

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	15	Press Mis.
Date	5-1-	N 1859

Not to be folded or roughly handled

10-12-20

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Fort Saint George, Political Consultation, 11th January 1859.

No. 11. From Surgeon E. G. BALFOUR, Government Agent at Chepauk, and Paymaster of Carnatic Stipends; to W. H. BAYLEY, Esq., Acting Secretary to Government, Fort Saint George, dated 24th November 1858, No. 1879 of P. C. S.

SIR,

I have the honor to report the demise, on the 5th August 1858, of Carnatic Stipendiary, No. 252, Nasseerud Dowlah *alias* Hubbeeb ulla Mean, to whom, by Extract Minutes of Consultation, dated 14th August 1821, was granted a Stipend of Rupees 333-5-3 per mensem; and the following is an abstract of the claims, which have been submitted by his heirs, the English documents addressed to Government containing these claims being retained, not to encumber this report.

2. Raheem Oollah Khan, styling himself the legitimate Shadee son of the deceased in his

<p>* Raheem Oollah Khan, Shadee Son, aged 54 Iftekhar Ood Dowlah, Nickah " " 48 Futha Oon Nissa, " Daughter, " 38 Akbar Hoossain, " Son, " 40 Feroze Ally, " " " 38 Khader Mohihood Deen Khan Bahadoor, Shadee Grandson, " 22 Gholam Mohomed, " 16 Sultan Oon Nissa Begum, " 18 Rabia Begum, " 15</p>	<p>Petition of 23rd August last, gives his father's heirs as per margin,* states that Petitioner is the only Shadee son; that his father has left a number of his own old servants and of those of his mother; states that when Petitioner's grandmother, who had Rupees 25,000 per annum, died, only Rupees 1,000 per annum were continued to Petitioner's father, the Stipendiary now deceased; whilst his father's brother, Sahib Ood Dowlah, was allowed Rupees 8,000 per annum. In consequence of which, Petitioner's father lived in impoverished circumstances, leaving a debt of 10,000 Rupees for which Petitioner is security and is now obliged to pay. Taking all these circumstances into account, Petitioner prays that his deceased father's full Pension be continued in Petitioner's name: and instances of similar treatment of other Stipendiaries are given by him.</p>
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3. Iftekhar Ood Dowlah Bahadoor, in a letter dated 24th August 1858, report his father's demise as above, on the 5th August; states that his father allowed Rupees 100 per mensem to Petitioner's mother, because she was a Shadee wife, and that, after her demise, the same 100 Rupees was continued to Petitioner, this being the same amount to him Petitioner, the 2nd Shadee son, as was allowed by Petitioner's father to the 1st Shadee son. That, on the 25th Rubees oosani 1235, Petitioner's father, the deceased Stipendiary, in order to prevent disputes after his demise prepared and executed a Mahazur and a Kararnamah. Also, on a second occasion, in presence of the Cazee ool Moolk and the Mahakamah Mooftees, in accordance with the request of

<p>† 1st Shadee son, Hajee Raheem Oollah Khan, Grandsons two and Granddaughters two, supported by their mother. 2nd Shadee son, Iftekhar Ood Dowlah Bahadoor. Shadee daughter Futha Oon Nissa Begum, in receipt of Rupees 16, from Government Agent. Hurm's Son, Akbar Hoossain. do. do. Feroze Ally. Old Servants. Abdool Kader, aged about..... 70 Pad Shaw Bee, nurse's daughter, aged... 65 Moonshes Meerzad Dilavar Ali,..... 55 Gholam Moostafa,..... 62 Syed Mahomed Hoossany..... 70</p>	<p>Government, Petitioner's father declared to the fact of Petitioner's mother being a Shadee wife, and the Cazee sealed that document, its date being the 2nd Jamadicolavool 1265, and Petitioner encloses the original document for the satisfaction of Government. Petitioner intimates having a large family and having no means of supporting them excepting his father's Stipend. He prays for a portion on a separate Stipend equal in amount to that which may be granted to the 1st Shadee son. He states that his father having been a Shadee Grandson of Wallajah, his death leaves no one of equal rank with him and he prays for a liberal grant to the deceased father's dependants, whose names he gives as per margin.† In a subsequent Petition of date 6th September 1858, Petitioner stated that the long interval of 60 years having elapsed since his mother was married it was not possible for him to produce any evidence of her marriage by Shadee.</p>
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Fort Saint George, Political Consultation, 11th January 1859.

4. Akbar Hoossain and Feroze Ally in a Petition of the 25th August 1858, state that Iftekhar Ood Dowlah's mother and their own mother were both the servants of the deceased Stipendiary's mother and were Attendants on the mother of Hajee Raheem Oollah Khan; but recognise that their father had a great affection for Iftekhar Ood Dowlah's mother, bestowed upon her much money, &c., and assented to whatever Iftekhar Ood Dowlah or his mother desired. In this way their deceased father first wrote and gave them a paper to the effect of their being of the Nickah relation, and after a long time gave a further document, in declaration of their being of the Shadee relation; their father thus evincing his disregard of worldly matters without thought of the contradictions he was giving to himself, which induced most of the Wallajah people to call him insane. They give instances to show how Government treated families whose social position were the same as their own and they pray that their late father's givings with regard to Iftekhar Ood Dowlah may be disregarded and that there may be no difference in the amount granted to him and them.

5. Futha Oon Nissa Begum, in her Petition of 30th August, states that she is in receipt of Rupees 16 per mensem through the Agency and was allowed sums by her deceased father and asks for a Stipend from that of her father.

6. Gholam Mahomed, in his Petition of 17th September, claims from his grandfather's Stipend a separate Stipend, because, though Petitioner is in receipt, from his mother, of an allowance, the sum he receives from his mother is not sufficient for his dignity.

7. Kader Mohiood Deen Khan Bahadoor, elder brother of the above Petitioner Gholam Mahomed, in a Petition of the 8th November, states, that he does not wish any of his grandfather's Stipend; that he is supported by his own mother.

8. With reference to the above, I have the honor to report that the whole circumstances of this family are truly detailed in one or other of the Petitions above noted and that the deceased was of a very vacillating habit of mind.

9. There is no doubt that Raheem Oollah Khan is a Shadee son, and all the family as above recognise him to be such. The 2 sons Akbar Hoossain and Feroze Ally avow that they themselves are not of Shadee birth, but that their mother, as well as the mother of Iftekhar Ood Dowlah, was nothing more than a menial Servant.

10. Iftekhar Ood Dowlah Bahadoor, on the other hand, claims to be of equal rank with Hajee Raheem Oollah Khan and puts forward as his proof the Mahazur and the Kararnamah of the 25th Rabeeossani 1235, which bear seals of many highly respectable people, evidencing the seal and signature of the deceased Stipendiary, when testifying that he, the deceased Stipendiary, had married Iftekhar Ood Dowlah's mother by the Shadee ceremony.

11. Raheem Oollah Khan Bahadoor fully acknowledges that old document to be his late father's own doing and recognises that Iftekhar Ood Dowlah Bahadoor was always treated by his father as if a Shadee son; but he and all the other brothers attribute this treatment on the part of the father to the father's partial affection to this son.

	Relationship.	Age.
* Hajee Mahomed Raheem Oollah Khan,	Shadee Son,	54
Iftekhar Ood Dowlah Bahadoor,	? Son,	48
Futha Oon Nissa Begum,	? Daughter,	38
Akbar Hoossain,	Son,	40
Feroze Ally, (Leper),	Son,	38
Gholam Mahomed,	Shadee Grand Son,	16

12. The Claimants in this case for the bounty of Government, are named in the margin,* and I place against their names the degree of Relationship which is the result of my investigation of their cases.

13. Though I regard Iftekhar Ood Dowlah Bahadoor, as a doubtful Shadee son, nevertheless I recommend him to the favor of Government in consideration of the superior condition in which his father, while alive kept him in, and the larger expectation which he might reasonably entertain on his father's demise.

Fort Saint George, Political Consultation, 11th January 1859.

* Extract Minutes of Consultation, No. 541, dated 31st October 1849, para: 2.

"The Acting Government Agent at Chepauk will explain to Futha Oon Nissa Begum, that the Pension now granted to her supersedes her right to any further Pension on the death of her father."

14. Futha Oon Nissa Begum being already in the receipt of Rupees 16 per mensem, as Carnatic Stipendiary, No. 456, is specially precluded by the order as per margin* from further consideration.

15. Gholam Mahomed and Kadir Mohiood Deen Khan Bahadoor, are two sons of Carnatic Stipendiary, No. 1311, Fatimah Begum, who is in receipt of Rupees 400 per mensem, and though the former claims a portion from his grandfather's Estate, I cannot recommend the grant of the same.

16. I have the honor to recommend that the Stipend of Rupees 333-5-3 granted by Extract Minutes of Consultation, 14th August 1821, to Carnatic Stipendiary, No. 252, Nusseer Ood Dowlah, alias Hubeeb Oollah Mean, Shadee grandson of His Highness the Nabob Mahomed Ali, be declared to have lapsed to the State from the 5th of August 1858, the date of his demise.

17. I have the honor to recommend in consideration of the advanced age of deceased's 4 sons, that there be granted to them in shares the sum of Rupees 330 per mensem as life Pensions in the following proportions, on the distinct understanding that the several portions will lapse each without doubt on its holder's demise, namely,

	Shares.	Rupees.
1. Raheem Oollah Khan Bahadoor, Shadee Son,...	4	120
2. Iftekhar Ood Dowlah Bahadoor, Son.....	3	90
3. Akbar Hoossain, Son.....	2	60
4. Feroze Ally, Son.....	2	60
		<u>330</u>

No. 12.

ORDER THEREON, No. 15, dated 5th January 1859.

The Agent reports the death of Nusseer Ood Dowlah, the recipient of a Carnatic Stipend of Rupees 333-5-2 per mensem, and recommends that the whole amount be passed to deceased's heirs, for their lives.

2. The Government approve of this being done, but not in the proportions suggested by the Agent. They are of opinion, that the evidence taken by the Agent satisfactorily shews, that the deceased's eldest son alone is the fruit of a Shadee marriage, that the second son, if anything more than the son of Harm, is a Nickah son only, and that the others, as indeed allowed by themselves, are indubitably the children of Harms. The rule established in Lord Clive's Minute of the 20th September 1801 allots to Nickah and Harm sons $\frac{1}{3}$ th only of the share of the Shadee son, and no special circumstances appear to exist in the present case for departing from a practice which has very generally prevailed for upwards of half a century.

3. The Government must therefore refer the case to the Agent for reconsideration.

(Signed) T. PYCROFT,

Chief Secretary.

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To
The Right Hon^{ble} the Governor in Council
Isle of Saint George

The humble Petition of Jonathan
Nepa Brynn daughter of the late
Nimsarood Dowlah Shady grandson
of the late Arabob Wallahpoh

Humly Sheweth,

1 That your Petitioner having learnt that
the Chesapeake Agent had recommended to Government
for the granting of her late father's provision to her brother
only, exempting her from participation in the same. She
begs to state that the Agent from a consideration of
Justice requiring a provision of 16 £ out of her late husband's
estate wishes to deprive her of her right to her father's
provision.

2 That your Petitioner having had to bear the burden
of debt contracted by her late husband she is obliged to
part with the whole of the profits of 16 £ per year
from Government for the satisfaction of the same. Her late husband
maintained the amount of 12 £ per year which was granted
to her from the Arabob Circle of the provision of her late husband
under the assistance of the Agent but since the latter
allowances being discontinued by the Circle she was obliged
to depend solely upon her father for protection. If your
Honour under the circumstances she is now situated be
deprived of any assistance from her father's provision she
would no doubt have to suffer misery and distress as she
has to bear the load of debt which at the rate in which
it is at present cleared would she pursue in a very
long time.

3 That your Pet^r has heard that the Agent has recommended 90 P^{cs} to her own brother J^r that he would Dowlat B^r and if it is a fact she begs to say that she is entitled to ^{half of that} 45 P^{cs} amount according to the Established usage - It is requested that the Right Hon^{ble} the Governor in Council will be pleased to take into his best and gracious consideration how strange it would seem that your Pet^r for the sake of small sum of 16 P^{cs} is now deprived by her husband's rights be deprived of 45 P^{cs} she is entitled to from her father's allowance.

4 That your Pet^r embraces this opportunity of adding that should the Gov^t perceive that the granting to her a further pension be found inconsistent to their views and rulings by a fact of her already enjoying a pension of 16 P^{cs} she is most willing to give up that pension that it might not prejudice her claim for the further Pension.

5 That your Pet^r in conclusion prays that the Right Hon^{ble} the Governor in Council will take this into his best and gracious consideration and grant her a pension she is entitled to out of her father's allowance.

For which Act of Charity your Pet^r shall as in duty bound.

W^m J^r J^r

29th Nov^r 1857

To The Right Honorable.

The Governor in Council
you & on you Fort St. George

The humble Petition of Hajee Mohamed
Rahemannullah Khan Bahadur Son of
Shady wife of late Nansur ood Dowlah Bahadur

Most respectfully sheweth,

1st That Petitioner humbly begs
to submit his grievances, with a firm hope of
obtaining just redress

2^d Petitioner having heard that the Govt.
Agent in recommending the distribution of
the stipend of the late Nansur ood Dowlah Bahadur to
father to his Heirs, allotted the grant to the Petitioner
Hajee Rahemannulla Khan Bahadur Son of Shady wife
Rupees 120 - & to Fhyrath Ali Son of Neka wife
Rs 60 - to Akbar Hussain Son of Neka wife Rs 60 - Petitioner
to Faryooz Ali Son of Neka wife Rs 60 - Petitioner
to bring for kind consideration that Fhyrath Ali, is
actually the son of Harram Concubine of Petitioner's father
late Nansur ood Dowlah Bahadur who made Neka
3 years after the birth of Fhyrath Ali to his mother.
the Claim of Fhyrath Ali being Son of Shady wife is
utterly false - for to prove the fact a Maugur signed
& sealed by respectable members of family, was
submitted to the Govt. Agent & also the fact was proved
by the statement of the old servants of the deceased

3^d - Petitioner further begs to state that the said Fhyrath
Ali has a paper sealed by the Petitioner's father & the
Fhyrath of Madhkan of the Nabob of the Carnate
stating that Petitioner's father married the said Fhyrath
Ali's Mother for which he claims that he is the
Son of Shady wife but the assertion in this document
is not correct - Petitioner's father having loved Fhyrath

Khyrath Ali's allotter very much perhaps he had as-
signed & made such a Document that he married
her but to the contrary it is not known to any one
among Khundans & others - Pett^r submitted another
Document against the said Document to the Govt
Agent sealed by his father & of Chazi Makkama
(the truth of which is proved to the Govt Agent by
reference to the record of Makkama) & they fol-
lowed their seal, that the allotter of Khyrath Ali
is Nicka wife - By this Document which is now
written after Khyrath Ali's Document, is clearly
known that he Khyrath Ali is the son of Nicka
wife as there is not any person in India to de-
clare & write his shady wife as Nicka wife

4th Under these circumstances it will be clearly
known that there is not any but Pett^r alone, Son
of Shady wife of the deceased -

5th The distribution of the Govt Agent is quite
different & at variance with the usage & to the scheme
of Lord Clive prevailed since the past 58 years -
Because for the Children of Makkah & Haroon's
share is fixed as fifth part of the Children of
Shady wife as done in case of the children of the
late Majidood Dowlah B... the Mator
nal Grand Son of Shady wife of 'Nabot Wallu-
jah & who was in all respect equal to the Pett^r
as well as in the Case of the family of the late
Delanwar Jung Baidon Son of 'Nabot Wallujah
& in several Cases of all Carnatic Stipendiaries

6th Pett^r regrets he is unreasonably dis-
appointed & deprived from his just right, notwithstanding that he alone is actually the Son
of Shady wife of the deceased -

Therefore Pett^r is very much
unmercifully - as by which distribu-
tion Pett^r may sustain two losses, vizt. one being
deprived his just right of being Son of Shady
wife - another indignity & deprivation of rank

in position of life among his Equals - Hence
Pett^r hopes your Lordship in Council will be
pleased to take his Case in kind consideration
and order that he may enjoy his proper right
unassurped as being really the Son of Shady
wife & being the Head of the family, accord-
ing to the practice existing for Carnatic
Stipendiaries from a remote date & for which
act of justice Pett^r shall, as in duty bound,

Machras 2^d December
1858. - }

Ever Truly
Yours

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Political Department

N^o 800

From the Government Agent at the Bank

Dated 24th November 1858.

For Orders.

The distribution seems fair under
the circumstances and I approve of the full
pension being continued as proposed
to the four sons. But in that case
the eldest should not be held singly
responsible for the Father's debts.

as the full pension is to be
continued - the best thing to do
is to divide it according to
Mahomedan Law - thus
will be free from objection of all
concerned. Will

Referred to Govt
11/21/58
J. H.

Memo:
for order.

Claimants to the Steward of
Nupseerood Sowalak, deceased.

This is correct - except
that I am not sure
that the son of a Harm
has a right to share
than at all - at all
counts with the same
than as a Nickah son

Mahomed can have
the same followers strictly
the same cases - it would
create much confusion
were the present usage
as to the share of Shadee
sons - Nickah sons in the
matter of their portion
of the estate deceased
son -

It is true, (vide Journal Minute
put up) as deceased's eldest son, the
Petor states in his Memorial to Hon.
Mr. Elliot, that Lord Elphinstone gave
Nickah a Harm son's only 1/5 of
the share of the Shadee son, & this
has formed the rule on many subse-
quent occasions.

If the case is to be decided, as def.
sought by the Hon. Mr. Macleod, by
Mahomedan Law, then the shares
of Shadee & Nickah sons will be
equal, & law respecting to the forms
of marriage alike, & the issue
is certainly not equally esteemed.
Harm sons get nothing; Nickah
sons get only.

There are eldest Shadee sons & sons
but all the other sons were born
out of wedlock - which is admitted
to be the fact by all but the 2^d sister.

Her portion has been received by her
sister [Mr. B. daughter, who has been
married on her, in herit under the
Mahomedan Law] claiming her
share, & as remarked by Mr. Balfour,
Esq., in granting her some years ago
a portion of her late husband's 2^d ter-
rent, decided that she should get
nothing more, on her father's demise

[Signature]

I do not quite see on what principle Dr. Bul-
-finch's recommendation is based. It appears
clear that Arthur Hoosier and those
like me must come of the negro. If either
one family is probably the same as all
counted we have then a black son.

Rakeem about 1000 seems to show that
 the ¹⁰⁰⁰ children of Thomas are all as 1/2 Nicks
 like an entitled to a fifth share - The
 distribution would appear seem to be 1/2 suppo.
 - say 1/2 which Thomas R 333. 5.3 in hand.
 to be continued - 50% of the share
 - 1/2 to each of the three Nicks or
 Thomas ones -

2. Ralph might have asked his
father if the old newspaper - yes

I think it is very important to point out
 cases that have hitherto been observed
 The Agents Bureau is certainly not to be
 slighted legitimate case.

The delegate from ...
... legitimate law.
... the papers for consideration have been
that do not wish to depart from the rules hitherto adopted
in decisions & reasoning except under special circumstances which do
not appear to exist in the case.

3

112. would have that we give the whole picture.

Political Dept

No 157

Eme. 5/5 January 1859.

Read following taken from } Here enter. 1879
the agent at Capeauk } 9/24^a - 1878.

The report reports the death of
Superior and Bowick, the recipient
of a Carnatic stipend of Rs 333.
50. 2. per mensem, & recommends
that the whole amount be paid
to deceased's heirs, for his. lives.

2. The Govt. is prone of his being
done but not in the proper time
suggested by the Agent. They are
of opinion, that the evidence taken
by the Agent in his factually shows
that the deceased's eldest son alone
is the fruit of a Shadee marriage,
but the second son, if any, be-
cause even the son of a Harmer,
is a Witika son only, & that

He others, as indeed allowed by themselves, are indubitably the children of Nature. The rules insisted on will (I have learned from the 20th Sept, or allude to Violent & Marine winds, & only of the state of the weather now, & no special circumstances appear to exist in the present case for departing from a practice which has very generally prevailed for upwards of half a century.

2. The first must therefore refer the case to the proper authorities.

In the great at the same time

to 17 June 11th 1897
Political 1897 October 11

to 15

October 11th 1897

to 15 January 1897