M.R.O. 1—38,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 275 Press Mis.

Dated 5. 6. 1861

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department,
5th June 1861.

No. 5. Read the following letter from W. M. CADELL, Esq., Government Agent, Tanjore; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Chedubava, 25th May 1861, No. 195.

In compliance with the request of Her Highness Kámákshi Sahib, I have the honor to forward the accompanying Memorial with its enclosures, to the address of the Right Honorable the Governor General of India in Council.

I presume that it is unnecessary for me to offer any observations on the document in question, and that my duty, on this occasion, is simply to be the channel of communicating the Lady's wishes.

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TO THE RIGHT HONORABLE THE GOVERNOR GENERAL IN COUNCIL.

The respectful Memorial of Her Highness KAMATCHI BOYEE SAIBA, Ranee of Tanjore.

SHEWETH,

That on the 15th of March last the Right Honorable Sir Charles Wood stated in his place in the House of Commons that he was waiting to receive your Lordship's opinion on the course to be pursued in the case of your Petitioner and that of the Royal family of Tanjore before proceeding to a final consideration of their claims. Copy of the report of the discussion in the House of Commons on that occasion accompanies marked A.

2. Understanding that the whole matter is still under your Lordship's deliberation, and that the whole of the Proceedings of the Madras Government on the subject have been also transmitted to you, your Petitioner now seeks at your Lordship's hands that favorable consideration which your known character for clemency and justice towards the faithful Native Princes of India, and the merits of her own individual case fully entitle her to expect; and she entreats your Lordship to make such liberal proposition in your report to the Secretary of State for India, as may confirm that high functionary in his present disposition and declared intention of treating your Petitioner and her family with a munificence worthy of the dignity of the British Crown and Nation, and in some measure compensatory of the grievous loss which your Petitioner and her family have suffered, without any fault of their own, by the declaration of the late Court of Directors, that the Raj of Tanjore has ceased to exist.

3. That this declaration has proceeded upon an entire mistake of the Hindu Law with regard to succession, your Petitioner is prepared to maintain. From first to last it has never been asserted that the extinction of the Raj was the consequence of any political necessity or expediency. Nothing short of the proved treason of the late Rajah could have justified entailing such destructive penalties on his family: whereas the fact of his fidelity to the Treaties between him and the East India Company is patent and notorious, has been frequently recognized and admitted by the British Government in terms as conclusive as those of the late Resident Mr. Forbes in paragraph 18 of his letter to the Madras Government of the 6th November 1855. Copy of which accompanies marked B.

4. But in truth no such ground has ever been taken. The extinction of the Raj was declared exclusively on legal grounds; namely, that the Rajah of Tanjore had died without leaving any heir capable of succeeding him in his Crown and dignity. This was the contention of the Court of Director's Despatch to your Lordship of the 16th April 1856. This was the contention of the answer which the East India Company put in to the Bill filed by your Petitioner in Her Majesty's Supreme Court at Madras.

5. How unfounded was this assertion in law and fact has been already superabundantly proved. On the trial of the case before the Supreme Court, it was proved by the Records of the Tanjore Palace, that the sixth reigning Sovereign of Tanjore of the dynasty of your Petitioner was a female, Soojan Bee, who succeeded her husband, Bava Sahib, on his death without male issue or any adopted son. Copy of the report of the proceeding in the Madras Supreme Court drawn up by your Petitioner's Counsel accompanies marked C. in the appendix to which will be

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found the pedigree and historical records referred to. Mr. Forbes in his letter above referred to (B) makes mention of several female successions; and the annals of Indian history present many more. Such are those of Ahlia Boyee of the great Maratta family of Bhonslay, one of the most illustrious women in all ages; the Ranee of Trichinopoly mentioned by Orme; the celebrated Dusgawattee, and others, whom it is superfluous to mention: as a single precedent is sufficient to disprove the asserted existence of any law analogous to the Salic law of France, whereby women are excluded from succession to the throne.

6. But beyond this, Lord Kingsdown in delivering the decision of the Judicial Committee of the Privy Council which reversed the Judgment of the Supreme Court on the question of jurisdiction, thus noticed the point of law taken by the East India Company, that the Raj had ceased to exist:—"It is extremely difficult to discover in these papers *any ground of legal right, on the part of the East India Company*, or of the *Crown of Great Britain, to the possession of this Raj*, "*or of any part of the property of the Rajah* on his death; and indeed, the seizure was denounced "by the Attorney General (who from circumstances explained to us at the hearing appeared as "Counsel for the Respondents, and not in his official character for the Appellants) as a most "violent and unjustifiable measure. *The Rajah was an independent Sovereign of territories* "*undoubtedly minute*, and bound by Treaties to a powerful neighbour; which left him practically "little power of free action, *but he did not hold his territory*, such as it was, *as a fief of the British* "*Crown*, or of the East India Company, *nor does there appear to have been any pretence for claim-*"*ing it on the death of the Rajah* without a son *by any legal title* either as an escheat or as bonâ "vacantia."

7. True it is that Sir Charles Trevelyan, while Governor of Madras, in his Minute of the 8th November 1859, argued that the Tanjore case presents a "true escheat" notwithstanding the strongly expressed opinion of the Privy Council to the contrary; and maintained that "no well "informed or impartial Native would maintain the right of succession of a female to a Hindu Raj." Your Petitioner with all submission begs to controvert this proposition: she is fortified by the opinion of Natives of the highest respectability and intelligence as to her right being in perfect accordance with Hindu Law, and custom, and historical precedents. She puts it to your Lordship's own experience, derived from your late extended progresses in Upper India, whether Hindu Rancees exist or no; and especially she would point to the Ranee of Banda, who rendered most effective service to the British Government during the recent mutinies and rebellion.

8. Your Memorialist humbly prays your Lordship to recommend to Her Majesty's Government the recognition of her just title to the Raj, shorn, it is true, of its political importance, since its Courts of Justice have merged in the ordinary Courts of the country, its Soldiery has been disbanded, and she has no desire to see continued the vexatious appointment of a Resident; but she prays for the restoration of the Raj as a permanent provision for herself and family, and as an abiding mark of the loyalty and fidelity of the Tanjore family to the British Government during the trying times of the late struggle for its overthrow. She exerted to her utmost her authority in preserving the people in their allegiance; she sought to take no advantage of the tempting occasion to seek redress for the injuries done to her, but persuaded her late husband's disbanded Soldiers to volunteer their services to the Madras Government, in the cause of order, either in the District of Tanjore, or on Foreign service. Her Majesty's Gracious Proclamation assures the Princes and people of India that she will be guided in her conduct towards them by the same principles of justice as are her rules of conduct towards her subjects in every quarter of the globe; and your Lordship has traversed a large portion of India, bestowing specific rewards upon those potentates who were faithful to the English rule during the temptations of the rebellion. Such an act of justice and munificence would be hailed throughout India by the Natives of the country as a signal mark of the good faith and honor of the British nation; and your Memorialist gathers that such a consummation would be far from disagreeable to the Government of Madras as at present constituted. In his Minute of the 9th November 1859, the Honorable W. Morehead writes, "*the question of escheat* or no escheat has in my opinion been from "first to last decided *too much on grounds of public policy and with too little consideration for* "*the legal claims of the parties interested*:" and again in his Minute of the 16th February 1860,

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"as I have before stated, I can only view the abolition of the Tanjore Raj as an *arbitrary* Act "*of State* carried out *without reference to the title or right of those* who claimed, and *who accord-*"*ing to Hindu Law and usage appear to be the heirs of the late Rajah*." The Judicial Committee of the Privy Council has denounced the Act; Her Majesty's Attorney General, Sir Richard Bethel, has denounced it in the strongest language, as an act of "barefaced spoliation;" Mr. Henry Baillie, the late Under Secretary of State for India, called it in Parliament "open plunder;" Mr. Bright and Mr. Ayrton viewed it in the same light; and the current of public opinion, formerly so strong in favor of annexation and the extinction of the royal and noble families of India, has of late entirely changed. The wisdom of a policy whereby the great families of India are preserved in their dignity and integrity, has been at length recognized; their existence has been found to be one of the great safe-guards of the British rule, and your Lordship has immortalized your name in the annals of Indian history, by securing to the Hindu Princes the permanence of their posterities' succession through the acknowledgment of their legal right to adopt.

9. The late Rajah of Tanjore was desirous of adopting, and fully intended to adopt, one Raja Ram Sahib, a youth in every way fitted for affiliation; but, that death cut your Memorialist's husband off too suddenly for the performance of the necessary ceremonies. This youth, with the consent of the whole of the Royal family, performed the Rajah's funeral ceremonies, with the knowledge of the Resident Mr. Forbes; and as your Lordship is aware that by the Maratta custom no express authority from the husband to the widow is required to render an adoption by her valid, your Memorialist has always expressed, as she now expresses, her willingness to forego her own legal claim, in favor of the youth designated by the Rajah for his successor, and she has only refrained hitherto from adopting Rajeram from a desire not to embarrass the action of the British Government while her case was under consideration. His Excellency the late Commander-in-Chief, Sir Patrick Grant, in his Minute of the 22nd January 1860, says, "If it is "consistent with the Hindu Law, and the customs of independent Maratta States to sanction "adoption in the case of Nagpore, the same rule must equally apply, and with ever greater force "to Tanjore; the Rajahs in both instances having claimed without making any formal adoption."

10. But if it should be irrevocably determined not again to open up the question of the alleged escheat of the Tanjore Raj, your Memorialist most earnestly hopes that your Lordship will recommend such a *permanent* and sufficient provision for her and the other members of the Royal family, as may not only preserve them in affluence and honor, but may be consistent with the dignity and munificence of the English Government and nation.

It is true that in the Proceedings of the Madras Government, under date the 5th December 1859, it was maintained that there is no distinction between the Rajah's State and private property, but that all had escheated to the Government; and it was proposed that your Memorialist and the other members of the Royal family should receive a few of the jewels of the late Rajah, and be provided for during their lives by small ephemeral pensions, diminishing or dying out at their several deaths. But firstly the Advocate General of Madras, in his opinion of the 26th July 1860, conclusively shews that there *does* exist the widest distinction between public and private property, and secondly, this principle of pensioning was adopted in accordance with the views which actuated the Government of the late Lord Dalhousie, as exemplified in the letter of Mr. Secretary Edmonstone of the 8th September 1856, to the Government of Madras.

11. The 14th paragraph of Mr. Secretary Edmonstone's letter is as follows:—

"By these rules the object recently attained in the case of the descendants of Tippoo Sultan, "security for the cessation of the system of pensions, will be ensured prospectively as regards the "family of Tanjore. The heirs and relations of the pensioners will know exactly what to expect, "and will see before them the time when they must take their places amongst the people of "India, and rely upon their own exertion. No change will come unforeseen upon any one. "The warning will extend through three generations, making itself sensibly felt upon each suc-"cession, and serving, it may be hoped, to dispel gradually the habits of improvident depen-"dence and vicious idleness, which have been found inseparable from stipendiary royalty, when "maintained indefinitely."

12. Your Memorialist will not comment upon the principles here unfolded; principles which would justify the stripping the nobility of England of their ancestoral possessions; principles which are false in morality as they are in political economy; principles utterly opposed to the changed temper of the present times; principles which nothing but the "high-handed nsolence of a dominant race," to quote from Sir Charles Trevelyan's well known words, could ever have suggested to the imperious will of a despotic power.

13. By your Memorialist asking whether the "Rules" framed for regulating the pensions of the descendants of Tippoo Sultan have any applicability to the case of the descendants of the Rajahs of Tanjore? whether there is the faintest analogy between the two? Tippoo Sultan hazarded his kingdom on the fate of war: he was the deadly enemy of the British; their supremacy reeled for the moment under the impetuosity of his and Hider Ally's enmity. When the fortune of war made the British masters of the field, and Tippoo was lying a lifeless corpse under the gateway of his own fortress, there was no obligation, legal or moral, upon the conqueror to make any provisions for the relations of the defeated. The doing so was a purely spontaneous act of benevolence: the grant might well assume what form the giver pleased, and be coupled with whatsoever conditions seemed meet to him. But Tanjore never cost the British nation "the life of a single Soldier or the value of a single Rupee;" when it was ceded the "cry of the orphan" was never heard; nor did the "widow shed a tear." Since the British have held peaceable possession of the territories which the Rajahs of Tanjore voluntarily ceded, they have "drawn from it in round numbers twenty crores or as many millions sterling." They are still drawing vast annual and increasing revenues from the territories of the Rajah; they will ever continue to do so. What was the conisderation for which the Rajahs of Tanjore handed over to the East India Company this magnificent heritage?—The promise, solemnly ratified by Treaty and as confidently accepted, that so long as there should be any "heirs or successors" of the contracting Rajahs, so long the East India Company would pay them the sum yearly reserved by the Rajahs out of the patrimony they were parting with. Can it be maintained that the bestowal of a pension, fading away gradually, is a fulfilment of the Treaty either according to the letter or the spirit? Can it be argued that the maintenance of the Royal family is a charge upon the public revenues, when in fact they ask for nothing more than that which their ancestors reserved for them out of their immense wealth, which they were about to hand over to the British Government?

14. As to the amounts of pensions which Sir Charles Trevelyan offered to your Memorialist and her family, true it is also, that he professed to be guided by the principle that the members of the Royal family should not be placed in a *worse* position than they would have been if there had been an ordinary succession. For this purpose inquiry was directed to the monthly allowances which the Rajah was in the habit of making to the several members of his family, and this was assumed to be the fitting sum to be settled on them by the British Government. But your Memorialist would fain point to the fallacy which lies at the root of such a provision. This monthly payment by the Rajah was in mere nature of pin-money: everything was found for your Memorialist and the rest of the family; they lived under the shadow of the Raj; but now that the Royal dignity is taken away, it is only fitting that the Government, which by its irresistible power effectuated its declaration that the Raj had escheated, should make provision for the family and successors of their most steadfast ally somewhat in proportion to their former estate, and such as it is not beneath the munificence and dignity of the British nation to offer.

15. The Madras Government was not unanimous in its opinion as to the course to be adopted towards your Memorialist and the Royal family. It is notorious that after Mr. Walter Elliot, who had been a party to the original seizure, had retired from the Council, the whole of the Madras Government was opposed to the views of Sir Charles Trevelyan; and that their recommendations have been gradually characterised by an increasing degree of liberality.

16. Sir Charles Trevelyan himself in his Minute of the 17th January 1860, proposed more favorable disposition of the *private* property than he had originally sanctioned.

17. His Excellency the late Commander-in-Chief in his Minute of the 22nd January 1860 writes:—"I am of opinion that the Regalia is the *only* portion of the Tanjore Raj, which

"should be viewed as strictly property and retained by the British Government. I also think "that the *Villages, Lands, and Gardens, &c.*, referred to in paragraphs 9, 10 of the Proceedings "of Government of 5th December last, should be valued by the Collector or other Civil Officer "of the District, *and their estimated value made over with the moveable property and effects to the "family of* the late Rajah in such proportion to each sharer as may accord with Hindu Law and "Maratta usage; *any other course it appears to me would be unseemly and unbecoming the dignity "of the British Government in dealing with the case of a Royal family which has been for nearly "a century our Royal and faithful Ally.*"

18. In his Minute of the 25th of January 1860, the Honorable W. Morehead concurs with the Commander-in-Chief as to the treatment of the Villages, and writes:—"In respect to the "treatment of the Rajah's family my opinion is that we should *do more* than he" (the President) "deems advisable and that whatever property is eventually given to them, *its distribution should "be left to the provisions of Hindu Law.*

"I regret that the views recorded by the President in the 5th paragraph of his Minute are "not such as I can respond to. I still abide by the opinion that I have recorded in my Minute, "dated the 29th November 1859, on the subject of the sequestration of the Raj, and my *earnest "desire and hope* is that the ruling powers may be now induced so to act as to render the measures "which they have already carried out *as free from further harshness as the circumstances of "the case will admit of.*"

19. Mr. Morehead also points out that the sequestration of the Raj has been most profitable to the Government.

"In a pecuniary point of view," he writes, "the results accruing to the State from the "sequestration of the Raj and the property attached to it has been most profitable; *a permanent "annual income of upwards of 7 lakhs of Rupees exclusive* of the pension proposed to be granted "has been obtained. The sum carried to the credit of the State since the demise of the Rajah "in 1855, after deducting all the charges referred to in the Despatch from the Right Honorable "the Secretary of State for India, dated 17th December 1859, *has been upwards of thirty lakhs "of Rupees.*"

20. The Honorable Mr. Maltby also in his Minute of 30th of January 1860, endorses Mr. Morehead's view of the course to be adopted with regard to the private property.

21. It may be assumed that the whole of the private property will now be restored. Exceptions have been taken to the claims of the Rajah to certain villages. Mr. Phillips indeed in his letter of the 11th July 1857, professed to have made the discovery that this property had been retained by the Rajahs in fraud of the Treaty of 1798: but the Advocate General in the 12th paragraph of his opinion of the 30th of January 1858, effectually disposes of an assertion, which it is hard to read with gravity, or to conceive put forward with any belief in its reality or validity. The landed property of Her Highness Avoo Sahiba has also been declared not to be hers, on an *ex parte* report made behind her back, notwithstanding she has in vain asked for an opportunity of proving her title, and that both the late Commander-in-Chief, and the Honorable W. Morehead, have declared that further investigation is at least necessary.

22. Beyond the restoration of the private property, which is indubitably their own, and which it never can consist with the honor of the British Government to retain, your Memorialist desires to know what compensation is to be made to her, and the other members of the Royal family, for the position which they have lost by the extinction of the Raj and which was secured to the Rajah and his successors by treaty after treaty.

23. If the abolition of the Raj be, in the words of the Honorable Mr. Morehead, "an "Arbitrary act of State, carried out without reference to the right or title of those who by Hindu "Law and usage appear to be the heirs of the late Rajah," surely such an act ought to be completed under any circumstances with as little harshness as possible; especially in such a case as that of Tanjore, where the parties set aside have from their earliest relations with the British nation been unswerving in their friendship and alliance and in their fidelity to their Treaties. Surely if the Raj be extinguished for political reasons, the soundness of which your Memorialist

has no means of ascertaining, any more than she has power of resisting the fiat of the paramount State; that can afford no just ground for gradually destroying the Royal family by the application of a system of pensions, extended only for one or more lives. Rather is it a cause for treating the family of the ally with princely liberality, and establishing the descendants of the Rajahs, as the great Noble family of Tanjore, enjoying their private property, dispensing the charities of all those religious endowments which have been established by their ancestors, and which make the people look up to them as their patrons and benefactors; and at the same time rich in such a permanent appanage, as will enable them to spend as heretofore a large annual income among the people of the district to the benefit of all parties, governing and governed.

24. Such an act as the re-establishment of the Royal family of Tanjore, if not in the Raj, at least at the head of the nobility of Southern India, would be a real fitting termination to the career of one who has lived to quell a rebellion, vitalized, if not originating in the policy of annexation; who has rewarded the faithful, as he has punished the guilty; who has promulgated the right of adoption throughout the length and breadth of the land; who has been the first Viceroy to carry out the promises of Her Majesty's Gracious Proclamation; and to whom, above all, Hindoo posterity will look up, as their great establisher in the security and permanence of their possession, through the recognition of their adopted children.

Your Memorialist therefore humbly prays your Lordship to take the whole of her lamentable case into your most earnest consideration, and by the recommendation which you shall make to Her Majesty's Secretary of State for India, for a course of liberality and justice, to bring at last to an end, all those harassments and anxieties to which she and the other members of the Royal family have now been exposed for upwards of five years, without any fault of their own, and without any power of resisting, and your Memorialist shall ever pray.

PALACE, TANJORE.
20*th May* 1861.

No. 6. To the Secretary to the Government of India, Foreign Department, dated Fort Saint George, 5th June 1861, No. 275.

I am directed by His Excellency the Governor in Council to forward, for submission to the Government of India, the accompanying Memorial, with enclosures, from Her Highness Kamatchee Boye Sahiba, senior widow of the last Rajah of Tanjore.

2. All the papers connected with this Memorial being already before the Government of India, with a full exposition of the views of this Government upon it, it does not seem necessary in forwarding this Memorial to accompany it with any comment.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. T. Dunn.

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British Gouvernment the life of a
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liar of the widow ever shed, when
of the Country passed from the Rajah
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during which we have held possession
we

Memorial being
already before
Govt of India, with a
full exposition of the
views of this Govern-

we have in round numbers, drawn from it, a total revenue of no less than twenty crores, or as many millions Sterling. Neither Shurfojee nor Serwajee ever offered the smallest hinderance to our peaceable settlement of the Country or in any degree whatever, departed from the strictest adherence to the treaty - truly it deserves Consideration how the Government shall act towards the last descendant of a royal line, to a daughter of those who when their aid was needed were always our firm allies.

Exd. T. Dunn.

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Dupl. & Remexis with Enclos:

No. 275.

Sec.y Govt of India
Foreign Dept.

Madrmorial of H. H. Kumratcha
Koya Sahiba Ammi of Tanjore
Dated 20th May 56.

I am directed by H.E. the Gov. in Council to forward for submission to the Govt of India the accompanying memorial, with enclosures, from H.H. Ramatcha Koya Saheba, senior widow of the late Rajah of Tanjore.

2. All the papers connected with this memorial being already before the Govt of India, with a full exposition of the views of this Govern-

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Exd. T. Dunn.

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Fort St George
5th June 1861 — J.P.

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Political 1861 Departo

No. 275.

To

The Secretary to the

Govt of India

Foreign Departo

Dy. 5th June 1861.

Forwarding for submission to the Govt of India a Memorial with enclosures, from H.H. Kamatchee Boye Saheba, Senior widow of the last Rajah of Tanjore

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