MADRAS RECORD OFFIC

Government of Madras.

DEPARTMENT

G.O. No.

Read

Refer to be looked at together herewith

Khadir
-may Sharee-
-ahay Gurree
Emamool Ulma
Mouvee of food

Dowlah Khan
-jaool Mook
Badrus Khan Baha-
-door Mooshaid Jung
Khazeeay Mahkd-
-may Nuleeay
Bewkur ay
Nabob
of
Carnatic

Mouslavee
Mahomed Yaroof
Ally Khan Mooftee
-ay Shareeatay
Gurree
1266

We have paped our
Seals according to the
Laws of Mahomed, God
knows the truth

We have paped our
Seales on the Evidences
of the witnesses

We have paped my judge-
-ment agreeable to that
which is in the Book
of God, Knows the truth

The Warrisnamah (or Deed of
Heritage) of the heirs of the late Shah-
-hawar Jung, the son of the late Nabob
Oomdatoo Oomrah, pleaded in the
Court (or Mahkamah).

The Wakeels of Mahroonnissa
Begum, named Goolam Dustagier, and
Mahomed Fuzl Hroodeen having come
to the said Court set forth, that their
Clients' husband named Shahawar Jung
the son of the late Nabob Oomdatoo
Oomrah

Ommah, died on the 18th of Ramzaun 1272
Hijra, corresponding with the 24th May 1856
and left behind him, one wife the
said Mahroonnesah Begum (who is
our Client) and one daughter of four
years age, named Shurfoonnesah Begum,
born of our Client (the said Mahroonnes-
ah Begum) and one step brother, called
Mahomed Bauthur Hoosain Khan,
Bahadoor, as the sole heirs of his Estate.

The Vakeel of Mahomed Bauth-
ur Hoosain Khan Bahadoor, denom-
inated Nawaz Khan represent-
ed that our Client is the step brother
of the late Shahawar Jung, and our
Client on account of not having
any intercourse with the family
of the said deceased, is not personally
aware of his other heirs, but after
the death of the said deceased (our
Clients' brother) it was given him to
understand, that, the said deceased
left behind him one wife and one
daughter

daughter of 4 years age.

Meer Mahomed Ashoun, the
Vakeel of Fuseeha Begum, alias
Jahroonnesah and Hafeeza Bee, de-
clared, that the late Shahawar Jung
had made heads to one Parungee (who
died 30 years ago) of whom my Client
was born, and now the said Shahawar
Jung is breathed his last, there are
only two persons, as the heirs of his
estate, the one is my Client and the
other is Mahomed Bauthur Hoo-sain
Khan Bahadoor, the step brother
of Client's late father.

Saroo, by the agency of
Meer Shoogaut Ally Khan claimed,
that she is the heads wife of
the late Shahawar Jung, a portion
out of the Estate of the said deceased
should be given to her as his wife

One Munnee, having come
to the Court, manifested that she
is the Haram (or Concubine) of the late
Shahawar

Shahowar Jung, if she is to receive any portion, the same should be caused to be given to her as his Parsan.

In reply to Ameena Begum who claimed to be the daughter of the late Shahowar Jung, Mihroonnesah Begum, and Mahomed Bandhan Hoosain Khan Bahadoor unanimously represented, that the claim laid by Ameena, for her being the daughter of the late Shahowar Jung is merely a lie, because she was the slave of the late Shahowar Jung, and before some days, she had run away with another slave called Hajeerah, and had been apprehended by the Police people, and when they had brought both the said slaves, before the said deceased, he did not admit them into his house, but sent them away. Since that she (the said Ameena) has been begging from street to street, so that, on the day of the said deceased's

burial

burial, she was following with the multitude of beggars, Comming along his bier, therefore how can she be the daughter of the said deceased. Likewise the declaration of Jaron Bee who claimed to be the Steak wife and Harem of the late Shahowar Jung is entirely falsehood, for when the Court required evidences from the said Complainants, Jaron and Thumee having come to the Court, acknowledged that they are not the Steak wives but Parsans of the said deceased, then according to their own declarations, they have no right whatever to the estate of the said deceased.

The Vakeel of Ameena Begum produced some certificates, to the Commissioner, committed their declarations into writing before the Peishcar (or Superintendent) of the Court (per Mihr the Court, went away, and though the said

said Ameena Begum, and her Vakeel have given their written allegation, consisting of their Agent to the decision of the Court, they afterwards never returned to the Court, and although a Notice regarding the Audience of the pleadings of the heirs of the above mentioned deceased, within the appointed time, published by the Court, yet the said Ameena Begum and her Vakeel never pleaded, and also their witnesses did not present themselves in the Court, when the Summons issued on them by the Court to that effect, then the witnesses on account of infringing the order of the Court (as of the Imamat Law) became sinners and worthless with-regard and their evidences, became no longer reasonable.

Besides these, the depositions of the said witnesses taken down before the Ameens of the Court, do

not

not justify or prove that the prosecutrix Ameena Begum who manifested herself by the appellation of Jahanara-nessa Sahib Wajiza Bee, is the daughter of the late Shahamar Jung, and the persons, before whom the said Ameena has confessed, that she is not the daughter of the said late Shahamar Jung but she is the slave of the said deceased, and the men, before whom (or from whom she had run away from the house of the late Shahamar Jung, and had been caught in the Jamadar's-House) she confessed that she is one of the slaves of the late Shahamar Jung, and also the people, before whom the late Shahamar Jung himself confessed that "she is my slave" all the said persons have given their evidences, respectively to that effect, therefore the daughtership of the said Ameena is not proved in the Court.

Regarding the case of

Mahammedan

Mahroonnessah Begum, and of Shur-
-foonnessah Begum, that many of
the servants of the late Shahswar
Jung, unanimously agree, that the
said deceased left behind three one
Neah wife, and one daughter,
so that many a person have
given their Evidences on oath in the
Court, that the late Shahswar Jung made
Neah to Syed Saeeds' daughter named
Mahroonnessah Begum, who gave birth to
Shurfoonnessah Begum (by him) and also
it was manifested by the declaration of
Evidences, that in the last year, the said
Mahroonnessah Begum had given birth
to a son, by the said deceased, but the
Child died a few days after, and was
by the said deceased, buried in the same
garden where he was residing.

Beside these, the Registers of
the late Shahswar Jung, which
were after his death secured under
the seal of the Officers of Sudder

bear

bear the accounts of defraying money
on account of a Child birth, and
of presents awarded to Midwife &c
in the year 1269 Hijra, therefore it was
proved and confirmed by the Court
that the said Mahroonnessah Begum
is the wife, and Shurfoonnessah
Begum is the daughter of the late
Shahswar Jung.

Since that all the Complain-
ants among the brotherhood of Na-
-wwaub Dawlah Hoosain Khan
Bahadoor, and the late Nabob
Azeezoo Dowlah, and his Officers
(having nearer to the time of the late
Nabob Conductor Omrah) recom-
-mended to Mahomed Bauker
Hoosain Khan Bahadoor, to the
Government, and caused the Govern-
-ment to pay or give a Stipend on
his name, for his being the son
of the late Nabob Conductor Omrah
and the other brother, and some of

the

the late Nabob Sundatool Omrah up to this time, do acknowledge his relation to that result, and also the late Shamsowar Jung named the confession of the fraternity of the said Mahomed Bandhur Hoosain Khan Bahadoor, and since none has raised any objection, concerning the soundness of the said Mahomed Bandhur Hoosain Khan Bahadoor, therefore the said late deceased Bandhur Hoosain Khan Bahadoor being the step brother of the late Shamsowar Jung, is a reputed fact and there is no alteration, or suspicion, or doubt about it.

Finally it was authenticated (by the Court) that there are only three heirs of the late Shamsowar Jung, the one is his wife the said Mahroonneesah Begum and the one is his daughter called Shumsoonneesah Begum, and the one is his step brother named Mahomed Bandhur Hoosain Khan Bahadoor.

Therefore the estate of the late Shamsowar Jung should be divided into eight parts, the one part should be allotted to his wife the said Mahroonneesah Begum, and four parts should be given to his daughter, the said Shumsoonneesah Begum and the three parts should be given to his step brother, the said Mahomed Bandhur Hoosain Khan Bahadoor. God knows it.

Written on Saturday second (22d) day of (the month called) Suffer ul Mozuffer 1273 Hijra.

/True Copy/

/Signed/ Gowlam Hyder ul Aubadee
Head Nowsuhee of the Mal Khanah

Written by
Syed Eliadoollah
the Clerk of the
Mal Khanah.

Compd:
S. Reyhei

Copy.

Translation of an Administration passed by the Mahakamah under date the 17th Moharrum 1273 Hejree or 18th September 1856.

That the Isidoorhoo of Maharoo Nissa Begum and daughtership of Shaffoon Nissa Begum with the late Shahzawar Sang son of the late Sabob Ooneatoor Oonnesah has been proved by the evidences before the Mahakamah in Conformity to the Mahomedan Law

That Oonnesah Begum alias Jahroon Nissa and Hafiza Bee who stated to be the daughter of the said Shahzawar Sang have not proved the same.

That Amroo and Nasarullah who have both declared that

that they are the heirs of the aforenamed Sung having attended at the Maddatam & otherwise deposed thereto that they are neither the Putlah Widows, nor Harams of the aforenamed Sung and that they have away from the house of Shah Sowar Sung in his life time - Consequently they have no right on the deceased

Signed Sibgatoollah
Canzgoo & Mark
/ A true Copy /
Signed Madaroo & Comrah
Dewan of the Nabob
of Carnatic

Compd
C. P. Begbie

To
The Right Honorable George
Lord Harris Governor in Council
Fort Saint George.

Most Noble Lord

With the utmost respect and humility I beg leave to submit this respectful address for the generous consideration of your Lordship in Council.

My husband Shah Sowar Sung Maccoa & Dowlah departed this life on the 24th May 1801 and left behind him my self and my daughter named Shanjoom nissa Begum and a quantity of ready money and other property. After my husband's death the Government Agent ordered the Dewan of the Durbar to set a strong guard for the protection of the property of the deceased and directed us to prove our heirship in the

the Nawabs Mahakamah, The Agents Orders were respectfully obeyed by the Dewan of the Durbar, as well as by ourselves, and we are therefore obtained the decree of the Mahakamah as to the legality and validity of our heirship to the Estate of the late Shah Sowar Jung in which said decree my name Maheroon Nissa Begum, the name of my daughter Sharfoon Nissa Begum are recorded as the lawful heirs to the property left by the deceased, and for the information of your Lordship in Council I crave permission to enclose Copy of the said decree of the Nawabs Mahakamah, but to my great surprize on looking at the Minute of Government passed on the 31st October 1856 No 910 I am led to infer or conclude that the decree obtained from

from the Mahakamah will be of no value to us, inasmuch that other parties possessing no claims whatever, and who did not appear before the Nawabs Court in accordance with the desire of the Government Agent have setup an action in the Supreme Court of Judicature at Madras, with the view of setting aside the claims of those who have already established their rights before the Mahakamah.

I fully believe that the Government Agent in desiring the several claimants to establish their heirship or legal rights to the property of the deceased Shah Sowar Jung had fully for his benevolent object that the property left by my late husband should not be seriously exhausted by proceedings in the Supreme Court at Madras, the process in which is known to be

ruinous

Minors to the Estate of deceased parties and has begared many a respectable family and to avert such unpleasant Consequences, the Government Agent very justly and humanely recommended the Cause advised by him, but under the terms of the Minute of Government just quoted by me I as well as my daughter are left to abide by the decision of the Supreme Court on our respective claims and it is well known to your Lordship in Council how suits in the Courts in question are prolonged and heavy expenses incurred thereby and in my present helpless situation, I am left even without the means of defending my just claims against her most wealthy and powerful opponents, who are Salabut Khan Nazeer and Mowla Bahadoor and Mahomed Hasan

Noor Khan Bahadoor Government Stipendiaries. Under such disadvantageous Circumstances I need not point out to your Lordship in Council, the disastrous results of the action now pending before that Court. For the want of the necessary means myself and my Child will be entirely deprived of our legal rights and claims. Such will be the unpleasant Consequences of our present unprotected situation, I beg therefore in the most imploring manner to beseech your Lordship in Council will be graciously pleased to advise and prevail my opponents to withdraw their suit from the Supreme Court and to refer the same for adjudication to a Punchayet or Arbitrators, in the same manner as the Government directed in the case of the family of the late Nuseem Khan Meer Hoobaruckoollah Khan Syed Jahan

Tahah Saheb, Syed Ahmed Saheb and
Syed Abdon Ruzzack. Hereby the
adoption of such a measure shall
enable me to establish and defend
mine and my daughter's Claims to
the property of my deceased husband
and as dependents on the bounty
of the British Government, any op-
pression must pay obedience to the
orders of your Lordship in Council, on
pain of incurring the displeasure of
Government by the stoppages of
their respective Stipends rather
than Countenance their unlawful
proceedings of depriving a Widow
and her Orphan Daughter of their
just and legitimate rights to the
Estate of the deceased. Other your
Lordship in Council will be pleased
to direct such other reasonable mea-
sures, as to you graciously shall seem
meet to the Dewan of the Durbar

to

to restore to me all the property
which was taken away from my
house that I may make such a
division of the same as may be
decreed by the Mahakandh Court
for the due fulfilment of which
I am prepared to give tangible
security of any principal Officers
of the Sirkar or of any Saboocar
of this City. Or if it pleases your
Lordship in Council to order that
the law expences of the Court may
be advanced to me out of the pro-
perty in the Custody of the Sirkar
or from my legal shares. I beg
also to solicit your Lordship in
Council will graciously Rule the
detention of the property in the
place where it is now secured, that
for any Daughter may not be exposed
to any loss by way of fees or other Charges
by its transfer to the Supreme Court
or any where else

My

My Lord Thumbly hopes you will take the case of Poor Widow and her Orphan Daughter into your kind Consideration and protect them against the designs of their more Wealthy, Craft and Cautious Opponents

I beg to remain
Madras
December 11th 1856
My Lord
Your Lordships
Most Obed't and humble Servant

Seal

P.C. Read 6 Feb 1857
Ans'd 9th Feb'y 1857
Cadell.

P.C. 1856 N
in Reg.ry 29

Copied
J. Regbro

Collated

To
The Right Honorable Lord George Harris
Governor in Council
Fort Saint George

Right Honble Lord

With the utmost respect and submission Your Lordships petitioner begs to bring to your kind consideration that the petition now submitted to Your Lordship has been lately addressed to the Government Agent through the Zillah or District Court with the request regarding the authenticity of the Mookhtar Claim which will be known to your Lordship upon reference to the Government Agent for the above having retained the papers

It must be observed to Your Lordship indeed, that after the Mookhtar of Appellant and the Local Judge had withheld the Evidence Court of the Zillah of Chittoor, Court, and the aforesaid proceedings

Proceeded

decided were never transferred since their
respective institutions either from the
Mahkamah, to the Supreme Court or
from the latter to the former for decision.

With respect to these cir-
cumstances she begs leave to address
that the case now decided in the Nabob's
Mahkamah Court on her behalf and that
of Baker Hoossain Khan, the son of
the late Nabob Oomdutool Oomrah and the Step
brother of her late husband Shah Sawar
Jung who are exempted from the Court
as herself is done to their greatest
satisfaction, the decision thereof is
again referred to the Supreme Court
by her more wealthy and Crafty
opponents notwithstanding the two points
last mentioned.

Consequently she finding
no alternative except appealing herself
to your Lordship's well known adminis-
tration of Justice begs to express her
Reluctance

Reluctance as well as that of Baker
Hoossain Khan to the matter being
transferred to the Supreme Court after
it is already decided by the Nabob's

In conclusion she
only begs to state that she shall be
quite satisfied if your Lordship in
Council will in compassion a poor
helpless Widow be graciously pleased
to impart Justice as to issue order
to the Dewan of the Durbar to rid
himself of the charge of the property
and distribute the same as per
decision of the Mahkamah Court

December 23rd [illegible]

Your Lordship's Petitioner
begs to remain
Most noble Lord
Your most obedient
and humble Ser[vant]

P. C. 5th August 56 No 2
— 4th Feb — 23 & 24
Pol Dt to Engt 30th Aug
No 9 of 1857
Para 4
Replied to from Engt
3rd March 1858 No 28

506

C. 12 Jan 58
C. 13 — 58

Entered on 20 January 1858
Petition 1856 Page

From Mahomunjee Esmail
Widow of the late Rook
Esmail

Dated 23 Dec
Recd 31 Dec
Read 5 Jan
Sent 5 Jan

Petition

Praying that the Decree
of the Zillah Court may be revised
& distribute the property of her
late husband according to the
division of the Mahomedan
Laws

Under date the 15th March 1856 a Petition was presented to this Court by Mahomunjee Esmail Widow of the late Rook Esmail stating that her husband died on the 23rd Feby 1855 leaving property to the amount of Rupees 2 Lacs 50 Thousand and upwards, and that she was entitled to a share of the same, but that the Zillah Court had refused to grant her any portion of it. She therefore prayed that the Decree of the Zillah Court might be reversed and that the property might be distributed according to the Mahomedan Laws.