1903

SITA RAM v. BHAWANI DIN RAM.

some other valid objection raised to such decree being passed. The respondent must pay the appellant's costs in all three Courts.

Appeal decreed.

PRIVY COUNCIL.

P. C. 1903 *June* 11, 12. *November* 10.

MAQBULAN (DEFENDANT) *v.* AHMAD HUSAIN AND OTHERS (PLAINTIFFS).

[On appeal from the Court of the Judicial Commissioner of Oudh.]

Evidence—Proof of divorce and subsequent marriage—Deposition in former criminal case—Act No. I of 1872 *(Indian Evidence Act), sections* 19 *and* 80—*Heading of deposition.*

In a suit in which the appellant's success depended on her establishing her mother's divorce from a former husband (Eda) and subsequent marriage to another man (Ghulam Ali) in whose service she had been for some years, and to whose property the appellant claimed to succeed as his daughter and heir, the respondents produced a deposition made after the birth of the appellant by her mother in a criminal case. The heading of the document was "Ghafooran, wife of Eda, caste Shaikh, aged 40 years, from Dewa, on solemn affirmation," and in it the witness stated "I have lived with Ghulam Ali these 12 or 14 years. I lived with him before his wife died, two years before that event." *Held* (reversing the decision of the Judicial Commissioner's Court) that the heading was only descriptive of the witness, and formed no part of the evidence given by her on solemn affirmation; it might well be, and probably was, a wrong description of her: and her statement in the deposition was not necessarily or even probably an admission of immorality. Even if admissible, therefore, the deposition was not entitled to any weight.

On the rest of the evidence it was held that the second marriage of the appellant's mother was a valid one and that the appellant was legitimate and entitled to the property she claimed.

APPEAL from a decree (31st May 1899) of the Court of the Judicial Commissioner of Oudh by which a decree (16th December 1896) of the Subordinate Judge of Bara Banki was set aside and the respondents' suit decreed.

The suit was one concerning property which constituted the estate of one Ghulam Ali *alias* Ghasitey, a resident of the village of Dewa in the district of Bara Banki, who died intestate on the 14th of November 1892, the plaintiffs and the defendant both claiming to succeed to the property as his next heirs. The

Present:—Lord MACNAGHTEN, Lord DAVEY, Lord ROBERTSON, SIR ANDREW SCOBLE, and SIR ARTHUR WILSON.

plaintiffs claimed to be his collateral heirs according to a pedigree which they produced. The defendant based her claim to succeed on the allegation that she was Ghulam Ali's legitimate daughter by a woman called Ghafuran. The allegation of the defendant's legitimacy was denied by the plaintiffs, and the main question for decision on this appeal was whether the defendant had proved that a valid marriage took place between her mother, Ghafuran, and Ghulam Ali.

Ghulam Ali, who was a man of means and good social position, a Shaikh by caste, had been the husband of one Mashukan, who died in 1878. Ghafuran was of the Sepahi caste and the wife of one Eda of the same caste as herself. By him she had three children, a son Umed Ali, born about 1869, and two daughters, Zainab who married one Ali Husain, and Nasiban who was born about 1873.

For some time previous to the death of Mashukan, Ghulam Ali's former wife, Ghafuran, had been a servant in his employ, and after Mashukan's death she continued to live in the house of Ghulam Ali where the defendant was born about the year 1883.

On the death of Ghulam Ali, Ghafuran claimed the estate and applied on behalf of her daughter for registration in the Collector's registers. The dispute as to possession led to a riot and criminal proceedings, and eventually the Revenue Courts decided that Ghafuran was in possession and directed the name of the defendant under the guardianship of Ghafuran to be entered in the register.

The suit out of which this appeal arose was thereupon, on the 5th of January 1894, brought for possession of the property. The plaintiffs set up the pedigree which showed them to be the collateral heirs of Ghulam Ali.

The defence was that the plaintiffs had no concern with the genealogical table of Ghulam Ali as alleged, and that the defendant was the daughter of Ghulam Ali and was entitled to succeed him according to the condition laid down in the wajib-ul-arz.

The terms of the wajib-ul-arz were that "the custom relating to inheritance is that, after the demise of a share-holder, his sons

1903

MAQBULAN v. AHMAD HUSAIN.

succeed to the property left by the deceased in equal shares; in case there be no male issue the daughter is entitled to succession."

The issues so far as they are material were—

2. Are the plaintiffs the legal heirs of Ghulam Ali?
3. Is defendant his daughter?
4. Is she entitled to hold the estate in the terms of the wajib-ul-arz?

The plaintiffs' case was that Ghafuran was still the wife of Eda, who was alive and had never divorced her; and that she could not therefore be the wife of Ghulam Ali, and therefore the defendant, if she were Ghulam Ali's daughter at all, was illegitimate and not entitled to succeed to his estate.

The defendant asserted that Eda had divorced Ghafuran after she entered Ghulam Ali's service, and that Ghulam Ali had about a year after the death of his former wife Mashukan, gone through the *nikah* ceremony of marriage with Ghafuran and that she was the legitimate daughter of that marriage.

The oral evidence is sufficiently noticed in their Lordships' judgment.

On behalf of the plaintiffs a document was put in which purported to be a deposition of Ghafuran in a former proceeding. It appeared that in 1890 Ali Husain, the husband of Zainab, Ghafuran's eldest daughter by her husband Eda, assaulted his wife. In that case Ghafuran was called as a witness and the material portion of her statement, dated the 30th of April 1890, which was taken before Lieutenant-Colonel Grigg, Deputy Commissioner of Bara Banki, was as follows:—

"Musammat Ghafooran, wife of Eda, caste Shaikh, aged 40 years, of Dewa, on solemn affirmation.—'I have lived with Ghasitey these 12 or 14 years. I lived with him before his wife died, two years before that event.'"

Ghafuran was not examined in the present suit.

The Subordinate Judge was of opinion on the second issue that the plaintiffs had established the pedigree set up by them. But on the third issue he found that the defendant was the legitimate daughter of Ghulam Ali, and attached no importance to the document in the heading of which Ghafuran was

described as "wife of Eda" as being not a statement of hers, but an inaccurate description of her by the Magistrate. The material portion of his judgment was as follows:—

"The evidence on the record shows that Ghafooran first entered into Ghulam Ali's service as a female servant when his wife was alive; upon the latter's death he began to have a fancy for her. Her husband suspected illegal connection and divorced her; then Ghulam Ali took her as a wife and contracted *nikah*; that some years after defendant was born and brought up as his child. Ghafooran in her prime of life left her husband, Eda, and lived with Ghulam Ali, a widower, for 16 years until his death, and they lived alone in the house, having no other member of the family. Defendant is born and brought up in Ghulam Ali's house as his child. The Muhammadan Law, under such circumstances, presumes a marriage between parties who live together as man and wife, and also legitimacy of the child born under such circumstances. See Tagore Law Lectures, 1873, page 126. Here there is direct evidence, besides, of Ghafooran's *nikah* with Ghulam Ali, and defendant's birth long after as his child. Plaintiffs have produced a statement of Musammat Ghafooran, made in *Queen-Empress* v *Musammat Zainab* (Exhibit 17). There she declares that she had lived with Ghulam Ali for 14 years. Before her statement is taken down she is described as follows:—'Musammat Ghafooran, wife of Eda, caste Shaikh, age 40 years, of Dewa, on solemn affirmation.' The Magistrate describes her as wife of Eda, but this is not her statement. The question whose wife she was has neither been put nor was in point in that case. Nor has she been examined here. Again, she and Eda are of low caste known as Sepahi caste in Dewa. Ghulam Ali was a Shaikh, and she too is described as a Shaikh. As a consort of Ghulam Ali, she might be considered to have become Shaikh, but I attach no importance to the above inaccurate description. I find issue 3 in defendant's favour. The wajib-ul-arz is admitted by both parties (Exhibit 3). It says that the daughter inherits in default of a son: in default of both, the widow inherits, and in her default, succeed brothers and nephews. It further says that a child of a *gair biradri* wife does not succeed in face of the child of a *biradri* wife; in the latter's default, the former succeeds. Here Ghulam Ali has left no child by a *biradri* wife, and defendant is his daughter by a *gair biradri* wife, so defendant inherits the property. It appears that plaintiffs never approached Ghulam Ali in his life-time during his troubles and last sickness: did not attend his funeral, nor performed any funeral rite. Musammat Ghafooran, whom they call a servant only, did all, and now they put in appearance to oust her and her child who is the legitimate heiress of the estate, and is rightfully in possession thereof. Plaintiffs' suit is dismissed with costs."

On appeal by the plaintiffs the Judicial Commissioners affirmed the finding of the Subordinate Judge on the 2nd issue, that the plaintiffs had proved the pedigree and their relationship to Ghulam Ali. On the 3rd issue they were of opinion that it was not proved that Eda had divorced Ghafuran, or that

1903

MAQBULAN v. AHMAD HUSAIN.

Ghulam Ali had ever married her. As to the alleged marriage they said :—

"The story as to the alleged marriage is discredited by the fact that the *Qazi* who should have performed the marriage ceremony did not do so. The explanation is that he was only sent for about an hour before the marriage took place, and could not be found. The explanation is highly improbable. The story is also discredited by the fact that the season of the year even, in which the marriage took place cannot be fixed."

They further found that the defendant was the daughter of Ghulam Ali, but not his legitimate daughter, and under the circumstances no acknowledgment by Ghulam Ali could legitimize her. As to the deposition of Ghafuran they said :—

"The plaintiffs relied on a deposition said to have been given by Ghafooran in the Court of the District Magistrate of Bara Banki on 30th April 1890, many years after her alleged divorce by Eda and marriage with Ghulam Ali. The admissibility of this deposition in evidence was objected to, but we were of opinion that if it was proved, statements in it were admissible in evidence under section 19, Indian Evidence Act, 1872. The plaintiffs also relied on the fact that Ghafooran was not called to prove the alleged divorce and marriage and the paternity of the defendant.

"The oral evidence on both sides seems to me to be of little value, but I think that the deposition said to have been given by Ghafooran was given by her, and that that deposition is fatal to the case of the defendant, that Ghafooran was divorced by Eda and subsequently married Ghulam Ali.

"There is no doubt that Ali Husain, the husband of Zainab, Ghafooran's daughter, quarrelled with his wife and caused hurt to her at Ghulam Ali's house, and was prosecuted by Zainab for the offence, and that the deposition on which the plaintiffs rely was given in that case on behalf of the prosecution; and that it purports to have been given by Ghafooran. The question is whether there must be direct evidence that Ghafooran was the person who gave the deposition. It was contended for the defendant that there must be such evidence, and the case of *Queen-Empress* v. *Durga Sonar* (1) was cited in support of that contention. For the plaintiffs it was argued that under section 80, Indian Evidence Act, there was a presumption that the deposition was given by Ghafooran. I do not think that under that section there is any such presumption. On this point I agree with the ruling in the case cited. It was also argued for the plaintiffs that, under section 114 of the Indian Evidence Act, the Court might presume that Ghafooran gave the deposition from the fact that Ali Husain was prosecuted for causing hurt to his wife, Ghafooran's daughter, that the deposition was given in that case that it purported to be given by Ghafooran, and that it was impossible that Ghafooran could have been successfully personated as a witness in that case, and that direct proof that Ghafooran was the person who gave the deposition was not necessary. I think that there is much force in this contention,

(1) (1885) I. L. R., 11 Calc., 580.

If it is intended in the case of *Queen-Empress* v. *Durga Sonar* to lay down that in order to prove that a deposition purporting to be made by a certain person was made by him, there must be direct evidence of identity, I am unable to follow it. I think that where facts are proved from which the presumption can properly be drawn it may be presumed that a deposition, purporting to be made by a certain person, was made by him, and that direct proof of identity is not required. I am of opinion that one can presume that the deposition purporting to have been given by Ghafooran was given by her from the facts (1) that her son-in-law was prosecuted for causing hurt to her daughter at Ghulam Ali's house where Ghafooran was living; (2) that the deposition was given in that case; (3) that it purports to have been given by Ghafooran; and (4) that it is impossible that any person could have successfully personated Ghafooran before her son-in-law.

"According to the deposition Ghafooran was, in April 1890, the wife of Eda and had lived with Ghasitey (*i. e.* Ghulam Ali) for 12 or 14 years, and had lived with him two years before his wife died.

"The Subordinate Judge, although he admitted the deposition in evidence, attached no importance to it. His reasons are that Ghafooran did not state that she was the wife of Eda, but was so described by the Magistrate; that 'Eda' was a mistake for 'Ghulam Ali,' and that Ghafooran had not been called as a witness in this case. I think that the Subordinate Judge is wrong. Ghafooran must have been questioned by the Magistrate as to her name, husband's name, caste, age and residence. Her answers were a part of her deposition as much as any other answer. If Ghafooran had stated that 'Ghasitey' was her husband, she certainly would not have stated that she had lived with 'Ghasitey' for 12 or 14 years. Such a statement is only consistent with her having stated that Eda was her husband. I think therefore that the hypothesis that 'Eda' was a mistake for 'Ghulam Ali' or 'Ghasitey' is untenable. It was certainly not incumbent on the plaintiffs to examine Ghafooran with reference to the deposition. She should have been called by the defendant to deny or explain the admission.

"The admission by Ghafooran, in April 1890, that she was the wife of Eda renders it impossible to find that in, or about, 1879, she was divorced by Eda and afterwards married Ghulam Ali. I find therefore that she was not divorced by Eda and was not married to Ghulam Ali, as alleged."

The Judicial Commissioner accordingly reversed the decree of the Subordinate Judge and gave the plaintiffs a decree for the relief sought in the suit.

On this appeal,

Mr. *H. Cowell* for the appellant contended that on the evidence her legitimacy was sufficiently established. That she was the daughter of Ghulam Ali had been found by two courts, and the facts spoken to as to her birth, position and treatment in Ghulam Ali's house proved acknowledgment of her on his

1903

MAQBULAN v. AHMAD HUSAIN.

part as his legitimate child. The validity of the marriage and the consequent legitimacy of the appellant could be presumed from circumstances deposed to. The cases of *Mahomed Baker Husain Khan* v. *Shurfoonissa Begam* (1), *Hidayat-ullah* v. *Rai Jan Khanum* (2) and *Mohamed Azmat Ali Khan* v. *Lalli Begam* (3) were referred to. As to the deposition of Ghafuran, it was submitted it was inadmissible in evidence: reference was made to the Evidence Act (I of 1872) sections 19 and 80 [LORD DAVEY referred to section 17] and to Taylor on Evidence, 9th Ed., section 742. Even if admissible, it had little or no weight. The portion of it chiefly relied on was the heading of the document: but that was not a statement by Ghafuran, but merely a wrong description of her and was not part of her deposition. The Criminal Procedure Code (Act X of 1882), section 356, as to the mode of taking evidence was referred to. As to the other portion there was nothing whatever to show that her statement that she has been living with Ghulam Ali for 14 years meant that she had lived with him in a state of immorality.

Mr. *L. DeGruyther* for the respondents contended that the deposition of Ghafooran was admissible in evidence under sections 19 and 80 of the Evidence Act, and, if admissible it was, as the Judicial Commissioners had held, destructive of the appellant's case, disproving both the divorce from Eda and the marriage with Ghulam Ali upon which her claim was founded. Even if the document was not admissible, there were circumstances which made it improbable that the marriage ever took place: it was not celebrated as the marriage of a man in Ghulam Ali's position would usually have been celebrated; it was not performed by the regular *Qazi*; and the difference in position and caste of the parties made a marriage between them almost impossible. The legitimacy of the appellant therefore was not established and she could not succeed. On the other hand both courts below had held that the respondents are the nearest collateral heirs of Ghulam Ali, and as such they were, it was submitted, entitled to the property in suit. Reference was made to section 62 of Act XVI of 1876.

Mr. Cowell replied.

(1) (1860) 8 Moore's I. A., 136 (2) (1844) 3 Moore's I. A., 295 (310)
(3) (1881) L. R. 9 I. A., 81: I. L. R., 8 Calc., 422.

1903

MAQBULAN v. AHMAD HUSAIN.

1903—*November 10th.*—The judgment of their Lordships was delivered by LORD MACNAGHTEN :—

In this case the Subordinate Judge of Bara Banki found that the appellant Musammat Maqbulan, sued as a minor under the guardianship of her mother Ghafuran, was the legitimate offspring of Ghulam Ali, who died intestate in 1892 without leaving any other issue, and that she was consequently entitled to succeed to the property of which Ghulam Ali died possessed. The Judicial Commissioners on appeal reversed this finding and adjudged the property to the respondents, who were plaintiffs in the suit and whose title as heirs to Ghulam Ali in default of issue of his body is not now in dispute.

Both Courts have held that Maqbulan is the daughter of Ghafuran by Ghulam Ali. The question is whether she was born in lawful wedlock. That depends upon whether her mother Ghafuran was free to marry and did in fact marry Ghulam Ali.

It is common ground that Ghafuran, when first heard of in this case, was the wife of a person now living—one Eda, a Sepahi, a man of a class inferior to that of Ghulam Ali, who was a Sheikh. She had four children by Eda. Having been deserted by her husband at a time when there was famine in the land, she took service with Ghulam Ali. That was some 16 years before his death. Ghulam Ali's first or only wife, Mashukan, was then living. Mashukan died in 1878 and Ghafuran continued to live on in Ghulam Ali's service. She lived with him till his death. She is described as an attractive person, and there was no other woman in the house.

The case on behalf of Maqbulan is that some time after Mashukan's death Eda returned home, and then there was a quarrel between Eda and his wife. Either he suspected her of too great intimacy with Ghulam Ali or she charged him with familiarity with some prostitute, or more probably there were mutual recriminations. At any rate she refused to leave Ghulam Ali's house for Eda. She was not going to starve with him. That was her answer (says one witness) to her husband's appeals. So he divorced her, and after the divorce Ghulam Ali married her by the rite or ceremony called *nikah*.

1903

MAQBULAN v. AHMAD HUSAIN.

In support of these allegations there is oral evidence direct and positive. Eda himself and one other witness speak to the divorce. Seven witnesses, one of whom says that he performed the ceremony of reading the *nikah*, speak to the marriage. It is quite true that these witnesses cannot be regarded as independent witnesses. But they do not seem to have been shaken on cross-examination, and the Subordinate Judge, who heard what they said and saw their demeanour, accepted their statements. It would be out of the question to reject their evidence on mere suspicion. The story in itself is not improbable. It is difficult to see what further or better evidence could have been offered assuming the story to be true. According to the evidence no register of marriages or divorces was kept then. A marriage such as that set up on behalf of the appellant—a marriage with a woman of his own household and of inferior birth—would presumably not have been celebrated with any sort of pomp or ceremony. There was no music, said one witness, or feasting either. Besides Ghulam Ali seems to have led a very retired life. He had little intercourse with his neighbours and none at all with the respondents who lived at a considerable distance and apparently never came near him. Whatever his relations towards Ghafuran before his alleged marriage may have been, he bore the reputation of a religious and respectable person. Then there is some evidence that he treated Ghafuran as his wife. As to Maqbulan she was born in his house. In her case he performed the ceremonies usual in the case of a legitimate daughter. He had her well educated and taught to read Urdu and Persian.

The Judicial Commissioners, who reject the evidence of the witnesses at the trial, comment on the fact that various reasons are assigned for the alleged quarrel between Eda and his wife. Perhaps it is not surprising that Eda should have attempted to clear himself at the expense of his wife, while Ghafuran's adherents put the blame on him. Then the Judicial Commissioners point out that the witnesses who deposed to Ghafuran's marriage with Ghulam Ali could not fix the year or even the season of the year when it took place. That does not seem very extraordinary. After the lapse of so many years, when

there was nothing in the circumstances of the marriage to impress their memory, they may well have borne in mind that there was a marriage without being able to recall anything in particular about it. With more reason the Judicial Commissioners comment on the circumstance that the person who states that he read the *nikah* was not the regular *Qazi*, but the naib or deputy of the *Qazi*, and they justly observe that the reason alleged for the intervention of the deputy is not satisfactory. No doubt this circumstance is suspicious. But the man was examined before the Subordinate Judge, who saw no reason to disbelieve him.

Although the Judicial Commissioners, upon these grounds and on a general view of the position of the witnesses, thought themselves justified in describing the oral evidence as of little value, it does not appear that they would have differed from the Subordinate Judge if they had not come to the conclusion that the whole of the evidence adduced on behalf of the appellant was displaced by a document put in evidence by the respondents, to which the Subordinate Judge—erroneously, as they thought—attached little or no importance.

The document in question is a certified copy of a statement by Ghafuran taken before Lieutenant-Colonel E. E. Grigg, Deputy Commissioner of Bara Banki, on the 30th of April 1890, on the occasion of a criminal charge brought at the instance of Zainab, one of Ghafuran's daughters by Eda, against her husband Ali Husain for an assault. The heading of that statement is in these words:—"Musammat Ghafooran, wife of Eda, caste Sheikh, age 40 years, of Dewa, on solemn affirmation:"—and it contains the following passage:—"I have lived with Ghasitey"—that is Ghulam Ali—"these 12 or 14 years. I lived with him before his wife died, two years before that event." This document was included in the list of documents filed with the plaint, but it does not seem to have been referred to in the course of the trial until the pleader for the plaintiffs was in the act of addressing the Court after the evidence was closed. The pleader for the defendant objected that it was inadmissible. On behalf of the plaintiffs it was contended that Ghafuran defending as guardian of Maqbulan was a party to the suit,

1903

MAQBULAN v. AHMAD HUSAIN.

and that under the Indian Evidence Act the statement was admissible as an admission by her. The Subordinate Judge ordered it "at present . . . to remain on the file for what it is worth." In the judgment which he afterwards delivered, the learned Judge seems to have considered the document admissible, but his opinion was that the heading of the statement was not part of Ghafuran's deposition, and it does not seem to have occurred to him that the statement in the deposition that the deponent was living with Ghulam Ali and had been living with him for 14 years was susceptible of the meaning that she was living with him in adultery. The Judicial Commissioners, however, held that "Ghafuran must have been questioned by the Magistrate as to her name, husband's name, caste, age, and residence." "Her answers," they go on to say, "were a part of the deposition as much as any other answers." Proceeding on this view they held that Ghafuran's statement was "fatal to the case of the defendant that Ghafuran was divorced by Eda and subsequently married Ghulam Ali." Accordingly they found that "she was not divorced by Eda and was not married to Ghulam Ali," and that when she said she had "lived" with Ghulam Ali for 12 or 14 years and had done so for two years before the death of his wife, she meant that "she had cohabited with him." It appears to their Lordships that the construction which the Judicial Commissioners have put upon her language is harsh and uncalled for. She seems for some reason or other to have been asked how long she had been living with Ghulam Ali and to have answered correctly enough "for 12 or 14 years." It is difficult to suppose that the Magistrate, if it was the Magistrate by whom the question was asked, intended to convey any imputation on the witness, and equally difficult to suppose that the witness intended by her answer to make a confession of immorality. As regards the description of the witness in the heading of the deposition, their Lordships agree with the Subordinate Judge that it is no part of the deposition proper, that is, no part of the evidence given by the witness on solemn affirmation. It may have been elicited by questions put by the Magistrate. It is just as likely that it was filled in by a subordinate official

and on the paper when put into the hands of the Magistrate for him to take down the evidence of the witness. Again it may have been read over to the witness by the Magistrate when the evidence of the witness was completed, or the Magistrate may have contented himself with reading over the narrative embodying the evidence, which was all he was bound to do under the Act.

In these circumstances, even assuming that there was no slip or accidental omission in the heading of the document, and that there was no confusion between the two husbands in the mind of the person who took down the heading, and assuming that the document is admissible in this suit as evidence against Maqbulan's claim, their Lordships are of opinion that it is not entitled to any weight.

Differing from the Judicial Commissioners on the only ground upon which they appear to have relied in reversing the Court of first instance, their Lordships see no reason for not accepting the finding of the Subordinate Judge.

Their Lordships will therefore humbly advise His Majesty that the decree of the Court of the Judicial Commissioner ought to be reversed with costs and the judgment of the Subordinate Judge restored.

The respondents will pay the costs of the appeal.

Appeal allowed.

Solicitors for the appellant—Messrs. *Barrow, Rogers and Nevill.*

Solicitors for the respondents—Messrs. *T. L. Wilson & Co.*

J. V. W.

P. C.
1903
November
10, 11, 25.

MUHAMMAD ABDUS-SAMAD AND OTHERS (DEFENDANTS) *v.* QURBAN HUSAIN AND OTHERS (PLAINTIFFS).

[On appeal from the Court of the Judicial Commissioner of Oudh.]

Act No. I of 1869 *(Oudh Estates Act) section* 10—*Taluqdar who died before Act came into operation, but whose name had been after his death entered in lists* 1 *and* 3 *prepared under the Act—Estates of taluqdar vested in his heirs under Muhammadan law—Effect of Act coming into operation.*

An Oudh taluqdar with whom a summary settlement had been made in May 1858, but who never received a sanad, died in 1865. On the coming

Present :—Lord MACNAGHTEN, Lord LINDLEY, SIR ANDREW SCOBLE, SIR ARTHUR WILSON, and SIR JOHN BOWSER.