

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2309	<u>Press</u> <u>Mis.</u>
509-570	
Dated	25-9-1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department;
25th September 1865.*

No. 509. Read the following letter from NAWAB NAZMUTII DOWLAH ROOSTUMJAH DAVOOD ALLI KHAN Bahadoor, of Masulipatam.

Praying that the Governor may be pleased to take his reduced condition into consideration, and grant him redress by restoring to him the reduced portion of his father's pension with arrears, and by paying him the amount of marriage fund in the hands of Government. (Here enter 14th September 1865.)

No. 510. ORDER THEREON, 25th September 1865, No. 2,309.

Miscellaneous.

1. The Government observe that Petitioner is mistaken in supposing that the decision of the Court of Directors in August 1835 was not taken into consideration in 1854, when the amount of Petitioner's pension was settled by the then Government. The contrary is the case, and this being so, the present Government see no sufficient reason for them now to re-open the question.

2. They have already disallowed Petitioner's claim to the balance of that portion of the original allowance which was set aside to provide a fund for the marriage expenses of the younger members of the family.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.
To Nazmuth Dowlah Roostumjah Davood Alli Khan, Bahadoor.

Erd. S. T. Augustin.

20724/65
15/9/86

His Excellency.

The Honorable Sir W. J. Denison

G. C. S.

Gouverneur en Conseil

Fort St. George

The humble memorial of Sewah Niz
- muth Dowlah & Roostunjab Dawoodally
Ethan Bahadur of Manipalatum

Respectfully sheweth,

That with reference to the proceedings of your
Excellency in Council dated 29th August 1851 upon
his memorial of the 28th July last, your memorialist
most extremely regrets that your Excellency is, in
to decline giving his aggrieved case an indulgent
consideration & granting him relief on the grounds
that "the questions as to whether the pension originally
"granted to the family was hereditary & as to whether
"any member of the family has a valid claim to the
"marriage allowance were decided in the negative
"by Sir Thomas Munro's Government in 1841" that
"since that time the family stipends have been
"reduced on paper in accordance with the orders
"from the Court of Directors & memorialist's pension
"was fixed in 1853 on a full consideration of the
"circumstances that are now brought" that memorialist's
requests involve a reconsideration of the
"decision of 1853" & that "no new facts are brought
"forward & no change of circumstances has occurred
to the other branches of the family" & that memorialist's
requests involve a reconsideration of the

under such reconsideration desirable?"
That with respect to the alleged decision
of Sir Thomas Munro's Government memorialist
to submit that on the death of
memorialist's great Grand Father an annual
pension of a Lac of Rupees was originally granted
by Government as a pecuniary provision for the
decent maintenance of memorialist's grand-
father & the other members of his family in lieu
of his Jaghere which the Government took possession
of, as is evident from the letter of the Chief in
Council of the Northern Circars dated 5th Decem-
ber 1791, the original of which memorialist is ready
to produce if directed, a copy of the document
marked I being annexed to his memorial of the
18th July last.

That the pension granted by Government
for the maintenance of the family of memorialist's
great Grand Father, professedly in commutation
of his Jaghere, was accepted by memorialist's
Grand Father with the same understanding,
the pension commenced from the year 1791, when
the Government took possession of the Jaghere.
Now there was nothing to show that the grant
of the pension was otherwise than hereditary.
In the year 1795 the Government on the ground
of certain complaints withheld from memorialist
his Grand Father the marriage allowance his
deceased sister allowance & those of the other
deceased members of the family as well
as up to that time paid to him as the
maintenance of his Father & the head of the family.

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and memorialist's grand father did not cease
to urge his claim to them up to the time of his
death.

That neither memorialist's grand Father
nor Father nor memorialist himself ever knew
of the decision of Sir Thomas Munro's Government
now alluded to in the proceedings of your
Excellency; nor did the Government or their
officers ever communicate such decision to
memorialist's grand Father or Father. If it had
been communicated to them, they would have
taken early measures for appealing to the
higher authorities in England for a reversal
of the decision which was quite opposed to the
terms & the hereditary nature of the pension as
set forth & made clear in the aforementioned
letter of the Chief in Council of the Northern
Circars.

That with regard to the order of the Court
of Directors directing the reduction of the
family stipends on Rupees since 1821, memora-
list begs permission to state that his
Grand Father fixed monthly pensions of
Madras Pagodas 500 is the only one which the
Honorable Court of Directors in their letter
to Government dated 19th August 1825 recog-
nized as not liable to reduction & determined
to continue undiminished to his successors.
The pension of the family of memorialist's
Grand Father, thus specially secured, cannot
be viewed in the same light as the allowances
to the other branches of the family not similarly
secured.

* copy mark-
ed in the
appendix to
his memorial
of the 28th
July last.

circumstances nor would it come under the category of the allowances which are affected by the orders of the Court of Directors referred to in the proceedings of your Excellency as the following facts clearly indicate to wit: - The full pension of memorialist's grand father upon his death devolved on memorialist's father subject to the deduction of Rs. 150 which is the allowance separately enjoyed by the memorialist's uncle the late Eootobuddowlah since 1821. Further, the latter mentioned entire allowance being a portion of the pension of memorialist's grand father was continued to Eootobuddowlah & now Muniruddowlah in 1862. Memorialist therefore humbly submits for your Excellency's consideration that the orders of the Court of Directors which directed the reduction of allowances on labors are not applicable to the pension of memorialist's grand father & that it must be looked upon as not subject to the operation of those orders on the ground of its continuance without diminution to the successors of memorialist's grand father having been specially secured by the order of the Court of Directors in 1835.

That as regards the observation that no new facts have been brought forward, Memorialist respectfully begs to state that the aforesaid order of the Court of Directors contained in their letter of the 19th August 1835 is a special & important fact which did not receive the consideration of Government in 1853 when they resorted to the extreme measure of reducing the pension of memorialist's father. The simple

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recommendation of the above measure by the then Collector of Masulipatam & the Commissioner for the northern Circars whose feelings were then excited against this family by reason of the nonacceptance of their suggestion by memorialist's mother to give up her claim on the late Raja's daughter Cutchmah, led the Government to reduce the pension on the death of memorialist's father in 1853 without any reference to the aforesaid order of the Home Government. Your Excellency will observe that the nonconsideration of their order by Government & the continuance to memorialist's cousin Muniruddowlah of his father the late Eootobuddowlah's full allowance of Rs. 150 (being a portion of memorialist's grand father's pension) by Government in 1862 form new facts which justify for a reconsideration of the decision of 1853 in memorialist's favor.

That, as regards the observation that no change of circumstances has occurred, Memorialist begs to represent that the unfortunate diminution of memorialist's patrimonial pension which is the only means of his maintenance and that of the numerous body of his dependents has worked a most ruinous change in his circumstances since 1853. For it has subjected him to the humiliating & degrading condition of extreme distress & hardship & involved him in considerable debt which he was constrained to contract in consequence of the insufficiency of the reduced pension for the support of himself & his many dependents to whom he is bound to pay

pay fixed stipends as their portions out of the pension.
While his father had a clear net income of Rs. 1000 a month
out of his pension of Rs. 1445 after the payment of the
stipends of the dependents, the reduced pension leaves no
more than a small sum of Rs. 440 a month for the memori-
alist (totally inadequate for his support) after paying
the stipends of his dependents. His misfortunes have been
heightened by the death of his first wife & child which
compelled him to undertake a pilgrimage to the sacred
shrines of Harbalah in accordance with the earnest wishes
of his late wife expressed on her deathbed at an expenditure
of large sums of money borrowed from the Sowars. He was
also necessitated to contract further debts for the celebration
of his second marriage. The extreme penury to which he is
reduced by the diminution of the pension has driven him even to
the necessity of selling his patrimonial property for defraying the
expenses of his maintenance. He is also a great sufferer by
the late cyclone which destroyed most of his houses, gardens
& other property and he is now harassed by the most pressing
demands of his creditors for the payment of the large amounts
he owes them without having the means to relieve himself
& his credit from these difficulties & embarrassments. The
most distressed & helpless condition to which he has been
reduced since 1853, as well as his character & attachment
to Government will be known to your Excellency if the
Collector of Masulipatam is required to report on the subject.

That regarding the marriage allowance which was
not spent from the pension of a late Subedar for the purpose
of meeting the expenses of marriages among the family and
which Government retained in their hands from the year 1832
with the view of creating a reserve fund for occasional
appropriation to that purpose, memorialist begs leave to
state that out of the accumulated fund in question, the
Government paid in the year 1832 through the Collector of
Masulipatam the sum of a Lac of Rupees to the heads of
the respective families of the four younger brothers of
memorialist's grand father for the expenses of marriages

that had already occurred & were about to occur in the
families upon their having entered into a stipulation to
abandon all claims for themselves or their descendants to
anything else beyond their pensions. Of the families
memorialist's great grand father had no hand in the
marriage fund at the hands of Government, so large a
sum of a Lac of Rupees would not have been paid to
four junior branches of the family out of the fund. Some
acquittances taken from them with the intimation of the
Government neither made any arrangement for the settle-
ment of the claim of memorialist's grand father as the eldest
son & legitimate representative of the late Harwal Khan
nor did they make any payments to him
or to memorialist's father after his death out of the
marriage fund for the expenses of the several marriages
that occurred in their family but left the claim of this
senior branch of the family unsettled. Therefore memori-
alist as their representative has a just claim to the
fund remaining in the hands of Government.

That the foregoing new facts and the change of
memorialist's circumstances for the worse since 1853 as well
as his undeniable claim to decent maintenance from the
British Government as the representative of the great
Grand father whose sphere the Government assumed
upon his death taking upon itself the decent support
of his family and having at command ample resources
out of the ready money provision made in lieu of the
baghere will, it is trusted, inspire your Excellency's
Council with those feelings of justice, moderation and
leniency which must lead to the favorable consideration
of his claim to which he is entitled.

That the following are instances of cases where
justice having been withheld for many years, Government
at length acquiesced in the propriety of a reconsideration

Let former final decisions & granted redress.

In the case of memorialist's grand father whose pension was reduced from Rs. 1000 to Rs. 387 in the year 1895, the Government on a reconsideration of the matter raised his pension to Rs. 500 in the year 1921.

The case of Rajah. Hariak. Apparao whose gaudary estates were put up to sale for arrears of public revenue & purchased by Government & whose petitions for the restoration of the estates were repeatedly rejected both by Government & the Court of Directors was allowed to be reopened & the estates restored to him with the large amount of the surplus revenue thereof by Sir Charles Trevelyan Government.

In the similar case of Rajah. B. S. Reddy. Bhavani. Mooklasivara prasada Naidu in the Krishna district, your Excellency allowed a reconsideration of the former decisions & granted him redress by the restoration of his gaudary estates which many years ago had become the property of Government by purchase.

Memorialist extremely regrets that the provision which was granted to the family of memorialist's great grand father in lieu of his jaghere & in return for the effectual and lasting services rendered by him faithfully to the Honorable British Government then in its infant state which led to an augmentation of its territories, thereby forfeiting all favor protection and support of His Highness the Nizam for himself and his posterity which should otherwise have been continued to them in all time & relying on his jaghere & the honor & equity of the British Government for the support of his posterity in its high position has been reduced & his family doomed to suffer from the most degrading while the families of several other persons of the same rank as that of his own under the Nizam who continued firm in his interests

continue

continue happily in the peaceful & perpetual enjoyment of their large jaghere and are in the same high position & good circumstances as their ancestors were in.

My Government on whom alone the decent maintenance of memorialist is depending cannot overlook his hardships & privations and to deny him that justice humanity & moderation which are the guiding rule of the day & with which the Government treated its other dependents, to whom else in the world is he to look for relief.

Memorialist therefore most humbly prays that your Excellency in Council will be most graciously pleased to take the foregoing new facts and his reduced condition into your indulgent consideration & grant him redress & justice by restoring him the reduced portion of his father's pension with means of paying him the amount of the marriage fund & the jaghere of Government which will not only relieve him from the distress & embarrassment and enable him to have a decent maintenance & uphold the dignity of his ancestors with his continued warm prayers to the Almighty God for the peaceful continuation extension and prosperity of Her Majesty's Dominion and further appeal in the world the glory of His Majesty's Government for its justice, benevolence and consideration of its faithful subjects.

11th September 1865

ناظر الدوا

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Transferred to the
Chief Clerk to
Government.

My mother /
Milton Call.
William. Dear
Private Secy.

Agreement of June
14th September 1853

Presenting in Abstract

I have always thought, however absurd
 the notion of the Director's authority
 in the case of the President's
 Secretary. I think we might as well
 recommend that if a President
 should not put the picture and
 indeed the fact - it seems some
 also but far from the balance of
 the marriage fund. Should the
 death cost according to the original
 scheme & a private trust
 the expenses of the marriage
 the daughter of the family

Christine committed that phenomenon
 shall stand.

19:9.65

Proceedings of 29 Augt
last upon his petition
of 28 July last, -
Prays that the Governor
may be pleased to take
his reduced condition into
consideration & grant
him redress by restor-
ing to him the reduced
portion of his father's
pension with arrears
& by paying him the
amount of marriage
fund in the hands of
Government. -

N. 509.

21 Sept 1865 O 25

Rev. 1865 Sept
No. of Govt for Sept 1865
N. 2632.

From Nawab Karmath
Dowlah Roostumjah Daud
Alli Khan Bahadur of
Maenlipatam.

Dated 14th Sept 1865.
Received 14th Sept 1865.
Jt.

Sic N. 2309 - 25 Sept

States the circumstances
under which his pension
was reduced & he was
made to suffer in con-
sequence of his present
allowance being hardly
sufficient for his main-
tenance. -

Alluding to the Govt

Revenue Department
N. 2309.

Proceedings of the Madras Government
Under date the 25th September 1865.

Bread the following
letter from Nawab Karmath
Dowlah Roostumjah Daud
Alli Khan Bahadur of Ma-
enlipatam

Praying that the Governor
may be pleased to take his re-
duced condition into consideration
& grant him redress by restoring to
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(Here enter 14th Sept 1865)

The Government
observe that Petitioner is
mistaken in supposing that
the decision of the Court of
Directors in August 1835 was
not taken into consideration
in 1854. when the amount
of Petitioner's pension was set-
tled by the then Government.
The contrary is the case and
this

I don't object to this but
must say that the credits
of 1835 as this case has been
most anomalous and with
fuller warrant an appeal to
the Govt of India

W.D.

W.D.

this being so, the present
Government see no sufficient
reason for them now to re-open
the question.

They have already
disallowed ~~the~~ ^{his} claim to the
balance of that portion of
the original allowance which
was set aside to provide a
fund for the marriage ex-
penses of the younger mem-
bers of the family.

[AS]

14. To the Board of Directors of the

1. To Nazim-ul-Dawlah Daulat Khan Bahadur

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Revenue 1865 Sept 11th
and Oct 1st for Sept

12309.

Pro of the Madras Govt.

of 25 Sept 65.

The 1st to England

24th March 1865

the

29th Sept

29th Sept
22nd Oct

Not complying with

the request of the Board:

which state for the re-

stitution of his father's

position and claim to

the balance of the

Marriage allowance.

N. 329570.