

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1222	Press ~~Mis.~~
	115-106	
Dated	7-6-1865.	

Not to be folded or roughly handled

Read the following Proceedings of the Board of Revenue, dated 17th May 1865, No. 2,557.

No. 115. Read again the following Tabular Report from J. W. B. DYKES, Esq., Collector of Nellore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 14th December 1864, on a lapsed Yeomiah in his District :—

Number	Talook and village. Extent and value of the entire Inám	When and by whom granted. Name of the original grantee. Sunmuds or other documents in support of the grant.	Nature of the grant, charity, or service. If service, nature of the duty prescribed by the grant.	Name of the last holder, date of his decease, and the relationship in which he stood to the grantee.	Share enjoyed by the deceased, and that held by the other members.	Family left by the deceased, name and age of the parties, their circumstances, and the means of subsistence possessed by them.	Recommendation of the Collector, and the grounds on which it is made.	Recommendation of the Board of Revenue.	Decision of Government.
1	2	3	4	5	6	7	8	9	10
9 of 1864	Koduru in Kandukur Talook at Rs. 7-8-0 per month, or Rupees 90 per year.	Originally granted under a Larvana of the Nabob Wajajah, dated 18th Rabiulaval 1193, Hijiri, (A. D. 6th April, 1779,) to Fattee Mahomed.	The service Yeomiah of lighting lamp in the Dargah, and conducting the Ursu ceremony.	Pakiramnad died on the 24th June 1862. He was grand-son of the original grantee.	RS. A. 2 4 Pakiramnad. 2 4 Malkisha. 3 0 Fatmabibi. 7 8 Goolies. 10½ Inám lands held in Kandukur, 8 dry, 2½ wet. 8 do. in Voguru dry. — 18½	1 Pattenahammad eldest son of the deceased, aged 24 years. 1 Abdalnabi, 2nd do. of do., aged 22 years. 1 Mahomed Gouse, 3rd do. of do., aged 16 years. 1 Malkisahib, 4th do. of do., aged 10 years. 1 Masabi, daughter do., aged 16 years.	1. Board's Proceedings, dated 21st September 1846. Extract from Minutes of Consultation, dated 20th October 1846. Board's Proceedings, dated 12th November 1846. As will be seen from the foregoing correspondence a sum of Rupees 7-8-0 per mensem was originally granted, and continued to Fatty Mahomed for the service of a Durgah at Kandukur. On his demise the Yeomiah was renewed in the name of his son Abdul Nabi.		

who was succeeded by his son Mulkisham, under Order of Government, dated 3rd January 1823.

2. Mulkisham continued to perform the service until 1837, when a dispute having arisen between himself and his brother Gouse Salib the allowance was divided between them.

3. Gouse Sahib died in 1841, and in the following year the then Collector divided the pension among the family as follows :—

Mulkisham...	RS.	A.	P.
Fakir Mahomed, brother of Mulkisham by a second wife...	2	4	0
Fatma Bi, wife of Gouse Sahib...	2	4	0
	3	0	0
	7	0	8

4. Dissatisfied with this arrangement, Mulkisham left the District in 1843; but the other two continued to draw their shares till 1844, when the entire payment was discontinued with a view to ascertain whether Mulkisham was in existence.

5. The payment was thus under suspension until 1846, when no information regarding the whereabouts of Mulkisham being forthcoming, Government directed the arrears payable to him to be carried to their credit, and sanctioned the continuance of the shares of the other two from the date of suspension.

6. This Fakir Mahomed died on 24th June 1862, leaving behind him four sons and a daughter, named in column 7.

7. Two claimants appeared for this Yeomiah, one of them is his second son, Abdul Nabi, and the other Mahomed Kassim, son of Mulkisham, who disappeared in 1844.

8. The eldest son of the deceased Yeomiahdar, (Fakir Mahomed,) entered the Military service. Himself and the fourth son, who put up together, addressed an Arzi on a stamp paper to the Tahsildar of Kandukur Talook, expressing their desire to register their father's Yeomiah in the name of the second son Abdul Nabi. This document is attested by a Military Officer. Abdul Nabi and the third son are living together, and the former being the elder of the two claims the registry, to which no exception has been taken by the third son.

9. Mahomed Kassim, on the other hand, impugns the legitimacy of Abdul Nabi's descent, alleging that his deceased father, Fakir Mahomed, was the son of a concubine of Abdul Nabi (grand-father of Mahomed Kassim.)

10. Among the witnesses examined by the Tahsildar is one Bimabi, aged 70 years, the sister of Mulkisham, and therefore aunt of the claimant Mahomed Kassim. She states that her father Abdul Nabi, proposed to marry one Nagi, a female of the Lingabaliga caste; but being opposed by his wife went to Kambham, and there performed Nikka marriage with Nagi, and that after this union, Fakir Mahomed was born, and was eventually married to a daughter of her husband by a second wife. The other witnesses, some of whom are so old as 90, 60, and 50 years respectively contradict this evidence. Some of them deny the fact of Nikka marriage, while others depose to their ignorance of the matter.

11. It appears that when Mulkisham and his brother Gouse Sahib were reconciled with each other after a dispute which arose between them in 1837, they entered into a written agreement in which Fakir Mahomed is described as the son of second "Taram" to the father Abdul Nabi. From the use of this word "Taram," Mahomed Kassim argues that Fakir Mahomed could not be regarded as the legitimate issue of his grand-father Abdul Nabi, and further pleads that the division of the allowance between Mulkisham and Gouse Sahib without allotting any portion thereof to Fakir Mahomed affords additional evidence of his low origin.

12. In the document referred to, the two brothers Mulkisham and Gouse Sahib agreed to give Fakir Mahomed a certain extent of the service Inam, and the claimant Abdul Nabi, in apparently admitting the said deed, is unable to account satisfactorily for the use of the word "Taram" therein.

13. In former days, the registry of Yeomiah allowances on the occurrence of lapse appears to have been made rather irregularly, and the Board have in their Proceedings above quoted deprecated the decision of service Yeomiah among the several members of the family. In some cases the renewal was made in the name of the head of the family; while in others two or more persons were permitted to succeed, so that in this case no conclusion can be drawn from the mere fact of Fakir Mahomed's exclusion from a share in the allowance enjoyed by Mulkisham and Gouse Sahib.

14. The use of the word "Taram" is certainly perplexing, and the evidence of the witnesses, with the exception of Bimabi, seem to favor the claim of Mahomed Kassim.

15. But there is no doubt that Fakir Mahomed has been living as a Mussulman, and married a female of Musulman family, and not a foreign connection. Bimabi speaks of the Nikka marriage of Fakir Mahomed's mother, and is certainly from her age a fit person to depose to this fact.

16. Fatmabi, widow of Gouse Sahib, who is still drawing her pension of Rupees 3, states in her Kaifiet that she knows nothing on the matter of Nikka marriage. But as she has been drawing the Yeomiah from the year 1844, along with Fakir Mahomed, her ignorance of his origin can only be construed as a circumstance favorable to Fakir Mahomed.

17. Under the Mahomedan Law, Nikka marriage is legal, and none but the offspring of a legal wife can be allowed to perform religious services. So that if Fakir Mahomed's mother was a concubine, as alleged by Mahomed Kassim, the registry in his name would have called forth a great opposition at the time. But it does not appear to have been the case, and on the contrary Fakir Mahomed has been permitted to perform the service for upwards of eighteen years without any disturbance.

18. At the time when Fakir Mahomed was registered, he was regarded as the legitimate son of Abdul Nabi, as will be seen from the Board's Proceedings, dated 21st September 1846, where he is described as the "brother of Mulkisham by a second wife." The word *wife* in this document must be taken to outweigh the presumption arising from the use of the term "Taram" in the Razinama of 1837, of which only a Telugu copy not duly attested by any competent officer has been filed.

19. After a long undisturbed enjoyment, which of itself gives a prescriptive right, it seems unfair to re-open, at this distance of time, the question of illegitimacy on the part of Fakir Mahomed, who was treated by Government as a rightful heir, and the Collector accordingly begs to recommend the claim of Abdul Nabi to the share of the deceased Fakir Mahomed.

20. Mahomed Kassim claims not only the Yeomiah of the said Fakir Mahomed, but also the share of his father Mulkisham which has already lapsed to Government. His first claim has been already noticed, and the second is, in the Collector's opinion, inadmissible in consequence of its having been resumed long ago.

21. The Yeomiah will of course be conditional on the performance of service, and if the Board recognize the claim of Abdul Nabi, as recommended by the Collector, sanction is requested for the payment of Rupees 65-11-2, being the arrears due from the 25th June 1862, to 30th November 1864.

22. The only circumstance which now requires to be noticed is the delay in the disposal of the case.

23. Abdul Nabi first applied in 1862 to the Sub-Collector, who declined to interfere on his behalf, and referred him to the Collector. On 7th August 1862, Abdul Nabi petitioned the Collector accordingly, and his petition No. 268, as well as petitions from Mahomed Kassim, were endorsed to the Tahsildar for report.

24. In his Arzi, dated 17th March 1863, the Tahsildar referred to reported to the Sub-Collector in Arzi No. 71; in addition to the Yeomiah, the parties laid claim to certain service Inams, and the Sub-Collector, who was requested to report what was done in the matter, replied in letter dated 6th February 1864, stating that he returned the records to the Tahsildar on the ground that the dispute should be referred to the Committee under Act XXX. of 1863.

25. Thereupon the Tahsildar, was by Takid No. 3, dated 13th July, called upon to submit the records which were accordingly furnished with Arzi, No. 52, dated 1st September 1864. The bulky records of the case, and a reference to the past English records, account for the subsequent delay.

Read also the following letter from the same Officer, dated Krishnapatam, 25th March 1865, No. 56.

1. In reply to the Board's Proceedings, dated 20th January last, No. 366, I have the honor to state that the pension in question was paid in full, up to the date of the Yeomiah's death, viz., 24th June 1862, to Abdul Nabbi, son of the deceased.

2. With this information I beg to re-transmit the Tabular Statement returned with the foregoing Proceedings, and in addition to Rupees 65-11-2, for the payment of which sanction was

*Proceedings of the Madras Government, Revenue Department,
7th June 1865.*

requested in the above report, I request sanction for Rupees 6-12-0 for the months of December, January, and February since past, and the total amount thus due is Rupees 72-7-2.

1. Ordered that the foregoing papers be submitted for the consideration and orders of Government.

2. This share amounting to Rupees 27 per annum, now reported on, forms part of an original Yeomiah of 90 Rupees per annum, which was granted by the Nabob Wallajah for religious purposes to Fattee Mahomed on 6th April 1779.

3. The original allowance was, in the years 1837 and 1841, sub-divided, as the Collector states in paragraphs 2 and 3 of his remarks in his Tabular Report above recorded, among three of the members of the original grantee's family, of whom Fakir Mahomed (spelt Pakirammed in the present Tabular Report) is one, his share being, as shown above, Rupees 27 per annum.

4. Fakir Mahomed died on the 24th June 1862, leaving four sons and a daughter, and the eldest son has relinquished his title to the Yeomiah in favor of his brother, Abdul Nabi, aged 22 years, and who is the second son of the deceased.

5. The Board support the Collector's recommendation that the share in question, amounting to Rupees 27 per annum, be registered in the name of Abdul Nabi, who will then be also entitled to the arrears which the Collector states are due from the 25th June 1862 to the end of February 1865, amounting to Rupees 72-7-2, being for 2 years 8 months and 6 days at the above rate.

6. This case is submitted to Government for orders, instead of being at once dealt with under the Board's Circulars, No. 4,762, dated 3rd September 1861, and No. XII, dated 4th February 1864, as there is another claimant, Mahomed Kassim, who claims not only the share above referred to, but another share of the same amount (Rupees 2-4-0) in the same Yeomiah, which his father Malkishah enjoyed, but which under the Orders of Government, dated 20th October 1846, was resumed (with the arrears belonging to it) in consequence of the disappearance of Malkishah in the year 1843.

7. The Board agree with the Collector that no reason is apparent for re-opening the question of the continuance of the share belonging to the late Malkishah, which has been once resumed; and that as regards the share of Fakir Mahomed, which is now reported upon, it should be registered in the name of Abdul Nabi as already recommended, notwithstanding the doubts which Mahomed Kassim has attempted to cast upon the legitimacy of the birth of Abdul Nabi's father, who had been performing the service for which the grant was made, for 18 years, without apparently the slightest opposition.

No. 116.

ORDER THEREON, 7th June 1865, No. 1,222.

Miscellaneous.

1. The Governor in Council concurs with the view taken by the Board as to the invalidity of the claim set up by Mahomed Kassim, and directs that the Yeomiah be registered in the name of Abdul Nabi.

2. Payment of the arrears amounting to Rupees (72-7-2) seventy-two, Annas seven, and Pice two, is sanctioned.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Board of Revenue.
,, the Civil Paymaster.
,, the Accountant General.

Exd. S. T. Augustin.

No. 366.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th January 1865.

Read the following Tabular Report, dated 14th December 1864, from the Collector of Nellore, on a lapsed Yeomiah in his District.

1. Ordered that the foregoing report be returned to the Collector of Nellore for revision with reference to the following remarks.

2. It appears to the Board that there must have been some arrears due to the last holder when he died, as the period for which the Collector calculates the arrears commences only from the day following that on which the Yeomiahdar died, the inference from which is, that the pension was paid in full up to the date of the Yeomiahdar's death, which inference is hardly probable, especially as the party died near the end of the month. If, therefore, there be any error in the amount of arrears (Rupees 65-11-2) mentioned above, the Collector will be good enough to make the necessary alteration in the Report now returned to him. The period for which the arrears should be calculated might as well include the month of December now just past.

(A true Extract.)

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

To J. W. B. Dykes, Esq., Collector of Nellore,
with the Statement returned.

Exd. R. H. Lee.

Ms. 1222. 4

The Governor in Council concurs with the view taken by the Board as to the invalidity of the claim set up by Mahomed Hassan, and directs that the Yeomah be registered in the name of Abdul Kabi.

2 Payment of the arrears amounting to (Rs 72 7/2) seventy two annas seven and five two is sanctioned.

Fort St. George }
7th June 1860 }

J. J.

14. Eagle Board of New Orleans
3. The Cape Bay Meeting
3. The Keith General

[Handwritten signature]

Environ the 12th of the 13th
of June to the day before
a - a Sunday 1863
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1865. Department.

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Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th January 1865.

Q 1358/55-

No. 366.

Returning for revision Tabular report on certain lapsed Yeomiah.

97 20th m 46 129th Co
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Rev 1865. Department
Pro: of Govt for India
No. 1358

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 17th May 1865.

Depd 19 June
Rev 4/7
CI.

No. 2,557.

Submitting letter from the Collector of Nel-
lore with Tabular Report on a lapsed Yeomiah in
the District and recommending that the share
amounting to Rupees 27 per annum, enjoyed
by the deceased, Fakir Mahomed, be registered
in the name of his son Abdul Nabi.

19 June
With an order

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