

CHAPTER XX.

PRETENSIONS OF MIRZA JAWAN BAKHT TO THE OFFICE OF HEIR-APPARENT, 1856-57.

1. *From SIMON FRASER, Esquire, Agent, Lieutenant-Governor, North-Western Provinces, Dehlee, to C. B. THORNHILL, Esquire, Officiating Secretary to Government, North-Western Provinces, Agra,—No. 84, dated Delhee, 29th October 1856.*

MR. THOMAS CAVENDISH FENWICK was for a short time at Dehlee seeking employment, and eventually obtained service with Nawab Zeenut Mahul Begum at a high salary.

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2. The object of the Begum was to employ him in advocating at Agra and Calcutta the pretensions of her son Mirza Juwan Bukht to the office of Heir-Apparent.

3. I communicated with His Majesty through the Royal Wukeel pointing out the fruitlessness of employing such agency under ordinary circumstances, and under the authority conveyed in the recent orders of the Supreme Government intimated that it was now especially unnecessary, as the claims of the Mirza had already been finally disposed of.

4. The verbal reply I received shewed that the Begum was resolved to carry out her intentions, and I then addressed His Majesty in the terms of the accompanying draft and enclose a translate of the reply received.

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5. The proceedings are not of a character to call for more formal notice, but I venture to suggest the inexpediency of recognizing Mr. Fenwick as a party authorized to open any discussion upon the point at issue, and to recommend his being informed that all representations connected with it must be forwarded through the established channels.

ENCLOSURE (1) TO 1.

2. *Abstract translation of a communication from the Agent to the address of His Majesty, dated 13th October 1856.*

BEFORE this I had made a verbal communication through the Royal *Wakeel* regarding the appointment of Mr. Thomas Cavendish Fenwick as *Mookhtar* at Calcutta on behalf of the Nawab Zeenut Mahul Begum and Mirza Mohummud Juwan Bukht. It now appears that the departure of the gentleman in question has been fully determined on, and, as probably the Government will call for an explanation of the proceeding, I solicit the particular reasons in detail for the deputation in question.

ENCLOSURE (2) TO 1.

3. *Abstract translation of a Shooka from His Majesty to the Agent, Lieutenant-Governor, dated 22nd October 1856.*

Having always entertained a preference for Mirza Juwan Bukht from his superior qualifications and character, I had frequently moved the Government in the matter of his recognition as Heir-Apparent during the late Agent's incumbency and now again on the demise of the late Heir-Apparent. Subsequently Mr. Fenwick having arrived here, whose legal fame had reached us, and the Begum and Mirza Juwan Bukht having represented that although we had addressed you relative to the latter's pretensions to the vacant dignity, the favorable issue of which cannot be doubted, the appointment of Mr. Fenwick for any further details would be highly beneficial to their suit, as the character of the gentleman was unexceptionable, we did not deem the arrangement open to objection, and he was formally appointed and despatched by them.

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It is known that, as all the Royal matters were transacted through the Agent, the necessity for a *Wukeel* at Calcutta on behalf of the King was obviated. This prohibition, however, did not affect members of the Royal Family. On the contrary, the Government has in its liberality and justice left it open to all—great and small alike—to seek redress in whatever mode they prefer. Under these circumstances the appointment is neither improper nor opposed to any rule, and as you are our well-wisher, and this is the sole remaining wish of our old age, it behoves you when called on for a report to represent matters in the most favorable light, giving your full support, so that the Royal object may be attained and our heart be gladdened by the gratification of a long-cherished desire—which would reflect honor on the Government generally and specially on yourself.

Your letter of the 29th ultimo, No. 84, and its enclosures, relative to the employment by a member of the Royal Family of Delhie of an agent for the purpose of advocating the pretensions of Mirza Juwan Bukht to the office of Heir-

Pretensions of Mirza Jawan Bakht to the office of Heir-Apparent. Apparent, having been laid before the Lieutenant-Governor, I am directed to inform you that copies of them will be immediately forwarded for submission to the Governor-General in Council.

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5. *From the Secretary to Government, North-Western Provinces, to G. F. EDMONSTONE, Esquire, Secretary to the Government of India, Foreign Department,—No. 1716 A., dated Nynee Tal, 6th November 1856.*

I AM desired to transmit to you, to be laid before the Right Hon'ble the Governor-General in Council, the accompanying copy of a letter from the Lieutenant-Governor's Agent at Delhie, No. 84 of the 29th ultimo, and of its enclosures, relative to the employment by a member of the Royal Family of Delhie of an agent for advocating the pretensions of Mirza Juwan Bukht to the office of Heir-Apparent.

6. *From G. F. EDMONSTONE, Esquire, Secretary to the Government of India, Foreign Department, to C. B. THORNHILL, Esquire, Officiating Secretary to Government, North-Western Provinces,— No. 5762, dated Fort William, 19th November 1856.*

WITH reference to your despatch dated 6th instant, No. 1716 A., relative to the employment by a member of the Royal Family of Delhi of an agent for advocating the pretensions of Mirza Jewun Bukht to the office of Heir-Apparent, I am directed by the Governor-General in Council to forward herewith copies of two memorials presented by Mr. Fenwick on behalf of his clients, and to request that the Agent at Delhi may be desired by His Honor the Lieutenant-Governor to point out to the memorialists the unbecoming tone in which the first memorial is framed, and notify to them that the prayer of the second (for a commission to investigate the claims which they have put forward) will not be granted. It should be added that the pretensions of Mirza Jewun Bukht to be considered as his father's heir have long since been rejected by the Governor-General in Council, and that no future memorials will be received unless presented through the Agent at Delhi.

ENCLOSURE (1) TO 6.

7. *To the Right Hon'ble the Governor-General of India in Council.*

The Memorial of Nawab ZEENAT MAHUL
BEGUM and Mirza JUMMA BUKHT,

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office of Heir-
Apparent.

SHEWETH—

That the first Memorialist is the lawful wife of the King of Delhi and mother of the second Memorialist.

That the second Memorialist is the lawful son of the present King of Delhi and of the first Memorialist.

That both Memorialists have, with the sanction and written authority of the King, constituted Mr. Thomas C. Fenwick their lawful Attorney for the purpose of prosecuting the claim of the second Memorialist to be recognised as Heir-Apparent to all the rights, titles and privileges of His Majesty the King of Delhi, and that they do hereby put in such claim.

That Mirza Koyeash, the only other claimant to the said rights, titles and privileges, is not the lawful son of His Majesty the King, as will be seen from the exhibit marked A¹, which is a true copy of a document prepared and signed with His Majesty's own hand and forwarded to Mr. Simon Fraser, the Political Agent at Delhi.

That all the other sons of His Majesty the King, lawful or unlawful, have of their own free will resigned whatever claim or claims they might have had to the said rights, title and privileges, in proof of which the exhibit marked B², which is a true copy of the deed of resignation forwarded to the Political Agent, is herewith forwarded for Your Lordship's

That the said other sons of the King having freely and finally resigned in favour of the second Memorialist, the right to be recognized as the Heir-Apparent to the rights, titles and privileges of His Majesty the King is contended between two, *viz.*, Mirza Koyeash, the only other claimant and unlawful son of the King, and Mirza Jumma Bukht, the second Memorialist and lawful son of the King.

1 and 2 not traceable in the Punjab records.

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That in proof of the first Memorialist's lawful marriage with the King, exhibit C¹, which is a true copy of the original marriage deed, is hereby annexed for Your Lordship's perusal.

That Mirza Koyeash, the other claimant, has no such document to shew in support of his claim.

That, independent of the other claimant's unlawful birth, he is from natural causes and from his habits of life unfit to be the head of a Royal Family and Household, and this fact may be proved by a referenee to all the members of the Palace and by a perusal of a letter from His Majesty the King to Mr. Simon Fraser, the Political Agent, a true copy of which is

That were the East India Company's Government, in spite of this fact, to raise the other claimant to be the head of the Royal Family of Delhi, it would exhibit a gross inconsistency of conduct, for not long ago the King of Lucknow was deprived of his throne and kingdom on the plea of unfitness.

That, although the King of Lucknow ruled a large kingdom, and the King of Delhi rules only a Royal Family and a large household, yet the ruling in one case is as absolute as the ruling in the other, and is equally the instrument of good or evil.

That to place an unfit person in so exalted a position, in spite of the prayers and wishes of those who are to be ruled by him, would be to sacrifice the welfare of many to the interest of one.

That to place over a Royal Family one who from his antecedents is unfit to rule them would be to place that family in a most deplorable condition.

That to allow mere seniority of birth to supersede a lawful right would be to establish a dangerous precedent, and to violate all recognised law and principles of morality.

That to force upon the King a successor in opposition to his repeatedly expressed wish would be to trample upon one of the principal rights of man.

¹ Not traceable in the Punjab Records.

That to *force* the King to recognise an unlawful son as his successor, and thereby set aside the right of the lawful son, would be an act of tyranny unsuited to the present age and unworthy of an enlightened Government.

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That to take advantage of the King's dependent position and deprive him of the right which the meanest subject may maintain, of choosing his own successor, would be to act the despot in an age when despotism is deemed abhorrent to the sight of God and man.

That whatever the East India Company's Government might wish to do, in order to suit some hidden purpose, it does not follow that they would be justified in trampling upon the rights of men and in disregarding their welfare.

That under the Mahomedan law a Mahomedan may choose any one of his sons to succeed him.

That the common right of a man to do what he will with his own would be rudely taken away were the wishes of the King to be set aside in the present instance.

That, as the Government would refuse to authorize the establishment or erection of anything which would be injurious to the health of the inhabitants of a town, so should the Government refuse to raise that which would be injurious to the welfare of a large body of persons.

That there could hardly be a greater anomaly than to forcibly deprive a King, merely because he happens to be a King, of the common right which the meanest subject may claim and which must be conceded to him.

That there could hardly be a greater anomaly than to forcibly deprive a King, merely because he happens to be a King, of the common right which the meanest subject may claim and which must be conceded to him.

That it does not follow that, because the Government of India allow the King a pension, they are at liberty to give it to whom they will after his death.

The arrangement with the first pensioned King was that he and his heirs for ever should receive that pension. Who is to appoint an heir to the King? He himself, or a stranger? And who is to decide who is his lawful heir. He himself, or a stranger? The Mahomedan law gives him the right in both

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eases, and the British Government have declared that in all matters of succession the Mahomedan law shall decide the claims of Mahomedans.

That even when all the sons of a King have been lawfully born the Government of India have made unfitness the plea for depriving the elder of his inheritance and giving it to the younger. Witness the case of Wajid Ally Shah, the present King of Lucknow. Umjid Ally Shah, the father of Wajid Ally Shah, had three lawful sons; one died, and the names of the other two are Moostafa Koolee Khan, the elder, and Wajid Ally Khan, the younger. Mostafa Koolee Khan was deemed unfit to ascend the throne, and therefore his younger brother Wajid Ally Khan was created King in his stead. Can the Government after this venture to say that none but the eldest son, however begotten or however unfit, shall succeed the father? If they do this, what becomes of that consistency of which they boast?

That it has never been known that the unlawful son of a King has, by common consent, ascended the throne from the circumstances of his having been born before a lawful son; and, leaving kingdoms and thrones aside, when has the law of any country recognised the principle that the lawful son shall give place to the unlawful son?

That strictly speaking the Government should no longer decide the question of heirship to the titles and privileges of the King of Delhi; but the question, when it arises, should be left to be tried by a competent court of law. The question of such heirship is no longer a political question, and therefore should no longer be withheld from the jurisdiction of the ordinary courts of law.

That for the last two generations the Kings of Delhi have ceased to hold any political position in Delhi or elsewhere, and that as mere pensioners of the British Government the policy which would best suit them would be the policy which

That for the last two generations the Kings of Delhi have ceased to hold any political position in Delhi or elsewhere, and that as mere pensioners of the British Government the policy which would best suit them would be the policy which obtains with respect to every other inhabitant of British India.

That did the King of Delhi hold even a small portion of independent territory bordering on the frontiers or within

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arm's length of the British territories to which he could retire whenever it suited him so to do, there might be some reason in the interference on the part of the British Government in his succession. Policy might require the Government to uphold that one of the claimants to the succession who appeared most friendly to themselves. But circunstanced as the King of Delhi is, without any the least political importance, and perfectly in the power of the East India Company's Government, his right to do what any other Mahomedan would be lawfully justified in doing should not be interfered with,

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his family and dependants a ruler, in spite of their prayers offered on good and reasonable grounds, would be to exercise a stretch of authority which would be neither legal nor praiseworthy.

That the opposition of Government to the second Memorialist has been exhibited in more than one way, and in more than one instance; and that the conduct of the Political Agent at Delhi has plainly shewn your Memorialists all the difficulties with which they must contend in the prosecution of their claim. But neither the opposition of the Indian Government nor the difficulties which threaten them will deter them from asserting and claiming their rights by all lawful means.

For Nuwab Zeenut Mahul Begam and
Mirza Jumma Bukht,
By their lawful agent,
T. C. FENWICK.

ENCLOSURE (2) TO G.

Memorial No. 2.

8. *To the Right Hon'ble the Governor-General of India in Council.*

The Memorial of Nuwab ZEENUT MAHUL,
wife, and Mirza JUMMA BUKHT, son,
of His Majesty the King of Delhi.

SHEWETH—

That your Memorialists again beg leave to urge upon Your Lordship the justice of submitting their claim to a

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competent court for trial and decision, as the only way by which open and impartial justice can be done to them.

That your Memorialists do not urge this measure without precedent established by the East India Company's Government. In the year 1786 the succession to the throne of Tanjore was disputed. The King, Tuljaji, the ruling Rajah, died, leaving a half brother, Amir Sing, and an adopted son, Serboji, as competitors for the crown. The claims of the rival Princes came, in due course, before the Madras Government, which appointed a Council composed of Pundits learned in Hindoo lore, and referred the question to it for decision.

That your Memorialists ask for nothing more than that a Council or Commission be appointed composed of respectable men versed in Mahomedan law to decide the claim put forth by your Memorialists, and that such Council or Commission hold their sittings with open doors.

For the Nuwab Zeenut Mahul Begum and
Mirza Jumma Bukht,

By their lawfully constituted Attorney,

SERAMPORE:

The 5th November 1856.

T. C. FENWICK.

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9. From SIMON FRASER, Esquire, Agent, Lieutenant Governor, North-Western Provinces, Dehlee, to C. B. THORNHILL, Esquire, Officiating Secretary to Government, North-Western Provinces, Agra,—No. 96, dated Dehlee, 24th December 1856.

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9. From SIMON FRASER, Esquire, Agent, Lieutenant Governor, North-Western Provinces, Dehlee, to C. B. THORNHILL, Esquire, Officiating Secretary to Government, North-Western Provinces, Agra,—No. 96, dated Dehlee, 24th December 1856.

WITH reference to Government Order No. 1759 A.,
No. 5762, dated 19th November 1856. dated 3rd instant, forwarding copy of a despatch* from the Secretary to the Government of India, regarding the deputation of Mr. Fenwick by the Nawab Zeenut Mahul Begum and Prince Mirza Juwan Bakht, I have the honor to submit at His Majesty's request the accompanying copies of a *Shooka* and enclosure, with translations, from His Majesty to my address.

2. Unless instructed by Government I do not think it expedient to give a written answer to this reference.
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10. *Abstract translation of a Shooka from His Majesty, dated
20th December 1856.*

I HAVE to acknowledge your communication, intimating the orders of the Supreme Government on two petitions presented by Mr. Thomas Cavendish Fenwick, employed by the Nawab Zeenut Mahul Begum and Mirza Juwan Bukht for the advocacy of the latter's claim to be recognized as Heir-Apparent, noticing the improper tone of one of the petitions in question, alluding to the former rejection of the pretensions in question which could not be revived, and stating that no further representations would be received unless through the established channel of the Agent.

Agreeing as to the impropriety of the terms used, the Begum and Prince have been directed by me to dismiss their agent, which has been accordingly done.

The case of the Mirza, however, is as follows :—

When the claims in question were opposed to those of the late Heir-Apparent, Mirza Futtch-ool-Moolk, the Hon'ble Court of Directors authorized the latter's recognition owing to a recommendation setting forth his qualifications and general fitness. Now that the Heir-Apparent has demised, similar and other reasons, detailed separately, existed in favor of Mirza Juwan Bukht's succession. I request that copies and translations of the above *Shooka* and enclosure be forwarded to the Hon'ble the Lieutenant-Governor and the Right Hon'ble the Governor-General for transmission to the Hon'ble the Court of Directors, and have a confident hope that on an exposition of the case proper orders will be issued in favour of Mirza Juwan

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Bakht—the chief object of the Royal wishes in my old age — and if it be considered necessary by either the Governor-General, Lieutenant-Governor or Agent that a *waseeka* be addressed to the Home authorities, let me be apprized of the same.

ENCLOSURE (2) TO 10.

11. *Abstract translation of the "Separate Detail" alluded to in His Majesty's Shooka, dated 20th December 1856.*

WHEREAS the British authorities have always acted on the principle of right and good faith, on which account the reasons in every instance are carefully considered, and as the question of succession to the vacant office of Heir-Apparent is pending, there are many reasons in favour of Mirza Juwan Bukht's succession, *viz.* —

1st. — He is nobly descended on both sides, his mother being the daughter of Uhmud Qoolee Khan, whose ancestors were *Muzoors* in the earlier times of the sovereignty. None of the other sons of the King are so descended.

2nd. — It is known that such as are nobly born are naturally gifted with qualities equal to their station, the duties of which they perform conscientiously, to the approbation of the Almighty, and the maintenance of their good name with the people.

3rd. — With the blessing of God and His Majesty's instructions, the Mirza is exceedingly wise, equally learned in languages, arts and sciences, in comparison with whom the

by the younger son. Thus Sadi of Shiraz has sung: "Greatness is in the understanding, not in age; Wealth is in the mind, not in possessions."

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5th.—The strongest reason is that all the other sons of His Majesty have, in consideration of Mirza Juwan Bukht's qualifications, pronounced in favor of his succession; and since his seniors wave their right, what impediment exists to his recognition as Heir-Apparent?

6th.—On the contrary, compared with Mirza Juwan Bukht, the difference against Mirza Kocash is as between Heaven and Earth. His associates are disreputable and his amusements unlawful,—one instance of defective character having been exhibited in his complaint that his allowance had been withheld, a complaint open to such easy refutation.

7th.—The British Government has authorized the succession of the younger son to the Bahawalpoor Chiefship, and in other instances, and where there are strong grounds, the Royal pleasure being also concerned, it is in every way right and proper that the succession be declared in favor of the Mirza.

12. *From the Secretary to Government, North-Western Provinces, to S. FRASER, Esquire, Agent, Lieutenant-Governor, Delhie,—No. 54 A., dated Camp Benares, 13th January 1857.*

I AM directed to acknowledge the receipt of your letter of the 24th ultimo, No. 96, forwarding a communication to your address from His Majesty the King of Delhie, and with reference to the subject thereof to inform you that no reply

2. Copies of your letter and enclosures and of this reply will be forwarded for submission to the Governor-General in Council.

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13. *From the Secretary to Government, North-Western Provinces, to G. F. EDMONSTONE, Esquire, Secretary to the Government of India, Foreign Department,—No. 55 A., dated Camp Benares, 13th January 1857.*

I AM directed to transmit to you, for submission to the Right Hon'ble the Governor-General in Council, the accompanying copy of a letter from the Agent at Delhie, No. 96 of the 24th ultimo, with its enclosure, and of the reply, on the subject of Mirza Juwan Bukht's claims to the office of Heir-Apparent.

NOTE. — No further correspondence is traceable in the Punjab Records.
