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'File No. E/20 V. O. ADMINISTRATION OF ESTATES OF ORPHANS.'

Holding Institution	British Library: India Office Records and Private Papers
Reference	IOR/R/15/2/1912
Date(s)	4 Apr 1937-25 Oct 1939 (CE, Gregorian)
Written in	English and Arabic in Latin and Arabic script
Extent and Format	1 file (50 folios)
Copyright for document	<u>Unknown</u>



About this record

The file contains correspondence in the form of letters, memoranda, and proclamations regarding the establishment of a department for the purpose of administering the estates of orphans who have no legal guardians. The suggestion was agreed upon by the Adviser to the Government of Bahrain, the three Shia Qadis of Bahrain, and the Ruler of Bahrain, and was raised to the Political Agency for approval. The aim of the department was to lessen the existing abuses in the system and to safeguard the interests of minors and orphans. In later correspondence it is stated that the Department of Minors' Estates was established in 1938. The file also contains a list of regulations for the Department, both in Arabic and in English.

The main correspondence is between the Adviser to the Government of Bahrain (Charles Dalrymple Belgrave), the Ruler of Bahrain (Shaikh Hamad bin 'Isa al-Khalifah), and the Bahrain Political Agency.

'File No. E/20 V. O. ADMINISTRATION OF ESTATES OF ORPHANS.' [front] (1/104)

File No. $\frac{20}{E}$ V.O. 1937. Collection No. ①

IOR: R/15/2/1912

Political Agency
Bahrain
Persian Gulf

Pros. Nos.
Serial

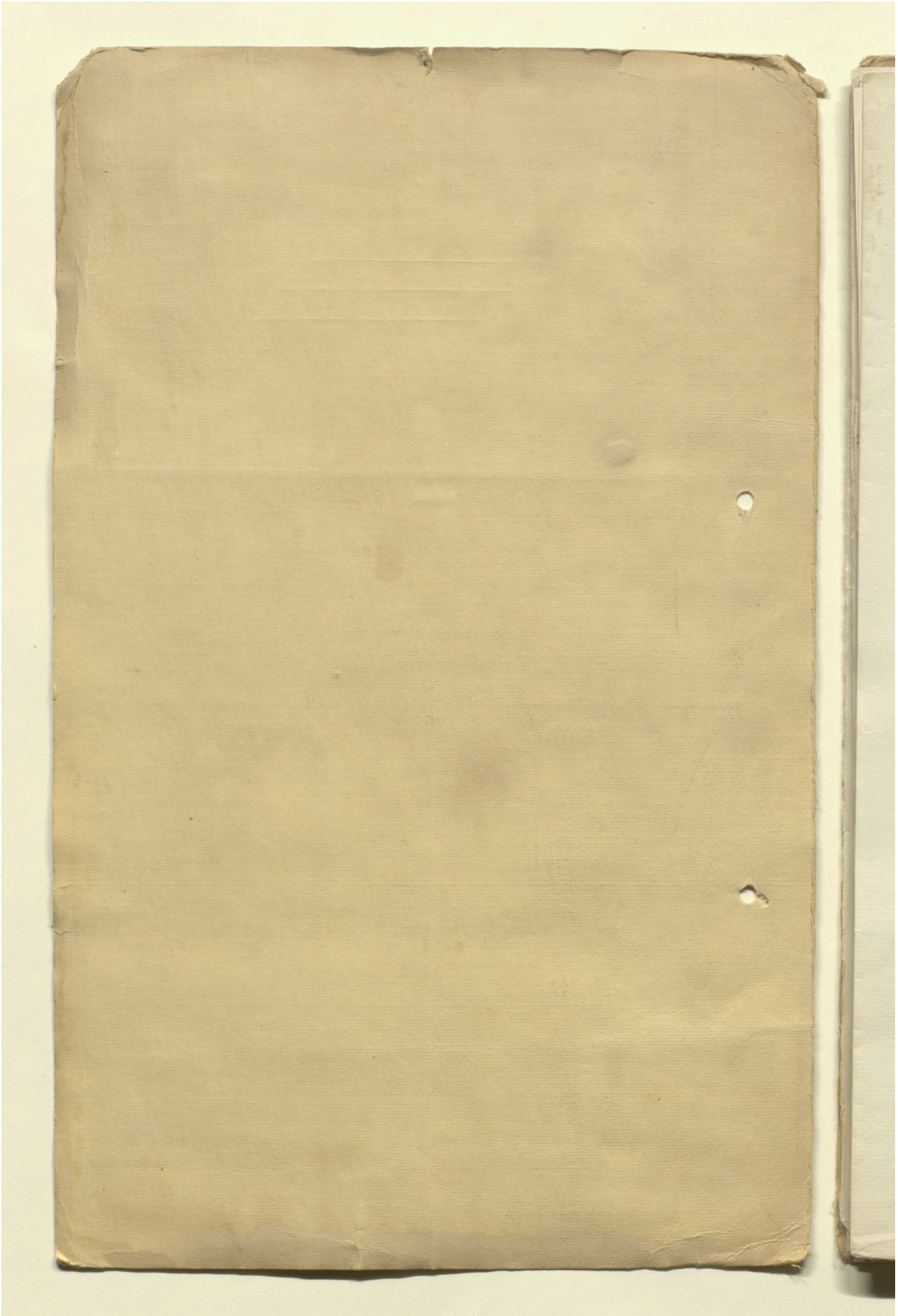
Subject.

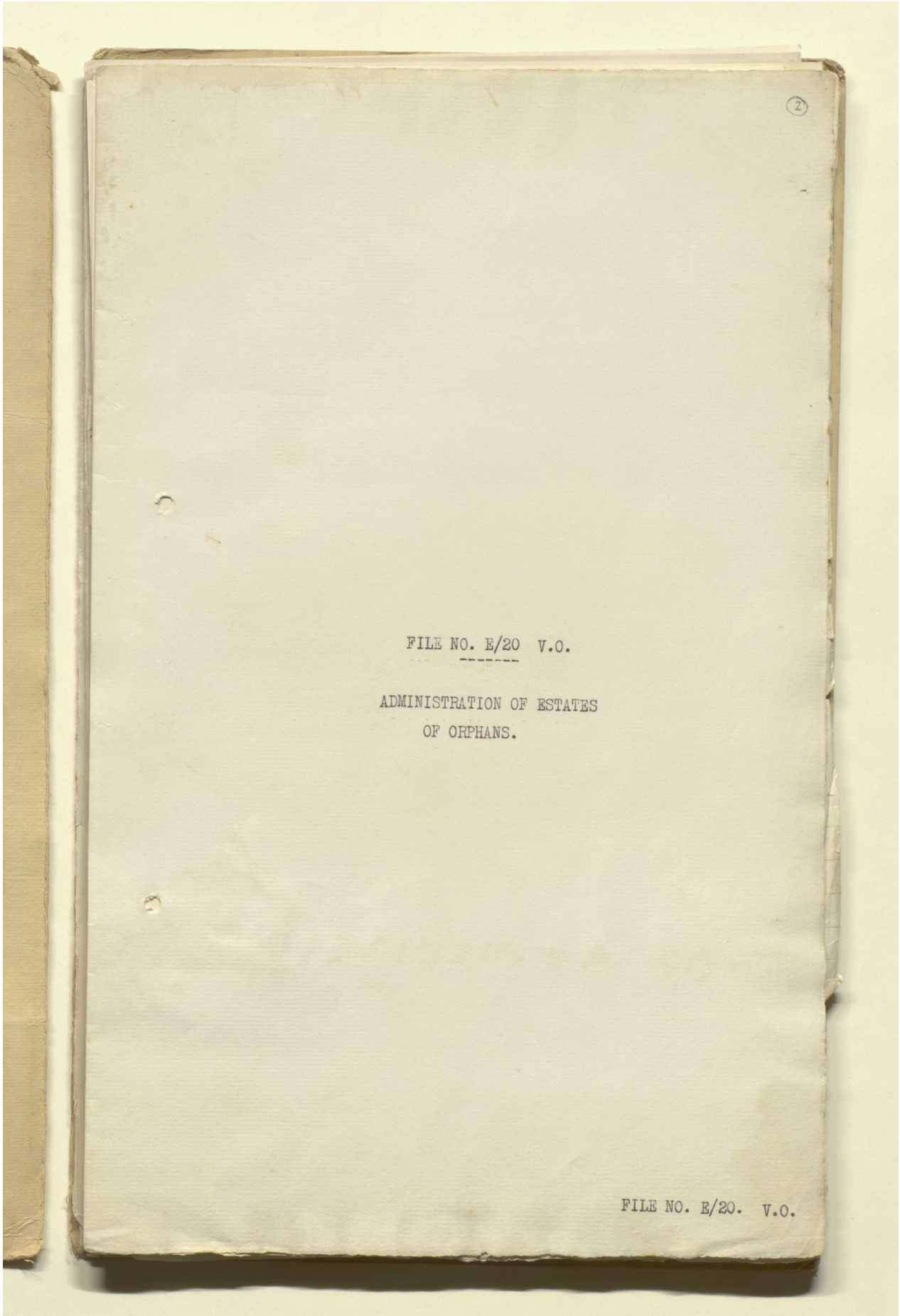
ADMINISTRATION OF ESTATES OF ORPHANS.

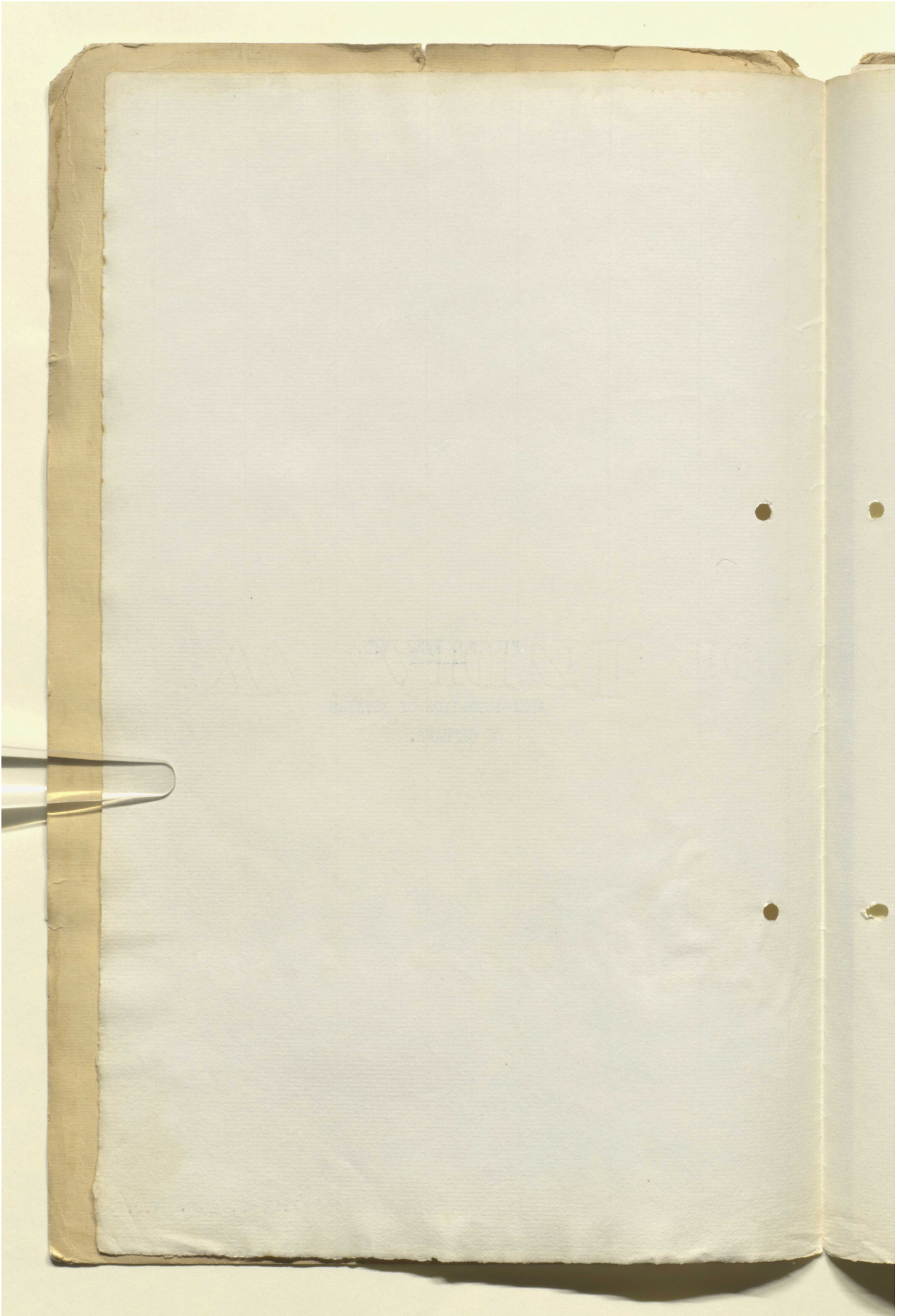
Previous References. Later References.

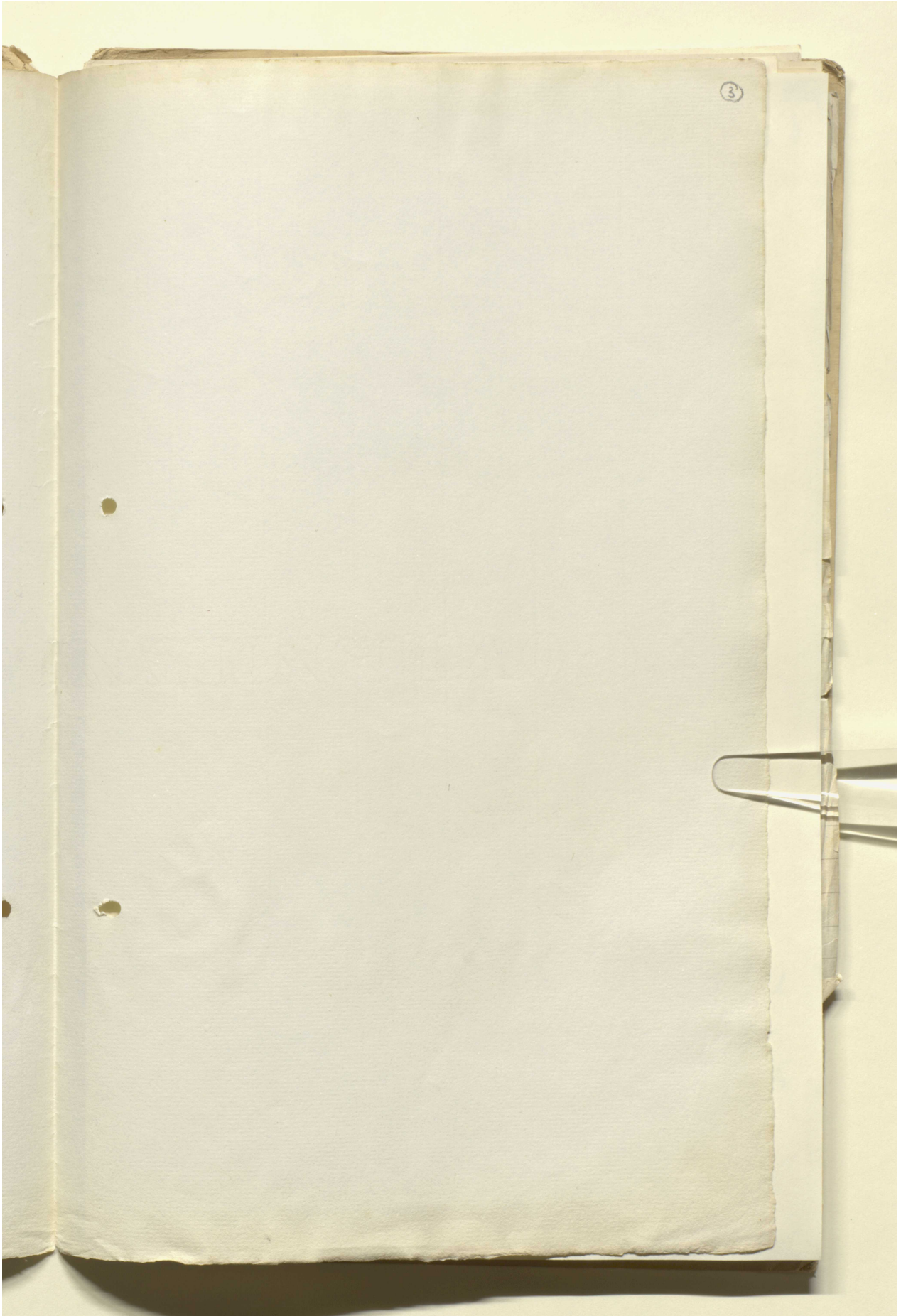
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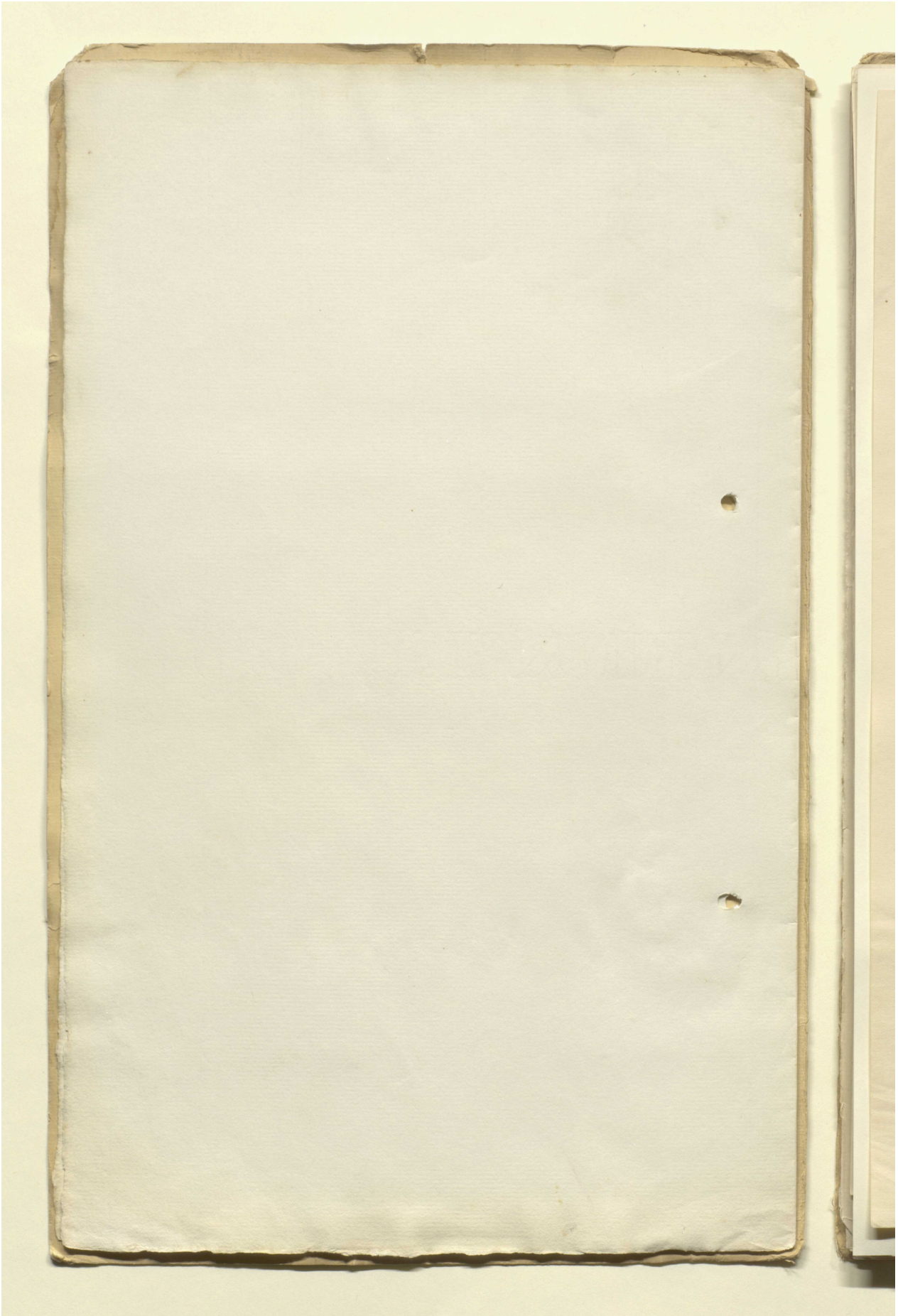
File $\frac{20}{E}$









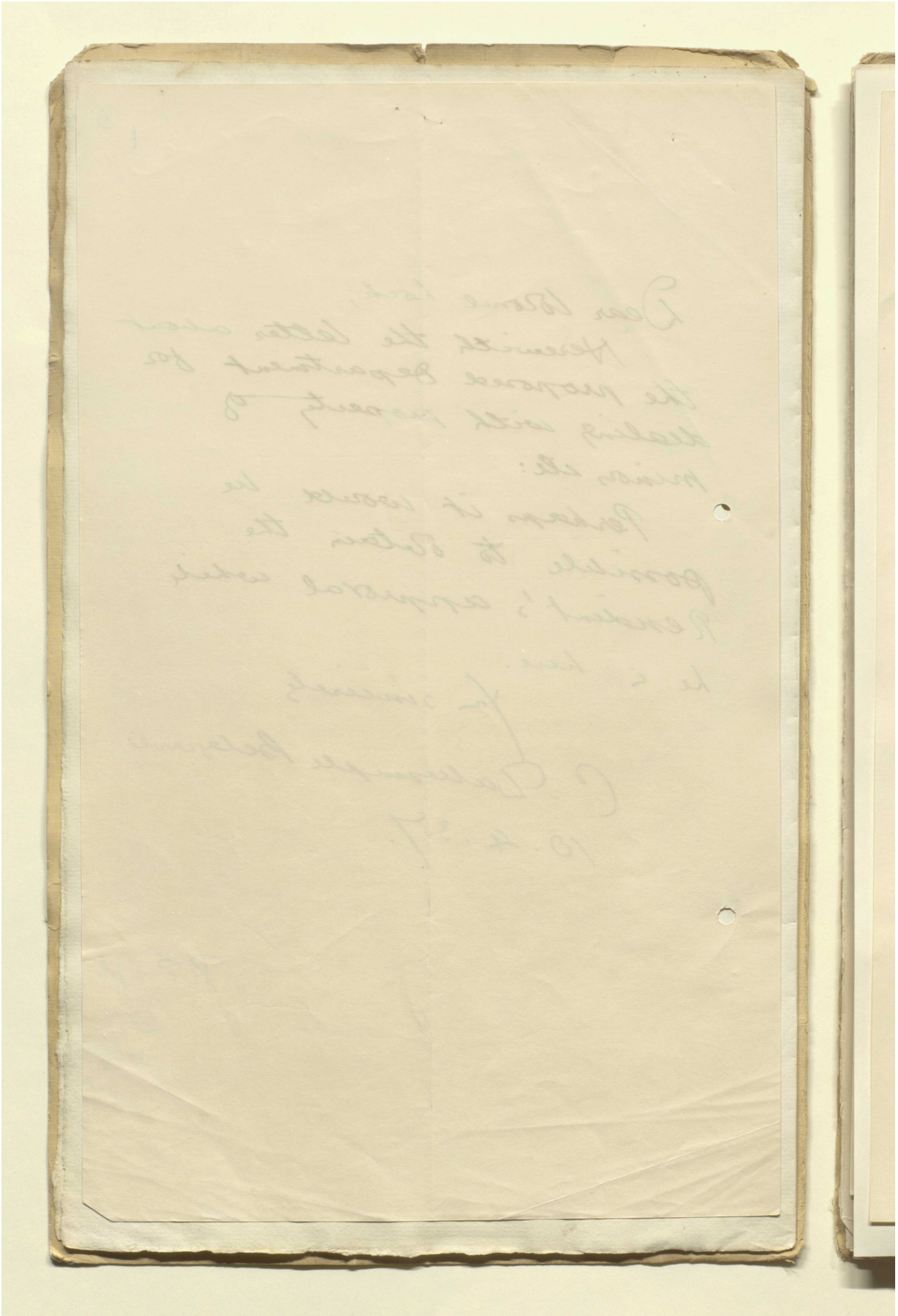


14
Dear Colonel Koch,
Herewith the letter about
the proposed Department for
dealing with property of
minors etc:

Perhaps it would be
possible to obtain the
Rendant's approval while
he is here.

Yours sincerely
C. Dalrymple Belgrave
10.4.37.

P.P. H
BT
P/L



2⁵

No. 162/26-9A--of 1356
Office of the Adviser to
the Government, Bahrain.
Dated, Maharam 29, 1356
April, 10, 1937



From

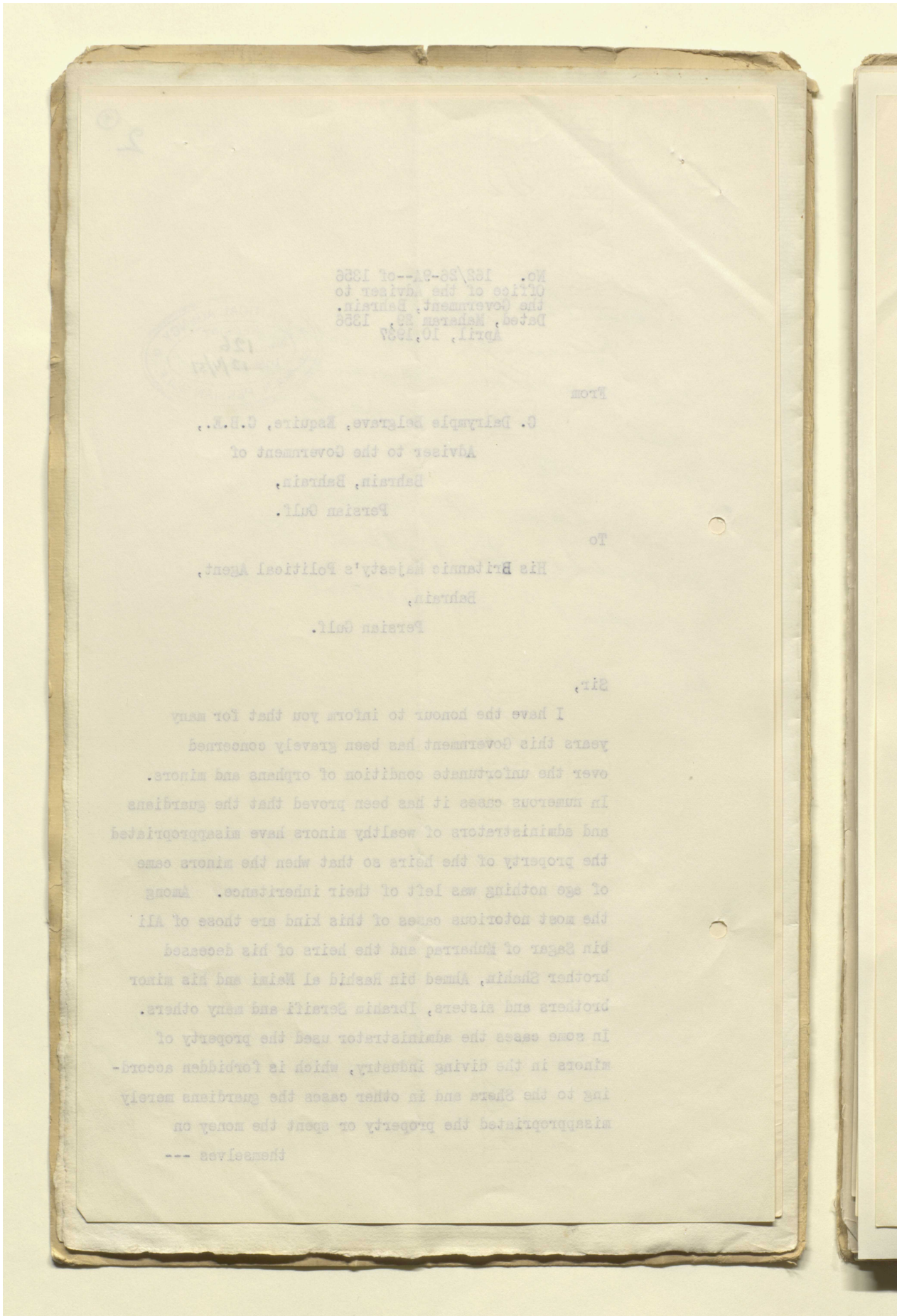
C. Dalrymple Belgrave, Esquire, C.B.E.,
Adviser to the Government of
Bahrain, Bahrain,
Persian Gulf.

To

His Britannic Majesty's Political Agent,
Bahrain,
Persian Gulf.

Sir,

I have the honour to inform you that for many years this Government has been gravely concerned over the unfortunate condition of orphans and minors. In numerous cases it has been proved that the guardians and administrators of wealthy minors have misappropriated the property of the heirs so that when the minors came of age nothing was left of their inheritance. Among the most notorious cases of this kind are those of Ali bin Sagar of Muharraq and the heirs of his deceased brother Shahin, Ahmed bin Rashid al Naimi and his minor brothers and sisters, Ibrahim Seraifi and many others. In some cases the administrator used the property of minors in the diving industry, which is forbidden according to the Shera and in other cases the guardians merely misappropriated the property or spent the money on themselves ---



36

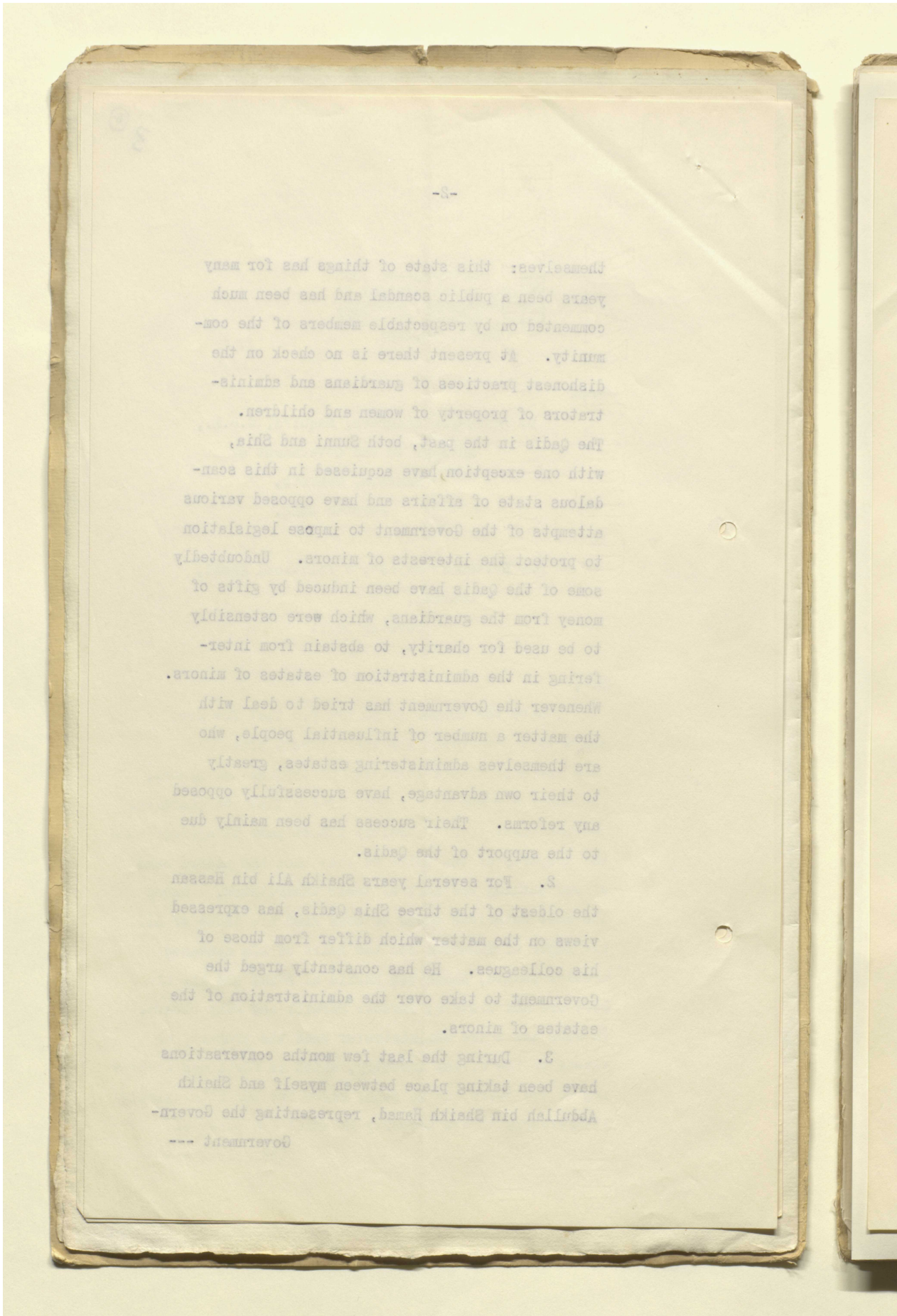
-2-

themselves: this state of things has for many years been a public scandal and has been much commented on by respectable members of the community. At present there is no check on the dishonest practices of guardians and administrators of property of women and children. The Qadis in the past, both Sunni and Shia, with one exception, have acquiesced in this scandalous state of affairs and have opposed various attempts of the Government to impose legislation to protect the interests of minors. Undoubtedly some of the Qadis have been induced by gifts of money from the guardians, which were ostensibly to be used for charity, to abstain from interfering in the administration of estates of minors. Whenever the Government has tried to deal with the matter a number of influential people, who are themselves administering estates, greatly to their own advantage, have successfully opposed any reforms. Their success has been mainly due to the support of the Qadis.

2. For several years Shaikh Ali bin Hassan the oldest of the three Shia Qadis, has expressed views on the matter which differ from those of his colleagues. He has constantly urged the Government to take over the administration of the estates of minors.

3. During the last few months conversations have been taking place between myself and Shaikh Abdullah bin Shaikh Hamad, representing the Govern-

Government ---



4 (7)

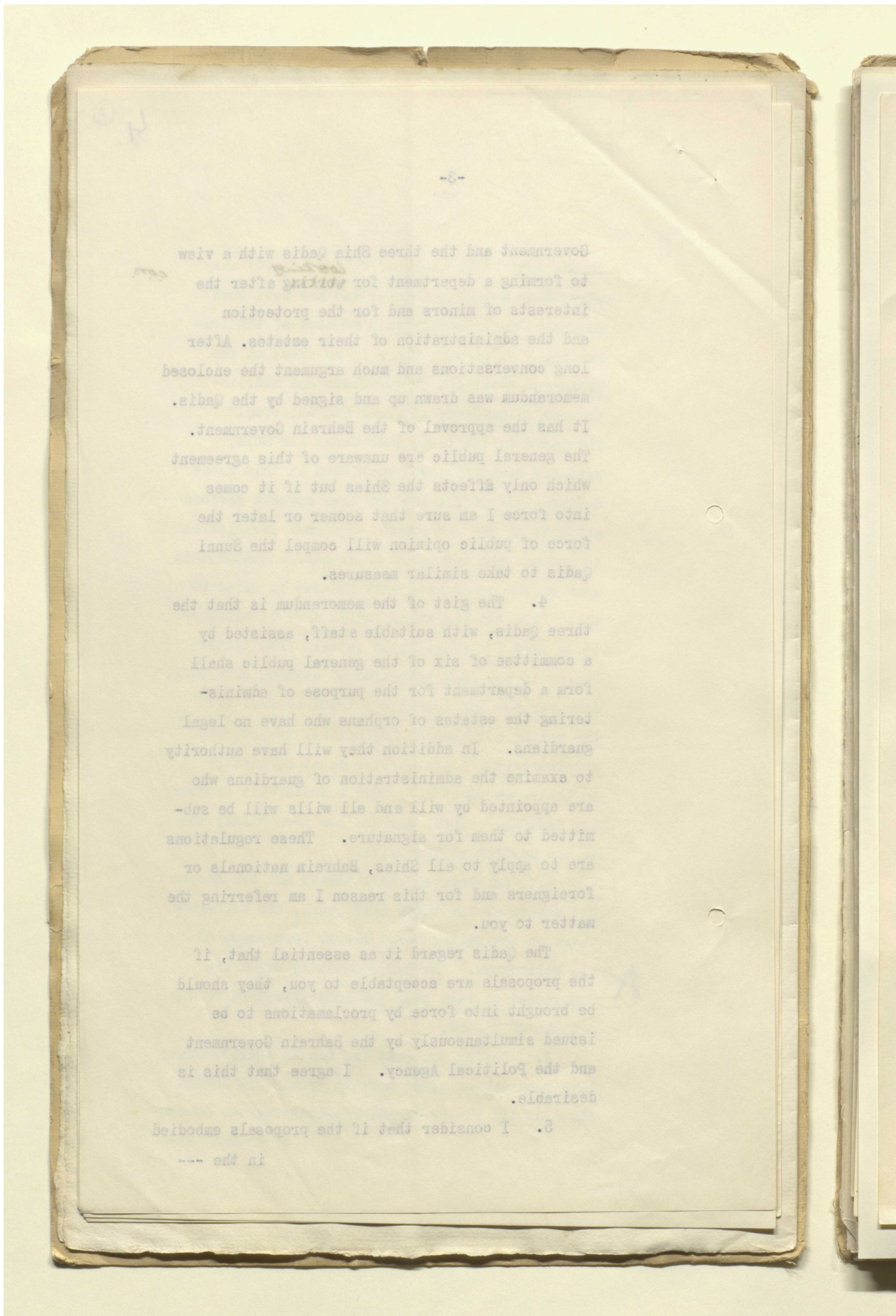
-3-

Government and the three Shia Qadis with a view to forming a department for ^{looking} ~~working~~ after the ^{est.} interests of minors and for the protection and the administration of their estates. After long conversations and much argument the enclosed memorandum was drawn up and signed by the Qadis. It has the approval of the Bahrain Government. The general public are unaware of this agreement which only affects the Shias but if it comes into force I am sure that sooner or later the force of public opinion will compel the Sunni Qadis to take similar measures.

4. The gist of the memorandum is that the three Qadis, with suitable staff, assisted by a committee of six of the general public shall form a department for the purpose of administering the estates of orphans who have no legal guardians. In addition they will have authority to examine the administration of guardians who are appointed by will and all wills will be submitted to them for signature. These regulations are to apply to all Shias, Bahrain nationals or foreigners and for this reason I am referring the matter to you.

A The Qadis regard it as essential that, if the proposals are acceptable to you, they should be brought into force by proclamations to be issued simultaneously by the Bahrain Government and the Political Agency. I agree that this is desirable.

5. I consider that if the proposals embodied in the ---



-4-

the memorandum are brought into force the existing abuses will be lessened and the interests of minors and orphans will be safeguarded to a certain extent. It is not, in my opinion, an ideal solution of the problem; I am sure it would be more satisfactory if this department was entirely dissociated from the Qadis but it is a step in the right direction. The whole matter has been approved of by His Highness Shaikh Hamad and also by Shaikhs Abdullah bin Isa and Shaikh Sulman bin Hamad who have kept in touch with the progress of the negotiations. There will be opposition from a certain faction of the Manamah Shias but I think the proposals will be acceptable to the majority of the Shia Community.

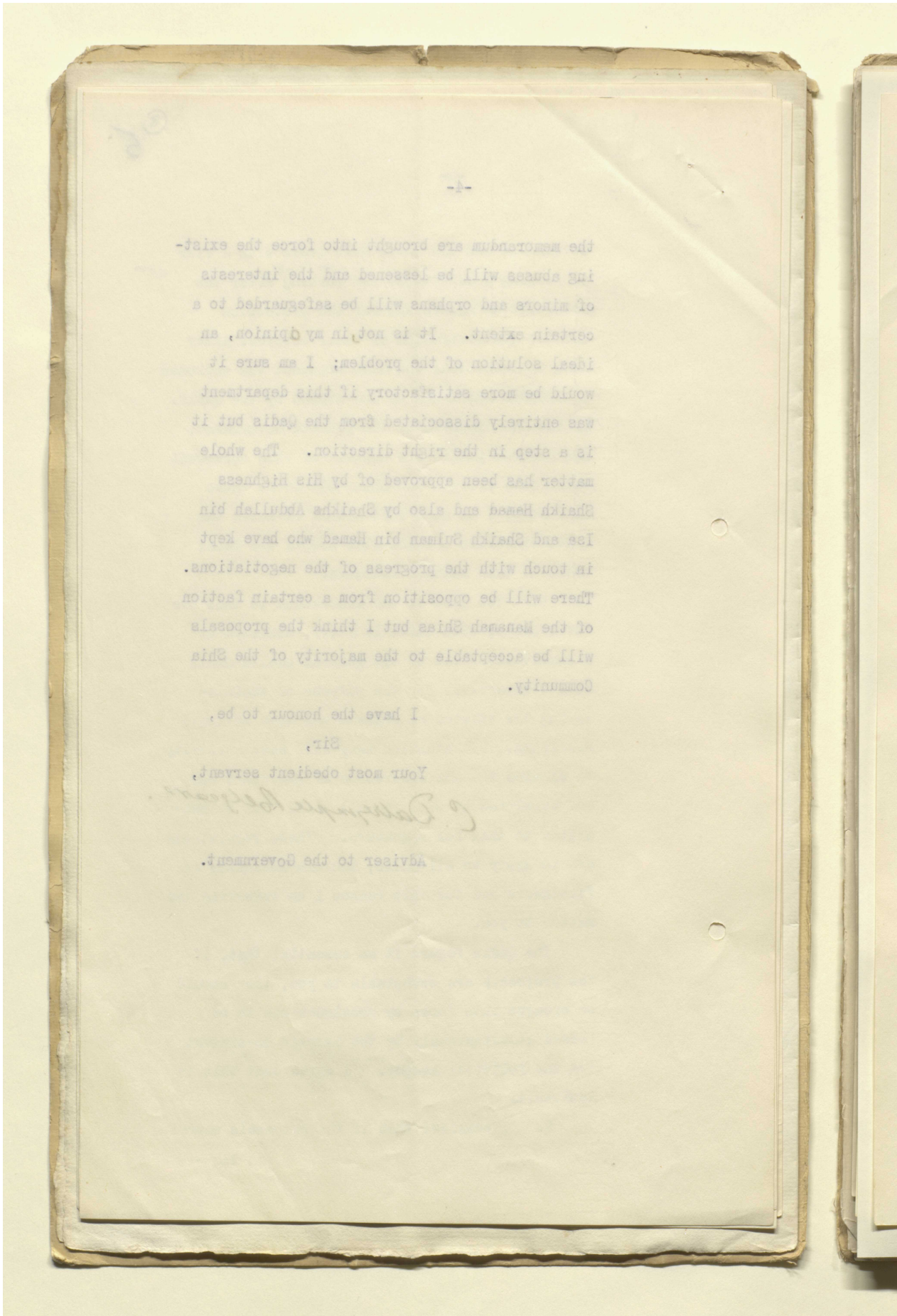
I have the honour to be,

Sir,

Your most obedient servant,

C. Dalrymple Belgeare.

Adviser to the Government.



-4-

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ing abuses will be lessened and the interests
of minors and orphans will be safeguarded to a
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I have the honor to be,

Sir,

Your most obedient servant,

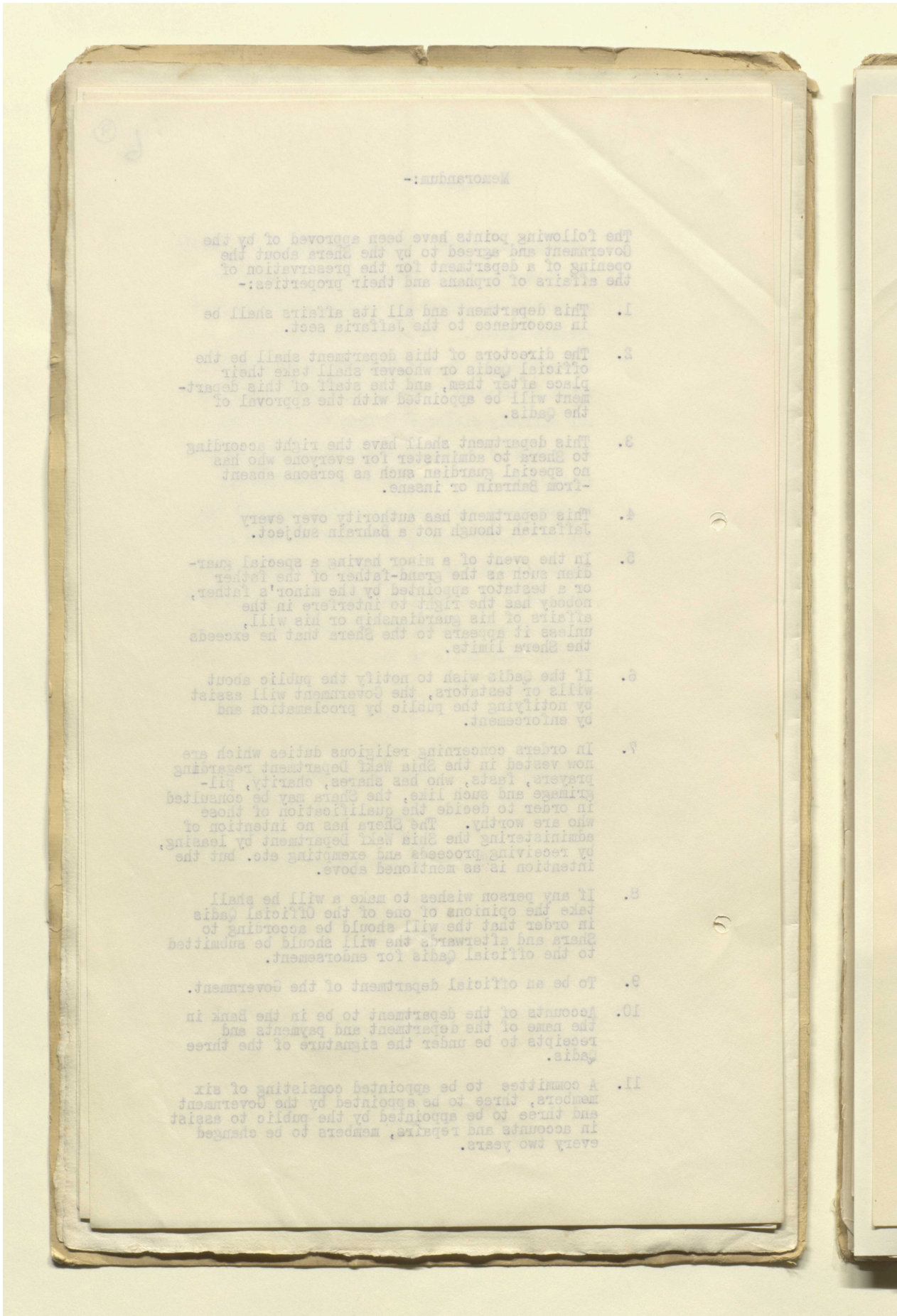
Adviser to the Government.

6⁹

Memorandum:-

The following points have been approved of by the Government and agreed to by the Shera about the opening of a department for the preservation of the affairs of orphans and their properties:-

1. This department and all its affairs shall be in accordance to the Jaffaria sect.
2. The directors of this department shall be the official Qadis or whoever shall take their place after them, and the staff of this department will be appointed with the approval of the Qadis.
3. This department shall have the right according to Shera to administer for everyone who has no special guardian such as persons absent from Bahrain or insane.
4. This department has authority over every Jaffariah though not a Bahrain subject.
5. In the event of a minor having a special guardian such as the grand-father of the father or a testator appointed by the minor's father, nobody has the right to interfere in the affairs of his guardianship or his will, unless it appears to the Shera that he exceeds the Shera limits.
6. If the Qadis wish to notify the public about wills or testators, the Government will assist by notifying the public by proclamation and by enforcement.
7. In orders concerning religious duties which are now vested in the Shia Wakf Department regarding prayers, fasts, who has shares, charity, pilgrimage and such like, the Shara may be consulted in order to decide the qualification of those who are worthy. The Shera has no intention of administering the Shia Wakf Department by leasing, by receiving proceeds and exempting etc. but the intention is as mentioned above.
8. If any person wishes to make a will he shall take the opinions of one of the Official Qadis in order that the will should be according to Shara and afterwards the will should be submitted to the official Qadis for endorsement.
9. To be an official department of the Government.
10. Accounts of the department to be in the Bank in the name of the department and payments and receipts to be under the signature of the three Qadis.
11. A committee to be appointed consisting of six members, three to be appointed by the Government and three to be appointed by the public to assist in accounts and repairs, members to be changed every two years.



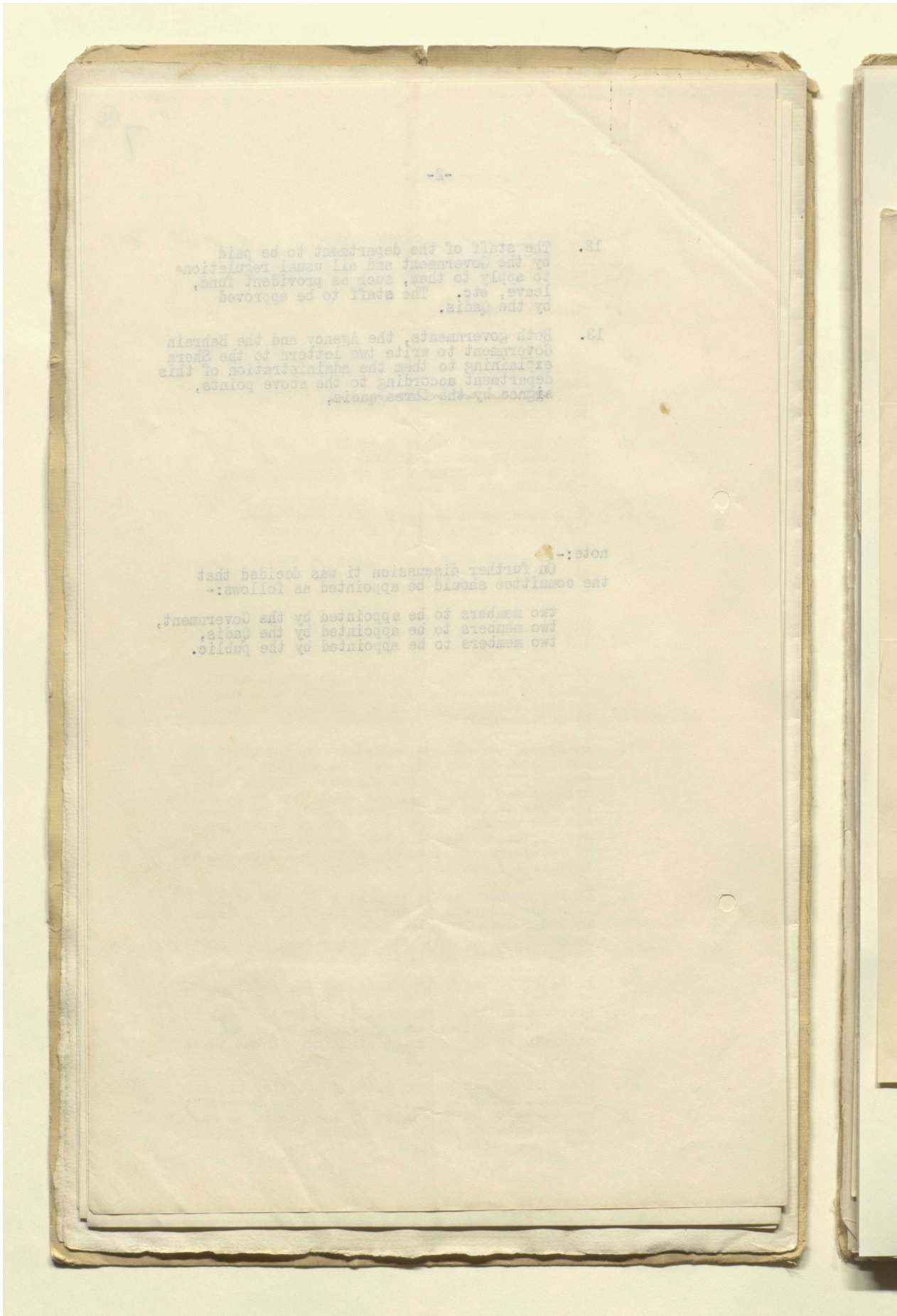
-2-

- 7⁽¹⁰⁾
12. The staff of the department to be paid by the Government and all usual regulations to apply to them, such as provident fund, leave, etc. The staff to be approved by the Qadis.
 13. Both governments, the Agency and the Bahrain Government to write two letters to the Shera explaining to them the administration of this department according to the above points, ~~signed by the three qadis,~~

note:-

On further discussion it was decided that the committee should be appointed as follows:-

two members to be appointed by the Government,
two members to be appointed by the Qadis,
two members to be appointed by the public.



FROM ADVISER
TO THE
BAHRAIN GOVERNMENT.

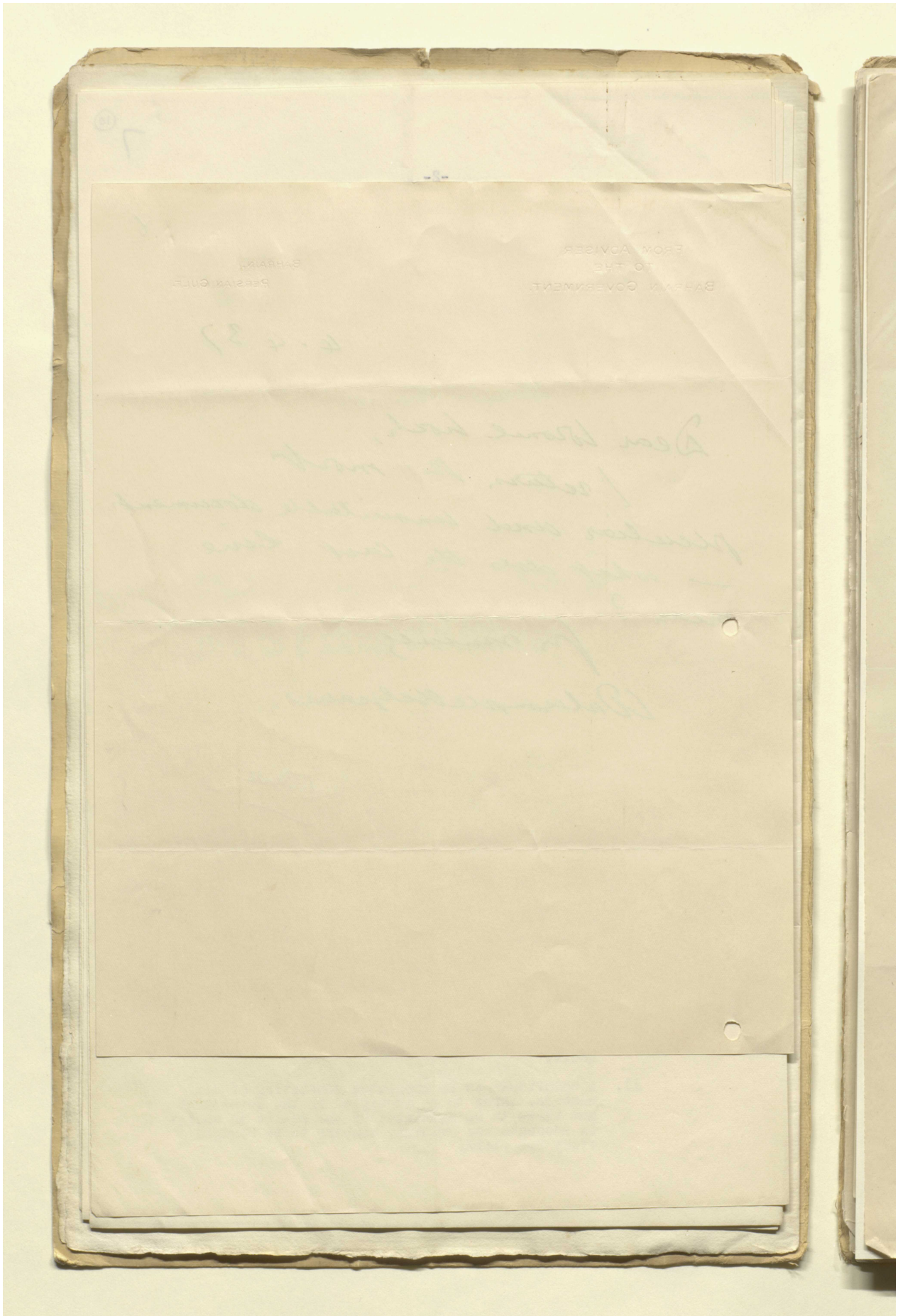
BAHRAIN,
PERSIAN GULF.

4.4.37

8 ①
Dear Wronel hoch,
I return the most
peculiar and unsuitable document
— what does the last line
mean?

Yr sincerely
Wronel hoch,

Wronel hoch



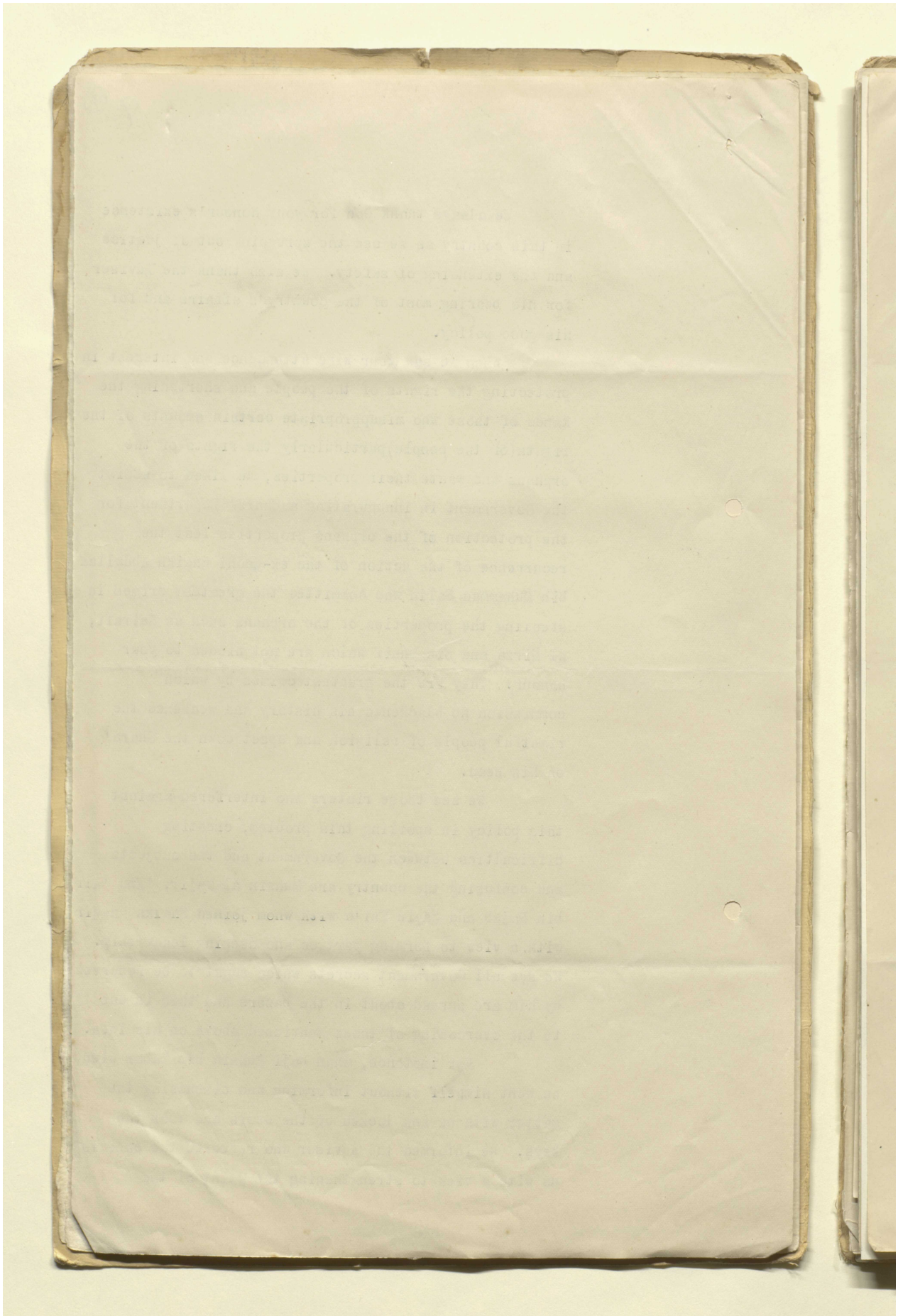
9 (12)

We always thank God for your honour's existence in this country as we see the spreading out of justice and the extending of safety. We also thank the Adviser for his bearing most of the country's affairs and for his good policy.

When we saw your kind attendance and interest in protecting the rights of the people and shortening the hands of those who misappropriate certain amounts of the rights (of the people) particularly the rights of the orphans and waste their properties, we liked to assist the Government in inaugurating a Shara' Department for the protection of the orphans' properties lest the recurrence of the action of the ex-Qadhi Shaikh Abdullan bin Muhammad Salih who committed the greatest crimes in stealing the properties of the orphans such as Sairafi, Al Mirza and Bin Dhaif which are not hidden to your honour. They are the greatest crimes by which commission he blackened his history and weakened the rightful people of religion and upset down the Shara' on his head.

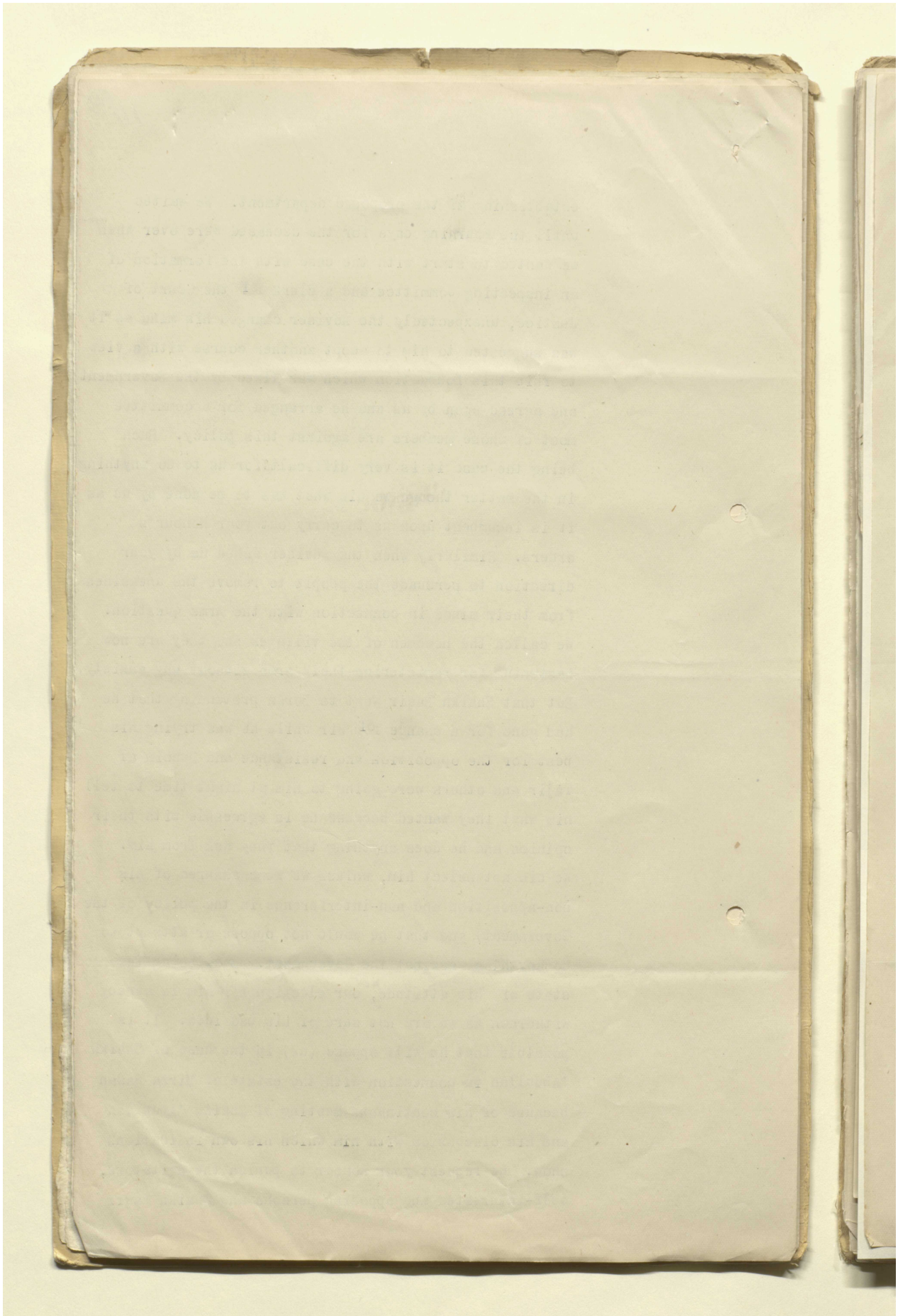
We see those rioters who interfered against this policy in spoiling this problem, creating difficulties between the Government and the subjects and confusing the country are Muhsin al Tajir, 'Abd 'Ali bin Rajab and Sayid Sai'a with whom joined Shaikh Baqir with a view to forming parties and seeking leadership. We see all Government secrets which ought to be reserved by him are spread about in the bazars and this is due to the overcoming of those mentioned above on his idea.

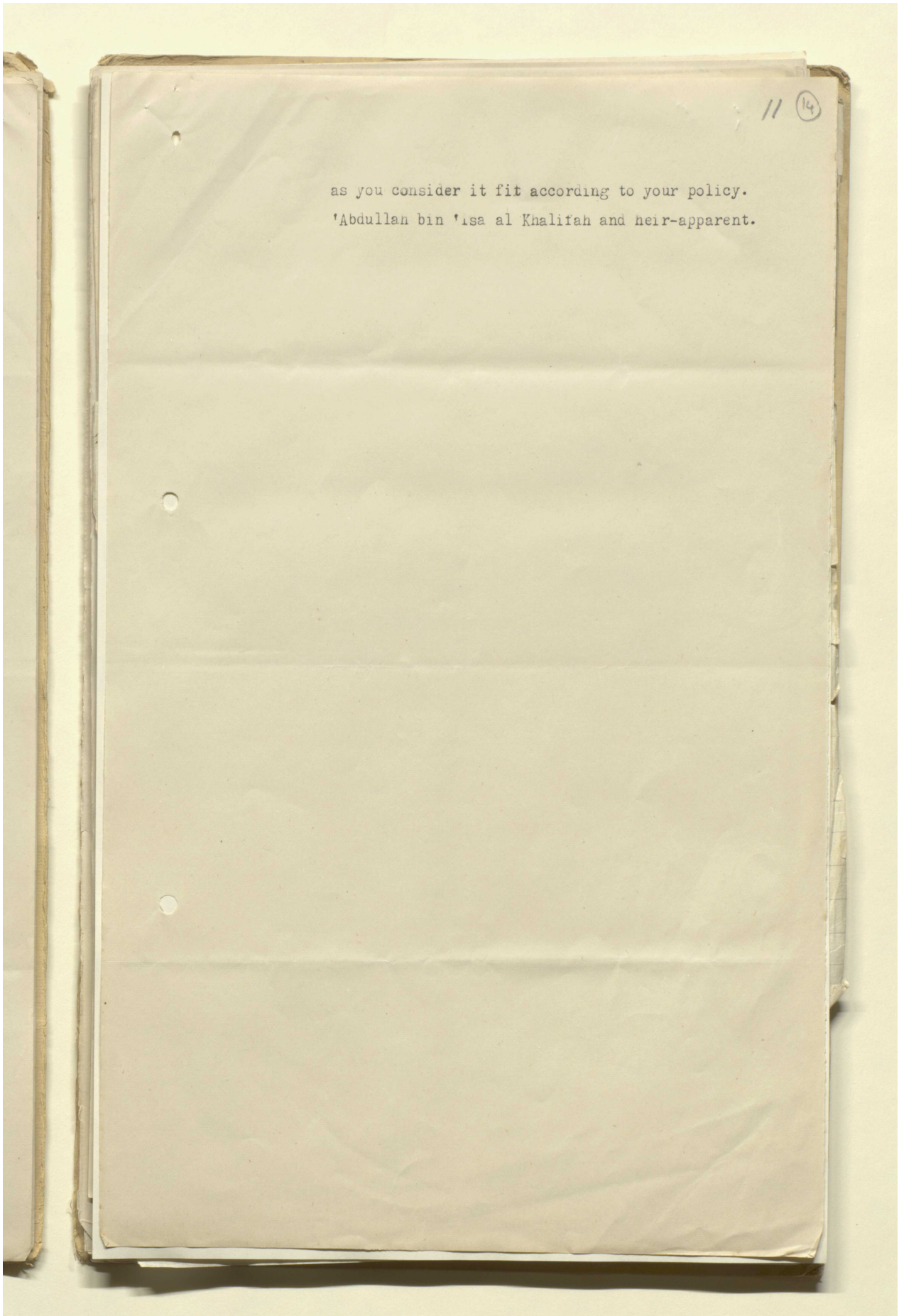
For instance, when Hajji Muhsin bin Zabar died he went himself without informing and discussing the matter with us and locked up the doors and took the keys. We informed the Adviser who referred the case to us with a view to strengthening the point of the

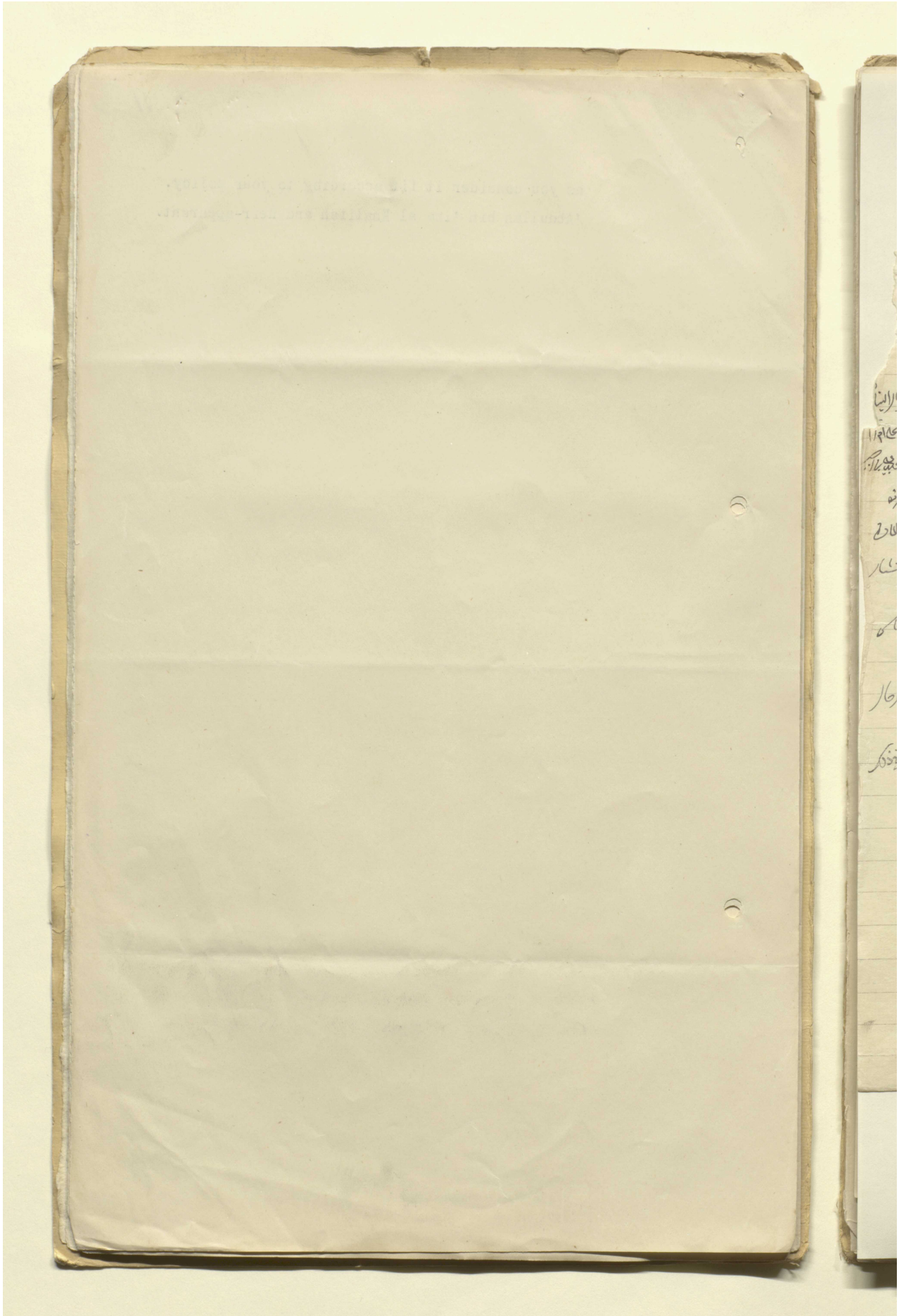


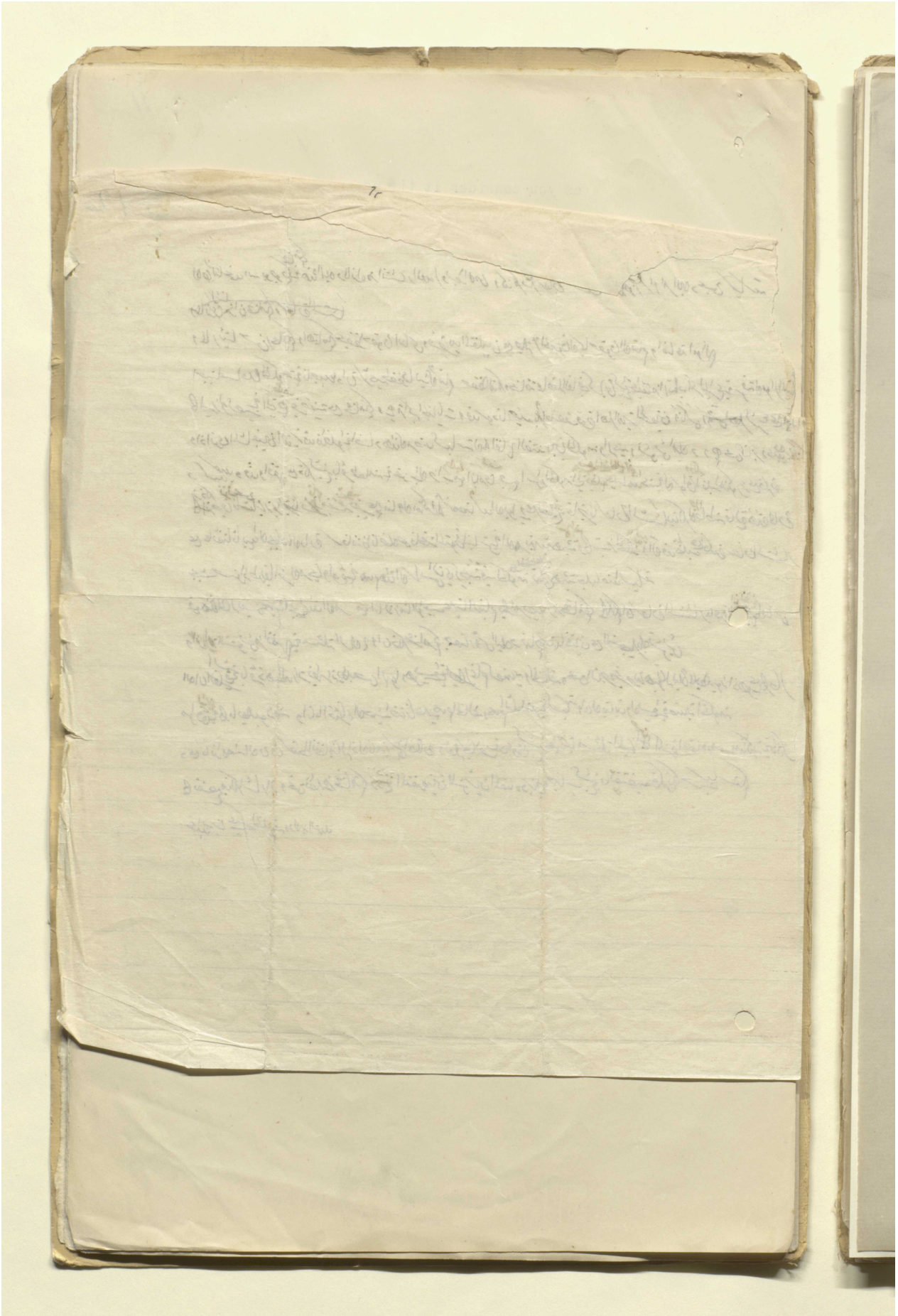
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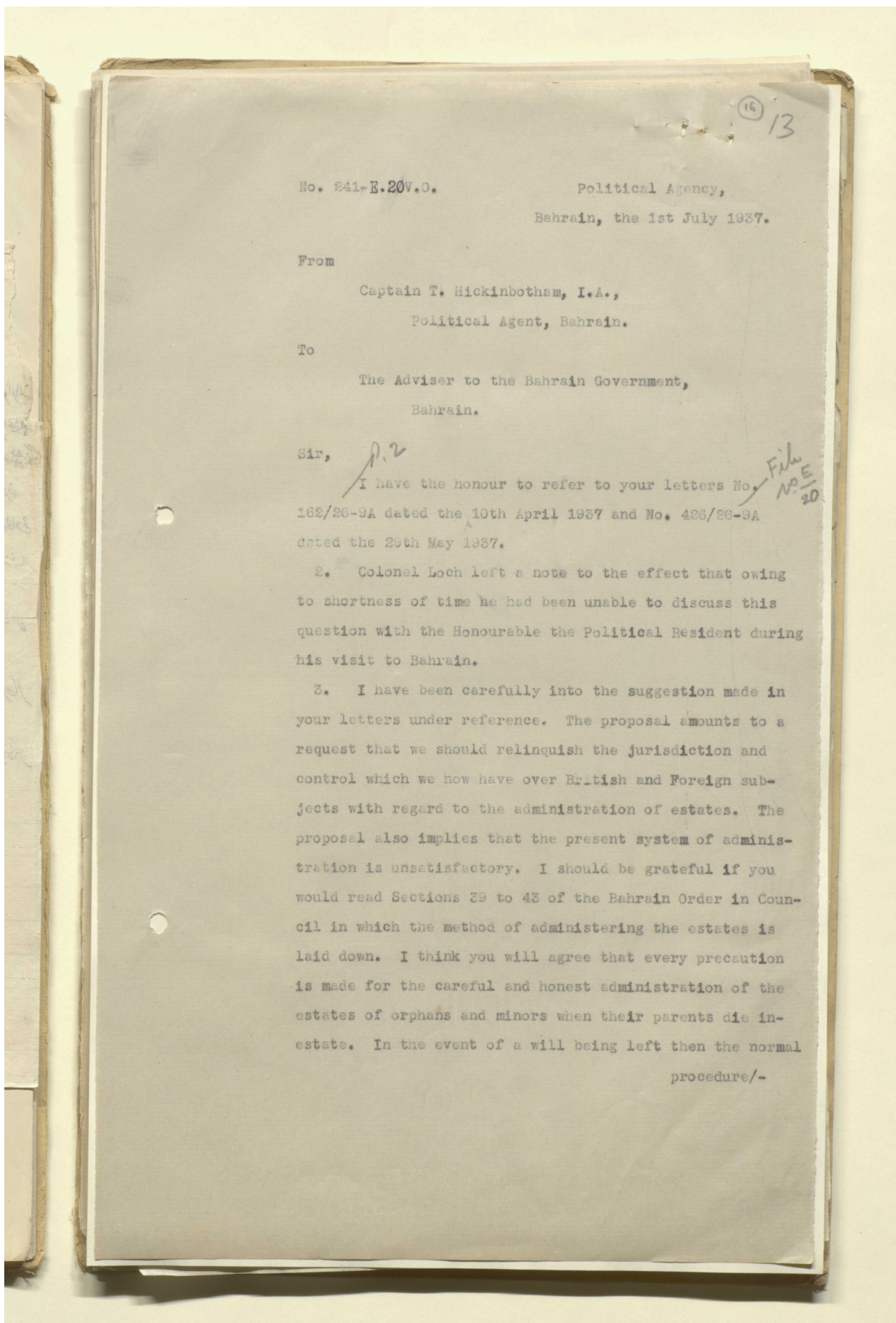
establishing of the proposed department. We waited until the mourning days for the deceased were over when we wanted to start with the case with the formation of an inspecting Committee and a clerk of the Court of Justice, unexpectedly the Adviser changed his mind as it was suggested to him to adopt another course with a view to ruin this foundation which was liked by the Government and agreed upon by us and he arranged for a committee most of whose members are against this policy. Such being the case it is very difficult for us to do anything in the matter though we did what was to be done by us as it is incumbent upon us to carry out your honour's orders. Similarly when the Adviser asked us by your direction to persuade the people to remove the uneasiness from their minds in connection with the Arms question. We called the headmen of the villages and they are now hastening for registering their arms without any anxiety. But that Shaikh Baqir went to Daraz pretending that he had gone for a change of air while he was trying his best for the opposition and resistance and Muhsin al Tajir and others were going to him at night time to tell him what they wanted because he is agreeable with their opinion and he does anything that they ask from him. We did not select him, unless we were assured of his non-opposition and non-interference in the policy (of the Government) and that he would not oppose or attempt to do anything against the Government. Such being the state of his attitude, ^{his} our election for him is hereby withdrawn as we are not sure of his bad idea. It is possible that he will oppose (us) in the case of Shaikh 'Abdullah in connection with the estate of Mirza Hasan because of his continuous meeting of Shaikh 'Abdullah and his discussion with him which his own indications show. We request your honour to punish the agitators, self-interested and opposing persons and Shaikh Baqir











No. 841-E.20V.O.

Political Agency,
Bahrain, the 1st July 1937.

From

Captain T. Hickinbotham, I.A.,
Political Agent, Bahrain.

To

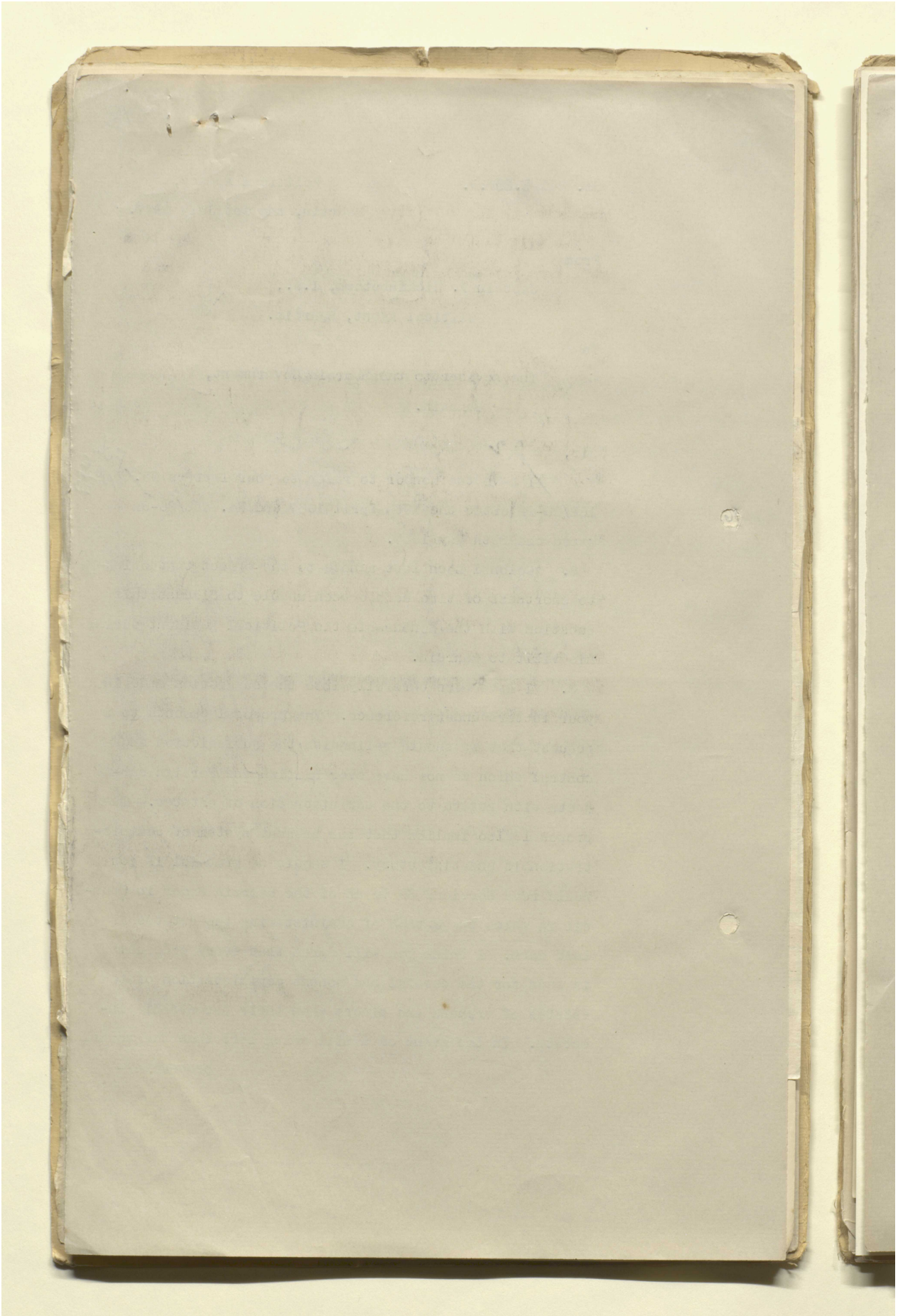
The Adviser to the Bahrain Government,
Bahrain.

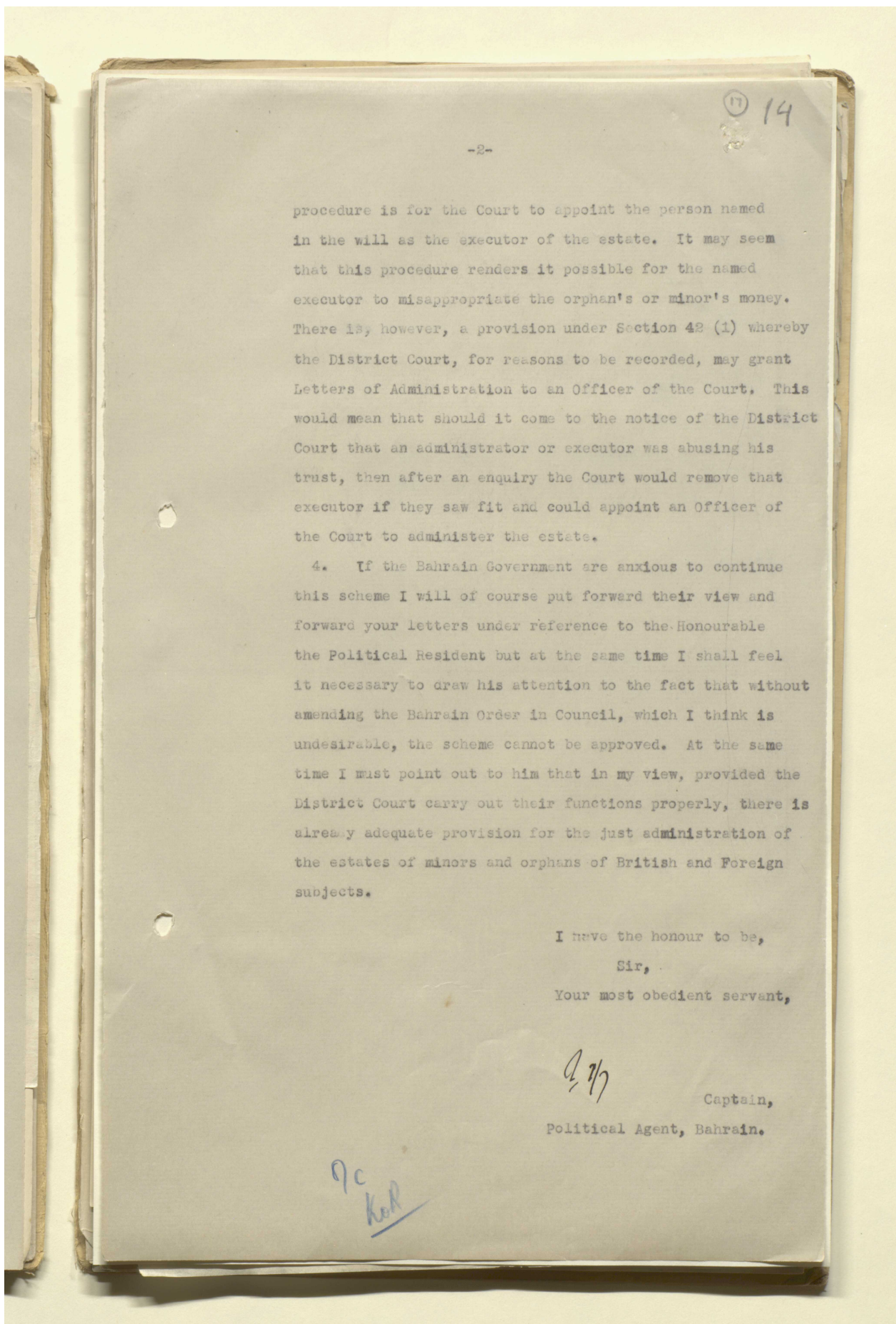
Sir,

I have the honour to refer to your letters No. 16E/26-3A dated the 10th April 1937 and No. 486/26-3A dated the 29th May 1937.

2. Colonel Loch left a note to the effect that owing to shortness of time he had been unable to discuss this question with the Honourable the Political Resident during his visit to Bahrain.

3. I have been carefully into the suggestion made in your letters under reference. The proposal amounts to a request that we should relinquish the jurisdiction and control which we now have over British and Foreign subjects with regard to the administration of estates. The proposal also implies that the present system of administration is unsatisfactory. I should be grateful if you would read Sections 39 to 43 of the Bahrain Order in Council in which the method of administering the estates is laid down. I think you will agree that every precaution is made for the careful and honest administration of the estates of orphans and minors when their parents die in-estate. In the event of a will being left then the normal procedure/-





-2-

procedure is for the Court to appoint the person named in the will as the executor of the estate. It may seem that this procedure renders it possible for the named executor to misappropriate the orphan's or minor's money. There is, however, a provision under Section 42 (1) whereby the District Court, for reasons to be recorded, may grant Letters of Administration to an Officer of the Court. This would mean that should it come to the notice of the District Court that an administrator or executor was abusing his trust, then after an enquiry the Court would remove that executor if they saw fit and could appoint an Officer of the Court to administer the estate.

4. If the Bahrain Government are anxious to continue this scheme I will of course put forward their view and forward your letters under reference to the Honourable the Political Resident but at the same time I shall feel it necessary to draw his attention to the fact that without amending the Bahrain Order in Council, which I think is undesirable, the scheme cannot be approved. At the same time I must point out to him that in my view, provided the District Court carry out their functions properly, there is already adequate provision for the just administration of the estates of minors and orphans of British and Foreign subjects.

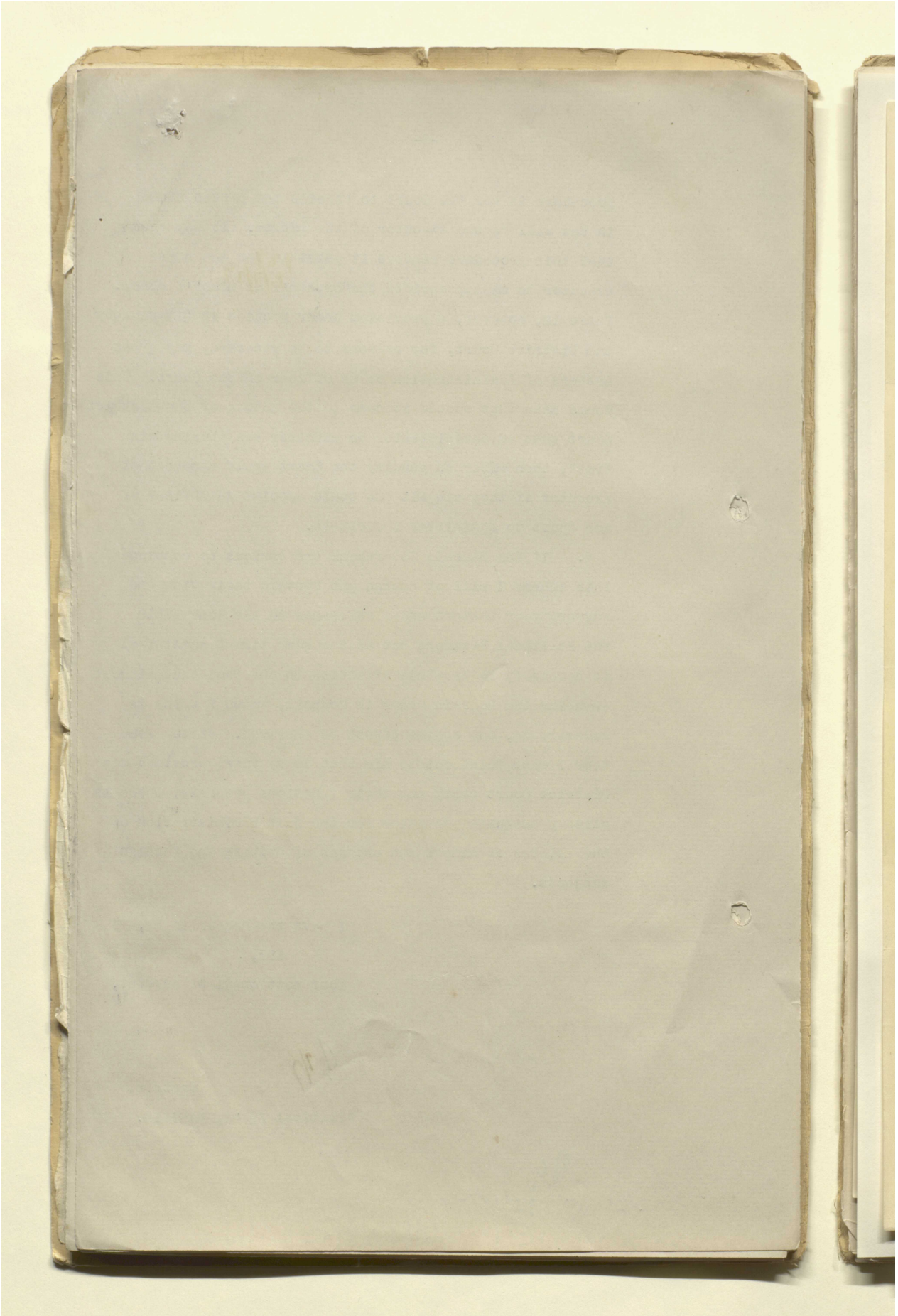
I have the honour to be,

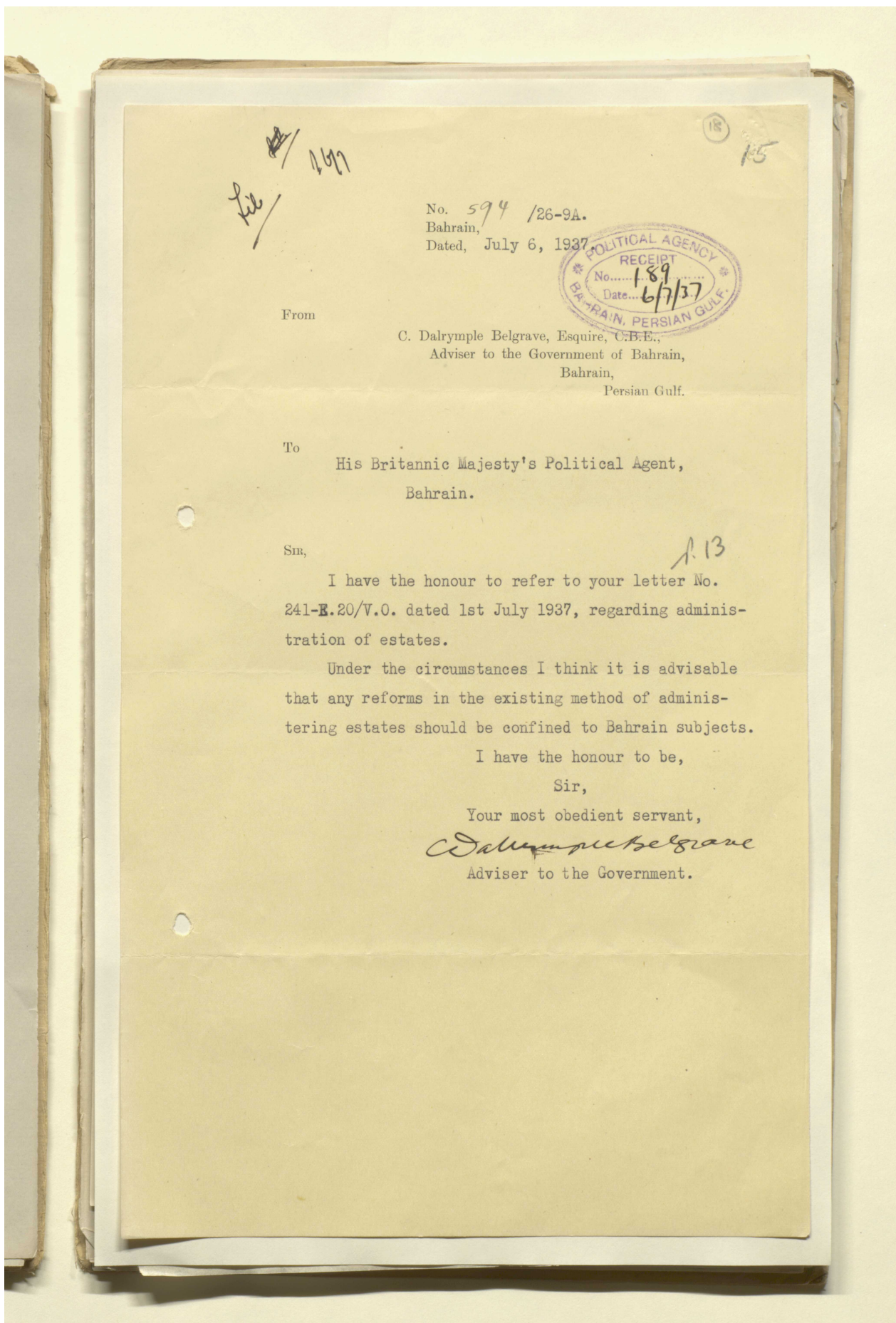
Sir,

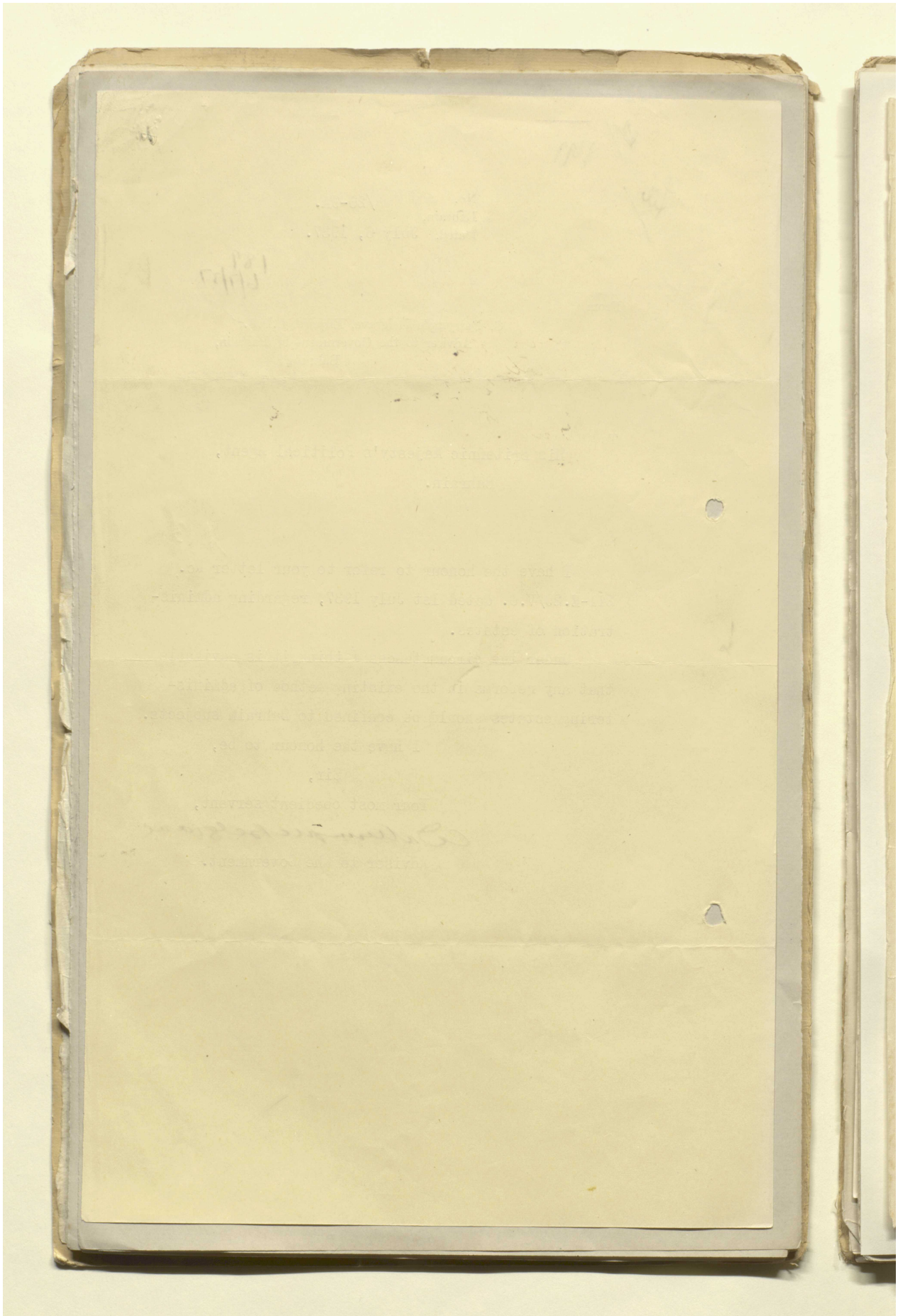
Your most obedient servant,

A. J. J.
Captain,
Political Agent, Bahrain.

9c
KAP







16

No. 18/24
Bahrain, 4th Muharram, 1357.
Dated, 6th February, 1938.



From

C. Dalrymple Belgrave, Esquire, C.B.E.,
Adviser to the Government of Bahrain,
Bahrain,
Persian Gulf.

To

H. B. M's Political Agent,
Bahrain,
Persian Gulf.

Sir,

to
2/3

I have the honour to forward for your information three copies of a note on a meeting held by the Bahrain Government regarding the need for a Department to administer and protect the properties of minors.

The matter has been under consideration for a long time, it was first taken up as long ago as 1926 and on various occasions attempts have been made to prevent the scandalous state of things which has existed for so many years.

The Kadis and certain influential persons who have the property of minors in their possession are likely to oppose any action of the Government in this direction.

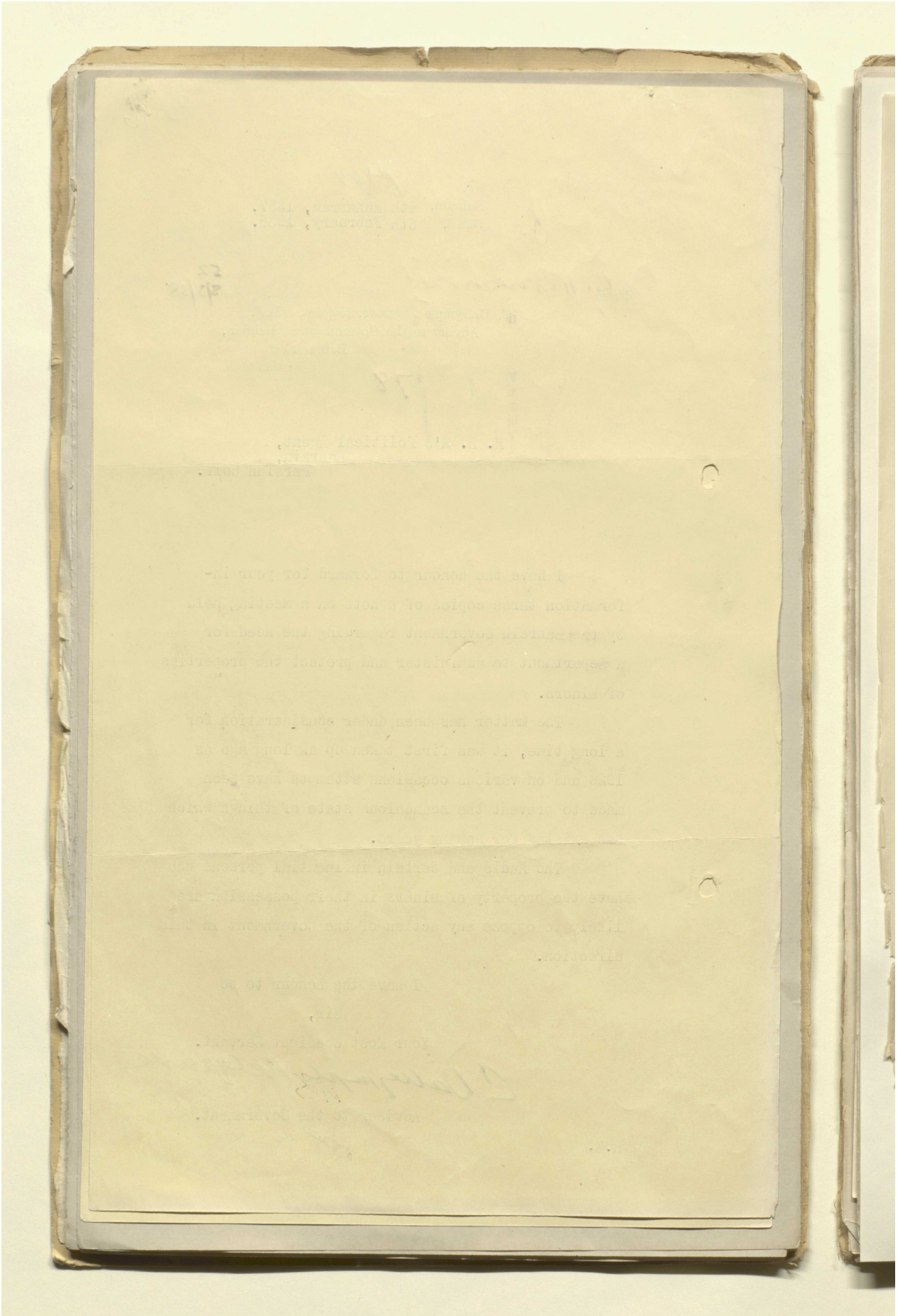
I have the honour to be
Sir,

Your Most Obedient Servant.

C Dalrymple Belgrave

Adviser to the Government.

R.Z.



20

17

Note.

On 27th Dul Haj, 1356-28th February 1938- a meeting was held at the Government Office under the Presidency of His Excellency Shaikh Abdulla bin Isa alKhalifah at which the following persons, who had been invited to attend, were present:-

The Adviser, Bahrain Government.
Haj Khalil bin Ibrahim Moayad.
Haj Yusuf bin Abdurrehman Fakaroo.
Haj Subarak bin ~~Mohamad~~ al Fadl.
Haj Mohamad bin Yusuf bin Nasir.
Sayed Said bin Sayed Khalaf.
Haj Mohamad Aly Tajir.

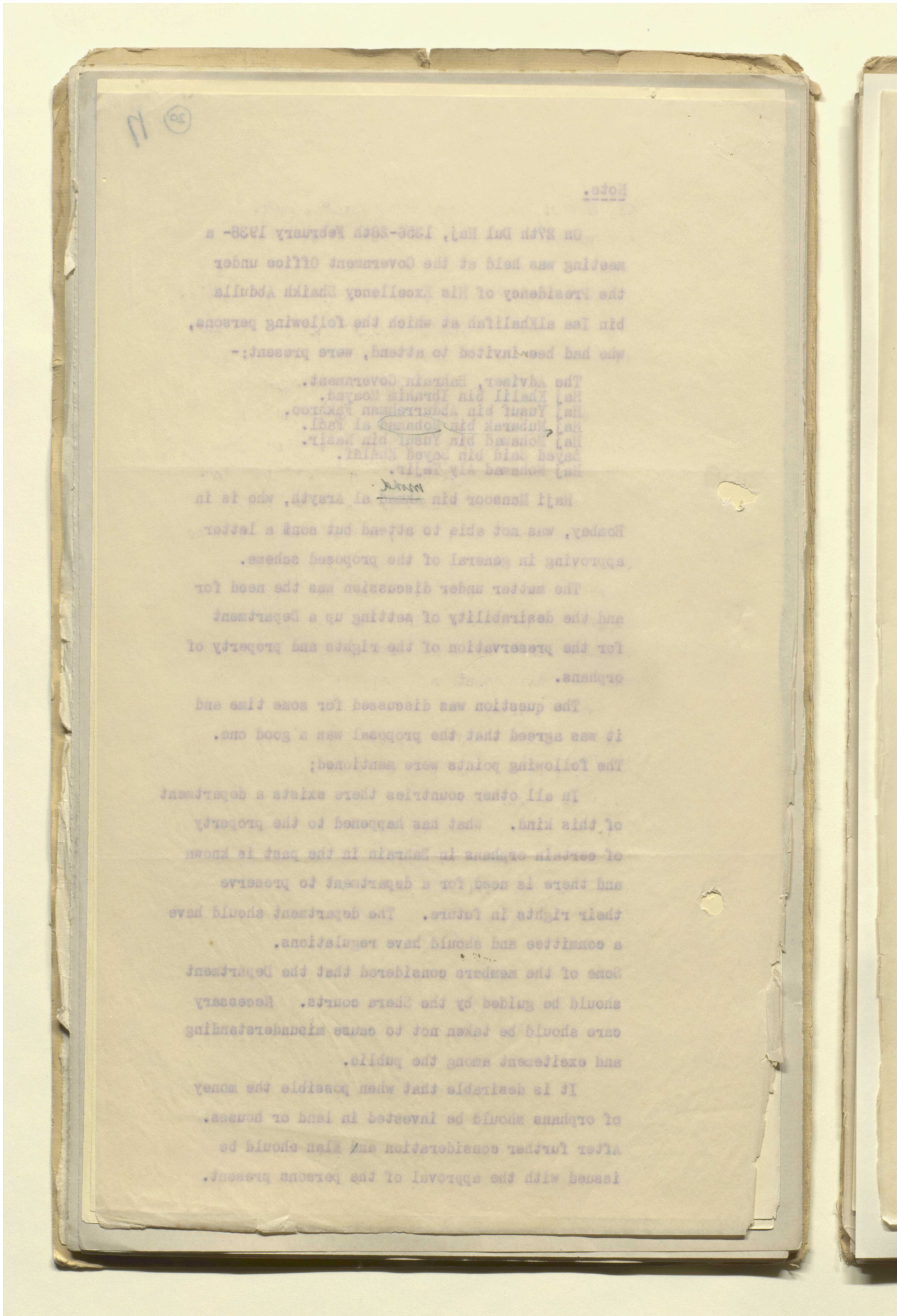
Haji Mansoor bin ^{mohd.} ~~Mansoor~~ al Arayth, who is in Bombay, was not able to attend but sent a letter approving in general of the proposed scheme.

The matter under discussion was the need for and the desirability of setting up a Department for the preservation of the rights and property of orphans.

The question was discussed for some time and it was agreed that the proposal was a good one. The following points were mentioned;

In all other countries there exists a department of this kind. What has happened to the property of certain orphans in Bahrain in the past is known and there is need for a department to preserve their rights in future. The department should have a committee and should have regulations. Some of the members considered that the Department should be guided by the Shera courts. Necessary care should be taken not to cause misunderstanding and excitement among the public.

It is desirable that when possible the money of orphans should be invested in land or houses. After further consideration an~~N~~ plan should be issued with the approval of the persons present.



(21)

18

The meeting was informed that the Government has already been administering a number of estates for some years.

The following points were decided unanimously:-

1. It shall be optional, not compulsory, for any member of the public to apply to the Department of minors for help or for the administration of any estate in which he is concerned, except in the case of minors who have no "Wasi" named by will.

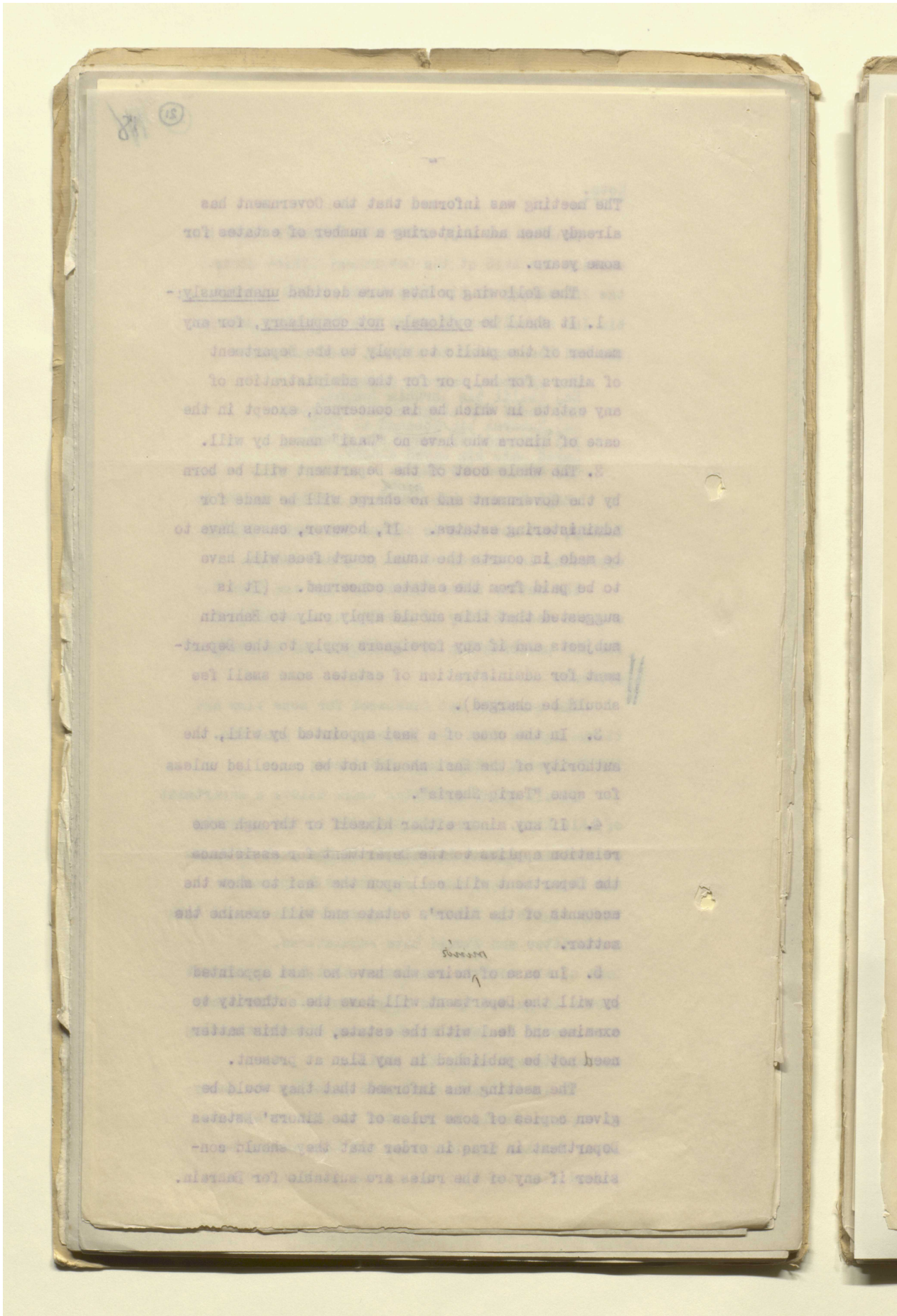
2. The whole cost of the Department will be born by the Government and no charge will be made for administering estates. If, however, cases have to be made in courts the usual court fees will have to be paid from the estate concerned. (It is suggested that this should apply only to Bahrain subjects and if any foreigners apply to the Department for administration of estates some small fee should be charged).

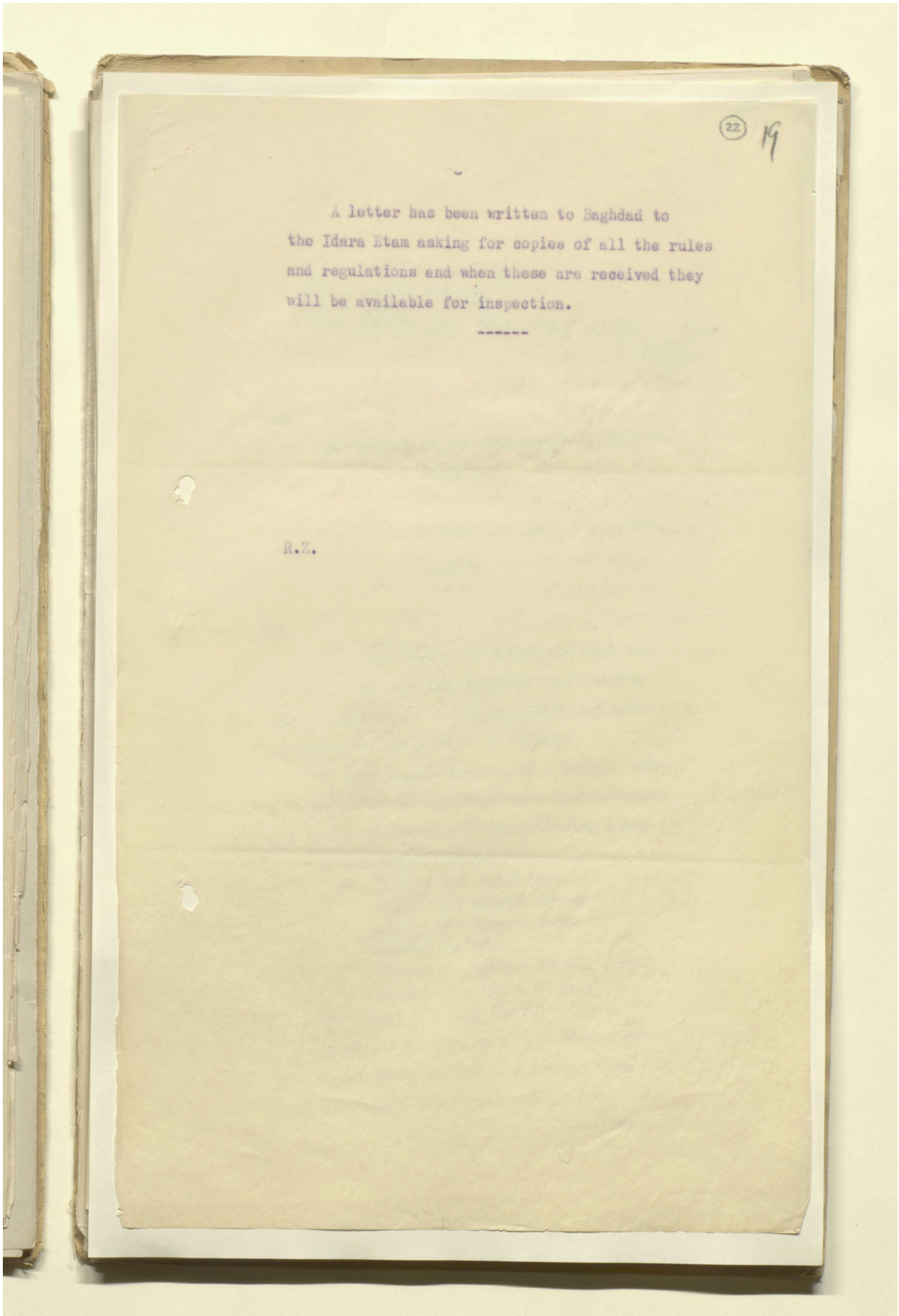
3. In the case of a Wasi appointed by will, the authority of the Wasi should not be cancelled unless for some "Tariq Sheria".

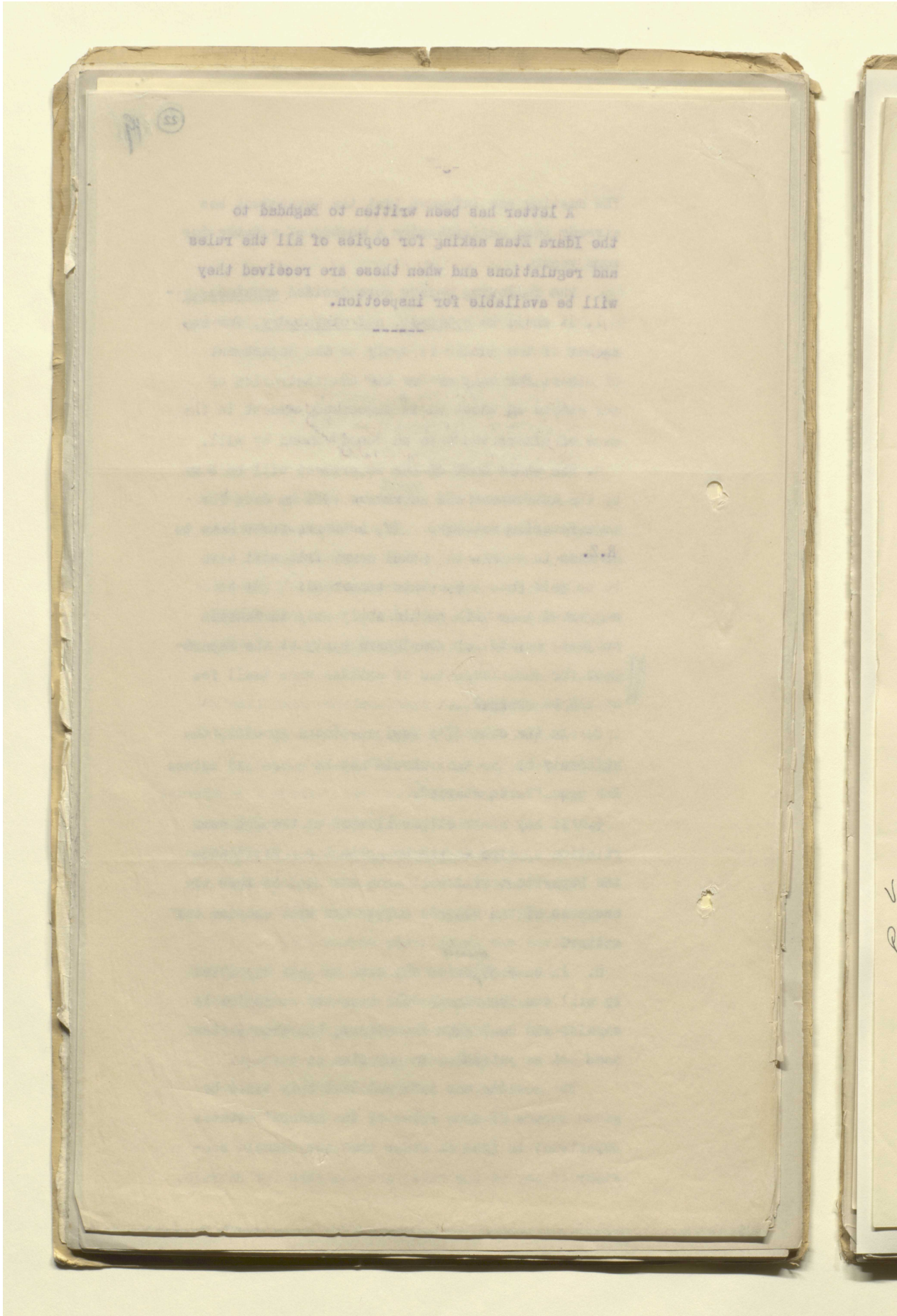
4. If any minor either himself or through some relation applies to the Department for assistance the Department will call upon the Wasi to show the accounts of the minor's estate and will examine the matter.

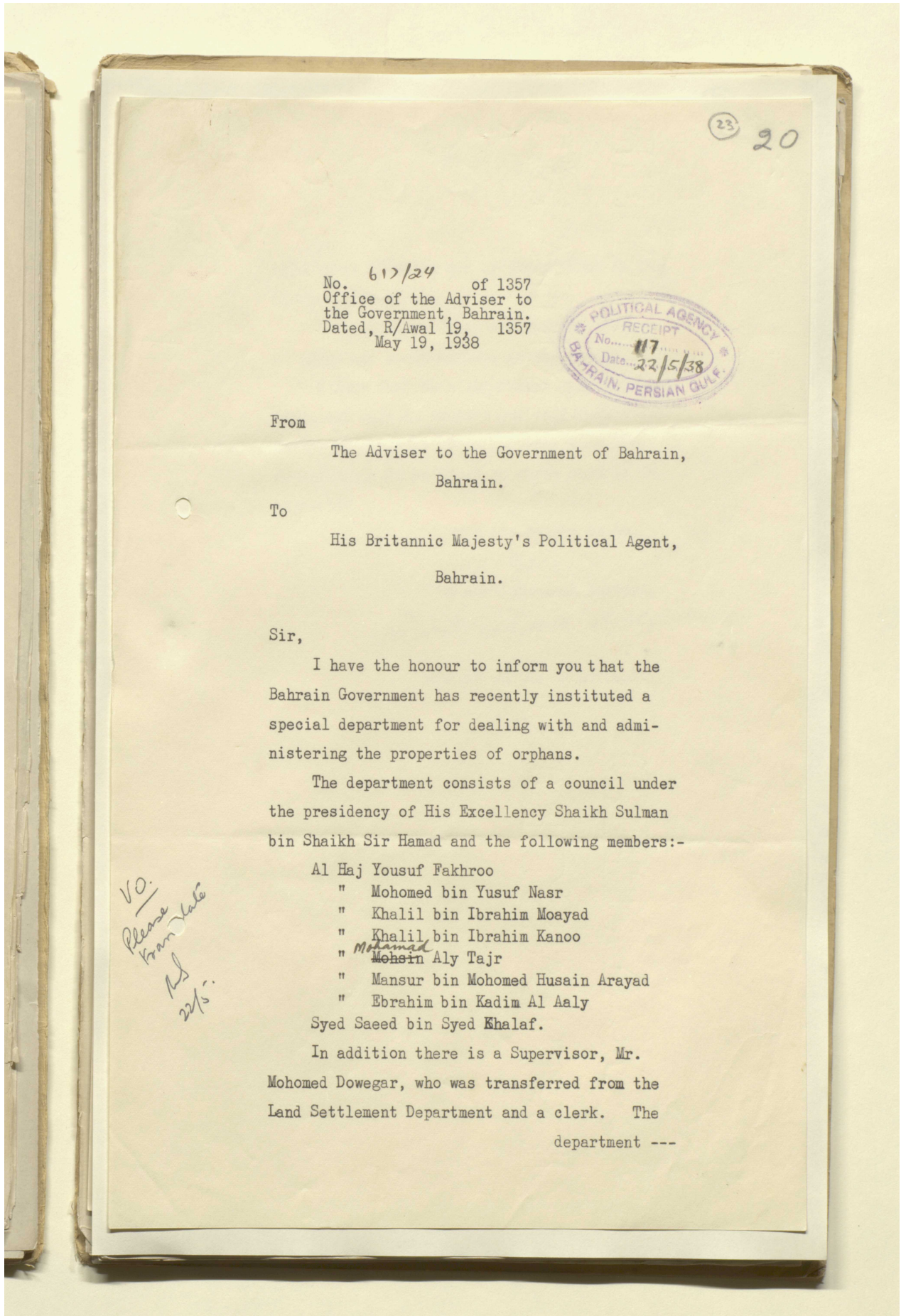
5. In case of ^{minor} heirs who have no Wasi appointed by will the Department will have the authority to examine and deal with the estate, but this matter need not be published in any Blan at present.

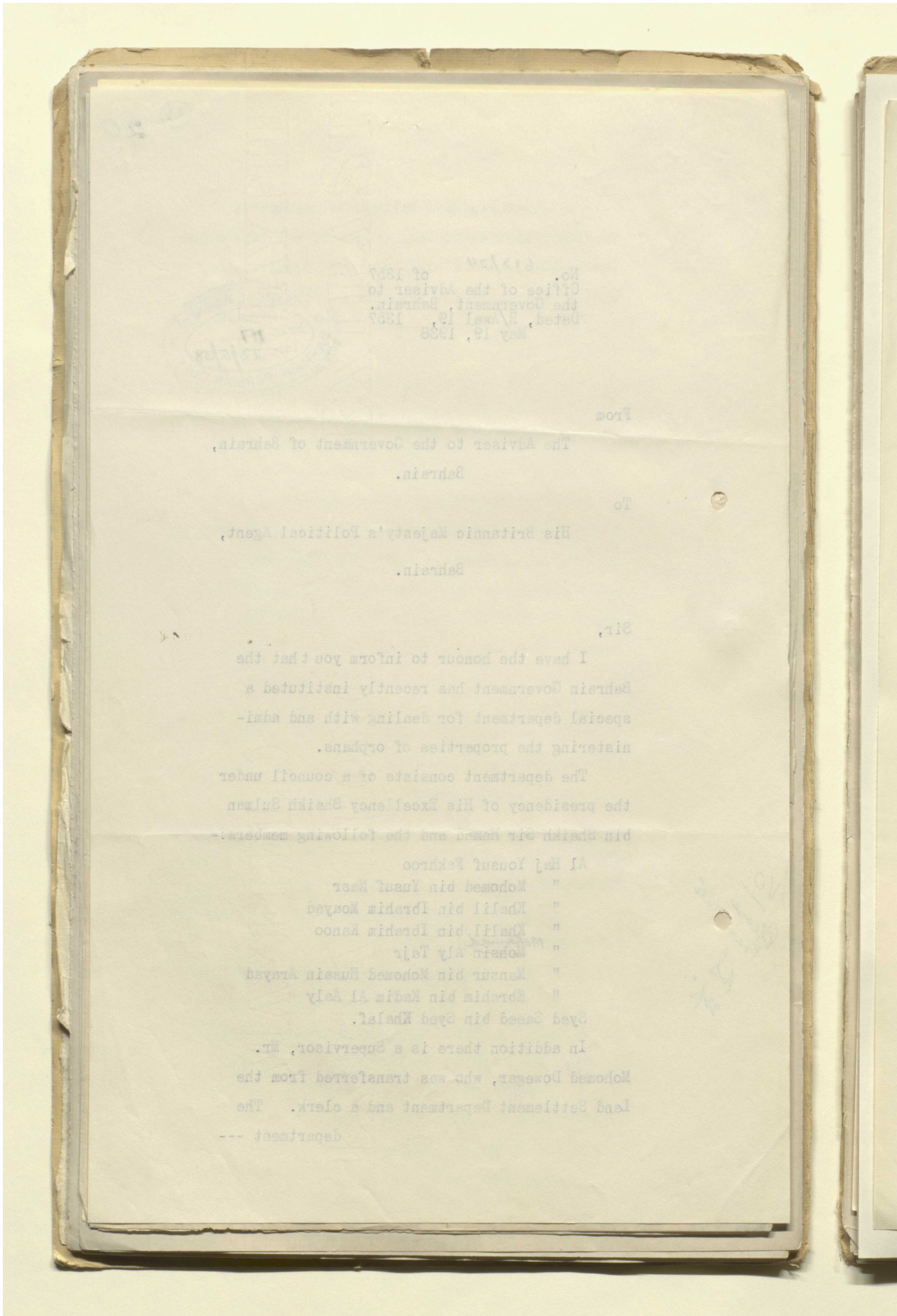
The meeting was informed that they would be given copies of some rules of the Minors' Estates Department in Iraq in order that they should consider if any of the rules are suitable for Bahrain.











(24) 21

-2-

department occupies one of the offices in the Court building.

I enclose, for your information, copies of rules and proclamations issued on the subject.

I hope that this department will supply a long felt want in Bahrain and will reduce the number of cases in which property of orphans is misappropriated by those to whose care it is entrusted.

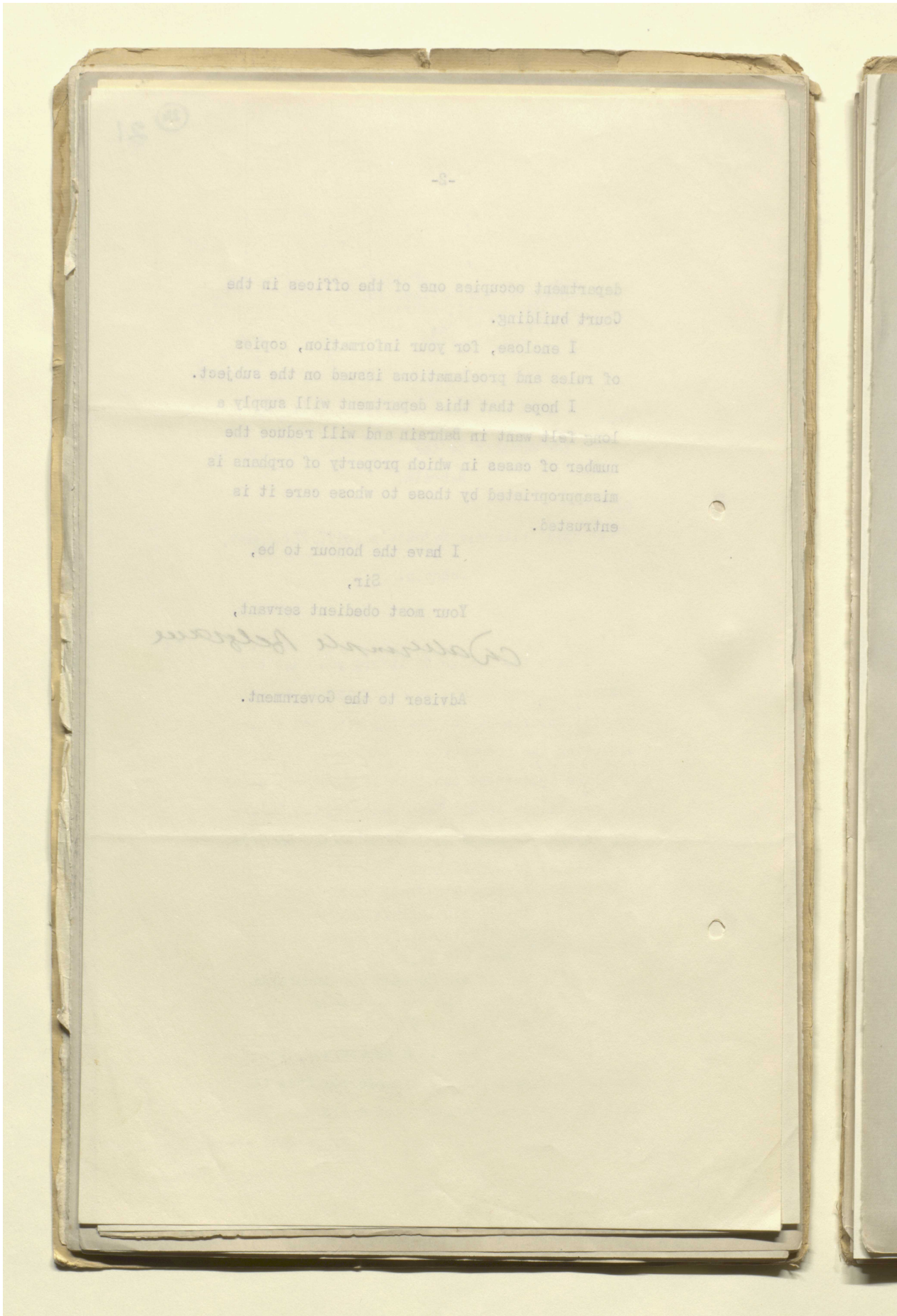
I have the honour to be,

Sir,

Your most obedient servant,

Walter Belgrave

Adviser to the Government.



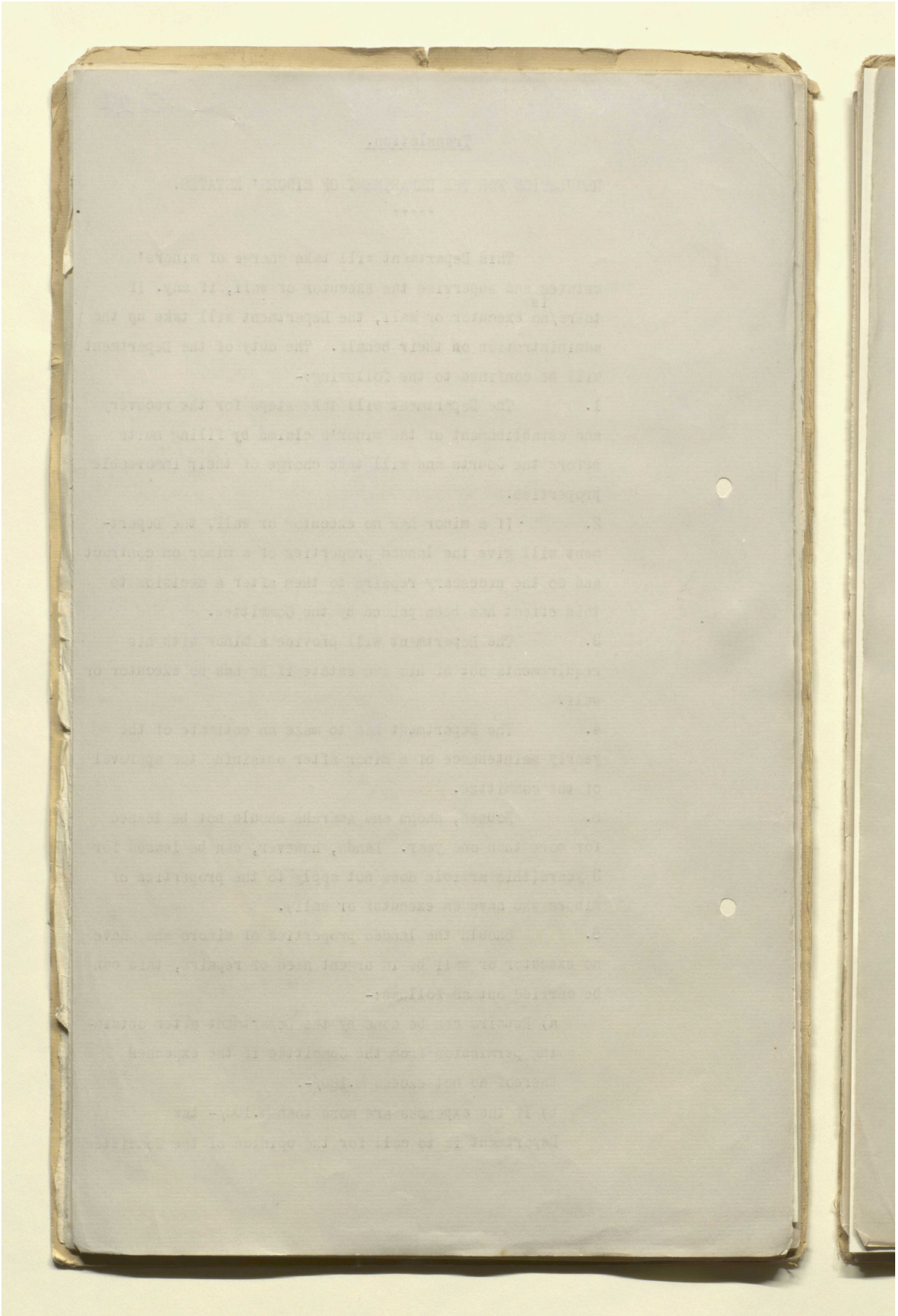
(25) 22

Translation.

REGULATION FOR THE DEPARTMENT OF MINORS' ESTATES.

This Department will take charge of minors' estates and supervise the executor or wali, if any. If there ^{is} no executor or wali, the Department will take up the administration on their behalf. The duty of the Department will be confined to the following:-

1. The Department will take steps for the recovery and establishment of the minor's claims by filing suits before the Courts and will take charge of their immoveable properties.
2. If a minor has no executor or wali, the Department will give the landed properties of a minor on contract and do the necessary repairs to them after a decision to this effect has been passed by the Committee.
3. The Department will provide a minor with his requirements out of his own estate if he has no executor or wali.
4. The Department has to make an estimate of the yearly maintenance of a minor after obtaining the approval of the committee.
5. Houses, shops and Amarahs should not be leased for more than one year. Lands, however, can be leased for 3 years (this article does not apply to the properties of minors who have an executor or wali).
6. Should the landed properties of minors who have no executor or wali be in urgent need of repairs, this can be carried out as follows:-
 - a) Repairs can be done by the Department after obtaining permission from the Committee if the expenses thereof do not exceed Rs.100/-.
 - b) If the expenses are more than Rs.100/- the Department is to call for the opinion of the Committee



(26) 23

who should inspect the place and prepare an estimate of the expenses required for such repairs.

c) When the repairs are completed by the Department, a statement of expenditure in connection therewith, accompanied by lists showing the building materials etcetera, is to be submitted to the Committee for sanction.

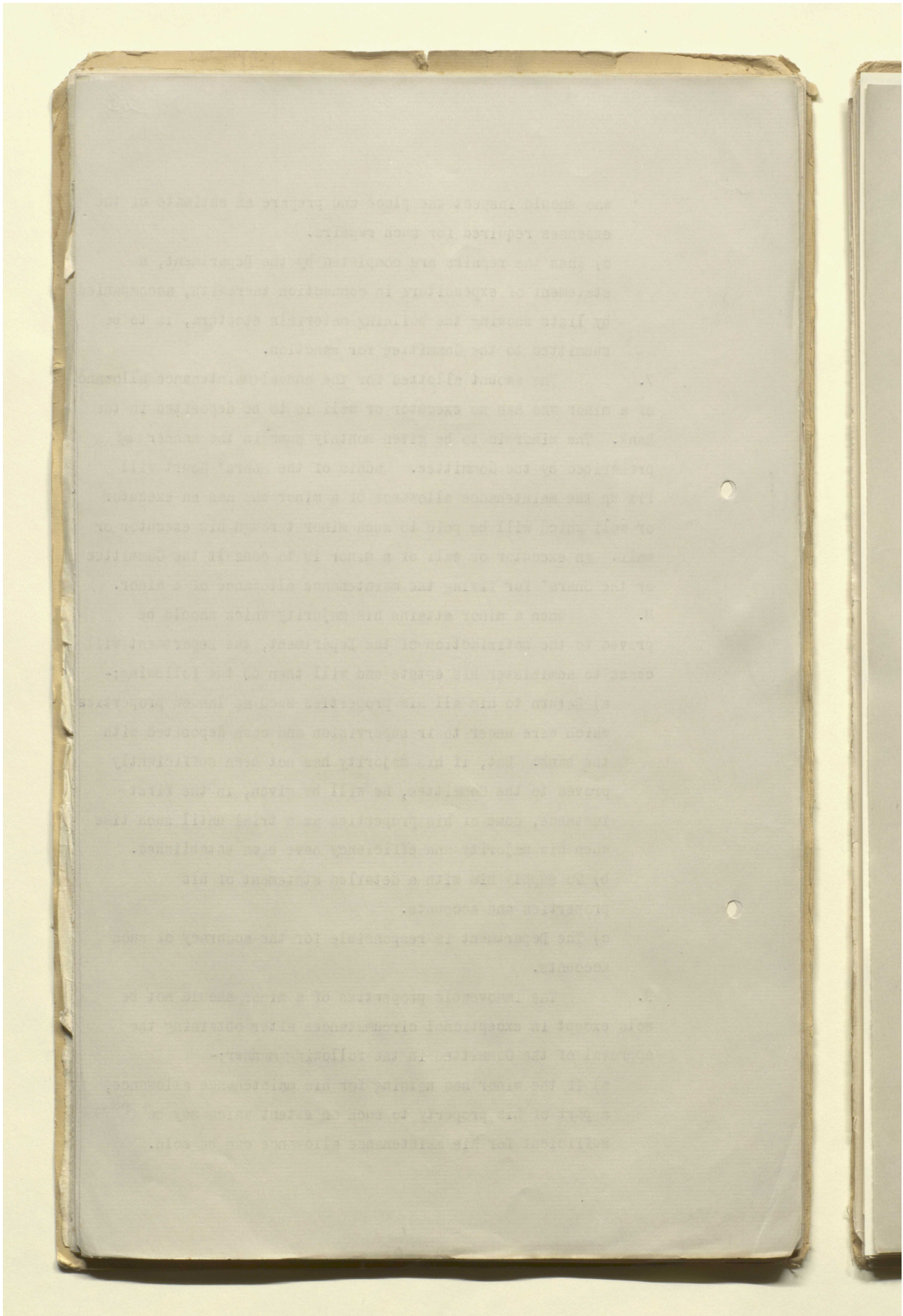
7. The amount allotted for the annual maintenance allowance of a minor who has no executor or wali is to be deposited in the Bank. The minor is to be given monthly sums in the manner prescribed by the Committee. Qadhis of the Shara' Court will fix up the maintenance allowance of a minor who has an executor or wali which will be paid to such minor through his executor or wali. An executor or wali of a minor is to consult the Committee or the Shara' for fixing the maintenance allowance of a minor.

8. When a minor attains his majority which should be proved to the satisfaction of the Department, the Department will cease to administer his estate and will then do the following:-

- a) Return to him all his properties such as landed properties which were under their supervision and cash deposited with the bank. But, if his majority has not been sufficiently proved to the Committee, he will be given, in the first instance, some of his properties as a trial until such time when his majority and efficiency have been established.
- b) To supply him with a detailed statement of his properties and accounts.
- c) The Department is responsible for the accuracy of such accounts.

9. The immoveable properties of a minor should not be sold except in exceptional circumstances after obtaining the approval of the Committee in the following manner:-

- × a) If the minor has nothing for his maintenance allowance, a part of his property to such an extent which may be sufficient for his maintenance allowance can be sold.



(27) 24

b) If the minor owns shares in landed properties which are of no advantage to him, such shares can be sold.

c) If a decree has been passed in favour of the co-heirs of the minor who has no money, a part of his landed property can be sold to satisfy such debts.

10. The Department should not buy any landed property by the minor's money without the written permission and approval of the Committee.

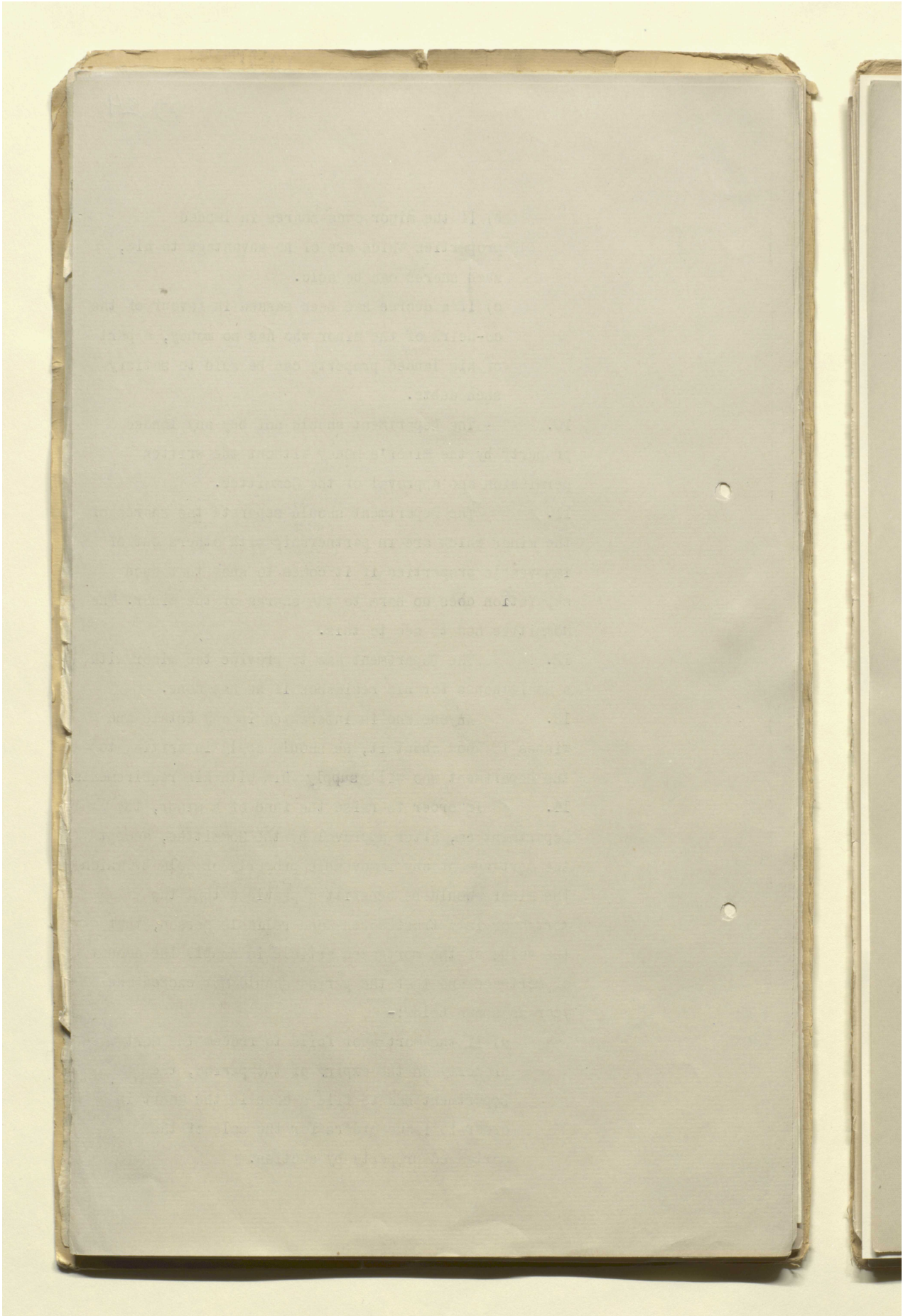
11. The Department should separate the shares of the minor which are in partnership with others out of immoveable properties if it comes to know that such separation does no harm to the shares of the minor. The Committee has to see to this.

12. The Department has to provide the minor with a small house for his residence if he has none.

13. Anyone who is interested in any estate and wishes to know about it, he should apply in writing to the Department who will supply him with his requirements.

14. In order to raise the fund of a minor, the Department can, after approval by the Committee, accept the mortgage of any immoveable property or gold by which the minor would be benefitted provided that the mortgagor is a trustworthy and reliable person, that the value of the mortgaged article is double the amount of mortgage and that the period should not exceed one year as shown below:-

a) If the mortgagor fails to redeem the mortgaged property on the expiry of the period, the Department has to file a case in the Court in order to issue orders for the sale of the mortgaged property by auction.



(28) 25

b) The Department should not accept a mortgage which does not meet the amount taken in lieu even if the mortgagor owns many properties.

c) The Department should not take over properties by valuation from persons who fail to pay the debt as that will be of disadvantage to the property of the minor, but the property should ~~however~~ be put into public auction and the Department will have the option to buy it or not after consulting and obtaining the approval of the Committee.

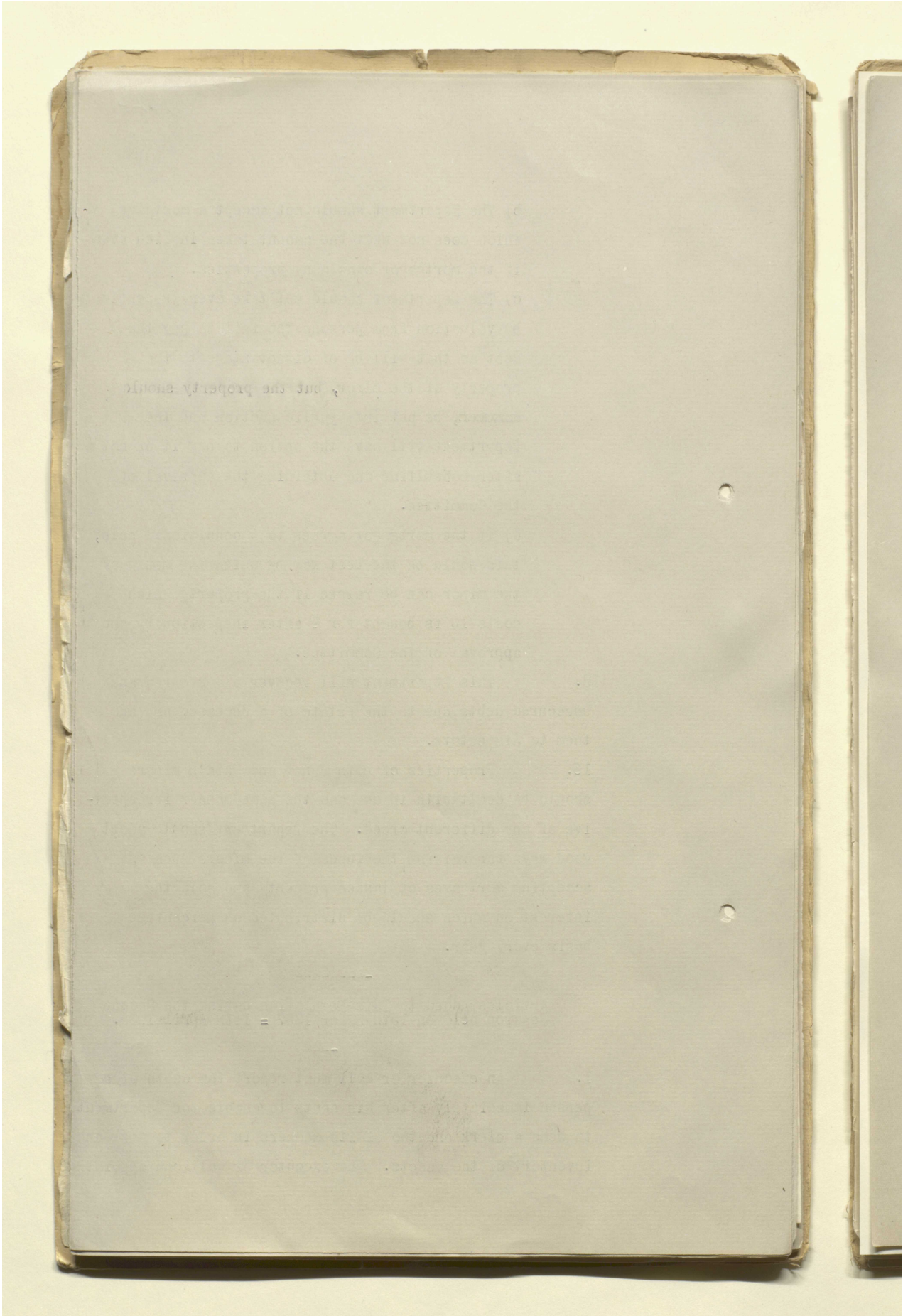
d) If the mortgagor agrees to a conditional sale, this would be the best way by which the money of the minor can be raised if the property which costs 10 is bought for 6 after inspection by and approval of the Committee.

15. This Department will recover all secured and unsecured debts due to the estate of a deceased and add them to his estate.

16. Properties of both Sunni and Shia'h minors should be dealt with in one and the same manner irrespective of any different creed. The Department should adopt good ways for raising the funds of the minors such as accepting mortgages of landed property and gold the interest on which should be distributed on percentage basis every year.

Articles Added to This Regulation during the Second Session held on 15th Safar 1357 = 15th April 1938.

1. An executor or wali must report the death of a person immediately after his death to enable the Department to send a clerk and two of its members in order to make an inventory of the assets. The executor or wali can appoint



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two persons on their behalf if they so desire.

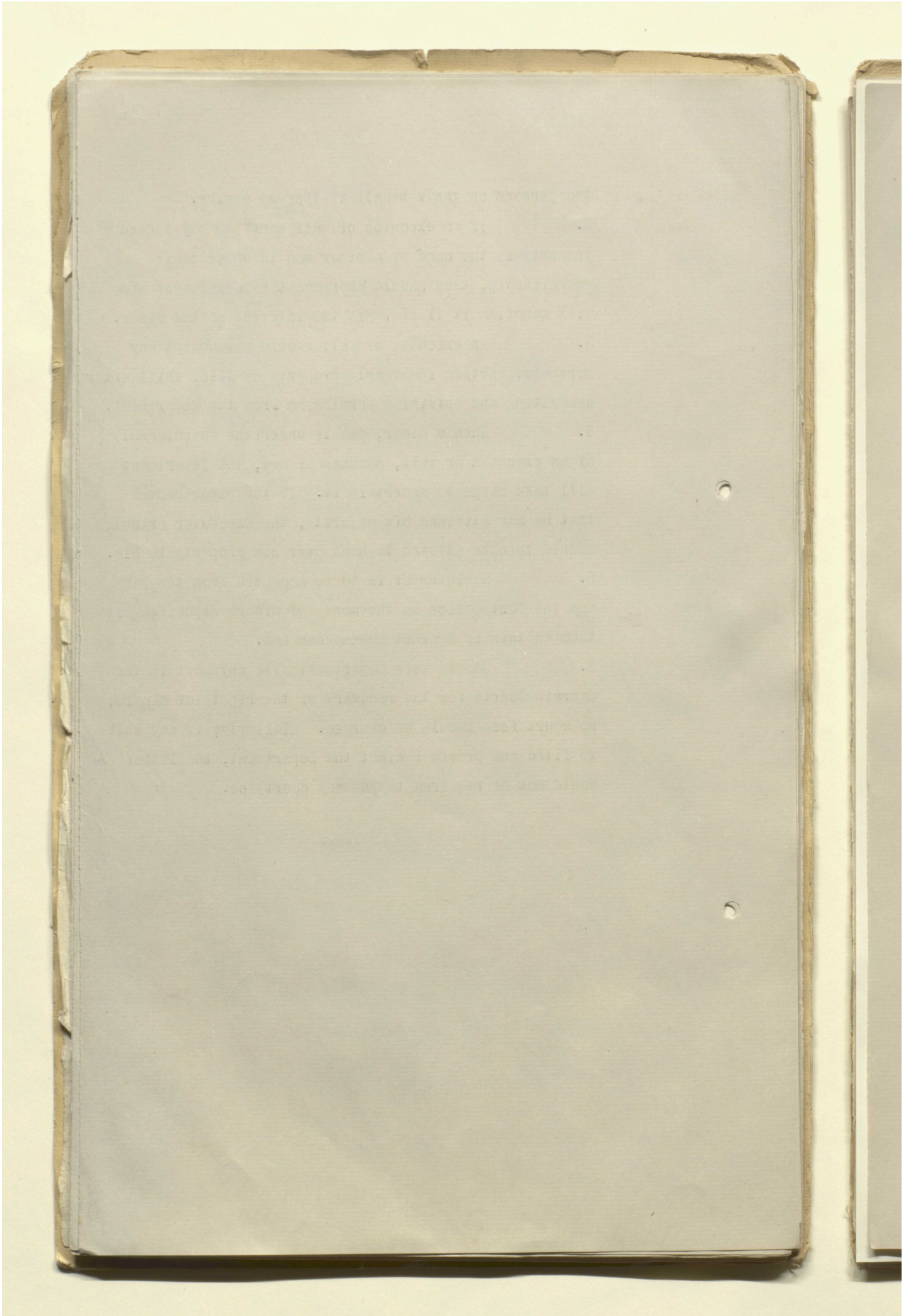
2. If an executor or wali want to buy landed property in the name of a minor who is under their guardianship, they should approach the Department who will sanction it if it is in the interest of the minor.

3. An executor or wali should not accept any mortgage, whether immoveable property or gold, until after consulting and obtaining permission from the Department.

4. When a minor, who is under the guardianship of an executor or wali, becomes of age, the Department will take steps to ascertain it. If the minor proves that he has attained his majority, the executor or wali should then be allowed to hand over his property to him.

5. No interest is to be accepted from the Bank and the Post Office on the money of minors deposited with them as this is against Muhammedan Law.

6. Should this Department file any suit in the Bahrain Courts for the recovery of the rights of minors, no court fees should be charged. Similarly, if any suit is filed and proved against the Department, the latter would not be required to pay any court fee.



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Translation.

BAHRAIN GOVERNMENT.

PROCLAMATION.

No.10/1357.

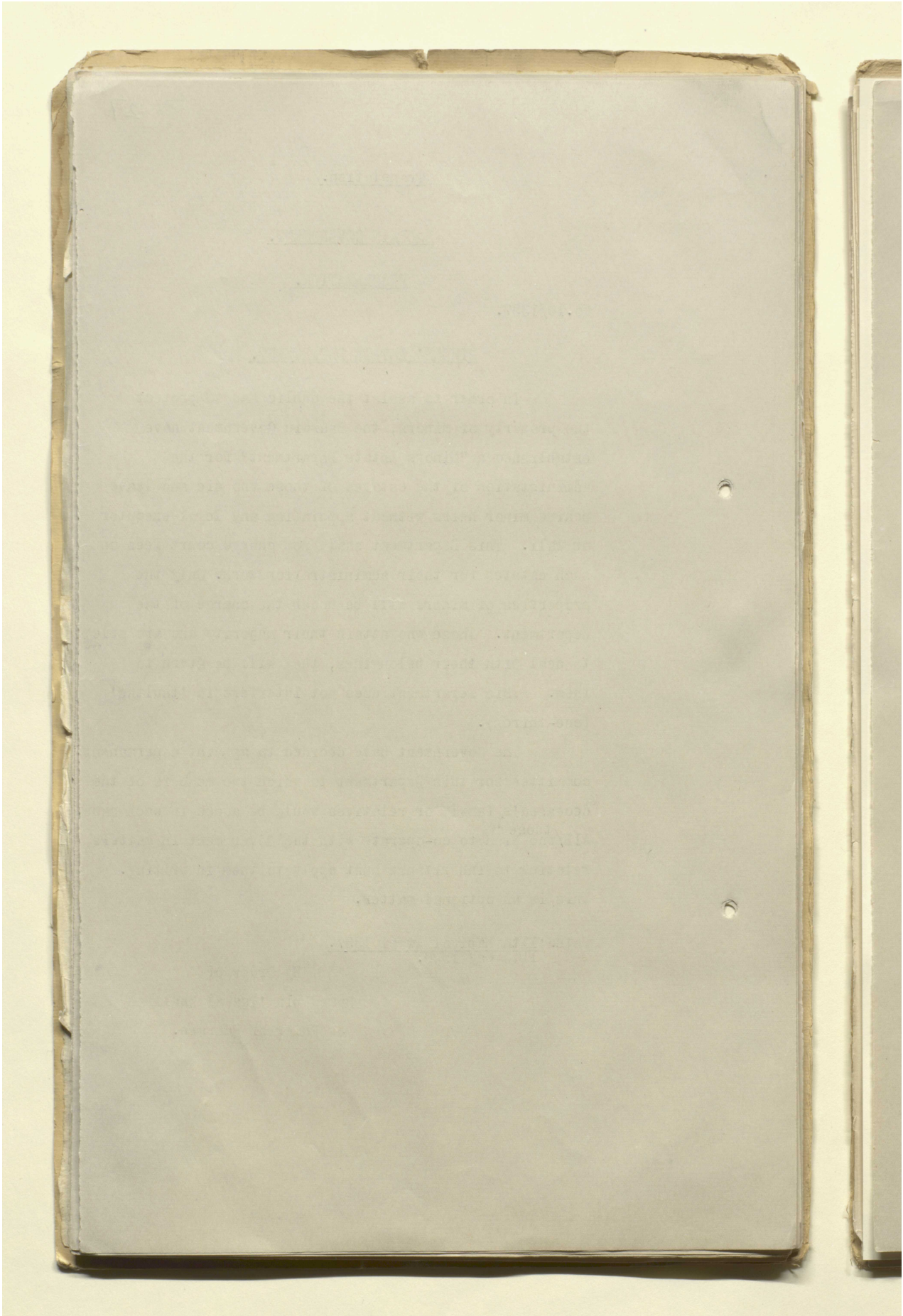
MINORS' ESTATE DEPARTMENT.

In order to assist the public and to protect the property of minors, the Bahrain Government have established a "Minors Estate Department" for the administration of the estates of those who die and leave behind minor heirs without appointing any legal executor or wali. This Department shall not charge court fees on such estates for their administration work. Only the properties of minors will be under the charge of the Department. Those who attain their majority and are able to deal with their belongings, they will be given to them. This Department does not interfere in 'thults' (one-thirds).

The Government have decided to appoint a permanent committee for this Department to which two members of the deceased's family or relatives would be added in each case. All ^{those} who wish to co-operate with the Government in matters relating to inheritance must apply to them in writing. This is an optional matter.

Dated: 11th Rabi al Awwal 1357.
11th May 1938.

By Order of
Hamad bin 'Isa al Khalifah
Ruler of Bahrain.



(31) 28

Translation.

BAHRAIN GOVERNMENT.

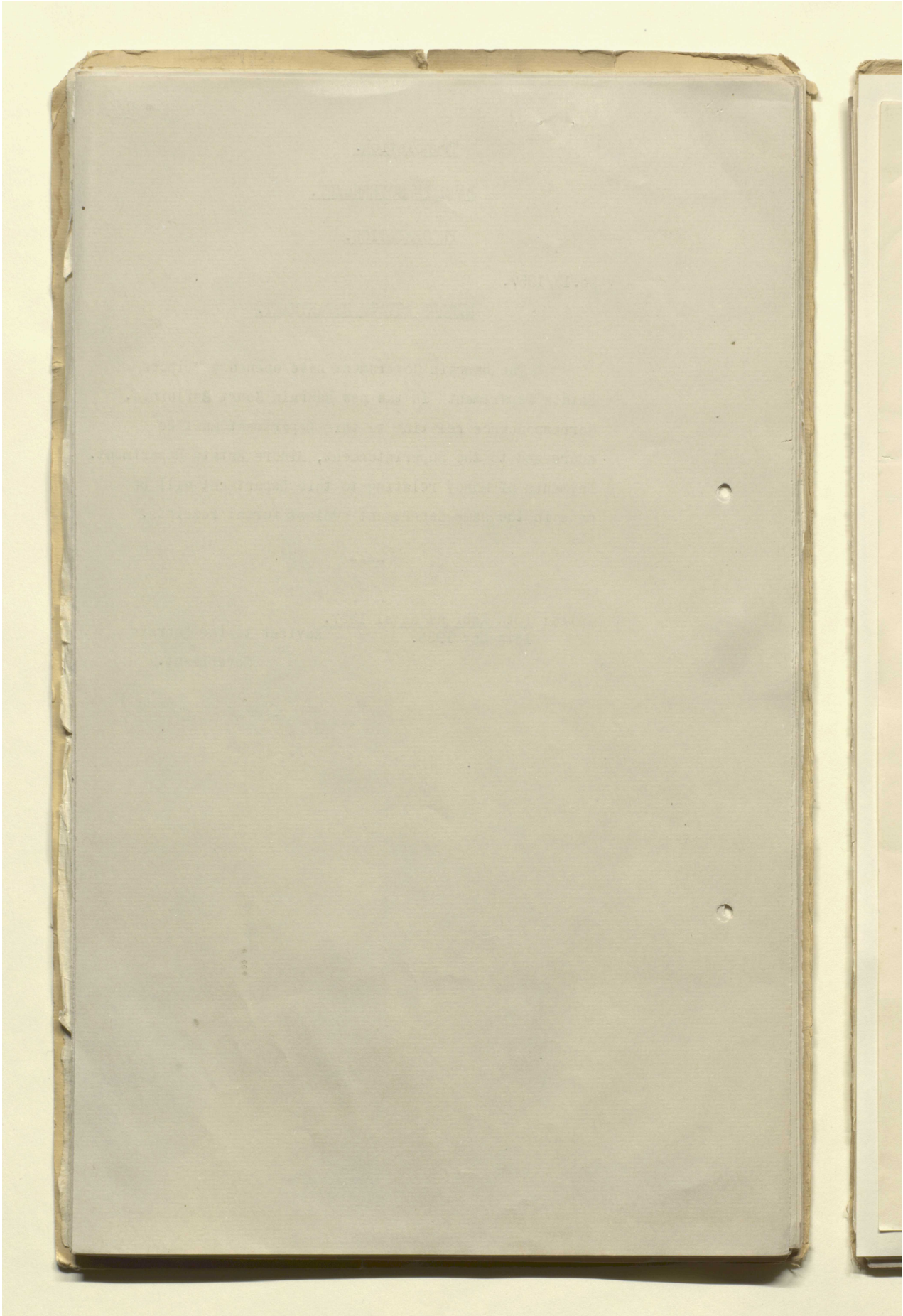
PROCLAMATION.

No.13/1357.

MINORS ESTATE DEPARTMENT.

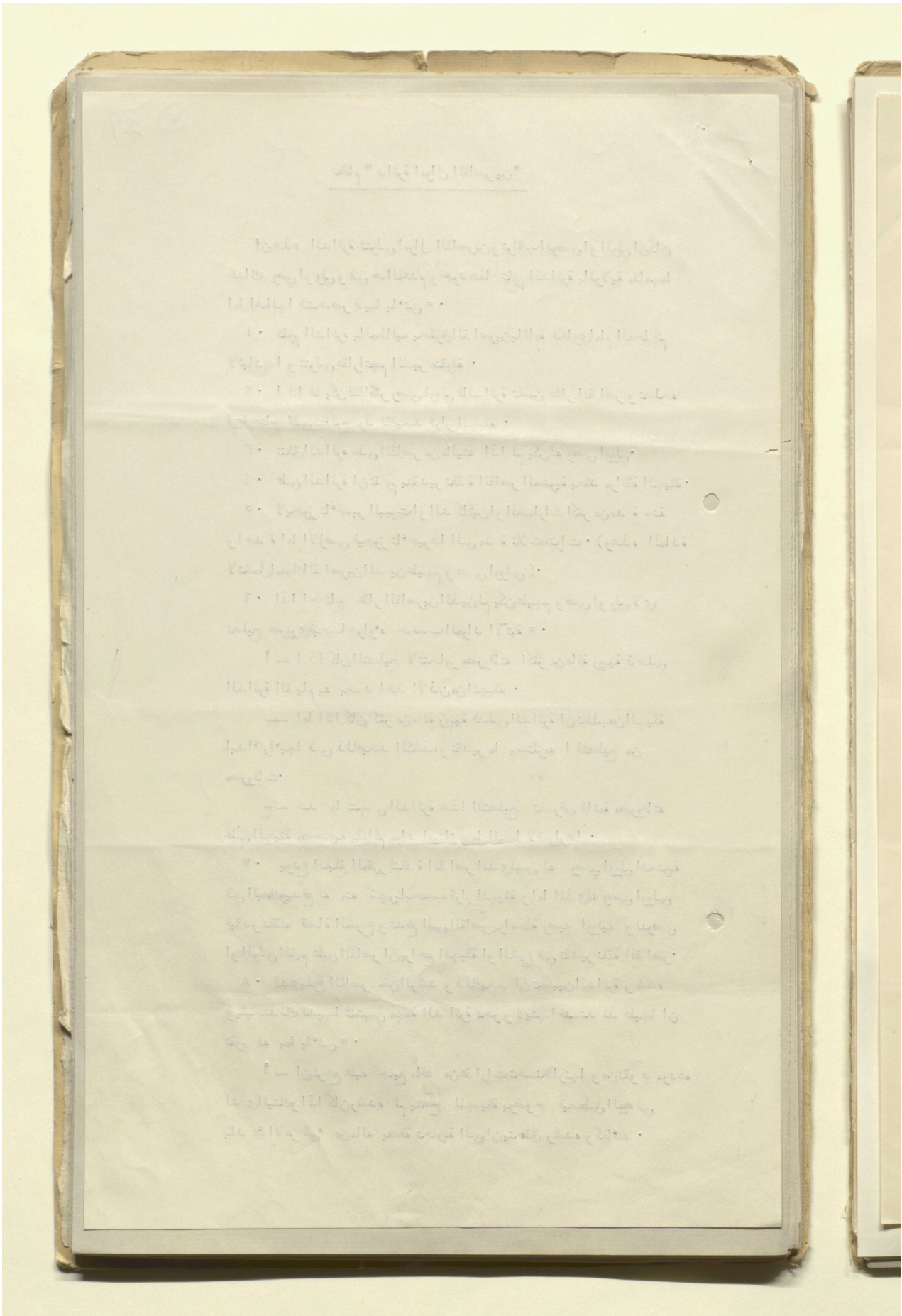
The Bahrain Government have opened a "Minors Estate Department" in the new Bahrain Court Buildings. Correspondence relating to this Department must be addressed to the Superintendent, Minors Estate Department. Payments of money relating to this Department will be made in the same department against formal receipts.

Dated: 18th Rabi al Awwal 1357.
18th May 1938. Adviser to the Bahrain
Government.



نظام " دائرة اموال القاصرين "

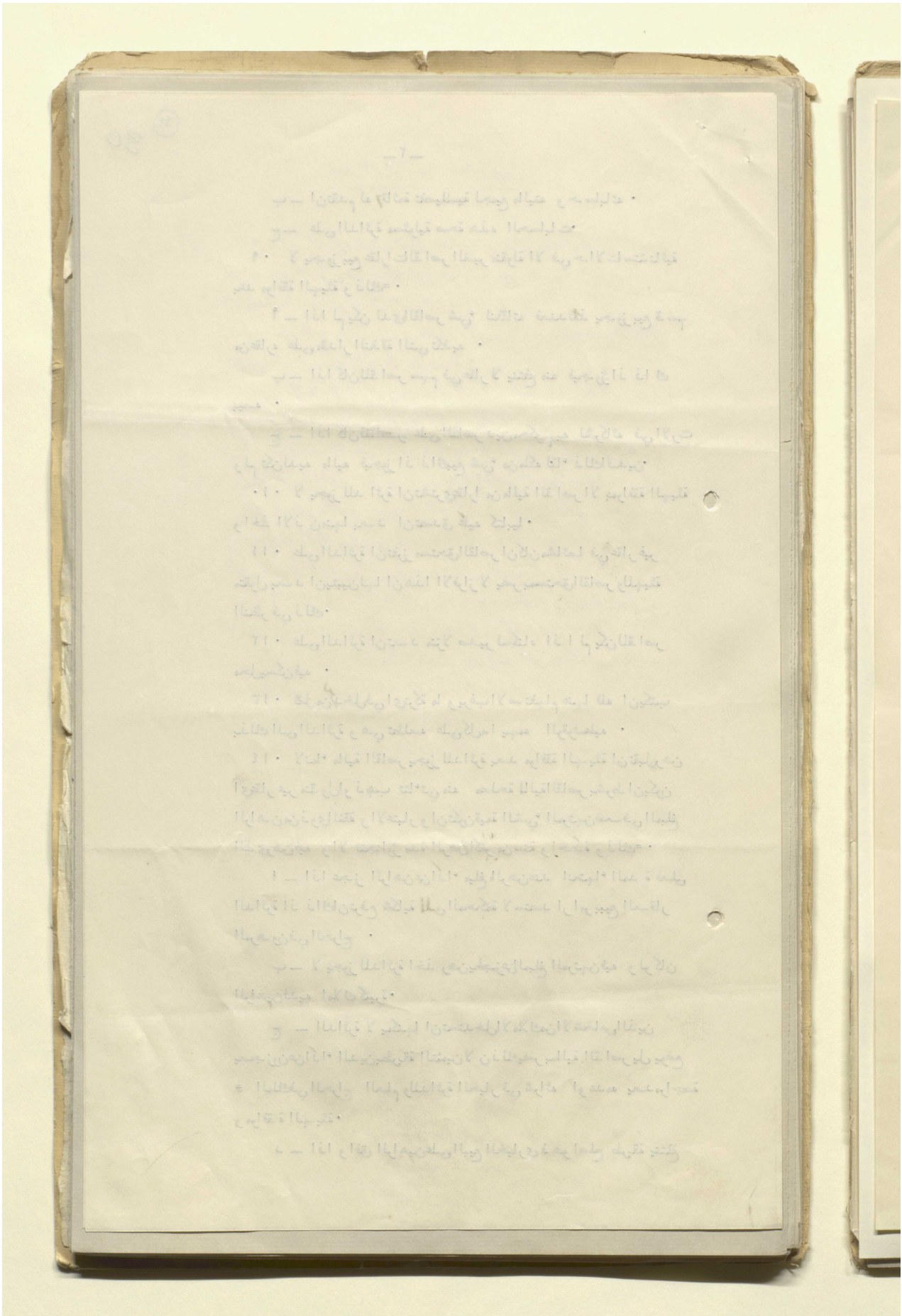
- ١- هذه الدائرة تتولى اموال القاصرين وتراقب الوصي او الولي ان كان هناك وصي او ولي وفي حالة التعدم وجودهما تقوم الدائرة بالولاية مقامهما اما اعمالها فتتخصص فيما يلي =
- ٠ ١ تقوم الدائرة بالمطالبة بحقوق القاصرين باقامة دعاوي امام المحاكم لاثباتها وتتولى عقاراتهم الغير منقولة
- ٠ ٢ اذا لم يكن للقاصر وصي او ولي فالدائرة تضمن عقار القاصر وتصلحه ان احتاج الى تصليح وذل لكيمد قرار الهيئة
- ٠ ٣ تنفق الدائرة على القاصر من ماله اذا لم يكن له وصي او ولي
- ٠ ٤ على الدائرة ان تقدم بتقدير نفقة القاصر السنوية بعد موافقة الهيئة
- ٠ ٥ لا يجوز تاجير البيوت او الدكاكين او العمارات اكثر من مدة سنة واحدة اما الاراضي فيجوز تاجيرها الى مدة ثلاث سنوات (وهذه المادة لاتشمل املاك القاصرين الذين عليهم وصي او ولي)
- ٠ ٦ اذا احتاج عقار القاصرين الذين لم يكن عليهم وصي او ولي لاي تصليح ضروري فيجب اجاؤه حسب المواد الاجمعية =
- أ - اذا كان التصليح لا يتجاوز مصروفاته اكثر من مائة روبية فعلي الدائرة القيام به بعد اخذ الاذن من الهيئة
- ب - اما اذا كان اكثر من مائة روبية فعلي الدائرة ان تطلب من الهيئة ابداء رأيها في ذلك كيمد الكشف وتقدير ما يستلزمه التصليح من مصروفات
- ج - عند ما تنهي الدائرة هذا التصليح تعرض قائمة مصروفاته على الهيئة مصحوبة بقوائم مواد البناء وما اليها لاقرارها
- ٠ ٧ يودع المبلغ المقرر لنفقة القاصر الذي ليس له وصي او ولي السنوية في البنك ويُدفع له منه شهريا بحسب قرار الهيئة واما الذي له وصي او ولي فيقدر نفقته قضاء الشرع وتدفع الى القاصر بواسطة وصيه او وليه وللوصي او الولي القيم على القاصر ان يراجع الهيئة او الشرع في تقدير نفقة القاصر
- ٠ ٨ لدى بلوغ القاصر سن الرشد وذل كيمد ان تستبين الدائرة رشده ويشهد بذلك لديها تنتهي مهمة الدائرة نحو ولايتها فتند ثذ عليها ان تقوم له بما يلي =
- أ - ان ترجع عليه جميع ماله من عقارات تحتفظارها ومن نقود مودعة لدى البنك واذ كان رشده لم يتضح للهيئة بوضوح فيعطى اليه في بادئ الامر شي من ماله بصفة تجربة الى ان يتحقق رشده وكفايته



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- ٢ -

- ب - ان تقدم له قائمة تفصيلية لجميع ماليته وحساباته .
- ج - على الدائرة مسؤولية صحة هذه الحسابات .
- ٩ - لا يجوز بيع عقارات القاصر الغير منقولة الا في حالات استثنائية بعد موافقة الهيئة وذلك = .
- ٩ - اذا لم يكن لدى القاصر شيء لنفقته فمعدته لا يجوز بيع قسم من عقاره على مقدار النفقة التي تكفيه .
- ب - اذا كان للقاصر سهم في عقار لا ينتفع منه فيجوز ان ذاك يبيعه .
- ج - اذا كان للتقاصر على القاصر دين محكوم به لشركائه في الارث ولم تكن لديه ماليه فيجوز ان ذاك يبيع شيء من ملكه لثاني ذلك الدين .
- ١٠ - لا يجوز للدائرة ان تشتري عقارا من مالية القاصر الا بموافقة الهيئة واخذ الاذن منها بعد ان تصدق عليه كتابيا .
- ١١ - على الدائرة ان تفرز مستحق القاصر ان كان مشاعا في عقار غير منقول بعد ان يبين لها ان هذا الافراز لا يضر بمستحق القاصر وللهيئة النظر في ذلك .
- ١٢ - على الدائرة ان تعد منزلا صغيرا لسكناه اذا لم يكن للقاصر محل يسكن فيه .
- ١٣ - كل من دخل في ايتوكه ما ويرغب الاستفهام عنها فله ان يكتب بذلك الى الدائرة وهي تطلع على كل ما يهمه الوقوف عليه .
- ١٤ - لانماء مالية القاصر يجوز للدائرة بعد موافقة الهيئة ان تقبل رهنا اي عقار غير منقول او ذهب تنائتي منه مصلحة لمالية القاصر بشروط ان يكون الراهن من ذوي الثقة والاعتبار وان تكون قيمة الشيء المرتهن ضعف المبلغ الذي رهن فيه والا تتجاوز مدة الرهن اكثر من سنة واحدة وذلك = .
- ٩ - اذا عجز الراهن عن اداء مبلغ الرهن عند انقضاء المدة فعلى الدائرة ان ذالك ترفع شكاية للمحكمة لاستصدار امر ببيع العقار المعروض في الحراج .
- ب - لا يجوز للدائرة اخذ رهنا ينجيز عن المبلغ المرتهن فيه ولو كان الراهن لديه املاك كثيرة .
- ج - الدائرة لا يمكنها ان تستدخل الاملاك من الاشخاص الذين يمجزون عن اداء الدين بطريقة التامين لان ذلك يضر بمالية القاصر بل يوضع في الملك في الحراج العام وللدائرة الخيار في شرائه او عدمه بعد مراجعة موافقة الهيئة .
- د - اذا وافق الراهن على البيع الخياري فهو اصلح طريقة ينتفع



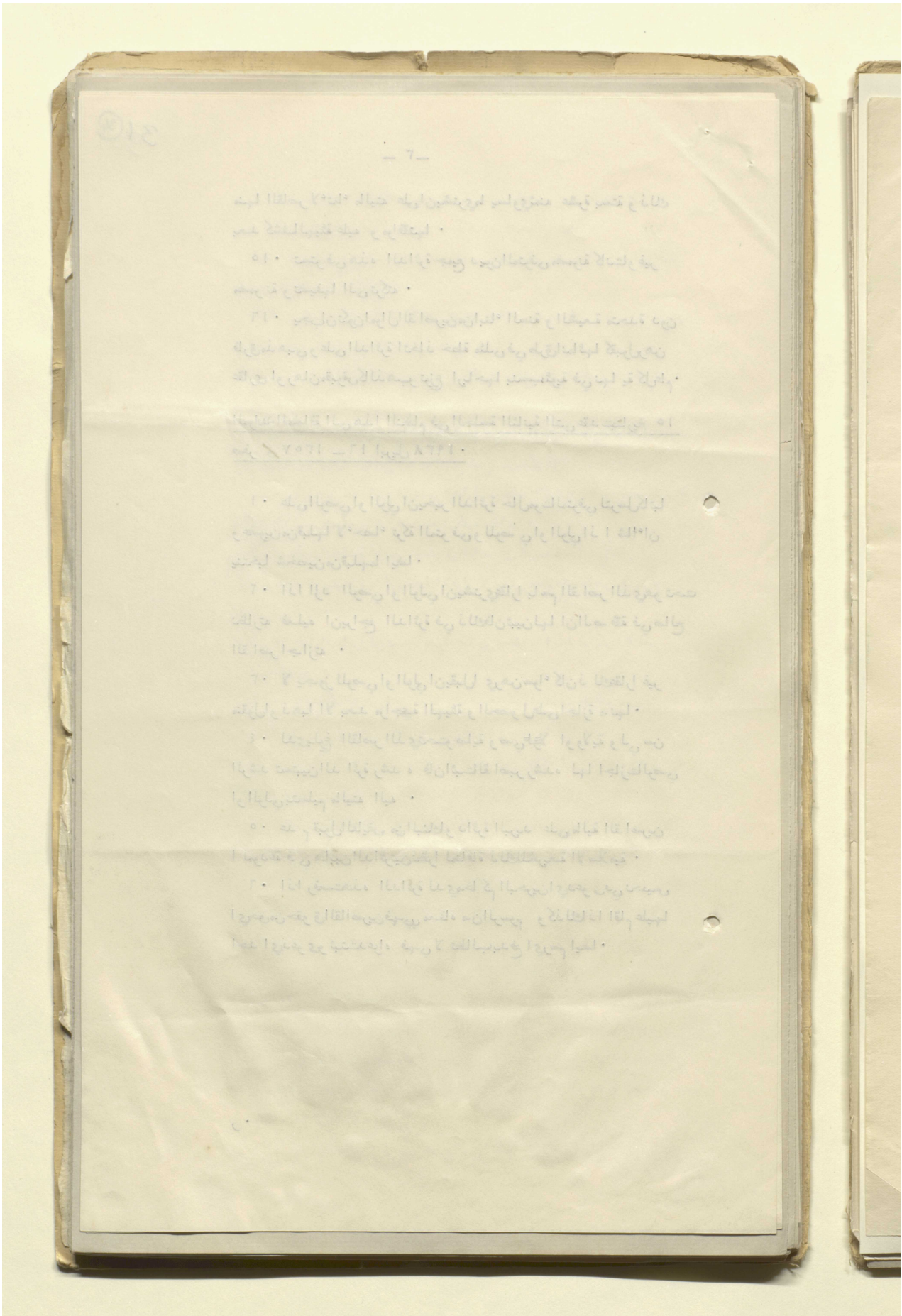
31 (34)

- ٣ -

منها القاصر لآتمامه ماليته على ان يشتريها يساوي ثمنه عشرة بسطة وذلك
بعد كشف الهيئة عليه و موافقتها .
١٥ . تستوفي هذه الدائرة جميع ديون المتوفى مضمونة كانتا وغير
مضمونة وتضيفها الى تركته .
١٦ . يجبان تكون اموال القاصرين من ابناء السنة والشيمة متحدة دون
فارق مذهبي وعلى الدائرة اتخاذ خطة مثلن في طرق انماؤها كقبول رهن
عقارى او رهان مقبوض كالذهب وتوزع ارباحها بنسب مئوية في نهاية كل عام .
الموالتد المضافة الى هذا النظام في الجلسة الثانية التي عقدت بتاريخ ١٥
صفر ١٣٥٧ - ١٦ ابريل ١٩٣٨ .

- ١ . على الوصي او الولي ان يخبر الدائرة حال موت المتوفى لترسل كاتبها
و عضوين من قبلها لآحصاء تركه المتوفى وللوصي او الولي اذا شا ان
ينتخب شخصين من قبلها ايضا .
- ٢ . اذا ارد الوصي او الولي ان يشتري عقارا باسم القاصر الذي هو تحت
نظارته فعليه ان يراجع الدائرة في ذلك لغان تبين لها ان الصفقة في صالح
القاصر اجازته .
- ٣ . لا يجوز للوصي او الولي ان يقبل ا يرهن سواء كان ذلك عقارا غير
منقول او ذهب الا بعد مراجعة الهيئة والحصول على اجازة منها .
- ٤ . لدى مبلغ القاصر الذي تحت وصاية وصي طلال او ولاية ولي سن
الرشد تستبين الدائرة رشده فان ائتمت القاصر رشده لها اجازت الوصي
او الولي بتسليم ماليته اليه .
- ٥ . عدم قبول القاير من البنك او دائرة البريد على مالية القاصرين
المودعة في هاتين الدائرتين نظرا لمنافاة ذلك للشريعة الاسلامية .
- ٦ . اذا رفعت هذه الدائرة لدى محاكم البحرين اي دعوى في تخليس
اي حق من حقوق القاصرين فسيبي معفاة من الرسوم وكذلك اذا اقام عليها
احد اي دعوى او ثبتت دعواه فسي لا تطالب بدفع اي رسم ايضا .

ر



32

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

حُكُومَةُ الْبَحْرَيْنِ

إِعْلَانٌ

العدد ١٣٥٧/١٠

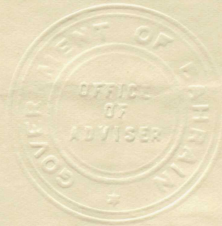
دائرة اموال القاصرين

ان حكومة البحرين - مساعدة للاهالي ونظراً لحفظ اموال القاصرين - قد فتحت (دائرة اموال القاصرين) لتقوم بالولاية على تركات من يموتون تاركين وراءهم ورثة قاصرين دون وصي شرعي اوولي. وهذه الدائرة سوف لا تستوفي رسوما على هذه التركات لقاء خدماتها ويكون في ولايتها اموال القاصرين فقط. اما الذين يبلغون سن الرشد منهم ويكونون قادرين على ولاية ماليهم فستسلم لهم مستحقاتهم يتولونها بانفسهم. وليس لهذه الدائرة دخل بالاثلاث. وقد قررت الحكومة تعيين لجنة دائمية لهذه الدائرة مع اضافة اعضاء آخرين اليها في كل قضية من عائلة المتوفي او من اقاربه. فعلى الذين يرغبون في مساعدة الحكومة في قضايا الارث ان يكتبوا اليها في ذلك وذلك امر اختياري محض

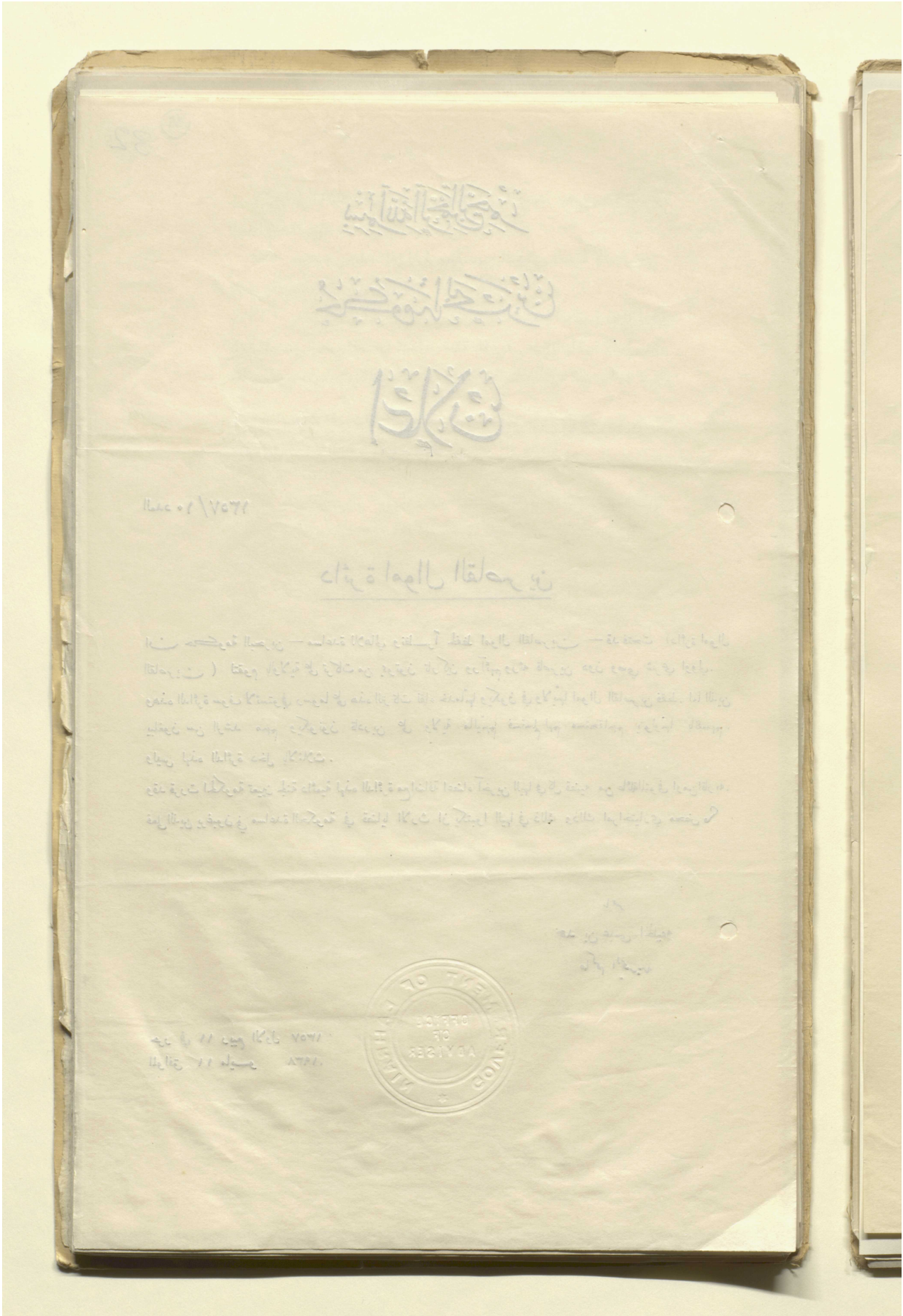
بامر

هد بن عيسى الخليفة

حاكم البحرين



حرر في ١١ ربيع الاول ١٣٥٧
الموافق ١١ مايو ١٩٣٨



33

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

حُكُومَةُ الْبَحْرَيْنِ

إِعْلَانٌ

المدد ١٣ / ١٣٥٧

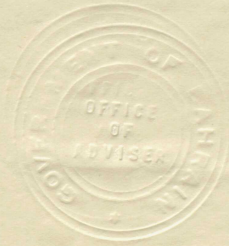
دائرة اموال القاصرين

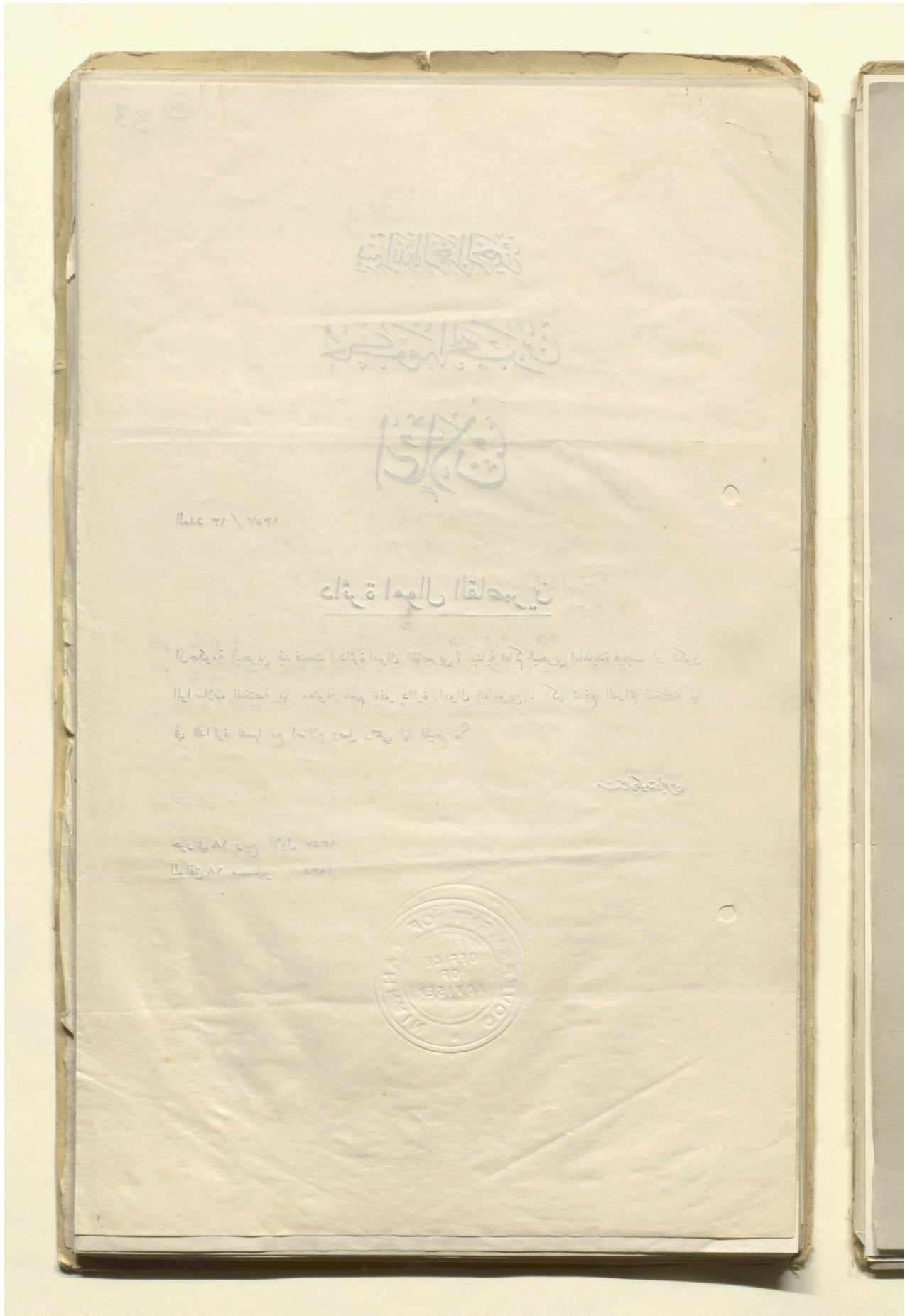
ان حكومة البحرين قد فتحت (دائرة اموال القاصرين) بناية محاكم البحرين الجديدة فيجب ان تكون
المراسلات المختصة بها معنونة باسم ناظر دائرة اموال القاصرين . كما تدفع الدراهم المختصة بها
في الدائرة نفسها مع استلام وصل رسمي لها فليعلم

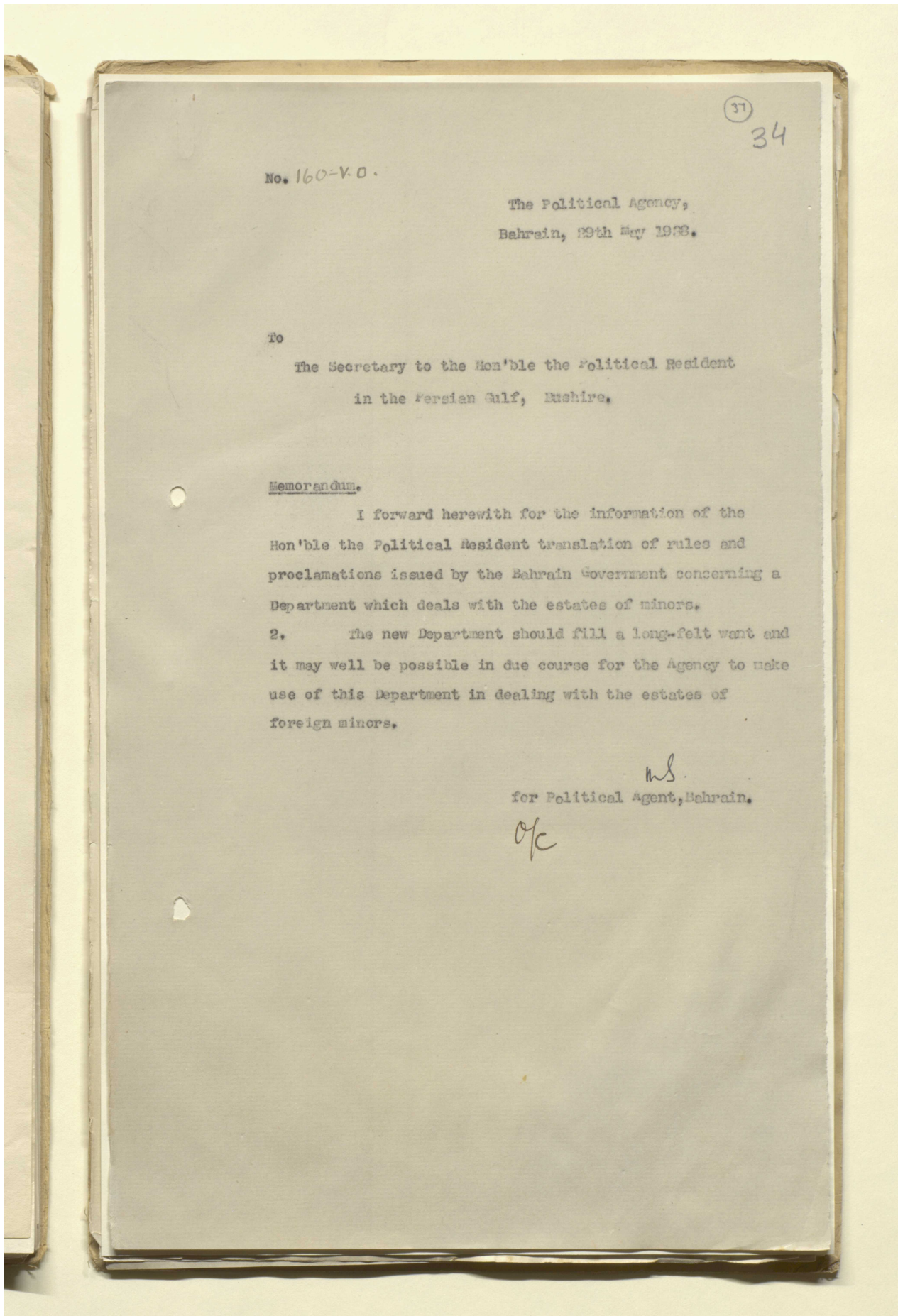
مستشار حكومة البحرين

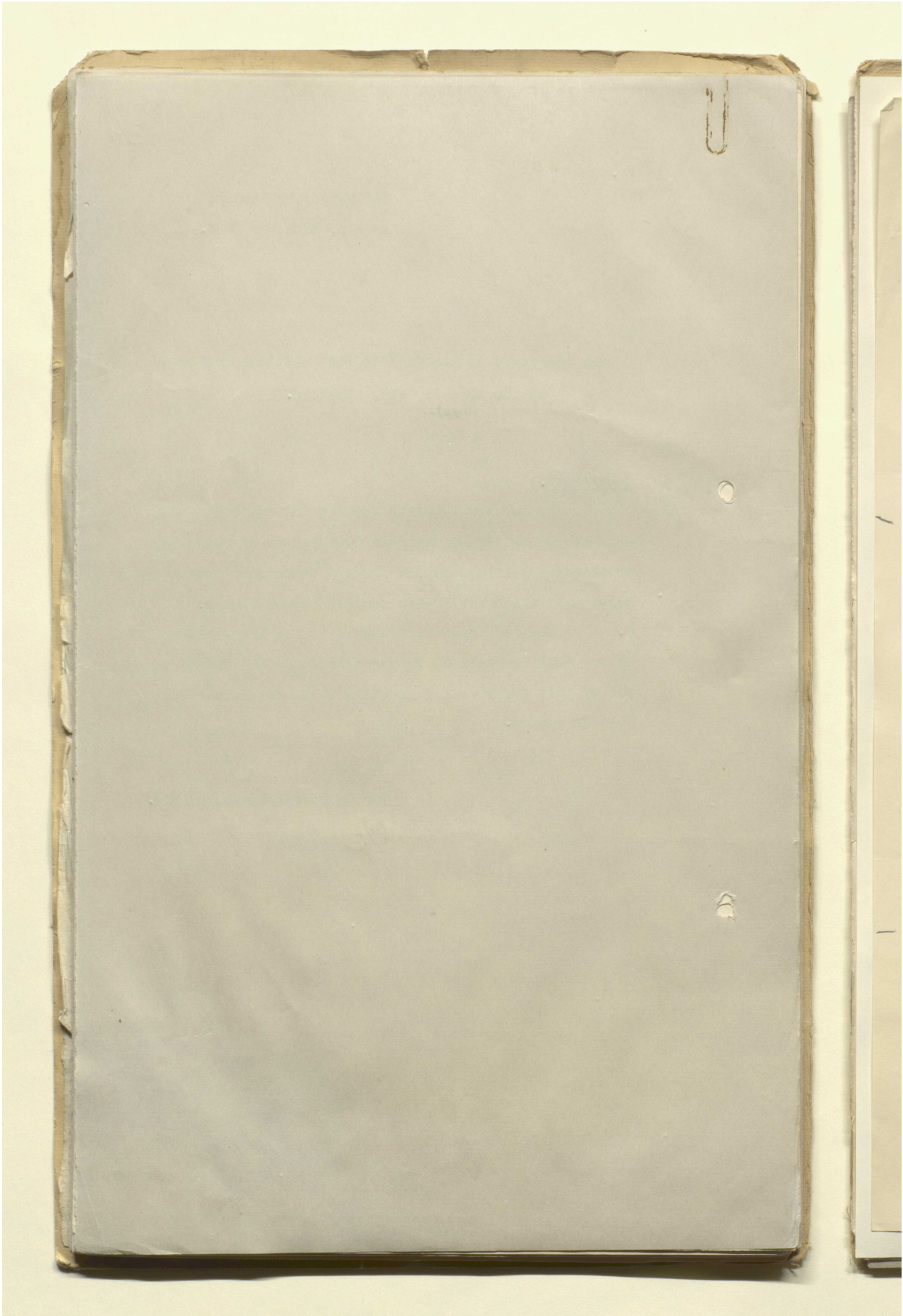
حرر في ١٨ ربيع الاول ١٣٥٧

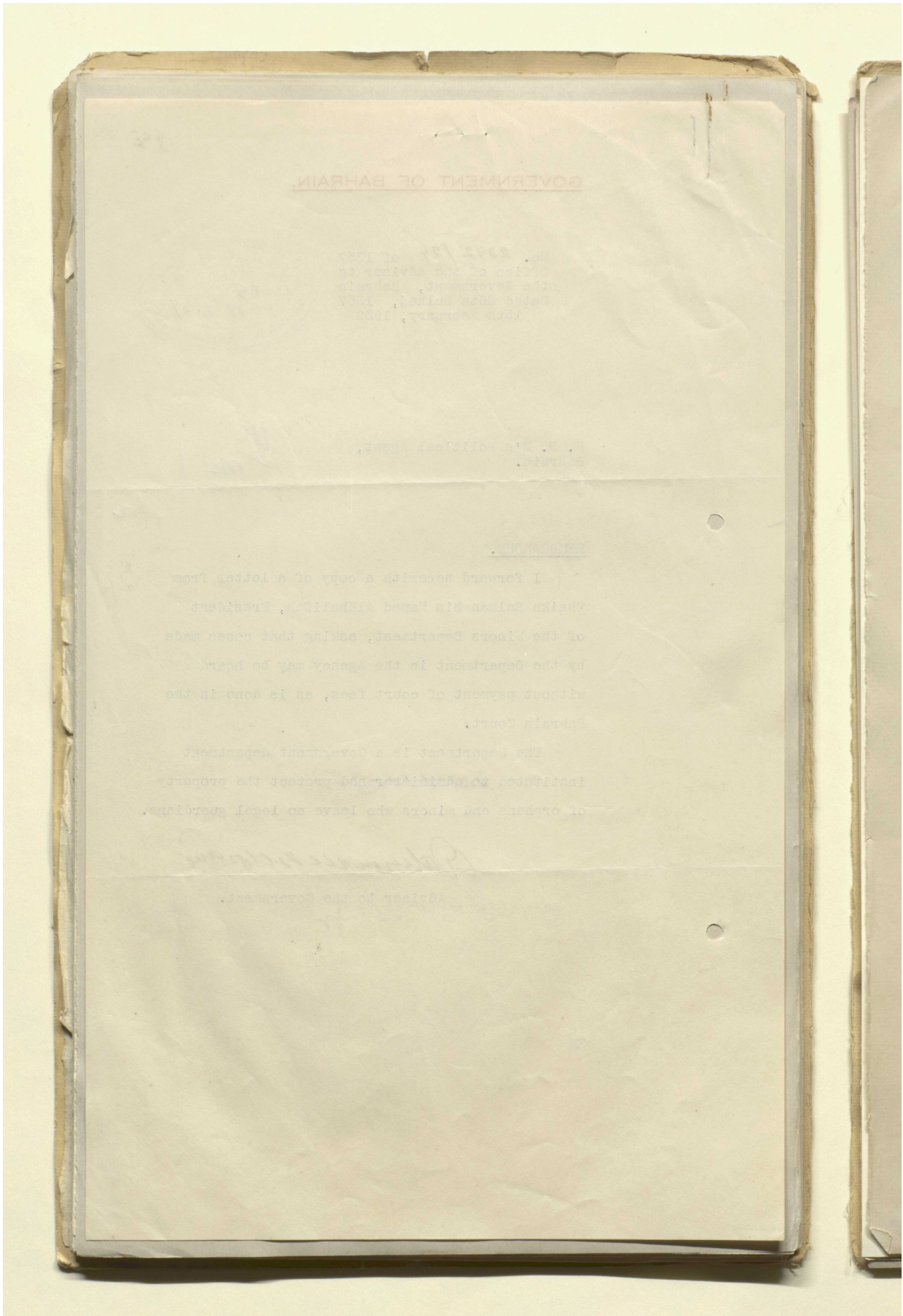
الموافق ١٨ مايو ١٩٣٨











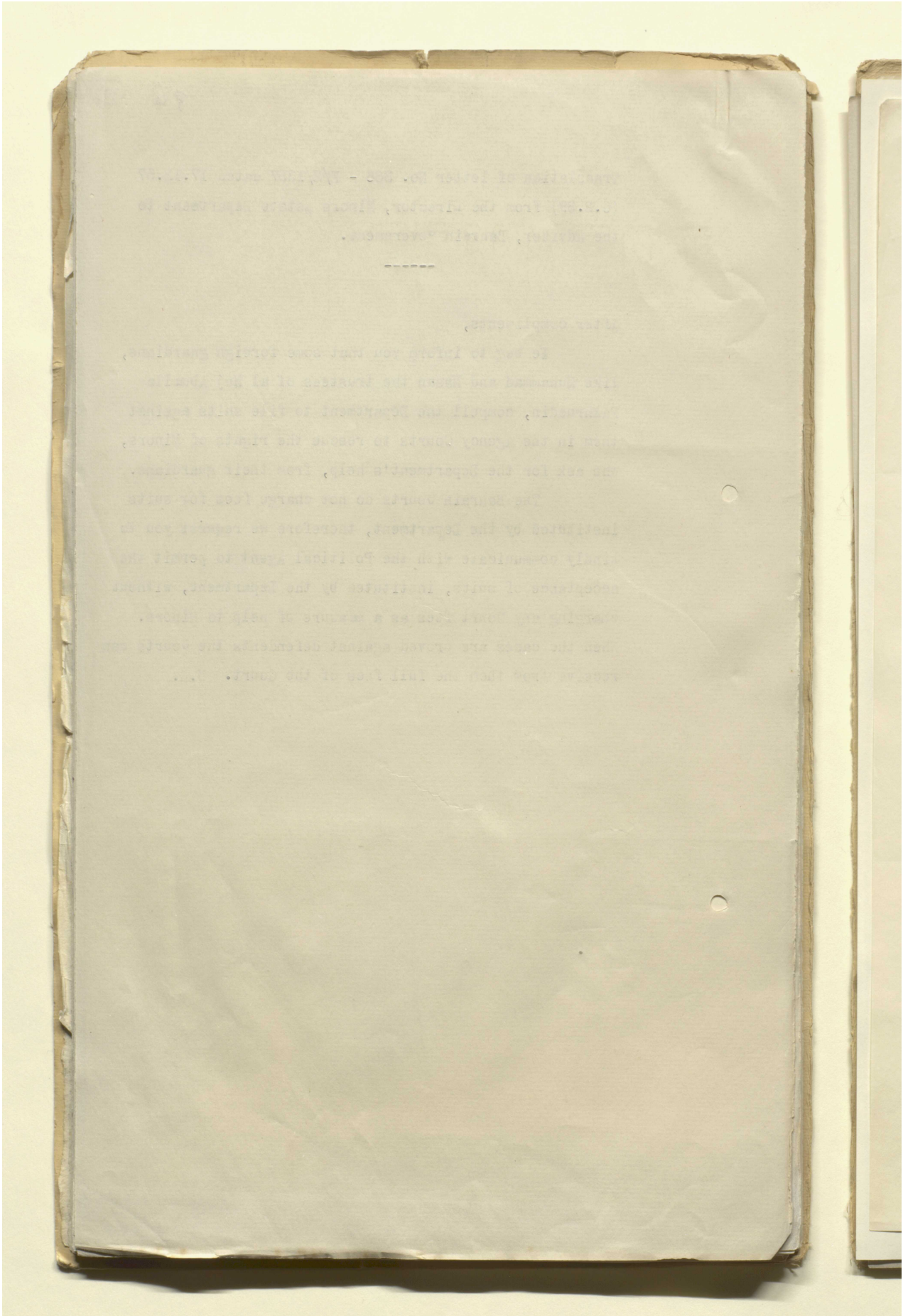
36 (39)

Translation of letter No. 386 - F/2/1357 dated 17.12.57
(6.2.39) from the Director, Minors Estate Department to
the Adviser, Bahrain Government.

After compliments,

We beg to inform you that some foreign guardians,
like Muhammad and Hasan the trustees of al Haj Abdulla
Fakhruddin, compell the Department to file suits against
them in the Agency Courts to rescue the rights of Minors,
who ask for the Department's help, from their guardians.

The Bahrain Courts do not charge fees for suits
instituted by the Department, therefore we request you to
kindly communicate with the Political Agent to permit the
acceptance of suits, instituted by the Department, without
charging any Court fees as a measure of help to Minors.
When the cases are proved against defendents the Courts can
receive from them the full fees of the Court. U.E.



37 (40)

صورة الاصل
=====

حكومة البحرين
داثرة اموال القاصرين

رقم ٣٨٦ / ف٢ / ١٣٥٧
حرر في ١٧ / ١٢ / ١٣٥٧
" " ٦ / ٢ / ١٩٣٩

حضرة صاحب السعادة مستشار حكومة البحرين المحترم

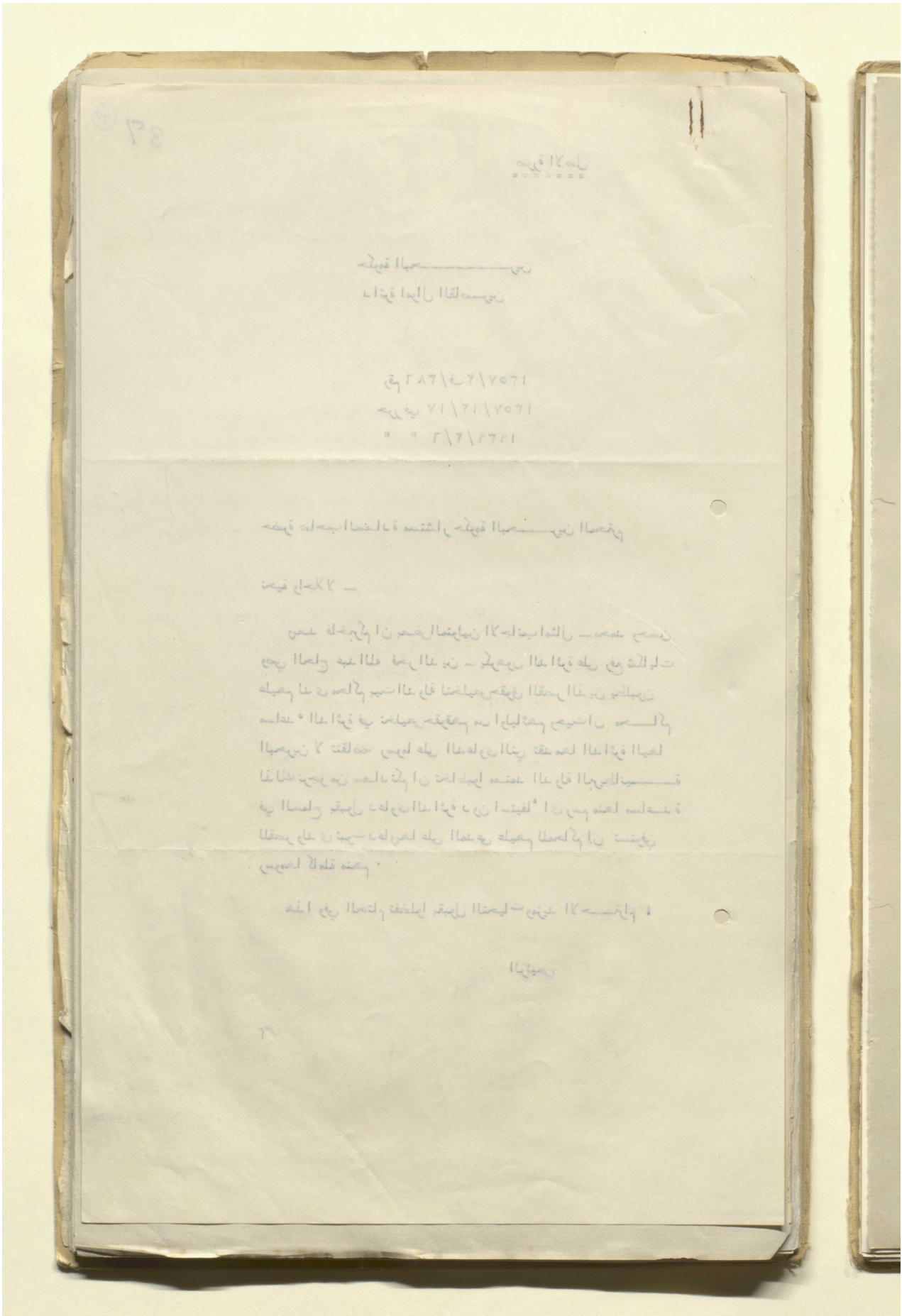
تحية واجلالا -

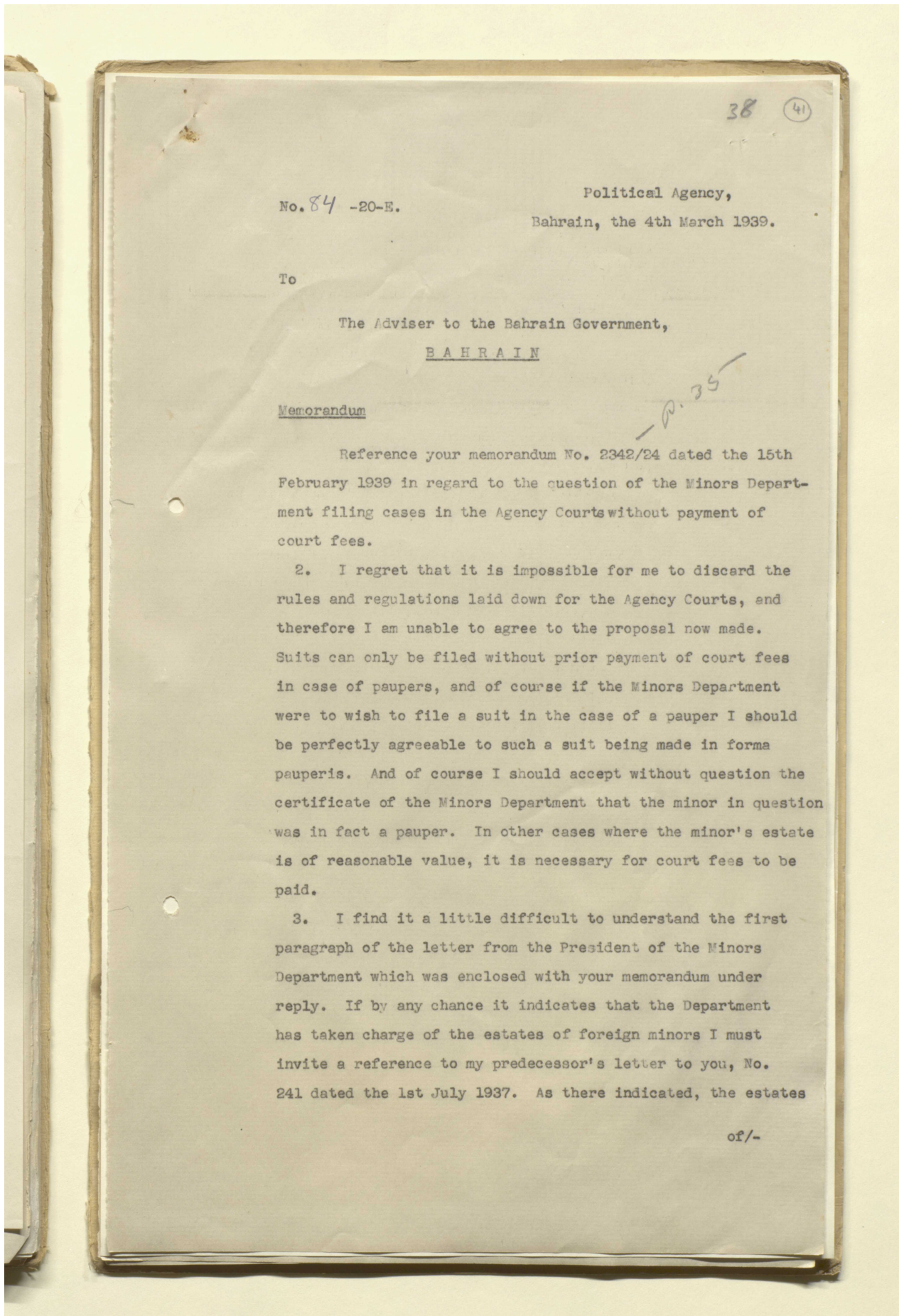
ومعد فاخبركم ان بعض المتولين الاجانب امثال - محمد وحسن
وصي الحاج عبدالله فخر الدين - يكرهون الدائرة على رفع شكايات
عليهم لدى محاكم بيت الدولة لتخليص حقوق القصر الذين يطلبون
مساعد* الدائرة في تخليص حقوقهم من اولياهم وحيث ان محاكم
البحرين لا تتقاضى رسوما على الدعاوى التي تقدمها الدائرة اليها
لذلك نرجو من سعادتكم ان تخاطبوا معتمد الدولة البريطانية
في السماح بقبول دعاوى الدائرة دون استيفاء اى رسم منها مساعدة
للقصر ولدى ثبوت دعاويها على المدعى عليهم للمحاكم ان تستوفي
رسومها كاملة منهم *

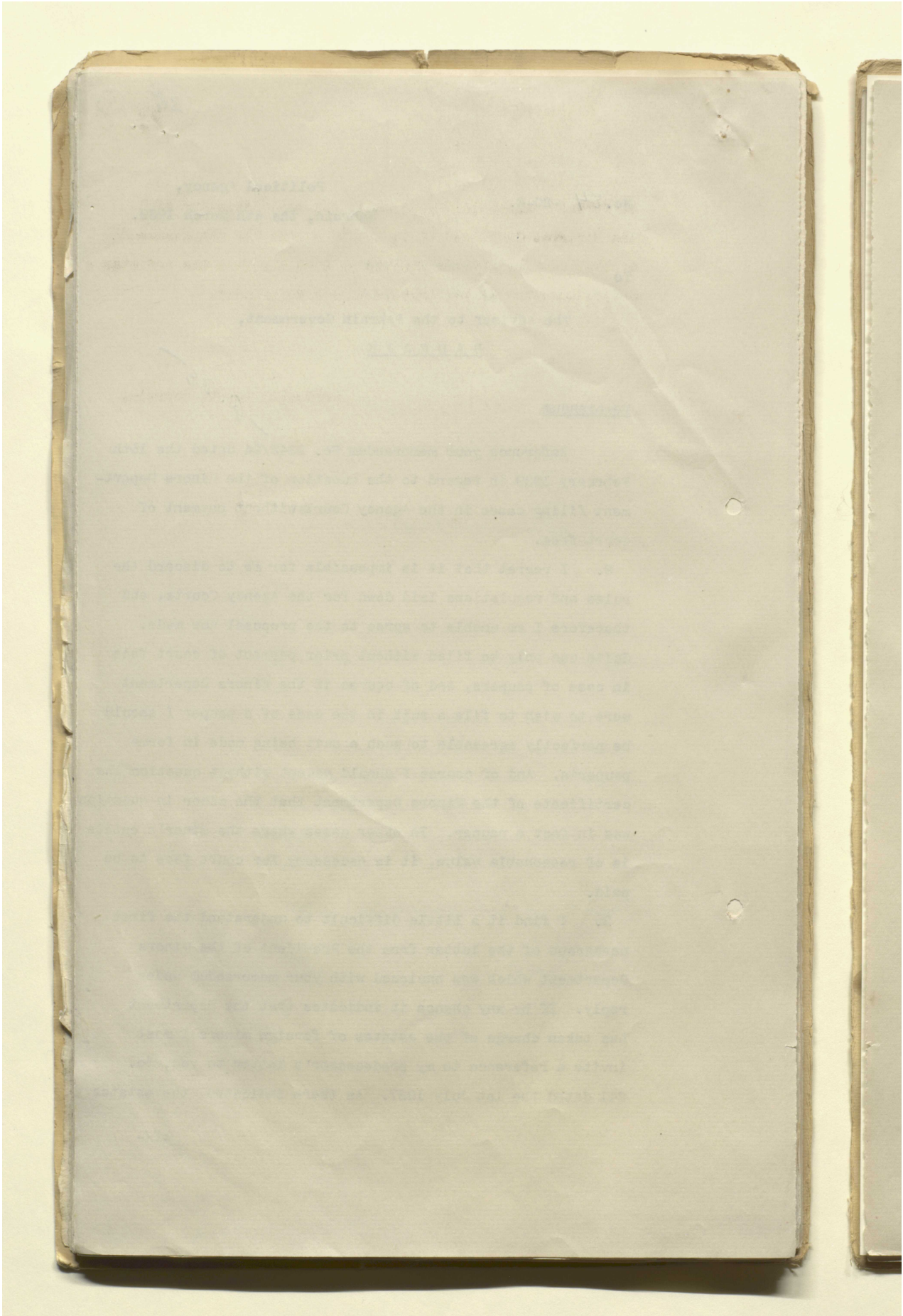
هذا وفي الختام تفضلوا بقبول التحيات ومزيد الاحترام ؛

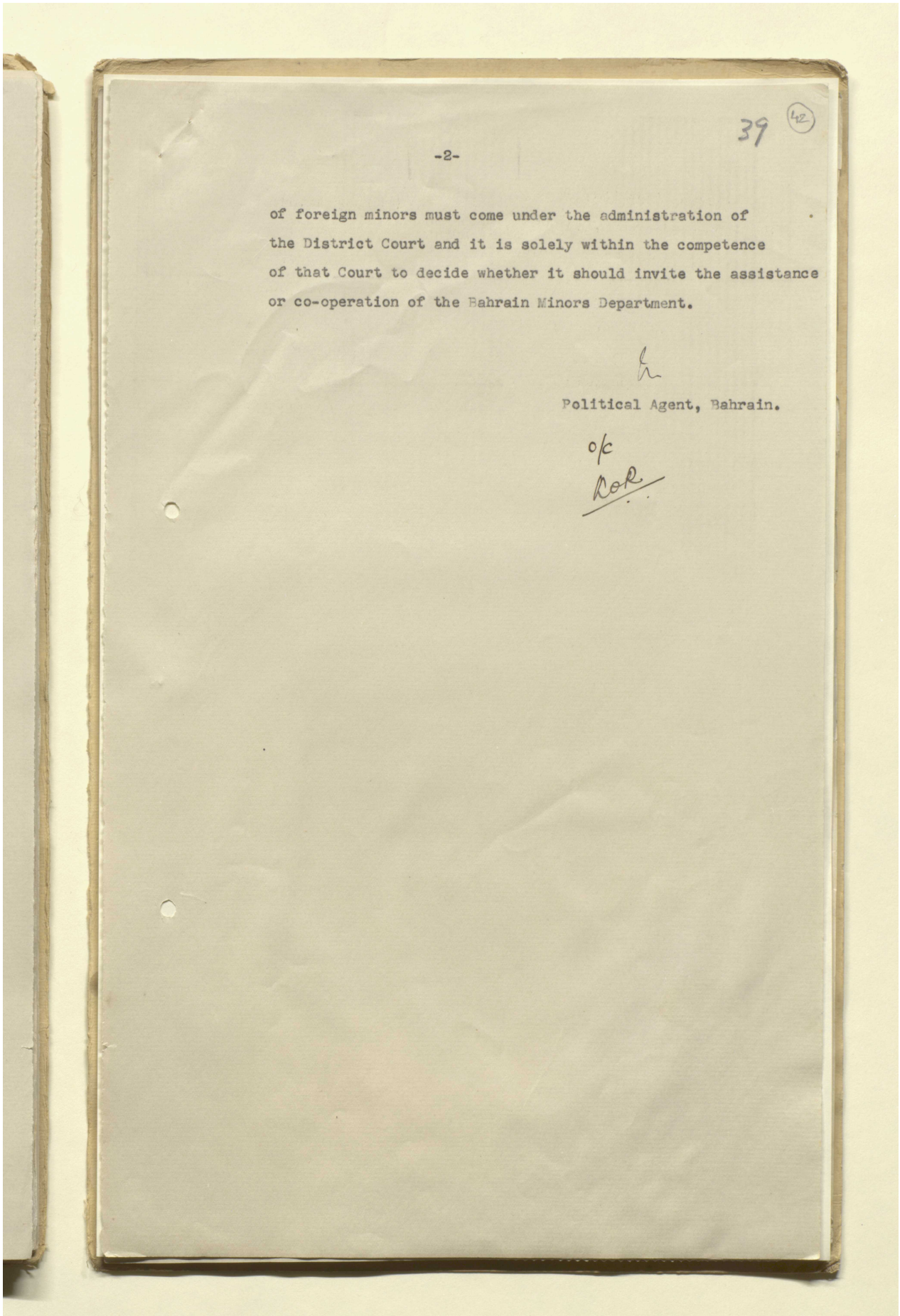
الرئيس

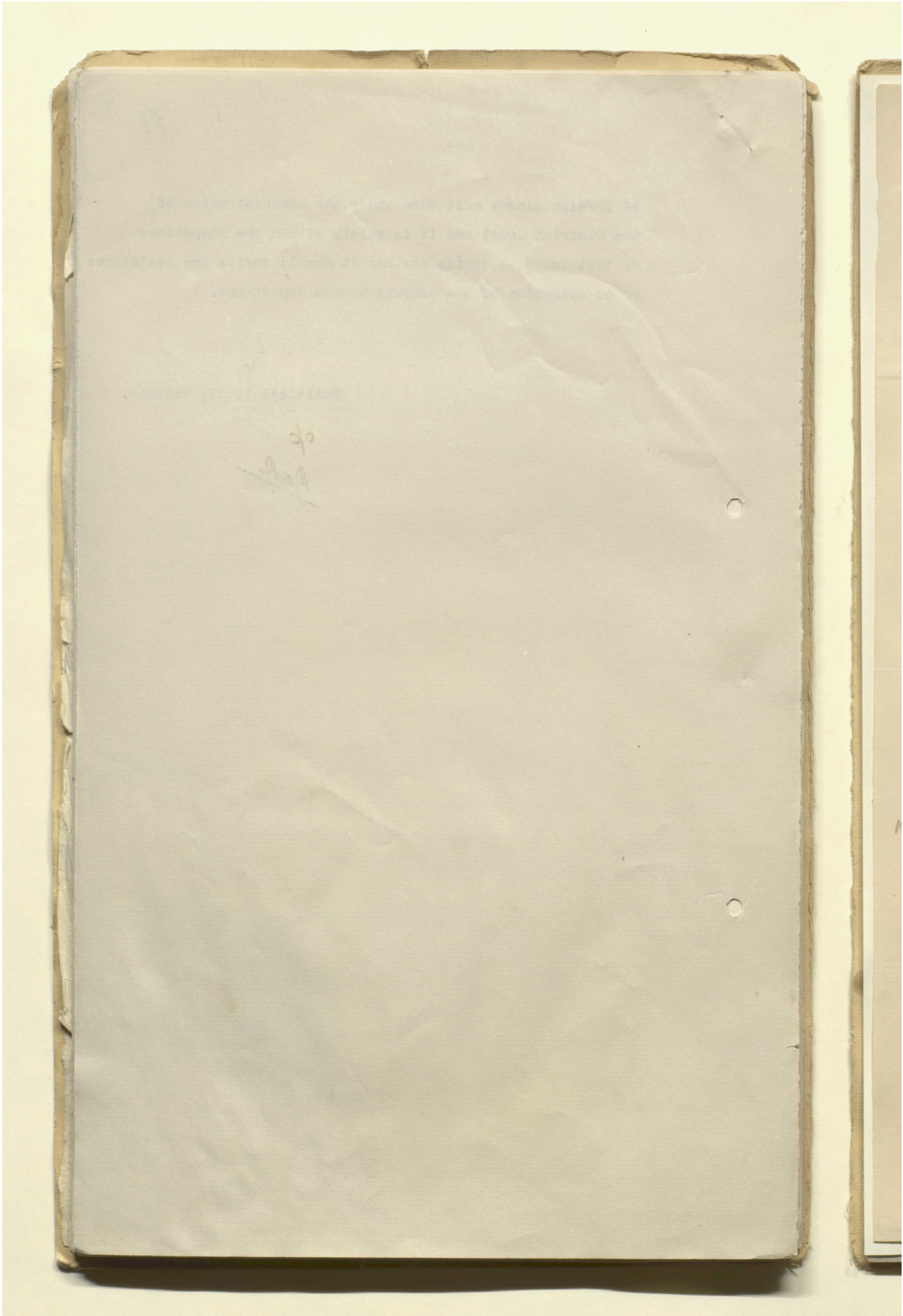
م

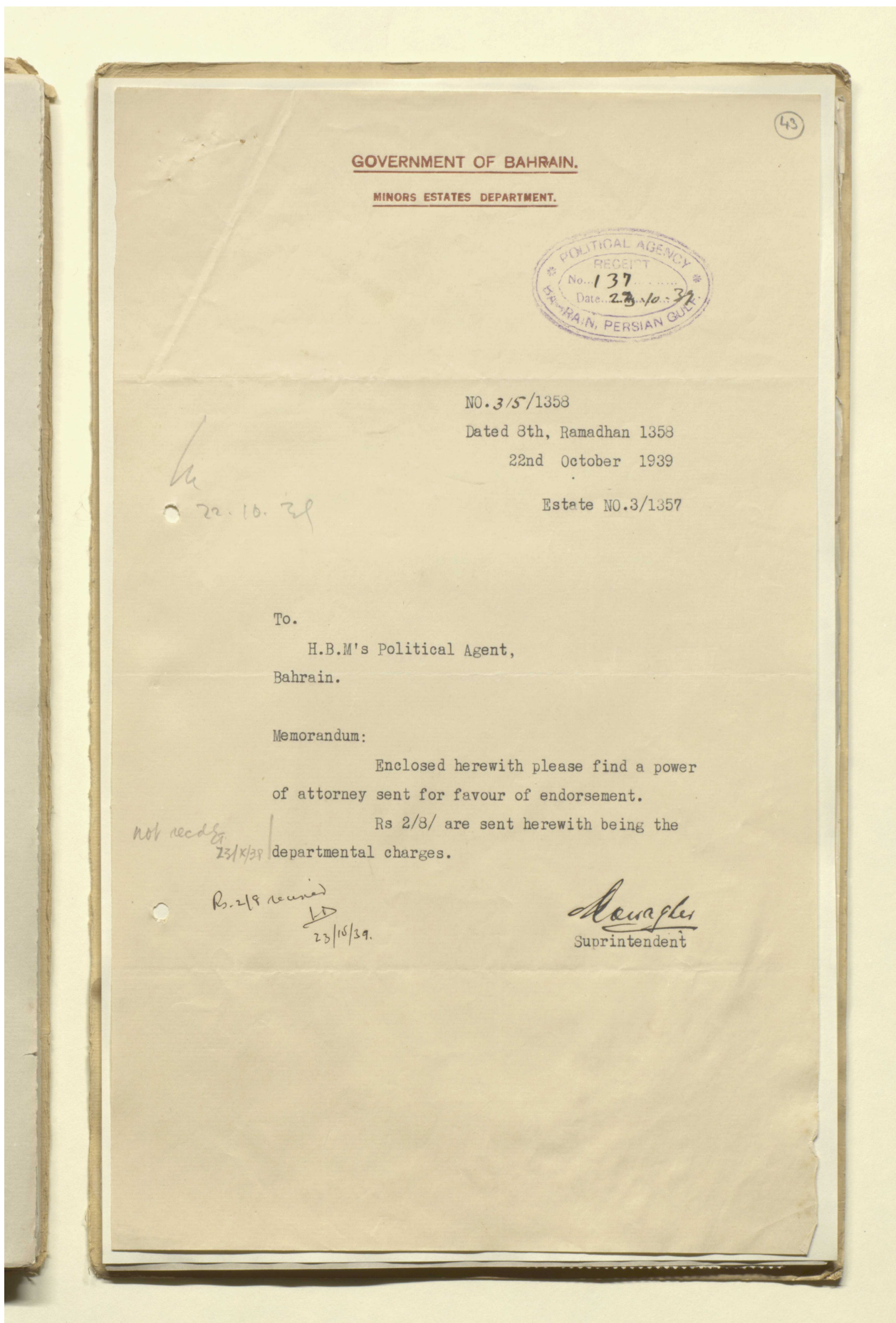


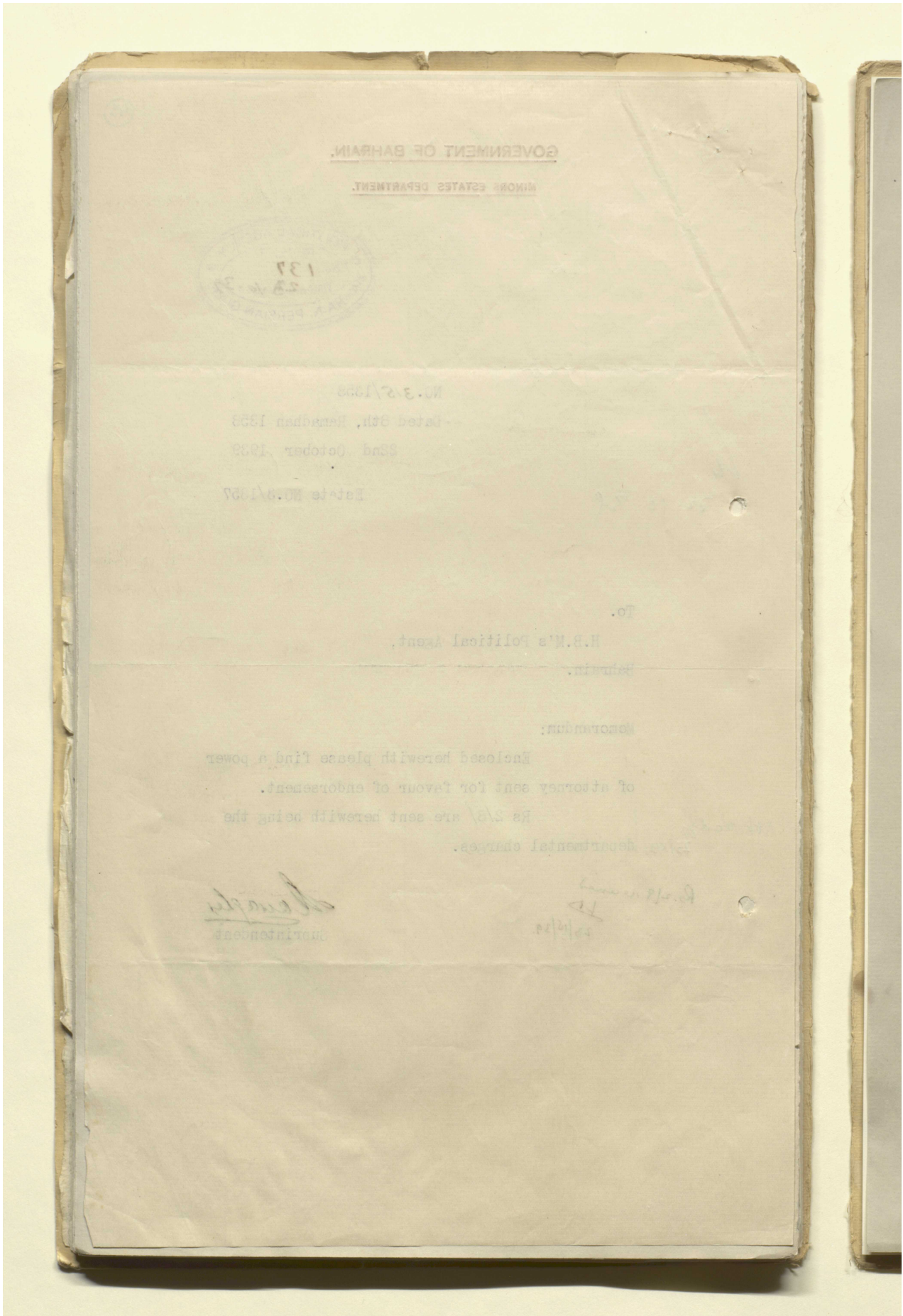


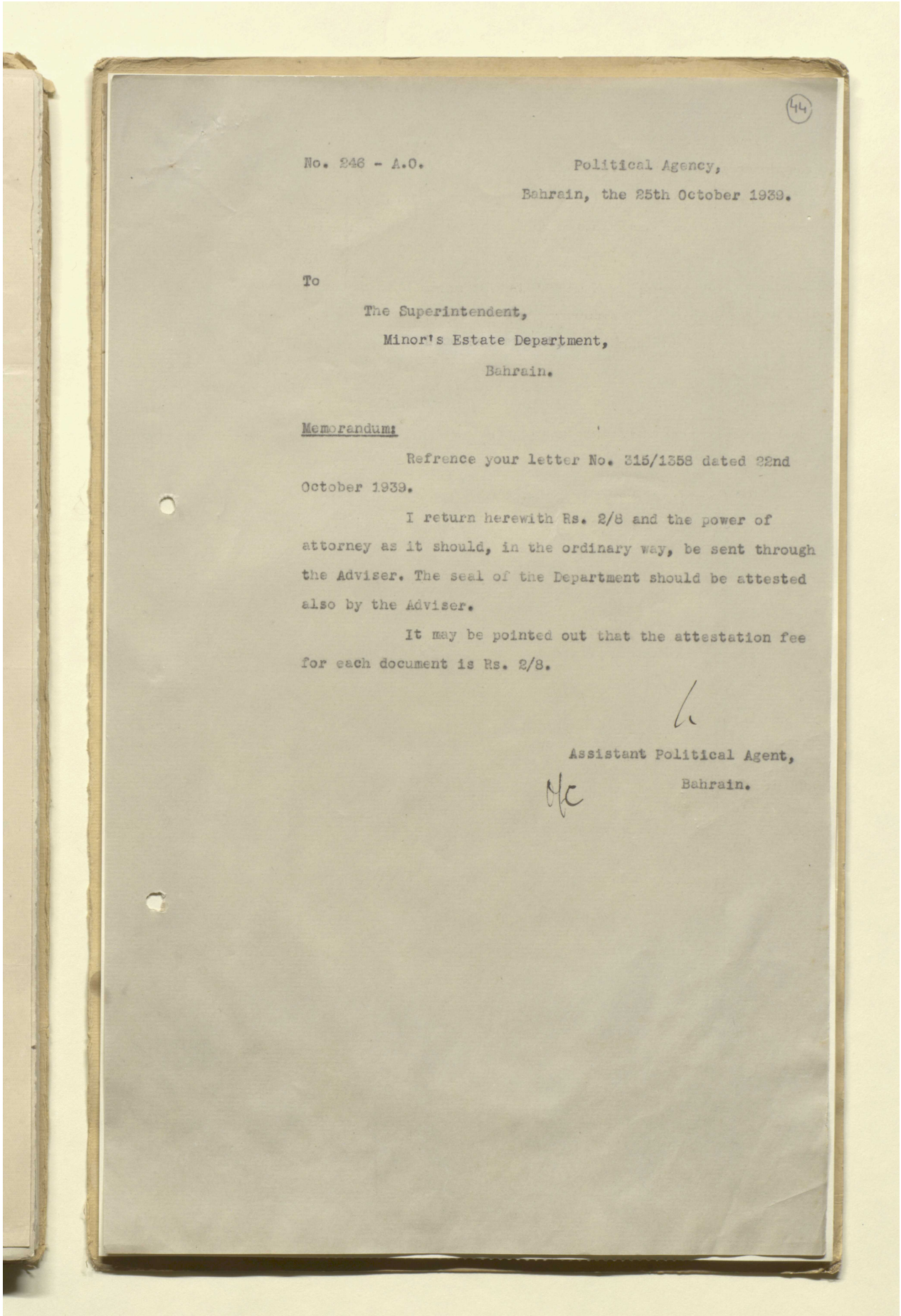


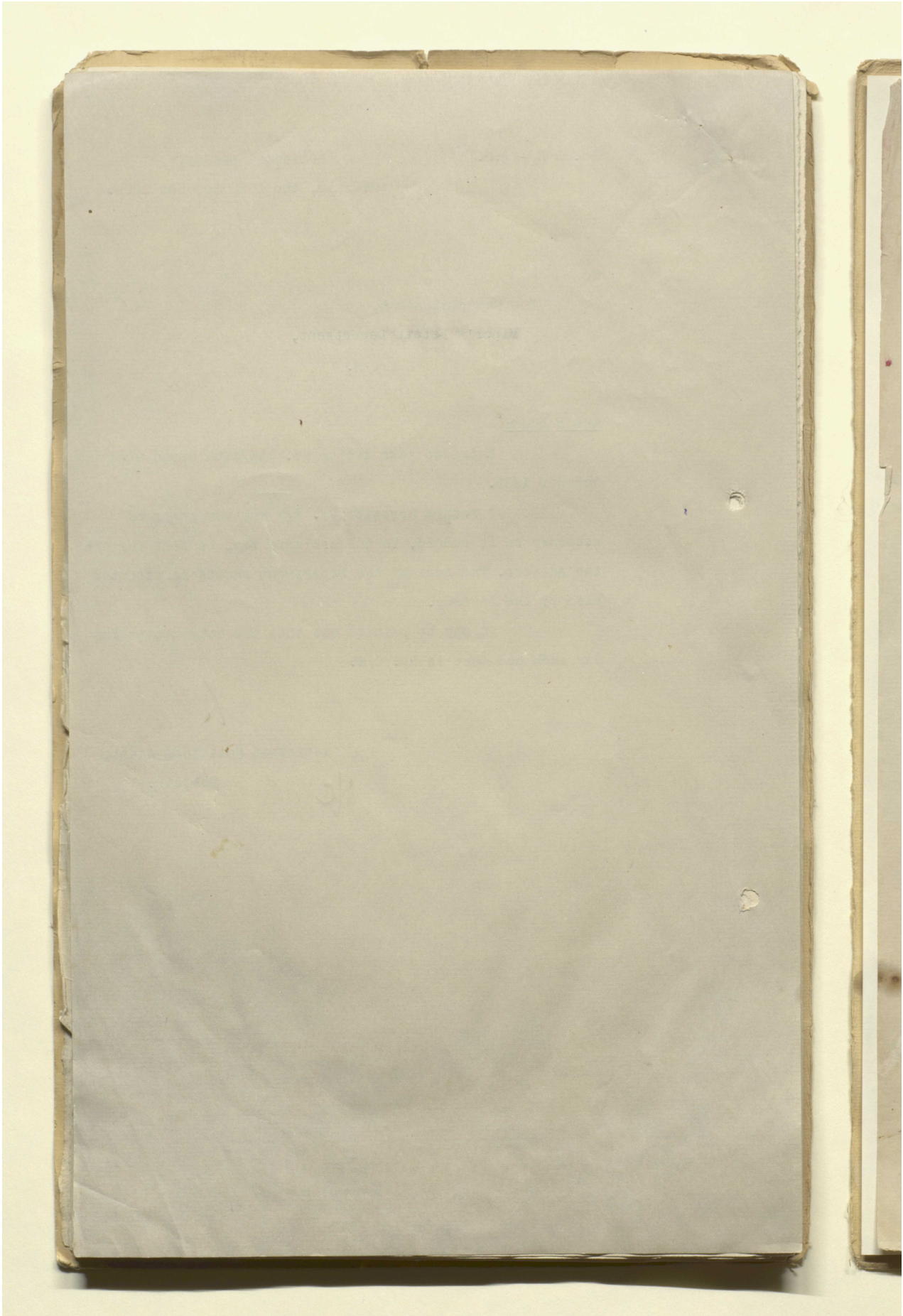










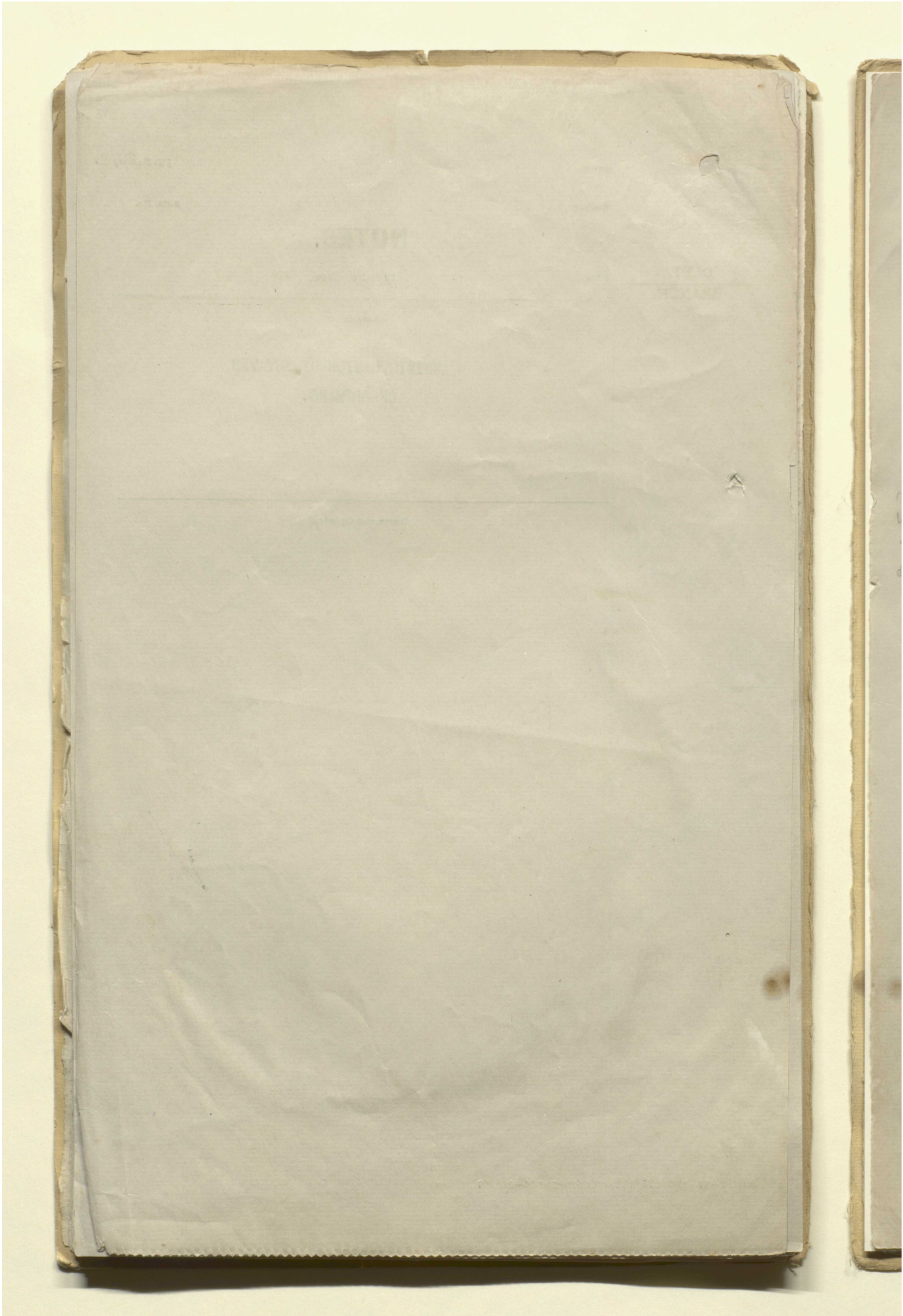


V O (45)

Section.	File No. 20/E.
Ending.	Serial No.
DEPT. BRANCH.	Proa. 19 . Nos.
NOTES.	
Subject.	
ADMINISTRATION OF ESTATES OF ORPHANS.	
Notes and Orders.	

S. 1.

MGIPC-S1-1027 (CPS)MFP-(M-753)-24-9-34-6.00.000



2. Letter No.162/26-9A--of 1356 dated 10th April 1937 from the Adviser to the Bahrain Government, Bahrain.

ADMINISTRATION OF ESTATES
OF ORPHANS.

A.P.A.

Submitted. For pps. please see pages 8 and 13 of file submitted below. Regarding the disposal and the handling of estates, please see an explanatory note made by the late I.A. (K.B.Sayid Siddiq) at page 4 of Note.

P.A. BT. 13/4

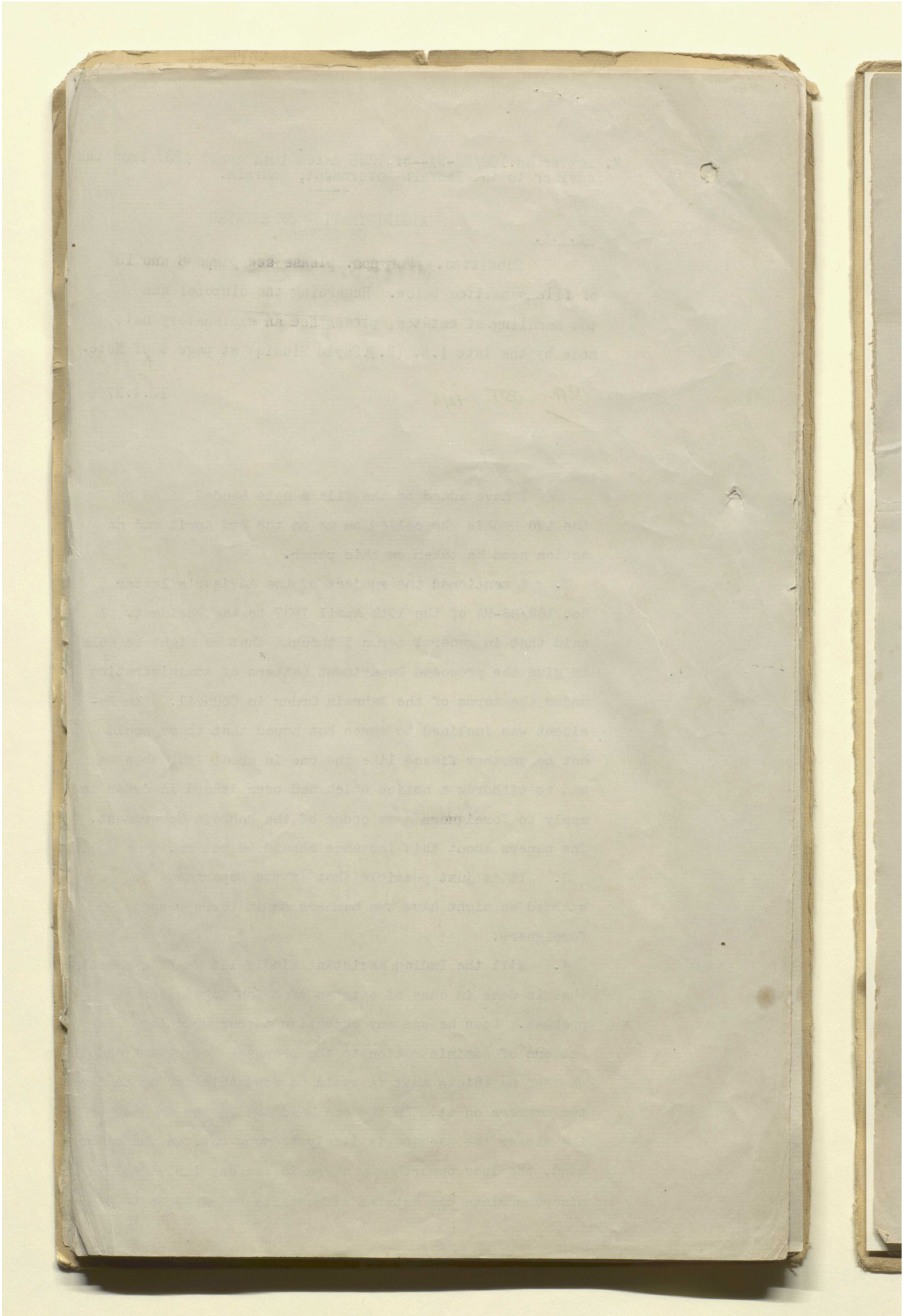
13.4.37

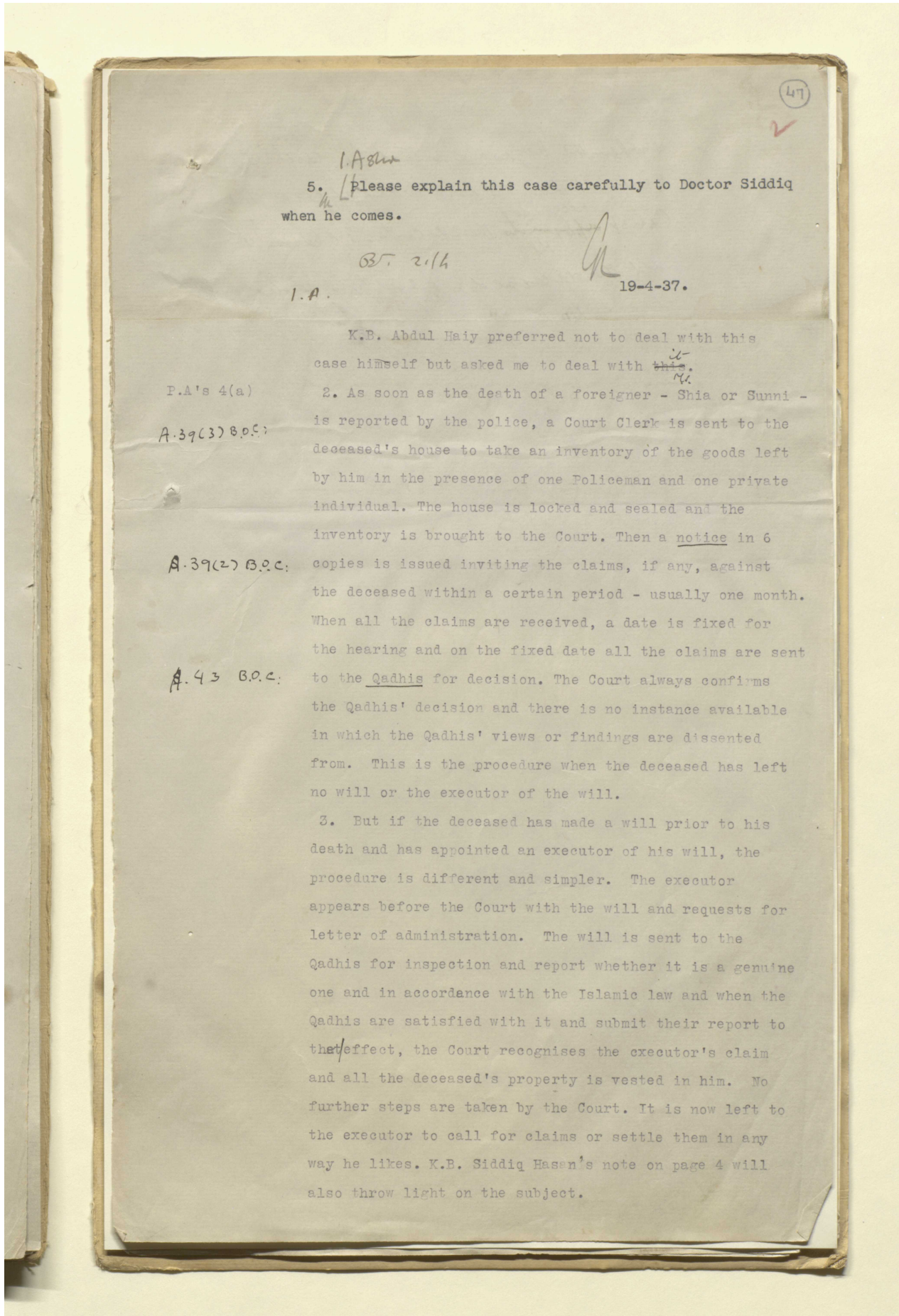
I have added to the file a note handed to me by the two Qadhis who called on me on the 3rd April and no action need be taken on this paper.

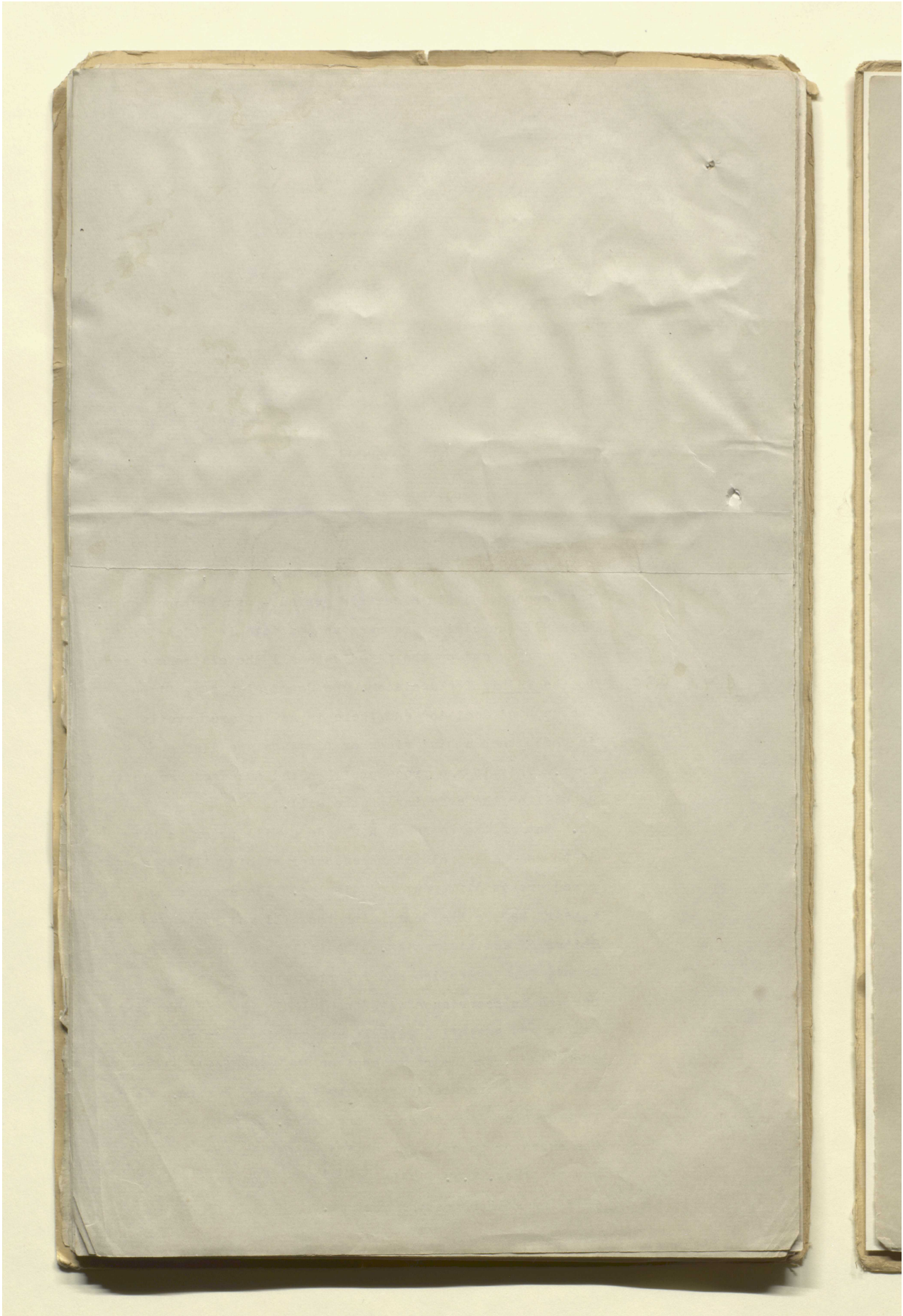
2. I mentioned the subject of the Adviser's letter No. 162/26-9A of the 10th April 1937 to the Resident. I said that in general terms I thought that we might be able to give the proposed Department Letters of Administration under the terms of the Bahrain Order in Council. The Resident was inclined to agree but hoped that there would not be another fiasco like the one in about 1931 when we had to withdraw a notice which had been issued in order to apply to foreigners some order of the Bahrain Government. The papers about this instance should be put up.

3. It is just possible that if the Department is started we might have two members on it to represent foreigners.

4. Will the Indian Assistant kindly let me know exactly what is done in case of estates of Shiah foreigners at present. Does he see any objection to our granting Letters of Administration to the proposed Department and whether he thinks that it would be advisable for us to have two members on it. On the one hand the larger the number is the slower the machine is likely to work but, on the other hand, the less opportunity there is for any individual to misappropriate the estates without its being known to other







3 (48)

P.A's 4(b).

4. I am not in favour of giving Letters of Administration to the proposed Department as it would be a Bahrain Government Department and our granting Letters of Administration to it would be tantamount to granting control to Bahrain Government over foreigners - a circumstance which, as far as I can understand, is against the letter and the spirit of the Bahrain Order-in-Council.

Even from efficiency point of view the change is not desirable as it is a common ^complaint among the people here that the cases in the Bahrain Court take inestimably long time before they are settled while those in the Agency Court are settled rightaway. And there is a great amount of truth in this statement.

P.A's 4(c)

5. Does not arise.

6. I suggest that we better wait and see how the proposed department runs. If it functions satisfactorily and upto our standard of justice, we can join it ^{later} as it would always be open to us to do so. But if it does not work effectively and efficiently I do not consider the change would be justifiable.

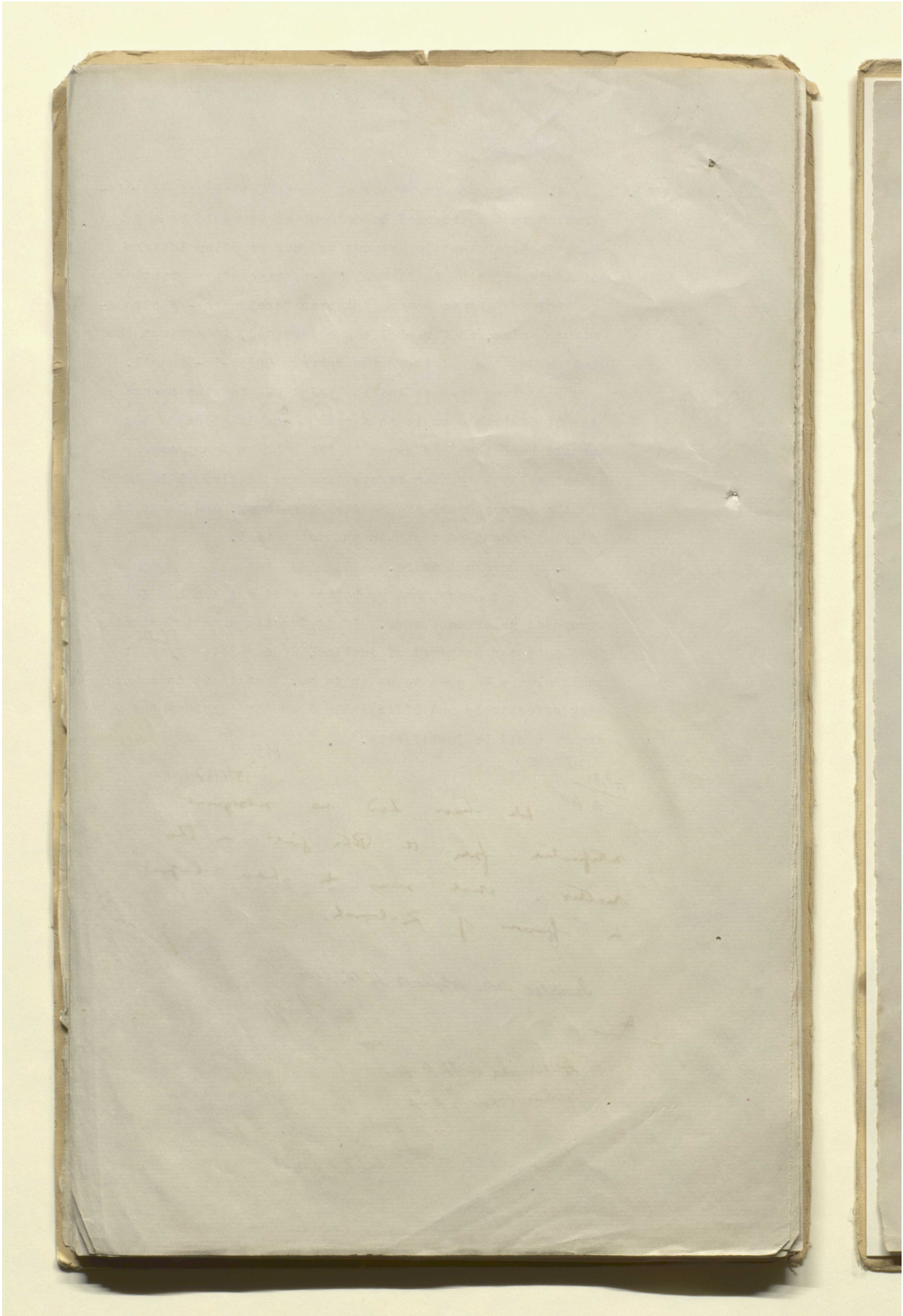
A.P.A.
P.A.

We have had no subsequent notification from the Bhr Govt on this matter, which seems to have lapsed in favour of Z. branch.

M.S.
15/6/37

I would like to speak to the I.A.
I.A.
26/6

Discussed with P.A.
Action taken by P.A.
file
30/7/37



16. Letter No. 18/24 dated 6th February 1938 from the Adviser to the Bahrain Government, Bahrain.

A.P.A.

No action is necessary to be taken on this letter as the matter concerns Bahrain Subjects & does not affect British Subjects. Paper may be filed after P.A. has seen please. *LO* 10/3/38

LO 10/3 11/19/38

20. Letter No. 617/24 dated 19th May 1938 from the Adviser to the Bahrain Government.

A.P.A.

A copy may be sent to P.R. under P.L. after P.A. has seen. For orders please. *LO* 26/5/38

PA

MS 28/5

Forward to P.A. say that in the coming letter that the new dep. should file a long-felt want. It may well be possible in due course for the Agency to make use of this dep. in dealing with the estates of foreign minors.

Draft Submitted *LO* 29/5 29.5.38

34. Issued Memo.No.160-V.O. d/- 29-5-38 to the Secretary, Bushire.

