Fort Saint George, Revenue Consultation of 21st September 1858.

No. 31. Read the following Extract from the Proceedings of the Board of Revenue, dated 31st August 1858, No. 3317.

In Cons. 31st August 1858.

Read letter from the Collector of North Arcot, dated 29th July 1858.

(Here enter No. 148.)

In Cons. 9th June 1858.
In Cons. 13th July ,,

Read also again letters from the same officer, dated 22nd May and 14th June last, on the same subject.

Resolved that the above correspondence be submitted to Government with reference to their Endorsement, dated 23rd March last, on Petition No. 480 of 1858.

From Govt. 31st July in Cons. 3rd August 1807, *R. D. No.*—.

2. The Enam or Jaghire, to which this Petition has reference, was granted by Government in 1807, to Subadar Syud Cassim of the 4th M. L. C., the paternal grand-father of the Petitioner Cawder Bee, in recognition of his faithful services, in perpetuity to him and his heirs.

3. It consists of fifty Cawnies of Nunjah land, valued at the time of the grant (which specified the extent and not the value of the assignment) at Pagodas 354-36-14½ per annum, and assessed in the public accounts according to the Register now submitted by the Collector at Rupees 352-13-6.

Vide Mr. Ravenshaw's letter dated 27th June in Cons. 2nd July 1807.
Sent to Govt. 3rd July 1807.

4. Syud Cassim was on his death succeeded by his son Abdool Mahzeed (father of the Petitioner) and by Syud Salar, son of his daughter Fatima Bee, and these two persons appear to have held the Jaghire in common to the time of Abdool Mahzeed's death in 1853.

5. He left two Shadee widows, and a daughter (Petitioner) by the second of them, but no male legitimate issue. One person came forward to claim as son by a Nikahi wife, but his claim was rejected by the Collector. Syud Salar has long been apparently in real separate possession of one-half of his grand-father's Jaghire, though no formal division had been authorized by Government, and on Abdool Mahzeed's death, the Collector registered the entire Enam in his name as the sole male heir, and recorded the names of the two widows as persons entitled to maintenance out of it according to Mahomedan Law.

6. He states that he did not consider it necessary to record Petitioner's name during her mother's life time, but he mentioned the fact of her existence.

7. There are two other persons similarly entitled to maintenance being the Nikahi wife and daughter of the original grantee, who are in like manner mentioned in the Register.

8. Thus the Jaghire is now in the possession of the sole male descendant of the original grantee being his daughter's son, and as such the Board are of opinion that the Collector acted rightly in Registering the entire estate in his name, both as the natural head of the family and guardian of the female portion of it, and also to give effect to the frequently expressed wishes of Government, that sub-division of landed grants of this nature should be in every way discountenanced.

9. The Board cannot see that the Petitioner has any good ground of complaint regarding the above arrangement, but it may be that since Abdool Mahzeed's death, his family have been subjected to some privations. He appears to have died in debt for a considerable sum, for which the Ryots on his half share of the estate became security, it being agreed that they should collect the Teerwa of the Enam and pay it to the creditors. Some disputes appear to have arisen between Syud Salar and the other members of the family, and difficulty has been experienced in collecting and distributing the rents.

10. The whole matter is now under the personal investigation of the Collector, who the Board trust will effect a speedy settlement. He will be requested to inform them of the result, and also to furnish them with information on the following points.

1 In the concluding para. of his last letter, he states that the Ryots on the estate claim the extension to it of the reduction in the rates of assessment that has lately been made in the neighbouring Government land; but that as compliance with their request would lessen the value of the Enam, he does not see how it can be admitted.

12. There can however be little doubt that the Ryots will not continue to cultivate highly assessed Enam land, while similar quality of Government land more lightly assessed is to be obtained in the neighbourhood; and that thus the Enam will inevitably become depreciated in value if these modifications are not introduced.

13. Moreover, the Honorable Court of Directors in their Revenue letter to Bombay of 27th March 1844, printed at page 366 of the Board's Circular Order, Vol. I, stated as their opinion, that Meerassidars may claim the extension to Enam land cultivated by them of the benefits of reduced assessment, and that were the claim allowed, in such cases, had the Government in their grant bestowed on the Enamdar an Enam of a fixed annual value, they might perhaps be called on to make good any deficiency in his annual income so caused.

14. In the case of Syud Cassim the extent, not value of the grant was prescribed by Government, and the correspondence that took place at the time leaves little doubt that it was eventually of higher actual value than was intended.

15. There is however an extreme difference between its "amount Bareez" (Pagodas 354-36-14½) as given by Mr. Ravenshaw in his letter of 27th June 1807, and "the value of the Enam" entered in the Register by the present Collector which is no more than Rupees 352-13-6.

In Cons. 2nd July 1807.

16. The Board cannot but think that there is some mistake in these Statements, the former of them would give an average of about Rupees 25 per Cawney, and the latter of Rupees 7 for what is chiefly first class Nunjah land, and if they are both correct, it is scarcely probable that any equitable claim for further reduction of assessment could be maintained by the Ryots. The Collector will report to the Board on this point.

(A true Extract.)

(Signed) J. HUDLESTON, *Sub-Secretary.*

No. 32. ORDER THEREON, No. 1270; dated 17th September 1858.

1. Ordered that the following endorsement be made on Petition No. 480 of 1858.

"The Government are unable to comply with Petitioner's request for the grant of a Sanad "for the *Kilmanúr* Inám in her name. They approve of the registry in the sole name of *Saiyad* "*Salár*; the daughter's son of the original grantee; and the head of the family. That indivi- "dual will be bound to disburse to Petitioner for her maintenance, such share of the net proceeds "of the Inám as she may be entitled to, by law. The Government are informed that the dis- "putes which have arisen among the members of Petitioner's family are in process of investigation "by the Collector whom Petitioner should address on the subject of any grievance under which "she may consider herself to labour."

2. With reference to the claim advanced by the cultivators of the Inám land to corresponding remissions of assessment to those which have been granted in the Government Talooks it should have been stated whether they possess a proprietary interest in the soil. Presuming however from the circumstances of the grant, that such must be the case, the Government observe that the Inámdár can exact no more than the Government would were it in his position, or in other words had it not made a transfer of its own rights to him. The State has now reduced its demands in the other villages of the District to what it considers a just and fair assessment; it will be the Collector's duty to arrange that the Inámdár does the same.

3. Adverting to the last paragraph of the Board's Proceedings, it would appear that in Mr. Ravenshaw's letter the value of the *gross produce* of the Inám is given, while the present Collector's amount is that of the Government or Inámdár's share.

(Signed) T. PYCROFT,
Chief Secretary.

R D. 2

A° 1270

Extract from the Minutes of Consultation
Under date the 17th September 1858 -

Read the following Extract from the Proceedings of the Board of Revenue

Rece'd 31 Aug 1858 No 3317.

Reporting on the Petn of Kádir Bíbí, grand daughter of the late Subahdár Saiyad Kásim 4th Lt Cavalry. Case 490 of 1858. Govt. Title

Vide Memorandum

1. Ordered that the following endorsement be made on Petition 480 of 1858.

"The Govt are unable to com- "ply with Petr's request for the "grant of a Sanad for the Kil- "manúr Inám in her "name. They approve of the

"registry in the Sde name
"of Saiyad Salár; the daughters
"are of the orignal grantee; and
"the Head of the Family. Whether
"individual will be bound to
"disburse to Pets. for her main-
"tenance, such share of the
"net proceeds of the Inám as
"she may be entitled to, by Law.
"The Govt are informed that
"the disputes which have arisen
"among the members of Pets.
"family are in process of in-
"vestigation by the Collr. whom
"Pets. should address on the
"subject of any grievance under
"which she may consider her
"self to labour."

2. With reference to the claim advanced by the cultivators of the Inám land to corresponding remission of assessment to those which have been granted in the Govt Talks it should have been stated whether they posses a proprietary interest in the soil. Presuming however from the circumstances of the grant, that such must be the case, the Govt observe that the Inámdár can exact no more than the Govt would were it in his position, or in other words had it not made a transfer of its own rights to him. The State has now reduced its demands in the other Villages of the District to what it considers a just and fair assessment it will be the Collectors duty to arrange that the Inámdár does the same.

3. Adverting to the last paragraph of the Boards pa

ceedings, it would appear
that in Mr Ravenshaw's
letter the value of the crop produce
of the Inám is given, while
the present Collectors amount
is that of the Govt a Inamdárs
share.

W.K

Perhaps it may account for the
apparently
wrong [illegible] in different
districts in widely different
seasons. Sometimes Brahmans
& depraved the values &c.

3 Copies & Sch of Rec.
with 4 Enclos
Dispc 18
In Govt Dept
with Sch with
18th Septr 858

1851

Genealogical Tree

4

Original Grantee
Súbadár
Saiyad Kásim
d. 1816.

Nikáhi wife
now alive.
|
her daughter
now alive

Son
Abd-ul-Majíd
d. 1853

daughter
Fátima Bibi

Nikáhi Wife
|
her son
S. Muhammad.

1st Wife
Nanni Bibi
No issue.

2nd Wife
Khátuma Bibi

her son
Saiyad Salár
in whose name the
whole Inám is now
registered

her daughter
Kádir Bibi
Petitioner
680 of 1858

On the death of the O.G.
Abd ul Majíd and Saiyad
Salár were joint proprietors
after 1853 it appears that
at first, Nanni Bibi & Khá-
tuma Bs. the widows of
Abd. ul Majíd, were by dar
owners of half, and Saiyad
Salár & the other half: but
now, Saiyad Salar the only
male heir has been by dar
the head of the family

Memorandum

1. The registry in the
name of the head of
the family is
strictly according
to rule. Before any
Registry in her

name is quite out of the question. It appears that the distress to which she alludes, is almost entirely owing to the pecuniary embarrassments of her deceased husband; Certain disputes have also arisen in the Family, which are in course of settlement by the Govt. Dept. should look to them, if they had a grievance.

2. The course to be followed, in the case of claims by hereditary cultivators of Inam land to emoluments, is clearly laid down in the Desp. of the Hon Ct of D. to Bombay No 5 of 27 March 1844. quoted in C.O. to R. of 28 Dec /44. vol i. p 366.

3. Endorsement, and draft have been prepared accordingly.

W Norman
D.S.
Sept 7.

RC. 31 July 1807 nw 176
189

19-11-94
27-11-94

17 Reg 20

Revenue 1838 Departt.
Dy. to Couns. 21st. September
No. 1270.
Extract Mins. of Couns.
Dated 19th. Septr. 1838.

Proof the Board of Revn. of
20 augt. 1862 C No. 2395 in
13 Kt. 262/3.

13 Septr. 1862

Passing endorsement
on Petition No. 180 of 1838,
informing the Petitioner,
that her prayer for the grant
of a Sanad, for certain Inam
in her name cannot be
admitted.

No. 3104 92.