M.R.O. 1—77,006—8-6-31.

(1) Number of pages 152

(2) Date of repair 30.5.12

(3) Initials of the Referencer

21/5

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1113	Press / Mis.	Original
Dated 20.5	1879.	

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

20th May 1879, No. 1,113.

No. 445. READ THE FOLLOWING PAPER:—

From Mahomed Ababakr Hafiz Kamruddin Ahmed, describing himself as Kazi of Black Town, Madras, dated 1st September 1877, No. 2,850.

ABSTRACT.—States that in 1760, the Nawab Wallajah appointed petitioner's grandfather, Mahomed Abubukr Fuckrudin Ali Khan, as Kazi of Madras, and granted him the jaghire of Coromandel; that his descendants succeeded him in office and continued to perform the duties attached to it, and enjoy the jaghire; that petitioner has been doing duty since the death of his uncle in October 1868, without any remuneration.

Prays therefore that the jaghire of Coromandel may be restored to him.

From Mahomed Abubakr Hafiz Kamruddin Ahmed, describing himself as Kazi of Black Town, Madras, dated 18th November 1878, No. 2,225.

ABSTRACT.—Submitting the endorsement of the Government of India stating that petitioner's previous petition was transferred to the Government of Madras for disposal, prays that it may be perused, and that an order may be passed directing that the Coromandel jaghire may be given him for his support.

From Mahomed Abubakr Hafiz Kamruddin Ahmed, describing himself as Kazi of Black Town, Madras, dated 20th January 1879, No. 169.

ABSTRACT.—States that with reference to the endorsement of the Home Department, Government of India, on his memorial to them praying for the jaghire of Coromandel, petitioner presented a petition to this Government on the 18th November last, but no reply has been received by him.

Annexing the endorsement of the Government of India and his former petition, prays that the village of Coromandel may be restored to petitioner for his support.

From Mír Ghulám Hussain Mahomed Abubakr, describing himself as Kazi 2, Black Town, Madras, No. 1,009 of 1877.

ABSTRACT.—States that by virtue of the order of the Madras High Court he has been appointed to the said office and has taken out a probate of the last will of Hafiz Abdul Kadr Mahomed Abubakr, late Kazi of Madras, that one Kamruddin, alleging to be the heir of the late Kazi, filed a caveat to set aside the probate, but the High Court overruled his objection notwithstanding the evidence of Hyder Jung Bahadur in his favor; that one Kadr Hussain filed a suit in the High Court for the recovery of the said office and the jaghire of Coromandel, but it was dismissed; that petitioner is doing the duties of Kazi by virtue of the Proceedings of the Board of Revenue, dated 9th February 1872, confirmed by G.O., 1st March 1872, No. 370; that he enjoys the revenue of the jaghire village of Coromandel; that the Government by an oversight having requested his bitter enemy Hyder Jung Bahadur and others to nominate a qualified person for the office of Kazi of the Town of Madras, petitioner learns that the said Kamruddin whose claim has been rejected by the High Court and on whose behalf Hyder Jung Bahadur gave evidence, has been recommended for the office.

Prays that the Government may appoint him at once Kazi of Madras as his right to the office has been recognized by the High Court and as he is enjoying the jaghire attached to the office under the orders of the Board and Government.

ENCLOSURE No. 1.

Original Suit No. 453 of 1869.

THE object of the suit is to have the plaintiff declared to be the Kazi of Madras and to restrain the 1st defendant from invading his office by acting as Kazi within the local limits of Madras. The last Kazi of Madras who had been appointed by the Government under Regulation III of 1808 died in 1868. The plaintiff then applied to the Board of Revenue apparently with reference to the village said to be attached to the office, and claiming, I presume, to be recognized as Kazi of Madras; but in consequence of the passing of Act XI of 1864, all interference was declined, and the plaintiff was informed that the appointment to the office of Kazi rested with the Mahometan community. It appears from the evidence, that early in 1869 (the 4th February 1869) a meeting of the Mahometan community was called by public advertisement and was held at the Jumma Mosque in Black Town, when the plaintiff was unanimously elected by the meeting to the office of Kazi, and the Prince Azeem Jah, as I presume the recognized head of the Mahometan community, subsequently signified his approval of the selection. It also appears that the 1st defendant through his attornies sent a notice, which was read at the meeting objecting to the appointment of plaintiff to the office of Kazi.

2. I think that the validity of plaintiff's appointment must be rested entirely, as it was rested mainly by his learned counsel, on the fact of his election at the public meeting and not on any hereditary right. It is true that the plaintiff is shown to be an heir and probably is the nearest heir of the late Kazi; but though there are allegations contained in Exhibit E that this particular Kaziship was hereditary, no distinct or satisfactory evidence of this * * * has, I think, been adduced, and certainly the office of Kazi was expressly declared by the old regulation not to be hereditary, and it seems clear to me that under the general Mahometan law it could not be so, and for this I think that I may safely rely on 2 Hedaya Book XX, Chapter I. A claim of a right by descent would have to be made out by the clearest evidence, and obviously this plaintiff never assumed the office on the ground of such a right, but solely in reliance on his election at the public meeting. For the 1st defendant there were read to me passages from Mahometan law books to show that the appointment to the office of Kazi can only be made by the Sultan or ruling authority. There can be no doubt, I apprehend, that we should search Mahometan books in vain for the signs of any other mode of selection. It was consequently contended that the attempt to confer the office upon the plaintiff by means of a popular election was inconsistent with Mahometan law and the plaintiff's election invalid. In a Mahometan country under a Mahometan Government, the most important duties of a Kazi are purely judicial. In this country under the British Government it was unavoidable that such functions should cease. But still there are other duties of the office important to the welfare of the Mahometan community which may be best described in the words of the preamble to Regulation III of 1808 which declared that,—"The office of Kazi was requisite at the cities and principal towns and in the provinces for the purposes of preparing and attesting deeds of transfer and other law papers, celebrating marriages and performing such religious duties or ceremonies prescribed by the Mahometan law as have been hitherto discharged by them under the Native Government,"—and it then went on to say that it was necessary to appoint persons of character and duly qualified to the office. In those days it thus appears that it was not thought improper for the State to recognize the religious as well as the administrative functions of the office, and for the welfare of the community to provide for the appointment of fit and proper persons. The different policy of the present day is expressed in the preamble to Act XI of 1864 which declares that "it is inexpedient that the appointment of Cazee-ool-Cozaat or of City, Town or Purgannah Cazee should be made by Government." The first section then repeals all enactments relating to the office of Kazi, but while the second section with superfluous caution provides that the Act shall not be construed to prevent a Kazi from performing any duties or ceremonies prescribed by the Mahometan law, the Act is entirely silent as to how the Mahometan community is in future to be furnished with this rather indispensable official. I do not know on what ground it was that the Board of Revenue (which was apparently the only authority to whom the plaintiff applied on the subject) seems to have suggested in effect a popular election by universal suffrage as the appropriate remedy for the omission. Certainly this expression of opinion does not afford any ground for the argument that the ruling authority thus delegated to the general Mahometan community their right to appoint to the office, for the Board of Revenue was not, I believe, an authority which ever had any thing to do with the appointment or supervision of Kazis, and probably the Revenue Board did not intend on this occasion to convey more than a friendly or extra-official suggestion to the plaintiff. The question seems to me one of difficulty whether any thing short of an enactment can supply the omission to provide for the performance of the

duty which by express enactment and under the general Mahometan law has always hitherto vested with the ruling authority. At least it seems to me impossible to suggest any ground on which the novel and to the Mahometan law hitherto unknown procedure of a popular election can be held as effective to impose upon the whole Mahometan community of a city or town a Kazi so selected.

3. Those Mahometans of Madras who attended at the election of the plaintiff seem to have been conscious of the anomaly in their proceedings and applied to Prince Azeem Jah, as the representative of their former Rulers, to confirm the election of the plaintiff. But the Prince though a very exalted personage is certainly no more than a subject, and his sanction cannot be regarded, I fear, as a sufficient substitute for that of the ruling authority. It may perhaps be said that the administrative duties of a Kazi such as preparing and attesting documents or even registering marriages and divorces are no longer indispensable; but certainly as to such duties it is difficult to suggest any ground on which a majority of the community can impose upon the rest any particular person for the sole performance of them, or why any number of persons may not offer themselves to the Mahometan public for the performance of such work. But assuming that we need have regard only to the religious functions of a Kazi, what is the position of the Mahometan community consequent upon the passing of Act XI of 1864? It appears to me to be this. As a religious community or association the Mahometans are in the same position as any other religious community existing in a State either not having any or having a different State religion all the members of the association are bound by its peculiar doctrines, ordinances, rules and discipline and obedience to them would, I consider, be enforced by the Civil tribunals of the country; or at least to this extent (which is enough for the purposes of the suit) I may certainly go, viz., that the civil tribunals of the country would be bound on its being proved that any person had been duly appointed to an office in accordance with the rules and ordinances of the association, to support and protect the rights and privileges of such office bearer and to restrain all others from interfering with or invading the office. But it does not appear to me that the plaintiff is in a position to assert that he has been duly appointed to the office of Kazi according to Mahometan law. No authority has been cited to me, and I do not believe that any could be found in the Mahometan law books that could justify the selection of a Kazi by vote at a public meeting, so as to compel those who either took no part in or were opposed to the election to recognise the person chosen as Kazi. The only mode of appointment that confers a legal and exclusive right to the office is an appointment by the ruling authority, and in the present instance the Government has refused to make any appointment at all to the office. I am therefore of opinion that the plaintiff has failed to establish an exclusive right to the office of Kazi within the local limits of Madras, and that those who will, are at liberty to recognise and employ the 1st defendant or any one else as their Kazi. It is not necessary to examine the ground on which 1st defendant puts his claim to the office. I will only say that it probably ought to be pronounced to be even more repugnant to Mahometan law than the mode of appointment on which the plaintiff relies. The result is that I dismiss the suit as against the 1st defendant also; but in the peculiar circumstances of the case I think that I may rightly dismiss it as against him without costs.

(Signed) C. C.

No. 446. ORDER THEREON, 20th May 1879, No. 1,113.

Miscellaneous.

THE Governor in Council observes that before the passing of Act XI of 1864, of the Governor-General of India in Council, the appointment of persons to be Kazis, wherever the office existed, was vested in the Government. Act XI of 1864 enacted that the Government should no longer make any such appointment, but it substituted no other procedure. The Mahometan law does not appear to contemplate any other mode of appointment but nomination by the Ruler, and there is now great confusion in the matter.

2. The last Kazi of Black Town, Madras, appointed by the Government, died in the year 186 . The office is not necessarily hereditary; the deceased however left no male issue, but there were two qualified persons, both very nearly related to him:

(1) Mahomed Abubakr Kamruddin.
(2) Mír Ghulám Hussain.

The deceased in his lifetime always fostered the pretences of the second of these two persons; his will was in Mír Ghulám Hussain's favor; he described him as his adopted son and chosen successor. In short this nominee got into the office, at the old man's death.

3. But Mahomed Abubakr had powerful partisans, and did not remain quiescent. His principal ally, Hyder Jung Bahadur, then Secretary to His Highness the Prince of Arcot, convened a meeting (at which the Prince presided) which *elected* their candidate to the vacancy; on the strength of which patronage Mahomed Abubakr filed a suit in the High Court, (1) to restrain Mír Ghulám Hussain from continuing to usurp the office: (2) for the recovery of the possession of the landed endowment of the office, viz., the village of Coromandel, near Pulicat, in the district of Chingleput.

4. The case was tried by Mr. Justice Collett; from his judgment, copy of which is annexed to these Proceedings, it appears that he threw out the suit, on the ground that plaintiff's title was not stronger than the defendant's; and that further, of all possible modes of appointment, a public election was most contrary to Mahometan law.

5. As to the village of Coromandel—it was found that a High Court Vakil had obtained a perpetual lease of it (in consideration probably of a fine) from the last incumbent; and the Government, believing that a very inadequate endowment would remain for the Kazi for the time being—resolved, for this and other reasons, to resume the Inam tenure and place the village under the management of the Collector, with directions that the net proceeds should be paid to the actual incumbent of the office, *i.e.*, Mír Ghulám Hussain.

6. Copy of these Proceedings will be furnished to the petitioners, who will be informed that the Government have no further orders to pass in the matter.

(True Extract.)

(Signed) J. H. GARSTIN,
Acting Secretary to Government.

To the Petition Department.
„ the Board of Revenue.

Exd. W. H. French.

8

Madras 31st March 1879

To

The Right Honorable
The Secretary of State
for India in Council.
Home Department,
Fort William,
Calcutta.

My Lord,

Having presented a Petition with its Enclosures to the Government of Madras, praying that the village of Coromandel no. Pulicat within the Company's Jaghire which was in the enjoyment of his generations generations, and the same may be transferred to him, upon perusing my petition, that Government gave Endorsement viz as follows ("the Government see no ground to interfere") which Petition, Enclosures and the Purwana is herewith annexed.

I therefore humbly pray that your Lordship in Council will graciously be pleased to take my case into consideration and that an order may be passed according towards my claim.

I have the honor to be
My Lord,
Your Lordships most Obedt Servant

محمد ابابکر خطیب ابن کبیر محمد حسین صاحب

P.S.— That I am doing duty as Cauzy, and Veish-imam of the Musjid-i-marmoor in Madras, the income of the Jaghire has been stopped nearly about 8 years. nearly about 12 persons supported by the Jaghire are now totally starving without any means.

Cauzy Mahomed Abubucker
Hafiz Hamrodeen Ahmed.

On Address.

To

Cauzy Mahomed Abu Bucker
Hafiz Hamrodeen Ahmed
Residing at No 214, Ungappa
Naicken Street at Mowtheal pettah
in the Black Town of Madras.

In the High Court of Judicature at Madras.

In its Ordinary Original Jurisdiction.

First day of March One thousand Eight hundred and Seventy.

Original Suit No. 453 of 1869.

MAHOMED ABBABUKER,.....*Plaintiff.*

AND

MEER GHOOLAM HOOSSAIN & ANOTHER .....*Defendants.*

I have already disposed of this Suit as against the Second Defendant by dismissing it with costs on the ground that this Court has no Jurisdiction in the matter I reserved my Judgment as to the case made against the first Defendant. The object of the Suit is to have the Plaintiff declared to be the Kazee of Madras and to restrain the first Defendant from invading his office by acting as Kazee within the local limits of Madras. The last Kazee of Madras who had been appointed by the Government under Regulation 3 of 1808 died in 1868. The Plaintiff then applied to the Board of Revenue apparently with reference to the village said to be attached to the office and claimed, I presume, to be recognized as Kazee of Madras but in consequence of the passing of Act 11 of 1864, all interference was declined and the Plaintiff was informed that the appointment to the office of Kazee rested with the Mahomedan Community. It appears from the evidence that early in 1869 (the 4th February 1869) a meeting of the Mahomedan Community was called by public advertisement and was held at the Jumma Mosque in Black Town when the Plaintiff was unanimously elected by the meeting to the office of Kazee and the Prince Azeem Jah as, I presume, the recognized head of the Mahomedan Community subsequently signified his approval of the selection. It also appears that the first Defendant through his attornies sent a notice which was read at the meeting objecting to the appointment of Plaintiff to the office of Kazee.—I think that the validity of Plaintiff's appointment must be rested entirely, as it was rested mainly by his learned Counsel on the fact of his election at the public meeting and not on any hereditary right. It is true that the Plaintiff is shown to be an heir and probably is the nearest heir of the late Kazee but though there are allegations contained in Exhibit S. that this particular Kazee-ship was hereditary, no distinct or satisfactory evidence of Plaintiff has I think been adduced and certainly the office of Kazee was expressly declared by the Old Regulation not to be hereditary, and it seems clear to me that under the general Mahomedan Law it could not be so and for this I think that I may safely rely on 2 Hedaya Book XX Chapter I. A claim of a right by descent would have to be made out by the clearest evidence and obviously this Plaintiff never assumed the office on the ground of such a right but solely in reliance on his election at the public meeting.

Collector

For the first Defendant there were read to me passages from Mahomedan Law books to show that the appointment to the office of Kazee can only be made by the Sultan or ruling authority. There can be no doubt I apprehend that we should search Mahomedan books in vain for the signs of any other mode of selection. It was consequently contended that the attempt to confer the office upon the Plaintiff by means of a popular election was inconsistent with Mahomedan Law and the Plaintiff's election invalid. In a Mahomedan country under a Mahomedan Government the most important duties of a Kazee are purely Judicial. In this country under the British Government it was unavoidable that such functions should cease. But still there are other duties of the office important to the welfare of the Mahomedan community which may be best described in the words of the preamble to Regulation 3 of 1803 which declared that "The office of Kazee "was requisite at the cities and principal towns and in the provinces for the "purpose of preparing and attesting deeds of transfer and other Law papers "celebrating marriages and performing such religious duties or ceremonies prescribed "by the Mahomedan Law as have been hitherto discharged by them under the "native Government," and it then went on to say that it was necessary to appoint persons of character and duly qualified to the office. In those days it thus appears that it was not thought improper for the state to recognize the religious as well as the administrative functions of the office and for the welfare of the community to provide for the appointment of fit and proper persons. The different policy of the present day is expressed in the preamble to Act 11 of 1864 which declares that "it is inexpedient that the appointment of Kazee-ool "Cozaat or of City Town or Purgunnah, Kazee should be made by Government." The first Section then repeals all enactments relating to the office of Kazee but while the 2nd. Section with superfluous caution provides that the Act shall not be construed to present a Kazee from performing any duties or ceremonies prescribed by the Mahomedan Law, the Act is entirely silent as to how the Mahomedan community is in future to be furnished with this rather indispensable official. I do not know on what grouud it was that the Board of Revenue (which was apparently the only authority to whom the Plaintiff applied on the subject) seems to have suggested in effect a popular election by universal suffrage as the appropriate remedy for the omission—certainly this expression of opinion does not afford any ground for the argument that the ruling authority thus delegated to the general Mahomedan community their right to appoint to the office. For the Board of Revenue was not I believe an authority which ever had any thing to do with the appointment or supervision of Kazees and probably the Revenue Board did not intend on this occasion to convey more than a friendly or extra official suggestion to the Plaintiff. The suggestion seems to me one of difficulty whether any thing short of an enactment can supply the omission to provide for the performance of the duty which by express enactment and under the general Mahomedan Law has always hitherto rested with the ruling authority. At least it seems to me impossible to suggest any ground on which the novel and to the Mahomedan Law hitherto unknown procedure of a popular election can be held as effective to impose upon the whole Mahomedan community of a City or Town a Kazee so selected. Those Mahomedans of Madras who attended at the election of the Plaintiff seem to have been

conscious of the anomaly in their proceedings and applied to Prince Azeem Jah as the representative of their former rulers to confirm the election of the Plaintiff. But the Prince, though a very exalted personage, is certainly no more than a subject and his sanction cannot be regarded I fear as a sufficient substitute for that of the ruling authority. It may perhaps be said that the administrative duties of a Kazee such as preparing and attesting documents or even registering marriages and divorces are no longer indispensable but certainly as to such duties it is difficult to suggest any ground on which a majority of the community can impose upon the rest any particular person for the sole performance of them or why any number of persons may not offer themselves to the Mahomedan public for the performance of such work. But assuming that we need have regard only to the religious functions of a Kazee, What is the position of the Mahomedan community consequent upon the passing of Act 11 of 1864? It appears to be this. As a religious community or association the Mahomedans are in the same position as any other religious community existing in a state either not having any or having a different state religion; all the Members of the association are bound by its peculiar doctrines ordinances rules and discipline and obedience to them would, I consider, be enforced by the Civil tribunals of the country. Or at least to this extent (which is enough for the purposes of the Suit) I may certainly go, namely that the Civil tribunals of the country would be bound on its being proved that any person had been duly appointed to an office in accordance with the rules and ordinances of the association, to support and protect the rights and privileges of such office bearer and to restrain all others from interfering with or invading the office. But it does not appear to me that the Plaintiff is in a position to assert that he has been duly appointed to the office of Kazee according to Mahomedan Law. No authority has been cited to me and I do not believe that any could be found in the Mahomedan Law books that could justify the selection of a Kazee by vote at a public meeting, so as to compel those who either took no part in or were opposed to the election to recognize the person chosen as Kazee. The only mode of appointment that confers a legal and exclusive right to the office is an appointment by the ruling authority and in the present instance the Government has refused to make any appointment at all to the office. I am therefore of opinion that the Plaintiff has failed to establish an exclusive right to the office of Kazee within the local limits of Madras, and that those who will are at liberty to recognize and employ the first Defendant or any one else as their Kazee. It is not necessary to examine the ground on which first Defendant puts his claim to the office; I will only say that it probably ought to be pronounced to be even more repugnant to Mahomedan law than the mode of appointment on which the Plaintiff relies. The result is to dismiss the Suit against the first Defendant also but in the peculiar circumstances of the case I think that I may rightly dismiss it as against him without costs.

(Signed) C. COLLETT.

Dated 1st March 1870.

O. S. No. 453 of 1869.

MAHOMED ABBABUKER,

and

JEER GOOLAM HOOSSAIN AND ANOTH

Judgment.

of Mr. Justice COLLETT.

۸۹ نمبر

(۱۶ نقلی ۱۲۱۵)

الٰہی

عالمگیر بادشاہ غازی
دلاور جنگ بہادر
عمدۃ الملک سراج الدولہ
انور الدین خان

عاملان حال و استقبال و دیسموکھیان و دیسپانڈیان و قانون گویان و مقدمان و مزارعان
پرگنہ پلیا کھاٹ سرکار ترپاسور تعلقہ کرناٹکیاں گھاٹ صوبۂ دار النور محمد پور عرف ارکاٹ بدانند
موضع کریمنڈم عرف شمس بلی مع الم نمک و الداری و خرمہرہ و سایر علاقہ آن و حق تلنگ و غیرہ عملۂ پرگنہ مذکور
کہ حاصل آن بمبلغ یکہزار و شصت و چہل و یکہون بہون جمع کامل دارد بموجب پروانہ بمدد معاش مقدم نجم
ربیع الثانی ۱۱۷۴ ہجری بفضیلت مآب فخر الدین محمد ابابکر قاضی بندر چنا پٹن وغیرہ بشرط قضا مقرر و
جاری بود و درینولا قاضی موصوف التماس نمود کہ موضع مذکور در وجہ مدد معاش فرزند خود محی الدین محمد ابابکر
و اولاد و احفاد و متعلقانش علی الدوام بلا شرط مزبور مقرر شود لہذا بموجب سوال و استخلاص در دفتر
صدارت ثبت نظر بر رسوخ عقیدت و دولتخواہی سرکار بطریق انعام بنام محی الدین محمد ابابکر و اولاد
و احفاد و متعلقانش بطناً بعد بطن بہ پیشی امامی بلا شرط قضا از ابتدائے ۱۱۷۱ فصلی مقرر گشتہ
باید کہ موضع مزبور در دولت بتصرف محی الدین محمد ابابکر خلف قاضی موصوف واگذارند کہ حاصلات آنرا
بصرف معاش خود در آورده بعبادت و دعای دوام دولت ابد مدت مشغول و موظف باشند و ہر سال
سند مجدد نطلبند درینباب تاکید اکید دانستہ حسب المسطور بعمل آرند فی التاریخ ششم
شہر جمادی الاول ۱۱۷۵ ہجری

مطابق باصلہ
منشی
سراج الدین

Collection

14/2/00

Government of Madras.

PETITION DEPARTMENT.

Endorsement on No. 326 of 1877.

The Government
see no ground to interfere.

(By Order.)

H. B. Sewell

Ag. Under Secretary to Government.

FORT ST. GEORGE,
12th March 1877.

In No. 995 of 1877

No 3. Re. Pet.

No 326 of 77.

S. Onny
16-2-77.

Referred to the Collector who will state who made a perpetual lease of the Village, which lease has now been cancelled by Government in the interests of the endowment to Carangara Menon and on what facts the present Stipendiary's claims to the Office of Kazee are grounded.

Fort St George
14th Feby 1877

By order
H. B. Sewell
Ag. Under Secretary.

Collector

24/2/00

No. 29.

Chingleput District, Collector's Office,
ow circuit Chingleput
~~Trichy~~, 24 February 1877.

21

From

R. W. Barlow Esquire,
COLLECTOR OF THE
Chingleput District.

To

The Honorable W. Hudleston,
Chief Secretary to Government
Madras.

Sir,

Referring to the endorsement of Govern-
-ment on petition No 326 of 1877, herewith re-
-turned, I have the honor to state that the village
was let to Caranagara Menon by Kazi
Abdul Khadir saib, deceased, the person referred to
in para 8 of the Petition, and the present Stipendi-
aries (Kazi) claim is founded on the fact that
he has taken out letters of administration to the
estate of the late Kazi, the above said Abdul
Khadir saib, under a will in his favor Vide G. O.
dated 18th March 1872 no 370, Public Department.

I have the honor to be
Sir
Your most obedt servt

R W Barlow
Collector

To

The Hon'ble SECRETARY to GOVERNMENT. Madras.

Dated 24th February 1877.
Received 26th " "

No. 29.

Petition of Cont Petitioner dated 22nd Feby 1877 praying that Rayee Mahomed Ababuker Hafiz Kanroodeen Ahammad may be appointed Rayee of Black Town Madras.

From

COLLECTOR OF THE CHINGLEPUT DISTRICT.

Order / Petr. for Govt. sanction & interfering &c.

5/5

Mr. Justice Collett's judgment passed by Petr. gives the hereditary right to the office of Kazee.

Fort St. George 13th March 1877.

326 To the Collr of Chingleput
Encl to petr

It is observed that since the passing of Act II/64, no procedure exists for the appt of Kazees: but as it is necessary that one or other of the claimants, on the last vacancy for the town of Madras occurring, the Govt should be called on to appoint, the Govt selected for that purpose, the present Maindar, who is equally with Petr a member of the family & was designated by the late Kazee as his heir & successor in office.

HM.

Note - We have repeatedly asked the G. I. to reconsider Act II/64, but without success. At present everything is in confusion - anyone is a Kazee who likes to call himself so - & the faithful followers of the Koran are perplexed & grieved.

L.

No 326 of 1877 Dy 1st Feby 1877

Rcdy 1st ——

From Rayee Mahomed Ababuker Hafiz Kanroodeen Ahammad, residing at Black Town, Madras

States that the allowance of Rs: 1,000 sanctioned by Govt for the office of Rayee in their order, dated 3rd April 1873 et No 383, has not been paid to him though he is the rightful heir of the original grantee and has been elected to the said office by the Mahomedan community; that petitioner is still doing the duties of Rayee; that the Collector of Chingleput is paying Meer Ghoolam Hoossain the said allowance without examining his claims.

Prays that Govt may issue orders to ascertain who is the rightful heir to the

original grantee, and to restore the village of Karimanel to petr as to the person entitled to it.

With report from the Collector of the Chingleput District, of 24th February 1877 No 29.

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5 papers post-up.

Rev. L.O. of 19-12-76: 2092
" " 12-10-76: 1472
" " 18-9-74: 1192
" " 3-4-73: 383.

Petition (Rev.) Dept.

No. 326

Petition (Rev.) Dept.
Re.

Recd. 13th March 1877.

Madras 31st March 1877.

2)

His Grace the Duke of
Buckingham and Chandos.
Governor of Fort St. George
in Council.

The humble Petition of Hajee
Mahomed Abu Bukr Hajee
Hamroodeen Ahmed, residing
at No. 214, Ungappa Naicken
Street at Mootheialpettah in the
Black Town of Madras.

Sheweth,

That petitioner having presented a
Petition with Enclosure to His Grace relating
his claim that the Village in Coromandel
which was in the enjoyment; generations ago
generalem the same may be transferred to him

That on the 13th day of March 1877 ;
an Endorsement to his Petition has been hereunto
returned, stating ("the Government see no grounds
to interfere.")

That Petitioner therefore humbly
prays, that His Grace will be pleased to forward
the enclosed Petition, Enclosures and the Proceedings
to the Home Government for consideration.

Petitioner as in duty Bound will
Ever pray.

Hajee Mahomed Abu Bukr
Hajee Hamroodeen Ahmed.

R. G.
C 3-3-77. 8-3-77.
R5 — 10 —.

To

The Right Hon'ble the Governor in Council of Madras.

From

Bourgy. Magistrate.

Jud'l Dept.

31

Petition No. 1055 of 1877, Dated 1st Feb
Rec'd 27 March } 1877.

From
Kazi Mahomed Abbabuker
Hafiz Kamroodeen Ahamed,
214, Angappa Naick Street
Mookalpettah,
Black Town,
Madras.

Petitioner is referred to the endorsement passed by Govt in the Revenue Dept dated 13 March 1877, No. 326.
7-4-77.

Representing that he is the lineal descendants of the late Kazi of Madras, and that he was duly appointed Kazi and Peishkar of Madras by the Mahomedan community; but that his right to recovering within as Kazi the recovery of the inam village of Korrumandel was dismissed by the High Court on the 1 March 1870; and praying that possession of the village of Pregito may be given to him, or to such other person as on enquiry may be found entitled thereto.

Fort St George 2nd Dec 11th
11th April 1877

Entd. D. 11-4-77: 1055
—— 13-3-77: 326
Recd. D. 19-12-76: 2092
—— 12-10-76: 1472
—— 18-7-74: 1192
—— 3-4-73: 383
—— 5-2-73: 149
—— 20-12-72: 1755
—— 1-3-72: 370

24/3/80

Post (Guell) Dept

No 1055

Dt 11th April 1877

995 + 1099 2077

995 of 1877

of the village of Karo-
-mandl. b[illegible] may be
transmitted to the Secre-
-tary of State for India.
24/7/00

Government of Madras.

REVENUE DEPARTMENT.

Petition No. 995 of 1877.

From Hazee Mahomed Abubaker Hafeez

Occupation Zemindar Ahmed residing at

Village Koothalpettai

Talook

District Madras

Dated 21st March

Received 4th April } 1877

Enclosures. 6

ABSTRACT.

Prays that his accom-
-panying Memorial
regarding the est

Grace the most Noble
Duke of Buckingham and
Chandos
Governor in Council &c
&c &c

The Humble Memorial of
Hajee Ghulam Mahomed Abubaker
Alla Pichai Sahib Marcair Hogal &
Madras Residing Parkal Pradesam
Taluk Nellore

Humbly Sheweth,

That the memorialist considering
Your Grace, as the guardian and protector
of the helpless and poor with the deepest
sense of your Graces justice towards us
also assurance you for protection and
redress with every mark of respect and
submission begs to represent the following
hoping to meet with success.

That the memorialist by virtue of
the order of the High Court Madras was
been appointed to the Office of Sagaram
Hogal and obtained Probate to the last
Will and Testament of late Abdul Cawa
Mahomed Abubaker Sahib of Madras (the
Original Copy of the Probate is herewith
enclosed).

That the memorialist submits the

[illegible] the legal
heir of the said late Janjee Hoje Lawder
Jaweer Rahimee Ababaker Saheb a Caveat
to set aside the Probate against thereon and
who was represented by Mr. J. S. Sullivan
Proctor at Law specially by Mr. A. Clarke
and the said Caveator by Mr. P. Ethiraja
Pleader by Proctor Thomas & Thomas.

That after a long legal struggle and
notwithstanding the evidence of Hyder
Sheriff Ebrahim the Honorable Mr. Burkee
Hall confirmed the Probate and
dismissing the Claim of the
memorialists name dismissing the Claim of the
Caveator on the 1st March 1870 (which is
enclosed)

That a year after one Hyder
Ibrahim alleging to be the legal representative
of the said late Janjee Hoje Abdul Lawder
Rahimee Ababaker filed a suit in the
High Court against memorialist for the
restoration of title to the Office of Janjee
and the papers & Paramanded both
memorialist and the said Lawder Hoosain
represented by Counsels and Attorneys of
the High Court.

Sgd

That the
J. P. Kindersley after a long trial
decided the case in favor of memorialist
dismissing the said Lawder Hoosain
Claim.

That the memorialist ever since
the demise of the said late Hoje Abdul
Lawder Rahimee Ababaker Janjee therefore
the Office of Janjee and by virtue of the
Judgements of the High Court as well as
by the Proceedings of the Honorable Board
of Revenue dated the 9th February 1872
which Government confirmed on the March
1872 in No 370 and Proceedings of the
Honorable Government of Madras No 1167 dt
18th September 1872 and No 1672 dated 2
October 1872 enjoys the Nett Revenue of
the Inglesser of Coromandel through the
Collector of Chingleput copies are herewith
enclosed.

That such being the circumstances
the Government of Madras either by mis-
or by an oversight requested by Aga Jaffir
Bahadur and others to report as a qualified
person to hold the Office of the Janjee

Janjee

that the said Nyder Jung Bahadur
a bitter enemy of Memorialist being
incipal witness for the said Cascalor
Mumroodeen whose claim was Rejected by
the High Court as stated above. And
Memorialist is given to understand & begins
and has already to Government to appoint
the said Mumroodeen who declared by
the Madras High Court entitled by
Mahomedan Law.

That as a Judicial Competent
authority viz the Madras High Court
decided the claim of the said Cascalor
Madras in favor of Memorialist who
der the said Proceedings of the Hon
orable Board of Revenue and
Government of Madras supply both
the Office of Sunjee and the Jagheer
Coramandel so your most Noble
Council may be pleased under the
rounds stated above to nominate
Memorialist at once to the vacant
Office of Sunjy without reference to

any

any one as no matter has been ad
judicially adjudicated long ago.
Memorialist as in duty bound
shall ever pray

41

N B
1 Original Petition
2 Copy of Proceedings of
Board of Revenue
No 229 of 1892
3 Copy of the Proceedings of
Madras Govt 12 October 1896
4 Original copy of Judgment
5 Proceedings of Madras Govt
18 September 1894
6 Copy Order of Govt on the petition of
Mohd Hussain Mohd
Shahabee

22049
1875 No 2 Prob 20

In the High Court of Judicature

BE IT KNOWN that on the Second day o
one thousand eight hundred and sixty five —— the
of Hafiz Abdool Cawder Mahommed
Barbers Bridge road ab Kistnam
of Madras, Cangee of Madras bein

copy whereof is hereunto annexed —— was ——
in the said Court, and that administration of the prope
deceased and in any wise concerning his Will was g
to Meer Ghoolam Hoossain Mahom
Madras residing ab No 77 in Bun
as ——

the Executor thereby ~~in the said Will named~~ appointed
administer the same and to make a true inventor
credits, and to exhibit the same in this Court, at
year next ensuing, and also within the same period to

Translation

4-

God

I am Hafiz Abdool Cadir Mohummud Aba Bukr the Cazy of Madras I have of my own Choice and free will and being in possession of sound mind and full senses and without being forced by any person adopted, Meer Gholam Hoosain otherwise called Bukhsho Miaw the son of Meer Gholam Jeelanee Sahib as my own son and ~~given up~~ him the said ~~con~~ my affairs of the Cazy of Madras of Conjeveram & the Jaghere of Coromandel the Inam premises of Sanipet Kundrapankum Vellore and Chegul God besides these my own property a garden Consisting of a tiled House trees well & situated at Coramandel, a piece of land at Monegapatta of Madras which is under mortgage with Fakeer Mohummud Sahib Sahib for Rupees one hundred and fifty and the Jaghere of Conjeveram which the Inam Commissioner has registered in the names of us two ie myself

and

Ins N°1009 of 1871

Ins N°1009 of 1871

and my real brothers sons Mohummud Ghaus who has disappeared for the last thirty years Moreover I have a few days ago written and given up stamps and plain papers some documents with my seal and signature to be used as proof in every Court of Justice you should after me conduct more effectually all the affairs of the Cazzy of Sagheer of Inam premises &c. according to my last Will because I have no other heir except you and with respect to the four wifes that is to say Syed Ibra Ibrahim Syed Hafiz Syed Mohummud Ayuza Ibn you are bound to support these four wifes provided they remain obedient to your orders you shall after recovering the above mentioned property, discharge according to the account every farthing of the debt payable by me amounting to about five thousand Rupees and you the above mentioned son should also recover according to the account every balance of the debt payable to me I have written and given these four words by way of

Last will

Last will to be useful at time written on the 5th day of September in the year of Christ 1868.

41

Hafiz abdool Cader Mohummud Ibn Bukr Cazy.

Hafiz abdool Cader Mohummud Ibn Bukr the Cazy of Madras

witnessed Syed Cader Hussain

witnessed Syed Mohummud Nizam ood Deen

witnessed Moonaverally Ibn Ullumud

The writer of the document Syed Ibrahim

I True Translation as near as can be from the Hindoostanee language

Syed Shahulahulum Interpr

Memo
Document received 30th July 1869
Translation ready 3rd August
No. 36 of 1869
Fos 5

A True Copy

Registrar

No 257

Proceedings of the Board of Revenue held 4th Feby 1871

Present the following Members from the Hon. J. Blair Esq. Acting Collector &
Mr. J. Blair Esq. Acting Collector &
Mr. J. Blair Esq. Acting Secretary to the
Board of Revenue, dated 4th Febry 1871 No 121.

Abstract - Submitting questions as to
the Police under the circumstances stated,
and requesting the Board's orders thereon.

From Mr. W. Barlow Esq. Acting Collector
of Chingleput, to the Acting Secretary to the Board
of Revenue dated 30th May 1870 No 93

Abstract - forwarding a Petition from certain
Inhabitants of Tirumalpadi in the Chingleput
District praying that the Village may be
exempted from the operation of Act
XXIV of 1859 and that the Inhabitants
may be allowed to manage their own
Police affairs by the Village Headmen
as formerly

The Village of Tirumalpadi in the Chingleput
District was exempted by the Government
and Converted into a Separate Jurisdiction, to be
managed under the Provisions of Act XXIV of
1859 Regulation IV of 1816 but the Government by a
Order dated 20th Feby 1866 cancelled the Village
Police, and the Ground that the Inhabitants
did not derive much benefit from it, being
in fact the Instrument of the Oppression of the
Ryots the Board of Revenue, in Accordance with
their order of Government, the Zemindary Police
a fresh Village Police accordingly

2d Shortly after this the Inhabitants of the
Village

the Head Clerk, and a person claiming
to succeed him as Chief Clerk on the High
Court of Chancery by the Defendant another person
by exercising his, the Plaintiff's, former
functions of the said profession. The Village
and all Documents of title belonging thereto
have not Plaintiff's Counsel, who is stated
to have left the permanent Office,

The Judgment declared was not
binding and no definite account of
is procurable, but the suit was certainly
instituted against both Defendants, and
from which the Government Order has been
held to protect, principally on the following
Grounds; The Plaintiff's Defendant becomes
the Plaintiff's under which election to the
Office by the Mohammedan Community gives
them Control by which election he holds the
Office was agreed by Abolition of the Cazi
Court and Appeal to the Supreme Court
against which no Appeal has been taken
to the Privy Council over the Decision the
Courts of the Residency Town

The Board observe that the Chief
the Plaintiff was objected to from by
Proceedings, S.C. No. A date subsequent to Collector
the date after it appears when they stated
that they did not consider they would prefer
to the removal of Complaint of each the
Decision between the Head Cazi

and the Office of Village, but the Collector
finding Petitioner, in the first of the Offices
there recorded since his Appointment that the
Government Order was passed the Village
and specifically, 1st because the Office for
which the Endowment was made has legally
ceased to exist, 2nd because the Endowment
is enjoyed by a person who renders no service
to the Fund contemplated by the Grant.

The Board have to remark that
there is no ground whatever for the statement
that the Office of Cazi has ceased to exist,
the Office of Cazi has been abolished in the Madras Code of Regulations
Act No XII of 1816, which is still therefore in
force only removed from the Statute book by
the General Clauses Act 1868, merely enacting
that it was inexpedient for Government any
longer to make the appointment. The 3rd Sec-
expressly provides that nothing contained in
that Act shall be construed so as to prevent a
Cazi from performing when required to do so,
any duties or ceremonies prescribed by
Mahomedan Law, nor is the Collector's reason
given for the proposed resumption that
any more than the first there is nothing
to prevent an Incumbent on service tenure
from leaving the Limits of his Village. Here
the Office has a permanent Grant with
her Name, whether the Office was by
empowered to give a permanent Grant or
whether the Land assessed is a fair Equivalent

ice under the Certificate and
binding on his official Successors in the
Office of Kazi, are questions which the present
Kazi, who, it appears, has taken out Letters
of Administration to the estate of the
late Kazi, can raise in any Competent Court,
the Revenue authorities have no concern
with them, the Government approves of the
Board's proceedings.

(a True Extract)

(Sd) F. Grose
Secretary

Secretary to Government, Revenue
Department with Collectors original Letter
and Enclosures to be returned only to the Acting
Collector of Tanjore.

Rx. of G. in Council

Nº 2229 of 1876

Board of Revenue Madras

Proceedings 9th Sept 1876
Nº 28

Received 11th Sept 1876
Nº 1284

Grant under Certificate
of Administration cancelled
Kazi Ahmed Mohamed
Late Kazi of Tanjore
Petition of Kazi Ahmed
Mohamed Shahib for
Allowance to be granted
to Petitioner out of
Revenues of Tanjore
Kazi Office
Petitioner to be informed
that Government
cannot interfere in the matter
Collector's
Letter with
Enclosures
Returned
to the Acting
Collector
of Tanjore

Proceedings of the Madras Government,
Revenue Department 12th October 1876.-53

1876/57 Read the following petition from Syed Ghoolam Moyzam Mahomed Shahib, Vazir-ul-Mulk Bahadur of Umrao and Nawab of Carnatic, dated Madras, 27th July 1876 -

Abstract - Prays to notice that on the death of the late Kazi petitioner succeeded him, and was put in possession of two Jaghire villages, that the Collector seized the Jaghire of Coromandel under the order Nº 383 on the 10th April 1873; under G. O., dated 18th September 1874, Nº 1, 192 has been decided that petitioner should be paid maintenance allowance of Rs 1,000 a year, pending decision of the Government of India, to whom matter has been referred.

Prays, therefore, that if a favorable order has been received from the Government of India, petitioner may be put in possession of the Jaghire village of Coromandel, and that, if no order has been received, an endorsement may be granted to petitioner on this petition, so as to enable him to prosecute his Claim against the Government of India.

Read again Proceedings of Government, dated 18th September 1874, Nº 1, 192.

Nº 158. Order thereon, 12th October 1876, Nº 1, 47.

Land-Revenue, No 2A

On reconsideration of this case His Excellency the Governor in Council resolves to direct that the

whole of the Nett Revenues of the Village be paid to the Rajah. The Collector will also disburse to him any balance which may have accrued since the Resumption of the Grant, 3rd April 1873

True Extract

(Sd) J. F. Pennicuick &c.
Secretary to Government

The Board of Revenue.
" the Accountant General.

C. P. Ramaswami

2 Copies

In the High Court of Judicature at Madras.

In its Ordinary Original Jurisdiction.

Original Suit No. 453 of 1869.

Mahomed Abbobukur Hafiz Kamooreedeen Ahmed — Plaintiff,

and

Meer Goolam Hoossain &c. — Defendants.

I hereby certify that on the First — day of March.

One Thousand Eight Hundred and ~~Sixty~~ Seventy Judgment ~~for the Plaintiff~~ was

pronounced on Final disposal ~~for Rupees~~ dismissing the Suit

~~the 2nd deft and ordinal~~ with costs, ~~against~~ ~~and further Interest on~~ Costs as against 1st defts

~~at per cent. per annum from the date of Judgment till payment:~~

Dated this Twenty fifth day of June 1870.

M.
C. C.

B. Stokes Registrar.

Suit 1009 of 1877

No. 175. Read the following Proceedings of the Board of Revenue, dated 16th August 1874, No. 2,326:-

Read the following letter from R. H. Barlow, Esqre, Collector of Chingleput, to J. Grose Esqre, Secretary to the Board of Revenue, dated Cudapah, 27th July 1874, No. 380

Referring to G. O. No. 383, of the 3rd April 1873, and the Board's Miscellaneous Proceedings, dated 24th March last, I have the honor to state that, according to returns recently obtained from the talug, it appears that the annual collections in the Village of Veeramanallur on an average of the last five and five years, amount

	Ten years Average.	
Land	479	
Miscellaneous	1331	
	Total	1610
	Five years Average.	
Land	434	
Miscellaneous	855	
	Total	1,289

to Rupees 1,610 and Rupees 1,289 as shown in the margin - deducting from the above figures Rs. 213-11- the assessment of certain waste lands recently reclaimed by Government and assigned over to the Revenue on Cowlum of this year, an equivalent sum to Government as Dole, the net revenue is 1396 and 1,975, respectively. I recommend that the allowance to the Razi in future be fixed at Rupees 100, which is somewhat more than the average of the last five but less than that of the ten years.

2 I may add that the bulk of the Revenue accrues from Jungle-products and fee

Rupees 1009-977

the Temple itself, which covers a fairly large area of the Island. The Pujaris for the last three have been collecting Archanai Tickets, that the amount derived from these items, small, - only about 10 Rupees, - and Shave by ordered the discontinuance of such collections

Submitted for the orders of Government, with reference to G. O. dated 3rd April 1873, No. 383, and G. dated March 1874

2. The Board consider the Collector's proposal that the Allowance should be liable to increase or decrease of any material variation in the Receipts.

3/6. Order thereon, 16th September 1874, No. 1,162.

His Excellency the Governor in Council considers that the preferable course will be to levy the Rajah's half of the proceeds of the Village Temple the sum of Rupees 1000 yearly, retaining the Treasury any surplus receipts pending a reply from the Government of India to the reference made in Madras Military Village question (G. O., 28th October 1874, No. 1,098)

(True Extract)

(signed) C. G. Master

Board of Revenue Acting Secretary to Government

Secretariat General

B. Bruce Norman.

7/5/4.

My dear Campbell.

These Cauvees are always bringing up grievances - I think we should have a G.O. going over the ground & annexing Collector's & Co. judgment.

I will draft such G.O. if you will kindly have copied for me on ½ margin - right hand side, the enclosures (first No I, after that No II, as I have corrected them -

yours ever
H. Grant

The rest of the papers are with me

Order of Government on the Petition from Lachlan Macbean Mackenzie Esquire of Inverness, dated 25th October 1823.

The Petitioner is referred to the Government Agent, at Inverness to whom will be communicated to him the decision of Government on the subject of his representation.

Fort Saint George 15th November 1823

By order
(sd) H. C. Montgomery
Chief Secretary

No. 1009 of 1823

Political Department

No 395

Extract from the Minutes of Council Calcutta
dated 15th November 1833

Read the following papers

From the Government Agent at Chittagong } Letter dated 4th October 1833 No 27

Petition from Lakiravdeen Mudeenee & others dated 25th " " "

Read

Ditto

Ditto

Ditto

Ditto

Read It would appear that the main question submitted for the consideration of Government in the foregoing letter is whether H. H. the Nabob of Carnatic has any right to exercise interference with the performance of the usual religious ceremonies of the Mosque in Black Town, or with the management of the affairs of that Institution by the Native Officers.

2 It is observed from correspondence noted in the margin that in June 1803 the allowances for the collection of the Revenue for the maintenance of the Mosque attached to the Nabobs

1009

Regist. 8th June 1835.

Rupees - 12:- 11- to the 8th

Rupees of Sicca 8th June 1835: N° 253

Rupees 12th — — — to Mazan

the Government to allow for the Expenses of Lights, were ordered by Government to be allowed at the disposal of H. H. the Imaum Zanzibar, under whose charge the Mosque was stated to have been and by whom all other necessary expences were supposed to have been defrayed. But this Agreement, though it placed the Establishment of the Mosque & other fixed allowances under the Control of the Arabic Zanzibar, was not calculated any interference with the Services & the affairs of the Institution so long as they were properly conducted by the Officers duly appointed for that purpose - nor the Power the Government thereby the Right of the Imaum to dismiss any one of the Servants attached to the Mosque whereby

dispose

dispose him of his Situation to the Office, merely on the representation that he had displeased his religious Doctrines.

3 In the Case under notice it appears from H. H. the Imaum's note to the Government Agent dated the 29th Ultimo that Mahomed Salehbin Abdullah the Imaum of the Mosque, was dismissed from his Office and emoluments by the Arabic Imaum for preventing his admittance into the Mosque to perform the usual Service, on the Ground that he had disregarded the Summons of the Arabic Mahakama to appear before that Tribunal in the matter of certain disputes between him and that Person for Breach of the Law, the Governor in Council does not consider this sufficient reason to be at all warranted by the Circumstances of the Case he must therefore direct that a Prohibition being with drawn the Petitioner restored to

Office if this has not already been done on the Representation of the Chief Magistrate and Superintendant of Police

4. In the Note to the Government Agent above referred to H. M. the Queen further signifies Her intention to Resume the Jagheer of Parree mumbalum alternwise called Shumshully in Consequence of its being a Service Grant made on account of Dismissal of the Parish Emauns. The Government cannot perceive what Right the Queen has to interfere with the Retained possession of this Village which appears from the Copy & Translation of the Perwanah, submitted by him to have been granted for the maintenance of the Persons holding the

vide Succeeding Sections III, IV & VII of Reg. III of 1805

holding the Office of Simbee or Head Man. This Document will be a Grant for the Transmission from Father to Son the Village of Parree mumbalum to such of the male Descendants of the Original Grantee as may be qualified to hold the Office and the Government do not see that the Petitioner Zahiroodeen Hoolamee Abdoolla, the present incumbent, could be removed from it, excepting for proved incapacity or misconduct in the discharge of his public duty, or acts of profligacy in his private Conduct. The Office is accounted hereditary & descends from all the Parents with the Functions & Emoluments of Simbee or with the Portion of the Revenue in the Margin by the Duty appointed after as long as Conduct be to discharge the public Service and to Report for the Information of Government, Respecting the misconduct

Coll. No. to Desp. 23rd
January No. 19 1853
Indicated from Eng.
5th March No. 5 of 1856.

No. 19 at 21.

In Ans. 15 Nov.

Political 1853 Coll.
No. 398
Extract from the Minutes
of Consultation dated
15 Novr 1853

Do not consider the interference of H. H. the Nabob of the Carnatic with the performance of the usual religious service in the Mosque in Black Town or with the management of that Institution by the duly constituted officers to be at all warranted by the circumstances of the case. Govt insist therefore that Golam ... the Shaik Imam of the Mosque being restored to this Office. Cannot recognize the Nabob's right to interfere into the Shaik Imam's possession of the village of Cayramundlum which appear to have been granted for the maintenance of the person holding the Office of Cauzee of Madras. Direct that in the event of a failure of the Jaghire from default &c. it is to revert to Govt. His Highness to be advised to abstain from all interference with the functions of Cauzee &c.

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dismissed; that petr is doing the duties of Cazi by virtue of the Proceedings of the Board of Revenue dated 9th Febry 1872 confirmed by G.O. 18th March 1872 No 370 &c; that he enjoys the revenue of the Jaghire village of Coromandel; that the Govt by an oversight having requested his bitter enemy Hyder Jung Bahadur and others to nominate a qualified person for the office of Cazi of the town of Madras, petr learns that the said Kumroodeen whose claim has been rejected by the High Court and on whose behalf Hyder Jung Bahadur gave evidence has been recommended for the office. 64

Prays that the Govt may appoint him at once Cazi of Madras as his right to the office has been recognized by the High Court and as he is enjoying the Jaghire attached to the office under the orders of the Board and Govt.

Eccl. Q. 11-4-77: 1055
— " — 13-3-77: 326
Rev. P. Q. 19-12-76: 2092

appointed to the said office, and has taken out a probate of the last will of Hafiz Abdool Cader Ibrahim Ababaker late Cazee of Madras; that one Kumroodeen alleging to be the heir of the late Cazee filed a caveat to set aside the Probate but the High Court overruled his objection in toto holding the evidence of Hyder Jung Bahadoor in his favor; that one Khader Hoossain filed a suit in the High Court for the recovery of the said office and the Jaghire of Coromandel, but during

Government of Madras.

Rev DEPARTMENT.

Petition No. 1009 of 1877.

From Meer Goolam Hoossain Makomed.

Occupation Ababaker Cazee-ool-Coozat of

Village

Talook

District Madras

Dated

Received 5th April 1877

Enclosures.

ABSTRACT.

States that by virtue of the order of the Madras High Court, he has been

of Cuzee and to give a Certificate to the said Purchaser of the late Ababakership as well as the Certificates of the East India Company to be delivered; that according to Mahomedan Law the said Cazee executed a writing in favor of Meer Goolam Hoossain who, having been duly appointed as successor to the said office of the deceased, obtained a Certificate to the said office from the High Court of Madras, proved all the property therein mentioned; that subsequently to these the relations of the deceased filed a suit

Government of Madras.

Rev DEPARTMENT.

Petition No. 1043 of 1877.

From Meer Kasim Ally

Occupation Barrister of Superior Madras

Village

Talook

District Madras

Dated

Received 7th April 1877

Enclosures.

ABSTRACT.

States that Hafiz Mahomed Ababaker was Cazee-ool-Coozat of Madras that he enjoyed the Jaghire

پرچۂ ضروری اخبار سفیر مدراس مطبوعۂ ۳۰ مین مارچ ۱۸۷۷ع

ہم واسطے آگاہی حکامان منصف شعار مدراس یہہ چند سطرین بطور یاد داشت کے درج اخبار کرتے ہین کہ حافظ عبد القادر
محمد ابابکر جو قاضی القضات شہر مدراس کے تہے سو بموجب پروانجات نوابان ماسلف و پروانۂ ایست اندیہ کمپنی جاگیر
کرمیندل و دیگر اراضی مشروط کی اجرائی بنام قاضی القضات موصوف کے آباواجداد سے چلی آرہی تھی پس بموجب
شرع شریف قاضی القضاۃ بالا بلا جبر واحدے بنام قایم مقام وجائے نشینی فرزند متبنی مسمی حضرت میر غلام حسین صاحب
محمد ابابکر قاضی القضات کے ایک وصیت نامۂ شرعی لکھدئے بعد از انتقال قاضی القضات حافظ عبد القادر
محمد ابابکر کے میر غلام حسین صاحب موصوف ہائی کورٹ مدراس سے پروبیت وصیت نامہ مذکور پر حاصل کئے
اور از روے وصیت نامہ مذکور کل املاک مندرجہ وصیت نامہ کے قابض و متصرف ہوے چند دنون کے بعد قمر الدین
وقادر حسین جو قرابتداران قاضی مرحوم ہین اوس وصیت نامہ کو فسخ کرانیکے لئے عدالت ہائی کورٹ مین بسبیل لایان دار شران
مقدمہ دایر کئے چنانچہ جانب مذکور قمر الدین حیدر جنگ بہادر نے شہادت حقداری دیتے پر ماشر جسٹس کالت صاحب
و ماشر جسٹس ہی ارکنڈرسلی صاحب دعوہاے اشخاص مذکور کو مسترد کرکے پروبیت بنام قاضی میر غلام حسین صاحب محمد ابابکر کے قایم کئے
اور گورنمنٹ مدراس بموجب فیصلۂ ہائی کورٹ آمدنی جاگیر کرمیندل تا این زمان قاضی صاحب مذکور کو دیا کرتی تہی اور جمیع جاگیرات جو بنام
قاضی مرحوم کے تہے سو اب انہون کی رجسٹری بنام قاضی صاحب مذکور کے موجود ہے از انتقال قاضی مرحوم قاضی میر غلام حسین صاحب
محمد ابابکر محکمۂ قضاوت کا کام بڑے انصاف و دانائی سے چلاتے آتے ہین اور بموجب فیصلۂ ہائی کورٹ سوائے انکے دوسرا اس کام مستحق نہین
پس ہم امیدوار ہین وہ جو گورنمنٹ بالحاظ حالات مرقوم الذکر کے ایک قاضی جدید کے تقرری کے لئے چند عمائدین مدراس سے
استصواب کئے ہین سوا زروے فیصلہ ہائی کورٹ وغیرہ اوس جدید قضاوت کے کام پر بجز قاضی میر غلام حسین صاحب محمد ابابکر کے
دوسرا مستحق نہین چونکہ قضاوت خاندان مین قاضی موصوف کے موروثی چلے آرہی ہے و فیصلہ ہاے ہائی کورٹ و پروبیت
استحقاق پر انکے دلائل کافی و براہین قاطع ہین فقط

المشتہر میر قاسم علی لابر
مطبوعۂ مطبع نظام المطابع مدراس

sir the High Court taith ca
sions to make and cancel
the will of the Marcarable
judges of the Court after
a search into inquiry his
ascertained their claims &
confirmed the Probate
in favor of the Defendant
& that the Court, as per
decision of the High
Court made over the
income of Caramindal
Jaghire to the said
Meer Ghoolam Hoosain
which income was registered
in her name only
As the said Meer
Ghoolam Hoosain
conducts the affairs
of his office intelligently

Diwan the business of the
late Cazy, prays that
the Court will cause the Defend-
ant to cause for the Defend-
ing stranger
but to affiant the
present succession
on the ground that
he is entitled for the
same by inheritance
the decision of the
High Court & Probate.

Ref. Vo. — 20-5-79. 1113.

Translation of the Letter of Sheffeeray Madras dated 26th 7th March 1877

We beg to bring the following lines Guiz Menu to the consideration and information of our Imperial Government - that Hafiz Mahomed Abdool Sunder Mahomed Ebrahim who was Nazeer wool Nozat of Madras enjoyed the Jageer of Soromain &c and other serviceable lands under the Purwanas of the late Nabob as well as under Certificate of the East India Company. That according to Usage and Law (meaning Mahomedan Law) the said Nazeer wool Nozat without the force of any one executed a Will in favor of his successor and adopted Son named Meer Gholam Hossain Sahib Mahomed Ebrahim Nazeer wool Nozat.

That after the demise of Nazeer wool

Mahomed Bagar Khan Abdool Rowther
Mahomed Ibrahim the late Meer
Gholam Hoosain deceased obtained Probate
to the said Will from the High Court
of Judicature.

That by Virtue of the said
Probate the whole property mentioned
in the Will obtained possession of
by Meer Gholam Hoosain undervalued

That some time after Mumbeedeen
and Khader Hoosain who are Executors
of the late Cauzy failed visits in the
High Court through Attorneys and
Barristers with a view to have the
Will Cancelled and revoked.

That notwithstanding the evidence
of Hyder Khan Bahadur in favor
of Mumbeedeen to establish their
right the Honorable Mr. Justice
Jackett and Mr. J. P. Anderson
having dismissed their Claims and
Confirmed Probate in favor of Meer
Gholam Hoosain late Mahomed
Ibrahim. That the Government

77

&

of Madras as per decisions of the high court made over the income of the foreman able Jagees to the said Meer Gholam Hoosain Canzy up to their time and the whole Jageer which were in the name of late Canzy are now registered in the name of Meer Gholam Hoosain Sahib mahomed Ababaker.

That from the demise of late Canzy, Meer Gholam Hoosain mahomed Ababaker performs the business of Mahomedan Tazawut. We hope that as the government without Consideration of the aforesaid circumstances intend to appoint a new Canzy and have referred the matter to some respectable Mahomedans for their opinions as according to the decision of the high court &c. except Canzy Meer Gholam Hoosain Sahib mahomed Ababaker no other person is entitled to the new Canzy office for

for the Jamaica ship is descended
to the said Jamaica as a hereditary
title and the decision of the High
Court and the Probate are strong
evidence of the said Earl's right.

Publisher
Green Lassin alley

Petition

Rec'd 19 Oct 77

No 1578

Transferred to the Government of Madras for disposal.

By order
L Neill
Offg Under Secy to the Govt of India.

Home Department
Judicial
Simla the 13 October 1877

15-75

28

grand-father, Mahomed Aboobacker Fuckroodeen Ali Khan, as Cauzy of Madras & granted him the Jaghire of Coromandel: that his descendants succeeded him in office & continued to perform the duties attached to it, & enjoy the Jaghire: that Petr has been doing duty since the death of his uncle in October 1868 without any remuneration.

Prays, therefore, that the Jaghire of Coromandel may be restor-

C 25-4-79
R 9-5-79
C 17-5-79

Government of Madras.

Rev DEPARTMENT.

Petition No. 2850 of 1877.

From Mahomed Aboobacker Hafiz Camooroodeen

Occupation Ahmed. Kazi of

Village

Talook

District Madras. through the Govt of India

Dated 1st September

Received 19th October 1877

Enclosures One

ABSTRACT.

States that in 1760, the Nabob Wallajah appointed Petr's grand-father

RC 13-5-79
R 17-5-79

a Successor - The Mahomedan Community were left to act for themselves - They selected the Petitioner - One Meer Ghoolam Mahomed had, meanwhile, taken out Probate of the will of the late Kazi and on the strength of this document invaded or attempted to invade the office of Kazi - The Petitioner sought the protection of the Courts on the ground that he had been duly elected Kazi - The High Court, however, held that the Mahomedan Law did not recognize such a mode of election to this important ~~religious and Secular~~ office - that right being vested solely in the Sovereign or Ruling power - They accordingly dismissed his suit and in doing so remarked that his opponent's claim rested upon a ground even more repugnant

repugnant to the Mahomedan Law than that urged by the Petitioner -

The case was further complicated by the circumstance that a former Kázi had mortgaged to one Karnagara Menon, a Vakeel of the High Court, the villages and the various items connected therewith in satisfaction of a debt - the transaction was termed a "perpetual lease" - and Karnagara Menon is spoken of in the accompanying papers as the permanent lessee - In 1873 a question arose as to a claim preferred by this man to all flotsam and jetsam found on the coast within the village limits - After consultation with the Law officers a liberal offer was made to him, but rejected -

The

Encl. 8

It is submitted whether copies of these Pro: may be furnished to Petn as directed in para 6 of the Order.

2/12/6

84

No. 24.

HIGH COURT OF JUDICATURE,

MADRAS.

OFFICIAL MEMORANDUM.

Dated 4th March
Received 4/3 } 1879.

The Asst. Registrar of the High Court has the honor to forward herewith, in compliance with the Acting Under Secretary's Official Memorandum of the 26th ultimo, a Copy of Mr. Justice Collett's Judgment in O.S.N. 453 of 1869. on the file of this Court.

Asst. Registrar

Memorandum 21

Kanai Mandalam.

Inam

This village in question was granted to Sakuradia Mahomed Abubekir by the Mahomedan Govt of the day on Condition of his performing the duty of Kazee of Madras & was subsequently confirmed as Inam on his Son. Mahudum Mahomed Abubekir under a Purwanah of the Nawab Mallajah of A.D. 1760 to be enjoyed by him & his Heirs in perpetuity and without any Conditions. The Purwanah of the British Govt also Same the village in perpetuity to the said Cazee and their of his direct heirs &

DEPARTMENT.

No. of 187 .

To

The Most Honorable
The Secretary of State for India.

MY LORD MARQUIS,

In forwarding the enclosed petition from Kázi Mahomed Ababaker Hafiz Kumroodeen Ahmed, regarding the restitution of the village of Coromandal to petitioner being the endowment of the office of the Kázi of Madras we have the honor to State as follows—.

The Kazeeship of Madras was endowed by the Nabob Wallajah in 1760 with the village of Coromandal in the District of Chingleput, and

G.O. 6th August 1862
" 20th February 1866

and this grant was afterwards confirmed by the British Government in 1779-

In the year 1862 the Inam Commissioner had treated this grant as made for the personal benefit of the holder but for reasons given in the latter order quoted, the Govt Cancelled the title deeds and registered the village as an endowment of the office of Kázi - Prior to the passing of Act II of 1864 the appointment to the office of Kázi is rested with the Govt, under the powers conferred by Reg: 3 of 1808- The last Kázi appointed under this Regulation, was Abdul Cawder Saib in 1862- He died in 1868- On his death the Govt refused to appoint a

Thereupon this [illegible] resumed [illegible]

G.O. 3rd April 1873, No 383

Do Dismissing Discussion

The Government finally resolved to resume the village as they considered that by the existing arrangements the intention of the Govt in continuing the grant was defeated, and to pay to the Kázi a monthly allowance equivolent to the nett income of the village- The collections of the revenue is entrusted to the Collector of the Distt - For some time Rs 1000 were paid, but recently the nett proceeds have been disbursed to the Kázi; but Govt declined to place the man in possession of the village; but have disbursed to him the allowance in preference to [illegible] as he is probably the nearest heir of the late Kázi and the general will of the Mahomedan Community was in his favour-

24.5.77

P.C. 18th Septr 1874, No 1192

Do 10th Octr 1876 No 1472

Do 19th Decr 1876 No 2092-

FORT SAINT GEORGE,

(187 .) DEPARTMENT.

Letter to the Most Honorable
the Secretary of State for India,
Dated
No. of 187 .

R. to Gov. May 79
No 1113 Jud.

This may be returned
with
Ans
12/6

R. R. G.
C 25-5-77. 9-6-77. 18-6-77.
RG-6-77. 18

99

No 1099 of 1877
Recd 5 April 1877.

From Meer Goolam Hoosein
Mahomed Ababaker
Cazee-ool-Coozat of
Madras—

1099 & 995

States that by
virtue of the order of the
Madras High Court, he
has been appointed to the
said office, and has taken
out a Probate of the last
will of Hafiz Abdool
Cawder Mahomed Ababaker,
late Cazi of Madras, that
one Kumrooden alleging
to be the heir of the late
Cazi filed a caveat to set
aside the Probate but the
High

The Petr request cannot be granted

30/4/77

High Court overruled his
his objection, notwithstanding
the evidence of Hyder
Jung Bahadoor on his
favor; that one Khader
Hoosain filed a suit in
the High Court for the
recovery of the said office
and the Jaghire of
Coromandel, but it was
dismissed; that Petitioner
is doing the duties of
Cazi by virtue of the
Proceedings of the Board
of Revenue dated 9th Feby
1872 confirmed by G.O. 1st March
1872 No. 370 & 371; that he
enjoys the revenue of the
Jaghire village of Coromandel;
that the Government by an
oversight having requested
his
bitter enemy Hyder
Jung Bahadoor and others
to nominate a qualified
person for the office of
Cazi of the town of Madras,
Petitioner learns that the
said Nurroodeen whose
claim has been rejected by
the High Court and on
whose behalf Hyder Jung
Bahadoor gave evidence,
has been recommended for
the office.

Prays that the
the Government may ap-
point him at once Cazi
of Madras as his right
to the office has been
recognized by the High
Court and as he is enjoying
the Jaghire attached to the
office

24/3/00

office under the orders of the Board and Govt.

No. 995 of 1877 Dt. 31st March 1877.

Recd. 4th Apl.

From Kazee Mahomed &
Abubakker Hafeez &
Kumroodeen Ahmed,
residing at Moothealapetta, Madras.

Prays that his accompanying Memorial regarding the restoration of the village of Karoomanel to petitioner, may be transmitted to the Secretary of State for India.

Please Def.

Petition Supplt

20 May 77

The Memorial will be forwarded to the Sec. of State (on the subject of India) with the following explanatory letter.

[Letter]

2. The Petr will be informed that his Memorial has been forwarded thro the Govt. of India to the Sec. of State.

30.4.77

105

11/1/79

103

MEMORANDUM.

For Petition No.

Requested for reference the undermentioned papers:—

Please return the decisions forming the enclosures to Corr. No. of 20th May 79 No. 1113 for despatch to the decisions as directed by the Hon'ble Secretary.

GOVT. OFFICE,
Petn. Department,
19th June 1879.

To
The Head Clerk of the
Govt Office.

Head Clerk.

But Not had forwarded

Rec: Sept

Petition about the Cauzee ship
of Blacktown, Madras.

I have had occasion officially to become very familiar with this case, & believe I can state it clearly.

Formerly, until Act 11 of '64 that most heedless enactment as to Cauzees pertaining to the Mahometans, was passed, Govt used to appoint the Cauzees, where the office existed. I believe some pious cutcherry arts-knight we were compromising our own religion by so appointing: consequently it was enacted that we shd do no more, but nothing was done in substitution: nor indeed does the Parliamentary law contemplate any thing but the nomination of the Sirkar.

II

The last Blacktown Cauzee, Gours appt, died in '66: he had no sons, but there were two sisters to both very nearly related to him:

(1) Mahomed Abubaker's wife

(2) Meer Forbes Hossein.

The old gentleman favoured the pretensions of the latter: made a will in which he called him his adopted son & successor: and in short had got in at the death.

But No 1 had powerful partizans:

See Bds Proc in G.O. 1-3-72

Docketslip on Pet. No 995 of 1077.

Docketslip on Pet. No 1009 of 1077.

Orig. Pet. No 1043 of 1077.
—" — 2225 of 1078.
—" — 169 of 1079.
—" — 500 of 1079.
—" — 2850 of 1077.

Returned to the Pet. Dept. on the 21/6/79.

Rt. in No. 995/77

R. in No. 1009/77

he was in favour with Hyder Jung, who convened a meeting (at which the Resident presided) wh elected him now to the vacancy: on the strength of wh. pabwaga No 1 filed a suit in the high Ct (1) to restrain No 2 from usurping the office (2) to get the Cawlee endowment, the village of Commandel, to wit, opposite Pulicat. Mr Justice Scott tried the case: his judgment is put up in favour of the plaint, on the ground that Plff's title seemed to be best, & that further of the profits, under the late election was most contrary to the instrument and law. No 2 continues in as Cawlee.

II. As to the village — it was given formerly by Cazeel (partly in consideration of a small fine) by the old incumbent of the office to the Hyd Govt naked, and in this manner being temporary, claiming all the wrecks on this part of the coast, & as there possible that the cawlee for the time being got very little out of the transaction — the Govt resumed the same tenure & ordered

the Collr to pay the net proceeds to the Cawlee.

III. The man to be paid in person No 2.

No 1 misrepresents the case to the Ct. decision; the Judge did not say he had no better case & allegements declined to oust the other man.

A double endorsement can easily be prepared on this present petition, to enable him to go up again; if he is so disposed, & the Govt of India — when he will call the Home Govt, meaning India in the Home department!

IV It is to be noted, person, that all his disputes comes about by Act XV/64.

P.C.J. April 7/9.

The Govt was left by the office in the Madras Jurisdiction Rs 995. & 1009. viz

(877)

from the 2 enlargements
Registrar and Dir
Mr Sullivan Resident
Rs Collr Chingleput
Madras Advo. Genl
became apparent that there
had been attached to
Office of Cazi of Sadras

Govt. Vol in Pol. Cons. 4 Dec 1877 Nos 1 to 2 Enclosures to Despatch from the Government of Madras, dated 30th October 1877.

1760. Kazi Kadumal Abubeker Sahebuddin Ali Khan

1767. Kazi Kadumal Abubeker Sahebuddin Ahmed Khan

1779. Dt. 12 confirmed by H. Rumbold Gov. of Madras

— Kazi Kadumal Abubeker Sahebuddin Ali Khan ... died in 1802

185_. 6.26.
Kazi Kadumal Abubeker Sahebuddin Khader
- appt. by Govt.
- died 10 Oct. 1864.

Of the 2 Kazis
1. M. A. Kumaruddin
2. M. A. Khan Bahadur Ghulam Hussain

No. 2 obtd. custody of the title of Kazi Abdul Khader & says that in reviews he favoured of the Mussulmans.

Pet. prays for possession of his watan, vacated & that his Memorial may be forwd. to the Sec. of S. His appt. pending.

Does circumstances for dismissing the enquiry & the Exam. favoured by No. 2. Sto attend at time by Kazi. Dist. Collr. instructed to return title deeds & the Mussulman documents.

G.D. 16.4.77.

Orders on the various petitions from both parties circulated awaiting for approval.

Petition

No. 995 of 1877 dt. 31st March 1877
Recd 4th April ---

From Cazee (Mohamed Alabaker) Hajiz Kummrood din Ahmed residing at Moothialpet

Prays that his accompanying Memorial regarding the restoration of his village of Karoomandel to petitioner may be transmitted to the Secretary of State for India.

No. 1009 of 1877 dt.
Recd 5th April 77

From Mir Goolam Hoosain (Mohamed Alabaker) Cazeemol Hozzat of Madras.

States that by virtue of the order of the Madras High Court he has been appointed to the said office and has taken out

107

995 of 1009/1877 & 2225/78.

For orders.
Petr. & pros. are present.
Petr. is informed that the petitioner's original petition dt. 31st March 1877 No. 995 and 5th April 1877 No. 1009 were sent in circulation and have not returned to the office.

13.1.79

Enclosures of Govt. Memo. & a copy can be furnished to orders can be passed.

As regards the prayer of petr. Kazi. The answer must be that the Govt. have no

out a Probate of the last will of Hafiz Abdool Cader Mohamed Abubaker late Cazee of Madras, that one Kumrood-din alleging to be the heir of the late Cazee filed a Caveat to set aside the Probate, but the High Court over-ruled his objection, notwithstanding the evidence of Hyder Jung Bx in his favor; that one Kader Hoosain filed a suit in the High Court for the recovery of the said office and the Jaghire of Coromandel, but it was dismissed, that petr is doing the duties of Cazee by virtue of the Proceedings of the Board of Revenue D.d 9th Feby 1872. confirmed by G.O. 1st March 1872 No 370 K, that he enjoys the revenue of the Jaghire village of Coromandel that the Govt by an oversight having requested

by law in the affirmative.

As regards the Appeal. Not. before the Court of H.C.J. Chingleput 5th Dec 1878. Effect in Decree of H.C. It now is. [illegible]

Sent to Govt. Extract is enclosed. Enjoying the income covered.

regnes for his letter enquiring Hyder Jung Bx Vakeel to nominate a qualified person for the office of Cazee of the Town of Madras, petitioner learns that the said Kumrood-din whose claim has been rejected by the High Court and on whose behalf Hyder Jung Bx gave evidence has been recommended for the office.

Prays that the Govt may appoint him at once Cazee of Madras as his right to the office has been recognized by the High Court and as he is enjoying the Jaghire attached to the office under the Orders of the Board and Government.

No 2225/1878 dt. 18th Nov 1878

Read ——

From Mohamed Shahabeer

Hafiz

Hafiz Cassumdin Ahmed, Cazy of Madras.

Submitting the endorsement of the Government of India, stating that petitioner's previous petition was transferred to the Government of Madras for disposal, praying that it may be perused and that an order may be passed directing that the Coraimandel Jaghire may be given him for his support.

O.M. 9/26/2/79 N° 17

Office

Refer the first Petition
regarding the Mutyalpet
Estate of Madras Town
to the Collector of Madras
& his remarks thereon
the Cazee Ishteel Ahmed
be referred to before we
proceed in the case, long
enough time will be allowed

2) Refer the Petition
and Hafiz Ghulam Ahmed
Sahib for copies &c.
for the Collector
of Madras & Ishteel Ahmed
respectively (66 to 67) in
Letter (66 to 67) in
Petitioners
Petitioners
Petitioners
Blackstone Thursday
D.M.
29/2-9

H. Cassim Cazi &c.
C 17/1 - 23/1 14/2. 17/3.
R 23/1 27/1 21/2 15-9-7, 1956
Sent 7-6-79
R- 13-6-79
H- 13-5-79

N° 995 of 1/11 D/31st Jan. 1/11
Recd 1st Apl. 1/11.

From Cazee Mahomed
Mealaker Hafiz
Kumroodeen Ahmed
residing at Poottialpet.

995 + 2850/11, 2225/11 + 169 +
500/79.

Pray that his
accompanying Memorial
regarding the restoration
of his Village of Karo-
manel to Petitioner
may be transmitted
to the Secretary of State
for India.

The Govt will not interfere in any way on Petitioner's behalf.

N° 2850/11. D/1st Septr 11
Recd 19th Octr 11.

From - Mahomed Abdool Hafiz Kamroodeen Ahmed, describing himself as Kazi of Black Town, Pondicherry

States that in 1760, the Cadiole Wallajah appointed

appointed Petitioner's
Grandfather, Mahomed
Aboobucker Buckroodeen
Ali Khan, as Cauzy of
Madras & granted him
the Jaghire of Coromandel,
that his descendants
succeeded him in office
& continued to perform
the duties attached
to it, & enjoy the Jaghire,
that Petitioner has
been doing duty since
the death of his uncle
in October 1868 without
any remuneration -

Prays, therefore,
that the Jaghire of
Coromandel may be
restored to him -

No. 2225/78. D/ 18th Nov.r/78.
Recd

From — do.. — do..

Submitting

Submitting the
endorsement of the
Govt. of India, stating
that Petitioners
previous Petition
was transferred to
the Govt. of Madras
for disposal, prays
that it may be perused
and that an order
may be passed direct-
ing that the Coromandel
Jaghire may be given
him for his support.

No. 169/79. D/ 20th Jany/79.
Recd. 20th —

From Do. — do. —

States that with
reference to the endorse-
-ment of the Home ~~Govt~~ Dept. Govt 17 Dec. 78
on his Memorial to them

praying

praying for the Jaghire
of Coromandel, Petitioner
presented a Petition to
this Govt. on the 18th Inst.
last but no reply has
been received by him.

Annexing the
2nd. of the Govt. of
India and his former
Petition prays that
the village of Coromandel
may be restored to
Petitioner for his subsist.

No. 500/79 Dy 12th March 79
Read 3rd —

From — do. — do. X.

Referring to the
Govt. 2nd Dy 26th Feby
last on his former Petn.
annexes a Copy of his
Memorial to the Secy.
of State in Council —
forwarded

This vessel appears to have
been called formerly "Hannah"
"Hannah Ward" & "Hannah
& Mary" & is registered
Kamchatka (Russia) during
1855 & 1856 as "Hannah"
Lane Jan 1857.

forwarded by him on
the 31st March 79 praying
that the village of Coro=
=mandalum may be
transferred in his name.

T.G.

Bellary (Revn.) Dept

No I

C 28-4-79. RC 13-5-79.
R 7-5-79. R 17-5-79.
& 9-5-79.
R 13-5-79.

No 1009/77 D/-
Recd. 5th Apl. 1877.

From Meer Goolam Hoosain
Mahomed Ababaker
Cazeemood Hoozab &c.
Madras.

States that by virtue of the order of the Madras High Court he has been appointed to the said office and has taken out a Probate of the last will of Hafiz Abdool Cader Mahomed Ababaker late Cazee of Madras, that one Kumroodeen alleging to be the heir of the late Cazee filed a Caveat to set aside the Probate but the High Court over-ruled his objection notwithstanding the evidence of Hyder ping Bahadoor

Regarding Immovable Property & Bank Notes &c.

See Nos 1009 & 1043.

The Govt are unable to comply with Petitioners request.

As the application for the withdrawal of the Bank Notes &c

Bahadoor in his favor that one Nader Hoosain filed a suit in the High Court for the recovery of the said office and the Jaghire of Coromandel Lent A was dismissed that petitioner is doing the duties of Cazee by virtue of the Pros:. of the Board of Revenue dated 9th Feby/72. confirmed by G. O. 1st. March 1872 No. 370 & co. that he enjoys the revenue of the Jaghire village of Coramandel that the Govt. by an oversight having requested his bitter enemy Hyder Jung Bahadoor & others to nominate a qualified person for the office of Cazee of the Town of Madras petitioner learns that the said Kumroodeen whose claim has been

been rejected by the High Court and on whose behalf Hyder Jung Bahadoor Sahe evidence has been recommended for the office -

Prays that the Govt. may appoint him at once Cazee of Madras as his right to the Office has been recognized by the High Court and as he is enjoying the Jaghire attached to the office under the Orders of the Board and Govt.

No 1043/77. Dt. Recd 7th Sept/77.

From Syed Kasim Ally Proprietor of Cafes Madras -

States that Hafiz Imahomed Meahuddeen was

† We need not send this - this from a volunteer agent & the preceding petition is from the person himself. 7/5/79

121

was cazee of Shozat
of Madras that he
enjoyed the Jaghire of
Coromandel and other
serviceble lands as per
Purwanahs of the late
Nabobs as well as the
certificates of the East
India Company hereditarily
that according to Mahomedan
Law the said Cazee exe-
-cuted a will in favor
of Meer Ghoolam -
Hoosain who being
a successor & adopted
son of the deceased,
obtained a probate
to the said will from
the High Court of
Madras possessed all
the property therein
mentioned; that subs-
-equently when the
relatives

relatives of the deceased
filed a suit in the High
Court with a view to revoke
and cancel the will, the
Honorable Judges of the
Court after a minute
enquiry dismissed their
claims & confirmed the
Probate in favor of the
Defendant & that the Govt;
as per decision of the
High Court made over
the income of Coromandel
Jaghire to the said Meer
Ghoolam Hoosain
which is now registered
in his name only -

As the said
Meer Ghoolam Hoos-
-sain conducts the
affairs of his office
intelligently

intelligently since the
demise of the late
Cazee, prays that the
Govt. will be pleased
not to confer the post-
upon any stranger but
to appoint the present
incumbent on the
ground that he is entitled
for the same by in=
=herence, the decision
of the High Court of
Probate -

No II

C 28-4-79
R 9-5-79
Se 12-5-79
R 15-5-79
RC 17-5-79
R 17-5-79

Khan Bahadur

No 1113 dy 20 May 1879

[illegible]

No 2850/77 dy 1st September 1877
Rcd 19 October 1877.

From Sheikh Ahmed Abdulla
Hafiz Kamruddin
Ahmed, describing
himself as Kazi of
Black Town, Madras.

States that in 1760, the
Nabob Wallajah ap-
=pointed, settlement
grand father, Mahomed
Abdulla Hackeemuddin
Ali Khan, as Kazi
of Madras and
granted him the
Jaghir of Poramau-
del, that his des-
cendants succeeded
him in office and
continued to perform
the duties attached
to it, and enjoy the
Jaghir.

As the memorialist is about to
[illegible] as Kazi he
[illegible] under a writ de
[illegible] How should he
[illegible] to Rajah Manoj
[illegible] Collector
[illegible] Jurisdiction
[illegible] Kings, many
[illegible] limbs & body
[illegible]

13/5/79

Jaghir; that Petitioner has been doing duty since the death of his uncle in October 1860 without any remuneration

Paraphrase that the Jaghir of Coromandel may be restored to him

No 2225 of 1870 Dy 18th Nov 70
Rec'd

From —— Do —— do —

Submitting the endorsement of the Govt of India, stating that Petitioner's previous petition was transferred to the Govt of Madras

for disposal prays that it may be perused and that an order may be passed thereon that the Coromandel Jaghir may be given him for his support

No 69 of 1879 Dy 20th Jany 79
Rec'd 20th do

From —Do— —do—

States that with reference to the endorsement of the Home Dept Govt of India on his petition praying for the Jaghir of Coromandel, petitioner presented a petition to this Govt

From Meer Gulam [illegible]
Hussain Rowthen
Thirbuchy - describing
himself as Clerk
2 Black Town Madras

States that by
virtue of the order of
the Madras High
Court he has been
appointed to the
said office and
has taken out a
Probate of the last
Will of Hafiz Abdul
Kadr Mahomed
Ababucker late
Kazi of Madras,
that one Kamaruddin
alleging to be the
heir of the late Kazi
filed a Caveat to

[illegible]

grant on the 18th
December last
but no reply
has been received
by him.

Annexing
the endorsement
of the Govt. of
India and his
former petition
prays that the
village of Coro-
=mandel may
be restored to
petitioner for his
support.

set aside the Ballot but the Highest non-added his objection remaining the service of Hajee Hussain Abdul Rasul Hussain for the recovery of the said office and the Qazi of Fenaveradel, but it was dismissed, that petitioner is doing the duties of Kazi by virtue of the Proceedings of the Board of Revenue dated 9th February 1892

1872, confirmed by G.O. 1st March 1892 No 370.92; that he enjoys the revenue of the Jaghire village of Fenaveradel, that the Govt by an oversight having requested his bitter enemy Hajee Yusuf Hussain and others to nominate a qualified person for the office of Kazi of the town of Beadoo petitioner therefore states that the said Hamood Hussain cannot claim has been rejected by

by the Registrar and on whose behalf Syed Ameer Hussain gave evidence were recommended for the office.

Except that the Govt. have reserved their right of Nazir to the office has been exercised by the Registrar and is enjoyed by the holder attached to the office under the rules of the Board and Govt

G.O

The G. in C. observes that before the passing of Act IX, 1864 of the L.G. of India in C., the appt. of persons to be Kazis, wherever the office existed, was vested in the Govt. Act IX, 1864 enacted that the Govt. shd. no longer make any such appt, but it did not extend any other procedure. The Mahomedan law does not appear to contemplate any other mode of appt. but nomination by the Ruler, and there is now great confusion in the matter.

2. The last Kazi of Black Town, Madras, appt. by the

Govt, died in the year 1868. The office is not exactly hereditary; the deed however left no male issue, but there were two qualified persons, both very nearly related to him:

(1) Mahomed Abubaker Ramruddeen.

(2) Mir Ghulam Hussain.

The deed in both his lifetime always favoured the pretensions of the second of these two persons; his will was in Mir Ghulam Hussain's favour; he described him as his adopted son & chosen successor. In short this nominee got into the office at the old man's death.

3. But Mahomed Abubaker had powerful partisans, & did not remain quiescent. His principal ally, Hyder Jang Bahadur, then busy to H. H. the Prince of Arcot, convened a meeting (at wh the Prince presided) which elected their candidate to the vacancy; on the strength of which patronage Mahomed Abubaker filed a suit in the Hyd Court, (1) to restrain Mir Ghulam Hussain from continuing to usurp the office: (2) for the recovery of the profession & the landed endowment of the office, viz the village of Coromandel, near Pulicat, in the dist of Chingleput.

4. The case was tried by Mr Justice Collett; from his judgment, a copy of wh is annexed to these Prps, it appears that he threw out the suit, on the ground that Plff's title was not stronger than the deft's; and that further, of all possible modes of appt, a public election was most contrary to Mahomedan law.

5. As to the village of Coromandel — it was found that a Hyd Govt had obtained a perpetual lease of it (in consideration totally of a fruit) from the last incumbent; and the Govt, believing that a very inadequate endowment wd remain for the Kazi for the time being — resolved, for this & other reasons, to resume the Inam tenure & place the village under the management of the Collr, with directions that the net proceeds shd be paid to the actual incumbent of the office, i.e. Mir Ghulam Hussain.

6. Copy of these Prps will be furnished to the Petrs, who will be informed that the Govt have no further reasons to urge in the matter.

19/5/79 Govt

Original Suit No 453 of 1869

"I have already disposed of this suit as against the 2nd Defendant by dismissing it with costs on the ground that this Court has no jurisdiction in the matter. I reserved my judgment as to the case made against the 1st Defendant. The object of the Suit is to have the Plaintiff declared to be the Kazi of Madras and to restrain the 1st Defendant from invading his Office by acting as Kazi within the Local limits of Madras. The last Kazi of Madras who had been appointed by the Government under regulation 3 of 1808 died in 1868. The Plaintiff then applied to the Board of Revenue apparently with reference to the village said to be attached to the Office and claiming I presume to be recognized as Kazi of Madras, but in consequence of the passing of Act II of 1864 all interference was declined, and the Plaintiff was informed

was informed that the appointment to the Office of Kazi vested with the Mohamedan community. It appears from the evidence that early in 1869 (the 4th February 1869) a meeting of the Mahomedan Community was called by public advertisement and was held at the Jumma Mosque in Black Town when the Plaintiff was unanimously elected by the meeting to the Office of Kazi and the Prince Azeem Jah, as I presume the recognized head of the Mahomedan community. Subsequently Signified his approval of the Selection. It also appears that the 1st Defendant through his attornies Sent a notice which was read at the meeting objecting to the appointment of Plaintiff to the Office of Kazi.

I think that the validity of Plaintiffs appointment must be tested ~~notice~~ tested mainly by his learned Counsel, on the fact of his election at the public meeting and not on any hereditary right. It is true that the Plaintiff is Known to be an heir and probably is the nearest heir of the late Kazi but though there are allegations contained in Exhibit E that this particular Kazi-ship was hereditary, no distinct & satisfactory evidence of this ~~x x x~~ has I think been adduced and certainly the Office of Kazi was expressly declared by the old regulation not to be hereditary, and it seems clear to me that under the general Mohamedan Law it could not be so and for this I think that I may Safely rely on 2 Hedaya Book XX Chapter I. A claim of a right by descent would have to be made out by the clearest evidence and obviously this Plaintiff never assumed the Office on the ground of Such a right but Solely in reliance on his election at the Public ~~ti~~ - For the 1st Defendant there were

were read to me passages from Mohamedan Law
books to show that the appointment to the Office
of Kazi can only be made by the Sultan or
ruling authority - There can be no doubt, I apprehend
that we should regard Mohamedan Books in vain
for the signs of any other mode of Selection. It was
consequently contended that the attempt to impose upon
upon the Plaintiff by means of a popular election was
inconsistent with Mohamedan Law and the
Plaintiff's election invalid. In a Mohamedan
Country under a Mahomedan Government, the most
important duties of a Kazi are purely judicial
In this country under the British Government
it was unavoidable that such functions should
cease. But still there are other duties of the
Office important to the welfare of the Mahomedan
Community which may be best described in the
words of the preamble to Section 3 of 1908 which

declared that "The Office of Kazi was requisite
"at the cities and principal towns and in the
"provinces for the purposes of preparing and
"attesting deeds of transfer and other law papers
"celebrating marriages and performing such
"religious duties or ceremonies prescribed by the
"Mahomedan Law as have been hitherto discharged
"by them under the Native Government" and
it then went on to say that it was necessary
to appoint persons of Character and duly
qualified to the office - In those days it
thus appears that it was not thought improper
for the State to recognize the religious as
well as the administrative functions of the
Office and for the welfare of the community
to provide for the appointment of fit and
proper persons. The different policy of
the

present day is expressed in the preamble to Act II of 1864 which declares that "it is inexpedient that the appointment of Cazee-ul-Cazzat or of City Town or Purgunnah Cazee should be made by Government" - the first section then repeals all enactments relating to the Office of Kazi but while the 2nd Section with superfluous caution provides that the act shall not be construed to prevent a Kazi from performing any duties or ceremonies prescribed by the Mahomedan Law, that

the

the act is entirely silent as to how the Mahomedan Community is in future to be furnished with this ~~rather~~ rather indispensable official I do not know on what ground it was that the Board of Revenue (which was apparently the only authority to whom the plaintiff applied on the subject) seems to have suggested in effect a popular election by universal suffrage as the appropriate remedy for the omission. Certainly this expression of opinion does not afford any ground for the argument that the ruling authority thus delegated to the general Mahomedan Community their right to appoint to the office for the Board of Revenue was not a sublime an authority which ever had any thing to do with the appointment or supervision of Kazies and probably the Revenue Board did not intend on this occasion to convey more, than a friendly or extra official suggestion to the Plaintiff - The question seems to me one of difficulty whether any thing short of an enactment can supply the omission to provide for the performance of the duty which by express enactment and under the general Mohamedan law has always hitherto vested with the ruling authority - But I think it seems to me impossible to suggest any [illegible] which the novel and the

Mahomedan Law hitherto unknown procedure of a popular election can be held as effective to impose upon the whole Mahomedan Community of a City or Town a Kazi so ~~elected~~ elected.

Those Mahomedans of Madras who attended at the election of the plaintiff seem to have been conscious of the anomaly in their proceedings and applied to Prince Azeem Jah as the representative of their former rulers to confirm the election of the Plaintiff. But the Prince though a very ~~exalted~~ personage is certainly no more than a subject and his sanction cannot be regarded, I fear, as a sufficient substitute for that of the ruling authority. It may perhaps be said that the administrative duties of a Kazi such as preparing and attesting documents or even registering Marriages and Divorces are no longer indispensable, but certainly as to such duties it is sufficient to suppose any ground on which a Majority of the Community can impose upon the rest any particular person for the performance of them or why any number of persons may not offer themselves to the Madras Public for the performance

of such work. But assuming that I need have regard only to the religious functions of a Kazi what is the position of the Mahomedan Community consequent upon the passing of Act II of 1864? It appears to me to be this. A religious Community or association the Mahomedans are in the same position as any other religious Community existing in a state either not having any or having a different state religion. All the members of the association are bound by its peculiar doctrines ordinances rules & discipline and obedience to them would, I consider, be enforced by the Civil tribunals of the Country - or at least to this extent (which is enough for the purposes of the suit) I may certainly go, namely that the Civil tribunals of the Country would be bound on its being proved that any person had been duly appointed to an office in accordance with the rules and ordinances of the association, to enforce & protect the rights and privileges of such officer and to restrain all others from interfering with or discarding the office. But it does not appear to me that the Plaintiff is in a position to assert that he has been duly appointed to [illegible] by the Mahomedan Com-

No Authority has been cited to me and I do not believe that any could be found in the Mahomedan Law Books that could justify the selection of a Kazi by vote at a public Meeting, so as to Compel those who either took no part in or were opposed to the election to recognise the person chosen as Kazi - The only mode of appointment that confers a legal & exclusive right to the office is an appointment by the ruling Authority and in the present instance the Government has refused to make any appointment at all to the office - I am therefore of opinion that the plaintiffs has failed to establish an exclusive right to the office of Kazi within the Local limits of Akalkot and that those who will are at liberty to recognise and employ the 1st defendant or any one else as their Kazi - It is not necessary to examine the ground on which 1st Defts puts his Claim to the office - I will only say that it probably ought to be pronounced to be even more Repugnant to Mohammedan Law than the mode of appointment on which the plaintiffs relies - The result is that I dismiss the suit as against the 1st Defts also but in the peculiar circumstances of the Case I think that I may rightly dismiss it as against him without Costs.

Foliod

Ord. C.

End

Original

Govt. of {1879} Madras.

REVENUE.

To

THE PETITION DEPARTMENT,

&c., &o., &c.

Dated May 20th.

Printed June 6th.

Recd.

MAY.
Nos. 415-416.

Kazishíp, Black Town.—Recording observations on petitions relating to the —, and ordering a copy of the Proceedings to be furnished to the petitioners with an intimation that the Government have no further orders to pass in the matter.

13-11-21
16/16/2611

MADRAS RECORD OFFIC
Government Records.

Departmen

E. M. C.

Dated 23-5- 18

No. 1109

Back Nos.

Diary Date