M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 118 Press ~~Mis.~~

37-39

Dated 24 — 1 — 1860.

Not to be folded or roughly handled

Read the following.

No. 37. Proceedings of the Board of Revenue, dated 25th November 1859, No. 4826.

Read Proceedings of Government, dated 21st October 1859, No. 1424, calling upon the Board to report on a petition from Iynab Bí, widow of the late Subadar, Syed Hussain, of the Governor's Body Guard, to whom the village of Vallavanúr was granted as a jaghír in 1821.

In Consultation, 22d October 1859, *No.* 5255.

The Board of Revenue observe that the Collector of North Arcot reported under date 20th April 1858, (paragraph 5,) that no original sunnud in support of the grant is forthcoming, and that the promise to furnish the grantee with one was never fulfilled.

In Consultation, 17*th May* 1858, *No.* 1685.

2. As regards the tenure of the jaghír, the order of Government, dated 12th April 1820, Political Department, restricted it to the life of the Subadar, and the lives of his two sons, Syed Hamed and Syed Subder Ali. In the order, dated 3d November 1820, reducing the reserved rent from 600 to 100 Rupees, as well as in that dated 20th March 1821, substituting a jaghír for a shrotriem tenure, the conditions of the grant are referred to in the same terms; but in a reply, dated 17th April 1821, Political Department, to the enquiry made by the Board, "whether the jaghír was to revert to the Government on the death of the last survivor of the three persons mentioned in the Minutes of Consultation, even though they should not all have possessed the jaghír, or though one or both of the sons should die during the life time of the father," the Government directed that "the cowle to be granted to the Subadar shall convey the possession of the jaghír, on the terms specified in the Minutes of Consultation, dated 20th March 1821, to *him and his two next heirs in succession.*" The eldest son died during the life time of his father, and though the date is not stated in the papers before the Board, it appears likely that it was in consequence of this event that the reference was made to Government, and the terms of the grant altered, as above stated.

See 3*d in Consultation,* 12*th June* 1820, *R. D. No.* 1035.

In Consultation, 18*th December* 1820, *No.* 2443.

In Consultation, 2*d April* 1821, *No.* 765.

In Consultation, 30*th April* 1821, *No.* 980.

See To Government, 2*d April* 1821, *No.* 213.

In Consultation, 2*d April* 1821, *No.* 765.

3. The second son, Syed Subder Ali, succeeded his father on the latter's decease in 1831, and continued to hold the jaghír until 1857, when he died.

4. The usual enquiry was then made, but unfortunately in the absence of any sunnud, the original orders conferring the jaghír on the Sudadar for the life of himself and his two sons was alone relied on, the subsequent order modifying and extending the grant having been overlooked; and as all the three lives for which it was originally granted, lapsed on the death of the second son, the Collector resumed the jaghír.

5. The Board regret exceedingly the omission which has resulted in great hardship to the family but are unable to explain how it occurred.

6. The order of Government, dated 17th April 1821, appears from the copy in the Board's office to have been communicated to the Collector of North Arcot, on 30th idem; and that it was acted on is evident (though no cowle was given) from the fact, that in the register of shrotriems kept in the North Arcot district, the jaghír is stated as "granted for Syed Hussain's own life, and that of his two next heirs," and in a petition presented by the Subadar to Government on the 9th May 1828, he prays that the jaghír may be granted in perpetuity, in lieu of the three lives, thus showing that he understood it to be for three lives in succession.

In Consultation, 30*th April* 1821, *No.* 980.

From Collector North Arcot, 13*th October, No.* 254, *in Con.* 13*th November* 1857, *No.* 4054.

From Government, 30*th May in Con.* 2*d June* 1828, *No.* 1062.

7. There can be no doubt that on the death of Syed Subder Ali in 1857, the grant had still to run for another life, and the resumption by the Collector was contrary to the intention and distinct orders of Government.

8. Under these circumstances, he will now be directed to institute immediate enquiries to ascertain who the existing heir is, and to place him in possession, reporting fully on the results of the resumption, and as to the amount of collections that have been made from the jaghír since its resumption which must be refunded.

Ordered that a copy of the above Proceedings be forwarded to the Collector of North Arcot, with a request that immediate effect may be given to the directions contained in paragraph 8.

Ordered also that a copy be forwarded to the Military Auditor General, with reference to his letter, dated 13th February 1858, and the reply of the Board thereto, dated 11th March following.

In Consultation, 11th March 1858, *No.* 744.

Should any compassionate allowance have been made to the family in consideration of the resumption of the jaghír, now to be restored for one more life, it may be necessary to take the point into consideration in adjusting the refund of collections above proposed.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 38. Proceedings of the Board of Revenue, dated 10th December 1859, No. 5096.

Read letter, dated 2d December 1859, No. 28, from the Military Auditor General, remarking that the despatch of the late Honorable Court, granting a pension of Rupees 59-8 per mensem, to Iynab Bí, widow of the late Subadar Major Syed Hussain, is not referred to in the Board's Proceedings of the 25th November 185[illegible], No. 4826.

(In Consultation, 3rd December 1859, No. 6017.)

Read also letter, dated 5th December 1859, from the same officer, reporting that the pension of Rupees 59-8 to Iynab Bí was paid from the 14th June 1857.

(In Consultation, 5th December 1859, No. 6028.)

Resolved that the letters above recorded be submitted for the information of the Honorable the Governor in Council, with reference to the Board's Proceedings, dated 25th November 1859, No. 4826.

2. The despatch from the Honorable Court, dated 1st September 1858, No. 147, quoted by the Military Auditor General, was not communicated to the Board, and, therefore, was not alluded to in their Proceedings above mentioned. It appears, however, from a copy of Extract Minutes Consultation, 8th November 1858, No. 4001, Military Department, obtained from the Government office, that the pension to the widow, Iynab Bí, was granted in consideration of her "extremely indigent circumstances from the death of her late son, and the consequent loss of a portion of the pension which he received as heir of her late husband, Subadar Major Hussain Khan Bahadur, and also of a portion of a jaghír which had lapsed." At the same time, the claims of the other members of the family were considered inadmissible.

3. It is hence evident that the pension of Rupees 59-8 granted to Iynab Bí which she has drawn from the 14th June 1857, and is still enjoying, was granted in consideration of two circumstances, viz. the loss of her son's pension, and the loss of the jaghír. The latter will be remedied by the restoration of the village, but with regard to the former, her condition will remain unaltered.

4. Under these circumstances, the Board solicit the orders of Government, as to how the past payments made to the widow are to be dealt with in adjusting the refund of the collections from the jaghír, since its resumption.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 39. ORDER THEREON, 24th January 1860, No. 118.

Paragraph 1. In the petition referred to in the first of the Proceedings, recorded above, one Iynab Bí requests that the cowle alluded to in a letter from the Chief Secretary to the Government of Fort St. George, addressed to the Board of Revenue on 17th April 1821, wherein the Governor in Council was "pleased to authorize payment of the rents of the village of Vallavanúr to Subadar Syed Hussain" (petitioner' late husband) and to convey the said village "for him and his two next heirs in succession," as a jaghír, may be granted to her.

2. The Board of Revenue to whom the petition was referred, report that, as to the immediate request of petitioner, "no original sunnud is forthcoming, and "that the promise to furnish the grantee with one was never fulfilled."

Paragraph 1.

3. In the course of their examination of the correspondence, however, the Board discovered that the resumption of the jaghír in question in 1857, on the death of the second son of the original grantee, "was contrary to the intention and distinct orders of Government."

4. The village it appears was granted in the first instance, in April 1820, on shrotriem tenure, and restricted to the life of the Subadar, the original grantee, and the lives of his two sons, Syed Hamed and Syed Subder Ali: the same restriction is observable in two later* orders, in the latter of which a jaghír was substituted for a shrotriem tenure, but the Board, having on the 2nd April 1821, in consequence, it is supposed, of the death of the elder of the two sons, during the life time of his father, applied to the Government for directions how to act, were informed in reply† that the village was granted to the Subadar and "his two next heirs in succession." The Subadar died in 1831, and (the eldest son being already dead,) was succeeded by the second son, Syed Subder Ali, who held the jaghír till 1857, when he too deceased.

* *To Board 3rd November* 1820. *To Board 20th March* 1821.

Letter No. 213.

† 17*th April* 1821.

5. Although the order of Government, last quoted, appears to have been duly communicated to the Collector of North Arcot, it was not taken notice of in the enquiry which resulted upon the death of Syed Subder Ali, and the terms of the original grant being considered fulfilled, inasmuch as both of the sons were dead as well as the grantee, the Collector resumed the village.

6. The Board much regret the occurrence of this, as they have no doubt that the grant had still to run another life, and the Government fully agree with them that the result has been one of great hardship to the family.

7. The Government approve of the orders given by the Board in paragraph 8,‡ and desire to be informed of the result of the enquiry which the Collector was directed to institute; it is observed that in the Collector of North Arcot's letter§ marginally noted, a list of twenty-one persons was given, all of whom were relations, it is stated, of the grantee.

‡ *Proceedings 25th November* 1859 *No.* 4826.

§ 20*th April* 1858 *No.* 71.

8. In the second Proceedings recorded at the head of this paper the Board submit correspondence with the Military Auditor General from which it appears that in 1858 the late Honorable Court of Directors sanctioned the disbursement to the present petitioner of Rupees 59 annas 8 per month, i. e. one moiety of the pension enjoyed by her late son, from the date of his decease, viz. 13th June 1857. This was granted on account of her indigent circumstances consequent on the loss of such pension and of a portion of the lapsed jaghír, the Board observe that "the latter will be remedied by the restoration of the village, but with regard to the former, her condition will remain unaltered" and they therefore solicit the orders of Government "as to how past payments made to the widow are to be dealt with in adjusting the refund of the collections from the jaghír, since its resumption."

Paragraph 4.

9. From the original grant it is clear that the petitioner's husband was expected to receive a clear revenue of Rupees one thousand per annum from the village after paying a rent of 600 Rupees. Subsequently* however the rent was reduced to (100) one hundred Rupees, and again on the substitution of jaghír for shrotriem tenure, to ten (10) Rupees.† If therefore the petitioner succeeds to the enjoyment of the jaghír, as next heir, the Government see no reason for the payment to her of any pension; she will be in a much better position than she was before her son's death, having now the undivided possession where she had formerly only a share of the jaghír, and the Government therefore direct, that, in case of the petitioner Iynab Bí being pronounced heir to the jaghír, the sums paid to her in accordance with the Honorable Court's despatch‡ be deducted from the same total of collections made from the jaghír since its resumption, and the difference only paid over to her. No pension of course being given in future.

(Signed) T. PYCROFT,
Chief Secretary.

Extract Minutes Consultation 12th April 1820.

* *From Chief Secretary to Board of Revenue No. 380, 3rd November 1820.*

† *Extract Minutes Consultation 20th March 1821.*

‡ *Dated 1st September 1858 No. 147.*

Proceedings of the Madras Government
Under date the 24th January 1860.
Read the following Proceedings
of the Board of Revenue.

Reporting on a petition from
Iynab Bi, widow of the late
Subadar, Syd Hussain,
Governor's Body Guard
whose the village of Vallavanur was granted as
jaghire in 1821.

} *Were cute No. 4826.*
dated 25 November
1859.

Transmitting letters from the
Military Auditor General
regarding a pension granted
to the above named Iynab
from June 1859.

} *Were cute No. 5096.*
dated 10 December 1859.

Para 1. *In the Petition referred to*
in the first of the Proceedings
recorded above, the
Iynab Bi requests that
the Cowle alluded to in
a letter from the Chief
Secretary to the Govern-
ment of Fort St. George
addressed to the Board
of Revenue on 7 April
1821, wherein the Governor
in Council was "pleased
"to authorize payment
of the rents of the Village
of Vallavanur to Subadar
Syd Hussain" (Petitioner

the said village to him
"and his two next heirs
"in succession" as a
Jaghir, may be granted
to her.

2. The Board of Revenue
to whom the petition was
referred, report that, as
to the immediate request
of Petitioner, "no original
"promise is forthcoming, &
"that the promise to furnish
"the grantee with one was
"never fulfilled"

3. In the course of their
examination of the corre-
spondence however the
Board discovered that
the resumption of the
Jaghir in question
~~which had been resumed~~
in 1807, on the death of
the second son of the
original grantee, ~~had~~
~~been resumed in breach~~
"was contrary to the ini-
"tation and distinct
"orders of Government."

4. The village it appears
was granted in the first
instance, in April 1820,
on Shrotrium tenure, and
restricted to the life of the
Subadar, the original
grantee, & the lives of his
two sons, Syed Hamed and
Syed Subdar Ali: the same

Para 1.

To Board 3 Nov. 1820
To Board 20 March 1821

Letter Rec. 213.

† 17 April 1821.

in two later orders, in the
latter of which a jaghir
was substituted for a
Shrotrium tenure, but
the Board, leaving on
the 2nd April 1824.
in consequence, & is sup-
posed, of the death of
the elder of the two sons,
during the life time of
his father, applied to
the Government for di-
rections how to act, were
informed in reply that
the village was granted
to the Subadar and "his
"two next heirs in suc-
"cession". The Subadar
died in 1831, and (the elder
son being already dead)
was succeeded by the se-
cond son, Syed Subdar Ali,
who held the jaghir till
1837, when he ~~died~~ too
deceased.

5. Although the order
of Government, last quoted,
appears to have been
duly communicated to
the Collector of North
arcot, it was not taken
notice of in the enquiry
which resulted upon the
death of Syed Subdar Ali,
and the terms of the ori-
ginal grant being con-
sidered fulfilled, in
as much as both of

the sons were dead as
well as the ~~orgnal~~ grantee,
the Collector resumed
the village.

6. The Board much
regret the occurrence of
this as they have no
doubt that the grant
had still to run another
year, and the Government
fully agree with them
that the result has been one of
great hardship to the
family.

7. The Government ap-
prove of the orders given
by the Board in para 8,
and desire to be informed
~~that has been~~ the result
of the enquiry which the
Collector was directed
to institute; it is observed
that in the Collector's
North Arcot letter + mar-
ginally noted, a list of
twenty one persons was
given all of whom
were relations, it is
stated, of the grantee.

8. In the second Pro-
ceedings ~~of the Board of~~
~~Revenue~~ recorded at
the head of this paper
the Board submit cor-
respondence with the

Ro. 25 Nov. 1809. No 4820.

para 4

+ 20 April 1858. No. 71.

S. M. C. 12 April. 1820.

Military Auditor General
From which it appears
that in 1858 the late Hon.
Court of Directors sanc-
tioned the disbursement
to the present Petitioner
of 59..8..0 per month i.e.
one moiety of the Pension
enjoyed by her late sons
from the date of their
decease viz. 13 June
1857. This was granted
on account of her indigent
circumstances consequent
on the loss of such pensions
and on a portion of the Enclosed
paper. ~~—~~ the Board
observe that "the latter
"will be remedied by the re-
"storation of the Village,
"but with regard to the
"former, her condition will
"remain unaltered" and
they therefore solicit the
"orders of Government" as
"to how last payment
"made to the widow are
"to be dealt with in ad-
"dition the refund of the
"Collection from the 13th June
"since its resumption."

9. From the original grant
it is clear that the Petitioner's
husband was expected
to remit a clear Revenue
of Rupees one thousand

per annum from the village after paying a rent of 600 Rupees. Subsequently however the rent was reduced to (100) one hundred Rupees, and again on the substitution of jaghir for shrotriem tenure, to ten (10) Rupees. Therefore the Petitioner succeeds to the enjoyment of the jaghir, as next heir, the Government see no reason for the payment to her of any pension; she will be in a much better position than she was before her son's death, having now the undivided possession where she had formerly only a share of the jaghir. The Government therefore direct, that, in case of the Petitioner Syud Bi being pronounced heir to the jaghir, the sums paid to her in accordance with the Hon'ble Court's Despatch of the be deducted from the sum total of Collections made from the jaghir, since its resumption, and the difference only paid over to her. No Pension of course being given in future.

× Form Chief Secs. Sts of 12 No. 380. 3rd Nov. 1820

E. I. C. 20 March 1821.

G. O Nos 140-141
21-10-1859

Copy in a Letter to England D/ 2-6-1860 No 56

× dated 15 Sept. 1858. No 147.