M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 357	Press ~~Mis.~~
184-185	
Dated 14 - 2 - 1864.	

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department, 14th February 1861.

No. 184. Read the following Remarks of the Board of Revenue, dated 1st December 1860, on the following Tabular Report of a lapsed Yaumia, No. 5,633 :—

No. 5,480, from the Collector of South Arcot, dated 25th October 1860.

(In Cons. 29th October 1860.)

From the explanation afforded by the Collector, the Board entertain no doubt that Shamshér Áli Shah is the son-in-law of the last incumbent of this Yaumia, viz., Mazúm Áli Shah; and in accordance with the Despatch from the Home Government, forwarded with Extract Minutes Consultation, 15th April 1859, No. 542, the Board recommend that he may be recognized as the successor to the lapsed Yaumia.

In Cons. 16th April 1859, No. 1,736.

(By Order.)

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

No. 185. ORDER THEREON, 14th February 1861, No. 351.

1. On the report of the Collector of South Arcot and the recommendation of the Board of Revenue, the Governor in Council recognizes the claim of Shamshér Áli Shah Kadiri to the Yaumia allowance and Máuyam lands enjoyed by his deceased father-in-law, Mazúm Áli Shah, and directs that he shall be placed in possession thereof, with the intermediate proceeds.

2. There is a difference of fifteen Cawnies between the extent of the Inám as entered in the original grant and as now reported. The Inám Commissioner will in due course deal with the excess under the Inám rules.

(Signed) J. D. BOURDILLON,

Secretary to Government.

In Con. 29th October 1860, No. 5,480.

From H. WOOD, Esq., Collector of SOUTH ARCOT,

dated Cuddalore, 25th October 1860, No. 170.

Tabular Report on a lapsed Yeomiah in the District of South Arcot.

Case No.	Taluq and Village—extent and value of the entire Enam.	When and by whom granted, name of the original grantee. Sunnuds 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 last holder, date of his decease, and the relationship in which he stood to the grantee.	Share enjoyed by the deceased, and that held by the other members.	Family left by the deceased, and name and age of the parties, their circumstances and the means of subsistence possessed by them.	Recommendation of the Collector and the grounds on which it is made.	Recommendation of the Board of Revenue.	Decision of Government.
1	2	3	4	5	6	7	8	9	10
Mashumally Shaw Mushrootty, Yeomiahdar, died; his son-in-law, Shamsher Ally Shaw Kadiri, solicits the continuance of the Yeomiah.	Vurdoor in Villapooram Taluq. C. A. Poonjah..... 11 1½ Nunjah..... 13 2 Garden..... 2 12½ 27 0 Ready money allowance..... Total Enam and Yeomiah.....	Granted originally by Nabob Saletoollah Khan Bahadoor, to Sha Ally Gungy Ghour in 1174 Hizree, A. D. 1761. See further particulars in letters to Board under dates 31st August 1846 and 28th July 1852.	Granted for Mushrootty to feed 100 Fakeers once or twice every year and to keep 12 lights every day, and to give alms in money to others as also for subsistence.	The last holder, Mashumally Shaw, died on the 27th November 1851, he was the great grand-son of the original grantee.	Deceased was in sole enjoyment of a moiety of the Yeomiah, *none of the co-sharers being present in the Company's territories.*	Deceased left a widow named Bibi Begum, aged about 52 years and two grown up daughters, the elder Makka Beebee who married but is now a widow with three children, two daughters named Sundee Bi and Miah Bi, aged respectively 14 and four years and a son bearing the name of Shally Hoossain, seven years old and a younger one Mohadeen Beebee who married to Shamsher Alli Shaw Kadiri and has by her husband issue Shaver Ally Shah, aged 11, Syed Booram Mooddiri aged three, and a daughter Bisa Beebee aged five years. Makba Beebee lives in Vurdoor in the Villapooram Taluq in this District. Mohadeen Beebee lives with her husband in Tanjore. The deceased had no private property in this district except a small house and garden at Vurdoor.	In Lord Stanley's despatch one of the Memorialists is called Shamsher Ansha Kadiri. This Memorialist has appeared and calls himself Shamsher Ally Shah Kadiri. In the enquiry made, it is stated by four witnesses he is married to the younger daughter of the late incumbent of the Durgah who was named Mazoom Ally. He produces a petition, purporting to be addressed to the Collector of Tanjore in the life-time of the late incumbent in which the latter states he has adopted Memorialist's son Ghover Ally Shah, and expresses a hope this boy, his grand-son, may be allowed to succeed him in a Yeomiah in the Tanjore district as 2nd trustee and that the Memorialist may be nominated to succeed as 1st trustee. Further, to prove that he is entitled to inherit the last holder, he puts in Extract Proceedings, Court Combaconum dated 29th July 1858 which shows he has been put in possession, in the district of Tanjore, of a Makan which was held by a brother of Mazoom Alli, named Kasim Alli Shah. 2. A tabular statement submitted to the Board on the 28th July 1852, shortly after the demise of Mazoom Alli Shaw, intimated the particulars contained in the preceding column and set forth that Kutupudeen, the husband of deceased's elder daughter, had put in a claim to succeed deceased; that the widow of the deceased, the Memorialist, Beebee Begum, who had applied in favor of Ghover Alli Shah, the son of deceased's younger daughter and of the Memorialist Shamsher Alli, had withdrawn her prayer in favor of Kutupudeen; that Kutupudeen had stated his (deceased's) family possessed the village of Yairy in Tanjore, in Enam yielding 5,000 Rupees per annum, and that it appeared deceased's issue had a claim to support from this Enam, that in view of Kutupudeen's possessions it would seem that any part of the Yeomiah under reference; if continued, would rather affect the Durgah than the support of deceased's issue, and requested the Orders of Government on a consideration of the Government Order, dated 11th February 1847, No. 200 (which accompanied Board's Proceedings, dated 22nd June) conferring a moiety of the Yeomiah on the last holder, and informing him that Government could not hold out hopes of any part of the Yeomiah being continued to his descendant's family. It adverted to the fact that one Syed Hoossain had claimed to succeed deceased, but could not show by written evidence that he was in any way related to the family. Since Mr. Maltby's report Kutupudeen has died. Makka Beebee his widow has now expressed her willingness to waive her claim in favor of Memorialist Shamsher Alli. The Collector has nothing to add to Mr. Maltby's statement in regard to Syed Hoossain who with another has now appeared. Under the above circumstances the Collector considers that Shamsher Alli has proved he is son-in-law to the deceased Mazoom Alli. He returns the original Sunnuds as required by Board's Proceedings under reply, No. 1,474, dated 28th April 1859, and transmits the documents connected with his enquiry.		

Exd. J. Tulloch.

1860 Depart.

Encl. 11 to 7 [illegible]

Enclosure in Remark
of the Board of Revenue
to the Acting Secretary
to Government P.D. Date
1st December 1860 N. 563.

Encs. 2 & Encs.

R 2838/61

Tabular Report from
the Collector of South
Arcot to the Secretary to
the Board of Revenue dated
25th October 1860 N. 170 re-
garding lapsed Yeomiah

No 2

Memorandum on Revenue No. 2838

The Board of Revenue submit with their remarks, a Tabular report from the Collector of South Arcot, prepared in reply to the order of Govt. dated 15th April 1859 No. 542, which communicated copy of a Despatch from the secretary of state, reviewing the circumstances connected with the claim of certain parties to the Yanmia allowance, and Manyam Lands enjoyed by the late Manzel-mullishak Kadiri, Makáudár of Gaunkar, Sahibs Durgah in South Arcot, and resumed by order of this Govt. on 7th September 1852, and stating that in accordance with the principles laid down by the Court of Directors in their Despatch of 1st September 1858 No. 8 he considered that the claim of the family of the original grantee to the continued enjoyment of the Inam Lands and money allowance should be admitted

to

to the extent specified in the sanads.

2 The Board of Revenue were requested to instruct the Collector to give effect to these orders. The last para of Lord Stanley's Dispatch directed this Government to be careful to satisfy themselves that the persons claiming the allowances &c were the proper representatives of the Family - and the Collector's enquiries seem to have been directed simply to that point.

3 From the 8th column of the Tabular report under review it seems that there is no doubt that Shamshir Alisha Kadiri, the person who memorializes the Home Govt against the resumption of the inam and allowance, is the recognized representative of the family. He is, it appears, son-in-law of the late Makandar - and the Board recommend that he be recognized as the successor to the lapsed yaumia

4 Allowing that this point is

Decided July 24/59
Para 8-

Recorded in E.M.C
11 Feb 1847 No 200 & D

is satisfactorily settled it remains to give effect to the orders of the Secretary of state, and, as stated in para 1 supra to make over to him not only the Inam land and money allowance specified in column 2 of the Tabular report under review, but also the other moiety of the money allowance which was resumed by order of Govt of 11 February 1847 No 200 Rev. D and which would fairly come under the orders of the Secretary of State to return what was specified in the sanads"

5. The yaumia in question was as stated by the Secretary to the Board of Revenue in his letter of the 18th January 1847 No 49 held under two sanads: one granted in A.D 1758, conferring a money allowance of 220 Rupees per annum and 12 Kanis of inam land and another of the same date giving a daily allowance of two Alangerri

Jan ams

Jaudans or Rupees 88-7-10 per annum - making a total of Rupees 308-7-10 per annum and 12 Kanis of land

6 It appears however from Enclosure No 6 to the Collectors letter of the 21st August 1846 No 80 referred to in the Board's letter, that these 12 Kanis, by the then measurement, produced exactly 27 Kanis

7 It may be a question whether this last extent of land, should be given, or only 12 Kanis as specified in the Sanad - the assessment on the 27 Kanis was calculated at Rupees 257-8-7 per annum.

Not 12 Kanis. Commr will deal with the case under the Rules -

8 The Collector I presume must pay the arrears of yaumia allowance due since 27th November 1851, the date of the decease of the last holder - upon which it was resumed

resumed by Order of Govt 8th September 1852 No 8174. This at the full amount specified in the Sanad viz Rupees 308-7-10 would amount for the 9 years from 1851 to 1860 to about Rupees 2776, and a statement will have to be prepared shewing the sum realized by Govt from the resumed inam for the same period, and this will also have to be refunded.

9 But there is another point to be considered. When the father of the late Makandar died on the 27th July 1845, the Govt (Cir dt 11 Feb 1847 No 200) resumed a moiety of the Yaumia viz Rupees 154-3-11 from date of his decease - and the late Makandar consequently only received at the latter rate until he died in 1851 - or for about 6 years and 4 Months; but as the Secretary

J

of state has now authorized the restoration of the allowances specified in the sanad, the present representative may with a great show of justice, claim that the sum so kept back, amounting to about Rupees 977 should also be made good

10 The wording of column 6 in the present Tabular report is likely to mislead. It would imply that there were other co-sharers though not present. This does not appear to be the case.

C.J.M.

Note.

1. I presume Shamshir Aleeka Kadri may be recognized as Representative.

II. I understand the Home Gt. to mean that the title of the Family is valid as regards all the original grants — & consequently that all resumptions are to be cancelled & re-

fund made of all stoppages &c. In fact that the Family are to be treated just as if [illegible] throughout as respects their [illegible] state.

III The question of the extent of the land — needs further enquiry — the excess of the Cawnie may be owing to a difference in the standard of measure. ~~ment or may be an encroachment~~ — The village accounts & assessment ~~be~~ [illegible] the Colle. to settle this with fair certainty & the point might be [illegible] ~~to the Bd. for~~ decision ~~report to Gt.~~

J. D. S.

— As the Memorialist has shown that he is the representative of the family, he must under Lord Stanley's despatch, be put in possession of that portion of the Inam (yeomiah &c.) which was held by the last incumbent. — Whether he is also to have the other portion which was resumed in 1847 is another matter — The Memorialist has not, I believe, claimed it, and for fear of disturbing other resumptions, I think that under the order quoted in the Postscript of this Minute, we may now confine ourselves to granting what the Memorialist claimed & decline to go backwards beyond the last incumbent. — If the Inam land is in excess of the grant the Inam Commr. will deal with the excess after the fact of an excess is proved.

[initials]

I have retained these papers in order to refer to another order from the Secretary of State which has only just been found.

Despatch 24 Feb. 1859 No. 3. p. 8

Lord Stanley bases his order in the present case on the "principles for dealing

Memo on a Tabular report of a lapsed yaumia in South Arcot

with such cases, laid down by the Court of Directors in their despatch of 1 Sept 1858 No. 8. — That despatch however did not state that Inams already resumed should be again taken into consideration in the (then) proposed Inam Enquiry. On the contrary, in expressing their opinion on the course to be followed with regard to Inams held rent-free under Sunads, the Court expressly excepted from the operation of the proposed rules any lands of the kind specified, which should, since the introduction of the British Rule, have escheated, or been resumed for any cause by competent authority.

p. 14.

The order in the present case is fair enough — no doubt, as far as the particular inam in question is concerned. But I would submit that it is unfair to other persons as a precedent, & unfair to other cases where equally not greater hardship has been occasioned by resumption.

In their despatch of 22 May, No. 52 of 1860, this Govt expressed an opinion "that "a retrospective effect cannot be given to "the present Inam Rules, so as to reopen cases "disposed of before those Rules ever passed" & the Secretary of State expressed his full concurrence in this opinion.

31 July/60 No. 50.

cgm Jan 19.

7

No. 5,633.

REMARKS OF THE BOARD OF REVENUE, dated 1st December 1860, on the following Tabular Report of a lapsed Yeomiah.

No. 5,480, From the Collector of South Arcot, dated 25th October 1860.

(In Cons. 29th October 1860.)

From the explanation afforded by the Collector, the Board entertain no doubt that Shumsher Alli Shah is the son-in-law of the last incumbent of this Yeomiah, viz., Mazoom Alli Shah; and in accordance with the Despatch from the Home Government, forwarded with Extract Minutes Consultation, 15th April 1859, No. 542, the Board recommend that he may be recognised as the successor to the lapsed Yeomiah.

In Cons. 16th April 1859, No. 1,736.

(By Order.)

9

Acting Secretary.

To J. D. Sim, Esq., Acting Secretary to Government, R. D.

Copy to H. Wood, Esq., Collector of South Arcot.

Exd. J. Wright.

Yaumia Shumsher Ali Mazoom

Letter from the Collr of S. Arcot D/ 31st Augt 1846.
Pro: 16th Febry 1847 No. 17-18
Cert to Explane D/ 1st July 1848 No. 43
From Explane D/ 30th Octo 1850 No. 10
Pro: 17th January 1851 No. 34
" 7th Septr 1852 " 48
Cert Letter to Explane D/ 7th March 1853 No. 15
From Explane 4th Octo 1854 No. 22
Pro: 19th Decr 1854 No. 62
" 19th Octo 1858 " 31-32
" 19th April 1859 " 36
Mis 25 Octo 1860 " 20

771-11-20 3

No. 184 & 185.

29 Jan. 29-5 Feb.

Recd 1861 Depart.
Pro: Govt for February 1
No. 2838.

Remarks of the Board of Revenue

Dated 1st December 1860
Desp. 5
Rec. 6

Encl: 1 with 24 Olas Cert 2 mld. rec. in the Record Office

50 33

Further C. No. 2597/60.

No. 351. 14th February 1

Submitting the Board's remarks on a Sabdai re: Port of a Lapsed Jeerum resumed from the Collector of South Arcot and recommending that the Sunnuds of the last mumdeel be recognized as the Successor to the Lapsed Jeerum &c.

For orders.

With an Order

Fort St. Geo
14 Feby 1861.
13 Copies
Bd of Revue
3 Civil Audrs
3 Mock Govt
4 Inam Commr

Fort

shall be placed in the usual manner

No. 351.

On the Report of the late Collector of South Arcot and the recommendation of the Board of Revenue the Governor in Council recognizes the claim of Shamshér Alisha Hadiri to the Yajamia allowance & Inámiyam lands enjoyed by his deceased father-in-law Inayam Alisha, & directs that he be placed in the usual manner thereof, with the intimation that there is a difference of fifteen Fanams between the extent of the Inám as entered in the original grant and as now reported. The Inám Commissioner will in due course deal with the exception under the Inám rules.

Ali Shah
Cawnee