

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1940	<u>Press</u> <u>Mis.</u>
95-96	
Dated 7 10 1861.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th October 1861.*

No. 95. Read the following Proceedings of the Board of Revenue, dated 11th September 1861, No. 4,934:—

Read again letter from the Collector of North Arcot, dated 22nd December 1860, No. 310.

(In Cons. 31st December 1860, No. 6,872.)

Read also the following letter from the same Officer, dated 10th August 1861, No. 194.

(In Cons. 13th August 1861, No. 5,149.)

1. I have the honor to acknowledge the receipt of the Board's Proceedings of the 12th April 1861, No. 1,924, directing me to report upon certain allegations made by one Gulam Moideen, relative to the nomination of a Manager to the hereditary Inám village of Mangadu in Arcot Tálug.

2. The circumstances under which the original grantee, Subadar Major Mahomed Sarvar Khan Bahadur, became hereditary Inámdár of the village of Mangadu, have already been noticed in paragraph 3 of my letter of the 22nd December 1860, No. 310.

3. This person died in 1845 leaving a widow, four sons, and a daughter; of these, the eldest son Gulam Murtuza was appointed Manager of the Estate which was registered in his single name. As this Gulam Murtuza not only defrauded the other members of his family of their respective shares, but allowed the Government Jódi to fall in arrears, the then Collector Mr. Bourdillon caused the names of those others to be entered also in the register in recognition and protection of their rights, and took the village under Government management until the arrears of Jódi were made good.

Ex. Mins. Cons., dated 22nd November 1849, No. 1,122.

4. On Mr. Bourdillon's recommendation the Government ruled that, as Gulam Murtuza had shown himself alike incapable and unscrupulous, the management of the village should on its release from attachment be entrusted to his next brother Gulam Mahomed, in whose election besides the rest of the family had unanimously acquiesced. It was then further directed that Gulam Murtuza's share should continue to be divided among the other co-heirs until the dues misappropriated by him should be fully recovered.

5. When the village was released from attachment, Gulam Mahomed was accordingly declared Manager, and on his demise in 1854, his widow Vazirbi entered on the management with the full concurrence of the surviving members of the family. The management having thus devolved on a female, it was arranged that she should conduct the affairs of the Estate through an agent from whom personal* security was taken, and who in fact ultimately became her own son-in-law. The arrangement gave general satisfaction, but was declared not to relieve the widow of the responsibility of providing for all claims on the Estate.

6. In Fasli 1264 some temporary reductions of assessment were made in the neighbouring Ain lands, and a like indulgence not having been extended to the Mangadu Ryots, they became discontented and irregular in their payments of rent to the Inámdár, who on her part let the whole Jódi for Fasli 1264 fall into arrears. For the liquidation of these, and the arrears of the previous Fasli, the Inám was again placed under temporary attachment by Mr. Whittingham in

Proceedings, dated 19th February 1861, No. 925.

1855, but was restored when clear of its liabilities under the order noted in the margin to the management of Vazirbi.

Board's Nos. 1,908, 295, 321, 1,060, 280, 404, and 58.
Government Nos. 1,105, 1,864 and 386 of 1861.

7. In the Petitions, bearing numbers as per margin, which have been referred to me by the Board, Gulam Moideen the third son of the original grantee prays that he may be nominated Manager in supercession of Vazirbi on the following grounds:—1st, that according to Mahomedan law it is not competent to females to manage such concerns; 2nd, that she illegally misappropriated for seven years the shares of the

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other members; and 3rd, that having failed in her engagements, she ought, as was the eldest brother under similar circumstances, to be removed from the management of the Estate and to be replaced by himself as next in succession.

VIDE Section 138 (page 63) of Mr. Elberlings' Laws of the Bengal Presidency.

8. The first ground of objection I need scarcely observe is untenable, as the Mahomedan* law does not prohibit females from managing temporal affairs. As regards Petitioner's second plea I have to observe that Vazirbi came into the management of the Estate in Fasli 1263, but lost it again in Fasli 1265 when it was attached for arrears. The value of the shares payable by her to the several members of the family during the two years the Estate was in her hands, would be about Rupees 346-9-3; this she admits she expended on her daughter's marriage, and proposes to refund it within a limited time. The shares on the other hand payable to the family for the period the property was under attachment have been held in deposit in my treasury, and would have been refunded under the order conveyed in the Board's Proceedings, dated 19th February 1861, No. 925, but that the Tashildar reported that the Manager had consented in writing to the amount being placed to the credit of Government on account of the Jodi due for Fasli 1270. From this it will be apparent that Vazirbi has not, as alleged by Petitioner, appropriated the family shares for seven years, and it is more than probable that had the Estate been in her uninterrupted management, and had the Ryots not taken advantage of these family feuds to evade payment after its restoration to her, she might ere this have made good the dues she improperly spent on her daughter's marriage. Vazirbi's conduct in this matter was unquestionably most reprehensible, and has furnished her antagonist with a strong argument in favor of her removal from the management.

9. The now surviving members of the family are:—

Murtuza,
Vazirbi,
Gulam Moideen,
Gulam Nabbe, and Jamalbi;

of these the first has, as already explained, been disqualified, and his share is still being debited to the liquidation of the dues which he appropriated, and which have not yet been made good, and the two last named persons have resigned their claims in favor of Gulam Moideen. It thus becomes a question whether Vazirbi is to continue in the management of the property, or to give place to Gulam Moideen, original grantee's third son. Mr. Bourdillon did, I may here state, once place Petitioner in temporary management of the village, and gave him a peon to help him in collecting the rents. Not only, however, did Petitioner fail to pay the Jodi, but made away with Rupees 175, the sum total collected by him. In his Takid, dated 5th July 1854 to the Tashildar of Arcot Taluq, Mr. Bourdillon has not only recorded his opinion of Petitioner's incompetency and unfitness for the post, but has drawn a comparison between him and Vazirbi's Gumashta, most favorable to the latter.

10. This order was followed up by Vazirbi's recognition as Manager, and the arrangement was ratified by the consent of all the family, among whom was even Petitioner himself; as both have failed to keep their engagements with their family and with Government, and Petitioner the more egregiously of the two, I declined to accede to the wishes of the younger brother and sister on his behalf, and decided to continue Vazirbi in the management of the Estate.

11. To the numerous petitions presented on this subject I returned but one answer, viz., that I was quite prepared to regard favorably any arrangement which had the unanimous concurrence of all the parties concerned. Had the Estate been freehold there would have been no necessity for meddling in the nomination of the Manager, but as the amount of Jodi payable on it amounts to the large sum of Rupees 854-13-2 annually, the matter cannot be left to take its own course.

12. Vazirbi may possibly have learned a lesson of punctuality and good faith from her past experience, and there is nothing in Gulam Moideen's antecedents which would show that the interests of Government and of the family would be safer in his keeping than in hers. Being in possession, and at first with the concurrence of all the connections, Vazirbi could scarcely I

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apprehend be forced to yield the management to Petitioner even though he has now contrived to secure a majority in the family councils.

13. Leaving the matter with this explanation to the decision of the Board, I beg to return the Petitions noted in the margin of the first part of this letter.

1. The Board resolve to submit the above letters for the consideration of Government, with reference to their Endorsements on Petitions Nos. 386, 1,105, and 1,864 of 1861.

2. Petitioner who is third son of the late Subadar Major Mahomed Savar Khan Bahadur is desirous of obtaining the management of the Inam of his deceased father, which is now vested in Vazirbi the widow of his brother, as he complains that she mismanages the property and does not disburse with punctuality the shares of the other members of the family.

3. From the Collector's report it appears that at the decease of the late Subadar Major in 1845, he was succeeded by his son Gulam Muta who neither paid the family shares nor the Government Jodi. His conduct was brought before Government in 1848, who ordered the registration of the Inam in the names of himself, his brothers, mother, and sister,* and directed that his share of it should be devoted to the liquidation of the arrears due by him to the other members of the family.

To Government, 21st August 1848,
No. 2,080.

* Extract Minutes Consultation, 24th
April 1849, No. 411.

† Extract Minutes Consultation, November
22nd 1849, No. 1,122.

4. In 1849, the management was assumed under the orders of Government† by the second son Gulam Mahomed who retained it till his death in 1854, when Petitioner appears to have been temporarily appointed, and he is stated not only to have failed to pay the Jodi, but to have made away with Rupees 175, which had been collected by him; his brother's widow (the present manager) seems then by the consent of all parties to have obtained the management, being aided by an agent who eventually became her son-in-law from whom personal security was taken.

5. She retained the possession for one year only as the Government demand was permitted to fall into arrear, and the Inam was temporarily attached for its realization, but during that time she failed to pay either the share of Government or those of the other members of the family, and confesses that she expended from the proceeds of the Inam, Rupees 346-9-3 on her daughter's marriage.

6. When the Inam was restored to her under the orders of the Board in February last, it appears that there was a surplus at her credit of Rupees 295-6-6, which through her agent she requested might be carried to the account of the Jodi for Fasli 1270, but it is presumed that she has already made the collections for that year, and she has, therefore, no excuse for not disbursing their shares to the other members of the family, the omission to do which is still complained of by Petitioner.

7. The Collector is of opinion that the Petitioner is still less to be trusted than his sister-in-law, and though the other members of the family are desirous that he should have the management, is averse to any change being made; but the Board think that it should be distinctly intimated to the present Manager that if she fails to pay the shares of her relatives for the past Fasli within a reasonable time, the Inam will be made over to the management of some other member of the family.

8. It seems probable that some of the difficulties which have for so long surrounded this Inam are owing to a falling off in the collections from the Ryots. It is observed that the average of the collections for the fourteen years previous to its being conferred on the Subadar Major was Rupees 1,631-5-8 per annum, while the average of the five Faslis during which it was lately under the management of Government was only Rupees 1,133-8-0. The Collector will be requested to explain this large falling off.

Board's Proceedings, dated 18th January
1836, No. 37.

(A true Extract.)

(Signed) R. A. DALYELL, Sub-Secretary.

*Proceedings of the Madras Government, Revenue Department,
7th October 1861.*

No. 96.

ORDER THEREON, 7th October 1861, No. 1,940.

Before passing any orders in this case the Government request that the Board will ascertain from the Collector,

- (1.) Whether the fourth son, yet untried, would act, and whether he is capable of managing the property.
- (2.) Whether the family would agree to nominate some person as a paid agent for all.
- (3.) Whether it would be advisable to divide the village.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

No. 925.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th February 1861.

Read the following letter from J. D. ROBINSON, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue, Fort Saint George, dated Chittoor, 22d December 1860, No. 310 :—

1. In 1836, the Inam village of Mangadu in Arcot Taluq was conferred on Subadar Major Mohamed Sarvar Khan Bahadur, late of the Horse Artillery, the Jodi being fixed at 854-13-2. In Fasli 1263, Vajir Bibi and others who had inherited the Estate having paid Rupees 611-4-9 only of the Jodi due by them and failed entirely in Fasli 1264, leaving thus an arrear of Rupees 1,098-5-7 against the property for those two years, Mr. Whittingham temporarily attached the village on the 12th December 1855, since which time it has remained under Government management.

2. The village collections from Faslis 1265 to 1269 amount to Rupees 5,669-13-9, whilst the arrears for Faslis 1263 and 1264, together with the Jodi of 5 years calculated from the date of attachment, amount to Rupees 5,372-7-5. Thus the aggregate amount due by the Inamdars up to the close of last Fasli falls short, as may be seen from the marginal statement of the actual collections, by Rupees 295-6-6.

	RS.	A.	P.
Jodi for 5 years from Faslis 1265 to 1269, at 854-13-2 per annum.....	4,274	1	10
Arrears for Faslis 1263 and 1264.....	1,098	5	7
	5,372	7	5
Collection.....	5,667	13	11
Difference or collection in excess....	295	6	6

3. The late Subadar originally held a free Inam of 40 Kanis in Vepur which is a village under Ryotwari settlement. Finding it difficult to realize his income in a Government village, and being, therefore, desirous of having his property in one over which he had full control, he applied for and obtained* the grant of the hereditary Inam village of Mangadu on the condition that he would pay as Jodi the difference between the value of his Inam and the average collections of that village. Such being the character of the tenure, the Board's Circular, dated 29th October 1839, page 276, does not apply to this Estate, which, as a maintenance Inam, comes within the scope of Regulation IV of 1831. For this reason it was only temporarily attached instead of being permanently resumed.

4. As the arrears for which this temporary attachment was made have now been more than made good, I request that I may be authorized to restore the Inam, and refund the amount collected in excess of the arrears, viz., Rupees 295-6-6, to the Inamdar.

1. The Board do not see that the Acting Collector has any discretion in the matter. He has no longer any claim on which to continue his management of the village, and must, therefore, release it, with the surplus rents beyond the Government demand.

2. It is observed that the Inam conferred on the family in question was to continue in perpetuity.

(A true Copy and Extract.)

(Signed) J. D. SIM,
Secretary.

To J. D. Robinson, Esq., Acting Collector of North Arcot.

Exd. J. Wright.

No 1940

No 1940
Proceedings of the Madras Government.
Under date the 7th October 1861.

Under date the 7th October 1861

(Here enter 11th September 1861
No. 4934).

1. Whether the 4th son—
yet untried—would act, &
whether he is capable of
managing the property.
2. Whether the family
would agree to nominate
some person as a paid agent
for all. —

3

1861. De Fran.

Enclosure in Proceedings
of the Board of Revenue
to the Secretary to Govt. No. 2,
dated 11th September 1861.
P. 4934.

Ms. 2352/60

Letter from the Ag-
Collector of the District to the
Board of Revenue dated 29th
December 1860. No. 310, regarding
= my Chuan Village of Mangrudi-
and Badi Bari. There are, dated
19th Feb'y. 1861. No. 925-

3. Whether it would be
advisable to divide the
village.—

cgM

14 Copies
To the Board of Revenue.
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7th 7th of Nov

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L. H. D. L.

Relating to the nomination
of a manager to the hereditary
Inam village of Maingadi in
M. Arcot.

15-16
24-4-47
18-16

Revenue 1861 Sept 16.
D. of Govt for October

27940-

D. of the Madras Govt
27th October 1861.

From D. of Rev of
18th June 62, C No 221

Orders & proceedings
relative to the nomination
of a manager to the hereditary
Inam Village of
Maingadi, with orders
thereon -

1895-96.

list