

MADRAS RECORD OFFICE.

Government of Madras.

Political **DEPARTMENT.**

G.O. No.	666	Press ~~Mis~~
Dated	24-8-1937	

Not to be folded or roughly handled

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Fort Saint George, Political Consultation, 25th August 1857.

No. 40. From WILLIAM WADDELL, Esq., to the Acting Chief Secretary to Government,
Fort Saint George, dated Madras, 17th August 1857, No. 378.

SIR,

I have the honor to forward the accompanying Petition to the address of the Right Honorable the Governor in Council, and to request that you will be pleased to lay the same before His Excellency at your earliest convenience.

(Signed) WILLIAM WADDELL,
*Solicitor for Mahomed Bauker Hoossain
Khan Bahadoor, and Shurfoon Nissa Begum.*

To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, Governor in
Council, Fort Saint George, dated 17th August 1857.

The most humble Petition of Mahomed Bauker
Hoossain Khan Bahadoor, a Carnatic Stipendiary, and Shurfoon Nissa Begum, an Infant by
the said Mahomed Bauker Hoossain Khan
Bahadoor, her Paternal Uncle and next friend.

RESPECTFULLY SHEWETH,

That Shasavur Jung Bahadoor, late a Mahomedan Gentleman and Inhabitant of Madras, departed this life Intestate at Madras, on the Twenty-fourth day of May one thousand eight hundred and fifty six, leaving him surviving Mayroon Nissa Baigum, his only Nicka Widow, your Petitioner Shurfoon Nissa Begum his only daughter by the said Mayroon Nissa Baigum, an Infant of the age of five years or thereabouts and your Petitioner Mahomed Bauker Hoossain Khan Bahadoor, his only Brother.

That the said Shasavur Jung Bahadoor, at the time of his death left property and effects to the value of One Lac and fifty thousand Rupees or thereabouts and that the same did then and does now consist principally of cash remaining in deposit in the hands of several parties and amongst others in that of Madar Ool Oomrah Bahadoor, the Dewan of His late Highness the Nabob of the Carnatic, who now has or ought to have in his hands the sum of one Lac of Rupees thereof and upwards.

That letters of Administration to the Estate and Effects of the said Shasavur Jung Bahadoor deceased, were on or about the Twenty-seventh day of April One thousand eight hundred and fifty seven granted by the Supreme Court of Judicature at Madras in its Ecclesiastical jurisdiction to the said Mayroon Nissa Baigum as the Widow of the said deceased.

That the said Madar ool Oomrah Bahadoor agreeably to certain arrangements come to between him and the said Mayroon Nissa Baigum agreed to pay and deliver up to your Petitioner Mahomed Bauker Hoossain Khan Bahadoor his portion amounting to three-eighths of the whole Estate of the said deceased immediately on the letters of Administration in favor of the said Mayroon Nissa Baigum being received and handed over by her to him.

That the said Madar ool Oomrah Bahadoor expressive of such his agreement did on the sixth day of April One thousand eight hundred and fifty seven execute and deliver to your Petitioner Mahomed Bauker Hoosseun Khan Bahadoor a Paper writing in the Persian language and character which being translated by the Interpreter of the Supreme Court of Judicature at Madras is in the words and figures following, that is to say.

“ Translation.”

“ GOD.”

“ This is a Memorandum.”

“ That immediately upon the Letters of Administration of Mihroom Nissa Begum, the Widow

“ of the late Shah Sawar Jung, coming to me

“ *The under dashed part is so incorrectly written* “ from the Supreme Court, I will deliver up the

“ *in the original Persian Document that I* “ portion, that is to say the legal share of

“ *cannot make any thing of it.*” “ Mahummed Bakir Hoosain Khan, according

“ S. G. D., Intr.” “ to his order to Danday Mohummud Sahib, the

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"Khansuman of Mahummed Bakir Hoosain Khan out of the Estate of his Brother the late Shah Sawar Jung, after my being fully satisfied and assured with respect to *defending any person who shall not institute a fresh Suit* and after deducting seven thousand
• "6th April 1867." "Rupees on account of Fakeer Sahib. Written on the tenth day of the month Shaban of the Hegiree year 1273."*

"Witnessed."

"GHOLAM DUSTGERE."

"MADAR OOL OOMRA."

"Witnessed."

"MOHUMMUD FUKHROOD DEEN."

"A true translation as near as can be from the Persian language."

S. G. DUSTGERE,

Interpreter.

That the said Mayroon Nissa Baigum on the seventh day of May one thousand eight hundred and fifty-seven, likewise and by way of further Security execute and deliver to your Petitioner Mahomed Bauker Hoossain Khan Bahadoor an instrument in writing in the Persian language and character and thereby promised to pay to him his share in and out of the Estate of the said Shasavur Jung Bahadoor and a translation of which said instrument made by the Interpreter of the said Supreme Court is in the words and figures following, that is to say.

"Translation."

"GOD.".

"I am Mihroon Nisa Begem, the Widow of the late Shah Sawar Jung Moeen ood Dowlah."

"I do hereby promise truly and give in writing positively to his honor the Nabob Mahummud Bakir Hoosain Khan Bahadoor the step-brother of my deceased Husband to this effect, that I will without diminishing a single cash and without making the least excuse of any kind whatever pay to your honor or to any person who shall bring your honor's receipt and order to this humble creature the brotherly share of your honor according to the award made by the high Mahkamah Court, out of the money which remains as a deposit with his honor Madar ool Oomarah Bahadoor on account of the Estate of my deceased Husband, and out of the sum of money which remains in the Police Office and the high Mahkama Court to be put to Sale by Public Auction the moveable and immoveable property of my said late Husband, specified in the list which now remains in charge of the high Mahkama Court and after deducting the expences of the Auction pay to your honor the legal share of your honor out of the Sale proceeds thereof. Wherefore these few words have been written and given by way of a strong Agreement to be held as a Voucher when required. Written on the 12th of Ramazan 7th May 1857. "mazan in the year of Hegiree 1273."*

Mihroon Nisa
Begum 1273.

"The mark of the Signature,"
"of Mihroon Nisa Begum."

"Witnessed."

"HAJEE GHOLAM DUSTGERE."

"Witnessed."

"Witnessed."

"MOHUMMED FUKHROOD DEEN."

"The Writer of this—Syed Mohummud."

"May God pardon him."

"A true translation as near as can be from the Persian Language."

(Signed) S. G. DUSTGERE,

Interpreter.

That the Interest of the said Mayroon Nissa Baigum in the Estate of her Husband the said Shasavur Jung Bahadoor will amount to one-eighth share thereof or Rupees Eighteen thousand or thereabouts.

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That the Interest of your Petitioner Mahomed Bauker Hoossain Khan Bahadoor in the Estate of the said Shasavur Jung Bahadoor will amount to three-eighth shares thereof or the sum of Rupees Sixty thousand or thereabouts.

That the Interest of your Infant Petitioner the said Shurfoon Nissa Begum in the Estate of the said Shasavur Jung Bahadoor deceased will amount to one half share or to the sum of Rupees Seventy five thousand or thereabouts.

That letters of Administration passed the Seal of the Supreme Court in favor of the said Mayroon Nissa Baigum on the Twenty seventh day of April One thousand eight hundred and fifty seven as above mentioned.

That the said Mayroon Nissa Baigum is a young and inexperienced female and previous to such letters of Administration having been granted to her, she was involved in several heavy Suits which she carried on by the bad advice of certain evil disposed parties who have respectively obtained Bonds in their favor from the said Mayroon Nissa Baigum under various pretences for considerable sums of money and that the aggregate amount of the said Bonds is Rupees Thirty Six thousand, and that that sum is double the amount of her share in the Estate of her said Husband.

That the said Mayroon Nissa Baigum being unable to pay and satisfy her said Bond Creditors from and out of her own share of the said Estate has combined with them to defraud your Petitioners of their shares in the Estate of the said deceased and especially to defraud your Infant Petitioner of her share therein by paying them from and out of the monies they are legally entitled to receive from the said Estate.

That the said Mayroon Nissa Baigum has further colluded with the said Madar ool Oomrah Bahadoor and by promising him a certain sum of money from and out of the monies in his hands belonging to the said Estate has induced him to consent to pay her said Bond Creditors the respective sums so secured to them by her said Bonds.

That your Petitioners coming to the knowledge of this fact did on the Eleventh day of June One thousand eight hundred and fifty seven, file their Bill of complaint in the Supreme Court of Judicature at Madras in its Equity side against the said Mayroon Nissa Baigum and Madar ool Oomrah Bahadoor stating these circumstances and praying amongst other things that the share of your Petitioner Mahomed Bauker Hoossain Khan Bahadoor therein might be ascertained and decreed to be paid to him and that the share of your Infant Petitioner might likewise be ascertained and be laid out and secured in any way the said Supreme Court might think fit for her benefit and that the said Mayroon Nissa Baigum might be restrained by the Injunction of the said Court from receiving and the said Madar ool Oomrah Bahadoor from paying over to her the monies in his hands belonging to the Estate of the said Shasavur Jung Bahadoor and that the said Mayroon Nissa Baigum and Madar ool Oomrah Bahadoor and each of them might be also restrained from collecting and getting in all or any other money due and forthcoming to the said Estate and from selling, disposing of or otherwise alienating the moveable and immoveable portion of the said Estate and from parting with any part or portion thereof and from parting with any part or portion of the Estate and effects which are now in their or either of their possession or under their or either of their power or control and from in any manner interfering or intermeddling with the said Estate and effects or any part thereof.

That according to the prayer of the said Bill a Writ of Injunction was issued out of and under the Seal of the said Court on the thirteenth day of June One thousand eight hundred and fifty seven against the said Mayroon Nissa Baigum and Madar ool Oomrah Bahadoor who have been severally served with a copy of such injunction.

That on the twenty second day of June one thousand eight hundred and fifty seven an appearance was entered by Mr. John Henry Wilkins on the part of the said Madar ool Oomrah Bahadoor to your Pititioners said Bill of complaint.

That on the twenty fifth day of June one thousand eight hundred and fifty seven an Office copy of the Interrogatories filed in your Petitioners' said Suit for the examination of the said Mayroon Nissa Baigum and Madar ool Oomrah Bahadoor was served on the said Madar ool Oomrah Bahadoor.

That the said Madar ool Oomrah Bahadoor not having filed his answer to your Petitioners' said Bill within fourteen days from the time of the service of the said Interrogatories on him being

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the period allowed for that purpose by the Rules of the said Supreme Court, he did on the tenth day of July one thousand eight hundred and fifty seven through his Solicitors Messieurs Wilkins and Shaw obtain an order from one of the Judges of the said Court for a week's further time to answer the said Bill.

That the said Mayroon Nissa Baigum duly appeared to your Petitioners' said Bill and filed her answer thereto on the twenty ninth day of July one thousand eight hundred and fifty seven through her Solicitor Mr. Joshua Thomas Crampton.

That provision to the expiration of the time allowed to the Judges' order of the said tenth July One thousand eight hundred and fifty seven, Act XVIII of 1857, was published and came into operation whereby the said Madar ool Oomrah Bahadoor became exempt from any Writ or process to be sued forth against his person, Goods or Property and taking advantage of such exemption, he the said Madar ool Oomrah Bahadoor has not yet filed his answer to your Petitioners' said Bill.

That the said Madar ool Oomrah Bahadoor notwithstanding the said Writ of Injunction issued against him and the said Mayroon Nissa Baigum as aforesaid and well knowing that he cannot now be arrested or committed under any Process for disobedience and contempt of the said Writ of Injunction, has subsequently to the issuing thereof appropriated to his own use the sum of fifteen thousand Rupees and upwards from and out of the monies belonging to the Estate of the said Shasavur Jung Bahadoor deceased to the serious loss and detriment of your Petitioners.

That independently of such misappropriation of the said sum of Rupees fifteen thousand, the said Madar ool Oomrah Bahadoor has caused thirty Bags of Raw Rice belonging to the estate of the said deceased to be removed from the house of the said Mayroon Nissa Baigum and that he has also delivered up the said Mayroon Nissa Baigum a portion of the moveable property belonging to the estate of the said deceased to the amount in value of Rupees four hundred or thereabouts.

That the said Madar ool Oomrah Bahadoor will unless he be put under some restraint very shortly waste and squander the remainder of the funds and property now in his hands and possession.

That the answer of the said Madar ool Oomrah Bahadoor will contain discoveries that will materially assist your Petitioners' at the hearing of their suit.

That by the said Madar ool Oomrah Bahadoor not putting in his answer to the said Bill of complaint and by his being exempted from any Process of the Supreme Court your Petitioners will be precluded from obtaining possession of the said funds belonging to the estate of the said Shasavur Jung Bahadoor deceased and now in the hands of the said Madar ool Oomrah Bahadoor.

That your Petitioners are prevented from obtaining a Decree against the said Madar ool Oomrah Bahadoor by causing their said Bill to be taken pro-confesso against him in as much as they cannot do so without first suing out according to one of the Rules of the Supreme Court the usual process of contempt against him for want of his answer to the said Bill which cannot now be done as the said Madar ool Oomrah Bahadoor is exempted from process of the Supreme Court by such Act 18 of 1857.

That your Petitioners are desirous of entering their said cause for hearing and of obtaining a Decree in the next ensuing term, which will commence on the twelfth of September one thousand eight hundred and fifty seven, for should they lose this opportunity of doing so they will not be in a position to enter the same for hearing till the first term of the next year which will commence on the second of February one thousand eight hundred and fifty eight which delay will enable the said Madar Ool Oomrah Bahadoor to make away with the remainder of the funds and property now in his possession.

That for the purpose of preventing the said Madar Ool Oomrah Bahadoor from taking advantage of the said Act and from making away with the remainder of the said funds and property now in his possession; your Petitioners have no other alternative left than that of respectfully

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appealing to your Excellency to grant your consent to your Petitioners' said Suit being prosecuted against the said Madar Ool Oomrah Bahadoor.

Your Petitioners therefore humbly Prays that your Excellency may be graciously pleased to permit them to issue all such Writs and process against the said Madar Ool Oomrah Bahadoor in the Supreme Court of Judicature at Madras as may be necessary for the due and effectual prosecution of their said Suit as well in respect of the breach of the said Injunction already committed by the said Madar Ool Oomrah Bahadoor as in respect of any proceedings necessary to compel him to put in a full and sufficient answer to your Petitioners' Bill and to abide by and perform such decree as the Supreme Court may pronounce in such Suit and that such your consent may be testified by the Signature of the Secretary or one of the Secretaries of Government, or that your Excellency will be pleased to give such other or more limited consent as to your Excellency shall seem meet and the exigencies of the case may require.

And your Petitioners will ever pray, &c.

(Signed) WILLIAM WADDELL,
Solicitor for the Petitioners.

No. 41.

ORDER THEREON, No. 666; dated 24th August 1857.

Ordered that the Petition, submitted with the foregoing address be forwarded to the Government Agent at Chepauk, for his early Report on the allegations therein made against the Dewan Madar ool Oomrah Bahadoor, and for his opinion whether the permission applied for by the Petitioners to enable them to prosecute their Suit in the Supreme Court should be granted.

Exd. J. A. Wilson.

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10-13. Ordered that the Pet.
Petition submitted with the foregoing
address be forwarded to the Govd
Regent at Chapank for his early re-
sponse on the allegations therein
made against the Dewan Bahadur
ool Ramah Bahadur, and for
his opinion whether the permis-
sion applied for by the Petitioners
to enable them to prosecute their
suit in the Supreme Court should
be granted.

W. B. George,
24th August 1857.

To the Govd Regent at
Chapank.
with an orig. Petition
(to be returned) } Disp'd 24th

Ind. B. Cons. 25 Aug 57
Political. 1857. Dept. 11
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(P.L. L. to Eng.) 12th July 2nd
of 1858 (P.L. 10, 13)

From Will. Waddell, Esq.

27th Aug 1857.

No 738.
Exals

Forwards a Petition from
Mahomed Bantur & others
Khaw & Shur from the
setting forth their claim on
the estate of the late Masoon
Jung a Carnatic Stipendiary
& praying for permission to
issue and serve writs of process
of the Supreme Court at
Madras on Masoon & others
as may be necessary for the
due & effectual prosecution
of the suit that the Petitioners
intend to institute in the
said Supreme Court.

Lib - 741

With an Order

o 21. Aug.
R 24 "