

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 963

Press
Mis.

Dated 22nd July

1859.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 16th to 22d July 1859.*

No. 35. Read the following Extract from the Proceedings of the Board of Revenue, dated 31st March 1859, No. 1130.

Read letter from the Collector of Madras, dated 28th January 1859, No. 10, submitting correspondence with the Chepauk Agent and Acting Sub-Judge of Chittoor, connected with the claim of Syed Khader Mohydeen to hold the village of Jedwail on service tenure, instead of for life.

(In Con. 31st January 1859, No. 380.)

Resolved that the above correspondence be submitted for the orders of Government. The facts of the case are simple.

2. The village of Jedwail or Chudwail is entered as a life Inam in Mr. Græme's Register and in the list submitted to Government with the Board's Proceedings of 10th March 1851, the entries in which are based on the former document. The nature of the tenure was apparently deduced from the Purwanah brought forward which does not distinctly state whether the grant was hereditary or otherwise, but the Inamdar has now produced two letters whose genuineness is admitted by the Chepauk Agent and by the Dewan of the late Carnatic Durbar. These are from the Nawabs Wallajah and Oomdutool Omrah, and are of slightly later date than the Purwanah, and they shew distinctly that the grant was intended to be for the maintenance of the Mosque in St. Thome as well as for the subsistence of Petitioner.

3. As this documentary evidence appears to be unimpeachable, the Board cannot concur with the Collector that there is no reason for altering the entry in Mr. Græme's accounts, merely because Petitioner has treated the Inam as if it was a personal grant. The Mosque appears to have been properly maintained, and under the above circumstances the Board resolve to recommend that the entry in Mr. Græme's account be altered, and the Inam declared to be a temple endowment, hereditary in Petitioner's family so long as the Mosque is maintained, and not a life grant.

(A true Extract.)

(Signed) W. HUDLESTON, *Sub-Secretary.*

No. 36. ORDER THEREON, 20th July 1859, No. 963.

The Board of Revenue lay before Government with their support the claim of an Inamdar to have his title recognized as hereditary, instead of a life grant as it is at present. The circumstances of the case are peculiar.

2. The Petitioner Syud Kader Moideen holds the Inam village of Jedwail in North Arcot. This is one of those Inams in that District which were styled *debât*; and which were taken under the management of the Collector, the yearly proceeds being paid to the Inamdar. In 1851 a fixed allowance based on an average of years, was substituted for the actual yearly outturn; and the amount of this allowance for Jedwail was Rupees 2,148.

3. In 1815 the Collector Mr. Græme made a Register of the Inam villages and their tenures. Syed Kader Moideen then produced the *sunnud* by which he held Jedwail; and as it was there clearly stated that the village was given for Muddad Másh or maintenance, the Inam was entered as *for life*. It so continued till 1856, when the same individual petitioned the Board, alleging that the village was erroneously entered as for life; whereas it had in truth been granted for the service of a mosque in Saint Thomé. In proof of this, he tendered two Persian letters purporting to have been written, the one by Nabob Wallajah, and the other by his son Oomdut-ool-oomra, a few years after the date of the grant, which was also by Wallajah, in which letters the village was mentioned as given for the service of a mosque at Petitioner's house. This claim having been referred to the Collector of Madras by the Board of Revenue for report, he has now reported on it having had, as he says, to make numerous enquiries on the subject. Mr. Cunliffe's opinion is decidedly against the claim, while the Board are in favor of it.

4. The documents bearing on the case are the following.

First; a grant by Nabob Wallajah, dated in 1780, which bestows the village *for maintenance* on Petitioner's father Syud Abdool Kadar Fukary, in lieu of a Yeomiah previously enjoyed.

mosque

*Proceedings of the Madras Government, Revenue Department,
from 16th to 22d July 1859.*

Second; an order by Lord Macartney in 1783, when the country was under British management, recognizing the grant.

Third; a purwanah or grant by Wallajah dated in 1790, continuing the village to the present Petitioner for his maintenance, his father being dead.

Fourth; a paper marked A purporting to be a letter from Wallajah to his son Oomdut-ool-oomra (dated July 1791), noticing delay to act on his previous order, and directing the release of the village, in order that the grantee may appropriate the proceeds to a mosque at his own house and to his own maintenance, and pay for the Nabobs.

Fifth; a letter from Oomdut-ool-oomra (dated October 1792), directing the renter to deliver the village to Petitioner, nothing being said as to the object.

Sixth; a similar order from the same to the same (dated October 1793) to a similar purport.

Seventh; a letter marked B dated October 1797 from Oomdut-ool-oomra to one Syud Jawaherally Khan, directing him to restore the village to Petitioner, and quoting the letter of Wallajah given above (No. 4), and reciting from it that the village was granted for maintenance, and for the service of the mosque at Petitioner's house.

* No. 3 noticed above, and also Lord Macartney's order, No. 2.

5. The Inam was registered as already said in 1815. Petitioner then produced his sunnud* by which the grant was made for maintenance; and it appears incredible, or at least improbable in the very highest degree, that if he had possessed documents altering that tenure to one for service, he would have failed to produce them. The village was accordingly entered as a maintenance grant, and for life; and in 1828, the Petitioner having occasion to make over part of the proceeds through the Chittoor Court to his creditors, treated it as a life grant; for he reserved what was sufficient for his own maintenance, saying nothing about any services to be performed†. It

† Letter from the Acting Sub Judge of Chittoor to the Collector of Madras 24th January 1859.

was not till 1856, or 41 years after the registry of the Inam, that Petitioner came forward and represented that it was an hereditary grant, and tendered in proof the papers A and B. To rebut the strong presumption against the claim arising from the omission to produce those papers in 1815, the Petitioner has nothing to urge except that he thought Mr. Græme was satisfied with the grant, and had entered the village as hereditary. It is incredible however that he should not know the tenure assigned by Mr. Græme, and the statement is also discredited by petitioner's behaviour in 1828 above noticed.

6. But the claim must be considered to turn on the genuineness of the papers A and B; if they were shewn to be genuine even such apparent inconsistencies as the foregoing must be disregarded. After careful inspection of those papers however, and comparing them with other documents relating to the case, of the genuineness of which there is no doubt, the Government cannot but be of opinion, that they are fabrications.

7. The reasons for this opinion are;

First, the decidedly modern appearance of the two documents in question in comparison with the others;

Second, both of them seem to have been designedly smeared or dirtied, so as to give them an old look;

Third, the envelope of B is pierced through and through with wormholes, while the enclosure is untouched, a fact fatal to the genuineness of the enclosure; and

Fourth, they are without seal, while all the other three originals bear the Nabob's seal.

8. On the whole it seems probable that the petitioner had two old letters of the dates and to the purports of those now produced, except only the object stated for the Inam being given; and that he has suppressed those letters, and introduced into the same old envelopes the two fabricated letters, containing a few words interpolated to shew the village to have been given

*Proceedings of the Madras Government, Revenue Department,
from 16th to 22d July 1859.*

for the mosque as well as for petitioner's maintenance. It may be added that there is another fact which militates against the idea that this village was given for the mosque; viz. that there is another Inam belonging to the mosque, and also that the expense of lights, &c., is defrayed from the late Nawab's durbar‡.

‡ Para. 15 of Mr. Cunliffe's letter 28th July 1859, No. 10.

9. For the foregoing reasons the Government wholly reject the petitioner's claim as being false and fraudulent; and a just penalty for the fraud would be to terminate even the petitioner's life interest in the Inam. But considering his very advanced age, and the long period that the Inam has been in the possession of the family, the Governor in Council is not disposed to deal severely with the case. The habits formed by seventy nine years' possession are entitled to consideration, whatever the nature of the tenure may have been. The family should therefore be indulgently treated; and the Governor in Council resolves to continue to the eldest son of the petitioner for his life an allowance equal to one half the annual income from the village, according to the commutation made in 1851, as above noticed in para. 2. This reduced allowance will be Rupees 1,074 a year.

The lapse of the existing life will be duly reported.

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

Mosque

N^o 93

Memorandum

With reference to the Memo
of the Sub Secretary to the Board
of Revenue dated 5th Instant, the
Secretary to Government has the
honor to state that it is not the
original Purwanah only that is
required but also the originals of
all the documents which ac-
companied the Board's Pro-
ceedings of 31st March 1859
N^o 1130, except the two Persian
letters the originals of which
are with the Secretary.

Adverting to the alleged
difference in the number of the
enclosures,

enclosures, the Secretary to Govt.
begs to observe that the enclosures
returned to the Board's Office
and received back with the
Hans under reply, are actually
nine when all counted.

Fort George, Quebec J. D. Bourdillon
7th May 1859 } Secretary to Govt.

For the
Board of
Revenue
to the
Secretary to the
Board of Revenue
to the
Secretary to the
Board of Revenue

The Secretary to the
Board of Revenue

N. 93

Memo

To

The Secretary to the
Board of Revenue

Dated 7th May 1859-

Printed Copy of 5
1859 Sept 3-

N. 3167

From

The Coll^r of
North Arcot

To the Secretary to the
Board of Revenue

Dated 10th May 1859
Recd 12th do "

In Cons. 12th " R 1008/59

2 Encl^s enclosures
N. 120.

With ref^{ce} to a Memo from
the Board dated 7th Instant
reports that the orig^l Perwannah
granted to the Judicial Enamdar
is not to be found among the
records, but forwards the Copy
kept by the Enamdar & Copy of
a letter from Secy Mr Webb
to the Dist^l Collector together
with a paper purporting to
be a Translation of an order
of Government on the Subject.

Memorandum.

This is a curious case, and contains some nice points.

Syed Kader Moideen holds the Enam village of Sudavail in North Arcot. In 1815 the Collector Mr. Grame made a Register of the enam villages and their tenures. Syed Kader Moideen then produced the original Sannad by which he held Sudavail; and as it was there clearly stated that the village was given for ~~Maddat~~ ^{Mash} or maintenance, the Enam was entered as for life. It so continued till 1856, when the same individual petitioned the Board alleging that the village was erroneously entered as for life; ^{whereas} ~~and that~~ it had in truth been granted for the service of a Mosque

LE COS. 12TH MAY 1859, No. 2147.
From C. WHITTINGHAM, Esq., Collector of NORTH ARCOT,
dated Chittoor, 10th May 1859, No. 120.

I have the honor with reference to your Official Memorandum of the 7th instant, to inform you that the original Purvannah granted by the Nabob Wallajah to the Judicial Inamdar is not in my office among the records connected with the enquiries instituted by Mr. Grame into the Chittoor Inams.

2. It was the usual custom for Inamdars at the investigation of titles to show the original Purvannahs, but to lodge only a copy, and this course seems to have been followed in this instance.

3. The copy lodged by the Inamdar is herewith submitted. With it forwarded a reputed copy of a letter from Mr. Webb, Secretary to the Board of Revenue, is dated 8th October 1790, directing Kader Moideen to be put in possession of the Inam; also a paper purporting to be a translation of an order of Government on the subject.

Mosque in St. Thome. In proof of
he tendered two Persian letters
purporting to have been written the one
by Nabob Wallajah, and the other by
his son Comdub ool Comra, a few years
after the date of the grant, which was
made by Wallajah in which letters the
village was mentioned as given for the
service of a mosque at Petitioner's
house.

3. This claim was referred to
the Collector by the Board of Revenue
for report and he only now reports
on it, having had as he says to make
numerous enquiries on the subject —
Mr. Conliffe's opinion is decidedly —

against the claim*, while the Board are
in favor of it. I will briefly state the
facts on both sides for the consideration
of the Government.
* See his private note
to me, written on
Receipt of the Board's
present Proceedings.

Accompanying is an abstract
of documents sent up with the case.

The first is the grant by Nabob
Wallajah,

Wallajah, dated in 1780, which bestows
the Village for maintenance
on Petitioner's Father Syud Abdool
Kader Fakhary in lieu of a Yemina
previously enjoyed.

2nd Then comes an order by Lord
Macartney in 1783 when the country
under British
was management recognizing the grant.

3rd The third is a Purvanah by
Wallajah dated in 1790 continuing the
village to the present Petitioner for
his maintenance, on the death of his
Father.

4th In both the preceding grants
the village is given for maintenance.
But the fourth paper purports to be
a letter from Wallajah to his son
Comdub ool Comra (dated July 1791)
noticing delay to act on his
previous order, and directing
the release of the village, in
order that the grantee may
appropriate the proceeds
to

a Mosque (at his own house)
and to his own maintenance, and
pray for the Nabobs.

5th There comes a letter from Comdub
ooloomra (dated October/92/ directing
the Porter to deliver the village to
Petitioner, nothing being said as
to the object.

6th A similar order from the
same to the same / dated October 1793/
to a similar purport.

^B
7th and lastly a letter dated October
1797 from Comdub ooloomra to one
Syed Sawahedly Khan, directing
him to restore the village to
Petitioner, and quoting the
letter of wallajah given above,
No 4, and reciting from it
that the village was granted
for maintenance, and for the
service of the Mosque at Petitioner's
house.

Thus

5. Thus the claim turns
as it seems to me on the genui-
ness of the documents A and B;
for if they are genuine, I think
the apparent inconsistencies of the
case must be overruled. Mr. Cum-
liffe indeed strongly disbelieves
the Petitioner's claim tho' he does
not deny the genuineness of
these papers; but I think that
view cannot be maintained. I
will first notice the facts which
prima facie throw discredit on
Petitioner's case.

6 The Grant was regis-
tered in 1815. Petitioner then
produced his ⁺summit by which
the grant was made for main-
tenance; and it appears incredi-
-ble or at least improbable in the
very highest degree, that if he
had possessed documents al-
tering that tenure to one for
service, he would have failed
to produce them.

The

3. above, & also
in Macartney's
in, Vol. 2.

The village was accord-
-ingly entered as a maintenance
grant and for life; and in 1828,
the Petitioner having occasion to
make over part of the proceeds
through the chuttoo court to his
creditors, treated it as a life
grant; for he reserved what
was sufficient for his own
maintenance, saying nothing
about any services to be performed.
See letter from Acting Sub Judge-

It was not till 1856
or 41 years after the registry
of the Swan, that Petitioner
came forward and represented
that ^{it} was an hereditary grant, and
tendered in proof the papers
in question -

Immediately on examin-
ing the two letters A and B I
felt sure from their appearance
that

~~has been~~ To & rebut the strong
 presumption against the claim
 arising from the omission to pro-
 duce the present letter in 1815,
~~it is necessary~~ they ~~believe~~ ~~ought to~~
 be able to make out established
 then ~~possibilities~~ strong strong proof.
 has nothing to urge except that he
 thought Mr. Freeman was satisfied
 with the Grant, & had entered the
 village as he stated. It is in-
 -conceivable that he had not known
 the tenure of said & Mr. Freeman, &
 the statement is also discredited
 by Peter's behaviour in 1828
 above mentioned

that they were much more modern
than their pretended dates. I
took them accordingly to Dr. Bal-
four for his opinion; but he after
inspecting them thought they
were genuine. He admitted how-
ever that if they were so copies
would certainly have been kept
in the دفتر; and in explanation
of the fact that there are no copies
he said that the Nabob's records
of those times are in confusion.

8 I then sent for the
originals of the other documents
relating to the case, of the genuine-
ness of which there is no doubt,
and these were received a short
time ago, except the original
Purwanah. On comparing the
two letters in question with the
originals thus received I cannot

but be still of opinion in spite
of Dr Balfour's authority, that
the former ~~have a very suspicious~~
~~appearance.~~

9 My reasons for this opi-
nion are; first their decidedly
modern appearance (to my eyes)
in comparison with the others.
Second. that both of them
seem to have been designedly
smeared or dirtied, so as to
give them an old look.

Third. The envelope of B
is pierced through and through
with wormholes, while the
enclosure is untouched. This
seems to me fatal to the genuine-
ness of the enclosure.

Fourth. They are without
seal, while all the other three
originals bear the Nabob's
seal.

On

On the whole it seems to me
probable that the petitioner ^{had two}
~~old letters, of the dates and to the purports~~
~~old letters of the dates and to the purports~~
of those now produced, except only the
~~persons stated in them, and the~~
object stated for the Inam being given,
~~and that he has suppressed those letters,~~
~~the circumstances set forth, and sub-~~
stituted for them other forged letters con-
taining the two fabricated letters, contain-
ing a few words interpolated
except the object of the grant, and
to show the village to have
been given for the mosque as well
as for petitioner's maintenance,
which had held the real letters.

11 It must be remembered that
the petitioner lives at St. Thome,
occupies a respectable position in life
and is in habits of intimacy with
the high officials of the Chepauk
palace. He would therefore have
peculiar facilities for such a for-
gery and he had abundance of
time to do it at his leisure. On the
other hand I believe such a forgery
would not be looked on among the
petitioner's associates as a criminal
act, but be regarded rather as a
spoiling

spoiling of the Egyptians, and I don't think Dr. Balfour himself would rely much on the Dewans assurance that he believes the documents to be genuine.

12 There is another fact which seems to me to militate against the idea that this village was given for the mosque, viz that there is another Inam belonging to the mosque, and also that the expense of lights &c is defrayed from the late Nawab's darbar.

Surth Cunniffet
letter Jan 28/54 PMSB

13 I send round the papers for orders. If the Government hold that the documents are false, the petitioner's claim to have the grant made hereditary will of course be rejected. And the usual punishment for such attempted fraud would be to confiscate the Inam immediately. The petitioner is now advanced in age; and this circumstance may have entered into his calculation in resolving on proceeding to the attempt, viz the

Simon Ledger

knowledge that at the worst his loss by discovery and the forfeiture of his life interest in the Inam would not be great.

JKK
This is not a question of genuineness of documents, but of long and uninterrupted possession. The village was granted to the father of the present possessor by Nawab Wale-jah in 1780, and it has been enjoyed by the family without any break during the 79 years which have since elapsed. I am therefore clearly of opinion that whether the Jagir was Maddad Mosh or Waaf, and whether the supplementary documents are genuine or forged, the village has become the property of the family by long prescription.

20 June 54
There can be no question I think that the two letters are forgeries. But of the fact of long possession is to cure all defects of title

title without reference to the original conditions of the tenure, this man's claim will be absolute for further scrutiny.

But I do not understand that it is meant to set aside all conditions of tenure. Service men are still liable to performance of service, ma'sharte means to the fulfilment of the duties for which they were conferred, & in like manner maddat which is given in such grants is limited to the life of the grantee & only renewed under the same liability.

If the Maddat which was renewed to the present holder by a distinct grant, the case is altered and the grant must be regarded as a personal one to him. Still, considering the long period it has been in the possession of the family, some indulgence may be shown to the son of the present holder after his father's death. The habits formed by 79 years ~~uninterrupted~~ possession are entitled to consideration whatever the nature of the tenure may have been. The family should be "let down easily". I would suggest a monthly grant at the time mentioned of not less than Rs 25. The annual income of the village is quite agreeable to this view.

Wm. J. G. 17 Jul 59

Official Memorandum.

With reference to the label from the Secretary to Government in the Revenue Department, dated 28th instant, returning the papers connected with the Irdivail Shann, the Sub-Secretary to the Board of Revenue has the honor to bring to his notice that only seven enclosures were returned and not nine as stated.

The Board have called on the Collector to obtain the original Purnama which was submitted to Mr. Gomer, and it will be forwarded on receipt.

The papers received from the Government office are herewith returned.

Recd Board Office
Fort St George
5th May 1859

By Order
J. Anderson
Sub-Secretary

J. D. Bourdillon Esq.
Secretary to Government
Revenue Department

Campd
C. Burton

Official Memorandum

With reference to the Memorandum from the Secretary to Government dated 18th April 1859, the Secretary to the Board of Revenue requests that the Enclosures to the letter from the Collector of Madara dated 28th January 1859, may be returned for inspection.

Revenue Board Office,
Fort Saint George,
20th April 1859.

By Order
[Signature]
Secretary

To
J. D. Boardillon Esquire
Secretary to Government R.D.

Revenue 1859 Dept

[Signature]
Off. Memo

From

The Secretary to
Board of Revenue

To The Secretary to

Govt. of Madras

Dated 5th May 1859.

Recd 6th 8. 1859.

Shewn to Mr. J. Boardillon
Bringing to notice
that only three Enclosures
were connected with
the Madara letter were
returned & not as nine
stated - and stating that
the original Enclosure
will be forwarded on
receipt from the Colli
of Madara.

[Faint handwritten notes in left margin]

Official Memorandum.

With reference to the Official Memo. from the Secretary in the Revenue Department dated 4th May 1859, the Secretary to the Board of Revenue has the honor to forward a report from the Collector of North Arcot stating that the Original Durvaunah granted by the Nabob Watta-jah to the Jadarwall Inamdar is not forthcoming on the records of his Office, but in lieu of it, he forwards a Copy lodged by the Inamdar at the investigation of titles in 1815.

The Board find on reference to their records that the reputed Copy of the letter to the Collector of North Arcot, dated 8th October 1790, forwarded by the present Collector, is a true Copy.

Revenue B. Office,
Fort St. George,
3rd June 1859.

By Order,

J. S. M.
Secretary.

To, J. S. Bourdillon Esq^r
Secretary to Government.
Revenue Department.

Recd. 1859

No. 706.

Official Memorandum

From

The Secretary to the

Board of Revenue

To the Secretary to Govt's

Revenue Department.

Dated 20th

Decr. 20th April 1859.

Recd. 21st

Requesting that the
said Enclosures may be
returned for inspection.

25th June 1859

18
Official Memorandum.

The Sub Secretary to the Board of Revenue has the honor to forward to the Revenue Secretary to Government three Original Documents marked C. 1-2 received from the Judicial Quamdar, through the Collector of Madras, and to return the papers received from the Government Office with Official Memorandum dated 10th May 1859.

An application has been made to the Collector of North Arcot for the original of the Purwanah if in his office.

With this exception and that of a paper purporting to have borne Lord Macartney's Seal and to have been addressed to the printer of Vellore - the originals of all the translated papers have now been sent, as there are
Several

No. 1000 the 13th of Decr 1859
Indra 159 C 1-2 1859 ind.

Revenue 1859 Report

C. 1-2 1859

See the Secretary to the Board of Revenue

to the Secretary to Government
For the purpose

C. 1-2 1859
C. 1-2 1859
C. 1-2 1859

See

Submitting with
reference to the Revenue
of 1859, a letter from
the Coll of North Arcot re:
sending the orig. documents
granted by the Madras Coll,
copied to the Judicial Quamdar.

See 1859

See 1859

Several transcripts of the translations of
the Persian documents A and B now with
the Revenue Secretary. -

Per Board Office
Fort St George
3rd June 1859.

/ By Order /

J. R. S. W.
Sub Secretary

To

L. D. Bourdillon Esq.

Secretary to Government

Revenue Department

Wm. H. H. H.

No 963

Proceedings of the Madras Government
Under date the 20th July 1859.

Read the following Extract
from the Proceedings of the
Board of Revenue.

Submitting a letter from the
Collector of Madras enclosing
correspondence with the Chepauk
Agent and acting sub Judge of
Chittoor connected with the claim
of Syud Rahder Inaidan to hold
the village of Induval on service
tenure instead of for life, with
the Board's recommendation that
the entry of the income in Mr
Graham's Register be accordingly
altered.

(Here enter 31 March 59 No 1130)

The Board of Revenue
lay before Government
with their support the
claim of an Inaidan to
have his title recognized
as hereditary, instead of
a life grant as it is at
present. The circumstances
of the case are peculiar.
The Petitioner
Syud

P.O. No 804 2915 Nov 1859

Revenue 1859 Report
1st 1859

Official Memorandum

From
The Secretary to
Board of Revenue.

To The Secretary to
Government
Revenue Dept

Received 3rd June 1859.

Encl 4

Forwarding certain
Original Documents re-
ceived from the Subward
of mandals and returning
the papers transmitted with
Offs Memo of 10th May 1859.

Encl 4

205 June 18th July

2
Syed Kader Maidem
holds the inam village
of Jeddail in North Arcot. This is one of those
3 In 1815 the
Collector Mr. Grange
made a Register of
the inam villages and
their tenures. Syed
Kader Maidem then
produced the sunud
by which he held
Jeddail; and as it
was there clearly stated
that the village was
given for Muddad
Ma'sh or maintenance,
the inam was entered
as for life. It so con-
tinued till 1856, when
the same individual
petitioned the Board,
alleging that the village
was erroneously entered
as

inams in that District
which were styled debt,
and which were taken as
under the management of
the Collector, the yearly pro-
ceeds being paid to the
inamdar. In 1851 a fixed
allowance based on an
average of years, was sub-
stituted for the actual
yearly outturn; and the
amount of this allowance
for Jeddail was Rupees 2468.

213
as for life; whereas
it had in truth been
granted for the service
of a mosque in San-
thome. In proof of
this, he tendered two
Persian letters pur-
porting to have been
written, the one by
Nabob Wallajah;
and the other by his
son Comdut pol soure,
a few years after the
date of the grant, which
was also by Wallajah,
in which letters the
village was mentioned
as given for the service
of a mosque at pet-
itioner's house. This
claim having been
referred to the Collector
of Madras by the
Board

Board of Revenue
for report, he has now
reported on it having
had as he says to
make numerous en-
quiries on the subject.
Mr. Cauliffe's opinion
is decidedly against
the claim, while the
Board are in favour
of it.

This inam, so
called, was in fact
only the right to the
net proceeds of the
village which was
managed precisely
like Government
villages. In many
years the actual
net proceeds were
paid to the inamdar,
but in 1851 these were
commuted

commuted into a fixed
annual payment of
2148 Rupees. This then
constitutes the so called inam.

The documents
bearing on the case
are the following.

First; a grant by
Nabob Wallajah, dated
in 1780, which bestows
the village for main-
tenance on petitioners
father Syud Abdool
Kadar Fookary, in lieu
of a yeomiah previ-
ously enjoyed.

Second; an order by
Lord Macartney in
1783, when the country
was under British
management.

management, recog-
nizing the grant.

Third, A Purwanah
or grant by Wallajah

dated in 1790, conti-
nuing the village
to the present peti-

tioner for his ex-
maintenance, his
father being dead.

Fourth, a paper
marked A purport-

ing to be a letter

from Wallajah to

his son Comdubool

Omura / dated July 1791,

noticing delay to
act

act on his previous
order, and directing
the release of the
village, in order that
the grantee may
appropriate the
proceeds to a mosque
at his own house
and to his own main-
tenance, and pray
for the Nabobs.

Fifth, a letter from
Comdubool Omura
(dated October 1792),
directing the renter
to deliver the village
to petitioner, nothing
being said as to
the

for

the object.

Sixth, A similar order from the same to the same / dated October 1793 / to a similar purport.

Seventh, A letter marked B, dated Oct 1797 from Omdut ool Oomra to one Syed Jawaherally Khan, & directing him to restore the village to petitioner, and quoting the letter of Wallajah given above (A. S.), and reciting from it that the village was granted for maintenance, and for the service of the mosque at & petitioner's house.

That

Had noticed above, and also Lord Macartney's order 1792

249
The inam was registered as already said in 1815. Petitioner then produced his sunnad by which the grant was made for maintenance; and it appears incredible, or at least improbable in the very highest degree, that if he had possessed documents altering that tenure to one for service, he would have failed to produce them. The village was accordingly entered as a maintenance grant, and for life; and in 1828, the petitioner having occasion to make over part of the proceeds through the Chittoor Court to his creditors, treated it as a life grant, for he reserved for

what was sufficient for his
own maintenance, saying
 nothing about any services
 to be performed. It was
 not till 1856, or 41 years
 after the registry of the
 inam, that petitioners
 came forward and re-
 presented that it was
 an hereditary grant, and
 tendered in proof the papers
 A and B. For but the
 strong presumption against
 the claim arising from
 the omission to produce
 those papers in 1815, the
 petitioner has nothing to
 urge except that he
 thought Mr. Grame was sa-
 tisfied with the grant, and
 had entered the village
 as hereditary. It is in-
 credible however that
 he should not know the
 tenure assigned by
 Mr. Grame

*Letter from the Acting Sub Judge
 of Chittoor to the Collector
 of Madras 24th Jan^y 1859

Mr. Grame, and the
 statement is also discre-
 dited by petitioner's be-
 haviour in 1828 above
 noticed.

6 But the
 claim must be consider-
 ed to turn on the ge-
 nuineness of the papers
 A and B; if they were
 shown to be genuine
 even such apparent
 inconsistencies as the
 foregoing must be
 disregarded. After
 careful inspection
 of those papers how-
 ever, and comparing
 them with other docu-
 ments relating to the
 case, of the genuineness
 which there is no doubt,
 the Govt. cannot but be
 of opinion, that they
 are fabrications.

7 The reason
 for

For this opinion are,
first, the decidedly modern
appearance of the two
documents in question
in comparison with the others;
Second, both of them seem
to have been designedly
smeared or dirtied, so as to
give them an old look;
Third, the envelope of B is
pierced through and
through with worm holes,
while the enclosure is un-
touched, a fact fatal to
the genuineness of the enclosure;
Fourth, they are
without seal, while
all the other three
originals bear the
Nabob's seal.

8. On the whole it
seems probable that
the petitioner had
two old letters of
the

one dated and to the
purports of those now
produced, except only the
object stated for the
inam being given, and
that he has suppressed
those letters, and intro-
duced into the same
old envelopes the two
fabricated letters, con-
taining a few words
interpolated to show
the village to have been
given for the mosque
as well as ^{for} petitioner's
maintenance. It may
be added that there is
another fact which
militates against the
idea that this village
was given for the
mosque, viz that there
is another inam be-
longing to the mosque
and also that the ex-
penses of the mosque is defrayed

from the late Nawab's
durbār.

* para 15 of Mr. Cunliffe's
letter 28th Jan 73 pg no 10

9 For the foregoing
reasons the Government
wholly reject the pe-
titioner's claim as being
false and fraudulent;
and a just penalty
for the fraud would be
to terminate even ^{the} pe-
titioner's life interest
in the inam. But con-
sidering his very ad-
vanced age, and the
long period that the
inam has been in the
possession of the family,
the Governor in Council
is not disposed to deal
severely with the case.
The habits formed
by seventy nine years
possession are entitled
to consideration, whatever
the nature of the tenure
may have been. The
family

not. This is not to be
reported to Calcutta,
because it is in
fact continuing a
part of an inam
order in Council.
July 15/74

Family should there-
fore be indulgently
treated; and the
Governor in Council
resolves to continue
to the eldest son of
the petitioner for his
life an allowance
equal to one half
the annual income
from the village,
according to the com-
mutation made in
1851, as above noticed
in para 2. This reduced
allowance will be
Rupees 1074 a year.

The lapse of
the existing ^{life} allowance
will be duly reported.

[Signature]

6 Copies To The Board of Revenue
1 — " — Inam Commissioner

10-8-70
11-11-57
11-10-75
21-3-70
3-10-21

Revenue 1859 Department.
Pars of Govt. 22^d July.

N. 963.

No. of the Madras Govt.
D/20th July 1859.

Pro of the Board of Muz, 18th June
1876 C/1912/70

H. S. O. 1396 97-9-10.

Petitioners claim dis,
allowed his eldest son
allowed for life Rs. 1074 a
year.

N. 35 & 36.