M.R.O. 1—32,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 909A	Press Mis—
294-2713	
Dated 26.6.1925	

b/b

Not to be folded or roughly handled

Read the following letter from Major R. M. MACDONALD, Registrar General of Assurances; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 23rd June 1865, No. 198.

I have the honor to solicit the Orders of Government, with regard to a case of forgery, which is now in course of investigation in the Royapettah Police Court.

2. The following is an outline of the facts of the case.

3. On the 3rd April, an Instrument, of which the following is a translation, was tendered for registration to the District Registrar of Madras, by a person *styling himself* Ghoolam Mohideen, Agent of Ghousia Begum :—

I, Ghousia Begum, Daughter of the late Nabob Auzam Jah, do hereby acknowledge and execute a Deed to this effect, that I have relinquished the claims which I have against my mother, Her Highness Mooktaroonissah Begum Sahiba (may God increase her shadow) for moveable and immoveable property, my right and estate, and the validity of which (claim) according to the Deed of Gift, by her above-named Highness, had been established in the Honorable Circar's Mokhama (Court of Justice) and which I had submitted to the Honorable Government. This day I have given the property devolving on me by the Deed of Gift to her above-named Highness. I and my heirs have no present or future claim on my mother Her Highness Mooktaroonissah Begum Sahiba (as sacred as Mecca) for the above estate. Consequently these few words are written as a relinquishment of claim so as to serve in future as a proof. Dated 1st April 1865, A. D.

Attesting witness. Attesting witness.

Mark O

Goolam Ahmedkhan. Oomdut-ool-Moolk, Bahadur.

Nurval Ghousia Begum.

4. The pretended Agent produced a Power of Attorney executed by Ghousia Begum, and attested by Zeenuth Bee and Lal Bee.

5. Mr. Ferrand examined these three parties, and the following is a copy of the notes taken by him of their statements :—

Ghoolam Mohideen, Jemadar. I appear as the Vakeel of Ghousia Begum. I saw her sign the Vakalutnamah and this Deed behind a curtain. I have no doubt whatever that she signed the Vakalutnamah and the Deed. She has no Begosha relative, and she has therefore sent me. The Begum executed this Instrument as she is now on friendly terms with her mother.

Zeenuth Bee. I saw Ghousia Begum. The Begum sent me. I am the nurse of the Begum's children, and I saw her sign both the Vakalutnamah and the Acknowledgment.

Lal Bee. I saw Ghousia Begum sign the Vakalutnamah and the Acknowledgment.

[redacted] ...zuth.

...emadar

6. Mr. Ferrand finding, however, that Ghousia Begum had a husband, named Oomdut-ool-Moolk, Bahadur, declined proceeding with the registration until he appeared.

7. Accordingly on the following day a person calling himself Oomdut-ool-Moolk, Bahadur, appeared, accompanied by another who gave his name as Goolam Mahomed Khan, both of whom were attesting witnesses to the Deed of Release. The following examination took place, and the Instrument was admitted to registration:—

Oomdut-ool-Moolk, Bahadur.

I saw Ghousia Begum sign the instrument.

I know Ghousia Begum. I have not seen her, but I know her, as I am the son of her Butler Ghoolam Mustapha. I know that she has signed the Instrument. She signed it behind her curtain. I saw her hand. I know Ghoolam Mohideen as her Jemadar, although I don't know his name, the Begum has appointed him as her Vakeel.

Ghoolam Mahomed Khan.

8. On my return in June from my tour through the Godavery and Vizagapatam Districts, I received an anonymous letter stating that this Instrument was a forgery, and that the registration of it had been effected by fraud. On enquiring into the facts connected with the case, I found that Mr. Ferrand had omitted to comply with the provisions of Section XXVIII, which requires that in the case of a native woman of rank, the Registering Officer may, instead of requiring her personal attendance satisfy himself that the Power of Attorney is the free and voluntary act of the woman by whom it purports to have been made, either by proceeding himself, or deputing some trustworthy person to her residence to take her examination in the mode prescribed for taking the evidence of Native women of rank. I requested Mr. Ferrand to supply this omission at once, as it would be necessary to annul the registration if Ghousia Begum did not admit the execution of the Power of Attorney. Before, however, this could be done, the real Oomdut-ool-Moolk, Bahadur, preferred a charge of forgery againt the six persons noted in the margin. The case was to have come on the 14th, but was adjourned until the 15th to enable the defendants to avail themselves of the service of Counsel. Having reason to apprehend that owing to the rank and near relationship of the principal parties concerned an attempt would be made to compromise the case, I attended for the purpose of watching the proceedings. On the 17th, the Prosecutor was examined and a few questions were put to Mr. Ferrand, and at 1 P. M. the case was adjourned at the request of Mr. Miller until the afternoon of the 19th, when the examination of the Prosecutor was concluded and the case again adjourned until the 22nd. On that day, Mr. Brockman intimated that he had been instructed by the Prosecutor to withdraw the charge, and the Magistrate adjourned the case for a week to admit of my ascertaining whether Government wished to take up the case. Mr. Ferrand not having yet had an opportunity of examining Ghousia Begum, I requested the Prosecutor to allow her examination to be taken at once. This was accordingly done, and the following is a copy of Mr. Ferrand's notes:—

1. Shajee Ool Moolk Bahadur.
2. Vahid Beg, Jemadar.
3. Goolam Mahommed,
4. Goolam Khadur,
5. Meerun Shab.
6. Rosun Bee.

I proceeded to the residence of Ghousia Begum (4, Long's Garden Road, Comaleeswaren Pettah) accompanied by her husband Oomdut-ool Moolk. Bahadur.

Proceedings of the Madras Government, Judicial Department,
26th June 1865.

I sat in the verandah of the house. A curtain was hung before me in an adjoining room. I sat quite near to the curtain. After a little time, her husband informed me that Ghousia Begum was behind the curtain. The solemn affirmation was administered to her, she repeating the words in Hindustani after her husband.

The following interrogations were then put to her by me, and the answers appended thereto were given by her, she first declaring that her name was Nawab Ghousia Begum:—*Question*—Did you sign the Vakalutnamah now shown to you? (This is the Vakalutnamah marked 'E' in the Royapettah Police Schedule). *Answer*—I never saw it before. I never affixed my mark to it, or delivered it to any body. I know nothing of it.

Instrument No. 123 of 1865, in Register No. 4, was then read to her by Syed Humza, and the following question was put to her:—Did you send the original of this Instrument to the Register Office to be registered.

Answer—No, I did not send the Instrument. I know nothing of it.

The solemn affirmation was then administered to Oomdut-ool-Moolk, Bahadur, and he stated: The lady to whom the solemn affirmation was just before this delivered, and who answered your questions, is Nawab Ghousia Begum and my wife. The answers given by her are correct and the whole truth.

Jemadar Ghoolam Mohideen, residing in Moulee Jamal Sahib Street, Triplicane, then stated on solemn affirmation: I am employed by Ghousia Begum. I never brought the Vakalutnamah now shown to me (E) to your office. I do not know that it was ever executed by Ghousia Begum, or delivered by her, or any body else. I never presented the Instrument before read out (123 of 1865 in Register No. 4) at your office for registration.

Oomdut-ool-Moolk, Bahadur, further stated that the man who had just given his deposition was Jemadar Ghoolam Mohideen.

9. There seems sufficient reason for believing that the registration of a forged Instrument has been obtained by perjury and false personation, and that the guilty parties will escape conviction unless the matter is taken up on behalf of Government. As to whether there is any probability or not of a committal being obtained, I am unable to express any opinion, as owing to the early stage at which the case stopped, it did not transpire what evidence was forthcoming against the six persons arraigned.

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ORDER THEREON, 26th June 1865, No. 909A.

Ordered to be forwarded to the Advocate General, through the Government Solicitor, for his opinion.

(True Extract).

Acting Secretary to Government.

To the Government Solicitor.

Exd. R. H. Lee.

The following questions were then
put to her by me and the answers thereto were given by her the first declaring
that her name was Nawab Ghousia Begum:
Question: Did you sign the Vakalutnamah and
known to you: (This is the Vakalutnamah marked
A in the Royapettah Police Schedule). Answer:
I never saw it before. I never affixed my mark
to it or delivered it to any body; I know nothing
of it.

Instrument No 123 of 1865 in Register No 4
was then read to her by Syed Humza and the
following question was put to her: Did you send
the original of this instrument to the Register
office to be registered.

Answer: No, I did not send the instru-
ment. I know nothing of it.

The solemn affirmation was then
administered to the Purdah Lady and she stated: The Lady to whom the
solemn affirmation was just before this
delivered and who answered your questions is
Nawab Ghousia Begum and my wife;
the answers given by her are correct and
the whole truth.

Jemadar

Jemadar Gholam Moheddeen, re-
-siding in Mouka Jamal Sahib Street Tri-
-Chinapoly, first sworn on solemn affirma-
-tion: I am employed by Ghousia Begum:
I never brought the Vakalatnamah now
shown to me (E) to your office; I do not
know that it was ever executed by Ghousia
Begum or delivered by her or any body else;
I never presented the Instrument before
mentioned (123 of 1865 in Register No 4) at your office
for registration.

One Mooth Col Mook Jemadar Jun-
-ther stated that the man who had just
given his deposition was Jemadar Gholam
Mohiaddeen.

Q. Have there sufficient reason for
believing that the registration of a forged in-
-strument has been obtained by perjury
and false personation and that
Ghousia will escape conviction unless the
matter is taken up on behalf of Govern-
-ment. As to whether there is any proba-
-bility or not of a committal being obtained

I consider that the offence of knowingly uttering the forged document, of the appellant, - but taking the circumstances stated in para 5 of the appellants petition into consideration, I hold it would be proper to punish him as Jemadar Gholam Mohiuddeen

25 June 65 GDK

I concur. Here the offence consists in the fabrication of the false document, of the appellant, - but taking the circumstances stated in para 5 of the appellants petition into consideration, I hold it would be proper to punish him as Jemadar Gholam Mohiuddeen

25 June 65 GDK

I concur -

T.K.

26. June 65.

Solicitor despatch

Medical dept

To Madras Govt

Return the following
letter from the Registrar
General of Assurances.
dy 23 June 1865
Order 26th June 1865 No. 9028

Transmitted
herewith for the
Govt. Sanction the
usual Stipend for
Dispensers -

E.K.

26. June 65.

To the Govt Solicitor despatch

2½ d. 20 K.