M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1985 Press Mis.

262. 263

Dated 13. 9. 1862

Not to be folded or roughly handled

considering the sole male descendant to be th
female portion of it. They were therefore of
above referred to, had no ground of complain

4. Th
* 17th September 1858, No. 1,270. that the the
from the reg
of the Inam

5. From subsequent correspondence wit
ed with the same Inam, the Board have since
some respects as to the manner in which it is
family.

6. This correspondence took its rise in
the daughter and son, respectively, of Syed S
who had already demised when the registry w
sons (L and M) are th
† 12th June 1861, No. 120. the Collector consider
entered in the Regist
and that the latter should be compelled to pay
share of the Inam should be placed temporari
ted. Their rights, though by Mahomedan la
plained, escaped notice through some oversigh
(B) death. Mr. Robinson incidentally remark
the names of the two daughters-in-law (D and
ginal grantee
‡ See paragraph 3 of these Proceedings. posed, in Sy
it is to be ob
of lapsed Inams, dated 11th January 1858, wh

7. The Boa
§ 19th July 1861, No. 3,849. (L) and Mir Ghul
it advisable to pla
rected Mr. Robinson to decide the amount du
arrange matters amicably. Failing this, they
either for the temporary resumption of the In
the established Courts. Further, with referen
was in the enjoyment of *half* the Inam, they re
dated 17th September 1858, No. 1,270, sancti
had not been carried out.

8. From M
‖ 22nd January 1862, No. 18 amounts due by S
were respectively
probability existed, however, of any amicable
be, had been done by the Collector to induce
ing Syed Salar's (G) possession of half of the
ginal grantee (A) died, the property descended
and that when B died, his two wives D and E
son Syed Salar (G) inherited his mother's sha

natural head of the family, and guardian of the
opinion that the daughter J. of Abdul Masjid (B)

Government took the same view; and directed
Petitioner (J) should receive for her maternal e
stered Inamdar (G), such share of the net proceeds
as she might be entitled to by law.

the Collector of North Arcot on matters connecte
earnt that they were under a misapprehension in
t present enjoyed by the different members of the

laims preferred by two other parties (L and M),
lar's (G) mother's (C) two daughters (H and I)
s made on Abdul Masjid's (B) death. These per-
refore niece and nephew of Syed Salar (G), and
d† that they were entitled to have their names
r along with that of their uncle Syed Salar (G),
them the arrears due, or failing this, that his half
y in their possession, till the arrears were liquida-
as good as their uncle's, had, Mr. Robinson ex-
when the registry was made on Abdul Masjid's
ed that the registry of the Inam had been made in
E) and of the maternal grandson (G), of the eld-
(A), and not, as the Board had previously supp-
d Salar's (G) name alone. The Collector's view,
erved, is borne out by an extract from the Register
ch accompanied his letter.

rd concurred§ with the Collector that Mohdin Bibi
im (M) had been aggrieved, but they did not think
e the Inam under their management. They di-
to them by Syed Salar (G), and to endeavour to
xpressed their readiness to apply to Government
m, or for permission to sue Syed Salar (G) in
ce to the Collector's remark that Syed Salar (G)
uested explanation why the Order of Government
oning the registry of the *entire* Inam in his name,

. Robinson's reply‖ the Board gathered that the
ed Salar (G) to his niece and nephew (L and M)
Rupees 1,618-6-7 and Rupees 1,815-14-2. No
understanding between the parties; all that could
friendly settlement, but without effect. Regard-
Inam, the Collector explained that when the ori-
to his son (B) and daughter (C) in equal shares,
were recognized as his representatives, while C's
e.

† At the earnest request of the Petitioners in this case, as reported by the Collector in paragraph 8 of his letter dated 12th June 1861, No. 120.

§ 21st March 1862, No. 1,864.

‖ 25 Cawnies.

9. Mr. Robinson adds that he is at a loss to understand how Government could have arrived at the conclusion that Syed Salar (G) was registered, and properly so, to the entire Inam. The Board observe on this point that Government based their opinion on the Board's Proceedings of 31st August 1858, No. 3,317, which merely repeated the statement to that effect made in Mr. Whittingham's letter of 29th July 1858, No. 148.

10. The Collector then recommended that, as had been done in a somewhat analogous case, the names of Syed Salar's (G) niece and nephew (L and M) should be registered along with his for the 25 Cawnies in his enjoyment, and that either *his* portion of the estate (8⅓ Cawnies or one-third of 25 Cawnies) should be temporarily resumed until the allowances in arrears were finally liquidated, or, that, leaving one-third* of his share for his subsistence, the receipts from the remaining two-thirds† should be made over to the niece and nephew in liquidation of the arrears due to them, and in addition to *their own* shares of the 25 Cawnies at one-third each, or Cawnies 8⅓.

* i. e. 2⅔ Cawnies.

† 5⅓ Cawnies.

11. If this proposition was acceded to, Mr. Robinson promised to ascertain what revenues had been collected by Syed Salar (G) for Fasli 1270 from the 25 Cawnies prior to their temporary attachment‡ in January 1861; what amount had been remitted by him to the Ryots; how much would then be due to his niece and nephew; and how long his one-third of the half Inam would have to remain under Amani to pay off his debts.

‡ At the earnest request of the Petitioners in this case, as reported by the Collector in paragraph 8 of his letter dated 12th June 1861, No. 120.

12. In his letter of the 14th June last recorded above, in reply to a query§ put by the Board, the Acting Collector reports that Mr. Robinson's intention was to take under management 2⅔ Cawnies only, or one-third of Syed Salar's (G) share of the Inam. In this, however, the Board consider that Mr. Fraser is mistaken. The course described in paragraph 10 of these Proceedings appears to them now to be what Mr. Robinson intended. Mr. Fraser also states that the widows (D and E) of the late Abdul Masjid (B) hold *their* share‖ of the Inam undisturbed, and have no claim on Syed Salar (G).

§ 21st March 1862, No. 1,864.

‖ 25 Cawnies.

13. Under these circumstances, the Board beg to recommend to Government that the names of Mohdin Bibi (L) and Mir Ghulam (M) be registered as co-sharers of the 25 Cawnies (or half share of the original Inam) which have hitherto been in the exclusive possession of Syed Salar (G), and which should now be equally divided among these three persons, G, L, and M. In order, however, to liquidate the balance due by G to L and M, two-thirds of G's share should be held in Amani; and the proceeds made over to his niece and nephew for such time as may be found necessary, with reference to the inquiry which the Collector should institute regarding the matters alluded to in paragraph 11 of these Proceedings.

14. There is another point which requires to be noticed in connection with this Inam. In paragraph 11 of their Proceedings of 31st August 1858, No. 3,317, the Board remarked that the Ryots on the estate claimed the extension to it of the reduction in the rates of assessment lately

made in the neighbouring Government land, but that the Collector did not see how this could be admitted without lessening the value of the Inam. The Board however were in favor of some reduction, as the Inam would inevitably be depreciated in value if the Ryots left it to cultivate adjacent Government land which might be lightly assessed. They pointed out that even if this were done, the Government would not be called upon to make good any deficiency thereby caused in the Inamdar's annual income, as might have been the case if the original grant had been of a fixed annual value, because in the case in question the *extent*, not value, was prescribed by Government, and the correspondence which took place at the time showed that in all probability the grant was eventually of higher actual value than was intended. The Government upon this remarked* that if the Ryots, as seemed most probable, possessed a proprietary interest in the soil, the Inamdar could exact no more from them than the Government would, were it in his position, i. e., had it not made a transfer of its own rights to him: and that as the State had lately reduced its demand in the other villages of the District, it would be the Collector's duty to arrange that the Inamdar did the same

* 17th September 1858, No. 1,270.

† 22nd January 1862, No. 18, paragraph 14

16. In expressing the opinion alluded to above (paragraph 14, the Board made no decision on recommendation because they observed that there was some apparent mistake in the value of the Inam, which had been entered in the Registers submitted by the Collector as bearing an assessment of Rupees 352-13-6, or about 7 Rupees a Cawnie, while the "amount Rates," given by Mr. Ravenshaw in his letter of 25th June 1807, was Pagodas 334-25-14½, or at the rate of about 6.5 Rupees a Cawnie. If both were correct, *i. e.*, if the larger amount had been knowingly reduced to the smaller, it seemed to them scarcely probable that any equitable claim for further reduction of assessment could be maintained by the Ryots. The Government in remarking on this expressed an opinion that Mr. Ravenshaw referred to the value of the *gross produce*, while the present amount was that of the Government or Inamdar's share. The Collector however has now shown‡ that the entry by Mr. Whittingham of *Rupees* 352-13-6 was a mistake. *Pagodas* were meant, not *Rupees*. The total assessment of the 50 Cawnies proves to be Rupees 1,231-15-3, or *Pagodas* 352-13-8, differing only by a fraction from the figures entered in Mr. Whittingham's Register, and by a couple of Pagodas from the amount mentioned by Mr. Ravenshaw in 1807.

‡ 17th September 1858, No. 1,270.

§ 22nd January 1862, No. 18, paragraph 3

17. The Inamdars then are nominally receiving 1,231 Rupees from the 250 Cawnies, or 16 Acres of land; at this rate the assessment per acre would be about 1½ Rupees. Allowing that it is a fair case No. 3, the appraisement when the average rate of assessment per acre on wet land in this District is Rupees 5 or 6

Statement No. 12, Board's Consolidated Land Revenue Proceedings, 1st March 1862.

18. As the Order of Government for the reduction (17th September 1858, No. 1,270, paragraph 2) has not yet been carried out, and as the Collector requests further instructions on the subject, the Board resolve to request the Acting Collector to report the amount actually collected, and the remissions made on account of this Inam, during the years subsequent to the introduction of the revised assessment throughout the District, as compared with a similar number of years prior to that event. He should also submit his own opinion on the course to be followed. The Board will then be in a position to advise Government in the matter.

19. Mr. Fraser is requested to state whether the figures "Kanies 2, A. 10, Ch. 8" in paragraph 11 of Mr. Robinson's letter of 22nd January 1862, No. 28, are correct; and if so, how they are arrived at.

(A true Copy and Extract.)

(Signed) C. G. MASTER,

Acting Sub-Secretary.

received with this Minute

made in the neighbouring Government land, but that the Collector did not see how this could be admitted without lessening the value of the Inam. The Board however were in favor of some reduction, as the Inam would inevitably be depreciated in value if the Ryots left it to cultivate adjacent Government land which might be lightly assessed. They pointed out that even if this were done, the Government would not be called upon to make good any deficiency thereby caused in the Inamdar's annual income, as might have been the case if the original grant had been of a fixed annual value, because in the case in question the *extent*, not value, was prescribed by Government, and the correspondence which took place at the time shewed that in all probability the grant was eventually of higher actual value than was intended. The Government upon this remarked* that if the Ryots, as seemed most probable, possessed a proprietary interest in the soil, the Inamdar could exact no more from them than the Government would, were it in his position, *i. e.*, had it not made a transfer of its own rights to him: and that as the State had lately reduced its demand in the other villages of the District, it would be the Collector's duty to arrange that the Inamdar did the same.

* 17th September 1858, No 1,270.

15. The Collector now reports† that "although discretionary remissions have been from time to time allowed, no specific orders declaring the revised rates applicable to the lands of this estate have yet been issued," and that he has thought it better to defer making good the omission till he is favored with the further instructions of Government on the subject.

† 22nd January 1862, No. 18, paragraph 14.

16. In expressing the opinion alluded to above (paragraph 14), the Board made no decisive recommendation because they observed that there was some apparent mistake in the value of the Inam, which had been entered in the Register submitted by the Collector as bearing an assessment of Rupees 352-13-6, or about 7 Rupees a Cawnie, while the "amount Bareez," given by Mr. Ravenshaw in his letter of 27th June 1807, was Pagodas 354-36-14½, or at the rate of about 25 Rupees a Cawnie. If both were correct, *i. e*, if the larger amount had been knowingly reduced to the smaller, it seemed to them scarcely probable that any equitable claim for further reduction of assessment could be maintained by the Ryots. The Government in remarking on this expressed‡ an opinion that Mr. Ravenshaw referred to the value of the *gross produce*, while the present amount was that of the Government or Inamdar's share. The Collector however has now shown§ that the entry by Mr. Whittingham of *Rupees* 352-13-6 was a mistake. *Pagodas* were meant, not *Rupees*. The total assessment of the 50 Cawnies proves to be Rupees 1,234-15-3, or *Pagodas* 352-13-8, differing only by a fraction from the figures entered in Mr. Whittingham's Register, and by a couple of Pagodas from the amount mentioned by Mr. Ravenshaw in 1807.

‡ 17th September 1858, No. 1,270.

§ 22nd January 1862, No. 18, paragraph 3.

17. The Inamdars then are nominally receiving 1,234 Rupees from their 50 Cawnies, or 66 Acres of land; at this rate the assessment per acre would be about 18 Rupees. Allowing that it is first class Nanjah, this appears high when the average rate of assessment per acre on wet land in this District is Rupees 5-10-5 ||

Statement No. 12, Board's General Land Revenue Report for Fasli 1269.

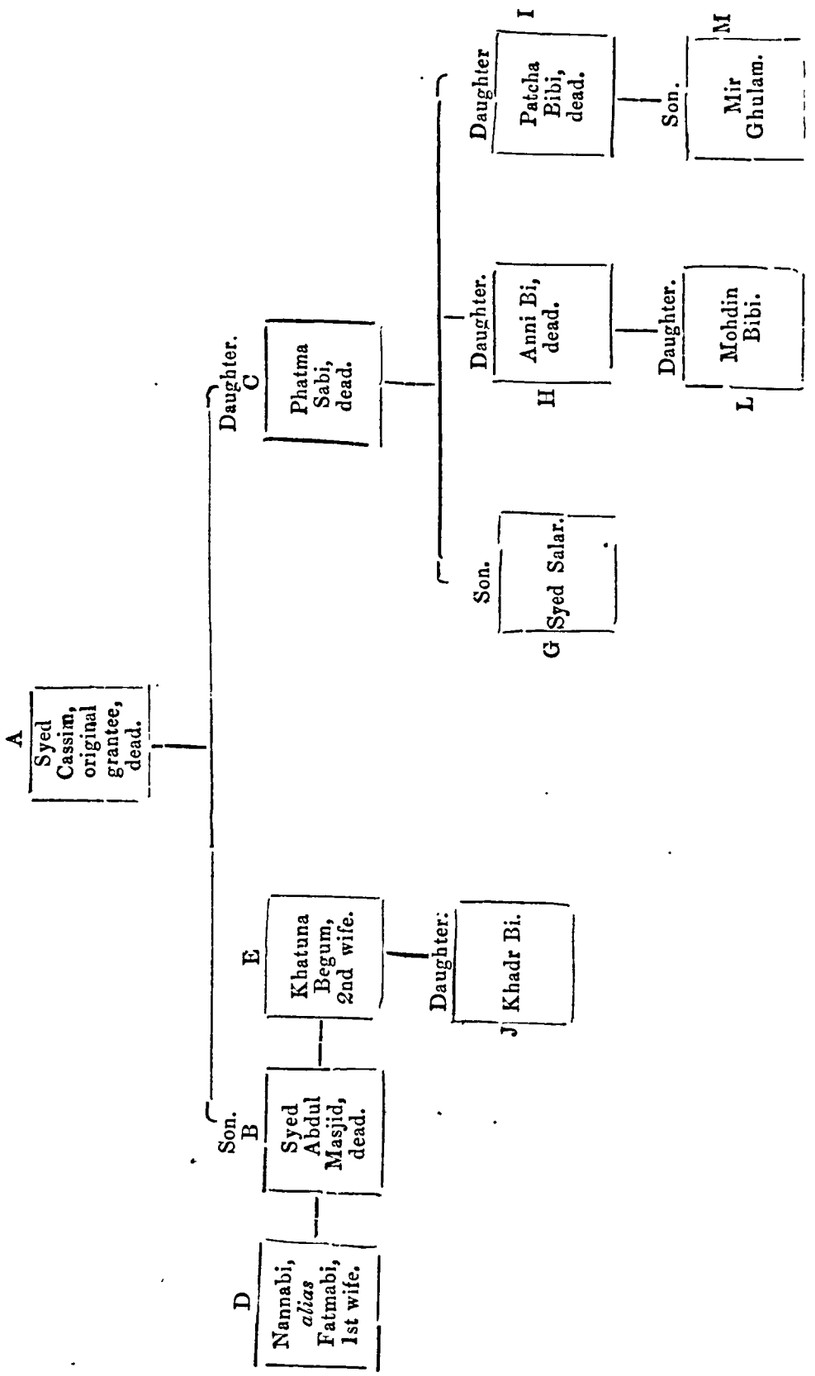
18. As the Order of Government for the reduction (17th September 1858, No. 1,270, paragraph 2) has not yet been carried out, and as the Collector requests further instructions on the subject, the Board resolve to request the Acting Collector to report the amount actually collected, and the remissions made on account of this Inam, during the years subsequent to the introduction of the revised assessment throughout the District, as compared with a similar number of years prior to that event. He should also submit his own opinion on the course to be followed. The Board will then be in a position to advise Government in the matter.

19. Mr. Fraser is requested to state whether the figures "Kanies 2, A. 10, Ch. 8" in paragraph 11 of Mr. Robinson's letter of 22nd January 1862, No. 28, are correct; and if so, how they are arrived at.

(A true Copy and Extract.)

(Signed) C. G. MASTER,

Acting Sub-Secretary.



No. 263. ORDER THEREON, 13th September 1862, No. 1,985.

1. The foregoing papers relate to an Inám in Kilmanúr of 50 kanis of Nunjah land, conferred in 1807 as a perpetual grant upon a Subadár, named Syed Kasim (A), and his heirs.

2. A dispute connected with this Inám was brought to the notice of Government in September 1858, when they recorded their approval of its registration in the name of Syed Salar (G), as the grandson of the original grantee, and the existing head of the family. At the same time they expressed their opinion that there was no necessity to enter the name of the claimant (J) with whom the dispute originated, inasmuch as her mother (E) was still alive, and registered as entitled to maintenance.

3. The circumstances now brought to notice will not influence the conclusion at which the Government arrived regarding the claim of the then Petitioner (J), but it will be necessary to re-consider the question of registration, as both the Board and Government were at that time under a misapprehension as to the manner in which the Inám was enjoyed by the various members of the family.

4. The true facts of the case appear to be these: Syed Kasim (A), the original grantee, was on his death succeeded by his son Abdul Masjid (B), and his daughter (C), or her son Syed Salar (G), who held the Jahgir in common up to the time of Abdul Masjid's death in 1853. After some delay Abdul Masjid's share was entered by Mr. Wittingham in the names of his widows (D and E), while Syed Salar remained in the recorded possession of his moiety.

5. After having passed this decision, it is difficult to explain how Mr. Wittingham came to make a statement to the effect that Syed Salar was registered to the whole Inám, but he did so and both the Board and Government considered such registration to be proper. Their opinion however was not carried into effect, and as Abdul Masjid's widows still continue in the undisturbed enjoyment of their half share, and no dispute has occurred between them and Syed Salar, there seems no reason to interfere with existing arrangements so far as regards their portion of the Inám.

6. The present reference took its rise in claims preferred by two other parties to a share in the moiety which is in the exclusive enjoyment of Syed Salar. These persons are the nephew (M) and niece (L) of Syed Salar, and their rights by Mahomedan law are as good as their uncle's, though they escaped notice by some oversight when a change in the registry was made consequent on the deaths of Syed Kasim and Abdul Masjid respectively. They are therefore clearly entitled to have their names entered as co-sharers with Syed Salar in the 25 Kanis which he inherited through his mother, and the Governor in Council directs that this alteration in the Register should be made without delay.

7. Syed Salar appears to have been in sole enjoyment of these 25 Kanis ever since Fasli 1249 and he has to account to his nephew and niece for their portions in arrears since he came into possession. The total proceeds of his share since Fasli 1259 are estimated at Rupees 5,417. Out of this his niece is said to have received only Rupees 767, and his nephew nothing, so that the sums of Rupees 1,048 and 1,815 are now due to them respectively.

8. Under these circumstances the Board support a proposition made by the Collector that, the 25 Kanis having been equally divided between Syed Salar, his niece and his nephew, two-thirds of Syed Salar's share, or 5⅓ Kanis, should be held under Government management, and the proceeds made over to his niece and nephew until the balance due to them shall have been liquidated, the remaining one-third of his share, or 2⅔ Kanis, being left for his subsistence. This course is recommended by the Collector as similar to that which was adopted in a somewhat analogous case with a view to save the parties, to whom arrears were due, the expense and trouble of resorting to a civil action.

9. The Government however are not satisfied with the nature of the enquiry made by the Collector into the particulars of the arrears. It is stated that the proceeds of the whole Inám were held in deposit from 1259 (1849-50) to 1266 (1856-7), in consequence of "a serious dispute having arisen on Abdul Masjid's death," but the death of Abdul Masjid is entered in the Register as only having occurred on the 5th March 1853. When the dispute was settled the accumulations on Syed Salar's share were paid over to him and they amounted to Rupees 3,615, which for seven years would give an annual profit of 516. The proceeds of the three following years 1267—9 are taken by the Collector as equivalent to half the total demand of the whole Estate, viz., Rupees 617, and the Government are not informed whether he took any steps to ascertain whether the real collections, for which alone Syed Salar will have to account, actually reached that amount. Adverting therefore to their opinion expressed in the analogous case to which a reference has already been made, the Government desire that the Collector should institute formal proceedings in the matter. His decision will be of the nature of a judicial award, and should not be passed without a formal hearing of both sides and of the evidence they may produce. His mature opinion as to the amount of arrears justly due will be communicated through the Board of Revenue, and the Government will then be prepared, supposing Syed Salar to remain contumacious, to sequestrate a portion of his share in the Inám, and appropriate its proceeds to the liquidation of the sum.

E. M. C. 9th Dec. 1848, No. 1,355.
" 24th April 1849, No. 411.

10. The Government regret to find that no effect has yet been given to the instructions contained in paragraph 2 of their Proceedings 17th September 1858, No. 1,270. The Board will be so good as to submit their report on the extension to this Estate of the revised rates of assessment with as little delay as possible.

(Signed) P. P. HUTCHINS,

Acting Deputy Secretary to Government.

No. 3,849.

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

Read the following letter from J. D. ROBINSON, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Palmanair, 12th June 1861, No. 120:—

1. In Kilmanur, a village of the Pallikonda taluk, an Inam of 50 kanis of Nunjah land to be held on hereditary tenure was conferred on Syed Kassim as the reward of meritorious Military service.

2. Syed Abdul Masjid and Phatma Sabi, marked B and C respectively in the genealogical table hereto appended, being son and daughter of the original grantee, enjoyed the Inam in two equal shares of 25 kanis each by virtue of their father's will. On their demise, a dispute arose among the surviving members of the family respecting the registry of the Inam, and Mr. Whittingham, on the report of the Tahsildar who locally investigated the titles of the several claimants, registered it in the names of three persons named in the margin, the two first being daughters-in-law, and the third maternal grandson of the original grantee.

Nanbi, D.
Khatuna Begam, E.
Syed Salar, G.

3. An extract from the Inam Register is herewith submitted; Anni Bibi H and Patcha Bibi I, the daughters of Phatma Sabi C, were not alive when this registry was made, and their respective heirs Mohdin Bibi L and Mir Ghulam Hussen M, whose titles by Mahomedan law are as good as that of their uncle Syed Salar G, through some oversight or other escaped notice, although their legitimate descent in the female line from the common progenitor is explicitly acknowledged in the very report on the faith of which the registry above alluded to was made, and is shown in the genealogical table which accompanied that report exactly as it is given in the copy now appended. These two females, as also the two other members of the family marked J and K respectively, have since presented numerous Petitions to me, praying that they might be admitted to shares in the Inam, and their names entered in the Register.

4. Of the two latter Khadar Bi J is the daughter of Syed Abdul Masjid B by his second wife Khatuna Begam E, whose Petition bearing No. 480 of 1858, was finally disposed of on Mr. Whittingham's report, dated 22nd May 1858, No. 92, where Government observe that the mother's name being registered it is unnecessary to include the daughter's also, as on the death of the former, the latter would take her place. The mother is reported to be still alive.

Extract Minutes Consultation dated 17th September 1858, No. 1,270.

5. Syed Ahmed K, son of Syed Abdul Masjid B by an alleged Nikka wife, has been ascertained to be illegitimate, and his Petition to the Board No. 2,616 of 1858 was disposed of by endorsement dated 6th January 1860 on the Acting Collector's report of the 26th November 1859.

6. The two really aggrieved parties are therefore those marked L and M, whose claims I beg to recommend to the favorable consideration of the Board.

7. Being the sole registered party for that half share of the Inam, Syed Salar G continues to manage the concerns of the 25 kanis which appertain to it. Taking advantage of this circumstance, he has unjustly deprived the heirs of his deceased sisters of their shares, and has made no provision for their maintenance. Numerous complaints were lodged from time to time by his neice and nephew, and after repeated orders requiring his personal appearance before me, Syed Salar G attended and bound himself by a written agreement to settle their claims within 20 days, or failing this to abide by whatever award might be passed on the matter. Many months have since elapsed, and no steps have been taken by him to redeem his promise, or effect an adjustment.

8. On this, orders were issued, at the earnest prayer of the parties concerned, to keep all collections on this half share of the Inam in deposit at the Taluq Treasury pending the decision of the higher authorities.

9. From Faslis 1259 to 1266, the proceeds of the whole Inam (50 kanis) were so held in deposit in the Taluq Treasury, a serious dispute having arisen on the death of Syed Abdul Masjid B as to who were the parties who should be registered. On Syed Salar G being registered for the

half share, the accumulations on Phatma Saibi's (C) portion, amounting to Rupees 3,615-3-9, were refunded to him. The whole of this sum Syed Salar appropriated with the exception of Rupees 150 which he is said to have paid to Mohdin Bibi L.

10. The case appears to come within the scope of Regulation IV of 1831, and as such is not cognizable by the Civil Courts. Every exertion has been made to bring the matter to an amicable adjustment; but Syed Salar's rapacity and bad faith forbid the hope of any settlement of this kind.

11. With this explanation, I beg to suggest that Syed Salar G be compelled to pay by instalments to his neice and nephew their portions of the arrears alluded to in paragraph 9 and the amount subsequently due to them; or failing this that the whole half share of the Inam be placed temporarily in their possession. This arrangement might continue in force until the dues were fully satisfied; and to prevent the recurrence of disputes arising out of Syed Salar's cupidity, the names of Mohdin Bibi and Mir Ghulam should be at once entered in the Register.

12. Should my proposition in respect to the mode of liquidating the arrears appear open to objection on the ground that that item of the claim is suable in the Civil Courts, the objection would scarcely extend to the mere entry in the Register of the names of all the three claimants in recognition of their general right in the property in question.

13. Petition No. 415 of 1861 presented to the Board by Syed Salar G is herewith returned as it relates to the matter just reported upon, and will have to be ultimately disposed of in accordance with the instructions which may be passed on this statement of the case.

Enclosure No. 1.—Genealogical table.

Enclosure No. 2.

Abstract.—Extract from the Register of lapsed Inams in the District of North Arcot.

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1. The Board concur with the Collector in considering that the aggrieved parties in this case are Mohdin Bibi and Mir Ghulam, the nephew and neice of Syed Salar, but they are not of opinion that it would be advisable to place the Inam under their management.

2. The Collector should in the first instance decide the amount which is due by Syed Salar to his nephew and neice, and give him a fair opportunity of arranging the matter amicably. Should he fail to do so within a reasonable time, the Board will be prepared to apply to Government either for the temporary resumption of the Inam or for permission to sue Syed Salar in the established Courts.

3. The Board observe that a full report on various matters connected with this Inam was called for in their Proceedings under date 31st August 1858, No. 3,317, and they trust that the Collector will lose no time in submitting it.

4. In the Order* of Government passed on those Proceedings it is decided that Syed Salar is to be registered Inamdar being liable for the maintainance of the female sharers; but from the present letter, it appears that this order is not carried out, as Syed Salar appears to enjoy only half the Inam. The Collector is requested to explain this when he submits the above report.

* Dated 17th, in Cons. 21st September 1858, No. 4,215.

(A true Copy and Extract.)

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

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

Ed. J. Wright.

Enclosure No. 1 in Proceedings of the Board of Revenue to the Chief Secretary to Government dated 20th August 1862 No. 5408.—

Rec'd 23rd Aug.t

Rec'd 23rd Aug.t 62.

Letter from the Collr. of North Arcot to the Secretary to the Board of Revenue dated 12th June 1861 No. 120 regarding the Kilmanur Inam and Board's Proceedings thereon.

No. 1,884.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st March 1862.

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Wallajapet, 22nd January 1862, No. 18 :—

Board's Proceedings, 31st August 1858, No. 3,317.
Do. 21st September 1858, No. 3,572.
Do. 19th July 1861, No. 3,849.

1. I have the honor, with reference to the papers noted in the margin, to submit the following remarks.

2. The history of the Kilmanur Inam has already been narrated in the letters embodied in the first and last of these papers, and the points which I am now required more particularly to notice seem to be these.

Firstly.—The cause of the great difference between the amount Beriz (Pagodas 354, F. 36, C. 14½) given by Mr. Ravenshaw in his letter of the 27th April 1807, and the value of the Inam (Rupees 352-13-6) entered in the Register submitted by Mr. Whittingham with his letter of the 29th July 1858, No. 148.

Secondly.—What amount is due by Syed Salar to his nephew and niece Mir Gulam Hussen and Mohodin Bebe respectively.

Thirdly.—Why the order of Government, dated 17th, in Cons. 21st September 1858, No. 4,215, which declares Syed Salar sole Inamdar, has not been carried out, and he still appears as registered to half share only.

3. With regard to the first point, there can be no doubt that there is an error in the denomination of the coin in Mr. Whittingham's statement, and that the value (which is not as Government have supposed the Inamdar's share) should be Pagodas 352, As. 13, Ch. 6, and not Rupees 352-13-6 as therein given. From the Taluk report, I find that the total assessment of the 50 Kanis which compose this Inam amounts to Rupees 1,234-15-3, which converted into Pagodas would give Pagodas 352, As. 13, Ch. 8, the difference between these and Mr. Whittingham's figures being thus a mere fraction.

4. Mr. Ravenshaw's letter not being on my records to refer to, I am unable to speak decisively on this point, but think it may be safely assumed as set at rest by the above explanation. Of the accuracy of my own figures, I am fully satisfied.

POINT 2ND.—5. This I regret to state has not advanced one step towards adjustment since I last wrote. After much delay and difficulty, the attendance of Syed Salar and the other parties was procured; but although every means as well conciliatory as authoritative were employed to bring them to some friendly understanding, Syed Salar either would not or could not produce any account of his pecuniary transactions in connection with the estate, and left my office apparently determined to brave out the issue at all hazards. Friendly mediation being therefore hopeless, it rests with the Board to determine whether they shall apply to Government for the temporary resumption of the Inam, or for permission to sue Syed Salar in the established Courts.

POINT 3RD.—6. With respect to this point, I have only to observe, as already explained in paragraph 2 of my letter of the 12th June 1861, that on the demise of the original grantee, the property descended to his son and daughter in equal shares, and that when the matter of registration became subject of dispute, Mr. Whittingham entered the names of all the three parties named in the margin, the two first being recognized as the representatives of the male branch, and Syed Salar as that of the female line. As under this arrangement Syed Salar never has held more than the half share of the Inam, I am at a loss to understand how Government have, in their Order of the 17th September 1858, No. 1,270, paragraph 2, arrived at the conclusion that Syed Salar was registered, and properly so to the entire Inam.

Nannibi, Kalunabigam, Syed Salar.

7. It may however assist the Board in arriving at a conclusion on this matter, if I here recall to their notice what appears to me to be a nearly analogous case.

8. On the demise of the original holder of the Inam village of Mangadu in Arcot Taluk, the estate was registered in the name of his eldest son Gulam Murtuza. This person having misappropriated the share of the other members of the family, and allowed the Jodi to fall in arrears, Mr. Bourdillon, the then Collector, recommended that the Iman should be temporarily resumed, and the names of *all* the members registered as being the best means of securing to each his proportion of the profits of the Inam, without being subjected to the expense and difficulty of a law suit.

9. In reviewing the matter as then submitted, the Government directed that the Collector should proceed under Clause 2 of Section 2 of Regulation IV of 1831, and after a formal investigation record judgment. This was accordingly done, and Goolam Murtuza's share was ultimately set apart by Mr. Bourdillon for the liquidation of the arrears due by him to his relatives.

E. M. C., dated 9th December 1848, No. 1,355.

10. If the Board will refer to the correspondence noted in the margin, they will I think be able to satisfy themselves that the mode of treatment recommended itself to the then authorities because more summary, and therefore not attended with all the exacerbation of feeling and reckless expense of a law suit in the regular Courts.

To Board 24th October 1848.
From do. 21st December "
To do. 2nd March 1849.
To do. 24th "
From do. 3rd May "
To do. 24th October "
From do. 29th Novr. "
To do. 5th January 1850.
From do. 14th February "

11. Following this precedent, I beg to repeat my former recommendation that the name of Syed Salar's nephew and niece be likewise registered to the half share in his enjoyment as a check against future misappropriations and unpunctuality, and that his portion of the estate be temporarily resumed until the allowances in arrears be fully liquidated. If the resumption of his entire share of the Inam be considered objectionable on the ground that Syed Salar would be left without resources which would possibly be the case, one-third of his portion of the half share (Kanis 2, A. 10, Ch. 8) of the receipts might be allotted to him for subsistence, and the remaining two-thirds go towards the liquidation of arrears due to his nephew and niece. The particulars of these arrears are as follow:—

The proceeds of 25 Kanis from Fasli 1259 to 1266, as per paragraph 9 of my letter, dated 12th June 1861	3,615	3	0
Assessment of the same 25 Kanis for Fasli 1267	617	7	7
" " " 1268	617	7	7
" " " 1269	617	7	7
	5,447	10	6

Out of this Mohodin has, it now appears, received Rupees 767-7-7 (not Rupees 50 as stated in my former letter), and Mir Gulam Hussen nothing; so that if they are all three to share equally the sums of Rupees 1,048-6-7 and Rupees 1,815-14-2, are now due in arrear by Syed Salar to his niece and nephew respectively.

12. As Phalwasahi's share* was placed under Amani management in January 1861, it remains to be ascertained what revenues have been collected by Syed Salar for Fasli 1270, prior to its temporary attachment.

* *Vide* paragraph 8 of my former letter.

13. It would appear that Syed Salar has granted remissions to the Ryots to some extent; and if the Board approve generally of any proposition, I shall then ascertain from these latter the amount so remitted, and report what is actually due to each, and for how long Syed Salar's portion of the share will have to remain under Amani management to pay off his debts.

14. The right of the Mirasidars to claim the extension to Inam land cultivated by them of he benefits of reduced assessment having already been decided by Government in their favor, the only remark I have to offer on this point is that although discretionary remissions have from time to time been allowed, no specific orders declaring the revised rates applicable to the lands of this estate have yet been issued; and that I have, therefore, thought it better to defer making good this omission until I am favored with the further instructions of Government on this subject.

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1. The Board do not understand whether the Collector is desirous of taking under management the whole of the Inam, or only that portion of it enjoyed by Syed Salar. It is not clear either whether Syed Salar has received the proceeds of the other portion of the Inam when it was under attachment, for though in paragraph 6 of the above letter it is stated that Syed Salar has never enjoyed more than half the Inam, it would seem from paragraph 11 that he had collected the revenue of the portion held apparently by Phatmabi and Khatima Begum; and again in paragraph 9 of the Collector's letter, dated 12th June 1861, No. 120, he is stated to have received the accumulations which took place during the attachment of the whole Inam from Faslis 1259 to 1266.

2. The Acting Collector is requested, therefore, to report distinctly whether Phatmabi and Khatima Begum are in possession of the half share of the Inam, and how long they have been so, and whether THEY have any claims on Syed Salar, or the demands against him are only those made by his nephew and niece for their proportion of the half share of the Inam.

(A true Copy and Extract.)

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

To J. Fraser, Esq., Acting Collector of North Arcot.

Exd. J. Tulloch.

Rev Dept

N° 1985

Proceedings of the Madras Government

Under date the 13th September 1862

Read the following

Proc. of the Board of Rev

Submitting the
Government letters from
the Collector of North Arcot
affording information res-
pecting the Inamdars Swami (Here enter 20 Aug 1862.
with the Board's remarks N° 5268)
thereon, and requesting
further information from
the Hy Collector on the
same subject.

The foregoing
papers relate to an In-
am in Vellamadi
of 50 Kanis of Sanjaka
land, conferred in 1804
as a perpetual grant
upon a Subadar, named
Syed Hassein (Sahib) and his
heirs -

2. A dispute con-
nected with this Inam
was

Enclosure N° 2 in
Proceedings of the Board
of Revenue to the Chief
Secretary to Government dated
25th August 1862 N° 5468.

Rev = 2395 / 62.

Letter from the
Collector of North Arcot
to the Sub Secretary to the
Board of Revenue dated 22d
January 1862 N° 18 regarding
the Villamadi Inam and
Board's Proceedings thereon.

was brought to the notice
of Court in September 1858,
when they recorded their
approval of its registra-
tion in the name of
Syed Sabar (C), as the
grandson of the original
grantee, and the existing
head of the family. At
the same time they ex-
pressed their opinion
that there was no neces-
sity to enter the name
of the claimant (H) (J) in
returns the dispute cir-
cumstances, inasmuch as
her mother (D) was alive
alive, and registered
as entitled to maintenance.

The circumstan-
ces now brought to notice
will not influence the
conclusion at which the
Court

Court arrived regarding
the claim of the three
petitioners (J), but it
will be necessary to
reconsider the question
of registration, as both
the Board and Court
were at that time mi-
sled as to the manner
in which the three
were employed by the
various members of
the family.

4. The three facts
of the case appear to
be these. Syed Hasan
(A), the original grantee,
died on his death pos-
sessed by two parcels
of land known (B), and
his daughter (C), or her
Syed Sabar (C), while

here

held the Legislature competent upto the time of Abdul Majids death in 1853. After some delay Abdul Majids share was entered by Mr Willingham in the name of his grandson (Daughters) minor Syed Salar remained in the undivided property of the minor Syed Salar was registered to the minor, there seemed no reason to interfere with the existing arrangements as regards their portion of the Inam.

6 The present reference both its rise in claims preferred by two other parties to a share in the property which is in the exclusive enjoyment of Syed Salar. These persons are the Nephews (M)

and both the Board and Govt. considered such registration to be proper. Their opinion however was not carried into effect, and as Abdul Majids widows still continue in the undisturbed enjoyment of their half share, and no disputes ~~neither~~ unpleasant ~~disputes~~ between Syed Salar ~~and~~ ~~his~~ ~~guardians~~ ~~and~~ ~~Claimants~~ ~~and~~ ~~Claimants~~, there seems no reason to interfere with the existing arrangements so far as regards their portion of the Inam.

6 The present reference both its rise in claims preferred by two other parties to a share in the property which is in the exclusive enjoyment of Syed Salar. These persons are the Nephews (M)

and

and Niece (I) of Syed Salar,
and their rights by Maho-
medan Law are as good
as their Uncle's, tho' they es-
caped notice by some oversight
when a Change in the Registry
was made in consequence on the death
of Syed Kasim and Abdul
Majid respectively. They are
therefore clearly entitled
to have their names entered
as Co-sharers with Syed
Salar, in the 25 Kanis which
he inherited thro' his mother,
and the Governor in Council
directs that this alteration
in the Register should be made
without delay.

7. Syed Salar appears
to have been in posses-
sion of these 25 Kanis
ever since Fasly 1249 [illegible] by
his [illegible] father, and
he

he has to account to his
Nephew and Niece for their
portions, in arrears since he
came into possession. The
total proceeds of his share
since Fasly 1259 are estim-
ated at Rs. 5,11,17. Out of
this his Niece is said to
have received only Rs. 767,
and his Nephew nothing;
so that the sums of Rs. 1048
and 1815 are now due to
them respectively.

8. Under these circum-
stances the Board sup-
port a proposition made
by the Collr. that the 25
Kanis having been equally
divided between Syed
Salar, his Niece and his
Nephew, two-thirds of Syed
Salar's share, or 5 5/9
Kanis, should be held
under

under Govt management,
and the proceeds made over
to him Viz and Mr Shaw
until the balance due to
them shall have been
liquidated, the remaining
one-third of the shares, or
2 2/3 Shares, being left for
his subsistence. This course
is recommended by the Collr
as similar to that which
was adopted in a somewhat
what analogous case
with a view to save the
parties, to whom arrears
were due, the expence
and trouble of resorting
to a Civil action.

9. The Government have
even are not satisfied
with the nature of the
enquiry made by the Collr
into the particulars of
the

the arrears. It is stated
that the proceeds of the
whole Inam were held
in deposit from 1259-50 to
1268-9 in consequence of a
"serious dispute having
"arisen on Abdul Majid's death
but the death of Abdul Maj-
jid is entered in the Register
as only having occurred on
the 5th March 1853, When the
dispute was settled the
accumulations on Syed
Salaid Shaw were paid
over to him and they
amounted to Rs 3615 which
for seven years would give
an annual profit of 516.
The proceeds of the 3 follow
ing years 1269-72 are taken
by the Collr as equivalent
to half the total demand
of the whole estate viz

Rs

Rs 617, and the Govt are
not informed whether he
took any steps to ascertain
whether the real collections,
for which alone Syed Salar
will have to account, are
actually reached that amount.
Adverting therefore to their
opinion expressed in the
analogous case to which
a reference has already
been made, the Govt desire
that the Collr should insti-
tute formal proceedings
in the matter. His decis-
ion will be of the nature
of a judicial award and
should not be passed
without a formal hearing
of both sides and of their
evidence they may produce.
His opinion as to the
amount of arrears justly
due will be communicated
thro

Syed Ameer Ali No 355
Syed Ameer Ali No 1

thro the Board of Revenue,
and the Govt will then
be prepared, suspending
Syd Salar to remain em-
barrassed, to sequestrate
a portion of his Shandin
Rs Inam, and appropriate
its proceeds to the liquida-
tion of the sum. —

10. The Govt regret
to find that no effect has
yet been given to the in-
structions contained in
Para 2 of their proceedings
1st Sept 1858, No 1270.
The Board will be
good enough to submit their
reports on the extension to
this estate of the period
of valuation with
as little delay as pos-
sible. —

11 Copies to the Board Revenue
1 Letter to Govt of India Secret Dept 15 Dec 58

FR

17. 11. 63

Pro. No. 22-23
9-12-1848
31-32
17-9-1858

Pro. of the Board of Revenue
dt 17 June 1863 C. No. 1465.

Respecting the Silinamcurchaum in North Arcot.

Revenue 1862 Departt.
Pro. of Govt for September
No. 1985.
of the Madras Govt
Dt 13th Septr 62.

Rec. 63 — 19 Oct. — 223/4

Passing orders on
Board's Proceedings submitting
North Arcot Collector's letter
affording information respecting Silinamcurchaum

No 262 & 263.

Copied