

(1) Number of pages 84(2) Date of repair 5-11-41(3) Initials of the Referencer S. M. S.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2274	Press
		Mis.
Dated	18-9-18	80

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

18th September 1880, No. 2274.

Kazis.

Read the following papers:—

No. 85. *From Major C. D. BAYNES, in charge of the Government Agency, to the Chief Secretary to Government, dated Chepauk, 3rd September 1880, No. 389.*

I have the honor to submit, for the information and disposal of His Grace the Governor in Council, copy of the Proceedings taken for the selection of a Kazi for the Town of Madras in accordance with Order of Government, No. 1909, 10th August 1880, Judicial Department.

2. On the refusal of Tirazish Khan to accept office, the consent of the next nominee, Ubajid Ullah, was obtained; and I have, therefore, to submit his name as the person selected for the office.

3. I have also the honor to forward two petitions addressed to me by the Shia community of Madras praying for the appointment of a Shia Kazi. It will be observed that, in the opinion of the Honorable Mir Humayun Jah Bahadur, who is a member of that community, the immediate appointment of a Shia Kazi is not required; but this opinion is not in accordance with the feelings of the Shia inhabitants of Madras, and as a Suni Kazi cannot perform the marriage ceremony or other rites for a Shia, and *vice versa*, I beg to suggest that, as provided by paragraph 2 of G.O., 19th March 1880, No. 637, the Government should appoint Moulvie Syed Hazan Raza as Shia Kazi, as by doing so they will afford much satisfaction to his community.

4. The applications for this appointment, which were received by Government and forwarded to me, I have retained, pending instructions to return them to the persons who submitted them after Government shall have nominated persons to the office.

ENCLOSURE No. 1.

From MAHOMED YUSUF, Presidency Magistrate, to the Government Agent, Chepauk, dated Madras, 21st August 1880.

With reference to your letter, dated 19th August 1880, No. 365, enclosing copy of the Proceedings of the Committee, together with papers as per list appended and returned, I have the honor to state that I quite concur in the resolution arrived at by the gentlemen of the Committee. I have only to repeat my regret for having been detained from attending the meeting from severe illness.

ENCLOSURE No. 2.

PROCEEDINGS of the Committee assembled to nominate, for the approval of Government, a Muhammadan Gentleman as Kazi for the Town of Madras, in accordance with the instructions of Government conveyed in their Proceedings, Judicial Department, 10th August 1880, No. 1909.

Members Present:

His Highness the Prince of Arcot.
Honorable Mir Humayun Jah Bahadur.
Honorary Surgeon Mubai-ud-din Shariff Khan Bahadur.
Ahmad Mubai-ud-din Khan Bahadur, Secretary to the Prince of Arcot.
Major C. D. Baynes, Officer in charge of the Government Agency, Chepauk.

Read the undermentioned applications—

- (1) From Haji Moulvie Zahur-ud-din Ahmad Khan Bahadur;
- (2) From certain inhabitants of Black Town and Triplicane, &c., proposing Hafiz Ghulam Mahmud Sahib;
- (3) From Messrs. Branson & Co., forwarding application of Abubakr Hafiz Qamr-ud-din Ahmad;
- (4) From Moulvie Ghulam Ali Khan; and
- (5) Two applications from certain Shia inhabitants of Madras proposing Moulvie Syed Hazan Raza Sahib as Kazi for the Shia community.

Proposed by His Highness Prince of Arcot and seconded by Honorary Surgeon Muhai-ud-din Shariff Khan Bahadur—

That Tirazish Khan Bahadur is eminently qualified for the post of Kazi, and that he be asked to state whether he would accept the post, and in the event of his agreeing to do so that his name be submitted to Government.

That in the event of his refusal the Kazi appointment be offered to Ubajid Ullah Sahib, son of the late Kazi Moulvie Dadr-ud-Doulah Kazi-ul-Mulk, and in the event of his refusal to each of his brothers Moulvie Mahmud and Moulvie Ahmad, and in the event of their refusal to take office that Moulvie Sultan Mahmud, son of the late Moulvie Ghulam Kadir Sahib, be requested to take the appointment.

Carried unanimously.

The Honorable Mir Humayun Jah Bahadur stated that, in his opinion, the necessity for the immediate appointment of a Shia Kazi did not exist, and that the expression of their opinion by the Committee as to the eligibility of the appointment of the Shia candidate might remain in abeyance, pending future instructions from Government.

Resolved accordingly.

The Officer in charge of the Government Agency stated that he would forward the two petitions received from the Shia community for the orders of Government with reference to paragraph 2, G.O., 19th March 1880, No. 637.

(Signed) C. D. BAYNES, Major,
In charge of the Government Agency.

No. 86. ORDER THEREON, 13th September 1880, No. 2274.

Under the provision of Section 2 of Act No. XII of 1880, "An Act for the appointment of persons to the office of Kazi," His Grace the Governor in Council is pleased to appoint Ubajid Ullah Sahib as Kazi for the Sunis, and Moulvie Syed Hazan Raza as Kazi for the Shias, in the Town of Madras.

2. Major Baynes will return the applications referred to him in view to their being lodged with reference to the present appointments.

3. Copies of these Proceedings will be sent to all Collectors and District Magistrates, who will consult the principal Muhammadan residents in their respective districts, where there is a numerous settlement of persons of that faith, in the same way as the Officer in charge of the Government Agent's office has done at Madras, and submit the names of one or more persons who may be considered fit to be appointed as Kazis.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Officer in charge of the Government Agent's Office, Chepsak.
„ all Collectors and District Magistrates.

Exd. F. R. Bantleman.

11-2-03
 21-3-07
 Sir,
 I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the appointment of a Magistrate for the District of ...
 I have the honor to inform you that the same has been forwarded to the Government for their consideration.

With reference to Act No. 1000, entitled the Kaurji Act, published in the Supplement to the Saint George Gazette of the 25th 1000, we, the undersigned, of the ... Community, have the honor to ... our application for appointment of Mr. ... as Magistrate for the District of ... in view of the same being forwarded to Government for sanction ... your recommendation. He is the only gentleman competent to hold the post in question; and he has ... performed the functions of a Magistrate for a long time.

Govt. of 11801 ...
 JUDICIAL.

To THE OFFICER IN CHARGE OF THE
 GOVT. AGENTS OFFICE,
 &c., &c., &c.
 Chaplain,

Dated September, 18th.

Issued

Recd.

G.O. 18th September 1880, No. 2274.

SEPTEMBER.
 Nos. 35-36.

Kazi—Ubayid Ullah Sahib and Monir Syed
 Hazan Raza appointed Kazi for the Sunis and
 Shias, respectively, in the Town of Madras under
 Act XII of 1880; and copies of these Proceedings sent to all Collectors and District Magistrates
 with instructions.

appointment as a judge will in
affect his duties as a
master, inasmuch as the
ation of marriage rites and
ceremonies take place between
29 A.M. and 5 and 7 P.M., and
bes, there will be no calls to con-
sist him whenever necessary.

to the effect of demand
all small debt
Your most obedt servants
advised by
Sardar Mir Ahsanullah
Chief Govt. Secy

علی خان افغان
نائب
Post-keeper
Workshops

Sujjad Hussain
Auditor, Examiner
Genl. Accounts

میر قاسم علی
میر محمد
میر محمد
میر محمد

respects to Major C. L. De
 (with) enclosed for your
 adon it will be sent to you
 Respectedly, as for activity, but since
 the of spirit, and with all
 with all deference and

submission, we, the undersigned leading
 of the Chhach sect of the Hindu community, most respectfully beseech with re-
 spect to Act No. 1 of 1880 entitled the
 published in the Supplement to the
 Gazette of the 20th
 solicit you to kindly submit
 application to Government with
 recommendation in order that you
 will be pleased to appoint
 Mr. [Name] as Assistant
 of the
 Bradress in [Name]
 for our community, as he is the
 person among our community in
 whole of the Madras Presidency con-
 tent and qualified to hold the said
 post. He knows the Ara in [Name]
 and Hindu

and G. O. No 637
dated 19 March 1880
vol. 8, pt. 1, para. 2.

5

94.7
S. 1/4 Sec. 33 T. 2 N. R. 10 E.
J. H. H. 10.30.

Guard Henry's friends
to other, well known
to Mr. Spade & Co.

dated 14th Aug/80
 recd 31st 12.5
 p.g. 18 Sept/80: 2.274

Request to withhold
Kearney's name as a
past visit as a
pass for their ex-
pense

Lib. N.º IV

Lucy

the marriage and divorce
He is the balance (Priest)

15 years. The conditions, were the conditions of the

I should not feel at liberty to
 request you to solicit for
 the cause of the poor.

[illegible]

tion of all the marriages and
baptisms of the religious states

Handwritten signature: [Illegible]

La. R. R. Sec and between 8 and 9 P.M.

My dear Mr. Lincoln

1. Request to the President, 1890
 2. Request to the President, 1890

we will be prepared to do

points his thanks they will, if required

unabhängiger Herrscher Kaiser Sahib's an

work connected with the ^{9 11} Registry.
He will also deputize & visit to other
districts where there may be no
population of the Sheah sect.

For this act of kindness
benevolence we shall never

Bound over prison

Graduate
15 August

Your heartiest friend Sam.

سید الدین گیلانی

میرزا فتح محمد علی

علامہ حسنہ موسیٰ رضا
میر حسین
۱۳

میرزا حسین
میرزا حسین

تخصیص
مستحق
مستحق
مستحق

مصطفى بن النور
قائمة
معيه الدش

سید محمد خان
سید محمد خان
سید محمد خان

عظیم ریاضی
علمیاتی

عاشق
سحران

عبد الرحمن
عبد الرحمن

عنه عليه السلام

21-8-80
cc/

否

Cash Agent
Chapman.

522

I have the honor
to
give most obedt

Wm. S. Burry

Presidency

[illegible]

Proceedings of the Committee assembled
to nominate for the approval of Govt.
a Muhammadan gentleman as a member
for the town of Madras, in accordance
with the instructions of Government
conveyed in their Proceedings Judicial
Department 10th August 1880 No 1909.

Members present

His Highness The Prince of Arcot
Honorable Mir Humayun Jah Bahadur
Honorary Surgeon & Mukai ud din Sheriff
Ahmad Mukai ud din Khan Bahadur
Secy to the Prince of Arcot
Major C. D. Baynes, Officer in charge of
the Govt Agency & Revenue

Read the undermentioned applications

- (1) From Haji Moulvi Zahur ud Din
Ahmad Khan Bahadur
- (2) ——— Certain inhabitants of Black Town
and Supplicant for proposing Hafiz
Ghulam Muhammad Salib
- (3) ——— Messrs Branson & Co forwarding
Application of Mubarak Hafeez
Lamir ud din & Ahmad.

Oct 1880 Sept 21
Entered in order of
1574/1880/27 No 574
1574/1880/27 No 574
R. D. 1880

Madrasa
Presidency

Dated 21st Aug
1880

Resolved that
the same be
referred to the
Committee
by the Council

Encl 10

29.18.1880:227

- (4) - From Moulvie Gulam Ali Khan
(5) - Two applications from certain Shia
inhabitants of Madras proposing
Moulvie Syed Kasim Raza Khan
as Dazeer for the Shia Community;

Proposed by His Highness Prince of Wales
and seconded by Honorary Surgeon -
Muhai ud Din Shariff Khan Bahadur
that Sirazish Khan Bahadur is eminently
qualified for the post of Dazeer and that
he be asked to state whether he would
accept the post and in the event of his
agreeing to do so that his name be
submitted to Government.

That in the event of his refusal
the Dazeer appointment be offered to
Ubayid Ullah Sahib son of the late Dazeer
Moulvie Badr ud Daulah Dazeer Qadri
and in the event of his refusal to each
of his brothers Moulvie Mahmud and
Moulvie Ahmad, and in the event
of their refusal to take office that
Moulvie Sultan Mahmud son of the
late Moulvie Gulam Qader Sahib be
recommended

be requested to take the appointment
carried unanimously 17

The Honorable Sir Munir Jung Bahadur
stated that in his opinion
the necessity for the immediate
appointment of a Shia Dazeer did
not exist and that the expression
of their opinion by the Committee
as to the eligibility of the appoint-
ment of the Shia Candidate might
remain in abeyance pending future
instructions from Government.

Resolved accordingly
The Officer in charge of the Govt.
Agency, stated that he would forward
the two petitions received from the Shia
Community for the Orders of Government
with reference to para 2 G.O. 19th March 1880
C-637.

C D Dwyer Major
in charge of the
Government Agency

N^o 389 of 1880. Govt. Agents Office
Chepauk,
3rd September 1880

From The Officer in charge of the
Government Agency.

To The Chief Secretary to Government
Fort St. George
Cotacamund

Sir,

1. I have the honor to submit for
the information and disposal of His
Grace the Governor in Council Copy of the
Proceedings taken for the selection of a
Kazee for the town of Madras in
accordance with order of Government
N^o 1909-10th August 1880. Judicial Department

2. On the refusal of Sirajish Khan
to accept Office the consent of the next
nominated Ubayid Ullah was obtained
and I have therefore to submit his
name as the person selected for the
Office.

3. I have also the honor to forward
two petitions addressed to me by the
Shia Community of Madras praying
for the appointment of a Shia Kazee.
St.

Recd 1880 Sept 6

Enclosed in a letter

from Mr Ford Agent

N^o 389 of 20th Sept 1880

R. D.

SEP 30

1701.

2-25-

P. G. 10. 11. 12. 13. 22. 74

Re Recd 30. 11. 3/10

It will be observed that in the opinion,
of the Honorable Mir Humayun Jali Bahadur
who is a member of that community, the
immediate appointment of a Shia Kayee
is not required - but this opinion is not
in accordance with the feelings of the
Shia inhabitants of Madras and as a
Sunni Kayee can not perform the marriage
ceremony or other rites for a Shia and
vice versa I beg to suggest that as
provided by para 2 of G.O. 19th March 1880
that the Government should appoint
Moulvie Syed Hasan Raza as Shia Kayee -
as by doing so they will afford much
satisfaction to his Community.

The applications for this appointment
which were received by Government and
forwarded to me I have retained pending
instructions to return them to the persons
who submitted them after Government
shall have nominated persons to the office.

I have the honor to be,
Sir

Your most obedient servant
C D Dargues Major
In charge of the
Government Agency

No. 3043.

From

The Officer in charge of the Government Agents Office - Chepâk dated 3rd September 1880 No: 889, Submitting the name of Ubajid Ullah as a Kâzi for the town of Madras, and suggesting the appointment of Moulvie Syed Hasan Raza as Shia Kâzi.

FOR ORDERS.

Am. 9th

afford to be possible.
Recommendations - for
Lunis & Shams acc'd
- 12/3 -
2 - but have returned to
appeals referred to him,
which may well be lodged
inter alia for review
app'd.

(12/)

1. I am sorry to hear
that the dominion by
the Committee is the present
how holding the old name
Regarding it be lately disposed
of the papers. I am the papers
for the same has been 12/3

3. Land present Dept
Cotton, & other items
concerning the same to be
disposed of, as same to be
disposed of here, as a matter of fact of the same
12/3/80

12/3/80

85

P. 9. 18. 11/10/80: 22. 74

Regarding the appointment
of the Kâzi for the town of Madras

No 3043
No 3889
No 3043

Dated 30 September 1880

The Officer in charge of the

Government Agents Office

Madras

U. B. D. 12/3

Kazil

FOR ORDERS.

Madras Government letter
to India p 382 Board
Volume of 3rd March 1865-
No 357

Letter from India to Rev.
Department of 6th Oct
1864 No 4874

Acknowledging the receipt
of Rev letter No 1105 of
21st July 64 & 1257 of 19th
August stated that the
Governor General in Council
was willing that the
land endowments of the
Rajahs should be dealt
with by the Govt of Madras
under the Indian rules
of that Presidency, &
observed that the Rajahs
have no claim to com-
pensation from Govt
for the abolition of their
offices. They are no
longer servants of the
State but they will
continue the service

21/9
R 14/9

of the Mahomedan Com-
munity in questions of
Marriage &c; for such
services of a private
character the ^{land} endowment is the
fair reward for
they stand in the same
relations to Mussulmans
as the village priests &
astrologers to the Hindu
Community all
of whom hold similar
endowments

In para 2 of their
reply the Madras govt
said that it appeared
that the landed endow-
ments attached to the

Office of Kazi cannot be
treated as personal ^{life} ~~land~~
because the office not
being hereditary the
present incumbents
have no life interest
in them. If on the other
hand the land endowments
are treated, as the Madras
govt think they should
be, as permanent
property attached to the
office neither can the
money ^{life} ~~land~~ be treated
as personal ^{life} ~~land~~
It would be in ^{entire} ~~total~~ ^{entire}
variance with
the policy hitherto
pursued in such matters
to draw either directly
or indirectly from the purpose
for which they were given
it would lead to the ^{dis} ~~dis~~ ^{dis}

The proper course is to
convert the money lands
into land and to confer
the whole of the revenues
on the Mahomedan
Community as permanent
endowments for the office
of Kaye.

J. D.
G. O. 25th July 1865 No 1232
bound Vol for July 65 p 1237.

Letter from India of 12th
June 1865 No 1397.

It does not appear to the
Governor General that
the endowments of Kayes
in the Madras Presidency
should be excepted
treated but that as
the Mahomedans
in all parts of India
have the same religion,
beliefs & prejudices

all such cases should be
dealt with on one prin-
ciple. Though all parts
of the kind were not
attached to the office of
Kaye, still they become
more or less of a permanent
hereditary character
being liable to modification
at the pleasure of the
ruler of the day. The
Governor General informs
it is therefore of opinion
that the Govt has a full
right to deal with them
guided by principles
of general expediency
& justice. In the opinion
of the Governor General
in Council all parts
in land in land may
properly be maintained
& declared in each
case where attached

to the office of Rajee in
the place where they
are now employed. Of
a dispute as to the right
of succession should arise
on the death of a Rajee
which cannot be settled
by the parties among
themselves the case
will of course be deter-
mined by the Court.

This view seems to have
been acquiesced in
by the local govt. for
nothing is said as to
it in their order of

25th July 1863-18732

Order G.O. 26th Feb 66.

R.D. 187452

33
G.O. of 12th January 7/59
received a Confidential
Circular letter from
the Govt of India with
reference to Madras
letter 153 of 13th Oct 70.
G. Govt wanted to know
whether any strong
objection existed to the re-
newal by proper legis-
lation of the ^{proposed} ~~existing~~ ^{proposed} ~~existing~~
Rajees.

34

Karai Mandalam
Inam

In G. O. of 6th August 62

G. O. 16th Decr 1865 No 3044 Govt held that the present
Cauze, who is a maternal

R.D. 4667/65 grandson of the Original

G. O. 20th Feb 1866 No 452 grandee should be put

R.D.

p. 467 p 68

in possession of Karai
Mandalam which
has been assigned as
an endowment for the
support of the Kaze
ships.

The Inam Commission
who held their enquiry
during the life time of
the late Kaze came
to the conclusion that
the grant was ^{merely} personal
benefit of the holder.

In 1760 Nawab Wajid
Ali Khan the

then Kage as a service
man attached to his
office, and in 1761 he
made the grant ^{man}
-al & exempted it from
all conditions of service.

In 1779 the English for
who had come into possession
of the Jaghira, issued a
Purwanah confirming
Karamandalam to the
Kage as a service
grant attached to his
office.

G.O. 264 of 1854 No 365
Political Dept
declared that the right
of the Kage to the ^{man}
depended on the
Purwanah of
1779. 406 ^{man}

The title deed issued by
the man for ^{man}
will be cancelled
and the village of Karam
Mandalam will be
re-issued as an ^{English} ~~man~~
attached to the office
Madras Cape Ship -
G.O. 264 May 1879 No 1113

R.D.
P.N. 2850/77, 2225/78,
169/79, 1009/77
recd G.O.

Extract from the Proceedings
of the Legislative Council
of India dated 17th Dec 63

The Hon^{ble} Mr. Roberts
in moving for leave to intro-
duce a Bill for the abolition
of the office of Khoodos &
Makomedan Law officers
said the object of the bill
was two fold; first, the
abolition of the appoint-
ments of Khoodos & Mak-
omedan Law officers
throughout the Country,
and secondly the discon-
nection of the connection
of jobs with the offices
of Muzil Cazat or Head
Cazis of provinces,
of City Town & Pargana
Cazis "

x x x
"It was further proposed
by the Bill to discon-
nect the connection of jobs
with the office of Muzi-
ul-Cazat or Chief Cazis
of a province & also
with the

offices of City, Town & Pargana
- nak Caziis. These offices
did not rest upon, nor were
they created by, any legis-
lative enactment of
the British Government.
They were an institution
of Mahomedan govern-
ment & of Mahomedan
society. We found Caziis
existing in every City,
Town and Pargana, &
all that our earlier
legislators might have
devised for all what
the duties of the Caziis
were and to provide
that persons of character
& only qualified with
respect to legal know-
ledge should be ap-
pointed to those of-
fices. The letter of
the Regulations of
the then Presidency

regarding the appointment
removal of Caziis was
nearly identical. These
Regulations defined
the duties of Caziis to be
"the preparing and attesting
of deeds of transfer of the
law papers, celebrating
marriages and perform-
ing such religious duties
and ceremonies prescribed
by the Muhamadan
law as have hitherto
been discharged by
them" x x "Further in
Bengal and Madras the
Cazi or Caxat or Chief
Cazi was constituted
the Mahomedan law
officer in the Indian
Court" x x
Mr Robert Khosid he
had succeeded in
showing that Caziis
were no longer re-
quired as witnesses
of Muhamadan
Law. There as respects
the duty of preparing

and attesting deed of main
- for and other law papers
although Cazi's were
occasionally employed
by the public, as notaries
for this purpose they had
been to a great extent super-
seded by the regular Register
of deeds who were appointed
under separate enact-
ments for the registering of
deeds. The attestation
of a deed by a Cazi was
received quantum
valent in our Courts;
but the same force did
not attach to it as to the
attestation of a Register
of deeds. x x x

These duties had been
transferred to regular
constituted and salaried
servants of Govt. which
the Cazes had never
been. A few Cazes
might have received

small salaries and their
were believed to be a few
endowments in the Madras
Bombay Presidencies: but
the majority of Cazes had
been remunerated for
any service they might
render have performed
for the State by Khilaf
or annual presents in the
shape of money or shawls
which were generally bestowed
on the Bengal or the
Set. Set. or al. For then some
as public notaries or for
their attendance at mar-
riages or they were remun-
erated by the persons who
employed them. For many
I have supposed that the
Cazes recognized by Govt.
and appointed by the
Government under the
Reg. were the only
Cazes in the Country.
For one Cazi appointed
by Govt. there were perhaps
ten self constituted
Cazes who were ac-
ceptable to, or employed by the

Mahomedan Community.
This circumstance clearly
showed that the time
had arrived for discon-
tinuing any interference
on the part of Govern-
ment with the appoint-
ment of Cazi and for
allowing perfect freedom
of action in the matter
to the Mahomedan Com-
munity - subject only to a
reference in case of dis-
-putable Court of Justice.
Cases, where there were two
had heretofore been ap-
-pointed by Govt. or those
who had established
themselves as Cazis.
The satisfaction of
the Community
to which they belong,
would be free to dis-
charge such duties
as had heretofore
been performed

by them and were pre-
scribed by the Mahomedan
Law. All that
was proposed to do was to
repeal the existing Law
in the Statute Book re-
garding the office of Cazi
and to declare that Govt.
would henceforth make
any fresh appointment to
that office. The Bill whether
it repealed the offices of Shroff
& Mahomedan Law Officer
or as raised the offices of
Cazi at Cusat or of other
Cases would be a new
repealing enactment
it would erase something
from the Regulations Book
in whole or in part from
the Statute Book. The
scope of the Bill please
to introduce which he
now moved did not
appear fully from
the title given in the
list of business for the
day. The title which

he proposed to the
Bill was a Bill to re-
peal the laws relating
to the offices of *Amudoo*
& *Mudamadan* Law
Officers, & to the offices
of *Asim* *Amudoo* & *Amudoo*
and to abolish the former
offices.

Extract from the Proceedings
of the Legislative Council
of India of 10th Sept. 1854
Mr. Roberts: The Bill would
also enable the Govern-
ment to disengage itself
from all connection
with the office of *Casee*
which was an office
arising out of the
Constitution of *Maha-*
Madan Society. When
the British rule com-
menced in India
it was deemed ex-
pedient to place
the *Cauges* who

were found already established
and consequently laws
were passed investing
them with certain public
functions in addition
to their private duties.
Latterly *Cauges* had ceased
to do any thing whatever
for the State but they con-
tinued nevertheless to
be appointed & paid by
the State. At the same
time there were many self-
appointed *Cauges* who
never had any connection
with Govt., and who exercised
their calling among the
of their Countrymen as
they chose to employ
them. Under the Bill
now introduced the Govt.
would appoint no
more *Cauges* but would
leave all *Cauges* to be
for the office to be selected
by the persons who
employed & paid
them. He was authorized
to state that the *Chairman*
of all Law Officers

and Charges on account
of any pecuniary or the
allowance of which they
were in receipt from
Govt in virtue of their
offices would be ascertained
and liberally considered.

The Bill in question be
Came Act x 1 of 1854 - 18th
March 1854.

21-3-94

Kazee

A. D. 1864

Please see extracts from
the Proceedings of the
Indian Legislature
(marked Ex herewith
put up) with reference
to Act XI of 1864.

Kazee

The office of Kazee was not
established by the British
Government; they found
their existence in the
country serving a purpose
doubtless useful. The Kazee
was to a certain extent
a judicial officer dis-
charging duties very similar
to those of a Registrar
of deeds and he was also
a Judge of most cases
as the Muhammadan
Community was Con-
-cerned. These latter
duties were very similar
to those performed by
the Brahm priests
attached to villages
and the head men
of the various Castes.
In the peculiar

Circumstances of
this Country at the
end of the past & the
beginning of the pre-
sent Century foot-
thought it expedient
to recognize the already
existing office of Raja;
but it has to be borne
in mind that during
that period the British
Govt. did not so much
adhere to the policy
of non interference
with the local religious
affairs of the Country
which it has since
during the past 35-
years pursued. Having
acquired possession
of a Country ruled

by Muslim an ⁵³⁸
Hindu it continued
to exercise the powers
which the Ancient
Hindu Rajas and
then Mahomedan suc-
-cessors possessed. The
association of Pundits
with the Judges of the
Lacdu the discharge
of their Judicial functions
& likewise of Mahomedan
Cauzees was a mere
relie of the old state
of things - the former
dating so far back
as the time of Darius
who directed that
the King should con-
sult learned Brahmans
in administering
Justice whenever
he had ^{to deal with} difficult

questions of Hindu
Law and the latter
was as old as the Mu-
hamadan occupation
of the Country and
was transplanted on
Indian Soil from
the domes of the
Caliphs. Of such
law officers nothing
need be said here. But
there remained the
Cauzes who were partly
Judicial officers &
to some extent priests
& the headmen of local
Muhamadan Com-
munities. The
British Govt. as already
observed formed

them in the Country &
authorised them to be
to continue quasi
Judicial officers & others
incidentally that they
were to continue to
discharge the duties
that they had till
then performed with
reference to Muhamadan
Law.

It was moreover assumed
that as the Cauze
was appointed by
the Sultan or ruler of
the Country & as the
British Govt. was the
ruler of the Country
it had the power
of appointing Cauzes.
It is submitted that
the Sultan continued

laxed by the Muham-
dan law was with
the Caliph or his
Muhamadan re-
presentative. The
Country means
Country in the
rule of a Moslem
prince. The Caliph
or his subordinate
being respecting
the general & local
heads of the Muha-
madan religion
was competent
to make rules to name
an officer whose duty
was partly secular
& partly religious.
However there remains
the fact that the
British Govt. thought

"She Kharan the 8:00:00"

that being Sultan for
temporal purposes
it was likewise Sultan
for spiritual matters
also.

Though these officers were
declared not to be hereditary
but in filling them up
care appears to have
been taken to confer them
wherever practicable
on the descendants of
those who had formerly
held them. It was
very rarely that ^{thangas}
were appointed Kayas.

There are two points
to be noted in connection
with Regt. III of 1808

1. it declared the office
not to be hereditary but
it did become hereditary
in practice save in
very exceptional cir-
cumstances

2. it makes no mention

whatever of the fees
incurred and fees
that they were to get.

The Causes recognized
by the British Govern-
ment continued to
discharge their duties
but this did not pre-
vent the Mahomedan
Community from
Causes of their own
choice for the pur-
-pose of discharging
the non-judicial
duties of the Cause.
The Act of such
parties have never
been called in question;
they have always
been acquiesced
in recognized the
binding

on the parties con-
cerned. It may be ⁵⁹ ~~asked~~
here that had the
Mahomedan Com-
munity recognized
the British Govern-
ment as the Sultan of the
Country for naming
Causes they would
not have appointed
Causes of their own
choice but would
have complained
to the Government ^{when}
ever they thought
that any person was
seeking to usurp the
functions of the
Cause named by
the British Govern-
ment is the Sultan.
There are fees levied
on ^{the} ~~the~~ discharge of the

non judicial functions
of the Causa. The sudon
men by former posts
were ^{practically} the discharge
of judicial functions
alone. The Government
relieved them of these
judicial functions;
and at the time that
it relieved them of
such duties it chose
to resume the posts
made for such purpose
before there would have
been no reasonable
ground for complaint.
The claims to Causa
are as is submitted
service claims &
the succession thereto
should be regulated

by the same rules as
there held applicable
to Hindu Service ^{men}
where the service ^{was}
performed had ceased
to be so performed
long ago.

This was the view ^{en}
-tained by the Govern-
ment of India vide
India's letter of 6th
Oct 64 No 4874
an abstract of which
is submitted herewith
marked A.

In the reply of the
Madras Govt to the
said letter of 3rd March
1865 No 357 (marked B)
it was suggested that
the proper course was
to ~~compare~~ compare the
whole of the claims
on the Muhammadan

Community as perma-
nent endowment
the office of Kasee.

In their letter of June
1865 No 397, ^(marked C) the Govt
of India observed that
though all grants of
this kind were attached
to the office of Kasee,
still they become more
or less of a hereditary
character being liable
to modification at
the pleasure of the
ruler of the day,
that Govt has a full
right to deal with
them guided by prin-
ciples of expediency
& justice that

all grants in land
might properly be main-
tained & declared in
each case to be attached
to the office of Kasee
in the place where they
are now enjoyed, that
rival claimants should
have their differences
adjusted ^{or settled} by the Civil
Courts.

This ruling of the Govt
India Government
appears to have been
acquiesced in by the
Madras Government,
& they seem to have
acted upon it (vide
G. O. of 20th Feb 66 ^{No 452}
marked D R.D.

It therefore appears
that it is competent
to the Madras Govt

to confer the Case
In arms within its
Jurisdiction on such
persons as it considers
fit after taking into
Consideration their
relationship to the
late vicar and
of the officers of the
Church of England
without expressly
appointing them
Clergy. The duties
which they have to
perform so far as
the State is concerned
are civil. The only
question remaining
will then be relation-
-ship. If there is
any doubt about

Act I of 1877 has not
been passed when the College
disposed of the property
Change not.
Besides a suit of the kind
contemplated here will be
a suit for mere declaration
of relationship.

the Court of law in the
Country can afford
adequate relief.
Main see sec 42 of the
Specific Relief Act,
& during the pendency
of such litigation the
Government may take
charge of the property
& deliver it to the person
declared to be entitled
to the legal character
claimed by all the
contending parties.

The only objection to
this course will be that
it may be said that
by so doing these Church
endowments would
become hereditary
& no provision would
be made for the due
performance of

of the social & religious
duties of the Caliph.
As to (1) the answer is
that though these duties
-ments or Inams were
originally attached to
an office not hereditary
yet in practice they
have both become
hereditary.

Again it appears the
reason for not making
them hereditary originally
was because best
persons claiming by
right of inheritance
might not have the
qualifications ne-
cessary for discharging
the judicial duties
of the office of Caliph.

Now these judicial
duties ^{are} no longer
to be performed by Caliph.
As to the other duties at-
taching to the office of
Caliph it must be
presumed that every
good Muhammadan
as defined by the Koran
must be able to perform
them. Every Mussul-
man must be taken
to be a good Muhammadan
in the Koran sense
of the term until the
contrary is proved.
He is not a good Mus-
liman then he is
not entitled to in-
heritance.
As regards part 2 the
Government have
nothing whatever
to do with the social

and religious duties
of Castees. Experience
extending over nearly
60 years from 1808
to 1864. Had shown
that in such matters
the interference of
under the Regulation
was ^{not} appreciated by
the Islam Community.
The Govt took the place
of the old laws & nomi-
nated Castees for
doing their own work
also performing
certain social &
religious duties
with reference to
the Muhamadan
Community; but

the Muhamadan Com-
munity did not ^{even} ~~practically~~
recognize the ^{undisputed}
authority of the Castees
appointed by the ruling
power, they chose
their own Castees
that the religious &
social duties, which
would have had to be
performed by the ^{nomi-}
nated alone, had the
sanction of the ruling
of the ruling power
been considered an
indispensable neces-
sity, were performed
by men of their own
choice. The reason
of the law having
ceased to exist the
law must cease
to exist. The public

11
duties of the Cause
being performed
by other agency
paid by the state
^{the performing of}
his private duties
with reference to
the Muhammadan
Community being
in the majority of cases
performed by other
agency chosen
by the Muhammadan
Community ^{is}
no longer necessary
for the state to inter-
fere. The law pro-
pealing Repeal III
of 1808 does not
prohibit those
who hold Cause
Inams from per-
forming the duties

there, not otherwise
warranted by the
sovereign legislature.
Again the social
importance of the
office of Cause in a
small Community,
as all Muhammadan
Communities in S. Ind.
will be a sufficient
inducement for holders
of the Cause Inams to
discharge such duties
& it is also just & equitable.
As to the prevalence that
the absence of the nomin-
ation of such persons
by the sovereign power
interferes with the sense
of Moslems the plain
answer is their own
conduct in having
Causes of their own
choice working side
by side ^{with} in some ^{Cases} in
— supercession.

of those appointed by
government.

The best course there
- for is submitted
to confer ^{each} ~~every~~ vacant
Drum ship on the
nearest heir of the
last holder and if
there is any dispute
refer the Contending
parties to the Court in
the County, & to dis-
pose of the Drum in
conformity ^{to the} ~~with the~~
decision.

If future legislation
- invests for. with the
power of granting naming
Cargos there now ac-
cording as holders of
the Cargo Drum may
be appointed Cargos under
such enactment

This is consistent with
the course hitherto
pursued by for.

which may also provide
for the transmission
of the Cargo property
with the office

Kayash.

Tricardium

4.09.2017 1-2-24 68/80

Judicial Department.

READ the following *letter*

READ the following *letter*,
from the Officer in charge of the
Government Agency, Chepat, &
3^d September 1888, N^o 889.

Order thereon, 18 Sept/80 No 2274

Under the provision
of Section II of Act
No. XII of 1880, "an Act
for the appointment of
persons to the Office
of Kazi", His Grace
the Governor in Council
is pleased to appoint
Ghazid Allah Sahib

as Kazi for the Sunnis,
and Moulvi Syed
Kazam Raza as Kazi
for the Shias, in the
Town of Madras.

2. Major Poyne
will return the applica-
tions referred to him
in view to their being
lodged with reference to
the present appointments.

3. Copies of these
proceedings will be sent
to all Collectors and
District Magistrates,
who will consult the
principal Muhammadan
residents

residents in their respec-
tive districts, where there
is a numerous settlement
of persons of that faith,
in the same way as
the Officers in charge of
the Govt. Agents' Office
have done at Madras,
and submit the names
of one or more persons
who may be considered
fit to be appointed as
Kazis.

gazette will be sent to the
Officer in charge of the
Govt. Agents' Office, Secy.
All Collectors & Dist. Magistrates } Secy. 2/9/90
2050-150

16/9/80.

Gobt. of {1880} Madras.

 $\mathbb{Z}_2$

18th Sept 1880, No. 227

Nos. 84-92

Kazis. Hajji Dulla
Bakhat Monir Dyd
Guzan Raza appd
Kazis froth Lunnist
Shias respectively in the
Town of M. Das, under
Act III of 180; before
these Prov. Courts all
suits & disputes with
instructions.

Original

10-10

31-10-10

1-12-10 ✓

14-14-14 ✓

24-2-16

7-9-16

Ind-18-9-80=127

20.2.20

23-6-2005

17-5-2007

17-1-2008

7.10.27 U✓

27.9.28 RV✓

MADRAS RECORD OFFICE.

Government Records.

Department.

G. O. (Mis).

Dated 15-9-18

No. 227