

THE KING OF OUDH'S ESTATE VALIDATION ACT, 1917

ARRANGEMENT OF SECTIONS

SECTIONS.

1. Short title.
2. Validation of certain deeds.
3. Payment of Rs. 77,856 from the Fund.
4. Distribution.

THE SCHEDULE.

THE KING OF OUDH'S ESTATE VALIDATION ACT, 1917

ACT NO. XII OF 1917

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 21st March, 1917.)

An Act to validate certain deeds of conveyance and a trust deed relating to certain properties of His late Majesty, Wajid Ali Shah, King of Oudh, and for other purposes.

WHEREAS doubts have arisen as to the validity of three deeds of conveyance, all dated the 23rd November 1901, and a deed of declaration of trust of the same date, copies of which are set out in the Schedule to this Act, and all of which deeds purport to relate to certain properties then or formerly of His late Majesty, Wajid Ali Shah, King of Oudh (hereinafter, in this Act, called the late King), and in the case of the said trust deed to declare the trusts of a certain Emambarra, mosque and burial ground, and for the up-keep and maintenance thereof to constitute a certain Endowment Fund hereinafter in this Act referred to as the Sibtainabad Endowment Fund;

And Whereas by the said trust deed it was recited or assumed *inter alia* that a share amounting to rupees two hundred thousand in a certain Government Promissory Note No. 018878 for rupees five hundred thousand standing in the name of Malkai Kisshore and deposited in the Government Treasury at Lucknow belonged to the estate of the late King, and that the said share was to form a part of the Sibtainabad Endowment Fund, and the interest thereon to be applied with the interest of certain other securities in the said trust deed referred to for the up-keep and maintenance of the said Emambarra, mosque and burial ground;

And Whereas all interest from the 1st of March 1901 to the 31st of December 1913 payable in respect of the said share of rupees two hundred thousand in the said Note has been paid and credited to the Sibtainabad Endowment Fund along with the interest of the said other securities and the said Emambarra, mosque and burial ground have been kept up and maintained thereout;

And Whereas it now appears that the said share of rupees two hundred thousand did not, in fact, belong to the estate of the late King, and that on his death the interest thereon was or was intended to be payable to certain of the issue of the said Malkai Kisshore, and that the inclusion of the interest of the said share in the Sibtainabad Endowment Fund was due to a misapprehension;

And Whereas there is now standing to the credit of the Sibtainabad Endowment Fund the sum of rupees seventy-seven thousand eight hundred and fifty-six being the accumulated balance after providing for the up-keep and maintenance of the said Emambarra, mosque and burial ground;

And Whereas it is expedient that the said deeds of conveyance and the said trust deed and all acts and things done thereunder should be validated, and that at the same time it should be formally declared that the said share of rupees two hundred thousand no longer forms a part of the Sibtainabad Endowment Fund, and that the interest thereon shall be made available as from the 1st of January 1914, for the persons who may hereafter be deemed entitled thereto under the provisions hereinafter appearing;

And Whereas it is just and equitable that the said sum of rupees seventy-seven thousand eight hundred and fifty-six should be released from the trusts of the said trust deed and should also be made available for distribution amongst the persons so entitled;

And Whereas it is also expedient to provide for the future management and distribution of the said share of rupees two hundred thousand and of the interest accrued due since, the 1st of January 1914, and hereafter accruing due for time to time in respect thereof and also for the distribution of any future surplus monies which may accrue to the said Sibtainabad Endowment Fund after providing for the up-keep and maintenance of the said Emambarra mosque and burial ground;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the King of Oudh's Estate Validation Act, 1917.

2. Validation of certain deeds.—Notwithstanding anything contained in any enactment or any rule of law to the contrary, the three deeds of conveyance and the trust deed, copies of which are set out in the Schedule, and all acts and things done under the said deeds are, save as is hereinafter provided, validated and confirmed:

Provided that, with effect from the 1st of January 1914, the said trust deed shall be construed as if no reference has been made therein to the share of rupees two hundred thousand of the said Government Promissory Note, and as if the sum of rupees thirteen thousand six hundred and thirty-four has been mentioned in the twelfth recital thereof instead of the sum of rupees sixteen thousand, and the sum of rupees four hundred thousand instead of the sum of rupees six hundred thousand, and with such further alterations and modifications as this construction may require.

3. Payment of Rs. 77,856 from the Fund.—The sum of rupees seventy-seven thousand eight hundred and fifty-six shall be released from the trusts of the said trust deed, and shall be paid from the surplus monies of the said Sibtainabad Endowment Fund to such officer as the Governor General in Council may appoint, and shall be distributed in the manner hereinafter provided.

4. Distribution.—The sum referred to in section 3 and any further sums which the Governor General in Council may at any time declare to be surplus monies of the Sibtainabad Endowment Fund as he is hereby empowered to do, and all sums payable in respect of interest on the said share of the said Government Promissory Note accrued due since the 1st of January 1914, or hereafter to accrue due from time to time in respect thereof, are hereby declared to be pensions, and the said share of the said note is hereby declared to be a grant of money within the meaning of the Pensions Act, 1871 (XXIII of 1871), and that Act shall apply to such sums as if they were pensions of the classes referred to in sections 4 and 11 of the said Act and to the said share as if it was a grant of the class referred to in section 4 of the said Act, subject, however, to the following modifications, namely: —

(i) any claim under section 5 of the said Act as applied shall be preferred to such officer as the Local Government may authorize in this behalf;

(ii) the power of commutation conferred by section 10 of the said Act shall be exercisable without the consent of the holder where the payment to be made is at a rate less than a rate of rupee one per month; and

(iii) the power to make rules conferred by sections 5 and 14 of the said Act shall extend to a power to make rules prescribing the persons or classes of persons to whom, and the principles on which, all distributions under this Act shall be made.

THE SCHEDULE.

—————
Dated 23rd November, 1901.

H.C. EGGAR, ESQ.,

Agent under Act XIX of 1887

to

PRINCE KUMAR KADER MIRZA AND OTHERS.

CONVEYANCE.

H. C. EGGAR,

Solicitor to the Government of India.

—————
FIVE RUPEES.

ADMISSIBLE UNDER RULE 41.

Correctly stamped under the Indian Stamp Act,

Schedule I, No. 62.

Fee paid
Rs.

A. .10

G.A. .10

L. .10

30

B.L.
CHANDRA,
Registrar.

THIS INDENTURE made the twenty-third day of November one thousand nine hundred and one between Henry Cooper Eggar Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter called the Agent) of the one part and Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalall of 10 Shama Churn Dey's Street Calcutta and Prince Mirza Dilwar Jah of Garden Reach both sons of the said Wajid Ali Shah King of Oudh of the other part WITNESSETH that by direction of the Governor General of India in Council and under the provisions of sub-section (1) of section I of Act XIX of 1887 of the Legislative Council of India (being an Act to provide for the due administration of the estate of the said Wajid Ali Shah king of Oudh) and the provisions of Act XIV of 1888 of the same Council the Agent doth hereby grant convey and assign unto the said princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah their heirs executors administrators representatives and assigns without any warranty of title all that piece or parcel of land belonging to the estate of the said Wajid Ali Shah King of Oudh and Which has been used as a burial ground for the members of his family and is in the Schedule hereto more particularly described together with all building and walls and all way, paths, passages, trees, shrubs and underwoods, tanks, waters, watercourses, drains, rights, casements, appondages and appurtenances thereto belonging and therewith usually held used occupied or enjoyed and all the estate right title and interest of the Agent of in and to the same premises to HAVE AND TO HOLD the said piece or parcel of land hereditaments and premises unto and to the used of the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah as joint tenants and not as tenants in common according to the nature and tenure thereof respectively and the Agent enters into no covenant for title.

The Schedule above referred to.

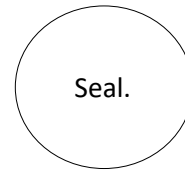
All that piece or parcel of land situate on the north side of Circular Garden Reach Road at Garden Reach in the Registration District of the twenty-four Pergunnahs Sub-District of Alipore and Thana Sonai Bazar Containing an area of 19 bighas 8 cottahs and 1 chittack or thereabouts and which is surrounded on all sides by walls and is bounded as follows that is to say on the north by the premises of the North-West Soap Company Limited on the east by the premises and land of Baboo Durga Prosonno Ghose on the South by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali known as Futteh Munzil or howsoever otherwise the said premises are or may be butted bounded called known or distinguished.

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the above-
named Henry Cooper
Eggar in the presence of



H. C. EGGAR.



ERNEST H. COWIE,

Solicitor, Calcutta.

I

247.

301.

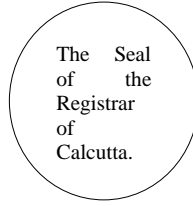
Presented for Registration between the hours of 12 and 1p.m., on the 7th day of February 1902, at the Calcutta Registry Office, by E. H. Cowie, of Calcutta, by occupation Solicitor, executant, as Attorney for H. C. Eggar under a Power-of-attorney authenticated by the Registrar of Calcutta on the 13th July 1900 and recorded as No. 193 for 1900.

ERNEST H. COWIE.
BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

Execution was admitted by the aforesaid attorney under the power cited above who is personally known to me.

ERNEST H. COWIE.
BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

Registered in Book I.
Volume 25.
Pages 108 to 110.
Being No. 247.
For 1902.



BEHARI LAL CHANDRA,
Registrar, Calcutta.
18-2-1902.

Dated 23rd November, 1901.

PRINCE KUMAR KADER MIRZA AND OTHERS
to
PRINCES KUMAR KADER MIRZA AND OTHERS.
CONVEYANCE.

H. C. EGGAR,
Solicitor to the Government of India.

Fee paid
Rs.
A. .10
R. .08
G.A. .10
L. .10

30.8
B.L.
CHANDRA,
Registrar.

FIVE RUPEES.

ADMISSIBLE UNDER RULE 41.

Correctly stamped under the Indian Stamp Act,

Schedule I, No. 62.

THIS INDENTURE made the twenty-third day of November one thousand nine hundred and one between Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore in the Suburbs of Calcutta the eldest surviving son of His Majesty that late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalall of 10 Shama Churn Dey's Street Calcutta and Prince Mirza Dilwar Jah both sons of the said King of Oudh of the one part and the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Mirza Dilwar Jah and Prince Mirza Mahomed Askari of Garden Reach in the Suburbs of Calcutta and Prince Mirza Ibrahim Ali of Garden reach both sons of the said King of Oudh (hereinafter called the said Mutwallis or Trustees) of the other part. WHEREAS by Indenture of conveyance dated the twenty-third day of November one thousand nine hundred and one and made between Henry Cooper Eggar Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter referred to as the Agent) of the one part and the parties hereto of the first part of the other part it was witnessed that by direction of the Governor General in Council and under the provisions of sub-section (1) of section I of Act XIX of 1887 (being an Act to provide for the due administration of the estate of the said Wajid Ali Shah King of Oudh) and the provisions of Act XIV of 1888 of the same Council the Agent thereby granted conveyed and assigned unto the parties hereto of the first part without warranty of title all that piece or parcel of land hereinafter more particularly described and which formed part of the estate of the said Wajid Ali Shah King of Oudh to hold unto the parties hereto of the first part as joint tenants and not as tenants in common. AND WHEREAS after the death of the said Wajid Ali Shah King of Oudh the said piece or parcel of land was by the desire of the members of his family used as a burial ground for members of the family and the same was conveyed by the Agent by the

said Indenture of conveyance to the parties hereto of the first part as Trustees for and on behalf of the members of the family as they do hereby admit and acknowledge.

AND WHEREAS it is desired by the members of the said family that the said burial ground shall be maintained and kept up in conjunction with the Sibtainabad Emambarra at Garden Reach belonging to the said family and that the said burial ground should accordingly be conveyed by the parties hereto of the first part to the said Mutwallis or Trustees to the intent that they shall stand possessed of the same upon the trusts declared of and concerning the same in and by a Wakfnamah or deed of trust intended to be executed by them of even date herewith.

AND WHEREAS the parties hereto of the first part have accordingly agreed to convey the said burial ground and the land whereon the same has been formed to the said Mutwallis or Trustees in manner hereinafter appearing.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said desire and in consideration of the premises they the said parties hereto of the first part do hereby without warranty of title grant convey and assign unto the said Mutwallis or Trustees their Successors and assigns all that piece or parcel of land in the Schedule hereto more particularly described and forming and known as the Oudh Family burial ground together with all buildings and walls and all ways, paths, passages, trees, underwoods, drains, waters, water-courses, rights, easements and appurtenances thereto belonging or therewith usually held used occupied or enjoyed and all the estate right title and interest of the parties hereto of the first part to have and to hold the said piece or parcel of land hereditaments and permises unto and to the use of the said Mutwallis or Trustees as joint tenants and not as tenants in common according to the nature and tenure thereof respectively upon the trusts declared of and concerning the same in and by the Wakfnamah or deed of trust intended to be executed by them of even date herewith. And the parties hereto of the first part enter into no covenants for title.

The Schedule above referred to.

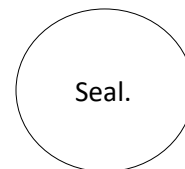
All that piece or parcel of land situate at Garden Reach on the north side of the Circular Garden Reach Road in the Registration District of the 24- Pergunnahs Sub-District of Alipore and Thana of Sonai Bazar containing an area of 19 bigahs 8 cottahs and 1 chittack or thereabouts and surrounded on all sides by walls and bounded on the north by the premises of the North-West Soap Company Limited, on the east by the premises and land of Babu Durga Prosonno Ghose, on the south by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali Known as Futteh Munzil or howsoever other wise the said premises are or may be butted bounded called known or distinguished.

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the
above-named Prince
Kumar Kader Mirza in
the presence of—

KUMAR KADER
MEERZA.

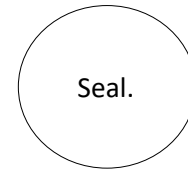
MOHMED ABID ALI.



ERNEST H. COWIE,
Solicitor, Calcutta.

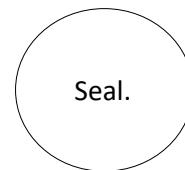
Signed sealed and delivered by the above-named Prince Mirza Mahomed Jalall in the presence of –
ERNEST H. COWIE.

MIRZA MOHAMAD
JALAL.



Signed sealed and delivered by the above-named Prince Mirza Dilwar Jah in the presence of—
ERNEST H. COWIE.

MIRZA DILAWAR
JAH.



P.66

280

301-8.

Presented for registration between the hours of 12 and 1 p.m., on the 7th day of February 1902, at the Calcutta Registry Office, by Prince Kumar Kader Mirza Mohamed Abid Ali, son of His Majesty the late Wajid Ali Shah, of Kidderpore, by occupation pensioner, executant.

KUMAR KADER MEERZA.
BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

Execution was admitted by the aforesaid executant who was identified by Ernest H. Cowie of Calcutta, by occupation Solicitor.

ERNEST
H. COWIE.

KUMAR KADER MEERZA.
BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

Execution is this day admitted by Prince Mirza Mohamad Jalal, son of His Majesty the late Wajid Ali Shah, of No. 10, Shama Churn Dey's Street, Calcutta, pensioner, who is identified by Prasanna Kumar Mookerjee, son of Gobind Chandra Mookerjee, of No. 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA MOHAMAD JALAL.
8-2-1902.
BEHARI LAL CHANDRA,
Registrar.
8-2-1902

PROSONNO COOMAR MOOKERJEE,
Head Clerk, Government Solicitor's Office.

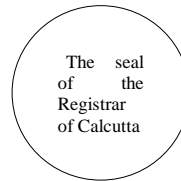
Execution is this day admitted by Prince Mirza Dilawar Jah, son of His late Majesty Wajid Ali Shah, of Garden Reach, 24-Pergunnahs, pensioner, who is identified by Prasanna Kumar Mookerjee, son of Gobindo Chandra Mookerjee, of No. 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA DILAWAR JAH.
12-2-1902.

BEHARI LAL CHANDRA,
Registrar.
12-2-1902.

PROSONNO COOMAR MOOKERJEE,
Head Clerk, Government Solicitors' Office.

Registered—
In Book I.
Volume 17.
Pages 64 to 68.
Being No. 280.
For 1902.



BEHARI LAL CHANDRA,
Registrar, Calcutta.
20-2-1902.

Dated 23rd November, 1901.

H.C. EGGAR, ESQ.,
Agent under Act XIX of 1887,

to

PRINCE KUMAR KADER MIRZA AND OTHERS.
CONVEYANCE.

H.C. EGGAR,
Solicitor to the Government of India.

STAMP RS. 5.

ADMISSIBLE UNDER RULE 41.

Correctly stamped under the Indian Stamp Act,

Schedule I, No. 62.

Fee paid.
Rs.
A. . 10
G.A. . 10
L. . 10
R. . . 1

31

B.L.
CHANDRA,
Registrar.

THIS INDENTURE made the twenty-third day of November one thousand nine hundred and one between Henry Cooper Eggar of Calcutta Solicitor to the Government of India and Agent under Act XIX of 1887 (hereinafter called the Agent) of the one part and Prince Kumar Kader Mirza Mahomed Abid Ali of Kidderpore the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and Prince Mirza Mahomed Jalal of 10 Shama Churn Dey's Street Prince Dilwar Jah of Garden Reach in the Suburbs of Calcutta Prince Mirza Mahomed Askari of Garden Reach and Prince Mirza Ibrahim Ali of Garden Reach all sons of the said late King of Oudh of the other part. WHEREAS His Majesty the said Wajid Ali Shah King of Oudh in his life-time built and established upon the plot of land hereinafter described an Emambarra or place of worship called and known as sibtainabad Emambarra a description whereof is firstly contained in the Schedule hereto and although so far as is known no deed of wakf concerning the said Emambarra or building was ever executed or any specific dedication of the said Emambarra or building as wakf property was ever made by the said Wajid Ali Shah King of Oudh during his life-time the said Wajid Ali Shah King of Oudh caused the said Emambarra of building to be used as a place of public worship for Shiah Mahomedans up to the date of his death next hereinafter recited AND WHEREAS the said Wajid Ali Shah King of Oudh died at Garden Reach in the Suburbs of Calcutta on or about the twenty-first day of September one thousand eight hundred and eighty-seven and was upon his death interred in the said Emambarra in accordance with his dying request and both before and after his death certain members of his family were buried therein. AND WHEREAS by Act XIV of 1888 of the Legislative Council of India after reciting Act XIX of 1887 of the same Council (being an Act to provide for the administration by the Governor General in Council of the Estate of the said Wajid Ali Shah King of Oudh) it was enacted that subject to the Control of the Governor General in Council the person for the time being holding the office of Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 might in his own name and in his name of office dispose of any moveable or immovable property of the said Wajid Ali Shah in as full and effectual a manner as His Majesty could have disposed of it in his life-time AND WHEREAS since the death of the said Wajid Ali Shah King of Oudh the said Emambarra has by the desire of the members of the late King's family continued to be used as a place of public worship and kept up out of the funds of the late King's Estate AND WHEREAS by the desire of the members of the King's family the small mosque or building and piece or parcel of land with its approach way secondly in the schedule hereto described was after the King's death reserved from the sale of the properties belonging to his estate and set apart and demarcated to the intent that the same might be used as a place of worship by Shiah Mahomedans and be kept up and managed in conjunction with and as an appendage to the said Sibtainabad Emambarra. AND WHEREAS it is desired by the members of the said family that the said Emambarra and mosque should remain and be places of public worship and be a wakf according to Mahomedan Law under the charge of the parties of the second part. AND WHEREAS the parties of the second part have intimated their intention to execute a wakfnamah or a Declaration of Trust of even date with these presents in order to carry out the wishes of the late King and the members of the family. Now THIS INDENTURE WITNESSETH that the Agent doth hereby by the direction of the Governor General in Council grant convey and assign unto the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Mirza Ibrahim Ali the parties of the second part their heirs executors administrators representatives and assigns without any warranty of title firstly all that building or Emambarra together with the piece or parcel of land on part whereof the same is erected and built the Schedule hereto firstly more particularly described and which is

called or known as the Sibtainabad Emambarra and secondly all that small building or mosque together with the piece or parcel of land on which the same is erected and built and the approach way thereto in the said Schedule hereto secondly more particularly described together with all out-buildings and out-offices and all ways, paths, passages, railings, tanks, waters, water-courses, drains, rights, easements and appurtenances to the said premises respectively belonging or in anywise appertaining or therewith held used or enjoyed and all the estate right title and interest of the Agent and of the estate of the said Wajid Ali Shah King of Oudh into and upon the premises TO HAVE AND TO HOLD the said Emambarra and mosque pieces or parcels of land and other the hereditaments and premises hereinbefore expressed to be hereby assured with the appurtenances unto and to the use of the said parties of the second part their executors administrators and assigns and assigns as joint tenants and not as tenants in common upon the trust declared of and concerning the same in and by the Wakfnamah or declaration of trust hereinbefore referred to and intended to be executed by them of even date with these presents. And the Agent enters into no covenants for title.

The Schedule above referred to.

PART I.

All the Emambarra or building together with the piece or parcel of land on which the same is erected and built situate and being at Garden Reach on the south side of the Garden Reach in the Registration District of the 24-Pergunnahs Sub-district of Alipore and Thana of Sonai Bazar containing an area of 1 bigha 9 cottahs 7 chittacks or thereabouts and bound on the north by Garden Reach Road on the south by land belonging to the Bhookoilas Raj estate on the east partly by the premises of the late Nawab Yadyar Mehal Sahiba and partly by a piece of land belonging to the Estate of the late Prince Mirza Mahomed Jogee Bahadur and on the west by an old building said to be the property of one Rais Hyder and formerly known as the house of the late Zulfikurud-Dowlah.

PART II.

All that small mosque or building together with the piece or parcel of land whereon the same is erected and built situate within the ground of the premises known as the Shah Munzil belonging to the estate of the late Prince Sir Jehan Kader Mirza at Garden Reach in the Registration District, Sub-district and Thana aforesaid and bounded on the north by the Court-yard of the Sahah Munzil, on the south partly by the private road leading from the Shah Munzil to the Sultan Bazar Road and partly by a tank, on the east by Iron Gates belonging to the Shah Munzil and on the west partly by the approach way leading to the mosque from the road leading from Garden Reach Road down to the river and partly by the Shah Munzil premises together with the last mentioned approach way or passage passing through an opening in the wall of the Shah Munzil premises and leading on to the road running from Garden Reach Road to the river the length of such way from the mosque being 72 feet.

IN WITNESS whereof the said parties to these presents have hereunto set their respective hands and seals the day and year first above written.

Signed sealed and
delivered by the
above-named
Henry Cooper Eggar

H. C. EGGAR.



Seal.

in the presence of

ERNEST H. COWIE.

Solicitor, Calcutta.

I

248

311

Presented for registration between the hours of 12 and 1 P.M., on the 7th day of February 1902, at the Calcutta Registry office, by E.H. Cowie, of Calcutta, by occupation Solicitor, executant, as Attorney for H.C. Eggar under a Power-of attorney authenticated by the Registrar of Calcutta on the 13th July 1900 and recorded as No. 193 for 1900.

ERNEST H. COWIE.

BEHARI LAL CHANDRA,

Registrar.

7-2-1902.

Execution was admitted by the aforesaid attorney under the power cited above who is personally known to me.

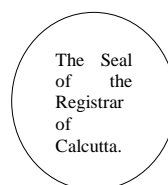
ERNEST H. COWIE.

BEHARI LAL CHANDRA,

Registrar.

7-2-1902.

Registered in Book I.
Volume II.
Pages 131 to 136.
Being No. 248.
For 1902.



BEHARI LAL CHANDRA,

Registrar, Calcutta.

17-2-1902.

Dated 23rd November, 1901.

PRINCE KUMAR KADER MIRZA ABID ALI BAHADUR

PRINCE MIRZA MAHOMED JALALL

PRINCE DILWAR JAH MIRZA

PRINCE MIRZA MAHOMED ASKARI

AND

PRINCE IBRAHIM ALI.

DECLARATION OF TRUST.

H. C. EGGAR,

Solicitor to the Government of India.

STAMP RS. 15.

ADMISSIBLE UNDER RULE 41.

Correctly stamped under the Indian Stamp Act,

Schedule 1, No. 64.

Fee paid
Rs.
F. . 1
G.A. . 1
L. .10
R. . 4

16
B.L.
CHANDRA,
Registrar.

TO ALL TO WHOM the presents shall come. We PRINCE KUMAR KADER MIRZA ABID ALI BAHADUR of Kidderpore in the Suburbs of Calcutta the eldest surviving son of His Majesty the late Wajid Ali Shah King of Oudh and PRINCE MIRZA MAHOMED JALALL of Shama Churn Dey's Street Calcutta PRINCE DILWAR JAH MIRZA of Garden Reach in the Suburbs of Calcutta PRINCE MIRZA MAHOMED ASKARI of Garden Reach and PRINCE IBRAHIM ALI of Garden Reach all sons of the said late King of Oudh.

SEND GREETING.

1. WHEREAS His Majesty the said Wajid Ali Shah King of Oudh in his life-time built and established at Garden Reach in the Suburbs of Calcutta and Emambarra or place of worship called the Sibtainabad Emambarra (a description whereof is contained in Part I of the First Schedule hereto) and although so far as is known no Wakfnamah or deed of trust concerning the said Emambarra was ever executed or any specific dedication of the said Emambarra as wakf property was ever made by the said King during his life-time the said King caused the said Emambarra to be used as a place of public worship for Shiah Mahomedans up to the date of his death hereinafter recited and the said King was upon his death interred in the said Emambarra in accordance with his dying request and both before and after his death certain members of his family were interred therein.

2. AND WHEREAS the said Wajid Ali Shah King of Oudh died at Garden Reach aforesaid on or about the twenty-first day of September one thousand eight hundred and eighty-seven, being at the date of his death possessed (*inter alia*) of the said Emambarra and the land on which the same stands but having made no specific provision for the maintenance and up-keep of the said Emambarra after his death.

3. AND WHEREAS by Act XIX of 1887 of the Legislative Council of India it was provided that the Governor General in Council of India should have the exclusive authority to act in the administration of the property of whatever nature left by His late Majesty in regard to the settlement and satisfaction of claims against the estate of His late Majesty and might make disposition of the remaining property or the proceeds thereof in such manner as he deemed fit amongst the family and dependants of the late King.

4. AND WHEREAS by Act XIV of 1888 of the same Council after reciting Act XIX of 1887 it was enacted that subject to the Control of the Governor General of India in Council, the person for the time being holding the office of the Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 might in his own name and by his name of office dispose of any moveable or immovable property of His late Majesty in as full and effectual a manner as His Majesty could have disposed of it in his lifetime.

5. AND WHEREAS since the death of the said Wajid Ali Shah King of Oudh the said Emambarra has by the desire of the members of his family continued to be used as a place of public worship and has been kept up and maintained out of the funds of the late King's estate.

6. AND WHEREAS by desire of the members of the late King's family the small mosque or building and piece or parcel of land with its approach way in Part II of the first Schedule hereto described was after the King's death reserved from the sale of the properties belonging to his estate and set apart and demarcated to the intent that the same might be used as a place of worship by Shiah Mahomedans and be kept up and managed in conjunction with and as an appendage to the said Sibtainabad Emambarra.

7. AND WHEREAS after the death of the late King in as much as the space for interments at the said Sibtainabad Emambarra was found to be limited it became necessary for the members of the King's family to establish a private burial ground in which the said interments might take place and which might be managed with the said Sibtainabad Emambara.

8. AND WHEREAS in accordance with the wish of the surviving members of the King's family as expressed by Princes Kumar Kader Mirza and Sir Jehan Kader Mirza since deceased, Prince Mirza Mahomed Jogee (since deceased) and the said Prince Mirza Mahomed Jalall the leading members of the family and the first members of the Committee appointed temporarily by the Governor General in Council to manage the said Sibtainabad Emambara the piece or parcel of land and premises in Part III of the first Schedule hereto more particularly described was reserved from the sale of the late King's properties in order that a burial ground might be established therein and a burial ground was formed out of the said piece or parcel of land and several members of the late King's family have been interred therein.

9. AND WHEREAS by an Indenture of Conveyance dated that twenty-third day of November one thousand nine hundred and one the said piece or parcel of land forming the said burial ground was by the direction of the Governor General in Council conveyed by Henry Cooper Eggar Esquire Solicitor to the Government of India and Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 to us Princes Kumar Kader Mirza Muhammad Jalall and Prince Dilwar Jah without warranty of title to hold unto us our executors administrators and assigns as joint tenants and not as tenants in common it being intended that we should subsequently convey the said premises to Mutwallis or Trustees to be appointed by the Government of India to manage the said Emambarra and burial ground.

10. AND WHEREAS the affairs of the said King's estate are about to be wound up finally and it is necessary to make permanent provision for the endowment of the said Emambarra and mosque and burial

ground and the up-keep and maintenance thereof on a reasonable and proper footing consistent with the status of the family and having regard to the fact that the said Emambarra contains the tomb of His late Majesty and that other members of his family are interred therein.

11. AND WHEREAS the Governor General in Council has decided with the consent and approbation of the family of the late King that a sum shall be set aside out of the assets of the late King's estate to purchase Government securities sufficient with rupees two hundred thousand the share belonging to the estate of the late King of Oudh of and in Government Promissory Note No. 018878 for rupees five hundred thousand standing in the name of malkai Kissore and deposited in the Lucknow Treasury to provide the annual income required for the up-keep of the said Emambarra mosque and burial ground and to form an endowment for the said Emambarra mosque and burial ground out of which repairs and extra expenses not met out of the usual yearly budget of expenditure may be met and satisfied and that the management of the said Emambarra mosque and burial ground shall be entrusted to a body of mutwallis or Trustees who shall form the managing committee subject to the supervision and control of the Superintendent of Political Pensions or such other officer as the Government of India may from time to time appoint and subject to the observance of certain rules and regulations prescribed by the Governor General in Council and set fourth in the second and third Schedules hereto.

12. AND WHEREAS the Governor General in Council has decided that the sum of rupees sixteen thousand per annum is an ample provision for the proper up-keep and maintenance of the said Emambarra mosque and burial ground and that a sum of rupees six hundred thousand in all is sufficient to set aside to provide such yearly sum and form the Endowment Fund and the Government securities of the parvalue of rupees four hundred thousand of which the particulars are given in Part I of the fourth Schedule hereto have been purchased and set apart out of the assets of the estate of the late King and endorsed to and placed with the Comptroller General to form with the said share of Government Promissory Note No. 018878 for rupees five hundred thousand the fund for the endowment of the said Emambarra mosque and burial ground the interest on such Government securities and on the said share of Government Promissory Note No. 018878 for rupees five hundred thousand which will be drawn by the Comptroller General from the Lucknow Treasury to be applied in paying to the Mutwallis or Trustees to be appointed by these presents the sum of rupees sixteen thousand for the up-keep and maintenance of the said Emambarra mosque and burial ground or such less sum as may in the discretion of the Superintendent of Political Pensions be found necessary and which they are to apply in accordance with the terms of these presents and the balance of such interest to be credited to the endowment fund.

13. AND WHEREAS it is possible that further sums or securities may hereafter be added to the said fund by order of the Governor General in Council and it is intended that any such sums or securities shall after publication of an order to that effect in the Gazette of India be dealt with as if they had formed part of the original endowment above recited.

14. AND WHEREAS we the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali have been nominated and appointed by the Governor General in Council to be the first Mutwallis or Trustees and members of the Managing Committee of the said Emambarra mosque and burial ground and by Indenture of even date herewith the said Emambarra and the land on which it stands (which are more particularly described in Part I of the first Schedule hereto) and the said mosque and the land on which it stands it stands and the approach way (which are more particularly described in Part II of the first Schedule hereto) have been conveyed and assured by the said Henry Cooper Eggar Esq. Solicitor to the Government of India and Agent to the Governor General in Council for the affairs of the late King of Oudh and for the purposes of Act XIX of 1887 to us the said Princes Kumar

Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali without warranty of title to be held by us as joint tenants and not as tenants in common and by another Indenture of Conveyance of even date herewith the said burial ground and premises described in Part III of the said first Schedule hereto have been conveyed by us the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall and Dilwar Jah to us the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali without warranty of title to be held upon the trusts declared of and concerning the same by an Indenture of Wakfnamah or deed of trust of even date therewith being these presents. Now these presents witness that we the said Princes Kumar Kader Mirza, Mirza Mahomed Jalall, Mirza Dilwar Jah, Mirza Mahomed Askari and Ibrahim Ali do hereby declare that we and our successors in the office of Mutwallis or Trustees will henceforth stand possessed of the said Emambarra mosque and burial ground and the appurtenances thereto respectively belonging and of the income and interest from the said Endowment fund that may come into our hands and of all other moneys that may come into our hands as Mutwallis or Trustees of the said Emambarra and burial Ground upon the trusts hereinafter declared and contained of and concerning the same respectively that is to say upon trust that the said Emambarra and mosque with the appurtenances shall remain and be wakf property in the hands of us the said Mutwallis and our successors in that office according to Shiah Mahomedan Law and that we and our successor shall permit the same to be used as places of public worship for Shiah Mahomedans and will conduct and manage the affairs thereof in accordance with the rules and regulations set forth in the second Schedule hereto and under the supervision of the Superintendent of Political Pensions or such other officer of Government as the Governor General in Council may from time to time appoint in that behalf and upon trust that the said burial ground shall remain and be wakf property in the hands of us the said Mutwallis and our successors in that office according to Shiah Mahomedan Law and shall be used as a place of interment for members of the late King's family and their descendants in accordance with the rules and regulations set forth in the third Schedule hereto and under the supervision of the said Superintendent of Political Pensions or other officer as aforesaid and as regards the income and interest of the said Endowment Fund and all other moneys that may come to our hands as Mutwallis or Trustees of the said Emambarra mosque and burial ground upon trust to apply the same in the due and proper up-keep and maintenance of the said Emambarra mosque and burial ground and the performance and observance of the Mohurram and other necessary and proper ceremonies or observances at the said Emambarra in the same manner as far as may be and circumstances will permit as the said Emambarra mosque and burial ground have been kept up and maintained and the said Mohurram and other ceremonies and observances have been performed and observed under the supervision and direction of the Governor General in Council since the death of the said Wajid Ali Shah King of Oudh and that the scale of expenditure shall be regulated as far as may be and circumstances may permit by the scale set forth in Part II of the fourth Schedule hereto and upon which scale the said sum of rupees sixteen thousand per annum has been arrived at as the proper amount to be expended in the up-keep and carrying on of the said Emambarra Mosque and burial ground and we do hereby declare and agree that the provisions of the Mahomedan Law as to the appointment and removal of Mutwallis for reasons admitted of recognised by that Law shall be expressly applicable to the said Emambarra mosque and burial ground the right of removing any Mutwallis and appointing new Mutwallis in place of those dying or removed being vested in the Governor General of India in Council and that we and our successors in the office of Mutwallis shall abide by the rules and regulations contained in the said second and third Schedules hereto and that we will keep and render to the Superintendent of Political Pensions or to any other officer nominated by the Governor General in Council true and proper accounts of all sums of money that may pass through our hands.

The first Schedule above referred to.

PART I.

All that Emambarra or building together with the piece or parcel of land on which the same is erected and built situate and being at Garden Reach on the south side of the Garden Reach Road in the Registration District of the 24-Pergunnahs Sub-district of Alipore and Thanna of Sonai Bazar Containing an area of 1 bigah 9 cottahs 7 chittacks or thereabouts and bounded on the north by Garden Reach Road on the south by land belonging to the bhookoilash Raj Estate on the east partly by the premises of the late Nawab Yadyar Mehal Sahiba and partly by a piece of land belonging to the Estate of the late Prince Mirza Mahomed Jogee Bahadur and on the west by an old building said to be the property of one Rais Hyder and formerly known as the house of the late Zulfikur-ud-Dowlah.

PART II.

All that small mosque or building together with the piece or parcel of land whereon the same is erected and built situate within the grounds of the premises known as the Shah Munzil belonging to the Estate of the late Prince Sir Jehan Kader Mirza at Garden Reach in the Registration District Sub-district and Thana aforesaid and bounded on the north by the court yard of the Shah Munzil on the south partly by the private road leading from the Shah Munzil to the Sulatan Bazar Road and partly by a tank on the east by Iron Gates belonging to the Shah Munzil and on the west partly by the approach way leading to the mosque from the road leading from Garden Reach Road down to the river and partly by the Shah Munzil premises together with the last mentioned approach way or passage passing through an opening in the wall of the Shah Munzil premises and leading on to the road running from Garden Reach Road to the river the length of such way from the mosque being 72 feet.

PART III.

All that piece or parcel of land situate on the north side of Circular Garden Reach Road at Garden Reach in the Registration District of the 24 Pergunnahs sub-district of Alipore and Thannah Sonai Bazar containing an area of 19 bighas 8 cottahs and one chittack or thereabouts and which is surrounded on all sides by walls and is bounded as follows that is to say on the north by the premises of the North-West Soap Company Limited on the east by the premises and land of Babu Durga Prosonno Ghose on the south by Circular Garden Reach Road and on the west by the premises of Prince Mirza Jam Jah Ali known as Futteh Munzil or howsoever otherwise the said premises are or may be butted bounded called known or distinguished.

The second Schedule above referred to.

RULES FOR THE GUIDANCE OF THE TRUSTEES OR MUTWALLIS.

1. Interest on the Government Promissory Notes for the time being representing the Endowment Funds (including the share of the Note No. 018878 for R 5,00,000 in the Lucknow Treasury) shall be drawn as the same accrues due by the Accountant General Bengal who shall credit the same to the "Sibtainabad Emambarra Endowment Fund" for which a personal ledger account will be opened in the Bank of Bengal

in favour of the Superintendent of Political Pensions the account being charged with the amounts drawn by the Superintendent on cheques upon the bank.

2. The Trustees shall every year draw up a budget estimate of the expenditure required for the maintenance of the Emambara and burial ground which shall be submitted for the sanction of the Superintendent of Political Pensions.

3. The Trustees shall appoint a Manager subject to the sanction of the Superintendent of Political Pensions who shall be empowered to submit requisition for ordinary and recurring expenditure to the Superintendent of Political Pensions. If such bills are within the sanctioned estimates cheques shall be drawn by the Superintendent of Political Pensions for the amount. Other bills shall be paid on the requisition of the Trustees in meeting if the Superintendent shall approve of the expenditure proposed.

4. The Manager of the Emambarra shall also be in charge of the burial ground and the small mosque above referred to.

5. The Manager may appoint and dismiss the servants of the Emambarra and burial ground subject to the approval of the Trustees and the Superintendent of political Pensions. The Trustees may remove the Manager in case of misconduct subject to the Superintendent's sanction.

6. Regular accounts of expenditure shall be prepared by the Manager once a month and shall be submitted through the Trustees to the Superintendent of Political Pensions for his inspection.

7. The Manager should perform all religious ceremonies under the instructions of the Trustees. If there should be a difference of opinion among the several Trustees the matter shall be decided by the majority. The minority may however appeal to the Superintendent against any decision of the majority and until such an appeal has been decided by the Superintendent he can suspend any action by a majority of the Trustees which a minority of them have appealed against. When an even number of Trustees is present and they are equally divided upon any point they should appeal to the Superintendent to decide on the matter in dispute.

8. The right of removing any Trustees on their conducting the affairs of the Emambarra in opposition to the object of this Trust or on their violating any rules which may be in force at the time and of appointing new Trustee in the place of those dying or removed shall be vested in the Superintendent of Political Pensions subject to the approval of the Government of Bengal.

9. The Trustees shall hold meetings once a month. The proceedings of each meeting shall be submitted to the Superintendent of Political Pensions.

10. The details of expenditure for the proper up-keep of the Emambarra and the mosque shall be settled by the Trustees with the sanction of the Superintendent of Political Pensions subject to the approval of the Government of Bengal.

11. The rules shall be liable to revision from time to time on the recommendation of the Trustees and subject to the approval of the Superintendent of Political Pensions and the Government of Bengal.

12. A list of the Emambarra moveable shall be made by the Manager every year and submitted through the Trustees to the Superintendent of Political Pensions.

The third Schedule above referred to.

RULES FOR THE MANAGEMENT OF THE BURIAL GROUND.

1. The following is a list of the members of the Oudh family who shall have the right to be interred in the burial ground: —

- (1) The sons of the late King.
- (2) Daughters of the late King.
- (3) The grand and great grandchildren of the late King.
- (4) The Motahi wives of the late King who had recognised issue by His Majesty.
- (5) The Nikah wives of the sons of the late King.
- (6) The two daughters of the late Prince Sir Jehan Kader and their children.

2. No. interment shall be made except in accordance with the above rules and with the sanction of the Trustees.

3. The minimum depth of a grave shall be eight feet.

4. The grave shall be filled in with earth and bricked over cement being put over the bricks and marble slabs over the cement.

5. The burial ground shall be kept as clean as possible and the Superintendent of Political Pensions may cause it to be inspected from time to time by a Mahomedan gentleman to be selected by the Trustees.

6. The details of expenditure for the maintenance of the burial ground shall be settled by the Trustees and the necessary funds shall be drawn by the Manager in the same way as in the case of the Emambarra.

The fourth Schedule above referred to.

PART I.

Stock certificate standing in the name of the Comptroller-General on account of the Sibtainabad Emambarra Endowment Fund of the 3½ per cent. loan of 1865 for ₹ 4,00,000.

PART II.

Scale of estimated annual expenditure on the Emambarra and burial ground—

	₹
Pay of establishment at Emambarra and burial ground	4,848
Pensions to retired servants	74
Lighting charges	228
Petty expenses such as cost of stationery and Manager's gharry hire on duty	72
Repairs of the Emambarra	5,965
Religious ceremonies	3,616
Allowance to Syed Saleh at Karbela	720
Contingencies including allowances to clerical staff of the office of Superintendent of Political Pensions	477
TOTAL	<u>Rs. 16,000</u>

IN WITNESS whereof the said Prince Kumar Kader Mirza Abid Ali Bahadur, Prince Mirza Mahomed Jalall, Prince Dilwar Jah Mirza, Prince Mirza Mahomed Askari and Prince Ibrahim Ali have hereunto set their respective hands and seals this twenty-third day of November one thousand nine hundred and one.

Signed sealed and delivered by the above-



named Prince Kumar
Kader Mirza Abid Ali
Bahadur in the
presence of—

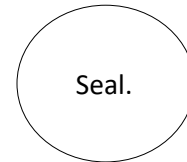
ERNEST H. COWIE,
Solicitor, Calcutta.

KUMAR KADER MEERZA
MOHMED ABID ALI.

Signed sealed and
delivered by the ab-
ove-named Prince
Mirza Mahomed
Jalall in the pre-
sence of –



MIRZA MOHA-
MED JALAL.

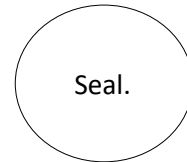


Signed sealed and de-
livered by the ab-
ove-named Prince
Dilwar Jah Mirza
in the presence of –



ERNEST H. COWIE.

MIRZA DILWAR
JAH.



Signed sealed and de-
livered by the above-
named Prince Mirza
Mahomed Askari in
the presence of—

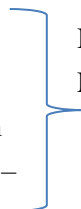


ERNEST H. COWIE.

M.M ASKARI.

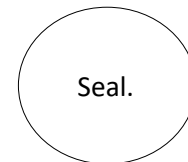


Signed sealed and de-
livered by the above-
named Prince Ibrahim
Ali in the presence of –



ERNEST H. COWIE.

IBRAHIM ALI
MEERZA.



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Presented for Registration between the hours of 12 and 1 p.m., on the 7th day of February 1902, at the Calcutta Registry Office, by Prince Kumar Kader Mirza Mahomed Abid Ali, son of His Majesty the late Wajid Ali Shah, of Kidderpore, by occupation pensioner, executant.

KUMAR KADER MEERZA.

BEHARI LAL CHANDRA.
Registrar.
7-2-1902.

Execution was admitted by the aforesaid executant who was identified by E.H. Cowie, of Calcutta, by occupation Solicitor.

KUMAR KADER MEERZA.
BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

ERNEST H. COWIE.

Execution was also admitted by Prince M.M. Askari, son of His Majesty the late Wajid Ali Shah, of Garden Reach, Pensioner, who was Identified by M. Abbott of Calcutta, Solicitor.

M.M. ASKARI .

M. ABBOTT.

BEHARI LAL CHANDRA,
Registrar.
7-2-1902.

Execution is this day admitted by Price Mirza Mahomed Jalal, son of His Majesty the late Wajid Ali Shah of No. 10, Shama Charan Dey's Street, Calcutta, Pensioner, who is identified by Prasanna Coomar Mookerjee, son of Govind Chandra Mookerjee, of No. 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA MOHAMAD JALAL.
8-2-1902.
BEHARI LAL CHANDRA,
Registrar.
8-2-1902.

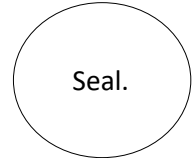
PROSONNO COOMAR MOOKERJEE,
Head Clerk, Government Solicitor's Office.

Execution is this day admitted by Prince Mirza Dilawar Jah and Prince Ibrahim Ali Mirza, sons of His late Majesty Wajid Ali Shah, both of Garden Reach, 24-Pergunnahs, pensioners, who are identified by Prasanna Coomar Mookerjee, son of Govind Chandra Mookerjee of No. 5, Gokul Mitter's Lane, Calcutta, Head Clerk, Government Solicitor's Office, Calcutta.

MIRZA DILAWAR JAH.
12-2-1902.
IBRAHIM ALI MEERZA.
12-2-1902.
BEHARI LAL CHANDRA.
Registrar.
12-2-1902.

PROSONNO COOMAR MOOKERJEE,
Head Clerk, Government Solicitor's Office.

Registered—
In Book I.
Volume II.
Pages 157 to 174.
Being No. 281.
For 1902.



BEHARI LAL CHANDRA,
Registrar, Calcutta.
22-2-1902.