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M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1127 Press ~~Mis.~~

87-88

Dated 9 — 7 — 1860.

Not to be folded or roughly handled

No. 87. Read the following Remarks of the Board of Revenue, dated 8th June 1860, No. 2,729, on the following Tabular Report of a lapsed Pension.

No. 2,298, from the Collector of Krishna District, dated 12th May 1860, No. 93.

(In Cons., 17th May 1860.)

1. The Collector reports the lapse of the pension of 150 Rupees per mensem, enjoyed by the late Kutub-ud-Dowlah the elder brother of the father of Nazim-ud-Dowlah Dáwúd Áli Khán, who claims the titular dignity of Nawáb of Masulipatam. The pension was sanctioned by the Government in a letter dated 27th June 1823, No. 395, out of the allowance granted for the maintenance of the family, which allowance was declared in a previous letter dated 2nd October 1821, No.754, to be held "at the "good pleasure of the Company, and as such liable to be "resumed or modified as might seem just and proper."

In Cons., 3rd July 1823, *No.* 1,293.

In Cons., 15th October 1821, *No.* 2,460.

2. Two sons of the deceased have put in claims for the registry of this allowance in their respective names and to be recognised as head of their father's family, viz., his eldest son by his *first* and Nikka wife, and his eldest son by his *third* and "Shádi" wife.

3. The former claims by right of primogeniture and under a will left by his father, executed on stampt paper, appointing him the head of his family; alleging also the willingness of the other members of the family (except those connected with his rival) to acknowledge him as their head, and the bad character of his opponent, as additional arguments in his favor which are detailed at length in the Petitions received by the Board from the claimant and other members of the family. The opinion of Nazim-ud-Dowlah Dáwúd Áli Khán, the acknowledged head of the whole family though the son of the younger brother of the deceased, is in favor of this claimant.

4. The claim of the younger son is also based upon an alleged will on unstampt paper (the signature on which is considered to be more like that of the deceased than that on the other will) and is supported by the opinion of several of the most respectable Mussalmen in the Town, who declare him to be the proper person to be the head of the family, both on account of his birth and of his father's known partiality for him.

5. The Board having considered the arguments advanced on both sides, are of opinion that the claim of the elder son, Futteh Áli Mirza Khán, is preferable to that of the younger. "Under the Mahomedan law, the children "by a Nikka wife are equally entitled to "inherit the real and personal property of "their father with the children by a Shádi wife, and they are considered in all respects equally "legitimate with the children by a Shádi wife;" so that the right asserted on behalf of the younger son by reason of his mother being a *Shádi* wife, falls to the ground, as also the opinions based upon that fact. Moreover, the opinion of Nazim-ud-Dowlah Dáwúd Áli Khán is entitled to great consideration as he must be more deeply interested in the honor of the family than any other person can be.

Answer of the Mahomedan Law Officer of the Sadar Adálat.—See Note 2, page 525, Circular Order Book, 1st Volume.

6. The Board do not deem it necessary to pronounce on the wills which have been put in by the parties, as neither of them has been proved in a Court of Law.

7. Adverting chiefly to the natural right possessed by the eldest son for disallowing which no sufficient reason appears to exist, the Board recommend that he be recognised as the head of this branch of the family, and that the pension be registered in his name, and disbursed on his sole receipt, the apportionment of it among the several members of the family, as recommended by the Collector being opposed to the views of Government, as expressed in their letter of 2nd October 1821.

In Cons., 15*th October* 1821, *No.* 2,460.

8. The tabular Statement submitted by the Collector is calculated to convey a false idea of the facts of this case on some points.

9. The Pension granted to the family in lieu of the Jágír resumed on the death of Hussain Áli Khán was originally one lac of Rupees per annum, and out of this the monthly allowance

now drawn as their share by the senior representatives of the family amounts to Rupees 1,183 received by Nazim-ud-Dowlah Dáwúd Áli Khán (being two-thirds of that drawn by his father Intizan-ud-Dowlah Ruzza Áli Khán, younger brother of the deceased Kutub-ud-Dowlah, but recognised as head of the family under their father Rustumjah's will), and Rupees 150 drawn by the deceased under the Orders of Government dated 27th June 1823.

NOTE.—Rustumjah was the eldest son of Hussain A'li Khán.

In Cons., 3rd July 1823, No. 1,293.

10. Considering then that the deceased was naturally the head of the whole family and that his descendants really constitute the eldest branch; bearing in mind also the large number of persons including several females and young children whose sole dependance for support is on this small allowance, and that the family has been reduced from a position of affluence and rank to one of comparative insignificance; adverting also to the sentiments of Government expressed in their letter of 25th October 1771 to the Chief and Council of Masulipatam on the obligation resting on Government to maintain the family of Hussain Áli Khán in a decent position, and to the fact that those whose case is now under consideration, are his eldest representatives, the Board of Revenue are not prepared to support the Collector's recommendation that the allowance drawn by Kutub-ud-Dowlah be reduced, but recommend that the full amount of Rupees 150 per mensem be continued to his eldest son, Futteh Áli Mirza Khán for the maintenance of himself and his father's family from the date of his father's decease.

(By Order.)

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

No. 88. ORDER THEREON, 9th July 1860, No. 1,127.

1. In these Proceedings the Board of Revenue report the death of Kutub-ud-Dowlah, of the family of the late Nawáb of Masulipatam and a pensioner on 150 Rupees a month, and bring forward the case of the two sons who respectively lay claim to the pension. The Collector supports the younger, who is son by a Shádi or full marriage; whereas the Board support the elder, or son by a Nikka wife, their reasons being two, viz., that the opinion of Nazim-ud-Dowlah Dáwúd Áli Khán, the acknowledged head of the whole family is in favor of the elder claimant, and that under Mahomedan law children by a Nikka wife have equal right to inherit with children by a Shádi wife.

2. For the reasons stated by the Board in paragraph 10, the Government resolve to continue the entire Pension without diminution. But before deciding between the two claimants, they resolve to obtain the opinion of the Chepauk Agent, Surgeon Balfour, as to the law and custom in Mussalman families of rank like that now in question, with respect to the rights of children by a Nikka marriage.

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

Enclosure in Remarks
of the Board of Revenue
to the Secretary to Govt.
Revenue Depart.t 8th
June 1860. No. 2729.

R 1231/60.

Tabular Statement shew-
-ing the particulars of the
undermentioned Pension
connected with the Masuli-
-patam Nawabs family
recommended to be renew-
in the Kistna District.

4th Dec.r/49 No. 16417.
27th June/23 — " 1 to 5.
2d Oct.r/21 — " 3 to 6.
17-2-78

Revenue 1860. Department
Pro: of 4th for July.
No. 1231

Remarks of the
Board of Revenue

Dated 8th
Desp. 16th } June 1860.
Read.
E.I. 16

No. 2729.
No. 1127. 9th July

Submitting the Boards
remarks on a Tabular State-
-ment of a lapsed Yeomiah
received from the Collector of
Kistna District & recom-
-mending that the pension
enjoyed by the late Hustus-ud-
Dowlah the elder brother of
the father of Razim-ud-
Dowlah Dawud ali khan,
be registered in the name of his
eldest Son & disbursed on his
sole receipt —
For orders — 3/Dec

No 87.

Q 22 June. Read

I have the
honour to forward
herewith for the
sanction & orders
of Government
the Petition of the
name of the elder
son of the late Nikka
wife —
I should consider
the pension in
question
reasonably
moderate for
the comfort

of the Mussulman
Widow the Memorialist
& her children
& would recommend
its being granted
to her —
I have &c.
Sd/ H. Stokes
Collr.
Masulipatam 4th May 1860

In Con., 17th May 1860, No. 2,298.

From W. KNOX, Esq., Collector of KISTNA DISTRICT,

dated Masulipatam, 12th May 1860, No. 93.

Tabular Statement showing the particulars of the undermentioned Pension connected with the Masulipatam Nawab's family, recommended to be renewed in the Kistna District.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Case.	Taluq and Village.	Extent and value of the entire Inam or Yeomiah.	When and by whom granted.	Sanads or other documents in support of the grant.	Nature of the grant—charity or service. If service, nature of the duty prescribed by the grant.	Name of the original grantee.	Name of the last holder and the relationship in which he stood to the grantee and date of his decease.	Share enjoyed by the deceased and that held by the other members.	Family left by the deceased, and the names and age of the parties.	Their circumstances and the means of subsistence possessed by the family.	Recommendation of the Collector, and the grounds on which it is made.	Further Remarks.	Recommendation of the Board of Revenue.	Decision of Government.
3 of 1860.	Masulipatam in Bander Taluq.	R. A. P. 150 0 0	Chief in Council, 15th September 1779. Madras Government, 27th June 1823. Do. 4th December 1849, No. 1,161. Do.	None.	In lieu of the Jaghire resumed by Government on the death of the late Nawab of Masulipatam and declared to be held on the good pleasure of the Company.	Rustumja Bahadur, 1st son of Hussun Alli Kawn.	Kutubutt Dowlah, 1st son of Rustumja. He died on the 20th February 1860.	The deceased enjoyed the whole amount of Pension.	*Son.* 1. Munsurud Dowlah Meerja Jayanalla Abdin Khan Bahadur, aged 24 years. 2. Manavur Begum, daughter, aged 22 years..... 3. Ajee Jin Nissabegum, daughter, aged 16 years. — By the deceased's marriage wife Katuja Begum Sahayaba, aged 50 years—still alive. 4. Hussan Alli Khan, aged, 7 years. 5. Gulam Alli Khan, aged 9 years. — Grand-sons of the deceased by daughter. *Sons.* 1st. Futta Alli Meerjakhan, aged 43 years. 2nd. Kajamalli Meerja, aged 38 years. 3rd. Abbasa Meerja, aged 36 years. *Daughters.* 1. Murtiyabegum Sahayaba, aged 33 years. 2. Sakeenabegum Sahaba, aged 32 years. — By the deceased's Nikka and Mootta wives—died.	The family is numerous, which has no other means of livelihood, but is entirely dependent on the Pension	The deceased was the eldest son of Rustumja, to whom and to his brothers and others of their family the Government granted a Pension on resuming the Jaghire after the death of Hussun Alli Khan, Nawab of Masulipatam. On the death of Rustumja in 1821, dissensions arose between his two sons Intejamut Dowlah and Kutubutt Dowlah (the deceased), on account of the headship of the family. After a lengthy correspondence, the Government nominated Intejamut Dowlah as the head of the family, and in continuing to him the full amount of the allowance of his father, separated from it Rupees 150 and fixed it as the allowance of Kutubutt Dowlah. The Board are fully aware of the subsequent correspondence under which the forfeited amount of his Pension, Rupees 24,136, was restored to him. Kutubutt Dowlah died on the 20th February last, leaving a large family as shown in column No. 10. Mansurud Dowlah, Meerja Jayanalla Abdin Khan Bahadur, and Futta Alli Meerjakhan are now the candidates for the headship of the family. The former, aged 24, is the son of the wife, Katuja Begum, by shadi or full marriage; and the latter, aged 43 years, is the son of the Nikka wife, Sydanee. Both have produced wills in their own favor, said to have been excuted by their father. The signatures of the deceased on the two wills have been compared with his former signatures on the receipts of his monthly allowance lodged in the Huzur records. The one on the will presented by Futta Alli Meerja is less like the true one than the signature on the will presented by the married wife's son. The Mahajur in favor of the latter, bears the signatures of a number of respectable natives, Hindus and Mussalmen of this town, and the Mahajur presented by Futta Alli Meerja simply says that he was a man of good character and obedient to his father. I asked the opinion of the present Nawab Nazamut Dowlah and he is in favor of the [illegible] wife's son. I have also sent for the most respectable Mussalmen in the town, viz., the Mufty Sudr Ameen, the Cazy of Masulipatam, the two most respectable Moguls in the town, named Haji Mahaudi Kirwani and Aga Mahomed Esmail Shirajee, and another respectable Mussulman. They one and all gave their opinion decidedly in favor of the married wife's son, Mansurud Dowlah, as the proper person to be head of the family both on account of his birth and his father's known partiality for him. They had heard, they said, nothing against his character, and they further declared that if the son of the Nikka wife were made the head of the family, the widow and her children would rather die than take a Pie from his hands. They all said unanimously that the married wife's son was the pet of the deceased, and as a mark of his love, the deceased performed his marrige at a great expense, whereas the Nikka wife's son, though the elder of the two, is still a bachelor. Under these circumstances, I beg to recommend the son of the Shadi wife, Munsurud Dowlah Meerja Jayanalla Abdin Khan Bahadur, being made the head of the family. As the family is a large one consisting of 4 sons, 4 daughters and 2 grand-sons besides the widow of the deceased, and as, properly speaking, the deceased was the proper heir and successor of Nawab Rustumja, I venture to recommend that Government be good enough to reduce the Pension by only Rupees 25, instead of Rupees 50 as usual. I would suggest in view to check quarrels among the two brothers and other members of the family, the division of the Pension payable to Futta Alli Meerja Khan and other members of the family who presented arzis in his favor. The different amounts payable to the different members will be as follows, from 21st February 1860:—				

		Rs. A. P.	
By Shadi marriage wife..	Munsurud Dowlah Meerja Jayanalla Abdin Khan Bahadur, head of the family.....	35 0 0	
	Manavur Begum, daughter of Kutubutt Dowlah...	6 0 0	
	Ajee Jin Nissabegum do. do.....	6 0 0	
	Hussan Alli Khan and Gulam Alli Khan, grand-sons of do. by deceased daughter.	6 0 0	
	Katuja Begum Sahayaba, widow of Kutubutt Dowlah.....	10 0 0	
			63 0 0
By Nikka wife.....	Fatta Alli Meerja Khan, son of Kutubutt Dowlah	20 0 0	
By Mootta wife.....	Kajambakh or Kajamalli Meerja, son of do.	15 0 0	
	Abbasa Meerja do. do. do.	15 0 0	
	Murtiyabegum, daughter of do.	6 0 0	
	Sakeenabegum do. do.	6 0 0	
			62 0 0
			125 0

Exd. J. Tulloch.

Rev. Dept.

№ 1127

Proceedings of the Madras Government
Under date the 9 July 1860
Read the following
Remarks of the Board of Revenue

Here under 8th June 1860 № 97.

Submitting the Board's remarks on a tabular Statement of a lapsed Zeemindary received from the Collector of Kistna District and recommending that the pension enjoyed by the late Kutub-ud-Dowlah the elder brother of the patta of Nazim-ud-dowlah Dawood Ali Khan be registered in the name of his eldest Son & disbursed on his sole receipt.

Yamia
Krishna

In these proceedings the Board of Revenue report the death of Kutub-ud-dowlah, of the family of the late nawab of Masulipatam and a pension on 150 Rs a month, and bring forward the case of the two sons who respectively lay claim to the pension. The Cob supports the younger, who is son by a Shádi or full marriage; whereas the Board support the elder, or son by a nicka wife, their reasons being two —, viz that the opinion of Nazim-ud-Dow-lah Dáwud Ali Khán, the ac-

Sirs - Under orders —

nikka

whole
knowledged head of the family
is in favor of the elder claimant,
and that under Mahomedan
Law children by a nicka wife
have equal rights to inherit
with children by a shádi
wife.

The strict law is as
quoted, the nicka forming the
contract or tie even in a shádi
marriage. But it is believed
that in the higher families
the practice is different; and
before paying orders in the
case in question, the Govt
would wish to have the opinion
of the Chepauk Agent in the
matter.

2 For the reasons stated
in Para 10 /10,
by the Board the Government
resolve to continue the entire
Pension without diminution.

But before deciding between
the two claimants, they resolve
to obtain the opinion of the
Chepauk Agent Surgeon
Balfour, as to the law and
custom in Muhammadan families
of rank like that now in question,
with respect to the rights of
children by a nicka marriage.

11 Copies
1 Board of Revenue Dis[illegible] 10
" To the Chepauk Agent 1

17-2-68

25/6/60.

27-11-17.

30-9-10

Pro: of the Board of Revenue
of 10 July 1868 No 2414

17/12/80

No 87 to 88

Revenue 1863 Departt.
Pro: of Govt for July
No 1127.
Pro: of the Madras
Government
9th July 1860.

Further Pro: 15th July 1861
No 1173 (Appointment)
Pro: of the Board of Revenue 4th
Augt 1869 No 2661

Resolving to continue
the entire Pension of the
deceased Hulub-ud Dowlah
of the family of the late
Nawab of Masulepatam
and calling for the opinion
of the Chepauk Agent on
certain points noticed.

Pro: of the Bd of Revl 28 Janry
1862 No 327 in 12 Mar. - 542.

L