M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1109 Press ~~Mis.~~

356 - 357

Dated 29 - 6 - 1864.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 29th June 1864.

No. 356. Read the following Proceedings of the Board of Revenue, dated 23rd March 1864 No. 1,779.

Read the following letter from the Acting Collector of Madura, dated 26th February 1864, No. 47 :—

Government Petition, No. 1,767 of 1862	1	
Do. do. „ 1,300 of 1863	1	
Do. do. „ 2,688 of „	} 1	
Board's No. 464 of 1863		
Collector's Office No. 259		
	3	

1. I have the honor to forward my report on the Petitions marginally noted. I have on two occasions had the parties up before me to argue their claims and objections to payments, but the ill-feeling has now reached such a height that all endeavours to induce the parties to calmly think the matter over and by concessions on the one side, and withdrawal of objections on the other, settle their differences, are perfectly useless.

2. The Board are aware that by an Order of Government dated the 28th of March 1862, communicated to Mr. Levinge in Board's Proceedings No. 2,130, dated the 1st of April 1862, the payment of this pension was stopped for as long as Jamally Odiar Servagar declines to maintain the family of his deceased father.

3. With reference to the Endorsement on the Petition of earliest date, I find that there is reason to believe that the statement put forward by Jamally Odiar Servagar that Sivasawmy is a grandson in the female line by one Vyrathal, who was concubine of his great-grandfather, is not borne out; for in the year 1821 in his letter of the 12th of May to the Secretary to Government Mr. Peter, the Collector of this District, submitted a list of this family presented to him by Marudu Servagar (father of the Petitioner Jamally Odiar Servagar), and in this list I find entered under the head of families of the third wife, "wife Vyrathal" and this is followed lower down in the list by the names of his family by concubines : her name is not in the concubine list.

4. In the list of division of this pension (that is as to the eventual distribution of the sum) given into the Talook Cutcherry in the year 1852 by this pensioner (Jamally Odiar Servagar), Vyrathal is entered as Sakalathi, to the second wife Shesevarnataul. Now had she been only a concubine, the term Sakalathi would not have been used, as the word Sakalathi implies the relationship between two wives of one common husband, and would be inapplicable between a wife and concubine of the same man.

5. On my asking Jamally Odiar Servagar to explain this he failed and expressed his willingness to pay the usual shares to No. 3,* No. 18 and No. 19, but declines to pay Nos. 16, 17 and 20 for the reasons specified hereunder.

Vide list.

6. He objects, as Vyrathal died in 1851, to pay her share (No. 16) to her grandson Sivasawmy as he draws a share in No. 18,† inheriting through his father.

List.

This objection appears to me fair. Sivasawmy is not at all in want.

7. He objects to pay the share claimed in No. 17 as the individual Jamally Odiar Servagar is dead. Sivasawmy Servia (Vyrathal's grandson) claims the share, as the shareholder was the elder brother of his adoptive father, and having performed his funeral obsequies he has a right to his property.

The objection to pay the share is in my opinion good.

8. He objects to pay the share claimed in No. 20 of the list as the woman Devacooncharam has married into another family, who he avers can support her.

This objection I consider is wholly improper, and petitioner is bound to continue the payment.

9. I submit a translation of the list of division of this pension given by Jamally Odiar Servagar in 1852, and which he acknowledged before me as the one put in by himself.

10. I have now gone through each item of dispute and given my opinion on each.

11. In addition to the above Sivasawmy claims arrears of payment of the above six items which have been withheld for ten years.

12. The monthly pension is 66 Rupees, 10 Annas and 8 Pice; the accumulated arrear now in the Treasury amount to Rupees 1,463-10-8, and I would suggest that in whatever way it is finally decided to settle the items* now in dispute that any arrear of payment on the part of Jamally Odiar Servai prior to the stoppage of the pension be not noticed. I see no way of settling the dispute amicably; the parties appear most bitter against each other.

* Items in the List 16, 17, 20.

ENCLOSURE No. 1.

ABSTRACT.—Extract from the Statement for Fusly 1261, regarding the pension paid to Jamally Odiar Seivai and others.

ENCLOSURES Nos. 2 to 4.—Petitions.

1. Submitted to Government with reference to their Deputy Secretary's Endorsements on the Petitions referred to in paragraph 1.

2. The Board consider that the pension being specially granted *for life* to Petitioner, for the support of himself, and his father's family, only those persons whose names appear in Mr. Blackburne's List prepared in 1846 are entitled to receive maintenance from Petitioner. The Board accordingly recommend that the Collector be directed to dispose of the case on this principle, and to continue to Petitioner the pension, with arrears, provided he agrees to pay such maintenance allowances to each of these persons now living as the Collector may consider proper.

No. 357. ORDER THEREON, 29th June 1864, No. 1,109.

Miscellaneous.

No. 1,767 of 1862.
„ 1,300 of 1863.
„ 2,688 of „

1. These Proceedings of the Board contain the report of the Collector of Madura upon the petitions marginally noted, presented by Jamaly Odiar Shervagar, who sought therein to obtain a reversal of the Order under which his pension of Rupees 66-10-8 had been stopped, so long as he declined to maintain the family of his deceased father.

* No. 2,173 of 1861.

2. The Order in question (dated 28th March 1862) was passed with reference to a complaint* which had been made by one of the members of the family named Sivaswami Shervagar and reported upon in Board's Proceedings, dated 28th October 1861, No. 5,916.

3. In those Proceedings the Board concurred with the Collector in considering a formal division of the pension undesirable, but at the same time they thought that Jamaly Odiar was bound to maintain the members of the family, and it was in accordance with this view of the case that the Government issued the Order now complained of.

4. Jamaly Odiar has not drawn the pension now for two years, and from the account which the Collector gives† of the state of feeling between him and some of the members of his family it is not likely that they will ever come to terms.

† 26th February 1864, No. 47.

5. The Collector does not find that the allegations which Jamaly Odiar has made against one of his opponents are borne out by the records. Some of the objections which the Petitioner has raised against continuing payments to certain individuals are, however, deemed reasonable, others the reverse, but it seems very undesirable that the Government should interfere in these petty details.

6. When in 1821 the Government sanctioned‡ an allowance of 100 Rupees a month to *Murdu Shervagar*, the present Petitioner's father, it was specially "for the support of the family" which at that time consisted of 44 persons, as per list which accompanied

‡ 25th May 1821, No. 195, Judicial Department.

Mr. Collector Peter's letter dated 12th May 1821. In 1846 when Mr. Blackburne reported* the death of *Murdu Shervagar* he forwarded a list showing that 21 out of those 44 had demised, but that, inclusive of the 23 survivors, there were then 61 individuals who all claimed to belong to the family. The Board in reporting† upon the case considered this large number of indigent persons to be "proper objects for the liberality of Government," and accordingly recommended that two-thirds of the pension should be continued to the present Petitioner, son of the deceased "for the support of himself and of the family," and this recommendation was approved‡ by Government.

* 18th September 1846, No. 19.

† 12th November 1846, No. 543.

‡ 20th November 1846, No. 1,205.

7. The Board now§ propose as the best way of settling all disputes that as the pension was granted *for life* to the Petitioner, only those persons whose names appear in Mr. Blackburne's List above noticed should be considered entitled to maintenance from him. The Government presume that the Board mean the 61 persons already referred to, although the *names* of all are not entered.

§ 23rd March 1864, No. 1,779.

8. According to the distribution list of this pension in 1852, copy of which, forwarded by the Collector, forms an enclosure to the Board's Proceedings under review, there were then about 60 individuals receiving, monthly, sums varying from a few Annas to a Rupee or two as their shares. In the majority of cases the sums received could not be worth having.

9. The Government observe that the pension enjoyed by Petitioner is but 66 Rupees odd per mensem, and out of this he cannot be expected to support every one who may consider himself or herself to be a member of the family. A list should be prepared of those who may really be considered to have claims for maintenance, and the Petitioner should be required to keep these and no more.

10. The following endorsement will be passed on Petitions 1,767 of 1862 and 1,300 and 2,688 of 1863:—

"The Government have passed general orders regarding the pension which Petitioner draws, "and these will be communicated to him on application to the Collector."

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
„ the Petition Department.

Exd. S. T. Augustin.

No. 1,779.

Proceedings of the Board of Revenue, dated 23rd March 1864.

Read the following letter from the Acting Collector of Madura, dated 26th February 1864, No. 47:—

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1. I have the honor to forward my report on the Petitions marginally noted. I have on two occasions had the parties up before me to argue their claims and objections to payments, but the ill-feeling has now reached such a height that all endeavors to induce the parties to calmly think the matter over and by concessions on the one side, and withdrawal of objections on the other, settle their differences are perfectly useless.

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3. With reference to the Endorsement on the Petition of earliest date, I find that there is reason to believe that the statement put forward by Jamally Odiar Servagar that Sivasawmy is a grandson in the female line by one Vyrathal, who was concubine of his great grandfather, is not borne out; for in the year 1821 in his letter of the 12th of May to the Secretary to Government Mr. Peter, the Collector of this District, submitted a list of this family presented to him by Marudu Servagar (father of the Petitioner Jamally Odiar Servagar), and in this list I find entered under the head of families of the third wife, "wife Vyrathal" and this is followed lower down in the list by the names of his family by concubines: her name is not in the concubine list.

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* Vide List.

6. He objects, as Vyrathal died in 1851, to pay her share (No. 16) to her grandson Sivasawmy as he draws a share in No. 18,† inheriting through his father.

† List.

This objection appears to me fair. Sivasawmy is not at all in want.

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The objection to pay the share is in my opinion good.

8. He objects to pay the share claimed in No. 20 of the list as the woman Devacooncharam has married into another family, who he avers can support her.

This objection I consider is wholly improper, and Petitioner is bound to continue the payment.

9. I submit a translation of the list of division of this pension given by Jamally Odiar Servagar in 1852, and which he acknowledged before me as the one put in by himself.

10. I have now gone through each item of dispute and given my opinion on each.

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ENCLOSURE No. 1.

ABSTRACT.—Extract from the Statement for Fasli 1261, regarding the pension paid to Jamally Odiar Servai and others.

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2. The Board consider that the pension being specially granted *for life* to Petitioner, for the support of himself, and his father's family, only those persons whose names appear in Mr. Blackburn's List prepared in 1846 are entitled to receive maintenance from Petitioner. The Board accordingly recommend that the Collector be directed to dispose of the case on this principle, and to continue to Petitioner the pension, with arrears, provided he agrees to pay such maintenance allowances to each of these persons now living as the Collector may consider proper.

(A true Copy and Extract.)

Walyell

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with enclosure.

Copy to Æ. R. McDonell, Esq., Acting Collector of Madura.

Exd. J. Wright:

No 356.

Rec^d 1864, Department
of Govt for Revenue.
No. 1863.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd March 1864.

Read 31-2-64.
Ordered. Returned to the Board
& Collector of Madura with
Letter dated 29th June
No. 1,779.

Submitting with Board's remarks letter from the Acting Collector of Madura reporting on Petitions Nos 1767 of 1862 and 1300, 2688 and 464 of 1863 relating to certain Pension.

2

Petition 464 of 1863.

Letter from Collr Madura 8 Sept 1846 No 19.

1. The petitioner in this case is the eldest male member of the family descended from one Dharasawmy who was banished by the Hon^ble Company

2. The Govt in 1821 granted an allowance of Rs 100 per mensem to ~~Mandoo~~ ~~Narrapen~~ the eldest Son of Dharasawmy and this was continued to Devoy great grandson, Mandoo on his death his pension was on his death to his eldest son Jamally Odiar continued to his

Mise Cons Oct 6 1846 No 1205

3. Thereupon (the present petitioner) for the support of himself and the family of the deceased ~~stuck to~~ this Board recommended that upon these steps being pursued upon the demise of four members of the original family Rs 10 per mensem

Petition 2173 of 1861 also 2577 & 2588 of 1855

Jamally received the petitioner's settlement paying any allowance to some of the surviving members of the original family, Vide petitioned

Ex[tract] fr[om] Election in the allowance
on the Decease of the first Applicant
Ex[tract] fr[om] Ch[ief] Cl[erk]'s Correspondence with the
1792 f 286 Board declined to enforce,
10 2 f 285 Petitions of a similar nature
1660 f — Sent on from time to time from
1162 f — that date up to July 6th when on
2 Sept 1862 reference the Board
Collector No 286. the Collector stated that they
13th Oct 1864 Satisfied to the allowance, and
28 Oct 1864 Ex[tract] from Sec[retary]'s Order to suspend
Judgment of the Petition as long
Confirmation of declining
Order Sheriffalty of the
to maintain family of his
deceased Father
2 1767 f 186 The present Petitioner Jean Alls
13 L 63 then appealed to Ex[tract] against the
2688 63 Order, as finally settled, In the
2nd of these Petitions he sent a
final Appeal Case of the Family
The last was forwarded thereto
Proceedings Bd March 25 1864 Board. to the Collector for Report
No 1779 6 And on 26 Feb 64 the Collector
rebutted sent a Report to the
Board, Stating that there was

is entered with 2 others on a
Separate Schedule as "Widow of Lore
Coste that
But it appears, in the Collectors
March 28. 1864 Opinion, unable to establish these
No 1778. Petitioners claims, still however declining
he failed to pay Nos 16 & 28 J. Stat Act
Given by Commissioners Gradon of
No 16 in Separations Nathaniel the wife in Question
objects to him because he draws
a share of the allowance thus his
Father. Thus the Coll[ector] thinks fair.
Ex[tract] fr[om] Ch[ief] Cl[erk]'s Letter not to want
No 7. in Jean Alls & Jean Lavoyer, heirs
Read and Separation Nathaniel
(Grandson) claims his share, his Step
Adoptive Father having been young
Mother of Jean Alls the Shares and
Separations, performed his Adoptive Father
funeral rite and therefore claims
the Share
Thus the Collector thinks a valid
objection on the part of the Petitioner

too much affecting between
the parties to admit of an
amicable settlement.
That of the members of the family
of Tayloor Pulleiamma objected Siravanna
son of the Petr alleged a son of
a concubine of the first grantee
to Thavoor viz a list of families
No 14. 20 May 1852. contained in a letter from Mr Rebt
the Collector of Madura to the
Lieut Govt dated 25th May
1827 praying that the mother being
now retired as 3rd wife of the
Pensioner, and having
No entitled, viz a list of Concubine
given down
III Thavoor as a list of the distribution of
Extract from Coll of Madura 2 Aug 1827 No 64 the pensions among Relatives his
Expenditure called Pakalattu
to the 2nd wife Thevarnatal,
Pakalattu expressing the relation
subsisting between the wives of one man,
not the concubines of a rude
Concubine
outstanding in a Pencalopatchee given by the
No 1800 of 1863 Petr to Govt 7th Jan 1863 Tyathaul

Prod VII
March 23.
No 778
R 20 to Pipla Pantaty the 1st Dec
Lieut Quard Lumpkin Deraon claims
declared his share, and is refused on
the plea that he has rendered unto
another family who can support him.
The Collector thinks the objection
VIII wholly unfounded
He further states that the pension
amounts to 66-10-8 and the annual
to 1466-10-8 and proposes that
all arrears for the past of Jemadlie
prior to the stopping of the pensions
be not noticed
Rec 17 The Board approve the opinion.
No 779 that as the pension was only granted
for life to Petr for himself & his
father's family only those whose
names are entered in Mr Black's
list of 1816 are entitled to receive
Maintenance, and propose that
Petr should be obliged to pay to these persons
Encls 2 in 2 such allowances as they
No 1036 of 26 Collector shall consider fair.

8. the lists mentioned by the Board in
Mr Arbuthnot's letter of the 15th Sept
Commissioners continued to the Table of the Original
Returns. But it appears that
a list of pensioners, represented
by the Board as list No 821, was the
Column of Widows & heads
of Households to which the
Warrant of Pension to Rt Honble
Shrewsbury was dated 25th May 1821.
If this Principle is followed, there
will be no alteration in the claims
& Questions to be decided:

9. But if no decision be the meaning
of the Board, the Grant is restricted to
those who are decided from the
Pattern of the present pensioners
this number of recipients will be
reduced from about 03 to about 10 -
And the 20 persons who form the
difference between these numbers
will be deprived of an allowance which
they have enjoyed since

Circulation of Papers
Also in recommending the Continu
of this Grant to the Pensioners in 1846 -
the Board seem to have taken a
different view of the Conditions
on which the allowance was
made
for they found
their recommendation on the fact
of 64 Widows (6 1/2) dependant
on the Pensioners, whereas if the
anticipations then seem now
to point that Grant be Continued
there would only have been
about 10 or fewer persons
dependant on the pension -

Privy Council
12 Nov 46
No 1255

10. As regards the Questions discussed
by the Colls in paras 1-8 of his
letter of Feb 26/64 (see para 6 of this Memo)
it may be observed that if the
Principle of Inheritance be

83d Proc.
Council 23.6.64
No 1779.

allowed in the distribution of the Pension Evacuees would inhibit Nos 26 - 17 - 18 and Dracoocharam No 20 — but as the administration on the principle of maintenance to the poor only, both these persons would be excluded —

Since the Petition 464 of 186 was sent to the Coll: the Bd: Petitioner has sent in 11 petitions all the same effect as the above 464 of 62 —

These Proceedings of the Board contain the report of the Collector of Chadoor upon the Petitions marginally noted presented by Jemaly Odiar Sherawgar who sought thereby to obtain a reversal of the order under which his pension of Rs. 66 - 10 - 8 had been stopped so long as he declined to maintain the family of his deceased father.

767 of 1862
1300 of 1863
2688 of 1863

The order in question (of 28 March 1862) was passed with reference to a complaint which had been made by one of the members of the family named Sivaswami Sherawgar. The case as it then stood will be found described in a Memo attached to Board's Proceedings 28 October 1861 No. 5916.

In those Proceedings the Bd concurred with the Collector in considering a formal division of the pension undesirable but at the same time thought that Jemaly Odiar was bound to maintain the members of the family, & it was in accordance with this view of the case that the Govt confirmed the order now complained of.

No. 2178 of 1861.

January Order has not drawn
his pension now for two years &
found the account which the
Collector gives of the state of
feeling between him and some
of the members of his family
It is not likely that they will
ever come to terms.

The petition does not find
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tions which the petitioner has
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When in 1821 the Government
sanctioned an allowance of 300 Rupees a month to Murdu
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er's father, it was specially for
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at that time consisted of 44
persons as per list which accom-
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of 12 May 1821. In 1846 when the
Blackburne reported the death
of Murdu Sherwagar he forward-
ed a list shewing that 21 out of
those 44 had deceased but that

* 26 Feb/64 No. 47

* 25 May 1821 No. 195 Judicial Dept

* 18 Sept 1846 No. 19

inclusive of the 23 survivors
there were then 61 individuals who all claimed to belong to the family.
* 12 Nov. 1846 No. 543 The Board in reporting upon the
case considered that Early
loss of indigent persons to
be proper object for the
liberality of Government
& strongly recommended that
two-thirds of the pension
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* 20 Nov. 1846 No. 1205 commendation was assen-
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+ 23 March 1860 No 1779 The Board will propose
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from him. I presume that the
Board mean the 61 persons
already referred to, although
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tered. This certainly seems the
simplest way of getting out of the
difficulty.

8. According to the distribution
list of this pension in 1852
copy of which forwarded by

Mr Collector, forwards an enclosure to the Board's Proceedings under review. There were then about 60 individuals receiving, monthly, sums varying from a few annas to a rupee or two as their shares. In the majority of cases the sums received could not be worth having, and no real hardship could ensue from curtailing the distribution in the manner proposed by the Board.

If then the Govt agree the Board might be informed that their suggestion is approved by the understanding that it includes the 67 individuals referred to in Mr Blackburne's list and that the Collector shd be directed to prepare a fresh list on this basis. The arrears in deposit for the last two years should then be disbursed with reference to this list.

GJW

JP 100 ÷ 2/3 = R66 per mensem and this Petitioners pension is only of course to continue to support all & sundry - A list will be prepared of those who may equally be considered to have claims for maintenance upon the Petitioner who will be required to keep them & his main GJP

Ans 20 Dec 1866 Supplt No 2 Vol V

Answer Collector

Sandy 6 Dec

Shroff

5

Dismissed

7

Revenue Department

No. 1109

Proceedings of the Madras Government

Under date the 29 June 1864

Read the following

Proceedings of the Board of Revenue

Submitting with Board's remarks, letter from the Collector of Madura reporting on Petitions Nos 1767 of 1862 and 1300, 2688 and 464 of 1863, relating to certain Pension

Herewith enter 23d March 1864 No. 1779

1767 of 1862
1300 of 1863
2688 of 1863

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of the members of the family
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of 1821 No. 195.
Judicial Dept.

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& 23rd March 1864 No. 1779

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—" The Govt have passed "general orders regarding "the pension which Petitioner "draws, and these will be "communicated to him on "application to the Collector."

ejw

14 Copies to the Bd of Revenue with an Encl. Dept 30 line
1 — Petition Dept with three Petitions &c

19.2.24 II ✓

50

Revenue 1864 Deptt.
Pro: of Govt: for June:

No 1109.

Pro: of the Madras Govt.
29th June 64.

Pro: of the Board of Revn
29 Sept 64 C.A-2647-

Passing orders regarding
the pension of Jamally
Odiar Servai -

No 356 & 357.

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