

Govt. of {1871} Madras.

REVENUE.

To

Dated April 25th.

Recd.

Encl.

G. O., 25th April 1871, No. 736.

APRIL.

Nos. 270-271.

Objectionable Telegraph Message sent by
Captain Sargeant of the Survey Department
—Explanation of the Superintendent of Revenue
Survey on this subject, ordered to be forwarded to
Government of India.

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Proceedings of the Madras Government, Revenue Department,
25th April 1871.

No. 273. Read the following Proceedings of the Board of Revenue, dated
28th March 1871, No. 1,363:—

Read the following letters:—

From the Acting Collector of North Arcot, to the Acting Secretary to the Board
of Revenue, dated Kanganellore, 17th September 1870, No. 404.

With reference to your official memorandum, dated 2nd ultimo, No. 768,
returning for revision a tabular statement of a lapsed Yeomiah, I have the honour
to state that the late Battu Beebi therein mentioned, left no heirs besides her hus-
band Shah Habeebulla, and he also having subsequently died, the names of his
heirs were entered in column 7 of the statement. These particulars are now
clearly shown in the revised statement herewith submitted.

2. Niyamuthoolla commenced to perform the service after the death of his
father Shah Habeebulla under no express authority, but as one of the family. The
exact date of Shah Habeebulla's death cannot now be ascertained, but as Niya-
muthoolla put in his claim for the allowance on the 11th December 1867, it may
be inferred that Shah Habeebulla died shortly before that time, and the allowance
might, if the Board have no objection, be passed to Niyamuthoolla from the date
of his application, the 11th December 1867.

ENCLOSURE No. 1.
Statement of lapsed Service Yeomiah recommended for renewal in the district of North Arcot.

Number.	Taluq and village; extent and value of the entire Iuam.	When and by whom granted; name of the original grantee; Sanads 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 original 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.	Remarks.
1	Talukham in Gudlatham Taluq. Ready money allowance of Rs. 472 for the subsistence of Kuteeb, etc., and for defraying the expenses of the Shah Vazir Rodeen Sahib's Musjeed, etc., and for	20 Ramzan, Hizri 1207 as per Sanad of Nalob Wallajah granted to Shah Enayathulla.	For the performance of Kuteeb, etc., services in the Musjeed and Durga.	Patlu Beebi died on the 10th Shaban Hizri 1274 (26th March 1858) Daughter-in-law of the original grantee.	(126) Shah Niyamuthoola at Rs. 67 6 10 per annum (81) Shah Jallu Beebi (81) Gulam Kanyathoola (98) Iyath Beebi (10) Ghous Mohddeen (81) Battu Beebi (deceased) (150) Barum Beebi (deceased)	Patlu Beebi left no heirs except her husband Shah Inaboolulla. He too having died in the year 1867, the names of his heirs are entered below:- 1. Silar Beebi, Nicka widow of Shah Inaboolulla, aged 45 years. 2. Syed Niyamuthoola, son of do. aged 23 years. 3. Gulam Kander do. aged 20 years. 4. Kumaru Beebi, daughter of do. age not known. Those four individuals and the individuals mentioned in column 6 possess Iuam lands to the extent of canwies 13-5-12 and Putlah lands to the extent of canwies 5-2-3 assessed at Rs. 131-1-4.	1. Annual allowance of Rs. 472 was originally registered in the name of Shah Enayathoola in the Moin Zabitha, submitted to the Board and sanctioned by Government on the 23rd April 1819. This allowance is also entered in the Register submitted to the Board, on the 25th January 1815. 2. On the death of the original grantee, the entire allowance was divided into several equal shares, five of which are at present in the enjoyment of the individuals numbered 126, 81, 21, 98, and 10 in column 6 of this statement. No. 150 Sarum Beebi died some twenty-one years ago, and no one has hitherto claimed her share of the allowance. Battu Beebi, No. 31, who was in receipt of an annual allowance of Rs. 67-6-10 under the sanction of Government conveyed in Extract Minutes of Consultation, dated 6th April 1852, and communicated with the Board's Proceedings, dated 22nd item, is reported to have died without issue on the 10th Shaban Hizri 1274 (26th March 1858.) 3. Shah Habeebulla, the husband of the deceased, Battu Beebi, who was in receipt of the same amount of allowance as his wife enjoyed from the entire Yeomiah, claimed this latter share as well on his wife's death; but his claim was rejected by the Collector in his endorsement, dated 24th August 1865, on the ground that he had not produced for muster his mother and another Yeomiah Pensioner for whom he was a Vakli, and whereby he had forfeited his own allowance. 4. The allowance forfeited by Shah Habeebulla was subsequently registered in the name of his brother's son Gulam Enayathoola No. 21 in the statement, and Battu Beebi's allowance was withheld for about seven years previous to her death, as she entirely failed to appear for muster. 5. Shah Habeebulla died about 24 years ago, and his son, by his Nicka wife Silar Beebi, named Syed Niyamuthoola claimed the allowance enjoyed by his late step-mother Battu Beebi on the 11th December 1867. From the record of inquiry received from this Tahsiladar of Gudlatham Taluq, it appears that a new claimant for this allowance came forward in the person of one Shah Niyamuthoola, nephew of Battu Beebi's husband No. 126 in column 6, who is already

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on receipt of a share in the allowance of Rs. 67-6-10 under the Order of Government, dated 24th March 1869, No. 841, communicated with the Board's Proceedings, dated 8th April 1869, No. 2,383. Shah Niyamuthoola contends that Silar Beebi is not the wife of Shah Habeebulla by Nicka or any other form of marriage, and cited three witnesses, to prove his point. Two of the witnesses depose that they do not know whether Silar Beebi is his Nicka wife or not, and the 3rd witness, who maintains that Shah Habeebulla had no Nicka wife, appears to have been absent with his Regiment when the Nicka marriage took place, and to have become a resident of the village in which both claimants reside only ten years ago on taking his pension. After his case had thus broken down, a Persian document, purporting to have been executed by Silar Beebi to her husband relinquishing her claims as his wife, was filed by his (Shah Niyamuthoola's) agent. This document was not proved either by the evidence of the attesting witnesses nor by independent testimony.

6. Thus Shah Niyamuthoola first attempted to disprove the Nicka marriage by oral evidence, and having failed in this, then tried to establish by documentary proof the dissolution of such marriage, and in so doing admitted indirectly its existence.

7. Under these circumstances, and seeing that Shah Niyamuthoola is already in receipt of an allowance, his claim may be set aside.

8. The first claimant states that he and his brother and sister named in column 7 are the sons and daughter of Shah Habeebulla by his Nicka wife Silar Beebi, and by virtue of that relationship claims that the allowance enjoyed by his late step-mother, Battu Beebi, be registered in his name.

9. His claim is supported by the testimony of the members of the Mahomedan Religious Committee of the Taluq, where the institution is situated, and of the Monigar and Curum of the village and also by the testimony of other Yeomahdars. From the reports of the Tahsiladar and Mahomedan Religious Committee, it appears that the service of this institution was, after Battu Beebi's death, regularly performed by her husband during his life-time, and, on his death, by his son Syed Niyamuthoola.

10. The Collector, therefore, begs to recommend that the allowance of Rs. 67-6-10 may be registered in the name of the 1st claimant Syed Niyamuthoola, the step-son of the deceased Battu Beebi, last holder of the allowance, and that the arrears of allowance from 11th December 1867, the date on which Niyamuthoola put in his claim, to 30th June 1870, amounting to Rs. 172-5-11, at Rs. 67-6-10 per annum, may be disbursed to him.

11. The deceased drew her allowance only up to 2nd kist of Fash 1265 (31st December 1854), as it was discontinued from 1st January 1855 up to the date of her death, in consequence of her failure to appear for muster as already explained, and hence I am not prepared to recommend that the arrears of Rs. 218-8-8 due to the late Battu Beebi from 1st January 1855 to 26th March 1858, the date of her death, should now be paid.

(Signed) **W. S. WHITESIDE,**
Acting Collector.

CANGANELLORE,
17th September 1870.

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From the Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 23rd February 1871, No. 109.

ADVERTING to the Board's official memorandum of the 7th November last, No. 1,326, I have the honour to state that the omission therein noticed is to be traced to Shah Habeebulla himself, who, in a deposition given before the Tahsildar of Gudiatum on 7th December 1853, declared that he had not mentioned the names of Silar Beebi and Syed Niyamuthoolla as his heirs, as Silar Beebi had gone to Vellore with her son in consequence of some family dispute, and he was therefore doubtful whether they would return or not. After the original list of heirs had been filed by Shah Habeebulla, Silar Beebi appeared and contested the propriety of the allowance in question being transferred to her husband's nephew Goolam Enayathoolla, while she and Syed Niyamuthoolla are his legal heirs. Her complaint was referred to the Tahsildar, who took depositions from several witnesses and Shah Habeebulla respecting the claim put forth by Silar Beebi and her son. It appears from these papers that the marriage of Silar Beebi to Shah Habeebulla is a fact admitted by Shah Habeebulla himself. He brought her up in his house from her childhood, and married her by Nicka about thirty years ago in accordance with the rites sanctioned by the custom of his caste, and the fact that Syed Niyamuthoolla is his son by Silar Beebi is not disputed. I further beg to state that since Shah Habeebulla's death Syed Niyamuthoolla continues to perform the service in the Musjeed Durga to which the allowance in question relates, and enjoys his share of the Inam granted for the maintenance of the Durga without interruption. It will thus be seen that as there is ample evidence in regard to the alleged marriage of Silar Beebi to Shah Habeebulla and in support of Syed Niyamuthoolla's claim, a recommendation was made on his behalf.

Shah Enayathoolla, the original grantee, held a Service Yeomiah of Rs. 472 per annum, which, on his death, was distributed among his heirs in seven shares, one of which was continued to Futtoo Beebi by Extract Minutes of Consultation, dated 6th April 1852, No. 314.

2. Payment of her share was discontinued from 1st January 1855 in consequence of her having failed to appear for muster.

3. She is now reported to have died without issue on the 26th March 1858, leaving, as sole heir, her husband, Shah Habeebulla, who then claimed his wife's share. His claim was rejected by the Collector on the ground that he had previously forfeited his own share of the allowance for having failed to produce for muster his mother and another female Yeomiahdar for whom he was Wakil.

4. Shah Habeebulla is reported to have died about two and-a-half years ago.

5. On the 11th December 1867, Syed Niyamuthoolla, who alleges that he is the eldest son of Shah Habeebulla by a Nicka marriage, claimed the share of his step-mother Futtoo Beebi.

6. His claim was disputed by a rival claimant, Shah Niyamuthoolla, nephew of Shah Habeebulla, who first contended that his uncle was never married to Syed Niyamuthoolla's mother, and on failing to prove this, asserted that she had been divorced.

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Under date the 25th April 1871*

Read the following Pro.

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7. As it has been satisfactorily proved that Syed Niyamuthoolla is the legitimate son of Shah Habeebulla, the Board support the Collector's recommendation that the registration of the allowance in his name and payment to him of the arrears from the 11th December 1867, be sanctioned.

No. 274. ORDER THEREON, 25th April 1871, No. 738.

Miscellaneous.

THE continuance of the share of
Rs. 67-6-10 to Syed Niyamuthoolla,
with arrears from 11th December 1867,

is sanctioned, as recommended by the Collector and the Board of Revenue.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

N. A. V.

L. B.

14 Fettoo Beebi's share of Rs. 472
6-0-0

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Revenue Department

77-738.

*Proceedings of the Madras Government
Under date the 25th April 1871*

*Read the following Pro:
of the Board of Revenue*

*Requesting to sanction registra-
tion of Yeomiahdar by late Futtoo
Beebi of North Arcot District in
name of her son Syed Niyamuthoolla
& payment to him of arrears from 11th
Decr 1867.*

(H.C. 28th March 1871 No. 1363)

*The continuance of the
share of Rs 64-6-10 to Syed
Niyamuthoolla with arrears from
11th December 1867 is sanctioned as
recommended by the Collr and the
Board of Revenue.*

*J. O. S.
N. A. A.*

*14 To the Board of Revenue
6th Decr 1871*

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25th April 1871.*

No. 275. Read the following Proceedings of the Board of Revenue, dated
28th March 1871, No. 1,356:—

included in the statement sent to the Board by
Mornhill, on the supposition that their assessment had been reduced previous
to transfer to this district; but as this supposition has turned out to be incor-
rect, propose addressing the Board separately on this subject.

No. 275. Read the following Proceedings of the Board of Revenue, dated 28th March 1871, No. 1,356:—

Read the following letter from the Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Perumbakum, 22nd February 1871, No. 63.

With reference to the Board's Proceedings, dated the 25th August 1869, and Government Order, dated the 5th July 1869, No. 1,919, I have the honour to forward a statement, showing the financial effect of the reduction sanctioned by Government on well-garden and well-nunjah lands in this district.

2. The Board will observe that the amount of revenue sacrificed by the relief now afforded on the entire ayacut of the district amounts to Rs. 10,487. This is in excess of the amount given in Mr. Thornhill's letter, dated the 7th September 1868, No. 282, by Rs. 886. The increase in the reduction of assessment on the cultivated area alone amounts to Rs. 330—a result attributable to the fact that the statement formerly sent to the Board was framed on a rough estimate only, whereas the one now sent is a correct one.

3. The delay in forwarding the statement in question has been occasioned, I regret to state, by the whole of the records connected with the subject having been lost in the Chingleput Taluq Office and by the Tahsildars having had to prepare fresh returns in lieu of the former ones.

4. In Chingleput and Madurantakum the reduction in question was applied by the Tahsildars of those taluqs to the lands designated in the old accounts as "Totacal" or garden-lands, being lands in which either no wells ever existed, or the wells have now fallen into disuse.

5. Although the order of Government does not specially authorize any reduction of assessment on lands of this description, it appears to me that they are as much entitled to the concession as lands actually irrigated by wells, as it appears that when the high rate of assessment on lands cultivated with garden crops was imposed, the basis for fixing the assessment was the description of produce raised, and not the fact of whether the land had any means of irrigation or not.

6. It is probable that there are other lands of this kind in the other taluqs of the district, and I have caused inquiries to be made on the subject, and shall, if the Board and Government see no objection, extend the reduction to them also, submitting a further report, showing the exact amount so remitted.

7. From a letter lately received from the Acting Sub-Collector of Chingleput, it appears that there are some well-nunjah lands in the villages transferred from the North and South Arcot Districts.

8. These lands were not included in the statement sent to the Board by Mr. Thornhill, on the supposition that their assessment had been reduced previous to their transfer to this district; but as this supposition has turned out to be incorrect, I propose addressing the Board separately on this subject.

No 273-274