M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1039 Press ~~Mts.~~

209. 20

Dated 16. 6. ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 16th June 1864.

No. 209. Read the following Proceedings of the Board of Revenue, dated 19th April 1864, No. 2,361.

Read the following letter from the Collector of North Arcot, dated Chittoor, 3rd February 1864, No. 25:—

1. I have the honor with reference to Board's Proceedings, dated 29th July 1863, to submit copy of a letter from the Acting Sub-Collector, reporting on certain allegations set forth in a Memorial from Jummal Bi, widow of Syed Subdar Alli, late Jaghiredar of Valavanur to the Home Government.

2. I think Jummal Bi makes out her case to some extent so far as the documents now produced enable me to judge.

3. In the paper marked A, which purports to be an authenticated copy of an application made by the mother and two sisters of Memorialist's husband to the Shrotriemdar of Pulyoor, it is distinctly admitted that deeds of assignment of the nature described by Memorialist were executed. The paper marked B purports to be the original deed of assignment itself signed by the younger sister. It is attested by two witnesses of whom Memorialist's deceased husband is one, and the present Jaghiredar's father the other.

4. This witness who resides at Madras would not, as Mr. Barlow observes, be likely to admit the validity of a document so prejudicial to his son's interests.

5. Of the value of the two Decrees marked D and E produced by the Jaghiredar in evidence that no such assignment took place, I am unable to form an opinion, as this would depend on the truth or otherwise of Memorialist's Vakil's Statements that they were mere ex parte decisions, and that an application for review of judgment was at once made and is still pending in the Court at Chingleput. In the attested copy of depositions marked F the existence of such a document as that marked A, receives some further recognition.

6. Thus the documentary evidence, so far as it goes, leads to verify Memorialist's allegations that such an assignment as she describes did take place.

7. With respect to the two further points set forth in paragraphs 12 and 13 of the Memorial, viz., Petitioner's own abject poverty and her nephew's extravagance, it would appear from Mr. Barlow's letter that she is in receipt of a small monthly pittance from her brother with whom she lives, and that she cannot therefore be said to be in easy circumstances.

8. The Jaghiredar probably speaks the truth when he says that he makes no allowance because she declines to live with him.

9. The exacerbation of feeling is far too strong to make it at all likely that Memorialist will ever consent to any arrangement which does not recognise her own claims to the Jaghire.

10. It is difficult to offer any opinion on the point of her nephew's alleged extravagance. All that is certain is, that he has never paid his widowed aunt a fraction of the considerable accumulations refunded to him by Government in 1860, and has thus afforded some ground for the allegation.

ENCLOSURE No. 1.

From R. W. BARLOW, Esq., Acting Sub-Collector of North Arcot, to J. D. ROBINSON, Esq., Collector of North Arcot, dated Vellore, 28th December 1863, No. 308.

1. With reference to Mr. Fraser's letter* No. 316, dated the 29th September last, and the orders of the Board of Revenue and Government, therewith received, calling for a report as to the correctness or otherwise of the statements made by Jummal Bi, widow of the late Jaghiredar of Valavanur in paragraphs 11, 12, and 13 of a Memorial addressed by her to the Home Government, I have the honor to forward five documents submitted by the Memorialist's Vakeel, and three handed over by the present Jaghiredar.

* 3 Enclosures herewith returned.

2. The two sisters of the Memorialist's husband died long ago. Of the Deeds of Assignment which, in paragraph 11 of the Memorial, they are stated to have executed, the one given by

the eldest sister Beejan Bi is not forthcoming; it is alleged to have been destreyed by white ants. The Deed signed by the youngest sister Kattija Bi and two other papers mentioned in paragraph 11 of the Memorial, as lodged in the Civil Court at Chingleput, are produced for the purpose of proving the assignment in question.

3. The first of these papers marked A is a copy of an application made to the late Shrotriemdar of Pulyoor in the Madras District in May 1844, by the mother and sisters of the Memorialist's husband for the registry in his name of a garden held by his father; the copy is authenticated by the son of the late Shrotriemdar of Pulyoor, and the Deeds of assignment in question are therein admitted.

4. The paper marked B is said to be the original Deed of Assignment signed by the youngest sister Kattija Bi. The present Jaghiredar denies that either this Deed or the one marked A was ever executed by the parties whose marks they bear, and in order to show that these documents are not true and that he exercised, subsequent to the alleged dates of their execution, that right which in the document marked A his mother is said to have assigned to the Memorialist's husband, he produced two Decrees marked D and E passed by the Moofty Sudder Ameen's Court at Chingleput, allowing him and his aunt's sons a share in a certain garden held by the Memorialist's husband.

5. In answer to this the Memorialist's Vakeel urges that the suits referred to in the above Decrees were instituted when the Memorialist's husband was in a debtor's Jail, and they were decided ex parte a few days before his death, and that an application from the Memorialist for a review of judgments in both these cases is still pending in the Court. The Vakeel further refers to the document C as showing that the present Jaghiredar has admitted that he is not heir to the Memorialist's husband.

6. The witnesses who attested the document A are not easily forthcoming to be examined; but an attested copy of a deposition marked F taken from the son of the late Shrotriemdar of Pulyoor before the Moofty Sudder Ameen's Court at Chingleput, testifying to the existence of a document of the nature of A, is produced by Memorialist's Vakeel and is herewith forwarded. One of the two witnesses who signed the document B was the husband of Kuttija Bi who executed it, and he died before his wife; the only other surviving witness is the father of the present Jaghiredar who is not likely to admit a document which is prejudical to the interests of his son. This witness resides at Madras.

7. As regards the statements made in paragraphs 12 and 13 of the Memorial, it would appear that the Memorialist lives with her brother who is in the receipt of a pension of Rs. 70 per month, and has a share in the Shrotriem Village of Mangud. She only gets an allowance of 7 Rupees from this Shrotriem Revenue, and is not otherwise in easy circumstances.

8. The present Jaghiredar has stated, when recently examined before the Tahsildar of Arcot, that the Memorialist receives no allowance from him for her maintenance because she has refused to come and live with him.

9. It does not appear that the present Jaghiredar has wantonly and viciously wasted away the Jaghire revenue as alleged by the Memorialist, though it appears true that he has not given her any portion of the sum of Rupees 2,688-15-4 paid to him by Government on the 24th July 1860, and has moreover never granted any thing for her support.

(True Copy.)

(Signed) J. D. ROBINSON, *Collector.*

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1. Submitted to Government with reference to the Order of Government, dated 21st July 1863, No. 1,350.

2. The Board observe that translations of the documents to which reference is made by the Collector ought to have been submitted for the information of the Board and Government. Memorialist's case turns upon the genuineness or otherwise, of these documents; and further inquiry would probably enable the Collector to verify the signatures attached to the document

Proceedings of the Madras Government, Revenue Department,
16*th June* 1864.

B, by a comparison with other signatures of the same parties. The truth of the assertion made by Memorialist's Vakeel, which disposes of documents D and E, might also be easily tested, and though the Board are unable to give any opinion as to the value of documents A and C, as they are not before them and their nature is not clearly explained, the Board do not doubt that their precise value might be arrived at by the Collector.

3. At the same time the Board consider that such inquires are more properly within the province of the Civil Courts, and as there is no reason to suppose that the present Jaghiredar is dissipating the estate, and that Memorialist would therefore suffer herself by delay, the Board would suggest that she should be granted permission to sue out her claims in the ordinary Courts of Adalat.

4. The Board, however, are of opinion that meantime the Jaghiredar should be required to make the Memorialist such allowance in the shape of maintenance as the Collector may think suitable for a person of her condition.

No. 210. ORDER THEREON, 16th June 1864, No. 1,039.

Miscellaneous.

1. The Memorial returned with the foregoing Proceedings will now be forwarded to the Right Honorable the Secretary of State.

2. As it appears, however, that the Memorialist has made out a *prima facie* case sufficient to entitle her to a Judicial decision, and as the Government have no interest in keeping either party in possession preferentially to the other, His Excellency the Governor in Council resolves to make the following declaration:—

"Under Section 2, Regulation IV of 1831, the Governor in Council is pleased to permit "Jummal Bi, widow of Syed Subdar Ali, late Jahgirdar of Vallavanur in North Arcot, to sue in "the established Courts for the recovery of the said Jahgir or of any rights which she may claim "in the said Jahgir."

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.
Copy of *Order* to Memorialist, with G. O. 21st July 1863, No. 1,350.

Exd. S. T. Augustin.

In 1859 and 1860 some correspondence took place between the Board and the Government in reference to the Jahgir of Vallavanur in the N. Arcot District, which had under a misapprehension of the terms of the original grant been resumed on the death of the second son of the original grantee under the disposition that he was the last of the three lives for which the village had originally been granted.

G.O. 21 Oct 1859. No. 1424.
24 Jan 1860. No. 118.
To Sec of State 2 June 1860 No 56.
From Sec of State 21 Aug 1860 No. 61.

On this corroboration it was decided, the Collector placed the widow of the last holder in possession. To this arrangement the Board objected as she was not the next heir of the original grantee, and after further enquiry & a reference to the Mahomedan Law Officer it was decided that Sayad Ahmad the grandson of the original grantee by his eldest daughter should be recognized as the third and last holder of the Jahgir.

G.O. 24 July 1860 No. 1225
To Sec of State 7 Sept 1860 No. 97.

On 11th February 1863 Ummal Bi, the widow whose claims had thus been set aside presented a memorial for transmission to

the Secretary of State appealing against the Resolution of the Jaigir on her late husband's sister's son in supercession of her own just claims right. Such an arrangement was not only, she said, opposed to the letter of the grant, but also to the principles of Mahomedan as well as English Law and to the usage observed by the Government throughout India. The statement of the Mahomedan Law Officer upon which the Govt order was based she characterized as a "false, unfounded and unsupportable opinion." She cited several instances in which Gosha females had been placed in possession of Lands Estates.

4 The Memorialist further submitted that her late husband had in 1842, in view to securing the Jaigir to her after his death, unencumbered with shares belonging to other members of the family, paid over to his two sisters Rupees in consideration of which they relinquished all claims to maintenance from the Jaigir, the descendants of those sisters had forfeited all right to participate in the proceeds of the Jaigir.

5 She finally alluded to the extravagance of her nephew

21 July 1863 No. 1350 — and the state of poverty in which alone her family remain.

The Government resolved before sending the Memorial for disposition to direct the Board of Revenue to enquire and report as to the correctness of the Memorialists statements in regard to the transactions alleged to have taken place in 1842.

4/19 April/64 No. 2361 — In their Proceedings now under review the Board furnish the information called for. The Sub Collector has examined certain documents with reference to which the Collector is of opinion that the Memorialist's case. The Board merely observe that the precise value of the papers might possibly be determined were a further enquiry to be made, but they are of opinion that such an enquiry falls within the province of the Civil Courts, & they think that Memorialist should be granted permission to sue out her claims.

They further suggest that the Jaigirdar should be required to make her a suitable allowance in the meantime.

Orders are requested as to the course to be followed with regard to the Memorial.

of Govt. have done, as I suppose it should, will the Government adhere to the arrangement sanctioned in 1860? and what orders are to be passed on the Board's present proceedings?

GAH
12/5/64

Mr. Harris's interest in keeping either party in possession preferentially to the Nair, and I think the last plaintiff should be kept there for it is not in the Court's power to do this. If the Court decides that he is entitled to a judicial decision

LDS

Mr. Irwin
a question of law
which the
Board can
be referred with

JJP

to Mr Sims & R.D.

5

2. The Board observe that translations of the documents to which reference is made by the Collector ought to have been submitted for the information of the Board and Government. Memorialist's case turns upon the genuineness, or otherwise, of these documents; and further inquiry would probably enable the Collector to verify the signatures attached to the document B, by a comparison with other signatures of the same parties. The truth of the assertion made by Memorialist's Vakeel, which disposes of documents D and E, might also be easily tested, and though the Board are unable to give any opinion as to the value of documents A and C, as they are not before them and their nature is not clearly explained, the Board do not doubt that their precise value might be arrived at by the Collector.

3. At the same time the Board consider that such inquiries are more properly within the province of the Civil Courts, and as there is no reason to suppose that the present Jaghiredar is dissipating the estate, and that Memorialist would therefore suffer herself by delay, the Board would suggest that she should be granted permission to sue out her claims in the ordinary Courts of Adalat.

4. The Board, however, are of opinion that meantime the Jaghiredar should be required to make the Memorialist such allowance in the shape of maintenance as the Collector may think suitable for a person of her condition.

(True Copies and Extract.)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with a Memorial.
Copy to J. D. Robinson, Esq., Collector of North Arcot.

Exd. R. H. Lee.

Submitting with remarks letter from the Collector of North Arcot forwarding copy of a letter from the Acting Sub Collector relating to Memorial sent to the Home Government by Jumnal Bi widow of the late Jaghiredar of Va-

Dated 19th April 1864.

No. 2361

PROCEEDINGS OF THE BOARD OF REVENUE,

1864. Department.

No.

Rev. 21 July/63 Nos 401-402.

Copy ma letter to Govt
d/. 21 June No 12 of 1864
Mad

Rev = 1864. Department.
Pros: of Govt for June.

No. 1062.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th April 1864.
Received 26th -
C-1-1

No. 2,361.

Further C No 2158 of 1864.

Submitting with remarks letter from the Collector of North Arcot forwarding copy of a letter from the Acting Sub Collector relating to Memorial sent to the Home Government by Jummal Bi widow of the late Jaghiredar of Valavanur.

No 1039-16 June

William Arden -

From Jummal Bi, Widow of Syed Sahdar Ali late Jaghiredar of Valavanur in the Dist. of North Arcot
D/ 26 July 1864.

Nos 209 to 210.

Copy of order to Memorialist with G. O. 21st July 1863. No 1350 Despatch to Govt

No. 1039.

1. The Memorial returned with the foregoing Proceedings will now be forwarded to the Right Honorable the Secretary of State.

2. As it appears however that the Memorialist has made out a primâ facie case sufficient to entitle her to a judicial decision, and as the Government have no interest in keeping either party in possession preferentially to the other & the Governor in Council resolves to make the following declaration.

"Under Sect. 2 Reg. IV. of 1831 the Governor in Council is pleased to permit Jummal Bi, widow of Syed Sahdar Ali, late Jaghiredar of Vallayanur in North Arcot to sue in the established Courts for the recovery of the said Jaghir or of any rights which she may claim in the said Jaghir."

16 June 1864