

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1350	Press Mis.
461-462	
Dated	21-7-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
21st July 1863.*

No. 401. Read the following Petition from JUMMAL BI, widow of SYED SUBDUR ALLI, late Jaghiredar of Vallvanur in the District of North Arcot, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, Madras, dated 3rd February 1863 :—

HONORED SIR,

1. In reference to the enclosed triplicate copies of my Memorial to the Right Honorable the Secretary of State for India, relative to my just and legal claim to the Jaghire of Vallvanur, I respectfully and humbly solicit that your Honor will be graciously pleased to take all the points into impartial consideration, and condescend to recommend that I may be reinstated in the Jaghire.

2. This act of goodness I will remember with every sentiment of eternal gratitude, and with all due submission.

No. 402. ORDER THEREON, 21st July 1863, No. 1,350.

Before transmitting this Memorial to the Home Government, the Governor in Council resolves to forward one copy to the Board of Revenue, with a request that they will be good enough to cause enquiry to be made as to the correctness of the statements contained in paragraph 11, and report the result.

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

*and never afterwards given back to her. Contrary
to all expectation, contrary to the just view*

To, The Right Honorable
The Secretary of State for India
East India House
London

The humble Memorial of Srimathi
Be Widow of Syed Subdar Ali late
Faghirdar of Vallanur in the
District of North Arcot.

Most humbly Sheweth,

That for the highly distinguished
and meritorious services of Memorialists father-in-
law, Subadar Syed Kaspam, of the Governor's Body
Guard, a perpetual and beneficent Government were
pleased to bestow on him and his two next heirs in
succession, in April 1821, the said Village of Vallanur
as a faghire.

2 That said Subadar Syed Kaspam died in 1831,
leaving behind him his younger son, Syed Subdar
Ali, Memorialists husband; his elder brother died
unmarried, having died before him without issue,
consequence of which the faghire reverted to his own
husband, who held and enjoyed it up to 1857 when he
too deceased without issue.

3 On the demise of Memorialists husband, the
2nd holder the faghire devolved on Memorialist as
the next heir and she held it for 6 Months, when
from some misapprehension of the terms of the grant,
it was sequestered. Three years afterwards however,
the mistake was discovered and rectified and the
Collector J. D. Robinson Esq^r agreeably to the
instructions of the Board of Revenue as conveyed in
their Proceedings of the 25th November 1859 para 8,
placed Memorialist—after making due and careful
into her claims,—in possession of the faghire as the
3rd and last life. Three Months after this restoration
the faghire was a second time taken from Memorialist
and never afterwards given back to her. Contrary
to all expectation, contrary to the just view

expressed and acted upon by the Collector the local Government directed the Jaghir to be placed in possession of Syed Ahmad, the son of Memorialist's husband's sister. —

It is against this Order that Memorialists now humbly presume to appeal to your Excellency. — That the order referred to is an unjust and arbitrary dispossession of her late husband's property, to which she is legally entitled, may be deduced from the following considerations

- I. It is opposed to the tenor of the grant.
- II. It is opposed to the principles of Mahomedan Law.
- III. It is opposed to English Law as administered in India and
- IV. It is opposed to the usage observed by Government throughout India.

According to the tenor of the grant Memorialist the heir of the last incumbent, and it is no where in the grant that the Widow of the last holder takes precedence of the Widow of the last holder. Consequently, British Administration being strictly in accordance with local law, it is evident that the decision arrived at by Government is contrary to their own established principles and is opposed to the practice invariably observed by them.

In their Order of the 24th July 1869. N. 1225 Government stated that the opinion of the Mahomedan Law Officers of the Sudr. Court was taken as to who was the existing heir. The said Law Officer whether from ignorance or from motives of partiality gave it as his private opinion that a female was incompetent to superintend the affairs of a landed Estate, and that therefore it should be given to a male Member, whether heir or not. but he nowhere lays down the

the law that such should be the case. Let him be called upon to give the Chapter, Section and clause and he will be dumbfounded, for the evident reason that he has given a false, unfounded and unsupportable opinion. —

There are innumerable cases in which Government have placed Gosha females — female prohibited from appearing in public on any occasion — in possession of landed Estates far more extensive than that which Memorialists claim. For instance there are that of the Mumukshu of the Shatapullay Pargannah and of the Zamin-dar of Ramnagar. More particularly, as cases parallel to that of Memorialist, there are the Jaghirs of Baverypauk, Mangaud and Cadum-pauk, which were made over to the respective heirs all of whom are females. —

Memorialist would then ask herself, enquire why should not the same Rule be observed in her case? The fact is, that Government concede of the unsoundness of the opinion of the Sudr Courts Mahomedan Law Officer passed their decision on an entirely different ground, though equally as untenable, that the Nephew, Syed Ahmad, was the heir and not Memorialist. Here the question narrows itself into a single, simple point. Who is the heir to the last incumbent? His Widow, the Memorialist — or his Nephew, Syed Ahmad. According to all precedents, and according to Mahomedan Law and usage prevailing throughout India, the Widow, in the absence of issue of her deceased husband is legally the next heir to him. By what law or principle can the son of a sister be considered next heir in preference to that of the Widow?

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The last holder Syed Sabder Ali was the direct lineal heir of the original grantee and Memorialist being the Widow of said last incumbent who deceased without issue, she must necessarily be the heir of her deceased husband.

Memorialist would further submit that not only has Syed Ahmad or his brother no right to the registry of the Jaghirc in either of their names, but that they together with the Nieces (the sons and daughters of the two sisters) of the late Jaghiredar, have altogether forfeited, by a transaction which transpired in 1842, their otherwise rightful claim to participate in the proceeds of the Jaghir. In the aforementioned year, Memorialist's late husband having been anxious to secure the Jaghir exclusively to himself and his Widow after his death, used to offer a certain amount in the aggregate to his two sisters in commutation of their respective allowances. The sisters agreed to the proposition, and in consequence in consideration of Rs. 9,000, or their equivalent in jewels &c. which were given them, they executed a document on behalf of themselves and their heirs, relinquishing their shares in the Jaghir and from that date up to the time of the decease of Petitioner's husband - a period of 18 years - they enjoyed no portion of the Jaghir. The document alluded to is lodged in the Zillah Court of Chungleput. It was this circumstance - the using up all the available means either ready at hand or by borrowing - that Memorialist on the demand of her husband - a part from her expectations from the Jaghir - that left Memorialist in a state

state of want and destitution.

Under these circumstances, it is grievous and lamentable to Memorialist to see her maintenance to which she has every right and title wantonly and viciously wasted away by her Nephews whilst she is left in the most absolute poverty.

The wild and irregular conduct of her Nephews are notorious and they are extravagant to the last degree. Not a fraction of the arrears. Rupees 2,688-15-4 which accrued whilst the Jaghir was under sequestration and which was paid to Syed Ahmad, reached the hands of Memorialist. Her allowance has not been paid to her with any degree of regularity.

Therefore: - in consideration of Memorialist being the only immediate heir of the late incumbent and in consideration of the Nephews and Nieces of her late husband having forfeited all claim to participate in the Jaghir by the document executed by their Mothers in 1842, she most humbly and respectfully solicits your Excellency to take her pitiable and pitiful case into kindly and commiserate consideration and be graciously pleased to pass an order directing the restoration of the Jaghir in a name

For which of justice and mercy
Petitioner as in duty bound.

Shall ever pray.

Mark of Memorialist

3rd February
1863

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No. 17th April 1821. A. 1 - 2

24th January 1860 - 37-39

24th July - - - - 287-288

John A. White Esq
21st July 1821
Mr. Wm. L. L.

John A. White Esq
21st July 1821
Mr. Wm. L. L.

In (Chancery) 1821. 20th July

Before transmitting this Memorial to the
Home Government, the Governor in Council resolved to forward
one copy to the Board of Revenue with a request that they
will be good enough to cause enquiry to be made as to the
correctness of the statements contained in (Para. 11)
and return the result. -

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From Memorial 1831

middle of 1831

the late paper merchant

Waltham in the district

of North West

dated 3rd July.

Recd 1st July 1863

With 5 enclosed in

120. of the 13th of Nov 1864

Recd 1st July 1864

120. of the 13th of Nov 1864

Recd 1st July 1864

120. of the 13th of Nov 1864

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