, Head Manager and Record-keeper of the late Board of Trade Office.

MOST RESPECTFULLY SHOWETH,

That your petitioner begs to submit, for favourable consideration, the following circumstances:—These circumstances are of a rather old date; but your petitioner trusts, that, as they relate to an act of grave wrong to the descendant of an old and faithful servant of the State, they will not the less commend themselves to your Grace's best attention, and that your Grace will enter fully into the merits of the question now submitted for your high adjudication.

2. That your petitioner would have submitted the present appeal long previously, but that being compelled to earn a livelihood for the maintenance of himself and his own large family, and that of his late brother, which has fallen on his hands, and having in vain appealed to the local authorities and to the Madras Government, and consequently not having any expectation of his prayer finding a hearing in so distant a tribunal as that over which your Grace presides, your petitioner had neither opportunity nor the heart to submit his case. But now, hearing that your Grace and the Government of His Excellency Lord Napier are ready and willing to hear the complaints of the people of the country, however poor the addressers of those complaints may be, your petitioner has been encouraged to come before your Grace, in the fervent expectation of receiving justice at your hands.

3. That your petitioner's above-mentioned grandfather, C. Sawmy Braminy, entered the service of the late Honourable the Court of Directors, at an early age, in the year 1785, in the office of the Board of Trade. That, in 1798, he was appointed Deputy Manager, and three years afterwards, in 1798, he was appointed Head Manager in the Office, which embraced the Sea Customs and Marine Departments as well as the Commercial. That he spent the best period of his life in the discharge of the multifarious, onerous, and responsible duties which devolved upon him as being in charge of so large an office, and that his service extended over forty-one years, or nearly half a century, during the greater portion of which time, as will be observed by the annexed testimonials, he rendered efficient, faithful, and valuable services in the capacity of Head Native Servant and Record-keeper of that Board's office.

4. That, after a service of the above-mentioned period, the Board, in recognition of the high character borne by your petitioner's grandfather, and of the services rendered by him, deemed it necessary to mark their estimation of such services by a public reward being accorded to your petitioner's grandfather.

5. That, with this view, the Board recommended to Government that your petitioner's grandfather should receive a Shrotrium, like other native public servants, who had rendered services of similar character. The Honourable the Court of Directors at first considered a pecuniary

emolument a sufficient reward; but your petitioner's grandfather sought for a more substantial prize, viz., the grant of land under Shrotrium tenure. The Board of Trade, therefore, re-submitted

20th September 1819. his case with a strong recommendation that your petitioner's grandfather's prayer may be complied with, and the Government, in acknowledging the receipt of that recommendation, recorded the following Resolution:—

"It will afford the Right Honourable the Governor in Council pleasure to bring to the favourable notice of the Honourable the Court of Directors your renewed testimony to the long and valuable

18th October 1869. services of Coodoor Sawmy Braminy, the Head Native Servant in your office, with a recommendation that the Honourable the Court of Directors may sanction the grant of a *Shrotrium* to him for *his own* and *two succeeding lives*."

6. That, pending this reference to the Honourable the Court of Directors, and subject to their confirmation, the Government allowed your petitioner's grandfather to select a village and to enter into immediate possession. That the village selected was Nagalaporum in the district of North Arcot. That your petitioner's grandfather was unable to enter into possession in consequence of a discussion between the Board of Trade and the Government as to the remision to be made from the revenues of the village after deducting the usual expense of collection, and which the Board fixed at two-thirds of the rent, calculated to be about 750 pagodas per annnm; but to which the Government objected. The Government, therefore, permitted him to select a village of lower rent, from the amount of which they stated authority would be issued for a remission being allowed equal to 375 pagodas per annum.

7. That, in the meanwhile, a Despatch was received from the Honourable the Court of

10th September 1823. Ditectors, stating "The reasons which you have stated in favour of Coodoor Sawmy Braminy have disposed us to concur with you in the *mode* of showing your sense of his meritorious services." It will thus be observed that the local Government recommended the grant of *land* to your petitioner's grandfather on *Shrotrium tenure* for his own and two lives, and that the Honourable the Court of Directors confirmed the same; that *this* was the reward which the long and faithful services of your petitioner's grandfather obtained for himself and his heirs; and your petitioner respectfully begs to submit that the subsequent change in the nature of the grant, which will be presently detailed, could not be altered by any means in respect to the number of lives for which that grant was to be enjoyed. Had your petitioner's grandfather entered into possession of the Shrotrium, it would have passed to your petitioner's father, and after him to his *two* sons, *both* being considered as *one* life, viz., your petitioner and his late brother, and your petitioner further submits that the grant substituted for the land on Shrotrium tenure should have in all equity been governed by the same principle, viz., that it should be enjoyed for three lives.

8. That before the question of the selection by your petitioner's grandfather of a village of lower rent could be determined, your petitioner's grandfather died, on 20th June 1826, without having enjoyed the boon which his long, faithful, and meritorious services had gained for him; but in the firm belief that that boon would have been handed down to his son and his heirs after him for *two* lives.

9. That instead of land on Shrotrium tenure being granted to your petitioner's father C. Soobaramiah, the son of the above-mentioned C. Sawmy Braminy, the Board of Trade recommended "That a sum equal to the grant of Pagodas 375 per annum from 19th April 1820, (to the date of your petitioner's grandfather's demise,) be considered as the property of the estate, and that, during the lifetime of the widow, it be placed in public securities for her benefit, and at her death, made over to her son or to the surviving heir of the family at the time, and that the son should have the option of selecting a village on the terms of the Shrotrium granted to his father for two lives, (his own and his son's,) or of receiving on the same two lives the grant of an annuity of 375 pagodas," and this the Government sanctioned in Extract from Minutes of Consultation, No. 101, dated 8th May 1827.



10. That your Grace will here observe that both the Board and the Government were in error in stating that the Shrotrium granted to your petitioner's grandfather was for two lives, viz, for his own and his son's, whereas from the recommendation of the Board in 1819, and of the Government, and the confirmation of the Honourable the Court of Directors in 1823 quoted above in paragraphs 5 and 7, it will be observed that the Shrotrium was to be for the life of your petitioner's grandfather and two succeeding lives, and therefore it is submitted that the annuity of 375 pagodas should have been similarly granted.

11. That your petitioner's father was the first of the two succeeding lives after your petitioner's grandfather, and that after your petitioner's father, the second or succeeding life consisted of your petitioner's elder brother and himself, and that, therefore, on the demise of your petitioner's elder brother in 1856, the annuity should have been continued to your petitioner. It is true that, in accepting the bounty of Government, as recorded in Extract from Minutes of Consultation, No. 101, dated 8th May 1827, your petitioner's father and grandmother, in their letter to the Commercial Superintendent, dated 18th May 1827, did declare the impracticability of taking charge of a village, and therefore expressed their willingness to receive an annuity of 375 pagodas during the life of your petitioner's father and of his son Soobbaroyloo (your petitioner's late elder brother); yet your petitioner submits that such acceptance could not have been intended to destroy or set aside the terms upon which the grant to your petitioner's grandfather was originally made: that grant was made for his own and two succeeding lives, and the mere mention of your petitioner's brother's *name* could not limit the bounty of Government to his life, while your petitioner was surviving

12. The late Rae-Rae Row Kundy Nursing Row, Head Sheristadar of the Board of Revenue, had three sons, and he desired the second life-pension to be drawn by his eldest son or eldest surviving son, but his naming such son could not destroy the title of his other sons to participate in the second life-pension. The eldest surviving son was the head of the family according to the Hindu Law, and as such he was appointed to draw the second life-pension, and to hand over to each of his brothers their respective shares; so your petitioner's father named his eldest son as the person to receive the second life-pension on behalf the family, on whom the bounty of Government was bestowed in recognition of your petitioner's grandfather's long and faithful services, but he by no means thereby destroyed your petitioner's right to succeed to the pension after the demise of his eldest son. Your petitioner submits that the argument urged by the Government is, therefore, totally incorrect, opposed to law and their own practice.

*Vide* Procs. of Govt., No. 381, 1st Dec. 1866, Rev. Dept.

13. That, on the demise of your petitioner's elder brother in 1856, your petitioner applied to the Government of Madras for the continuance to him of the annuity; but the Government of Madras, basing their decision on the erroneous statement of the Board of Trade in their letter quoted above, dated 12th July 1826, declared the claim to be altogether inadmissible, and lapsed *in toto*; stating that your petitioner's father had elected to take the annuity, and had expressly named his son Soobbaroyloo for the second life, and that the allowance having been, therefore, strictly limited to the first grantee and his late son C. Soobbaroyloo, had ceased. But your petitioner respectfully submits that this decision of Government is incorrect, as when there are two or three sons of a first grantee, the second life includes all those sons who succeed to the grant in order of survivorship. This is in accordance with various rulings of Government. There are many that can be cited, but the following will, your petitioner believes, suffice to establish his position:—

1*st*.—In Extract from Minutes of Consultation, 20th October 1848, Revenue Department, No. 1155, paragraph 25, it is ruled as follows:—"The Governor in Council having, therefore, in "view the instructions of the Honourable Court, conceives that under the Hindu Law C. Vencata "Lutchmiah being the first life, his three sons (an undivided Hindu family) would be regarded "and are the second life; and that C. Vencataputty, whether he was formally adopted by his "deceased uncle C. Vencatasoobiah or not, will be the third life, if he survives his father and "living uncle; and under the authority given to this Government by the Honourable Court's

"Despatch of the 19th January 1848, No. 2, resolves thus to recognise the succession of the family "to the Shrotrium."

2*nd*.—In Extract from Minutes of Consultation, dated 20th December 1851, paragraph 3, in deciding on the case of the Wootoocaudoo Shrotrium, the Government ruled as follows:—"The "Honourable the Court of Directors have ordered that the succession to this Shrotrium be regulated "on the same principle as was applied to the Shrotrium of Tinnanore, that is, that all the sons of "the original grantee be regarded as the second of the three heirs, and all their sons as the third."

14. That not only have Government considered the second life to embrace all the sons of the first grantee, but they have also allowed second life-grants to be split up into annuities among the persons constituting the second life, as in the case of Shashagiri Row, late pensioned Sheristadar of Trichinopoly, (*vide* Proceedings of Government, No. 382, dated 3rd February 1866.)

15. Under these circumstances your petitioner feels persuaded that your Grace will not interpret the act of liberality shown to your petitioner's grandfather by the narrow rules which guide a lawyer in the construction of a deed. Your Grace will, your petitioner feels assured, look rather at the nature of the reward promised to an old and faithful servant, and take care that the spirit of the promise is carried out in spite of mere technical objections. Your Grace will observe that the promise made to your petitioner's grandfather was a *Shrotrium* for *his own and his two succeeding lives*, which according to the interpretation put upon, and rulings of the late Honourable the Court of Directors in similar grants, would have included two descents; and it is evident that the intention of the Government of the day was that the annuity should be enjoyed under the same terms as the Shrotrium would have been, that is to say, for the support of your petitioner's grandfather and his family for two succeeding generations, and not of any individual member of that family.

16. And your petitioner, therefore, prays that your Grace, taking into consideration the spirit of the grant, will accord to your petitioner the continuance of the annuity which has been erroneously withheld from him.

17. Your petitioner is the only surviving son of his father, and according to the course of nature, forty-nine years have elapsed since the sanction of the grant. Your petitioner, who is now about forty-seven years of age, cannot long enjoy the bounty of Government. Your petitioner is burdened with a large family of his own, and with the maintenance of the surviving members of his late brother's family, consisting altogether of twenty souls, including your petitioner's aged mother, seventy-two years old; and your petitioner and the various members of his own and his brother's family are suffering the greatest distress in consequence of the scanty means which your petitioner is able to earn for their maintenance and support, and therefore he humbly and earnestly entreats that your Grace, in consideration of the recognised and valuable services of your petitioner's grandfather, will kindly cause to be continued to your petitioner the bounty which your petitioner's grandfather earned at the hands of Government, and which was promised to be given for his own and two succeeding lives, of the last of which your petitioner is the only surviving one, and as such entitled to receive the same; and your petitioner, as in duty bound, will ever pray.

MADRAS,
*9th September* 1869.

(Signed) C. SEETARAMIAH.

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No. 57. To the Secretary to the Government of India, Financial Department, dated Fort Saint George, 25th October 1869, No. 496.

I am directed to forward, for transmission to the Right Honourable the Secretary of State for India, the accompanying memorial from Kodúr Sétárámaya which relates to a claim for what was in fact a service pension though one of peculiar nature. Its transmission through the Government of India would seem, therefore, contemplated by clause 3rd of the Rules for the transmission of memorials.



2. The facts of the case are succinctly and on the whole correctly stated in the memorial. It was intended to grant to the Memorialist's grandfather Kodúr Swámi Brahmani, on his retirement from the service in 1819, a Srotriyam village at a favourable rent for his own and two succeeding lives, as reward for his services as Manager of the Office of the Board of Trade; but owing to some difficulty at first made by the Court of Directors who objected to the principle of such grants, and to delay in the selection of a village and completion of other arrangements, the grant was not completed when Swámi Brahmani died in 1826. His only son Subaramayya was then offered the "option of selecting a village on the terms of Srotriyam granted to his father for his" (*i. e.* Subaramayya's) "own and his son's life, or of receiving on the same two lives the grant of an annuity of 375 pagodas," (Rupees 1212-8-0). The election was for "an annuity of Pagodas 375 during the life of Kodoor Soobaramiah and his son Soobaroyaloo." (Petition of the former dated 18th May 1827). The reply of Government simply authorizes the disbursement of the annuity to Subaramayya without specifying the exact terms of the grant.

Ext. Mins. Cons., 8th May 1827, No. 101.

Letter from Commercial Supt., 23rd May 1827, with enclosure.

Letter to Commercial Supt., 25th May 1827, No. 109.

3. Subaramayya died in 1849, and in the letter reporting his death, the Secretary to the Marine Board laid before Government the request of his two sons, Memorialist and his elder brother, that the annuity might be granted to them "for their two lives," and raised the very question now brought forward by Memorialist, viz., whether the grant was for designated lives or for two descents. The Government replied that the Resolution of the 8th May 1827, No. 101, contemplated a grant "for two lives, viz., of Soobaramiah and of his son, and as Kodoor Soobaroyaloo is the elder" the annuity should be paid to him.

Ext. Mins. Cons., 3rd May 1849, Nos. 22 and 23.

In 1853 the present Memorialist again preferred a claim to be included in this grant, quoting the then recent decisions regarding the succession to the Tinnanore and Utukád Srotriyams, and the Government replied that these cases were not in point, as in the case of the annuity the second life was expressly designated in the grant. From paragraph 2 supra it will be seen that this statement was not quite correct.

Ext. Mins. Cons., 30th Aug. 1853, Nos. 15 and 16.

4. Subharayulu died in 1856, and Memorialist's claim to the annuity for his life was rejected in 1858, the Government of that day holding that the allowance was strictly limited to the first grantee and his late son Subharayulu.

Procs., 16th Feb. 1858, Nos. 29 and 30.

5. In a somewhat similar case the Secretary of State for India recently decided that a pension granted to one Seshagiri Row, and his next heir, should be continued in shares during the lives of all the sons of the grantee, the younger as well as the elder sons being held to be equally heirs under Hindu Law, and the question is whether this decision should be followed or not in the present case. The answer seems to depend on the view taken of the grant of the allowance in 1827, whether the intention was not to make a grant on similar terms with that proposed for K. Swámi Brahmani, (to which the Secretary of State's ruling would seem applicable,) and whether Subramayya's designation of the last holder (which he had not been called upon to make) made the grant an entirely new one, under which the succession was limited to the person designated.

Rev. Despatch, 30th Dec. 1865, No. 66.

6. It is pertinent to remark, with reference to the intention of the grants, that, in 1824, Sir Thomas Munro's Government, at his instance, laid down that grants of Srotriyams for service should be for three lives; and the terms used in the form of cowle, or deed of grant, prepared under the instructions of Government, were "the said A. B. during his life and after his demise his two next heirs in succession." The cowle granted for the Tinnanore Srotriyam, interpreted under the Orders of the Honourable Court, in 1848, as covering three generations, was in this form. Had there been a formal grant either of the Srotriyam or the annuity in the case now referred to, it

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2. The facts of the case are succinctly and on the whole correctly stated in the memorial. It was intended to grant to the Memorialist's grandfather Kodúr Swámi Brahmani, on his retirement from the service in 1819, a Srotriyam village at a favourable rent for his own and two succeeding lives, as reward for his services as Manager of the Office of the Board of Trade; but owing to some difficulty at first made by the Court of Directors who objected to the principle of such grants, and to delay in the selection of a village and completion of other arrangements, the grant was not completed when Swámi Brahmani died in 1826. His only son Subaramayya was then offered the "option of selecting a village on the terms of Srotriyam granted to his father for his" (*i. e.* Subaramayya's) "own and his son's life, or of receiving on the same two lives the grant of an annuity of 375 pagodas," (Rupees 1212-8-0). The election was for "an annuity of Pagodas 375 during the life of Kodoor Soobaramiah and his son Soobaroyaloo." (Petition of the former dated 18th May 1827). The reply of Government simply authorizes the disbursement of the annuity to Subaramayya without specifying the exact terms of the grant.

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Procs., 16th Feb. 1858, Nos. 29 and 30.

5. In a somewhat similar case the Secretary of State for India recently decided that a pension granted to one Seshagiri Row, and his next heir, should be continued in shares during the lives of all the sons of the grantee, the younger as well as the elder sons being held to be equally heirs under Hindu Law, and the question is whether this decision should be followed or not in the present case. The answer seems to depend on the view taken of the grant of the allowance in 1827, whether the intention was not to make a grant on similar terms with that proposed for K. Swámi Brahmani, (to which the Secretary of State's ruling would seem applicable,) and whether Subramayya's designation of the last holder (which he had not been called upon to make) made the grant an entirely new one, under which the succession was limited to the person designated.

Rev. Despatch, 30th Dec. 1865, No. 66.

6. It is pertinent to remark, with reference to the intention of the grants, that, in 1824, Sir Thomas Munro's Government, at his instance, laid down that grants of Srotriyams for service should be for three lives; and the terms used in the form of cowle, or deed of grant, prepared under the instructions of Government, were "the said A. B. during his life and after his demise his two next heirs in succession." The cowle granted for the Tinnanore Srotriyam, interpreted under the Orders of the Honourable Court, in 1848, as covering three generations, was in this form. Had there been a formal grant either of the Srotriyam or the annuity in the case now referred to, it

would probably have been in this form ; and there would then have been no doubt as to Memorialist's claim under the Secretary of State's decision.

This Government begs to recommend the Memorialist's case for favourable consideration.

7. Copies of the most important papers above quoted are enclosed for reference.

(Signed) R. A. DALYELL.
*Actg. Secy. to Govt.*

Edd. J. Wright.

1869.

FINANCIAL DEPARTMENT.

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*From* *The Acting Secretary to Government,*
*Fort Saint George.*

*To* *The Secretary to the Govt. of India,*
*Financial Department.*

*Dated 25th October* 1869.

*Recd.*

No. 496.
Enclosure.

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**OCTOBER.**
**Nos. 56-57.**

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Forwarding, for transmission to the Secretary of State, a memorial from Kodur Setarimaya, which relates to a claim for what was in fact a service pension.



*Commercial Department.*

To Coodoor Sawmy Braminy.

Para. 1st.—In reply to your Address dated the 9th August last, I am directed by the Board of Trade to furnish you with the accompanying copy of a Letter from Government in the Commercial Department, stating that your claims to a grant of land in shrotreum tenure will be brought to the favorable notice of the Honorable Court of Directors.

2nd.—A copy of the late Secretary's report, and one of the letters dispatched to Government in consequence are also furnished to you.

Madras,
Board of Trade Office,
*25th October*, 1819.

By order of the Board of Trade.
(Signed) J. W. PYBUS.
*Secretary.*

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*Extract from the Proceedings of the Board of Trade, dated 28th September* 1819.

On laying before the Board the following report from the late Secretary Mr. Gwatkin, together with the Address from the Head Native Servant in the Board's Office, to which it relates, the Secretary hopes that he may be permitted to enter his testimony in support of those claims, that are now again submitted to the Board's consideration.

The character which the Manager Sawmy Braminy has acquired for fidelity and assiduity, is so strongly recorded on the Board's Proceedings, that it might be considered unnecessary to enter into further testimony respecting them, but while the period of time during which, as Deputy Secretary, the services of this individual have been within Mr. Pybus's immediate knowledge, will be considered as attaching some little weight to his testimony, he feels it a public duty to state to the Board that during the six years he has been in their office, the conduct of Coodoor Sawmy Braminy has been highly meritorious; and that the uniform assiduity and perseverance which has called forth those marked commendations which stand on the Board's Proceedings, has been so continued as to authorize the record of that further tribute of testimony, which a subsequent unremitted attention of three more years has necessarily earned.

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Mr. Gwatkin's Report.

On leaving the office of Secretary, I take the liberty of submitting to the Board a letter from Coodoor Sawmy Braminy, Head Native Manager. The principal circumstances stated in the letter are already known to the Board; there is, however, one point upon which I would beg leave to submit a few remarks. The Braminy's employment in the public service commenced in the year 1785; in 1795 he was appointed Deputy Manager in this office, and since 1798, he has been charged with the duties of Head Manager, extending to the Sea Custom and Marine Departments, as well as the Commercial. It was only in the year 1814 that the Commercial Department became a distinct branch of the Honorable Company's establishment: consequently, his general claim for long services, upon the footing of all public native servants holding situations of trust and responsibility, extends to the whole time prior to 1814, a period of nineteen years; and since 1814 his claims on the bounty of Government have increased not less in the Marine and Sea Custom than in the Commercial. In deciding upon the representation submitted to the Honorable the Court of Directors in favour of the Head Native Manager, they stated "that a grant on shrotreum tenure being not a lease for pecuniary consideration or an equitable rent, but a reduction of the full assessment or an assignment of a portion of the land revenue: we consider such a mode of remunerating commercial servants wholly inadmissible under the new system of keeping distinct accounts of commercial and political expenditure." It is clear that the foundation of the Braminy's claim was substantially laid for services performed prior to the new system, and that the portion of those services, to which the greatest consideration is due, belongs to a period which, under the rules which then obtained, would allow of his being a candidate for the distinguished mark of public approbation and favour which he solicits. I would beg to add that a grant in favour of the Braminy could not assume the character of a precedent, as there is no native officer in the commercial line whose situation is similar. To the repeated Testimonials which the Braminy holds from the several Secretaries under whom he has served I can add nothing, unless it be to certify that from the date of the latest his diligence, care, and general good conduct in the office up to this time, entitle him to a continuation of the sentiments which have been successively recorded in his favour.

(Signed) J. GWATKIN,
*late Secretary.*

*August 17th*, 1819.

Resolved that the services of the Head Native Manager in the office are deserving of that support from the Board to which the new light in which they have been placed by Mr. Gwatkin's report, and the further testimony now permitted to be recorded, entitles them. Ordered in consequence that a letter, according to the following draft, be dispatched.

To the Chief Secretary to Government,

*Fort St. George.*

Sir,—In again venturing to lay before the Right Honor able the Governor in Council the claim to public reward of Coodoor Sawmy Braminy, the Head Native Servant in their Office, the Board of Trade direct me to premise that had not the services of this individual been placed in some point of view far different to that in which they have been before submitted to the Government and the Court of Directors (and been decided upon by the latter) the Board would not have been induced to make his claims the subject of further representation.

2nd.—Entitled however as Coodoor Sawmy Braminy's past fidelity is to some mark of public favor, and debarred therefrom as his nominal situation has induced the Honorable Court to consider him, the Board on the present occasion solicit the attention of the Right Honorable the Governor in Council to the arguments in his favor urged in the accompanying copy of an Address from the late Secretary to the Board, Mr. Gwatkin ; giving cover to the further Appeal which he has been made by the subject of this communication.

3rd.—The distinct manner in which the late Secretary has stated the claims of the Manager as grounded on a service of nineteen years previous to the separation of the accounts of the Territorial and Commercial expenditure (upon which alone the Honorable Court have rejected the claim to a grant in shotreum tenure) appears to the Board to be entitled to every consideration ; and to this distinction, may be added that, notwithstanding the separation adverted to, the services of this public servant have all along been availed of in the Territorial, or, in other words, the Custom and Marine Departments.

4th.—The Board are induced to hope that upon the foregoing explanation the Right Honorable the Governor in Council will be pleased again to bring the subject to the notice of the Honorable Court of Directors for their favorable consideration, well convinced that where faithful and long services are clearly substantiated, the Honorable Court will feel disposed to extend to the individual rendering them such reward as it may be possible to grant ; and which, in the case in question, appears to be one of more nominal gratification than pecuniary emolument : and the hope of obtaining which, in common with his contemporaries who are now enjoying that reward for which he presents himself a candidate, has probably been the incentive to those exertions which have proved so extensively beneficial to the Department in which the individual has served.

Madras ;
Board of Trade Office,
28*th September* 1819.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. B. PYBUS,
*Secretary.*

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*Extract from the Proceedings of the Board of Trade, dated 25th October* 1819.

To the President and Members of the Board of Trade.

Gentlemen,—I am directed to acknowledge the receipt of your Secretary's letter of the 28th ultimo (220), and to state that it will afford the Right Honorable the Governor in Council pleasure to bring to the favourable notice of the Honorable the Court of Directors your renewed testimony to the long and valuable services of Coodoor Sawmy Braminy the Head Native Servant in your Office, with a recommendation that the Honorable the Court of Directors many sanction the grant of a shrotrium to him for his own and two succeeding lives. It will be explained to the Honorable Court that, in the event of their compliance, the remission of revenue made in favour of the Braminy will be debited to the Commercial Department.

I have the honor to be,
Gentlemen,
Your most obedient servant,
(Signed) D. HILL,
*Secretary to Government.*

Fort Saint George,
18*th October* 1819.

(True Copies)

(Signed) J. B. PYBUS,
*Secretary.*

(9)

TO

HIS GRACE THE DUKE OF ARGYLL, K. T. & G. C. B.,
*Her Majesty's Principal Secretary of State*
*for India, London.*

# The Humble Petition of Coodoor Seetaramiah, the surviving younger Grandson of the late C. Sawmy Braminy, Head Manager and Record-keeper of the late Board of Trade Office.

Most Respectfully Sheweth,

That your Petitioner begs to submit for favorable consideration the following circumstances :—These circumstances are of a rather old date ; but your Petitioner trusts, that as they relate to an act of grave wrong to the descendant of an old and faithful servant of the State, they will not the less commend themselves to your Grace's best attention, and that your Grace will enter fully into the merits of the question now submitted for your high adjudication.

2. That your Petitioner would have submitted the present Appeal long previously, but that being compelled to earn a livelihood for the maintenance of himself and his own large family, and that of his late Brother, which has fallen on his hands, and having in vain appealed to the local authorities and to the Madras Government, and consequently not having any expectation of his prayer finding a hearing in so distant a tribunal as that over which your Grace presides, your Petitioner had neither opportunity nor the heart to submit his case.—But now, hearing that your Grace and the Government of His Excellency Lord Napier are ready and willing to hear the complaints of the people of the country, however poor the addressers of those complaints may be, your Petitioner has been encouraged to come before your Grace, in the fervent expectation of receiving justice at your hands.

3. That your Petitioner's abovementioned Grandfather C. Sawmy Braminy entered the service of the late Honorable the Court of Directors at an early age in the year 1785 in the Office of the Board of Trade. That in 1795 he was appointed Deputy Manager, and three years afterwards, in 1798, he was appointed Head Manager in the Office, which embraced the Sea Customs and Marine Departments as well as the Commercial. That he spent the best period of his life in the discharge of the multifarious, onerous and responsible duties which devolved upon him as being in charge of so large an Office, and that his service extended over 41 years, or nearly half a century, during the greater portion of which time, as will be observed by the annexed Testimonials, he rendered efficient, faithful, and valuable services in the capacity of Head Native Servant and Record-keeper of that Board's Office.

4. That after a service of the abovementioned period, the Board, in recognition of the high character borne by your Petitioner's Grandfather, and of the services

rendered by him, deemed it necessary to mark their estimation of such services by a public reward being accorded to your Petitioner's Grandfather.

5. That with this view, the Board recommended to Government that your Petitioner's Grandfather should receive a shrotrium, like other native public servants, who had rendered services of similar character. The Honorable the Court of Directors at first considered a pecuniary emolument a sufficient reward; but your Petitioner's Grandfather sought for a more substantial prize, viz. the grant of land under shrotrium tenure. The Board of Trade therefore re-submitted his case with a strong recommendation that your Petitioner's Grandfather's prayer may be complied with, and the Government, in acknowledging the receipt of that recommendation, recorded the following Resolution :—"It will afford the Right Honorable the Governor in Council pleasure to bring to the favorable notice of the Honorable the Court of Directors your renewed testimony to the long and valuable services of Codoor Sawmy Braminy, the Head Native Servant in your Office, with a recommendation that the Honorable the Court of Directors may sanction the grant of a *shrotrium* to him for *his own* and *two succeeding lives.*"

20th September 1819.

18th October 1819.

6. That pending this reference to the Honorable the Court of Directors and subject to their confirmation, the Government allowed your Petitioner's Grandfather to select a village and to enter into immediate possession. That the village selected was Nagalaporum in the District of North Arcot. That your Petitioner's Grandfather was unable to enter into possession in consequence of a discussion between the Board of Trade and the Government as to the remission to be made from the revenues of the village after deducting the usual expense of collection, and which the Board fixed at two-thirds of the rent, calculated to be about 750 Pagodas per annum; but to which the Government objected. The Government therefore permitted him to select a village of lower rent, from the amount of which they stated authority would be issued for a remission being allowed equal to 375 Pagodas per annum.

7. That in the meanwhile a Despatch was received from the Honorable the Court of Directors, stating "The reasons which you have stated in favor of Codoor Sawmy Braminy have disposed us to concur with you in the *mode* of showing your sense of his meritorious services." It will thus be observed that the local Government recommended the grant of *land* to your Petitioner's Grandfather on *shrotrium tenure* for his own and two lives, and that the Honorable the Court of Directors confirmed the same; that *this* was the reward which the long and faithful services of your Petitioner's Grandfather obtained for himself and his heirs; and your Petitioner respectfully begs to submit that the subsequent change in the nature of the grant which will be presently detailed, could not be altered by any means in respect to the number of lives for which that grant was to be enjoyed. Had your Petitioner's Grandfather entered into possession of the shrotrium, it would have passed to your Petitioner's Father, and after him to his *two* sons, *both* being considered as *one* life, viz. your Petitioner and his late Brother, and your Petitioner further submits that the grant substituted for the land on shrotrium tenure should have in all equity been governed by the same principle, viz. that it should be enjoyed for three lives.

10th September 1823.

8. That before the question of the selection by your Petitioner's Grandfather of a village of lower rent could be determined, your Petitioner's Grandfather died, on 20th June 1826, without having enjoyed the boon which his long, faithful, and meritorious services had gained for him; but in the firm belief that that boon would have been handed down to his son and his heirs after him for *two* lives.



sideration the spirit of the grant, will accord to your Petitioner the continuance of the annuity which has been erroneously withheld from him.

17. Your Petitioner is the only surviving son of his Father, and according to the course of nature, 49 years have elapsed since the sanction of the grant. Your Petitioner, who is now about 47 years of age, cannot long enjoy the bounty of Government. Your Petitioner is burdened with a large family of his own, and with the maintenance of the surviving members of his late Brother's family, consisting altogether of twenty souls, including your Petitioner's aged mother, 72 years old; and your Petitioner and the various members of his own and his Brother's family are suffering the greatest distress in consequence of the scanty means which your Petitioner is able to earn for their maintenance and support, and therefore he humbly and earnestly entreats that your Grace, in consideration of the recognized and valuable services of your Petitioner's Grandfather, will kindly cause to be continued to your Petitioner the bounty which your Petitioner's Grandfather earned at the hands of Government, and which was promised to be given for his own and two succeeding lives, of the last of which your Petitioner is the only surviving one, and as such entitled to receive the same; and your Petitioner, as in duty bound,

WILL EVER PRAY.

Madras.
9th September
1869.

Seetaramiah.

The following is a Pass-Port given by the Town Major of Fort Saint George to Coodoor Sawmy Braminy, for the use of Palankeen to pass and re-pass the Garrison Gates.

*No.*

## FORM No. 1.

## PASS-PORT.

Permit the undermentioned person to pass and re-pass the Garrison Gates in his Palankeen until futher orders.

| Name. | Occupation. | Remarks. |
|---|---|---|
| C. Sawmy. | Bramin, Head Writer. | Board of Trade Office. |

TOWN MAJOR'S OFFICE;
FORT SAINT GEORGE,
*24th November* 1810.

(Signed) H. BARIEAN,
*Town Major.*

Financial Department.

No. 496.

15

F

Madras 9th September 1869.

To

A. N. Dalyell Esquire
Secretary to Government
Revenue Department
Fort Saint George

Honored Sir,

I respectfully beg to forward herewith a copy of a Memorial to the Home Government which I am submitting in the usual course, and to solicit that you will be so good as to accord to the statements and arguments therein contained your best consideration and if satisfied with the truth of the former and the justness of the latter, I trust you will be so good as to afford me your best help in the matter.

I beg to remain,
Honored Sir,
your most obedient & humble
Servant.
Seetaramiah.

Enclosure 2 to Despatch

Financial Department.

No. 496.

(15)

Ref: Mr. Hutchinson's
letter dated
1st Sept 1915.

Sir,

I am directed by the Secretary to the Treasury to acknowledge the receipt of your letter No. 3111. dated 1st Sept. 1915, and to inform you that the matter of granting Memorial Gratuities to the Subordinate Services will be considered by the Government in connection with the question of certain Annuities which will form

Financial Department.

No. 496.

(15)

(13)

My dear Sir,

This is a case requiring
to be decided upon
the principles laid down
in the Memorial of
Mr Mulcahy, of
which I have sent you
a copy. It
seems to me that
Mr Mulcahy's claim
is a very strong one.
I should like to
have your opinion
on the subject
before I write
to Mr Mulcahy
to request him
to send in a
Memorial.

Yours truly
J. Lucas
Esq.

2. The facts of the case are

family in lieu of the Shotriem which was originally sanctioned to be given to him for three lives in consideration of his long, faithful and valuable services rendered to the State prays for support of his case by this Govert.

C 13/10
R 9/2 56.

Fin. Dept. 25 Oct. 1869.
No 2250 of 1869.

From C. Seetaramiah residing at Madras.
Date 9th
Recd 13th Septr 1869.
Enclosure.
Please see Chit.
Secretary Note on Petn
Petition
Submitting herewith a Memorial addressed to the Right Honorable the Secretary of State, soliciting continuance to him of the pension granted to his grandfather's

With Copies of the Papers noted in the margin

Financial Department.

No. 496.

To

The Secretary to the Government of India.

Financial Department.

Sir,

I am directed to forward for transmission to the Right Honorable the Secretary of State for India, the accompanying Memorial from Kodur Sétárámaya which relates to a claim for what was in fact a Service pension though one of peculiar nature. Its transmission through the Government of India would seem therefore contemplated by cl. III of the Rules for the transmission of Memorials.

2. The facts of the case are

I think it will be necessary to send with this letter copies of the letter & enclosures from which these extracts are taken.

13. That on the demise of your Petitioner's elder Brother in 1856, your Petitioner applied to the Government of Madras for the continuance to him of the annuity; but the Government of Madras, basing their decision on the erroneous statement of the Board of Trade in their letter quoted above, dated 12th July 1826, declared the claim to be altogether inadmissible, and lapsed *in toto*; stating that your Petitioner's Father had elected to take the annuity, and had expressly named his son Soobbaroyloo for the second life, and that the allowance having been therefore strictly limited to the first grantee and his late son C. Soobbaroyloo, had ceased. But your Petitioner respectfully submits that this decision of Government is incorrect, as when there are two or three sons of a first grantee, the second life includes all those sons who succeed to the grant in order of survivorship. This is in accordance with various rulings of Government. There are many that can be cited, but the following will, your Petitioner believes, suffice to establish his position.

1*st*.—In Extract Minutes of Consultation 20th October 1848, Revenue Department, No. 1155, Para. 25, it is ruled as follows:—"The Governor in Council "having therefore in view the instructions of the Honorable Court, conceives that "under the Hindu Law C. Vencata Lutchmiah being the first life, his three sons (an "undivided Hindu family) would be regarded and are the second life; and that C. Ven- "cataputty, whether he was formally adopted by his deceased uncle C. Vencatasoobiah "or not, will be the third life, if he survives his father and living uncle; and under the "authority given to this Government by the Honorable Court's Despatch of the 19th "January 1848, No. 2, resolves thus to recognize the succession of the family to the "shrotrium."

2*nd*.—In Extract Minutes of Consultation dated 20th December 1851, Para. 3, in deciding on the case of the Wootoocaudoo shrotrium, the Government ruled as follows:—"The Honorable the Court of Directors have ordered that the suc- "cession to this shrotrium be regulated on the same principle as was applied to the "shrotrium of Tinnanore, that is, that all the sons of the original grantee be regarded "as the second of the three heirs, and all their sons as the third."

14. That not only have Government considered the second life to embrace all the sons of the first grantee, but they have also allowed second life grants to be split up into annuities among the persons constituting the second life, as in the case of Shashagiri Row, late pensioned Sheristadar of Trichinopoly (vide Proceedings of Government No. 382, dated 3rd February 1866.)

15. Under these circumstances your Petitioner feels persuaded that your Grace will not interpret the act of liberality shewn to your Petitioner's Grandfather by the narrow rules which guide a lawyer in the construction of a deed. Your Grace will, your Petitioner feels assured, look rather at the nature of the reward promised to an old and faithful servant, and take care that the spirit of the promise is carried out in spite of mere technical objections. Your Grace will observe that the promise made to your Petitioner's Grandfather was a *shrotrium* for *his own and his two succeeding lives*, which according to the interpretation put upon, and rulings of the late Honorable the Court of Directors in similar grants, would have included two descents; and it is evident that the intention of the Government of the day was that the annuity should be enjoyed under the same terms as the shrotrium would have been, that is to say, for the support of your Petitioner's Grandfather and his family for two succeeding generations, and not of any individual member of that family.

16. And your Petitioner therefore prays that your Grace, taking into con-

The grant was not completed when
Swami Brahmanandam died in 1856.

1 Enc
2250
13-9-69
Ldr

(2)

Madras 9th September 1869.

To
The Honorable R. S. Ellis C.B.
Chief Secretary to Government,
Fort Saint George.

Honored Sir,

I respectfully beg to enclose a Memorial, which I am about to submit to Government on the subject of the continuance to me of the Annuity, which was granted to my Grand father's family on account of the Shotrium, which was originally sanctioned to be given to him for services and valuable services to the State. I have discussed the whole question in the Memorial, so I shall not trouble you any further here more than to solicit your kind support to the prayer of your old faithful and devoted Servant.

I beg to remain
Honored Sir,
your most obedient & humble
Servant
Seetaramiah.

the disbursement of the annuity

The grant was not completed when
Iyāni Brahmani died, in 1826,
~~before the grant was finally made~~. His only son Subra-
ramayya was then offered
the "option of selecting a village
on the terms of srotriyam
granted to his father for
his" (i.e Subarāmayyā's)
"own and his sons life, or
of receiving on the same lives
the grant of an annuity
of 375 pagodas" (Rs 1212. 8 - -).
The election was for "an an-
nuity of pagodas 375 during
the life of Kodoor Soobaramiah
and his son Soobroydoo."
(Petition of the former dated
18th May 1827). The reply of
Government simply authorizes
the disbursement of the
annuity

Ex Mems: Cons: B.O. 8th May 1827
No 101.

Letter from Commercial Dept
23 May 1827. with
enclosure.

annuity to Subaramayya without specifying the exact terms of the grant.

Letter to Commercial Supt. dated 25th May 1827 No. 109.

3. Subharamayya died in 1849, and in the letter reporting his death, the Secretary to the Marine Board laid before Government the request of his two sons, Memorialist and his elder brother, that the annuity might be granted to them "for their two lives" and raised the very question now brought forward by Memorialist, viz: whether the grant was for designated lives or for two descents. The Government replied that the resolution of the 8th May 1827 No. 101 contemplated

~~dated 24th April 1849~~
Ex Mems Cons: 3 May 1849
12 & 23

Ex Mems Cons: 30 aug 1853 - 15 to 16.

a grant "for two lives, viz: of Soobaramiah and of his son, and as Codoor Soobarayaloo is the elder" the annuity should be paid to him. In 1853 the present Memorialist again preferred a claim to be included in this grant, quoting the then recent decisions regarding the succession to the Jinnanore and Utukād Zemindaries. The Government replied that these cases were not in point, as in the case of the annuity the second life was expressly designated in the grant. From para 2 supra it will be seen that this statement

pver

was not quite correct.

4. Subrayaloo died in 1856 and Memorialists' claim to the annuity for his life was rejected in 1858, the Government of that day holding that the allowance was strictly limited to the first grantee and his late son Subbarayulu.

Pro: 16 Feb 1858. 29. 30.

5. In a somewhat similar case the Secretary of State for India recently decided that a pension granted to one Seshagiri Row and his next heir should be continued in shares, during the lives of all the sons of the grantee, the younger as well as the elder sons being held to be equally heirs under Hindu law.

Rev Despatch 30 Dec 1865 n°66

and the question is whether this decision should be followed or not in the present case. The answer seems to depend on the view taken of the grant of the allowance in 1827, whether the intention was not to make a grant on similar terms with that proposed for K. Swami Brahmani (to which the Secretary of State's ruling would seem applicable) and whether Subramayya's designation of the last holder (which he had not been called upon to make) made the grant an entirely new one, under which the succession was limited to the

the person designated.

6. It is pertinent to remark, with reference to the intention of the grants, that in 1824 Sir Thomas Munro's Govern-ment, at his instance, laid down that grants of Inamdars for service should be for three lives; and the terms used in the form of cowle or deed of grant, prepared under the instructions of Government, were "the said A.B during his life and after his demise his two next heirs in succession". The Cowle granted for the Inamdars, inter-preted under the orders of the Hon'ble Court, in 1848, as covering three generations,

was

was in this form. Had there been a formal grant either of the Inamdars or the annuity in the case now referred to, it would probably have been in this form; and then would there have been no doubt as to Memorialists' claim under the Secretary of State's decision.

This Government begs to recommend the Memorialists' case for favourable consideration.

7. Copies of the most important papers above quoted are enclosed for reference.

C.C.S

Ent-Pl[illegible]
25-Oct-[illegible]

*186 . Department.*

*No.*

To
The Secretary to the
Government of
Department

Dated 186 .

15-2012

1869.

Financial DEPARTMENT.

From

The Chief Secretary to Government,
Fort Saint Georg.

To

The Secretary to the Govt. of India.
Financial Department.

Dated 25th Oct. 1869.
Rec'd.

No. 496.
Enclosure.

Forwarding, for transmission to the Secy of State, a Memorial from Kodur Letaramayya which relates to a claim for what was in fact a Service pension —