M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 124 Press ~~Mis.~~

239. 240

Dated 21-1-~~19~~ 1864

Not to be folded or roughly handled

No. 239. Read the following Despatch from the Right Hoporable Sir C. WOOD, Bart., Secretary of State for India (Revenue), to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 9th December 1863, No. 83:—

SIR,

1. I have considered in Council the letter from your Excellency in Council, numbered 90, and dated the 24th August last, in which you transmit to me a Memorial to Her Majesty from Jamallabdeen Khadeen Asharee Sheriff, a Yeomiahdar in the Collectorate of North Arcot, in which he prays for a cancelment of an Order of your Government in 1854, by which certain allowances to which he succeeded on the death of his brother were reduced by one-third. You also request to be informed whether a right interpretation has been put upon paragraph 27 of the Despatch of the late Court of Directors of September 1st 1858, commonly known as the Inám Despatch.

2. There seem to be two points for consideration in the Petitioner's case, 1st, whether the reduction of allowances ought to have been made under the Court's instructions of 1842; and 2ndly, whether, if those instructions were correctly applied, the order for reducing the allowances should not be cancelled in conformity with the later instructions of the Court of September 1st 1858.

3. In regard to the first point you report that it always has been the practice to consider Asaur Sheriff grants as of a less permanent character than those made for the endowment of a Mosque; and such being the practice the decision passed upon this case was in conformity with the rules then in existence.

4. In regard to the second point I observe that the decision of 1854 in this case was duly reported to the late Court of Directors and assented to by them in 1855.

5. You will now inform the Memorialist that I shall not disturb a settlement passed so long ago with the sanction of the Home Government.

6. On the general question of the interpretation to be placed upon paragraph 27 of the Inám Despatch of September 1st 1858, I have to inform you that the view taken by the authorities to whom you refer and by your Excellency in Council is undoubtedly the right one, and the benefits conferred by that paragraph are to be extended, as you have supposed, to grants of money as well as of land, so long as the purposes to which they are applicable are fulfilled, and the objects, whether Service Ináms or religious or charitable endowments, are of a permanent character. I may remark that in the following paragraph of the Inám Despatch (twenty-eight) where the matter treated of related solely to *land* the words "lands rent free" are used instead of the terms employed in the preceding paragraph, which were intended to be used in their fullest signification.

No. 240. ORDER THEREON, 21st January 1864, No. 124.

1. This Despatch, together with that to which it is a reply, will be communicated to the Board of Revenue, with a request that they will cause the decision of the Secretary of State in paragraph 5 to be communicated to the Memorialist.

2. The Board's attention will be called to the ruling in paragraph 6 of this Despatch.

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue, with No. 90 of 1863.

Exd. T. S. Augustin.

India Office
London 9th December, 1863.

Revenue
No. 83.

Sir,

1. I have considered in Council the letter from your Excellency in Council, numbered 90, and dated the 24th August last, in which you transmit to me a Memorial to Her Majesty from Samallabdeen Khadeen Asharee Sheriff, a Yemmiahdar in the Collectorate of North Arcot in which he prays for a cancelment of an order of your Government in 1854 by which certain allowances to which he succeeded on the death of his brother were reduced by one-third. You also request to be informed whether a right interpretation

His Excellency
The Honorable
The Governor in Council
Fort St. George.

interpretation has been put upon para: 27 of the despatch of the late Court of Directors of September 1st 1858, commonly known as the Siam Despatch.

2. There seem to be two points for consideration in the Petitioners case 1st whether the reduction of allowances ought to have been made under the Court's instructions of 1842 and 2dly whether, if those instructions were correctly applied, the order for reducing the allowance should not be cancelled in conformity with the later instructions of the Court of September 1st 1858.

3. In regard to the first point you report that it always has been the practice to consider Siam Sheriff grants as of a less permanent character than those made for the endowment of a Mosque; and such being the practice the decision passed upon this case was in conformity with the rules then in existence.

4. In regard to the 2d point I observe that the decision of 1854 in this case was duly reported to the late Court of Directors and assented to by them in 1855.

5. You will now inform the Memorialist that I shall not disturb a settlement passed so long ago with the sanction of the Home Government.

6 On the general question of the interpretation to be placed upon para: 27 of the Siam Despatch of September 1st 1858, I have to inform you that the view taken by the authorities to whom you refer and by Your Excellency in Council is undoubtedly the right one, and the benefits conferred by that paragraph are to be extended, as you have supposed, to grants of money as well as of land, so

long

long as the purposes to which they are applicable are fulfilled, and the objects, whether secular trusts or religious or charitable endowments, are of a permanent character. I may remark that in the following paragraph of the Inam Despatch (28) where the matter treated of related solely to land the words "lands rent free" are used instead of the terms employed in the preceding paragraph, which were intended to be used in their fullest significations.

I have the honor to be
Sir,
Your most obedient
humble servant

No 15.

Revenue,

Pro: of G. S. for Jany 1864.

9 Decr 1863.

Rec'd

Letter to Sec'y George

No 83.

Received on the
8th January 1864.
Via
Marseilles

25-11-92 Pub

25/1/64

1.12.94

19-3-28

This Despatch, with that to which it is a reply, will be communicated to the Board of Revenue, with an request that they will cause a State in favour of the decision of the Secretary of the Board of Revenue, communicated to the Government of Fort St George & Ors dated 14th Decr 1863 & to be communicated to the Government of India in favour of this despatch.

(Fort St George
21st Jany 1864.

No 239 & 240.

declining to interfere with the order passed by this Govt in behalf of Jemallabdeen Khadeen a Sheristadar in the Arcot Sheristadar, certain allowances to which he succeeded on the death of his brother were reduced by 1/3rd, and informing the petitioner that the question to be placed upon para 27 of the India despatch of 17th September 1858.

No 124, 21 January 1864.
With an order