LRE.—G. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No.	494	Press Mis.
Dated	10—12—	19 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Political Department,
10th December 1862.

Read the following papers:—

No. 27. Proceedings of the Madras Government in the Political Department.

From THORAB ALLY KHAN BAHADOOR, Attorney of MAHOMED ABDULLA and others; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 13th September 1862.

I herewith beg to submit a Memorial in Triplicate to be forwarded to the Home authorities. That we have suffered great injustice will be apparent from an attentive perusal of the Memorial. I would here observe that the plea that the claim is debarred by lapse of time, is without good foundation, as will be seen by the Memorial that Memorialists have been claiming the collections from the year 1823.

Under such circumstances, I respectfully beg you will be pleased to submit the Memorial with your kind and favorable recommendation.

To the Right Honorable the Secretary of State for India,

East India Office, London.

The humble Memorial of MAHOMED ABDULA KHAN BAHADUR, ABBASS HOOSSAIN KHAN BAHADUR, UNWARUN-NISSA BEGUM SAHEBA, ASSAN-UNISA BEGUM SAHEBA and HOOSSANE BEGUM, the 2 sons and 3 daughters of the late GOOLAM MAHOMED MOOTHAHAR ALLY KHAN BAHADUR HISSAN-UL-MULK HAL, and grandsons and grand-daughters of His late Highness the Nabob HISSAN-UL-MULK BAHADUR. Presented by their constituted Attorney THOORABALLY KHAN BAHADUR, SIPHADAR JUNG, grandson of His late Highness the Nabob Wallajah, and husband of UNWAR-UN-NISSA BEGUM SAHEBA, one of the Memorialists.

Triplicane, Ice House Road,
Madras.

Most Respectfully Sheweth,

That Memorialists with humble dependence on Providence and confident in the most happy results from the assumption of the British possessions in India by Her Most Gracious Majesty the Queen, beg most respectfully to submit their case for the gracious and favorable consideration of your Excellency, in the firm belief that their claims will be fairly adjusted and that that justice which has been heretofore denied will now be rendered them.

2. Previous to the cession of the Southern Division of Arcot, the grandfather (His Highness the Nabob Hissan-ul-Mulk) of Memorialists', obtained the Taluq of South Arcot on rent from his brother, the Nabob Oomduth-ool-Omrah Bahadur. The said Taluq continued to be enjoyed by the family up to the time the District was ceded to the late Honorable Company. On that occasion the whole of the arrears due to Memorialists' grandfather, were duly collected from the Ryots by the Company's Officers and credited to Government.

3. In 1823 Memorialists' grandfather applied, through his Agent Kistna Row to the Collector, who after ascertaining the amount of the whole collections, gave him an authenticated

copy of the accounts. In that statement, though the amount of arrears was much greater, the total sum collected by ready money payments and by the proceeds of the sale of grain, &c., is given at Pagodas 2,612. That this statement, so far as it was furnished by the Collector, is correct, may be seen from the accompanying copy* of the Mahratta statement given by the then Collector Mr. Hyde. The said statement was an exact transcript of the accounts prepared in the Collector's Office from the records, and the same was tested in 1844 and found correct by Mr. Collector Davis, but the payment of the money was evaded at the time.

* Translation.

4. In 1844 a petition† was addressed by one of Memorialist's brothers, now deceased, to the Board of Revenue, soliciting the refund of the collections, but that authority, though admitting and acknowledging the validity of the demand and the accuracy of the accounts, set the claim aside on the mere ground that a few years had elapsed before it was preferred. Memorialists would humbly observe that lapse of time should have been no bar to the adjustment of a just and lawful claim. The positive nature of the claim itself was and is not disputed. That the money was realized from the Ryots by the servants of Government has been all along acknowledged, and surely, it can be no argument or reason to refuse payment or repudiate the demand simply because the application was not made in time. By a parity of reasoning, the dues of Government could not and should not be recovered after the lapse of any length of time. But what are the facts of the case? even after the lapse of years Government have recovered their dues. As for instance in the Moturpha question. The Zemindar of Thotapullay Purganna in Rajahmundry had been collecting Moturpha in his District for 60 years; but when it was ascertained that the Zemindar's collections arose from inadvertency, Government, after more than half a century, recovered their rights.

† No. 14 of 1844.

5. Memorialists' ancestors had every confidence in the British Government of their acting fairly and justly towards them, nor did they entertain the least doubt but that the amount would be forthcoming when asked for.

6. Moreover it cannot be stated that no claim was preferred in time, for an adjustment of it was sought in 1823, when the statement above alluded to was given as a sort of a receipt; otherwise, why should it have been given at all? The blame of non-payment rests with the District authorities, and cannot be imputed to any delay in Memorialists submitting their claim.

7. The wealthy circumstances of the family did not render it immediately necessary for Memorialists' father to apply for the refund, more especially as he was under the impression that he could at any time obtain the amount from its being in deposit in the Collector's Treasury. Subsequently, having become somewhat reduced in circumstances, and his expenses having become greater from the increase of his family, he applied for the adjustment of his claims, when the Board of Revenue set their veto on it, as above mentioned. He afterwards proceeded with his two sons to Mecca where he died. Both the sons and one daughter are at present at Bagdad, but his other two daughters are at Madras.

8. The family of Memorialists, from being the most influential and wealthy in the Carnatic, have become comparatively indigent, and it is under these circumstances they now respectfully beg to urge their claim to the refund. It is well known to your Excellency that the incomes of the several members of the late Nabob's family have been greatly curtailed, and that their pensions have been gradually and very considerably reduced.

9. In the Treaty‡ with His Highness the Nabob, it is distinctly stated that his blood connections would be respectably and comfortably maintained; but if even the spirit of that Treaty be not now observed, Memorialists humbly solicit that their present claim may be graciously conceded. They do not claim from Government any arrears of pay or pension which alone may be said to be debarred by lapse of time; what they claim is money collected and kept in deposit in the Collector's

‡ Vide Treaty Article IX of 31st July 1801.

Treasury. This claim is now evaded on the grounds of delay in making the demand. If there was any delay, it was occasioned inconsequence of Ajeemadowla being raised to the Carnatic Musnud in prejudice to the rights of Memorialists' grandfather, who consequently was engaged in endeavoring to recover his rights, whereby nearly the whole of his time and fortune were consumed; but in fact there was no delay, as the amount has been claimed ever since 1823.

10. One of the Memorialists is a widow, and all of them have numerous relatives and dependants to support, and a compliance with their request would be of great assistance in enabling them to maintain their rank and dignity, as well as in relieving them partially from their present straits and difficulties.

Memorialists therefore and in consideration of the valuable and important assistance rendered to Government by their ancestors during the early settlement of the English in India, most humbly solicit you Excellency to take a favorable view of their claim and issue orders to the Madras Government to refund to them Pagodas 2,612, the amount of the actual collections made from the arrears due to their grandfather.

And Memorialists, as in duty bound, shall ever pray.

سید علي حیدر

The duly constituted Attorney of Memorialists.

13th September 1862,

Order thereon, 22nd September 1862, *No.* 380.

Ordered that one copy of the Memorial and its enclosure be forwarded to the Board of Revenue for any information that they may be able to afford on the subject of the application submitted by the Memorialists.

(Signed) T. PYCROFT,
Chief Secretary.

No. 28. Proceedings of the Board of Revenue, dated 29th October 1862.

Read Proceedings of the Madras Government, Political Department, dated 22nd September 1862, No. 380.

(In Consultation, 23rd September 1862, No. 6,098.)

To Collector of South Arcot, dated 29th February 1844.
From do. dated 20th March 1844.
Board's Endorsement on Petition Nos. 14-44, 29th July 1844.

Ordered that copy of the papers noted in the margin be submitted to Government with reference to the above order.

(A true Extract.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

To A. J. ARBUTHNOT, Esq., Chief Secretary to Government,
with 2 enclosures returned.

From E. C. LOVELL, Esq., Acting Secretary to the Board of Revenue, to the Collector of South Arcot, dated Fort Saint George, 29th February 1844, No. 401.

No. 14 of 1844.

I am directed by the Board of Revenue to forward to you the accompanying Petition from Goolam Mohomed Ally Hoossain Khan, claiming certain arrears of rent said to be due to his late grandfather, and to request your early report on the subject for the Board's information.

(True Copy.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

Proceedings of the Madras Government, Political Department, 10th December 1862.

From W. D. DAVIS, Esq., Collector of South Arcot; to E. C. LOVELL, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Cuddalore, 20th March 1844, No. 26.

Para. 1. In returning the accompanying Petition and enclosures, received with your letter,* I have the honor to submit my report on the claim therein preferred.

* No. 14 of 1844 29th February 1844.

2. Upon a reference to the records of the Office it appears that the statement enclosed in the Petition was furnished to one Kistna Row,† said to be the Vakeel of the Nabob Hissam-ul-Mulk Bahadoor, and on comparison, it is found to correspond exactly with the original one that was submitted to Mr. Hyde by the Cash-keeper at that period. It seems to have been framed from the monthly accounts current, and some annual Abstract Statements of Faslies 1211 and 12; from the length of time, however, that has elapsed, and in the absence of a detailed account of the existing Revenue, I am unable to ascertain the validity of its correctness by a further examination, but, as it was approved of by Mr. Hyde, I have not the least doubt as to its accuracy. Of the ready cash received from the Nabob's servants, the sum of Pagodas 2,412, Fanams 25, Cash ½, was apparently derived from the sale of grain, salt, and other provisions, and the residue only of Pagodas 199-43-75, is the actual collection of the arrears of Revenue due up to the period of the Nabob's administration.

† Vide his Petitions, dated 11th April and 7th May 1823.

3. There exists no letter or other voucher in support of the abovenamed individual's capacity as Agent of the Nabob Hissam-ul-Mulk Bahadoor, but as the Nabob and his family made a tour through this District in the year 1823, I am led to suppose that the nomination might have been then made by him in a personal conferrence with the then Collector.

4. I am also unable to trace from my records whether the Nabob Hissam-ul-Moolk, the grandfather of the Petitioner, enjoyed the uncontrolled Revenue management of the Talooks shown in Mr. Hyde's statement, or only held them under specific terms of rent from his brother the late Nabob Oomdut-ul-Oomrah, and, if the former, whether in the Treaty between the Nabob and the Company any stipulation was made in his brother's favor regarding the grant.

5. In conclusion I beg leave to submit that, from the great length of time which the Petitioner has allowed to elapse without any exertion on his part to recover what he considered he had a fair right to, as well as from the absence of any valid documents to substantiate his claim, I am of opinion it cannot now be entertained.

ENDORSEMENT.

After the length of time that has elapsed the Board cannot entertain this claim.

29*th July* 1844.

(Signed) E. C. LOVELL,
Acting Secretary.

(True Copy.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

No. 29.

ORDER THEREON, 10th December 1862, No. 494.

The Memorial referred to in the foregoing papers will be submitted for the orders of the Secretary of State.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Political Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Memorial submitted with a letter from Shoorabally Khan Bahadur, Attorney of the Members of the family of the late Khan Saheb named Moottahar Ally Khan Bahadur Hissam-ul-Mulk, dated 13 Septr: 1862, & Order thereon dated 22nd idem No. 390.

Read the following Proceedings of the Board of Revenue.

(Dated 29th October, 1862.)

Order thereon

It appears from the correspondence submitted with the foregoing Proceedings that ~~no~~ in 1844 a report was submitted by the Collector of South Arcot on the claim preferred in the present Memorial to the collections made in Faslies 1211–12 & 13 out of the outstanding arrears in certain Talooks in that District which were rented by the first Hissam-ul-Mulk, grandfather of the Memorialists, to the end

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end of July 1210, when the District was ceded to the East India Company = The amount of the collections in question, according to the Statements submitted with the Memorial is S. Rupees 2,612-23-7½ or Rs. 9,144-

2 In reference to the above documents, which purports to be translations of a Mahratta Statement dated 14th May 1823 & signed by the then Collector Mr. H. Hyde, the Collector (Mr. Davis) in his letter of the 20th March 1844 reported that "from the length of time that had been allowed to elapse & in the absence of a detailed account of the existing revenue, he was unable to ascertain the validity of its correctness by a further examination; but that as it had been approved of by Mr Hyde, he had not the least doubt as to its accuracy" - He submitted however as his opinion, after the great lapse of time & that, in the absence of any valid documents to substantiate the claim, it could not

not be entertained - & in this opinion the Board of Revenue concurred.

3 His Excellency the Governor in Council is not prepared to admit the validity of the reason assigned by the late Collector Mr Davis & by the Board of Revenue in 1844 for rejecting the claim advanced by the Memorialists & as would appear from Mr Davis' letter, there be no reason to question the accuracy of the account submitted by the Memorialists as a statement of rents which were due to the Memorialists' family, but which were collected by the Revenue Officers of Govt: & paid into the Public Treasury & if there be no reason to believe that these collections were paid to the Memorialists' family, there can be no question that the Govt: is bound in justice to satisfy the claim advanced, independently of the length of time which has elapsed since the transactions to which it refers took place.

4 The Governor in Council accordingly directs that the Board of Revenue will instruct the present Collector to institute a careful enquiry into the circumstances of the case & report the result, with their own opinion

opinion, for the orders of Government, at as early date.

To Board of Revenue

[2876] Madras—Printed at the Government Press.

Pol. Dept. 1862. No. 494

PROCEEDINGS OF GOVERNMENT,

Dated 10 Decr 62

Pol. Dept. Copy to Secy
Rs 18 of 1862.
Rd 25 Dec 62
Ansd 3 Jan 63

5

Political Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Memorial submitted with a letter from Thoorab Ally Khan Bahadur Attorney of the members of the family of the late Gholam Mahomed Mottahar Ally Khan Bahadur Nizamul-Mulk. Dated 13th Septr 1862 & Order thereon dated 22d idem No 380.

Read the following Proceedings of the Board of Revenue.

(Dated 29th October 1862)

Order thereon 10th December 1862 No 494

The Memorial referred to in the foregoing papers will be submitted for the orders of the Secretary of State.

S. C. Sav. Pesh

186 . *Department.*

No.

PROCEEDINGS OF GOVERNMENT.

Dated

7093] Madras—Printed at the Government Press.