Political (1895) Department.

(1)

ORDINARY MS.

G.O., No. 547 548

Dated 19th Aug. 1895

UNDETAILED.

[illegible]

[Despatch Abstract.]

PETITION

Forwarding to the Government of India, for orders -- from Arja Muhammad Yusuf Kowamudi of Madras praying that the British Consul at Baghdad may be advised to take steps to free his mother, sisters and brothers from the restraint under which they are placed by one Haji Muhammad Ismail Sahib.

No.	Department.	Date.	G.O.		

FURTHER PAPERS.

No.	Department.	Date.	G.O.	No.	Depar
122		96			

பாதுகாப்பு பிரிவு-1

செப்பனிடுபவர் பெயர்: V.ராஜி 06/08

செப்பனிடுவதற்காக எடுத்துக்- 10/08
கொள்ளப்பட்ட நாள்

06/08		
சரிபார்க்கும்	சரிபார்க்கும்	சரிபார்க்கி
முதல் முறையாக	2ம் முறையாக	உதவியாளர்
கையொப்பம்	கையொப்பம்	கையொப்பம்

Judicial Dept.

CURRENT NO. 894

Pol. Dept.

Pub 908/93
907
547
530 } 94

For orders.

As to whether the Govt should intercede in the petitioner's behalf?

Transferred to the Political Department

Petn. Agha Muhammad Raza Kazarani, residing at No 26, Sembodoss Street Black Town, Madras

Dated 27th June
Recd 29th do } 1895
Repd 16th July

Petitioner in Pol. and Secy. Judl. number

Subject.

Requesting that the British consul at Bagdad be advised to release his mother, sister & brothers, who, it is alleged, are detained unlawfully by one Hajee Muhammad Ismail Sahib at Bagdad and whose presence is necessary at Madras for obtaining the Letters of Admr. to take charge of all the property and effects of his deceased father.

(over)

3/547

DO. 2 6 Aug. 1895

My dear Cox,

Can you give me any information regarding the writer of the enclosed petition, and can you say whether his allegations as to his father's property and standing are correct.

Yours sincerely

(Sd.) J. F. Price

Tae- H.W.N. Cox - Dunedin

~~CONFIDENTIAL No. 172~~

[9] Pol. Department.

D.O 24/547

From

Col. H.W. Mc Cox

No.

Dated 9
Received 10 } August 1835
Enclosures 11

SUBJECT

Particulars relating Dilgha Muhammad Raza Kazarani

S

Jam have not
read the D.O apparently
Where is the Parwana &
Qaul Rasid & sundries
to Col. Cox ??

Ans

21/8/35

COMMISSIONER'S OFFICE

MADRAS CITY POLICE

9th April 1875

10 AUG 05

My dear Price

Your D.O dated 6th inst.

Muhammad Raza Nazarmi, bearer of the accompanying Petition is the eldest Son of Haji Muhammad Sadiq Nazarmi, a wealthy related Subject (S.O. 26th June 1871 No 917) Public) who after a residence of many years in Madras left it on or about 10th Feby 1872 and died a few days after his arrival at Baghdad.

There are outstandings due to the Estate in Madras to the amount of about Rs 20000 and a sum of Rs 30000 is owed to the Deceased by one Haji Abdul Hussain Bot Old Trans. Port, Bombay

There are at least 3 houses belonging to the Estate in Madras viz No 104 Armenian Street

[G. / 24.]
500—21-5-95.

Political DEPARTMENT.

Papers to be read in proceedings:—

6
547

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. 894 of 1895, dated 5 July from the Govt Deptt.

" " " 189 , " , "

" " " 189 , " , "

See revised draft

ORDER.

Ndk.

It is doubtful whether the individuals mentioned in para 9 of the petition can be considered to be British Subjects. The father was a naturalized British Subject but the position of the children is doubtful. The correspondence in the printed file A makes no distinct declaration on the point. The safest course appears to be to forward the petition to the Govt of India for orders.

CS. 11/8/95

The Govt of India will be addressed

CS. 11/8/95

Letter to the Secy to the Govt of India, Foreign Deptt.

Sir,

I am directed to state that a petition has been received by this Govt from one Aga Muhammad Raza Kazaraun in which he states as follows:-

His father, Haji Muhammad Sadeck Kazemi, who resided & carried on business at Madras as an Indigo Merchant for about 25 years, obtained in 1872 a certificate of Naturalization as a naturalized British subject, married about the same time an

Ho 27 Madras Street and Ho 27 Konnul Road, and one house in Bangalore (now occupied by Black Rocks) These houses are valued at Rs 8000 and bring the annual rental of Rs 823/-

On 8 Oct 94 a Cousin of Deceased sent a Petition to Govt which was referred here for report. (Vide my letter No 122 dy 15th Oct 1894 and Govt dy 10th Nov 1894 No 850 Public)

Petitioner was registered at Akola as a British Subject on 16th January 1895.

J Murdoch
Asst Collr

had as issue of such marriage three sons (of whom petitioner is one) and two daughters. Haji Muhammad Sadeck Hussain left Madras with all his family about the 1st February 1892 on a pilgrimage to Irakh-i-arabi during his stay there he made and published his last will and testament in the Persian language appointing the High Priest at Samara, Haji Muhammad Hussain Sahib Shirazi, as his Executor. He died at Kazemine, a Suburb of Bagdad about the 11th November '92, leaving considerable immoveable property in Madras and outstanding debts throughout British India & other places. After the death of Haji Muhammad Sadeck Hussain, the Executor mentioned above appointed one Haji Muhammad Ismail Sahib as his Constituted Attorney to take charge of the deceased's estate & effects and to pay a small allowance for the maintenance of the family. During the time that the petitioner was absent from Bagdad & was residing at Cairo in Egypt. About five years ago the Executor died intestate at Samara, as previously stated & letters of Testamentary of Haji Muhammad Sadeck Hussain (the petitioner's father)

7
547

Lifetime
Hussain. During the lifetime of Haji Muhammad Hussain Sahib Shirazi his Executor, Steps had been taken by his duly Substituted Agent, Haji Sultan Ali Sahib Shustri, a resident of Bombay, to obtain Letters of Administration, with will annexed, to the estate & effects of Haji Muhammad Sadeck Hussain but such proceedings fell through owing to the death of the Executor. The petitioner having learnt the above facts stated above came to Madras a short time ago with a view to obtain Letters of Administration to the estate of his late father and upon which purpose he went to his mother brothers & Sisters at Bagdad to join them & thence to India. He was then informed, and believes the same to be true, that his mother, Sisters & brothers were detained by Haji Muhammad Ismail Sahib, the Substituted attorney of the deceased executor, from proceeding to Madras with a view to deter petitioner & them from taking steps to obtain Letters of Administration in India.

That all the relatives of the deceased should attend before the Hon'ble Ch. and join in the application made

The petitioner was born at Madras on the 11th February 1877 and has completed the 18th year & has attained his majority. He has been advised that the attendance

~~attendance of all Members of the~~
~~the heirs of his late father is necessary~~
~~order to obtain the letters of Adminis-~~
~~tration~~. He therefore prays that the
British Consul at Bagdad may be
advised by this Govt to ~~observe~~ take steps to secure his
brother, Sisters & brothers, all of whom,
except the first brother, are, he states,
British Indian Subjects, born in
Madras and entitled as such to the
protection of the British Government,
~~respecting their person and property from~~
~~the illegal custody & control of Haji~~
~~Muhammad Ismail Sahib aforesaid~~
~~residing in Kazerune~~ & to take
charge of all the property & effects
of his late father, consisting of ready
money, Jewels, account books, vouchers
documents, that are in the possession
of Haji Muhammad Ismail Sahib
& to deliver ~~the~~ the same to ~~them~~ his two relatives when
sending them to Madras. The petitioner
asserts ~~that~~ that he has already sent
these relatives their passage tickets & that
he is willing to bear all other
additional expenses of transit that
may be incurred.

As it is doubtful whether any
such assistance can be rendered
to

Bee Bee Munawar Sultan Sahiba
Khadija Sultan Sahiba
Sugra Sultan Sahiba
Aga Muhammad Ali Sahib Kazarani
Aga Muhammad Rahim Sahib Kazarani
& Aga Muhammad Baquir Sahib Kazarani

from restraint under which they are alleged to have been placed.

He further requests that the Consul may be directed

Govt. does not see in the former letter what is to be done.

The Comm. of Police, who has
3 ~~to know~~ known
~~expected~~ ~~to be~~ for
Madras,
who has been referred to substan-
tiate the petitioner's statements as to
his father ~~[illegible]~~ residence in Madras & further
~~report~~ state that there are no claimants
~~as~~ to the amount of Rs 20,000
due to the estate in Madras

to the petitioner by the British Govt. I am to solicit the orders of the Govt. of India on the ~~point~~ matter.

I have &c

78/527

JS 11/8/93

Petition from

Aga Muth.d Raza Kazaraui

H.E. the Governor.

[G / 25]

600—23-7-95.

DEPARTMENT.

9/547

C. No.

FOR ORDERS.

The actual position of the parties is somewhat obscure, but I do not suppose that any action could be taken by the local Govt. whatever their position might be. The Govt. of India must be the motor in the case, if any motion is possible - and that they will decide for themselves.

L
16 Aug

I submit a draft of a letter, in which the case of the petr. is fully stated, to the Govt of India in which the assistance of Govt. is invoked by the petr. to obtain the transmission to India of certain alleged British Indian subjects who are said by him to be illegally detained by a Turkish person interested in preventing their leaving the country.

There is no precedent and I can trace no law having force in India which bears upon the case. Please see what is said at pp 2 & 3 of Govt Pub N. 550 dated 27th July 1894. Apparently what is meant by (2) on page 3 of this order is that although children born of foreign parents in the British Dominions are under certain British law the position of natural born British subjects born in the country from which these parents originally

Agra Mukd Raza Khazarani

FOR ORDERS.

Mr. H. Grover

C.S. / Fr. Orders /

Seen for orders 16/8/95

Cannot they benefit of that Country's law regards them as its subjects, be whilst resident therein subject to its laws. What the law of Turkey on the point may be I have not the least idea nor have I the means for ascertaining.

It seems the best course would be to send the case up to the F.O. for orders.

Assuming all that could be done unless the law of Turkey recognizes the children of naturalized British subjects who are born in the British dominions as British subjects, would be to request the Foreign Office to ask the British representative at Baghdad to favour the petrs. relatives. I doubt however whether the Local Govt. could do this direct

HP
16/8/95

[32] 2 A.

NOTE FOR ~~THE UNDER SECRETARY~~.

This is a queer case and I don't know what to do with it.

Bagdad is out of any Indian influence and I am not at all sure whether we could address the Consul there direct and whether the matter should not go to the Foreign through the India Office.

The case as I understand it is this. The petitioner who can according to her own showing not be more than 21 is applying for the release of a naturalized British subject who died on a pilgrimage to Turkish Arabia died there making before her death a will which related to property in British India and naming in it as executor a person in Turkish Arabia who has since died.

Whether the petr. who now seeks to take out probate of the will has or the will itself is not apparent. From what he says it seems probable that he has not. The High Court has demanded that the seal of the Foreign Office shall address for probate. The petr. asserts that they are unlawfully detained there by a certain person. Some of the family if not all are undoubtedly minors and the women are probably purdah. All but the mother appear to be British subjects. but was there with the other day in asking leave for guidance - he resided in Egypt I think that the children of a person naturalized in India could not be regarded as British subjects born out of a British possession. I am sure that there

The C.S. refers to 650 copy of Pondicherry minor copy of S.O. 650 27.7.94 Petn CS 1/1

has something to the subject. If this
is so we cannot interfere.
It is a very puzzling case as it stands.
Better look up the papers mentioned by
Weir. It is not in the file. I am inclined
to think that the lady will have the
right to have her case before
the British Consul at Bagdad, but
it is better before doing this to make
sure about the British subject question

10/7/95.

11/547

Political Dept.

Papers to be read in Proceedings:-

Current No. 891 of 1895, dated 5th July 1895 from the Judicial Dept.

ORDER of 19th August 1895 No. 547

Subject to remarks as to para 5. W 16 Aug

The Govt. of India will be addressed.

Note

It is doubtful whether the individuals mentioned in para 9 of the petition can be considered to be British subjects. The father was a naturalized British subject but the position of the children is doubtful. The correspondence in the printed file makes no distinct declaration on the point. The safest course appears to be to forward the petition to the Govt. of India for orders.

CB

W

CP 16/8/95

Letter No. 548

To

The Secretary to the Govt. of India,

Foreign Dept.

26 AUG 95

Sir,

I am directed to state that a petition has been received by this Govt. from one Aga Muhammad Raza Kazarani to the following effect:-

2 His father, Haji Muhammad Saduck Kazarani, who resided and carried on business at Madras as an Indigo merchant for about 35 years, obtained in 1873 a certificate of naturalization as a British subject, married about the same time and had as issue of such marriage three sons for whom

whom petitioner is one) and two daughters.

Haji Muhammad Saduck Husain left Madras with all his family in February 1892 on a pilgrimage to Irakh-i-Arabi where he made ~~and publi-shed~~ his last will and testament in the Persian language, appointing the High Priest at Samara, Haji Muhammad Hussain Sahib Shirazi, as his Executor. He died at Kazemine, a suburb of Bagdad about the 11th November 1892, leaving considerable immoveable property in Madras and outstanding debts throughout British India and other places. After his death the Executor mentioned above appointed one Haji Muhammad Ismail Sahib as his constituted attorney to take charge of the estate and effects of the deceased and to pay a small allowance for the maintenance of ~~the~~ his family ~~of the deceased~~ at ~~burial~~ death and subsequently the time ~~thereafter~~, the petitioner was absent from Bagdad and was residing at Cairo. In the early part of this year the Executor died intestate at Samara leaving the affairs of Haji Muhammad Saduck Kazarani (the petitioner's father) unsettled. During the lifetime of Haji Muhammad Hussain Sahib Shirazi, steps had been taken by his duly substituted Agent, Haji Sultan Ali Sahib Shustri, a resident of Bombay, to obtain Letters of Administration, with will annexed, to the estate and effects of Haji Muhammad Saduck Kazarani but these proceedings fell through owing to the death of the Executor. The petitioner, having learnt the facts stated above, came to Madras a short time ago with a view to obtain Letters of Administration to the estate of his late father and having been advised that it was necessary for this purpose that all the relatives of the deceased should attend before the High Court and join in the application wrote to his mother, brothers and sisters at Bagdad to come over to India. He was then informed, so he alleges, that these persons were for groundless reasons detained by Haji Muhammad Ismail Sahib, the substituted attorney of the deceased Executor, with a view to deter petitioner and them from taking steps to obtain Letters of Administration in India.

3. The petitioner states that he was born at Madras on the 11th Feb. 1877 and has attained his majority. He now

now prays that the British Consul at Bagdad may be advised by this Govt. to take steps to free his mother, sisters and brothers, all of whom, except the first brother, are, he states, British Indian subjects, born in Madras and entitled as such to the protection of the British Govt. from the restraint under which they are alleged to have been placed. ~~He further requests that~~

He further requests that the Consul may be directed to take charge of all the property and effects of his late father, consisting of ready money, jewels, account books, vouchers and documents, that are in the possession of Haji Muhammad Ismail Sahib and to deliver the same to his relatives when sending them to Madras. The petitioner asserts that he has already forwarded to these relatives their passage tickets and that he is willing to bear all other expenses of transit that may be incurred

4. The Commissioner of Police, Madras, who has been referred to, substantiates the petitioner's statements as to his father's residence in Madras and further reports that there are three houses

* Bi Bi Munavar Sultan Sahiba
Khadija Sultan Sahiba
Sugra Sultan Sahiba
Aga Muhammad Ali Sahib Kazarani
Aga Muhammad Rahim Sahib Kazarani
and
Aga Muhammad Baguir Sahib Kazarani

B/547

houses in Madras which belong to the estate besides outstandings to the amount of Rs. 25000 due to it in Madras and Bombay.

5. As it is doubtful whether any such assistance can be sought for can be rendered to the petitioner by the British Govt., I am to solicit the orders of the Govt. of India in the matter.

I have &c

5. I should rather say: H.E. in C
As it appears to this Govt. that, supposing any action in the manner indicated in the petition is possible, the matter lies outside the province of this Govt. to deal with, I am directed to forward the papers to the Govt. of India for their orders.

14/8/95

C.S. 13.9.95

From Madras

PETITION from

Agha Muhammad Raza Kazarani.

H.E. the Governor

Please to ask
Mountstuart

1918