M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1541 Press ~~Mis.~~

215. 216

Dated 22 - 8 - ~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
22nd August 1863.

No. 215. Read the following Petition of MEER JAINULLAHBDEEN KHADEEM ASHAREE SHAREEF, Service Yeomiahdar No. 581, residing at Vellore, to the Honorable Chief Secretary to the Government of Fort Saint George, dated 3rd March 1863:—

MEMORANDUM.
Six half Anna labels are herein enclosed for posting the letter to the address of Her Most Gracious Majesty.

MOST HONORED SIR,

Your humble Petitioner begs most respectfully that your Lordship in Council will be so graciously pleased to forward the appeal Petition herewith submitted in triplicate (in accordance with the instructions of Government, contained in the Endorsement on Petition herein enclosed, No. 741 of 1862) to Her Most Gracious Majesty.

Your Petitioner as in duty bound shall ever pray.

No. 216. ORDER THEREON, 22nd August 1863, No. 1,541.

Ordered that the Memorial received with this letter be forwarded to the Secretary of State, and that intimation of its despatch be given to the Memorialist.

(True Extract.)

Deputy Secretary to Government,

To Meer Jainullahbdeen Khadeem Asharee Shareef,

Rxd. S. T. Augustin.

TO

HER MOST EXCELLENT MAJESTY SOVEREIGN LADY VICTORIA,

by the Grace of God, of the United Kingdom Ireland and India

QUEEN Defender of the Faith and Soforth

LONDON.

The Humble Petition of Jainullahbdeen Khadeem Asharee Shareef a service Yeomiadar No. 581 residing at Vellur in North Arcot Collectorate subject to the Madras Presidency.

Sheweth,

1. Your most excellent Majesty's humble and unprotected Petitioner most respectfully begs leave to bring the following circumstances to your Majesty's most serious and favorable consideration that a monthly Yeomiah allowance of Rs. 10 (or Rs. 120 annually) was granted in the name of Your Majesty's humble Petitioner's eldest brother Meer Cawzim ally for the purpose of appropriating the expences for the celebration of the annual Feasts called Wooroos and Mouloor &c. and to read Khoran and all other Charities in the Ausar Shereef at Vellur.

2. That your Majesty's humble Petitioner's eldest brother died on the 8th March 1853, whereupon the then Collector of this District has transferred the said service Yeomiah in your Majesty's humble Petitioner's name on the 22nd February 1854 after deduction of Rs. 40 and reducing it to Rs. 80 yearly.

3. That such as yeomiahdars allowances who died subsequent to the above period have been fully granted to their heirs without making any reduction few of them therefrom which your Majesty's humble Petitioner most respectfully begs to represent as follows together with the year and Number of their grant.

1	Service	Yeomiahdar	No. 605	of 1854.
1	,,	,,	,, 530	of 1855.
1	,,	,,	,, 628	
1	,,	,,	,, 506	of 1859.
1	,,	,,	,, 554	
1	,,	,,	,, 614	of 1860.
1	,,	,,	,, 624	
1	,,	,,	,, 24	
1	,,	,,	,, 551	of 1861.

4. However the descendants of the deceased service Yeomiahdars were freely expending on account of the service Yeomish allowances and continued in conformity to the Moyenzabitah for so many persons except your Majesty's humble Petitioner.

5. It is moreover evident in reference to the Mamool and Orders of the Court of Directors dated 1st September 1858, declaring that any reduction whatever should not be made from the service Yeomiah allowances.

6. The List of the expence of the Asaur Shereef which was prepared in the time of Wallajah Nawab in Fusly 1202, is still among the record of the North Arcot Collector's Office.

7. That your Majesty's humble Petitioner submitted a Petition to the Honorable Board of Revenue under date the 9th April 1861, enclosing therein the two *endorsements furnished by the Collector and Deputy Collector; as the Board issued thereon an Order to the Collector of North Arcot under date the 17th April 1861 for fuller explanation of your Majesty's humble Petitioner's claims; who accordingly instituted an examination into the matter, and recommended the case thro his Letter under date the 3 rd September 1861 to the Honorable Board of Revenue, asserting that your Majesty's humble Petitioners claim is lawful and genuine one as above referred; yet the Board without acting as they have been previously recommended the cases of the respective Yeomiahdars mentioned in para 3, have on the contrary, furnished an *endorsement to your Majesty's humble Petitioner under date the 23rd September 1861, to the effect " Petitioner's case having been disposed of by Government in 1854, the Board see no reason for their interference."

*See the 2 enclosed endorsements dated 3rd December and 23rd March 1860.

*See the enclosed endorsement dated 23rd Sept. 1861 No. 1034

8. So that your Majestys humble Petitioner assures your Majesty will be on perusal of the Proceedings held in cases of the respective Yeomiahdars alluded in Para 3, subsequent to the decision of your Majesty's humble Petitioner's case in 1854, and of the Letter (Vide Para 7) recommended by the Collector to the Board of Revenue, and the Orders (Vide Para 5) of the Court of Directors, and particularly the List alluded in para 6, satisfactorily convinced of the validity of your Majesty's humble Petitioner's lawful claims.

9. Regarding the above circumstances your Majestys humble Petitioner addressed the Government an appeal Petition under date the 2nd November 1861, who also furnished an *endorsement, as the Board of Revenue had done as above referred.

*See the enclosed endorsement dated 26th Novr. 1861 No 3123.

10. Under all the circumstances your Majesty's humble Petitioner most earnestly implores and entreats your Majesty will be so graciously pleased to take this pitiful case into your Majesty's favorable consideration and instruct the Government that your Majesty's humble Petitioner's allowance may be raised to the original standard to enable him to defray the expences &c. of the Asaur Shereef as usually as the full allowances of the respective Yeomiahdars mentioned in Para 3, are in continuance, and protect him.

As in duty bound
Shall ever pray.

3rd March 1863.

Copy of the Endorsement given by S. R. Locke Esq. Dy. Collector of N. A.

The Petitioner Meer Jayanullabdeen Asaray Shereff yeomiahdar No. 581 of Vellore sets forth that out of the yeomiah allowances enjoyed by his elder brother he is allowed only two-thirds the remaining one-third having been forfeited to Government while the other Asaray Shereff yeomiahdars Nos. 530, 625; 614 are allowed to enjoy the full amount of their yeomiah allowance and prays that the Board of Revenue may be requested to issue orders for the payment to the Petitioner of the whole amount of allowances enjoyed by his brother. The petitioner's prayer to the above effect cannot be accorded to for the allowance in question was reduced by order of Government prior to the date of Government Proceedings dated 16th November 1853 by which the other yeomiahdars above referred to are permitted to enjoy the full amount of their allowances.

3d December 1860.

(Signed) S. R. Locke,
Dy. Collector.

No 202.

Copy of the Endorsement by J. D. Robinson Esquire, Collector of N. A.

On a reference to records connected with the petitioners application the Ag. Collector finds that the Dy. Collector's Mr. Lockes, Endorsement in his case dated 3d December 1860 is perfectly correct.

23d March 1861.

(Signed) J. D. Robinson,
Acting Collector.

కలిటకరేక్టర్ వారి యిరిడార్సుమెంటుకు నకలు.

యీఅజీదారుడైన వేలూరులోనుండే ముగా నైంసార్షు రోమియాదారు మీరుజయనుల్లాబడిక్ అసారే షరీఫ్ అనేవాడు తనఅన్నపేరట జారిపుండిన మూషలో వకపాలుకం మిచేశ రెండుపాట్లజారిచేశి పుండేదిగానున్న తన యొక్క అసారేషరీపుకుసరిఅయిన రోమియా పాలుఅయిన ముగం-ఒకర ఒగర్రూపాలైంబర్లుగల వాలుఅన్ను యిం కాంన్ని రోమియా పాలఅన్ను పూరాపూఫ్ జారిచేశి పుండేదిగానున్న ఆప్రకారం తనఅన్నకు జారిగా నడుస్తు పుండిన మూషతనపెరపూరాజారిచేశేలాగుబోరడుకుషిఫారసు చేయవలసిన్ని అదుకుసంబంధమైయండే నైంబరు రోమియాపాలఅకు పూరాపూఫ్ జారిచేశేలాగు గుముర శుంభ నవంబరునెల గఉ తేదిగల ముపునరుసుంటు పోస్తకిండగునుకు ముందే పుస్తావమూష కబ్బి అయిపుండేదిగా తెలియవచ్చేటందున యిప్పట్లూ అజీదారు కోరికెనప్రకారం పూరాపూఫ్ జారిచాగలపట్ల కిపారసు చాయడమునకు పుత్తరపుశాచాలదని యిందువల్ల అజీదారుకు తెలియచాయడమయినది.

గుఅం శుంవత్సరం డిశంబరునెల 3 తేది.

(Signed) S. R. LOCKE.
Dy. Collector.

నెం - ౨౦౨- కలెక్టర్‌వారి యిండారసుమెంట్సునకలు.

అజీదారునియొక్క పాధన విషయమయి రికార్డును చిత్తగించగా గుఅం శుంభ డిశంబరునెల 3 తేది డిభ కథ మేభ లాప్రకారము యీశుంకలిని గురించి యిచ్చి పుండే యిండార్సుశరి ఆయినదిగా అగుపడు పున్నదని యిందువల్ల అజీదారుకు తెలియచేయడమయినది.

J. D. ROBINSON,
Acting Collector,

No 1034 of 1861. Copy of the Board's Endorsement.

From Mir Jainulabdeen khadim Asara sheriff service yeomiahdar No 531 of North Arcot.
Dated 9th and
Received 9th April 1861.
with 1 Enclosure.

Submitting the Endorsement of the Collector as called for on his former Petition herein enclosed, prays that his allowance may be raised to the original to enable him to defray the expenses of the Hashari sheriff.

Forwarded to the Collector for fuller explanation of Petitioner's claims than is contained in the Dy. Collector's Endorsement dated December 3d, 1860.

Revenue Board Office
Chepak
17 April 1861.

By Order
(Signed) R. A. Dalyell
Acting Sub Secretary.

Endorsement on Petition No. 1034 of 1861.

"Petitioners case having been disposed of by Government in 1854 the board see no reason for their interference"

Revenue Board Office
23d September 1861.

By Order
(Signed) R. A. Dalyell
Sub Secretary.

Copy of Government Endorsement.

No 3123 of 1861.

From Mir Jainulabdin Asara sheriff Service Yeomiadar No 531 residing at Vellore North Arcot.
Dated 2d November
Received 4th November 1861.
With enclosure.

Submitting the Collector's & Board's Endorsements prays that the Yeomiah allowance enjoyed by him may be raised to the original sum of 120Rs annually, as has done to many other Yeomiadars.

Petitioner is referred to the endorsement of the Board of Revenue.

Fort Saint George 26 November 1861.

By Order
(Signed) C. G Master
Dy. Secretary to Government.

Copy of a Letter to Capt. Hyde Parker dated 8th April 1862

No 741 of 1862

This address cannot be forwarded to its destination till triplicate copies of the enclosures are furnished

Fort St George 8 April 1862

By order

E G Thomas

Dy Secy to Govt

جب تک کہ ملفوفات کے تین تین نقل نہ گذارین یہہ عرضی جہاں کہ جاتا ہے وہاں نہیں روانہ کیا جاویگا لط

قلعۂ مدراس ۸ اپریل ۱۸۶۲

بموجب حکم

مسی جے ہاشر

ڈپٹی سکرٹری گورنمنٹ

Revenue Department-

5

Memoranda

1 In 1842 the Court of Directors
para 8 Despatch dated 18th May 1842 No 12 Revenue Department- directed that whenever applications for the continuation of pensions not strictly hereditary were entertained some reduction should be generally made in the amount so as to provide for their gradual extinction-

2 The case referred to in the Memorial now under consideration was decided in 1854- This Memorial of Rs- 177 which was numbered 581 and described as "for service to the Assam Sheriff at Bellore" had been enjoyed by the deceased Mir Kasim Ali and his brother and co-sharer the present Memorialist in unequal shares- Rs 118-14-9 share enjoyed by Mir Kasim Ali —— Rs 58-1-3 share enjoyed by Mir Jaimal Abdin ——

On the demise of the former it was ordered that the allowance hitherto enjoyed by him should be registered in Memorialist's name but that agreeably to the principle laid down by the Honorable

L.D. 22 February 1854 No 231-Rev.

Vide Pro: Bd of Rev 23rd Sept 1854 No 5,130-

Rev= 1862 Oct 31 -1741 of 1862

From Mirza Jaimal Ali Khan Esq Sheristadar Commissioner Northern Division Ahmedabad

Submitting for transmission with his letter to Her Majesty the Queen soliciting that the allowance of Rs 180 may be raised to the ordinary standard of Rs 120 annually

R 6th January 52 No 88.
16 November 58 — 28 40
14-685

Honorable Court in the despatch alluded to above the amount would be reduced by a third and five in round number at Rs 80 per annum. The present holder Memorialist receives therefore 80+58-1-3= Rupees 138-1-3.

* Kirtakasim ali share 118-14-9
Reduct 38-14-9
about 1/3 80-0-0.

3. This was reported to the Honorable Court Revenue Letter 18th May 1860 No 25 Revenue Department para 15 and acknowledged in despatch from England dated 23d July 1860 No 9 para 25.

4. In 1860 Memorialist petitioned × Rs 3464 the Board setting forth that while one-third of the yeomiah allowance enjoyed by his late brother had been forfeited the other Assan Sheriff yeomiadars Nos 530-628 and 614 still continued enjoy the full amount of their yeomiah allowances. He therefore prayed that the full amount formerly received by his brother might be paid to him.

5. Mr Ly Collector Locke endorsed this × 3d December 60 petition to the effect that its prayer could not be granted because the allowance in question had been reduced prior to November 1858 when the order was passed under which the other yeomiadars were permitted to enjoy the full amount of their allowances. On appeal Mr Robinson the Collector ° 23d March 1861. upheld his deputy's endorsement.

* enclosure to Memorial.

* 16th November 58.

6. Memorialist then appealed to the Board × 1034 of 1861 who called for report. This the Collector furnished in his letter of 3d September 1861 No 219. He was generally in favor of Memorialist's prayer for (1) the reasons ° recorded in Bd's Pro: 23d Sept 1861 No 219. 5:30. considered that the Home despatch of 1842 had been wrongly applied to the case, for while that had in view the gradual extinction of pensions not strictly hereditary, the allowance in question "was granted for the performance of certain services to be kept up in perpetuity" and (2) a precisely similar case had been decided by Govt in 1860, when they had raised to its original limit an allowance which had been forcibly reduced in accordance with the despatch of 1842.

7. The Board (23d September 1861 No 219) did not concur with Mr Robinson but by a majority of two to one

° The Inam despatch

× recorded in G.O. 16th Nov 58 Pp. 1531.

× 26th Nov 61 on Pro 3123 of 1861.

1 in 1854 in the case, they saw no reason why any increase should now be made: they remarked regarding the similar case referred to by the Collector that it was one in which an allowance was confirmed to the heir of a yeomiahdar without reduction in "1860" after the orders of the Home Govt "had been received on this subject" They therefore declined to interfere on Petitioner's behalf.

8. On appeal to Govt Memorialist was referred to the endorsement of the Board of Revenue.

9 Before proceeding to the consideration of the Memorial there is one point to be noticed. The Deputy Collector, the Collector and the Board of Revenue have all assumed that para 27 of the despatch from the Court of Directors dated 1st September 1858 applies to allowances in money of the nature of yeomiahs. In reference to the "similar" case quoted by Mr Robinson they wrote

wrote to Govt as follows." The practice of reducing such allowances was continued to a very recent date; but since the Orders of the Honorable Court, dated 1st September 1858, on the subject of Inams, in paragraph 27 of which the Court remarked, "In the "case, however, of service Inams generally, "and of religious and charitable endowments "held without grant, the objects to which they "are applied being of a permanent nature, "we are of opinion that they should be con- "firmed in perpetuity, or for so long as "the purposes to which they are applicable "are fulfilled," the Board have thought that it would be in consonance with the spirit of the above instructions to extend their application to money allowances appropriate to such objects as the Inams referred to, and hence they have latterly regarded such al- lowances as entitled to be continued so long as the objects for which they were granted were maintained."

These

* para 9 Desp dated 9th May /60 No 2254.

5th July /60 No 1106.

10 These Proceedings came before Govt who after calling for further infor- mation passed final orders on the parti- cular case referred to in G. O. 5th December 1860 No 2308- but as no special allusion is made to the Board's reading of the Inam Despatch, it is just possible that it may have escaped notice.

11 The question is whether para 27 of the Inam Despatch which obviously refers to land only can be made to apply to allowances in money.

12 In regard to the Memorialists there are three principal reasons put forward why the diminished share should be raised to its original standard.

First. Because nine other yeomiahs, the lapses of which were reported subsequent to No 581, have been continued to the heirs of the former holders undiminished.

Second. Because the Collector stated valid reasons in favor of such a course in September 1861.

Third

Third. Because the Court of Directors ordered that no reduction should be made in service Yeomiah allowances.

3. First- The Proceedings of Govt in seven of the nine lapse cases have been collected- the other two are not forthcoming:-

No 605. which was a yeomiah of Rs 126-5-8 on account of the Musjid at Syed Mahomed Peerjadapoorah was continued intact in the name of the widow of the late holder. In the same order an allowance for the expenses of a Durgah or Shrine was cut down by half.

E. Mo. C. 14th Nov 1854. No 1486. Rev. Departt.

No 530- being a "yeomiah of Rs 177 per annum for the subsistence of the Kateb of the Musjid at Wallajahpett" was continued entire to the Nephew of the late incumbent having been granted for the performance of service at a mosque." and No 628, "being a mosque allowance" was continued as before: while two others, one for the expenses of a Durgah, & the other "for defraying the expenses of the Asaur Sheriff of Arcot" were reduced.

E. Mo. C. 5th June 1855- No 672.

*Same nature as that now under consideration.

No 606. was for service in a mosque and therefore continued in fact.

+ G. O. 8th June/59 No 762.

No 614

No 614 which was a ready money allowance of Rs 177 for the subsistence of the "Kateb in an Ausara at Sheriff," Vellore- was "continued as the service is a religious service "in a mosque and still continues to be duly "performed."

G O 12 Jany/60 No 62

No 624 was a ready money allowance fixed in 1818 at Rs 63-0-0 for "service in the Jaa- "mah Masjeed and for performing Cerco- "-nies in the above." The original allowance Rs 76 (reduced by Mr Greme to 63) was made up of 60 Rs - a yearly subsistance allowance" and 14 Rs allowed for the Cerco- ceremony of a person named- total 76

In the first draft prepared by Mr Bourdillon on the Boards' Proceedings reporting the case, it was noted that such service was considered as one of those for which allowances are con- -sidered to be personal and not here- -ditary and that therefore the al- -lowance should cease. On consi- -deration the Government resolved

+ G & S April 1860 No 520. to call upon the Board to report on what grounds they had considered this

this and other similar grants per-
-manent so long as the service is
kept up. The Board replied that * 9 May 1860
it had been usual to reduce such N° 2254
allowances and then they quoted
the para from the Guzn Dispatch
already alluded to, to shew their reason
for changing the practice. A report
was then called for as to whether * 5 July 1860
the service was still kept up and N° 1186
the Tomb or Dargah an existence
and which being reported to be = 13 & 20 Nov 1860
the case, sanction was accorded @ 5 Dec 1860
for the allowance being registered N° 2308.
in the name of the heir to the last
incumbent.

N° 551 already many allowances of Rs
354 for maintenance and for the due
performance of service at the Tatia * The stand or
of Shahabuthalighat at Vepur" seat of a Fakir
Wilson's Glossary

was

* 15 Aug 1860
N° 1648

continued to the heir of the
original incumbents without reduc-
-tion -

It appears from the
mode of treatment of these seven
cases, that prior to November —
1858 reductions were not made in
case when the yearly sum for
service in a mosque but where
it was merely connected with
the keeping up a Tomb or, as in
the present case, for defraying
the expenses of the Chief Sheikh, *
it was customary to make a
reduction on lapse. Memorialist
was treated according to the prac-
-tice observed at the particular
time when his brother died.
Subsequently yearly sums of a
nature similar to his, were

continued

* "Holy sign" e.g. Prophet's hair preserved at Delhi.

continued intact. But it is obvious that to make a change of policy such as this, retrospective, would be to reopen hundreds of similar cases. Petitioner proves nothing, then by his reference to these particular yeomaids.

14 Third The Collectors opinion and reasoning are stated at length in para 6 of this Memorandum. He sincerely declares his conviction that the Home Despatch of 1843 had been complied

with in the present case. The Government had always suspected and acted upon an opposite opinion. As regards the case which he quoted and which has already been detailed at length in this Memorandum, he is in this first place wrong in his facts, for the allowance was not raised to its original limit, neither had it been reduced in accordance with the Despatch of 1842, and in the second place as has already been noticed the Board acknowledged that it was an allowance which would have been reduced had it not lapsed subsequent to the Home Despatch of September 1858. A single opinion is hardly enough to invalidate the decisions made by Government in Yeomaid cases extending over a long series of years. And Memorialist has therefore not proved any thing by quoting the Collectors opinion.

Vide No 624 in para 13.

15 Third The third reason which the Memorialist adduces is the order of the Court of Directors. Certainly the Home Despatch did not declare Yeomaid allowances perpetual. But whether the Boards construction on this

this point is right or no, Memorialists cannot derive any benefit from an alteration which came into force some years after the production of the allowance held by him). —

16. I suppose therefore that a Despatch may be prepared recommending that no alteration should be made in regard to cases settled before the new practice was commenced but before drafting it I should like to be sure that the Board's reading of the Instn. Despatch, has the sanction of Government.

C.G.L.

The 1st circd question might be put to the Home Govt. It seems anomalous to treat grants in land one way & grants in money another. The test should be — the character of the Service — if it be of a public religious nature, it should be respected — if of a private character it should be gradually reduced — till it totally ceases —

I do not.

I concur in the Board's reading of the Instn. Despatch on the point in question — but then in each case it has to be considered whether the object is of a permanent nature & can be considered a religious charitable endowment. — I do not take in this General as being of a permanent nature. — In sending this Memorial some instructions can be asked for on the subject as suggested by Mr. Sec.

Memo: for orders or Memorial

To

The Honorable Chief Secretary in the Government of St. Lucia

The Humble Petition of Jean Joseph Alexandre Adolphe Thibaudeau Barbier de Blainville Seminaire Jeune indien No. 581. residing at Petit

Most honored Sir,

Your humble Petitioner begs most respectfully that your Honor & Worships in Council will be so graciously pleased to forward the appeal Petition herewith submitted in triplicate (in accordance with the instructions of Govt. Contained in the endorsement of Petition herein mentioned No. 74 of 1882) to His Most Gracious Majesty.

Your Petitioner as in duty bound shall ever pray.

3rd March 1803

Memo: 6 half anna labels are herewith enclosed for posting the letter to the address of Her Most Gracious Majesty

Recd 1863 Aug 10th
Pro: of Govt for August
No. 544.

From Meer Jaimm
Lahb deen Khadeer
Asharee Shareef a
Sepoy Yeomandar
No. 581 residing at
Vellore.

Dated 3d March
Received 3d Aug 1863.

Requesting that his
accompanying Appeal Petition
on his behalf may be forwarded
to the Secretary of State for India

No. 1541. 22d August

Will an order

No. 1546.

Ordered that the Petitioner
request received with this
letter be forwarded to the
Secretary of State and that
intimation of this despatch
be given to the Memorialist.

Fort St George
22d August 1863

Copy to Meer Jamallah Deen Khadeer Asharee Aug 24

Aug

Letters
24th Augt 1863

No. 215 & 216.

10th Augt 63 Rd 10th Rd 11th Aug
Ans