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A (a) v.—Intervention between Rulers and their Subjects and Feudatories.

BANSDA STATE.

Sometime during the latter part of the nineteenth century the Bheels of the Dangs (forests) of Bansda, grew turbulent, and it appears that in order to appease them, the then Ruler of Bansda gave a cash grant to the Naik of Pimpri, one of the Bheel chieftains, in consideration of his promise to keep good relations with the Darbar. A tribe of animists.

The Naik continued to receive the grant every year; but, somehow, at a comparatively recent date, these payments failed for several years together; and consequently the Naik approached the Political Agent of the District to intervene on his behalf.

The Agent referred the matter to the Darbar, but as there was nothing in the State records to show when and why the grant was made, the Agent at Surat was informed that the Naik should be called upon to produce evidence in support of his claim.

The Agent's reply was conveyed to the Darbar in his letter No. P/A/152 of 1910 dated the 7th April, 1910, which together with his reminder No. P.A.B/7 of 1910 sought to place the burden of proof on the Darbar. Exhibit VI(a).
Exhibit VI(b).

Meanwhile a search was being made in the State records; but during that time, the Agent kept on reminding the Darbar about the matter; and in one of these reminders he said that he "must lay the matter before the Government . . ." Exhibit VI(c).

Without entering into the subsequent history of the case, the Darbar's contention in this is that there was no right of interference on the part of the Government.

EXHIBIT VI (a).

No. P.A./152 of 1910.

FROM F. H. G. ANDERSON, ESQ., M.A., I.C.S., POLITICAL AGENT, SURAT,
TO MAHARAJA SHRI PRATAPSIHJI GULABSINGHJI, RAJA OF
BANSDA. DATED CAMP KIM, 7TH APRIL, 1910.

MY FRIEND,

In reply to your letter No. 32 of 16th February, 1909, I have the honour of informing you that search has been made in our records and those of the Pimpri Naik and we have been able to find entries in the accounts of the Dangs showing that the Hak was paid as far back as the year 1882. It was then entered as a regular payment from your State. Further than this, I would remind you that in 1891 the Naik borrowed from you Rs. 300/- on the security of his allowance. It is extremely unlikely that such a loan would have been made unless at the time your State had admitted the liability. You ask whether the Naik has any document proving his title. I may remind you that in the majority of cases no such documents proving the original grant of Tode Giras Haks exist, and in case of the Dang Raja, who is illiterate, it is extremely unlikely that any document of any kind would ever be preserved.

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A (a) v.

I should be glad to know whether you find in your accounts any evidence rebutting the entries in the annual reports of the Dangs from 1882 onwards, together with the evidence of the loan in 1891, and if so, will you kindly let me know its nature.

I am,

Your sincere friend,

X X X,

Political Agent, Surat.

EXHIBIT VI(b).

No. P.A.B/7 of 1910.

FROM F. G. H. ANDERSON, ESQ., I.C.S., POLITICAL AGENT, SURAT,
TO MAHARAJA SHRI PRATAPSINHJI GULABSINHJI, RAJA OF
BANSDA. DATED SURAT, 3RD OCTOBER, 1910.

My No. PA/152 of 7th April, 1910.

MY FRIEND,

I have the honour of enquiring whether you have had sufficient time to find the records, if any exist, if they cannot be found, then, I think the State is bound to continue the payments until you can prove your non-ability, to the Naik of Pimpri.

I am,

Your sincere friend,

X X X,

Political Agent, Surat.

EXHIBIT VI(c).

No. P.A.B./7(F).

Sixth reminder.

FROM F. G. H. ANDERSON, ESQ., I.C.S., POLITICAL AGENT, SURAT,
TO MAHARAJA SHRI PRATAPSINHJI GULABSINHJI, RAJA OF
BANSDA. DATED SURAT, 11TH JULY, 1911.

MY FRIEND,

I have the honour to request that you will be good enough to send an early reply to my reference noted in the margin.

I see that it has been awaiting your reply now ever since April, 1910, that is for 15 months. During all that time I have received only your letter No. 66 of 17th May, 1910, in which plague and your absence from Bansda were given as reasons for delay.

I believe both these causes have now disappeared. Yet for a clear year I have received no word of reply to my further letters on the subject. May I request the favour of your informing me within a week what now is preventing you from dealing with the case; as I must lay the matter before Government without further delay.

I am,

Your sincere friend,

X X X,

Political Agent, Surat.

No. P.A.B. 7 of
3rd Oct. 1910 re
Giras.
Allowance to
Pimpri Naik.

BIKANER STATE.

Attention is invited to Articles 2, 6 and 7 of the Bikaner Treaty of 1818.

Exhibit 1.

In 1883, the Sirdars (noblemen) of Bikaner rebelled. The State applied to the British Government for assistance in putting down the rebellion. Assistance was rendered and subsequently, no doubt, on the advice of his Agent in Rajputana, Lord Ripon addressed to the Maharaja of the time the Kharita (formal communication) dated the 31st December, 1883.

Exhibit 2.

By Article 7 the British Government had undertaken "to reduce to subjection the Thakurs and other inhabitants of his (Maharaja's) principality who have revolted and thrown off his authority," subject to the condition that the Maharaja paid the expenses of the force employed for the suppression of the revolt.

Thus the assistance rendered by the British Government to the Bikaner State in 1883 was a discharge of an obligation incurred under the Treaty of 1818. Nevertheless the opportunity was taken to compel the State to receive a resident Political Agent. The language which Lord Ripon employed was as follows:—

" The Officer whom I have selected for the post will not be ordered to assume the direct control of the Government, but it is necessary that Your Highness should consult him freely and be guided by his advice and Colonel Bradford will inform Your Highness of the matters upon which I consider it specially desirable that he should afford Your Highness the advantages of his counsel and assistance.

" I trust that Your Highness will unreservedly acquiesce in these arrangements "

The Marquis of Hastings who was Governor-General of India in 1814, noted the following reflections in his private journal:—

" In our Treaties with them (the Princes of India) we recognise them as independent sovereigns. Then we send a Resident to their courts. Instead of acting in the character of ambassador, he assumes the functions of a dictator; interferes in all their private concerns, countenances refractory subjects against them and makes the most ostentatious exhibition of his exercise of authority."

Later events dealt with in a memorandum of this State under the head A (a) xvii, will show how true Lord Hastings words are in their application even to present-day practice.

The presence of a Political Officer in a State generally operates to lower the prestige of the Ruler of the State by affording encouragement to the subjects of the State to invoke his assistance as the representative of the mighty British Government. It does not appear that in Bikaner his presence prevented the recurrence of the events of 1883. In 1904-05 the discontent of the Sirdars made itself manifest in the conduct of some of the Pattedars in the State who organised a conspiracy for the eventual overthrow of the present Maharaja's authority. Seditious meetings were held by the Pattedars who spared no pains to spread disaffection amongst the people of the city. Every attempt was made to excite feelings of ill-will against the administration of the State, to hold it up to hatred and contempt and to alienate the people of the State from their allegiance. His Highness the Maharaja appointed a commission to enquire into the conduct of the Pattedars implicated and the commission recommended suitable punishments to be awarded to the ringleaders of the seditious movement, who were Pattedars of Ajitpura, Bidaser, and Gopalpura.

It might be mentioned at this stage that the cause of the seditious movement was the belief of the Pattedars that the defiance of the Maharaja's authority would lead to the deprivation of his powers and their own independence (*vide* the evidence of Sri Gulab Singh and Sri Gopal Singh before the Commissioners).

Exhibit 3.

The position that had arisen was such that but for timely action on the part of His Highness' Government a serious widespread rebellion would have broken out which it would have been impossible to suppress without resort to Military Force.

Exhibit 4.

A (a) v.

Exhibit 5.

Nevertheless the Agent to the Governor-General in Rajputana thought fit to impugn the decision of the Maharaja based upon the recommendations of the Commissioners and persuaded the Government of India to characterise the punishments as of "a severity in excess of the deserts" and such as "would never be inflicted in British Territory" (*vide* Political Agent's letter No. 160-P., dated 7th December, 1905). Attention is invited to the last two paragraphs of this letter in which it is stated "that in remitting the ultimate decision in the matter to Your Highness, Lord Curzon was reposing a confidence in Your Highness which, His Excellency is convinced, would be justified" and that "the Agent to the Governor-General is assured that Your Highness would show yourself worthy of the confidence reposed in you by the Government of India."

The action of the Government of India in suggesting and indeed insisting upon revision of the Maharaja's orders is regarded as an instance of direct and disastrous interference with the Maharaja's authority effectively to rule over his State.

The effect of this interference was that the village of Momasar, in the Patta of Bidasar, which under the sentence pronounced upon the Thakur of Bidasar, had been ordered to be confiscated, was not handed over to the State until three years after. The State was, therefore, compelled to employ troops in 1908 to take forcible possession of Momasar.

Exhibit 6.

In 1921-22, Raja Jeoraj Singh, one of the nobles of the State, and his two sons took up a most contumacious attitude towards His Highness' Government. They levelled against that Government grave accusations imputing to it dishonest action, breach of faith, fraud and forgery. They were suitably dealt with, that is, their jagir was forfeited and they were expelled from the State. The Agent to the Governor-General in Rajputana intervened on their behalf *vide* his letter of 28th February, 1923. This letter is entirely unexceptionable in tone and might be treated as amounting only to a friendly recommendation. Nevertheless it is an example of the intervention which it is possible for the Political Officers to exercise under the existing system. The effects which even such mild intervention and friendly persuasion may produce may be stated in the words of His Highness the Maharaja of Bikaner. Replying to the Agent to the Governor-General's letter above referred to, on 6th March, 1923, His Highness wrote as follows:—

"Such intervention apart from other obvious evils also undoubtedly encourages in the minds of the offending notables and others in a State, the belief that they have the sympathy and support against the State of the Agent to the Governor-General or other high British Officials as the case may be, and far from helping matters and having the beneficial results aimed at, such intervention or action really leads to further defiance and hostility and has thus a demoralising effect and particularly and prejudicially affects discipline and authority. In my opinion, therefore, the only safe and sound method of dealing with such matters—however unpleasant—is to let things run their true and normal course and whatever action may be necessitated from time to time should be taken solely with due regard to justice and the merits of the case after taking into consideration all the circumstances involved."

It seems necessary to emphasise the point that any intervention on the part of Political Officers in favour of the subjects or nobility of the State is wrong in principle and tends to weaken the authority of the Ruler and thereby to impair the effective exercise of his sovereign rights and the discharge of his responsibilities. Political Officers sometimes come to regard themselves as joint and senior Rulers of the States. In the words of Sir Charles Metcalfe:—

"Another evil of interference is that it gives too much power to our Agents at foreign courts and makes Princes and Ministers very much the slaves or subjects of their will. An interfering Agent is an abominable nuisance wherever he may be and our Agents are apt to take that turn. They like to be masters instead of mere negotiators. They imagine, often very erroneously, that they can do good by meddling in other peoples' affairs; and they are impatient in witnessing any disorder which they think may be remedied by our interference, forgetting that one step in this course will unavoidably be followed by others which will most probably lead to the destruction of the independence of the States concerned. It must be admitted to be an evil of the non-interference policy that temporary and local disorder may occasionally ensue, and must be tolerated, if we mean to adhere strictly to that principle. But it is a consequence which we naturally dislike. We are not disposed to wait until things settle themselves in their natural course. We think ourselves called on to interfere, and some bungling or unnatural arrangement is made by our will, which, because it is our own, we ever after support against the inclination of the people and their notions of right and justice.

"The true basis of non-interference is a respect for the rights of others—for the rights of all, people as well as Princes. The Treaties by which we are connected with the Native States are, with rare exceptions, founded on their independence in internal affairs. In several instances the States are, with respect to external relations, dependent and under our protection but still independent in internal affairs. It is customary with the advocates of interference to twist our obligations to protection against enemies into a right to interfere in the internal affairs of protected States—the right, however, which our Treaties generally do not give us, otherwise than as the supporters of the legitimate sovereign against usurpation or dethronement, in the event of his not having merited disaffection of his subjects.

"The advocates for interference would probably maintain that it is right to anticipate mischief and prevent it by decided interference, and, as disorder will sometimes follow our adherence to non-interference, there would be much weight in that argument if our interferences were always productive of good. But we often create or aggravate mischief and disorder by injudicious interference and prevent a natural settlement of affairs, which would otherwise take place. One of the strongest arguments in my mind against interference is that it is more apt to work evil than good. There is nothing in our political administration that requires so much circumspection, caution and discreet judgment, as interference in the affairs of other States. A single mistake on the part of an Agent may cause irreparable mischief; and the power left to Agents on such occasions is immense. Almost everything depends on their judgment. The effects of interference are anything but certain. It is not, therefore, a conclusive argument in favour of interference, although it is the best, that we may thereby prevent evil; for, on the contrary, we are just as like to create it; I should indeed say, infinitely more so. And the evil created by interference is generally irremediable. It virtually, if not ostensibly, destroys the State to which it is applied and leaves it only a nominal, if any, existence.

"Our attempts to interfere for the better Government of the other States have often been wretched failures as to our purpose, but have nevertheless had all the bad effects of interference on the States concerned, as well as on the minds of other States. Where interferences shall begin, and where end, and to what object it shall be confined, and how that object shall be accomplished without involving further and unnecessary interference, are all nice points to determine. The question of interference altogether is indeed the most difficult of any in Indian Policy; but interference is so likely to do evil, and so little certain of doing good, that it ought, I conceive, to be avoided as much as possible. The evils of non-interference may certainly be such sometimes as we would not like to permit to continue, but their effects are generally temporary, and leave the State independent in internal affairs as before. The effects of interference are permanent, and degrade the State for ever, if they do not destroy it."

EXHIBIT 1.

TREATY BETWEEN THE HONOURABLE THE ENGLISH EAST INDIA COMPANY AND MAHARAJAH SOORUT SINGH BAHADUR THE RAJAH OF BIKANER, CONCLUDED BY MR. CHARLES THEOPHILUS METCALFE ON THE PART OF THE HONOURABLE COMPANY, IN VIRTUE OF FULL POWERS GRANTED BY HIS EXCELLENCY THE MOST NOBLE THE MARQUIS OF HASTINGS, K.G., GOVERNOR-GENERAL, ETC., ETC., AND BY OIJHA KASHEE NAUTT, ON THE PART OF RAJ RAJHEESUR MAHARAJAH SROOMUN SHREE SOORUT SINGH BAHADOOR, ACCORDING TO FULL POWERS GIVEN BY THE RAJAH—1818.

ARTICLE 1.

There shall be perpetual friendship, alliance, and unity of interests between the Honourable Company and Maharaja Soorut Singh and his heirs and successors and the friends and enemies of one party shall be the friends and enemies of both parties.

ARTICLE 2.

The British Government engages to protect the principality and territory of Bikaner.

ARTICLE 3.

Maharajah Soorut Singh, and his heirs and successors will act in subordinate co-operation with the British Government and acknowledge its supremacy, and will not have any connection with any other Chiefs or States.

ARTICLE 4.

The Maharajah and his heirs and successors will not enter into negotiation with any Chief or State without the knowledge and sanction of the British Government; but the usual amicable correspondence with friends and relations shall continue.

ARTICLE 5.

The Maharajah and his heirs and successors will not commit aggressions on any one; if by accident any dispute arise with any one the settlement of it shall be submitted to the arbitration and award of the British Government.

ARTICLE 6.

Whereas certain persons of the principality of Bikaner have adopted the evil courses of highway robbers and banditti, and have plundered the property of many to the great molestation of the peaceable subjects of both of the contracting parties, the Maharajah engages to cause to be restored the property plundered from the inhabitants of the British territories up to this time, and for the future entirely to suppress the robbers, and plunderers in his principality. If the Maharajah be not able to effect their suppression assistance shall be afforded on his application by the British Government in which case the Maharajah will pay all the expenses of force employed; or in the event of his not finding means to pay those expenses, he will in lieu cede parts of his territory to the British Government, which after the payment of those expenses shall be restored.

ARTICLE 7.

The British Government, on the application of the Maharajah, will reduce to subjection the taukoors and other inhabitants of his principality who have revolted and thrown off his authority. In this case the Maharajah will pay all the expenses of the force employed; or, in the event of not having the means, will, instead, cede parts of his territory to the British Government, which shall be restored after payment of those expenses.

ARTICLE 8.

The Maharajah of Bikaner will furnish troops at the requisition of the British Government, according to his means.

ARTICLE 9.

The Maharajah and his heirs and successors shall be absolute rulers of their country, and the British jurisdiction shall not be introduced into that principality.

ARTICLE 10.

As it is the wish and intention of the British Government that the roads of Bikaner and Bhutneer be rendered passable and safe for the transit of trade to and from the countries of Cabul and Khorasaun, etc., the Maharajah engages effectually to accomplish that object within his own dominions, so as that merchants shall pass with protection and safety and meet with no impediment; and with respect to custom duties the established rates shall not be exceeded.

ARTICLE 11.

This Treaty of eleven Articles having been concluded and signed and sealed by Mr. Charles Theophilus Metcalfe and Oujha Kashee Nautt, the ratifications of His Excellency the Most Noble the Governor-General and Raj Rajheesur Maharajah Sroomun Sree Soorat Singh Bahadoor, shall be exchanged within twenty days from the present date.

Done at Delhi, this 9th day of March, A.D. 1818.



(Signed) C. T. METCALFE. L.S.
 (Signed) OIJHA KASHEE NAUTT. L.S.
 (Signed) HASTINGS.

This Treaty was ratified by His Excellency the Governor-General, in Camp, near Patrassa Ghaut on the Gogra, on the 21st of March, 1818.

(Signed) J. ADAM,

Secretary to the Governor-General.

EXHIBIT 2.

KHARITA FROM LORD RIPON DATED THE 31st DECEMBER, 1883, TO THE ADDRESS OF HIS HIGHNESS MAHARAJAH SRI DUNGAR SINGHJI BAHADUR.

I have heard with much concern from Colonel Bradford, my Agent in Rajputana, of the disturbances which have occurred in Your Highness' State during the course of this year. I have now received full reports from Colonel Bradford upon the cause of those disturbances and upon the measures which he recommends for the restoration of order in Bikaner. It appears that, in spite of all warnings to the contrary, Your Highness has remained in the hands of evil advisers, and that for some years past there has been no improvement in the administration of the State. Numerous abuses have been allowed to prevail, and the condition of the State has become more and more serious, until at last Your Highness' authority has been openly defied; and it has been necessary for the British Government, at Your Highness' request, to put down rebellion in your territory by the despatch of an armed force.

My friend, the British Government cannot permit the recurrence of such a state of affairs. I shall always be ready to preserve the legitimate authority of the Native Chiefs of India against unlawful rebellion; but it is my duty to prevent the dominions of Native Chiefs from falling into a condition of anarchy and disorder which render rebellion possible. In the present case it appears clear to me that the State of Bikaner cannot be preserved from disorder in the future unless Your Highness is aided in the administration of your territories, for a time at least, by the constant presence and support of a British Officer, and I have desired Colonel Bradford to inform Your Highness that a resident Political Agent will now be appointed to Bikaner. I am very reluctant to interfere with the internal administration of Native States, and Captain Talbot, the Officer whom I have selected for the post, will not be ordered to assume the direct control of the Government, but it is necessary that Your Highness should consult him freely and be guided by his advice; and Colonel Bradford will inform Your Highness of the matters upon which I consider it specially desirable that he should afford Your Highness the advantages of his council and assistance.

I trust that Your Highness will unreservedly acquiesce in these arrangements, and will endeavour by every means in your power to restore good order throughout your territories, and to regain the confidence of the British Government.

EXHIBIT 3.

EXTRACT FROM THE STATEMENT GIVING AN ABSTRACT OF THE PROCEEDINGS IN THE SIRDARS' CASE AGAINST THAKUR BHAIRUN SINGH OF AJITPURA.

9 and 10 *Sri Gulab Singh and Sri Gopal Singh* Rajvies of Alsar, aged 20 and 27 years respectively, state:—

“Rawat Singh Kandhal of Dungrana came to us and said that he had been sent to us by the Pattedars of Ajitpura and Sankhu with the word that the State was causing them great trouble and so they intended to assemble together on the occasion of His Highness' Birthday. We might do the same and bring other Sirdars also. They would petition against His Highness and his powers would be taken away. All of us would triumph and the State would lose its prestige (apni bat unchi aur Raj ki nichhi ho jawegi). The State showed them no respect and had brought them down to the dust (khakme men mila diya hai). Formerly in S. 1940 His Highness the late Maharajah had troubled them and lost his powers. Similarly now His Highness' powers would be taken away. They would be in great comfort and every one would become a Raja (King) in his own house (ghar ghar ke sab Raja bun jawenge).
.....”

EXHIBIT 4.

Private and Confidential.

CAMP ALWAR,

1st April, 1904.

MY DEAR MAJOR STRATTON,

I have received your letter regarding the remarks of the A.G.G. on the Sirdars' case, and although I will reply to it officially in due course from Bikaner when I will also send you the necessary accompaniments, and although this letter is not for record but a

A (a) v.

private one, I send you these few lines from here in the hopes of their reaching you at Abu before you return to Bikaner so that in case you see them at Abu now on the subject you may also know my views on the remarks. I type this to make this less unwieldy and easier to read.

It is a pity that this matter has not been settled in Sir A. Martindale's time and still more so before you leave us, but we cannot help this and now must do the best we can—I hope very much all the same that it may yet be possible to do a great deal before you go, even if we can't perhaps finish it all on our side.

As regards the Commission's report, as you know, it cannot be expected to be entirely a judicial document, as although the work there was carried on as far as possible on strictly judicial lines, yet the proceedings were undoubtedly of an Administrative nature. Moreover, it should also not be lost sight of that the report was originally in Urdu, the translation of which was sent you in rather a hurry to save delay. However, in the opinion of the Darbar the evidence is so strong that any shortcomings that may be found in the report will appear of no consequence when that is looked into.

The comparison between the punishments awarded at Jaipur and those in our State, is, if I may say so, hardly relevant in every detail. I do not feel justified in criticising the action taken in a Brother State, but all I can say is that it caused much surprise in more than one State to my own personal knowledge. Besides if one State chooses to give a more lenient punishment in a more serious case, that does not necessarily signify that our action was wrong or that we had not the right nor justification to confiscate a portion of their jagirs. It is unnecessary for me to repeat here what you are already acquainted with and what I have mentioned in my previous letters; but we must lay great stress on the facts that their actions were not only openly disloyal to the State and that they worked on a prearranged and elaborate plan of campaign, but in absolute defiance of the conditions laid down in the grants under which they held their puttas. The fact should also be borne in mind that there was every possibility, had their movement not been discovered and checked in time, of there being a general disturbance throughout the State, when it would have been necessary to employ armed force. Consequently, the fact that military display had not to be resorted to does not in any way lessen the gravity of their offence nor does it reflect any more to their credit. We should also point out that this year is not the first that they started this movement in (we have been putting up with it more or less for the last six years and have given them many warnings and many chances), that they not only openly defied the Durbar and continued in their obstinate propaganda, but that their attitude to the end was highly undesirable in spite even of the kindly advice given by yourself, also that this time it was highly desirable to award them such punishments, compatible with justice which could both serve as a warning to others and at the same time be of such a nature as to make them feel it also. When we think of the punishments awarded to Ajitpura and present Bidasar's father in the rebellion of S. 1940, and then look into the line of action taken up by them in the recent affair, one cannot help feeling that the former punishments have not had much impression on them. Thus while it was this time necessary to award a bigger punishment, yet it cannot, I think, be said by anyone who knows the whole facts of the case that we have given the highest punishment that we could justly have given in this case. In fact the opinions I have obtained casually in consultation from some Sirdars outside our State (not to mention those in our State) agree with the views that you and I hold, that on the whole we have been rather lenient and not severe, that the Puttedars concerned have only got what they richly deserved.

But let us return again to the case of other States. I hear that this same Thakur of Surajgarh in Jeypur rebelled a few years ago when also arms had, I believe, to be resorted to, for which I understand he was let off only with a fine of Rs. 5,000/- while in our rebellion of S. 1904 much heavier punishments were awarded and a portion of the Bidasar land permanently confiscated as a warning. It goes without saying that it was open to His Highness the Maharaja of Jaipur to even totally pardon him this time, and doubtless His Highness must have seen some good reasons for awarding such a light punishment. I have, however, heard it said in many places that it was only paving the road for other Sirdars to follow suit and rebel. At the same time there may be some difference in the grants, conditions and positions of these Jaipur Sirdars. We also know that one of the two was a minor, and consequently his Jagir could in any case hardly have been touched. I refer to Bissou. But now we must see what has been done in Kishengarh. In our State we are not even doing anything special when the Sirdars began their game, but in Kishengarh there was never any rebellion before now, that I know of (I only refer to the last 20 or 30 years), and the State was carrying out some very useful

reforms when their Sirdars began almost an identical show there to ours, and it was, I believe, only recently that with the concurrence of the Resident and the sanction of the A.G.G., the entire Jagirs of the big Sirdars implicated as well as those of the minor people were permanently confiscated, while I hear that some of the big Sirdars were in addition punished by having their names struck off the Sirdars' list and put down as common Rajputs as "Umedwars"—a system they have there. Here is a case of heavier punishment than ours. I do not say it is unjust, but the facts are almost identical and a comparison here is of much greater value. I think, if instances were looked up and quoted, it would be found that many other States besides Kishengarh and Bikaner have had to touch Jagirs, such as Udeypur, Jodhpur, etc., and that for offences which in some cases do not come up to our "standard."

Though it does not in a way directly concern us, yet it is significant that in four States that I know of, there has been serious trouble given by the Pattedars in Rajputana, and the action that is taken by each State will be watched with the utmost interest, not only by the other Sirdars of the States of Jodhpur, Jaipur, Kishengarh, and Bikaner, which are concerned, but also of the rest of the Rajputana States. The costly measures that have had to be resorted to in all such cases in the past, the loss of life which has resulted in some cases, and the dangers of such conflagrations spreading, not only in those States, but in other States also, are all the more reasons for strong support being extended to such States by the Government, provided, of course, that no injustice is being done. For my own part and as far as our State is concerned, I am convinced, and I hope you agree with me, that it would have become impossible to carry on State work properly, had this action of the Pattedars not been checked in time or these punishments not been awarded, as without them no example could have been satisfactorily set to the other Pattedars, and though prophecies are dangerous yet I venture to say that this has now had the desired effect, and that we need not fear any more rebellions and seditious movements of importance at any rate for a long time to come. Of course, I speak under correction as regards the other States.

I will only say one thing more here on this matter, and that is that I hope, should we not be able to get through this before you leave us, it may kindly be so arranged by you that this question may be kept pending till we come up to Abu early in May, as you are so well acquainted with this question, and I think Major Bruce will have no objection to this either. It would be much better if you would very kindly agree to explain things at Abu even though you will have given over charge before then. In fact, as there is sure to be some more information required, it would be much better if the consideration of the whole matter by the A.G.G. was put off till early in May after we came up, when we would be able to explain everything clearly. If you see no objection and find time for it, it may be a good thing if you spoke to them at Abu about the case now also.

We have not had much luck with tiger yet, though I got two panthers on the 30th. Yesterday we got Khubber of a tiger for the first time and went out; but he unfortunately broke back through the beat. So I am afraid there is not much chance of my coming earlier than the 7th to Bikaner, but I arrive there on the 7th instant. I will expect you at Lallgarh on that day, or if it is any convenience to you, Lallgarh is at your disposal and you go and stay there if you return to Bikaner earlier and I will shortly join you.

I hope Mrs. Stratton and you are well and that you did not find the journey very hot; it is very cool here still, and last night was decidedly cold. Hope Muriel did not develop mumps or something like that.

With kind regards to you both.

Yours very sincerely,

(Signed) GANGA SINGH.

P.S.—Please excuse a hurriedly typed letter.

EXHIBIT 5.

Confidential.

No. 160 P.

MY DEAR MAHARAJA,

BIKANER,

7th December, 1905.

Will you kindly refer to the correspondence ending with Your Highness' letter of 17th October, 1905, forwarding your representation in the Bikaner Pattedars' case. The final orders of the Government of India in the case have now been received, which I communicate below for Your Highness' information.

After a reconsideration of the case the Governor-General in Council is now pleased to modify the orders contained in the Foreign Department's letter of 7th September, 1905. Lord Curzon, while retaining the opinion expressed in the letter above referred to, that Your Highness acted in some of the cases concerned with a severity in excess

of the deserts, was willing—matters having gone as far as they have—to support the authority of Your Highness, but I have been desired to express the very strongest hope that Your Highness will exercise your personal clemency towards the Thakurs, not in any indefinite way, but in the manner which the Government of India only refrained with the utmost difficulty from introducing into their orders of the 7th September last.

Punishments so severe as those meted out by Your Highness would never be inflicted in British territory, and as some discrimination should be shown in the punishment awarded to the Thakurs, the following modifications have been suggested by the Government of India for the consideration of Your Highness :—

(a) In the case of Thakur Bhairun Singh, who was not only the ringleader in the present disturbance, but took part himself in the rebellion of 1883, the punishment of confiscation may be allowed to stand, although it will be for Your Highness to consider, in the light of the Thakur's future behaviour, whether so much as half of his estates should be resumed.

(b) The culpability of Thakur Hukm Singh who was a child when his father participated in the rebellion of 1883 is less grave, and the sentence of confiscation of the village of Momasar might be remitted at the expiration of the period of three years, when the rest of the Bidasar Patta is restored.

(c) In the case of Thakur Ram Singh, whose family had no connection with the events of 1883, the confiscation of the village of Sulkhania is clearly a punishment in excess of his present offence and the sentence might be remitted after a period of one year and the village placed under the management of the Court of Wards like the rest of the Patta.

In thus remitting the ultimate decision in the matter to Your Highness, Lord Curzon, as almost his last official act in India, was reposing a confidence in Your Highness which, His Excellency is convinced, will be justified.

In conclusion I have to remark, with regard to the penultimate paragraph of this letter, that the Hon. the Agent to the Governor-General is assured that Your Highness will show yourself worthy of the confidence reposed in you by the Government of India.

With kindest regards,

Yours very sincerely,
(Signed) BRUCE.

EXHIBIT 6.

No. 155 P.

AJMER,

MY DEAR MAHARAJAH SAHIB,

28th February, 1923.

I have confined my advice to Jeoraj Singhji and his sons to the suggestion that it is their duty to make a full and ample apology to Your Highness for all their improper behaviour. The pretended apology which was made before was of course valueless. I assume that Your Highness must desire that Thakur Jeoraj Singhji and his sons should show real penitence for their past misconduct and that they should express their penitence in the form of a full and humble apology. As regards the wording of the apology, I have told them roughly the sort of thing that would seem to be appropriate so far as I can judge; but have advised them that before submitting anything formally they should ascertain informally whether the terms are regarded by the Darbar as sufficiently explicit or whether any changes or additions should be made.

I fear that Raja Jeoraj Singhji and his two sons are too stiff-necked to follow this advice but I trust very much that, if by any chance they do follow it, Your Highness will at all events give them a chance of expressing their repentance and accept their apology. I am sure that Your Highness does not wish them to continue in a state of contumacy and defiance.

I quite realise that the Darbar cannot be expected on receipt of an apology to forgive immediately all that has occurred. The criminal who repents in sack cloth and ashes does not thereby protect himself from the legal consequences of his actions, although he may obtain some mitigation of the sentence. Raja Jeoraj Singhji and his sons can have no expectation that, even if they apologise in most unqualified terms they will now be placed in precisely the same position as they were before all the trouble began. They must expect to suffer the consequences of their actions and as regards the future they must throw themselves upon Your Highness' clemency as I have told them.

Yours sincerely,
(Signed) R. E. HOLLAND.

CUTCH STATE.

On the death of one Jadeja Khanji of Jadador Estate his nearest relation Jadeja Versalji was recognised by the Darbar as a successor of the deceased. On his taking possession of the Jagir, the widow of the late Jadeja named Bai Manghila filed a suit against Jadeja Versalji for restoration of possession and enjoyment of the Jadador Jagir in the Jadeja Court, but she lost her case there. Against the decision of the said court the widow appealed to the Government, who ruled that under Article V of the Settlement the applicant in that case was not and could not be a guarantee holder and had, therefore, no right to appeal to Government. The said Manghila Bai wired to the Political Agent in 1913, complaining that her houses had been opened by Kumar Verubha without her permission and requesting that the Political Agent should get them locked. The Political Agent forwarded a copy of the telegram referred to above to the Dewan of Cutch for enquiry and report. The Dewan in his letter No. 339, dated 11th June, 1913, replied to the Political Agent that a similar telegram was received by the Darbar direct from the Bai, who was informed that any complaint which she wished to make against the Jagirdar should, if so advised, be preferred to the Jadeja Court.

Exhibit 1.

Exhibit 2.

Exhibit 3.

In spite of the above correspondence and Government orders on the subject, the Political Agent intervened in the matter, pressing the Darbar for Police enquiry and remarking that Bai Manghila of Jadodar was not in Cutch and she could not, therefore, prefer her complaint to the Jadeja Court.

Exhibit 4.

The Dewan wrote in reply in his letter No. 369, dated 30th June, 1913, that the Bai "can present her complaint to the Jadeja Court through an authorised Vakil or Agent."

Exhibit 5.

The Dewan further remarked in the said letter that if the Jadeja Court is satisfied after hearing both parties as to the necessity of a police enquiry being made, it is open to the court to order so. . . In this connection I am to submit for your consideration, whether in view of the orders of Government, contained in your office memo No. 1404, dated 8th November, 1912, Bai Manghila is entitled to approach the agency as she has done in the matter of her present complaint.

To this the Political Agent replied that he failed to understand how a party can approach a court of law before the local police makes any enquiries in a cognisable offence. This and other remarks in his letter would be easier to understand if the lady was ignorant of the person who had opened her houses, which, of course, she was not. From this generalization in a case which lay solely within the jurisdiction of the Darbar and with which an outside authority had nothing to do, the Political Agent went on to observe that "the attitude of the Darbar shows a tendency to shield the offender." Such an aspersion on their sense of justice and fair play is more than a Darbar can be expected to put up with.

Further on in the same communication the Political Agent observed "I hold the opinion that anyone has a right to approach the Political Agent more especially when residing on the estate of a guarantee holder." It seems that the Political Agent considered himself a free agent in his dealings with the Darbar, and thought he could ignore both the orders of the Government of India as well as the terms of the treaties subsisting between the Government of India and the Darbar, because the treaty of 1819 (Article 10) clearly lays down :—

"The Honourable Company engages to exercise no authority over the domestic concerns of the Rao or those of any of the Jhareja Chieftains of the country, that the Rao, his heirs and successors shall be absolute masters of their territory and that the Civil and criminal jurisdiction of the British Government shall not be introduced therein."

How far was this ruling of the Political Agent in accordance with the terms of the treaty that the Rao shall be absolute master of his territory ?

EXHIBIT 1.

No. 1404 of 1912.

CUTCH POLITICAL AGENCY, DATED BHUJ, 8TH NOVEMBER, 1912,
TO JHOLI BAI MONGHIBA OF JADODAR.

MEMO.

With reference to her petition, dated the 27th September, 1912, addressed to Government, appealing against the orders of the Jadeja Court, in the matter of her claim for restoration of possession and enjoyment of the Jadodar Jagir Jhali Bai Monghiba is informed by direction of Government that under Article V of the settlement, the party aggrieved can only appeal to Government when he is a guaranteed holder. The appellant in this case is not and could not be, a guaranteed holder, and has therefore no right of appeal to Government.

The appeal is rejected.

(Signed) H. M. ABUD, Lt. Col.,
Political Agent, Cutch.

EXHIBIT 2.

TELEGRAM, DATED 7TH JUNE, 1913, TO NAMDAR, POLITICAL AGENT,
CUTCH, BHUJ.

Kemar Verubha opened my houses in Jadodar without my permission, pray arrange closing houses, Monghiba.

No. 427/10-6-13. No. B of 1913.

Copy forwarded with compliments to the Dewan of Cutch for favour of enquiry and report.

(Signed) K. M. BILLIMORIA,
For Political Agent.

BHUJ. 7TH JUNE, 1913.

EXHIBIT 3.

No. 339 of 1913.

DIWAN OF KUTCH TO MAJOR R. S. POTTINGER, POLITICAL AGENT,
KUTCH, DATED BHUJ, 11TH JUNE, 1913.

SIR,

Referring to your endorsement No. B, dated the 7th instant, below copy of telegram from Bai Monghiba of Jadodar, I have the honour to state that a similar telegram has been received by the Darbar and the Bai has been told that any complaint she wishes to make against the Jagirdar should, if so advised, be preferred to the Jadeja Court.

I have, etc.,
(Signed) DIWAN OF KUTCH.

EXHIBIT 4.

No. 781 of 1913.

FROM MAJOR R. S. POTTINGER, POLITICAL AGENT, CUTCH, TO THE
DEWAN OF CUTCH, DATED BHUJ, 13TH JUNE, 1913.

SIR,

With reference to your letter No. 339, dated the 11th instant, I have the honour to remind you that Bai Monghiba of Jadodar is not in Cutch, and she cannot prefer her complaint to the Jadeja Court, I therefore suggest that you will be good enough to arrange police enquiry to be made into the complaint of Bai Monghiba.

2. Please let me know what steps the Darbar have taken in the matter and the result of the police enquiry.

I have, etc., etc.
(Signed) MAJOR R. S. POTTINGER,
Political Agent.

EXHIBIT 5.

No. 369 of 1913.

FROM THE DEWAN OF KUTCH, TO MAJOR R. S. POTTINGER,
POLITICAL AGENT, KUTCH, DATED BHUJ, 30TH JUNE, 1913.

SIR,

Referring to your letter No. 781 of June 13th, 1913, I have the honour to state that whether the Bai is or is not in Kutch, she can present her complaint to the Jadeja Court through an authorised Vakil or Agent. It is not clear from the telegram that by the Bai that anything has occurred of which the police can take direct cognizance. If the Jadeja Court is satisfied after hearing both parties as to the necessity of a police enquiry being made, it is open to the Court to order such enquiry.

2. The Darbar's reply to the Bai's telegram has been already communicated, as stated in my No. 339 of the 11th instant, and in the circumstances the Darbar do not at this stage propose to take any further action regarding the complaint.

3. In this connection I am to submit for your consideration, whether in view of the orders of Government, contained in your office Memo. No. 1404, dated the 8th November, 1912, Bai Monghiba is entitled to approach the Agency as she has done in the matter of her present complaint.

I have, etc.

(Signed) DEWAN OF KUTCH.**EXHIBIT 6.**

No. 872 of 1913.

FROM MAJOR R. S. POTTINGER, POLITICAL AGENT, CUTCH, TO THE
DEWAN OF CUTCH, BHUJ.

SIR,

With reference to your letter No. 369, dated the 30th ultimo, I have the honour to state that I fail to understand how a party can approach a court of law, before the local police makes any enquiries in a cognizable offence. If a lock of a shop in the Bhuj Bazaar is found broken, would the police take up the case and find out the offender, or would the aggrieved party go to a court of law and ask the court to direct the police to make enquiries. The attitude of the Darbar shows a tendency to shield the offender. I would therefore, again suggest that as the Jagir is under the management of the Darbar, as the complaint is against the Jagirdar himself, as the Jadeja Court has no police of its own, and as the offence is a cognizable one, the Darbar will institute police enquiries in the matter and let know the result.

2. With regard to your paragraph 3, I hold the opinion that any one has a right to approach the Political Agent, more especially when residing on the estate of a guarantee holder.

I have, etc., etc.

(Signed) POLITICAL AGENT.**DHENKANAL STATE.**

According to Chapter X. of the Feudatory States Manual, Part I., Page 41, the Ruling Chiefs of Orissa are required to consult the Political Officers in cases where revisions, resumptions or grant of Sanads to Zamindars or subordinate tenure-holders are concerned, while Central Provinces States can resume, revise such grants and Sanads without consulting the Political Agent and Commissioner. Also Political Agent and Government receive petitions from State subjects against Ruler's decisions. It is submitted that this practice should be abolished. *Vide* extract from Feudatory States Manual, Part I., pages 22 and 23.

Exhibit A.

Exhibit B.

EXHIBIT A.

FEUDATORY STATES MANUAL, PART I, PAGE 41.

Clause (8) of the Sanads of the States in groups II and III gives the Commissioner control over Settlement and collection of land revenue and all arrangements connected with excise, salt and opium, concessions for mining, forest and other rights and disputes arising out of any such concessions, including disputes in which other States are concerned. No Chiefs of the States falling in group II and III can make a general revision of the land Settlement of his State without first consulting the Commissioner. Clauses (5), (7)

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and (9) of the Sanads of the States in group I (the Sambalpur States) are not so specific, but it is advisable that the Chiefs should consult the Political Officer in all such matters.

* * * * *

(True Copy.)

EXHIBIT B.

FEUDATORY STATES MANUAL, PART I, PAGES 22 AND 23, PARAGRAPHS 4, 5 AND 6.

Should any complaint be received by the Political Agent against a Chief who is managing his own State, he may receive it, and after such examination, if any, of the petitioner as may be expedient, he may—

- (a) refuse to interfere and file the petition ;
- (b) forward the petition to the Chief for disposal ;
- (c) forward the petition to the Chief for favour of report, or
- (d) take the action described in the next paragraph.

* * * * *

This procedure is for general observance ; it may be broken through under extraordinary circumstances. For instance, in case of urgency, the Commissioner might on his own authority order a formal enquiry to be undertaken on a complaint or report received against a Chief managing his own State. In that case he would, of course, report his action immediately to the Government.

The Political Agent may, without any special authority, make enquiries of an informal character as to the truth of any complaints against Feudatory Chiefs that may reach him.

(True Copy.)

DHOLPUR STATE.

A treaty was concluded between the Honourable the East India Company and Maharaj Rana Kirat Singh in the year 1806 by which the Parganas of Dholpur, Bari and Rajkhera were assigned to the latter (*vide* page 300 Aitchison's Treaties Volume III of 1909).

Article 3 of this Treaty contains the following words :—

“The Districts of Dholpur, Bari and Rajkhera, agreeably to a separate schedule containing a detailed statement of the villages which compose these districts, shall be delivered over to Maharaja Rana in sovereignty to him, his heirs and successors.”

The schedule referred to above specifically mentions Taluka Sarmuthra 19 villages as forming part of the district (Pargana) of Bari.

These districts, as appear from the article quoted above, were unreservedly given to the Rana in full sovereignty and without any British guarantee having been given to any of the Thakurs or Zemindars of the said districts.

That the Rao of Sarmuthra thus became a vassal of the Dholpur Darbar and as such had no rights whatever guaranteed to him by the British Government is not therefore open to doubt. This is further proved by the following quotation from Aitchison Volume III of 1909 page 271.

“Belonging to Dholpur is the Pargana of Jhiri held in rent free tenure by the Rao of Sar Mattra, a *feudatory* of Dholpur, the suzerainty of which was claimed both by Karauli and Dholpur. Both Jhiri and Sar Mattra formerly belonged to Karauli, but the claims of that State were completely extinguished during the Maratha supremacy. . . .”

The Rao of Sar Mattra went on paying the fixed rent for this Taluka to the Rana and continued to obey the Darbar till 1851. But, at about this time the Thakur rebelled against the authority of the Darbar ; and the result was that he was exiled and his holding was confiscated by the Darbar.

Later on, the holding was restored by the Maharaj Rana to the minor son of Baldeo Singh, the exiled Thakur on an enhanced quit-rent. This Thakur died in 1867. His widow was allowed the right of adoption by the Darbar. In exercise of this right she adopted one Madan Singh whose adoption was recognized and approved by the Darbar. Madan Singh died in 1883 and was succeeded by his son Ranjit Singh. It was found that this man was given to rack-renting, improvidence and various irrational and irresponsible acts, and the Darbar were obliged to suspend his powers in 1889.

After a short time he was re-instated, but as he failed to exhibit any greater sense of responsibility, he was deprived of his powers and ordered to reside in Dholpur (1905).

It appears that Ranjit Singh appealed to the Political Agent Eastern Rajputana States, to intercede on his behalf. In reply he was told by the Political Agent "I write to say that I am unable to support any of your requests and that I consider the Darbar have acted properly and in a manner most conducive to the interests of Sar Mathra and of its inhabitants."

But suddenly in March 1906, the Political Agent addressed to the Darbar's Secretary a D.O. letter dated 4th March, 1906, in which he wrote :—

"As Government has called for a report on the case I shall be glad to see you and B. Kunj Behari Manager of the estate with account books, etc., on Thursday or Wednesday next at Agra if this is convenient to you."

From the above it appeared that in this matter the Political Agent was ordered by the Government of India to make enquiries into the case. This intervention was on the face of it unjustifiable.

As already mentioned the Rao under the Darbar's orders was required to reside in Dholpur, but he did not comply with this order and continued to address his protest against the Darbar's orders to the Political Agent. The Political authorities, who had hitherto abstained from open intervention, were now somehow persuaded to deviate from this correct policy. They interceded now and prevailed upon the Darbar to allow Ranjit Singh to live in Agra if he chose to do so, and also to grant him an additional allowance of Rs.100/- p.m. for house rent. Shortly after, on the representation of the Rao, the Political Agent (*vide* his D.O. letter dated the 23rd of March, 1906) directed the Secretary Ijlas-i. Khas Dholpur that the Rao of Sar Mathra "should be now allowed to go and arrange about a house."

Exhibit III
and
Exhibit IV.

This proved to be—as it was bound to do—ruinous encouragement to the Thakur, who at once began to look upon the Political Agent as his suzerain. This is evidenced by the fact that in his letter (Exhibit IV) he construed the additional allowance of Rs.100 p.m. as having been granted by the Political Agent instead of by the Darbar. It further established a precedent for his future appeals to the Political Agent.

It is unnecessary here to observe that not being in the enjoyment of any guarantee from the British Government, the Thakur of Sas Mathra had no right to refer his grievances to the Political Agent, nor was the latter, competent to take notice of any petitions of the Thakur.

The Government's espousal of his cause resulted in encouraging the refractory Thakur to incite his kinsmen at home to defy the authority of the Darbar. Indeed it was not long before they rose in open rebellion. This rebellion was serious enough to necessitate the employment of Military forces.

The trouble again recurred in a more serious form in 1921, and extreme measures had to be adopted to stop the mischief. Ranjit Singh the intransigent Thakur is dead and gone, he has been succeeded by a person whom the Darbar have nominated as holder to the Jagir; but as the sequel of the "timely" and avowedly "friendly" intercession of the Political officers, the Thakurs of Jhiri (the confidantes and co-adjutors of the late Ranjit Singh), are keeping up an attitude of contumacy and recalcitrance and persevering in their career of high-handedness and defiance of authority.

The point of this memorandum is to show

(a) how even the well meant efforts of Political officers can leave for suzerain Darbars a legacy of annoyances and administrative difficulties, and (b) that intervention which at the start is admittedly friendly can at any moment assume the form of coercive interference, and (c) that the course of absolute non-interference and strict observance of constitutional propriety is the only policy for Government to pursue.

EXHIBIT 1.

COPY OF D.O. DATED 4TH DECEMBER, 1905, FROM LIEUT.-COL. R. H. JENNINGS, POLITICAL AGENT EASTERN RAJPUTANA STATES, BHARATPUR, TO THE SECRETARY IJLAS-I-KHAS, DHOLPUR.

Please see your letter D.O. No. 3024/69 S.M. dated 30th November 1905, also your letter of the 2nd instant. In the latter you inform me that the Rao of Sirmathra has returned to Dholpur.

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II. I send you translation of a Vernacular letter I have received from the Rao : also a translation of a note given me by the Rao's Vakil, in which he explains the matters the Rao desired him to bring to my notice.

III. I should be obliged by your showing these to the Maharaj Rana and by your informing me of any remarks that His Highness wishes to offer. The latter need only be very short indeed.

IV. I have read the file and find that Mr. Clogstoun has approved of the following arrangements made by the Darbar.

- (1) To Babu Kunj Behari being appointed Manager of the estate.
- (2) To the Rao not being allowed to reside in Sirmathra and to his being made to live in Dholpur on a suitable allowance.
- (3) To the Darbar carrying out Famine relief measures ; and to the Rao not being permitted to have anything to do with the administration of the estate, which is to be entirely under Darbar management.

V. I meant to have informed the Rao's Vakil that the whole of the arrangements made by the Darbar, mentioned in the last paragraph, met with Mr. Clougstoun's full approval and that I concur, while I am unable to agree to his requests. I enclose a copy of my letter to the Rao, as also the original to be given to him by you. I had intended to give this letter to the Vakil, but he went away and I do not know where he now is.

VI. You may consider this letter official if you choose.

EXHIBIT 1a.

COPY OF LETTER DATED 3RD DECEMBER, 1905, FROM LIEUT.-COL. R. H. JENNINGS, C.S.I., R.E., RESIDENT, POLITICAL AGENT, E.S.R., TO RAO RANJIT SINGH OF SARMATHRA.

I have received your letter of the 1st instant, and your Vakil has laid your requests before me, which I have sent on to the Darbar.

2. I write to say that I have carefully read all the papers connected with your estate and I find that Mr. Clogstoun has approved of the following action which has been taken by the Darbar.

- (1) That Baby Kunj Behari be appointed Manager of your estate of Sarmathra.
 - (2) That you cannot be allowed to reside in Sarmathra and must reside in Dholpur on a suitable allowance to be fixed by the Darbar.
 - (3) That the Darbar shall carry out famine relief measures in Sarmathra ; and that you cannot be permitted to have anything to do with the administration of the estate which is to be entirely under Darbar management.
3. As I entirely concur with Mr. Clogstoun's views, I write to say that I am unable to support any of your requests, and that I consider the Darbar have acted properly and in a manner most conducive to the interests of Sarmathra and of its inhabitants.

EXHIBIT 2.

COPY OF D.O. DATED 4TH MARCH, 1906, FROM MR. COLVIN, POLITICAL AGENT EASTERN RAJPUTANA, BHARATPUR, TO THE SECRETARY IJLAS-I-KHAS, DHOLPUR.

Please refer to the correspondence ending with your D.O. No. 3754/69-L.M., dated the 30th January, 1906, regarding the Sirmuthra estate.

As Government has called for a report on the case I shall be glad to see you and B. Kunj Behari, the manager of the estate with account books, etc., on Thursday or Wednesday next, at Agra if this is convenient to you. I hope to see His Highness the Maharaj Rana after a few days and should have been to see him sooner but that I have not been well.

EXHIBIT 3.

HARIPARBAT, AGRA, 23RD MARCH, 1906.

DEAR SIRDAR BHAGAT SINGH,

With reference to the enclosed copy of a letter dated the 22nd March, 1906, received from the Rao of Sir Muttra, I think he should be now allowed permission to go and arrange about a house.

Yours sincerely,
(Signed)

To

SARDAR BHAGAT SINGH,
Secretary Ijlas-i-Khas,
Dholpur.

EXHIBIT 4.

DHOLPUR, 22ND MARCH, 1906.

MY DEAR SIR,

It was settled before the Manager of Sir Muttra that I will live in Agra and you have kindly granted Rs.100/- as a house rent. I intend to go to Agra by yesterday mail but I am very sorry to inform you that the Secretary Ijlas-i-Khas returned my luggage from Railway station and told to my servants that Rao can not go any where without permission of His Highness the Maharaja Rana. As it has been settled by my Pandits that I should leave Sirmuthra for ever after Ramnaumi and Ramnaumi is in 10 days and I have to arrange for house and bring my family members from Sirmuthra therefore I request you to kindly write to His Highness to allow me to go Agra etc : and oblige.

Sincerely yours,
(Signed) RANJIT SINGH,

Rao of Sirmuthra.

LETTER FROM THE RAO OF SARMATHRA TO MR. COLVIN, POLITICAL AGENT, E.S. AGENCY.

TRUE COPY.

(Signed)

, Head Clerk.
Eastern States Agency.

GWALIOR STATE.

Khilchipur is a small Rajput Estate in Central India. It came under the protection of the Maharaja Scindia in 1793 and became a tributary.

In 1819 the Dewan (Chief) of Khilchipur died, and his widow and mother placed in power a youth named Balwant Singh. The succession was contested and the "different claimants appealed to the Gwalior Darbar." The Gwalior Darbar desired that the Political Agent at Bhopal might "investigate the subject on the spot" and report to them for approval and confirmation as to which of the claimants was "justly entitled to succeed the late Durjan Sal."

Aitchison Vol. IV
P. 320.

Exhibit 1.

In the presence of the Political Agent at Bhopal a Provisional Agreement was concluded as a result of Settlement amongst the claimants, by which Sher Singh was to be acknowledged the Dewan of Khilchipur. At the foot of this agreement is recorded. "Concluded at Sehore subject to the approval and confirmation of the Maharaja Scindia . . . the 3rd September, 1819."

Exhibit 2.

The Maharaja recognized Sher Singh's succession and the Resident at Gwalior wrote to the Political Agent at Bhopal in this connection as follows :—

Exhibit 3.

"I believe it usual for the Maharaja to receive a Nazar on the succession of any Tributary Raja to the Gaddi, but on the present occasion I have explained to the Darbar the necessity of remitting this offering for the present until the country of Khilchipur recovers sufficiently to enable its Government to pay it. To this the Darbar has assented, etc."

Later on Sher Singh executed an agreement by which he promised to pay the annual tribute to the Darbar the same year, but proposed to pay the succession Nazrana of Rs. 19,000 by instalments.

Exhibit 4.

A (a) v.

The next phase in the history of Khilchipur was the dispute between the Dewan of Khilchipur and his turbulent half brother Thakur Madho Singh. The Darbar at the request of the Resident in 1837 issued a Parwana "in the name of the said Thakur prohibiting him from committing such act." The Darbar also informed the Resident that "if, however, in spite of the above warning and prohibition he commits any misdeeds or disturbance in Khilchipur he shall suffer for them."

Exhibit 6. Then in 1838 the Resident again wrote that "in accordance with the letter of the Political Agent stringent orders may be issued from the Darbar to the Thakur so that he may desist from his intentions of creating disturbances. But finding that the depredations of Madho Singh had spread far and wide, the Resident at Gwalior at the instance of the Political Officers at Indore and Bhopal addressed the Darbar that the Thakur being a rebel it is necessary that by the deputation of a Military force from the Darbar he should be dealt with and punished so that the disturbance may not be prolonged."

Exhibit 7. The Darbar in reply enclosed "a letter in the name of Naropant Apte (Darbar's district officer) who with the aid of a force will take steps to punish the Thakur."

This clearly shows that the Maharaja Scindia's authority was not in the least impaired by the investigation at the Darbar's request of the Political Agent of Bhopal into the succession case of 1819 and that the Maharaja was the only power to whom the British Government looked for the suppression of troubles in the Khilchipur territory.

Aitchison Vol. IV
P. 78.

Exhibit 8.

Then came the treaty of Gwalior in 1844 by which the Gwalior Darbar assigned territory and tributes worth 18 lakhs a year for the maintenance of a contingent force and the Khilchipur tribute formed part of these assignment. But the assignment of the tribute did not affect the sovereign rights which belonged to the Darbar as the suzerain of Khilchipur. The Dewan of Khilchipur himself admitted this in his communication dated the 3rd October, 1857, addressed to Maharaja Jayaji Rao Scindia in these terms. "Now you are our Master and this Estate can continue through your favour. This estate is of Your Highness."

Exhibit 9.

Dewan Sher Singh died in 1868 and was succeeded by Dewan Amar Singh who was duly recognised as the Dewan of Khilchipur on payment of the customary Nazrana to the Darbar. The Darbar also bestowed a Khillat (robe of Honour) on the chief.

Exhibit 10.

Exhibit 11.

Dewan Amar Singh died in 1899 and the Resident in communicating his demise to the Darbar enquired "if His Highness the Maharaja Scindia has any objection to urge to Bhawani Singh's recognition as Rao of Khilchipur."

The Darbar replied that they had no objection to urge against the recognition of the succession of Bhawani Singh as Rao of Khilchipur," but they pointed out "that on the occasion of the succession of the late Rao Amar Singh a Nazrana of Rs. 11950/- was paid to the Darbar through the Darbar Wakil on 26th July, 1870, and Rs. 3,000 were given for Khillat by the Darbar to the Rao of Khilchipur and to request you to kindly arrange payment to the Darbar of the usual succession Nazrana."

Exhibit 13.

In reply to this the Darbar were told that the succession of Bhawani Singh was direct and that Khilchipur being a guaranteed chiefship of the second class, as defined on page 5 of Aitchison Volume IV of Treaties, it is not proposed that any Nazrana should be paid on this occasion."

The Agent to the Governor has, I would add, noted that the Gwalior Darbar have no objection to Bhawani Singh's succession."

Bhawani Singh died in 1908, and the question of succession was referred to the Darbar again in these terms. The late chief has left a son named Durjan Sal

who is now in his eleventh year. As, prima facie Durjan Sal's right to succeed to the chiefship was unquestionable the Government of India are prepared to recognize his succession unless His Highness the Maharaja Scindia has any objection to urge.

The Darbar replied that the right of recognition of succession to the Khilchipur Dewanship lay with them and the idea of the holding being a guaranteed one was wrong. It was presumably based on the provisional agreement of 1819 which was a mere Razinama of relinquishment of their claims by the other claimants in favour of Sher Singh and therefore neither this agreement nor the request by the Darbar to the Political Agent to investigate for them the rights of rival claimants could be regarded as a mediation investing the holding with the British Government's guarantee. The Darbar further pointed out :—

“To construe the agreement of 1819 in any other sense would be to make dead letters of the articles VIII of the Treaty of Burhenpur (1804), VIII of the Treaty of Mustafapur (1805), IX of the Treaty of Gwalior (1844) and also I of the Treaty of 1860 all which expressly preserve and safeguard the suzerainty of the Darbar and the many rights connected by that word with reference to this and other similar holdings.”

The Darbar therefore represented :—

(1) that Khilchipur should be held to be a tributary of the Darbar not enjoying any guarantee from Government.

(2) that the Darbar may be allowed to exercise their suzerain rights over Khilchipur in regard to (a) the determining of succession in future, (b) levy or remission of Nazrana according to their own laws and (c) management of the holding during minority. Exhibit 16.

The Resident replied that “although” there was no written guarantee :—

(1) The Gwalior Darbar have never interfered in the administration of the State which except as regards the payment of tribute has enjoyed a position of practical independence subject only to the control of the Political Agent at Bhopal.

(2) That in cases of succession procedure applicable in the case of the guaranteed States has been invariably followed ; the Gwalior Darbar being consulted in cases of adoption which have subsequently been confirmed by the British Government.

(3) That since 1818 the chiefship has had direct relations with the Political Agent in Bhopal and has looked to the British Government and not to the Gwalior Darbar for assistance.

(4) That without reference to or aid from the Gwalior Darbar the chief afforded on his own behalf assistance in the mutiny and received from the British Government a title and a salute.

(5) That so long ago as 1818 the rights of the British Government to interfere in Khilchipur affairs was recognized and that at that time the Chief of Khilchipur was also tributary to the chief of Kotah. It is clear that from the beginning Khilchipur has been treated as a separate chiefship, a “petty State” as it was described by Mr. Henley in 1819. The Government of India are therefore not disposed to alter its status now and are unable to allow any change which has hitherto been followed in regard to it.

The Darbar in their communication dated the 4th December, 1909, dealt with these points seriatum at length. Exhibit 17.

As regards the statement that “the Darbar have never interfered in the administration of the State (Khilchipur), the Darbar pointed out the correspondence of 1837 and 1838 when even “the representatives of the British Government itself recognized the fact and turned to the Darbar for quelling any disturbance that occurred in Khilchipur.”

A (a) v.

Then the statement that "in case of successions the procedure regarding guaranteed States has been invariably followed" was examined. Rule 2 of successions rules (Introduction to Aitchison's volume IV) reads: "When there are no direct heirs the previous recognition by the British Government of an adopted heir is essential, etc." But in the words of Aitchison himself "Amar Singh's adoption in 1869 had been previously recognised by the Gwalior Darbar." And similarly Sher Singh's succession in 1819 had been sanctioned by Maharaja Scindia. The Government of India's statement was therefore at variance with facts.

Likewise the statement "that so long as 1818 the chiefship had direct relations with the Political Agent in Bhopal, etc," was unwarranted unless it related to the Provisional Agreement of 1819 which as previously shown can not amount to mediation, the Political Agent having held the investigation at the express request of the Darbar.

Exhibit 17.

But the Government of India rejected the Darbar's claim with the remark "that Khilchipur has been treated from the beginning as a separate chiefship, etc."

This is begging the question. As regards Khilchipur being a separate chiefship it is pertinent to note that although the adoption Sanad of 1862 was issued to "all chiefs above the rank of Jagirdars" it was not granted to the Dewan of Khilchipur (Vide Sir William Lee Warner's volume "Native States of India" p. 163 and Sir Charles Wood's despatch forwarded in reply to Lord Canning's despatch No. 43A dated the 30th April, 1860, page 110 of Tupper's "Our Indian Protectorate").

This shows that the status of Khilchipur was and is that of an ordinary Jagirdar of the Gwalior Darbar.

It is not denied that at times the Khilchipur chief looked to the officers of the British Government for help and guidance, but that was the result of the encouragement offered to the Darbar's feudatories by those officers in pursuit of the Government's policy of attaching Jagirdars to themselves and weaning them from their suzerain's officers and that is exactly what the Darbar complains of.

Exhibit 18 & 19.

The Government seem to attach great importance to the fact that the Darbar asked Captain Henley in 1819 to investigate the title of the rival claimants to Khilchipur and therefore regard the Provisional Agreement of that year as an act of mediation which they hold sufficient to invest the holding with their guarantee. The Resident has, however, himself forwarded with his communication copy of a letter which the Darbar had addressed to their Vakil in 1819 of which the present copy was sent to the Residency at the time. This letter to the Vakil reads:—

"It has been reported that after the demise of the Raja of Khilchipur you have without the knowledge of this Sarkar installed a person who has no right to succeed to the Gaddi of the Estate. I have therefore to intimate that Captain Henley who is in that district and is well acquainted with the situation has been asked to make an enquiry into the matter and to make a report in respect of the person eligible for succession. On hearing from him I shall write to him on the subject and compliance should be made accordingly."

In face of the afore-stated facts the position taken up by the Political officers in 1908 was, it is submitted, quite erroneous and the treatment by the Government of India of Khilchipur on the one hand and of the Gwalior Darbar on the other is a violation of the Treaties of 1804 (Article VIII), 1805 (Article VIII) and 1860 (Article I).

EXHIBIT 1.

Gwalior, 18th July, 1819.

SIR,

I had the honour to receive your letter on the 24th April last on the subject of the succession to the small State of Khilchipur.

2. Rao Isri Singh the person who applied to you has since arrived at Gwalior and made his appeal to this Darbar.

3. According to the statement of Isri Singh the elevation of Balwant Singh to the Gadi appears certainly to have been irregular and Aman Singh seems to be the rightful heir.

4. The only object which this Darbar can have in interfering with regard to the succession to this tributary State being to support the legal heir in his just rights, the Maharaja has requested me to beg of you to investigate the subject on the spot and he will confirm in as far as depends on this Government the person whom you may consider justly entitled to succeed the late Durjan Sal.

5. I enclose a letter from Daulat Rao Scindia to the nephew of the late Lalji Bullal* reprehending his proceeding in regard to the succession to Khilchipur and informing him that the investigation of the question had been left to you.

* This gentleman held charge of the collection of the tribute of the Rajput Chieftains.

I have, etc.,

(Signed) J. STEWART,
Acting Resident.

To

CAPTAIN HENLEY,
Political Agent, Bhopal.

EXHIBIT 2.

TRANSLATION OF A PROVISIONAL AGREEMENT CONCLUDED BETWEEN THAKUR AMAN SINGH IN BEHALF OF HIMSELF AND HIS SON, SHER SINGH, AND THAKUR MADHO SINGH ON THE PART OF THE RANIS GOURJI, RAJAWATJI AND UMATJI, THE FORMER THE MOTHER AND THE TWO LATTER THE WIDOWS OF THE LATE DIWAN DURJAN SAL.

1. Sher Singh, son of Thakur Aman Singh, is to be acknowledged as Diwan of Khilchipur in the usual form, a respectable agent from the States of Rajgarh and Narsinggarh and the Chief of Gogurney attending to witness the ceremony, as also two respectable persons in the service of the Maharaja Scindia or the English Sarkar. In consequence of the youth of Sher Singh, four of his relations and ten Sebundies shall always remain with him for his protection and his mother shall also be at liberty to reside with him—all small donations on his part to religious persons are to be respected and confirmed.

2. Through the mediation of the Maharaja Scindia reconciliation will be effected between Thakur Aman Singh and his relations, and the family and adherents of the late Durjan Sal, so that no molestation shall be ever offered to debar the former from visiting Sher Singh at their pleasure.

3. The Government of Khilchipur will be conducted in the name of Diwan Sher Singh under the direction of Rani Gourjee, mother of the late Diwan Durjan Sal, by Thakur Madho Singh, Lala Nonit Rao and Sahjee who have been heretofore employed as managers of the country.

4. In consideration of the limited means of subsistence which Thakur Aman Singh and Thakur Isri Singh at present possess, the following villages are to be assigned to them during their lives, in addition to their present Jagis subject to the Turkana now paid :—

To Thakur Aman Singh—Kurchote and Roopoorah.

To Isri Singh—Barouch and Rupahera.

5. The agreements recently contracted by Thakur Isri Singh at Gwalior and the expenses incurred by him on his journey thither according to a detail which will be furnished are to be defrayed by the State.

Concluded at Sehore, subject to the approval and confirmation of the Maharaja Scindia, the 14th of Bhadon Badi, Samvat 1876, corresponding with the 3rd September, A.D. 1819.

EXHIBIT 3.

GWALIOR, 27th October, 1819.

SIR,

I had the honour some time ago to receive your letter of the 3rd ultimo and explained to this Darbar the settlement you had made of the affairs of Khilchipur with which Daulat Rao Scindia has expressed himself satisfied. It appears to me also that the arrangement you have made is the best that could under all the circumstances of the case be adopted.

I believe it is usual for the Maharaja to receive a Nazar on the succession of any tributary Raja to the Gadi, but on the present occasion I have explained to the Darbar the necessity of remitting this offering, for the present, until the country of Khilchipur recovers sufficiently to enable the Government to pay it. To this the Darbar has assented, but immediate repayment of the money advanced to Isri Singh at Gwalior is solicited, and as the sum is so small, I conclude this demand will be complied with.

I have, etc.

(Signed) J. STEWART,*Acting Resident at Gwalior.*

To

CAPTAIN HENLEY,

*Political Agent in Bhopal.***EXHIBIT 4.****TRANSLATION OF AGREEMENT OF DIWAN SHER SINGH OF KHILCHIPUR, WITH THE MAHARAJA ALIJAH DAULAT RAO SCINDIA BAHADUR.**

Whereas Thakur Isri Singh having proceeded to Gwalior to make a representation agreed to pay Rs. 19,000 as Nazrana to the Sarkar, and it is the pleasure of the Maharaja Alijah Daulat Rao Scindia that the said amount of Nazrana should be paid by the State of Khilchipur, in order to complete the payment of the same, it is agreed that Bhopal Rs. 4,000 shall be paid in this year 1877 Samvat, which commenced in Kartik last, namely, Rs. 2,000 immediately and Rs. 2,000 in Baisakh ensuing, and in the year 1878 Samvat, a payment of Bhopal Rs. 15,000 in Kartik, Rs. 5,000 in Magh, and Rs. 5,000 in Baisakh—shall be made to the Sarkar and whereas there is already a determined Tanka payable to the Sarkar from the State of Khilchipur and on account of the ruined condition of the country it will be impossible to pay both Tanka and Nazrana at the same time; therefore, for the present year 1877 Samvat, owing to the payment of Rs. 15,000 as Nazrana, only Rs. 5,000 can be paid on account of the Tanka. Thereafter, from the year 1879, to the year 1881 Samvat, both inclusive, the arrear of Tanka for the year 1878 and likewise the amount of former arrears which had accumulated owing to the troubles of the time shall, together with the regular Tanka, be entirely discharged.

Wherefore, on this account, it is entreated a mandate may be issued by the Maharaja Alijah Daulat Rao Scindia to Ramchandra Lalaji (the renter of the Tanka) and conform to the terms of the agreement. The Tanka for the present year having been already paid in full, prevented a larger payment on account of the Nazrana being made in this year.

(Signed) W. HENLEY.

Dated 13th Magh Badi, Samvat 1878 (21st January, 1822).

EXHIBIT 5.**TRANSLATION OF LETTER DATED 21st AUGUST, 1837, FROM J. SUTHERLAND, ESQUIRE, RESIDENT AT GWALIOR, TO DEWAN SAHIB, GWALIOR.***(AFTER COMPLIMENTS.)*

I enclose herewith, for perusal of the Darbar, copy of a Hindi Kharita dated Asadh Sudi 13th Samvat 1896, from Dewan Sher Singh of Khilchipur, addressed to me in regard to Madho Singh and of my reply thereto. The settling of such rebels in his Jagir Villages by Rajah Dhokal Singh is very improper. Formerly he had

allowed the family of Mahammad Manavar Khan to settle and recently he has given quarter to Madho Singh. He should be strictly warned not to commit such acts in future in as much as these matters lie within the Province of the Ruler of the State, not of Jagirdars.

(Signed) J. SUTHERLAND,

21st August, 1837.

EXHIBIT 6.

TRANSLATION OF LETTER DATED THE 3RD NOVEMBER, 1838, FROM J. SUTHERLAND, ESQUIRE, RESIDENT AT GWALIOR, TO DEWAN SAHIB OF GWALIOR.

(AFTER USUAL COMPLIMENTS.)

I enclose herewith for information translation of a letter dated the 22nd October, 1838, from the Resident at Indore and of another from the Political Agent, Bhopal, with copy of a petition from the Wakil of Khilchipur enclosed therewith regarding Madho Singh's intention to create disturbance in Khilchipur. In accordance with the letter of Political Agent *stringest orders may be issued from the Darbar to the Thakur, so that he may desist from his intentions of creating disturbances.*

A reply to this may be given (to me). What more.

EXHIBIT 6a.

TRANSLATION OF LETTER DATED 10TH DECEMBER, 1838, FROM J. SUTHERLAND, ESQUIRE, RESIDENT AT GWALIOR, TO THE DEWAN SAHIB OF GWALIOR.

(AFTER COMPLIMENTS.)

I enclose herewith translation of a letter dated the 1st December from the Resident at Indore and of another from the Political Agent at Bhopal with copies of 4 Hindi papers, enclosed therewith, regarding the rebellious actions of Thakur Madho Singh in the Khilchipur Ilaka and his plundering and burning the villages of that Ilaka. Whereas the said Thakur committing hostile acts has got himself included among rebels, it is necessary that by the *deputation of a military force from the Darbar, he should be dealt with and punished* so that the disturbances may not be prolonged. Intimation (of this) may be given to me in reply.

(Signed) J. SUTHERLAND.

EXHIBIT 7.

(TRANSLATION.)

LETTER DATED 14TH SHAWAL 1254 HIJRI FROM RAO RAMRAO PHALKE BAHADUR SHAMSHERJANG TO CAPTAIN DAWENDRS.

Received two letters, one dated 21st Ramzan 1254 Hijri, with translation of a letter from the Resident at Indore, and of another from the Political Agent Bhopal and copies of 4 Hindi papers enclosed therewith regarding disturbances of Thakur Madho Singh in the Ilaka of Khilchipore such as, setting on fire and plundering villages of that Ilaka and containing instructions to punish the Thakur with the aid of Darbar troops; and another dated 7th Shawal with translation of a letter from the Political Agent Bhopal addressed to the Resident at Indore and a translation of reply from him and copy of Hindi and Utdu petitions forming enclosures to the letter of the Political Agent in the matter of Thakur Madho Singh's disturbances in Khilchipore. Whereas the said Thakur has without any cause become rebellious. *I enclose herewith a letter in the name of Naropant Apte who with the aid of a force will take steps to punish the Thakur.*

A (a) v.

EXHIBIT 8.

FILE No. 20 OF AGENCY SEHORE REGARDING DEWAN AMAN SINGH OF KHILCHIPUR. TRANSLATION OF A KHARITA, DATED KUNVAR SUDI 15, SAMVAT 1914 (3RD OCTOBER, 1857), FROM DEWAN SHER SINGH OF KHILCHIPUR TO MAHARAJA JAYAJI RAO SCINDIA.

After usual compliments. The Tanka of Khilchipur, which the Darbar have assigned to the British Government for the expenses of the contingent Force, is remitted to Jawad, Neemuch through the Political Agent, Sehore Cantonment and Indore, according to the orders of the Darbar.

Before the advent of the British the amount of Tanka then fixed used to be paid with great difficulty and even then there were some arrears outstanding against the Ijaradar.

When the Darbar and the British Government saw that only a few villages remained Khalsa, while the whole Jagir was distributed among my kinsmen, it was proposed that the distribution should be effected in such a manner as would enable all the kinsmen to eat bread and also ensure the payment of the Tanka.

Accordingly after allowing a bare maintenance to all the kinsmen the rest of the territory was made Khalsa, and it was ordered that henceforth there should be no irregularity in the payment of the Tanka. In pursuance of that arrangement the Tanka was always paid regularly for the last 35 years.

Probably refers to the Indian Mutiny of 1857.

Now in view of the present conflict with the English Forces, some of my kinsmen are ready to create disturbances. The Darbar may, therefore kindly administer a warning to them that their maintenance solely depends upon the integrity of this Estate, that by jeopardising the Tanka no benefit whatever could accrue to them and that it will never be to their advantage if they resolve to commit depredations in the Estate, existing settlement should be strictly followed. An order in these terms will stop disturbances. I always wish that there should be no hitch in the Tanka and that through your favour this Estate might remain intact.

Further many Khichis who subsist on the Jagir of Bansahera and Keel Kheri in Pargana Kumbhraj also intend to create disturbances. If the Darbar will issue orders to the Amil of Bajrangarh to warn them against the contemplated disturbances they will abstain from doing so.

Formerly also one or two hundred people had collected together and caused disturbances in the village of Gordhan, whereupon on an intimation of the same being given from here the Sippi Force was ordered to proceed against them. The said force succeeded in arresting all the rebels, the entire loss was made good by them, and undertakings not to repeat such disturbances in future were also given by them.

Half brother of the chief of Khilchipur.

Similarly Maharaja Madho Singh had also intended to create disturbances, but on an intimation of the same being given from here, he was warned that if he committed any mischief an army will be instantaneously despatched to destroy him, so, since that time, no one has dared to lift up his head. Now are you (our) master and this Estate can continue only through your favour. This Estate is Your Highness'. Please continue always to favour me with your letters and your commands.

EXHIBIT 9.

TO COLONEL MEADE, C.S.I., AGENT GOVERNOR-GENERAL FOR CENTRAL INDIA, INDORE.

SIR,

I have the honour to report the death of the Chief of Khilchipur on the 27th ultimo.

2. A day or so before his death I received a Yad from him (translation appended) reporting that he had adopted his nephew, Amar Singh, also giving expression to his wishes regarding the management of the State, etc.

3. I postponed forwarding this to you pending a reference to the records regarding the installation of the late chief Sher Singh. I beg to submit an abstract statement of what then took place.

4. I beg to recommend that the Gwalior Darbar be requested to recognize Amar Singh, the usual Nazrana being paid, and Khilats given.

I have, etc.,

(Signed) W. OSBORNE,
Political Agent in Bhopal.

Sehore :

The 4th December, 1868.

EXHIBIT 10.

TRANSLATION OF A KHARITA, DATED POH SUDI 15, SAMVAT 1927 (6TH JANUARY, 1871), FROM THE DARBAR, TO DIWAN AMAR SINGH OF KHILCHIPUR.

AFTER USUAL COMPLIMENTS.

Whereas a communication has been received from the Political Agent about the demise of Diwan Sher Singh as well as about the sanction of your succession to the Estate, the Darbar have been pleased to send through the Naib Suba of Shajapur a Khilat in token of your appointment, which will reach you according to Yadi (detailed list). Always continue to send your letters.

EXHIBIT 11.

FROM THE FIRST ASSISTANT TO THE AGENT TO THE GOVERNOR-GENERAL IN CENTRAL INDIA, TO THE RESIDENT AT GWALIOR, No 3245, DATED THE 14TH APRIL, 1899.

I am directed to inform you that the Political Agent in Bhopal reports the death on the 28th March, 1899, of Amar Singh, Rao of Khilchipur.

2. The late Rao's only son by his first wife is Bhawani Singh, a young man of 32 years of age.

3. I am to enquire if His Highness the Maharaja Scindia has any objection to urge to Bhawani Singh's recognition as Rao of Khilchipur.

No. 1912 of 1899.

Copy forwarded to the Chief Secretary to His Highness the Maharaja Scindia, with a request that he will kindly ascertain and communicate to this office whether His Highness has anything to urge in the matter.

(Signed) I. H. NEVILL, Lt.-Col.,
Resident of Gwalior.

Gwalior Residency :

The 19th April, 1899.

EXHIBIT 12.

COPY OF LETTER No. 1188, 27TH, APRIL, 1899, FROM THE CHIEF SECRETARY, HUZUR DARBAR, GWALIOR, TO THE RESIDENT AT GWALIOR, MORAR.

With reference to your endorsement No. 1912, dated the 19th instant, on copy of a letter from the First Assistant to the Agent to the Governor-General for Central India, regarding the death of Amar Singh, Rao of Khilchipur, I am directed to inform you that the Darbar has no objection to urge against the recognition of the succession, as Rao of Khilchipur, of Bhawani Singh, son to the deceased Amar Singh.

A (a) v.

I am at the same time to point out that on the occasion of the succession of the late Rao Amar Singh a Nazrana amounting to Rs. 11,950 Hali was paid to the Darbar through the Darbar Wakil on 26th July, 1870, and Rs. 3,000 cash were given for Khilat by the Darbar to the Rao of Khilchipur, and to request you to kindly arrange payment to the Darbar of the usual succession Nazrana.

On hearing from you the Darbar will arrange for the Khilat.

EXHIBIT 13.

COPY OF LETTER No. 3208, DATED 10TH JUNE, 1899, FROM THE RESIDENT AT GWALIOR, TO THE CHIEF SECRETARY TO HIS HIGHNESS THE MAHARAJA SCINDIA, LASHKAR.

I have the honour to acknowledge the receipt of your letter No. 1188, dated the 27th April, 1899, regarding the recognition of Bhawani Singh as Rao of Khilchipur.

With reference to the demand of Nazrana made by the Darbar, I am directed to point out that the succession of Bhawani Singh is direct, and Khilchipur being a guaranteed Chiefship of the Second Class, as defined on page 5 of Aitchison's Volume of Treaties, it is not proposed that any Nazrana should be paid on this occasion.

2. The Agent to the Governor-General has, I would add, noted that the Gwalior Darbar have no objection to Bhawani Singh's succession.

EXHIBIT 14.

No. 3421 of 1908.

FROM THE RESIDENT AT GWALIOR, MORAR, TO THE POLITICAL SECRETARY TO HIS HIGHNESS THE MAHARAJA SCINDIA, LASHKAR, DATED GWALIOR RESIDENCY, THE 2ND JUNE, 1908.

SIR,

I have the honour to inform you that Rao Bahadur Bhawani Singh of Khilchipur died on the 18th January, 1908.

2. The late chief has left a son named Durjan Sal Singh, who is now in his eleventh year. As, prima facie, Durjan Sal Singh's right to succeed to the Chiefship is unquestionable, the Government of India are prepared to recognize his succession and effect will be given to the recognition unless His Highness the Maharaja Scindia has any objection to urge.

I would therefore request that the views of the Gwalior Darbar in the matter may kindly be intimated to me for communication to the Honourable the Agent to the Governor-General in Central India.

I have the honour to be, sir,

Your most obedient servant,

(Signed) C. A. KEMBALL, Lt.-Col.,

Resident at Gwalior.

EXHIBIT 15.

No. 1590 of 1908.

FROM THE POLITICAL SECRETARY, TO HAZUR DARBAR, GWALIOR, TO THE RESIDENT AT GWALIOR, MORAR, DATED LASHKAR, 17TH AUGUST, 1908.

SIR,

With reference to your letter No. 3421/581-08, dated the 2nd June, intimating that Rao Bhawani Singh of Khilchipur died on the 18th January leaving a minor son aged 11 years and asking if the Darbar have any objection to the succession of the minor being recognized, I have the honour to convey that if the Darbar's

suzerain rights in regard to this holding had not become enveloped in obscurity as they happen to be, they would under the circumstances of the case have certainly recognized the minor Durjan Sal Singh's title to succeed to the Chiefship. Pending the recognition of their own rights with reference to the Khilchipur holding by the Government of India they are content, subject to the condition laid down herein below to signify their consent to the succession to which it is deemed necessary to obtain the sanction of the Government of India.

2. To show why this reference to the Government is unnecessary and on what grounds the Darbar alone should be held competent to pass orders in matters relating to succession in Khilchipur, I have to go back to the events of 1844, and I solicit your indulgence to allow me to refer to the Treaty provisions and accounts relating to the Chiefship.

3. At the outset, I shall point out one or two apparent discrepancies and anomalies. Whereas, on the one hand, the narrative of the Khilchipur holding appearing on page 282 of Aitchison's Treaties, Volume IV, Edition of 1892, contains the statements that the "Chief of (Khilchipur) pays a tribute of Hali Rs. 13,138 to Scindia through the Political Agent at Bhopal on the other hand, "The Annual Administration Report" of the Khilchipur State for 1904-05, Chapter I, paragraph 2 declares that "The State pays a tribute of Rs. 11,820-2-9 (British currency) to the Government.

4. How Khilchipur ever came to pay this tribute to the Government is a fitting question with which to start an enquiry into the causes of this perplexity.

According to Article 3 of the Treaty of Gwalior, dated the 13th January, 1844, the Darbar assigned to the Government territory yielding an annual revenue of Rs. 13,00,700 in addition to territory yielding Rs. 5,46,000 already assigned for the maintenance of a force to be commanded by British officers.

This additional territory included Ratangarh yielding annually Rs. 1,60,000 and this yield of Rs. 1,60,000 of Ratangarh Pargana included the Darbar share in Kesho Rai Patan as also the tribute of Rs. 13,500, paid by the Rao of Khilchipur to the Darbar. It appears that Khilchipur and Kesho Rai Pattan though situated outside the boundaries of Ratangarh Pargana were so included, from of old in the revenue accounts of the Ratangarh Pargana for the sake of convenience.

According on 3rd April, 1844, Captain Francis Butter, the Superintendent of Jawad Neemuch, wrote to Shersingh of Khilchipur and asked him to pay thenceforward to him (Captain Francis Butter) the sum of Rs. 13,500/- Boondee coin, which he had until then paid to the Darbar. (Vide page 308 of Aitchison Document No. CXV).

This shows the date from, and the circumstances under which Khilchipur began to pay the Rs. 13,500 (Boondee coin) to the British Government.

5. By the Treaty of 1860, however, the whole of the Neemuch District, including the holding in question was restored to the Darbar and the only portion of the district which was retained by the British Government was the Darbar's share in Kesho Rai Patan.

Since the date of the Treaty of 1860 (12th December), therefore, the Khilchipur tribute became payable to the Darbar and in consequence of this fact they feel justified in asking that the Government may be pleased to order the refund of the accumulated amount up to date.

6. It is hardly necessary, or I should rather say scarcely possible to account for the error in question not having been detected before now, whereas the note :— No record of the number of villages at the time of transfer of these districts in Schedule B, page 87 of Aitchison's Treaties to a certain extent explains the error, the entry in the remarks column "The whole of the Neemuch district is included herein, excepting Scindia's 2/3 share of Kesho Rai Patan, farmed to Bunde for Rs. 80,000 annually, which remain with the British Government proves the claim now put forward.

A (a) v.

7. This view being accepted, the legitimate status of Khilchipur is explained at once.

The only documents on record, relating to Khilchipur are numbers CXIV, CXV, and the translation of a Parwana from Maharaja Jayaji Rao Scindia Bahadur to Dewan Sher Singh of Khilchipur.

The last two in view of the restoration of Khilchipur in 1860 are null and void and consequently will not entitle it to be classed amongst mediatised chiefships, no mediation having been thereby contemplated necessary, and their inclusion in Aitchison being justified only on the ground of chronological interest. The first No. CXIV is the only document which might at first sight be supposed to suggest the idea of a mediation but on being scrutinised would be found to be merely an unsigned recommendation by the then Political Agent of Sehore put forward as a friendly act on the Darbar's request and subject to the Darbar's acceptance or rejection.

8. To further discuss the status of Khilchipur which, in recent years has been entirely wrongly construed owing probably to the inaccurate statements made in Aitchison (page 283) resulting in extinction of the Darbar's suzerain rights, I shall comment on the following in the light of facts revealed by the record :—

(1) The statement in Aitchison relating to the succession of 1819 :—

“On this occasion the Gwalior Darbar voluntarily remitted the Nazrana which they were entitled to claim.”

(2) The statement in Aitchison relating to the succession of 1819 :—

“Shersingh was succeeded by his nephew, Amar Singh, then aged thirty-five, whose adoption had previously been recognized by the Gwalior Darbar and confirmed by the British Government.”

(3) The statement in Colonel Pear's letter No. 3028 of 10th June, 1899: “Khilchipur being a guaranteed Chiefship of the second class as defined on page 5 of Aitchison's volume of Treaties, it is not proposed that any Nazrana should be paid on this occasion.”

Regarding (1) the Nazrana was not remitted at all, but simply postponed in consideration of the then embarrassed financial condition of the holding, and Rs. 19,000 were, as a matter of fact, paid to the Darbar as Nazrana for this succession (*vide* Political Agent Bhopal's letter No. 180, dated 4th December, 1868).

Regarding (2), the correspondence of the time, viz., the Agent Governor-General's letter No. 636, dated 6th May, 1869, and the Political Agent Gwalior's letter No. nil, dated 11th May, 1869, so far from calling upon the Darbar to state their objections to the succession of Amar Singh, which would have been done had Khilchipur been considered a guaranteed holding or had the confirmation of the Government being necessary shows that Darbar were asked for their sanction to the succession after the recovery of the usual Nazrana.

Regarding (3), I have already indicated the inference to be drawn from the recorded documents as to the status of Khilchipur. To go into further detail and to enquire into the circumstances which led to the agreement CXIV, from a perusal of letter No. 180, dated the 4th December, 1868, from the Political Agent, Bhopal, it is clear that the Darbar to whom the several claimants to the Estate appealed in 1819 requested the then Political Agent to enquire into their respective claims, and to inform them as to who he considered possessed the best claim. In conducting the enquiry the Political Agent had naturally to have regard to consideration of expediency owing to the strong disagreement between the various members of the family and to the possible difficulties in the feasibility of his finding. Thus arose the necessity for the execution of the agreement which was styled provisional and made subject to the approval and confirmation of the Darbar. This fact of the agreement being conditional upon the approval of the Darbar proves that the matter was neither referred by the Darbar for final decision as stated in Aitchison nor was a final decision arrived at in the matter by the Government. The agreement itself is merely a Razinama or relinquishment of their claims by the other

claimants in favour of Shersingh and therefore neither this agreement nor the request of the Darbar to the Political Agent can be considered as a "mediation" which can invest the holding with a guarantee. The difficulties of locomotion in 1819 and the ancient faith of the Darbar in the friendship and co-operation of officers of the British Government easily account for the Darbar's asking the Political Agent (who was nearer to Khilchipur than themselves) to help them in the settlement of a dispute, and that the Political Agent's enquiry was not intended by himself as a "mediation" effected with the set purpose of investing the holding in course of time with a guarantee, is obvious from the last clause of the agreement itself which distinctly made it dependent for its finality upon the approval and confirmation of the Darbar.

9. To construe the agreement of 1819 in any other sense would be to make dead letters of the articles 8 of the Treaty of Barhanpur (1804), 8 of the Treaty of Mustafapur (1805), 9 of the Treaty of Gwalior, 1817, I and II of the Treaty of 1844, as also I of the Treaty of 1860, all which expressly reserve and safeguard the suzerainty of the Darbar and the many rights connoted by that word, with reference to this and other similar holdings. It will not be denied that all these treaties remain and shall ever remain binding alike upon the Government of India and the Gwalior Darbar with reference to all the territories of the latter, and all that they comprise, the territories permanently ceded by the latter to the former alone being exempted from their application and operation.

10. The Treaty of 1844, however, as pointed out above, affected for a time the right of the Darbar in regard to the Khilchipur tribute only, but this right also as above pointed out, was restored by the Treaty of 1860, by which the dual control over the whole of the assigned territories shown in column A of Schedule on page 87 of Aitchison was abolished by cession in full sovereignty of the bulk of the assigned territories to the British Government as per column C, and a restoration similarly in full sovereignty to the Darbar of the remaining territory as per column B. The difference in valuation in columns A, B and C, which might perhaps be held as suggesting the possibility of the Khilchipur tribute having been retained by Government is explained in the schedule as being due to the figures in column A, respecting the estimated value in different coin in 1817 and 1844, and those in column B and C, representing the net revenue in one coin in which realization were made during British management. Furthermore the remark appended to column B, "The whole of the Neemuch district (in which Khilchipur was) included herein, excepting Scindia's 2/3 share of Kesho Rai Patan farmed to Boondee for Rs. 80,000 annually, which remain with the British Government," prove that Khilchipur with its tribute was restored to Gwalior.

11. For facility of reference, I may, in conclusion, be permitted to summarise the present requests of the Darbar in regard to Khilchipur. They are as follows:—

(a) That Khilchipur may be held to be a tributary of the Darbar and not invested with a guarantee.

(b) That in consequence the Darbar may be allowed to exercise their suzerain rights over Khilchipur, in regard (1) to the determining of successions in future; (2) levy or remission of Nazranas according to their own laws at the present succession; and (3) management of the holding during the minority of the present holder.

(c) And finally, the tribute paid by Khilchipur to Government from 12th December, 1860, up to the present day may be refunded to the Darbar and Khilchipur directed to pay the tribute in future to the Darbar.

12. In making the above request the Darbar rely upon the unfailing justice of the supreme benign Government, and desire to affirm that in urging their claim they simply ask for a recognition of their approved right. It is hardly necessary to add that they do not desire of the holding or to increase their territory by its immediate resumption. Their only and earnest desire is that Khilchipur should take its proper place amongst the Darbar's feudatories.

13. I cannot conclude this letter without expressing any regret at the thought that this representation was not made many years ago, but owing to the condition of the State records, which was until recently chaotic, the possibilities of such omission were naturally enormous. The Honourable the Agent to the Governor-General is aware of this fact, and I have no doubt that the Government of India, to whom this case is to be referred for orders, will graciously not consider that this unavoidable tardiness weakens in any measure an unmistakable claim of the Darbar.

I have the honour to be, sir,

Your most obedient servant.

(Signed) R. DINKAR,

Rao Raja Mashir-i-Khas, Bahadur,
Political Secretary to Hazur Darbar, Gwalior.

EXHIBIT 16.

No. 6537 of 1909.

FROM MAJOR P. T. A. SPENCE, I.A., RESIDENT AT GWALIOR, TO THE POLITICAL SECRETARY TO H.H. THE MAHARAJA SCINDIA, LASHKAR, DATED GWALIOR RESIDENCY, THE 14TH OCTOBER, 1909.

SIR,

I have the honour to invite a reference to your printed letter No. 1590 B, dated the 17th August, 1908, which contained the representation of the Gwalior Darbar in regard to the status of the Khilchipur chiefship. This representation was duly forwarded to the First Assistant to the Agent to the Governor-General in Central India, who now desires me to communicate the orders of the Government of India on the subject :—

2. The claims put forward by the Darbar are :—

(a) That Khilchipur should be recognised as an unguaranteed Estate tributary to Gwalior.

(b) That the Darbar should be allowed in the exercise of their suzerain rights to decide all future successions to the chiefship, to levy or remit Nazrana according to their own laws in the case of the present succession, and to administer the chiefship during the minority of the present holder.

(c) And that the tribute paid by Khilchipur to Government from the 12th December, 1860, up to the present day should be refunded to the Darbar to whom the chiefship should be directed to pay tribute in future.

3. A review of the early history of the chiefship disclosed from the correspondence in the possession of the Government of India shows that although there was no written guarantee :—

(1) The Gwalior Darbar have never interfered in the administration of the State, which except as regards the payment of tribute has enjoyed a position of practical independence, subject only to the control of the Political Agent in Bhopal.

(2) That in cases of succession procedure applicable in the case of the guaranteed States has been invariably followed, the Gwalior Darbar being consulted in cases of adoption which have been subsequently confirmed by the British Government.

(3) That since 1818, the chiefship has had direct relations with the Political Agent in Bhopal and has looked to the British Government and not to the Gwalior Darbar, for assistance.

(4) That without reference to or aid from the Gwalior Darbar, the Chief afforded on his own behalf assistance in the mutiny and received from the British Government a title and a salute, and

(5) That so long ago as 1818 the right of the British Government to interfere in Khilchipur affairs was recognised, and that at that time the Chief of Khilchipur was also tributary to the Chief of Kotah. It is clear that from the beginning Khilchipur has been treated as a separate chiefship, a "petty State," as it was described by Mr. Henley in the year 1819. The Government of India are therefore not disposed to alter its status now, and are unable to allow any change in the practice which has hitherto been followed in regard to it.

4. The Darbar's claim to the Khilchipur tribute, which was assigned in 1844 to the British Government, in part payment of the cost of maintenance of the Gwalior contingent, rests on the assumption that the amount of this tribute was included in the revenue of the Ratangarh Pargana, when the valuation of the Neemuch district was made in accordance with the arrangements made under the provisions of the treaty of the 12th December of 1860, for the transfer to the Maharaja Scindia of land to the value of three lakhs of rupees. The Gwalior Darbar have, however, failed to produce any evidence whatsoever to substantiate this assumption.

5. There is no mention of this tribute in the account of the land revenue of the Neemuch district, which was forwarded to the Government of India in 1863. In this valuation land revenue is shown separately from Tankas and other miscellaneous receipts, and there is no ground for the assumption that the tribute of Khilchipur, which for long had been treated as a separate State, was included in the ordinary land revenue of the Ratangarh Pargana, as the difference between the value of the Neemuch district and the three lakhs due to the Gwalior Darbar was subsequently made up in land or by cash payment, it is clear that the assignment of the Khilchipur tribute to the British Government was not effected by these arrangements. The Government of India think, therefore, that the Gwalior Darbar's claim to it is untenable.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) P. T. A. SPENCE,

Resident at Gwalior.

EXHIBIT 17.

No. 4250 of 1909.

FROM THE POLITICAL SECRETARY, HUZUR DARBAR, GWALIOR,
TO THE RESIDENT AT GWALIOR, MORAR, DATED LASHKAR,
THE 4TH DECEMBER, 1909.

SIR,

I have the honour to acknowledge the receipt of your letter No. 6537-581-08, dated the 14th October, 1909, conveying the reply of the Government of India, in regard to the claims put forward in my representation No. 1590, of 17th August, 1908.

2. For facility of reference, I reiterate the claims briefly as follows :—

(1) That Khilchipur should be recognised as an unguaranteed Estate tributary to Gwalior, and as such amenable to the exercise of the Darbar's suzerain rights.

(2) That the tribute paid by Khilchipur to Government from the 12th December, 1860 up to the present day, should be refunded to the Darbar, to whom the Chiefship should be directed to pay tribute in future.

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(3) These claims have been set aside on the following grounds :—

In reference to (1) :—

(a) "The Gwalior Darbar have never interfered in the administration of the State, which except as regards the payment of tribute, has enjoyed a position of practical independence, subject only to the control of the Political Agent in Bhopal."

(b) "That since 1818 the Chiefship had direct relations with the Political Agent in Bhopal, and has looked to the British Government and not to the Gwalior Darbar for assistance."

(c) "That so long ago as 1818 the right of the British Government to interfere in Khilchipur affairs was recognized," "that it was also a tributary of Kotah" and "that Mr. Henley described it as a 'Petty State' in 1819."

(d) "That in the case of successions, the procedure applicable in the case of guaranteed States has been invariably followed."

(e) "That without reference to and aid from the Gwalior Darbar, the Chief afforded on his own behalf assistance in the Mutiny and received from the British Government a title and a Salute."

In reference to (2) :—

(i) "The Darbar's claim to the Khilchipur tribute, which was assigned in 1844 to the British Government in part payment of cost of maintenance of the Gwalior Contingent, rests on the assumption that the amount of this tribute was included in the revenue of the Ratangarh Pergana when the valuation of the Neemuch District was made in accordance with the arrangements made under the provisions of the Treaty of 12th December, 1860, for the transfer to the Maharaja Scindia of land to the value of 3 lakhs of rupees. The Gwalior Darbar have failed to produce any evidence whatsoever to substantiate this assumption."

(ii) "There is no mention of this tribute in the account of the land revenue of the Neemuch District which was forwarded to the Government of India in 1863.

As the difference between the value of the Neemuch District and the 3 lakhs due to the Gwalior Darbar was subsequently made up in land or by cash payment, it is clear that the assignment of the Khilchipur tribute was not affected by these arrangements.

4. I trust I shall be pardoned for observing that the arguments and statements quoted above, do not disprove either of the two claims advanced, as the arguments are based upon a misconception of the facts and the statements are irreconcilable with authentic records.

5. I must own that when we made our representation of 17th August, 1908, the case appeared so simple and clear in the light of the evidence adduced in my letter that I did not consider it necessary to go into minuter details, especially as I had no reason to anticipate that the fate of the question raised by the Darbar would turn upon points such as those conveyed in your letter. The cardinal fact that there never was any engagement with Khilchipur, under the guarantee or through the mediation of the British Government, is nowhere denied in your letter, and all that has influenced the judgment of the Government is certain circumstantial considerations. It will be now my business to show, by appending or alluding to further evidence that the said considerations, circumstantial in themselves, are either untenable or inconclusive and that therefore the Darbar's claims are fully warranted and demonstrable.

6. I now proceed to deal with each paragraph of your letter quoted above.

7. In reply to (a) and (b), I beg to submit copies of certain letters dated 1836-1841 A.D. received by the Darbar from Major John Sutherland, Political Agent, Gwalior, and the Dewan of Khilchipur, together with copies of the replies sent by the Darbar. (*Vide Exhibits A, B, C, D, E, F, G, H.*)

From the perusal of these documents it will be abundantly clear that not only did the Dewan of Khilchipur look up to the Gwalior Darbar, until the assignment of 1844, as his Suzerain and the only power entitled to redress his grievances, but the representatives of the Government itself recognized the fact and turned to the Darbar for quelling any disturbance that occurred in Khilchipur. It is a peculiar coincidence and so I may be permitted to mention here in passing that exactly similar evidence, viz., the fact of the Darbar having been asked in later years to put down some troublesome Sawars in Maksudangarh was considered sufficient to prove their contention that they had exercised control and interference in the affairs of the Estate.

8. As regards (c), I am not aware what the warrant for this statement is, but I imagine it is the document No. CXIV printed on page 307 of Aitchison. This document is the translation of a "provisional" agreement concluded between Thakurs Aman Singh and Madho Singh by Panchayat under the auspices of the Political Agent, Bhopal, who was merely acting *at the request* of the Darbar. Be it noted also that this agreement was expressly made *subject to the approval and confirmation of Maharaja Scindia*. In the face of this document dated 1819 it can hardly be maintained that "so long ago as 1818, the right of the British Government to interfere in Khilchipur was recognized." If the Government had the right in 1818 to interfere in and settle the affairs of Khilchipur, why, in 1819, would their representative wait till he was asked by the Darbar (*Vide narrative of Khilchipur, page 282, Aitchison*) to look into the claims of the rival Thakurs, and why would he make the arrangements subject to the approval and confirmation of the Darbar? As regards "right to interfere," vaguely alleged in the above quotation and often predicated in regard to many other cases of what are euphemistically called "constructively guaranteed" holders, I hope I have said enough in my recent letter on the general question of "guarantee" as to how it used to come to pass, and what its significance should be in the present times. The present is perhaps the most aggravated instance of the importation of "constructive guarantee" into a case, because unlike other cases placed under that head, there is not even a semblance of an engagement between the Darbar and this fief through the medium of the Government.

The record of the proceedings of 1818 is quite distinct. The widows and the mother of Durjan Sal chose one Balwant Singh, a minor, as successor to the Thakurate. Isri Singh contested Balwant Singh's right and appealed to the Darbar. Aman Singh, father of Sher Singh, also contested the right. Instead of taking up the case at headquarters, which it was impossible to do in those days, the Darbar referred it to the Political Agent at Bhopal stating that they wished to support the legal heir. The Political Agent was merely asked to determine who this heir was. Sher Singh having been adjudged by the Panchayat the rightful claimant, the Darbar sanctioned his succession.

As regards the assertion that Khilchipur was also a tributary of Kotah, I must point out that Kotah itself was a tributary of Gwalior. Kotah's feudal superiority, whatever its nature, cannot therefore overshadow, much less, neutralize the overlordship of the Darbar.

Regarding Mr. Henley's description, the Darbar are not aware of the occasion and purpose of the report made by that officer. I doubt if he was engaged on a substantive inquiry into the political status of each State and estate and their interrelations. An incidental use of the expression "Petty State" in a report is of no value, especially as such terms as 'state,' 'Estate,' 'Chief,' 'Chiefship' are to this day most loosely used even in State documents.

9. As regards (d), I may be pardoned for saying that the whole of the statement is altogether at variance with facts. Let us take a survey of the different successions to the Khilchipur Estate. The present succession which has supplied occasion for the Darbar's representation must obviously be left out of account.

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Similarly, the sanction to the succession in 1819 was the Darbar's own act as amply demonstrated above, nor had the Government themselves, until a long time afterwards evolved "the procedure applicable in the case of guaranteed States." Leaving out these two successions, one at each end, there remain only two successions, one in 1869 and second in 1899 (only 9 years ago) in which, the procedure is said to have been invariably followed. In 1869, Amar Singh's adoption "*had been previously recognized by the Gwalior Darbar*" (*Vide Aitchison Volume IV, page 283*). The procedure applicable in the case of guaranteed States in this behalf is embodied in Rule 2 of Succession Rules given in the introduction to Aitchison, Volume IV. It runs: "When there are no direct heirs, the previous recognition by the British Government of an adopted heir is essential, etc., etc." That disposes of Amar Singh's succession in 1869, the recognition being the Darbar's act primarily.

The only succession remaining to be accounted for is that of Bhawani Singh in 1899, but there is nothing to account for in it, as the heir was direct and his succession was a matter of course. It is true that on this occasion, for the first time, on the Darbar preferring a claim to Nazrana equal in amount to the annual Tribute, the Resident wrote in his letter No. 3,082 dated 10th June, 1901, that as Khilchipur was a guaranteed Chief of the 2nd Class, no Nazrana was payable on direct succession—a question begging reply if I may so characterize it. But a single ruling even though acquiesced in by the Darbar for the moment, i.e., till they were in a position to raise the entire question only 7 years after, cannot justify the generalization that "the procedure applicable in the case of guaranteed States has been invariably followed"; nor can it, in the least, weaken the intrinsic merits of the question. The question is—Is Khilchipur guaranteed? and how can the application of the procedure, resting as it did on the assumption that Khilchipur is guaranteed, serve as a proof of it?

10. As regards (e), in reference to the conduct of the Thakur of Khilchipur during the Mutiny, I can only say that in as much as the Darbar themselves remained firmly loyal to the Government during that crisis and rendered all the service they could, every feudatory of the Darbar was bound to do the same. There were some who did not; for instance, Agra Barkhera Sheopore-Baroda and Amjhera. But their conduct was as much spontaneous and personal as that of Khilchipur. The Darbar certainly do not claim and do not wish to claim that the conduct of their feudatories during the Mutiny of 1857 was prompted by themselves. If they did, they would, while taking credit for Khilchipur's loyalty, have to own that they were responsible for the disloyalty of the three others named. This would be ludicrous in view of acknowledged facts and the award given by Government to the Darbar for their services. It is too well known what the condition of the country was in 1857 and how any co-operation, in the absence of speedy means of communication, was impossible. It was a time for the opportunist and each one made use of it according to his predilections. The rebellion of Amjhera can no more throw any discredit upon the Darbar, than the loyalty and support offered by Khilchipur can be any reason for depriving the Darbar of their suzerainty over the Estate.

As regards the conferring of a title and a salute, it was an act of the Government in which the Darbar recognize a compliment paid to themselves, the same way as they look upon the conduct of Khilchipur as a reflection of their own sentiments and a result of their influence, as it was intended to be, on their feudatories. Titles are still sometimes conferred upon Darbar servants by the appreciative British Government without any reference to the Darbar. It would appear, however, that the fact of Khilchipur having a title and salute is almost considered to be a hindrance in the way of recognizing its proper status. But for that matter, even the Darbar's ministers have enjoyed these honours in the past. Raja Sir Dinkar Rao and Sir Ganpat Rao Khadke were both Knights Commander of the Star of India and the latter also enjoyed a salute of 11 guns in British India.

11. Now I come to the question of Tribute.

(i) I beg to submit that I did not mean to "assume" that the Khilchipur tribute formed part of the revenue of Ratangarh Pergana when it was restored to the Darbar in 1860. But what I did maintain was that the tribute had

formed part of the revenue of that Pergana when that Pergana was assigned to the Government as a part of the Neemuch District in 1844. And from this I argued that in as much as the Government restored the whole of the Neemuch District to the Darbar except Kesho Rai Patan (*vide* remarks appended to column B of the schedule), they intended to restore the Khilchipur tribute to the Darbar, and that its retention by the Government and the Darbar. This I still maintain and not merely by virtue of the negative proof I have so far offered. That the Khilchipur tribute was transferred by the Darbar as a part of the assignment of 1844 is not denied. That at the time of the assignment it formed part of the revenue of Pergana Ratangarh cannot be denied, in the face of documents appearing on pages 308 and 309 of Aitchison, and of the testimony of the accounts furnished by the Darbar in the same connection.

12. The entire list of assignments aggregating Rs. 18,41,649/2/6 appears in the schedule given on page 87. This schedule also shows what the Government restored and what they retained. The latter is given in Column C. The Khilchipur tribute is not there; therefore there can be no other inference than that the Government restored it and this inference is also in consonance with the explicit remarks appended to columns B and C.

13. That there is no mention of the Khilchipur tribute in the account of the land revenue of the Neemuch District which was forwarded to the Government of India in 1863 only serves to explain why it was overlooked and also to prove that its equivalent was never paid to the Darbar.

14. By far the strongest proof of the Darbar's claim is derivable from Articles 6 and 7 of the Treaty of 1860. They require that "when the calculations based upon the above conditions shall have been completed the two Governments will exchange 'letters transfer' for all the Districts which are included in the above propositions, and that this exchange of 'letters of transfer' shall on no account be delayed beyond 1st May, 1861 . . ." The "letters of transfer" were evidently meant to impart a legal character to the transaction. Without a formal conveyance of sovereignty by means of that legal document the sovereignty would not have been valid in law.

Now, in pursuance of the said Treaty Provision, the Maharaja Scindia executed the deed of transfer (*vide* page 85, Aitchison). The whole question of what did become or did not become the property of the British Government turns upon this formal, final and permanently binding document. Let attention be focused upon it, because beyond the four corners of it, the Darbar cannot be expected to go. This document contains an exhaustive enumeration of the Districts and Tributes transferred to the British Government in full sovereignty. The Districts do not include any portion of Neemuch save two-thirds share of Kesho Rai Patan which was specifically reserved, nor do the Tributes include Khilchipur. Therefore, it must be held that neither the Darbar meant to let the tribute remain in the possession of the Government nor did the Government mean to take it after 1860. At any rate, the retention by the Government of the Tribute after the deed of transfer had no legal basis to support it.

15.—(ii) This amounts to saying that as a result of the Treaty of 1860 all that the Darbar had to get was merely the award of 3 lakhs and therefore the question involved simply is whether the Darbar received this sum or not?

I venture to submit that, to my thinking, this is not the question at all. The question is not whether the Darbar received the 3 lakhs, which was a voluntary award of the Government in recognition of valuable services during the Mutiny and therefore entirely unconnected with the transactions of 1844 and 1860; the question rather is whether the Government received what they wanted to acquire and the Darbar consented to give in full sovereignty in pursuance of the Treaty of 1860. The primary and specific purpose of that Treaty was, on the part of Government, to acquire in full sovereignty, from the Darbar, permanent resources for the maintenance of the Contingent. The Treaty incidentally arranged, at the same time, two other transactions—(1) Territorial Exchange and (2) Mutiny award—both totally unconnected with the main purpose. The last named transactions might, as well, not have come off at all or might have been consummated in a region wholly outside the assigned districts of 1844. That a portion of the assigned territory

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was allotted as the equivalent of a portion of the combined value of the two transactions was purely a matter of convenience. The allotment in question might have been less or more, or, as stated above, might have been nil. There was no organic connection between those transactions and the manipulation of the "Contingent" assignment and therefore it is quite immaterial to go into all the complicated calculations and accounts involved in the affair. What concerns the Darbar is the net residuum over which the Government acquired absolute property by virtue of the letter of transfer. Everything included in the enumeration in that deed became the property of the Government; anything *not included* in it was not their property. Therein lies the crux of the whole matter.

16. Passing on next to Article 8 of the Treaty of 1860 the minimum cost of the Contingent, the incurring of which was made binding on the Government, was put down at 16 lakhs. Obviously, therefore, this is what the Darbar had to give and the Government to receive. The reward of 3 lakhs being treated as a set off against the sum, the Government had to get 13 lakhs only. This amount the Government more than received without the Khilchipur Tribute, and further as the yield of the lands transferred in 1860 must be considerably more at the present day than it was then, the Government at this date are altogether too well benefited by the Treaty of 1860 to be in need of keeping the Khilchipur Tribute to make up the stipulated cost.

17. Looked at from another standpoint, the situation reduces itself to this, that Government neither restored the Tribute, nor acquired it. It thus remained shrouded in ambiguity. Now, when there is an ambiguity the verdict ought to go by the maxim of public law, enunciated and acted upon by Government themselves in another context, that "if he who could and ought to have explained himself fully and clearly in a Treaty has failed to do so, it is to his own detriment." (*Vide* Selections from Bombay Government Records, relating to Maharaja Scindia's tenure of his Deccan possessions under the Treaty of Surje Anjangaum, published in 1856, page 81).

18. From whatever point of view, therefore, the question of the Khilchipur Tribute is approached, the conclusion is forced upon one that not only did the Government not intend to continue taking the Khilchipur Tribute after 12th December, 1860, but that they had no right to it. That it has continued to be paid to the Government has been due to a mistake. The mistake having now been discovered, it is only fair and just to recognize and rectify it.

19. The Darbar fully trust that the Government in consonance with their ancient policy of unflinching justice so wisely and nobly illustrated and reaffirmed by their recent decision in the Maksudangarh case, will be pleased to award to the Darbar the claims herein advanced in regard to the Khilchipur Estate and Tribute, and thus afford a further occasion for strengthening the Darbar's ever-growing sense of confidence in their sympathy and impartiality.

20. In conclusion, I am directed to record the Darbar's earnest request that should there be still any doubt as regards the validity and equity of the Darbar's claims, they may graciously be afforded an opportunity to thresh out the question freely and fully in personal discussion (with full latitude for questions and cross-questions) with Political Authorities, who will doubtless bring an open mind to bear on the whole subject. Even as between subject and subject, judicial procedure and many times departmental procedure allows and invites personal pleading by parties. Reason suggests the adoption of an analogous procedure, where important interests of the State are at stake. I may add that the Darbar are naturally greatly handicapped in their task, when the Government of India are already committed to a certain view, on grounds on which the Darbar had no chance of submitting explanations and comments.

I have the honour to be,

SIR,

Your most obedient Servant,
 (Signed) RAO RAJA,
 MUSHIR-I-KHAS BAHADUR,
 Political Secretary, Huzur Darbar,
 Gwalior.

EXHIBIT 18 & 19.

EXHIBIT TO RESIDENT AT GWALIOR'S LETTER No. 3364-304-11,
DATED THE 26TH JULY, 1911.

A MEMORANDUM ON THE KHILCHIPUR STATE.

The decision of Government in the Khilchipur case conveyed in their Foreign Department Letter No. 1856-I-A, dated the 20th September, 1909, was communicated in October, 1909, to the Darbar which made a further lengthy and carefully reasoned representation on the matter in their letter No. 4250, dated 4th December, 1909. The Resident (Lieut.-Col. Pinhey) forwarded the representation without comment, as the documents referred to in the Darbar's letter were not traceable in his office, Khilchipur being in the charge of the Political Agent, Bhopal. Accordingly a reference was made to that officer in February, 1910, and after a careful search, he submitted with his letter No. 4101, dated 8th August, 1910, four files of papers bearing on the history of the case, viz. :—

File C.—Correspondence of 1818-20, regarding status of Khilchipur and succession of Dewan Sher Singh.

File A.—Correspondence from October, 1838, to May, 1839, regarding settlement of dispute between the Khilchipur Chief and his half-brother, Madho Singh.

File B.—Correspondence of 1840-1844, regarding transfer of the Khilchipur tribute from Gwalior to the British Government.

File D.—Correspondence of 1868-1870, regarding succession of Amar Singh to his uncle, Sher Singh.

2. These papers throw considerable light on the relation of Khilchipur to the Gwalior Darbar and to the British Government, and they supplement and elucidate the documents referred to in paragraph 7 of the Darbar's present letter, which are now put forward for the first time.

3. It will be seen that the Darbar directly challenge the validity of the reason given by Government for rejecting their claims, and as their representation contains several plausible answers to the arguments of Government, based both on general reasoning and on particular documents, its examination in some detail appears to be necessary.

4. It will perhaps help towards the comprehension of a somewhat complex case if the reasons given by Government for rejecting their claim and a summary of the Darbar's rejoinder are set out in parallel columns.

Reasons Given by Government.

(i) That so long ago as 1818, the right of the British Government to interfere in Khilchipur affairs was recognised, that it was also a tributary of Kotah and that Major Henley described it as a petty State in 1819

Rejoinder by the Darbar.

(i) The argument of Government is presumably based on the provisional agreement of 1819, printed as No. CXX in Aitchison, Volume IV, page 347, 4th Edition. This agreement was expressly made "subject to the approval and confirmation of the Maharaja Scindia." If Government in 1818 had the right to interfere in and settle Khilchipur affairs, why in 1819 should their representative wait till asked by the Darbar to look into the claims of the rival Thakurs, and why should he make the arrangements subject to the approval and confirmation of the Darbar? The Political Agent was merely asked by the Darbar to determine who the heir was and having adjudged Sher Singh to be the rightful claimant the Darbar sanctioned the succession. As to Major Henley's descrip-

(ii) That since 1818, the Chiefship has had direct relations with the Political Agent in Bhopal and has looked to the British Government and not to the Gwalior Darbar for assistance.

(iii) The Gwalior Darbar have never interfered in the administration of the State, which, except as regards the payment of tribute, has enjoyed a position of practical independence, subject only to the control of the Political Agent in Bhopal.

(iv) That in cases of succession the procedure applicable in the case of guaranteed States has invariably been followed.

(v) That without reference to and aid from the Gwalior Darbar the Chief afforded on his own behalf assistance in the Mutiny and received from the British Government a title and a salute.

tion of Khilchipur, it is doubtful if he was engaged on an enquiry into the status of the States and Estates and their inter-relations. In any case the incidental use of the term "Petty State" is of no value, as such terms are even to this day most loosely used in State documents.

(ii) and (iii) Exhibits A to H referred to in paragraph 7 (Correspondence of 1837-38) established not only—

(a) that the Dewan of Khilchipur looked up to the Gwalior Darbar until the assignment of 1844, as his suzerain and the only power entitled to redress his grievances; but also

(b) that the representatives of the Government recognized that fact and turned to the Darbar for quelling any disturbance in Khilchipur.

(iv) The statement is at variance with facts. The sanction to the succession of 1819 was the Darbar's own act. At the next succession in 1869 Amar Singh's adoption "had been previously recognized by the Gwalior Darbar" (Aitchison Vol. IV, page 320). At the next succession in 1899, Bhawani Singh succeeded as direct heir as a matter of course. The fact that the Darbar claimed Nazrana but the Resident held that Khilchipur being a guaranteed chief of the second class no Nazrana was payable, was a question begging reply, and does not warrant the generalization of Government, nor affect the question—is Khilchipur guaranteed?

(v) In the Mutiny some feudatories followed the example of the Darbar and remained loyal, others did not. The loyal support offered by Khilchipur to Government is no reason for depriving the Darbar of their suzerainty over his Estate.

The grant of a title and salute should not be a hindrance to the recognition of the proper status of Khilchipur, titles and salutes have been conferred even on the Ministers of the Darbar sometimes without any reference to the Darbar.

The arguments regarding the Darbar claim to tribute (Paragraph 11 to 18 of their letter) are too lengthy to be summarised and will be dealt with in their proper order.

5. To understand the present position of Khilchipur and its relations with the British Government and the Gwalior Darbar it is necessary to refer briefly to the history of the State. The narrative in Aitchison (Vol. IV, page 320) though meagre, shows that Khilchipur is one of the oldest Rajput States in Malwa, having been founded about the middle of the 16th century, and after the Mahratta occupation of Central India it was one of the last to make its submission. It did not become

tributary to Scindia till 1793, whereas the adjoining and in many respects similarly circumstanced Rajput States of Rajgarh and Narsingharh became tributary to Scindia and Holkar, respectively, as far back as 1770.

IDAR STATE.

GENERAL OBSERVATIONS.

Herewith six memoranda about Idar, the first three relating to his Pattawats, the other three to his Bhoomias. These people, as will be seen, are grantees of the Maharaja of Idar, holding their grants subject to military service and to the Maharaja's pleasure.

From 1829 down to 1924 there have been occasions for British Officers to record decisions respecting the mutual rights and obligations of the Idar Darbar and these grantees, and the memoranda will show that consistently during these 95 years, it was held that these grantees were the dependents of the Maharaja with no rights, for the enforcement of which they could invoke the support of British Officers. Indeed the orders of 1924 in the case of Mundetti and others read :—

“ With reference to his petition, dated 28th May, 1923, to the address of His Excellency the Governor, Bombay, complaining of alleged harassment and usurpation of rights by His Highness the Maharaja of Idar and *asking for the appointment of a Commission* to enquire into his alleged grievances and ascertain his rights, Chauhan Lakshman Singhji of Mundetti is, under orders of Government, informed in the first place that he is not entitled to submit representations to the Agency direct, but only through the Darbar, and that joint petitions are objectionable. Orders on this point have already been issued more than once by Government and the present orders must be regarded as Final.”

It appears that in 1926 the Political Agent, Major Meek, interested himself in the complaints of Idar's Pattawats and Bhoomias and submitted a report to the Bombay Government, in which he described the official records on the subject as “ a century of official error.” This report was given to the Dewan of the State, who took some notes from it, but later, when in order to meet Major Meek's case, the Dewan asked for important extracts from the report, the request was refused.

His Excellency the Governor invited the Maharaja to a personal interview on 6th November, 1926, and handed him two memoranda, one relating to the reorganization of State administration, and the other to the relations of the State with the Pattawats and other Jagirdars. So far as the reorganization of the administration was concerned, the Maharaja took immediate action upon the Government's memorandum, and no question about the necessary reforms remains. We are only concerned with the Government's second memorandum.

This is a note dated 24th October, 1926, of which the 5th paragraph reads as follows :—

“ The second main issue relates to the Pattawats and other feudatories and Jagirdars. There is, to my personal knowledge, grave discontent among the Pattawats, Bhoomias, and Bhayats. It is stated that the demands on them have been excessive, that the feudatories resent these demands and consider them as an encroachment on their rights. I have received so many representations on this issue that I am convinced, according to my information, that the situation constitutes a menace to the peace, not only of the State, but of the surrounding country.”

A (a) v.

The question with which we are here concerned is that of the right of the British Government to intervene between the Maharaja and his Jagirdars. The Bombay Government proposed to appoint a Commission to investigate and report to the Idar Darbar on this amongst other questions, but they laid down that on receipt of the Commission's report the Darbar must consult the Political Agent before taking any action. The Commission was to consist of an experienced Political Officer as President and one representative each of the Darbar and the Pattawats as members. The terms of reference were to be as follows :—

“To define the respective rights and liabilities of the Pattawats, Bhoomias, and Bhayas of the State and the measures to be taken for the settlement and prevention of disputes between them and the Darbar.”

Apart from the question whether, in view of the records of the last hundred years relating to these grantees of the Idar Darbar, the appointment of such a Committee of Investigation is necessary or desirable, there is also the question whether Government have a right to force such a Commission on the Darbar. It is submitted that the recent attitude of these dependents of the Idar Darbar is due to the encouragement that they received from the Political Agent.

On the question of the desirability of the appointment of such a Commission, the view of the Idar Darbar may be put in their own words :—

The proposal to appoint a Commission “is not only entirely uncalled for, illegal and contrary to every rule of policy, but the consequences of it will be inconceivably disastrous, not only to Idar, but to all the States throughout India ; for, the publication of the appointment of a Commission will flare up a host of Jagirdars in the numerous States of India into an attitude of defiance of the certain position reached by the long-standing decisions of the highest authorities.”

His Highness added :—

“If there was misrule in my State, I was responsible, and I should suffer personally. . . . but none of these two facts is a ground for punishing Idar State and for disturbing the settlement of a century, which seems *prima facie*, to be the object of the proposal. I am a temporary holder in charge of the State ; I would consider it a great calamity if during my rule my State is to be deprived of any of the rights which it has acquired during the course of a century . . .” His Highness also complained that “there should be some limit to the latitude allowed to a Political Agent in submitting his confidential and *ex parte* reports and in importing therein entirely irrelevant matters.”

He repudiated emphatically the suggestion that he had introduced certain levies to enrich himself, and evidence is forthcoming to show that these levies were neither new nor unusual. He thus demonstrated the Political Agent's suggestion that one of the levies called Rekh Chakri was a cloak for nefarious designs to be entirely unfounded.

While this case typically illustrates the danger of placing too much reliance upon the word “of the man on the spot,” it also provides a good example of the fact that if a Political Agent is led to take up an adverse attitude against the State with which he is connected, no record, however old and consistent, which favours the rights of the State avails it to resist such an attack. There is much force in the contention of the Idar Darbar that the appointment of a Commission such as has been proposed by the Bombay Government is fraught with danger to the smooth conduct of the administration of all the States. The discontented Jagirdars of the States have only to receive support and encouragement from the Political Officers attached to the States and in the case of every State, there would arise an excuse for the Paramount Power, in the name of preserving the public peace, to intervene with the undoubted result that the internal autonomy of States would go by the board ; the rights of the States over their grantees and dependents would be arbitrarily curtailed and there would come into existence in the States a class of people who would defy the authority of the States, in the hope of obtaining for themselves the status of independent rulers,

TINTOI.

(A SARDAR PATTAWAT).

The case of Tintoi may be cited as a test case, for this Pattawat has from time to time advanced pretensions to entire independence of Idar and claimed to be a Talukadar of the Mahi Kantha Agency directly under the Government.

The status of Tintoi, as claimed by the Darbar, is that of a Sardar, Pattawat or a grantee of Idar holding his estate on condition of service, and of a subordinate of Idar in every respect, having no independent right of any kind; he is neither a Talukdar nor a Thakore; he has no inherent jurisdiction, nor any right to approach the Agency direct and is liable to *Rekh Chakri*, the rate of which is fixed. There is nothing concerning this Pattawat:

- (1) in his status or relationship,
- (2) his rights and duties, or
- (3) in the rate of his liabilities, which has not been finally settled more than once.

The documents throwing light on this case prior to 1821 are not all available, and such as are, are not very clear.

In 1821 Major William Miles, employed on Political duty, submitted to the Resident at Baroda "detailed lists of the dependencies of Idar, comprising the Putas of the Bhayat or relations of the Raja; his Putavuts or Putayuts" etc., with such notices respecting their history, etc., as he was able to obtain during his "deputation to the Mahee Kanta." At page 101 of his report he states that "the Edur territory is divided between the Raja, his Bhayat and Putavuts; the connection subsisting between these will be shown by the accompanying copies and translations of grants," which appear at pages 108 and 109 of the Report. The particulars of the Tintooee Puta are stated at page 117. Exhibit 1.

The next important document relevant to the case is the agreement of 1822 between Maharaja Gambhir Singh Ji, and several Pattawats, etc., including Kanak Singhji, Champawat of Tintoi and Colonel Ballantyne, Agent to the East India Company, Mahi Kantha. The material portions of this agreement are to be found in Clauses 1, 2, 3, 4, 5, 8, 9, 10 and 11. According to this Agreement Pattawats "can be kept and turned away at will" (of the Maharaja) and are liable to serve "as ordered" and pay certain dues "according to the usual current practice." The Patta is to be enjoyed "at the will of Shree Maharaj of Idar." The rule is recognised that "the Darbar exercises jurisdiction and control." It further provides that in the event of the line of any of the Pattawats becoming extinct, his brother or nephew, if any, may enjoy the estate on certain conditions, "otherwise the estate should lapse to the Darbar." Clause 9 in clear and unmistakable terms lays down that "Grant deeds of Pattas to the Pattawats are given for a limited period and they are to be enjoyed only for such period; they are not given for all generations and are not to be enjoyed (in perpetuity)." Clause 10 provides that "the Pattawat is granted Patta for a limited period at the expiration of which the Patta is (*sic*) renewed for fresh period in the ordinary way provided the Pattawat continues rendering loyal services as ordered. If he is disloyal or disobedient, then on the expiration of the period the Patta is not to be renewed; and when the Sirdar is enjoying the Patta, the Darbar may increase or decrease it, or transfer him from one Patta to another; this the Sirdar must accept and not remonstrate by way of right, but may appeal in the capacity of a child to its parent and the Master may listen or not as he pleases." "That the ownership rests with the Darbar is the rule." Exhibit 2.

In 1829 the Board of Directors apparently confirmed the status of Tintoi among others as a subordinate Pattawat in as much as, in the words of the Bombay Government, "the final orders in dispatch No. 22 dated the 31st of December, 1829, rendered any further settlement unnecessary." (Bombay Government No. 4364, dated 29th May, 1891). Exhibit 3.

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Exhibit 4.

In the Memoir on the Mahee Kanta prepared in May, 1845, by Capt. J. R. Keily, Assistant to the Political Agent in that province, at page 37 the following passage occurs :—

“ The Sardar Putavuts and Putavuts of the Edur estate . . . have been rewarded, for the assistance they rendered, with certain grants of land termed Putas, in lieu of pay, *which are all held on tenure of military service, each chief being bound to keep up a fixed number of horse to attend on the Durbar when necessary.*” At pages 47 and 48 particulars are stated of the Tintoocoe Puta and it is mentioned that this Puta was at the time under attachment for the purposes of liquidating the debt entailed upon it by the constant feuds in which Kunkaji was engaged the greater part of his life-time.

Exhibit 5.

Exhibit 6.

In the same years (be it noted that Idar was then being managed by the Agency) the British Officer in charge took a Fael Zamin (Security) Bond from the grandson of the original Pattawat Kunskoji, and granted him a new Patta.

Exhibit 7.

In 1859 when the management was resumed by the Raja, the father of the present Pattawat passed an agreement to the Idar Darbar acknowledging his subordination to the latter, distinctly stating that Tintoi had been granted to his ancestors by the Darbar on a service tenure.

Exhibit 8.
(as communicated
to Tintoi).

In 1859 the Resolution of the Government marked the close of the disputes of Tintoi regarding his status and rights.

From 1886 onwards the long series of orders and resolutions of Government are available which show unmistakeably that Tintoi's status and rights and liabilities have been finally settled time after time and there is no room for further agitation on the part of Tintoi in this matter.

Exhibit 9.

1. The first resolution is of the Bombay Government No. 6460 dated 5th November, 1886. It states that the Agreement of 1859 “ appears to have been a very satisfactory settlement of a long standing dispute between the Maharaja of Idar and the turbulent feudatory. It was fully approved by Government and must be maintained.” It further states that “ the effect of the agreement was to restore the subordination of Tintoi to Idar.”

Exhibit 10.

2. Then comes the Bombay Government Resolution (No. 6682 dated the 15th October, 1887) which is referred to in Agency No. 83 of 1888. This Agency letter says that “ it has been ruled by Government that the . . . Chief of Tintoi can not . . . exercise jurisdiction except by delegation from him (the Maharaja) and that whether to confer such jurisdiction on the Chief of Tintoi or not is entirely within the discretion of the Maharaja.”

Exhibit 11.

3. The above was followed by Agency No. 2513 of 1888 dated 8th October, 1888, conveying the Bombay Government's orders that “ upon a careful consideration of the whole case,” they “ have come to the conclusion ” that the Chief of Tintoi can not style himself Thakore unless invested as such by His Highness the Maharaja of Idar.”

Exhibit 12.

4. Agency No. 2673 dated 11th November, 1889 containing Government of India's orders rejecting the Chief's appeal against the Bombay Government's said resolution (6682 of 1887).

Exhibit 13.

5. By State Order No. 507, dated 28th June, 1923, the Maharaja introduced certain administrative measures within his powers as the Suzerian against which protest was made by a few Jagirdars including Tintoi. The reforms were introduced “ to increase facility and convenience and to bring about a uniform arrangement throughout the entire State.”

Exhibit 14.

6. Agency No. 4425, dated 9th September, 1903, in which the Political Agent rejecting Tintoi's protest against the said State order warns Tintoi that “ it is the duty of the Tintoi Thakore to submit to the orders and respect the authority of his lawful ruler, His Highness the Maharaja of Idar. Failure to do so, the Thakore must clearly understand, will meet with the displeasure of Government.”

7. Agency No. 5936 of 12th December, 1903 in the concluding paragraph of which the Political Agent makes the following observation :— Exhibit 15.

“ Now in the face of all these facts, it is idle, and in a sense impertinent of the Thakore to write as he has done, calling his putta a ‘ State ’ a ‘ Taluka ’ and himself ‘ a guaranteed Chief. ’ All the facts are as well within his own knowledge as they are within the knowledge of the Political Agent. He is simply a Sardar Pattawat of the Idar State, subordinate to the authority of His Highness the Maharaja of Idar in every way and the sooner he abandons such silly pretensions as he has advanced in this petition and submits himself to the authority of his lawful ruler, the better. ”

8. Agency No. 3035 of 20th July, 1904, containing Bombay Government's orders that “ as laid down in the orders of November, 1886, the Thakore is subordinate to His Highness the Maharaja of Idar, and this subordination was accepted by the Agreement of 1859 ; it is pointed out to the Thakore that he holds such position as he has solely at the will and during the pleasure of the Idar Darbar, and Government absolutely decline to consider any representations from him which have for their basis the re-opening of that question. ” Exhibit 16.

9. In respect of the order No. 507 of 1903, Tintoi presented a petition dated 30th August, 1904 accepting Shree Hazur's Order No. 507, dated June 26th, 1903. Exhibit 17.

10. Agency No. 6269 of 20th October, 1911, conveying Bombay Government's orders rejecting the appeal of Tintoi against the order passed by the Political Agent on the 11th December, 1909, in appeal against the decision of the Assistant Political Agent refusing to admit two suits filed to obtain (1) a declaration that Tintoi is a guaranteed State under British suzerainty ; and (2) an injunction against the Idar Darbar that it should not usurp his customs and liquor duties, etc. Exhibit 18.

11. Agency No. 683, dated 3rd February, 1913, containing Government of India's orders rejecting Tintoi's appeal against the Bombay Government's orders referred to in the preceding paragraph. Exhibit 19.

12. Agency Memo No. 7050, dated 14th October, 1913, containing Bombay Government's orders withholding Tintoi's memorial to the Secretary of State for India in Council. Exhibit 20.

13. Agency Memo No. 2640, dated 16th April, 1912, containing Government's emphatic orders directing Tintoi to refrain from questioning the Agreement of 1859, and his subordination to the Maharaja and rejecting his claim in the matter of the attachment of certain villages in pursuance of the administrative measures of 1903. Exhibit 21.

14. Agency No. 1624, dated 12th March, 1913, communicating Government of India's orders declining to interfere with the orders passed by the Government of Bombay. Exhibit 22.

15. Agency Memo No. 6127, dated 18th September, 1916, conveying Bombay Government's orders rejecting Tintoi's appeal regarding his claim to independence of Idar and restoration of the status of an independent estate in his Agency. Exhibit 23.

16. Agency Memo No. A.D.M.-256, dated 22nd May, 1922, conveying Government's orders rejecting his memorials regarding his claim to independence of Idar. Exhibit 24.

17. Agency Memo No. A.D.M.-256, dated 6th July, 1923, containing Bombay Government's orders withholding his further memorial to the Government of India. Exhibit 25.

18. Agency No. A.D.M.-256, dated 24th May, 1924, conveying Bombay Government's orders on Tintoi's memorial that the previous orders were final. Exhibit 26.

19. Agency Memo No. A.D.M.-256, dated 3rd November 1924, which shows that Tintoi's claims for recovery of certain items were based on his own admission of status and the settlement of his rights and liabilities. Exhibit 27.

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Exhibit 28.

20. Agency Memo No. A.D.M.-256, dated 8th November, 1924, conveying the Bombay Government's orders on several points including Tintoi's claim to independence.

Exhibit 29.

21. Agency Memo No. A.D.M.-358, dated 9th December, 1924, conveying Bombay Government's orders rejecting Tintoi's memorial regarding *Rekh Chakri Hak*.

It will thus appear that Tintoi's pretensions have been extravagant and always rejected, and that there is no scope whatever for further discussion.

CASE NO. 2 MUNDETTI.

(A Sardar Pattawat.)

Exhibit 13.

Exhibit 30.

Exhibits 31, 33,
34, 36.

Exhibits 32, 35, 37.

Exhibits 30, 31, 33,
34, 36.

Exhibit 1.

The next case of importance is Mundetti. This Pattawat has appeared on the scene only very recently. From 1811 to 1913 he had no complaint whatever regarding his status, rights or liabilities. Even when radical Administrative reforms were introduced in 1903 by State Order No. 507, he raised no protest against the Darbar's action nor did he claim any compensation till 1914, i.e. six years after he had attained his majority. On the other hand he accepted all the Pattas before and after the Ballantyne Settlement of 1822; he passed a Fael Zamin (security) bond at regular intervals when the Patta was renewed and voluntarily acquiesced in the status of a Pattawat which was recorded in Miles' Report of 1821.

Exhibit 30.

The first relevant document is the Parwana granted by Idar to Mandetti in 1799. This Parwana enjoined Mandetti to render services "as ordered."

Exhibit 1.

In Miles' Report submitted to Government on the 21st September, 1821, the subject of Idar State and its dependencies is found at page 101 the following passage :-

"The Edur territory is divided between the Raja, his Bhayat and Putavuts; the connection subsisting between these will be shown by the accompanying copies and translations of grants."

These translations are to be found at pages 108 and 109 of the Report. At page 109 of the said Report are given particulars of territories included in this putta, as referred to in the opening sentence of the Report at page 101.

Exhibit 2.

In 1822 an agreement was concluded between Maharaja Gambhir Singh Ji and several Putawats, etc., including Jalamsingh, Chuwan of Mandetti and Colonel Ballantyne, Agent to the East India Company, Mahi Kantha. The material portions of this agreement are to be found in clauses 1, 2, 3, 4, 5, 8, 9, 10 and 11. According to this Agreement Putawats "can be kept and turned away at will" (of the Maharaja) and are liable to serve "as ordered" and pay certain dues "according to the usual current practice." The Putta is to be enjoyed "at the will of Shree Maharaja of Idar." The rule is recognized that "the Darbar exercises jurisdiction and control." It further provides that in the event of the line of any Patawar becoming extinct his brother or nephew, if any, may enjoy the estate on certain conditions, "otherwise the estate should lapse to the Darbar." Clause 9 in clear and unequivocal terms lays down that "grant deeds of Puttas to the Pattavats are given for a limited period and they are to be enjoyed only for such period; they are not given for all generations and are not to be enjoyed in perpetuity." Clause 10 provides that "the Pattavat is granted Patta for a limited period at the expiration of which the Patta is (*sic*) renewed for fresh period in the ordinary way provided the Pattawat continues rendering loyal services as ordered. If he is disloyal or disobedient, then on the expiration of the period the Patta is not to be renewed; and when the Sardar is enjoying the Patta, the Darbar may increase or decrease it, or transfer him from one Patta to another; this the Sardar must accept and not remonstrate by way of right, but may appeal in the capacity of a child to its parent and the master may listen or not as he pleases." "That the ownership rests with the Darbar is the rule."

In 1822 another Parwana was granted for 10 years by Idar to Mandetti providing for the continuance of the rendering of services as ordered. This was accompanied by a security bond signed by Mandetti and his sureties for the adequate fulfilment of the obligations by Mandetti. Exhibit 31. Exhibit 32.

In 1830 a fresh Patta was granted to Mandetti with fuller details. Exhibit 33.

In 1832 a Parwana was granted by Idar to Mandetti providing for the continuance of "services as ordered by Shree Darbar." It further provided that "if your sons and zillayats create any disturbance or mischief in your estate, Shree Darbar will punish and confiscate their holdings." This was accompanied by a security bond as before. Exhibit 34. Exhibit 35.

In the Memoir of Mahee Kantha prepared in 1845 by Colonel J. R. Keily, Assistant to the Political Agent in that Province, at page 37 the following passage occurs :— Exhibit 4.

"The Sardar Putavats and Putavuts of the Idar State . . . have been rewarded for the assistance they rendered with certain grants of land termed Putta, in lieu of pay, *which are all held on tenure of military service each chief being bound to keep up a fixed number of horse to attend on the Durbar when necessary.*" At pages 38-41 of the Memoir particulars are stated of the Putta of Mondetta and it is mentioned at p. 41 that "at the request of the Thakoor, his Putta has been placed under attachment for the purpose of effecting an arrangement for the liquidation of the debts which his own and his father's unsettled habits have entailed upon it."

In 1845 another Parwana was granted by Idar to Mundetti for ten years. This was accompanied by a security bond signed by Mundetti and his sureties. Exhibit 36. Exhibit 37.

In 1903 Idar passed a State order No. 507 of 1903, in order "to increase facility and convenience and to bring about an uniform arrangement throughout the entire State." The Pattavat of Mundetti was at this time a minor, but attained majority in 1908. Exhibit 13.

In August 1903 Tintoi petitioned to the Political Agent against the said State order, which petition was finally rejected by order contained in Agency No. 5936 of 12th December of 1903. Exhibit 15.

Tintoi then appealed to the Bombay Government which appeal was rejected. (Agency No. 3035 dated 20th July, 1904). Exhibit 16.

Similar petitions were made by certain Bhumias (Putawats of the former ruling dynasty), which were similarly rejected. Some of these Bhumias submitted Memorials in May 1905 to the Secretary of State for India, but these were withheld by the Bombay Government (Agency No. 5770 dated 6th December, 1905). Exhibit 38.

Thereupon a few Bhumias approached the Government of Bombay for reconsideration of their orders withholding the said memorials to the address of the Secretary of State for India, but the Government declined "to reconsider the orders already passed *which were final.*" (Agency No. 4655 dated 15th September, 1906). Exhibit 39.

In 1914 Mundetti first appeared on the scene claiming the right to :—

1. Liquor distillery.
2. Kalali.
3. Supremacy over Jilayats.
4. Niwarshi Nazarana.
5. Lease of Mowra flowers, and
6. Stamp duty.

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Exhibit 13. all referred to in the State order No. 507 of 1903 ; but all these claims were rejected in view of the orders passed by the Government on the subject of the relations between the Idar Darbar and its Putawat and Bhomia Sardars confirming and upholding the previous orders of Government communicated to the Thakur of Tintoi and others by Memo No. 3035 dated the 20th July, 1904. (Agency Memos Nos. 2128 to 2133 dated 11th April, 1918).

Exhibit 16. Exhibits 40 to 45. The Mundetti claimed exemption from Succession Nazaranas, but the Government rejected his appeal. (Agency No. 6809 dated 21st October, 1916).

Exhibit 46. Similarly his petition against the withdrawal of criminal powers by the State was rejected by the Political Agent. (Agency Memo No. 7094 of 8th November, 1916).

Exhibit 47. Exhibits 40 to 45. Exhibits 48 to 50. His appeal to the Government of India against the Bombay Government orders (Agency Memos Nos. 2128-2133 dated the 11th April, 1918) was withheld by the Government of Bombay who intimated that "Government will not take notice of any further petitions from him in the matter." (Agency Memos Nos. L.A.W. 1-12 dated 5th June, 1919, and 10th July, 1920).

Exhibit 51. Exhibits 48 to 50. Even with respect to the question of *Rekh Chakri Hak* the matter was set at rest by the Bombay Government approving of the rate of Rs. 3/- per horse per month (Agency No. A.D.M.—203 of 28th February, 1921), which order was confirmed by the Government of India conveying that "after very careful consideration of the matter," the Government of India "see no reason to interfere with the decision of the Government of Bombay." (Agency Memo No. A.D.M.—203 of 28th June, 1922).

Exhibit 52. When the Putawat afterwards submitted a memorial to the Secretary of State for India, the Government of Bombay, while withholding it, warned him against false and scandalous allegations against the Political Agent. (Agency No. A.D.M.—203, dated 31st July, 1923.)

Exhibit 53. His petition jointly with others regarding the appointment of a commission to enquire into their rights and grievances was rejected by the Political Agent, who ordered that their request for commission "cannot be entertained as tending to re-open questions already decided." (Agency Memo No. A.D.M.—331, dated 8th January, 1923.)

Exhibit 54. Mundetti then petitioned to the Bombay Government against the said order of the Political Agent. The Bombay Government carefully considered the various grievances and passed long orders rejecting the appeal and suggesting that he should pray "for the clemency" of the Maharaja. (Agency No. A.D.M.—331, dated 18th August, 1924.)

Exhibit 55. 31st October, 1924.)

Exhibit 56. Thereafter Mundetti submitted a Memorial for review of the Bombay Government's said orders, conveyed in Agency No. A.D.M.—331 of 1924, but shortly afterwards in 1925, he saw the wisdom of the Government's suggestion and made complete submission to the Maharaja, requesting the withdrawal of his Memorial, which was accordingly withdrawn.

Exhibit 57. Exhibit 58. At a personal interview with the Maharaja in February, 1925, Mundetti "repented his conduct towards the Durbar," which was conveyed to the Political Agent (Major Meek) in His Highness's letter, dated 28th February, 1925, which was acknowledged by Major Meek in his letter to the Durbar of the 19th March, 1925, expressing the Government's satisfaction at the settlement of the trouble.

It will thus appear that not only did Mundetti not assert his independence for over a hundred years, but when from 1914 onwards he raised his protest, his representations were from time to time rejected by the Government, and he finally submitted to the unqualified authority of the Maharaja.

CASE NO. 3.

UNDANI.

(A Sardar Pattawat.)

The case of the third and the last Sardar Pattawat who put up a fight against Idar, namely, Undani, is still more remarkable than that of Mundetti. This Pattawat had no complaint whatever against the State during the whole of the nineteenth Century, nor in the current Century till the year 1922. It is noteworthy that when several Pattawats and other Jagirdars protested against the State Order No. 507 of 1903, Undani stood by the State and accepted the administrative measures without any protest, acknowledging the complete sovereignty of the Idar Darbar over him. The present Pattawat was induced to join the banner of his son-in-law, Mundetti, who, after his failure tried to rally round him as many Jagirdars as he could. Exhibit 13.

In 1821, Major William Miles, employed on Political duty, submitted to the Resident at Baroda, "detailed lists of the dependencies of Idar, comprising the Pattas of the Bhayats or relations of the Raja; his Putavuts or Putayuts," etc., "with such notices respecting their history," etc., as he "was able to obtain during" his "deputation to the Mahee Kanta." At page 101 of his report, he states that "the Edur territory is divided between the Raja, his Bhayats and Putavuts; the connexion subsisting between these will be shown by the accompanying copies and translations of grants," which appear at pages 108 and 109 of the report. The particulars of the Undani Patta are stated at page 118 at No. 14 among others on the list. Exhibit 1.

The next material document relevant to the case is the Agreement of 1822, between Maharaja Gambhir Singh Ji, and several Pattawats, etc., including Durjan Singh Shersingh, Kumpavat of Undani and Kukadia and Colonel Ballantyne, Agent to the East India Company, Mahi Kantha. The material portions of this Agreement are to be found in Clauses 1, 2, 3, 4, 5, 8, 9, 10, and 11. According to this Agreement Pattawats "can be kept and turned away at will" (of the Maharaja) and are liable to serve "as ordered" and pay certain dues "according to the usual current practice." The Patta is to be enjoyed "at the will of Shree Maharaj of Idar." The rule is recognised that "the Darbar exercises jurisdiction and control." It further provides that in the event of the line of any of the Pattawats becoming extinct, his brother or nephew, if any, may enjoy the estate on certain conditions, "otherwise the estate should lapse to the Darbar." Clause 9 in clear and unambiguous terms lays down that "Grant deeds of Pattas to the Pattavats are given for a limited period, and they are to be enjoyed only for such period; they are not given for all generations and are not to be enjoyed (in perpetuity)." Clause 10 provides that "the Pattawat is granted Patta for a limited period at the expiration of which the Patta is (sic) renewed for fresh period in the ordinary way, provided the Pattawat continues rendering loyal services as ordered. If he is disloyal or disobedient, then on the expiration of the period, the Patta is not to be renewed; and when the Sardar is enjoying the Patta, the Darbar may increase or decrease it, or transfer him from one Patta to another; this the Sardar must accept and not remonstrate by way of right, but may appeal in the capacity of a child to its parent and the Master may listen or not as he pleases." "That the ownership rests with the Darbar is the rule." Exhibit 2.

In the Memoir on the Mahee Kantha, prepared in May, 1845, by Captain J. R. Keily, Assistant to the Political Agent in that Province, at page 37 the following passage occurs:— Exhibit 4.

"The Sardar Putavuts and Putavuts of the Edur estate . . . have been rewarded, for the assistance they rendered, with certain grants of lands termed Putas, in lieu of pay, which are all held on tenure of military service, each Chief being bound to keep up a fixed number of horse to attend on the Darbar when necessary."

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At pages 41 to 43 particulars are stated of the Oondnee Puta.

Exhibit 59.
Exhibit 60.

In the same year when Idar was being managed by the Agency, the British Officer in charge took a Fael Zamin ((security) Bond from him and granted him a new Parwana.

Undani appears on the field for the first time in 1922, 110 years after the settlement of the Mahi Kantha Agency in 1811-12. He petitioned to the Agency protesting against—

- (1) The levy of Rekh Chakri (feudal Military service).
- (2) The attachment of his village by the Darbar for recovery of debts due to the State.
- (3) Withdrawal of his magisterial powers by the Darbar.
- (4) The reforms of 1903, in which he and his predecessor had completely acquiesced for full 19 years.
- (5) The levy of succession fees by the Darbar.
- (6) The levy of forced labour or Veth by the Darbar.
- (7) The levy of school expenses.
- (8) The mode of address used by the Darbar.

Exhibit 61. But his petition was rejected. (Agency Memo No. A.D.M.-297 of the 6th January, 1923).

Exhibit 62. He subsequently appealed to the Bombay Government, but this appeal also was rejected. (Agency Memo No. A.D.M.-297 of November, 1924.)

Exhibit 63. Lastly he applied for the appointment of a special commission consisting of three Government officials to enquire into the offence with which he had been charged, but he was informed that he was subject to the ordinary laws and courts of the State. (Agency Memo No. A.D.M.-391, dated 4th January, 1924.)

Exhibit 64. In May, 1924, he jointly with others petitioned the Agency for the appointment of a commission to enquire into their rights and grievances, but this petition was rejected by the Political Agent who ordered that their request for commission "cannot be entertained as tending to re-open the questions already decided." (Agency Memo No. A.D.M.-331 of 8th January, 1923.)

Exhibit 64. Undani then appealed to the Bombay Government against the said order of the Political Agent. The Bombay Government carefully considered the various grievances and passed long orders rejecting the appeal and suggesting that "his wisest course is to adopt a more conciliatory attitude towards the Darbar. If he accept the decision of the Government and prays for the clemency of His Highness the Maharaja, Government hope that Darbar will grant him a full pardon for his contumacy hitherto. But he cannot hope for any consideration or generosity from the Darbar. unless and until he makes complete submission to His Highness." (Agency Memo No. A.D.M.-297, dated 18th August, 1924.)
31st October, 1924.)

Undani has since submitted a petition for review of the Bombay Government's said orders as well as an appeal to the Government of India, which are pending orders.

The Darbar contend that the status of Undani is clearly borne out by the various documents referred to above, to some of which he was a party himself; and after the rejection in clear and unmistakable terms of his claims to independence and other miscellaneous matters by the Government there is no room for further discussion.

CASE No. 4.

P A L.

(A Bhoomia Jagirdar.)

For the first time in 1884 Pal asserted a claim (1) to style himself a Talukdar, and (2) to correspond directly with the Agency. Captain Salmon, Political Agent, dismissed his claim by order dated 5th August, 1884, in political case No. 4, of 1884-85. In this decision Pal is stated to be "a Bhoomia Chief and subordinate to Idar." Exhibit 65.

On appeal the Bombay Government passed a resolution No. 6419 of 30th December, 1884. In paragraph 2 of the resolution, it is recognized that "the Thakur of Pal is a tributary of the Idar State, and has no independent political status in the Mahi Kantha. Major Salmon has, therefore, correctly ruled that he is not entitled to correspond directly with the Agency." Exhibit 66.

After the State Order No. 507 of 1903 was passed, Pal again protested, but did not carry his right to the Government when informed by the Agency of his status and rights (*vide* Agency No. 5937 of 1903). Paragraphs 7 and 9 of the Agency's reply are notable, especially the concluding portion of paragraph 9, which states "the Pal Bhoomia must clearly understand that such pretensions as he has advanced in this petition can never be recognized and that he must submit to the authority of his lawful ruler, His Highness the Maharaja of Idar." Exhibit 67.

CASE No. 5.

POSINA.

(A Bhoomia.)

This Bhoomia appeared for the first time in the records of the Agency in the year 1914 when the present Pattawat of Mundetti (Case No. 2) departing from the submissive attitude of his ancestors for over a century came forward to endeavour to shake off his dependence on Idar. As Pal (Case No. 4) appeared instigated by Tintoi (Case No. 1) to the Political Agent in 1903, Posina's representation would show that he was in league with Mundetti. Exhibit 67.

This Bhoomia was served with memos similar to Mundetti, bearing Nos. 2134-2137, all of the 11th April, 1918, with reference to his several petitions of 1914, and informed that the orders passed in 1904 regarding Tintoi (Case No. 1), and others applied to his case also. Exhibits 68 to 71.

In 1918, this Bhoomia submitted certain memorials to the Bombay Government which were rejected (*vide* Agency Memo No. 399, dated 26th January, 1918, and 2989 of 21st May, 1918). His further memorial to the Government of India was withheld (*vide* Agency No. L.A.W.I.-5, dated 21st-22nd May, 1919). He was further informed by Agency Memo No. 1429 of 21st February, 1919, that the previous orders of the Agency were confirmed under which his claim to be styled "Thakur," instead of "Vaghela," was rejected. Exhibit 72, Exhibit 73, Exhibit 74, Exhibit 75.

By Memo No. A.D.M.-276, of 15th November, 1924, he was informed "that it is impertinent for him to question the Darbar's authority to interfere in the revenue affairs of his Patta when it is necessary to do so in the interests of peace and order in the State." Exhibit 76.

PAHADA TAKA TUKA.

A Bhoomia.

Exhibit 77. The only other Bhoomia who ever approached the Agency is this one. In 1887 he was told by the Political Agent "that the Idar State enjoys jurisdiction" in disputes between its own subjects (*vide* Agency No. 2332, of 25th October, 1887).

Exhibit 13.
Exhibit 78.
Exhibit 79.
Exhibit 80.
Exhibit 81. His petitions of protest against State order No. 507 of 1903 were successively rejected by the Political Agent, in 1903 and by the Government in 1904, and his appeal to the Secretary of State was withheld in 1905 and his further requests for the reconsideration of these orders were rejected in 1906.

Exhibit 82.
Exhibit 83. In 1923 on his complaint regarding the alleged resumption by the Idar Darbar of his share in two villages and the levy of succession fees he was told that frequent representations were useless "on matters on which orders have been passed by more than one Political Agent." (*Vide* Agency No. A.D.M.-348, dated 12th March, 1923, and No. A.D.M.-350, dated 14th November, 1923.)

Exhibit 84. By Agency No. A.D.M.-381, dated 14th November, 1923, he was told that he could not be addressed as Thakur since "he is addressed as Rathod by the Idar State of which he is a subordinate Pattawat."

EXHIBIT 1.

CASE No. 1.

MISCELLANEOUS INFORMATION RELATIVE TO THE EDUR STATE AND ITS DEPENDENCIES.

Submitted to Government on the 21st September, 1821.

FROM MAJOR WILLIAM MILES, EMPLOYED ON POLITICAL DUTY,
TO JAMES WILLIAMS, ESQ., RESIDENT AT BARODA.

SIR,

In obedience to the orders of Government, I have the honour to transmit detailed lists of the dependencies of Edur, comprising the Putas of the Bhayat or relations of the Raja; his Putavuts or Putayuts; those of the former Raos of Edur; the Koolee Chieftainships in their neighbourhood; and the districts of Malpoor, Pola, Danta, and Gudwara; with such notices respecting their history, revenue, and population as I was able to obtain during my deputation to the Mahee Kanta.

The Chiefs and Karbharees of Edur, its Putas, Ahmednuggur, Megrej, Malpoor, &c., evaded every attempt I made to procure from them any details regarding the state of their respective Talookas and districts; the people of the country supplied this information in some cases, and I trust their reports will be found nearly correct.

The dependencies of Edur extend from the Sabur Mutee River, or rather the district of Gudwara, to Kuntaloo, and more East and West and North and South from the vicinity of Pol to Bayer.

This space includes the possessions of some petty Chieftains, who may be considered independent, although they pay tribute to Edur, and also a part of the dependencies of the British Government, which are intermixed with those of Ahmednuggur, &c. It is bounded on the North by Danta and Seroohee, East by Doongurpoor or Bayer, and South and West by the territories of the British Government and the Gaekwar.

The Edur territory is divided between the Raja, his Bhayat and Putavuts ; the connexion subsisting between these will be shown by the accompanying copies and translations of grants. The accounts of the Rehwurs and Sesodias will show their statements regarding the nature of their relations with Edur ; these are called Putavuts of the Raos of Pola. Vide pages 108 and 109.

The names of the Edur brotherhood, Joda, Chumpavut, Compavut, Jetavut, Oodavut, Run Mulote, &c., are derived from those of the fourteen sons of Rao Choondee, or Chaundee, of Jodhpoor. The Raja of Edur is himself a Joda. His Putavuts are Chowans, Bhatees, and some Mussulman Sipahes : his Karbharees, Gosains, Charuns, &c., also enjoy towns for their services or salaries ; some of these are in Puta and some in perpetuity.

It does not appear that the Bhayat, such as the Chumpavuts, &c., are understood to have any prescriptive right or claim to their Putas beyond the pleasure of the Raja ; but as the resumption of any of them depends on his ability, and as it would excite much distrust in the other relations and Putavuts, it has but seldom, I believe, been attempted : the remainder of the Putas being given in lieu of pay or for services, are resumable at pleasure, or may be forfeited by any breach or failure in the conditions under which they are held.

The Putavuts of the former Raos of Edur, now Chiefs of Pola, are said to have been twelve in number : these had Putas of about twenty-two towns and villages each. Some have most probably been partitioned among the Edur Chiefs, but those whose Putas remain wholly or in part, are—

Pol	The Putavut Rathores.
Walasun	Ditto ditto
Gambose	Ditto ditto.
Mohunpoor	The Putavut Rehwurs.
Surdoee	Ditto ditto.
Gorewara	Ditto ditto.
Roopal	Ditto ditto.
Runasun	Ditto ditto.
Dhudhalia	The Putavut Sesodia.
Kocchki	Dabhi.
Dhurol	Whaghila.
Poseena	Ditto.
Kuntaloo	Now held by the Chief of Ahmed-nuggur.

There are also some single towns held by grants from the Raos of Pola, as Nadisun, Dhumbolia (the Chief a brother of the Rao of Pola), Servuna, Veerabur, Paloo, &c.

The territory of the former Raos of Edur appears to have been much more extensive than it is at present. Khyraloo and Pranti are said to have belonged to Edur, and a large portion of the districts of Doongurpoor and Oodipoor. The towns and villages depending on Edur at that period are reported to have amounted to 616.

The Kooles of the Purgunas of Pranti, Dehgaum, and others, I have been informed, paid a Sulamee to Edur some years ago. It does not appear to have been claimed of late.

A share of the revenue of Gadwara belongs to the Raja of Edur, who also makes Moolukgerce collections both in that district and in those of Danta and Poseena. All these claims have been lately acquired.

The revenue of the Raja is loosely estimated at Rs. 50,000 per annum, exclusive of his collections of Kitcheree, Veeras, &c. This amount depends more on his power to exact than on any scale of assessment, and is therefore very variable. The total amount may be about Rs. 1,00,000 per annum, the Muratha tribute separate.

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The country, although possessing every advantage of soil, water, and climate in an eminent degree, is in some parts a mere wilderness. This desolation appears the result of the dissensions prevailing in this unhappy territory, and can only be removed by the restoration of order.

A peculiar feature in the country depending on Edur and adjacent, is the exceeding abundance of the Mowra or Mowa, Mango, Khirmi, and other fruit trees.

In many parts the soils return ninety for one in good seasons. The statements I have procured of the average returns of grain, and the quantity of seed required, are as follows :—

Grains.	Quantity of Seed required.	Return.
Bajri	5 Seers for Beega ..	50 to go for 1.
Muth	12½ Ditto ditto ..	
Wheat	2½ Maunds ditto ..	20 to go for 1.
Barley	2½ Ditto ditto ..	12 ditto
Gram	20 Seers for ditto ..	25 ditto
Ooreed	10 Ditto ditto ..	20 ditto
Rice	6½ Ditto ditto ..	15 ditto
Jowari	10 Ditto ditto ..	60 ditto
Coarse Rice	13 Ditto ditto ..	40 ditto

In the black and loamy soil of the country between the Sabur and Haut Mutee Rivers the produce is greater, and the quantity of seed required less than in other parts.

The general shares of crops taken by the Government in the Edur Talooka are one-fourth for the Vursadee or rainy season, and one-fifth for the Oonalee or dry season.

In some districts the proportion is one-sixth and one-seventh for each of the above seasons: the difference, however, appears to arise chiefly from contracts made with the cultivators. There are probably some other small deductions from the share of the cultivator, but I have no precise information regarding them.

The commerce between Mewar, Malwa, and Guzerat, through the dependencies of Edur, is very considerable. It is chiefly carried on by Vunjaras and Charuns. The carriage is mostly bullocks, as the roads in this mountainous tract will not admit the passage of carts. Notwithstanding the bad faith of the petty Chiefs in this neighbourhood, and the general unsettled state of the country, the enterprise of the merchants overlooks all obstacles, and they press on with their goods, although certain in some cases of being plundered. The commerce is, however, restrained from these causes, but with precautions might be much increased.

The chief roads are Tintocee and Megrej; there is also a road from Purtaggur and Pola to Edur. The articles they bring to Guzerat are cloth, cotton, iron, opium, ghee, Soorungi, Mujeet, and other dyes; also sugar, rice, and other grain. The exports from Guzerat are salt, tobacco, cocoanuts, oil, betel, spices, dates, almonds, raisins, silk, specie, &c., &c.

The mountainous nature of the country, and its intersection by so many rivers, render it unfavourable for military movements; and the Kings of Guzerat (Mahomedan), although their wars with Edur were frequent, never, that I can discover, ventured to remain in the field, in this neighbourhood, during the rainy season, nor could they ever penetrate the hills north of Edur, where the Raos always found a secure asylum.

I have the honour to be, &c.,

(Signed) WILLIAM MILES.

Pahlunpoor, 21st September, 1821.

HISTORY OF EDUR.

The Charuns and Bhats relate that the original Sovereigns of Edur, like those of most of the remaining parts of Guzerat, were Bhulsor Koolees. The last Chief of this tribe or class was named Sambla. Being a debauched and vicious man, his ministers conspired against him, and invited Rao Song of Seemtra, the great ancestor of the Raos of Pola, to their aid. This Chief killed Sambla, and took possession of his territory.

About twelve generations of this family are reckoned to the expulsion of Jugunnath, the last Rao of Edur.

There is no history of any part of Guzerat to be relied on, which is of a period anterior to the invasion of the Mussulmans. In those extant in the books of the Vyvasas, or genealogists, the facts are so obscured by fable and poetical license, that it is impossible to distinguish or separate them, and it appears lost time to give them any consideration.

The first authentic account of Edur I have been able to procure, relates that in the reign of Sooltan Alla Ooddeen of Delhi, the Rao of Edur (whose name is not mentioned) was besieged by Zuffur Khan, Viceroy of Guzerat, and that in that year he made his peace with the Khan by presenting a handsome Paishkush.

In Hijree 800 (A.D. 1397) Edur was again besieged by Zuffur Khan and his son; but in 801, intelligence being received of the advance of Timoor towards Delhi, they made peace with the Raja, who paid them a sum of money, and they returned to Puttun.

In 814 (A.D. 1411) the Raja of Edur, Run Mull, and some rebellious Mussulman Chiefs assembled with their troops at Morasa, and Sooltan Ahmed marched against them and besieged them in the fort of that town. The fort being taken, Run Mull fled to Edur, where he made his peace by plundering his former confederates and giving up the property to the Sooltan.

In the year 829 (A.D. 1425) Sooltan Ahmed again marched to Edur. The Raja, Poonja, fled to the hills, and the next year the Sooltan built the fort of Ahmednuggur.

In 831 (A.D. 1427) the Sooltan's troops being out foraging, were attacked by Poonja, who defeated them and captured one of their elephants. The Rao, after this success, retired; but the defeated party having rallied, followed and came up with him just as he had entered a pass formed by a steep rock on one side and a deep ravine or precipice on the other. The Rao, at this time, was driving the captured elephant before him, but the Feelban, or keeper, hearing a noise in the rear, turned the elephant round, and the Rao's horse taking fright, leaped down the precipice, and he was unfortunately killed. His body was found some days after by a wood-cutter, who cut off the head and brought it to the Sooltan.

In 849 (A.D. 1445) Sooltan Mahomed marched against Edur, and the Rao as usual fled to the hills. He, however, sent his daughter to the Sooltan, who being much pleased with her, desisted from his enterprise.

The Rao appears to have remained quiet during the reign of Mahomed Biguri, as no mention is made of any expedition against him from 863 to 917.

In the year 918 (A.D. 1512) Bheem, the son of Bhaun, Rao of Edur, rebelled, and Air-ool-Moolk was sent with a body of troops against him by Moozuffur, King of Guzerat. The Rao defeated this Chief, and killed his brother; but Moozuffur, who was at Morasa on his way to Malwa, on receiving the intelligence, immediately returned and totally destroyed the City of Edur. The Rao fled to the hilly country, north. Moozuffur being, however, desirous to proceed to Malwa, on receiving a large sum of money, made peace with him.

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In 920 (A.D. 1514) on the death of Rao Bheem, his brother Rai Mull, supported by the Rana of Chitore, usurped the Government of Edur, expelling Bhar Mull, the son of Bheem.

The Sooltan, greatly offended at the interference of the Rana and the presumption of Rai Mull, ordered the Killedar of Ahmednuggur to establish Bhar Mull and expel the usurper; and in Hijree 923 (A.D. 1517) many actions were fought with Rai Mull, but without any decided advantage on either side.

In 926 (A.D. 1519) Nizam Khan, who had the title of Mobariz-ool-Moolk, being Governor of Edur, a Bhat came to his Durbar, and inquired how long he expected to be allowed to remain there? insinuating that the Rana of Chitore and Rai Mull would soon come and dispossess him of his government.

Nizam Khan, a brave but violent man, immediately ordered a dog to be tied up at the Durbar, and desired him to tell the Rana he should consider him no better than that dog if he did not come.

The Bhat returned to the Rana, who was much incensed at the message, and collected an army of 40,000 men, with which he marched against Edur. Nizam Khan, not having received any reinforcements, had only 900 men to oppose this force, and he therefore retired to Ahmednuggur. 100 horse, however, remained in Edur without his knowledge, and on the arrival of the Rana, were all slain, fighting manfully.

The next day the Rana moved on to Ahmednuggur, and Nizam Khan, with the garrison of that fort and his own troops, amounting in all to 2,400 horse and foot, marched out to meet him. This small body drove the Rana's advanced guard upon the main body, which also fell back to a considerable distance.

That part of Nizam Khan's detachment, however, which had remained in the rear, losing sight of the rest, and supposing them all killed or taken prisoners, gave way and fled: and Nizam Khan and his companions, on their return, finding Ahmednuggur deserted retreated to Pranti.

The Rana, after taking possession of Ahmednuggur and plundering Burnuggur and Visulnuggur, returned to his own territory, whither he was shortly after followed by a large army from Guzerat, to retaliate the injury he had done in his expedition.

In the year Hijree 937 (A.D. 1530) Sooltan Bahadoor led an army into Bayer, and the Rajas of Edur, Doongurpoor, &c. were present, and served in his camp.

From this period the Kings of Guzerat were so much occupied with the conquest of Malwa, Chitore, and the invasion of the Moguls under Hoomayoon, that they had no leisure to complete the reduction of Edur, which they contemplated at some periods. There is little doubt, however, but that they derived a considerable tribute from the Rao; and in the reign of Mahmood II., (107) as the Rajpoots had become troublesome, detachments of troops were sent from Ahmedabad to occupy Edur, Seroohee, Doongurpoor, Bansawara, &c., which they did without opposition.

From this period I have not been able to obtain any written authorities respecting the history of Edur.

About Sumvut 1712 (A.D. 1655) the last Rao of Edur, Jugunnath, from the dissensions of his brethren and Chiefs, appears to have lost all control, and is said to have been compelled to abandon Edur by Mooraud Buksh, then Soobhadar of Guzerat.

A Desye was afterwards placed in charge of Edur for some years.

In Sumvut 1785 (A.D. 1728) Anund Sing and Race Sing, two brothers of the Raja of Jodhpoor, accompanied by a few horse from Vamo and Pahlunpoor and the Koolees of Gadwara, took possession of Edur without much difficulty. They are said to have had an order from Delhi; but the truth seems to be that they were invited by the state of the country, and most likely assisted by the Marwar Princes, who at that period held the Soobhadaree of Ahmedabad.

Some years after, at the instigation of the Desye above mentioned, who appears to have been displaced by the Marwarees, an officer in the service of Damajee Gaekwar, named Buchajee Duvajee, was despatched on the part of the Peshwa to take possession of Edur, which, assisted, by the Rehwur Rajpoots, the servants of the late Rao of Edur, he did. Anund Sing was killed in an engagement fought for the recovery of Edur about Sumvut 1809 (A.D. 1752), and Buchajee, after leaving a detachment there, returned to Ahmedabad.

Rai Sing, however, collected a force, and again obtained possession of Edur. He died in Sumvut 1822 (A.D. 1765).

Sew Sing succeeded his father Anund Sing, and is said to have governed nearly forty years.

Sew Sing had five sons—Bhowani Sing or Laljee, who succeeded him; Soogram Sing, who received the Puta of Ahmednuggur; Zalim or Jalim Sing, who received the Puta of Morasa; Indur Sing (no Puta); and Ummur Sing, who received the Puta of Gorwara.

Bhowani Sing governed only one month after the death of his father, and was succeeded by his son, Gumbheer Sing, in Sumvut 1849 (A.D. 1792). Gumbheer Sing had one son, named Oomed Sing, or Laljee.

The Raos of Pola, who are also Rathores, since the accession of the present family have gradually sunk into insignificance; they possess the mountainous Koole country north of Edur, and pay a tribute or Sulamee to the Raja.

Form of a Puta, or Grant, from the Raja of Edur.

Maharaja Gumbheer Sing, and his son Oomed Sing, whose words are like those of the Duvta, of their good-will, bestow this Puta on Kullian Sing Bhowani Sing, the details of which are—

Vunniad	} Purguna Morasa.
Modursema	
Jalodur	
Mooroo	
Mohodi	
Nagri	

And the Sulamee of Sakri, Rs. 151, every year, all seasons; and all collections, Mangni, Vass, Veeras, fruits, &c. agreeably to this Puta, are to be enjoyed by you; and you are to perform all duties as commanded by the Maharaja.

These towns are given to you without, or in lieu of pay;* the Durbar will not exact any other conditions. Ordered—Edur, Kartik Vud 9th, 1874.

(Signed) PURTAB JUSS KURIM.

Form of a Puta from the Chief of Ahmednuggur or Morasa.

Maharaj Purtap Sing, &c., of his good-will or kindness, bestows the following Puta on Kullian Sing, Rathore, of the town of Jallodur:—

The Town of Mooroo, Sulamee Rs. 351.
 „ Mulodi.
 „ Modursema.

And the customs of Vunniad, excepting the 4th or Chouth of Mulpoor, and the produce of Wauntas, the property of Solunki, Hindoo, and all the remainder of the collections are yours.

Agreeable to this Puta, three towns and the Sulamee are given to you, and you are to perform the service of the Durbar, as ordered. You are to do service with 10 horse at your own expense. The Chouth of Vunniad belonging to Malpoor,

* There is some doubt respecting the meaning of this passage.

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and the 4th of the Wauntas will be enjoyed by Solunki, Hindoo; but excepting these, all other collections are yours. No other conditions will be exacted. You are to perform service with 10 horse. 5 horse are to be always ready, and in cases of emergency 10 horse.

This Puta is given without (or in lieu of) pay, and you are to perform the service of the Maharaja. Morasa, Sumvut 1871, Poush Shood 15th.

PAREKH VENNEY DAS.

Form of a Kurum Jooria Puta, or Grant, from the Raja of Edur to the Members of his own Family.

Gumbheer Sing, Raja of Edur, &c., and his son Oomed Sing, to Kurum Sing. We have arranged the limits of our possessions, the list of which is as follows:—

[Names wanting.]

In this mode a settlement has been made, and I have given you the towns or Putas as above specified. Enjoy them therefore. You are to perform service at the City, or Fort of Edur. Preserve the inhabitants of your district in comfort and peace. You may go and come in any parts of my Purgunas without any apprehension of danger. My word is given for this. The security for 10 years is [name wanting]. He will take care the articles are not infringed. By order.

True translations.

(Signed) WILLIAM MILES.

Edur Towns and Villages, Khalsa.

Names.	No. of Houses.	Revenue.	Fighting Men.	Remarks.
		Rs.		
Edur	2,500	18,000	500	60 horses.
Sabli	1,000	4,500	100	Rajpoots.
Choorwar ..	400	1,500	50	
Baroli	250	1,600	50	
Jhoomsun ..	150	1,000	60	Meroo Jemadar.
Galoora, Great ..	1,000	3,000	100	
Vurali	2,000	9,000	100	
Ekharoo	100	400	100	
Laloora	125	1,700	—	The Puta of the Minister.
Punoo	50	900	—	
½ Roodirdi ..	45	800	25	
Sahebpoora ..	20	100	—	
Vussye	500	2,000	40	
Hanterwoo ..	150	—	—	
½ Phechori ..	100	300	—	½ belonging to Vullasur.
Bilora	600	5,000	100	
Cholasun	150	400	100	
Bhootio	50	600	15	
Kheri	400	1,600	50	
Waritha	—	500	—	
Sambulwara ..	50	250	40	
Sampawara ..	100	900	25	
Panole	100	650	50	
Desotur	200	1,200	50	5 horses.
½ Bhootawur ..	70	700	—	
Oorro	75	300	30	Rajputs.
½ Sowur	50	500	—	
½ Chamoo	—	—	—	½ Muddun Sing.
Kurriadrao ..	125	1,500	50	
Bhaderdi	—	—	—	
Total	10,340	58,250	1,585	65 horses.

List of Towns given in Puta, etc., by the Raja of Edur.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Booreedro	250	—	Gopal Sing Chowan.
Babsur	100	1,000	Noosrut Khan Thoor.
Dantroli	50	300	Subdul Khan Kokhur.
Lalpoora	100	1,000	Gosain Maunigar.
Sye	50	300	Adania Vallasur.
Desun	—	—	Vissun Bharati.
Oomedpoora	100	1,500	Balwuntgur.
Khushi	30	—	Munni Bharali.
Chapi	30	—	} Dunnoodur Bhut.
Larpoor	100	400	
Chitrori	125	1,200	Runchore Bhut.
Budureser	100	4,000	Bucha Jamaudtar.
Kumbooi	—	—	Waugjee Bharote.
Waroli	—	—	Juggoo Bharote.
Chudasun	—	400	A Bhat.
Hinglaj	—	—	Sasun Targula.
Kirperio	—	—	} Misai Ram Kayut.
Shelasun	—	—	
Rawul	—	—	‡Sasun.
Eesurwara	—	—	ACharun.

The share of produce of the land depending on the Town of Edur is said to amount to about ..	Rs.	5,000
Veeras or Taxes	„	5,000
Maundri	„	3,300
Rahdari	„	1,300
		Rs. 14,600
Other collections	Rs.	3,400
		„ 18,000

Share of the crops in the Edur Talooka, Vursadee 1-4, Oonalee 1-5, Dereabad or Sowayabad.

Putā of Ahmednuggur, Chief Kurim Sing.

Names.	No. of Houses.	Fighting Men.	Revenue.	Remarks.
			Rs.	
Ahmednuggur ..	1,500	100	7,000	40 horses.
Harcore	250	50	3,000	
Gudooroo	150	50	1,500	
Nekoaroo	200	100	2,500	
Kunkneh	100	25	1,300	
Beruna	250	25	1,500	
Vurawara	60	25	1,000	2 horses ; Sankla Vania.
Jumuka	100	60	1,000	
Vanuri	100	250	400	Manjee Thakore.
Watroo	30	20	200	
Purburoo	25	10	300	
Paunpoor	30	20	400	
Nawoo	40	10	400	Moonshee Chota Khosial.
Bullochipoor ..	30	10	300	Paroli Rana.
Rajpoor	60	20	400	Deeye Oochal.
Dehman	20	—	400	Walu Bharote.
Jadul	100	60	1,000	
Aroroo	30	10	250	
Kutwarico	40	20	400	
Wuktapoor and its dependencies ..	190	150	2,700	5 villages.
Wurali	40	40	60	
Soorpoor	25	20	150	
Sindi	20	10	200	Bharote Wala Engut.
Hetal	20	10	200	Bharote Haulti.
Dongri	50	25	400	
Wassunoo	10	—	100	
Total	3,470	1,120	27,060	
Dawur		—	300	Thakore Tuktojee
Elole		—	800	
Rampoore		—	150	
Chirawala		—	250	Thakore Santajee.
Kuroli		—	300	Koolees paying Kit-cheree.
Deroli		—	250	
Assroria		400	100	7 Wasses
Aspoo		—	500	
Tajpoor		—	400	
Haloo		—	—	Deserted.
Katwaroo		—	—	
Total		400	3,050	

Revenue details:—

Muratha tribute or Ghansdana	Rs. 11,000
Customs	3,000
Kitcheree	3,050
Malvera	24,060

Total Rs. 41,110

NOTE.—Kuntaloo, at present subject to the Chief of Ahmednuggur, contains about 7 villages inhabited, and the revenue is about Rs. 2,000 per annum.

Purguna Morasa, depending on Ahmednuggur.

Names.	No. of Houses.	Revenue.	Fighting Men.	Remarks.
		Rs.		
½ Morasa	3,000	4,250	1,000	20 horses.
Doogurwara	250	1,750	50	5 ditto; Puta.
Amye	40	200	40	
Boorudi	40	250	50	
Bhilaora	60	700	30	
Shikoo	125	3,000	100	
Antisroo	—	60	—	
Amode	—	—	—	
Kihioh	—	—	—	
Shircole	200	2,000	100	5 horses.
Monkoo	40	200	30	
Goolsoondrao	20	200	25	
Russoolpoor	—	—	—	Deserted.
Pahlunpoor	—	125	—	Sasun.
Olervoo	80	500	25	
Moonshiwara	100	1,200	40	
Dawlutpoor	20	200	—	
Pherali	80	700	125	
Jhaladur	40	200	60	
Kookapoor	60	800	30	Sasun Nathdwara.
Mulode	—	80	—	
Nadri	—	—	—	Deserted.
Modursamoo	—	—	—	
Vanniad	—	—	—	Juma Sirkar.
Shinawass	—	—	—	
Gawut	—	—	—	
Mihiole	—	—	—	Deserted.
Konoo	—	—	—	
Sewari	—	—	—	
Ramanoo	—	—	—	Deserted.
Chowgaumra	—	—	—	Ditto.
Charunwara	40	50	80	
Sungpoor	—	—	—	Deserted.
Dhorewari	25	100	20	
Akron	150	1,500	125	
Subbulpoor	300	—	—	
Nakroo	—	—	—	Deserted.
Khulippoor	—	100	—	Dyaram Desjee.
Moroo	—	25	—	
Gurali	—	—	—	Deserted.
Julalpoor	—	—	—	Ditto
Panchi Kore	—	—	—	
Kunjooris	—	25	—	
Tukavi	—	—	—	Deserted.
Pawoo	—	—	—	Ditto.
Vusadroo	25	200	20	

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Names.	No. of Houses.	Revenue.	Fighting Men.	Remarks.
		Rs.		
Kherawara ..	25	250	20	
Orela	—	—	—	
Dumnio	20	100	15	
Old and New Alipoor	—	—	—	
Budroria	10	25	10	
Alio	—	—	—	Deserted.
Surkuri	—	—	—	Ditto.
Sairo	—	500	—	
Vusava	—	175	—	
Koorikhin ..	—	80	—	
Kolewara	—	32	—	
Dunhoroo	—	550	—	
Kurodoo	—	100	—	
Hamsabad	—	125	—	
Kowoo	—	25	—	
Saaroo	—	25	—	
Koti	—	50	—	
Total ..	4,695	22,302	2,195	30 horses.

Purguna Bayer, depending on Ahmednuggur.

‡ Bayer.	Tatwoo.	Bahrole.
Chowila.	Vusadrao.	Barkisun.
Kurodroo.	Seomlade.	Akunpoor.
Chabaow.	Dehgaumroo.	Balpoor.
Bhookhili.	Lank.	Sunkwani.
Balor Timboo.	Vurdari.	Dhurumri.
Prantweti.	Chamarpoor.	
Kotroo.	Sersoli.	

Purguna Megrej, depending on Ahmednuggur.

Names.	No. of Houses.	Fighting Men.	Revenue.	Remarks.
			Rs.	
Megreji	250	50	4,000	
Battiwar	100	250	150	
Sesodrao	20	15	200	
Oodwoo	40	100	100	
Lalorio	30	20	200	
Bhimapoor ..	60	300	200	
Paisale	20	20	60	
Kasawara	20	20	60	
Eplora	30	100	260	
Wapeno	20	25	60	
Rekul	40	10	300	
Dhoondo	40	125	40	
Wangpoor	20	30	60	
Ramgurri	20	15	150	
Moondri	20	15	150	
Rayawara	20	30	100	
Bhowal	20	25	60	
Paloo	—	—	—	Deserted.
Kurodli	15	20	80	
Total ..	785	1,170	6,170	

Detail of revenue and collections :—

Customs	Rs.	1,500
Sulami to Mori, etc. .. .. .	..	1,000
Ghansdana tribute .. .. .	..	2,500
Kitcheree attended .. .. .	..	700
Land and taxes .. .. .	..	3,470
	Rs.	9,170

District of Malpoor, Thakoor Rawul Tukht Sing.

Names.	No. of Houses.	Fighting Men.	Revenue.	Remarks.
			Rs.	
Malpoor	200	20	4,000	7 horses.
Koombarun	60	50	650	
Saturdo	70	20	900	
Bhimpuroo	25	—	100	
Balikpoor	15	10	40	
Chowrio	20	10	70	
Mihyapoor	30	15	350	
Purria	25	10	300	
Tukhtpoor	25	15	200	
Sampoer	20	—	200	
Bhimpoor	25	—	200	
Nanawarao	100	25	650	
Jysinghpoor	30	20	400	
Purhoro	25	15	400	
Wankavirdoo	20	25	160	
Old Rukwara	20	15	180	
New Tukhtpoor	20	—	100	
Tipranoo	50	—	350	
New Rukwara	10	—	90	
Kaswara	30	20	275	
Nowoo	10	—	65	
Rukhoree	25	15	175	
Govindpoor	25	—	75	
Mewroo	30	—	400	
Angora	40	100	400	
Mohurwoo	20	—	155	
Soonikpoor	15	10	90	
Phugooria	—	—	—	Deserted.
Barianoo	10	—	62	
Parioo		—	130	
Maunvanoo		—	—	
Matitimba	—	—	—	Deserted.
Total	1,015	395	11,167	
Mugori	100	60	500	2 horses.
Kusaroo	25	20	200	
Mustori	40	15	250	Three brothers, Goolam Sing, Prithee Sing, and Andajee, divide the revenue of these towns between them.
Lalooria	15	10	50	
Nuvoo	20	10	100	
Andhari Wari	15	10	60	
Bamroroo	20	30	90	
Bhutwaras	20	10	70	
Mowaroo	25	60	30	
Akuho	20	15	60	
Joonparioo	25	10	80	
Grand Total	1,340	645	12,657	

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The Chief of Malpoor pays Rs. 500 to Morasa, but collects a Chouth in the towns depending on Ahmednuggur in that Purguna.

Peshwa's former claims	..	..	..	..	Rs.	300
Gaekwar tribute	..	..	..	..	"	400
Morasa	..	..	..	..	"	500
Bhayat	..	..	..	..	"	1,490
Thakore	..	..	..	..	"	9,967
						<u>Rs. 12,657</u>

Of the foregoing sum, the customs amount to Rs. 3,900, and land Veeras, or taxes, to Rs. 8,757.

Towns and Villages in the Puta of Mehdsun, Thakoor Ajeet Sing Jodi.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Mehdsun	100	—	
Lembooi	73	—	
Boori	15	—	Koolees.
Komapoor	—	—	Maun Sing.
Raigurh	30	—	
Pulliapoor	—	—	Deserted.
Kumbesur	—	—	Lalljee.
Watroo	—	—	
Rampoor	—	—	

Six towns of this Puta are excused from paying the Ghansdana tribute. The Puta originally contained 6 villages only. Mohkum Sing, the first Putavut, received his Puta from Anund Sing.

The descendants of Mohkum Sing were :—

Inder Sing,
Khomaun Sing,
Jye Sing,
Futteh Sing, and
Ajeet Sing.

Chandernee Puta, Thakoor Subbul Sing Chumpavut.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Chandernee	400	—	Now nearly deserted.
Kullekoo	—	—	
Khere	—	—	
Bhumpurroo	—	—	
Nurooro	—	—	
Kotroo	125	—	

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Kulodra	—	—	
½ Hursoli	—	—	12 towns, ½ share.
½ Veerpoor	—	—	Jytajee, Chumpavut.
Mhow	300	—	} Gopal Sing, Chumpavut.
Khiraje	—	—	
Chetrooro	—	—	} Vupjee and Munroopjee.
Nandoje	—	—	
Luknoli	—	—	
Hutnoli	—	—	
Poosri	—	—	
Wankaneer	—	—	
Dholawani	—	—	} Dhurat Sing, Chumpavut.
Koomapoor	—	—	
Ghati	—	—	
Dewodur	—	—	
Thorudi or Toira	400	—	Paharjee Bhattesewin, with 3 other towns.
Jeytpoor	—	—	Mhow.
Moneya	—	—	Rugoonath Sing, Bhatti.
Veypoor	—	—	Dhurat Sing, Chumpavut.
Chiberoo	—	—	Chundajee, Chumpavut.
½ Bhootawur	—	—	Sesodia Rupjee, the Raja of Edur, assumed half this town last year.
Kunteroo	—	—	

Tintoee Puta, Thakoor Kunak Sing, Chumpavut, attached to the Chandernee Puta.

Names.	No. of Houses.	Revenue.	Fighting Men.	Remarks.
		Rs.		
Tintoee	400	10,000	75	17 horses.
Bhamunwara	125	2,000	30	
Khiruncha	60	600	25	
Bhowanpoor	50	500	30	Kullian Sing, Chumpavut.
Samulpoor	20	150	45	
Bhitali	175	2,000	70	4 horses ; Pudmajee, Chumpavut.
Sulami Roopal	—	150	—	
Ditto Rooderdi, and 3 other towns	—	77	—	
Koochki and its dependencies	—	100	—	
		15,577		

The foregoing lists show the number of towns and villages in the Chandernee Puta at the death of Sooruj Mull, the father of Subbul Sing, about forty years ago.

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Subbul Sing is said to possess a very moderate share of understanding, and from his bad management, Futteh Sing, Thakoor of Mhow, subsequently assumed the chief control among the Chumpavuts. Futteh Sing died in Sumvut 1861, and Anaur Sing succeeded him, and also died, in 1875. Gopal Sing, his son, is an infant, and the affairs of this quarter have since fallen into great confusion. Gopal Sing is about fifteen years of age.

The Puta of Chandernee has lately been partitioned from some quarrel between the two eldest sons of Subbul Sing, Maujee, and Shamjee.

The partisan of the first is Kunkajee, the Chief of Tintoee. The Raja of Edur, and Bhurut Sing of Wankaneer, have taken part with Shamjee. The result, after much disturbance and bloodshed, has been the assumption of the town of Khere and half the Purgana of Hursol by the Raja of Edur, with the consent of Kunkajee, who has taken charge of the remainder of the Puta.

The proprietors, nearly destitute of support, complain of the conduct of all parties.

List of the Compavut Putas depending on Edur.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Kookria	200	—	} Doorjun Sing, Compavut.
Messun	—	—	
Sherepoora	—	—	
Gudoo	—	—	
Bhowangud	—	—	
Mehuvara	—	—	
Sarapoor	—	—	
Eetre	—	—	
Poshina	—	—	Arjoon, the son of Nahar.
Roowach	—	—	King Compavut.
Chumpoo	—	—	} Deserted.
Rampoor	—	—	
Shikoo	—	—	Morasa Talooka.
Oonduni or Oonduri	—	—	
Phulassun	—	—	
Patlio	—	—	
Share of Gudwara	—	700	
Ditto Hudole	—	—	
Chumpulpoor	—	—	
Munniore	—	—	Wuji and Sungram Sing, Compavuts.
Kooksun	—	—	
Vaun	—	—	
Vuddiari	—	—	The son of Bood Sing, Compavut.
Netramli	—	—	} Vuddan Sing, Compavut.
Danamuni	—	—	
Mathasolio	—	—	
Seo Gud	—	—	
Buthoria	—	—	
Thurawass	—	—	Akhi Sing, and Kurunjee, Compavut.
Maher	—	—	Dewjee Run Mulole.
Kotra	—	—	Soorjee.
Baroodroo	—	—	} Gunnesh Sing.
Sanaasun	—	—	
Wassanoo	—	—	Gajajjee.

Putas held by the Jetavut and Run Mulole, excepting those included in the Chowan Puta.

Names.	No. of Houses.	Remarks.
Ganthrole	250	} Thakoor Goolab Sing, Jetavut. Two Wasses, one Bramin and one Rajpoot.
Hanthrole	—	
Nowapoor	—	
Boom Vaun	75	
Ankala	—	
Kumalpoor	—	Goolab Sing. This Puta is distant, but on the 10 years' settlement the tribute was collected by the Raja of Edur.
Mussal	—	Run Mulole.
Kootroo	—	Soorjee Mulole.

The Mondeta, or Chowan Puta, Thakoor Zalim Sing, Chowan.
This Puta includes the Towns of certain Oodavuts and Jetavuts.

Names.	No. of Houses.	Revenue.	Fighting Men.	Remarks.
Mondeta	400	Rs. 5,000	200	80 horses. Umur Sing Chowan, the first Putavut. He came to Edur with Anund Sing in Sumvut 1755.
Rewass	—	—	—	} Dependent on Danta. Deserted. Originally belonging to the Bhatees. } Towns fallen to Mondeta from the death of brothers and failure in their issue. } Rutun Sing, Chowan. Tribute paid with the Raja of Edur. } Zalim Sing, Chowan. } Anund Sing, Oodavut. Tribute with Edur. } In the possession of Ajeet Sing, Jetavut. } Lukjee Jetavut. Tribute excused. } Kurimjee and Goolab Sing, Oodavut. Originally a Puta of the Rao of Pola. Tribute with Edur. } Jewun Sing, Oodavut.
Abrassun	—	—	—	
Gurooria the less	—	—	—	
Nurvo	—	—	—	
Kanpoor	—	—	—	
Jaloodroo	—	—	—	
Mukunchumpoo	—	—	—	
Mullasunoo	—	—	—	
‡ Bhanpoor	—	—	—	
Nandur	—	—	—	
Dhunai	—	—	—	
Makri	—	—	—	
Gota	150	—	—	
Rutonpore	100	—	—	
Dhrole	—	—	—	
Dhakri	—	—	—	
Vassunoo	—	—	—	
Goorole	70	1,600	40	
Choorloo	—	—	—	
Kotan	—	—	—	
Jinjwoo	100	—	—	
Dhrole the less	—	—	—	
Mede	20	—	—	
‡ Bhanpoor	—	—	—	
Moroo	—	—	—	
Mahir	—	—	—	
Kushungur	—	—	—	
Marwaroo	—	—	—	
Huturwoo	—	—	—	
Kaperio	—	—	—	
12 Kooles' villages paying to Mondeta	—	5,000	1,000	

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The Putavuts of the Rao of Pola.

The Rehwur Rajpoots are Purmars, and came originally from Ougien. They have since changed their place of abode successively to Parkur, the Aboo Mountain, and lastly to Tarenga, from all which places they appear to have been expelled. They took possession of Tarenga in Sumvut 1282. Their Putas are derived from the former Raos of Edur, and their dependencies on the present Raja is limited to the payment of Kitcheree, which is levied from them when he makes his Moolukgere circuit.

It does not appear that service can be claimed from them by the Raja of Edur (although I should not think it would be refused if asked), nor that any interference or control in their respective Putas would be attempted by the Raja or allowed.

The name Rehwur is said to be derived from the following circumstance. One of their great ancestors at Aboo being on his way to take charge of his bride, stopped to pay his devotions at a temple of the Devi. As his future father-in-law intended to kill him, the goddess from compassion is reported to have said "Reh vur," i.e. Bridegroom go no further. He therefore remained, and those who went were all murdered.

Town in the Talooka of Mohunpoor, Thakoor Raj Sing, Rehwur.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Mohunpoor	175	1,700	25 horses. This Puta was usurped by the father of the present Thakoor in Sumvut 1851, and the former Thakoor murdered.
Arpoodro	150	1,250	4 horses.
Mathasolio	—	150	
Kutwaroo	20	270	
Bhimpoora	20	245	1 horse.
Bhayut	27	260	2 horses.
Gurroo	60	165	2 do.
Waunta Mandooka ..	—	40	Purguna Morasa.
Pimplio	—	—	
Kabedroo	75	275	2 horses.
Kabidru	25	170	
Uzapoor	4	—	
Hutnole	27	415	2 horses.
Munorepoor	45	245	2 do.
Wamaje	25	415	
Rajpoor	20	—	
Chaplanah	40	150	
Lallpoor	—	—	
Wangpoor	—	—	
Bakrole	175	2,050	
Rukyal	74	—	
Atpoor	15	—	
Kurori	38	—	
Junali	18	—	
Esrole, 1st	12	—	
Do. 2nd	6	—	
Wagheria	100	—	
Nathpoor	25	—	
Great Beber	17	—	

The revenue of 7 of these villages is appropriated to the payment of 100 Rajpoots in the service of the Thakoor.

Dabel Sursodin, Thanadar. 150 Rajpoots serve under this man, and receive the revenue of these villages as their pay.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Little Beber	—	—	In the Tintoocoe Zilla.
Malwu	40	—	
Jalimpoor	—	—	
Boorudroo	—	—	
Jewunpoor	—	—	
Watri	—	—	
Gookroo	—	—	
Bellareyhora	—	—	
Khelora	—	—	

The foregoing statement was furnished by the Karbharees of Mohunpoor. This district produces all kinds of grain. The Vursolee gives 1-3 Deriabad, and the Oonalee 14-15, 6 and 7 in different villages. Rajpoots are not subject to any assessment here. 2½ Seers are deducted from each man as Durbar and other fees; those of the Vusvyat are taken from the cultivators' share. The houses enumerated are those of Rajpoots and Koolees only.

Putta of Surdoee, depending on Mohunpoor.

Names.	Houses, Rajpoots & Koolees'.	Revenues including G. O.	Remarks.
		Rs.	
Surdoee	225	1,350	25 horses. 200 houses, Rajpoots'.
Tetesur	25	625	
Sujjapoor	25	425	5 horses. } Belonging to the Bha- yat.
Lalpoor	25	100	
Shaumpoor	50	100	
Salempoor	15	25	
Guddroo	80	325	
Kaunpoor	20	50	
Yetun	25	100	
Bhanhvuthi	5	90	
Dawii	100	420	
Nowoo	45	135	
Futtehpoor	25	40	2 horses. } 2 do.
Jeetpoor	—	—	

The Sulami paid to Edur was fixed in the time of Damajee Gaekwar—Mohunpoor and Bakrole Rs. 400 yearly, and Surdo Rs. 215. Besides this the Raja collects Kitcheree when he comes accompanied by a force.

Geeras of Mohunpoore in the Purantej Purguna is—

From the village of Tuka,	Rs.	14	2	0	
Gurri,	„	10	0	0	Two fields and a well.
Buswur,	„	25	0	0	

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The produce of grain in this district is—

Bajri, 50 for 1 in ordinary years.

Wheat, 20 for 1 ditto.

Rice, 15 for 1 ditto.

The division of the crops is—1-3 Vursolee, Deriabad.
1-4 Oonalee, Sowayabad.

There is some variation in different places—a deduction of 1 to 3½ Seers per Maund on the collections called Sirkar Sookri.

Runasun Puta, Thakoor Mohun Sing, Rehwur.

Names.	Rajpoots' Houses.	Revenue.	Remarks.
		Rs.	
Runasun	155	655	20 horses.
Rumose	41	600	Do.
Great Dhakrole	82	300	
Little do.	—	—	Deserted.
Hunmuntia	15	150	
Vurvaroo	80	135	
Temchoo	—	—	Deserted.
Nuwulpoor	4	45	
Phungiwara	25	200	Horse.
Rusapoor	—	—	Deserted.
Oodipoor	—	—	
Amoodra	15	15	
Mulwun	8	—	
Nuwawass	29	115	Kurun Sing, Rehwur.
Vurgaum	70	130	Dowlajee Sing. Also the collection of certain grass.
Agcole.. .. .	—	—	
Kunal	20	50	Hanti, Rehwur.
Jamta	25	15	Ditto.
Rajpoor	12	30	Ditto.
Dohpoor	20	30	
Kilooree	8	—	
Rampoore	20	25	Hanti.
Roopthutt	—	—	Deserted.
Vurroo	—	—	Hanti.
Koopadur	—	—	Do.
Jyesingpoor	—	—	Do.
Puroosun	—	—	Do.
Boorawul	—	—	Do.
Nanoo	—	—	Do

Division of the crops :—In some villages Vursolee 1-4, in others 1-5 Deriabad or Sowayabad ; Oonalee 1-7 and 1-8. 1½ Seer per Maund deducted from the cultivators' shares as fees.

Produce of the land in ordinary seasons :—Bajri, 50 for 1 ; Wheat, 15 for 1 ; Jowari, 60 for 1.

Sulami to Edur originally Rs. 225. Kitcheree is also collected. Rajpoots not assessed.

*Talookas Goreswur and Roopal, Thakoors Kurnojee and Shere Bhaee
Rehwar, Putavuti of the Rao of Pole.*

Names.	No. of Houses.	Remarks.
Gorewaroo	—	} The Raja of Edur has a share of these towns.
Kaniote	—	
Jamloori	—	Deserted.
Rampoore	—	
Jeetpoore	—	Sasun.
Goroo	—	
Rajpoore	—	Assumed by the Chief of Ahmednuggur.
Pritapoore	—	Deserted.
Vasanoore	—	In pledge to a Bhut.
Karopa	—	Bhayat.
Durbar	—	Ditto.
Jhope	—	Sasun.
Kurumpoor	—	Futteh Sing, Rehwar.
Roopal	—	
Doodhore	150	Koolees.
Peremuroo	60	Ditto.
Shurra	—	Chowan Addajee. Rs. 40 Sulami to Tintoee.
Bakhore	—	
Oonja	—	
Nadisun	50	
Nuwoo	—	} Shere Bhaee, Rehwar.
Singal	—	

Putas of Walasun, Thakoor Mokhum Sing Rathore, a Putavut of the Rao of Pola.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Walasun	200	1,000	
Mahdwoo	40	—	
Goluvara	—	—	Mewass.
Mahore	—	—	Ditto.
Mahwara	—	—	Doorjun Sing, Compavut.
Phichore	100	—	Sulami to Edur.
Chundup	—	—	Mewass.
Hajipoore	—	—	Ditto.
Rhonass	—	—	Deserted.
Lye	—	—	} Putas.
Khachi	—	—	
Boorali	—	—	Deserted.
Wagri	—	—	
Soodrasun	—	—	Deserted.
Sardarpooora	—	—	
Samlapoor	—	—	

Of the Sesodia Thakoors of Dhudalia by Rae Singjee.

They originally came from Oodipoore. Their great ancestor, Vuhajee, with a body of horse entered the service of Kullian Mull, Rao of Edur, who gave him the Purguna of Bayer (forty-two towns and villages) in Puta.

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Vuhajee, not satisfied with the Puta, requested a few villages might be ceded as a gift (Korum Jooria) or as they are bestowed on the Bhayat, and Kullian Mull gave him Dhudalia, and six other villages then inhabited by Bheels. After the Raos of Edur had abdicated, and the Marwar Princes, Rae Sing and Anund Sing, assumed the Government, the Dhudalia Chiefs refused to serve them, and the Puta of Bayer was taken from them. The Raja of Edur also imposed a tribute on them, as he did on the Rehwur Rajpoots. It is not precisely known when this was first demanded or paid.

On any great emergency, if the Thakoors thought proper they took a few men to Edur, who were paid by the Raja. This is the custom of Dudhalia. The tribute is paid to Edur when demanded by the Raja with a body of troops, and not otherwise.

List of the Thakoors of Dudhalia from Vuhajee.

The first Thakoor, Vuhajee.

His son Hurri Sing.

Hantti Sing.

Kurun Sing.

Bhalojee.

Madhow Sing.

Rae Sing, the present Thakoor.

Town and Villages depending on the Thakoor of Dudhalia.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Dudhalia	170	1,100	6 horses. About 100 Koolees and Rajpoots.
Vurthoo	40	800	
Jambosur	12	400	
Rajh	—	—	Deserted.
Ghaunta	—	1,000	} Laljee, the descendant of Hantti Sing.
Kundole	—	300	
Omudpoor	—	200	Nathjee, ditto ditto.
Jetpoor	—	50	Duljee, ditto ditto.

Grain produced in the rainy season is assessed in the proportion of 1-3 Dereabad ; Oonalee or hot season, 1-4.

The Havildar and Kamdar each take one Seer per Maund of quantity collected.

The Vusoyas receive three shares of grain from the cultivators.

The Thakoor collects some Veeras or taxes, and receives the customs.

Rajpoots do not pay any tax or give any portion of their crops.

No collection is made on fruit trees.

List of Towns and Villages depending on the Rao of Pola, Ruttun Sing Rathore, whose Ancestors were Raos of Edur.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Pola Vejanuggur	—	—	
Rajpoor	—	—	
Nalesri	—	—	
Jhaleti	200	—	Bheels.
Kuntares	—	—	
Oodipoor	—	—	
Atersumba	—	—	
Shamtiloo	—	—	
Nowagaum	—	—	
Goradur	—	—	
Koondul	—	—	
Chundavara	—	—	
Chersas	—	—	
Abhapoor	—	—	
Vurun	—	—	
Dehra	—	—	
Sherasun	—	—	
Kunadur	100	—	Bheels.
Bhayat Pall	—	—	Raee Sing Rathore, Mehyavut ; pays a Sulami to Tintocee.
Cheturis	500	—	Bheels.
Gari	—	—	Koonbees.
Kooriawara	70	—	Koonbees and Bheels.
Limroo	100	—	
Nulliadroo	30	—	
Chamtun	25	—	
Choonimaloo	20	—	
Raisingpoor	40	—	
Poonasamia	—	—	Deserted.
Doodvanna	15	—	Koonbees.
Duntore	40	—	Peaceable inhabitants.
Chitora	125	—	Ditto.
Palitoo	500	—	
Raita	30	—	
Samayoo	20	—	
Bhillio	30	—	
Elari	30	—	
Chitrori	50	—	
Jinjoora	50	—	
Dhumbolig	—	—	Brother of the Rao of Pola ; Sulami to Tintocee.
Soomch	—	—	
Aboodra	50	—	
Koondali	—	—	Deserted.
Wahatoo	41	—	
Taka Tookro	150	—	} Kullian Sing Mehyavut ; Sulami to Tintocee ; 40 fighting men, 5 horses, 14 towns and villages.
Seladri	—	—	
Pahloo	60	—	} Napar Sing, Mehyavut ; Sula- mi to Tintocee
Rampoor	40	—	
Bhamnere	50	—	
Veerpoor	20	—	
Booreli	40	—	Himmat Sing, Mehyavut ; Su- lami to Tintocee. 20 men.
Vehrabur or Veerabur	—	—	
Shedasun	—	—	
Kullole and two other villages	—	—	} Rao Rathora Kivut Sing.
Vussye	—	—	
Nuttio	—	—	} Rao Kurun Sing Rathore. Taken by Dharut Sing.
½ Dewodur	—	—	

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Hoochki	—	—	} Chumpavut. Pay Rs. 100 to Tintoocce.
Adhera	—	—	
Loherio	—	—	
Korumbo	—	—	
Napra	—	—	
Chapra	—	—	

No other information regarding these villages was obtained. The Raos of Pola, since their abandonment of Edur, are—

Juggunath, who had no male issue.

Gopinath, his brother's son.

Kurum Sein.

Madhow Sing.

Sirdar Sing.

Ragonath Sing.

Vujihi Sing.

Ruttun Sing, the present Rao.

*List of Koolee Villages depending on the Districts of Edur,
or in their vicinity.*

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Mayend	—	—	Purantej Purguna.
Roopal	—	—	Hursol Purguna.
Antroli	250	—	} Attached to Bakrole.
Soorpoor	30	—	
Malwun	60	—	
Charunwara	20	—	
Nathpoor	—	—	
Runsipoor	—	—	} Sabur Kanta.
Assroria	—	—	
Pechavu	—	—	
Aglora	—	—	
Sungpoor	—	—	
Golewun	—	—	} Purguna Marosa. Purguna Bayer. Purguna Vijapoor.
Gajun	60	—	
Amodra	60	—	
Anoria	300	—	} Haut Mutee Kanta.
Tajpoor	—	—	
Atpa	—	—	
Khirawaroo	—	—	
Wuktapoor	—	—	
Elole	—	—	} Thakoore Addajee; depending on Edur; Sulami Tintoocce. Sulami Tintoocce.
Dhooanawura	—	—	
Wandiole	—	—	
Dehgaumra	500	—	

Name.	No. of Houses.	Revenue.	Remarks.
Koondole	10	—	Jhareja Kooles ; Oojumjee Thakurda ; Sulami Tintoee.
Karecha	50	—	} Duljee Jhareja ; depending on Edur.
Rungpoor	—	—	
Tetrio	—	—	} Duljee Jhareja ; depending on Edur.
Panch Mowri	—	—	
Jamboori	—	—	
Vussye	—	—	
Khuntario	—	—	} Sewjee Jhareja.
Nowawass	150	—	
Sameroo	—	—	} Goburjee, Jhareja Koolee.
Kunthario	—	—	
Roadirdi	—	—	
Moori	—	—	
Rampoora	—	—	} Bhoputajee, ditto.
Wunjin	—	—	
Wuktapoor	—	—	} Depending on Malpoor.
Little Sameroo	—	—	
Hatrole and Arro or Addo	200	—	
Aniore or Anyole	300	—	

Most of these pay a Sulami to Edur or Ahmednuggur. The Kooles of the Purganas of Dehgaum and Purantej paid a Sulami formerly to Edur, and those of Amleeara and Mandwa are also said to have been included in the Edur Moolukgere.

Amleeara, or Amlialla.

The Chief of this village is descended from the Chowan tribe of Rajpoots, and his ancestors came originally from Sumbhun. He is now called a Khanut.

Amleeara was given to this family they say in the reign of Aurungzebe. The Kooles are famous for the obstinate resistance they have made on some occasions to the Gaekwar troops.

List of the chiefs of Amleeara.

Chowan Jye Sing, the first Koolee.

2, Pithuljee.	7, Rawun.	12, Roopujee.
3, Chumarsi.	8, Meera.	13, Mahdojee.
4, Chaunda.	9, Jye Mul.	14, Jhallajee.
5, Yaya.	10, Kussundas.	15, Bhattojee.
6, Naisul.	11, Sabla.	16, Nathojee, the present Thakoor.

Amleeara was formerly dependent on Mandwa.

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Towns dependent on Amleera.

Names.	No. of Houses.	Fighting Men.	Revenue.	Remarks.
Amleera	375	500	Rs. 1,200	This and the following vil- lages are derived from Mandwa by purchase or otherwise.
Jutpoor	61	—	275	
Aliena	13	—	130	
Chandril	42	60	90	Deserted. A gift from the reign of Edur.
Limba	25	40	300	
Wassenoo	18	15	130	
Oontra	54	—	250	
Aniapoer	10	—	190	
Dhaboo	5	—	90	
Joodhpoor	—	—	—	
Rampoora	16	—	21	

Amount of Geeras formerly collected by the Amleera Kooles in the Purgunas of Morasa, Pranti, Hursol, and Bayer	Rs. 1,250
Ditto in Kuppurwunj	80
Ditto in Atursoomba and Mandwa, 175 Maunds of grain	575
Ditto in Dehgaum	400

The country about Amleera is extremely fertile. Share of the crops, 1-4 Sowayabad.

The Kooles pay no Sulami, neither do they give any share of the produce of their land. The fruit trees in this district are at the disposal of the Thakoer.

Mandwa.

The Kooles of this place were originally Mukwana Rajpoots, and came from Hulwad; they are said to have degraded themselves by living among the Kooles and intermarrying with them. Mandwa was built in Sumvut 1348; the ground on which it stands was given, to its founder, Jowun Sing, by the Khanut Kooles. Jowun Sing, before he died, is said to have added to it 125 other villages.

The Kooles were converted to Islamism in the reign of Mahmoud Bezurre, who, after subduing, re-established them. From the founder of Mandwa to the present Chief, about thirty generations have passed. The Gaekwar Government has a share of Mandwa.

Mandwa Bhayat.

Atursoomba	} These six villages were originally given to Raj Sing. His successors were Jeyet Sing, Hantti Sing, Jat Sing, and Roop Sing.
Kanial	
Sundesur	
Ookurdi Moowara	
Vudvala Ditto	
Vanwus Ditto	

In Sumvut 1845 the Gaekwar troops took possession of Atursoomba, and Roopa Meean, otherwise Roopa Sing, rebelled and was afterwards killed at Kuppurwunj. His son, Jorawur Sing, was re-established in 1851 by the Gaekwar Government, who gave him four towns with the grass fields, Gudaie and Volava, formerly belonging to him in other towns. In 1860, Major Walker, Resident at Baroda, sent for him and renewed his security, which had become void from the dismissal of the Arabs. Joora Meean died in Sumvut 1870. Nahar Sing is the present Chief.

Towns.

Names.	No. of Houses.	Revenue.	Remarks.
		Rs.	
Ponadra	100	600	3 horses.
Nakole	50	300	
Moradroo	25	250	
Tejinal	60	600	A third share of this town belongs to Mandwa.

Division of crops :—

3rd share Sowayabad.

The Gerass of Kuppurwunj .. Rs. 350

Ditto, Punch Mahal ,, 1,900

Karralle is also of the Mandwa Bhayat, who have been in possession of this village about seventeen or eighteen generations. The present Chief is Kesri Meean.

List of Villages.

Names.	No. of Houses.	Fighting Men.	Revenue.	Remarks.
			Rs.	
Karalle	320	350	—	5 horses.
Watroo	15	—	—	
Daput	50	—	—	
Shenali	100	—	—	
Jehr	200	—	550	Pugji Chaja Khumjee ; Juma Mandwa and Atursoomba.
Nermali	250	—	800	Patel Vunarsi and Pugji Varojee ; Juma Atursoomba ; Ghansdana paid by the Kooles ; 3 horses.
Nussurpoor	—	—	—	Share Atursoomba.

Towns and Villages in the Talooka of Danta, Rana Juggut Sing Barar.

Names.	Rajpoots' and Kooles' Houses.	Revenue.	Remarks.
		Rs.	
Danta	164	791	Some Bramins and Banyans here.
Peethapoor	40	150	
Koarsi	14	7	
Great Bhemal	56	400	
Thana	21	525	
Pepodra	15	25	
Adeyrun	29	250	
Abhapoor	—	32	Latelypeepled.
Henaud	28	400	Ditto.
Little Mudali	11	30	
Koondul	25	300	
Sumbli	—	21	Newly reepepled.
Velivura	—	5	
Kuberpoor	—	450	
Vessi	16	95	
Patalio	16	15	
Amodra	17	20	
Great Surra	76	60	
Ruttunpoor	21	101	
Gungwa	30	35	
Little Surra	—	5	
Maunpoor	4	7	
Khyeswara	—	5	Latelypeepled.
Great Mudaly	37	50	
Dewri	14	25	
Nuwawas	109	1,250	
Wujasun	10	—	Putavut.
Poonjpoor	19	250	Ditto.
Goduni	13	—	
Pachoo	13	—	Kooless.
Jeytwass	20	—	Ditto.
Kotesur	12	—	Ditto.
Rechun	8	—	Ditto.
Ambapoor	13	—	Belongs to the Temple at Ambajee.
Bhaunpoor	25	—	
Vugole	33	—	
Panodur	18	—	
Mokunchumpoo	—	101	
Bhakri	—	60	
Nagul	—	400	
Lotoli	—	30	
Bhamenoli	—	—	} Henaud Tappa. No returns from these.
Targaroo	—	—	
Muchkaroo	—	—	
Gatroo	—	—	
Benodroo	—	—	} Bhatee Odhai Sing.
Gooral	—	—	
Jetapoor	—	—	
Moliala	—	—	
Samioo	—	—	
Yuntri	—	—	
Leotal	—	—	
Solesunda	—	—	
Vijlasun	—	—	
Dadhani	—	—	Waghila Neerajee.

Fifty-four towns in this district are said to be deserted.

The Ranas of Danta are Purmars, and derive their origin from Ougein. They are said to have established themselves in Sinda in Sumvut 865. Raj Sing, who governed at Nuggur Tutha, was first called a Burai, and they have since retained that appellation. The family remained in Sinda 245 years. In Sumvut 1110 the Mussulmans invaded Sinda, and destroyed Nuggur Tutha, and the Raja, Kusri Sing, fled with the image of the Devi to Arrusun, the hill on which the temple of Amba Bhowani is built. He afterwards dispossessed the Bheels of the District of Tursinghma, which he and his descendants occupied for forty-nine generations.

In Sumvut 1600 Rana Jymuljee removed to Danta, where his family have since remained. The Rana reckons nine or ten generations to the present time, but there is probably some omission.

The precise amount of Ghansdana paid by this petty Chieftainship has not been ascertained.

Towns and Villages in the Koolee Talooka of Gudwara, depending on Edur.

Names.	No. of Houses.	Estimated Revenue.	Remarks.
		Rs.	
Mavin	—	801	Almost deserted.
Vaniawass	15	10	
Satlasun	170	2,000	70 houses, Koonbees'.
Nowawass	25	400	Talooka Mavin.
Vauw	60	700	
Dhrosee	49	300	
Guda	—	—	Deserted
Benesuma	30	70	
Sumrapoor	20	151	
Wassroo	20	100	
Bhaloosuna	125	1,000	} Walasun Talooka.
Sooltanpoor	20	300	
Oomricha	38	400	
Great Bhaloo	30	400	
Little Ditto	10	125	
Sesepoor	10	200	
Himmutpoor	—	40	Deserted.
Bhantisap	60	300	Sasun.
Total		7,297	

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Names.	No. of Houses.	Estimated Revenue Customs, &c.	Remarks.
		Rs.	
Kotarnoo	78	351	Deserted. Kotaras and Oomri Talookas.
Ajbapoor	—	4	
Rajpoor	6	101	
Little Koturna	60	51	
Oomri	159	600	
Joodhpooria	—	45	
Trinboo	70	251	
Bhumpoor	7	14	
Akulio	9	45	
Veerpoor .. .. .	—	—		Deserted.
Amliala	—	5	Ditto.
Nenderdi	10	25	
Wuzapoor	—	41	
		7,297	
		8,830	

The Koolees of Gudwara were originally Chowan Rajpoots. They call themselves Gudheas. They assisted Race Sing and Anund Sing in the conquest of Edur, and the Sulami they formerly paid to the Raos was in consequence excused. In Sumvut 1857 they fell under the control of the Dewan of Pahlunpoor, but were attached to Edur by Babajee, the Gaekwar officer superintending the Mahee Kanta collections and affairs, in Sumvut 1859. A third share of the revenue of this district is taken by the Raja of Edur, who also oppresses the inhabitants with his Moolukgere collection.

(TRUE COPY)

(Signed) J. WILLIAMS,

Resident, Baroda.

EXHIBIT 2.

THE AGREEMENT OF SHRAWAN SUD 2 SAMVAT 1878 (A.D. 1822).
BETWEEN MAHARAJA GAMBHIRSINGHJI, AND

1. JALAMSINGH, Chuwan of Mundetti,
2. DURJANSINGH SHERSINGH, Kumpavat of Undni and Kukadia,
3. KANAKSINGH, Champavat of Tintoi,
4. GULABSINGH, Jetavat of Ganthiol.
5. AJITSINGH, Jodha of Medhasan,
6. SUBALSINGH, Champavat of Chandarni and Mahu, and

COLONEL BALLANTYNE, AGENT TO THE EAST INDIA COMPANY, MAHI KANTHA.

Bow to Shree Ganesh.

Signature of Maharaja Gambhirsinghji in his own hand.

MUMU :—

(Agreement) of terms between the Idar Taluka (State) and the Patavats and Bhumiias of Idar and the Patavats of the ancient Gadi of Idar and others.

The Government be fully informed of customs and usages, powers, rights and rules, and of their respective authority and should make such settlement that no disturbance should again arise and so mutual Pael Zamin (Securities) and Ad Zamin (counter Securities) bonds be passed for the same.

1. Shree Maharaj is to have such power over Patavats that they can be kept and turned away at will. The rule is that they should serve with such number of infantry and cavalry they maintain, as ordered, and should pay every year annual Khichadi, Sukhadi and other dues (Bab) according to the usual current practice ; and on special occasions or at the time of maintaining Military force, the Sardars should also pay " Foz Khichri," " Hath Gharna," " Nazrana," " Tikka " and other " Balai Forai " according to the rates at which the territories (Muluk) may be assessed for the same during any year.

2. The Patavats to enjoy the Pata at the will of Shree Maharaj of Idar. If in case, Shree Maharaj deprives him of the Pata, the Patavat should find his livelihood elsewhere ; and if he is loyal, the Darbar may give some day a bit of bread to his son or grandson, sufficient for his maintenance. But if by chance he goes away after becoming disloyal, no one of his descendants would ever be given any bread. But if in future, some loyal descendant is born and renders specially meritorious services at a critical moment, Shree Darbar may give him a Pata or maintenance as a favour, otherwise he has no claim.

3. If a Patavat be not given a Patta at all by Idar and if he is loyal, he may serve in the State as a Rajput soldier or armed horseman and thus earn his livelihood, and if he be disloyal, he should go out of the territories ; if he be loyal, the Darbar even may, some day in future in lieu of his services as a horseman, make some provision for his bread and clothes.

4. The Sardars to enjoy their Patas as given originally to them from Shree Idar (Darbar). Such Patas are being increased or decreased for service or non-service, presence or absence, favour or disfavour. The Sardar can only (at best) be angry at such occasion but may not go into outlawry and continue rendering loyal services in obedience to orders ; and the Darbar, too, may not deprive him of his entire Pata, and if the Darbar do deprive him of the whole of the Pata, the Sardar should withdraw and show his resentment (passive) for some months and years and then inform the Sarkar and the Sarkar would advise the Idar Maharaj in a just way on behalf of the Sardar and if Shree Darbar does not listen to it and the Sardar goes into outlawry, then the Sarkar may tell the lord of Idar what may appear to the Sarkar proper. If the Sardar goes into deliberate outlawry from the beginning, the Sarkar should side with the Idar Darbar in punishing the Sardar for that offence of outlawry and not allow him to remain at large.

5. The Patavats of the former Gadi of Idar consist of the Rathores, the Waghelas, the Rehvars, Sisodias, the Biolas, the Dabhis, the Jadejas, the Makwanas, the Ranas, the Gadhias of Hadol, the Khants and others. From these Shree Darbar has a right to claim Khichadi Salami, Foz Khichadi, Nazarana, Tikka, Hath Gharna and Balai Forai in proportion to their holdings. Also former Zamindars namely, Ranas, Barads, Trisangma and others, the Rathors, the Bhatias, the Rawalji the Kanecha Chawhans, the Baria Khant and others, are liable to pay the Darbar Haks, Foz Khichari and Jortalabi. There may be a list in the records of Darbar and Sarkar, of horses, things, and cash sent by them to Idar on festival occasions ; and the rule is that the Darbar exercises jurisdiction and control (*An Davai*) and no one should be disloyal to Shree Darbar nor mix with outlaws nor disturb the peace of the merchants and commissioned agents (coming) from Sarkari Mahal (?). They should serve when required by Shree Darbar, according to orders with as many sowars, footmen and equipments as they may have got. The Darbar to give them grain for horses and food for eating. They shall not leave for private business without leave or order of Darbar, and if their estates are in trouble, the Darbar would help them and preserve their prestige. The Darbar has, from its rights of levies over these Jamindars, given salamis to Sardars. They should be given and taken. As long as they conduct themselves according to the usual mutual rules, neither the Darbar nor the Sardars should unjustly disturb them nor can that be done. In case the Darbar disturbs them unjustly or gets a Sardar to do it and Gaekwar Sarkar's rights are thereby interfered with or the peace of the territory be seriously disturbed, then the Sarkar may ask the lord of Idar in a just way to answer for it ; in case any Sardar wilfully creates an unlawful disturbance without orders (of the Darbar), and if the former Patavat Jamindar comes and complains

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(to the Darbar) at Idar, then the Darbar would help him together with the Sarkar and free his estate from danger. If the former Patavat Zamindar does not behave according to custom and fails to pay the "Salami" Hak and if it leads to forcible measures, then that Patavat Zamindar is responsible for the loss and damage arising in consequence thereof. In case of pressure either in the present or in the past exercised forcibly by the Darbar or the Patavats, the Darbar should arrange, on the appearance of the Jamindar, to better the condition of his estate, considering the status of the estate and the means of his livelihood. But if it (pressure) is made for the fault of the former (Patavat Jamindar) or on his invitation, then he (Patavat Jamindar) cannot claim any damages. So it is. If the line of any of the former Patavat Jamindars becomes extinct and if his brother or nephew is good-behaved, faithful, and capable of rendering services and taking care of the estate, he can enjoy the estate after presenting land or cash, and on taking an order and Sirpav from Idar, otherwise the estate should lapse to the Darbar. And if the Darbar fails to pay the Hak to the Sarkar and the estate increases or decreases in consequence thereof, the former Patavat Zamindar cannot make a claim for it.

6. The understanding as to how the Patavat is to serve the Lord of Idar according to the Patta he enjoys, is : he should maintain three sowars for every Rupees thousand income of the Patta. He should serve the Darbar with two of those sowars and with one to protect his own holding at his own expense. And if a serious occasion arises, all the brothers and nephews big and small, and all men and horses should serve according to orders with fidelity to the salt.

7. If the Patavat serves Shree Darbar with loyalty, the Raja is to do no harm to him, but if the Pattawat proves disloyal and the Rajaji does him harm, there can be no claim (for the harm done). If by chance the Darbar obstructs him, nevertheless the Patavat has to protect the life, lands and honour of the ruler and if he is an outlaw, still he cannot do any harm to the person of the Rajaji even though the Rajaji's head be in his lap.

8. Pattawat can fully press his claim in the capacity of a child in a reasonable cause by getting angry and going away provided he protects the Darbar's person, Gadi, lands, and honour ; and Shree Darbar also would listen to his just prayer.

9. Grant deeds of Pattas to the Pattavats are given for a limited period and they are to be enjoyed only for such period ; they are not given for all generations and are not to be enjoyed (in perpetuity).

10. The Pattawat is granted Patta for a limited period at the expiration of which the Patta is renewed for fresh period in the ordinary way provided the Pattawat continues rendering loyal services as ordered. If he is disloyal or disobedient, then on expiration of the period the Patta is not to be renewed ; and when the Sardar is enjoying the Patta, the Darbar may increase or decrease it, or transfer him from one Patta to another ; this the Sardar must accept and not remonstrate by way of right but may appeal in the capacity of a child to its parent and the Master may listen or not as he pleases.

11. If perchance any Pattawat's line becomes extinct, his brother or nephew who is well behaved and capable of rendering loyal services to Shree Darbar as ordered, may be given the Patta by the Darbar if the Darbar so pleases, on his paying a Nazarana in the form of village, cash or other articles and receiving a Sirpao (head dress of honour), otherwise the Patta would lapse to the State. That the ownership rests with the Darbar is the rule.

12. The Kunwarji of Idar when going outside will enjoy the same honour as the Idar Darbar from Rajwada, Sarkar and border States of equal status. The eldest Kunwar of Idar is given the whole Modasa Patta as his maintenance. His order and authority in his own Patta, as well as over the Mulagiri, and Khijmat given to him by the Darbar as also in the Durbar's territory, will be according to the wishes of the Durbar. The Sardars should be loyal to him just as they are to the Darbar and obey such orders as are agreeable to the Darbar and he, i.e., the Kunwar also should order (the Sardars) as agreeable to the Darbar. As long as the Lord of authority (Darbar) is in good health, the Kunwar's authority shall be exercised according to the orders of the Darbar and he shall so serve. Without (the Darbar's) orders not a step shall be taken.

Dated Shrawan Sudi 2 Samvat 1878 at Sadra Fort.

(Signed) CHUVAN, JALAMSINGH.

(Signed) DURJANSINGHJI SHERSINGJI KUMPAVAT.

(Signed) THAKOR KUNAKSINGHJI KHAMP CHAMPAVAT.

(Signed) THAKOR GULABSINGHJI JETAWAT.

(Signed) THAKOR AJITSINGHJI KHAMP JODHA.

(Signed) THAKOR SUBALSINGHJI KUMWAR MALJI Khamp Champavat.

(Signed) BALLANTYNE, Political Agent, Mahi Kantha.

Compared by,

HARGOVIND PRANDAS,

Daftari Karkun, Mahi Kantha.

TRUE COPY.

(Signed) W. SCOTT,

Political Agent, Mahi Kantha.

Idar Vakil applied for a copy by Yadi No. 170 dated 5th February, 1887.

Copy granted 5th March, 1887.

TRUE TRANSLATION.

(Signed) CHATURBHUIJ M. BHATT,

Authorised Translator,

Mahi Kantha.

EXHIBIT 3.

No. 4364 of 1891.

POLITICAL DEPARTMENT,

BOMBAY CASTLE,

29th May, 1891.

FROM LEE WARNER, ESQUIRE, SECRETARY TO THE GOVERNMENT
OF BOMBAY, TO THE POLITICAL AGENT, MAHI KANTHA.

SIR,

I am directed to acknowledge the receipt of Colonel Scott's letter No. 1365, dated 30th of April, 1891, forwarding from your records the true copy of what he still continues to describe as "the agreement executed in the year 1822 between Maharaja Gambhirsinghji and his Pattawats through the mediation of Major Ballantyne" and reporting that the Idar State has failed to produce the "original document from which a copy was made and sent into Government on 13th of March, 1897, as 'An agreement of Patawats entered into between the State and the British Government.'" A further copy of it was enclosed in Major Ferris' letter No. 2648, dated 18th September, 1890. Colonel Scott in his report No. 609, dated 22nd March, 1887, relied on the document on those terms. "It very distinctly lays out the relations which obtained between the Pattawats when it was executed in the presence of the Political Agent and is signed by the five of his Principal Pattawats and the father of the present Chief of Tintoi. A copy of the vernacular document first forwarded through Colonel Scott in 1887 is substantially the same as that now produced from your records and the Agency copy is the document on which Major Ferris wrote on the 18th of September, 1890. The subordination of Bhomias and Sardar Patawats and their relations with the Idar State as provided in Colonel Ballantyne's agreement dated 1892, are sufficiently clearly defined." Major Ferris was, however, at once called on, in Government Resolution No. 6873, dated the 4th of November, 1890, "to explain in full detail his grounds regarding the document attached to the correspondence as authoritative." With this warning against

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carelessness Major Ferris replied on the 25th of November, 1890, that he gathered although Government did not fully approve of the manner in which Major Ballantyne had conducted his investigation and arrived at Settlement, yet they did not repudiate him and the Settlement was left in force with tacit consent."

I am now to inform you that the records of Government contain the original copy in vernacular in which the Idar copy of 1887 and the Agency copy now produced are supposed to be facsimiles. With these facts before him the Governor in Council cannot but entertain a doubt whether Colonel Scott or Major Ferris ever compared the English translation of the document called by them, a settlement either with the Agency vernacular copy or even with the vernacular copy supplied by Idar. Had they done so, their first and primary mistake would have been avoided. They would have perceived that the document itself bore no trace of a settlement, but was a memorandum of the relative right of Idar and his Patawats, drawn in order that the British Government might proceed to a settlement. The first mistake committed was the omission to compare the vernacular with the English translation on which the Political Agents in succession relied. The second mistake is one which proper vigilance would have detected. The Agency copy does not agree in one particular with the true copy on the record. When the issue of the accuracy was directly raised, Major Ferris should have made a reference to the records of Government and not satisfied himself with Agency records. "The original document appears to be a statement which Colonel Scott affirms to be mistaken. The theories lay in not consulting his own records, which would have shown Major Ferris conclusively that the document now served up was an enclosure to Major Ballantyne's report No. 162, dated 15th October, 1822, and was accompanied by a commentary which conclusively showed that it was not a settlement but a statement of Idar's claim to which as a basis of discussion, the signatures of certain Chiefs were in a very questionable manner obtained. The Court of Directors found grave fault with the procedure and repudiated the method adopted.

The final orders in Despatch No. 22, dated the 31st of December, 1829, rendered any further settlement unnecessary and limited and defined for ever the claim of Idar guaranteeing the Patawats against further exactions.

3. The Governor in Council must express his regret that Colonel Scott should not justly have treated the document before as a settlement "that Colonel Goodfellow on the 7th April, 1890, have reported the need for a settlement, when the Orders of 1829 should have been observed and carried out, and that Major Ferris, whose attention was expressly called to the need for caution, should have repeated the mistake of his predecessors.

4. Reverting to Colonel Goodfellow's letter No. C 766, dated the 7th of April, 1890, I am to request that proper attention may now be given to the settlement quoted in G. R. No. 1988, dated 25th March, 1891, and that the Chief of Tintoi may with reference to G. R. No. 6682, dated 15th October, 1887, be informed that the document put in by Idar as a settlement of 1822, is not relied on by Government as such. A suitable occasion may also be taken to let the successor of the other side to the Memorandum of 1822, knowing that Government rely on the settlement approved by the Court of Directors, with the subsequent arrangements that may have received the approval of Government.

5. As regards the Maharaja I am to request that you will call upon His Highness to explain how the English translation of the settlement put in by him in 1887 and again with the Dewan's memorandum, dated 15th September, 1890, agrees with the vernacular copy of the memorandum produced from the Agency records and also to produce the "true copy" given him by the Agency, or any original in his possession. If in giving the copy the Agency described it as a "Settlement," using the terms which have been used in addressing to the Government I am to request that you should formally cancel such expressions refer the Darbar to the one real settlement, namely, that approved by the Court of Directors in 1829. The Idar Darbar should be again given a fortnight within which to produce the original or the copy from which it was copied in 1887, and to furnish its explanation of the translation.

I have, etc.

(Signed) W. LEE WARNER,
Secretary to Government.

TRANSLATION OF AN APPLICATION SENT BY KUNKAJI OF
TINTOI TO MAHARAJA GAMBHIR SINGHJI IN St. 1886 (A.D.
1830) AFTER RESTORATION OF HIS PATTI TO HIM.

SHREE.

To Shree Shree Shree Shree Shree 108 Shree Maharaja Dhiraj Maharajaji Shree Gambhir Singhji who may live long, Kunka of Tintoi a servant bound to serve as ordered—makes known his Muzra.

I beg to submit that I have heard that Banias of Idar have been seized and carried off. My Lord, the Sardar, whom you favour, has seized the Banias of Idar. It is your greatness that leads you to favour him.

Further I wish to come to Shree Hazur. I will come and present myself before Shree Hazur as soon as Gusai Lakhbharthi is appointed security and sent to me. I will then relate all particulars to Shree Hazur. The particulars are too many to be written in this application. I will consequently convey all the particulars when the opportunity of seeing Shree Hazur is accorded to me. My Lord, it is my wish to show how I render service at the bidding of Shree Hazur. The security may be appointed and sent soon. I will come to Shree Hazur as soon as the security is sent. My Lord, if you think of bringing about a complete amicable arrangement, you will be pleased, after perusing this application, to encamp at Bhavnath without hesitating for a moment. I have resolved to abide by your orders. What more can I write. Dated Asho Sud 5th of Gujarati Samwat 1886.

[True Translation,]

(Signed) J. K. SANDYE,

For Dewan, Idar State.

EXHIBIT 4.

MEMOIR ON THE MAHEE KANTA, PREPARED IN MAY, 1845, BY
CAPTAIN J. R. KELLY, ASSISTANT TO THE POLITICAL AGENT IN
THAT PROVINCE, WITH SUBSEQUENT ADDITIONS.

MEMOIR ON THE MAHEE KANTA.

Pillajee Rao Gaekwar, the founder of the present Gaekwar family, was one of the principal officers under the celebrated Muratha Chief Dehburee. He occupied about this time (A.D. 1719) the fort of Songur in the Rajpeela hills, and subsisted by laying the neighbouring country under contribution. Surat, together with the province of Guzerat, was in the possession of the Mahomedans, and governed, on the part of the Court of Delhi, by its viceroy, Asof Shah, afterwards better known by the title of Nizam ool Moolk, who, having rendered himself obnoxious to his Government, was superseded in the command of the province by Sur Boolund Khan, who was deputed for that purpose from Delhi in the year 1724. Ahmed Khan, the uncle of Asof Shah, disputed the supersession, called in the aid of Khuntojee, a Muratha Chief, who was moving about the country plundering it in all directions, and gave battle to the royal forces under the command of Nuwab Sujant Khan and his brother Roostum Khan. Pillajee Rao, it is said, had first espoused the royal cause, but after pledging himself in the most solemn manner, treacherously forsook the brothers, and sided with their opponents. In the first fight the royal army was successful, notwithstanding the disparity of force; but in the second, which took place near Wassoo, both brothers were defeated and slain, and their army was dispersed.

For the assistance rendered on this occasion, the Chouth and Sur Deshmookhee of the country were, in 1729, made over to the Murathas by Ahmed Khan, and notwithstanding the subsequent ejection of this Chief from the province by Sur Boolund Khan, the latter in the end was compelled, after many struggles, to confirm the obnoxious grant. The Court of Delhi, however, refused to ratify it, and eventually Sur Boolund Khan, having attempted to throw off his allegiance to his Government (A.D. 1731), was replaced by Abhaee Sing, Raja of Jodhpoor, who attacked him in his capital at Ahmedabad, which he captured after a most gallant resistance.

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Pillajee Rao Gaekwar, taking advantage of the declining state of the Mahomedan authority, gradually consolidated his power about Baroda, which place he took from them in A.D. 1730. After the defeat of Sur Boolund Khan, Raja Abhaee Sing turned his attention towards Pillajee Rao Gaekwar, but finding him too powerful to be openly resisted, he treacherously procured his assassination (A.D. 1732). His object, in committing this base act, was the expulsion of the Murathas from the province, which he hoped easily to effect on the death of their Chief. In this, however, he was signally mistaken, for the Murathas, burning with revenge, assembled in large numbers, under the command of Damajee Rao Gaekwar, a son of the murdered Chief, and, with the aid of the different Mehwassee Bheels, not only ravaged, but threw the whole country into revolt and confusion; and whilst the Rajpoot Prince was engaged in suppressing these disturbances, a sudden irruption was made into his own hereditary territories, the Murathas penetrating even into the neighbourhood of Jodhpoor itself. Abhaee Sing hereupon, alarmed for the safety of his own kingdom, lost no time in withdrawing from Guzerat, leaving a deputy, who, however, was never able to make head against the Murathas after his departure.

The Court of Delhi being too much occupied with its own intestine disputes to pay any great attention to the proceedings of the Murathas in Guzerat, Damajee Rao Gaekwar was enabled to increase his authority, with, comparatively speaking, little opposition on their part. Becoming at length sufficiently powerful to assert his own independence, he threw off all allegiance, even to his own Government, and resisted the Peshwa's attempts to compel him to acknowledge his supremacy. He subsequently joined the conspiracy in favour of the Peshwa's rival, Ragojee, and marched into the Deccan to support his cause, but allowing himself to be overreached by the Peshwa in an interview, he was made prisoner, and his army attacked and dispersed. He regained his liberty at the sacrifice of half his possessions in Guzerat, at the same time acknowledging that he held the other half in fief to the Peshwa. Both parties agreed to unite their forces for the capture of Ahmedabad, still held by the Moguls, which, on being reduced, was to be subject to the same conditions. On subscribing to these terms, Damajee Rao Gaekwar was released from confinement, and shortly afterwards Ahmedabad was besieged and taken by the joint arms of the Peshwa and Gaekwar.

About this time (A.D. 1753) the Gaekwar's Moolukgerree force commenced collecting the Ghansdana tribute (grass and grain) from the different Mehwassee Thakoorats. The amount was a fluctuating one, depending more upon the means and ability of the Chief to resist the demand, than the capabilities of his estate to comply with it.

The country under Nuwab Zorawur Khan Babee, consisting of Wurnuggur, Veesnuggur, Veezapoor, Kheraloo, and Puttun, was conquered and annexed to the Gaekwar possessions (A.D. 1766) the Nuwab being allowed to retain Rhadunpoor, Shamaee, &c. Four years afterwards the Kankrej Zilla was reduced, and the Ghansdana tribute established.

On the death of Damajee Rao Gaekwar (A.D. 1768) the succession was disputed, and finally decided in favour of Syajee, a prince of weak intellect, to the exclusion of his elder brother, Govind Rao. This was accomplished through the intrigues of a younger brother, Futteh Sing, who, from motives of personal aggrandizement, knowing the imbecility of his brother, obtained, by large pecuniary offers, the countenance of the Peshwa to the transaction. Futteh Sing undertook the management of the country, and was subsequently acknowledged as Regent.

The capture of Broach (A.D. 1773) by the British troops, led to a treaty with Futteh Sing as Regent, for a mutual participation in the revenues of the conquered districts.

The Peshwa having refused to accept the reasonable terms of accommodation proposed by Brigadier-General Goddard, and evinced an obstinate perseverance in hostile intentions against the English (A.D. 1780), the latter were compelled to take up arms in defence of their own rights and possessions, and a second treaty was entered into with the Gaekwar Government, having for its object the extinction of the Peshwa's authority from Guzerat (north of the Mahee river), the country, on being subjugated, to be made over to the Gaekwar, the British Government receiving in exchange certain districts south of the Nerbudda. The Court of Poona, however, in the end, having accepted the terms proposed, the treaty was set aside, and the Gaekwar reverted to his former relationship with the Peshwa.

Syajee Rao Gaekwar dying in 1792 without children, he was succeeded by his eldest brother Govind Rao, whom he had supplanted in 1768. On his death in September 1800, he left eleven sons, four of them legitimate and seven illegitimate: the elder of the former, Anund Rao Gaekwar, succeeded to the throne. Kanhoojee, the eldest of the illegitimate sons, taking advantage of his brother's weakness of intellect, usurped the reins of government, from which he was, however, soon deposed by Raojee Appajee, Minister of the late Govind Rao, who was shortly afterwards compelled to apply for the assistance of the British Government for the purpose of reducing Mulhar Rao, a cousin of the reigning Maharaj, who, considering the time favourable for his own ambitious views, commenced hostilities against the Gaekwar Government, and took possession of the Purguna of Veeshnuggur, whence he was dislodged, and a provision made for him in the Purguna of Nuryad. In consequence of the assistance rendered on this occasion, articles of agreement were in 1802 entered into with the British Government: this is the first commencement of the intimate connexion, which has ever since subsisted, between the two Governments. By this treaty a body of 2,000 of the Company's troops, besides artillery, was subsidized, the expense to be borne by the Gaekwar Government, and certain territorial cessions were made for its maintenance. After the rebellion of Mulhar Rao had been brought to a satisfactory conclusion, the force was employed against the Arab Seebundee, who had heavy claims for arrears of pay unsettled. The impoverished state of the Gaekwar funds not admitting of the production of so large a sum as Rs. 41,38,732, the British Government undertook to advance one-half, the other half to be advanced by the Native bankers, on the guarantee of the British Government; the loan to be repaid within three years, and to bear interest at the rate of 9 per cent., failing in which, districts in liquidation thereof were to be assigned. Agents were appointed to reside with each.

A further increase of 1,000 men was, in 1803, made to the force already subsidized, and now rendered permanent. The Purgunas of Dholka, Nuryad, Vijapoor, Mubooda, and Mattur, yielding a revenue of Rs. 11,70,000, were ceded in perpetual sovereignty for the maintenance of the said force.

No part of the loan having been repaid as agreed upon, a definite treaty, consolidating the stipulations of all former engagements, was entered into with the Gaekwar on the 21st April 1805, and funds, amounting to Rs. 12,95,000, were assigned for the payment of the Arab Seebundee loan. The districts of Chowrasee, Chiklee, Surat-Chouth, and Kuree, formerly assigned to the Honorable Company in proof of friendship, and as a testimony of the sense of the benefit received from the British alliance, were hereby confirmed.

The Honorable Company also undertook to adjust certain unsettled claims of the Peshwa against the Gaekwar Government, with due regard to the impoverished state of the latter's finances.

The farm of the Peshwa's share of Ahmedabad and its dependencies had been granted, in 1800, to Govind Rao Gaekwar, at Rs. 5,00,000 per annum. In 1805, the Peshwa was induced, at the suggestion of the British Government, to renew the farm for ten years. On the expiration of this lease, he not only refused again to renew it, but intimated his intention of assuming the management. He also, at this time, preferred a claim for the arrears of tribute, etc., due, amounting in the aggregate to a sum exceeding three krores of rupees. The Gaekwar funds were in no state to make good so heavy a demand, and at the suggestion and upon the guarantee of the British Government, Gungadhur Shastree, Minister of the Gaekwar, was, in 1813, despatched to Poona for the purpose of effecting some compromise of these exorbitant demands, and to obtain, if possible, a renewal of the lease of the Ahmedabad farm. This last, however, the Peshwa positively refused to grant, and there was no alternative but to make it over to his officers. The Shastree fared no better in the other parts of his mission: he met with nothing but evasion and delay, for the Peshwa's Ministers were not disposed to yield in their demands, and the Shastree soon became aware that greater sacrifices than he was empowered to grant would be required ere a compromise could be effected. In the interim, an intrigue was set on foot to replace a former Dewan at the Baroda Court, to the Shastree's expulsion, for the purpose of re-establishing the Peshwa's in lieu of British ascendancy at that Court. These intrigues called for the interference of the Resident at Poona; and subsequently the Shastree, having laid himself open to the suspicions of the Peshwa, was inhumanly murdered on the 14th July 1815. The honour of the British Government being compromised

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by the assassination of the avowed Minister of its ally, who had been despatched under its especial guarantee to Poona, demanded that the most decided steps should be taken to ensure the surrender of the assassin, Trimbukjee Danglia, and eventually, after every subterfuge had failed, the Peshwa was compelled to yield up his unworthy favourite, who was incarcerated in the fort at Tanna, whence he escaped, and was again supported by the Peshwa. After every attempt at reconciliation had failed, war was resorted to; but concluded by the treaty of June, 1817, which secured most important benefits to the Gaekwar Government, *viz.*:—

1st.—The renunciation of the Peshwa's claims to supremacy as executive head of the Muratha Government.

2nd.—The settlement of the unadjusted pecuniary claims by payment of Rs. 4,00,000 per annum.

3rd.—The farm, in perpetuity of his share of the province and city of Ahmedabad to the Gaekwar, at the rate of Rs. 4,00,000 per annum. The Katteewar tribute formerly included in this farm was transferred to the British Government, but no deduction was allowed to be made on that account, in consequence of the great loss the Peshwa had sustained in commuting his claims into a yearly payment.

Consequent upon this arrangement with the Poona Court, certain articles of engagement were agreed on, and settled, as supplemental to the treaty concluded with Anund Rao Gaekwar in 1805, *viz.*, an increase of one battalion of infantry of 1,000 men; and two regiments of Native cavalry, was made to the subsidiary force, which now amounted to 4,000 infantry and two regiments of cavalry, with artillery. To meet the increased charge of this augmentation, the Gaekwar ceded in perpetuity all the rights obtained from the perpetual farm of the Peshwa's share of the city of Ahmedabad, etc., amounting to Rs. 12,61,969-2-50, and agreed to supply a body of 3,000 efficient horse, to act with the subsidiary force when necessary, to be kept up and maintained according to Gaekwar custom.

Mutual exchanges of districts, for the purpose of consolidating the territory of both Governments, were at the same time made.

Hostilities having again broken out with the Muratha Government, in consequence of the continued treacherous conduct of the Peshwa, the campaign terminated in 1818 in his surrender, and the subjugation of his country. The Peshwa's share of Guzerat north of the Mahee river, and Ahmedabad and its dependencies, were taken possession of by the British Government.

On the 2nd October 1818, another article was added to the supplemental treaty of November 1817, making further exchanges, for the purpose of more effectually consolidating the power and authority of both Governments.

Anund Rao Gaekwar died on the 2nd October 1819, and was succeeded by his brother Syajee Rao.

It has been already mentioned, that the Baroda Durbar collected its Ghansdana tribute from the turbulent and independent Rajpoot and Koolie Chieftains of the Mahee Kanta through the means of a strong Moolugeree force, which moved about the country, at intervals of two and three years, for that purpose. The evils arising from this system of collection, hindering alike to both, became apparent to Lieutenant-Colonel Walker, the British Resident at the Court at Baroda. For the purpose of ameliorating the condition of the tributaries, who suffered much from the wanton exactions of the ill-paid, undisciplined Moolugeree force, and to relieve the Gaekwar Government from the enormous expense attending its maintenance, arrangements were entered into with the Chiefs of Katteewar (A.D. 1807-8), by which the amount of tribute payable to the Gaekwar was fixed at an average of ten years' former collections, and also with reference to the then state and condition of the different Talookas. Bhat and Banker security were given for its regular payment, and the Chiefs were induced to enter into security for the future peaceable and orderly behaviour of themselves and subjects.

The good working of this system led to its adoption in the Mahee Kanta (A.D. 1811-12). Lieutenant-Colonel Ballantyne repaired from Katteewar, attended by Butcha Jemadar, commanding the Moolugeree force, and succeeded in inducing the Chiefs to enter into similar decennial arrangements, taking the usual security for the regular payment of the Ghansdana tribute, and orderly behaviour of the

tributaries. This, as far as the Gaekwar Government was concerned, was satisfactory enough, and the country was exempted from the depredations and marauding propensities of His Highness' troops; but the other claims, collected by the Chiefs from those less powerful than themselves, remained untouched: amongst these, the most oppressive was the Kitcheree, (food for men), in contradistinction to the Muratha Ghansdana, levied by the Raja of Edur, at the head of a disorderly rabble, whose exactions, if not so exorbitant as those of the Murathas, nevertheless bore heavily on the already over-taxed tributaries. In like manner, the Koolee Chieftains levied Geeras and Vol ("black-mail") from all their neighbours, who, oppressed on all sides, were compelled to purchase immunity from further depredations by the sacrifice of a small yearly payment, which ensured to them the support and protection of the Chief to whom the payment was made.

Matters continued in this state until the termination of the campaign against the Poona Government, when the Peshwa's share of Ahmedabad and of its dependencies was annexed to the British Government (A.D. 1817-18). The possession of this part of the country brought us into immediate contact with the surrounding Mehwassee (turbulent) tribes of the Mahee Kanta. The proximity and intermixture of villages, with the double authority existing in many, led to frequent quarrels: the tyranny and oppression of the Chiefs had also driven many into open rebellion, whose only means of subsistence lay in indiscriminate plunder; and acts of lawless violence, destructive alike to the public peace and realization of the revenue, were of common occurrence. This state of anarchy and confusion suggested the necessity of placing the management of the country in the hands of an efficient Government, able to afford protection to the weak, coerce the powerful, and adjudicate between the Chiefs, whose only present resource was the sword.

The Gaekwar Government being unable to effect this, an arrangement was, on the 3rd April 1820, entered into with that Durbar, by which the sole management of Kattewar and the Mahee Kanta was made over to the British Government, which undertook to collect and pay the amount of tribute which had been fixed in 1807-8 for Kattewar, and in 1812 for the Mahee Kanta, free of all expense. The Gaekwar Government pledge itself neither to send troops, nor to interfere in any way with the above countries, which were to be left entirely to British management. It was also stipulated, that any expense that might be incurred in coercing a refractory Chief should be recovered from his estate. Shortly after this agreement, the Political Agency in Kattewar was established, which was soon followed by a similar one in the Mahee Kanta, to which Lieutenant-Colonel Ballantyne was appointed Political Agent.

Notwithstanding the arrangements entered into with the Mahee Kanta Chiefs in 1811-12 for the regular payment of the Ghansdana tribute, and the security furnished on this occasion, the tribute was still much in arrears: this was perhaps as much to be attributed to the impoverished state of the petty Talookas from the severe famines and other distractions, as to their unwillingness to fulfil the engagements into which they had entered. The primary objects to which Lieutenant-Colonel Ballantyne's attention was drawn by Government, on proceeding to take up his appointment, were as follows:—

I.—The restoration of peace to the country, and satisfactory security for its future tranquillity.

II.—The collection of all arrears due to the Gaekwar, with full security for the regular future payments of the tribute. (For the accomplishment of these objects, as well as to make examples when necessary, a military force was placed at Lieutenant-Colonel Ballantyne's disposal.)

III.—The settlement of the Raja of Edur's territory.

The Chiefs were also called on to subscribe to the undermentioned articles:—

I.—To abstain from plundering.

II.—To surrender plunderers, or others guilty of offences in the territory of Government, or of any Chief.

III.—The Chiefs to employ their whole means to resist and destroy all plunderers; not to succour any person in opposition to the British Government, or the Gaekwar, but to use every exertion to cut off his supplies, and to apprehend him.

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IV.—To abstain from private war, and from maintaining foreign mercenaries.

V.—To refer all disputes to the arbitration of the British Government.

VI.—To protect the passage of merchants, and, if the Chiefs could be persuaded to accede to it, to accept a compensation for the privilege of levying transit duties.

Some difficulty was experienced in settling the arrears of tribute due, owing to the exorbitant pretensions of the Gaekwar Government, which were made without any regard to the obligations due to the British guarantee, and which the Gaekwar officers had disregarded for many years. The incorrectness of the claims preferred for settlement compelled a reference to the Bombay Government, when it was decided that the Gaekwar was entitled to no more than had been sanctioned by the settlement of 1811-12. Decennial securities for the revenue, and full and counter security were taken from the whole province; the various claims of the petty Chiefs on their neighbours were also settled upon as fair an average as possible. Although many of them were but of late origin, and the rendering such permanent (which the present arrangement did) may in some cases have borne heavily on the weaker tributaries, still their circumstances were so far improved by this settlement, that they were no longer exposed to the capricious demands of their former oppressors.

The administration of the Mahee Kanta remained in the hands of Lieutenant-Colonel Ballantyne up to the commencement of the year 1828. On that officer vacating the appointment the Political Agency was abolished, in consequence of the expense of the establishments, which rendered it necessary to consolidate the Punch Mahals, Rajpeela, and Mahee Kanta Agencies, to which charge Mr. J. P. Willoughby was appointed; but leaving shortly afterwards, further changes took place by attaching the Mahee Kanta to the Baroda Residency. An officer was appointed (A.D. 1829) to reside at Sadra for the purpose of superintending the Contingent, to whom certain political authority was delegated for the management of the districts within his immediate neighbourhood, and one of the Assistants from the Baroda Residency was yearly deputed to visit the Mahee Kanta for the purpose of realizing the tribute, and preserving the tranquillity of the province. The attempt, however, to manage the country by a power residing at a distance, did not succeed. The disturbances which broke out on the death of Gumbheer Sing, Raja of Edur (A.D. 1833) amongst the Sirdars, Putavuts, and Bhomeea Chiefs, who took the opportunity to endeavour to recover such portions of their hereditary rights as had been wrested from them by the late Raja, led to serious breaches of the peace, and gave encouragement to numerous malcontents to evade the payment of the Gaekwar dues, for which the British Government was guarantee.

Two years subsequently (A.D. 1835), whilst the province was suffering from the excesses of various Chiefs in open rebellion against the Edur State, the death of Kunun Sing, Raja of Ahmednuggur, ensued, with the subsequent forcible Sutee performed at midnight, in defiance of all the exertions of the Assistant Political Commissioner, Mr. Erskine, to avert the catastrophe, backed by a small body of troops, who were fired upon, and their European officer wounded.

Immediately after the performance of the rite, the Raja's two sons, Prithee Sing, and Tukht Sing (the present Maharaj of Jodhpoor), fled with all their adherents into the hills. The town of Ahmednuggur was occupied, and additional troops called in, and active measures taken for the apprehension of Sooruj Mull, son of the Mondeta Chief, with the Thakoors of Gorwara, Roopal, and other disturbers of the peace. The troops succeeded after some difficulty, and with loss on both sides, in dispersing the bands of armed men opposed to them; they also destroyed several strongholds and villages of the Chiefs; but the principal object for which the campaign had been undertaken, namely, the capture of the Bharwuteea Chiefs, and restoration of tranquillity to the Mahee Kanta, was not accomplished.

During these troubles the affairs of the Edur State were becoming more and more embarrassed. Its management had been entrusted to a corrupt and unprincipled Ministry, which took every advantage of the opportunity afforded by the infancy of the young Raja to plunder the revenues of the country, which had dwindled down from about Rs. 1,00,000 to Rs. 45,000; of which the payment of the

Ghansdana tribute alone required about one-half, leaving a very small balance for the current expenses of the State, and for the liquidation of the debts, amounting to three lakhs and upwards, which the improvidence of the late Raja had entailed upon his successor. Heavy arrears were likewise due to the Seebundee, who became clamorous for their payment.

The Ryuts, oppressed on all sides, plundered alike by the Durbar and the numerous Bharwuteeas arrayed against it, deserted in numbers a country unable to afford them protection; public confidence was destroyed, and nothing but the intervention of the British Government could avert the ruin which was hastening to engulf it.

Such was the unpromising appearance of the Mahee Kanta on the termination of the year 1835. The necessity for adopting a different line of policy than had heretofore prevailed became apparent, and immediate steps in furtherance of this object were taken by the British Government. The Political Agency was re-established, and Captain Outram was selected for the important duty of carrying out the intentions of Government. A general amnesty was proclaimed; the Bharwuteea Chiefs were invited to attend; their lands were promised to them on submission; and a guarantee was given that all their grievances should be inquired into and redressed.

Prithee Sing, Raja of Ahmednuggur, with his brother Tukht Sing, were the first to avail themselves of the favorable conditions offered by Government, and Prithee Sing was installed in his possessions, on his renouncing the practice of Sutee in his family, and engaging not to entertain foreign mercenaries. He was shortly afterwards followed by all the other Bharwuteea Chiefs, who, on tendering their submission, were re-admitted to the enjoyment of their former possessions; and by the end of the year 1836 tranquillity was restored.

In the commencement of 1839 a very important benefit was conferred on the Mahee Kanta, by the introduction of the Court of Criminal Justice, for the trial of all serious offences through the agency of the Political Agent, with Native Chiefs as assessors. The establishment of this tribunal has, without doubt, had a most salutary effect upon all classes, and has proved a powerful auxiliary in the hands of the Political Agent, in restraining crime, which, prior to the introduction of this Court, owing to the facility of evading justice, the indifference, and in some cases want of power in the Chiefs themselves, was perpetrated with comparative impunity.

The tranquillity of the Koolee district of Amleeara was about this time slightly disturbed by the conduct of the widow of the Amleeara Thakoor, who, after unsuccessfully attempting to subvert the legitimate rights of a posthumous son by the deceased Thakoor's second wife, in favour of a youth illegally adopted by herself, eventually took to the hills, carrying with her the Thakoor of Satoomba, and other Chiefs, who espoused her cause. She was immediately afterwards joined by the Roopal Chief and his eldest son, who had just experienced the utmost lenity and forbearance from the British Government, in being pardoned and restored to their estates after having most justly forfeited them by the excesses they had committed when out in Bharwuteea against Edur. The position occupied by the Koolees was attacked, and carried with trifling loss, by the troops employed, and the insurgents were completely dispersed; the widow, with her adopted son, and the family of the Roopal Chief, were shortly afterwards captured, and the insurrection was completely suppressed. The Roopal Chief's capture was not effected till the next year, when he was surprised and taken by the Wankaner and Zorda Thakoors, who were incited to make the attempt, in the hope of obtaining the forgiveness of Government for having taken the life of a kinswoman (the Thakooranee of Mhow) accused of disgracing the family by intriguing with her Karbharees. The Roopal Chief ended his days in the Ahmedabad Jail, and many of those concerned were brought to trial, and, on conviction, were sentenced to various periods of imprisonment.

Government having considered the proper time had arrived to put down the system of Bharwuteeism to which the Chiefs of the Mahee Kanta were so prone to resort on the most trifling occasions, prohibited the practice in future, and proclamations were issued throughout the province making the offence penal, and subjecting the party offending to severe punishment.

SUTEE.

This custom was more common formerly than at present, when it is confined mostly to the families of the principal Chiefs, particularly Edur and Ahmednuggur, which last, however, in 1836, entered into an agreement renouncing the practice; and on the death of Raja Prithes Sing, four years afterwards, his widows were successfully deterred from sacrificing themselves, since which it has been denounced by proclamation from Government, directing that the village or Talooka of the Chief in which it might occur should be placed under attachment, and the parties concerned in the rite kept under restraint, pending a reference to Government as to the punishment to be inflicted.

EDUCATION.

Education is almost unknown in the country, beyond the very simplest rudiment of the vernacular language, and the least possible smattering of accounts. The great mass of the population, including the Chiefs themselves with few exceptions, are profoundly ignorant, and entirely at the mercy of the Banyans, etc., who lose no opportunity of enriching themselves at their expense.

AREA AND POPULATION.

The district of the Mahee Kanta is comprised between 72° and 74° of eastern longitude, and 23° and 25° of northern latitude; its extreme length is about 90, and its greatest breadth about 60 miles; its superficial area is about 5,000 square miles. It contains a population of 311,046 souls, subject to the rule of numerous petty Chieftains, of whom the Raja of Edur is the most considerable.

BOUNDARIES, EXTENT AND GENERAL APPEARANCE.

The Mahee Kanta is bounded on the North by the mountainous Bheel districts of Mewar and Seroohee; South, by the Gaekwar's district of Dehgaum, and the Company's Collectorates of Ahmedabad and Kaira; East, by Dongurpoor; and West, by Pahlunpoor and the Gaekwar's Purgunas of Kheraloo, Wurnuggur, Veezapoor, and Kuree.

It is divided into six Zillas or districts—

1. Nanee (little) Marwar, including all the possessions of the Raja of Edur and his family.
2. Rehwur, the possessions of the Rehwur tribe of Rajpoots, formerly Putavuts of the Raos of Edur.
3. Sabur Kanta.
4. Watruk Kanta.
5. Bavisee, containing a number of Mehwas villages, scattered through the Honorable Company's and Gaekwar's possessions.
6. Kuthosun, an isolated district, west of the Gaekwar's Purguna of Kuree.

Information relative to the names and ages of the various Chiefs and of their children, their places of residence, caste, the number of their villages, amount of population, estimated annual revenues, and amount of Gaekwar's tribute and Kitcheree to the Raja of Edur, is given in subsequent pages.

DIVISIONS AND DISTRICTS.

The first and principal division is called *Nanee Marwar*, from the Talookas comprising it being more or less under the authority of the Marwaree Rajpoots, as the last invasion of the Rathores is called. In this division are included the Talookas of Edur and Ahmednuggur, with their dependencies of Morasa, Hursol, and Bayer, and those of Tintobee, Danta, and Malpoor, together with the Putas of Pol, Pall, Poseena, Gadwara, Walasun, and Hurol, all more or less subject to Edur.

The *Rehwar Zilla* is composed of the Putas of Gorwaree, Runasun, Mohunpoor, with Surdoee, Roopal, Boroodra, Wuragaun, and Dhudalia.

The *Sabur Kanta* is composed of Koolee possessions on the eastern bank of the Sabur Mutee river, with the Rajpoot Putas of Wursora, Maunsa, and Puthapoor on the western bank.

The *Kuthosun Zilla*, exclusively Koolee possessions, to the west of the Kuree Purguna.

The *Byul* or *Bavisee Zilla* contains the Rajpoot Puta of Wasna and Sadra, with a mixture of Koolee and Patel villages. It formerly composed a part of the Gaekwar Purguna of Dehgaum, but was handed over to the Agency on account of the turbulent nature of its inhabitants.

The *Watruk Zilla*, Koolee possessions on both sides of the Watruk river, composed of the Amleeara, Mandwa, Khural, Bayer, Morasa, and Satoomba Thakoorats, including the Koolee villages of Jair and Nirmalee.

DESCRIPTION OF THE COUNTRY.

The country towards the southern and western parts is level. It is throughout beautifully wooded, abounding in noble trees, scattered about in the wildest profusion; amongst which the most common are the mangoe, Maora, tamarind, Khurnee, Peepul, Peepur, Wur, Rothee, Kunjee Omro, Jumboory, Neem, Asopala, Chumpa, Sag, bamboo, and numerous others.

In the north and eastern parts the Mahee Kanta is much intersected with hills, which gradually increase in size and altitude as they approach the boundaries. The appearance of the province throughout is most favourable, and many of the intermediate valleys possess remarkable beauty of scenery. Generally the southern and western portions are the best cultivated; on the northern and eastern boundaries, owing to the turbulent and unsettled habits of the tribes, large tracts of valuable land are allowed to lie waste, and perhaps the ground thus neglected may be estimated at one-fourth of the whole province: but the jungle is rapidly diminishing, and within the last few years in particular, considerable inroads have been made in it; new villages have sprung up, and the altered feelings of the community, produced by the protection afforded to all classes, have given a value to land which was formerly unthought of.

SOIL AND PRODUCTIONS.

The soil generally is very fertile, though, of course, subject to variations. In some places it is of a light sandy nature, in others rich and black; towards the north and north-eastern parts, within the neighbourhood of the hills, the soil is poor and stony. It is, however, capable of a much higher degree of cultivation than is bestowed upon it.

The principal articles of cultivation grown during the monsoon are as follows:—

Khureef Crops.—Bajree, Joowary, Kodra, Teel, Muth, Moog, Ooreed, Chola, Wal, rice, castor-oil, Mukkaee, Buntée-Baota, Toor, Guwar, Shamlee, Tun, tobacco, Koong-gram, Metee, Sirso, together with opium and cotton in small quantities.

Rubee Crops.—(Production from irrigation.)—Wheat, Khang, barley, Chenoo, Mukkaee, and sugar-cane. Making allowances for the different systems of assessment in use throughout the country, the average of the Durbar claims on the Khureef crops may be estimated at one-sixth of the whole produce, and on the Rubee produce at one-eighth, besides *Vera*, or money payments.

The vegetable productions are as follows:—

Brinjal, Rutaloo, Soorun, Ulvee, Sukuria, Tanjuljo, Bajee, Walor, Moollees, Gajur, Doodee, Gulko, Toorea, Arian, Raloo, Mooree, Adruk, Huldee, Lusun, Piaaz, etc.

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Besides the above, almost every description of English vegetable can be produced from seeds, with little difficulty.

The fruits indigenous to the soil are mangoes, Keeree, Ran-Jamboe, Bor, Kotha, Kharuk, Maora, tamarind, Kurunda, Peeloo, Tembree, Shetáphul, melons (water and musk); and with little care and attention the following are easily produced:—mulberries, limes (sweet and sour), oranges, guavas, pomegranates, figs, plantains, pumaloes, grapes, etc.

ANIMALS.

Tigers, leopards, panthers, bears, hyenas, wolves, wild hog, jackals, porcupines and armadillas. Sambhur, deer, antelope, and Nyl Ghau are found on the hills and jungles, the two last in particular are very common, and are met with in large herds upon the plains. Game of all sorts is very abundant. Monkeys swarm near the villages and in the jungles. Snakes of all sizes and sorts, poisonous and harmless, are met with. Alligators and fish abound in the rivers and tanks, wherever the water is sufficiently deep to afford them shelter.

Buffalos, oxen, sheep, and goats are very numerous. Poultry is not so common, but wild fowl abound on the hills.

From the level nature of the country, it is very favourable for draught carriage, which is in general use. All sorts of merchandize and baggage are transported in carts, which, though clumsy in appearance, are found to answer well. Guzarat has long been famous for its breed of cattle; and oxen for size, strength, and appearance are produced in the Kankrej Zilla scarcely to be equalled elsewhere.

RIVERS.

The principal rivers are seven in number. The Sabur Mutee, from its size, may be considered the first in importance in the Mahee Kanta; it runs north and south, takes its rise on the hills in Méwar, and disembogues itself in the Gulf of Cambay.

The Haut Mutee rises in the hills beyond Pall, and joins the Sabur Mutee below Ahmednuggur. It is supposed formerly to have united itself with the Sabur Mutee below Ahmedabad, but to have had its stream diverted into its present channel by one of the kings of Ahmedabad, for the purpose of ensuring a large supply of water to that capital. In favour of this supposition, the old bed of a river (Bok) from near where the Haut Mutee now joins the Sabur Mutee is found; it passes Purantej, where it forms a large tank, and runs down to the southward; but no trace of any bund diverting its course can be discovered, nor can even trustworthy tradition be obtained regarding it. As the Haut Mutee, where it now joins the Sabur Mutee, must have run originally within a short distance of it, it seems very possible, owing to the light sandy nature of the soil through which both rivers run, that the junction may have been effected by some heavier flood than usual, combined with other causes.

The Karee, a small stream, rising in the centre of the Mahee Kanta, in the northern part of the Mohunpoor Puta, and taking a south-westerly course, joins the Sabur Mutee near Dolka.

The Meshwa rises in the Méwar hills, in the north-east part of the frontier of the Mahee Kanta; it runs in a parallel direction with the Karee, and, passing Hursol, joins the Watruk near Kaira.

The Majoom rises in the hills between Doongurpoor and the Mahee Kanta, and passing Morasa, Wuragaun, and Amleera, joins the Watruk a few miles lower down.

The Watruk rises in the hills south of Doongurpoor, and taking, like all the other Mahee Kanta streams, a south-westerly course, passes Megrej, Malpoor, and Mandwa, near which it is joined by the Majoom, and flowing in the same direction towards Kaira, receives the Meshwa and other streams, and with them joins the Sabur Mutee near Dholka.

In addition to these, there are two or three other small streams which take their rise in the southern part of the province, and running into the Mohur river near Kuppurwunj, with it join the Watruk at Kaira.

The Suruswutee takes its rise in the hills above Danta, and passing Sidpoor and Puttun, loses itself in the lands before reaching the Bunas.

Throughout the country the artificial tanks are numerous, both in the immediate neighbourhood of villages, and at some distance from them, where the nature of the ground is favourable for their construction, for the purpose of watering the village cattle; but few of these contain any large supply of water, and scarcely any last throughout the hot season.

Owing to the shallowness of the water in the rivers above-mentioned, they are perfectly useless for navigable purposes, and in the hot weather many of them have scarcely a stream.

CLIMATE AND SEASONS.

The climate is much the same in the Mahee Kanta as in the other parts of Guzerat; the only difference is, perhaps, in the degree of cold, which is greater in the northern and hill parts, where frost is not uncommon. As with the rest of India, the seasons are divided into three—the cold, hot and rainy.

The cold weather commences about the middle, or end of October, when the temperature begins to cool, and the mornings and evenings are chilly. During the months of November, December, January and February the weather is particularly pleasant. December and January are the two coldest months. About March, a very perceptible change takes place, and by the end of the month, or the commencement of April, the hot weather may be fairly said to have set in. The hot winds blow with great violence during the months of April and May, but begin to diminish about the first week in June, when the heat becomes very oppressive, and the gathering clouds in the morning and evening betoken the approach of the monsoon, which may be expected about the middle of June; but the rain seldom sets in in earnest before July, which with August are the two most rainy months: the supply in September is scanty, particularly towards the latter part, when heavy showers would prove detrimental to the Bajree, which by this time is very forward. By the end of September the monsoon generally passes away. The average total annual fall of rain does not exceed 25 inches.

The mean maximum range of the thermometer during the two hottest months of the year, namely, April and May, is 99°, and the mean minimum 82°; in July and August the mean maximum is 88°, and the mean minimum 81°; and in December and January the mean maximum is 76°, and the mean minimum 61°.

ROADS AND TRAFFIC.

Considerable traffic was formerly carried on between Guzerat and Méwar through Edur, Pol, and thence to Méwar, but it has for many years been greatly reduced. The roads through Edur and Pol, Tintoose, Samlajee, and Doongurpoor, had long been partly deserted, in consequence of the insecurity of the districts through which they passed; but of late years the trade through Samlajee, in consequence of arrangements made by Government, has revived: as however the road further south through Megrej and Morasa lies chiefly through British districts, where the transit duties have been abolished, the principal traffic is gradually taking that direction.

From the level nature of the Mahee Kanta, the country can be traversed in all directions by carts; but there is no such thing as a made road known. There are two cart roads in the bordering hilly districts leading into the Mahee Kanta, but they are never resorted to for the transport of merchandize, which is invariably brought on bullocks, and sometimes on camels, but chiefly the former.

IMPORTS.

Cotton, Soorungee (red dye), Huldee, Honey, Jeera (spice), and Treacle from Waghur; cloths, generally for the use of women, from Purtaggur and Bhedur; also opium and ghee from Waghur.

EXPORTS.

Cocoanuts, tobacco, castor-oil, sugar, sugar-candy, dried dates, pepper, ginger, spices of all sorts, English cloths of all kinds, also Ahmedabad and Puttun cloths, with copper utensils.

DESCRIPTION OF THE POPULATION.

The mass of the population in the Mahee Kanta is Koolee, and may be roughly estimated as composing two-thirds of it. The Koolee Chiefs, with few exceptions, are originally descendants of the Rajpoots from a very remote period, who have lost caste by intermarrying with the aborigines of the country. They still, however, retain the distinguishing names of the different tribes from which they have sprung, such as Rathore, Chowan, Mukwane, etc.

There is also a peculiar tribe residing in the Watruk Kanta, preserving the Rajpoot patronymic of Mukwana, but converted into Mahomedanism some centuries ago. They marry into the Koolee tribes of Kotwal, Rajawut, and Bharya, but give their daughters to the Babee Mussulmans. The Chiefs of Khural, Ramas, Daba, and Poonadra belong to this class; they follow the customs of both religions, respecting equally the Holee, Mohurum, Deewalee, and Dusera.

The remaining third of the population may be divided into Rajpoots, about 6,000 fighting men, Brahmins, Banyans, artificers, Koonbees, Rabarries, Mohmans, etc., etc. Amongst the Koonbees is a tribe termed "Anjna," similarly corrupted with the Koolee, from the Rajpoots. Like them, they eat meat and indulge in the use of intoxicating liquors; those not employed in agricultural pursuits affect the Rajpoot dress and manners, and conceal the females of their families.

REVENUE.

The total amount of the revenue of the Mahee Kanta may be estimated at from about four and a-half to five lakhs per annum. From this amount His Highness receives a yearly tribute of Rs. 93,407-10-0 under the head of Ghansdana, and Rs. 45,010-14-0 Jumabundee, making a total of Rupees 1,48,418-8-0. No tribute is paid to the British Government, and there are no engagements existing with the other States regarding the farming of portions of territory, or otherwise.

MODE OF COLLECTING AND PAYING THE
GAEKWAR DUES.

The greater part of the Chiefs enter into Nisha engagements for the payment of the Gaekwar dues. The Nishadar furnishes security and becomes responsible for the regular payment of the tribute, which is collected and forwarded by Hoondees to the Agency, and thence to the Residency at Baroda.

TOWNS AND FORTS.

The principal towns in the Mahee Kanta are Edur and Ahmednuggur; both, however, are insignificant places: the former may contain 1,200 houses and is situated under some hills, which encircle it on three sides; the fourth is defended by an incomplete wall. In the rear, and upon the hill overlooking the town, between 4 and 500 feet in height, are the remains of an old fort, now in ruins, to which the former rulers of Edur were wont to retire when unable to hold out the town below. It is ascended by a steep stony zigzag passage, having four gateways in tolerable repair (but without doors); these are built on different ledges of the hill, to which they are connected by loose walls of stones roughly piled together. Similar walls are thrown up in various parts of the hill, where the slope is too easy of ascent. It is a place of no strength (even if in repair), as it is commanded by a hill to its right, which forms part of the range. On the top of the hill are the remains of an old palace, built by the former Raos of Edur, and some Jain temples. There is plenty of water, and in the rear a small postern gate leading down into the jungle below, thus affording easy means of escape.

The town of Ahmednuggur contains about half the number of houses. It was built by the Mahomedans, for the purpose of keeping that part of the country in check. It is situated on the bank of the Haut Mutee, in a large plain, surrounded by a very fine old stone wall, now, however, in a very dilapidated state. It contains an old fort, a perfect ruin, within its area.

The town of Wuralee in the Edur districts contains about 1,600 houses, and there a few more, averaging from 5 to 600 houses; all the rest are villages.

FORTS AND POSITIONS OF STRENGTH IN THE PROVINCE.

There are no forts nor positions of any strength in the Mahee Kanta requiring heavy artillery to reduce. The hills, though numerous and much covered with jungle, can be easily turned, and assailed in nearly all sides: from their extent and connection with the other ranges, they form admirable places for the concealment of Bharwuteeas and other disturbers of the peace; but they are not calculated to resist the attack of regular troops.

The jungle in some parts, particularly at the foot of these hills, is very thick, and intersected with ravines, affording good cover, with the means of escaping into the hills if pressed; and a small detachment, unacquainted with the locality, might experience some annoyance if opposed under such circumstances, but with one of sufficient strength no resistance would be offered.

Some of the villages in the Sabur and Watruk Kanta are strongly situated upon the banks of very deep ravines, running inland from the rivers, and affording numerous opportunities for escape; but the villages themselves are without any defence whatever, and all that would be necessary to effect their capture would be a force of sufficient strength to admit of the occupation of all the numerous outlets, and retreat being thus cut off, resistance under the most adverse circumstances, or surrender would be the only alternative.

POLICE.

The country is without any Police force, as the Chiefs are bound by their engagements to repress offences within their respective districts, or be responsible for them. The only means at their disposal, barring a few Seebundee employed by the principal Talookas, is the enforcement of village responsibility, through the system which has generally obtained throughout the province, of tracking the foot-marks from one village to another; the village unable to carry them on is held responsible to afford restitution, or to find out the offenders by other means.

When the tracks cannot be satisfactorily traced, or when from other causes the village fails in carrying them on, endeavours are made to discover the offenders by secretly holding out the offer of rewards to any one who may give information, and prove the correctness of it by producing part of the plundered property. This system, called Morkhaee, is in very general use, and seldom disputed. All offences committed by the subjects of the adjoining States of Seroohee, Mewar, and Doon-gurpoor, on those of the Mahee Kanta, and *vice versa*, are arbitrated by the respective Political Agents in communication with each other, and the amount of compensation being decided on is paid by the State to which the offender belongs.

For the purpose of assisting the Agency in keeping the peace and tranquillity of the country, and preventing internal disputes amongst the Chiefs, a body of the Gaekwar Contingent, composed of 1,000 horse, is stationed at Sadra, from which place, in furtherance of the above object, detachments are distributed in various Thannas over the province.

HIS HIGHNESS THE GAEKWAR'S CONTINGENT.

Was originally constituted by a treaty with His Highness the Gaekwar, dated 6th November, 1817, when it was agreed that a body of 3,000 effective horse, equipped and armed after the Gaekwar custom, should be placed at the disposal of

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the British Government, to act with the subsidiary force whenever it might be employed within His Highness' territory. Its musters were to be occasionally taken by the Commandant of the subsidiary force, in conjunction with His Highness; and it was further stipulated that the discipline should remain according to Gaekwar custom.

Of this force, 1,000 horse are employed under the orders of the Political Agent in the Mahee Kanta, and an European officer, paid by the British Government, is appointed to superintend it.

It is divided into three quotas, namely, the Paga, Siledar, and Seebundee quotas.

The first quota of 433 horsemen contains six Pagas, principally of "Bargeers," one of which belongs to His Highness, three to his relatives, or connexions by marriage, and the remaining two to influential Sirdars. The strength of each Paga varies from 115 to 46 horsemen.

The second quota of 436 horsemen contains 20 Siledar quotas, and varies from 103 to 4 horsemen.

The third quota of 131 horsemen is composed of 6 Seebundee quotas, and varies from 30 to 8 horsemen.

The construction of each Paga is the same. A Surnobut and Havildar, with a Karkoon to keep the accounts, are the only officers allotted to the quota, whatever may be its strength. In addition to the above, there are a number of inferior "Hoodedars," such as Nishadar, Nugarchee, Singwala, Nobutwala, etc. These, though dignified with the appellation of "officers," possess no authority over the men; the rest consist of Bargeers and Siledars.

There is no uniform, each horseman dressing after his own caste and fashion. The Murathas are to be distinguished from the Mussulmans by tight pantaloons reaching to the calf of the leg, the latter generally wearing them down to the ankle. The arms in use are the sword, matchlock, and spear; but this is left as much to the fancy, as to the means of the horsemen to purchase these articles: some of them are only provided with a sword.

The pay of each class is as follows:—

Surnobut.....	Rs. 30 to 75.	Nobutwala.....	Rs. 8 to 10.
Nugarchee.....	„ 7 to 12.	Karkoon.....	„ 10 to 40.
Luggenwala.....	„ 8 to 12.	Singwala.....	„ 6 to 8.
Havildar.....	„ 12 to 20.	Bargeers.....	„ 5 to 12.
Nishadar.....	„ 10 to 20.	Siledars, Rs.	20 to 60 per horse and man.

The currency in which they are paid is the Baroda Syasie Rupee, which is 14 per cent. inferior to the Company's Rupee.

The Contingent has generally about 500 men on detachment, leaving the same number at the head-quarters at Sadra, where their principal duty consists in transporting the different letters and directions to their respective destinations.

The tribes composing the force are Mahomedan and Muratha. The Siledar Pagas are composed nearly all of the latter, and are the descendants of the several inferior Chiefs who accompanied Pillajee Rao Gaekwar into Guzerat in the year 1719, and have been rewarded for their services either by an augmentation to their quotas, or higher rate of personal pay to themselves. Many of the Bargeers of the Khas Paga are of the same standing, and likewise draw an increased rate of pay.

The Seebundee quotas are principally Sindians and Beloches, all very ill paid; but they are nevertheless by far the most efficient of this part of the force.

Its system of recruiting is, that the son should succeed to the father, however young; a substitute being provided until the youth arrives at a somewhat mature age.

The expenses of its maintenance are provided for as follows:—partly by assignments of land from His Highness in tenure of military service, partly by monthly payments.

The States and classes, chiefly benefited by its maintenance in the Mahee Kanta, are the independent Rajpoot and Koolee populations under the political control of the British Government, it being the only police force in the country.

EDUR.

The first division is called Nanee Marwar, of which Edur is the principal Talooka under the Mahee Kanta Agency, and belongs to the senior branch of the Marwaree family.

It was founded by Anund Sing and Raae Sing, sons of the celebrated Ajut Sing, Raja of Jodhpoor, who was murdered by his second son, Bukht Sing, at the instigation of his elder brother. Abhaee Sing, who resided at the Court of Delhi, was unable to resist the tempting offers made to him, and for the Viceroyship of Guzerat seduced his brother, by the gift of the rich province of Nagore, into the commission of the parricidal act. The Edur authorities also state, that Abhaee Sing took advantage of the opportunity to demand the cession of the Edur district, which the Mahomedans had a few years before taken possession of, after expelling therefrom the ancient Raos of Edur.

Shortly after the murder of Ajut Sing, these districts were bestowed in dower on one of Abhaee Sing's wives, a daughter of the house of Jeypoor. Prior to leaving Jodhpoor, to assume possession of the government of Guzerat, Abhaee Sing provided for all his brothers; but Anund Sing and Raae Sing, being dissatisfied with their shares, committed some excesses, which brought down upon them the anger of their brother, and eventually compelled them to seek shelter in the strong country about Aboo. They were accompanied in their flight by their maternal uncle, Jorawur Mull Chowan.

On their flight becoming known, Abhaee Sing despatched Sirdar Calian Sing to seize the young princes. He proceeded for this purpose into the Seroohee country, and, in an interview with Jorawur Mull, demanded their surrender. That Chief, however, taking a hand of each of his nephews, and alluding to the dying request of his sister, who, previously to sacrificing herself on her husband's funeral pile, had solemnly bequeathed them to his care, in an equally impressive manner made them over to him. Calian Sing was unable to resist this unexpected appeal to his honour; perhaps he was from the first lukewarm in the business, but whatever may have been the reason, he gradually yielded to the entreaties of the young princes, and espoused their cause.

Whilst residing in the Seroohee country, Anund Sing connected himself in marriage with the Poseena Chief, and through his means the Koolees of Gudwara were influenced to side with him. Through the assistance of Calian Sing, they were enabled to collect many followers, and with them committed some excesses in Marwar, including the sacking of the rich town of Palee. This last act opened the eyes of Abhaee Sing to the necessity of effecting something for his brothers. It is also said that Bukht Sing exerted himself to bring about a reconciliation, pointing out to Abhaee Sing the folly of allowing his brothers to remain in this unsettled state, and strongly advised him, for the stability of his own kingdom, not to delay any further in providing them with a suitable maintenance. This reasoning appears to have had its proper effect upon Abhaee Sing, who, being precluded by an oath taken when he first heard of their excesses from providing for them in Marwar, after some trouble induced his wife to yield up the Edur districts, which were assigned to them; and the brothers being thus reconciled, they, accompanied with the undermentioned Chiefs, and about 5,000 followers, took possession of Edur:—

- Jorawur Mull Chowan, ancestor of the present Mondeta Chief.
- Joda Calian Sing, ancestor of the present Mehdaun Chief.
- Chumpavut Ameer Sing, ancestor of the Kohria and Oondnee Chiefs.
- Chumpavut Seewaae Ramjee, ancestor of the Chandnee Chief.
- Chumpavut Mudin Sing, under Ahmednuggur.
- Chumpavut Maun Sing, ancestor of the Tintocee Chief.
- Chumpavut—, ancestor of the Mhow Chief.
- Chumpavut—, ancestor of the Bethalee Chief.

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The Edur province consisted of seven Mahals at the time of Anund Sing taking possession of it, viz., Edur, Ahmednuggur, Morasa, Bayer, Hursol, Purantej, and Veezapoor; and when firmly seated in authority, Poseena, Sabur, Kanta, Thanka, Thooka, and Pall were rendered tributary; but the Rehwar tribe of Rajpoots, the ancient possessors of the soil, resisted all his endeavours to coerce and bring them under obedience.

The Babees having requested Anund Sing to assist them in opposing the Gaekwar encroachments, Raae Sing, with all the disposable force of Edur, proceeded towards Borsheed, where he was surrounded by the Murathas, and his force placed in great jeopardy. Whilst in this dilemma, a body of Kusbattee Sepoys, in the service of Anund Sing at Edur, became clamorous for their arrears of pay, and demanded permission to plunder a village in lieu thereof; this Anund Sing refused, on the plea of the smallness of the force with him, which would be unable to maintain its ground if serious consequences arose out of the act. The Kusbattee tribe formed a large part of the Edur population. Anund Sing, a weak prince, and given to intoxicating liquors, unfortunately for himself yielded to his Seebundee, and a Rehwar village belonging to Deshotur was plundered. This was the more to be regretted, as, at the very time, some of the Rehwar were serving with Raae Sing at Borsheed. These, as soon as they heard of what had happened, indignantly refused to serve any longer, and, in despite of all the entreaties of Raae Sing, managed to effect their escape from the blockade, and returned to their homes, where they collected their followers, and, calling in the assistance of Butcha Pundit with a body of Murathas, moved upon Edur. The Kusbattee Sepoys, the cause of this calamity, gave Anund Sing every assurance of their fidelity, and recommended his ascending into the fort above, promising to defend the town to the last.

The few people with Anund Sing mistrusted them, and, as it turned out, justly so; for the Rehwar on arrival were received into the town. The fort being no longer a place of security for Anund Sing, he quietly quitted it by the postern gate in the rear, and after getting to a little distance in the plain, inconsiderately ordered the Nugara* to be beaten, contrary to the advice of all his followers. The Rehwar, who had discovered his retreat from the fort, were guided to the spot by the sound, and a conflict immediately ensued. Anund Sing's horse was soon killed in the scuffle, whereupon he requested Chumpavut Ameer Sing to dismount, but the Chief proposed instead that he should mount behind him, and thus effect their escape together; this, however, the Rathoree pride forbad, and preferring death to such humiliation, Anund Sing turned upon his foes, and fell mortally wounded. His Pugree was taken to Roera, where two out of his three wives burnt themselves; the third, being pregnant, was restrained from following their example.

These events were not long kept concealed from Raae Sing, who was still in the same predicament. His presence being indispensably necessary for the preservation of the Edur territory, his first consideration was to effect his escape from the situation in which either his own want of foresight, or the skill of his adversaries, had placed him. Negotiations were entered into with a Hindoostanee Chief, named Sujun Sing, then employed in the service of the Murathas; he was finally bought over by the exchange of Pugrees and perhaps some other more substantial marks of favour, and accompanied Raae Sing and a few personal adherents, with some of the most trustworthy of his band, in the direction of Purantej. Through the assistance of Barote Anoss Sing of Dawur, the Thakoors of Wursora, Kuthosun, with the Koolees of the Sabur Kanta under the Elol Thakoor, were induced to lend their aid, the latter in particular on being promised the plunder of the town of Edur. Raae Sing was eventually joined by all his followers, and on his preparations being completed, attacked, and, after much opposition, carried the town by assault; when, according to his agreement, as well as to avenge his brother's death, he made over the Kusbattee part of the town to the Koolees (A. D. 1740), with directions to show mercy to none, and after pillaging, to utterly destroy the Kusbah by fire, leaving nothing but the blackened ruins to testify to the ample reparation he had taken for their treachery to his brother.

On the tranquillity of the Edur districts being restored (A. D. 1750), Raae Sing sent for his brother's wife, and child Sew Sing, from Roera, and took charge of his nephew until he arrived at the age of maturity, when he placed him on the Gadee. The mutual ill-will existing between the Marwarees and Rehwar, far from decreasing, continued to increase with the lapse of years; numerous conflicts,

* Kettle drum.

attended with great loss on both sides, took place, which added to the bitterness of the feelings already entertained by both towards each other. About this time the Rehurs had assumed so formidable an appearance, and appeared so determined to expel the Marwaree dynasty, that Sew Sing was compelled to seek assistance from his uncle Bukht Sing, then Raja of Jodhpoor, to maintain his position in Guzerat. This appeal brought the necessary aid, and the Rehurs seeing the inutility of striving against such a force, quietly yielded; and, on the Edur authority being firmly re-established (A.D. 1751), the force returned to Jodhpoor. Ræe Sing died shortly after this event.

The joint forces of the Peshwa and Gaekwar having united for the purpose of expelling the remnant of the Mahomedan power from Ahmedabad (A.D. 1755), Sew Sing was applied to by Raghoba Dada to assist in the undertaking. Sew Sing collected his followers, and repaired to the Peshwa's camp, where he was received with much attention. After the capture of Ahmedabad, Sew Sing was invited to attend at a Durbar held on the occasion; he consented to come, but declined to make any salam or offer the usual salutations, though he expressed his willingness of going through the form of falling at his feet, if Raghoba Dada, in his quality as a Bramin, would give the "Ashirwad" (blessing). This the other agreed to do, and on the meeting taking place, Raghoba Dada enquired what he intended giving for the blessing he had received? Sew Sing immediately made him a present of his country, which the Bramin returned, after appropriating Purantej, Veezapore, half of Morasa, half of Bayer, and half of Hursol. This is the Edur version of the manner in which these Purgunas were lost; but it is much more probable that they were taken from them by the Murathas, and that this story of Sew Sing's liberality has been substituted, to conceal the disgrace of having been obliged to yield them up.

Sew Sing was allowed to remain in quiet possession of his districts for some years, when Edur was visited by Damajee Rao Gaekwar (A.D. 1766), and an unreasonable claim was preferred to the property of Ræe Sing, on the plea that, having died without male issue, his property lapsed to the Gaekwar. Sew Sing was very unwilling to accede to the demand, and endeavoured by delay and procrastination to avoid compliance with it; but the force was too powerful to resist, and he was in the end obliged to write over a half share of the revenues of the State. All the Putavuts,* with the exception of Sooruj Mull, Chief of Chandnee, appended their signatures to the deed; this last resisted all the solicitations of Damajee Gaekwar himself, and when, as a last resource, the deed was placed before him for signature, he tore it into fragments. The Muratha force left immediately after, in consequence, it is said, of instructions received from the Peshwa, who had been applied to by the Raja of Jodhpoor to interfere in the business, and put a stop to these exactions.

Bhowan Sing, the eldest son of Sew Sing, having left his father on account of some family dissensions, was supported by Sooruj Mull, the Chandnee Chief, who endeavoured to widen the breach between parent and child, and, it is said, advised the latter to murder his father. The young prince received the proposal with abhorrence, and immediately sought a reconciliation with his father, to whom he communicated his business, and against his father's wishes compassed the death of Sooruj Mull. The brother of this Chief, with the advice of the other Chumpavuts, applied to the Peshwa's deputy at Ahmedabad, and succeeded in bringing a force which ravaged the Edur districts (A.D. 1773). Five years afterwards (A.D. 1778), it again returned, and levied a "Huk," known under the name of Ghanun Ghora (enemy's horse).

Maharaj Sew Sing died in the year 1791, leaving five sons, Bhowan Sing, Sugram Sing, Zalim Sing, Ameer Sing, and Indur Sing. Prior to his death he had bestowed the districts of Ahmednuggur in Puta on Sugram Sing. Bhowan Sing succeeded to the Gadee, but dying immediately after, his son Gumbheer Sing, a youth of fourteen years of age, assumed the reins of government. Indur Sing, the youngest son, being blind from his birth, his mother, prior to immolating herself with her husband, requested the village of Wusai might be made over to him for his maintenance; the other two brothers, Zalim Sing and Ameer Sing, appear to have been left without any provision whatever; all resided at Edur. Shortly after the death of Bhowan Sing, at the instigation of Sugram Sing, the two brothers conspired to take the life of their nephew, Gumbheer Sing, doubtless bought over by the promises of Sugram Sing, who would have succeeded to the Gadee. The wife of Zalim Sing

* A Rajpoot designation of Chiefs who hold land on Puta of a superior, on condition of military service, and of a small pecuniary payment.

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was overheard by a slave girl reproaching her husband for the heinousness of the intended crime, and remonstrating with him on the folly of lending himself to assist the ambitious views of his elder brother, who would alone reap the benefit, whereas the odium would rest with him.

The slave girl repeated this conversation to Gumbheer Sing, who on this occasion acted with much more spirit and determination than could have been expected from one so young in years. He left the palace, assembled all the Putavuts who happened to be at Edur in consequence of his father's death, and inquired if they were the servants of the Durbar, or of Sugram Sing and his uncles. On their replying in his favour, and paying their respects accordingly, he communicated the plot to them. They all rallied around him, and finding himself sufficiently strong to defy his uncles, he desired them to quit Edur, which they lost no time in doing, Sugram Sing retiring to Ahmednuggur, and Zalim Sing, with his brother Ameer Sing, taking advantage of the minority of their nephew, seizing upon the Purgunas of Morasa and Bayer.

Some time afterwards (A.D. 1795) the three brothers, acting in concert, made a foray into the Edur districts, and carried off a large quantity of cattle. This insult induced Gumbheer Sing to collect his followers, and give battle to his uncles, in which, however, he was defeated, and a gun was captured. This was owing to the treachery of the Chowan and Chumpavut tribes, who had been bought over by his uncles and remained neutral in the fight. When the gun was taken, Gumbheer Sing, with the impetuosity of youth, wished either to recover it, or to die in the attempt, but he was diverted from his intentions by the Kookria Thakoor (Chumpavut tribe, which remained faithful), and induced to leave the field. By the influence of the Bhats,* a reconciliation between the uncles and nephew was effected, and agreements were entered into, very disadvantageous to Gumbheer Sing; for the former were not only allowed to retain the two Purgunas of Morasa and Bayer they had in the first instance seized upon, but every subsequent possession, which included Dawur, Arora, Veerawara, Bulochpoor, Vururawa, Senole, Gabut, and the Kitcheree payable by the Sabur Kanta.

All these villages, including Kuntaloo Bara, a Puta of twelve villages, under a Bhomeea Chief, had been taken possession of by Zalim Sing, either before or after the agreement alluded to; and on his dying without heirs some time after, a further hardship was perpetrated on Edur by the widow being allowed to adopt a younger son of the Ahmednuggur family, to whom they went in failure of direct male issue.

Gumbheer Sing seems soon to have been aware of the imposition practised upon him; for two years afterwards (A.D. 1797) he informed his securities of his intention not to abide by engagements so detrimental to his interests, and desired them to make his uncles acquainted with his determination. Preparations were made by both parties for a resort to arms.

Sugram Sing of Ahmednuggur died in 1798, leaving an only son, Kunun Sing, a boy eleven years old, to succeed him. Zalim Sing, knowing the intentions of Gumbheer Sing against the Puta, took the youth under his protection, and during his minority managed the affairs of his estate for him. As a precautionary measure, he applied to the Peshwa's Government at Ahmedabad, and obtained its support in favour of his young nephew. Gumbheer Sing was in consequence compelled to postpone his designs upon the Puta.

Gumbheer Sing, in the year 1800, at the head of a numerous Seebundee,† levied a tax termed "Khundnee" from Kuruk Para, Jawas, Panora, and Sirwam; he took security for its regular payment, and in the latter place left a Thanna.

* The name of one of the illegitimate tribes of Hindoos, springing from the intercourse of a man of the Vyshen and a woman of the Khurree caste. They are properly genealogists and poets. Another of their occupations was that of giving security. Bhat security was formerly common in Guzerat, and on every occasion the Bhat received a consideration equivalent to the prescribed rule, the amount, and the supposed ability of the person requiring the security.

† Irregular native soldiers, employed chiefly in the service of the revenue and police departments.

In 1801 a force from Pahlunpoor took possession of Gadwara, and expelled the Koollee Chiefs, who appealed to Gumbheer Sing, to whom they were tributary. Gumbheer Sing was not at the time able to afford them assistance; but the next year, the Moolukgeree Force, under Babajee Saheb came from Katteewar and encamped at Sidpoor, whence Gumbheer Sing was summoned to pay up his arrears of Ghanun Ghora*. Whilst there for that purpose, Gumbheer Sing, who was most anxious to expel the Mussulmans from Gadwara, made overtures to the Soobah, who agreed to assist his views, on condition of some increase being made to the tribute payable to the Gaekwar. After some difficulty it was settled at the present sum, Rs. 24,001, and its name changed to Ghansdana† These arrangements being made, Phureed Khan, in charge of Gadwara, was driven out, and the Koollee Chiefs, on being restored, wrote over a half-share of the revenues, which continues to be enjoyed by that State to this day.

The Thakoor of Gorwara, a Rehwar Chief, having (in 1804) been murdered by his brother, the son of the deceased sought the assistance of Gumbheer Sing in recovering his patrimony, which his uncle had seized upon; this was readily granted on condition of receiving two-fifths of the produce, which were accordingly written over to Edur, and subsequently, at the intervention of Zalim Sing, given to Indur Sing.

Thakoor Bhathejee of Amleeara, a Koollee Chief of great energy and determination, had for a number of years rendered himself very obnoxious to his neighbours by his demands for Geeras, which he was always ready to exact by force of arms. Some of Zalim Sing's villages were not exempted from the payment of this tax, which was a very galling and humiliating one to Rathore pride. It is also said that Bhathejee, some years before, refused to make his sulam to anyone below Edur, when called on to do so by Zalim Sing.

Bhathejee's continued excesses and exactions eventually induced the Baroda Durbar to interfere, and in the end of the year a force under Raghoba Tatia marched to coerce him. Zalim Sing, burning to revenge himself for all the indignities he had suffered at the hands of this Chief, immediately joined the Gaekwar force with all his followers, and was present at the attack on Amleeara, which was obstinately defended by the Koollees, who, screened by the thick jungle and deep ravines around the village, occasioned their opponents great loss. The Koollees, in the end, were driven out, and the village occupied by the Gaekwareeans, who dispersed in all directions for the sake of plunder. Whilst so engaged, the Koollees took the opportunity of attacking a gun slightly guarded, as it was descending into the ravines. Zalim Sing, fearing that his gun might fall into the enemy's hands, went with a few followers to protect it across the river; here he was set on by the Koollees and mortally wounded. The firing caused the troops to re-assemble, and the fight recommenced, and ended in the death of Raghoba Tatia and the retreat of the Gaekwar force.

In the year 1808 Gumbheer Sing attacked Veerahur, one of the Bhatay of the Rao of Pol, also Temba, a Koollee village, and the villages of Nawargaum and Berna, belonging to the Rana of Danta, from all of which he compelled the payment of the Kitcheree tribute. After this Pol was visited, and the Rao Rutun Sing was similarly obliged to enter into security.

Gumbheer Sing again sallied out, in 1809, and collected Kitcheree from the Koollee villages of Karcha, Samera, Dehgaumra, Vungar, Wandeole, and Khoosky, the last a Rajpoot possession, belonging to the Dabhee Rajpoots. He subsequently levied the same Huk from the Rehwar Putas of Sirdoe, Mohunpoor, Runasun, and Roopal.

Ameer Sing of Bayer died in 1823, leaving no male issue, but two unmarried daughters. Both Edur and Ahmednuggur laid claim to the vacant Talooka, the former on account of its having formed originally an integral part of its possessions, and from its being the head of the family, to whom all property devolved in default of male issue; the latter, on the plea of its never having been received in maintenance,

* Enemy's horse.

† An exaction of forage or provision, or of tribute in commutation of the claim. It is of Muratha origin; but a similar tax, under the name of Kackri Beura, was levied by the Moguls.

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but wrested from the parent stem, whereby the connexion between the two had been severed, and the latter rendered independent of the former. Subsequently (1827), through the instrumentality of Lieutenant-Colonel Ballantyne, an agreement was entered into for the settlement of their mutual claims on Morasa and Bayer. By this arrangement, Edur agreed to relinquish all right upon the estate of Zalim Sing, which was to be exclusively enjoyed by Ahmednuggur; in consideration of this arrangement the district of Kuntaloo Bara, a subsequent conquest of Zalim Sing, was returned to Edur. With regard to Bayer, it was decided that two-thirds should go to Edur, and the remaining one-third to Ahmednuggur, after deducting a certain yearly allowance for the widow of the deceased; the two daughters to be provided for in marriage, for which purpose Ahmednuggur agreed to advance Rs. 7,001, the remaining balance to devolve on Edur.

This settlement appears, however, never to have been acted up to; for the widow subsequently (A.D. 1833) wrote over the whole estate to Gumbheer Sing, on the condition of his effecting the marriage of her daughters, who were placed under his protection for that purpose; but the terms not having been fulfilled, perhaps owing to the death of the Raja, the remaining surviving daughter escaped from Edur, and returned to the protection of her mother and the Ahmednuggur authorities, in whose favour a precisely similar document was executed by the widow. Shortly after the execution of this bond the widow died, and the daughter, having declined matrimony, she, with the assistance of Ahmednuggur, continued the management of her estates.

Gumbheer Sing dying in the midst of these discussions, and there being no one to re-agitate them at the time, all being occupied in looking after their own interests, the subject dropped to the ground. A few months prior to the decease of Gumbheer Sing, he having, it is said, forebodings of his approaching end, and knowing that his own conduct towards his Chiefs had been such as to alienate their affections from him and his family, took advantage of the presence of Mr. Erskine at Edur, to make over his son to the care of the British Government, rightly judging that this was the only way by which the machinations of his Chiefs could be subverted, and the integrity of his son's possession preserved. At his death, seven wives and the same number of concubins sacrificed themselves on his funeral pile.

The continued gross mismanagement of the Edur State, exposed to the rapacity of unprincipled Chiefs and Karbharees, together with the helpless condition of the young prince, induced the Ranee to apply to the British Government, during Captain Outram's agency (A.D. 1837), to place the same under attachment.

Shortly after the imposition of the attachment, the disputes regarding the succession to Morasa and Bayer were re-agitated, and referred by the Ranee of Edur to Captain Outram. From the investigation held by that gentleman into these conflicting claims, it appeared that the lady in possession of Bayer claimed the right of disposing of the property in any way she thought proper; but a reference to Rajasthan proved fatal to this right of proprietorship, for, according to Rajpoot custom, no female can inherit property in her own right. The same authority, namely, the Rana of Oodépoor and Raja of Purtaggur, decided in favour of the Edur right to succeed, as being the head of the family, apparently, however, overlooking the point upon which the whole difficulty rested, namely, the possessions in dispute having been partly taken by the sword. Had it been otherwise, no dispute could have arisen; both parties, anxious to obtain more than they were authorized to demand by the deed entered into in 1827, cautiously avoided any allusion thereto, and it was not till 1840, when counterclaims were advanced by the Collector of Ahmedabad, that the Ranee could be induced to produce this document, which was sufficiently satisfactory to warrant the settlement of the question upon this basis. The Ahmednuggur authorities have all along evaded producing a similar document, in the hope of being able to effect a more beneficial arrangement for themselves. In the meanwhile the death of the Maharaj of Jodhpoor, and adoption of Tukht Sing to the throne of Marwar, to the exclusion of the Edur branch, the present Raja of Edur, put a stop to any further proceedings, as the house of Edur, in right of its being the head of the family, claimed the whole of the Ahmednuggur possessions.

This claim the present Maharaj of Jodhpoor attempted to set aside, on the plea of his son, and not himself, having succeeded by adoption on the death of his nephew in 1841; an assertion at variance with truth, for the adoption took place the day before his leaving Ahmednuggur *en route* to Jodhpoor for the purpose of retaining the possession in his own family, and on which account the adoption was antedated to correspond with the demise of his nephew in 1841, and his own succession denied.

It was finally decided by the Government of India, on the 14th April, 1848, that Ahmednuggur and its dependencies should revert to the elder or Edur branch of the family, and that these two Principalities should, as they did previous to A.D. 1784, again form one State, under the Raja of Edur, and that Maharaja Tukht Sing should be required immediately to remove his eldest son, Jeswunt Sing, and the other members of his family, from Ahmednuggur to Jodhpoor.

The Edur districts are shared between the Raja, his Bhayat, Sirdar Putavuts, Putavuts, and Bhomeea Sirdars, and a few villages between Bhats, Charuns, Bramins, etc., in charitable grants. The whole of the produce so enjoyed may be estimated at two lakhs of rupees per annum.

The Raja's share consists of 58 Khalsa villages, with a half share of the Possena, Walasun, and Hursol Purgunas, and two-thirds of the produce in the Gadwara Puta, the whole yielding a yearly revenue of nearly Rs. 1,00,000, subject to a deduction of Rs. 24,001 on account of Ghansdana payable to His Highness the Gaekwar.

The present Chief, Maharaj Juwan Singjee, is (A.D. 1855) twenty-three years of age; he is the only surviving son of the late Raja Gumbheer Sing, by his youngest wife, a daughter of the Mansa Bhayat. He was formerly slightly addicted to drink; but his mother, and many of her relations having embraced the tenets of the Hindoo reformer Swamy Narayun, a sect which has gained ground in this province, the young Raja was also induced to become a proselyte to a creed which, in addition to inculcating a stricter degree of morality, enjoins total abstinence from meat and spirituous liquors. These abstemious habits are far from being favourably regarded by the Chiefs, who would fain entice him into a resumption of his former way of living, but without success, as the young Raja is staunch to the religion he has embraced.

The Sebundee maintained by this petty State does not exceed 200 men. They are armed with swords and matchlocks, and consists of about one-half Musulmans, the remainder of Rajpoots (Marwaree and Rehwurs).

In addition to the above force, the different Sirdar Putavuts and Putavuts are bound, by the conditions in which they hold their Putas, to furnish a certain number of horse for the service of the Durbar when necessary. The number is considerably less now than formerly, owing to the unscrupulous conduct of Gumbher Sing, whose demands for service were so oppressive as to compel the Chief in self-defence to appeal to Lieutenant-Colonel Ballantyne, when that officer decided that they should be called on to furnish their quotas according to the actual value of their estates, and not with reference to former usage, at the rate of three horses for every thousand rupees' worth of revenue. This decision has ever since obtained; but in cases of emergency, 8 or 900 Marwaree Rajpoots could be brought into the field; of this number about 250 would be mounted, the remainder footmen, but armed with sword and matchlock.

The Rehwurs and other tribes of Rajpoots are not included in this number, which is only meant to show the actual number of Marwaree Rajpoots able to bear arms.

The principal force, though the least effective, would be the Bheel and Koollee population, which, if paid, or disposed to espouse the cause of the Durbar, could collect in large numbers: but they are all very indifferently armed, a few only possessing matchlocks, the remainder bows and arrows.

The Chiefs enter into decennial arrangements for the payment of their Ghansdana and Kitcheree dues, renewing their securities of Fuel and Ar Zameen,* and receiving Purwanas from the Durbar for the undisputed enjoyment of their Putas for that period.

BHAYAT.

Maharaj of Ahmednuggur Juswunt Singjee; Prithee Singjee, Maharaj of Soor; Humeer Singjee, and his three brothers, Nar Sing, Sirdar Sing, and Bheem Sing; Baeo Phujee Lal of Bayer, an unmarried daughter of the late Maharaj Ameer Sing of Bayer.

* Security and counter-security.

AHMEDNUGGUR.

The Ahmednuggur Talooka is next in size to that of Edur, and, as it has been shown in the preceding narrative, the two families are nearly related to each other, the father of Maharaj Tukht Singjee of Jodhpoor being a second cousin of the Raja of Edur. Ahmednuggur was formerly a part of Edur, and bestowed by Maharaj Sew Singjee, some fifty or sixty years ago on his second son, Sugram Sing, the Chief who is supposed to have instigated his younger brothers, Zalim Sing and Ameer Sing, to murder their nephew Gumbheer Sing, then a boy fourteen years old.

On their flight from Edur, the two younger brothers, with the assistance of Sugram Sing, seized upon the Purgunas of Morasa and Bayer, and maintained possession of them in defiance of all the exertions of Gumbheer Sing to dispossess them. A very intimate connexion appears to have always existed between the three brothers, who, knowing how little they had to expect from their nephew, owing to their own ill conduct, united cordially together, and proved too strong for the attempts of Gumbheer Sing. When Sugram Sing died, Zalim Sing of Morasa took charge of his son, reared him to manhood, and then placed him in charge of his estates. On the death of Zalim Sing in the attempt on Amleeara, his widow, supported by Ahmednuggur and Bayer, adopted as her child Purtaap Sing, the youngest brother of the Ahmednuggur Raja: this adoption was disputed by Edur, who claimed the estate as head of the family, and through the Baroda Durbar caused it to be restored again. It was, however, eventually, through the influence of the Resident at Baroda and the Collector of Ahmedabad, returned to Purtaap Sing, upon whose death without heirs, it went to Ahmednuggur, by the adoption of the Raja's eldest son, who afterwards succeeded his father, and thus kept both.

Ameer Sing of Bayer dying in the year 1823 without male issue, both Edur and Ahmednuggur laid claims to the vacant Puta, and after long disputing about their respective rights, the deed of partition already mentioned was entered into; Ahmednuggur resigning Kunthaloo Bara in favour of Edur, on condition of that State relinquishing all further claim on Morasa, and Bayer being divided between them, two-thirds to Edur and one-third to Ahmednuggur.

Kurim Sing, Raja of Ahmednuggur, died in the year 1835, leaving two sons, Prithee Sing and Tukht Sing. It was on this occasion that the forcible Sutee alluded to at page 8 occurred. Mr. Erskine, then present, endeavoured by persuasion to prevent the intended Sutee from taking place; but having reason to suspect that the authorities were merely temporising until a sufficient force had collected to enable them to carry their wishes into execution, he attempted to disarm a numerous band of Kooles about to enter the town: in the attempt, an officer, Lieutenant Lewis, was wounded, the gates were closed and the walls manned, which compelled the small detachment to move to a short distance out of reach of the fire of the walls. At midnight, the females, with the corpse of the Raja, were taken through bye-paths, and out of one of the breaches of the wall, to where the pyre was prepared, and the ceremony hurried over, when all the parties concerned in the rite fled to the hills.

Prithee Sing and Tukht Sing were the first to avail themselves of the general amnesty proclaimed by Government in 1836. Their possessions were restored to them on their renouncing the practice of Sutee in their families, and engaging not to entertain foreign mercenaries.

Prithee Sing died on the 6th December 1839, leaving one of his widows *caccinte*, who gave birth to a son. Owing to the praiseworthy exertions of Tukht Sing, the widows of the deceased Raja were dissuaded from burning themselves with their husband's corpse. Government, on becoming aware of his laudable endeavours in the cause of humanity, marked its sense of his conduct by a suitable present. The infant Raja dying during the rains of 1841, Tukht Sing, who had up to that time acted as Regent, succeeded as next of kin to the vacant Gadee.

The death of the Raja of Jodhpoor without male issue, in the year 1843, led to numerous intrigues, which subsequently ended in the adoption of Tukht Sing to the throne of Marwar, to the exclusion of Edur, the senior branch of the family. The success which attended the Ahmednuggur intrigues may perhaps be attributed to the supineness of the Edur Durbar, who, trusting in the protection afforded by the attachment, may have neglected to use the means necessary to conciliate those interested in the adoption at Jodhpoor.

On the departure of the Maharaj (Tukht Sing) for Jodhpoor, the Ahmednuggur Talooka with its dependencies was placed under attachment, and, as stated at page 28, it was finally decided by the Government of India, in the year 1848, that the Edur and Ahmednuggur principalities should be re-united under the Raja of Edur.

The Ahmednuggur Talooka consists of about thirty-five villages, exclusive of the Megrej Puta, which may contain about twenty-five more, together with a half share on Morasa, and Kitcheree from the Sabur Kanta and Purantej Purgunas.

The total annual amount of the produce, including the Putavuts, amounts to about Rs. 50,000; of this sum, about Rs. 10,000 is enjoyed by the Putavuts, the remainder by the Chief, subject to a deduction of Rs. 8,952 on account of Ghansdana to His Highness the Gaekwar.

The Sebundee maintained amounts to about 100 men, armed with swords and matchlocks, chiefly Purdeshies, with a few mussulmans; there are in addition about 75 horse, all Rajpoots.

The Putavuts of this State hold their villages in tenure of military service; but there are none of any consequence, and the largest amount of Rajpoot followers they could collect together, in case of emergency, would not exceed 350. The principal strength of this Talooka consists in its Koolee population including the Bheels of the Megrej Puta, who might assemble to the number of five or six thousand fighting men.

List of Putavuts in the Ahmednuggur Purguna.

Loonavara	...	}	Thakoor Raj Sing, Joda, cousin of the Medhasun Chief
Phuraee	...		
Nikora	...		Thakoor Madheo Sing, Shonbavut.
Doongurwara	...		Thakoor Madhjee Khamjee.
Singal	...		Thakoor Kesree Sing, Champawut.
Seeka	...		Thakoor Kursum Sing, Compawut.
Wantra	...	}	Thakoor Sirdar Sing, Joda.
Kurunpoor	...		

BHOMEEA PUTAVUTS.

Moree Puta, Thakoor Deep Sing, Katucha Rajpoot. The Megrej Puta formerly belonged to the above, and was conquered by Zalim Sing after his leaving Edur. This family is of very old standing, supposed to have come into Guzerat about the same time as the Raos of Pol. They have degenerated in caste, from intermarrying with the hill tribes of Bheels. They belong to the same tribe as the Rana of Panora, Joora, Agnah, etc.

SOOR.

The present family, consisting of four brothers, Humeer Sing, Nar Sing, Sirdar Sing, and Bheem Sing, are the sons of Indra Sing, uncle of Maharaj Gumbheer Sing, and are consequently nearly related to the present Raja of Edur.

Indra Sing, having been born blind, was entirely dependent upon the generosity of his nephew Gumbheer Sing, which sufficiently accounts for the present impoverished state of his children. He had originally the village of Wusae for his maintenance; but the Ghansdana tribute being heavy, he exchanged it for the present village of Soor, with three or four villages attached thereto, free of any tribute. Subsequently, at the intercession of Zalim Sing, the share enjoyed by Edur in the Gorwara Puta was made over to him. The possession of this share led to frequent disputes, and ended in the Gorwara Thakoor going into Bharwuteea.* In the end, the share was commuted for the village of Jamleearree, which continues to be enjoyed by the family, but the settlement is still contested by Gorwara.

* A term derived from "Bhar," outside, and "Wut," a road; and implies an outlaw—robber—Chief who feeling or fancying himself aggrieved by his superior, and unable to obtain redress, throws himself without the pale of the law, sets his Government at defiance, becomes a professed plunderer, and compels his Ryuts and dependants to quit their native villages, which are suffered to remain waste, while the Bharwuteea retires to some place where he may indulge his revenge, and whence he may carry on his depredations.

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The amount of the produce of all the villages may be estimated at from Rs. 3,000 to Rs. 4,000 per annum, for the maintenance of the four brothers and their respective families. The two younger brothers in particular had not enough to subsist on, and (on the departure of Maharaj Tukht Sing to Jodhpore without providing for them in any way) attempted to enforce a settlement by the commission of some overt act, either against Bayer or the Ahmednuggur Purguna, and for that purpose they repaired to the Bavisee Zilla; but their designs having become known before their preparations were completed, they were easily induced to repair to Shadra, and abandon pursuits which, if persisted in, would only have ensured their ruin.

This family enjoys the title of Maharaj. They have always affected the Ahmednuggur interest rather than that of Edur, and on the departure of Maharaj Tukht Sing, Humeer Sing was induced to accept employment on the Ahmednuggur Durbar.

BAYER.

The Marwee share of this Purguna is held by Bae Phujee Lal, daughter of Maharaj Ameer Sing, who died in the year 1823 without male issue. This event led to the disputes, already detailed in the Edur narrative, between that State and Ahmednuggur, for the vacant possessions, which were claimed by both.

The estate is under attachment, and its affairs managed by a Mehta appointed from the Sadra Agency. It yields a revenue of about Rs. 5,000, subject to a deduction of Rs. 1,000 on account of Ghansdana, payable with that of Megrej, through Ahmednuggur.

SIRDAR PUTAVUTS AND PUTAVUTS.

The Sirdar Putavuts and Putavuts of the Edur estate are thirty-five in number. They belong to the Joda, Champavut, Compavut, Jetawut, Oodavut, Chowan, Sesodia, and Bhattee tribes of Rajpoots, and are the descendants of the former Chiefs, who accompanied Anund Sing and Rasee Sing from Marwar, and have been rewarded, for the assistance they rendered, with certain grants of land termed Putas, in lieu of pay, which are all held on tenure of military service, each Chief being bound to keep up a fixed number of horse to attend on the Durbar when necessary.

These Putas have been considerably reduced by the late Raja Gumbheer Sing, whose systematic policy it appears to have been for a number of years to encroach on the rights and possessions of his Putavuts, fomenting their internal disputes with a view to personal aggrandisement, and selling his support to the highest bidder, without regard to the injustice he was perpetrating. Many were in consequence driven in self-defence into acts of hostilities against the State, for the purpose of recovering what they had been deprived of.

CHOWAN PUTA.

The principal Sirdar Putavut, with reference to the value of his estate, is the Chowan Chief of Mondeta, Thakoor Sooruj Mull Zalim Sing, now (1885) in the forty-ninth year of his age. His Puta consists of twenty-five villages, of which sixteen are exclusively enjoyed by himself, two by his Bhayat, and the remaining seven by petty Chiefs, who hold their villages on the same tenure of service to the Edur Durbar as he himself does, but have, from accidental or other causes, been glad to avail themselves of his protection, and have in consequence been incorporated in his Puta, without prejudice to their title of Putavut.

The Puta pays on account of Ghansdana to the Gaekwar Rs. 6,999-13-10, and Kitcheree to Edur Rs. 3,608-4-8, together Rs. 10,608-2-6; of which the Mondeta share amounts to Rs. 8,708-10-9, leaving the balance to be divided amongst his Bhayat and dependents. The produce of the Puta enjoyed by the Thakoor may be estimated at between Rs. 17,000 and Rs. 18,000 per annum, of which the Thakoor's share amounts to about Rs. 10,000 after paying the Durbar dues.

List of the Bhayat and Putavuts of the Chowan Puta.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
16		Sooruj Mull Zalim Sing ..	Chowan.
	<i>Bhayat.</i>		
1	Gota	Nuwul Sing Shere Sing ..	Do.
1	Malasun	Jevajee Jumut Sing	Do.
1	Dhurol	Thakoor died without male issue; enjoyed by his widow.	
	<i>Putavuts.</i>		
1	Bhaumpoor	Kurunjee and Ajut Sing, half share each	Oodavut.
1	Medh	Mudun Sing	Jetavut.
1	Jinjoowa	Ajeit Sing	Do.
1	Haturwa	Golab Sing	Chowan.
1	Marwara	Mohbut Sing	Oodavut.
1	Chodla	Doorjun Sing	Do.

Zalim Sing, the father of the present Chief, was notorious for the excesses he committed against the Edur State, when driven into rebellion by the unjust resurreptions of Gumbheer Sing. The present Thakoor was on very bad terms with his father, and went out in Bharwuteea against him (at the time his father was in a similar situation with respect to Edur,) for the purpose of enforcing a maintenance for himself and mother, and appealed to Gumbheer Sing for his assistance. This was too favourable an opportunity to be lost sight of by Gumbheer Sing; he took every advantage to widen the breach between parent and son, and finally placed the latter in charge of the vacant Puta. A reconciliation was afterwards effected by Lieutenant-Colonel Ballantyne, in the year 1826-27, and a provision made for the son, the father being allowed to resume the Putas.

In the year 1829, Zalim Sing recommenced his excesses, and on this occasion, assisted by his son, plundered the town of Chonwar, and carried off captives a number of its inhabitants, principally women. The cause of the outbreak was the non-fulfilment of certain promises made by Gumbheer Sing two years before. This act produced a settlement of his claims, and the captives were restored.

The death of Gumbheer Sing was soon followed by numerous cases of Bharwuteeism. The Roopal Chief, taking advantage of the infancy of the young Raja, raised the standard of rebellion. After committing numerous outrages, he seized upon the person of a Banyan, a brother of one of the Edur Karbharees, and carried him off to the hills; this induced the Edur Durbar to employ the services of Sooruj Mull to procure his release. Some Seebundee were accordingly raised, and an attempt made to surprise the Bharwuteeas, which however failed. The Durbar thereon endeavoured to avoid fulfilling its agreement with Sooruj Mull, regarding the payment of the Seebundee he had entertained at their request. These men soon became clamorous for their arrears, and Sooruj Mull, possessing no means of satisfying them himself, and being naturally indignant at the treatment he had received, took advantage of the times (which he perhaps thought favourable for the advancement of his views), and attacked and plundered the villages of Drocee, Hurul, and Techawa, whence he returned and encamped at Waralee. Whilst here, the Raja of Ahmednuggur died. The measures taken by Mr. Erskine to prevent* the forcible Sutee, led to a communication between Ahmednuggur and Sooruj Mull, whereupon the latter marched with all his forces in the direction of that place; but when a few miles distant from the town, he received intimation of what had taken place, and, fearing an attack from Mr. Erskine, rapidly retraced his steps, followed immediately after by the detachment, which had been considerably strengthened.

* Vide page 9.

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On the 18th February 1835, the village of Gota, belonging to a brother of Sooruj Mull, was attacked by a detachment of cavalry and infantry; the village was burnt, and a few prisoners were taken.

The loss sustained by the detachment was severe, a European officer (Lieutenant Pottinger) killed, and many Sepoys killed and wounded. The casualties were principally occasioned by seven or eight men, who occupied a lofty Ghuree situated in a court-yard, without the means of access, except through a small door completely commanded from the apertures. The place was taken by breaking down part of the wall where it was less exposed, and the defenders were compelled to surrender.

On the 17th March 1835, a party of Sooruj Mull's followers was surprised in the hills near Mondeta, and a few were killed and wounded. A Banyan, formerly captured by Sooruj Mull, was rescued on this occasion. Sooruj Mull was not present, having fled to Panora to avoid the pressing demands of his Seebundee. The next day, on information received from the father of Sooruj Mull, a forced march of thirty-six miles was made on Panora. A Bheel, who had been seized to point out the road, managed to effect his escape, and, preceding the detachment, gave the alarm. Sooruj Mull was at the time in Panora, surrounded by his Seebundee, who were sitting on *Dhurna** to enforce payment for their arrears of pay.

From the circumstance of a force never having penetrated into these wilds before, the first alarm was scouted at, and only credited when the troops were seen toiling up the ascent. The surprise was too great to admit of resistance, and all fled with the utmost rapidity. The troops took possession of the vacant villages, and, after plundering, burnt them. This was the last military operation against Sooruj Mull; his followers being dispersed in all directions, a reward for his apprehension was offered.

Captain Outram, on being appointed in the year 1836 to the Mahee Kanta, effected a settlement of all Sooruj Mull's grievances against his father and the Edur State. An allowance of Rs. 400 per annum, in addition to two villages made over for his maintenance, had been settled some years before by Lieutenant-Colonel Ballantyne, but the money payment had never been paid by Zalim Sing, whose ill-will towards his son increased with his years. Effectual arrangements were taken to ensure the regular payment of this sum, and the arrears due, Rs. 4,000. were commuted for a favourite mare, valued equally by father and son. In order also to assist Sooruj Mull in his difficulties, the Edur Durbar took twenty of his men into its service.

Sooruj Mull succeeded to the Puta on the death of his father. He is the lineal descendant of Zorawur Mull, Maternal uncle of Anund Sing and Rae Sing, who accompanied them to Guzerat. He is now (A.D. 1855) about forty-eight years of age, and has one son, three years of age, and three daughters.

At the request of the Thakoor, his Puta has been placed under attachment, for the purpose of effecting an arrangement for the liquidation of the debts which his own and his father's unsettled habits have entailed upon it. He is a man possessing good sense, and of a bold and enterprising spirit; he is, however, strongly imbued with Rajpoot pride and prejudices, and much under the influence of Bhats† and Charunsi, to whom he is profuse and extravagant in his gifts.

The Rajpoots of this Puta consist of about 350 fighting men, of which number about 100 might appear mounted. The Koolie population might assemble to the number of 500 men.

* A superstitious ceremony, in which a person seeking to obtain anything from another, places himself at his door, armed, ready to destroy himself should the inmate molest him or endeavour to escape. During the continuance of the *Dhurna*, neither the person by whom it is instituted, nor he against whom it is directed, is to eat. The performance of this extraordinary ceremony was a Braminical privilege, but instances have occurred of its performance by persons not Bramins.

† Vide note at page 25.

‡ Persons giving security in the manner of the Bhats.

COMPAVUT PUTA.

This Puta, consisting of thirty-three villages, is divided into the Kookria and Oondnee Putas, of which the former is the head of the tribe. It pays on account of Ghansdana to the Gaekwar Rs. 2,732-15-5, and Kitcheree to Edur Rs. 1,876-6-6, and the whole value of the Puta may be estimated at from Rs. 15,000 to Rs. 17,000.

List of Putavuts in the Compavut Puta.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
	<i>Kookria Puta.</i>		
7	7 villages	Sirdar Putavut Puturb Sing Doorzun Sing	Compavut.
	<i>Oondnee Puta.</i>		
8	8 villages, with half share in Hursol and Deadasun	Sirdar Putavut Arjun Sing ..	Ditto.
1	Bhowangur	Jeswunt Sing	Bhayat.
1	Thora Was	Purtap Sing and Ajun Sing	Ditto.

Compavut Putavuts.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
4	Netur Amlee and three other villages ..	Nar Sing	Bhayat.
1	Moonae	Punjee	Bhatee.
1	Khorum	Kesjee	Rathore Pol.
1	Poonasun	Nar Sing	Bhayat Sesodia.
1	Munior	Raghnath Sing	Compavut.
1	Oonj	Jesjee	Sesodia.
1	Boroodra	Sabul Sing	Songur Rathore.
1	Vuriawu	Mudun Sing	Compavut.
1	Musul	Goolab Sing	Run Malavut.
3	Boroodra and two other villages ..	Purbut Sing	Chowan.
1	Wasna	Parjee	Solunkee.

The head of this tribe, Thakoor Purbut Singjee, is a man of inoffensive habits, but possessed of little understanding. He is much given to the use of opium and other stimulants, and appears to have impaired both mind and body by his former unlimited indulgences. He is about fifty years of age, and has no male issue. His brother, about thirty years of age, Dowlut Sing, appears intelligent, and free from the vices which have impaired his brother's constitution. The value of the Kookria estate may be estimated at Rs. 4,500 per annum.

Thakoor Arjun Sing of Oondnee is about thirty-five years of age, and is remarkable for his intelligence and amiable disposition. He is by far the most sensible and respectable of all the Mahee Kanta Chiefs, and, unlike the greater part, takes an interest in the welfare of his Ryuts, and strives to improve the condition of his Puta. His estate may be valued at about Rs. 5,500 per annum, which he enjoys with a trifling deduction on account of Ghansdana and Kitcheree. This is attributed to the conduct of his father in the fight which took place between Gumbheer Sing and his uncles, when the former was worsted on account of the treachery of his Chiefs. He, however, was one of the few who remained faithful, and was rewarded for his fidelity by being allowed to hold his Puta. as it then

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stood, quite free. On the death of the Thakoor, Gumbheer Sing took advantage of the infant state of his son, the present Chief of Oondnee, to deprive him of the share he enjoyed in Gudwara and Poseena, which has ever since been possessed by the Durbar.

This family is descended from Compavut Ameer Sing, who refused to yield up his horse to Anund Sing, and deserted him when pursued by the Rehwhurs after leaving Edur. He died in poverty and obscurity, leaving three sons, who, on arriving at manhood, sought service from one of the Dewans of Edur, with whom they became great favourites, on account of their gallant bearing and general intelligence. These qualities recommended them to the notice of Bhowan Sing, son of Maharaj Sew Sing, who took them into his service. Having rendered themselves useful, particularly in murdering the Dewan (their former master), who had rendered himself obnoxious to Bhowan Sing, they were rewarded with his Puta, that of Kookria and Oondnee.

In a case of emergency, about 60 horse and 150 footmen, all Rajpoots, could be produced for the service of the Durbar, exclusive of Koolees, who might average 500 men.

JODA PUTA.

Consists of ten villages. The produce of the Puta may be estimated at Rs. 3,000 per annum, out of which it pays Rs. 392-6-5 on account of Ghansdana, and Rs. 438-8-4 on account of Kitcheree.

This Puta is enjoyed exclusively by Thakoor Ajut Sing of Mehdsun, who is a lineal descendant of Joda Calian Sing, sent by Maharaj Abhaee Sing to apprehend his brothers Anund Sing and Raee Sing. The present Thakoor is about thirty-nine years of age, much addicted to opium and other stimulants; he is not particularly remarkable for intelligence, and is tinged with a fair share of Rajpoot pride and prejudices. He has three sons, aged respectively twenty-two, seventeen, and seven years.

This Puta might produce between 30 and 40 Rajpoots; about 15 of this number might be mounted. The Koolee force might amount to 400 men.

The grandfather of the present Chief was murdered by order of Gumbheer Sing, in consequence of his having been discovered fomenting the disputes between the Raja and his uncles, also inciting the Koolees and others to resist the oppressive demands of Gumbheer Sing. The family went out on Bharwuteea and attacked an Edur village, which produced a negotiation, and ended in the village of Raee-ghur being made over by Gumbheer Sing as compensation for the murder, which, however, was subsequently returned to Edur.

The Thakoor is nearly connected with the Edur family, having married a sister of the Ranees of Edur.

JETAVUT PUTA.

This Puta consists of six villages, of which three are enjoyed by the Thakoor Khooman Sing, and the remaining three by his Bhayat and Putavuts.

The whole produce of the Puta may amount to Rs. 2,000. The Ghansdana payable amounts to Rs. 776-11-8, and the Kitcheree to Rs. 111-4-7, together Rs. 888-0-3.

List of Putavuts in the Jetavut Puta.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
3	Ghatiole and 2 other villages <i>Bhayat.</i>	Sirdar Putavut Khooman Sing	Jetavut.
1	Buroowa <i>Putavuts.</i>	Thakoor Anund Sing ..	Ditto.
1	Ankola	Thakoor Dowlut Sing ..	Ditto.
1	Seelwar	Thakoor Bheem Sing ..	Ditto.

The present Chief, Khooman Sing, is a man of quiet disposition, of about thirty-seven years of age. He was engaged some years ago, with his elder brother, in an attack on his father's village of Ghatiole, for the purpose of enforcing a maintenance for themselves and mother. In the scuffle which ensued, the father had his arm severed from his body by his eldest son, and died shortly afterwards, not without suspicion of having had his end hastened by unfair means, through the influence of the younger wife, to whom the Thakoor was most devotedly attached, and on whose account he had neglected his elder wife, the mother of the two sons, who revenged herself by instigating them to commit the unnatural act.

About 50 Rajpoots and 200 Koolees would be the utmost amount of followers the Thakoor could collect; in this number are included about 10 horsemen.

CHUMPAVUT PUTA.

This Puta consists of thirty-two villages, and is divided into the Chandnee, Mhow, Tintocee, Wankaneer, Bethalee, and Torda Putas. It pays on account of Ghansdana, through Edur to the Gaekwar, Rs. 4,073-8-10, and Kitcheree Rs. 2,232-6-5.

CHANDNEE PUTA.

Consists of four villages, and pays its share of the Ghansdana and Kitcheree Rs. 994-3-4, of which the Thakoor's share amounts to Rs. 681-4-5, and his income derivable from his village does not exceed Rs. 1,300.

List of Putavuts in the Chandnee Puta.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
2	Chandnee and Kheir .. <i>Bhayat.</i>	Sirdar Putavut Race Sing ..	Chumpavut.
1	Kalika <i>Putavut.</i>	Thakoor Zalim Sing, uncle of the Thakoor	Ditto.
1	Veerpoor	Goolab Sing	Ditto.

A (a) v.

The head of the Chumpavut tribe is the Chandnee Thakoor, Raee Singjee. His Puta was formerly much more extensive, consisting of ten villages, with a half share in the Hursol Puta; but he has been gradually stripped of all his possessions by Gumbheer Sing (who was always inimically disposed towards the Chumpavut tribe, in consequence of their treachery to him and general turbulency of character), and now only retains two villages, which, from their being so heavily assessed, afford him a very inadequate maintenance.

He is descended from Chumpavut Seewae Ramjee, the head of the clan, who accompanied Anund Sing and his brother with 1,500 followers into Guzerat, 300 of which were horsemen. He can now only muster about 30 Rajpoot followers, and perhaps double the number of Koolees.

He is about thirty-one years of age, intelligent, but, unfortunately for himself, addicted to intoxicating liquors: he has two sons, aged twelve and eight years.

MHOW PUTA.

The next in rank is Thakoor Barut Sing Gopal Sing. His Puta consists of eight villages, with a half share in Puthapoor Kaputur and the Company's village of Ponsuree.

His income may be estimated at Rs. 4,000 per annum, out of which he pays Rs. 1,395-10-5 on account of Ghansdana, and Rs. 809-11-1 Kitcheree; the remaining balance for which the Puta is assessed is paid by the village of Chubora, amounting to Rs. 264—total Rs. 2,469-5-6.

List of Putavuts in the Mhow Puta.

No. of Villages.	Names of Villages.	Names of Thakoors.	Caste.
5	Mhow and four villages	Sirdar Putavut Bharut Sing	Chumpavut.
	<i>Putavuts.</i>		
1	Chabora	Thakoor Tukht Sing ..	Ditto.
1	Rentora	Thakoor Ameer Sing ..	Ditto.
1	Bootawar	Thakoor Bhowan Sing Wujah Sing	Ditto.

The present Chief is thirty-six years of age, quiet, but not possessing any great degree of sense or energy. His brother, Purtap Sing, is remarkable for his intelligence and fine spirit.

The father of these youths, Gopal Sing, lost his life in consequence of his unreasonable and arrogant bearing towards the Edur Durbar. The principal cause of the ill-will between himself and Gumbheer Sing, was his refusal to pay the Ghansdana due on the village of Cheetoora, which he withheld for many years, on the plea of its being too poor to meet the Durbar claims. He was subsequently induced, at a meeting of all the Chiefs at Edur, to promise payment of the arrears, after considerable deductions had been made by Gumbheer Sing, and was permitted to proceed to his village for the purpose of making arrangements for the payment of it within a certain time according to his agreement; but instead of acting up thereto, he despatched his family into the Doongurpoor country, and held himself and followers in readiness to resist any attempt that might be made to bring him to terms. Shortly afterwards a Banyan of Cheetoora died, and a number of his relations and friends, belonging to the Edur State, accompanied with their wives and children, proceeded towards Cheetoora to attend at the ceremonies usually performed over the dead. Gopal Sing and his followers waylaid them on the road, and after shamefully ill-treating the women, and throwing some of their young infants into the jungle to perish, carried them off captives into the hills.

When Gumbheer Sing became aware of this outrage, he took a solemn oath never to rest until he had compassed his death; for this purpose he opened a communication with him through the most influential Bhats, gave every security required, yielded to every demand however arrogant, remitted his arrears, and appointed him Dewan, with permission to use as he pleased all who were obnoxious to him. On subscribing to these terms the Thakoor returned to Mhow, and subsequently to Edur.

The Thakoor having thus fallen into the trap laid for him, he was advised to take a muster of the Seebundee, private instructions having been issued to shoot him whilst so engaged. His immediate followers were all killed on the spot, but the Thakoor himself sought shelter in the women's apartments, whence he was dragged and shot at midnight, in the year 1831. Gumbheer Sing, having satisfied his vengeance, did not attempt to seize on the possessions of the deceased, but, on the contrary, conferred another village on the family.

In 1839, the mother of these youths was put to death by her kinsman the Thakoor of Wankaneer, for disgracing herself by intriguing with one of her Karbharees, who also shared her fate.

About 50 Rajpoots, 15 of them horsemen, might be collected in this Puta, with about 200 Koolees.

WANKANEER PUTA.

This Puta consists of five villages, all more or less depopulated. The produce of the estate is insufficient to support the Thakoor, Himmud Sing Dhurut Sing. He is in very impoverished circumstances, and the Edur Durbar has, in consequence, been induced to take him into-service, with a number of his retainers as a Jemedar of Seebundee.

The income of his estate may be estimated at Rs. 1,600 per annum, of which he pays Rs. 937-14-11 on account of Ghansdana, Kitcheree, etc.

The Thakoor, who is about thirty years of age, is the son of the celebrated Bharwuteea Dhurjee, famous in the Mahee Kanta for his daring exploits against the Edur State. He is uncle of the Mhow Chief, and, as before stated, put his kinswoman to death, in the year 1839, in consequence of her intriguing with one of her Karbharees. Fearing the punishment he had entailed upon himself by this rash act, he fled to the hills, but was soon recalled, when he subsequently did good service by seizing the notorious Himmud Sing, son of the Roopal Chief, and thereby obtained the forgiveness of Government for an act which, however repugnant to European feeling, was regarded by the Rajpoot community as highly meritorious.

He is very intelligent, and possesses energy and determination. A slight account of his father's career will be found under the head of Tintoee, with which Puta he was intimately connected.

His Puta contains about 30 Rajpoots, 5 of them mounted; and perhaps 50 Koolees might be assembled.

BETHALEE PUTA.

Consists of four villages, nearly deserted. The Thakoor, Bharoth Sing, is a Putavut of the Edur State, but is in very impoverished circumstances, and barely able to support himself. He is about twenty-eight years of age, and apparently quiet and inoffensive.

His estate may be worth Rs. 200 per annum, after paying the Ghansdana and Kitcheree dues which at present amount to Rs. 322-12-3 annually.

Between 30 and 40 Rajpoots, with about 100 Koolees, could be collected out of this Puta, but only one horseman.

A (a) v.

This estate formerly paid Rs. 600 on account of Ghansdana and Kitcheree, but, owing to its poverty, it has been fixed at an ascending scale, commencing from Rs. 125 and ending at Rs. 510.

TINTOOEE PUTA.

This Puta consists of seven villages, five of which are enjoyed by the Thakoor and the remainder by his Bhayat.

The whole produce of the Puta amounts to Rs. 8,000, of which the Thakoor's share amounts to Rs. 6,500.

The Puta is subject to a payment of Rs. 1,751 on account of Ghansdana, and Rs. 631-5-0 Kitcheree.

About 10 horse and 75 Rajpoots, with a few Bheels, can be collected in this Puta.

Thakoor Dowlut Sing, the present Chief, is a young lad, about thirteen years of age. He is the great-grandson of the celebrated Kunkajee. His Puta has been placed under attachment, for the purpose of liquidating the debts entailed upon it by the constant feuds in which Kunkajee was engaged the greater part of his life-time.

Thakoor Kunkajee is supposed to have been the cause of many of the dissensions which agitated the Mahee Kanta prior and subsequent to the formation of the Agency, in which the Chumpavuts more or less took an active share. He was for a long time on very bad terms with Dhurjee, the Wankaneer Chief, but was afterwards reconciled to him, and both seem to have cordially united to oppose the policy of Gumbheer Sing. The reasons assigned for this enmity is as follows :

Thakoor Sabut Sing of Chandnee, grandfather of the present Chief, had three sons; the eldest had so unfitted himself, by his debauchery and excesses, to succeed to the Gadee on its becoming vacant, as to be regarded by all as an imbecile, and the second brother was, in consequence of his elder brother having no issue, looked upon as heir to the property. His hopes were, however, suddenly dashed to the ground, by his brother's proposing to adopt the younger son of Kunkajee, who readily listened to so favourable a proposition. Shamut Sing, the second brother, thereon complained to Gumbheer Sing, who promised to assist him, provided he would make it worth his while to do so. Shamut Sing agreed to yield up the half share in the Hursol Puta, then enjoyed by Chandnee, on the object of his ambition being realized. Gumbheer Sing closed with the offer, and instructions were issued to his Minister, Dhurjee, to prevent the intended adoption, and Kunkajee was in consequence compelled to return to Tintoee without effecting his object.

A short time after this, the village of Thanka Thooka, for which Kunkajee was security, was attacked by Dhurjee; the plea assigned was the enforcement of some Sulami due to the Torda Thakoor, but the real cause was to bring matters more speedily to an issue between Kunkajee and the Durbar; in furtherance of which, Shamut Sing was persuaded to murder his father's Karbharee (a Tintoee Banyan), whom he was led by the artifices of Dhurjee to believe was the originator of the adoption scheme to exclude him from the Gadee. On the murder being perpetrated, it soon became known throughout the country that both had been undertaken by Dhurjee to lower the character of Kunkajee, who himself was well aware of Dhurjee's motives, and expostulated with Gumbheer Sing, assuring him that unless ample reparation was afforded for the plunder of Thanka Thooka, it behoved him to adopt coercive measures to redeem his character. Gumbheer Sing disclaimed all connexion with the acts of his Minister, and approved of Kunkajee's intention of calling him to account for them. Kunkajee took the hint, and commenced raising Seebundee, which excited the alarm of Dhurjee, who reminded Gumbheer Sing that he had acted entirely by his orders, and thereby entailed upon him the anger of Kunkajee, whose force he had no means of resisting. He, therefore, requested him to give him his assurances of the honesty of his intentions towards him. This Gumbheer Sing readily did, and, in addition, the security of his son Koonwur Oomed Sing, to whom instructions were issued to assist Dhurjee with his followers, in the event of Kunkajee coming to hostilities.

Kunkajee's arrangements being complete, he attacked and plundered a Wankaneer village, after which he moved upon Wankaneer, the residence of Dhurjee himself. Little prepared as Dhurjee was to resist the formidable numbers of Kunkajee's force, still he was a man of too much resolution to think of abandoning his village to the mercy of his opponent, and made preparations to defend it to the last. Some Bhats, seeing what was likely to take place, interfered, and prevented the collision. Kunkajee then turned off, and proposed attacking Torda, in revenge for Thanka Thooka, but was diverted from his object by the presence of Koonwur Oomed Sing at the village in question, which saved it for the time being; he then plundered the village of Booreillee, carrying off a number of its inhabitants, which induced the Koonwur to despatch Dhurjee, and the Torda Thakoor with all his followers, to oppose Kunkajee. Both parties met, when the Koonwur's followers fled to a man, it is supposed from private instructions, leaving Dhurjee unsupported, who, after losing several of his people, was compelled to retreat. On Oomed Sing leaving Torda, Kunkajee plundered it, and having thus revenged himself, returned to Tintoocoe.

This last outrage brought Gumbheer Sing in person into the field; he marched with all his followers for the purpose of calling Kunkajee to account, and encamped at the village of Bamunwar, close to Tintoocoe. A dinner sent by Kunkajee to feel his way, was accepted by Gumbheer Sing; but the force being too near to Tintoocoe, a feint was made on the camp at night, which compelled it to cross the river. The next day, overtures were made by Gumbheer Sing, and every security offered to induce him to wait upon the Durbar. Kunkajee declined taking his security, but agreed to wait on him, on condition that none of Gumbheer Sing's followers were present in the tent, which was to be occupied by his own people. On these terms being agreed to, he expressed his willingness to give him the meeting required. Dhurjee's suspicion had been excited by the acceptance of the dinner sent the day before, and they appear to have been placed beyond doubt by the after conduct of Gumbheer Sing; he appealed to the Koonwur, who excused himself on the plea of his being unable to oppose his father's wishes. Dhurjee seeing that no confidence could be placed on either father or son, left the camp and retired to Wankaneer.

At the meeting which took place, Gumbheer Sing as usual threw the whole blame on Dhurjee's shoulders; however, in the end, he had sufficient influence with Kunkajee to induce him to abandon all further hostile intentions, and disband his Seebundee. They were immediately entertained by Dhurjee, who, smarting under the treachery he had experienced, plundered the Khalsa village of Bheelora and many others.

On hearing of these excesses, Koonwur Oomed Sing marched with all his force upon Wankaneer, vowing he would never rest until he had plundered and burnt Wankaneer and seized upon Dhurjee himself. Hostilities commenced, and lasted four days, to the disadvantage of the Koonwur, who lost a gun. Dhurjee was more formidable in numbers, in consequence of the Seebundee he had lately raised; but the other made up in determination what he wanted in other respects, and gave out that he would never retreat without having effected his object. Many influential Bhats, seeing the determined bearing of both, interfered to prevent matters being pushed to an extremity, and endeavoured to persuade Dhurjee to vacate his village for a few days, and allow the Koonwur, as it was a point of honour with him, to enter it and burn a few Dher's huts, which they pledged themselves in the most sacred manner should be the extent of the damage: eventually Dhurjee was talked over, and left the village. As was to be expected, the terms were not fulfilled; the village was not only plundered but burnt, and attempts were even made to dig up the foundation of Dhurjee's house, notwithstanding the entreaties of Kunkajee, who strove in vain to prevent this last indignity, and finding all his efforts useless, left the camp in disgust, and made overtures to Dhurjee, proposing to join arms in one common cause, and thus frustrate the designs of the Durbar, whose only object it was to foment their mutual disputes for the purpose of luring them to destruction.

Gumbheer Sing soon became aware of the altered feelings of Kunkajee, and applied to the Political Agent at Pahlunpoor for assistance to coerce him. A forced march on Tintoocoe led to the capture of Kunkajee's son's family, who appear to have been unapprehensive of any danger. Kunkajee at the time was living in

the village of Patia Wulleecha: a Banyan for a reward of Rs. 700 undertook to point out his residence. Kunkajee eluded his pursuers, but his son was wounded and taken prisoner.

The capture of his son paralysed Kunkajee's movements; he, in consequence, entered into an arrangement with Dhurjee that he should surrender himself at Sadra, and obtain the release of his son and family, he remaining in their stead; that his son should then join Dhurjee, when they might both take whatever measures they pleased, he being content to abide by the consequences of the act he had brought down upon himself.

The above arrangement was carried into effect; the son, on his release, joined Dhurjee, who, assisted by the Thakoor of Mhow and Thanka Thooka, committed many excesses on the Edur State, which eventually compelled them to seek shelter at Oodeypoor. Subsequently they were induced to come in to Lieutenant-Colonel Ballantyne, who effected a settlement of all their claims, and restored them to their Putas. Dhurjee, however, had been too long used to an active and adventurous life, to be able to relapse into the quiet and orderly behaviour required of him; and shortly after his return he again commenced raising men, and building a fort on the top of the hill overlooking his village. Lieutenant-Colonel Ballantyne sent for him to Sadra, obliged him to disband his followers and placed him in arrest. Dhurjee thinking this was only a prelude to imprisonment in the fort, issued private instructions to his few servants never to allow him to be taken alive.

Some Arabs were afterwards sent to seize him. Dhurjee made a most gallant resistance, assisted by a young Rajpoot, about sixteen years of age, named Oomjee. Several Arabs were killed and wounded ere they were able to effect his capture. Oomjee, when he found the capture of Dhurjee could not be prevented, endeavoured to take his life, according to instructions; but only inflicted a wound on his back, and before he could repeat it, he had ceased to live. Kunkajee and Dhurjee were afterwards sent to Baroda and confined there.

When his place of confinement was made known, several Rajpoots, in the disguise of Gosaeens, repaired to Baroda, and through the means of a servant allowed to go into the Bazar to purchase provisions for them, they communicated their arrival and place of abode; as also that they had brought horses to assist them in their flight. A file concealed in a Brinjal was conveyed to them by the servant, with which the irons of both were cut through. When ready to start, Kunkajee's resolution failed him, and he declined to avail himself of the opportunity. Dhurjee thereon lowered himself from the tower through a port to the ground, and then sought out his companions, with whom he left that night, and on the third morning arrived at Wankaneer, when he carried off his family into the Oodeypoor country, and on being joined by Kunkajee's son, recommenced their excesses against Edur, seeking shelter in the Doongurpoor districts.

Shortly after, Kunkajee's son was surprised in a Doongurpoor village whilst purchasing opium at a Banyan's shop. He might have effected his escape, had he not foolishly turned, on being taunted by his pursuers as to his being really Kunkajee's son on account of the efforts he made to escape, and fell desperately wounded into their hands. He took his capture so much to heart, that he tore off the bandages from his wounds, and shortly died.

Lieutenant-Colonel Ballantyne tried in vain to induce Dhurjee to come in on terms, when, finding all his efforts useless, he availed himself of the offer of a Sindee Jemedar who undertook to apprehend him, and placed some of the Gaekwar Horse at his disposal. Dhurjee hearing of this, resolved on trying the mettle of the Jemedar, and, collecting his followers, quietly entered the Behar Ghaut, preparatory to surprising Bheelora, in which village the Jemedar was stationed. Whilst engaged in distributing gunpowder to his followers, one of them, in the act of receiving his share in the corner of his waistcloth, which he had spread out for that purpose, heedlessly allowed some grains to fall below in a lighted Hookah; a number of explosions immediately followed, killing several of his followers. Dhurjee himself was not so much hurt by the explosion as he was by the after burning, and before he could be extricated from the numerous folds of cloth with which his person was enveloped, the injuries he had received were too severe to admit of any hope of

recovery. He, however, mounted his celebrated mare Kesbur, and arrived at Ora in the Doongurpoor districts, where he breathed his last.

Kunkajee was some time after released from confinement and restored to his Puta. Shamut Sing eventually succeeded to the Gadee, superseding his elder brother, whose continued debaucheries had reduced him to a state of idiotcy, when the half share of the Hursol Puta, according to agreement, was given over to Gumbheer Sing.

BHATEE PUTA.

Formerly consisted of three or four villages, but now reduced to one, which is far from being in a flourishing condition, owing to the Edur dues upon it being so very heavy.

The resources of this State are quite inadequate to maintain the Thakoor, Sugram Sing, who has in consequence been taken into the service of the Edur Durbar, as a Jemedar of the Marwaree quota lately entertained. The produce of the village may be valued at Rs. 1,500 per annum, subject, however, to a deduction of Rs. 834-8-0 on account of Ghansdana and Kitcheree, and Rs. 18 Sulami to the Rao of Pol.

Thakoor Sugram Sing is about thirty-five years of age, is a very sensible and respectable man, and appears free from many of the prejudices with which the Rajpoot community in this province is imbued. He was equally concerned with Himmut Sing of Wankaneer in the apprehension of the Roopal Bharwuteea in 1840.

His village may produce twelve Rajpoots, four of them mounted, and a few Bheels.

RUN MULAVUT, OODAVUT, AND SESODIA.

It does not appear that these tribes had ever been of sufficient importance to obtain more than single villages in lieu of pay for service performed. Being in consequence unable to defend themselves, they were glad to avail themselves of the protection of their more powerful neighbours, the Sirdar Putavuts in whose Pufas they are now incorporated; but remaining exactly in the same situation with regard to Edur. From the protection afforded them by the Sirdar Putavuts, they are bound to perform certain service on occasions of State in addition to the Edur rights.

Of the Run Mulavut tribe, Thakoor Goolab Sing of Mussal, now included in the Compavut Puta, is the only Putavut.

The Oodavut tribe contains three villages, Bhunpoor, shared by Thakoors Kurunjee and Ajut Sing; Marwara, Thakoor Mohobut Sing; and Chodla, Thakoor Durjun Sing; all included within the Chowan Puta.

The Sesodia tribe possesses the villages of Oonj and Poonassun, respectively enjoyed by Thakoors Jesjee and Nar Sing; both are included in the Compavut Puta.

EXHIBIT 5.

FAEL ZAMIN BOND BY TINTOI, ST. 1902 (A.D. 1845).

SHRI RAMJI.

TO SHRI MAHARAJ DHIRAJ MAHARAJAJI JAWAN SINGHJI SAHEB,
OF IDAR STATE.
FROM THAKOR PARBATSINGHJI KANAKSINGH OF TINTOI AND
BROTHERS, NEPHEWS, SONS, GRANDSONS AND ZILLAYATS,
AND THE RAJPUTS, BHILLS, KOLIS AND GIRASIAS, ETC., OF
EVERY HUT (LIT. DOOR) OF THE PATTI VILLAGES.

To wit: We, of our own free will and in full senses, pass this document of Fael and Ad Zamin; the details of its clauses are as follows:—

- i. We will not create disaffection and intrigue, commit theft, or any other offence or create disturbance in the five districts, directly or indirectly.

A (a) v.

1. We will not harbour directly or indirectly any enemy or offender of Shri Darbar or associate with him or give him abode, bread, shelter or support of any sort nor will we combine with any Sardar Pattavat or Bhoomia, etc., who is an offender of Shree Darbar.

1. We will not create disaffection or intrigue in any way or commit theft of or molest any merchant, commission agent, Banjaras or traveller, and if any of these are robbed of their property within the villages of our estate, we will trace the footprints (of the offender) onward and if we do not do it, we will be responsible for the property.

1. We will not create disaffection or intrigue or disturbance directly or indirectly mixing ourselves with Pal and Pol and Ahmadnagar and the sons and grandsons of Maharaj Indrasinghji or with any powerful (chieftain) nor shall we associate directly or indirectly with them.

1. We will not create disaffection or intrigue or quarrel with or cause disturbance in the districts belonging to the Company Sarkar or Gaekwar Sarkar or in the villages of any other Talukdar and in the villages of Idar Zilla in any way and we will not associate with or harbour any offenders of the above districts and villages.

1. We will not create disaffection or intrigue or cause dissension or disturbance in the villages of Bhoomias and Girasias directly or indirectly nor will we enforce any share directly or indirectly in the villages of Bhoomias, Girasias and Sheshanis without orders from Shri Darbar.

1. We will continue to pay every year Ghas Dana and Ganim Vero of Shri Gaekwar and the Darbar's Khichri Vero, Bab, Sukhdi, Kirkul (miscellaneous dues), etc., and all ordinary dues according to the Khatas, and furnish solvent securities. This is true. We will continue to enjoy the new Patta as granted by Shri Darbar and render loyal and faithful services to the Darbar according to his commands without failure. We shall continue to pay the Ghas Dana and Ganim Vero mentioned above to Gaekwar Sirkar direct as heretofore.

1. If our sons and Zillayats create disaffection or disturbance in our estate, Shri Darbar should punish them, and if their lands are confiscated, we can have no claim against our securities about it.

1. We are the securities and counter-securities of our sons and Zillayats whose names are mentioned in our Patta.

1. At many places female infanticide amongst us Sirdars, etc., is prevalent. The Honourable Sarkar and Shri Darbar having become aware of this meanest and worst sin, we were called before the Darbar and made to understand the enormity of the offence before God. We, after being fully made aware of the heinousness of the crime, came to the conclusion that this most unfit and heinous offence should never be perpetrated by us, our brothers, nephews, Zillayats, sons and grandsons, Rajputs and servants, etc., under us, and gave a written document to the Sarkar to this effect on 3rd January, 1842 A.D. Shri Darbar has commanded us to write a document on this matter which we accept with pleasure and agree that henceforth we and our descendants from generation to generation, brothers, nephews, Zillayats and subordinate Rajputs and servants, etc., will never commit the said heinous sin of female infanticide nor cause it to be committed. If we are informed that by accident such an act is perpetrated by some mean man, and if there is proof of the said offence against him, we will take that man to be fully guilty and in order to make the offender answerable for the heinous act, four good Sardars from amongst us will meet before Shri Darbar and after investigating into the offence, will settle the punishment in accordance with the wishes of the Sarkar and Shri Darbar; and we will not fail in this. Any order which the Sarkar or the Darbar will make in this matter will be accepted by us. Hence, we of Tintoi and all our brothers of the villages of Bamauwad, Kharancha and Bhawanpur, etc., and all our subordinate Rajputs and servants are bound by what is written above.

We have written the above clauses by our own free will and in full sense. There will never be any failure in this respect. The securities for this for ten years from Samvat 1902 Kartik Sud 2 to Samvat 1912 Kartik Sud 2 are Barot Shagwandas Jesa and Barot Jechand Jesaji of village Maudhari. And the counter-securities are Thakor Ajitsinghji Fatesinghji of Medhasan and Thakor Bharatsinghji Gopalsinghji of Mahu and Thakor Khumansinghji Gulabsinghji of Ganthiol and Thakor Barbatsinghji Durjansinghji of Kukadia, who will personally see this observed for ten years.

If any Sowar or foot soldier or Mohsul, etc., is sent by Shri Darbar in reference to the above, we will pay his daily expenses and will personally discharge the full liability of Shri Darbar.

Dated Samvat 1902 Kartak Vad 6, Thursday, 20th November, 1845 A.D., at Idar.

Here Signature.

Signed by THAKOR BARBAT-SINGHJI KANAHSINGHJI and brothers, nephews and sons. What is written above is true. In the handwriting of Kesarisinghji at Thakor's request.

Signed by BAROT BHAGWANDAS JASAJI and BAROT JECHAND JESAJI of village Maudhari. We have become Fael Zamin for 10 years as written above and so will personally observe it and see it observed. In the handwriting of Jechand.

Signed by THAKOR AJITSINGHJI FATEHSINGHJI. I have become Ad Zamin as stated above and will personally observe it and see that it is observed. In the handwriting of Thakor Shree Arjansinghji at his (Thakor's) request.

Signed by THAKORE BHARAT-SINGHJI GOPALSINGHJI. I have become Ad Jamin as stated above and so will observe it and see it observed. In the handwriting of Bechar Jagu.

Signed by THAKOR KHUMAN-SINGHJI GULABSINGHJI. I have become Ad Jamin as stated above and so will observe it and see that it is observed. In his own handwriting.

Signed by THAKOR PARTAP-SINGHJI DURJANSINGHJI. I have become Ad Jamin as stated above and so will personally observe it and see that it is observed. In the handwriting of Dolatsingh.

Here Attestation.

(Signed) MEHTA NATHURAM RAJARAM as witness.

(Signed) MEHTA MANSUKHRAM UMEDRAM as witness.

(Signed) THAKORE SHREE ARJANSINGHJI as witness.

(Signed) THAKOR SURAJMALJI as witness. In the handwriting of Parmar Raman.

EXHIBIT 6.

PARWANA TO TINTOI ST. 1902
A.D. 1845.

SHRI GOD IS TRUE.

By the godly word of Shri Raj Rajeshwar Maharaj Dhiraj Maharajaji Shri Jowan Singhji who is accomplished and possessed of all the various good qualities.

Shreeji Sahab is pleased to grant a Patta to Thakor Parbat-Singhji Kansksingh out of favour, the details of which are as under :—

1. Tintoi Patta, including Dan and Salami leviable from the villages of Jadecha Bhumias.

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The Patta is written over and granted as above ; so you should go on enjoying annually the produce of the villages of this Patta in kind and cash in summer and monsoon, also mangoes and mahuras and Bhata Pota (commission of assessor of land produce) and go on paying Chasdana to Shree Gaekwar Sarkar direct as you have been doing and Rs.501 on account of Khichadi Vero and Rs.100 on account of the Darbar's village Samalpur which has been made over to you, aggregating to rupees six hundred and one (in Udepuri coin) to Shree Darbar every year as heretofore and continue rendering faithful and loyal services to Shree Darbar with a clean heart as ordered by the Darbar and enjoy the Patta as heretofore. You may take your hak of Salami leviable on the villages of the Jadecha Bhumias in the same way as you have been taking it heretofore but you should not make any further exaction. We will maintain your position as heretofore. (The period of securities and the Fael Zamin Bond will expire together. You need entertain no misgivings on any account.

Gussai Kahangir Balwentgir and Gussai Lakhbharthi Pitamberbharthi are your securities for ten years from Samwat 1902 Kartik Sud 2 Saturday to Samwat 1912 Kartik Sud 2 and they will see that you observe the above conditions. Such is the order.

Dated Samwat 1902 Magsar Sud 7 Saturday at the Capital Idar Gadh.

TRUE TRANSLATION.

J. K. SANDYE,

For Dewan, Idar State.

EXHIBIT 7.

AGREEMENT OF 1859.

(TRANSLATION.)

TO SHRI MAHARAJA DHIRAJ MAHARAJAJI SHRI JAVANJINGJI SAHEB SAMSTHAN SHRI IDAR.

Writing on behalf of Tintoi Dawlatsingji Parbatsingji and his brothers, brother's sons, his own sons and his subordinates, is as follows :—

I am a Sardar subordinate to Shri Darbar and the Taluka of Tintoi was granted by Shri Darbar to my ancestors for service and the right of levying ghasdana and khichdi from the aforesaid Taluka belongs to Shri Darbar and they used to be paid to the Darbar. But my father Kanaksingji acting in insubordination to the late Maharaja Shri Gambhirsingji paid in the ghasdana for a few years to the Sarkar. But I thought to myself that, as in the beginning the ghasdana and other huks used to be paid to Shri Darbar, so should they be paid now to that Darbar. Therefore, I applied to be allowed to do so, whereupon the Maharaj being kind granted the application. And being ordered to pass a writing to that effect, I accordingly pass this one, the terms of which are as follows :—

1. There is the right of levying the ghasdana from my Taluka, instead of paying it to the Sarkar, I should pay it to the Darbar henceforward. I was bound to offer security for the same to the satisfaction of Shri Darbar like the other Sardars but as my Taluka is not at present in a condition to pay the full sum of the ghasdana, on my application to the Shriji to reduce the same, the Shriji has graciously reduced its figure by Rs.100. In accordance with it, I am willing to offer security for 10 years.

2. I should pay Rs.100 to Shri Darbar in respect of the village of Samulpur, which has been given to me on condition of my paying to Shri Darbar one hundred Rupees (in figures Rs.100) every year.

3. The Shri Darbar enjoys a right to Khichdi over my Taluka. I shall pay the same year after year. And as I shall offer security for the ghasdana, I am willing also to offer another along with it for the khichdi and for Rs.100 due in respect of the village of Samulpur.

4. I shall exercise jurisdiction in possession cases, criminal matters and civil disputes in the manner in which the other Sardars do. I am to receive the amount of fine inflicted in petty cases not cognisable by a Court, if the parties should be residents of my Taluka. Similarly in cases cognisable by a Court before the Huzur, I am to receive the amount of any fine that may be inflicted, should the parties be my subjects.

5. According to the practice of all the Sardars, I should attend the Darbar for purposes of service. But as my Taluka is distant from Idar I cannot attend for service the procession on Asvin Sudh 10 and Shravan Sudh 3. I applied that the same should be excused in my case, whereupon the Shriji Sarkar granted the application. I am to act in accordance with the same.

6. People residing in my Taluka are very troublesome and unruly. Consequently people constantly complain against them to Shri Darbar. I applied that those complaints should not be heard, whereupon the Shriji Saheb ordered that whatever complaints should be brought should be sent to me for disposal, and that if I acted improperly therein then I should be held responsible. I am to act in accordance with this order.

7. There is a Thanadar of the Darbar in Thana Samalaji who summonses people of my Taluka directly I having applied that he should be forbidden to do so, the Shriji Saheb ordered that people of my Taluka should be summoned by writing to me for the purpose but that I should send the men so as not to obstruct work immediately on receiving a communication for that purpose. I am to act in accordance with this order.

8. On the death of a Thakur in my Taluka, when there is occasion to instal his son as Thakur in his place, the Darbar ties up the sword on his presenting a najarana in cash, &c. and a horse and giving a dinner. This is the practice. My father having died, I am to be installed in his place as Thakur. The Shri Darbar demanded at first a nazarana for tying up the sword. But as the Taluka is in debt, I am not in a condition to pay the najarana; I, therefore, humbly supplicated for a lowering of the amount of the najarana, in my case. Thereupon the Shriji Saheb, being gracious, has ordered that on the present occasion a nazarana of Rs. 200 in cash should be paid and the gift of a horse made and a dinner given. I am to give accordingly when the sword should be tied on to me and I should be installed as Thakur. Hereafter, the old practice is to be adhered to.

In this way, an agreement has been entered into, under the conditions aforesaid. I am to act always in accordance with it and remain always in the service of the Darbar like all the other Sardars. I am not to fail therein. Therefore, I have passed this writing of my own will, being in possession of my sound sense and being sound in health. I agree to the same. The Thanadar of Samalaji who resides in Tintoi will no longer reside there constantly. Dated at Idar on 1st August, 1859, Shravan Sudh 3, Samvat 1915, the day of the week being Monday.

Signature.

THAKUR DAWLATSINGJEE PUR-BATSINGJEE; I agree to the above writing, signature in my own hand and signature for my brothers and nephews and other relations in my own handwriting.

Attestations.

1. Attestation of THAKUR KISHORSINGJEE KUBERSINGJEE in his own handwriting at the request of the party concerned by his own hand.

1. Attestation of THAKUR KESHRSINGJEE KALLIAN-SINGHJEE by his own hand.

1. Attestation of THAKUR SHAMBU RAM KALLIANJEE, at the request of the party concerned, by his own hand.

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Attestations.

1. Attestation of THAKUR GOVIND RAM NARBHERAM, residing at Suvar at the request of the party concerned by his own hand.

1. Attestation of BARAT KUBER RUPAS, residing at Chandun, at the request of the party concerned, by his own hand.

(True Copy.)

(Signed) W. SCOTT,
Acting Political Agent, Mahikantha.

EXHIBIT 8.

JUDGMENT.

The point for decision in this case is, Has the Chief of Tintoi, he being a Sirdar Pattawat of the Idar Darbar and therefore subordinate thereto, the right of approaching the Agency direct in any matter in which he wishes to make a complaint instead of going through his Darbar.

My finding on this point is that being subordinate to Idar he has no right to approach the Agency direct in any matter whatsoever but must do so through his Darbar.

My reasons for so finding are : Idar having taken objection to the course pursued by the Tintoi Chief is as it were placed in the position of a Plaintiff and called upon to adduce proofs in support of its view.

Exhibits A and B produced by Idar prove that on the removal of attachment on Idar, in 1859, the Tintoi Chief passed an agreement to Idar acknowledging his subordination and received Purwano from the Maharaja. Exhibit C is a letter of 15th September, 1859, from Political Agent to the Maharaja forwarding a petition from Tintoi Chief asking that he may be allowed, now that the attachment has been removed from his estate to pay his Chasdana through Idar, his superior Chief, instead of as heretofore through the Agency.

Exhibit D is a letter from the Defendant's mother, dated 6th December, 1866, after the death of her husband to the Idar Darbar regarding the attachment placed on Tintoi by Idar. Exhibit E is a yadi from the Political Agent dated 28th June, 1869, to the Assistant Political Agent, to the effect that Tintoi being under Idar and the Chief thereof a minor, the Agency attachment thereon would only last as long as that upon Idar, therefore if the attachment on Idar were raised that upon Tintoi would become the Idar attachment and not the Agency.

Exhibit F is an office memo of 28th June, 1869, stating that the Bai of Tintoi had asked that the Agency should attach Tintoi, but that Government in Resolution No. 1967 of 21st June, 1869, had ruled that it should be under Idar. Exhibit G is a letter from the Political Agent to Chief of Tintoi dated 10th September, 1859, intimating that Government had sanctioned his paying Ghasdana through Idar instead of direct to the Agency, that the affairs of his estate would be looked after by Idar and he would have to conduct himself as other Sirdars do. Exhibit H is an agreement executed by Tintoi on 3rd August, 1859, for due payment of Ghasdana through Idar.

The above proofs most undoubtedly establish the fact that the Chief of Tintoi is in every respect subordinate to Idar, that the arrangement was entered into by the Chief of Tintoi, was ratified by Idar, recognised by the Agency, acquiesced in by the Bais (if that were necessary) and eventually approved of by Government.

(Signed) W. SCOTT, Lt. Col.,

Acting Political Agent,
Mahi Kantha.

NOWAWAS,
15th January, 1886.

True Copy,

(Signed) J. K. SANDYE,
Dewan, Idar State.

EXHIBIT 9.

No. 6460.

POLITICAL DEPARTMENT,

BOMBAY CASTLE, 5th November, 1886.

Petition from Thakore Dip Singh Ji of Tintoi, dated 17th July 1886. Forwarding duplicates of three petitions against two decisions of the Political Agent, Mahi Kantha, in the matter of his alleged inherent criminal and civil jurisdiction over his Taluka and of his right to complain to and hold direct communication with the Political Agency in cases of disputes between himself and the Chief of Idar; and soliciting that the agreement by which his Taluka passed away in 1859, from direct British control and became subject to the Idar State, may be cancelled. Stating that he has also submitted these petitions separately through Idar Durbar,

Letter from the Political Agent, Mahi Kantha, No. 1819, dated 17th July, 1886.—Submitting for consideration and orders, an appeal by the Thakore of Tintoi, a Sardar Pattawat of the Idar State, against a decision passed by him on 15th January, 1886, in the matter of the Thakore's claim to correspond direct with the Agency; and stating that it is within the prescribed time. Forwarding the rejoinder of the Idar Durbar and the record and proceedings in the case, the latter to be returned when no longer required. Making remarks.

Endorsement by the Commissioner, N.D. No. 430, dated 23rd July, 1886.—Forwarding the above.

Letter from the Political Agent, Mahi Kantha, No. 1869, dated 23rd July, 1886.—Forwarding, for considerations and orders, a petition of appeal from Dip Singh Ji, the Chief of Tintoi, a Sardar Pattawat of Idar, against a miscellaneous order passed by him on 28th February, 1886, in the matter of the Idar's claim to exercise jurisdiction in his Patta of Tintoi. Making remarks and forwarding a translation of the order appealed against and the rejoinder from Idar.

Endorsement by the Commissioner, N.D. No. 439, dated 27th July, 1886.—Forwarding the above.

Letter from the Political Agent, Mahi Kantha, No. 2265, dated 2nd September, 1886.—Quoting, as requested in Government letter No. 5041, dated 28th August, 1886, the correspondence relative to the agreement passed by the Chief of Tintoi in 1859; and forwarding copies of the same for ready reference.

RESOLUTION.—These three memorials of the Chief of Tintoi may conveniently be disposed of by a single order.

2. The circumstances under which the agreement of 1859 was passed between the father of the present Chief of Tintoi and the Maharaja of Idar are set forth at length in a letter from the Acting Political Agent in the Mahi Kantha, dated the 12th August, 1859. The agreement appears to have been a very satisfactory settlement of a long-standing dispute between the Maharaja of Idar and a turbulent feudatory. It was fully approved by Government and must be maintained.

3. The effect of the agreement was to restore the subordination of Tintoi to Idar. In the subordinate position which he occupies it is right and convenient that all correspondence between the Chief of Tintoi and the Agency should pass through the Idar Durbar. If the Chief should have any complaint to make against the Durbar he should submit it through the Durbar, which, in forwarding it to the Political Agent, will have the opportunity of submitting its own observations on the complaint. Should the Durbar decline or delay to submit any such complaint to the Political Agent the Chief of Tintoi will be entitled to forward a copy of it direct.

4. By the terms of the agreement the Chief is to "exercise jurisdiction in possession cases, criminal matters, and civil disputes in the manner in which the other Sardars do." The Political Agent should satisfy himself as to the fitness of the

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present Chief to exercise jurisdiction, and, so far as he considers that he may safely be entrusted with it, without detriment to the interests of his subjects, he should advise the Maharaja to confer such jurisdiction upon the Chief.

5. Except to this extent the Governor in Council declines to interfere with or modify the order passed by the Political Agent.

(Signed) W. WEDDERBURN,
Acting Chief Secretary to the Government.

EXHIBIT 10.

No. 83 of 1888.

- With reference to the papers marginally noted the Chief of Tintoi is informed that after full consideration His Excellency the Governor in Council has been satisfied that the terms of clause 4 of the agreement of 1859 have not been correctly stated in paragraph 4 of Government Resolution No. 6460 of 3rd November, 1886, and it has been ruled by Government that as other Sirdars subordinate to the Idar Durbar exercise no jurisdiction over their Ryots unless it is conferred upon them by His Highness the Maharaja of Idar, the Chief of Tintoi cannot say more than they can, exercise jurisdiction except by delegation from him and that whether to confer such jurisdiction on the Chief of Tintoi or not is entirely within the discretion of the Maharaja; Government, however, trusts that this discretion will be used by His Highness the Maharaja in a conciliatory and considerate manner, and that he will be guided in the matter by the Political Agent's advice when he thinks it necessary to offer it.
1. Tintoi Chief's petition dated 8th January, 1887.
 2. Tintoi Chief's petition dated 3rd April, 1887.
 3. Idar Durbar's rejoinder No. 14 dated 13th March, 1887.
 4. Idar Durbar's Memorial dated 7th February, 1887.
 5. Tintoi Chief's Rejoinder to the Idar Memorial dated 7th February, 1887.

2. The claim to the title of Thakore and to call his estate "Taluka" is still under the consideration of Government.

(Signed) W. SCOTT, Colonel.

CAMP WASAI.

Acting Political Agent, Mahi Kantha.

11th January, 1888.

Through His Highness the Maharaja of Idar.

EXHIBIT 11.

No. 2513 of 1888.

With reference to his claim to style himself Thakore and his estate "Taluka," the Chief of Tintoi is informed that upon a careful consideration of the whole case, His Excellency the Governor in Council has come to the conclusion that the claim is not established and that he cannot style himself Thakore unless invested as such by His Highness the Maharaja of Idar to whom he must submit his claim in proper form.

(Signed) W. A. SALMON, Lieut.-Colonel.

Acting Political Agent, Mahi Kantha.

8th October, 1888.

Through The Idar Durbar.

EXHIBIT 12.

No. 2673 of 1889.

With reference to his Memorials dated the 10th and 21st June last to the Government of India, appealing against the orders contained in Bombay Government Resolution No. 6682, dated 15th October, 1887, the Chief of Tintoi is informed under Bombay Government Resolution No. 7422, dated the 8th instant, that the Government of India declines to interfere on his behalf.

(Signed) G. R. GOODFELLOW, Lieut.-Colonel.

Acting Political Agent, Mahi Kantha.

SADRA,

11th November, 1889.

Through The Idar Durbar.

EXHIBIT 13.

ORDER 507.

(1). DAN (Customs).

Dan (Customs) used to be levied even on commodities carried from one place to another within the limits of the State. This was found to handicap trade and cause inconvenience to the subjects. In order, therefore, to increase facility and convenience and to bring about an uniform arrangement throughout the entire State, it is decided that the internal customs be stopped and the State should levy import and export duties on such commodities as are exported out of the State or imported into the State. Some of the Bhayats, Bhumias and Sardars have sent in petitions in this matter complaining that as they have been stopped from levying customs duties in their Pattas, they are put to loss. On considering these applications, although *Dan* (customs) is originally a sovereign right, and no one else except the State is entitled to levy it, yet it appears on reference to records that the under-mentioned have enjoyed it with the knowledge and consent of the State. Hence as a matter of favour, it is decided that the average levies of the last ten years should be determined and after making a deduction of 8 per cent. for expenses of collections, the remaining sums shall be given annually as compensation to them and these sums shall be paid by the State in perpetuity: 1. Suvar, 2. Davad, 3. Tintoi, 4. Ghorwada, 5. Possina †, 6. Kheroj, 7. Derol, 8. Pal, 9. Takatuka, 10. Budheli, 11. Samera, 12. Karcha, 13. Dehgamda, 14. Devni Mori, 15. Jalia, 16. Vandiol, 17. Nandisan, 18. Kushaki, 19. Gend, 20. Moti Mori.

If any one else, besides those mentioned above, believes to have enjoyed this right with the knowledge and consent of the State, he should prove it by evidence within four months, and if it be so proved, compensation shall be awarded to him on the above basis and paid in perpetuity.

(2). KALAL BHATHIS (Liquor Stills).

In order to preserve public peace more effectively and to save the public from the injurious effects of using bad liquor and to stop illicit import and export of liquor, it has been decided to arrange for the distillation and sale of liquor directly under the State management. Taking into consideration the fact that those mentioned in the margin who were allowed to make this arrangement in respect

(Bhayats) Suvar and Davad. (Bhumias) Ged, will suffer a loss of income, it is decided as a matter of favour that after ascertaining the average receipts of the last ten years and after making a deduction of 8 per cent. for expenses of collections, the remaining sums shall be given to them annually as compensation and such sums shall be paid

by the State in perpetuity. We are aware, that besides the Bhayats and Bhumias mentioned above in the margin, some Sardar Pattavats were allowed to manage these distilleries, but when Pattas were originally granted in lieu of service, only such rights as were decided (for them) to be enjoyed, could be considered as essential for their maintenance. Any other right which they may have enjoyed or been allowed to enjoy by the State, was an additional advantage. Hence, when for any reasons of State, it is found expedient and proper to discontinue such additional benefit, and when it is so discontinued, it affords no cause for claiming or awarding compensation for the same. Still as a matter of special favour, it is decided that the eight Sarayat Sardars be each allowed to keep one liquor still for their private use and it may be kept at the principal village of their Patta. Moreover, as it is probable that in consequence of this income being stopped, some petty Pattavats having small income may find it hard, it is directed as a matter of favour, that if any such Pattavat makes a petition and if a liquor still is entered against his name in the list of 1875 A.D., his request will be favourably considered by the State.

(3). GRAZING FEES (Charai).

The levy of grazing fee in each village having proved very inconvenient and very expensive, it is decided that the State should levy this right on the borders (of the State) through the Customs Nakadars. By this arrangement facility is

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afforded also to those who come to graze their animals from outside. But when the State does levy its grazing fees on the border, such people would find it hard to graze (their animals) in the Pattas of Bhumias and Sardars by paying fee a second time and in consequence the Bhumias and Sardars would suffer. This request appears reasonable. Therefore, until further orders, it is decided for the present that the State should not levy grazing fee on animals which may come from other parts of the country into the Pattas of those who have their Pattas on the borders (of the State), but the Bhumias and Sardars should be allowed to levy it. However, if these animals enter into the limits of the crown lands from the limits of those Pattas, the State also should also levy that fee. Similarly, if any one comes from outside for the purpose of grazing his cattle within the limits of the crown lands alone and if his way lies through any Patta, in that case the Sardar or Bhumia who enjoys that Patta shall not levy the grazing fee.

(4). DRY BONES.

Dry bones cannot be anybody's private property and consequently the State alone is entitled to them. It has been arranged therefore by the State to lease them out. Notwithstanding this, if any subordinate Jagirdar believes himself entitled to them, he should submit his claim with proofs and evidence within a period of four months when the same would be enquired into and decision given.

(5) to (8).

5. STAMP.

6. REGISTRATION.

7. DETERMINATION OF HEIR TO PERSON DYING SONLESS AND ISSUE OF SUCCESSION CERTIFICATE.

8. STAMPING OF WEIGHTS AND MEASURES.

All these appertain to jurisdiction. Therefore it is the duty of all to obey and act in accordance with the rules and regulations that may be passed from time to time in respect of them by the State. Yet as a matter of special favour the following exceptions are allowed :—

1. Any Bhayat, Bhumia or Sardar who is invested with some criminal powers by the State, will have, in consideration of his position, his correspondence with the State in connection with his Jagir affairs, exempt from Stamp duty.

2. All the Bhayats, Bhumias and Sardars enjoying entire villages are not debarred from levying the signature and seal fee, if such fee has been levied by them when a building site or building (in their holding) is given on condition of payment of Vero, or in sale or mortgage.

3. Similarly, they are not debarred from levying any such fee which they may have been levying when lands for cultivation are given.

4. They are again not debarred from levying any fee which they may be levying when giving the right to cultivate of one cultivator to another on the death of the former without a son ; nor shall it be compulsory for such cultivator to obtain a succession certificate from the State.

(9). MANGO AND MAHURA TREES.

Some of the Bhumias and Sardars seem to be under the impression that the State has introduced an annual levy on the mango trees, mahura trees and other fruit trees in the villages of their holdings. But they are mistaken in this. The order issued by the State in this matter applies only to such trees as are in the crown villages and lands.

(Signed) PRATAP SINGH,
Maharaja, Idar State.

Dated, 28th June, 1903,
Sunday.

True Translation.

(Signed) CHATURBHUIJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 14.

No. 4425 OF 1903.

MAHI KANTHA POLITICAL AGENCY,

SADRA, 9th September, 1903.

Letter from the Thakore of Tintoi dated the 30th of August, 1903, representing that he has made an application against the order of the Idar Durbar No. 507, dated the 28th of June last, and requesting that the Political Agent will advise the Durbar to stay execution of that order until orders are passed by the Paramount Power on his complaint.

REPLY OF THE POLITICAL AGENT, MAHI KANTHA.

The Political Agent sees no reason at the present stage to advise the Durbar in the manner desired by the applicant. The Idar State is a first class State, His Highness the Maharaja has full powers and ordinarily there is no appeal against his orders. Whether the Thakore of Tintoi has or has not made out a case for the diplomatic intervention of Government is a matter for the consideration of the Political Agent, but unless and until Government see cause to intervene it is the duty of the Tintoi Thakore to submit to the orders and respect the authority of his lawful ruler, His Highness the Maharaja of Idar. Failure to do so, the Thakore must clearly understand, will meet with the displeasure of Government.

(Signed) P. S. V. FITZGERALD,*Political Agent, Mahi Kantha.*

No. 4426 OF 1903.

MAHI KANTHA POLITICAL AGENCY,

SADRA, 9th September, 1903.

Copy forwarded with the Political Agent's compliments for the information of His Highness the Maharaja of Idar.

(Signed) P. S. V. FITZGERALD,*Political Agent, Mahi Kantha.*

True Copy.

*Deewan, Idar State.***EXHIBIT 15.**

No. 5936 OF 1903.

MAHI KANTHA POLITICAL AGENT'S CAMP,

12th December, 1903.

PETITION FROM THAKORE DIPSINGHJI OF TINTOI, SARDAR PATAWAT OF THE IDAR STATE, DATED AUGUST 1903, AND RECEIVED WITH MEMORANDUM No. 178, DATED THE 27TH SEPTEMBER FROM THE MAHARAJ KUMAR OF IDAR.

REPLY OF THE POLITICAL AGENT, MAHI KANTHA.

The Sirdar Patawat's petition is full of irrelevant matter, but divested of that it is practically an appeal against an order of His Highness the Maharaja dated the 28th of June, which deals with certain administrative reforms introduced by His Highness, and with the objections thereto which had been raised by some of the Bhayats, Bhumias and the Patawats of the State.

2. His Highness the Maharaja has found it necessary to take the whole administration of the customs revenue and collection into his own hands abolishing once and for all all duties levied internally on the passage of merchandise from one part of the State to another and compensating those of his subordinate Nobles, who have hitherto collected customs dues, on the basis of ten years' average collections.

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3. His Highness has also found it necessary to take the management of all liquor stills and the sale of liquor in the estates of the subordinate Nobles under his own control to be managed along with the Abkari of the rest of the State. In making this arrangement however His Highness has undertaken to compensate all his Bhayats and Bhumia Sirdars who have hitherto enjoyed, and were entitled to enjoy the revenue from this source. And while His Highness has declined to compensate his Patawats for this revenue, on the ground that the right was not included in their grants, he has allowed each of the Sardar Pattawats to retain one distillery at their principal village for their own use, and he has expressed his willingness to separately consider the case of any small Pattawat whose income may suffer by the new arrangement. That this arrangement has been accepted as fair by the Pattawats generally is evident from the fact that the present memorialist the Sardar Pattawat of Tintoi is the only one of his class, who has raised any objection to the Maharaja's order of the 28th of June.

4. These are the two principal matters dealt with in His Highness' order. With regard to the other matters dealt with :—

The order as regards grazing fees is a modification of previous orders, designed, while conserving the rights of the State, to protect the Sardars and Bhoomias in the enjoyment of their rights. It is difficult to see what objection can be raised to it.

The order with regard to the farm of dry bones is no new matter as the late Maharaja claimed the right; and as His Highness the present Maharaja's order leaves it open to any subordinate Jagirdar who believes himself to be entitled to this Hak to prove his right, there does not appear to be any injustice in it.

The other matters dealt with in His Highness' order are Stamps, Registration, Certificates of Heirship, and the Stamping of Weights and Measures. These are all matters pertaining to the jurisdiction of the State but even with regard to these His Highness has made certain concessions designed to protect the privileges and revenue rights of his subordinate landholders, of whom the present petitioner is one.

5. The order of His Highness against which the Thakore of Tintoi protests is an order dealing with matters of internal administration with which His Highness has the fullest power to deal, and regarding which there is no appeal to the Agency. There is nothing whatever in the status of Tintoi differing from that of other Sardar Pattawats, or precluding His Highness the Maharaja from dealing with such matters in such manner as to him may seem fit; and on a careful consideration of all the papers and the very voluminous previous correspondence relating to Tintoi and its subordination to the Idar State the Political Agent must decline to advise His Highness the Maharaja in the manner desired by the Memorialist.

6. The Political Agent regrets to notice the terms in which the Thakore refers to his lawful ruler, His Highness the Maharaja of Idar, and the misleading and improper assertions he has made in regard to his position and status. The Thakore made similar statements on a former occasion which were corrected at the time in a personal interview by the Political Agent. Notwithstanding this the Thakore has seen fit to repeat these assertions of an independence that does not exist in a manner that calls for notice.

7. The Thakore of Tintoi is a Sardar Pattawat of the Idar State and nothing more. He holds his Putta which was originally attached to the Chanderni Patta (Mahi Kantha Selections, page 117) on a service tenure. The jurisdiction which he exercises he derives from the Idar Darbar and the title Thakore has also been conferred upon him as a matter of courtesy by the Idar Darbar. His position as a Sardar Pattawat is defined in the earliest reports submitted from this Agency, and particularly so in Major Miles' report of A.D. 1821, while the fact that he held his Patta on condition of service was accepted by the Board of Directors as far back as A.D. 1829. It is true that in the general confusion which prevailed at the time, the then Pattawat of Tintoi managed to enter into direct relations with the Gaekwar, and to get himself included as a party to the Bond of 16 articles taken by Colonel

Ballantyne in 1812 from the Chiefs of the Mahi Kantha and that the subsequent lawless conduct of Kunkoji and his son Lalji compelled Captain Miles to take an agreement from them direct to keep the peace. But both these agreements were prior to the same Officer's report to Government of September, 1821, in which Tintoi was distinctly stated to be a Pattawat of Idar, attached to Chanderni, and held "in lieu of pay or for services." Subsequently in 1845 Parbatsinghji of Tintoi, grandfather of the present Thakore, executed a Fael Zamin bond to the Idar Darbar, in which he undertook to serve the Idar Darbar loyally in accordance with the terms of the *New Patta* which the Darbar had written and given to him. That was dated the 20th of November, 1845. In the same year Captain Keily submitted his well known and authoritative Memoir on the Mahi Kantha in which (page 37) it is distinctly stated that the Sardar Pattawats and Pattawats of the Idar State hold their Pattas on Tenure of Military Service and in lieu of pay, each being bound to keep up a fixed number of Horse to serve the Darbar when necessary. Again in 1859 Dolatsinghji, father of the present Thakore, on coming of age and succeeding to the estate of his father, passed an agreement to the Idar Darbar in which he acknowledged his subordination to the Darbar, and that Tintoi had been granted to his ancestors by the Darbar on a service tenure. The agreement was submitted to Government by the Political Agent and Government approved of it. But after his death the Bai of Tintoi raised further disputes, the principal of which was that the estate should be managed by the Agency but it was ruled by Government that the management should be under the administration of the Idar State.

8. After the present Thakore succeeded to the Patta he made various attempts to reopen the whole question of his subordination to the Idar Darbar. His right to approach the Agency direct was disallowed, and an order was passed by the Political Agent on the 18th February, 1886. That he was a Sardar of the Idar Darbar, that it was within the discretion of the Darbar to confer jurisdiction upon him or not, and that if he desired to obtain jurisdiction he must satisfy the Darbar that he was fit to be entrusted with it. Against this order he appealed to the Government of Bombay and Government ruled (Resolution No. 6460 dated 5th November, 1886), that the agreement of 1859 was a "very satisfactory settlement of a long standing dispute between the Maharaja of Idar and a turbulent feudatory. It was fully approved by Government and must be maintained." Government further held that in the subordinate position which he occupies it is right and convenient that all correspondence between the Thakore and the Agency should pass through the Idar Darbar. Later, on further references, Government ruled (a) that the Thakore could not exercise any jurisdiction except by delegation from the Maharaja of Idar and whether the Maharaja would confer jurisdiction upon him or not was entirely within the Maharaja's own discretion; and (b) that his patta was not a Taluka, that he had no claim to be called a Talukdar, and that he was not entitled to the style of Thakore until he had been invested as such by His Highness the Maharaja of Idar.

9. Against these orders the Thakore appealed to the Government of India but his appeal was rejected, the Government of India declining to interfere. The Thakore then submitted to the authority of the Maharaja styling himself simply Dipsinghji Dolatsinghji of Tintoi and praying that suitable privileges might be conferred upon him according to custom by accepting his Nazarana and girding him with a sword. At a public Darbar held for the purpose his Nazarana was accepted and a sword was girded round his waist by the Diwan on the 4th July, 1891, and on the 6th the Maharaja issued a Tharav conferring upon him the title of Thakore and the criminal jurisdiction of a first class Magistrate so long as he conducted himself peacefully and loyally and exercised the powers satisfactorily. The Thakore then applied to the Political Agent to withdraw a further appeal which he had made to Her Majesty's Secretary of State which appeal was accordingly returned to him.

10. Now in the face of all these facts it is idle, and in a sense impertinent, of the Thakore to write as he has done, calling his patta a "State" a "Taluka" and himself "a guaranteed Chief." All the facts are as well within his own knowledge as they are within the knowledge of the Political Agent. He is simply a Sardar

A (a) v.

Pattawat of the Idar State subordinate to the authority of His Highness the Maharaja of Idar in every way and the sooner he abandons such silly pretensions as he has advanced in this petition and submits himself to the authority of his lawful Ruler, the better.

(Signed) P. S. V. FITZGERALD,
Political Agent, Mahi Kantha.
True Copy
Dewan, Idar State.

EXHIBIT 16.

No. 3035 OF 1904.
MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 20th July, 1904.

MEMO :

With reference to his petition to the address of the Right Hon'ble the Governor in Council dated the 17th of March last, but finally submitted through the Idar Darbar on the 19th of May, the Thakore of Tintoi is under instructions from Government informed as follows :—

Government have upheld the position that His Highness the Maharaja has full powers to adjudicate in the matter of the dispute raised by the Sardar Pattawat as to his status and have accordingly in their order of the 8th of February, 1904, the purport of which was communicated to the Thakore under this Office No. 642 dated the 13th Idem, rejected his petition dated the 4th of December, 1903. Unless therefore the Thakore of Tintoi was able to show that the orders of His Highness the Maharaja contravene any rights especially guaranteed to him or otherwise recognized by Government, interference on the part of the Governor in Council would be out of the question.

The subject matters in dispute in the papers under consideration relate to :—

- (1) Customs revenue,
- (2) Abkari management,
- (3) Grazing fees,
- (4) Dry bones farm,
- (5) Stamps, registration, etc.

and the grounds of the Thakore's present representation are that the orders of His Highness the Maharaja ignore the Treaty of 1812 and the rights of the petitioner thereunder. In that Treaty, however, there is obviously nothing to sustain the position taken up by the petitioner, and the analogy drawn by the Thakore of Tintoi between opium, the arrangement regarding which was made direct with him in 1882, and abkari matters, is not admissible ; nor is the Governor in Council able to admit the contention of the Thakore that because Government have had direct communication with him on one subject he is therefore entitled to direct representation in all matters.

With regard to the claim preferred by the Thakore in paragraph 3, clauses (18) to (24) of his petition to a right of appeal to the British Government and to direct relations with them, the Thakore is informed that as laid down in the orders of November, 1886, the Thakore is subordinate to His Highness the Maharaja of Idar and this subordination was accepted by the Agreement of 1859 ; it is pointed out to the Thakore that he holds such position as he has solely at the will and during the pleasure of the Idar Durbar, and Government absolutely decline to consider any representations from him which have for their basis the reopening of that question.

The Thakore's petition is accordingly rejected.

(Signed) P. S. V. FITZGERALD,
Political Agent, Mahi Kantha.

Through
The Idar Darbar.

True Copy.
Dewan, Idar State.

EXHIBIT 17.

Petition dated 30th August 1904 from Thakore Dipsingh of Tintoi accepting the Darbar's order No. 507 dated 28th June, 1903.

To SHREE MAHARAJA DHIRAJA SHREE MAHARAJAJI SHREE MAJOR GENERAL SIR PRATAP SINGHJI, SAHEB BAHADUR OF THE IDAR STATE, G.C.S.I., K.C.B., LL.D., A.D.C. TO HIS IMPERIAL MAJESTY THE EMPEROR OF INDIA.

I, Thakore Dipsinghji of Tintoi, after presenting my respects, beg to submit that I accept Shree Huzur's order No. 507 dated 28/6/03 which gives compensation for customs and liquor stills and that I have no appeal to make against it. That is my prayer. Dated Ahmednagar, the 30th August 1904 A.D.

(Signed) DIPSINGHJI,
Thakore, Tintoi.

TRUE TRANSLATION.

(Signed) CHATURBHUIJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 18.

No. 6269 OF 1911.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 20th October, 1911.

MEMO :—

With reference to his appeal dated the 11th April 1910 to the address of His Excellency the Governor and President in Council Bombay, Dipsingji Dolatsinghji, Thakore of Tintoi, is informed under orders of Government that Government have rejected his above appeal against the order passed by the Political Agent on the 11th December 1909 in appeal against the decision of the Assistant Political Agent refusing to admit two suits filed to obtain :—

- (1) A declaration that Tintoi is guaranteed State under British suzerainty, and
- (2) To obtain an injunction against the Idar Darbar.

(Signed) L. E. LANG, LIEUTENANT,
Ag : Political Agent, Mahi Kantha.

Through

The Dewan of Idar.

TRUE COPY.
Dewan, Idar State.

EXHIBIT 19.

No. 683 OF 1913.

MAHI KANTHA POLITICAL AGENCY,
DATED SUDASNA, 3rd February, 1913.

MEMO :—

With reference to his Memorial dated the 21st May last, to the address of His Excellency the Right Honourable the Viceroy and Governor General of India in Council, appealing against an order of the Government of Bombay in regard to two Political Suits filed by him to obtain (a) a declaration that Tintoi is a guaranteed State under British suzerainty, and (b) an injunction against the Idar Durbar that it should not usurp the Thakor's customs and liquor duties, etc., Thakore Dipsinghji of Tintoi is informed under the orders of Government that the Government of India see no reason to interfere with the orders passed by the Government of Bombay and therefore his Memorial has been rejected.

(Signed) N. S. COGHILL, MAJOR,
Political Agent, Mahi Kantha.

Through

The Dewan of Idar, with a request to report the date of delivery of this communication to the addressee.

TRUE COPY.
Dewan Idar State.

EXHIBIT 20.

No. 7050 OF 1913.
MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 14th October, 1913.

MEMO:—

With reference to his memorial dated the 1st August last to the address of the Secretary of State for India in Council, appealing against the decision of the Government of India communicated to him in this Office memo No. 683 dated the 3rd February last in regard to the two Political Suits filed by him to obtain (a) a declaration that Tintoi is a guaranteed State under British Suzerainty, and (b) an injunction against the Idar Durbar that it should not usurp his customs and liquor duties, &c., Thakore Dipsinghji Dolatsinghji of Tintoi is under the orders of Government informed that they have withheld his memorial under section II, Rule 9 (a) of the Political Department Memorial Rules.

(Signed) N. S. COGHILL, MAJOR,
Political Agent, Mahi Kantha.

Through

The Dewan, Idar State, with a request to report the date of delivery of this memo to the addressee.

TRUE COPY,
Dewan, Idar State.

EXHIBIT 21.

No. 2640 OF 1912.
MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 16th April, 1912.

MEMO:—

With reference to his petition of appeal dated the 25th March, 1911, to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, in the matter of the attachment of the villages of Bamanwad, Samalpur and Surpur, Thakore Dip Singh Ji of Tintoi is informed under orders of Government that they have rejected his petition.

2. He is further referred to the last sentence of this office, Memo No. 3035, dated 20th July, 1904, and informed that so long as he continues to question the settlement of 1859 and his subordination to His Highness the Maharaja of Idar, it will be impossible for Government to interfere on his behalf,

(Signed) W. MEREWETHER, MAJOR,
Political Agent, Mahi Kantha.

Through

The Dewan of Idar State with a request to report the date of delivery of this communication to the addressee.

EXHIBIT 22.

No. 1624 OF 1913.
MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 12th March, 1913.

MEMO:—

With reference to his memorial dated the 12th October, 1912, to the address of His Excellency the Right Honourable the Viceroy and Governor General of India in Council, regarding the attachment by the Idar Durbar of three of his villages for the recovery of arrears of tribute and Khichdi dues claimed by that State, Thakore Dip Singh Ji of Tintoi is under the orders of Government informed that the Government of India see no reason to interfere with the orders passed by the Government of Bombay.

(Signed) N. S. COGHILL, MAJOR,
Political Agent, Mahi Kantha.

Through

The Dewan, Idar State, with a request to report the date of delivery of this communication to the addressee.

EXHIBIT 23.

No. 6127 OF 1916-17.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 18th September, 1916.

MEMO :—

With reference to his memorial dated the 17th October, 1914, to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, appealing against the orders passed in this office Memo No. 4740, dated the 20th July, 1914, in the matter of his request to remove Tintoi from the subordination of the Idar State and to restore it to the status of an independent estate in this Agency, Thakore Dip Singh Ji Dolat Singh Ji of Tintoi is under the orders of Government informed that Government have rejected his memorial.

(Signed) J. R. B. G. CARTER, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this memo to the addressee.

EXHIBIT 24.

No. A. D. M.—256.

DATED SADRA, 22nd May, 1922.

MEMO :—

With reference to his memorials dated the 9th and 28th February last, to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, regarding his claims to the status of an independent Talukdar and his complaint against the interference by the Idar State in his revenue administration, respectively, appealing against the orders passed by the Political Agent, Mahi Kantha, in his No. A.D.M.—256, dated the 7th June, 1921, the Thakore of Tintoi, under the orders of Government, is informed that Government have dismissed his memorials.

(Signed) R. S. POTTINGER,
LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to deliver the memo to the addressee and report the date of its delivery to this office.

EXHIBIT 25.

No. A. D. M.—256.

DATED SADRA, 6th July, 1923.

MEMO :—

With reference to his memorial dated the 21st December last, to the address of His Excellency the Right Honourable the Viceroy and Governor General and President in Council, India, appealing against the orders of the Government of Bombay in the matter of his claim to the status of an independent Talukdar and his complaint against the interference of the Idar Durbar in his revenue administration, the Thakore of Tintoi is informed, under the orders of Government of Bombay, that they have withheld his memorial as time-barred under rule 6 (5) of the Foreign and Political Department Memorial Rules of 1910.

(Signed) A. H. E. MOSSE, MAJOR,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to intimate to this office the date of delivery of this memo to the addressee.

EXHIBIT 26.

No. A. D. M.—256.

MAHI KANTHA POLITICAL AGENCY,
CAMP VIA SADRA, 24th May, 1924.

MEMO :—

With reference to his memorial dated the 12th April, 1924, addressed to His Excellency the Right Hon'ble the Governor and President in Council, Bombay, requesting for the review of the orders of Government communicated to him under this office Memo No. A.D.M.—256, dated the 6th July, 1923, in the matter of his claim to the status of an independent Talukdar and his complaint against the interference of the Idar Durbar in his revenue administration, the Thakore of Tintoi is informed, under the orders of Government, that their orders are final.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to communicate the date of delivery of this memo to the addressee.

EXHIBIT 27.

NO. A. D. M.—256.

MAHI KANTHA POLITICAL AGENCY,
SADRA, 3rd November, 1924.

MEMO :—

With reference to his petition dated the 29th July, 1923, received with his letter No. 279, dated the 11th October, 1923, from the Maharaja Kumar, Idar State, Thakore Dip Singh Ji of Tintoi is informed that as agreed to by him the undersigned carefully went, in consultation with His Highness, into the whole question of the debt due by him to the Idar Durbar and has come to the following conclusions :—

(a) Regarding claim to remission of half the amount of tribute for Samwat years 1956 and 1958 amounting to Rs. 2,087-5-5, plus interest thereon amounting to Rs. 12,622-4-7.

* * * * *

As for the above accounts the undersigned finds nothing to which an exception could be taken. As a matter of fact, the total debt due by the Tintoi Patta exclusive of Rekh Chakri amounts to Rs. 45,744-0-2, which the Durbar is entitled to recover. However, as a matter of grace His Highness was prepared to grant him a remission of Rs. 5,744-0-2 provided he paid the balance amounting to Rs. 40,000/- in one lump sum before the end of October. He was so informed personally by the undersigned on the 11th October, but replied that he was unable to do this. He, however, expressed his desire to make his personal submission to His Highness, and it is understood that he still desires to do this in the presence of the Political Agent after the return of His Highness from Bombay.

Credit of items mentioned in paragraphs G (iii), H (i), (x) and (xx) supra will be given to him by the Durbar if it has not already been done.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State.

EXHIBIT 28.

No. A. D. M.—256

MAHI KANTHA POLITICAL AGENCY,
SADRA, 8th November, 1924.

MEMO :—

With reference to his Memorial dated the 8th July, 1924, regarding restoration to him of his original status which he presented to Government personally, Thakore Dipsinhji of Tintoi is, under the orders of Government, informed in the first place that he is not entitled to submit representations to the Agency direct, but only

through the Durbar. Orders on the points raised in his petition under reference have already been issued more than once by Government and the present orders must be regarded as final.

2. Further in respect of the grievances mentioned in his petition under reference the following orders are passed by Government :—

(a) As regards Dan and Kalal Bhatli. In 1904 Government rejected appeals from certain Sardars including himself in which they allege that the terms of the proclamation of Durbar in 1903 encroached upon their rights and privileges. In 1917 again the whole question of the rights of the Durbar and the Sardars in this connection and the effect of paragraphs 21 and 22 of the Court of Directors' Despatch of 1829 in regard to them was most carefully reconsidered when it was finally decided that orders passed in 1914, under which the Political Agent was directed to hold a full enquiry into the Sardar's claim to the rights such as Dan, etc., and assessment of an equitable compensation for them must be cancelled. Government, therefore, see no reason to change their decision in regard to the Proclamation now. It appears that he looks upon the changes made by the Proclamation of 1903 as coming under the head "further exaction," against which he is secured by the clause of the Despatch of the Court of Directors of 1829 quoted by him. But the occasion of the Despatch was Major Ballantyne's report of 1822, and the mention of the customary conditions of payment and service having been strictly defined refers to Appendices Nos. 4 and 5 of the report dealing with service obligations and payment of Khichdi, etc. The exercise by the Durbar of its legitimate sovereign powers cannot be considered as involving "further exactions" merely because the Jagirdars are thereby deprived of certain privileges which the Durbar had, for some time, allowed them to possess and in respect of which no specific guarantee has ever been given. Government do not recognize the possession by any of the Sardars of sovereign rights such as ordinarily appertain to an independent status. Nor do Government consider that the terms of the Proclamation of 1903 are opposed to the views expressed in paragraphs 21 and 22 of the Court of Directors' Despatch which may be held to guarantee the lands of Pattawats against resumption while the customary conditions of payment and of service are observed; but do not contain any further vague guarantees such as the petitioner seeks to read into them. Government see, therefore, no reason to resile from the position taken up previously or to re-open all the previous disputes between the Durbar and the petitioner in this and other connections upon which orders have already been passed, by appointing a Commission of enquiry as now requested.

(b) *Re* the levy of Rekh Chakri Hak. In regard to the said levy Government hold that the Pattas of land held by the Pattawats were undoubtedly grants made by the Durbar on tenure of military service. Appendix IV to Major Ballantyne's report of 1822 shows that each Pattawat therein mentioned was bound to supply three horsemen per Rs. 1,000 of revenue. It may be admitted that since the establishment of British control, the need for the actual provision of horsemen has disappeared, but this fact does not deprive the Durbar of the right to demand them or to levy an equivalent charge on each "Patta." For these reasons Government rejected the previous appeal against the levy of Rekh Chakri from Chohan Laxmansinhji of Mundeti, and their rejection of this appeal was upheld by the Government of India. Government, therefore, see no reason to alter their views in regard to the right of the Durbar to levy Rekh Chakri from the Pattawats generally. As to the special circumstances which he considers warrant an exemption in his individual case, his separate Memorial on the subject will be dealt with in due course.

(c) As regards the grievance of placing attachment to enforce recovery of dues payable to the Durbar he is informed that attachment of portions of Jagirs to enforce the payment of debts rightly due to the Durbar such as Rekh Chakri has been definitely held by Government to be within the rights of the Durbar; such attachment is not to be confounded with resumption of an estate, which is quite another matter.

A (a) v.

(d) As regards deprivation of criminal and civil jurisdiction, Government have held that a Sardar can only possess jurisdiction if delegated by the Durbar.

3. As regards debt due by the Patta of Tintoi to the Idar Durbar it forms part of a separate question which has since been decided by the Political Agent.

4. In conclusion Government trust that orders herein communicated are sufficiently clear and final on all the essential points at issue to satisfy the petitioner that his wisest course is to adopt a more conciliatory attitude towards the Durbar. If he accepts the decision of Government and prays for the clemency of His Highness the Maharaja, Government hope that the Durbar will grant him a full pardon for his contumacy hitherto. But he cannot hope for any consideration or generosity from the Durbar, unless and until he makes complete submission to His Highness.

5. It will thus be seen that final orders have already been passed by Government on the various points raised by him in his petition under reference. Further petitions from him, if received by Government, will be filed.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

EXHIBIT 29.

No. A. D. M.—358.

MAHI KANTHA POLITICAL AGENCY,
CAMP VIA SADRA, 9th December, 1924.

MEMO :—

With reference to his Memorial dated the 29th June last to the address of His Excellency the Governor and President in Council, Bombay, in the matter of the Idar Durbar's right to recover Rekh Chakri Hak, Thakore Dip Singh Ji of Tintoi is, under the orders of Government, informed that his Memorial is rejected.

(Signed) A. S. MEEK, MAJOR,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

CASE No. 2.

EXHIBIT 30.

PARWANA TO MUNDETTI St. 1855.
A.D. 1799.

Shri God is true.

Full signature of Shri Huzur.

By the godly word of Shri Raj Rajeshwar Shri Maharaj Dhiraj Shri Maharajaji Shri Gambhirsinghji who is accomplished and possessed of all the various good qualities.

To—Thakur Zalimsinghji, son of Udesinghji together with his family and brothers, nephews and the Zilla.

You should live in the villages with confidence and improve them. Render services to Shri Huzur as ordered and continue to enjoy the villages forming your Patta, and the Salami and Sukhdi leviable as heretofore in them which Shriji Saheb has granted to you through favour.

We will maintain your position as heretofore, we will not in any way molest you or get you molested, deceive you or have you deceived. The following are the details of your Patta together with the Zilla :—

To Thakur Zalimsinghji Udesingh.

- | | |
|------------------------|--------------------------------|
| 1. (Village) Mundetti. | 1. Village Rewas. |
| 1. " Abdasan. | 1. " Galodiu. |
| 1. " Kisangadh. | 1. " Makdi (for) Chuwan |
| 1. (Village) Ranodari. | Zalamsingh Madhavat |
| 1. " Gota. | 1. " Kanpur. |
| 1. " Dhanal Nichi | 1. " Ratanpur. |
| (for) Mahichiji | 1. Waste land near Mundetti as |
| Rathodji. | hitherto enjoyed. |

(Signed) CHATURBHUIJ M. BHATT,
Authorised Translator,
Mahi Kantha.

- | | |
|---|---|
| 1. Village Nadari for Chuwan Dhirajsingh who should take the Salami and Sukhdi in the village in the usual way. | 2. Villages Nawa and Vasna are of ladies (of) Mundetti. |
| | Salami on Derol |
| | 250 to Thakur Zalamsingh. |
| | 250 to Mahichiji Rathodji. |

(For)—Chuwan Ratausingh.

- | | |
|------------------------------|---|
| 1. Village Kothan. | So much to be given when there is |
| 100 Salami out of your Vera. | Darbar's Modikhana :— |
| and Zillayats. | $\frac{1}{2}$ Grain ; 1 seer Ghee ; |
| | $\frac{1}{4}$ seer Chillies ; 2 seers Oil for |
| | torches. |

Zillayats :—

(To)—Chuwan Vajesingh Partabsingh.

- | |
|---|
| 1. Village Hatharwo : free of Vera for three years. |
| 301. Salami over Deshotar Patta. |

To—Chuwan Adesingh Anopsingh.

- | |
|--------------------------|
| 1. Village Malasa. |
| 1. " Bhanpur Bhatiawala. |

To—Udawat Khumasingh.

- | |
|--------------------|
| 1. Village Odu. |
| Jamdhal. |
| 1. Village Chudlo. |
| Salami on Derol. |
| Salami on Paroya. |

To—Udawat Veramdeji Karansingh.

- | |
|---------------------|
| 1. Village Bhanpur. |
|---------------------|

The Vera and Vanta of Mundetti Patta is remitted for three years from Kartak Sud 2. Shri Darbar gives his word. You have given security. You should go on enjoying the Patta and render services as ordered.

Dated Samvat 1855 Bhaderwa Sud 10.

True Translation.

(Signed) CHATURBHUIJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 31.

PARWANA TO MUNDETTI St. 1878.
A.D. 1822.

Shri Ramji.

Full Signature of Shree Huzur.

By the godly word of Shri Raj Rajeshwar Maharaj Dhiraj Shri Maharajaji Shri Gambhir Singhji, who is accomplished and possessed of all the various good qualities; and Maharaja Kumar Shri Umedsinghji.

To Thakur Zalimsinghji, son of Udesingh, and his brothers and nephews, sons and grandsons and family and Zillayats together with the Patels, Talatis, people and Mahajan of the Patta villages.

You should live in the villages with confidence, carry on cultivation and trade as well as have them carried on, come and go in the services of Shri Huzur, have free passage in the territories of Idar, continue rendering services as ordered by Shri Darbar and enjoy the Patta, the particulars whereof are as under:—

The details of Thakur Zalimsinghji's personal Patta.

1. Village Mundetti.	1. Village Ratanpur.
1. „ Rewas.	1. „ Navo.
1. „ Abdasan.	1. „ Nadri.
1. „ Galodioo.	1. „ Dhanal Nichi.
1. „ Kisangadh.	1. „ Makdi.
1. „ Gota.	1. „ Ranodaru.
1. „ Jamdhal.	

The Patta of Chuwan Udeji is given to Thakur Zalamsinghji.

0 1. Village Malasa.	1. Village Bhanpur Bhatiwala.
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(To)—Chuwan Zalamsingh Kaliansingh.

1. Village Gorol.

To—Udavat Karansingh (a word is torn here)

1. Village Bhanpur half and half.

Patta of Udavat Kushalsingh Anadsingh.

1. Village Chudlo.
1. „ Kothan.

Rs. 1,100 eleven hundred, particulars of Salami, (Sikkai) to be paid.

750 to be paid to Thakur Zalamsingh Udesingh as usual, of which Rs. 155 of the Salami are to be taken by the Darbar as Khichdi over the village Nava.

350 to be paid to Udavat Kushalsingh Anadsingh as usual.

1,100 as under:—

200 over village Burvav.
150 for village Vasna.
50 Salami of village Paroya.
700 Salami of Derol.

The Patta has been written and granted as above. So you should go on enjoying the produce (of the lands) of these villages, in kind and cash, in summer and monsoon, also mangoes and Mowras and Bhatta Potta (commission of the assessor of land produce) and go on paying Ganim Vero and Khichdi Vero according to the Khatas. Out of the Vera of Medhasan Patta we will allow as we have been doing a set off of Rs. 175 one hundred and seventy-five Sikkai to you towards the Ghas Dana payable by you. We will allow a set off of Rupees one hundred and seventy-five Sikkai coin, *Sahi* (this is true).

The Dan on bullock load in your Patta is Shri Darbar's. The Dan on commodities bought and sold, the Dan on cart loads, the Vasvo and the principal Dan, thus all kinds of customs duties in your villages belong to the Darbar. *An* (juris-

diction) and *Dan* (customs duties) throughout your Patta and in all the villages of the Zillayats are Shri Darbar's. These shall be levied by the Darbar. This is true. All customs belong to the Darbar; hence the Darbar's man will remain in your Patta and in the Zillayat villages to collect customs. This is true. Shri Darbar gives his word; we will maintain your position as heretofore. (The period of) securities and the Fael Zamin Bond will expire together. Young Barotji Damoderdasji and Barote Umedji Banesingh are your securities for ten years as stated, and they will see that you observe the above conditions. This is true. Such is the order.

Dated Vaisakh Sud 2, Samvat 1878; in the year seventy-eight.

True Translation.

(Signed) CHATURBHUIJ M. BHATT,
Authorized Translator,
Mahi Kanika.

EXHIBIT 32.

FAEL ZAMIN BOND BY MUNDETTI ST. 1878. (A.D. 1822.)

SHREE RAMJI.

TO SHRI MAHARAJ DHIRAJ MAHARAJ SHRI GAMBHIR SINGHJI, AND
MAHARAJ KUMAR SHRI UMEDSINGHJI, FROM BAROT RAJ KARAN
JAGANNATH OF KASBA VIJAPUR.

To wit: I, of my own free will, stand security for Mundetti Thakore Zalimsinghji Udesinghji, Kunwar Surajmal, all other Kunwars, brothers, nephews, sons, grandsons, and Zillayats and the Rajputs, Bhills, Kolis, Garasias, etc., of every hut (lit. door) of the Patta villages of Mundetti so that they should not create disaffection or intrigue or commit theft etc., nor encourage others to do the same. Nor should they harbour or cause to be harboured enemies and offenders of Shri Darbar, nor should they give them residence, bread, shelter, or support of any sort nor create any disaffection or disturbance directly or indirectly in the villages of Idar and Harsol and they should not harbour directly or indirectly any Sardar Pattavat who is disaffected towards the Darbar or who is the Darbar's offender. And they should not directly or indirectly create disaffection or intrigue against or harass or commit theft of any merchants, commission agents or Banjaras, and they should not combine directly or indirectly to create disturbances and intrigue with Pal and Pol and Maharajs Karansinghji and Indrasinghji and their sons and grandsons or any powerful (chieftain), nor harbour them or cause them to be harboured.

The following are the details of the villages and *Dan* which we have of our free will presented (as Nazar) to Shri Darbar.

Village Kanpur of our Patta, the whole produce including fallen leaves.

Half Jejuvo, half Medh, quarter share of Dharod Bhatia Vali and whole of Mallasa from the villages of Zillayats, whole produce including fallen leaves.

The above villages have been presented to Shri Darbar in this way.

We have also absolutely made over (as Nazar) to Shri Darbar all income from *Dan* (customs) of our principal village of Mundetti and of other Patta villages as well as of Zillayat villages such as *Dan* on bullock load, cart load, and individuals, Vasvo, *Dan* on commodities sold and on exports and imports.

Neither we, nor our descendants from generation to generation, shall claim directly or indirectly the villages and the income of *Dan* as mentioned above.

We will continue to pay Shri Darbar's Khichri Vero, Sukhdi, Pakdhi, Lavajamo, Kirkul (miscellaneous dues) and the Ghas Dana payable to the Gaekwar Sarkar according to the Khata.

A (a) v.

We will continue to render services to Shri Darbar according to his commands.

We will not intrigue against or harass or resort to foul play or deception directly or indirectly against the Darbar's Havaldar, infantry or cavalry men, etc., who may live in the above villages, nor against any man or customs Karkun, infantry or cavalry man, etc., placed by the Darbar in our principal village of Mundetti and other Patta and Zillayat villages to collect the customs duties.

And we will not create intrigue or disturbance directly or indirectly in any Bhoomia or Girasya villages.

And we will go on enjoying the new Patta according as it is granted to us in writing by Shri Darbar and continue to render services to Shri Darbar according to his commands.

And we will not enforce directly or indirectly any share in any Bhoomia or Girasya villages without Darbar orders.

The entire Ghas Dana of village Medh as well as of the villages of Jejuvo and Dharod is Shri Darbar's, and Fael Zamin securities of the Thakores of the villages of Medh and Jejuvo are comprised in our bond.

And we have become Fael Zamin and Ar Zamin (securities and counter-securities) for Jetawat Akhesinghji of Medh and Jetawat Ajitsingh Gopalsingh of Jejuvo and their brothers and nephews and we will see it observed.

We have become securities for a period of ten years from St. 1878 Vaishak Sud 2 to St. 1888 Vaishak Sud 2, and we will see personally that what is written is observed. This is true.

The Ar Zamins for this are Thakor Ajitsinghji Fatesinghji of Medahsan, Thakore Durjansinghji Shersinghji of Kukadia and Thakore Arjansinghji Narsinghji and Thakor Gulabsinghji Bhawansinghji of Ganthiol and Thakor Kanaksinghji Bhavanisinghji and Thakor Gopalsinghji who will personally observe and see observed what is written above.

(Here there is some blank space.)

Here Signature.

Here Attestation.

Signed by THAKORE JALAMSING UDESINGJI and KUNWAR SOORAJMAL and brothers, nephews and Jillyats who enjoy lands. What is written above is true.

Signed by BAROT RAJKARAN JAGANNATH of village Vijapur. What is written above is true.



Signed by THAKORE AJITSINGHJI FATESINGHJI. I have become Ar Jamin and so will personally see that what is written above is observed. This is true.

Signed by DURJANSING SHERSINGJI and ARJANSING. We have become Ar Jamins and so will personally see that what is written above is observed. This is true.

Signed by THAKORE GULABSINGJI BHAWANSINGJI. I have become Ar Jamin and will personally see that what is written above is observed. This is true.

*Here Signature.**Here Attestation.*

Signed by THAKORE KANAKSINGJI BHAWANSINGJI. I have become Ar Jamin and so will personally see that what is written above is observed.

Signed by THAKOR GOPALSINGJI ANADSINGJI. I have become Ar Jamin and so will personally observe and will see observed what is written above. This is true.

True Translation.

(Signed) CHATURBHUJ M. BHATT,
*Authorised Translator,
Mahi Kantha.*

EXHIBIT 33.

St. 1886 Shrawan Sud 2.

PATTA TO MUNDETTI dated _____

A.D. 1830.

Shri God is true.

Full signature of Shree Maharaj Dhiraj Maharajaji Shree Gambhir Singhji Saheb.

• ƚ ƚ ƚ

By the godly word of Shri Raj Rajeshwar Shree Maharaj Dhiraj Maharajaji Shri Gambhir Singhji, who is accomplished and possessed of all the various good qualities.

To—Thakore Jalamsing Udasing, his son Surajmal together with sons, grandsons, family, brothers, nephews, Zillayats and the Patels, Talatis, people and Mahajan of your Patta villages.

You should live in the villages with confidence. Carry on cultivation and trade, as well as have them carried on ; come and go in the services of Shri Huzur. Have free passage in the territories of Idar. Continue rendering services as ordered by Shree Darbar, and enjoy the Patta. We will maintain your position as heretofore.

Details of Thakore Zalamsinghji's personal Patta.

1. Village Mundetti.
1. " Rewas.
1. " Abdasan.
1. " Galodia.
1. " Kisangadh.
1. " Gota.
1. Waste land near Mundetti to be enjoyed as hitherto enjoyed.
1. Village Ratanpur.
1. " Nava.
1. " Nadri.
1. " Dhanal Nichi.
1. " Ranodru.
1. " Jamdhal.
1. You may go on taking as usual the Sukhd, etc., due on several Bhumia villages. The Salami of Derol has been offered by you to the Darbar and it will be taken by the Darbar.

A (H) v.

1. The villages and Dan which were taken by Shri Darbar from you at Fort Sadra in Samvat 1878 have been regranted to you by the Durbar, out of favour as under :—
 1. of village Kanpur you may go on enjoying the land produce in monsoon and summer, and cash produce of land, mangoes and Mowras. The Khichdi and Ghas Dana will be taken by Shree Darbar.
 - ½. produce of Dharod of monsoon and summer in kind and cash, also of mangoes and Mowras, you should enjoy.
 - ½. Dan of the villages of Mundetti Patta and Zillayat villages is given to you. You may take the Dan in these villages as levied heretofore. The other half share of the Dan in the entire Patta and Zilla is Shri Darbar's, which will be collected by the Darbar agent residing at the place.
 1. The Khichdi of village Galodia has been remitted which you may go on enjoying. The Ghas Dana thereof will be taken by Shri Darbar.
 1. The details of the salami to be paid as before in Sikkai coin.

750	to be paid to Thakore Zalamsinghji Udesingh as usual.
350	to be paid to Udavat Kushalsingh Anadsingh as usual.

—
1,100 details :—
200 for village Berna.
700 for Salami on Derol.
150 on Vasna.
50 for Salami on Paroya.

Details of the Zillayat Villages :—

- To—Chuwan Zalamsingh Kaliansingh.
1. Village Gorol.
- To—Udavat Gulabsingh Viramde and U. Karanji.
1. Village Bhanpur half and half.
- To—Udavat Kushalsingh Anadsingh.
1. Village Chudloo.
1. „ Kothan.
- To—Chuwan Jivji.
1. Village Odu free of all demands.
½. Share of the land produce of the Village Hatharvo. The Khichdi Vera and Ghas Dana are Shri Darbar's.
- To—Jetavat Akhesingh Lakhji.
1. Village Medh. Ghas Dana and Khichdi Vera are Shri Darbar's which the Darbar shall take.
- To—Jetavat Ajitsingh Gopalsingh.
1. Village Jejuvo granted with Khichdi Vera. Ghas Dana is Shri Darbar's and so it shall be levied.

The Patta has been written and granted as above, so you should go on enjoying every year the produce of the lands of these villages in kind and cash in summer and monsoon, also mangoes and Mowras and Bhatta Potta (commission of the assessor of land produce) and go on paying Ganim Vera and Khichdi Vera according to the Khatas. Out of the Vera of Medhasan Patta, we will allow you as we have been doing a set off of Rs. 175 Sikkai towards the Ghas Dana payable by you.

The Dan on bullock load, Dan on commodities bought and sold, Dan on cart load and Vasvo, Dan on individuals, and the principal Dan and all sorts of customs duties which are usually leviable in your Patta—of all these Dams (customs duties a half portion in your entire Patta and Zillayat villages will be taken by the Darbar's man who will reside at Mundetti and Kanpur. This is true, and the other half of

Dan is granted to you which you may take accordingly. The *An* (jurisdiction) and *Dan* (customs) in the whole of your Patta including Zilla belong to the Darbar and the same will be taken by the Darbar Agent who will remain there. This is true. Half the Dan belongs to Shri Darbar which will be taken by the Darbar. This is true. The Khichdi Vero of Galodia is remitted. Rs. 155 hundred and fifty-five (Udepuri) on account of Khichdi on Mundetti, Rewas, Kanpur, Abdasan and Nava should be taken (by the Darbar); this is true. We will take the Khichdi Vero of Nadari, Dhanal Nichi, Gota, Ratampur and your entire Patta and also the Ghas Dana and Khichdi of your entire Patta. We will also take Ghas Dana and Khichdi Vero of Gorol. We will take Ghas Dana and Khichdi Vero of Medh. We will take Ghas Dana and Khichdi of your entire Patta and Zilla including Kirkul (miscellaneous dues) as written above. The entire Ghas Dana and Khichdi Vero of Gothan, Chudla, and half of Dharod belong to Shri Darbar. Half Dharod is given to you, that you may enjoy, the other half will be enjoyed by the Darbar. The entire Ghas Dana and Khichdi of Dharod belong to Shri Darbar, which the Darbar will take.

We will maintain your position as heretofore. (The period of) Securities and the Fael Zamin Bond will expire together. This is true.

Vyas Uttamchandji, Gossai Vasan Bharthi, Gossai Laksi Bharthi and Gossai Kahan Bharthi are your securities from Samvat 1886 Shrawan Sud 2 to Samvat 1890 Mah Sud Poonam, and they will see that you observe the above conditions.

Dated Shrawan Sud 2 Samvat 1886. Ashadi year Samvat Marwadi.

True Translation.

(Signed) CHATURBHUIJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 34.

PARWANA TO MUNDETTI Samvat 1886.
A.D. 1832.

Shree God is true.

Full signature of Shree Maharaj Dhiraj Maharajaji Shree Gambhirsinghji Saheb.

卐 卐 卐

By the godly word of Shree Raj Rajeshwar Shree Maharaj Dhiraj Maharajaji Shree Gambhirsinghji who is accomplished and possessed of all the various good qualities, (and) Maharaj Kumar Shree.....ji.

To Thakore Jalamsinghji Udesing, sons Sherji and Umji as well as your brothers, nephews, and Zillayats, and all the Patels, Talatis, people and Mahajan.

You should live in the villages with confidence; carry on cultivation and trade, as well as have them carried on; come and go in the services of Shree Huzur. Have free passage in the territories of Idar. Continue rendering services

A (a) v.

as ordered by Shree Darbar, and enjoy the Patta; the details whereof are as under:—

Details of Thakore Zalimsinghi's personal Patta:—

1. Village Mundetti.
1. „ Abadasan.
1. „ Rewas.
1. „ Ratanpur.
1. „ Kisengadh.
1. „ Jamdhal.
1. „ Ranodru.
- ½. „ Dharod.
1. „ Galodia.
1. „ Gota.
1. „ Nadari.
1. „ Dhanal Nichi.

Rs. 750 Salami seven hundred and fifty in Sikkai coin.

This to be deducted from the Khichdi Vera of your Patta villages.

1. Gorol has been granted to Thakore Zalimsingh Udesingh but as long as the widows of Chuwan Zalimsingh Kaliarsingh are living they should reside in Gorol and enjoy it. Thakore Zalimsinghi is not to harass them in any way. You are to live like mother and son.

Patta of Udawat Gulabsinghi and Udawat Karanji.

1. Village Bhanpur half and half.

Patta of Udawat Durjansingh Kushalsingh.

1. Village Chudlo.

The Patta has been written and granted as above, so you should go on enjoying the produce of the lands of these villages in kind and cash, in summer and monsoon, also mangoes and Mowras, Bhata Pota (commission of assessor of land produce) and go on paying Ganum Vero, Ghas Dana, Khichdi Vero, Sukhadi and Kirkul (miscellaneous levies) according to the Khatas. Out of the Vera of Medhasan Patta, we will allow you yearly as we have been doing a set off of Rs. 175 one hundred and seventy-five in Sikkai coin towards the Ghas Dana payable by you.

In your principal village of Mundetti as well as in all the other villages of your Patta and in all the Zilla villages, the Dan on bullock load and cart load, and the Dan on commodities bought and sold, Vasvo and the principal Dan, &c., and all sorts of Dan belong to the Darbar, and the same will be levied by Shree Darbar. The *An* (jurisdiction) and *Dan* (customs) in the whole of your Patta and Zillayat villages belong to the Darbar which Shree Darbar will take. This is true. All customs belong to Shree Darbar, hence the Darbar Mehta, &c., will remain in your Patta and Zilla villages to collect the customs. This is true.

We will maintain your position as heretofore. We will not instigate your brothers, nephews, sons, grandsons, Zillayats and Bhumias of Pol, Pal, &c., to create disturbances or cause mischief against you. If your sons and Zillayats create any disturbances or mischief in your estate, Shree Darbar will punish them and confiscate their holdings. For this, your securities will not be answerable. The village Medh of Jetawat Akhesingh and the village Jejuvo of Jetawat Ajitsingh have been given fully over by you to Shree Darbar and they have both been made Khalsa. Jetawats Akhesingh and Ajitsingh will be given maintenance on your requesting for the same to the Darbar. If anybody else requests the same, it shall not be granted. You looted the village of Chorivad belonging to Shree Darbar,

but Shree Darbar through kindness has pardoned you for that loot, and any correspondence on your part in this respect is null and void. The Darbar has pardoned this offence of his own good will, hence Shree Darbar will not resort to foul play and deception against your person or lands on this account, nor will Shree Darbar instigate any one to do the same. Shree Darbar has retained you in his services with a clear heart, hence you should continue rendering faithful and loyal services to Shree Darbar with a clear heart. (The period of) Securities and the Fael Zamin Bond will expire together.

When Thakore Zalimsinghji comes personally to serve the Darbar the Darbar will grant half seer oil for torches, 10 seers grain for horse, and one seer Ghee. You may take from your Zillayats securities for Ghas Dana and Khichdi in the same way as you have taken hitherto. If they deny to you, the Darbar will support you and make them give the securities. You need not have misgiving on any score. Shree Darbar gives his word.

Vyas Uttanchand Mathurdasji, Gosai Dolatgar Manigarji, Gosai Lakhi Bharthi Pitambar Bharthi, Gosai Vasani Bharthi and Gosai Kahan Bharthi Vakhat Bharthi are your securities for ten years from Kartik Sud 2 Samvat 1888 to Kartik Sud 2 Samvat 1898; and they will see that you observe the aforesaid conditions. Such is the order.

Dated Kartik Sud 2 Samvat 1888.

True Translation.

(Signed) CHATURBHUJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 35.

Samvat 1888 Kartik Sud 2.
 FAEL ZAMIN BOND BY MUNDETTI
 A.D. 1832.

Shri Ramji.

TO SHRI MAHARAJ DHIRAJ MAHARAJ SHRI GAMBHIRSINGHJI, AND
 SHRI MAHARAJ KUMAR SHRI JUWAN SINGHJI.

FROM THAKORE ZALIMSINGHJI UDAISINGHJI, Kunvar . . . and Kunvar
 Sherji and Kunvar Umedsingh, brothers, nephews, sons and grandsons and
 Zillayats and Rajputs, Bhills, Kolia, Girasiyas, etc., of every hut (lit. door)
 of the Patta villages.

To wit: We, of our own free will and in full senses, pass this document of
 Fael and Ad Zamin; the details of its clauses are as follows:—

1. We will not create disaffection and intrigue, commit theft, or any other
 offence or create disturbance in the five districts, directly or indirectly.

1. We will not harbour directly or indirectly any enemy or offender of Shri
 Darbar or associate with him or give him abode, bread, shelter or support of any
 sort, nor will we combine with any Sirdar Patawat or Bhoomia, etc., who is an
 offender of Shri Darbar.

1. We will not create disaffection or intrigue in any way or commit theft of
 or molest any merchant, commission agent, Banjaras or traveller, and if any of
 these are robbed of their property within the villages of our estate, we will trace
 the foot prints (of the offender) onward and if we do not do it, we will be responsible
 for the property.

A (a) v.

1. We will not create disaffection or intrigue or disturbance, directly or indirectly mixing ourselves with Pal and Pol and the sons and grandsons of Maharajs Shri Karansinghji and Indrasinghji or with any powerful (chieftain). Nor shall we associate directly or indirectly with them.

1. We will not create disaffection or intrigue or quarrel with or cause disturbance in the districts belonging to Peshwa Sarkar, Gaekwar Sarkar or Company Sarkar, or in the villages of any other Talukdar and in the villages of Idar Zilla in any way and we will not associate with or harbour any offenders of the above districts and villages.

1. We will not create disaffection or intrigue or cause dissension or disturbance in the villages of Bhoomias and Girasiyas either directly or indirectly nor will we enforce any share directly or indirectly in the villages of Bhoomiyas and Girasiyas without orders from Shri Darbar.

1. We will continue to pay every year Ghas Dana and Ganim Vera of Shri Gaekwar Sarkar and the Darbar's Khichri Vera, Bab, Sukhdi, Kirkul (miscellaneous dues), etc., and all ordinary dues according to the Khatas, and furnish solvent securities. This is true. We will continue to enjoy the new Patta as granted by Shri Darbar, and render loyal and faithful services to the Darbar according to his commands without failure.

1. We, of our own free will, have made over in writing to Shri Darbar absolutely the income arising from customs in the principal village of Mundetti and in our other Patta villages and the villages of the Zillayats, such as Dan on bullock and cart load, and on individuals, Vasvo, Dan on commodities sold and on exports and imports and *Dan* on commodities purchased. Every kind of income of Dan may be collected by Shri Darbar by placing customs Karkun, infantry and cavalrymen, clerks, servants, etc., in Mundetti Patta and the Zillayat villages. Neither we nor our descendants from generation to generation will claim directly or indirectly the above-mentioned Dan on any occasion nor will we create disaffection or intrigue or commit theft of or molest directly or indirectly the men or Sowar or foot soldier or customs Karkun, etc., of Shri Darbar placed by Shri Darbar to levy the Dan. Nor shall we resort to tricks and treachery directly or indirectly against them, Shri Darbar should take its Dan together with securities, we have no claim regarding the Dan.

1. If our sons and Villayats create disaffection or disturbance in our estate, Shri Darbar should punish them and if their lands are confiscated, we can have no claim against our securities about it.

1. We are the securities and counter-securities of our sons and Zillayats whose names are mentioned in our Patta.

1. We have absolutely made over in writing to you the villages of Bhanpur Bhatiawala, Malasa and Makdi in return for the village of Kanpur given by Shri Darbar, who will enjoy the entire income of these villages including the fallen leaves. Neither we nor our descendants from generation to generation will lay any claim directly or indirectly to the said three villages. If your Highness populate Malasa, we will render service of Malasa—guard it and not create any disaffection or intrigue or commit theft of or molest any resident, etc., of Malasa. Your Highness may populate it with pleasure.

1. The following are the details of villages made over by us out of our Zilla :—

1. Village Medh.
1. „ Kothan.
1. „ Jejuvo.

The above-mentioned three villages have been given over in writing absolutely till the moon lasts to your Highness and Shri Darbar may continue to enjoy the whole income comprising land produce, Vero, Vato, Ghas Dana, Khichri Vero, etc., and neither we nor our descendants from generation to generation will lay any claim directly or indirectly to them.

(Here there is some blank space.)

We have written the clauses . . . as above and if we do not observe our word or act differently, the following will be our securities for ten years from Samvat 1888 Kartik Sud 2 to Samvat 1898 Kartik Sud 2 :—

Barot Aju Darjaji and his son Salu ; and

Barot Ghemar Pithaji and his son Ratansing of Madhri, who will personally see it observed for ten years.

If any Sowar or foot-soldier or Mohsul, etc., is sent by Shri Darbar in reference to the above, we will pay his daily expenses and will personally discharge the full liability of Shri Darbar.

(Here there is some blank space.)

Here Signature.

Here Attestation.

Signed by **THA. JALAMSINGJI UDE-SINGJI** and **K. UMEDSING**. What is written above is true.

Signed by **BAROT AJU DARJAJI** and his son **SALU** of village Madri. We have become securities for ten years as stated above and so will personally observe and see it observed ; in the handwriting of Barot Ghemar Pithaji



Signed by **BAROT GHEMAR PITHAJI** and his son **RATANSING** of village Dharkar(?). We have become securities for ten years as stated above and will personally observe and see it observed, in his own handwriting.



True Translation.

(Signed) **CHATURBHUJ M. BHATT,**

Authorised Translator,

Mahi Kanha.

EXHIBIT 36.

Samvat 1902.

PARWANA TO MUNDETTI

A.D. 1845.

Shri God is true.

Full Signature of Shri Maharani Shri Chawdiji Saheb.

By the godly word of Raj Rajeshwar Shri Maharaja Dhiraj Shri Maharajaji Shri Jawansinghji who is accomplished and possessed of all the various good qualities.

To Thakor Surajmalji Zalimsingh and your brothers, nephew, and Zillayats together with the Patels, Talatis, people and Mahajan of the Fatta villages.

A (a) v.

You should live in the villages with confidence, carry on cultivation and trade and have them carried on, come and go in the services of Shri Huzur, have free passage in the territories of Idar, continue rendering faithful services to the Darbar as ordered and enjoy the Patta, the particulars whereof are as under :—

Details of Thakore Surajmalji Zalimsingh's Patta :—

1. Village Mundetti.
1. " Abdasan.
1. " Rewas.
1. " Ratanpur in the Patta of Chuwan Hamirsingh Shersingh.
1. " Kisangadh.
1. " Jamdhal.
1. " Ranodru.
- ½. " Dharod half.
1. Waste land near Mundetti to be enjoyed as hitherto enjoyed.
1. Village Gorol.
1. " Galodiu.
1. " Gota in the Patta of Chuwan Hamirsingh Sersingh.
1. " Nadri.
1. " Dhanal Nichi.

Rs. 750 Salami seven hundred and fifty in Sikkai coin, this to be deducted from the Khichri Vero of your Patta villages.

1. Village Kanpur.
1. " Navu.

Patta of Udavat Karansingh Verisal and Udavat Ajitsingh Gulab-singh.

1. Village Bhanpur half and half.

Patta of Udavat Durjansingh Kushalsingh.

1. Village Chudla and Kothan.

(To)—Chuwan Gulabsingh Jivji.

1. Village Hathervo, we will take Rs. 65 sixty-five in lump sum every year.

(To)—Jetavat Ajitsingh Gopalsing.

1. Village Jejuwa.

To—Jetavat Madansingh Lakhji.

1. Village Medh.

To—Udavat Mohbatsingh Jawansingh.

1. Village Marwada.

To—Chuwan Jivji adopted by Bhawansingh.

1. Village Malasa.

The Patta has been written and granted as above, so you should go on enjoying the produce of the lands of these villages in kind and cash in summer and monsoon, also mangoes and Mowras, and Bhata Pota (commission of assessor of land produce) and go on paying Ghas Dana, Ganim Vero, Khichri Vero, Bab, Sukhadi and Kirkul (miscellaneous dues) according to the Khata.

Out of the Vera of Medhasan Patta we will allow you yearly as we have been doing a set off of Rs. 175 one hundred and seventy-five in Sikkai coin towards the Ghas Dana payable by you.

In your principal village of Mundetti as well as in all the other villages of your Patta and in all the Zilla Villages, the Dan on bullock load and cart load and on commodities bought and sold in your villages, Vasvo and the principal Dan, etc., all sorts of custom duties belong to Shri Darbar and he will levy the same. The *An* (jurisdiction) and *Dan* (custom duties) in the whole of your Patta and in all Zillayat villages belong to Shri Darbar which Shri Darbar will take. This is true. All customs belong to Shri Darbar, hence Shri Darbar's Mehta, etc., will remain in your Patta and in Zillayat villages to collect the same. This is true.

We will maintain your position as heretofore. (The period of Securities and the Fael Zamin Bond will expire together.

When Thakore Surajmalji comes personally to serve the Darbar, the Darbar will grant $\frac{1}{2}$ seer oil for torches, 10 seers grain for horses, 1 seer Ghee and $\frac{1}{2}$ seer black pepper.

Your Zillayats should furnish solvent securities for Ghas Dana and Khichri as heretofore. You need not have any misgivings. The Darbar gives his word.

Gusain Kan Gir Balwantgir and Gusain Lakh Bharthi Pitambar Bharthi are your securities for ten years from Samvat 1902 Kartik Sud 2 to Samvat 1912 Kartik Sud 2, and they will see that you observe the above conditions. Such is the order.

Dated Samvat 1902 Magshar Sud 7, Saturday, at the capital Idar Gadh.

True Translation.

(Signed) CHATURBHUJ M. BHATT,
Authorised Translator,
Mahi Kantha.

EXHIBIT 37.

FAEL ZAMIN BOND BY MUNDETTI St. 1902.
A.D. 1845.

SHRI RAMJI.

TO SHRI MAHARAJ DHIRAJ MAHARAJAJI JAWAN SINGHJI SAHEB,
 OF IDAR STATE.

FROM THAKOR SURAJMAL ZALAMSINGH OF MUNDETTI and his
 Kunwar . . . and brothers, nephews, sons, grandsons and Zillayats,
 and the Rajputs, Bhils, Kolis and Girasias, etc., of every hut (lit. door) of the
 Patta villages.

To wit: We, of our own free will and in full senses, pass this document of
 Fael and Ad Zamin; the details of its clauses are as follows:—

1. We will not create disaffection and intrigue, commit theft, or any other
 offence or create disturbance in the five districts, directly or indirectly.

1. We will not harbour directly or indirectly any enemy or offender of Shri
 Darbar or associate with him or give him abode, bread, shelter or support of any
 sort nor will we combine with any Sardar Pattavat or Bhoomia, etc., who is an
 offender of Shree Darbar.

1. We will not create disaffection or intrigue in any way or commit theft
 of or molest any merchant, commission agent, Banjaras or traveller, and if any
 of these are robbed of their property within the villages of our estate, we will trace
 the foot prints (of the offender) onward and if we do not do it, we will be responsible
 for the property.

1. We will not create disaffection or intrigue or disturbance directly or
 indirectly mixing ourselves with Pal and Pol and Ahmadnagar and the sons and
 grandsons of Maharaj Indrasinghji or with any powerful (chieftain) nor shall we
 associate directly or indirectly with them.

1. We will not create disaffection or intrigue or quarrel with or cause disturbance in the districts belonging to the Company Sarkar or Gaekwar Sarkar or in the villages of any other Talukdar and in the villages of Idar Zilla in any way and we will not associate with or harbour any offenders of the above districts and villages.

1. We will not create disaffection or intrigue or cause dissension or disturbance in the villages of Bhoomias and Girasias directly or indirectly nor will we enforce any share directly or indirectly in the villages of Bhoomias, Girasias and Sheshanis without orders from Shri Darbar.

1. We will continue to pay every year Ghas Dana and Ganim Vero of Shri Gaekwar and the Darbar's Khichri Vero, Bab, Sukhdi, Kirkul (miscellaneous dues), etc., and all ordinary dues according to the Khatas and furnish solvent securities. This is true. We will continue to enjoy the new Patta as granted by Shri Darbar and render loyal and faithful services to the Darbar according to his commands without failure.

1. We, of our own free will, have made over in writing to Shri Darbar absolutely the income arising from customs in the principal village of Mundetti and in our other Patta villages and the villages of the Zillayats, such as Dan on bullock and cart load and on individuals, Vasvo, Dan on commodities sold and on exports and imports and Dan on commodities purchased. Every kind of income of Dan may be collected by Shri Darbar by placing customs Karkun, infantry and cavalry men, clerks, servants, etc., in Mundetti Patta and the Zillayat villages. Neither we nor our descendants from generation to generation will claim directly or indirectly the above mentioned Dan on any occasion nor will we create disaffection or intrigue or commit theft of or molest directly or indirectly the men or Sowar or foot soldier or customs Karkun, etc., of Shri Darbar placed by Shri Darbar to levy the Dan, nor shall we resort to tricks and treachery directly or indirectly against them. Shri Darbar shall take its Dan together with securities; we have no claim regarding the Dan.

1. If our sons and Zillayats create disaffection or disturbance in our estate, Shri Darbar shall punish them and if their lands are confiscated, we can have no claim against our securities about it.

1. We are the securities and counter-securities of our sons and Zillayats whose names are mentioned in our Patta.

1. At many places female infanticide amongst us Sardars, etc., is prevalent. The Honourable Sarkar and Shri Darbar having become aware of this meanest and worst sin, we were called before the Darbar and made to understand the enormity of the offence before God. We after being fully made aware of the heinousness of the crime came to the conclusion that this most unfit and heinous offence should never be perpetrated by us, our brothers, nephews, Zillayats, sons and grandsons, Rajputs and servants, etc., under us, and gave a written document to the Sarkar to this effect on 3rd January, 1842 A.D. Shri Darbar has commanded us to write a document on this matter which we accept with pleasure and agree that henceforth we and our descendants from generation to generation, brothers, nephews, Zillayats and subordinate Rajputs and servants, etc., will never commit the said heinous sin of female infanticide nor cause it to be committed. If we are informed that by accident such an act is perpetrated by some mean man and if there is proof of the said offence against him, we will take that man to be fully guilty and in order to make the offender answerable for the heinous act, four good Sardars from amongst us will meet before Shri Darbar and after investigating into the offence, will settle the punishment in accordance with the wishes of the Sarkar and Shri Darbar; and we will not fail in this. Any order which the Sarkar or the Darbar will make in this matter will be accepted by us. Hence we of Mundetti and all our brothers of the villages of Gota, Hatharva and Malasa and the Zillayats of the two estates of Bhanpur, Ghudla, Medh, Jejuva, and Marwada and all the Chuwan Rajputs of the Patta are bound by what is written above.

We have written the above clauses by our own free will and in full sense. There will never be any failure in this respect. The securities for this for 10 years from Samvat 1902 Kartik Sud 2 to Samvat 1912 Kartik Sud 2 are Barot Jesa Sarupji and his son Arat of village Gundol. And the counter-securities are Thakor Bharatsinghji Gopalsinghji of Mahu and Thakore Parbatsinghji Kanaksinghji of Tintoi and Thakore Partapsinghji Durjansinghji of Kukadia and Thakore Ajitsinghji Fatesinghji of Medhasan, who will personally see this observed for ten years.

If any Sowar or foot soldier or Mohsul, etc., is sent by Shri Darbar in reference to the above, we will pay his daily expenses and will personally discharge the full liability of Shri Darbar.

Dated Samvat 1902 Kartak Vad 6, Thursday, 20th November, 1845 A.D. at Idar.

Here Signature.

Signed by THAKORE SURAJMAL JALAMSING and brothers, nephews, sons and grandsons and Zillayats. What is written above is true. In his own handwriting.

Signed by BAROT JESA SARUPJI and his son Arat of village Gundol. We have become Fael Zamin for 10 years as written above and so will personally observe it and see it observed. In his own handwriting.



Signed by THAKORE BHARAT-SINGJI GOPALSINGJI. I have become Ad Zamin as stated above and will personally observe it and see that it is observed. In the handwriting of Bhai Parbatsingh at the request of the Thakore.

Signed by THAKORE PARTAP-SINGJI DARJANSINGJI. I have become Ad Jamin as stated above and so will observe it and see it observed. In the handwriting of Pa. Badar Jagau at his (Thakor's) request.

Signed by THAKORE PARBAT-SINGJI KANAKSINGJI. I have become Ad Jamin as stated above and so will observe it and see that it is observed. In the handwriting of Kamdar Galabchand Daichand in the presence of both parties.

Signed by THAKORE AJITSINGHJI FATESINGJI. I have become Ad Jamin as stated above and so will personally observe it and see that it is observed. In the handwriting of Parot Meta.

Here Attestation.

(Signed) THAKORE KARAN-SINGHJI as witness. In his own hand.

(Signed) THAKORE SAGRAM-SINGJI as witness. In his own hand.

(Signed) THAKORE BHARATH-SINGJI as witness. In the handwriting of Pa. Badar Jagau.

(Signed) THAKORE SHRI AJIT-SINGJI as witness. In the handwriting of Parot Meta.

(Signed) THAKORE SHRI PARTAP-SINGJI as witness. In the handwriting of Dolatsing.

True Translation.
(Signed) CHATURBHUI M. BHATT,
Authorised Translator,
Mahi Kantha.

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EXHIBIT 38.

No. 5770 OF 1905.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 6th December, 1905.

MEMO :—

With reference to his Memorial dated the 25th May last addressed to His Majesty's Secretary of State for India, the Thakore of Karcha is informed under the orders of Government that the Government have with-held, under Section II Rule 7 (3) of the Foreign Department Memorial Rules, his memorial in which he appealed against the orders of Government in the matter of certain administrative reforms introduced by His Highness the Maharaja of Idar.

(Signed) G. B. O'DONNELL, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Idar Darbar.

True Copy.

Dewan, Idar State.

EXHIBIT 39.

No. 4655 OF 1906.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 15th September, 1906.

MEMO :—

With reference to his petition dated the 10th March 1906 to His Excellency the Right Honourable the Governor and President in Council praying for reconsideration of the orders of Government with-holding his Memorial to the address of His Majesty's Secretary of State for India in the matter of certain administrative reforms introduced by His Highness the Maharaja of Idar, the Thakore of Karcha, a subordinate Jagirdar of the Idar State, is informed that Government decline to reconsider the orders already passed which are final.

(Signed) G. B. O'DONNELL, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaj Kumar of Idar with reference to his No. 28 dated the 30th May 1906, with a request to communicate the date of the delivery of this communication.

True Copy.

Dewan, Idar State.

EXHIBIT 40.

No. 2128 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petitions dated the 28th January, 1914, and 24th April, 1914, complaining against the Idar Durbar in the matter of the liquor distillery, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,

Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's Nos. 39 and 61, dated the 20th May and 4th June, 1914, respectively.

EXHIBIT 41.

No. 2129 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 24th May, 1914, complaining against the Idar Durbar in the matter of the Dalali Right, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhumia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,

Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 83, dated the 17th June, 1914.

EXHIBIT 42.

No. 2130 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 21st March, 1914, complaining against the Idar Durbar in the matter of the Supremacy over Jilayats, you are informed

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that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 80, dated the 17th June, 1914.

EXHIBIT 43.

No. 2131 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

Dated SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 21st April, 1914, complaining against the Idar Durbar in the matter of the Niwarshi Nazarana, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 81, dated the 17th June, 1914.

EXHIBIT 44.

No. 2132 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

Dated SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 22nd May, 1914, complaining against the Idar Durbar in the matter of the lease of Mowra flowers, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 79, dated the 17th June, 1914.

EXHIBIT 45.

No. 2133 OF 1918.

TO THE THAKORE OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY,

Dated SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 20th March, 1914, complaining against the Idar Durbar in the matter of the Stamp Duty, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Pattawats and Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July, 1904, from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 74, dated the 10th June, 1914.

EXHIBIT 46.

No. 6809 OF 1916.

MAHI KANTHA POLITICAL AGENCY,

Dated SADRA, 21st October, 1916.

MEMO :—

With reference to his Memorial dated the 31st December, 1914, to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, appealing against the orders passed in this office, Memo. No 6691, dated the 1st October, 1914, regarding the levy of the Thakrat Nashin Nazarana by the Idar Durbar from him, Thakore Laxmansinghji of Mundeti is, under the orders of Government, informed that Government have rejected his petition of appeal.

(Signed) J. R. B. G. CARTER, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to communicate the date of delivery of this Memo to the addressee.

EXHIBIT 47.

No. 7094 OF 1916.

MAHI KANTHA POLITICAL AGENCY,

Dated SADRA, 8th November, 1916.

MEMO :—

With reference to his petition No. 63, dated the 21st January, 1916, regarding encroachment by the Idar Darbar upon his police powers. Thakore Laxmansinghji of Mundetti is informed that the undersigned does not find any reason to interfere with the action taken by the Darbar.

(Signed) J. R. B. G. CARTER, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with reference to his letter No. 175, dated the 21st ultimo, with a request to report the date of delivery of this Memo to the addressee.

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EXHIBIT 48.

No. L.A.W. 1-12.

To THAKORE LAXMANSINGHJI OF MUNDETI.

MAHI KANTHA POLITICAL AGENCY.

DATED SADRA, 5th June, 1919.

MEMO :—

With reference to your Memorial dated 14th February, 1919, addressed to His Excellency the Right Honourable the Viceroy and Governor General of India in Council, appealing against the orders of Bombay Government rejecting your request to be furnished with copies of certain documents in the matter of encroachment by the Idar State upon your rights, you are informed, under the orders of Government, that though your Memorial to the Government of India is ostensibly an appeal against Government orders, communicated to you in this office Memo No. 5752 dated 8th September, 1918, it is really an appeal against the orders communicated to you by this office Nos. 2128 to 2133 dated 11th April, 1918. Government have therefore withheld the Memorial under Rules 6 (5) and 7 (3) of the Political Department Memorial Rules of 1910.

(Signed) W. BEALE, LT.-COLONEL.

Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this memo to the addressee.

EXHIBIT 49.

No. L.A.W. (1)-12.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 25th March, 1920.

MEMO :—

With reference to his memorial dated the 21st December last addressed to His Excellency the Right Honourable the Viceroy and Governor General of India in Council, the Thakore of Mundeti is informed, under orders of Government, that the orders conveyed in this office Memo No. L.A.W. (1)-12 dated the 5th June, 1919, are final and cannot be reconsidered.

(Signed) N. S. COGHILL, LT.-COLONEL.

Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this memo to the addressee.

EXHIBIT 50.

No. L.A.W. (1)-12.

SADRA, 10th July, 1920.

MEMO :—

In reply to his petitions dated 20th and 21st June, 1920, Thakore Laxmansinghji of Mundeti is informed, under orders of Government, that they see no reason to reconsider their previous orders and that they have withheld his Memorial dated 21st June, 1920, addressed to His Excellency the Viceroy and Governor General

of India in Council, as it is an appeal against the order of Government of Bombay withholding his previous memorial. He is also informed that Government will not take notice of any further petitions from him in the matter.

(Signed) R. M. MEHTA,
For Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this memo to the addressee.

EXHIBIT 51.

No. A.D.M.-203.

SADRA, 28th February, 1921.

MEMO :—

With reference to the correspondence ending with his letter dated the 13th December last, regarding the levy of Rekh Chakari Hak by Idar from Mundeti, the Thakore of Mundeti is informed that the Governor in Council has approved of the amount proposed by the Idar Durbar on account of the Rekh Chakari Hak to be recovered by him from Mundeti, namely Rs. 4,032/- per year (Rs. 8 per horse per month for 42 horses).

(Signed) W. M. P. WOOD, LT.-COLONEL.
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

EXHIBIT 52.

No. A.D.M.-203.

SADRA, 28th June, 1922.

MEMO :—

With reference to his memorial dated the 29th August, 1921, addressed to His Excellency the Right Honourable the Viceroy and Governor General of India in Council, appealing against the orders of the Government of Bombay, in the matter of the levy of Rekh Chakari Hak by the Idar State, the Thakore of Mundetti is, under the orders of the Government of India, informed that after very careful consideration of the matter, they see no reason to interfere with the decision of the Government of Bombay.

(Signed) R. S. POTTINGER, LT.-COLONEL.
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to state the date of delivery of this Memo to the addressee.

EXHIBIT 53.

No. A.D.M.-203.

DATED SADRA, 31st July, 1923.

MEMO :—

With reference to his memorial dated the 4th ultimo, to the address of His Majesty's Secretary of State for India appealing against the orders of Government of India, in the matter of the levy of the Rekh Chakari Hak by the Idar State, Chohan Laxmansinghji of Mundetti is informed under the orders of Government that his memorial has been withheld by the Government of Bombay, under Rules 6 (5) and 9 (2) of the Foreign and Political Department Memorial Rules 1910.

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2. In paras 17 to 21 of his memorial under reference, he has made a false and scandalous charge against Colonel Wood, the then Political Agent, Mahi Kantha, of having, conjointly with His Highness, compelled by "undue influence and coercion" his signature of the Kabuliak acknowledging His Highness the Maharaja's full suzerainty. With regard to the above charge he is by order of Government warned that he does his case no good by such allegations which are known to be entirely devoid of foundation.

(Signed) A. H. E. MOSSE, MAJOR.

Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to state the date of delivery of this memo to the addressee.

EXHIBIT 54.

No. A.D.M.-331.

CAMP DANTA BHAWANGADEH,

8th January, 1923.

MEMO :—

In reply to their applications dated December 7th and 15th, 1922, the Thakores of Mundeti, Undani and other Jagirdars of the Idar State are informed that after a careful study of previous records, the Political Agent has come to the following conclusions :—

(1) That the Jagirdars are not entitled to submit representations direct to the Agency, but only through the Idar Durbar, hence the applications are returned herewith.

(2) That the present application contains many matters on which final orders have been passed by Government.

(3) That their request for a commission to enquire into their rights and grievances cannot be entertained as tending to reopen questions already decided.

(4) That joint petitions are objectionable.

Finally they are informed that any of them who may so desire may submit separate applications through the Idar Durbar stating specifically any orders of the State whereby they consider themselves to have been personally treated with injustice.

They are, however, reminded that they are Jagirdars of the Idar State, and that His Highness the Maharaja is their Suzerain from whom they should seek redress in the first instance.

(Signed) R. S. POTTINGER, LT.-COLONEL.

Political Agent, Mahi Kantha.

EXHIBIT 55.

No. A.D.M.-331.

MAHI KANTHA POLITICAL AGENCY.

DATED SADRA 18th August,
31st October, 1924.

MEMO :—

With reference to his petition, dated the 28th May 1923, to the address of His Excellency the Governor and President in Council, Bombay, complaining of alleged harassments and usurpations of rights by His Highness the Maharaja of Idar and asking for the appointment of a Commission to enquire into his alleged grievances and ascertain his rights, Chohan Laxmansinghji of Mundetti is, under the orders of Government, informed in the first place that he is not entitled to

submit representations to the Agency direct but only through the Durbar and that joint petitions are objectionable. Orders on these points have already been issued more than once by Government and the present orders must be regarded as final.

2. Further in respect of the grievances mentioned in Appendix J to his petition under reference the following orders are passed by Government :—

(a) Re Items Nos 2, 3, 6, 7, 12, 25, 28, 31 and 34 which relate to the taking over by the Durbar of the rights of Dan, Kalal Bhatti, Stamps, Registration, Weights and Measures, Niwarshi and Bone Ijara under the proclamation issued by His late Highness Maharajah Sir Pratap Singhji in 1903. In 1904, Government rejected appeals from certain Sardars in which they alleged that the terms of the proclamation of the Durbar in 1903 encroached upon their rights and privileges. In 1917 again the whole question of the rights of the Durbar and the Sardars in this connection and the effect of paras. 21 and 22 of the Court of Directors' Despatch of 1829 in regard to them was most carefully reconsidered when it was finally decided that orders passed in 1914, under which the Political Agent was directed to hold a full inquiry into the Sardar's claim to the rights such as Dan, etc., and the assessment of an equitable compensation for them must be cancelled. Government, therefore, see no reason to change their decision in regard to the proclamation now. In para. 12 of the petition he says that Sardars can never be contented until they are restored to their original status quo before 1903 A.D. which was maintained by all the predecessors of the present Ruler respecting and treating the Despatch of the Board of Directors of 1829 as Res Judicata. From this it is concluded that the Sardars look upon the changes made by the proclamation of 1903 as coming under the head of "further exactions" against which they are secured by the clause of the Despatch quoted by them. But the occasion of the Despatch was Major Ballantyne's Report of 1822 and the mention of customary conditions of payment and service having been strictly defined refers to Appendices Nos. IV and V of the report dealing with service obligations and payment of Khichadi, etc. The exercise by the Durbar of its legitimate sovereign powers cannot be considered as involving "further exactions" merely because the Jagirdars are thereby deprived of certain privileges which the Durbar had for a time allowed them to possess and in respect of which no specific guarantee has ever been given. Government do not recognise the possession by any of the Sardars of sovereign rights such as ordinarily appertain to an independent status. Nor do Government consider that the terms of the Proclamation of 1903 are opposed to the views expressed in paras. 21 and 22 of the Court of Directors' Despatch which may be held to guarantee the lands of Pattawats against resumption while the customary conditions of payment and of service are observed, but do not contain any further vague guarantees such as the petitioner seeks to read into them. Government, therefore, see no reason to refile from the position taken up previously or to re-open all the previous disputes between the Durbar and the Sardars in this and other connections by appointing a Commission of Inquiry as now requested.

(b) Re Item No. 21. The levy of Rekh Chakri Hak. In regard to the said levy Government hold that the Pattas of land held by the Pattawats were undoubtedly grants made by the Durbar on tenure of Military service. Appendix IV to Major Ballantyne's report of 1822 shows that each Pattawat therein mentioned was bound to supply three horsemen per Rs.1000 of revenue. It is argued by the petitioners that this service was only to be rendered in times of necessity and that since the establishment of British control it has rarely, if ever, been required, yet no demand has been made for its commutation into a cash payment until the recent levy of "Rekh Chakri" was imposed. It may be admitted that since the establishment of British control the need for the actual provision of horsemen has disappeared, but this fact does not deprive the Durbar of the right to demand them or to levy an equivalent charge on each "Patta." For these reasons Government rejected the previous appeal against the levy of Rekh Chakri from the petitioner and their rejection of his appeal was upheld by the Government of India whose decision was conveyed to the petitioner in this Office Memo No. A.D.M. 203, dated the 28th June, 1922. Government, therefore, see no reason to alter their views in regard to the right of the Durbar to levy Rekh Chakri from the Pattawats.

A (a) v.

(i) Forfeiture of estates of Sardars to the prejudice of rightful heirs. *Vide* item No. 19 of Appendix J of the petition and para. 20 of the petition resumption of the Jagir of Marwara.

(ii) False criminal cases being got up against some of the Sardars.

(iii) Placing attachment to enforce recovery of Rekh Chakri and other dues payable to Durbar.

(c) As regards the grievances noted in the margin, he is informed that as to (i) no specific orders of Government appear to be required as the Sardars actually concerned do not seem to have availed themselves of the remedies open to them by applying to the Durbar or its Courts. With regard to (ii) personal complaints made by two Sardars only have proved not to be borne out by facts. As to (iii) the attachment of portions of Jagirs to enforce payment of debt rightly due to the Durbar such as Rekh Chakri, etc., has been definitely held by Government to be within the right of the Durbar. Such attachment is not to be confounded with resumption of an estate which is quite another matter.

(d) (i) Re Item No. 1. Deprivation of Criminal jurisdiction. Government have held that a Sardar can only possess jurisdiction if delegated by the Durbar.

(ii) Re Items Nos. 10 and 11. Ijara of Mhowra flowers and appropriation of Mhowra seeds. His petition of 1914 was eventually rejected by general orders of Government in 1917 and those orders are final. (Vide Agency Memo No. 2132, dated 11th April, 1918.)

(iii) Re Item No. 13. Recovery of tribute though remitted by the Baroda State. This has been decided in the favour of the Durbar in the years 1904 and 1914.

(iv) Re Item No. 14. Succession Nazrana. This right is levied by the Durbar even from certain jurisdictional Talukas of the Agency such as Ranasan. In the petitioner's case Government have upheld the Durbar's right. (Vide Agency Memo No. 6809, dated 21st October 1916.) On this precedent the Agency has declined to interfere in cases of Pahada and Undani.

(v) Re Item No. 17. Levy of interest on loan from the Durbar said to have been remitted by Sir Pratap Singhji. This is decided in favour of the Durbar in the year 1914. (Vide Agency Memo No. 6508, dated the 23rd September, 1914.)

(vi) Re Items Nos. 18 and 20. Supremacy of Mundetti over Jillyat Sardars. This question has been dealt with by Government in the general orders of 1917, the Durbar claiming the Jillyats to be direct grantees of the State, but grouped for convenience under Pattawats. The Durbar's claim was finally admitted by Government. (Vide this Office Memo. No. 2130, dated 11th April, 1918.)

(vii) Re Item No. 22. Deprivation of the right of Mundetti to levy Hathgarna on marriage of Rao of Polo. The recovery is made by Idar in accordance with arrangement sanctioned by Government in 1875. The question which was raised by the Sardar in 1916 when the Political Agent refused to interfere (Vide Agency Memo No. 1514, dated the 15th March, 1917) cannot be re-opened.

(viii) Re Item No. 23. Change in hereditary mode of address Government have finally decided that the Durbar has the right to deprive a Pattawat of his title of Thakore when he deserves treatment owing to contumacy.

(ix) Re Item No. 24. Right to recover Veth. The Durbar maintains forced Veth to be a sovereign right, but permits Sardars to take Veth on payment. The orders passed in the year 1917 are final on this point.

(x) Re Item No. 27. Amenability to Criminal Courts of the Durbar. The point was referred to Government and disposed of by orders of 1917 which are final.

(xi) Re Item No. 32. Right to minerals. Government decided in the case of Dehgamda that ownership over these is vested in the State unless otherwise established in the Court of the State.

The above orders referred to in sub-clauses (i) to (xi) are final in respect of the grievances to which they refer.

(e) Re Item No. 8. Excessive management expenses and Item No. 33.—Leases of Sulphur and Sulphate of Copper. The first is a matter of administration and the second is a sovereign right and as such belongs to the Durbar. Vide the concluding portion of para. 2 (a). The Durbar is, therefore, the proper authority to be approached in both cases in respect of such grievances and the Agency will not interfere, unless on sound grounds shown, after the Durbar has been approached.

(f) Re Items Nos. 4 and 5.—Annexation of Villages of Math, Malekpur and Bedasan. Item No. 9.—Hak of taking one Camel out of 100. Item No. 15.—Levy of interest on School maintenance charges. Item No. 16.—Recovery of Rs. 800 on account of certain expenses incurred by the late Sardar of Mundetti. Item No. 26.—Encroachment on land of Nadri Village. Item No. 30.—Resumption of Villages of Dehrol, Dhamli and Vasna.

As regards these grievances no specific details are given nor is it shown that the petitioner has approached the Durbar in the first instance. Government do not, therefore, interfere.

3. In conclusion, Government trust that orders herein communicated are sufficiently clear and final on all the essential points at issue to satisfy the petitioner that his wisest course is to adopt a more conciliatory attitude towards the Durbar. If he accepts the decision of Government and prays for the clemency of His Highness the Maharaja, Government hope that the Durbar will grant him a full pardon for his contumacy hitherto. But he cannot hope for any consideration or generosity from the Durbar, unless and until he makes complete submission to His Highness.

(Signed) A. H. E. MOSSE, Lt.-COLONEL,
Political Agent, Mahi Kantha.

EXHIBIT 56.

TO MEHERBAN POLITICAL AGENT, SAHEB, MAHI KANTHA, SADRA.

I, Thakor Laxmansinhji of Mundeti, beg to submit with compliments that the final orders of the Government of Bombay on my complaints re encroachment by Idar Darbar Saheb on my rights were communicated to me under Agency Memo No. A.D.M.-331 dated ^{18th August,} 31st October, 1924, and that against these orders I have sent a memorial dated 29th January, 1925, to the address of the Government of Bombay through Shree Darbar Saheb. Realizing, however, on further consideration, that the orders passed by the Bombay Government were just and fair, I presented myself before His Highness the Maharaja Saheb Bahadur, as enjoyed in the said orders, to pray for forgiveness of my conduct whereupon His Highness was pleased to grant my prayer and to accord full pardon to me. Now I have no dispute with Shree Darbar Saheb and I consequently withdraw the memorial referred to above. You will be pleased therefore to return the same to me.

I further beg to intimate to you that Shree Darbar Saheb has also removed the Japti which had been placed on my Patta on account of my refusal to hand over the records of the Vahiwat of the Patta to the Japtidar, and has regranted the title of Thakor to me.

Dated 27th February, 1925 A.D. at Himatnagar.

(Signed) LAXMANSINH,
Thakor Mudeti.

True Translation.

(Signed) J. K. PANDYE,
Dewan, Idar State.

EXHIBIT 57.

PRATAP PALACE,
HIMATNAGAR (MAHI KANTHA),

28th February, 1925.

MY DEAR MAJOR MEEK,

Mundetti Thakore Laxmandingh came to Himatnagar on the evening of 24th and sent his brother Ranjitsingh to me to assure me that he sincerely repented his conduct towards the Durbar and wished to approach me to beg my pardon and make complete submission to me as per the latest orders of Government. I thereupon sent for the Thakore the same night and I am glad to say that on presenting himself before me, he made his obeisance to me with all the humility becoming a Pattawat of the State and expressing his deep repentance for all his past contumacy towards the Durbar, prayed to me to grant him a pardon for it. I accorded a full pardon to him then and there, and accepted the nazar presented by him. He prayed further that his obstinate refusal to hand over the Vahiwati Daftars of his Patta to the Japtidar might be graciously forgiven and showed himself fully willing to give over the same without any delay. In view of his improved attitude, I ordered immediate removal of the Japti from over the Mundetti patta and have also re-granted to him the title of Thakore with the Ijrat of gold and Tazim and put him again among the Sardars of the First Class.

The Thakore submitted a report in vernacular yesterday to your address for withdrawal of his review memorial to the Bombay Government and requested me to forward it on to you. The said report is accordingly forwarded to you officially under a separate cover. I have told the Thakore to see you in person in this connection so that you make yourself sure that his offer to withdraw the memorial in question is made of his own free will and not under anybody's pressure.

Yours sincerely,

(Signed) DOWLAT SINGH,
Maharaja of Idar.

EXHIBIT 58.

MALPUR,

19th March, 1925.

MY DEAR SIR DOWLATSINGHI,

I informed Government of the settlement of the trouble with Mundetti and the action you have taken, and they have written to express their satisfaction and to express also the hope that this reconciliation may be of lasting nature. I hope that before long I am to have the great pleasure of reporting to Government that you have been equally successful in securing the submission of the other Pattawats who have been agitating their claims, and in bringing to final termination these long-standing troubles.

This point will interest you. I have ascertained from Hotson that nothing is being done at present in the matter of the remaining Bombay States going to the Government of India.

Yours sincerely,

(Signed) A. S. MEEK.

EXHIBIT 59.

Case No. 3.

St. 1902.

Fael Zamin Bond by Undani

A.D. 1845.

Shri Ramji.

TO SHRI MAHARAJ DHIRAJ MAHARAJAJI JIWAN SINGHJI SAHEB OF IDAR STATE.

From THAKUR ARJANSINGHJI NAHARSINGHJI OF UNDANI AND HIS KUNWAR UMED SINGH AND BROTHERS, NEPHEWS, SONS, GRAND-SONS AND ZILLAYATS, AND THE RAJPUTS, BHILS, KOLIS, AND GIRASIAS, ETC., OF EVERY HUT (LIT. DOOR) OF THE PATTI VILLAGES.

To wit: We, of our own free will and in full senses, pass this document of Fael and Ar Jaman; the details of its clauses are as follows:—

1. We will not create disaffection and intrigue, commit theft, or any other offence or create disturbance in the five districts, directly or indirectly.

1. We will not harbour directly or indirectly any enemy or offender of Shri Durbar or associate with him or give him abode, bread, shelter or support of any sort nor will we combine with any Sardar Pattawat or Bhoomia, etc., who is an offender of Shri Durbar.

1. We will not create disaffection or intrigue in any way or commit theft of or molest any merchant, Commission Agent, Banjaras or traveller, and if any of these are robbed of their property within the villages of our estate, we will trace the foot prints (of the offender) onward, and if we do not do it, we will be responsible for the property.

1. We will not create disaffection or intrigue or disturbance directly or indirectly mixing ourselves with Pal and Pol and Ahmednagar and the sons and grandsons of Maharaj Indrasinghi or with any powerful (Chieftain) nor shall we associate directly or indirectly with them.

1. We will continue to pay every year Ghasdana and Ganim Vero of Shri Gaekwar and the Durbar's Khichadi Vero, Bab, Sukhadi, Kirkul (miscellaneous dues) etc. and all ordinary dues according to the Khatas and furnish solvent securities. This is true. We will continue to enjoy the new Patta as granted by Shri Durbar and render loyal and faithful services to the Durbar according to his commands without failure.

1. We will not create disaffection or intrigue or quarrel with or cause disturbance in the districts belonging to the Company Sarkar or Gaekwar Sarkar or in the villages of any other Talukdar and in the villages of Idar Zilla in any way and we will not associate with or harbour any offenders of the above districts and villages.

1. We will not create disaffection or intrigue or cause dissension or disturbance in the villages of Bhoomias and Girasias directly or indirectly nor will we enforce any share directly or indirectly in the villages of Bhoomias, Girasias and Shesania without orders from Shri Durbar.

1. We, of our own free will, have made over in writing to Shri Durbar absolutely the income arising from Customs in the principal village of Undani and in our other Patta Villages and the villages of the Zillayats, such as Dan on bullock and cart load and on individuals Vasvo, Dan on commodities sold and on exports and imports and Dan on commodities purchased. Every kind of income of Dan may be collected by Shri Durbar by placing Customs Karkun, infantry and cavalry men, clerks, servants, etc., in Undani Patta and the Zillayat villages. Neither we nor our descendants from generation to generation will claim directly or indirectly the above-mentioned Dan on any occasion nor will we create disaffection or intrigue or commit theft or molest directly or indirectly the men or Sowar or foot soldier

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or Customs Karkun, etc., of Shri Durbar placed by Shri Durbar to levy the Dan nor shall we resort to tricks and treachery directly or indirectly against them. Shri Durbar should take its Dan together with securities; we have no claim regarding the Dan.

1. If our sons and Zillayats create disaffection or disturbance in our estate, Shri Durbar should punish them, and if their lands are confiscated, we can have no claim against our securities about it.

1. We are the securities and counter-securities of our sons and Zillayats whose names are mentioned in our Patta.

1. At many places female infanticide amongst us Sardars etc. is prevalent. The Honourable Sarkar and Shri Durbar having become aware of this meanest and worst sin, we are called before the Durbar and made to understand the enormity of the offence before God. We after being fully made aware of the heinousness of the crime came to the conclusion that this most unfit and heinous offence should never be perpetrated by us, our brothers, nephews, Zillayats, sons and grandsons, Rajpoots and servants etc. under us, and gave a written document to the Sarkar to this effect on 3rd January 1842 A.D. Shri Durbar has commanded us to write a document on this matter which we accept with pleasure and agree that henceforth we and our descendants from generation to generation, brothers, nephews, Zillayats and subordinate Rajputs and servants etc. will never commit the said heinous sin of female infanticide nor cause it to be committed. If we are informed that by accident such an act is perpetrated by some mean man and if there is proof of the said offence against him, we will take that man to be fully guilty and in order to make the offender answerable for the heinous act, four good Sardars from amongst us will meet before Shri Durbar and after investigating into the offence, will settle the punishment in accordance with the wishes of the Sarkar and Shri Durbar; and we will not fail in this. Any order which the Sarkar or the Durbar will make in this matter will be accepted by us. Hence we of Undani and all our brothers of the villages of Maniod, Netramli, Vadiavir, and Thurawas and the Zillayats of Kotda, Munai, Musal, Vasna, Punasan, Unj, Khodam and Borundras of Songara and Chowhan and all Kumpawat Rajputs of the Patta are bound by what is written above.

We have written the above clauses by our own free will and in full sense. There will never be any failure in this respect. The securities for this for ten years from Samwat 1902 Kartik Sudi 2 to Samwat 1912 Kartik Sudi 2 are Barot Lakha Surajram of village Budhia. And the counter-securities are Thakor Parbatsinghji Kanaksinghji of Tinto and Thakor Ajitsinghji Fatesinghji of Medhasan and Thakore Khumansinghji Gulabsinghji of Ganthiol and Thakore Bharatsinghji Gopalsinghji of Bahu, who will personally see this observed for ten years.

If any Sowar or foot soldier or Mohsal etc. is sent by Shri Durbar in reference to the above, we will pay his daily expenses and will personally discharge the full liability of Shri Durbar.

Dated Samwat 1902 Kartik Vad 6, Thursday 20th November 1845 A.D. at Idar.

Here Signature.

Signed by THAKOR ARJANSINGHJI NAHARSINGHJI and K. UMEDSINGH and brothers, nephews, sons and grandsons and Zillayats. What is written above is true. In his own handwriting.

Signed by BAROT LAKHA SURAJRAM of village Budhia. I have become Fael Zamin for ten years as written above and so will personally observe it and see it observed. In his own handwriting.

Here Attestation.

(Signed) THAKOR SAGRAMSINGHJI PADSINGHI as witness.

(Signed) CHAMPAWAT BHARATH SINGHJI JESINGHJI as witness.

(Signed) THAKOR HIMMATSINGHJI DHIRATSINGHJI as witness.

(Signed) THAKOR SURAJMALZALAM-SINGHJI as witness. In the handwriting of Parmar Raman.

(Signed) THAKOR KHUMANSINGHJI GOOLABSINGHJI as witness.

Signed by THAKOR PARBATSINGHJI (Signed) THAKOR AJITSINGHJI
KANAKSINGHJI. I have become FATESINGHJI as witness. In the
Ar Jamin as stated above and so FATESINGHJI as witness. In the
will personally observe it and see handwriting of Jetji.
that it is observed. In the hand-
writing of Kamdar Gulabchand
Dayachand in the presence of both
parties.

Signed by THAKOR AJITSINGHJI
FATESINGHJI. I have become
Ar Jamin as stated above and so
will personally observe it and see
it observed. In the handwriting of
Gulabchand Dayachand.

Signed by THAKOR KHUMASINGHJI
GULABSINGHJI. I have become
Ar Jamin as stated above and so will
personally observe it and see it
observed. In his own handwriting.

Signed by THAKORE BHARATH-
SINGHJI GOPALSINGHJI. I will
personally observe it and see it
observed. It is true that I have
become Ar Jamin. In the hand-
writing of Parekh Bechar Jagau.

EXHIBIT 60.

PARWANA TO KUKADIA AND UNDANI St. 1902.
A.D. 1845.

Shri God is true.

Full signature of Maharaniji Shri Chawadiji.

By the godly word of Shri Raj Rajeshwar Maharaj Dhiraj Maharajaji Shri Jowan Singhji who is accomplished and possessed of all the various good qualities.

To Thakur Pratapsinghji son of Durjansingh and Thakur Arjunsinghji son of Naharsingh and your brothers, nephews, sons and grandsons and families and Zillayats together with the Patels, Talaties Baniyas and other people including new settlers in the villages.

You with your families should live in the villages with confidence and improve them, come and go to Shri Hazoor. We will not in any way molest or deceive you personally or your villages or the Zillayats or get you or them molested or deceived. You should live in the villages with confidence and ease and continue rendering the Durbar's services faithfully as ordered by Shri Durbar. The particulars of your Patta and Pattas of Zillayats are as under :—

Particulars of Thakur Pratapsinghji Durjansingh's Patta. The Ganim Vero and Khichdi Vero are Shri Durbar's and the same will be taken by Shri Durbar.

1 village Kukadio. Khichadi
Vero is remitted.
1 village Gadho Raso.
1 village Itdi.
1 village Bhavangadh.
1 village Sherpur.
½ village Thurawas.

1 village Mahiwado.
1 village Mesan-Khichadi will be
taken as usual.

Rs. 200/- on account of Salami
on Ruderdi which we will pay in
Sicca.

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The Ghasdana Ganim Vero and Khichadi Vero together with Sukhadi, Bab and Kirkul are Shri Durbar's and the same will be taken by Shri Durbar.

1 village Soonsar. The Khichadi Vero and Ganim Vero will be taken by Shri Durbar every year as heretofore.

Particulars of Thakur Arjansingh Naharsingh's Patta inclusive of Ganim Vero and Khichadi Vero.

1 village Poshina.
1 village Ruvech.
1 village Rampur.
1 village Champoo.
Rs. 679/- on account of Salami as detailed below.
401/- Salami of Mohanpur.
45/- Salami of Lokhan.
251/- Salami of Ranasan, which was given to Khachhwa Hamir. 13½ remitted. 237½ remaining.

1 village Undani.
1 village Falasan.
1 village Pataliyoo.
Shri Durbar's ½ share in all the produce of Hadol Patta, including Giras Vanto and Dedasan Patta. Khichadi Vero of Dedasan will be taken by Shri Durbar.
1 village Kamalpur. Khichadi Vero and Ganim Vero will be taken by Shree Darbar, Khichdi Vero, Ganim Vero and Ghasdana Vero of Kamalpur are Shri Durbar's and the same will be taken by Shree Darbar continuously every year.

697/- in Siccai coin.

½ village Thuravas. The Khichadi Vero and Ganim Vero together with Sukhadi, Bab and Kirkul are Shri Durbar's and the same will be taken by Shri Durbar.

Particulars of Kumpawat Naharsingh Vadansingh's Patta. Ganim Vero and Khichadi Vero with Sukhadi are Shri Durbar's and the same will be taken by Shri Durbar.

1 village Netramli.
1 village Shivgadh.

1 village Danamli.
1 village Bhetali.

Particulars of Kumpawat Goolabsingh Malsingh and Kumpawat Rughnathsingh Sagramsingh's Patta.

1 village Maniod. The Ghasdano, Ganim Vero and Khichadi Vero together with Sukhadi Kirkul and Bab are Shri Durbar's and the same will be taken by Shri Durbar.

Particulars of Bhati Ranji Rughnathsingh's Patta.

1 village Munai. The Ganim Vero and Khichadi Vero together with Sukhadi Kirkul and Bab are Shri Durbar's and the same will be taken by Shri Durbar.

Particulars of Chowan Parbatsingh Makansingh's Patta.

1 village Borundro.

1 village Vantidoo.

Particulars of Kumpawat Vadansingh Budhsingh's Patta.

1 village Vadiavir. The Ganim Vero and Khichadi Vero together with Sukhadi, Bab and Kirkul are Shri Durbar's and the same will be taken by Shri Durbar.

Particulars of Radmalot Goolabsingh Devisingh's Patta.

1 village Musal. The Ganim Vero and Khichadi Vero together with Sukhadi, Bab and Kirkul are Shri Durbar's and the same will be taken by Shri Durbar.

Rs. 25/- on account of Salami on Budheli.
½ village Kotdo half to Radmalot Kishansingh.

(To) Songara Sabalsingh Jalamsingh.

1 village Borundro. One-fourth share of it is Shri Durbar's and three-fourth share is the Songara's. The Khichadi Vero is wholly Shri Durbar's. The Ganim Vero and Khichadi Vero of Borundro are entirely Shri Durbar's and the same will be taken by Shri Durbar.
Patta of Solunki, Madhu Rughji.

1 village Vaso. The Khichadi Vero and Ganim Vero together with Sukhadi and Bab are Shri Durbar's and the same will be taken by Shri Durbar.
Patta of Rathod Kesha Vajesingh.

1 village Khodam. The Khichadi Vero is Shri Durbar's and the same will be taken by Shri Durbar.
Patta of Sisodia Gopalsingh Anandsingh.

1 village Punasar. The Khichadi Vero and Ganim Vero together with Sukhadi, Kirkul and Bab are Shri Durbar's and the same will be taken by Shri Durbar.
Patta of Sisodia Jesingh Bechar.

1 village Unj. The Ganim Vero and Khichadi Vero together with Sukhadi, Kirkul and Bab are Shri Durbar's and the same will be taken by Shri Durbar.

You should go on enjoying with confidence and ease the produce of the villages of the Patta, in kind and cash, continuously and also go on taking the Salamis as stated above in this Parwana. You should not entertain any sort of doubt. We will not raise any question about exemption of Vero herein granted in respect of any village. We will go on taking the Vero, Ganim Vero, Bab, Sukhadi and Ghasdano in respect of those villages on which the same are due as stated in this Parwana. This is true. We will maintain your position as heretofore. (The period of) your securities and Fael Zamin bond will expire together. *An* (jurisdiction) and *Dan* (customs duties) throughout your Pattas and in the villages of the Zillayats are Shri Durbar's. The principal *Dan* on bullock load, the *Dan* on commodities bought and sold in the villages, the *Dan* on cart loads, the *Vasvo*, the *Dan* on exports and imports, thus all sorts of *Dan*, principal as well as minor, exclusively belong to the Durbar and the same will be taken by Shri Durbar. The Durbar's men will remain in all the villages of your Pattas and in the villages of the Zillayats to collect the customs. Shri Durbar gives his word. You have given Gusai Likhbarthi Pitamberbharthi and Gusai Kahangar Balwantgar as your securities for ten years who will see you observe the conditions written in this Parwana. Such is the order.

Dated Magsar Sud 7 Samwat 1902 Saturday at the Capital Idar Gadh.

EXHIBIT 61.

No. A.D.M. 297.

CAMP DANTA BHAVANGADEH,
6th January, 1923.

MEMO :—

With reference to his petition dated the 8th May 1922 re his grievances against the Idar Durbar in the matter of the levy of Rekh Chakri Hak, etc., Thakore Kubersinghji of Undani is informed after enquiry from the Durbar that the Political Agent does not see sufficient grounds to intercede on his behalf in the action taken by the Durbar in several matters complained of.

(Signed) B. S. POTTINGER, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,
His Highness the Maharaja of Idar.

EXHIBIT 62.

No. A.D.M.-297.

MAHI KANTHA POLITICAL AGENCY,

SADRA, 18th November, 1924.

MEMO :—

With reference to his Memorial dated the 10th April 1923 to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, in the matter of levy of Rekh Chakri Hak and the attachment of certain village by the Idar Durbar on account of Thakrat Nazarana, arrears of Khichdi and the expenses of Undani school, Thakore Kubersinghji of Undani is informed under the orders of Government that Government have rejected his memorial.

(Signed) A. S. MEEK, MAJOR,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

EXHIBIT 63.

No. A.D.M.-391.

CAMP VIA SADRA,

4th January, 1924.

MEMO :—

With reference to his petition dated the 24th November 1923 requesting to appoint a special commission consisting of three Government officials to enquire into the offence for which a process has been issued against him, the Thakore of Undani is informed that his request cannot be granted as he is amenable to the ordinary courts of the Idar State for offences committed by him in Idar limits.

2. As regards his request to stay proceedings against him till the Havaldar who is the principal offender is prosecuted and convicted, he is informed that he should approach the appellate court of the State and if dissatisfied with its decision the proper course would be for him to approach the Durbar. He is, however, informed that the process issued against him by the Magistrate has since been cancelled for the time being.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through,

The Maharaja Kumar, Idar State.

EXHIBIT 64.

No. A.D.M.-297.

SADRA, $\frac{18th\ August,}{31st\ October.}$ 1924.

MEMO :—

With reference to his petition dated the 28th May 1923, to the address of His Excellency the Governor and President in Council, Bombay, complaining of alleged harassments and usurpations of rights by His Highness the Maharaja of Idar and asking for the appointment of a Commission to enquire into his alleged grievances and ascertain his rights, Thakore Kubersinhji of Undani is, under the orders of Government, informed in the first place that he is not entitled to submit representations to the Agency direct but only through the Durbar and that joint petitions are objectionable. Orders on these points have already been issued more than once by Government and the present orders must be regarded as final.

2. Further, in respect of the grievances mentioned in Appendix J to his petition under reference the following orders are passed by Government.

(a) Item No. 2.—Dan. Item No. 4—Kalal Bhatli, Item No. 5 Niwarshi Nazarana, Item No. 6 Ijara for bones, Item No. 8 Stamps, Item No. 12 weights and measures. In 1904 Government rejected appeals from certain Sardars in which they alleged that the terms of the proclamation of Darbar in 1903 encroached upon their rights and privileges. In 1917 again the whole question of the rights of the Durbar and the Sardars in this connection and the effect of paragraphs 21 and 22 of the Court of Directors' Despatch of 1829 in regard to them was most carefully reconsidered when it was finally decided that orders passed in 1914, under which the Political Agent was directed to hold a full enquiry into the Sardars' claim to the rights such as Dan etc., and the assessment of an equitable compensation for them must be cancelled. Government therefore see no reason to change their decision in regard to the proclamation now. In paragraph 12 of the petition he says that Sardars can never be contented until they are restored to their original status quo before 1903 A.D., which was maintained by all the predecessors of the present ruler respecting and treating the Despatch of the Board of Directors of 1829 as Res Judicata. From this it is concluded that the Sardars look upon the changes made by the proclamation of 1903 as coming under the head "further exactions" against which they are secured by the clause of the Despatch quoted by them. But the occasion of the Despatch was Major Ballantyne's report of 1822 and the mention of the customary conditions of payment and service having been strictly defined refers to Appendices Nos. IV and V of the report dealing with service obligations and payment of Khichdi, etc. The exercise by the Durbar of its legitimate sovereign powers cannot be considered as involving "further exactions" merely because the Jaghirdars are thereby deprived of certain privileges which the Durbar had for a time allowed them to possess and in respect of which no specific guarantee has ever been given. Government do not recognise the possession by any of the Sardars of sovereign rights such as ordinarily appertain to an independent status. Nor do Government consider that the terms of the proclamation of 1903 are opposed to the views expressed in paragraphs 21 and 22 of the Court of Directors' Despatch which may be held to guarantee the lands of Pattawats *against resumption while the customary conditions of payment and of service are observed* but do not contain any further vague guarantees such as the petitioner seeks to read into them. Government see therefore no reason to resile from the position taken up previously or to reopen all the previous disputes between the Durbar and the Sardars in this and other connections by appointing a Commission of enquiry as now requested.

(b) *Re items Nos. 10, 25 and 29 the levy of Rekh Chakri Hak.* In regard to the said levy Government hold that the Pattas of land held by the Pattawats were undoubtedly grants made by the Durbar on tenure of military service. Appendix IV to Major Ballantyne's report of 1822 shows that each Pattawat therein mentioned was bound to supply three horsemen per Rs. 1000/- of revenue. It is argued by the petitioner that this service was only to be rendered in times of necessity and that since the establishment of British control it has rarely, if ever, been required, yet no demand has been made for its commutation into a cash payment until the recent levy of Rekh Chakri was imposed. It may be admitted that since the establishment of British Control the need for the actual provision of horsemen has disappeared, but this fact does not deprive the Durbar of the right to demand them or to levy an equivalent charge on each "Patta." For these reasons Government rejected the previous appeal against the levy of "Rekh Chakri" from Chohan Laxmansinhji of Mundeti, and their rejection of this appeal was upheld by the Government of India. Government, therefore, see no reason to alter their views in regard to the rights of the Durbar to levy Rekh Chakri from the Pattawats.

(c) As regards the grievances noted in the margin he is informed that as to (1) no specific orders of Government appear to be required as the Sardars actually concerned do not seem to have availed themselves of the remedies open to them by applying to the Durbar in its courts. With regard to (2) personal complaints made by two Sardars only are not borne out by facts. As to (3) the attachment of portions of Jaghirs to enforce payment of debts rightly due to the Durbar, such as Rekh Chakri, has been definitely held by Government to be within the rights of the Durbar; such attachment is not to be confounded with resumption of an estate, which is quite another matter.

(1) Forfeiture of estates of Sardars to the prejudice of rightful heirs. *Vide* para. 20 of his petition under reply.

(2) False criminal cases being got up against some of the Sardars. *Vide* para. 20 of his petition under reply and item No. 3 App. J.

(3) Placing attachment to enforce recovery of Rekh Chakri and other dues payable to the Durbar.

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(d) (1) *Item No. 31. Deprivation of criminal jurisdiction.* Government have held that a Sardar can only possess jurisdiction if delegated by the Durbar.

(2) *Item No. 9. Succession Nazarana.* This right is levied by the Durbar even from certain jurisdictional Talukas of the Agency such as Ranasan. In the case of Mundeti Government have upheld the Durbar's right. On this precedent the Agency has declined to interfere in his case as well as that of Pahada.

(3) *Items Nos. 10 and 26, Supremacy over Jillaryats.* This question has been dealt with by Government in the general orders of 1917, the Durbar claiming Jillaryats to be direct grantees of the State but grouped for convenience under Pattawats. The Durbar's claim was finally admitted by Government.

(4) *Items Nos. 1 and 23. Change in the hereditary mode of address.* Government have finally decided that the Durbar has the right to deprive a Pattawat of his title of Thakore when he deserves such treatment owing to contumacy.

(5) *Item No. 11. Right to recover Veth.* Durbar maintains forced Veth to be a sovereign right but permits Sardars to take Veth on payment. The orders to the above effect were passed on the petition of Mundeti in 1917.

All the above orders are final and apply to all Sardars.

(e) *Item No. 13. Right to give Ijara of opium, Ganja, Bhang, etc.* This is a sovereign right and as such belongs to the Durbar.

(f) No. 7 deprivation of the right of impounding cattle.

No. 14 mismanagement of school.

No. 15 house tax.

No. 16 direct communication with his subjects.

No. 18 charge on account of expenses for school which is closed and occupied by State officers.

No. 22 resumption of the village of Ravol.

No. 24 taking away of land by Durbar on the boundary between Kamalpur and Ravol though the boundary was settled long ago.

No. 27 fulfilment of promises given by his late Highness Sir Pratap Singhji and by his present Highness.

As regards these grievances no specific details are given nor is it shown that the petitioner has approached the Durbar in the first instance.

3. As regards the grievances noted in the margin, they form part of the subject of a separate memorial which will be submitted to Government shortly, and the orders when passed will be communicated to the petitioner.

4. In conclusion Government trust that orders herein communicated are sufficiently clear and final on all the essential points at issue to satisfy the petitioner that his wisest course is to adopt a more conciliatory attitude towards the Durbar. If he accepts the decision of Government and prays for the clemency of His Highness the Maharaja, Government hope that the Durbar will grant him a full pardon for his contumacy hitherto. But he cannot hope for any consideration or generosity from the Durbar unless and until he makes complete submission to His Highness.

No. 17. Non-payment of the Salami Hak.

No. 19. Non-remission of the amount of Nazarana.

No. 20. Attachment of Kamalpur.

No. 21. Recovery on account of arrears of Salami.

No. 23. Attachment on 1/4th share of the village of Thurawas.

No. 30. Attachment of Poshina.

(Signed) A. H. E. MOSSE, Lt.-COLONEL,

Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this memo. to the addressee.

EXHIBIT 65.

CASE No. 4.

Political Case No. 4 of 1884-85.

ORDER.

Two separate points have come under my notice in this Enquiry.

1st. The right of the Pal Thakore to style himself in correspondence as "Taluka" and

2ndly. His claim to hold direct correspondence with the Agency.

* * * * *

6. Pal is not a Chief whose inherent jurisdictional rights as a guaranteed Talukdar have been recognized by Government. *He is a Bhoomia Chief and subordinate to Idar.* There are 23 of these Bhoomias similarly under Idar, and Pal is the only one who has claimed the distinction to style himself "Taluka." His position and status as a Bhoomia is in no way superior to that of Taka Tooka, Bhudheli, Mohri, Samera, etc. In fact Pal is actually a younger branch of the Budheli family, and there is no apparent reason why he in particular should enjoy a privilege to which his fellow Bhoomias do not lay claim.

7. The object of his striving to obtain it is evident, as the term "Taluka" used politically with reference to the Mahi Kantha States has ever been held to apply only to those States whose independent jurisdictional rights have been recognized.

8. I decide therefore that *he may not style himself "Talukdar."*

9. The claim to correspond directly with the Agency is closely connected with the first one and must distinctly be disallowed. In the last 36 years Pal can only show 51 documents as having passed direct between the Agency and himself. Out of these, 25 related to vaccination matters which the Agency for special reasons managed itself for a series of years even in the Idar State, from 1859 to 1868 whilst Sir Jowansinghji was Maharaja.

The subordination of Pal to Idar being distinctly admitted, the recognition of a right to treat directly with the Political Agent in all matters, in the same way as Talukdars of independent status, would at once tend to weaken the Maharaja's authority over his Bhoomias and Sirdar Pattawats and afford a precedent for the latter to put forward claims of a similar nature.

For the future all correspondence connected with Pal either to or from the Agency should be transmitted through the Idar Durbar.

(Signed) W. A. SALMON,
Acting Political Agent.

AHMEDABAD, 5th August, 1884.

EXHIBIT 66.

No. 6419.

POLITICAL DEPARTMENT,

BOMBAY CASTLE, 30th December, 1884.

Petition from Dalpatsinghji Laxmansinghji, Thakore of Pal . . .

Letter from the Acting Political Agent, Mahi Kantha, No. 1777, dated 10th November 1884 . . .

Memorandum from the Commissioner, N.D. No. 651 dated 15th November 1884 . . .

RESOLUTION.—The Thakore of Pal appeals against the order of the Political Agent which decided that he had not the status of a "Talukdar" of the Mahi Kantha and was not therefore entitled first to correspond directly with the Agency, and secondly to be addressed by the Idar State as "Talukdar." Major Phillips during the minority of the Idar Maharaja allowed the style of Talukdar to be used by the Thakore, but soon after the Maharaj's accession the latter appealed against this permission and after judicial enquiry on the issues involved Major Salmon has passed the order appealed against.

2. The Thakore of Pal is a tributary of the Idar State and has no independent political status in the Mahi Kantha. Major Salmon has therefore correctly ruled that he is not entitled to correspond directly with the Agency. Such communications as have passed in former years between him and the Agent, for the reasons shown in the Political Agent's decision, carry no proof of such a right.

3. The Thakores therefore will in future address his superior the Maharaja and his style will be that which was found by Major Salmon to have been in use previous to 1868. Subsequent departure from usage in the matter is explained by the inadvertence or error of officers administering Idar during the minority.

(Signed) J. B. RECHEY,
Acting Chief Secretary to Govt.

True Copy.

(Signed) W. SCOTT, LT.-COLONEL,
Acting Political Agent, Mahi Kantha.

EXHIBIT 67.

No. 5937 OF 1903.

MAHI KANTHA POLITICAL AGENT'S CAMP,
Dated the 12th December, 1903.

Petition from Thakore Pritisinhji of Pal, a Bhumia Sirdar of the Idar State, dated the 30th of August 1903 and received with Memorandum No. 192 dated the 12th of October from the Maharaj Kumar of Idar.

REPLY OF THE POLITICAL AGENT, MAHI KANTHA.

The Thakore's petition is full of irrelevant matter but divested of that it is practically an appeal against an order of His Highness the Maharaja of Idar dated the 28th of June last which deals with certain administrative reforms introduced by His Highness and with the objections which had been raised thereto by some of the Bhayats, Bhumias and Pattawats of the State.

2. His Highness the Maharaja has found it necessary to take the whole administration of the customs revenue and collection into his own hands abolishing, once and for all, all duties levied internally on the passage of merchandise from one part of the State to another, and compensating those of his subordinate Nobles who have hitherto collected customs dues on the basis of ten years' average collections.

3. His Highness has also found it necessary to take the management of all liquor stills in the Estates of the subordinate Nobles under his own control to be managed along with the Abkari of the rest of the State. In making this arrangement however, His Highness has undertaken to compensate all his Bhayat and Bhumia Sirdars to which latter class the petitioner belongs on the basis of ten years' average collections.

4. These are the two principal matters dealt with in His Highness' order. With regard to the other matters dealt with :—

The order as regards grazing fees is a modification of previous orders, designed while conserving the rights of the State, to protect the Sardars and Bhumias in the enjoyment of their rights. It is difficult to see what objection can be raised to it.

The order with regard to the farm of dry bones is no new matter because the late Maharaja claimed the right; and as His Highness the present Maharaja's order leaves it open to any subordinate Jaghirdar who believes himself to be entitled to this Hak to prove his right, there does not appear to be any injustice in it.

The other matters dealt with in His Highness' order are Stamps, Registration, Certificates of Heirship, and the Stamping of Weights and Measures. These are all matters pertaining to the jurisdiction of the State but even with regard to these His Highness has made certain important concessions designed to protect the privileges and revenue rights of his subordinate landholders of whom the petitioner is one.

5. The order of His Highness against which Thakore Pritisinhji of Pal protests is an order dealing with matters of internal administration with which His Highness has the fullest power to deal, and regarding which there is no such thing as an appeal to the Agency. There is nothing whatever in the status of the Bhoomia of Pal differing from that of other Bhoomias of the Idar State or precluding His Highness the Maharaja from dealing with such matters as these in such manner as to him may seem fit, and the Political Agent must decline to advise His Highness the Maharaja in the manner desired by the Petitioner.

6. There are however other matters in the petition which the Political Agent cannot allow to pass unnoticed. First the Political Agent notices with regret the disrespectful tone which pervades the Thakore's petition. In para 96 for instance the petitioner speaks of His Highness' order of the 2nd December 1902 to guard the State Frontier from the Kund of Gantda to the Tribeta of Dungarpur as "INSULTING." The order was nothing of the sort. It was an order which His Highness the Maharaja of Idar had every right to issue and which the Rahtore Bhoomia of Pal was bound, by long established and ancient custom, as well as by his own undertaking to the Darbar, when his succession to his cousin Khanajad Rahtore Dalpatsingh in the Patta was recognized, to obey. There are many other expressions also which should not have been used, and the use of the word "Taluka" throughout the petition by the petitioner when referring to his Patta is a defiance of the orders of Government, by which he has been distinctly forbidden to use the word, which the Political Agent cannot permit.

7. The assertions as to his status advanced by the Petitioner are so preposterous that they cannot be allowed to pass unnoticed. The Political Agent has been at some pains to search the records from the earliest connection of the British Government with the Mahi Kantha. He finds that there is no foundation whatever for the assertions made by the Thakore. The statement in para 32 that Pal is a Bhat of the Rao of Pol is misleading, as the Thakore of Pal must be very well aware. He belongs to the same family it is true, but he received his Patta, as the genealogical tree which he has himself put in very clearly shows, from the Raos of Idar before they were forced to abandon Idar and take refuge at Pol. Pal is in fact like many other Bhoomias of the present day in Idar one of the Rao Pattawats of Idar. When the present Idar Dynasty reconquered the State these landholders with few exceptions came under the sway of the Maharajas of Idar. There were some exceptions of Chieftains who had in the meantime carved out an independence for themselves in the general disorder then prevailing, but Pal was not one of them, and it is abundantly clear that the Khanajad Rahtores of Pal have never been otherwise than entirely subordinate to Idar as is shown by the Fael Zamin Bonds passed by them both before and after Colonel Ballantyne's settlement, and have never exercised any jurisdiction except by delegation from the Maharajas of Idar and that only in very recent times. In the reign of Maharaja Jowansingh the jurisdiction over Pal appears to have been exercised by the Darbar Thandar of Bhiloda. But when Dalpatsingh the predecessor of the present petitioner at Pal came of age in A.D. 1880 the acting Political Agent recommended presumably because he was one of the first of his class to receive a modern education, that he should be given powers analogous to those which had been given to third class Chiefs under the Agency. Government at once pointed out that Pal being under Idar could not be classed as a third class Chief, but said that he might be allowed to exercise the powers assigned to the class. The Idar State was then under management and the State Karbhari

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as soon as he heard this, protested as the powers included limited civil jurisdiction which it has always been the policy of the Idar State to withhold from its subordinate landholders. After the Maharaja came of age therefore an order was addressed by the Agency to Pal telling him that he should "henceforth clearly understand that you hold such jurisdictional powers as you may be allowed to exercise by His Highness the Maharaja in due subordination to him." The Bhoomia was contumacious and it became necessary for the Maharaja to deprive him of his powers for a time. About the same time Pal claimed the right to style his Patta a "Taluka" and to correspond direct with the Agency. Major Salmon the Political Agent after a careful enquiry disallowed both claims. Pal appealed to Government and Government upheld the order of Major Salmon remarking that Pal had no independent political status in the Mahi Kantha, and directing that he should in future address his superior the Maharaja, and that his style will be that which was found by Major Salmon to have been in use previous to 1868. The mode of address thus prescribed was from the Darbar "Pal no Pattadar" and the name, while Pal in addressing his Chief wrote "Palthi Lakhitang Rahtore" and the name. The Pal Bhumia then submitted to his ruler and on the 14th of January 1885 writing as "Khanajad Rahtore Dalpatsingh of Pal" he petitioned His Highness Maharaja Kesrisingh confessing the unreasonableness of his claim, making apologies, bowing at the feet of his master, and humbly praying for the favour of a grant of some jurisdiction. He promised to be grateful for the favour, to exercise the powers according to orders; to continue loyal and obedient, to preserve the peace of his Patta, and to guard the Frontier. His Highness the Maharaja then pardoned his past misconduct and conferred upon him the powers of a First Class Magistrate in criminal cases within his Patta, the parties to which were residents of the Patta. He was also granted the title of Thakore.

8. Thakore Dalpatsingh died on the 30th of March 1887 and the Patta of Pal was attached by the Darbar according to custom as Dalpatsingh had left no son. On the 21st July 1887 the present petitioner writing as "Khanajad Rahtore Pritisingh" applying his hands to the ground, and invoking blessings on the Maharaja's head, submitted a petition to His Highness Maharaja Kesrisinghji, stating that he had come of age and asking that the Darbar would be pleased to place him in charge of the Thakrat as the next heir and invest him with the powers which his cousin Dalpatsingh had exercised, promising in that event to keep a Kamdar approved of by the Darbar to make proper police arrangements in his Patta, and to guard the Frontier, to obey all orders of the Darbar loyally, to make proper arrangements for the widow and daughters of Dalpatsingh, and to arrange for the marriage of the latter according to custom. The Darbar then granted him the Patta and invested him with the jurisdiction of a First Class Magistrate. This jurisdiction had to be temporarily withdrawn by the Darbar in 1890 owing to the maladministration of his Patta, but was afterwards restored.

9. It is inconceivable in the face of these facts that Thakore Pritisingh of Pal can be aware of the preposterous assertions that have been made in his petition, and the fact, that allowing for necessary distinctions between the two, the Pal representation is identical in form and language with that made by Tintoi, suggests the possibility that to some extent these assertions have been put into his petition by designing intriguers without his fully understanding their gravity. The Political Agent trusts for Thakore Pritisingh's sake that it may be so and that he has been misled, but whether it is so or not the Pal Bhoomia must clearly understand that such pretensions as he has advanced in this petition can never be recognized and that he must submit to the authority of his lawful ruler His Highness the Maharaja of Idar.

(Signed) P. S. V. FITZGERALD,

Political Agent, Mahi Kantha.

Through the Idar Darbar.

True Copy.

Dewan, Idar State.

EXHIBIT 68.

CASE No. 5.

No. 2134 OF 1918.

To

THE THAKORE OF POSINA.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 14th May 1914 complaining against the Idar Durbar in the matter of the liquor distillery, you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated 28th July 1904 from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 75, dated the 10th June 1914 respectively.

EXHIBIT 69.

No. 2135 OF 1918.

To

THE THAKORE OF POSINA,

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 10th April 1914 complaining against the Idar Durbar in the matter of the customs duty you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Bhomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035 dated the 28th July 1904 from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 77, dated the 10th June 1914.

EXHIBIT 70.

No. 2136 OF 1918.

To

THE THAKORE OF POSINA,

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 20th April 1914, complaining against the Idar Durbar in the matter of the Niwarshi Nazarana you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035, dated the 28th July 1904 from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 82, dated the 17th June 1914.

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EXHIBIT 71.

No. 2137 OF 1918.

To

THE THAKORE OF POSINA.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 11th April, 1918.

MEMO :—

With reference to your petition dated the 10th April 1914 complaining against the Idar Durbar in the matter of the partition of Kheroj Patta from Posina Patta you are informed that, in view of the orders recently passed by Government on the subject of the relations between the Idar State and its Bhoomia Sardars which confirm and uphold the previous orders of Government communicated to the Thakore of Tintoi and others by letter No. 3035 dated the 28th July 1904 from this office, the present petition must be rejected.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with reference to the Idar Dewan's No. 104, dated the 20th July 1914.

EXHIBIT 72.

No. 399 OF 1918.

MAHI KANTHA POLITICAL AGENCY,

CAMP SUDASNA, 26th January, 1918.

MEMO :—

With reference to his memorial dated the 10th July 1914 to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, in the matter of Criminal jurisdiction over the Patta of Posina, Thakore Laxmansinghji of Posina is, under the orders of Government, informed that Government have rejected his petition.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with reference to his No. 1533 dated the 20th October 1917 with a request that he will be so good as to report the date of delivery of this memo to the addressee.

EXHIBIT 73.

No. 2989 OF 1918.

To

THAKORE LAXMANSINGHJI OF POSINA.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 21st May, 1918.

MEMO :—

With reference to your memorials dated the 13th February 1918 to the address of His Excellency the Right Honourable the Governor and President in Council, Bombay, (1) in the matter of the levy by the Idar Durbar of a fine of Rs. 5/- for not handing over charge of the magisterial work of the Posina Patta to the Magistrate of Khed and (2) in the matter of the designation of "3rd class Magistrate" which you are required to use when discharging the criminal functions assigned to you by the Idar Durbar, you are informed under the orders of Government that Government hold (1) that as you exercise only such magisterial jurisdiction as the Maharaja of Idar may delegate to you, you must hand over your magisterial office to such person as His Highness the Maharaja of Idar may designate when from any cause

you cannot exercise the functions of a Magistrate either temporarily or permanently, and (2) that when discharging magisterial functions, you must describe yourself to be a Magistrate of the class which His Highness has appointed you to be. You are, therefore, informed that Government have rejected your appeals.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

EXHIBIT 74.

No. L. A. W. I.—5.

To

THE THAKORE OF POSINA.

MAHI KANTHA POLITICAL AGENCY,

DATED SADRA, 21/22nd May 1919.

MEMO :—

With reference to your Memorial dated 1st August last, addressed to His Excellency the Viceroy and Governor General of India in Council in the matter of your claim to exercise criminal jurisdiction over the Posina Patta, you are, under the orders of Government, informed that they have withheld your Memorial under Rule 7 (3) of the Political Department Memorial Rules.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

EXHIBIT 75.

No. 1429 OF 1919.

To

THE THAKORE OF POSINA.

MAHI KANTHA POLITICAL AGENCY,

CAMP ILOL, 21st February 1919.

MEMO :—

With reference to your petition dated the 1st August 1918, appealing against the order of the Idar Durbar imposing upon you a fine of Rs. 50/- for your persistent refusal to accept communications addressed to you as "Vaghela" instead of as "Thakore," you are informed, under the orders of Government, that Government have rejected your said petition.

(Signed) W. BEALE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State, with a request to report the date of delivery of this Memo to the addressee.

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EXHIBIT 76.

No. A. D. M.—276.

SADRA, 15th November 1924.

MEMO :—

With reference to his petition dated the 26th January 1923 re the settlement of Posina Bhils' grievances against him made by the Idar Durbar on 15-10-22 the Thakore of Posina is informed that it is impertinent for him to question the Durbar's authority to interfere in the revenue affairs of his Patta, when it is necessary to do so in the interests of peace and order in the State. He can have no personal grievance in the matter of what he alleges to be a new imposition by the Durbar on the Bhils viz. the levy of one goat per Bhil village, which, in reality, is a concession to the Bhils, as the demand appears to have been reduced.

2. It may be noted that he was given several opportunities to effect an amicable settlement with the Bhils of his Patta; but as he failed to do so, the Durbar could not help interference. Before however effecting the actual settlement with the Bhils the Durbar had asked him to be present. This also he did not do as required.

3. On the whole the reduction in the rate of land revenue effected in the settlement does not appear to be heavy in view of the rates obtaining in 1907.

4. In these circumstances his application is rejected.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State.

EXHIBIT 77.

CASE No. 6.

No. 2332 OF 1887.

In reply to his letter No. 47 dated the 20th August 1887 received through the Idar Durbar, the Bhumia Chief of Taka Tuka is informed that after the boundary of Siladri and Torda was laid down by arbitration in 1871 his father appealed to the Agency on the ground that the arbitrators had been intimidated. The Agency then was in charge of Idar and for that reason and that only the appeal was entertained in the Agency Court. *The Idar State enjoys jurisdiction in such disputes between its own subjects* and eventually in 1885 the Dewan decided the appeal. Against this more than two years afterwards an appeal is now made and on totally different grounds. Under the circumstances and looking at the length of time which has elapsed since the decision was passed the Agency must decline to interfere in the matter, and if he is advised to do so, and is not barred by time, the Bhumia Chief of Taka Tuka should appeal to the Hazur Court of Idar against the Dewan's order.

(Signed) W. SCOTT, COLONEL,
Acting Political Agent, Mahi Kantha.

SADRA, 25th October, '87.

Through

His Highness the Maharaja of Idar.

EXHIBIT 78.

No. 5938 OF 1903.

MAHI KANTHA POLITICAL AGENT'S CAMP,

DATED *the 12th December 1903.*

PETITION FROM THAKOR NAHARSINGHJI OF PAHALA AND TAKA TUKA A NON-JURISDICTIONAL BHOOMIA UNDER THE IDAR STATE DATED AUGUST 1900. RECEIVED WITH ENDORSEMENT No. 193 DATED THE 14TH OCTOBER FROM THE MAHARAJA KUMAR OF IDAR.

REPLY OF THE POLITICAL AGENT, MAHI KANTHA.

The Thakor's petition is full of irrelevant matter but divested of that it is practically an appeal against an order of His Highness the Maharaja of Idar dated the 28th June last which deals with certain administrative reforms introduced by His Highness and with the objections which had been raised to them by some of the Bhayats, Bhumias and Pattawats of the State.

2. His Highness the Maharaja has found it necessary to take the whole administration of the Customs revenue and collection into his own hands abolishing once and for all duties levied internally on the passage of merchandise from one part of the State to another and compensating those of his subordinate nobles who have hitherto collected Customs dues on the basis of ten years' average collections.

3. His Highness has also found it necessary to take the management of all liquor stills in the estates of his subordinate nobles under his own control to be managed along with the Abkari of the rest of the State. In making this arrangement however His Highness has undertaken to compensate all his Bhayat and Bhoomia Sirdars to which latter class the petitioner belongs on the basis of ten years' average collections.

4. These are the two principal matters dealt with in His Highness' order. With regard to the other matters dealt with :—

The order regarding grazing fees is a modification of previous orders, designed, while conserving the rights of the State, to protect the Sardars and Bhumias in the enjoyment of their right. It is difficult to see what objection can be raised to it.

The Order with regard to the farm of dry bones is no new matter because the late Maharaja claimed the right; and as His Highness the present Maharaja's order leaves it open to any subordinate Jaghirdar who believes himself to be entitled to the Hak to prove his right there does not appear to be any injustice in it.

The other matters dealt with in His Highness' order are Stamps, Registration Certificates of Heirship, and the stamping of weights and measures. These are all matters pertaining to the jurisdiction of the State and it may be noted that the petitioner exercises no jurisdiction whatever either civil or criminal, but even with regard to these His Highness has made certain important concessions designed to protect the privileges and revenue rights of his subordinate land-holders of whom the petitioner is one.

5. The order of His Highness against which the petitioner protests is an order dealing with matters of internal administration with which His Highness has the fullest power to deal and regarding which there is no such thing as an appeal to the Agency. There is nothing whatever in the status of the petitioner differing from that of other Bhumias of the Idar State or precluding His Highness the Maharaja from dealing with such matters as these in such manner as to him may appear necessary. The Political Agent must therefore decline to advise His Highness in the manner desired by the petitioner.

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6. The petitioner in his application has used the words "Taluka and Raj" in referring to his Jaghir, these are terms which he has no right to use, he is a Bhoomia of the Idar State, nothing more. It is probable that the expressions have been used by him by the pleader who drafted the petition but his attention is drawn to them and he should not use them again. The Political Agent regrets to notice the terms in which the petitioner refers to his ruler, His Highness the Maharaja of Idar, but this also is probably due to the draftsman rather than the petitioner and the Political Agent trusts that it is sufficient to draw the petitioner's attention to it.

(Signed) P. S. V. FITZ GERALD,
Political Agent, Mahi Kantha.

True Copy.

(Signed) J. K. PANDYE,
Dewan, Idar State.

EXHIBIT 79.

No. 3036 OF 1904.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 20th July, 1904.

MEMO :—

With reference to his petition to the address of the Right Honourable the Governor in Council dated the 11th of April last but received by the Political Agent on the 6th of May the Thakor of Pahala and Taka Tuka is under instructions from Government informed as follows :—

Government have upheld the position that His Highness the Maharaja has full powers to adjudicate in the matter of the dispute raised by the Thakor as to his status and have accordingly in their order of the 8th February 1904 the purport of which was communicated to the Thakor under this office No. 648 dated 13th Idem rejected his petition dated December 1903. Unless therefore the Thakor was able to show that the orders of His Highness the Maharaja contravene any rights especially guaranteed to him or otherwise recognized by Government, interference on the part of the Governor in Council would be out of the question.

The subject-matters in dispute in the papers under consideration relate to :—

- (1) Customs revenue,
- (2) Abkari management,
- (3) Grazing fees,
- (4) Dry bones farm,
- (5) Stamps, registration, etc.,

and the grounds of the Thakor's present representation are that the orders of His Highness the Maharaja ignore the Treaty of 1812 and the rights of the petitioner thereunder. In that Treaty, however, there is obviously nothing to sustain the position taken up by the petitioner and his petition is accordingly rejected.

(Signed) P. S. V. FITZ GERALD,
Political Agent, Mahi Kantha.

Through
The Idar Darbar.

True Copy.

(Signed) J. K. PANDYE,
Dewan, Idar State.

EXHIBIT 80.

No. 5771 OF 1905.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 6th December 1905.

MEMO :—

With reference to his memorial dated the 24th July last addressed to His Majesty's Secretary of State for India, the Thakor of Pahala Taka Tuka is informed under the orders of Government that Government have withheld, under Section II Rule 7 (3) of the Foreign Department Memorial Rules, his memorial in which he appealed against the orders of Government in the matter of certain administrative reforms introduced by His Highness the Maharaja of Idar.

(Signed) G. O. B. O'DONNELL, Lt-COLONEL,
Political Agent, Mahi Kantha.

Through
The Idar Darbar.

True Copy.

(Signed) J. K. PANDYE,
Dewan, Idar State.

EXHIBIT 81.

No. 4656 OF 1906.

MAHI KANTHA POLITICAL AGENCY,
DATED SADRA, 15 September 1906.

MEMO :—

With reference to his petition dated the 7th March 1906 to His Excellency the Right Honourable the Governor and President in Council praying for reconsideration of the orders of Government with-holding his memorial to the address of His Majesty's Secretary of State for India in the matter of certain administrative reforms introduced by His Highness the Maharaja of Idar, the Thakor of Pahala Taka Tuka a subordinate Jagirdar of the Idar State is informed that Government decline to reconsider the orders already passed which are final.

(Signed) G. B. O'DONNELL, Lt.-COLONEL,
Political Agent, Mahi Kantha.

Through
The Maharaja Kumar of Idar with reference to his No. 27 dated the 30th May 1906, with a request to communicate the date of the delivery of this communication.

True Copy.

(Signed) J. K. PANDYE,
Dewan, Idar State.

EXHIBIT 82.

No. A. D. M.—348.

SADRA, 12th March, 1923.

MEMO :—

With reference to his petition dated the 18th January last regarding the resumption by the Idar Durbar of his share in the villages of Ubsal and Padar, the levy of the succession *Nazarana* and the removal of attachment over the village of Takatuka, Rathod Khushalsinghji of Pahada Taka Tuka, is informed that the Political Agent, Mahi Kantha, sees no reason to interfere.

(Signed) A. H. E. MOSSE, MAJOR,
Political Agent, Mahi Kantha.

Through

High Highness the Maharaja of Idar, for favour of reporting the date of delivery of this memo to the addressee.

EXHIBIT 83.

No. A. D. M.—350.

SADRA, 14th November, 1923.

MEMO :—

With reference to his petition No. 21 dated the 25th August 1923, regarding resumption by the Idar State of his share in the villages of Ubsal and Padar, Rathod Khushalsinghji of Pahada Taka Tuka is informed that the undersigned sees no reason to alter or modify the orders already passed in this office Memo No. A.D.M. 350, dated the 12th March, 1923. He is further informed that it is quite useless to go on submitting representations on matters on which orders have been passed by more than one Political Agent. Such petitions in future will not be attended but will simply be filed in this office.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State.

EXHIBIT 84.

No. A. D. M.—381.

SADRA, 14th November, 1923.

MEMO :—

With reference to his petition No. 20, dated the 25th August 1923, requesting to address him as Thakore instead of as Rathod in the communications addressed to him by the Agency, Rathod Khushalsinghji of Pahada Taka Tuka is informed that *he cannot be addressed as Thakore* since he is addressed as Rathod by the Idar State of which he is a *subordinate* Pattawat.

(Signed) A. H. E. MOSSE, LT.-COLONEL,
Political Agent, Mahi Kantha.

Through

The Maharaja Kumar, Idar State.

INDORE STATE.

The estate of Hirapur, comprising one village with an area of 6 square miles, was in 1820 granted by Maharaja Holkar in lease on progressive rent, as the village was uncultivated (Aitchison, Vol. IV. p. 367). The condition of the tenure was that the lessee was to discharge his duties and remain thankful to the Holkar State. The lessee also receives some tankas (annual cash payments) from the State for the performance of police duties in the Mahal (administrative District) Aitchison, Vol. IV. p. 364.

Both these grants bear the signature of Sir John Malcolm who after the Pindari war and the Treaty of Mandsore was employed to settle Central India. In this settlement the *status quo* of January 1818 was taken as the basis on which any feudatories of Holkar were confirmed in their rights and possessions. As its grants bear the signature of Sir John Malcolm, Hirapur is consequently considered as a guaranteed holding.

In these grants there is no mention that the Maharaja Holkar parted with any of his suzerain rights over Hirapur.

It is unnecessary here to dilate on the principles adopted by Sir John Malcolm in the settling of Malwa, but a short extract from his own account of those principles may be given. In his report on Malwa he says "where any circumstances call for the interference of the British Government and an engagement on guarantee is given, no departure from that is permitted. It is indeed by the maintenance of the impression that the signature and seal of a British Officer is, to whomsoever granted, the completest of all securities for his rights, privileges or possessions, that our power over the multiplicity of States and Chiefships depends; and it is, above all others, a point upon which we can never with safety admit the slightest evasion, much less deviation."

In 1818 the Indore State, hitherto independent, lost certain of its rights, but in respect to such grants as Hirapur not only did Indore not lose its rights, but it received the pledge of the British Government for their maintenance intact.

Among its various provisions the Treaty of Mandsore a Treaty of Amity and peace,

(1) stipulates that "the British Government will at all times extend the same protection to the territories of His Highness Maharaja Malhar Rao Holkar as its own."

(2) declares that "the British Government has no manner of concern with any of the Maharaja's children, relations, dependants, subjects, or servants with respect to whom the Maharaja is absolute" and

(3) provides that "in order to maintain the relations of amity and peace hereby established it is agreed that an accredited Minister from the British Government shall reside with the Maharaja."

In their dealings with such Jagirdars (Estate holders) as those of Hirapur and Lalgarh or such a tankedar as Tonk the above-mentioned treaty stipulations were lost sight of by the British authorities. The Indore State in consequence has grievances to-day.

To quote some instances :—

(1) Without the knowledge or consent of Maharaja Holkar a Political Officer issued a certificate to the Tankedar of Tonk stating that he was the holder of a Tanka from the Indore State and that has sufficed to make it guaranteed.

(2) On page 6 of Aitchison, Vol. IV. some rules are published regarding succession as binding in the case of guaranteed holders, but Maharaja Holkar was not consulted about them.

(3) In succession to guaranteed holdings the Holkar State has sometimes been consulted and sometimes not at the will of the Political officers.

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(4) For some years past the Political Officers have begun to exercise jurisdiction in Hirapur (Minister's letter No. 2455 dated 27th July, 1907, Exhibit 1) Lalgarh (Minister's letters Nos. 214 dated 4th April, 1891, 589 dated 9th July, 1898, and 612 dated 15th February, 1908, Exhibits II (a) II (b) II (c) to the exclusion of the Indore State without, however, any cession by the latter of its inherent right in this behalf, although at the same time they allowed (or allow) the State to exercise jurisdiction in Bhatkheri (Manasa) and Kheri (Mhow) which are also guaranteed estates.

Parenthetically it may be observed that in the case of guaranteed holdings under Dhar, a neighbouring State, but smaller than Indore, the Political Officers do not exercise jurisdiction themselves, but leave the State to do so.

(5) Hirapur and Lalgarh are allowed by the British Government to enjoy Kalali (liquor) rights despite the objection of the Indore State, although these rights were denied to the Indore State in the case of its (Jagir) village of Datwara in the Barwani State, on the ground that "Such rights throughout Central India in Maratha, Mohammedan, and Rajput States belong exclusively to the suzerain" and that in the case of Rewa these rights were re-established (for Rewa as suzerain), with much difficulty "against the powerful and almost Independent Jagirdars of that territory" (C.I.A. letter No. 160 dated the 12th January, 1887, Exhibit III).

These instances (they can be multiplied if necessary) are infractions of the Treaty rights of the State. These instances are also opposed to declarations made by the British authorities, *e.g.* :—in the case of Kheri the Agent to the Governor-General assured the Indore State that the British guarantee "merely extended to the perpetual lease of the village and its existence does not confer on the Bhumia any further privileges." He added "the Darbar are therefore justified in exercising such direct interference in the village as is customary in the Istramurari tenures" (Indore Resident's letter No. 5411/159-01, dated the 20th October, 1908, Exhibit IV).

The Indore State complains that presuming on their guarantees such guaranteed holders as have been referred to above entirely ignore their position. They neglect the duty of paying homage to the Ruler when they come to Indore. In the matter of the surrender of Darbar criminals they demand *prima facie* evidence as if they were independent States and did not derive any powers they exercise from their suzerain the Indore Darbar. They exercise jurisdiction which has never been given them either by their Sanads or by the Indore Darbar.

In the matter of guaranteed *tankas* some of the *Tankadars* consider it beneath their dignity to receive these payments from a district State treasury though their deeds of grants enjoin them to do so.

The Political officers keep the State strictly to its engagements and the State does not object to that, but what it does object to is that those same officers do not require the guaranteed holders to discharge the duties obligatory on them.

The Gwalior State had exactly the same trouble with its guaranteed holders. It fought its case with the Government of India and after many years regained its lost rights. Why is not a similar justice allowed to the Indore State whose case is admitted to be a true parallel?

NOTE.

The reply given by the Hirapur Superintendent in Exhibit I and the appendices referred to in Exhibit II (a) are not attached they have been called for from Indore.

EXHIBIT 1.

COPY OF A D.O. LETTER No. 2455, DATED THE 27TH JULY, 1907, FROM THE MINISTER TO H.H. THE MAHARAJA HOLKAR TO THE RESIDENT AT INDORE.

I beg to enclose a copy of the Note put up by the Judicial Member with regard to the obstruction of the Superintendent of Hirapur in the arrest of criminals within Hirapur Jagir by the State Police, and a copy with translation of the reply given by the Hirapur Superintendent. The status of this Thakur is explained in my letter No. 3110, dated 15th September, 1906, and is fully known to you.

I am sure on seeing the reply of the Superintendent No. 77, dated 31st March, 1907, particularly the portion marked in red, you will be kind enough to address the Political Agent, Bhopal, with a view to warn the Superintendent for future and acquaint him with the disrespect towards Indore Darbar which the tone and words of his reply convey.

EXHIBIT 2a.

COPY OF LETTER No. 214, DATED THE 4TH APRIL, 1891, FROM THE MINISTER TO HIS HIGHNESS THE MAHARAJA HOLKAR, G.C.S.I., INDORE. TO THE FIRST ASSISTANT AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, INDORE.

I am directed by His Highness the Maharaja Holkar to make a representation on the question of jurisdiction in the estate of the Thakur of Lalgarh, in regard to which Mr. Henry in your office letter No. 2461 of the 21st of June, 1888, was so good as to say that he was prepared to give a careful and attentive consideration.

2. The question at issue is whether or not the Inam and Jahagir villages of the Thakur are independent of the Darbar's jurisdiction in Civil and Criminal matters. The solution of the question depends, in a great measure, on the nature and language of the Sanad given by the Darbar and guaranteed by the British Government. A translation of the Sanad will be found in Volume III of Aitchison's Collections of Treaties, Sanads, etc., at pages 520 and 521. It contains no stipulation excluding the Darbar's right to interfere in the internal affairs of the Thakur's estate. The fact of the significant absence of such stipulation in the Sanad is a characteristic feature of his relations with the Durbar being those of a Second Class mediatized Thakur, i.e., of dependence and subordination (Aitchison's Treaties, etc., Volume III, page 398).

3. Notwithstanding the subordinate and dependent status of the Thakur, he has of late years been assuming a degree of independence to which he is obviously not entitled by the terms of his Sanad. His assumption of independence is not only opposed to the terms of the Sanad in question, but is, as will be seen further on, also opposed to the Durbar's long practice of exercising Civil and Criminal jurisdiction over his villages, a practice the validity and justice of which have been admitted from time to time, not only by the Thakur himself but by the British Government as well.

4. In the Tabular Statement (Appendix A) cases Nos. 1 to 17, with the exception of the case No. 8, are all instances which prove that the Durbar officers tried and punished the offenders who had committed offences in his villages.

5. In case No. 17/1881 the Thakur had sent the offenders to the Agency authorities at Agar, who forwarded them on to the Durbar officers at Mehidpore for trial. In case No. 7/1861 the Thakur himself forwarded the offenders to the Durbar officers for trial; and in case No. 4/1855 the Thakur gave information to the Durbar officers of the commission of an offence in his village, and carried out the orders issued by them to send witnesses, etc. (*vide* Appendix D). In case No. 7 the Thakur sent the offenders to the Durbar officers with a letter (Appendix E). Appendix F is an order passed by Sir R. Hamilton, Resident, Indore, on a report of the Indore Durbar complaining and making certain suggestions regarding

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the Thakur's omission to submit to the Durbar weekly statements of crimes committed in his villages. This order authorizes the Durbar in express words to engage a clerk on behalf of the Thakur for the purpose of preparing and submitting to the Durbar such statements.

6. In the year 1847 the Durbar passed an order No. 19, dated 18th July, to cause some stray cattle found in the Thakur's village to be sold by auction unless the owner presented himself and claimed them (Appendix G). Again, in 1860 a stray pony found at Lalgad was sold by auction by the Durbar officers at Mehidpore (Appendix H). In 1859 a woman the wife of one Modya Bhangi, inhabitant of Lalgad, was found dead at Lalgad; on inquiry held on the spot by the Durbar officers, it was found that she had committed suicide. The officers reported the case to the Durbar who ordered (*vide* Appendix I).

7. Cases Nos. 18 to 26, both inclusive, referred to in the Appendix statement A are evidence to prove that the Durbar exercised Civil jurisdiction also over the Thakur's villages. In case No. 191/1854 the Thakur was himself the defendant in the suit pending in the Court at Mehidpore, and he satisfied the claim of the plaintiff (Appendix J).

8. The documents (Appendices K, L) are letters from the Political Agent to the Durbar vakeel, recommending for Durbar's permission being obtained to authorize the Thakur to keep a Ghadi (an Indian measure of time) and stating that the Thakur was subordinate to the Durbar. The privilege of keeping a Ghadi is, it may be remarked here, a relic of antiquity, and the fact that the Thakur had asked for the Durbar's permission through the Political Agent for its enjoyment is a clear admission of his dependent status.

9. Appendix M is a letter from the Thakur to the Ameen of Mehidpore, dated Ashadh, *vide* 12th Samvat, 1922, corresponding with A.D. 1867, in which he intended to present horses to His Highness the Maharaja in recognition of the Feudal superiority of the State.

10. There is an entry in the State accounts made on the 24th April, 1849, showing a sum of Rs. 450/- credited on account of Nazrana paid by the Thakur to His Highness the Maharaja on the occasion of adopting a son (Appendix N). It may be observed here that the 9th clause of the rules governing the policy of the British Government towards the mediatized Chiefs, and published at pages 398, 399 and 400 of Volume III of Aitchison's Works, recognizes only such Nazranas as are paid by the mediatized Chiefs on the occasion of adoption and the terms of whose guaranteed Sandas do not expressly exclude interference of their Feudal superiors.

11. It will be evident from all the instances above referred to that the position of independence now claimed by the Thakur of Lalgad bringing into question the Durbar's right of interference in Civil and Criminal matters is altogether inconsistent:—

First—With the terms of the Sanad;

Second—With the long practice of the Durbar;

Third—With his own acts, conduct and declarations amounting to admissions of the legality of the practice; and

Fourth—With the policy of the British Government pursued and endorsed on various occasions clearly recognizing the Thakur's tenure to be subject to the interference, in matters Civil and Criminal, on the part of the Indore Darbar.

12. Should, however, the Thakur succeed in securing a verdict declaring his tenure completely independent of the Durbar's interference, the Durbar would not only be deprived of an important political right hitherto continued, preserved and upheld by the Paramount British Power, but a precedent would be established governing many other future cases of mediatized Thakurs who have not yet thought of questioning the Durbar's right of exercising jurisdiction over their similarly guaranteed tenures. The interference on the part of the British Government,

soon after the establishment in Central India in 1818 A.D. "was," says General Sir John Malcolm, Volume II, page 214, "limited to matters affecting the public peace and that we were determined not to attend to anything relative to the internal administration of justice or revenue in the territories of our allies and dependants."

13. For all these reasons I am directed by His Highness the Maharaja to request that you will be so good as to continue undisturbed the right of the Indore Durbar to exercise Civil and Criminal jurisdiction in the Inam and Istmurar villages of the Thakur of Lalgad.

EXHIBIT 2b.

COPY OF A LETTER No. 589, DATED THE 9TH JULY, 1898, FROM THE MINISTER TO HIS HIGHNESS THE MAHARAJA HOLKAR, INDORE, TO THE FIRST ASSISTANT TO THE AGENT TO THE GOVERNOR-GENERAL FOR CENTRAL INDIA, INDORE.

1. I have the honour to acknowledge the receipt of your letter No. 4657, dated the 2nd July, 1898, on the subject of the exercise of Civil and Criminal jurisdiction in the guaranteed estate of Lalgadh.

2. It has been held that the Indore Durbar have failed to establish any claim either of right or prescription to jurisdiction Civil or Criminal in the estate of the Dewan of Lalgadh. I beg to think differently and would invite special attention of the Agent Governor General to paragraphs 2, 4, 5, 6, 7 and 11 of my predecessor's letter No. 214, dated the 4th April, 1891, which would appear to have received no adequate consideration.

3. As against paragraph 3 of your letter under acknowledgment, in which it is said that the Political Agent in Western Malwa has cited a series of cases extending over more than twenty years which show that the superior jurisdiction has been exercised by him, I would point out that the cases cited of jurisdiction exercised by the Durbar are spread over a period of 50 years from 1831 to 1883 and include cases sent on by the Political Agent in Western Malwa himself, one so late as 1881, and by the Thakur direct, which is clear evidence of absence of any practice or trial of cases by the Political Agent or the Thakur and an emphatic admission of the Civil and criminal jurisdiction in Lalgadh being *de facto* and *de jure* vested in the Durbar.

4. The paucity of cases cited by the Durbar would also appear to have told against the case. I may in this connection observe that it was never meant to make the list of cases exhaustive, nor was such a list possible, the old records being not all available. The cases adduced are, however, I hold sufficient to show that the Durbar exercised the jurisdiction with the full countenance of Sir Robert Hamilton and the Political Agent in Western Malwa in cases of all degrees of importance, from petty thefts up to murder (to try which last the Durbar's title was acknowledged by Sir R. Hamilton) and cases in which the Thakur himself was involved.

5. Unless expressly mentioned in the Sanad no grant of Jagir, etc., carries with it the special prerogatives of sovereignty in respect thereto. Civil and Criminal jurisdiction is reserved and rarely if ever parted to the grantee. The Sanad granted to the Dewan is silent on the point and rights that were not relinquished could not properly be acquired by the Dewan. If he has exercised jurisdiction in some cases the burden lies on him of showing that the jurisdiction was rightfully exercised under a grant of the Durbar and not arrogated by him. As against his claim stands out the stubborn fact that jurisdiction in matters Civil and Criminal has for half a century been exercised by the Durbar in offences of all descriptions, petty and heinous, the Dewan himself having been amenable to the Durbar courts, with the full knowledge of the local representatives of the British Government. Thus right and prescription are both on the side of the Durbar and do not justify an adverse decision.

6. It may be observed that a British guarantee extends only to the terms of the Sanad and cannot confer any superior rights beyond it. A decision against the Durbar in the present case will have the effect of upsetting all Durbar grants and tend to undermine their rightful authority, as the precedent which will be thereby created

is sure to invite from other Thakurs claims similar to the Lalgarh Dewan's. In this connection I may also refer to the Bhatkhedi jurisdiction case and submit that inasmuch as the decision in the present case sweeps away all vestige of jurisdiction on the part of the Durbar, it is opposed to the known views of the Government of India regarding the exercise of jurisdiction in guaranteed estates.

7. With this representation I have the honour to express the hope that the Agent to the Governor General will be so kind as to reconsider his decision and make an award absolutely in favour of the Indore Durbar which the merits of the case demand.

EXHIBIT 2c.

COPY OF A LETTER No. 612, DATED THE 15TH FEBRUARY, 1909, FROM THE MINISTER, INDORE STATE, TO THE RESIDENT AT INDORE.

With reference to paragraph 5 of your letter No. 65/253-05 dated the 5th January, 1909, I have the honour to address you officially in regard to the Survey and settlement of the villages named Manpur and Nag-guradia held by the Dewan of Lalgarh on Ijara-Istamurar tenure from the Indore State.

2. I am enclosing herewith for favour of your perusal and consideration copies with their translation of the lease granted to the Dewan Salam Singh by His Highness Maharaja Malhar Rao Holkar on 16th Zilkad 1220 A.H. and of Kabulayat executed in Samvat 1876, by Diwan Salam Singh agreeing to take over the two villages on Ijara-Istamurar tenure. The translation of the lease or Sanad printed in the Aitchison Treaties as No. CLXXXVII, on page 398, is not however accurate—a fact reported in my letter No. 2470, dated 14th July, 1906, and agreed to by Mr. Bosanquet at the time when he compared the Edition himself with the original documents. The other document—Kaboolayat—which is a counterpart of the lease is, however, not printed in this book at all. These documents will clearly show that the villages are State villages and that the Dewan of Lalgarh has been granted, at his request, only the right of permanent lease. Thus these villages are on Ijara-Istamurar tenure exactly on the same status of Bhadana and Bakhtooni which are with the Thakur of Bhatkheri. In my letter No. 1817, dated 29th May, 1906, I have already explained that there are two kinds of Ijaras in this State. Common Ijara is a simple lease for a certain time under certain conditions while Istamurar-Ijara is a lease with a right to continue from one Jamabandi to another so long as the Istamurar-Ijardar (or as it is sometimes called simply Istamurardar) does not fail to pay the Tauji (or the sum fixed by the settlement in force) in time and does not depart from the conditions laid down in the Patta or Lease.

3. The above two documents show that the villages were given in Samvat year 1876. In Samvat year 1920-21 the Survey of the Mehidpur District was made when these villages of Lalgarh Estate were also surveyed as will appear from the enclosed copy of Goshwara of the Survey and Settlement of Mehidpur Mahal. In this Goshwara the area of Nagguraria is given to be Bighas 3967 and Biswas 17½ and of Manpur Bighas 1446 and Biswas 9½. In A.D. 1880 one Godad Singh of Lalgarh applied to His Highness for restoration of certain land to him granted by the Dewan in the village of Lalgadh as Inam. Thereupon His Highness ordered, on 27th September, 1880, that as the village was given on Istamurar tenure the Thakur of Lalgadh should be informed that he had no right to sell, mortgage or grant in Inam any part of the land comprised in the village. A copy and translation of the order No. 17, dated 23rd April, 1881 issued by the Durbar to the Subha of Mehidpur in this respect, are also enclosed. All these documents will convince you that the Durbar have right to survey and settle the villages granted by them, on Ijara-Istamurar. It is necessary for the Durbar to know their present assessment to determine the amount of Tauji which may be demanded from the Thakur from the date of the present settlement of the State. All Ijara-Istamurardars are required to pay the Jama or assessment that will be fixed by the Jamabandi in force for the time being and for this it is of course necessary to survey and settle the villages without which the present amount of settlement cannot be known.

The order of Colonel Newmarch, Political Agent in Malwa, dated 27th June, 1908, to the Dewan of Lalgarh is therefore correct. The Durbar trusts that the Resident at Gwalior, under whose political control the estate is at present, will be kind enough to give effect to the above-mentioned order of Political Agent, Malwa. When the time for demanding an increased Ijara-Jaja comes the Durbar will of course put forward their demand through the Political authorities. The Survey and Settlement will, it is hoped, end in a profit to the Estate. In case the present Settlement shows that Ijara-Jama paid by the Estate is more than what it ought to be, the Durbar will be glad to reduce it. Further, the State has already agreed not to charge the Estate with the cost of survey and settlement operations. The Dewan Saheb should not, therefore, object to the proposal, and if he still insists, it is for the Resident at Gwalior now to order him to waive his objections and to let Survey and Settlement be made. From enclosures marked A to E it will be found that the Thakurait is not independent.

EXHIBIT 3.

COPY OF A LETTER No. 160, DATED THE 12TH JANUARY, 1887, FROM THE FIRST ASSISTANT TO THE AGENT TO THE GOVERNOR-GENERAL FOR CENTRAL INDIA, TO THE MINISTER TO HIS HIGHNESS THE MAHARAJA HOLKAR.

I am directed, in reply to the communications noted in the margin, to say that the Agent to the Governor-General has read your predecessor's letters on the Excise collection at Datwara, and especially that of the 15th October, 1886, No. 633, with astonishment; and considers that the claims therein set forth are unjustifiable and in direct conflict with the orders of the Supreme Government, which have been fully communicated to the Indore Darbar. In that letter, the later Minister asserts the "hitherto undisputed sovereign rights in the Durbar village of Datwara" when he must have been fully aware of the orders passed by His Excellency the Viceroy in July, 1868, which were to the effect that for the future there should be no misunderstanding as to the respective rights of the Rana of Barwani and His Highness the Maharaja Holkar: the Rana being the suzerain and entitled to the same marks of sovereignty as he has hitherto received from us for the Estate: the Maharaja being the Jagirdar, and, as such, subject through his agents in charge to the General authority of the Barwani Government in the same way as other jagirdars of that State.

No. 433 of the 19th July, 1886. No. 533 of the 26th August, 1886. No. 663 of the 15th October, 1886.

The Agent to the Governor General accordingly again places on record that in Datwara His Highness the Maharaja Holkar is the Jagirdar of Barwani, and that the sovereign rights claimed by your predecessor in his letter of the 15th October, 1886, have no existence in fact. This being the status, the Agent to the Governor-General cannot allow any Kalali or Excise rights to the Indore Darbar in Datwara; such rights throughout Central India, in Mahrata, Muhamadan, and Rajput States belong exclusively to the suzerain. It is true that they are usurped where the suzerain is weak and the Jagirdar strong. Such has been the case in the Rewa State, where the Agent to the Governor General has, with much difficulty, reasserted the right of the Maharaja to excise revenue against the powerful and almost independent jagirdars of that territory.

The Indore Darbar would find it very inconvenient if, on the precedent of Datwara, all its jagirdars were to assert excise rights as against itself. Apart from the question of suzerain right or prescription, it is most inconvenient on police and revenue grounds, that the Indore Darbar should be permitted to interfere with the excise collections, or open drinking shops in an isolated village in foreign territory, and, although the Barwani Darbar should have obtained sanction of this office before altering the existing arrangement, the Agent to the Governor General is unable to interfere with an action which he considers to be within the rights of the suzerain, and in accord with due financial and police arrangements. Nor is the Agent to the Governor General disposed to allow long prescription or custom any weight in the fact of the extravagant claim to sovereign rights so improperly revived by the Indore Darbar.

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EXHIBIT 4.

COPY OF A LETTER No. 5411/159-01, DATED THE 28TH OCTOBER, 1908,
FROM THE RESIDENT AT INDORE, TO THE MINISTER, INDORE
STATE.

I have the honour to refer to your letter No. 3846 dated the 12th September, 1908, regarding the complaint of the Bhumia of Jamnia against the action of the Indore State officials in the village of Kheri.

2. The Political Agent in Bhopawar, holding the village should be considered as guaranteed and that the interference of the State officials was unwarranted, referred the case to the Hon'ble the Agent to the Governor General, whose remarks on it I am now desired to communicate to you.

Colonel Daly is of opinion that the view taken by the Indore Darbar in describing the Bhumia's holding as an unguaranteed Istmurari tenure cannot be considered correct. I am asked to remind you that the Government of India interfered to secure the perpetuity of the lease to the Bhumia. At the same time this interference, which constitutes the guarantee, merely extended to the perpetual lease of the village and its existence does not confer on the Bhumia any further privileges. The Darbar are therefore justified in exercising such direct interference in the village as is customary in the case Istmurari tenures.

3. In the present case it seems to the Agent to the Governor-General possible that the local subordinate officials of the Darbar may have shown an undue lack of consideration for the Bhumia's position. In this connection he expresses a hope that the Darbar will in future deal with such cases in a sympathetic and liberal spirit keeping in view the dignity of their Istmurardars.

JAORA STATE.

Introductory

Jaora State is situated in Malwa and is one of the seven Treaty States in Central India (Aitchison Treaties, Vol. IV. 1909, page 373). The State was guaranteed to Nawab Abdul Ghafur Khan by Article 12 of the Treaty of Mandsaur (Aitchison Treaties, Vol. IV, 1909, page 199).

Like most Malwa States this State has also under it several guaranteed Estates, the tenure of whose holdings varies according to the terms of their leases or Sanads granted to them by the rulers of the State.

Now, the rights of these petty Thikanadars have always been a subject of controversy between the State and the Political authorities, and have given rise to much troublesome correspondence which, as will appear from the instances given, has almost invariably ended in the humiliation of the Jaora Darbar.

It has been observed in the introductory paragraphs of Aitchison's Treaties, Vol. IV. 1909, page 1, that "the multiplicity of petty chiefs, and the peculiarity of the tenures on which they hold their States, founded as they are on the measures adopted for the pacification of the country after the Pindari War, necessitate on the part of the British Government in Central India and Malwa, more interference in the affairs of the Chiefs than it is usual or expedient to exercise in the States of Rajputana."

The least that can be said in this connection is that the degree of interference exercised by the Political Officers perhaps in pursuance of this policy—in settling various disputes between the guaranteed Thakurs and the Jaora Darbar, has exceeded all reasonable bounds.

The instances given by this State go to establish that the result of the concern shown by the authorities has been, that while these Thakurs have been allowed undeserved privileges, the Darbar's rights as their sovereign have not been respected to the extent required by the conditions of the grants as laid down in the Sanads.

About the year 1908, the Central India Agency pointed out to the different States that their Excise Administration was not efficient and uniform, and recommended that it be modelled on the Madras system of Excise Administration.

In compliance with this suggestion the Jaora Darbar in 1909 drew up a scheme of reforms in their Excise Organisation which was sent to the Political Agent for advice, together with a draft Notification containing the contemplated changes.

The Political Agent suggested that an enquiry in respect of the Abkari rights of the guaranteed Thikanas was necessary. This enquiry was instituted and the Thakurs were asked by the Darbar to produce their Sanads if they claimed those rights.

The Thakurs of Sirsi and Kherwasa sent in their original sanads which were legible, but that of Borekhera was too worn out and mutilated to help the enquiry.

The two Sanads (those of Sirsi and Kerwasa) were examined. They were bi-lingual sanads (Persian and Hindi) which contained the words "Wa Kalali" ("and Abkari Rights") interpolated in the Hindi version only, while the Persian version contained no mention of it. And what was more suspicious was the fact that the words above mentioned occurred between the lines of the Hindi script.

The matter was then referred to the Political Agent (Colonel L. S. Newmarch) by the Minister of Jaora, *vide* letter No. 273 of 1909, dated 15th April, 1909) with the remark that in view of the extremely suspicious character of the Sanad, the Thakurs could not be held entitled to any compensation.

The Political Agent in his reply (*vide* letter No. 1570/105-09 dated the 20th April, 1909) agreed with the above view, and observed, "I also consider that the Thakurs of Sirsi and Kerwasa have no prescriptive rights, because the prescription (if any) is in violation of their Sanads and is evidently based on a forgery." In the same letter it was stated that the two remaining Thakurs of Borekhera and Sadakheri should be allowed to prove prescription if they could do so, because they could not be said to have been guilty of any forgery.

The Political Agent's order regarding the resumption of Kalali rights of Sirsi and Kerwasa, was issued by the Darbar. But in connection with the rights of the Thakurs of Borekhera and Sadakheri the Darbar addressed their letter No. 397, dated the 28th May, 1909, to the Political Agent, who sent a reply No. 2392/205-9 dated the 31st May, 1909, saying that "these Thakurs (Borekhera and Sadakheri) have not and do not deserve any Abkari rights." The Political Agent in the same letter directed the Darbar to inform the Thakurs regarding his opinion in this matter and his directions were carried out.

The matter was thus set at rest, and there was no appeal by the Thakurs from this decision of the Political Agent (Colonel Newmarch).

The question was however revived in 1912 by the succeeding Political Agent (Mr. W. E. Jardine) who in his letter No. 508 of 1912 dated the 30th of January, 1912, asked the Darbar for a copy of the original "Qabuliyat" (deed of acceptance) executed by the Thakur of Sirsi, for comparison with a copy of the same document which, he said, he had discovered in the Agency Records.

The copy was furnished under cover of the Darbar letter No. 251 dated 23rd March, 1912, in which a request was made that the Darbar be informed of the ultimate object with which the Qabuliyat had been sent for.

The Political Agent did not see his way to furnish this information, but by his letter No. 322/C of 1912, dated the 31st March, 1912, asked the Darbar to show him on his visit to Jaora the remaining Qabuliyats of the three Thakurs.

The Qabuliyats were shown to the Political Agent on his visit to Jaora, and on returning to Headquarters he sent to the Darbar a lengthy communication No. 1709/105-9, dated 7th May, 1912, in which without explaining the circumstances that led to the search for the certified copy of the Sirsi Qabuliat, and the consequent reopening of the question, he asked the Darbar to formulate proposals regarding compensation for the acceptance of the four Thakurs.

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Exhibit 1.

Exhibit 2.

Exhibit 3.

Exhibit 4.

Exhibit 5.

Exhibit 6.

Exhibit 7.

Exhibit 8.

Exhibit 9.

Exhibit 10.

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Exhibit 12.

The Darbar, in their reply No. 827 dated 11th September, 1912, said that the case of the four Thakurs had been finally decided by Colonel L. S. Newmarch in 1909, and that it need not be reopened as that decision had been conveyed to the Thakurs already and was binding on them.

But the matter did not rest here. Mr. Jardine was succeeded by Colonel Macdonald as Political Agent in Malwa. The latter, while on a visit to Jaora, broached the subject of the Thakurs' Kalali rights again. His Highness the Nawab gave his reasons for not recognising the claims of the Thakurs, but agreed to consider their case on the ground of prescription. [In the case of prescriptive right compensation was on a different and lower basis than in the case of a granted right.]

Exhibit 13.

This state of affairs lasted up to 1916 when, the then Political Agent (Colonel Luard) by his No. 458/C/229-12 dated 18th May, 1916, informed the Darbar that the Agent to the Governor-General (Mr. Bosanquet) "considered that it is impossible to contest the Darbar's view that the Persian text was the authoritative version. Consequently in the absence of any further proof the Thakurs can found no title to Excise rights on these Sanads." But he (the Agent to the Governor-General) also decided that on the ground of *prescription*, the Thakurs should be given "full compensation for life."

Exhibit 14.

This decision of the A.G.G. was conveyed to the Darbar by the Political Agency letter No. 458/C/229-12 dated the 18th May, 1916, and to the Thakurs by the Political Agency letter No. 246/47/229-12 dated 12th August, 1916.

Exhibit 15.

The matter seemed once again to have been finally decided, but only a few days later the Political Agent by his letter No. 563 dated 1st June, 1916, intimated to the Darbar that the Honourable the Agent to the Governor-General (Mr. Bosanquet) would be glad if the compensation could be granted "in perpetuity" instead of "for life" (*i.e.*, on the basis of compensation applicable in cases where there was a grant of Abkari rights).

This language was naturally treated by the Darbar as amounting to a suggestion, or at the most to a request, but some time later it was found to have imported a command, for in his letter No. 652/C dated 14th September, 1917, the Political Agent informed the Darbar that the Honourable the A.G.G. desired that compensation "in perpetuity" should be granted on the average income of the last ten years without any reduction.

Exhibit 17.

His Highness in his reply No. 161 dated 16th February, 1918, remarked that though the A.G.G. was distinctly of opinion that the Darbar should grant the compensation in perpetuity on the average of ten years without any reduction, "I may be permitted to remark that this act of favour is more than the Thakurs deserve, etc."

Exhibit 18.

No reply was received to this letter, and the natural presumption was that the matter was closed; but about two years later the Political Agent (Colonel Macpherson) by his letter No. 813 dated 12th February, 1920, informed the Darbar that "as a result of the examination of the case in the Central India Agency it has been found that in 1876, the Jaora Darbar themselves produced copies of the Sirsi Sanad and Qabuliyat in which the words 'Wa Kalali' appear (in the line) in the Hindi version of the Sanad and the Qabuliyat, which indicates that the Darbar threw no doubt on the authenticity of those words then. . . . If the facts are as stated above it seems that the Jaora Darbar cannot now go behind their own admission and say that the words "wa Kalali" were a fraudulent interpolation on the part of the Thakur or his ancestors. The Thakur is undoubtedly entitled to claim the right not only on the ground of prescription but also on the basis of his Sanads, etc., etc."

This view of the Political Agent was directly opposed to the opinion of the Agent to the Governor-General in 1916, and the matter was referred to the then A.G.G. (Sir Denys Blackeway) who informed in reply that the Honourable Mr. Bosanquet had, subsequent to his decision of 1916, changed his decision and expressed the opinion that the Thakurs' claims were *midway between Sanad provision and prescription*.

On this basis, the case was decided by the A.G.G. and the decision was conveyed to the Darbar under Malwa Political Agency letter No. 1793/229/12 dated 25th June, 1924, holding that the four Thakurs were entitled to get compensation from the date of the introduction of the Madras system in 1909.

Against this decision the Darbar sent a representation (dated the 30th October, 1925) to the Government of India, wherein the following points were urged :—

- (1) That the Sanads of these Thakurs did not make any provision for Abkari rights.
- (2) That the existence of the words " wa Kalali " in the Hindi version of the Bilingual Sanads was a dishonest and unauthorised interpolation.
- (3) That the Persian text was the reliable one because Persian had always been the court language at Jaora.
- (4) That the words " wa Kalali " did not occur in the translation of the Sadakheri Sanad in " Aitchison's Treaties, Vol. IV. of 1909."
- (5) That there was no mention of Abkari rights in the contemporary Sanads of Khojankhera, Shujaota, Tal Sidri and Bilaud, although these estates possessed equal or bigger status, than the Rathor Thakur.
- (6) That the question was taken up as a sequel to the discovery in the Agency Records of the copy of a Qabuliyat of 1839, signed in 1842 by Colonel Sandys, which had the words " wa Kalali " in the text.
- (7) That the existence of the words " wa Kalali " in the *Qabuliyat* did not possess any evidential value for the existence of the same words in the *Sanads* on the elementary principles of evidence, and that the principal document was the Sanad (grant) and not the *Qabuliyat* (acceptance).
- (8) That the *Qabuliyat* was not established to have been supplied by the State.
- (9) That this being a matter between the suzerain and his feudatories, the Political authorities were not competent to reopen the question on their own motion.
- (10) That the matter had been considered and decided thrice before, and that it should not have been reopened once again.

But in spite of all these arguments, the Government of India upheld the decision adverse to the Darbar, namely to award compensation to these Thakurs the Agency letter says that this decision was reached on *the basis of prescription* (*vide* Political Agency letter No. 5571/515/25 dated 3rd September, 1926).

Exhibit 20

In this connection, it may be interesting to quote a sentence from a letter of Colonel Newmarch, who was Jaora's Political Officer.

It runs :—

" I cannot agree with you that the continuance of a practice for 72 years sanctifies that practice unless the practice itself is conformable with justice." Yet the Government of India has sanctified a prescription which they themselves suspect to be based on the violation of the conditions of the Sanads.

The most important points that emerge from the foregoing narrative are :—

- (1) Whether it is within the competence of the Political Authorities to interfere and with such persistence in matters which pertain to the relations between the ruler and his feudatories.
- (2) Whether the fact of " guarantee " (whose only ostensible purpose was to secure to the feudatories the continued enjoyment of their granted rights) confers upon the guarantor the authority to adjudicate upon every dispute between the guaranteed feudatories and their suzerain.
- (3) Whether it is not extremely objectionable that there should be no limit to the number of times that a question can be taken up and decided afresh by the Political authorities.

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This matter seems to depend more on the vagaries of the individual officers than on any set rules with any sanction behind them or on recognised principles of constitutional procedure.

The various phases of the above case establish beyond doubt that under the present state of affairs there can be no sense of political security, nor is there any certainty as to the permanence of the decisions given by the Political Officers, who seem to be guided only by their individual predilections.

EXHIBIT 1.

EXCISE ORGANIZATION IN THE JAORA STATE.

The present Abkari contract in the Jaora State was sold to a contractor for three years commencing from the 1st June, 1907. As the Jagirdars and Istimurardars have started their own distilleries and shops in their villages and granted licences to other contractors, the State contractors suffer heavily through illicit smuggling and retarded sale.

It is an admitted fact that the presence of island villages or interlaced territory owned by other States impedes the progress of Excise reform. The principle *mutatis mutandis* applies therefore to State which has island Jagir villages within its jurisdiction, and to a Darbar which aims at strict control of Excise Revenue, the effectiveness of its arrangements is in danger of being impaired if there is not control over the Jagir areas.

Enquiry shows that the present State contractor maintains 82 shops for sale of liquor in different villages of the State while the Jagirdars own 17 shops in Jagir villages (guaranteed and non-guaranteed). Now one of the causes of present large number of liquor shops is the existence of such shops in Jagir villages, in consequence of which the Darbar maintains more shops than otherwise would be necessary in the surrounding Khalsa villages, to guard against the Jagir shop attracting more than its legitimate traffic.

Of the Jagir shops 8 are opened in guaranteed villages, namely :—

Uperwara, Khojankhera, Rewas (Borekhera), Sadakheri, Sirsi, Kerwasa, and Bilaud, and the remaining nine unguaranteed villages :—

Lohari, Shampura, Niman, Nagdi, Alampur Thikria, Bankiheri, Pahera, Amba and Mandawal.

Now the points to be determined are :—

(a) What privileges, if any, are enjoyed by the Jagirdars.

(b) The basis of the Jagirdars' right and whether they are admitted or not by the Darbar.

In order to arrive at this solution it would be better to classify the Jagir villages as under :—

(a) Those enjoying under express grant.

(b) Those enjoying under prescription.

(c) Those in which Excise rights belong to the State and are not exercised by the Jagirdar.

As to (a) if it be found that the Jagirdars' claim to Abkari right is tenable under the stipulation contained in the Sanad it will have to be considered how compensation should be calculated. It has been suggested that the loss might be redeemed by taking an average annual income to be calculated from 10 years' receipts. Another way of looking at the matter might be to give the Jagir a share of the actual revenue of the excise circle in which his village merges, in the proportion that the population of his village bears to the population of the circle.

Regarding cases coming under (b) it is an undisputed fact that Abkari rights are and must be regarded as sovereign rights inalienable save by special grant. A mere possession of a sovereign right like Kalali can in the absence of special stipulation to the contrary not be held to create a claim against the sovereign State.

In a case in Indore, *i.e.*, that of the Bhumia of Nimkhera who claimed Abkari in his Jagir and Tankha villages on the grounds of long enjoyments the claim was rejected on the argument that a usage wrongfully established (*e.g.* Kalali lag of a bottle of wine, etc.) is not valid and cannot create right. This view was in that case endorsed by the Political Agent in Bhopawar in the following orders :—

“ I have to admit the force of your arguments and of the correctness of your conclusion that Abkari cannot be considered as alienated by the Darbar in the absence of any special stipulation to the contrary.”

It may not be out of place to mention here that the Indore Darbar as Jagirdar of Mauza Datwara under the Barwani State had been in enjoyment of Abkari rights therein for 100 years till 1886, but the right was discontinued by the Barwani Darbar. The Indore Darbar pushed their claim before the Government of India on the ground of long possession, but it was rejected in the following terms :—

“ The Agent to the Governor General cannot allow any Kalali or Excise rights to the Indore Darbar in Datwara. Such rights throughout Central India in Maharatta, Mohomedan and Rajputana States belong exclusively to the suzerain. It is true that they usurped, where the suzerain is weak and the Jagirdar is strong. Such has been the case in the Rewa State, where the Agent to the Governor General has with much difficulty reasserted the rights of the Maharaja to excise revenue against the powerful and almost independent Jagirdars of that territory.”

It is evident from the above quotation that the Government of India regard Abkari rights as exclusively suzerain, which in their opinion cannot be effected by prescription or long custom. Thus, where Excise rights are not acquired except by specific grant and where prescription only can be pleaded in support of the enjoyment of a privilege resumption follows as of right without any claims for compensation arising.

The decision on the point will be general in application in dealing with claims to Abkari in Jagir villages that may hereafter be laid, where the claims are based on long enjoyment and not supported by express grant in the Sanad.

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 2.

DRAFT NOTIFICATION.

It has been brought to light that in the Jagir and Istimurar villages of the Jaora State the Jagirdars and Istimurardars have granted Abkari contracts separately to petty contractors and have permitted them to open shops in those areas. Whereas this procedure is detrimental to the Abkari revenue of the Jaora State and acts in disregard of all the recognized methods of Abkari administration, and whereas the Jagirdars are not entitled to the exercise of Abkari rights in their villages, which for purposes of administration of excise cannot be treated as separate entities, it is hereby ordered as follows :—

1. The following 17 shops situated in the guaranteed and non-guaranteed villages shall be closed with effect from the 1st April, 1909 :—

(a) *Guaranteed.* Uperwara, Khojankhera, Borekhera, Rewas (Borekhera) Sadakheri, Sirsi, Kerwasa and Bilaud.

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(b) *Unguaranteed.* Lahori, Shampura, Niman, Nagdi, Alampur, Thikria, Banikheri, Pahera, Amba and Mandawal.

2. The Abkari contract of the above 17 villages shall be leased to the State Abkari contractor with effect from the 1st April, 1909, under the rules and in accordance with the procedure laid down, in respect of other villages held by him.

3. The persons already holding the contract of the 17 villages specified in clause 1, shall not be held justified to make any claims against the Thikanas, or the Darbar or any one else, in the matter of their agreement of lease, after their contracts are rescinded.

4. The Thikana, which enjoys Abkari rights from the Darbar as of right, or has claim to such rights on the strength of any Sanad or order, shall be at liberty to refer the case to the Darbar, and if the right asserted by it be proved and established to the satisfaction of the Darbar, due compensation shall be granted.

Such compensation shall be calculated by applying to the population of the Jagir village, the incidence of Excise Revenue prevailing in the surrounding area of the Darbar villages.

True copy.

(Signed)

For Chief Secretary.

EXHIBIT 3.

COPY OF LETTER No. 878/105-9, DATED THE 13TH MARCH, 1909, from THE POLITICAL AGENT IN MALWA, NEEMUCH, TO THE MINISTER OF JAORA.

Note on Excise
Organization and a
Draft Notification.

I have the honour to return herewith the papers marginally noted regarding Excise organization in the Jaora State which you were good enough to give me at Jaora.

2. I am unable to accept all the arguments put forward by you, but I will confine my remarks to the guaranteed estates specified by you, and I agree with you that they may properly be divided into the following two classes :—

(a) Those enjoying Abkari rights under a Sanad or other express grant.

(b) Those enjoying such rights by prescription.

3. I agree that the entire organization and administration of Excise should be in the hands of the Darbar, but in that case I think the Jagirdars now enjoying Abkari rights are entitled to compensation, and I propose that compensation should be calculated in the following manner :—

In case (a) their annual average income should be calculated on the receipts of the past ten years, and, if they have enjoyed Abkari rights for 60 years, they should be given the amount of that average income annually for the life of the present Jagirdar ; if they have enjoyed Abkari rights for 50 years they should be given 80 per cent. of the aforesaid average annually for the life of the present Jagirdar ; if the prescription has been for 40 years they should be given 60 per cent. of the aforesaid average ; if the prescription has been for 30 years they should be given 50 per cent. of the aforesaid average annually for the life of the present Jagirdar.

Prescription for less than 30 years may be disregarded.

In any doubtful case, the Jagirdar should be given the benefit of the doubt.

4. If the change is carried out in this way, the Darbar will gain the control of the Excise Administration, will gradually increase its excise revenue, and the loss to the Jagirdars, though it is sure to be keenly felt, will be softened.

5. Due regard should be paid to existing contracts and they should be allowed to run to their natural termination, unless the contractors willingly accept compensation, which should be paid by the Darbar and not by the Jagirdar.

6. As the State contract will end on the 1st June, 1910, that will probably be the most convenient date from which to introduce the new system, and this will give time to investigate any claims that may arise after notice of the proposed change has been given.

7. If you agree with these views, such notice should be given without delay, and might be limited to a demand on the Jagirdars to produce Sanads in support of their Abkari rights or evidence in support of their enjoyment for thirty years, or longer.

True copy.

(Signed)

For Chief Secretary.

EXHIBIT 4.

LETTER No. 273, DATED THE 15TH APRIL, 1909, FROM THE MINISTER, JAORA DARBAR, TO THE POLITICAL AGENT IN MALWA.

I have the honour to acknowledge the receipt of your vernacular communication No. 475, dated the 31st March, 1909, with which was forwarded a petition dated the 28th March, 1909, from Thakur Kishore Singh of Borekhera, regarding Abkari rights of that estate.

2. As you are undoubtedly aware, the question of excise organization of the Jaora State is under the consideration of the Darbar, and on receipt of instructions conveyed in your letter No. 878, dated the 13th March, 1909, the Darbar commenced the preliminary enquiries in the matter, limiting themselves to a "demand on the Jagirdars to produce Sanads in support of their Abkari rights or evidence in support of their enjoyment" for whatever the period they could state.

3. In reply to the above Darbar order issued on the 14th March, 1909, the Thakurs of Sirsi, Borekhera and Kerwasa have produced Sanads,* granted by the Darbar in 1839, in support of the enjoyment of Abkari rights by them.

The Thakurs of Sirsi and Kerwasa sent in *original* Sanads which were legible, but the Thakur of Borekhera's Sanad was too worn out and rotten to help the enquiry.

4. I should like to mention here that the Thakurs of Sirsi, Borekhera, Kerwasa and Sadakheri were granted Sanads of alike expressions by the Darbar in 1839 at a time when Nawab-Ghous Mohammad Khan was a minor and the State was placed under the superintendence of Colonel Borthwick.

The original Sanads produced by Sirsi and Kerwasa show that in the Persian written portion of the Sanad the words "Kalali" do not appear, while in the Hindi counterpart of the same which appears below the above text the words "wo (and) kalali" are found to exist. These were clearly inserted or added there subsequent to the grant of the Sanad, as these letters exhibit pen and ink different from the rest of the Sanad.

5. The suspicion of forging the above document in respect of these words grows stronger when we find no such words in the Aitchison's Treaties on page 417 in the translation of the Sanad granted to Sadakheri (precisely similar to which are the Sanads of the Thakurs of Sirsi, Borekhera and Kerwasa, *vide* page 367), and it would be absurd to believe that the Aitchison's Treaties which reproduces the Sadakheri Sanad omitted "kalali" from it.

*Dated 24th Safar 1246 Faali—11th Jeth Bidi St. 1896.

A (a) v.

6. Here I may invite your attention to a similar attempt on the part of the Jagirdar of Amba to forge the document purporting to have been issued from the office of Sir R. Hamilton. The matter was reported to the Honourable the Agent to the Governor General in 1902, and the Honourable Mr. Bayley decided to confiscate the Sanad. (*Vide* your letter No. 3692, dated the 9th December, 1902.)

7. The Darbar are quite prepared to act in accordance with the orders contained in the third paragraph of your letter No. 878, dated the 13th March, 1909, but I believe that in face of the facts now brought to light, these Thakurs cannot be held to be entitled worthy of receiving any concessions, and the mildest form of punishment that should be granted to them would be to resume the Abkari rights without awarding any compensation.

8. In conclusion, I would only request you to send for the original Sanads from these Thakurs and decide it for yourself in the light of my foregoing remarks whether the documents are forged or not. The Darbar is not in a position to say whether the words above alluded to were added by the present Thakurs or by their predecessors or by any one else, but the fact remains that the addition has been made after the grant of the original Sanads.

The Darbar will await with interest your orders of the present case which will be readily acted upon.

True copy.

(Signed)

, Superintendent.

Chief Secretary's Office.

EXHIBIT 5.

LETTER No. 1570/105-09, DATED THE 20TH APRIL, 1909, FROM COLONEL NEWMARCH, POLITICAL AGENT IN MALWA, TO THE MINISTER OF JAORA.

I have the honour to reply to your letter No. 273, dated the 15th April, 1909, regarding the alleged Kalali rights of the Thakurs of Sirsi, Borekhera, Kerwasa and Sadakheri.

2. I accept your opinion that none of these Thakurs has any claim to Kalali rights based on their Sanads.

3. I also consider that the Thakurs of Sirsi and Kerwasa have no prescriptive rights, because the prescription (if any) is in violation of their Sanads and is evidently based on a forgery.

4. The Thakurs of Borekhera and Sadakheri should be allowed to prove prescription if they can, because it does not appear that they have been guilty of forgery, and it is quite possible that they have been tacitly allowed by the Darbar to exercise such rights, although their Sanads contain no mention of Kalali.

5. The result of my opinion is that the Darbar is entitled to at once resume all Kalali rights in Sirsi and Kerwasa without giving any compensation to these Estates.

6. The cases of Borekhera and Sadakheri I will leave to your further enquiry; and I hope you will kindly inform me of the result of that enquiry, so that I may co-operate with you in the final orders that may be passed on the subject.

True copy.

(Signed)

Superintendent, Chief Secretary's Office.

EXHIBIT 6.

COPY OF LETTER No. 397, DATED THE 28TH MAY, 1909, FROM THE MINISTER JAORA STATE, TO THE POLITICAL AGENT IN MALWA NEEMUCH.

I have the honour to refer to the correspondence ending with your letter No. 1570, dated the 20th April, 1909, regarding Kalali rights in certain guaranteed villages in the Jaora State.

2. According to your orders, the necessary instructions in regard to Sirsi and Kerwasa have been issued.

It has been brought to my notice that the Thakur of Kerwasa has adopted a defiant attitude in carrying out the above orders. However, you will be addressed hereafter if the difficulty is not easily overcome by the Darbar.

3. As desired by you, the cases of Borekhera and Sadakheri were fully enquired into by me personally, with the following result :—

(a) The original Sanad produced for inspection on behalf of Sadakheri contains no expression or word for Kalali in the Persian characters, while the words "wo Kalali" (and Kalali) appear in the Hindi counterpart of the same, not in continuation—in one line, but over it. The case is exactly parallel to those of Sirsi and Kerwasa, explained in my letter No. 273, dated the 15th April, 1909, and I have not the least doubt that the words "wo Kalali" have clearly been inserted there after the grant of the Sanad.

I would, therefore, request that the orders contained in paragraph 5 of your letter under acknowledgment, be held applicable also to the case of Sadakheri.

(b) On behalf of Borekhera, the original Sanad and an attested copy of the Political Agency Malwa were produced. The original Sanad was too rotten and worn out and illegible. The attested copy certified to be a true copy by the Political Agent's office, on being examined, was found to contain the words "wo Kalali" in the Hindi portion of the Sanad, although the same did not appear in the Persian counterpart of the same.

The three Sanads of Sirsi, Kerwasa and Sadakheri contain "wo Kalali" in the Hindi characters, *not* in continuation of the line but above it, and if the original Sanad of Borekhera had been legible, the words would, in all probability, have been found to have been inserted exactly in the same position, but the certified copy shows them in one line, as if the words "wo Kalali" were part and parcel of the original text.

On a perusal of the footnote given on page 367 of the Aitchison's Treaties, you will find that Sirsi, Borekhera and Kerwasa were granted Sanads similar to the one granted to Sadakheri. As explained above, the original Sanad of Sadakheri does not contain the words Kalali; it is, therefore, unnatural to suppose that the document of Borekhera would contain wordings different from those in the Sadakheri Sanad.

Now, had the Aitchison's Treaties or the original Sanad of Sadakheri announcing the similarity to it of Borekhera, been lost or consigned to oblivion, everybody would have been bound accept the attested copy of the Political Agent's office, as not only a true and genuine representation of the original, but authoritative at the same time, entitling the holder to the enjoyment of Abkari rights for ever.

The act of this Thikana, therefore, is deserving of more severe treatment than what you have ordered in paragraph 5 of your letter under acknowledgment for Sirsi and Kerwasa, because it has been guilty not only of forging the original Sanad, but also of attempting to involve a Political Agent's office by obtaining a testified copy of the forged document.

EXHIBIT 7.

LETTER No. 2392/105-09, DATED THE 31ST MAY, 1909, FROM COLONEL NEWMARCH, POLITICAL AGENT IN MALWA, TO THE MINISTER OF JAORA.

In reply to your letter No. 397, dated the 26th May, 1909, regarding the Abkari claims of Borekhera and Sadakheri, I have the honour to say that in my opinion these Thikanas have not and do not deserve any Abkari rights.

2. It cannot be discovered who forged the Sanads on which their claims are based, and I am of opinion that it will be sufficient punishment for that forgery to deprive these Thikanas of any compensation to which they might otherwise be entitled.

3. These Thikanas should be informed of my opinions by you, and if any one of them shows any recalcitrance you had better consult me before taking any punitive action.

4. At the same time, those persons who may be deputed by the Darbar to give effect to these orders should be instructed to act with deliberation and moderation, so as not to put themselves in the wrong by any violent action.

EXHIBIT 8.

LETTER No. 508, DATED THE 30TH JANUARY, 1912, FROM MR. W. E. JARDINE, POLITICAL AGENT IN MALWA, TO THE CHIEF SECRETARY, JAORA DARBAR.

I require the Hindi "Kabuliat" in original, dated about 1820 A.D., executed by the Thakur of Sirsi in respect of his Jagir villages in order to compare it with a copy of it which I have discovered among the old vernacular records of this Agency, and shall be glad if with His Highness' permission you will kindly send it to me urgently either by post registered, or by the hand of some trustworthy person.

True copy.

EXHIBIT 9.

COPY OF LETTER No. 251, DATED THE 23RD MARCH, 1912, FROM THE CHIEF SECRETARY TO HIS HIGHNESS THE NAWAB SAHIB BAHADUR OF JAORA, TO THE POLITICAL AGENT IN MALWA, NEEMUCH.

I have the honour to forward in original the Kabuliat executed by the Thakur of Sirsi in the year 1246 Fasli asked for in your letter No. 929, dated the 21ST February, 1912.

Your letter under reference does not give the purpose for which the Kabuliat has been called for.

If the Kabuliat is sent for to make enquiries in any matter affecting the interests of the Darbar or the Abkari rights, the Darbar hope to be favoured with the arguments in the case adduced before you by the Thakur, so that along with the contention of the Darbar, you may be in a position to fully take the matter into consideration.

2. I beg also to enquire who has produced the copy of the Kabuliat now traced in your office, in what connection and when.

True copy.

(Signed)

For Chief Secretary.

EXHIBIT 10.

COPY OF LETTER No. 222/C, DATED THE 31ST MARCH, 1912, FROM THE POLITICAL AGENT IN MALWA, CAMP DEWAS, TO THE CHIEF SECRETARY TQ.H.H. THE NAWAB OF JAORA.

I was very glad to get your letter No. 251, dated the 23rd March, 1912, and the Kabuliats (Sirsi) enclosed therewith, which I now return.

2. Would you kindly arrange to have all the four Kabuliats concerned produced at my next visit to Jaora.

3. I for my part am arranging that the four Thakurs concerned should produce their Pattas at the same time.

4. Thanks to His Highness' courtesy, it should now be possible to exonerate at least the present generation of Thakurs from all concern with the insertion of the word "Kalali."

5. Let us hope that it will be possible to acquit their ancestors too of all idea of fraud in that connection.

True copy.

(Signed)

For Chief Secretary.

EXHIBIT 11.

LETTER No. 1609/105-9, DATED THE 7TH MAY, 1912, FROM MR. JARDINE, POLITICAL AGENT IN MALWA, TO THE CHIEF SECRETARY, JAORA DARBAR.

Please refer to my letter No. 929, dated the 21st February, 1912, on subject of the Kalali rights of the Guaranteed Thakurs named in the margin.

Sirai, Borekhra
Sadakheri and
Ke-wasa.

2. I was led to ask you to have all the 4 Kabuliats produced at my next visit to Jaora by the discovery in the Agency records of a copy certified by Colonel Sandys dated the 10th October, 1842, of the Kabuliats relating to Sirsi. This copy included the word "Wo Kalali" in the body of the text, not above the line, and in such a position that it is clear that they had not been interpolated after the copy had been made. It practically follows that the interpolation of the words in the original Sirsi Kabuliats at any rate must have been made some time prior to 1842, and it may be assumed with some confidence that the interpolation of these words in the other three Kabuliats and in all the four Pattas was also made before that date.

3. This being the case it is clear that the present Thakurs cannot be suspected of forgery, and that the Darbar really owe them an apology for having cast suspicion on their honour. Indeed I may further argue that the fact of the interpolations having been made, in more or less the same handwriting, in all the Pattas and Kabuliats prior to 1842, i.e., when the agreements were less than three years old, at a time when the question of Kalali rights had not assumed importance and were of little intrinsic value, is *prima facie* evidence that the former generation of Thakurs was equally innocent of any such offence. And in this connection you must bear in mind that to accuse that generation of having combined to fraudulently insert the words "wa kalali" is to accuse the Darbar Office of the day (and possibly the Agency Office too) of complicity in a regular conspiracy, for the words "Wa Kalali" could not have been inserted in the four Kabuliats recently produced from the Darbar custody without the connivance of Darbar officials. There may have been such a conspiracy but it will be extremely hard to prove it, and the presumption is one of innocence till guilt is proved.

A (a) v.

4. Nor must the omission of the Darbar to produce these Kabuliats before Colonel Newmarch be altogether lost sight of. I can well believe that the omission was due to ignorance of their existence. I only mention it to show that if the Darbar make innuendoes which they cannot prove it may be possible for the other side to make some too. Personally on both sides I should prefer that the most generous interpretation should be applied to the transactions of persons who are no longer alive to speak up for themselves—*de mortuis nil nisi bonum* is a well known piece of worldly wisdom—and that interpretation is this that when the agreement was executed or soon after it the four Rathor Thakurs met and noticed the omission from the list of their privileges of the right of Kalali, represented the matter to the Darbar and got the words "wa kalali" inserted with the Darbar's knowledge and approval both in the Hindi version of the Pattas and in the Kabuliats. This seems an irregular proceeding, I admit, but Kalali was not a matter of importance 70 years ago. The fact that the Kabuliat was only in Hindi suggests that the Hindi version was the principal version and the Persian counterpart in the Pattas a mere translation for the benefit of the Darbar. The translation in Aitchison's Treaties is from the Persian it seems, but that is apparently because it was made from the Pattas and the Persian came first.

5. Anyhow, whether the Darbar accepts that generous view of the matter or not, it is incontestably clear that these Thakurs laid claim to the Kalali of the basis of actual enjoyment as much as 70 years ago and that therefore they are entitled, on a prescriptive basis at least, to a much more generous scale of compensation than the Darbar has so far conceded to them. I trust that now His Highness will not only make the *amende honorable* indicated in the third paragraph of this letter but will also secure the wholehearted co-operation of these four Thakurs if the Darbar's efforts to improve the Excise administration of the State by giving them a direct pecuniary interest in its success.

6. I may add that elsewhere it has been thought that a fixed quota per head of the population of each Thikana calculated on the net profits from the consumption of the population of the State as a whole and revised every five or ten years would form a practical basis for compensation in such cases. It is better in some ways than a fixed sum, however high, in perpetuity, for the day may come when the consumption of intoxicants is generally abandoned, and profits fall, as they have done only recently in the case of opium.

7. Will you then favour me with such revised proposals as the Darbar see their way to formulating for the acceptance of the Thakurs in question? They are entitled to the good office of the Agency in this matter, which while supporting the Darbar's prerogative so far as the administration of the Excise is concerned, is constrained to support their claims to a fair share of the resultant profits. But it would be much more satisfactory to the Agency if the Darbar could themselves propose terms direct to the Thakurs which the Thakurs would accept with gratitude to His Highness, without the interposition of the Political Agent, and which when he heard of them the Political Agent could report to Central India Agency with nothing but praise for the generous and, I would add statesmanlike way in which His Highness has dealt with his feudatory Thakurs.

EXHIBIT 12.

COPY OF LETTER No. 827 DATED THE 11TH SEPTEMBER, 1912, FROM THE CHIEF SECRETARY, JAORA DARBAR, JAORA, TO THE POLITICAL AGENT IN MALWA, NEEMUCH.

With reference to your office letter No. 1609 15/9, dated the 7th May, 1912, and subsequent reminder dated the 17th July, 1912, I have the honour to refer you to letters No. 1570/105-9 dated the 20th April, 1909, and No. 2392/105-9 of 31st May, 1909, of your office and to submit that the Darbar are of opinion that the question

regarding the Abkari rights of the four Thakurs (Sirsi, Kerwasa, Borekhera and Sadakheri) is one already decided by Lieut.-Col. Newmarch and it need not therefore be reopened. The decision arrived at by Lieut.-Col. Newmarch ought to be made binding on the Thakurs.

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 13.

THE DECISION OF THE HONOURABLE MR. BOSANQUET AS CONTAINED
IN THE MALWA POLITICAL AGENCY LETTER No. 458/C/229-12,
DATED THE 18TH MAY, 1916, ADDRESSED TO THE CHIEF SECRETARY,
JAORA DARBAR.

In continuation of my D.O. letter No. 1721 dated the 13th May, 1916, to His Highness, I have the honour to state that the question of the Abkari rights to the Thakurs of Sirsi, Borekhera, Kerwasa and Sadakheri have been carefully considered by the Honourable the Agent to the Governor General.

2. It appears that at the general enquiry held by the Jaora Darbar in 1909 into the Excise rights of the Jagirdars these four Thakurs, who were then in enjoyment of such rights, produced as their title thereto, the Sanads which were granted to them in 1839, under the signature of Colonel Borthwick. These Sanads are in Persian and Hindi, and while the Persian text (of which a translation appears in Aitchison's Treaties, Vol. IV., page 460) contains no reference to excise, the words "wa Kalali" occur above the line in the second paragraph in the Hindi. The Darbar thereupon held, with Colonel Newmarch's approval, that the words in question were a fraudulent interpolation and consequently dismissed these Thakurs' claims *in toto*. Subsequently a copy was found in the Malwa Agency of a Kabuliat of 1842 relating to the Sirsi Sanad, certified to by Colonel Sandys, in which the words "wa Kalali" are embodied in the text. Mr. Jardine, therefore, reopened the question.

The Darbar, after considering new issue, ultimately decided that the Persian text was authoritative, that the custody of the State records in those days made an interpolation in the Hindi record possible, that the authenticity of such interpolation was unlikely, and that without proof of such authority and in absence of valid title past enjoyment could not be recognised.

3. On these facts the Honourable the Agent to the Governor General considers that it is impossible to contest the Darbar's view that the Persian text is the authoritative version. Consequently in the absence of any further proof the Thakurs can found no title to excise rights on these Sanads.

4. The prescriptive rights stand on a different footing, however, and on the facts appearing in the case the Honourable the Agent to the Governor General holds that they must have equal consideration with others similarly treated. Under that head he considers that according to the settlement of 1909 they would appear to be entitled to "full compensation" for life. That settlement the Honourable the Agent to the Governor General adds, is, however, far less liberal than that accorded by other Darbars, including Gwalior Dhar and Jhabua, to their guaranteed Thakurs

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EXHIBIT 14.

LETTER No. 246-47/229-12, of 1916, DATED THE 12TH AUGUST, 1916, FROM THE POLITICAL AGENT IN MALWA TO THE THAKURS OF SIRSI AND KERWASA.

The Jaora Darbar have represented to me that you are preventing their contractor from opening shops for the sale of opium and hemp drugs in your villages.

In this connection please refer to my No. 161-64, dated the 25th May, 1916, in which you have been informed of the Agent to the Governor General's decision, who has held that according to your Sanads you have no claim to Abkari rights, and the most you are entitled to is some compensation on account of prescription. This decision applies equally to opium and hemp drugs, and you should not therefore interfere with the State Contractor's action in opening shops for their sale in your villages.

EXHIBIT 15.

COPY OF DEMI-OFFICIAL LETTER No. 568-C DATED THE 1ST JUNE, 1916, FROM THE POLITICAL AGENT IN MALWA, TO HIS HIGHNESS THE NAWAB SAHIB BAHADUR OF JAORA.

Please see your D.O. 621 of 15/5/16.

Since then Mr. Bosanquet's orders have issued in the case and it is held that the Thakurs cannot justly claim more than the compensation for life offered. But I am to say that Mr. Bosanquet would be glad to see a more generous policy meted out to them, and this compensation, which while a small sum to the State is a large one to them, granted in perpetuity. The basis of the compensation which we have issued through such cases is a ten-year average.

My view is that it would be a good solution to grant rather less than this average in perpetuity rather than a larger sum for life only, or you could grant the large sum for life and say that on the next succession you would favourably consider any representation for the continuance of compensation. The first proposal is the best I think.

You will see Mr. Bosanquet's remarks in the end of the letter and you have Mr. Cox's letter 4212 sent with Colonel Macdonald's D/O 639-C of 1/12/13.

These Thakurs are rather hard hit by the new conversion rates, so a little concession to them would be generous.

True Copy.

(Signed)

Chief Secretary.

EXHIBIT 16.

COPY OF DEMI-OFFICIAL LETTER No. 652-C DATED THE 14TH DECEMBER, 1917, FROM THE POLITICAL AGENT IN MALWA, CAMP SITAMAU, TO HIS HIGHNESS THE NAWAB SAHIB BAHADUR OF JAORA.

Please refer to your Highness' letter No. 1019 of the 6th November, 1917, regarding proposals for the payment of compensation for resumption of Abkari rights to the Rathor Thakurs.

I referred the matter to the Excise Commissioner and told him your proposals and asked him whether they compared reasonably with similar cases in other States, and I am now in a position to reply to your letter.

In certain circumstances the Jaora Darbar's proposals might be more liberal than the ten years average for life. By paying each Jagirdar Rs. 70/- annually instead of 100/- the Darbar save and the feudatory loses Rs.30/- per annum, and with compound interest at 5 per cent. it would take about 25 years for the Darbar to save the Rs.1400/- the interest on which would provide for the payment of Rs.70/- per annum in perpetuity. Accordingly the present proposals would be less advantageous than the former one to any feudatory area whose present holder's "reasonable expectation of life" exceeded about 25 years—e.g., Uperwara (aged 7) or Borkhera (aged 9) but more advantageous where the "reasonable expectation of life" was less—e.g., Sirsi age 63).

But when Mr. Bosanquet discussed this matter with Your Highness I understand that he urged on you to deal liberally with the Thakurs, even on the purely business ground that it would pay the Darbar handsomely to secure the Thakurs' cordial co-operation by letting them have their full average revenue in *perpetuity*. The difference in money is important to them, but trivial to the Darbar not only in itself but also in comparison with the profits that the extra payment will bring in by securing for the Darbar, without friction or hindrance, the very large expansion of revenue that is bound to occur when the new system is working smoothly and efficiently.

This is how the matter now stands and I should point out that as it is due to the advice of the Agent to the Governor General and the Political Agent that the Jaora Darbar are now in a position to obtain the additional excise revenue, which will no doubt expand considerably in the future without additional cost to Darbar revenues, the best course would be to accept the opinion of the Agent to the Governor General in the present case and grant compensation in perpetuity based on the ten years average.

I should be glad if you would consider the matter carefully in the light of the above remarks and favour me with a reply in due course so that the matter may be finally disposed of.

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 17.

COPY OF DEMI-OFFICIAL LETTER No. 161 DATED THE 16TH FEBRUARY, 1914, FROM HIS HIGHNESS THE NAWAB SAHIB BAHADUR OF JAORA, TO THE POLITICAL AGENT IN MALWA, NEEMUCH.

Please refer to your demi-official letter No. 652-C dated the 14th December, 1917, regarding payment of compensation to Rathor Thakur.

When I proposed to pay compensation in perpetuity at 30 per cent. less than the average of ten years I thought I was dealing liberally with the Thakurs who have introduced forgery into their Sanads with a view to establishing a claim to Abkari rights.

Your predecessor Major Luard also in his demi-official letter No.568-C of 1st June, 1916, suggested that in his opinion "it would be a good solution to grant rather less than the average in perpetuity rather than a large sum for life only." You will thus see that he was also in favour of giving less than the average in case of grant in perpetuity. Your letter under reply tells me plainly that the Agent to the Governor General is distinctly of opinion that the Darbar should grant compensation in perpetuity based on the average of ten year without any reduction, but I may be

A (a) v.

permitted to remark that this act of favour is more than they deserve, specially when it is considered that their Sanads containing the words " wa Kalali " have been held by the Honourable the Agent to the Governor General to be fraudulent and therefore they have " no title to excise rights on these Sanads."

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 18.

COPY OF LETTER No. 813 DATED THE 12TH FEBRUARY, 1920, FROM THE POLITICAL AGENT IN MALWA, NEEMUCH, TO THE CHIEF SECRETARY, JAORA DARBAR, JAORA.

I have the honour to invite a reference to Colonel Luard's letter No. 458/C-229-12, dated the 18th May, 1916, regarding the grant of Abkari compensation to the four Rathor Thakurs of Sirsi, Kherwasa, Borekhera and Sadakheri.

Copy of the Paragraph attached.

2. As a result of the examination of the case in the Central India Agency it has been found that in 1876 the Jaora Darbar themselves produced copies of the Sirsi Sanad and Kabuliati in which the words " wah Kalali " appear (in the line) in the Hindi version of the Sanad and in the Kabuliati which indicates that the Darbar threw no doubt on the authenticity of those words then. Paragraph 6 of the then Political Agent; Colonel John Watson's letter No. 359 dated the 12th July, 1876, to the then Agent to the Governor General speaks of the Thakur by his Kabuliati " reserving to himself Tolai Kalali, Khunt Jhar Ber like other Istimrar holders of the Pargana, and there is reason to believe that this reservation was mentioned after comparison with the original Kabuliati and the Jaora themselves admitted these rights.

3. If the facts are as stated above, it seems that the Jaora Darbar cannot now go behind their own admission and say that the words " wah Kalali " were a fraudulent interpolation on the part of the Thakur or his ancestors and the Thakur is undoubtedly entitled to claim the right not only on the ground of prescription but also on the basis of his Sanad and should be accorded the same treatment as that accorded to those enjoying such a right under express grant.

4. I am accordingly desired to request that the Darbar will kindly consider this new point and let me know what they have to say with regard to it.

The favour of an early reply is requested.

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 19.

COPY OF LETTER No. 1793/229-12, PART II, DATED THE 25TH JUNE, 1924, FROM THE POLITICAL AGENT IN MALWA, CAMP MANPUR, TO THE CHIEF SECRETARY STATE COUNCIL, JAORA.

With reference to the correspondence ending with your letter No. 406 dated the 17th March, 1924, on the subject of compensation to be paid by the Jaora Darbar to certain Thakurs of the State in respect of the loss of their Abkari rights, I have the honour to state that the Honourable the Agent to the Governor General acknowledges with satisfaction the recent acceptance by His Highness the Nawab of the proposals regarding the Rathor Thakurs in all respects except as regards payment of arrears. The Honourable the Agent to the Governor General trusts, however, that His Highness will reconsider this latter point and the circumstances of these Thakurs may now again be briefly recapitulated.

The Rathor Thakurs based their claims to Abkari rights both on prescription and on the appearance of the words "wa Kalali" in the Hindi version of their Sanads. Up till 1916, however, it was held that this latter fact could not be regarded as amounting to Sanad provision, since the words were an interpolation above the line and moreover did not appear in the authoritative Persian version of the Sanad. Sir Oswald Bosanquet was, however, not able to accept the Darbar's inference that this interpolation amounted to forgery since the words "wa Kalali" occurred in a copy of the Sirsi Kabuliati certified by Colonel Sandys as long ago as 1842. But the position was entirely altered at the end of the year 1919 (*vide* this office letter No. 813 dated the 12th February, 1920) when it was discovered that the Jaora Darbar themselves had in 1876 produced copies of the Sirsi Sanad and Kabuliati in which the words "wa Kalali" appear not as an interpolation but in the body of the text. This was taken by Sir Oswald as a clear indication that the Darbar at that time threw no doubt on the authenticity of those words. My predecessor's letter, with which those copies were sent to the Central India Agency, speak of the Thakur of Sirsi as having reserved to himself by his Kabuliati "Kalali," Khunt, Jhar, Ber, like other Istimrar holders of the Parganah, and there is reason to believe that this reservation was mentioned after comparison with the original Kabuliati and that the Jaora Darbar themselves admitted these rights.

It was for this reason that Sir Oswald in a note dated the 5th December, 1919, expressed the opinion that the Excise rights of the Rathor Thakurs "stand midway between *Sanad* provision and prescription," and that the Darbar having themselves produced these papers in 1876 should be held to them now instead of going back on them in 1909. It will be clear from above that the letter, which was addressed to the Darbar under Colonel Beville's order in April, 1920, after personal discussion with His Highness, represented the altered views of Sir Oswald Bosanquet and definitely replaced those expressed by the latter in 1916.

No. 2806 dated
the 5th May, 1920.

The Honourable the Agent to the Governor General considers it necessary now to announce his formal decision that these Thakurs must be held to have been in possession of Kalali rights, and as His Highness, moreover, is willing to grant them compensation in perpetuity it is difficult to see how he can at the same time decline to make them back payments, for the period during which these have been withheld. They are clearly entitled to these payments, and the Honourable the Agent to the Governor General has no option but to support their claim to the arrears which have accumulated.

I am now directed to convey to His Highness the Nawab this decision, which disposes of the case of the Rathor Thakurs. The case of the two Solanki Thakurs, Uperwara and Khojankhera and the Mohammedan Jagirdar of Bilaud will be dealt with in a further communication.

True Copy.

(Signed)

For Chief Secretary.

EXHIBIT 20.

DECISION OF THE GOVERNMENT OF INDIA AS CONTAINED IN THE MALWA POLITICAL AGENCY LETTER No. 5571/515-25 DATED THE 3RD SEPTEMBER, 1926, ADDRESSED TO THE CHIEF SECRETARY, JAORA STATE.

SUBJECT.—Compensation payable by the Jaora Darbar to four Rathor Thakurs for the resumption of Excise rights in 1909.

With reference to the correspondence resting with your letter No. 1714, dated the 30th October, 1925, I have the honour to inform you that after careful consideration of the case the Government of India have come to the conclusion that there

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can be no doubt that the four Rathor Thakurs of Sirsi, Borkhera, Sadakheri and Kherwasa *have* prescriptive rights. If this had not been the case, the Jaora Darbar would never have agreed to any compensation, but would have been able to show from their records that excise receipts from the villages concerned had accrued to the State Treasury. Indeed the Darbar themselves have agreed to pay compensation, and the fact that they stipulated that arrears should not be paid further back than 1921 does not detract from the evidential value of their undertaking.

2. In view of the contradictory opinions expressed by the local political officers in the past, the Government of India direct that Thakurs should be awarded compensation only from 1916, on the basis of the formula suggested by the late Mr. Cox.

3. I shall be obliged if you will kindly communicate this decision of the Government of India to the Estate of Borkhera, which is under the management of the Darbar, and take steps at a very early date to pay to the Thakurs concerned the compensation that may be due.

JAORA STATE (No. 2).

Exhibit I.

In the case of Piploda (apart from documentary evidence of the most unimpeachable character) Jaora has a prescriptive right to exercise sovereign rights over Piploda, but this right has not been admitted by the Political officers. What is more, the memorial of appeal against this decision refusing to admit Jaora's right which the Darbar forwarded for presentation to the Secretary of State for India, was withheld on the ground that it was time-barred. (*Vide* Malwa Political Agency letter dated 17th June, 1927.)

The history of the case as narrated in the memorial (Exhibit 1) is briefly this :—

That

(1) Article 12 of the Treaty of Mandsaur of 6th January, 1818 (Appendix B to Exhibit 1), assigned the Peshkush (Tribute) of Piploda to Jaora Darbar.

(2) By an engagement dated the 16th September, 1820 A.D., mediated by Captain Borthwick between the Nawab of Jaora and the Thakur of Piploda (Appendix C to Exhibit 1) the Thakur of Piploda engaged

(a) to pay Tanka in the Jaora Cutchery.

(b) To furnish a security of a Sahookar for its payment. Half the collections from Sayer were also to be paid by the Thakur according to his (Qabuliyat) engagement.

3. By a Muchalka (security Bond) (Appendix D to Exhibit 1) executed by the Thakur at Sir C. Wade's instance, the Thakur undertook certain obligations as the consequence of his feudal status. This Muchalka was confirmed by Sir R. N. C. Hamilton with the following note :—

“The principle of the Muchalka (agreement) entered on the 17th January, 1844, should not be departed from.

“The Piploda Thakoor is a feudatory of Jowrah.”

In 1901 Piploda laid before the Government of India the following three claims :—

- (1) Abrogation of the Muchalka of 1844.
- (2) Non-attendance of the Piploda Vakil at Jaora Darbar (a feudal service), and
- (3) For fixing the amount of Sayer collections instead of their division into halves according to the engagement of 1820.

In 1905 the Government of India decided that the engagement of 1844 (i.e., the Muchalka) was binding (*vide* Aitchison, Vol. iv., page 393 edition, 1909); and upheld the right of the Jaora Darbar to demand the attendance of a Vakil from the Thakur.

The Muchalka of 1844 was thus held valid up to 1905, a period of 61 years.

Piploda submitted to this decision quietly until 1916, and continued to obey the Darbar, but subsequently the Thakur assumed a contumacious tone in correspondence, and the Darbar were obliged to make a representation in 1920 (*vide* paragraph III (1) of Exhibit 1) asking :—

(a) That the Thakur of Piploda be declared a feudatory of the Jaora Darbar.

(b) That the rate of exchange for Rs.28000/- (Salim Shahi) which were payable annually by the Thakur to the Jaora Darbar should be fixed at Rs.125/- (Salim Shahi), 100/- (British Coin).

(c) That the Thakur of Piploda do perform feudal service, such as attendance at the Birthday Darbar of His Highness the Nawab of Jaora.

This representation of 1920 was decided against the Darbar and the decision was conveyed to the Darbar in the Malwa Political Agency letter No. 155-56 dated the 10th January, 1924 (*vide* Appendix A to Exhibit 1), Piploda was held to be an independent mediatised chief, the Muchalka of 1844 which had been operative up to 1920, an unbroken period of 76 years, was declared null and void. The Political Agent explained that it was “beyond doubt that the execution of that document (Muchalka of 1844) was obtained by coercion. The Government of India were in no way committed by it, and have definitely dissociated themselves from it on more than one occasion.”

In connection with the point that the Government of India were not committed by the Muchalka (which, as mentioned above, was executed under the authority and signature of Sir C. Wade and was also confirmed by Sir R. N. C. Hamilton) it may be instructive to quote Sir John Malcolm who, in his report on Malwa, says, “Where any circumstances call for the interference of the British Government, and an engagement or guarantee is given, no departure from that is permitted. It is indeed by the maintenance of the impression that the signature and seal of a British Officer is, to whomsoever granted, the completest of all securities for his rights, privileges or possessions, that our power over the multiplicity of States and chiefships depends, and it is, above all others, a point upon which we can never with safety admit the slightest evasion, much less deviation.” (Aitchison, Vol. IV., 1909, page 5.)

However, against the decision of 1924, the Jaora Darbar submitted a memorial of appeal to the Secretary of State for India.

Exhibit 1

It was withheld by Government of India with the observation by Malwa Political Agency letter No. 4106 dated the 17th June, 1927, that “the memorial is time-barred, as the letter communicating to the Darbar the orders of the Government of India is dated the 10th January, 1924, while the memorial is dated the

Exhibit 2

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16th May, 1925 . . . The maps referred to in paragraph V (g) of the memorial have been examined and do not support the contentions put forward by His Highness."

Exhibit 3.

Another memorial dated the 22nd November, 1927, was then addressed to the Government of India requesting them not to withhold the previous memorial from being sent to the Secretary of State.

Exhibit 4.

This supplementary memorial has also been summarily dismissed by the Government of India by their order contained in Malwa Agency letter No. 2248 dated the 28th March, 1928, with the words, "The Government of India see no reason to reconsider their orders."

It must now be clear from the foregoing narrative that the points involved in the case are of the greatest import to the State, and require a most careful examination.

They are :—

1. Was it right for the Government, in 1920, to have entertained or encouraged the efforts of the Thakur of Piploda to get the Muchalka of 1844 abrogated, *when his representation in 1901, on the same subject, had been turned down?*

If the memorial of the Jaora Darbar to the Secretary of State could be withheld by the aid of legal devices, such as "limitation," etc., surely the second attempt of the Thakur in regard to the abrogation of the Muchalka was barred on the principle of "Res Judicata."

2. Was it right for the Government to have permitted the Thakur to reopen the question in 1920, as a sequel to Jaora's complaints against him?

3. Is it within the competence of a subordinate estate-holder to repudiate at will the engagements and commitments of his ancestors; and should the Government countenance and even sanctify such repudiations?

EXHIBIT 1.

MEMORIAL FROM LIEUT.-COLONEL HIS HIGHNESS FAKHRUDDOWLA NAWAB SIR MOHOMED IFTIKHAR ALI KHAN BAHADUR, SAULAT JUNG, K.C.I.E., NAWAB OF JAORA IN CENTRAL INDIA, TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA *IN RE* THE STATUS OF THE THAKUR OF PIPLODA *VIS-A-VIS* HIS HIGHNESS THE NAWAB OF JAORA AND SETTLEMENT OF OUTSTANDING MATTERS IN DISPUTE BETWEEN THEM.

To THE RIGHT HONOURABLE

THE SECRETARY OF STATE FOR INDIA,

LONDON.

The humble Memorial of appeal from Lieut.-Col. His Highness Fakhruddowla Nawab Sir Mohamed Istikhar Ali Khan Bahadur, Saulat Jung, K.C.I.E., Nawab of Jaora in the Malwa Political Agency of Central India Agency, against the decision of the Government of India as contained in the Malwa Political Agency No. 155-56, dated the 10th of January, 1924, in re the status of the Thakur of Piploda vis-à-vis His Highness the Nawab of Jaora and settlement of outstanding matters in dispute between them.

MOST RESPECTFULLY SHEWETH :—

I. That the Memorialist is the great-grandson of His Highness the Nawab Ghaffur Khan, the first Nawab of the Jaora State. He begs permission to give briefly the history of the relations of Piploda with Jaora from 1818 to 1924 A.D. The decision of the Government of India appealed against is exhibited as Appendix A to this Memorial.

Appendix A.

II. (a) That by Article 12th of the Treaty of Peace made on the 6th January, 1818 A.D., at Mandsaur (hereinafter called the "Treaty") between the Honourable the East India Company of the one part and His Highness the Maharajah Mulhar Rao Holkar of the other, the Maharaja Holkar engaged and the British Government guaranteed the engagement to grant to the Nawab Ghaffur Khan his Jaidad of certain districts, the Peshkush (tribute) of Peeplowda (hereinafter cited as Piploda) with the Sayar of whole, and that those districts should descend to the heirs of the Nawab Ghaffur Khan on certain conditions for maintaining a body of 600 select Horse, etc., *vide* true extract both in English and Persian from the Treaty, which is exhibited here as Appendix B to this Memorial.

(b) In pursuance of the Treaty, Nawab Ghaffur Khan was recognized as the Nawab of Jaora. Article 12th of the Treaty mentions the Peshkush (Tribute) to be secured to Jaora. It is not clear from the Treaty what sort of dependence Piploda owed to His Highness the Maharaja Holkar or in other words what the status of Piploda was in 1818 A.D. The contracting parties to the Treaty were the British Government (who guaranteed the Peshkush of Piploda) and His Highness the Maharaja Holkar (who had agreed to assign the Peshkush). More than two years after the Treaty, Sir John Malcolm confirmed an Engagement, dated the 16th September, 1820 A.D. (hereinafter called the Engagement), mediated by Captain William Borthwick between the Nawab Ghaffur Khan and Thakur Pirthi Singh of Piploda, *vide* No. CLXXVIII, pp. 420 and 421 of Vol. IV of Aitchison's Treaties, edition of 1909 (hereinafter called Aitchison's Treaties, Volume IV) which is exhibited as Appendix C to this Memorial.

(c) On the 17th January, 1844 A.D., the Thakur of Piploda gave an undertaking (Muchalka) to the Nawab of Jaora defining his feudal relations to the Jaora State. This undertaking is endorsed by Sir Claude Wade and was confirmed by Sir R. N. C. Hamilton. (Both these Officers were Agents to the Governor-General in Central India.) The Muchalka is found on pp. 421 and 422 of Aitchison's Treaties, Vol. IV, and is exhibited here as Appendix D to this Memorial.

(d) It is evident from the letter of the Government of India, No. 1029, dated the 6th December, 1865, to the Agent to the Governor-General in Central India Agency, *vide* No. 187 of the Central India Agency old Record File No. 158 (Piploda), that on the report on the States within the limits of the Central India Agency for the year 1863-64, Her Majesty's Secretary of State for India wanted to know whether the dispute between Piploda and Jaora was finally adjusted. The Government of India's letter No. 1029, dated the 6th December, 1865, with enclosure, is exhibited here as Appendix E to this Memorial. Col. Meade, the Agent to the Governor-General in Central India, by his No. 14-H-38-H, dated the 30th January, 1866, para. 2, reported to the Government of India, for the information of the Secretary of State for India, that "So long as no dispute arose between him (the Nawab) and the Thakur (of Piploda) the arrangements recorded in that Engagement (of 1844) would not be interfered with." *Vide* No. 189 of the Central India Agency old Record File No. 158 where this letter No. 14-H-38-H of the Agent to the Governor-General is noted and is exhibited here as Appendix F to this Memorial. Her Majesty's Secretary of State for India in para. 9 of his Despatch No. 34, dated the 24th May, 1866 (Political) approved para. 2 of the letter No. 14-H-38-H of the Agent to the Governor-General and expressed clearly that "the adjustment of this dispute is satisfactory." *Vide* Government of India's No. 711, dated the 7th July, 1866, printed as No. 190 with para. 9 of the same old Record File No. 158, which is exhibited here as Appendix G to this Memorial.

(e) The following true extract from page 392 of Aitchison's Treaties, Vol. IV, shows that :—

"In 1901 the Thakur of Piploda memorialised the Government of India in respect of the longstanding dispute between him and the Jaora Darbar on the alleged right of the latter to levy Customs duty in the Thakurate.

The Memorial begged that :—

(1) The Muchalka executed between the Nawab of Jaora and the Thakur of Piploda in 1844 (*vide* No. CLXXIX in Aitchison's Treaties) under the authority of Sir Claude Wade should be abrogated ;

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Appendix A.

Appendix B.

Appendix C.

Appendix D.

Appendix E.

Appendix F.

Appendix G.

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(2) The attendance of a Piploda Vakil on the Jaora Darbar should cease;

(3) Instead of a division being made of the actual receipts of the Sayar, a fixed sum equivalent to the collection of the last 10 years should be paid annually by Piploda to Jaora.

The Government of India, while accepting the claim of the Jaora Darbar to half of the Sayar revenues of Piploda, did not recognise the right of the Suzerain State to interfere with the internal administration of the Thakurate, &c., &c."

The Government of India decided the Memorial in 1905 and declared that "The engagement of 1844 (i.e., the Muchalka) was considered as binding, and the right of the Jaora Darbar to demand the attendance of a Vakil from the Thakur was upheld by the Government of India." *Vide* p. 393 of Aitchison's Treaties, Vol. IV. Thus it is evident that the Government of India in 1905 rejected the prayer for the abrogation of the Muchalka of 1844 and granted relief only for the Sayar collections to Piploda as a full mediatized chief. It is, therefore, clear that the Muchalka of 1844 was upheld as valid in 1905. A.D. for a period of 61 years after the dispute raised by Piploda within the statement of the Agent, Governor-General's report, para. 2 of No. 14-H-38-H of 1866 (Appendix F), and within the purview of para. 9 of the Despatch of the Secretary of State for India (Appendix G), the dispute arose in 1901 and was finally decided by the Government of India in 1905 to the effect that the Muchalka cannot be abrogated, as is found on page 393 of Aitchison's Treaties, Vol. IV. Thus the validity of the Muchalka of 1844 became a *res judicata* in favour of Jaora.

(f) Piploda, after the final decision of the Government of India in 1905 regarding the validity of the Muchalka, did not subsequently seek any remedy for the abrogation of the Muchalka till 1920 against the order of the Government of India of 1905 and commenced obeying the Jaora Darbar by doing feudal service such as attendance in connection with the Birthday Darbar of the Nawab of Jaora in 1909 by paying Nazar. Till 1916 everything went on well but in this year Piploda brought a claim for Dami on certain villages in Tal and Mandawal (both being Zamindari in the Jaora State). In this representation regarding *Dami* in 1916 A.D. Piploda did not raise any question regarding the abrogation of the Muchalka and tacitly admitted the Muchalka as valid. Not daring to reopen the question of the abrogation of the Muchalka, Piploda commenced pin pricks in correspondence, &c., and the Jaora Darbar in order to put a stop to these pin pricks made a representation in 1920. Thus from 1844 up to 1920 A.D., the Muchalka remained operative for a period of 76 years.

III. (1) That the Jaora Darbar in 1920 prayed for the following reliefs against Piploda:—

(a) That the status of Piploda be declared as a Feudatory of Jaora, on the validity of the Treaty, the Engagement of 1820, the Muchalka of 1844 and other stray documents, including the questions of Nazrana, Recognition of Successions, &c., &c., as have been dealt with in the Decision of the Government of India under appeal;

(b) Rate of exchange in determining the amount in British rupees payable by the Thakur of Piploda in discharge of his obligation to pay Rs. 28,000 Salim Shahi annually to Jaora;

(c) The Sayar; and

(d) The Dami rights of Piploda as decided by Sir Oswald Bosanquet in 1916 be set aside.

2. A copy of these claims of Jaora was supplied to Piploda but Piploda's replica was not furnished to the Jaora Durbar and hence the latter could not have all their say on the various pleas urged by Piploda including the abrogation of the Muchalka of 1844 which was definitely decided finally by the Government of India in 1905.

IV. That the Memorialist does not for a moment hesitate in giving all reverential respect due to the Decision under appeal which bears the stamp of the Government of India but he feels that in considering the questions raised in the Memorialist's claims in 1920, the rights and privileges of the Jaora Darbar have not received the exact attention which was due to the spirit of the 12th Article of the Treaty, the Engagement of 1820, the Muchalka of 1844, and other documents forming correspondence between the Government of India and the Secretary of State for India so far back as 1865. With due deference to which all the decisions of the Government of India are entitled, it is respectfully maintained that the present decision regarding the status of Piploda is not reconcilable with the spirit and intention of the Treaty and the Engagement of 1820, regarding the connotation of the word "Peshkush" in Persian which has been translated in the Treaty as Tribute and in the Engagement of 1820 as "Tankah." The different points of appeal are respectfully urged in the order of the paragraphs of the Decision under appeal.

V. (a) The Decision under appeal says that "The main point at issue is the status of Piploda whether it is a Tributary chiefship or a mere Feudatory of Jaora. The arguments adduced in support of the latter theory are based for the most part on conjecture, on the loose and varying phraseology of old documents and on certain conditions obtaining in more recent times, mainly as the result of the Muchalka which the then Thakur of Piploda executed in 1844. It is beyond doubt that the execution of that document was obtained by coercion." In this connection it is respectfully submitted that the Muchalka could not be regarded to be the effect of any coercion as it was *endorsed* by Sir Claude Wade as being executed *before* him and that too at Indore Residency where the Nawab of Jaora could not have any semblance of power of coercion. The same document was *confirmed* by Sir R. N. C. Hamilton, another Agent to the Governor-General in Central India. Both these officers held that Piploda was a Feudatory of Jaora. (*Vide* pages 421 and 422 of Aitchison's Treaties, Vol. IV.) The time of the Muchalka, *i.e.*, 1844, was rife with the invasion of surrounding robbers and the period of 3 days in which the Muchalka was to be agreed to by the Thakur or Piploda, as per directions of Sir Claude Wade, could not be considered as abnormal.

(b) The Decision under appeal says "That the Government of India were in no way committed by it and have definitely disassociated themselves from it on more than one occasion." In this connection it is submitted that the Muchalka remained operative from 1844 to 1866 when it was reported by the then Agent to the Governor-General in Central India to the Government of India for the information of the Secretary of State for India, to the effect that so long as no dispute arose between the Nawab and the Thakur, the arrangements recorded in the Engagement of 1844 would not be interfered with and that the Secretary of State for India approved of this settlement in 1866. The approval of the Secretary of State for India did not amount to "disassociation" of the Government. All that could be construed to mean was that the Government took a negative attitude, as has fully been explained in sub-para. (d) of para. II of this Memorial. After 1866 the Thakur of Piploda did not seek any remedy for the cancellation of the Muchalka till 1901, in which latter year he memorialised the Government of India *directly* and not *incidentally* for the abrogation of the Muchalka, and the Government of India in 1905 by their decision upheld the Muchalka, *vide* pages 392 and 393 of Aitchison's Treaties, Vol. IV, as fully explained in sub-para. (e) of para. II of this Memorial. The Memorial of 1901 was the occasion of the arising of the dispute between the Thakur of Piploda and the Nawab of Jaora, a contingency contemplated and foreseen in para. 9 of the Despatch No. 34 of the Secretary of State for India in 1866. The Thakur of Piploda after 1901 tacitly agreed to the operation of the Muchalka of 1844 by not seeking for its abrogation after 1905 and thus the operation of the Muchalka became *Res judicata* against Piploda as submitted above. In 1920 the Nawab of Jaora's claims sought to rectify petty irregularities of Piploda affecting its status, and as such Jaora's claim for the rectification of irregularities did not give any right to Piploda to reopen the question of its status after the decision of the Government of India of 1905, when the prescriptive right of the enjoyment of the Muchalka by Jaora for 76 years had fully accrued, just like the prescriptive right of Piploda for the enjoyment of its possessions has been recognised by the Government of India in the Decision under appeal. It is respectfully submitted that there was no ground for the Government of India to go behind their decision of 1905. The declaration of the Secretary of State for

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India of 1866 did not give Piploda a recurring right *ad infinitum* for reopening the question of the abrogation of the Muchalka and that too after the decision of the Government of India of 1905. In 1916 Piploda raised the question of Dami and in this representation there was no prayer for the abrogation of the Muchalka and thus up to 1920, when the Jaora Darbar laid their present claims, Piploda did not seek any remedy for the abrogation of the Muchalka after 1905. The Muchalka thus standing for 76 years became doubly valid both on the prescriptive right and *res judicata* in favour of Jaora.

(c) The Decision under appeal says that "The only safe and proper principle by which they (the Government) should be guided is one of adherence to the strict letter of the reference to Piploda in the Treaty of 1818 and of the supplementary agreement negotiated by Captain Borthwick in 1820."

In this connection it is submitted that the primary point for determination is, what did the Treaty of 1818 give to Jaora ? So far as Piploda is concerned the Treaty gave the Peshkush (translated as Tribute in the 12th article) of Piploda and whole of the Sayer of Piploda. The Peshkush and the Sayer collection must have been paid to somebody before the time of the Treaty and as the Treaty was between the British Government and the Maharaja of Holkar and Jaora was then beneficiary of the guarantee, it is certain that the Peshkush and Sayer collection were paid to Maharaja Holkar and were transferred to Jaora. The question then arises, what was the nature of the Peshkush and what was the status of Piploda when paying the Peshkush to Maharaja Holkar ? What did the Peshkush or tribute connote ? The Government of India have been led to found their Decision under appeal on the solitary word "tribute" and have followed the letter of the Treaty without particularly considering the explanatory wording of the Engagement of 1820. The strict adherence to the letter of the Treaty inadvertently barred the Government to investigate the status of Piploda and the nature and connotation of the word "tribute," and thus Piploda became automatically a mediatised chief without any investigation being made whether it was a tributary like Rutlam paying tribute to Maharaja Scindhia or a feudatory like the guaranteed Zemindars of the Dhar State just before the Treaty in 1818 A.D. The Engagement of 1820 does not stick to the *letter* of the Treaty but goes to the spirit of the Treaty. As an instance, it is submitted, that the Treaty gives the whole of the Sayer of Piploda while the Engagement of 1820, after investigation, gives only half the Sayer. The Treaty translates the Peshkush as "tribute" while the Engagement translates the Peshkush as "Tankah." What could be the reason of these differences between the Treaty and the Engagement of 1820 ? The reason seems to be this, that the strict letter of the Treaty could not be acted upon but only the spirit of the Treaty was possible to be considered, as the Treaty of 1818 was made at a very critical time in general terms. That "considerable difficulty was for some time experienced in carrying into effect the provisions of the Treaty, arising partly from the general terms in which it was conceived but chiefly from the complicated relations then subsisting between Holkar's Government and the other petty states of Malwa," *vide* para. 17, page 175, part II, Vol. II, of the Bengal and Agra Guide and Gazetteer for 1841. Owing to the above circumstances the strict letter of the Treaty was not and could not be observed by Sir John Malcolm, who had to modify the Treaty by the Engagement of 1820 and the spirit of the Treaty was kept in view and not the strict letter of the Treaty.

(d) Sir John Malcolm is the highest authority for the affairs of the States, Estates and Guaranteed Zemindarees of Malwa regarding their status as tributaries or feudatories. Taking the exact letter of the Treaty the Government of India have now decided that Piploda is a tributary. It ought to be determined what meaning is assigned by Sir John Malcolm to the word *Peshkush* used in the Original Persian Treaty. Peshkush has been translated as Tribute in the English version of the Treaty. But Sir John Malcolm while confirming the Engagement of 1820, substitutes the word "Tanka" for the word tribute. It is here contended that the words Peshkush and tribute both connote feudal relations. Peshkush has been defined by Sir John Malcolm in the 2nd foot-note of page 49 in Vol. II of the Memoir, wherein it is said that "Peshkush" is the *common* word for tribute. It is Persian compound, which *literally* signifies "first fruit" or rather that which is first extracted. The italics are by the Memorialist. It is urged that the word Peshkush means more than tribute and does not mean only tribute pure and simple. Sir John

Malcolm himself approved the word Tanka for tribute in the Engagement of 1820 as submitted above. The Government of India, it seems, have not adequately noted the word "Tanka" and have stuck to the English word tribute. The word "Tanka or Tankah according to Sir John Malcolm means 'a forced tribute' of the Grassiah chiefs and has been metaphorically applied to designate the small share of the produce of a country which these plunderers claim." *Vide* page 414 and the first foot-note on the same page of Malcolm's Memoir, Vol. I. (Edition of 1880 hereinafter called the Memoir): Maharajas Holkar and Scindhia and the Nawab Ghaffoor Khan were not Grassias to whom this definition of the word Tanka, as equivalent to "forced tribute," could be applicable. Therefore it is essential to determine the meaning of the word Tanka used in the Engagement of 1820, approved by Sir John Malcolm as an equivalent of tribute. A comparison of Piploda's Engagement of 1820, with the Engagement of Bakhatgarh (No. 7 on List L on page 345 of the Memoir, Vol. II), reproduced on page 494 of Aitchison's Treaties, Vol. IV as CCXXXIX, shows that the word "Revenue" is used for tribute. The word tribute is also used on the heading of List L on page 344, Vol. II of the Memoir, referring to Pirthisingh of Bakhatgarh. List L is exhibited herewith as Appendix H and No. CCXXXIX is exhibited as Appendix I. The Memorialist underlines the words Tribute and Revenue in Appendices H and I respectively.

Appendix H.

Appendix I.

Likewise in the Engagement (CCXXXVIII) of Kachi Baroda (No. 8 on List on the same page 345 of the Memoir, Vol. II) reproduced on page 493 of Aitchison's Treaties, Vol. IV, the word "Tanka" is used for tribute. No. CCXXXVIII (*Vide* pages 493 and 494 of Aitchison's Treaties, Vol. IV) is exhibited here as Appendix J. The Memorialist underlines the word Tanka. It is needless to quote further instances where the words Revenue and Tanka have been used for "tribute." Before the Marhatas occupied Malwa it is certain that "The Raja in his Estate and the Chiefs in theirs, took a share in the grain, and some other cesses and local taxes also, from the land-holders. As between the Chief and their suzerain no land revenue was paid. A fee or Nazrana was paid on succession and aid was given as required. But when the Marhatas established their power they made every chief pay a tribute called Tankha. . . . Tankha is the Marhata form; it indicates a fixed assigned sum." *Vide* Baden Powell's Land System of British India, Volume II, pages 325 and 326 (Edition of 1892). The Marhatas imposed a Tanki or quit-rent on many such tenures (Zemindarees) consisting of one Tanka or rupee of the time, per "Bati" of 20 *Man* (80 pounds), *vide* page 569, Vol. I of Baden Powell's Land Systems. Doctor Whitworth in his Anglo-Indian Dictionary, page 249, says that Peshkush has been especially used for quit-rent. Likewise Doctor Forbes in his Hindustani-English Dictionary (Second Edition) at page 226, defines Peshkush equivalent to tribute or quit-rent.

Appendix J.

From the above-mentioned definitions it is clear that Peshkush means a quit-rent. The words tribute, Tanka and Revenue have been used interchangeably for the word Peshkush in the heading of List L, Engagement of 1820, and the Nos. CCXXXIX and CCXXXVIII, and as such the word tribute or Tanka in the Treaty and the Engagement of 1820 respectively referring to Piploda cannot have the peculiar dictionary meaning of the word tribute differentiating it from feudal relations of the Zemindars of the Budnawaur Pergunnah of the Dhar State mentioned on Nos. 7, 8 and 9 on list L. On the strength of their Engagements containing the words Revenue, Tanka and Tribute they have been declared feudatories of Dhar in spite of the word tribute in their Engagement.

The Engagement of 1820 is a counterpart (Qabuliyat) of the undertaking (Patta), given by Thakur Pirthi Singh of Piploda. The words that the Pergunnah of Piplowdah consists of 20 villages in the Engagement of 1820 are sure index to the fact that the Nawab of Jaora has suzerain proprietary rights in the villages, otherwise where was the necessity of this enumeration of villages because the treaty merely gives the Peshkush and the Sayer. The payment of the quit-rent of Rupees 28 thousand though named as a tribute does not disentitle the Nawab of his supreme proprietary rights of sovereignty.

(e) Sir John Malcolm in his Memoir, Vol. II, page 116, foot-note 2, enumerates all the tributaries of the British Government and of the Maharaja: Scindhia and Holkar on the west of the river Chumbul. Piploda is on the west of the Chumbul

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but is not included in the tributaries of the British Government or of the Maharajas Scindhia and Holkar. Had Piploda been a tributary, Sir John Malcolm, who submitted his report in 1821 to the Supreme Government, could not have omitted Piploda from the list of the tributaries. The inference is that Piploda had the status of a feudatory of Maharaja Holkar and the same status was transferred to Jaora by the guarantee of the Peshkush.

(f) Sir John Malcolm in his Memoir of 2 volumes mentions Peeplowda (Piploda) only once and that is on page 4 of Vol. II where it is mentioned by way of an illustration of the definition of Pergunnah. In Appendix No. XVI of the same Vol. II, Sir John Malcolm after describing the Treaty Rulers of Central India in lists A to K, gives the list L of petty Chiefs, Thakoor, Zemindars, &c., who pay tribute through the medium or under the guarantee of the British Government to different rulers in Malwa. The list L is given on pages 344 and 345 of Vol. II of the Memoir already exhibited here as Appendix H. In this list L on Nos. 1 to 6 are detailed the petty Rajahs. On Nos. 7 to 9 are enumerated the Zemindars of the Budnawur Pergunnah who are all feudatories of the Dhar State. On No. 10 is given the name of one Mukrani in the service of Ali Mohan (Alirajpur) State. The extract on No. 11 of the list L refers to Pirthi Singh, the Thakur of Piploda, who has Dami rights like other Zemindars in Tal and Mundawul which formed part of the Budnawur Pergunnah of Dhar before 1818. The extract on No. 11 referring to Piploda is surely based on the Engagement of 1820 and is the solitary mention of Piploda in the Memoir besides on page 4. The list L does not set forth the status of Piploda, but the status can be gathered from the Zemindari right of Dami collected by Piploda in Tal and Mundawul formerly included in the Budnawur Pergunnah of Dhar, latterly secured to Jaora by the Treaty of 1818. Nos. 7, 8, and 9 on the list L are all Zemindars of the Budnawur Pergunnah of the Dhar State. They are all feudatories of Dhar. Tal and Mundawul (now under Jaora) before the treaty of 1818 had formed part of the Budnawur Pergunnah of Dhar, but Tal and Mundawul were not restored to Dhar and were given to Jaora, *vide* the 1st foot-note on page 210 of Vol. II of the Memoir. Piploda comes from the junior branch of the Thakurs of Tal and Mundawul and has Dami rights for the villages of Tal and Mundawul (for which Piploda in 1916 made a representation against Jaora) like the Zemindars on Nos. 7, 8 and 9 (of list L) and as such has the status of a Zemindar like those of Bukhutgurh, Kachi Baroda and Mooltan (Nos. 7, 8 and 9 of list L). It is not possible that a Raja or Chief could have Dami rights in villages. The Dami rights are peculiar to land-holders. That Piploda belongs to the same class as the Thakurs of Tal, Uni and Mundawul. The Memorialist exhibits here as Appendices K and KI the true copies of Major Luard's Minor Estates' Gazetteer, pages 43 and 44, which would show that Piploda comes from the junior branch of the Thakurs of Tal and Mundawul. Dami is defined as a right of a Zemindar, *vide* page 7 of Vol. II of the Memoir.

Appendices K and
KI.

(g) Sir John Malcolm in 1821 submitted his Report to the Government of India about his settlements in Malwa which was published in 1822. With this report Sir John Malcolm has annexed a map of Malwa and adjoining countries prepared by Lt. Robert Gibbings (Published by the Surveyor-General's Office of India, dated the 31st December 1820). With the same report an Index (in book form of about 500 pages) to this map of Malwa was submitted by Sir John Malcolm. That map is quite different from the map published in the later editions of the Memoir of Malwa up to 1880. In the former map of 1820 all the States of Central India are shown individually by thick colour lines of demarcation of boundaries. Piploda is spelled Peeplowda therein and is shown as a part of the Jaora State and is not marked as an individual state of Piploda. In the Index to the map of Malwa, on page 339, Peeplowda is shown as "belonging to one of the families of the Rutlam State named Pirthi Singh (of course, by marriage but not by blood as the clans of Piploda and Rutlam are different) who rents several villages of Nawab Ghaffur Khan and pays him a tribute of nearly 28 thousand five hundred rupees annually." Piploda is not shown as a separate State or a Chiefship. The word rent used by Sir John Malcolm clearly shows that the status of Piploda is a Zemindari and not that of a Chief.

(h) The Decision under appeal says that the Government of India "Reaffirm the Ruling conveyed in this office letter No. 1803-4, dated the 15th June, 1905,

to the effect that the Engagement of 1820 gave the Thakur of Piploda the full status of a 'mediatized chief.' The Decision of 1905 surely speaks of the full status of a mediatized chief for Piploda, but considering the three exhaustive prayers of Piploda enumerated in its Memorial of 1901 as set forth on page 392 of Aitchison's Treaties, Vol. IV, *re* the abrogation of the Muchulka of 1844, the abolishing of the keeping of the Piploda, Vakil at Jaora and the right of the collection of Sayer in Piploda, it is clear that out of the three prayers the first two were rejected and only the third was decided by the Government of India, and as such the declaration of the full status of Piploda as a mediatized chief could only refer to Sayer.

(i) What does Piploda say about its own status? Piploda admits that it is a "Hereditary Zemindari" *vide* decision by Mr. L. M. Crump, Special Officer in Central India in Jaora Piploda case, page 3, paragraph II, clauses 1, 2 and 3. The reference therein is to the report by Aliazam Karperdaz of Jaora and the replies of the Thakur of Piploda given in parallel columns.

(j) The Decision of the Government under appeal also says that "The precise significance of the phrase (mediatized chief) has undergone considerable changes as the result of the recent revised policy towards British Guarantee holders in Central India, but so far as Piploda is concerned those changes have no significance since the Thakur holds his possessions not by any virtue of a Sanad from a Durbar but directly under the Paramount power, by prescriptive right and subject to the alienations in favour of Jaora which were embodied in the authoritative documents referred to above."

In this connection it is respectfully submitted that the Memorialist contends that the status of Piploda on the strength of the spirit of the Treaty of 1818 and the Engagement of 1820 as interpreted (with regard to the words Peshkush, Tribute Tanka and Revenue meaning quit rent, in the Treaty and the Engagement read with the contemporary documents of Bukhutgurrh, Kachi Baroda and Moolthan (Nos. 7, 8 and 9 in list L on page 345, Vol. II of the Memoir) amounts to the status of a feudatory like those of the Dhar State. It is also contended by the memorialist that the Engagement of 1820 is nothing short of a Sanad from the Jaora Durbar to the Thakur of Piploda. It is spoken of as a lease (Putta) in the Engagement of 1820, *vide* pages 420 and 421 of Aitchison's Treaties, Vol. IV. The Engagement of 1820 is not a one-sided document but is an undertaking by the Thakur of Piploda. This is clear from the heading of the Engagement of 1820 on page 420 in Aitchison's Treaties, which is this, "Translation of an Engagement or Ekramamah on the part of Itikhar-ool-Dowlah Nawab Mahomed Abdul Ghuffoor Khan Bahadur, Dilair Jung 1820." That Piploda is a "hereditary Zemindari" is admitted by Piploda as per Mr. Crump's reference quoted above and as per page 339 of the Index to the Map of Malwa, where the word "rent" is used. The dictum of the Government of India that the Thakur holds his possessions directly under the paramount power is not borne out by the list of the Tributaries of the Government of India mentioned on page 116 in Vol. II of the Memoir. The litigation from Piploda side had been lasting up to 1905 when the Muchulka of 1844 (which defined feudal relations of Piploda to Jaora) was upheld by the Government of India and as such there cannot be any accrual of a prescriptive right of possession to Piploda. It is submitted again after meeting the points categorically regarding the status of Piploda, that the Jaora Durbar contend that the words Tribute (Peshkush) and Tanka mentioned in the Treaty and the Engagement connote feudatory relations of Piploda to Jaora. The point is what was the status of Piploda under the Maharatta Government? Udaipur, Kotah and Rutlam were paying tributes to the Mahrattas and the tributes included interference and feudal services to the Mahrattas, *vide* Appendices L, M & N wherein the tribute of such big States as mentioned above under the Mahratta rule included feudal services, what to say of Estates like Piploda?

Appendices L, M
and N.

VI. *The Payment of Nuzrana on Succession.*—The orders of the Government of India of 1905 do not speak of the Nuzrana at all as those orders were passed on the Piploda Memorial of 1901 which Memorial did not seek any redress regarding the Nuzrana, *vide* pages 392 and 393 of Aitchison's Treaties, Vol. IV. Nuzrana is not mentioned in the Muchulka but even without the specific mention of the Nuzrana in the Muchulka, the Jaora Durbar are entitled to the Nuzrana as the Nuzrana is the implied consequence of the tribute for estates like Piploda, *vide* Baden Powell's

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Vol. II, pages 325 and 326. When on this appeal the status of Piploda be declared as a Feudatory of Jaora as prayed for above, the rights to Nuzrana would resile to Jaora *ipso facto*.

VII. "Recognition of Succession, the Settlement of Succession, Disputes and Administration. incapacitated."—In this connection it is respectfully submitted that Article 12 of the Treaty guaranteed to Jaora the Peshkush of Piploda but did not guarantee anything to Piploda as the latter was neither a party to the Treaty nor a beneficiary in the Treaty. Mere reference to the Peshkush and Sayer of Piploda could not be construed to make it a mediatized chief either on the letter or the spirit of the Treaty. The Engagement of 1820 makes Piploda a guaranteed tanka or quit-rent paying holding. The Government of India in 1818 A.D. only sought the co-operation of the Maharajahs Scindia and Holkar for the subversion of the Pindari and extended guarantees to those who were instrumental in the subversion of the Pindari freebooters. The Government of India did not then seek the extension of their Feudatories or Tributaries for themselves. The relief in this paragraph also depends on the result of this appeal.

VIII. *Direct correspondence with the Political Agent.*—All that the Jaora Durbar seek, is the general supervision of the administration of Piploda without interference in the internal affairs, as is exercised by the Dhar State over its Feudatories, the estates of Bukhutgarh, etc. The correspondence routine matters mentioned in the present Decision have not been defined for Piploda, while the conditions of supervision of the Dhar State have been defined.

IX. *Attendance of the Thakur of Piploda at the Nawab of Jaora's Darbars and presentation of a Nuzur.*—The right of the Jaora Darbar for the attendance of the Thakur of Piploda at the Nawab of Jaora's Darbars is so clearly established that nothing need be said about it. In fact, like the preceding Thakurs, the late Thakur Kesri Singh in 1909 came to Jaora in connection with the birthday Darbar of the Nawab Sahib and presented Nazar as submitted above in paragraph II, Clause (f). The Nawabs of Jaora through their officers have all along been performing the essential ceremony of buckling the sword (Talwar Bundi) on the Thakurs of Piploda as a Sovereign right of recognizing the Piploda Successions. Even on the succession of the present Thakur of Piploda in 1919 the Darbar on the request of the Thakur himself deputed their Chief Secretary to perform the ceremony of buckling the sword. The above facts show that the Thakur of Piploda ought to attend the Jaora Birthday Darbars and present Nazar instead of the Thakurs sending a deputation of 4 highest people (which includes the heir-apparent) with a Nazar.

The Jaora State was created by the British Government by the Treaty, in guaranteeing the Jaidad then belonging to Nawab Ghuffoor Khan, and there is no tribute payable to Maharaja Holkar under the Treaty of 1818 as it stands, while the Tanka (quit-rent) from Piploda is guaranteed to the Nawab of Jaora in the Treaty of 1818 and as such the position of Jaora and Piploda are not on all fours. The Award of 1885 by Sir Lepel Griffin, the then Agent to the Governor General in Central India, regarding the relations of Indore and Jaora, was confirmed by the Government of India, declaring Jaora as a nominal fief of Maharaja Holkar but really an independent Chief (*vide* Sir Lepel Griffin's Award, dated the 1st October, 1881, Appendix O; Letter of Junior Under-Secretary to the Government of India, Foreign and Political Department, No. 356 G.P., dated 12th December, 1881, Appendix P; and Extract from letter No. 3489, dated the 15th October, 1885, from the Secretary to the Government of India, Appendix Q) and lately the Government of India by a recent Ruling (*vide* Malwa Political Agency No. 117, dated the 25th October, 1922, enclosing copy of letter No. 247-A/60-A/1918 of the 23rd March, 1922, from Secretary to the Agent to the Governor-General in Central India to the Chief Minister, Indore State, Appendix R) have declared that Jaora owes no feudal services to Holkar Darbar. In this connection it would be in the fitness of things to state that the claim of Indore *versus* Jaora was nominally between Indore and Jaora but actually it was between Indore and the Government of India, for the declaration of the status of the Jaora State. The Government of India not only declared the independence of Jaora but showered honours, distinctions and salutes on the Nawabs of Jaora. The memorialist respectfully submits that Jaora was

Appendix O.

Appendix P.

Appendix Q.

Appendix R.

created a new State by the Treaty of 1818 but no guarantee was given to Piploda as a separate State or Estate. Merely a reference to the Peshkush (tribute) of Piploda in the Treaty does not create the status of a Chief to the Piploda Thakur. More so because the villages were actually rented under a Patta by Jaora to Piploda, *vide* Index to the Map of Malwa, page 339, as mentioned on page 10 of this memorial and the Engagement of 1820 where the words *rent* and *Patta* are respectively mentioned. It is a guaranteed Estate within the spirit and letter of the Engagement of 1820. The attendance of the Thakur in the Darbar of the Nawab of Jaora is also a corollary to the result of this appeal as to the status of Piploda.

X. *Rate of exchange in determining the amount in British Rupees payable by Thakur of Piploda in discharge of his obligation to pay Rs. 28 thousand Salim-Shahi annually to Jaora.* The reason for fixing a different rate of exchange for the other Thakurs of Jaora in 1914-16, from the rate of Rs. 200 Salim-Shahi as equivalent to Rs. 100 British coin, is held in the Decision under appeal, on the ground that the payments by the other Thakurs of Jaora are classed as quit-rents rather than as political tribute by Piploda. This appeal contends that the words Peshkush, Tribute, Tanka and Revenue mean quit-rent and have been used interchangeably in contemporaneous documents by Sir John Malcolm. This rate of exchange also depends on the result of this appeal as regards Piploda's status of a feudatory or otherwise.

XI. *Sayer and Dami.* (A) The whole of the Sayer collection of Piploda was given to the Jaora Durbar by the Treaty, but the Engagement of 1820 modified it to half the receipts, the half going towards customary purposes. The receipt of Sayer income is a sovereign right and is generally deemed a royalty, *vide* pages 74 and 75, Vol. II of the Memoir. On this basis the abolishing of the Sayer duty could not be considered to be the right of a subordinate estate, without the consent of its Sovereign to whom the estate pays tribute. The Memorialist fully realizes that it is in the hand of Piploda by various tactics to reduce the Sayer income considerably but the Jaora Durbar are not prepared to lose this their sovereign right whatever its income may be. Instances are not wanting where only an insignificant village of a state occurs in the heart of another state and the first state incurs highly disproportionate expenses for the upkeep of their village instead of parting with it to the second state. The Government of India in such cases allow the village to the possessing state as being a political possession. It is no knowing what may occur to the Sayer income. The question of the attendance of the Thakur of Piploda at the Darbars of the Nawab of Jaora is altogether separate from the Sayer and Dami questions.

(B) Neither the Treaty nor the Engagement of 1820 mentions the Dami rights of Piploda on the Jaora Durbar. Dami has not even the semblance of any guarantee by the British Government, and as such it ought not be mixed up with the tribute and Sayer income guaranteed at Jaora. There is no justification for the sanction of withholding of the amount of Dami by Jaora for Piploda's abolishing the Sayer as has been set forth in the Government order of 1905 mentioned on pages 392 and 393 of Aitchison's Treaties, Vol. IV.

XII. *The Designation of Piploda as a State or an Estate and the personal title of the Thakur of Piploda.* In view of the contention that Piploda is a guaranteed Zemindaree Estate like those of Bukhutgurb and Moolthan and other feudatories of the Dhar State, the Memorialist has only to abide by the result of this appeal.

XIII. That the Memorialist begs to assure the Government of India and the Secretary of State for India, that he is gratefully aware like his ancestors that the Jaora State is the creation of the benign British Government. The Memorialist, with all the emphasis at his command, respectfully begs to remind the Government that the loyalty and devotion to the British Crown of the Rulers of Jaora is well known, and to assure Government that whether the Memorialist's prayers hereinafter set forth are granted or refused, that loyalty and devotion will ever remain unshaken and unchanged. It is therefore earnestly and respectfully prayed :—

1. That Piploda be declared a feudatory of the Jaora State like Bukhutgurb and other feudatories of the Dhar State on the strength of the spirit of the Treaty of 1818 the Engagement of 1820, the Muchulka of 1844 and other documents produced

before the Government of India such as Piploda's admission as a "hereditary Zamindari" contained in Aliazam's letter spoken of on page 3 of Mr. Crump's decision.

2. That as a corollary to the grant of the prayer of the preceding paragraph, the following rights of the Jaora State be upheld :—

(a) Payment of Nuzrana on Succession ;

(b) Recognition of Successions, the settlement of Succession disputes and administration when the Thakur of Piploda is a minor or otherwise incapacitated ;

(c) No direct correspondence with the Political Agent be permitted to Piploda, and the Jaora Durbar be allowed to supervise the administration without interfering in the internal affairs of Piploda like the supervision of the Dhar Durbar over their feudatories like Bukhutgurh.

(d) The Thakur of Piploda be ordered to attend the Durbar of the Nawab of Jaora and to present Nuzur as the feudatories of Dhar do feudal services to the Dhar Durbar.

(e) The rate of exchange of Rs. 125 Salim-Shahi be declared as equivalent to 100 British coin, towards Piploda like the other Thakurs of Jaora.

(f) The question of Piploda Dami be not mixed up with the matter of the Peshkush and the Sayer guaranteed by the Treaty and the Engagement of 1820, as Dami is not guaranteed in the Treaty and the Engagement of 1820.

(g) The order of the Government of India of 1905, regarding the commutation of the Jaora Sayer rights by withholding of Piploda's Dami be set aside.

(h) That the direction in the order of the Government of India of 1905, that, "The contention of the Jaora Durbar that the Thakur had no right to abolish Sayer dues was also not approved" be set aside.

3. That such further or other relief may be granted to the Jaora Durbar, especially regarding the designation of Piploda as a State or Estate and the personal title of the Thakur of Piploda, as in the opinion of the Right Honourable the Secretary of State for India may be just and reasonable.

Dated the May, 1925.

H.H. The Nawab of Jaora.

LIST OF APPENDICES.

APPENDIX A.—The decision of the Government of India as contained in the Malwa Political Agency No. 155-56, dated the 10th January 1924.

APPENDIX B.—No. LIV, Article 12 of the Treaty of Peace made on the 6th January 1818 A.D. at Mandsaur between the Honourable the East India Company and His Highness Maharaja Mulhar Raw Holkar.

(Aitchison's Treaties, Fourth Edition, Vol. IV, page 199.)

APPENDIX C.—No. CLXXVIII—Translation of an Engagement or Ekrnamah on the part of Iftekar-ool-Dowlah Nawab Mohamed Abdool Ghaffoor Khan Bahadur Dilar Jung, 1820.

(Aitchison's Treaties, Fourth Edition, Vol. IV, page 420.)

APPENDIX D.—No. CLXXIX—Translation of Moochulka executed by the Piploda Thakoor in 1844 under Sir C. Wade's authority and order thereon by Sir R. Hamilton.

(Aitchison's Treaties, Fourth Edition, Vol. IV, page 421.)

APPENDIX E.—Letter from Government of India, Foreign Department, to the Agent to the Governor General for Central India, No. 1029, dated the 6th December 1865 with enclosure.

(Central India Agency Old Record File No. 158 (Piploda) No. 187.)

APPENDIX F.—Letter from the Agent to the Governor General for Central India, to the Government of India, Foreign Department, No. 14-H-38-H., dated the 30th January 1866.

(Central India Agency Old Record File No. 158 (Piploda) No. 189.)

APPENDIX G.—Letter from the Government of India to the Agent to the Governor General for Central India, No. 711, dated the 7th July 1866, with enclosure.

(Central India Agency Old Record File No. 158 (Piploda) No. 190.)

APPENDIX H.—L. List of petty Chiefs, Thakoors, Zemindars, etc., who pay Tribute through the medium or under the guarantee of the British Government to different Rulers in Malwa.

(Memoir of Central India and Malwa, Vol. II, by Sir John Malcolm, Edition of 1880, page 344.)

APPENDIX I.—No. CCXXXIX—Translation of an Engagement executed by Mundloi Pirthee Sing Jee of Pitghura Bukhtgurb in Pergunnah Budnawur to Ram Chunder Rao Puar.

(Aitchison's Treaties, Fourth Edition, Vol. IV, page 494.)

APPENDIX J.—No. CCXXXVIII—Translation of the Kuboolyut given by Bhugwunt Sing of Kachee Baroda to Ramchunder Rao Puar Sahib, dated Dhar 1818.

(Aitchison's Treaties, Fourth Edition, Vol. IV, page 493.)

APPENDIX K.—The Doria Rajputs of Piploda, Tal and Uni.

(Major Luard's Minor States (Thakurats) Gazetteer, 1912, page 43.)

APPENDIX K-1.—Genealogy of the Mundawal, Piploda and Tal Doria Families.

(Major Luard's Minor States (Thakurats) Gazetteer, 1912, page 44.)

APPENDIX L.—Selection from the Satara Rajas and Peshwa's Diaries *re* : Udaipur.

APPENDIX M.—Selection from the Satara Rajas and Peshwa's Diaries *re* : Kota.

APPENDIX N.—Selection from the Satara Rajas and Peshwa's Diaries *re* : Rutlam.

APPENDIX O.—Award, dated the 1st October, 1881, from Sir Lepel Griffin, Agent to the Governor General for Central India.

APPENDIX P.—Letter from the Junior Under Secretary to the Government of India, Foreign and Political Department, to the Agent to the Governor General in Central India, No. 356 G. P., dated the 12th December, 1881.

APPENDIX Q.—Extract from letter No. 3489-1, dated 15th October, 1885, from the Secretary to the Government of India.

APPENDIX R.—Letter from the Political Agent in Malwa to the Chief Secretary, Jaora, No. 117-C-65-19, dated the 25th October, 1922, enclosing copy of letter No. 247-A-60-A-1918 of the 23rd March 1922 from Secretary to the Agent to the Governor General in Central India to the Chief Minister, Indore State.

A (a) v.

APPENDIX A.

COPY OF LETTER No. 155-56, DATED MALWA POLITICAL AGENCY, NEEMUCH, THE 10TH JANUARY, 1924, FROM LIEUT.-COLONEL G. H. ANDERSON, I.A., POLITICAL AGENT IN MALWA, TO THE CHIEF SECRETARY, STATE COUNCIL, JAORA.

SUBJECT.—Status of the Thakur of Piploda *vis-à-vis* His Highness the Nawab of Jaora and settlement of outstanding matters in dispute between them.

With reference to the correspondence on the subject noted above, I have the honour to state that the matter has now received the very careful consideration of the Government of India.

2. The main point at issue is the status of Piploda, whether it is a tributary Chiefship or a mere feudatory of Jaora. The arguments adduced in support of the latter theory are based for the most part on conjecture, on the loose and varying phraseology of old documents and on certain conditions obtaining in more recent times, mainly as the result of the *Muchulka* which the then Thakur of Piploda executed in 1844. It is beyond doubt that the execution of that document was obtained by coercion. The Government of India were in no way committed by it and *have definitely dissociated themselves from it on more than one occasion*. They are not therefore prepared to allow any weight to this document or to any considerations arising therefrom. On the contrary they consider that the only safe and proper principle by which they should be guided in the present comprehensive review of this long-standing controversy is one of adherence to the strict letter of the reference to Piploda in the Treaty of 1818 and of the supplementary agreement negotiated by Captain Borthwick in 1820. It appears to them that under no possible interpretation of those documents can His Highness the Nawab of Jaora claim anything more than the guaranteed tribute and half of the *Sayer* collected in Piploda. They therefore *reaffirm the ruling* conveyed in this office letter No. 1803-4, dated the 15th June 1905, to the effect that the Engagement of 1820 gave the Thakur of Piploda the full status of a "Mediatized Chief." The precise significance of this phrase has undergone considerable changes as the result of the recent revised policy towards British Guarantee holders in Central India, but, so far as Piploda is concerned those changes have no significance since the Thakur holds his possessions not by virtue of any Sanad from a Durbar but directly under the Paramount Power, by prescriptive right and subject only to the alienations in favour of Jaora which were embodied in the authoritative documents referred to above.

3. Having thus disposed of the main point at issue the Government of India proceed to deal with the subsidiary issues arising therefrom individually below :—

(1) *Payment of Nuzrana on Succession*.—The matter is covered by Government of India's orders of 1905. The denial of Jaora's right to interfere in the affairs of Piploda is now being reaffirmed and it must follow that no claim to exact nuzrana on any occasion can be sustained or supported by Government.

(2) *Recognition of Successions, the settlement of succession dispute and administration when the Thakur of Piploda is a minor or otherwise incapacitated*.—These are all matters for decision by the Paramount Power. It cannot be admitted that the Nawabs of Jaora have any *locus standi* for intervention therein.

(3) *Direct correspondence with the Political Agent*.—This right of the Thakur of Piploda is reaffirmed but in the matter of its actual exercise the Government of India are inclined to think that some use might be made of the Vakil maintained by the Thakur at Jaora. The Government of India adhere to the opinion expressed by them in 1905 that the maintenance of this Vakil should be continued and they hope that by using him as a channel of communication with the Durbar in routine matters a certain amount of unnecessary correspondence through the Agency will be avoided and more expeditious disposal of business achieved. They also hope that this degree of direct relationship will have the effect of promoting good understanding between Jaora and Piploda and that, as the result of the present final settlement of disputed points, more satisfactory relations between the two neighbours may be gradually established.

(4) *Attendance of the Thakur of Piploda at The Nawab of Jaora's Durbars and presentation of a nazar.*—This demand appears to be entirely unsupported by the precedent. Even if valid precedents existed the Government of India would have been unable to support it, firstly because they regard such an act of fealty as inconsistent with the status of Piploda as now reaffirmed and secondly because they are not prepared to exercise compulsion in matters of this kind. The Nawab of Jaora enjoys the benefit of a similar and very recent ruling in respect of his relations to the Maharaja Holkar, from whose predecessors he actually derived his present possessions, and the Government of India are therefore entirely unable to admit that His Highness has any legitimate grievance on this score.

(5) *Rate of exchange in determining the amount in British rupee payable by the Thakur of Piploda in discharge of his obligation to pay Rs. 28 thousand Salim-Shahi annually to Jaora.*—When this exchange problem was under the detailed examination of Government during 1914-15 the conclusion arrived at was that a fair rate was Rs. 200 Salim-Shahi equal to Rs. 100 British and this rate was applied to all such payments with the exception of those made to the Jaora Durbar by its Thakurs. The reason for this exception arose out of the status of those Thakurs and the fact that the payments made by them were classed as quit-rents rather than as political tribute. The peculiar status of Piploda appears to have been overlooked at that time and it is clear enough that the classification of the Thakurs payment as a quit-rent would be entirely inconsistent with the present reaffirmation of his status as a Tributary Chief. The Government of India are accordingly pleased to modify the orders of 1916, in so far as Piploda is concerned, and to direct that the rate of conversion of this tribute shall be Rs. 200 Salim-Shahi equal to Rs. 100 British. This order should now be given effect to as though it had been promulgated at the same time as the other decisions arrived at as the result of Mr. Carson's enquiries in 1914.

(6) *Sayer and Dami.*—Under the agreement negotiated by Captain Borthwick in 1820 the Thakur of Piploda is under obligation to pay to Jaora half of the *Sayer* receipts of Piploda. On the other hand Jaora is under obligation to make an annual payment of Rs. one thousand Salim-Shahi to Piploda on account of the *Dami* of certain villages in the Tal and Mundawal Perganas. This latter obligation has recently been repudiated by the Jaora Durbar but Piploda's rights in this respect were upheld by Sir Oswald Bosanquet in 1916. Jaora's appeal against that decision has been considered by the Government of India who agree with Sir Oswald Bosanquet's ruling and are not prepared to reverse or modify it.

It appears that the *Sayer* receipts have greatly diminished in recent times and that Jaora's share would fall considerably below the amount payable by that Durbar as *Dami*. The Government of India have already, when this question was before them in 1905, agreed that the *Dami* might be withheld in future by way of commutation of the *Sayer* receipts, though the right of the Durbar to cite facts and figures to prove the insufficiency of this arrangement from a financial point of view was duly recognised. The financial aspect of both these obligations is negligible and the Government of India consider that a suitable arrangement to commemorate them would be that the Thakur of Piploda should annually despatch to Jaora a deputation composed of three principal persons in Piploda, next in rank to himself, in order to present a gold *Mohur* at the Nawab's Durbar, this offering to be touched and remitted in view of Piploda's *Dami* rights. This arrangement is approved, however, by the Government of India subject to the right of the Jaora Durbar to contest it on financial grounds should they so desire. Should they be able to prove that the proposed arrangement would result in any substantial loss of legitimate income to themselves it will be for the local political authority to endeavour to effect the necessary adjustment.

4. In conclusion it is necessary to deal with the points raised by Mr. Crump during his inquiry into this case in regard to the title and terms by which the Thakur of Piploda and his possessions are to be referred to in official correspondence. As it is again now being definitely ruled that the Thakur is a mediatised tributary chief it would be misleading to deny to his possessions the appellation of a "State" though, in view of the small area and importance, the word "Estate" will no doubt continue to occur in the more or less loose phraseology of common use. It should however

be borne in mind that the use of such terms as "Estate" and "Thikana" must tend to obscure the real and important distinction between Piploda as a tributary chiefship and the numerous guaranteed feudatories of Durbars who are of a definitely lower status.

As regards the personal and territorial title of the chief, the Government of India consider that the title of Rawat is not an unduly high one for the Chief of Piploda and is indeed borne by many persons of considerably lower status. In view of this fact and of the apparently long standing use of the title, which has to some extent been endorsed by the local Political Officers, the Government of India see no objection to formal regularisation of this style of address and are pleased to authorise its use in future official correspondence with the Chief of Piploda and his successors.

True Copy (To be officialised).

Chief Secretary,

Jaora Durbar.

APPENDIX B.

AITCHISON'S TREATIES, ENGAGEMENTS AND SANADS,

4TH EDITION, VOLUME IV, PAGE 199.

No. LIV.

Treaty of Peace between the Honourable the East India Company and His Highness Maharajah Mulhar Raw Holkar, his heirs and successors, settled by Brigadier-General Sir John Malcolm, K.C.B. and K.L.S., Political Agent for the Most Noble the Governor-General, on the part of the Honourable East India Company, and Tantiah Jog, on the part of His Highness Mulhar Raw Holkar, the said Brigadier-General Sir John Malcolm acting under authority from His Excellency Lieutenant-General Sir Thomas Gislop, Baronet, Commander-in-Chief of the Army of Fort Saint George and of the Army in the Deckan, himself invested with full power and authority from the Most Noble Francis Marquis of Hastings, K.G., one of His Britannic Majesty's Most Honourable Privy Council, Governor General in Council, appointed by the Honourable Company to direct and control all the affairs in the East Indies, and the said Tantiah Jog duly invested with full powers on the part of His Highness Mulhar Raw Holkar, 1818.

Article 12.

The Maharajah engages (and the British Government guarantees the engagement) to grant to Nabab Gaffoor Khan his present jaidad of the districts of Sunjeet Mulhargarh, Tal Mundowal, Jaora, Burraode, the tribute of Piplowdah, with the Sayer of the whole. These districts shall descend to his heirs on the condition that the said Nawab and his heirs shall maintain independent of the sebundy for his pergunnahs and his personal attendants, in constant readiness for service, a body of six hundred select horse; and further, that this quota of troops shall be hereafter increased in proportion to the increasing revenue of the districts granted him

Done at Mundessoor this sixth day of January, A.D. one thousand eight hundred and eighteen, on the twenty-ninth day of Suffer, in the year of Hijra 1233.

Seal. (Signed) JOHN MALCOLM, Brig.-Genl.,
Political Agent, Governor-General.

Seal. (Signed) VITUL PUNT TANTIAH JOG.

Governor-General's Small Seal. (Signed) HASTINGS.

Ratified by His Excellency the Governor-General, in camp at Oochar, this 6th day of January, 1818.

(Signed) J. ADAM,
Secretary to the Governor General.

True Extract.

*Chief Secretary,
Jaora Durbar.*

APPENDIX C.

AITCHISON'S TREATIES, ENGAGEMENTS AND SANADS,

4TH EDITION, VOLUME IV, PAGE 420.

No. CLXXVIII.

Translation of an Engagement or Ekramamah on the part of Ifterkar-ool-Dowlah Nawab Mahomed Abdool Ghuffoor Khan Bahadur Dilar Jung, 1820.

The pergunah of Piploda consists of 20 Aslee and Dakhalee villages. The amount of tankha payable by this district as settled by Colonel Borthwick, is fixed at Rs. 28,000. The amount of Sayer due from the district as heretofore has been fixed at half the amount of the collections. The amount of the tankha will be taken annually by instalments as detailed below in the Jaora catcherry. Nothing in excess of the amount in question will be demanded.

The obligations of Thakur Pirthee Singh of Piploda are :—

1. He is to pay annually, by regular instalments, the amount of the tankha above specified in the catcherry of the cusba of Jaora.
2. He is to furnish annually a security of a Sahoookar for the payment of the Tankha.

Half of the collections from the Sayer will be taken from the Thakur in conformity with the established usage.

This document has been drawn up and delivered as an engagement and a putta to be made use of hereafter.

Dated 16th September 1820.

This engagement on the part of Ghaffoor Khan, Jaghirdar of Jaora and its dependencies, embracing the settlement of different points that were at issue between him and Pirthee Singh, Thakur of the Tuppa of Piploda, was mediated by me at Oogain, this 12th day of September A.D. 1820.

(Signed) W. BORTHWICK,
*Commanding Holkar's Horse
and acting under the orders of
Major-General Sir John Malcolm.*

Confirmed by me this 30th day of September 1820.

(Signed) JOHN MALCOLM.

True Extract.

*Chief Secretary,
Jaora Durbar.*

A (a) v.

APPENDIX D.

AITCHISON'S TREATIES, ENGAGEMENTS AND SANADS.

4TH EDITION, VOLUME IV, PAGE 421.

No. CLXXIX.

Translation of Moochulka executed by the Peeploda Thakoor in 1844 under Sir C. Wade's authority, and order thereon by Sir R. Hamilton.

Dacoity.
Highway robbery.
Theft.
Murder.
"Dakun" killing.
Incendiarism.

As the Nawab of Jowrah, with a view to suppress within his elaka the occurrences of the crimes as per margin has taken from the Rangras (Rajpoots) and tankhadars of his districts moochulkas, I in consequence engage that I will make proper arrangements for the suppression of the said crimes and freebooters within the limits of my elaka : I will neither join these freebooters nor give them any help or assistance.

Should any of these crimes occur within my limits I will report it to the Nawab, and to the best of my ability will make arrangements for their suppression. I will try to trace out and apprehend the thieves and budmashes. If I fail in tracing out the culprits, I shall give compensation for the loss that may be caused to the party robbed, and obtain his razeenamah according to the same rule that may be in force within the Jowrah elaka. In no way shall I fail in this.

Should it be proved that I have associated with these dacoits or connived at their nefarious proceedings, the Nawab is at liberty to award a suitable punishment.

Should any case of "dakun" occur within my estate, I will not molest the suspected "dakun," nor shall I allow my subjects or dependants to do so.

The Rajpoots are in the habit of killing their daughters ; I will in future make arrangements that no one should commit the heinous crime of infanticide within my estate.

Should it be proved that I or any of my dependants were concerned in the commission of this heinous crime, or that I connived at the offence, the Nawab is at liberty to award a punishment.

In future, like other tankhadars I will pay obedience to the Nawab. I will keep a vakeel in attendance on him. Should any of my subjects appeal to the Jowrah adawlut the case may be disposed of there.

I engage to abide by the conditions of this engagement ; in case of failure, I incur a serious responsibility. Given of my own free will while in the full possession of my senses.

Dated 17th January 1844.

Engagement executed before me between the Nawab of Jowrah and the Thakoor of Peeploda defining the feudal relations of the latter to the former, which were long in dispute.

INDORE,

17th January 1844.

(Signed) C. M. WADE.

The principle of the Moochulka (agreement) entered (see in original) on the 17th January 1844 should not be departed from.

The Peeploda Thakoor is a feudatory of Jowrah.

(Signed) R. HAMILTON.

True Copy.

Chief Secretary,
Jaora Durbar.

APPENDIX E.

CENTRAL INDIA AGENCY OLD RECORD FILE No. 158 (PIPLODA)

No. 187.

Letter from J. T. Wheeler, Esquire, Assistant Secretary to the Government of India, Foreign Department, to the Agent to the Governor-General for Central India, No. 1029, dated Fort William, the 6th December, 1865.

With reference to your letter No. 43-222, dated the 3rd September 1864, submitting a report for the year 1863-64 on the States within the limits of the Central India Agency, I am directed by the Governor-General in Council to forward herewith extract, paragraph 15, from a despatch from the Secretary of State for India, No. 65, dated the 22nd September, and to request that you will state, for the information of Her Majesty's Government, whether the dispute between Piploda and Jaora has been finally adjusted.

Enclosure to Appendix D.

Extract (paragraph 15) from despatch from Her Majesty's Secretary of State for India, No. 65 (Political), dated the 22nd September 1865.

* * * * *

"15. It is not evident from the Agent's report on Western Malwa whether the dispute between Piploda and Jaora has, as I trust is the case, been finally adjusted."

(True Copy)

*Chief Secretary,
Jaora Durbar.*

APPENDIX F.

CENTRAL INDIA AGENCY OLD RECORD FILE No. 158 (PIPLODA)

No. 189.

Letter from Lieut.-Col. R. J. Meade, Agent to the Governor General for Central India, to the Secretary to the Government of India, Foreign Department, No. 14-H-38-H., dated the Indore Residency, Camp Mandoo, the 30th January 1866.

Adverting to your office letter No. 1029 of the date of the 6th ultimo, enquiring with reference to extract from a despatch from Her Majesty's Secretary of State for India, No. 65, dated 22nd September, 1865, paragraph 15, whether the dispute between Piploda and Jaora has been finally adjusted, I have the honour to forward, for the information of His Excellency the Viceroy and Governor General in Council, a copy of a report from the Political Agent in Western Malwa, No. 21, dated the 27th instant, from which it will be seen that the arrangements regarding the succession to the Estate of Piploda which were approved and authorised by Government were fully concurred in by the late Nawab and that there has been no dispute since on that or, I may add, any other score between these parties.

2. With reference to the points referred to in paragraph 2 of the exhibit, I must explain that the late Nawab was aware that the Piploda Thakur's engagement to him of 1844, referred to in this office letter No. 1-E., dated the 2nd December 1863, paragraph 8, had been brought under notice; and he was by my direction informed verbally by Captain Bradford that, so long as no dispute arose between him and the Thakur, the arrangements recorded in that engagement would not be interfered with.

A (a) v.

3. Nothing further appears to have been said at the time by the Chief on the subject, but when the entry regarding it at page 358 of Volume IV of Aitchison's Treaties was noticed to him, he seems to have entertained a feeling of dissatisfaction that the full validity of that instrument which had been countersigned by two of my predecessors, was disallowed therein, on the ground of its not having been confirmed by Government; and in conversation subsequently with Colonel Daly, a few days previous to his lamented demise, he gave expression to this feeling, and at the same time alluded to his disappointment at the decision* of Government setting aside Sir C. Wade's promise to him that a detail of the late united Malwa Contingent should always be located at Jaora, which was always a subject of soreness with him.

4. I must, at the same time, in justice to the deceased Chief, add that though he felt some dissatisfaction at that decision, he always referred to it in a perfectly loyal and respectful manner.

True Copy.

*Chief Secretary,
Jaora Durbar.*

APPENDIX G.

CENTRAL INDIA AGENCY OLD RECORD FILE No. 158 (PIPLODA)

No. 190.

Letter from the Under Secretary to the Government of India, to the Agent to the Governor General for Central India, No. 711, dated Simla, the 7th July, 1866.

With reference to your No. 14-H.-38-H., dated the 30th January last, reporting the final settlement of the dispute between the Thakur of Piploda and the Nawab of Jaora, I am directed to forward, for your information, the enclosed extract (paragraph 9) from a despatch from Her Majesty's Secretary of State for India, No. 34, dated 24th May.

Exhibit to Appendix G.

Extract from a despatch from her Majesty's Secretary of State for India, No. 34, dated the 24th May 1866 (Political).

* * * * *

Letter dated 22nd February (No. 31) 1866.

Paragraph 9.—The adjustment of this dispute is satisfactory.

* * * * *

Settlement of the dispute between the Thakur of Piploda and the Nawab of Jaora.

True Copy.

*Chief Secretary,
Jaora Durbar.*

* Vide your office letters No. 4591, dated 21st December 1855 and No. 1707 dated 17th April 1857.

APPENDIX H.

MEMOIR OF CENTRAL INDIA AND MALWA, VOL. II, BY SIR JOHN MALCOLM, EDITION OF 1880, PAGE 344.

L.

List of petty Chiefs, Thakoors, Zemindars, etc., who pay Tribute through the medium or under the guarantee of the British Government to different Rulers in Malwa.

1. Purbut Singh, Raja of Rutlam, to Dowlet Row Sindia—84,000 Salim Shae rupees, to be paid regularly in four kists; on failure, land to the value of the kist not paid to be taken. Sindia agrees never to send any troops into the country, or to interfere with the succession, or in its internal administration in any way whatever. This agreement between Bappoo Sindia and the Raja of Rutlam was mediated by Sir J. Malcolm, 5th January, 1819.

2. Raja of Sillanah to Dowlet Row Sindia—42,000 S. S. rupees; same conditions as with Rutlam, between Bappoo Sindia and the Raja of Sillanah, mediated by Sir J. Malcolm, 5th January, 1819.

3 & 4. Raja of Lunawara, and Raja of Soante, to Dowlet Row Sindia—The former 12,000, the latter 7,000 Salim Shae rupees, same conditions as with Rutlam. These two are included in one agreement, between Maun Singh, Row Patunkur, and the two Rajas, mediated 10th August, 1820.

5. Raja of Seeta Mhow to Dowlet Row Sindia—60,000 Salim Shae rupees, same conditions as with Rutlam mediated by Sir J. Malcolm, 21st November, 1820.

6. Raja of Amjhara to Dowlet Row Sindia—35,000 Hallee rupees, same conditions as with Rutlam.

7. Pirthee Singh Mundlooe of Budnawur to the Dhar State—16,502 Hallee rupees, same conditions as with Rutlam, mediated 16th December, 1818.

8. Thakoor Bhugwunt Singh to the Dhar State—9,459 Hallee rupees, same conditions as with Rutlam, mediated 16th December, 1818.

9. Thakoor Sewae Singh to the Dhar State—18,044 Hallee rupees, same conditions as with Rutlam, mediated 16th December, 1818.

10. Moozuffer Mkranny to the Dhar State—20,000 Hallee rupees; former tribute commuted for the Sayer duties of Ally Mohun. Badrah to be made over to Kishree Singh. Moozuffer agrees to keep up a body of fifty men only, and to maintain the security of the road between Ally and Dhar. Mediated by Sir J. Malcolm, 8th December, 1818.

11. Pirthee Singh, Thakoor, to Ghuffoor Khan—28,000 Salim Shae rupees; annual tribute in lieu of former tribute of 25,000 rupees, and of arbitrary assessments amounting to upwards of 3,000 rupees. This fixed tribute to be paid in three kists of the Kutcherry of Jowrah. Ghuffoor Khan agrees to discontinue the practice of sending horsemen into the country to collect the tribute.

True Copy.

Chief Secretary,

Jaora Durbar.

APPENDIX I.

AITCHISON'S TREATIES, ENGAGEMENTS AND SANADS, 4TH EDITION,
VOLUME IV, PAGES 494 & 495.

No. CCXXXIX.

Translation of an Engagement executed by Mundloi Pirthee Singh Jee of
Pitghura Bukhtgurb in Pergunnah Budnawur, to Ramchunder Rao Puar.

The revenue on my talooka has been settled through the mediation of Major-
General Sir John Malcolm.

The following are the villages of the talooka :—

Mouza Pitghura, etc.	3
„ Pitghura	1
Pigralo	1
Chamoora Kheree	1
Mouza Runga Kheree	1
„ Bengnoda	1
„ Ootabudah	1
„ Sugunthulee	1
„ Doodwal	1
„ Chow-Khord	1
„ Anmoda	1
„ Chundwara	1
„ Goodee Khera	1
„ Chyenpoora	1
„ Burwada	1
„ Dangee Kheree	1
„ Deerwara	1
„ Beer	1
„ Chow Bozurg	1
„ Juload	1
„ Dewana	1
„ Thana Kheree	1
„ Kutlabuda	1
„ Khajoorā	1
„ Baloda Bukal	1
„ Peepla	1
„ Bullgara	1
„ Bagur	1
„ Bhaut Bamunda	1
„ Sagumree Bozurg	1
„ Peepul Khota	1
„ Harmuck	1
„ Kurora	1
Total	32

Besides the above 32 villages the following villages are Inam :—

Mouza Bamunsookh	..	..	..	..	..	..	..	..	1
Buroday Khord	..	..	..	..	..	..	..	..	1
Punchuck Wasa	..	..	..	..	..	..	..	..	1
									<u>3</u>

The total number of inam villages is three.

The above 35 villages having been settled with me, the following amount of revenue has been fixed :—

On 32 villages	..	..	..	..	..	Halce rupees	15,794
Ditto Payment to Khasgao	..	..	..	..	..	Halce rupees	703
							<u>16,502</u>

Halce Rs. 16,502

I will pay every year the sum of Rupees 16,502 being the amount of revenue. In default of the payment I will give up the villages to the Circar. Besides this, should my relations object to the making over of the villages to the Circar, I will be held responsible for such objection, and in giving them up I will act fairly. I will not join the Kotriwala Rangars. All the documents connected with the cultivated lands of the villages shall be shown to the Circar. I will execute the usual orders of the Circar as I have hitherto done. I will not give refuge in the villages to any enemy of the Circar. If there be any farmed villages in the talooka, I will relinquish them, but I will hold possession of such villages as appertain to my zamindaree.

(Signed) MUNDLOI PIRTHEE SINGH.

Dated 1st Poos Boodeo 1875 Sumvat.

Revenue to be paid in the following instalments :—

	Rs.	a.
On 1st Kartick Soodee	2,064	0
„ 10th Poos Soodee	6,187	8
„ 15th Cheyt Soodee	4,125	0
„ 15th Bysack Soodee	4,125	8
Rupees	16,502	0

I will pay the above sum of Rupces 16,502 according to stipulation.

True Copy.

Chief Secretary,

Jaora Durbar.

APPENDIX J.

AITCHISON'S TREATIES, ENGAGEMENTS AND SANADS, 4TH EDITION,

VOLUME IV, PAGE 493.

No. CCXXXVIII.

Translation of the Kuboolyut given by Bhugwunt Sing of Kachee Baroda to Ramchunder Rao Puar Sahib, dated Dhar,—1818.

I, Bhugwunt Sing of Kachee Baroda, hereby state that the amount of tankha on account of my old villages has been settled through Sir John Malcolm.

A (a) v.

The villages are as follows :—

1 Kachee Baroda.	9 Brought forward.
1 Mouza Dhamnia.	1 Mouza Kunkraj.
1 „ Galowda.	1 „ Chyn Khoord.
1 „ Bamanda Boozrook.	1 „ Gopul Kheree.
1 „ Seetia.	1 „ Wurgatee.
1 „ Kishonpoora.	1 „ Kullianpoora.
1 „ Mya Kheree.	1 „ Kuttodia Boozrook.
1 „ Bhoyia Kheree.	1 „ Bhyrwarra.
1 „ Khyrwass.	—
—	16 Total villages sixteen.
9 villages. Carried over 9.	

The tribute to be paid on the above 16 villages amounts to Rupees 9,080 and on account of khasgee Rupees 379—total Rupees 9,459.

I agree to pay the above Rupees nine thousand four hundred and fifty-nine annually without demur, and in the event of my failing to do so, I will make over these villages until the amount of tankha is liquidated; I hold myself responsible for any matters of dispute there may arise between any of Circar's villages and myself or relatives. I will regularly pay the tankha and will not mix myself up in any matters of dispute with the other Kangras or Koledewalas; I will receive my jeeratee land after the due presentation of the documents, and will furnish "fur funnasas" (trifling Government dues, such as wood, grass) as heretofore; I will allow no one who has incurred the displeasure of the State to live in my elaka, and I will surrender the villages that are held by me in izarah.

The instalments of the annual payments to be made are as follows :—

	Rs.
1st Kartick Soodee	1,181
10th Poos Soodee	3,551
15th Cheyt Soodee	2,365
15th Bysack Soodee	2,362
Total Rs. ..	9,459

For the payment of this tankha I will give soucar's security yearly.

Dated Poos Boodee 1st, Sumvut 1875.

(Signed) BHUGWUNT SING.

This engagement between Bapoo Raghoonath, Dewan of the Rajah of Dhar, and Bhugwunt Sing, Rajah of Kachee Baroda, in the pergunnah of Budnawur, was concluded under my mediation at Amjherra on the 14th December 1818.

(Signed) JOHN MALCOLM,
Brigadier-General.

Agreed to by Dewan Bapoo Rughoonath.

True Copy.

Chief Secretary,
Jaora Durbar.

APPENDIX K.

MINOR STATES (THAKURATS) GAZETTEER, COMPILED BY MAJOR
C. E. LUARD, 1912, PAGE 43.

THE DORIA RAJPUTS OF PIPLODA, TAL AND UNI.

The Piploda Thakurate is dealt with in the Imperial Gazetteer.

TAL: (23° 43' N. 75° 25' E.).—The ancestors of the Thakur of Tal who is Doria Rajput came, it is said, from Multan in the Punjab. One Sur Singh migrated to Girnar in Gujrat whence he ousted a Jarecha family. Singh Rao, the son of Jag Singh, 15th in descent from Sir Singh, is said to have assisted Dilawar Khan of Malwa (401—05) and received the title of Rawat and a Jagir of 750 villages including Mandawal. The Mandawal Thakurs who claim seniority still hold land in Jaora.

Rawat Singh Rao's grandson was Rawat Niluji of Mandawal from whom the Pal Thakurs spring, one of his sons Ganga Singh receiving Tal. In 1821 and 1822 (Nos. CCXXV and CCXXVI) Thakur Chandan Singh, 11th in descent from Niluji, was guaranteed in possession of the villages of Karwakheri and Melukheri (Malikhera) and in the Damri and other dues of Tal Pargana. For the village he pays a quit rent of Rs. 1,737 and receives about Rs. 1,500 British, in dues. The Thakur also holds Lasuria village but not on a guarantee.

Chandan Singh was followed by Jait Singh, Lachhman Singh, Onkar Singh and Madho Singh, the present holder, who is a minor. Onkar Singh refused to attend the installation Darbar of the Nawab of Jaora in 1895 and his villages were attached but were restored in 1897 on his apologizing.

The area of the holding is 6,766 acres, of which 3,735 are cultivated.

The population was, in 1911, 1,334.

The revenues amount to Rs. 14,000, of which Rs. 11,000 are derived from land. He pays Rs. 1,216 per annum to the Jaora Darbar, of which Tanka comes to Rs. 1,065 and peshkashi to Rs. 151.

True Copy.

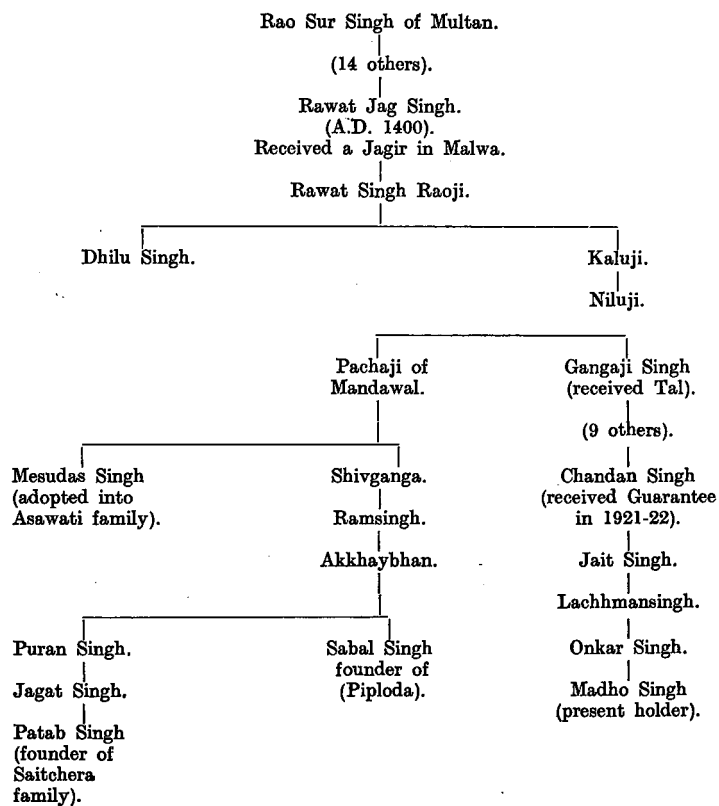
Chief Secretary,

Jaora Darbar.

APPENDIX K-1.

MINOR STATES (THAKURATS) GAZETTEER COMPILED BY MAJOR
C. E. LUARD, 1922, PAGE 44.

GENEALOGY OF THE MANDAWAL, PIPLODA AND TAL DORIA FAMILIES.



True Copy.

*Chief Secretary,
Jaora Durbar.*

APPENDIX L.

TRUE TRANSLATION OF SELECTIONS FROM THE SATARA RAJAS' AND PESHWAS' DIARIES BY RAO BAHADUR VAD, PAGE 151, PARA. 229, PART III, VOL. I.

Selections from the Satara Rajas' and the Peshwas' Diaries, Part III, Vol. I, Prepared by the late Rav Bahadur Ganesh Chimnaji Vad, B.A., Native Assistant to the Commissioner, C.D. Published with the permission of the Government of Bombay.

Page 151, para—229.

A.D. 1754-55. A dispute having arisen between Ranaji and Nathji of Saasthan Udepur, the latter came to the Huzur in person, as also Jet Singh and Khuman Singh on behalf of the former. A reconciliation was effected between the parties and a Nazrana of Rs. 2,50,000 was ordered to be levied from Ranaji.

True Copy.

*Chief Secretary,
Jaora Durbar.*

APPENDIX M.

TRUE TRANSLATION OF SELECTIONS FROM THE SATARA RAJAS' AND THE PESHWAS' DIARIES BY RAO BAHADUR VAD; PART IX, VOL. I, PAGE 282, PARA. 304.

Selections from Satara Rajas' and Peshwas' Diaries by Rao Bahadur Vad, Part IX, Vol. I, Page 282, Para. 304.

304. A tribute of Rs. 29,000 and a Nazar of Rs. 1,00,000 was imposed on Maharao Gumansingh of Saasthan Kote.

It was stipulated that he should be loyal to Government and that he should send, if called upon to do so, re-inforcement as before for campaigns in Upper India.

True Copy.

*Chief Secretary,
Jaora Durbar.*

APPENDIX N.

TRUE TRANSLATION OF SELECTIONS FROM THE SATARA RAJAS' AND THE PESHWAS' DIARIES BY RAO BAHADUR VAD, VOL. II, PART II, PAGE 48, PARA. 70.

Selections from the Satara Rajas' and the Peshwas' Diaries by Rao Bahadur Vad, Vol. II, Part II, of Balaji Bajirao Peshwa.

Page 48, Para. 70, A.D. 1753-54.

VOL. II.—16A

A (a) v.

A Sanad to Jayaji Sindia Onkarbhat and Ransodbhat Vyas, Udich Brahmins, residing at Panched in Pargana Rutlam of the province of Ujjain, having come to the Huzur, represent that Lalsingh Rajput insulted their brother Narayanbhat Vyas, and put him to death, and pray that Lalsingh should be punished. Considering that the Rajput has murdered a Brahmin, Government has issued this Sanad to you, and you are directed to expel the Rajput from the country, and to confiscate the 12 villages held by him in Jahagir. As the Brahmin has been murdered, sanction is accorded to the grant in Inam (to the above relative) of one Chahur of good land. The land should be assigned at the said village, and a site should be given to them in the same village for building a house.

True Copy.

Chief Secretary,
Jaora Durbar.

APPENDIX O.

Award, dated the 1st October, 1881, from Sir Lepel Griffin, Agent to the Governor General for Central India.

Two points have been in dispute between His Highness the Maharaja of Indore and His Highness the Nawab of Jaora since 1865.

(1) The currency in which the Nazrana due by the Nawab of Jaora, on succession, to the Maharaja should be paid.

(2) The amount of Khillat which should be given by the Maharaja Holkar to the Nawab on payment of the Nazrana.

This matter has been the frequent subject of communication, and was finally referred by the Agent to the Governor General to the Government of India in February last.

2. The orders conveyed upon that reference were briefly to the effect that the proof of the payment of Nazrana in Hali Rupees and not in Salim Shahi, as asserted by the Nawab, would probably be in the Indore Darbar Office, and that His Highness the Maharaja should, in order to the case being decided, produce his accounts or explain their non-production.

On the second point, the Governor General in Council considered that as the Nazrana appeared to have been fixed, not in accordance with the principles observed in dealing with States tributary to the Government of India, but in accordance with precedent, the amount of Khillat should be fixed in the same manner, and that its amount should, after due enquiry by the Agent to the Governor General, be fixed by him. If the Indore and Jaora Darbars agreed beforehand to abide by my decision, I should proceed to deliver an award that should be binding upon both parties, otherwise the result of my inquiry, with my opinion, was to be submitted to the Government of India for final decision.

3. Both Darbars, that of Jaora, in a letter dated the 20th June, and that of Indore in their No. 550 dated 15th August, agreed to abide by the award of the Agent to the Governor General although there were several questions raised in the Indore letter, which I am not called upon finally to decide and which will not be included in this award although they must be briefly noticed at its conclusion. This award consequently, has reference solely to the two points noted in the 1st paragraph and is final, and binding upon both Darbars in accordance with the orders of His Excellency the Governor General in Council and the expressed acceptance of both His Highness the Maharaja and His Highness the Nawab in the arbitration of the Agent to the Governor General.

4. The general instructions of the Government of India render decision of this long pending case easy.

The only precedent adduced is that of the succession of Ghaus Mohamed Khan in 1825. No evidence of payment of Nazrana or receipt of Khillat is brought forward by Jaora, specially represented, in this investigation, by Hazrat Nur Khan, Minister, it being asserted that the State records were destroyed by fire during disturbances which occurred at Jaora.

5. The Indore Darbar on their part, have produced certain evidence which, unless rebutted is sufficient to establish their case.

This consists of the accounts of 1825-26 recorded, as is declared to have been the custom, then and for many years subsequently, on separate slips, but in good order and preservation and in the handwriting of an official who has been dead for 20 years.

These accounts show that, in 1825, two lakhs of Hali Rupees were paid and that a return Khillat was given in two instalments, one that year, of 3144-12, and the second the following year of 2186-14.

6. The Jaora State contends that the accounts being on slips are unreliable; that no invoice accompanying the money from Jaora is produced; that it is not likely that 2 lakhs of Hali Rupees could at one time have been sent from Jaora when the currency was Salim Shahi; that the financial state of Jaora was not such as to enable it to pay two lakhs at one time, and that the asserted Khillat is altogether disproportionate to the Nazrana.

I cannot consider the Jaora contention as valid or as indeed of any weight whatever. This Darbar should have themselves produced proof of the payment being in the Salim Shahi currency, and if their records were destroyed there must still, in the accounts of the bankers who forwarded the money and whose firms are still at Jaora, be some record of the transaction. But no such witnesses or accounts have ever been produced.

As to the objection to the accounts being on slips, this is valueless; if it be true, as it appears to be, that the Indore accounts, in 1825 and for many years afterwards, were invariably kept in this way the fact of no invoice or "Chalan" being produced is unimportant, after such a lapse of time, when moreover Jaora produces no receipt, while the considerations of the probability or possibility of Jaora sending so much money at one time, either deduced from its currency or its financial condition, are merely fanciful arguments which do not affect the decision. There is no evidence to show that the money was received in one instalment, and none as to the power of the New Nawab to pay or not pay the fine on his succession. As to the amount of Khillat, the Maharaja was under no obligation to give any thing; so that no argument can be founded on its amount.

7. My award accordingly is, seeing that the Indore evidence is, in my opinion sufficient to determine the question, while Jaora has produced no evidence at all, that,

1. The Jaora Nazrana of two lakhs of rupees should be paid in the Indore Hali currency,

2. The amount of Khillat to be paid by the Maharaja of Indore to the Nawab of Jaora, should the latter be willing to receive it, should not be less than Rs. 5,000. This is generally in accordance with precedent, and there is nothing to support the claim to a Khillat of 50,000, being one quarter of the Nazrana.

8. In this award I will not travel beyond the two points above finally and by consent of parties agreed upon.

But I cannot avoid brief comment on the letter of the Indore Darbar of the 15th August, conveying the assent of His Highness the Maharaja to the arbitration now concluded. I join issue with the whole drift and tenor of this letter which is to the effect that the Nawab of Jaora is a subordinate feudatory Jagirdar of Indore as the Sovereign State. That Jaora must conform to Indore rules; and that, if two lakhs Nazrana only on this occasion, be accepted, yet that the Indore Darbar is in no way barred from levying the full Nazrana, of one year's revenue on some future succession.

These pretensions on the part of the Indore Darbar are I hold altogether without foundation. Jaora has been declared by the Imperial Government to be, though nominally a fief of the Indore State, yet really independent of it. The

A (a) v.

Nawab of Jaora's *status* in Malwa rests on precisely the same basis as that of His Highness the Maharaja Holkar himself, namely, the guarantee of the British Government given in the Treaty of Mandasor. In consideration of the manner in which the lands had originally come into the possession of the Jaora family—a succession fine was fixed to be paid by the Nawab to the Maharaja. This the Indore State will continue to receive, as heretofore, on succession, but it has no right, in my opinion, to increase the amount here fixed at two lakhs of rupees, or to claim from the Nawab of Jaora any service feudal or otherwise; any service due by His Highness the Nawab of Jaora is due alone to the British Government, whose feudatory he directly is.

True Copy.

*Chief Secretary,
Jaora Darbar.*

APPENDIX P.

Letter from the Junior Under Secretary to the Government of India, Foreign and Political Department, to the Agent to the Governor-General in Central India, No. 356 G.P., dated Fort William, the 12th December 1881.

I am directed to acknowledge the receipt of your letter No. 78 P. 351, of the 25th October 1881, submitting your award in the matter in dispute between the States of Indore and Jaora in regard to the currency in which Nazrana should be paid by the Chief of the latter State, on succession, to the Maharaja Holkar, and the value of the Khillat to be presented by the Maharaja to the Nawab.

2. After a full consideration of all that could be adduced by both parties to this dispute, you have decided that the Nazrana should be paid in the Hali Sieca Currency and that the value of the Khillat conferred on the Nawab should be Rs. 5,000 (five thousand). I am to say that the Governor-General in Council is pleased to confirm this award.

3. With reference to the concluding remarks in your award in which you comment on the pretensions put forward by the Indore Darbar to complete feudal superiority over Jaora, I am to say that the Governor-General in Council concurs in the opinion you have expressed. The Government of India has already on a former occasion declined to countenance similar claims on the part of Maharaja Holkar, and His Excellency in Council regrets that they should have been revived.

True Copy.

*Chief Secretary,
Jaora Darbar.*

APPENDIX Q.

Extract from letter No. 3489 1, dated the 15th October 1885, from the Secretary to the Government of India.

* * * * *

The very nature of the questions referred for your decision plainly shows that it was not the intention either of what you wrote or of the order of the Government of India to militate in any way against the Maharaja's recognised claim to customary homage or other formal and ceremonial observances, as distinguished from feudal services, due by the Nawab of Jaora to the Chief of Indore. At the same time the Governor-General in Council must maintain that the terms of the sanad conferred by Lord Canning upon the Nawab and repeated decisions of the Government of India support your view that Jaora, though nominally a fief of Holkar's State, is really independent of it.

* * * * *

True Copy.

*Chief Secretary,
Jaora Durbar.*

APPENDIX R.

Letter from the Political Agent in Malwa, Camp Indore, to the Chief Secretary, State Council, Jaora, No. 117-C/65-19, dated the 25th October 1922.

Subject:—Claim of the Indore Durbar over Jaora.

With reference to your letter No. 1220, dated the 24th September 1922, on the above subject, I have the honour to forward a copy of a letter No. 247-A, dated the 23rd March 1922, from the Secretary to the Agent to the Governor-General in Central India to the Chief Minister, Indore State.

True Copy.

*Chief Secretary,
Jaora Durbar.*

EXHIBIT TO APPENDIX R.

A copy of letter No. 247-A/60-A/1918, dated the 23rd March 1922, from the Secretary to the Agent to the Governor-General in Central India to the Chief Minister, Indore State.

I am directed to refer to the correspondence ending with my letter No. 72-A, dated the 21st January 1922, and to convey the orders of the Government of India on Colonel Beville's letter with which he forwarded for their consideration your predecessor's letter No. 525, dated the 23rd July 1920, reviving the claims of the Holkar State to certain marks of feudatory allegiance from the Nawab of Jaora.

2. At the outset the Government of India observe that this claim has been revived in response to the invitation issued by them in 1918 with a view to the citing and examination of any cases in which Ruling Princes might consider that there had been a failure to fulfil pledges given by the British Government. In this connection they point out that it was not contemplated that advantage would be taken of the invitation to revive disputes between States. At the same time they recognize that there is nothing in the wording of their letter on the subject to indicate an intention to exclude such cases, provided that in other respects they are within the terms of the invitation. They have therefore examined the present representation in the light of those terms and point out that it was then stated by them that "no useful purpose would be served by raking up ancient history and disinterring forgotten disputes" and it was added that "representations should therefore be confined to matters which constitute a grievance at the present moment." The intention of these words clearly was to exclude cases in which a final decision has been arrived at many years ago. The reason which justifies a general limitation of this nature is that circumstances gradually accommodate themselves to the State of affairs produced by a particular decision in such a way as to make it impracticable after the lapse of a certain time to revise the decision, because it has become impossible to recreate the circumstances existing at the time when the case was originally decided.

The present instance is a case in point. At the time when the question of Maharaja's suzerain rights was first considered it might have been possible, by a mere expression of the wishes of the Government of India, to secure the recognition by the Nawab of Jaora of the claim of the Maharaja Holkar to full feudal suzerainty. But the spirit of the times has changed, and the Government of India who have themselves very recently been instrumental in securing a general dispensation from His Majesty in favour of all Ruling Princes in the matter of presentation of *Nazars*, would find it quite impossible to require in 1922 from a State like Jaora feudal observances towards the Maharaja Holkar which in so far as they were ever performed have certainly been in abeyance for half a century.

A (a) v.

3. The Government of India observe that the Holkar State in their representation have referred to the assurance given to His Highness the Maharaja Scindia in regard to the Guaranteed Thakurs in Gwalior, and have claimed that they are entitled to at least the same degree of consideration, in connection with the present case. The two cases are not however really parallel. The case of guaranteed Thakurs in Gwalior had been under discussion for some years when the invitation of March 1918 was issued and the consideration of the case was not limited by the terms of that invitation. Secondly the question at issue in that case was one of far reaching practical importance, involving the administrative control of a number of Gwalior Thakurs. In the present case, the issue is one of feudal suzerainty and the Government of India are asked to pass an order imposing on a Ruling Prince an obligation to perform certain feudal services which have long fallen into desuetude. Even if such an order were to be passed it is most unlikely that compliance would be secured except by the application of measures which Government could never countenance in such a cause.

4. Coming now to the history of the case, the Government of India observe that definite pronouncements on it have been made on several occasions. The earliest of them dates back to 1865 and arose out of the question of the nazarana to be paid on the succession of Nawab Mohammed Ismail Khan.

5. The ruling of the Government of India on this occasion that "Jaora, though nominally a fief of Holkar's State, is really like other principal States, independent of it" does not appear to have been conveyed to His Highness' Government at the time, but it was specifically referred to in the concluding portion of Sir Lepel Griffin's award of 1st October 1881, a copy of which was forwarded to the Durbar office with the Agent to the Governor-General's endorsement No. 2153 of that date. The procedure arising out of this succession was however the subject of explicit protest by the Holkar State which was eventually answered, after references to the Government of India, in Sir R. Meade's Kharita of 9th October 1866. The Government of India's communication on which that Kharita was based intimated that "Holkar's rights as a suzerain are barred and it is not for the Public interests that they should be revived." It was added that the Viceroy and Governor-General in Council distinctly repudiated the claims and was surprised that they should have been advanced.

The next pronouncement was contained in Sir Lepel Griffin's award referred to above. In confirming that award the Government of India concurred in Sir Lepel's remarks regarding the pretensions put forward by the Holkar State to complete feudal superiority over Jaora and regretted that the Durbar had again revived such claims notwithstanding the refusal already given by Government to countenance similar claims on the part of the Durbar.

6. The decision was once again upheld in 1885 in a Kharita which Lord Dufferin personally delivered to His Highness the Maharaja. This pronouncement is regarded by the Government of India as of special importance since it was given after most careful consideration extending over a period of more than three years and intimated in plain language that the decision at which Government had arrived was final.

7. It will be seen from the above that four pronouncements all in the same sense were made on the subject of the claim of the Holkar State to suzerainty over Jaora during the period 1865-1885. The last of these, though naturally unacceptable to the Holkar State as shown by the Kharita of 19th November 1885 from the late Maharaja Tukoji Rao, has remained unchallenged for nearly 40 years and, in the circumstances already explained, the Government of India are not prepared to reconsider it.

8. In conclusion I am to convey the view of the Government of India on the point with which the present correspondence started namely the claim of His Highness the Maharaja Holkar that the Nawab should be required to be in attendance at all State functions during the visit of Lord Chelmsford to Indore in 1918.

The Government of India are of opinion that Sir Oswald Bosanquet was correct in refusing that claim, but they admit the difficulty of drawing a sharp line of distinction between "feudal services" on the one hand and "homage or other formal or ceremonial observances" on the other. They would accordingly prefer to base the decision on the admitted fact that the Nawab had not attended any Durbar at Indore since 1874 and to rule that whatever the practice may have been in times long gone by, such attendance can no longer be regarded as customary.

True Copy.

(Signed) Illegible,
Head Clerk,
Malwa Political Agency.

True Copy.

Chief Secretary,
Jaora Darbar.

EXHIBIT 2.

DECISION OF THE GOVERNMENT OF INDIA AS CONTAINED IN THE MALWA POLITICAL AGENCY LETTER No. 4106, DATED THE 17TH JUNE, 1927, ADDRESSED THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT.—Status of the Rawat of Piploda *vis-à-vis* the Nawab of Jaora and the settlement of outstanding disputes between them.

I have the honour to communicate to you the orders of the Government of India on the memorial submitted by His Highness the Nawab of Jaora to the Secretary of State for India. The Government of India observe that the memorial is time barred, as the letter communicating to the Darbar the orders of the Government of India is dated the 10th January, 1924, while the memorial is dated the 16th May, 1925. The Government of India are unable to make any representation in favour of His Highness the Nawab; the decision already given is clearly equitable and must hold good. The maps referred to in paragraph V (g) of the memorial have been examined and do not support the contentions put forward by His Highness. The Government of India regret their inability to forward the memorial to the Secretary of State.

EXHIBIT 3.

COPY OF LETTER No. 1471/65-20, DATED THE 22ND NOVEMBER, 1927, FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF HIS HIGHNESS THE NAWAB OF JAORA, TO THE POLITICAL AGENT IN MALWA, MANPUR.

I have the honour to enclose herewith in triplicate the Representation of the Jaora Darbar to the Government of India in the matter of the Memorial of Appeal dated the 16th May 1925 of His Highness the Nawab Sahib Bahadur of Jaora to the Right Honourable the Secretary of State for India, *in re* the Status of the Thakur of Piploda *vis-à-vis* His Highness the Nawab of Jaora and settlement of matters in dispute between them.

2. I beg to request you kindly to forward it, through the proper channel, to the Government of India for their favourable consideration and orders.

True Copy.

ALI KHAN,
Office Inspector.
For Chief Secretary.

A (a) v.

Representation of the Jaora Darbar to the Government of India in the matter of the Memorial of Appeal dated the 16th May 1925 of His Highness the Nawab Sahib Bahadur of Jaora to the Right Honourable the Secretary of State for India, in re the Status of the Thakur of Piploda *vis-à-vis* His Highness the Nawab of Jaora and settlement of matters in dispute between them.

I. That the Memorial mentioned above was forwarded to the Political Agent in Malwa under my letter No. 737 dated the 16th May 1925..

II. That the Political Agent in Malwa by his letter No. 4106 of 1927 dated the 17th June, 1927, exhibited herewith as Appendix S-1 has conveyed the orders of the Government of India on the Memorial to the following effect :—

(a) The Memorial of appeal regarding the order of the Government of India dated the 10th January 1924 was submitted on the 16th May 1925 and was time-barred.

(b) The decision of the Government of India of 1924 was equitable and must hold good.

(c) The *maps* quoted in paragraph V (g) of the Memorial were examined and do not support the contention of His Highness the Nawab.

III. That, though this decision of the Government of India is disappointing to His Highness, he is referring to it in a perfectly loyal and respectful manner open to him under the circumstances and hopes that this representation would be taken into consideration by the Government of India on its merits.

IV. That I am directed by His Highness to deal with the three points mentioned in paragraph II *supra* as under :—

(A) (1) The latest rules regarding the submission or withholding by Local Governments or Administrations and by Officers of the Political Department of the Government of India, of petitions, memorials, and other papers of the same class, *relating to matters affecting persons or places, under their political charges*, when such petitions or other papers are addressed to the Government of India, to His Majesty the King Emperor of India, or to the Right Honourable the Secretary of State for India, are published for general information, in the Notification No. 1606-G, dated the 29th July, 1910. The italics are by the undersigned. This notification was amended by the Government of India—Notification No. 1367-G, dated the 10th August, 1915, so far as the rules refer to the Memorials, &c., to His Majesty the King Emperor of India or to the Right Honourable the Secretary of State for India, the Preamble of the Rules of the 29th July 1910 still exists without any change.

(2) The Preamble of the rules of 1910 and 1915 refer to Memorials and other papers of the same class *relating to matters affecting persons and places*, under the political charges, when such petitions and other papers are addressed to . . . the Right Honourable the Secretary of State. It is contended herewith that according to the Preamble of the rules, the rules referring to Memorials to the Right Honourable the Secretary of State for India, do not apply to Princes and States except in cases of boundary disputes between two States mentioned in the notification of the 10th August, 1915. The question of the Status of Piploda was decided by the Government of India in 1924, after a period of 80 years, the Moochalka of 1844 being set aside in 1924.

(3) The rules of 1910 and 1915 do not show whether they were sanctioned by the Right Honourable the Secretary of State or by His Majesty the King-Emperor.

(4) Clause (5) of the Rules under the notification of 1915 ordinarily allows 6 months but this limitation may be extended to 12 months by the Local Government or Administration. The question is what has the Local Administration in Central India done in this matter? The Political Agent in Malwa by his letter No. 1368 dated the 24th May 1925, sent back the Memorial for signature on each sheet (Exhibited herewith as Appendix T-1). Then

follows the Political Agent's letter No. 54, dated the 2nd July, 1925 (exhibited herewith as Appendix U-1), in which the Honourable the Agent to the Governor General wants the Memorial to be sent as soon as possible. A reply to Appendix U-1 was submitted to the Political Agent, stating that the Memorial was under print and shall be sent soon. Then follows the Political Agent's letter No. 777, dated the 11th August 1925 (exhibited herewith as Appendix V) which asks the Darbar to give the date on which the Memorial shall be submitted. The memorial thus drew its ordinary length. Then follows the Political Agent's letter No. 3143-44/291-25 dated the 28th November 1925 (Exhibited herewith as Appendix W), which forwarded to the Darbar the reply of Piploda. The Darbar after preparing their rejoinder to the Piploda reply completed His Highness' Memorial by their No. 231/65-20 on the 18th February 1926 (exhibited herewith as Appendix X). Actually the memorial was sent on the 18th February 1926 *with the consent and guidance of* the Political Officers in Central India.

(5) The Darbar respectfully beg to state that the period of limitation of one year was extended by the Local Administration of Central India owing to the circumstances stated above and they also beg to state that the periods of 6 months and 12 months have ever been observed more in their breach than observance so far as they related to Indian Princes and their States.

(6) Instances are not wanting in other cases but special attention of the Government of India is invited to the proceedings in this very case. The Moochalka of 1844 stood valid till 1901 when the Thakur of Piploda memorialised the Government of India and the Government in 1905 (*vide* pages 392-93 of the Aitchison's Treaties Vol. IV of 1909 exhibited herewith as Appendix Y) decided that the Moochalka of 1844 was considered as binding. The Thakur of Piploda did not appeal against the order of the Government of India of 1905 and thus Piploda's claim to re-open was barred after 1905, but still the Government of India in 1924 set aside the Moochalka of 1844 against which Moochalka amongst other things, the present Memorial of His Highness the Nawab of Jaora has been submitted. The application of the Memorial Rules of 1915 to the Princes and States is one which the Government of India have to decide in this case.

(7) The exercise of the power of withholding Memorials according to clause 6 (5) of the Memorial Rules of 1915, is only confined to the Local Governments, Administrations and Political Officers in direct relations with the Foreign and Political Department of the Government of India. The trend of the appendices quoted in sub-paragraph 4 *supra* is, that they extended the period of limitation in the matter of the Memorial of His Highness the Nawab of Jaora, and the Government of India were and are in a position to extend the period of limitation as per permission expressed by the Honourable the Agent to the Governor General in Central India, in Appendices U-1 and V.

(8) The Rules for the submission of Memorials contained in Notification No. 1367-G, dated the 10th August 1915 have been cited in the Notification No. 427-R, dated the 29th October 1920. The penultimate and ultimate paragraphs of the notification No. 427-R, extend the application of the Rules under Notification No. 1367-G, to the Princes and their States but only for the establishment of a COURT OF ARBITRATION and no more. The adventitious application of the Rules to a COURT OF ARBITRATION for the Princes cannot apply to the Appeal Memorial of His Highness the Nawab Sahib Bahadur of Jaora dated the 16th May 1925 because the Memorial does not pertain to a Court of Arbitration but to other matters that were decided by the Government of India on the 10th January 1924. Likewise the Notification of the Government of India No. 224-P, dated the 3rd May 1926 cannot be supposed to be prescribing the limitation for the Princes and their States for other purposes mentioned in the Memorial Rules of No. 1367-G, dated the 10th August 1915, besides the establishment of a Court of Arbitration. The limitation of one year spoken of in the Notifications No. 1367-G, dated the 10th August 1915 and No. 224-P, stand on different footings. Even if the Notification No. 224-P. be held applicable to the Memorial under appeal, the pleas contained in sub-paragraphs of IV herewith are such as would deserve

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the extension of the period of limitation for the Memorial of appeal over one year at the hands of the Government of India within the purview of the last para of the Notification No. 224-P.

(B) *The decision of the Government of India (i.e. of 1924) was equitable and must hold good.*

(1) It is not known to the Jaora Darbar from the abstract of the order of the Government of India contained in the Political Agent's letter No. 4106 of 1927 dated the 17th June 1927 (appended S-1 herewith), whether the order is the finding of the Local Administration in Central India or that of the Government of India. In both the cases the finding in 1927 Appendix S-1 *supra* is, the upholding of the decision of the Government of India of the 10th January 1924; in other words, the finding would amount to be the decision of the Memorial of Appeal by the Right Honourable the Secretary of State or the revision of the order of the Government of India of 1924 by themselves, a case not contemplated by sub-paragraph 3 of clause 6 of Memorial Rules of 1915.

(2) The rate of exchange between the Salim Shahi and British coin has been fixed by the Government of India as Rs. 125/- equivalent to Rs. 100/- British coin for all the mediatised Thakurs of the Jaora Darbar, *vide* the order of the Government of India No. 511 dated the 18th February 1916 (exhibited herewith as Appendix Z). The exchange rate for Piploda ought to have been the same (Rs. 125/- S.S.=Rs. 100/- B.C.), because the villages held by Piploda from the Jaora Darbar are also on a yearly quit-rent like other mediatised Thakurs of the Jaora State (*vide* the Index to the Map of Malwa as on page 10 of the Memorial). Moreover the obligation of Piploda to pay Rs. 28,000/- annually to the Jaora Darbaris based on the 12th Article of the Treaty of Mand-saur of 1818. The working out of the amount of the quit-rent of Rs. 28,000/- according to the order of the Government of India of 1924 Appendix A of the Memorial under appeal, would go to show that the quit-rent, styled the Tribute in the Treaty of Mand-saur, becomes Rs. 14,000/- at the rate of Rs. 100 S.S. equivalent to Rs. 50/- B.C. instead of Rs. 22,400/- at the rate of Rs. 125/- S.S. equivalent to Rs. 100/- B.C., as per final order of the Government of India, Appendix Z herewith. The adjudication of Rs. 14,000/- instead of Rs. 22,400/- by itself is a sufficient ground to be decided by the Right Honourable the Secretary of State for India instead of the revision of the order of the Government of India of 1924, by themselves in 1927 (*vide* Appendix A of the Memorial, Government of India order of 1924 and the present order of 1927 Appendix S-1 herewith). The finding of the Government of India order of 1924 is under appeal and to regard the order of 1924 as just and equitable in the order of 1927 would amount to the fact that the Government of India in 1927 heard the appeal themselves against their own order of 1924.

(C) *The "Maps" quoted in paragraph V (g) of the Memorial were examined and they do not support the contention of His Highness the Nawab.*

There are various other new and substantial pleas urged in the Memorial, such as :—

(1) The interpretation of the basic terms like Tribute in the Treaty of Mand-saur, the interpretation of the Agreement between the parties No. CLXXVIII on page 420 of the Aitchison's Treaties, Vol. IV of 1909, the construction of the Moochalka of 1844 No. CLXXIX on pages 421 and 422 of the same volume, the decision of the sovereign rights of the Jaora Darbar on Piploda according to the 12th Article of the Treaty of Mand-saur and the entry of Piploda in the territory of Jaora, only as a quit-rent holding in Sir John Malcolm's map of Malwa of the year 1820, etc., out of these substantial pleas, Appendix S-1 shows that the Government of India considered only the *Maps* mentioned in paragraph V (g).

(2) A reference to paragraph V (g) on pages 9 and 10 of the Memorial dated the 16th May 1925 would show that only *one map* (and not maps as mentioned in Appendix S-1) was referred to. The original of the map ought to be in the office of the Right Honourable the Secretary of State for India. That map would show Piploda as a part of the Jaora State and is not being marked

as a separate unit State like Ratlam, Sailana and Sitamau. Had Piploda been a separate State, Sir John Malcolm would have shown Piploda as a separate unit. From the short abstract (Appendix S-1) of the present order of the Government of India as framed by the Political authorities in Central India, the Jaora Darbar do not understand how the map does not support their contention.

(3) The same Paragraph V (g) on page 10 of the Memorial refers to "The Index of Malwa" (a book). In the Index at page 339, Piploda is spoken of as a quit-rent holding from the Jaora State. The Jaora Darbar know, that though the sovereignty is divisible so far as some of the delegated functions, but the entire independence of the quit-rent holding for Judicial and other functions is not understood from Appendix S-1. The Jaora Darbar still believe that the Index sanctioned by Sir John Malcolm makes Piploda a mediatised holding like those of other holdings in the Jaora State and not a pure and simple Tributary on the interpretation of the word "Peshkash," translated as "Tribute."

(4) The interpretation of the Map of Malwa (1820) and its Index are fit subjects to be interpreted by the Right Honourable the Secretary of State. The Memorial is an appeal and not a revision as has been dealt with by the Government of India. When the Government of India impliedly regard the recital of the Map and the Index as new points, there should be a decision on paragraph V (g) and on the other points raised in the Memorial by the Right Honourable the Secretary of State for India. The Jaora Darbar trust that the order of the Government of India, Appendix S-1, is not based on the Resolution No. 224-P, dated the 3rd May, 1926, but if that order is based on this Resolution the Jaora Darbar pray that the period of limitation be extended within the purview of the last sentence of the Resolution as submitted in subparagraph 8 of paragraph IV (a) *supra*.

V. That the Jaora Darbar have always been styling their appeals to the Government of India as their Representations, which style continues up to this time. There had been no occasion for the Jaora Darbar to submit any Representation of Appeal to the Right Honourable the Secretary of State for India but on the present occasion of 1925, when the Darbar, out of sheer respect to the exalted position of His Majesty's highest functionary for India, used the words "The Humble Memorial of Appeal" for the solitary word "Appeal." The Darbar's merely using the word Memorial as the most respectful word at their command could not be conceived to make them amenable to the Memorial Rules of 1910 and 1915 if those Rules, as a matter of fact, do not apply to the Princes. The application of the Memorial Rules to the Jaora Darbar on the basis of the use of the words "Humble Memorial of Appeal" would be nothing short of penalising their virtue and expression of respect to the Right Honourable the Secretary of State for India.

VI. That the Jaora Darbar have every hope that the Government of India after considering the above mentioned averments, would transmit the Memorial dated the 16th May, 1925, to the Right Honourable the Secretary of State for India. If unfortunately for the Jaora Darbar, the Government of India be not prepared to appreciate the pleas urged herewith as sufficient for the transmission of the Memorial up even now, it is prayed that this humble representation be forwarded to the Right Honourable the Secretary of State for India as an application for the grant of Special permission to appeal against the Decision of the Government of India dated the 10th January, 1924, on the analogy of the Chartered High Court's rejection of permission to ordinary appeal to the Privy Council of His Majesty the King Emperor.

VII. That in conclusion I have been directed by His Highness the Nawab Sahib of Jaora to express his regret that in spite of best efforts, the Darbar have not succeeded in their desire to cause the Government of India the minimum of trouble in perusing and considering the various points involved, for which, as also

for the great length to which this Representation has run, and for its other defects, including repetitions—shortcomings of which the Jaora Darbar are only too conscious—His Highness tenders his apologies.

(Signed) SERFRAZ ALI KHAN,

Chief Secretary,

Jaora Darbar.

True Copy.

For Chief Secretary.

LIST OF APPENDICES.

- APPENDIX S-1.—The Order of the Government of India as contained in the Malwa Political Agency letter No. 4106 dated the 17th June, 1927, to the Chief Secretary, Jaora Darbar.
- APPENDIX T-1.—Copy of letter No. 1368 dated the 24th May, 1925, from the Political Agent in Malwa to the Chief Secretary, Jaora Darbar.
- APPENDIX U-1.—Copy of letter from the Political Agent in Malwa No. 54, dated the 2nd July, 1925, to the Chief Secretary, Jaora Darbar.
- APPENDIX V.—Copy of letter No. 777, dated the 11th August, 1925, from the Political Agent in Malwa, to the Chief Secretary, Jaora Darbar.
- APPENDIX W.—Copy of letter No. 3143-44/291-25 dated the 28th November, 1925, from the Political Agent in Malwa to the Chief Secretary, Jaora Darbar.
- APPENDIX X.—Copy of letter No. 231/65-20 dated the 18th February, 1926, from the Chief Secretary, Jaora Darbar, to the Political Agent in Malwa.
- APPENDIX Y.—The Order of the Government of India of 1905 taken from pages 392-93 of the Aitchison's Treaties, Vol. IV of 1909.
- APPENDIX Z.—The Order of the Government of India as contained in the Malwa Political Agency letter No. 511/375-11, dated the 18th February, 1916, to the Chief Secretary, Jaora Darbar.

(Signed) SERFRAZ ALI KHAN,

Chief Secretary,

Jaora Darbar.

True Copy.

ALI KHAN,

*Office Superintendent,
for Chief Secretary.*

APPENDIX S-1.

THE ORDER OF THE GOVERNMENT OF INDIA AS CONTAINED IN THE MALWA POLITICAL AGENCY LETTER No. 4106 DATED THE 17TH JUNE, 1927, TO THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT :—Status of the Rawat of Piploda *vis-à-vis* the Nawab of Jaora and the settlement of outstanding disputes between them.

I have the honour to communicate to you the orders of the Government of India on the Memorial submitted by His Highness the Nawab of Jaora to the Secretary of State for India. The Government of India observe that the memorial is time-barred, as the letter communicating to the Darbar the orders of the Govern-

ment of India is dated the 10th January, 1924, while the memorial is dated the 16th May 1925. The Government of India are unable to make any representation in favour of His Highness the Nawab ; the decision already given is clearly equitable and must hold good. The maps referred to in paragraph V (g) of the memorial have been examined and do not support the contentions put forward by His Highness. The Government of India regret their inability to forward the memorial to the Secretary of State.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX T-1.

COPY OF LETTER No. 1368 DATED THE 24TH MAY, 1925, FROM THE POLITICAL AGENT IN MALWA, TO THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT :—Memorial forming the Jaora Darbar's representation in the Jaora-Piploda case.

Reference—Your letter No. 737/65-20, dated the 16th May 1925.

I note that the Memorial received with your letter is not signed by His Highness the Nawab on each sheet as is required by the rules.

I shall therefore bring the Memorial with me to Jaora when I come there in the beginning of June to enable His Highness to do the necessary.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX U-1.

COPY OF LETTER FROM THE POLITICAL AGENT IN MALWA No. 54, DATED THE 2ND JULY, 1925, TO THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT :—Memorial to Secretary of State by the Jaora Darbar with reference to the Jaora-Piploda case.

Reference—Correspondence ending with my demi-official letter No. 1368 dated the 24th May 1925.

I shall be glad if you will let me know when I may expect the Memorial. The Honourable the Agent to the Governor General is pressing for it and has asked that it may be forwarded as early as possible.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

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APPENDIX V.

COPY OF LETTER No. 777, DATED THE 11TH AUGUST, 1925, FROM THE POLITICAL AGENT IN MALWA TO THE CHIEF SECRETARY, JAORA DARBAR.

I am again receiving constant reminders from the Central India Agency regarding the many Jaora cases and the appeals which it is understood the Darbar are making. I therefore shall be glad if you will give me the dates on which I may expect the appeals in the following cases for the information of the Honourable the Agent to the Governor General.

- (1) Appeal to Secretary of State in the Jaora-Piploda case.
- (2) Appeal to the Government of India in the Bhaiband case.
- (3) Appeal to the Government of India in the Abkari compensation case with the Rathor Thakurs.

I trust that every effort will be made to send these appeals *at a very early date*.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX W.

COPY OF LETTER No. 3143-44/291-25, DATED THE 28TH NOVEMBER, 1925, FROM THE POLITICAL AGENT IN MALWA, TO THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT:—Status of the Rawat of Piploda *vis-a-vis* His Highness the Nawab of Jaora and settlement of outstanding matters in dispute between them.

With reference to your letter No. 737, dated the 16th May, 1925, I have the honour to state that in order to give each party an opportunity of replying to the representation of the other I forward a copy of the Piploda representation and to request that you will submit the Darbar's reply within a period of three months in order that the case may be forwarded to Government.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX X.

COPY OF LETTER No. 231/65-20, DATED THE 18TH FEBRUARY, 1926, FROM THE CHIEF SECRETARY, JAORA DARBAR, TO THE POLITICAL AGENT IN MALWA.

SUBJECT:—Status of the Thakur of Piploda *vis-a-vis* His Highness the Nawab of Jaora and settlement of outstanding matters in dispute between them.

With reference to your letter No. 3143-44/291-25 dated the 28th November, 1925, giving cover to Piploda Kamdar's No. 167 dated the 25th May, 1924, I have

the honour to state that you have very kindly given the Jaora Darbar an opportunity to have their say on the Piploda representation on the Decision of the Government of India, as contained in your letter No. 155-56 dated the 10th January, 1924, with a view that the whole matter may be submitted to the Government.

II. That Piploda prays for the reconsideration of the paragraph 3 (6) of the Decision of the Government of India of 1924 regarding Sayar and Dami. In fact the Representation of Piploda prays that the Decision of the Government of India be revised on the grounds set forth in the Representation. Your attention is drawn to the fact that the grounds in the Representation do not disclose any new and fresh grounds to be considered by the Government within the matters referred to in Rule 6 (3) of the Memorial Rules dated the 29th July, 1910, published by the Foreign Department in the Gazette of India dated the 30th July, 1910, and as such they are not fit subjects to be considered by the Government of India, and as there is no appeal to the Right Honourable the Secretary of State for India the Government of India have no opportunity to consider the Representation even for the purposes of a report.

III. (1) That the Jaora Darbar in paragraph XI of their appeal Memorial to the Right Honourable the Secretary of State for India, dated the 16th May, 1925, have already stated their case regarding Sayar and Dami and have now only to state their reply to the Piploda Representation as it stands paragraph by paragraph. Piploda, instead of quoting the first portion of paragraph 3 (6) of the Decision of 1924 verbatim, summarises it to the effect that the Decision proceeds "on the following lines, starting from the agreement of 1820 whereby Jaora is entitled to half the Sayer receipts of Piploda and the decision of 1853 whereby Piploda is entitled to receive Rs. 1000/- Salim Shahi annually from Jaora on account of Dami." Paragraph 3 (6) of the Decision of 1924 firstly says that "under agreement negotiated by Captain Borthwick in 1820 the Thakur of Piploda is under obligation to pay to Jaora half of the Sayer receipts of Piploda." The Decision of the Government of 1924 re-affirms the Decision of 1905 as contained in Political Agent's letter No. 1803-4 dated the 15th June, 1905, *vide* paragraph 1 of the Decision of 1924. A reference is invited to paragraph 2 of the Decision of 1905 (Appendix S herewith) which says this, that "The Government of India to whom the case was referred by the Honourable Mr. C. S. Bayley have passed orders to the effect that although it contains no express stipulation restricting the interference of the Superior State, the original agreement of 1820 gave the Thakur of Piploda the full Status of a Mediatized Chief. It also gave the Nawab of Jaora the right to half the Sayer collections of the Thakurate, and the *English version of the document which must be regarded as authoritative since it was that accepted by Sir John Malcolm refers not to the collection of Sayar by Jaora but to taking of it from the Thakur in accordance with established usage.*" The italics are by the undersigned. The payment of Sayer collections to Jaora is to be through "the Political Agent, who will scrutinize the accounts to ensure that the Nawab receives his full due." In this connection it is submitted that the Government of India did not contemplate and do not contemplate the due interference of the Jaora Darbar if there be serious perversion of administration in Piploda. In view of the contention of the Darbar in paragraph XI of their Memorial dated the 16th May, 1925, to the effect that the Sayar is the right of the Suzerain, they do not wish to say anything more than this, that Sir John Malcolm only signed the vernacular Version of the Agreement of 1820 and not the English Translation of the Agreement. The translation found in the Aitchison's Treaties appeared for the first time in the first edition of Aitchison's Treaties, Volume IV, page 370 of 1864. The preface to this volume says that the translations were made by the Persian Office of the Government of India. Supposing without admitting that Sir John Malcolm signed the English translation and not the original vernacular and if there be difference between the import of the English translation and the import of the Original Vernacular, even then the original vernacular ought to be relied upon simply because the stream can rise no higher than its source. In such matters even the Notification of the Government of India as published in the Gazette of India has given preference to the version of the original, *vide* Mohammad Usuf Uddin Khan *versus* the Queen Empress decided by the Privy Council in Indian Law Reports 25 Calcutta, page 20. The original vernacular of the engagement of 1820 does not contain the word "taking" but the words are "also as regards the income from the Sayar the old established custom of dividing it by half will be followed."

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The copy of the original engagement of 1820 with its English translation is exhibited herewith as Appendix T.

(2) Paragraph 3 (6) of the Decision of 1924 does not refer to any decision of 1853 as alleged by Piploda. The Decision of 1916 by Sir Oswald Bosanquet is surely referred to in the Decision of 1924 and that decision only fixes the amount of Dami of Piploda from Jaora. In this connection it is submitted that the Dami of Piploda is neither guaranteed by the 12th Article of the Treaty of Mandsaur nor by the Engagement of 1820. It has been contended in the Memorial to the Secretary of State for India that the Dami ought not to be enforced politically. The Dami is a perquisite concession by a State to a person for some right or service and is always dependent on loyalty. Piploda Dami is not denied, but it is surely dependent on the spirit of loyalty as is shown by the other perquisite holders of the State. It is prayed that the Government of India would not see their way to mix up the question of Sayar (which is a Treaty Right) with the question of Dami which is an internal affair of the Jaora State. Sir Oswald Bosanquet's decision does not set aside the loyalty of Piploda towards Jaora.

A (1) Piploda in sub-paragraph (a) of paragraph 4 says that the decision of 1924 assumes that the Sayar receipts have greatly diminished of recent years. Piploda controverts this finding of the Government of India by annexing two statements showing respectively the receipts of Piploda Sayar when it was collected by the Jaora Darbar for the ten years 1895-96 to 1904-05 and those for the year 1905-06 to 1922-23 during which the same was collected by Piploda. The average half-share for those ten years was Rs. 124/-7/4, whereas for the latter eighteen years it was Rs. 433-14-9 or Rs. 222/5/0 if the exceptional receipts of 1909-10 and 1910-11 are excluded. There is not the least doubt that the Sayar income has increased all round in the Central India Agency by leaps and bounds from the year 1905 as it would be evident later on. Piploda has shown the exceptional maximum figures of the exceptional two years quoting the exceptional minimum figures of the three lean years of 1917-18, 1918-19 and 1921-22, whose figures are Rs. 45/-, 52/- and 41/- respectively. By the process of undue and advantageous picking and choosing Piploda has shown Rs. 222-5-0 as the average of the Jaora Darbar's share, while as a continuing account the average is Rs. 433/14/9. The Jaora Darbar also controvert the finding of the Government of India that the Sayar receipts have greatly diminished. The annexed statement (Appendix U herewith) would show that the increase of the Sayar receipts is surprisingly great since 1905, and the alleged increased figures shown by Piploda are comparatively nothing to the actual increase in the neighbouring States. The statement has been prepared from the available published records and is confined to the Sayar collections, excluding Abkari and Opium and Municipality receipts in every State quoted therein.

A (2) The average of the Sayar income is increasing yearly in all States. The ratio of the Sayar increase of Piploda under Piploda management over the same under the Jaora Darbar administration previous to 1905, cannot be proper and adequate index of the actual increase as the Sayar incomes of various surrounding States have increased extraordinarily great since 1905, which is probably due to new tariff and protection duties on grain export, etc. In Gwalior the Sayar collection has risen from 1/13 of the entire State revenue of the previous twenty years to about double the amount, i.e., 1/5 of the State revenue in the same period. The ratios of the Sayar incomes to the entire State revenues of Ratlam, Sitamau, Dewas Senior Branch, Dewas Junior Branch, Sailana and Jaora in and up to 1905-06 are 1/10, 1/13, 1/7, 1/27, 1/36, and 1/33 respectively, what to say of the increase in the last twenty years ending 1924. The income of Piploda Sayar for 1905-06 according to its own statement is Rs. 544/- against the entire income of Rs. 95,000/- (now Rs. 1,05,000/-). The ratio of Piploda income to the Sayar income is only 1/175 but should now be at least 1/10th part of the entire income, i.e., Rs. 1,05,000/10 = Rs. 10,500/- per annum. This amount is a very moderate one considering the Sayar incomes of the various States as integral parts of income shown in Appendix U. The figures on population would show the same result as the entire revenue of the various States. There must be some cogent reasons for the decrease in the income of Piploda Sayar in the years 1917-18, 1918-19 and 1921-22 as well as in other years instead of general increase after 1905 in the year incomes of the neighbouring States of Ratlam, Sailana, Sitamau and Jaora. Some of the

apparent reasons are: Firstly, that Piploda has, as the accounts for the years 1905-06 to 1924-25 furnished to the Darbar show, charged the following items of cesses in its own favour:—

- (a) Rs. 5,960/6/- for establishment.
 (b) Rs. 799/14/- for charity, Bhet, etc.

Total .. Rs. 6,760/4/-

and then gave half of the remainder to the Darbar, *i.e.*, Rs. 8,005/- for a period of twenty years from 1905-06 to 1924-25. Thus out of total revenue of Piploda from Sayar during these twenty years amounting to Rs. 22,710/- Establishment and other expenses came to Rs. 6,760/-; that is the expenses have absorbed more than 1/4 of the entire income. It is submitted that the Jaora Darbar did not charge anything for the Sayar Establishment when the Piploda Sayar was administered by them before 1905. And, secondly, the above-mentioned cesses are nothing in comparison to the abnormally high Sayar income all round. The most reasonable surmise that could be, is that the Sayar income must have been diverted to some other Department such as Municipality, etc. On the circumstances detailed above the Jaora Darbar are losers financially in their Sayar rights from Piploda.

B. Piploda in sub-paragraph (b) of paragraph 4 controverts the order of the Government of India of 1905 to the effect that in the event of Piploda abolishing Sayar duties the Piploda Dami right be withheld in future by Jaora in commutation of the Sayar receipts. It is not controverted by the Darbar that the withholding of the Dami was one of the alternatives, and the other alternative was the giving to Jaora an annual payment fixed on the realisation for the past ten years. The wording of the Government order of 1905 is clear to the effect that the choice between the two alternatives was given to Jaora and not to Piploda. In 1901 Piploda made a Memorial to the Government of India praying, amongst other reliefs, that "instead of a division being made of actual receipts of the Sayar, a fixed sum equivalent to the collection of last ten years should be paid annually by Piploda to Jaora" (*vide* page 392 Aitchison's Treaties, Volume IV of 1909), but this prayer of Piploda was not accepted by the Government of India and the two above-mentioned alternatives were given to Jaora (*vide* page 393 of the same volume). The present decision of the Government of India upholds the decision of 1905. Besides the above submission on the financial grounds the Jaora Darbar have appealed and contested in their Memorial dated the 16th May, 1925, regarding Piploda's right of abolishing the Sayar (*vide* paragraph XI of the Memorial).

C. Piploda in its sub-paragraph (c) of paragraph 4 again controverts the finding of the Government of India of 1924 to the effect that financial aspect of both these obligations (Sayar and Dami) is negligible. It has already been submitted in paragraph XI of their Memorial that Jaora Darbar respectfully urge their Treaty Rights of receiving the Sayar amount from Piploda and also submit that the Dami rights of Piploda are not guaranteed and are dependent on loyalty. Moreover, the Dami of Rs. 1000/- Salim Shahi, equivalent to Rs. 500/- British coin, is far less than the amount of Sayar Share of the Jaora Darbar which is now a progressively increasing income. The Piploda Dami is a fixed charge of Rs. 1000/- (Rs. 500/- British coin) while the Sayar share of the Jaora Darbar in Piploda is an indefinitely progressive Treaty Right and as such there are no equities for the commutation of the one right against the other.

D. Piploda in its sub-paragraph (d) of paragraph 4 urges its dissatisfaction with the Government's arrangement to commemorate the Sayar and Dami obligations by a deputation composed of three principal persons in Piploda next in rank to the Thakur himself to present a gold mohur to the Nawab Sahib in Darbar and urges that one payment that is of Sayar should not be set off against the other, and further urges that "even if that course were adopted, why it is proposed that the past existence of the Sayar and Dami should be commemorated because the deputation implies a measure of suzerainty, etc." In this connection it is submitted that the Jaora Darbar have already submitted in paragraph XI of their Memorial dated the 16th May, 1925, that the question of Sayar is guaranteed as a Treaty Right while the Dami right though decided by the Government, is an internal matter of Jaora

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State and is not a guaranteed right of Piploda. The Government Decision of 1905 is upheld and reaffirmed by the Government of India Decision of 1924. In the former decision the Government say in paragraph 2 that "Although it contained no express stipulation restricting the interference of the Superior State, the original engagement of 1820 gave the Thakur of Piploda the full status of a mediatised Chief," and it is further said in the same decision of 1905 that "The Government of India are therefore unable to admit that it (the engagement) gives the Nawab of Jaora an unlimited right to interfere in the internal administration of Piploda." Both the above findings of the Government of India allow the interference of Jaora in the internal administration of Piploda, but the interference of Jaora as Suzerain is fully explained and admitted by the Government of India. The Suzerain rights of Jaora over Piploda were upheld by the Government of India in 1905 and are reaffirmed in their Decision of 1924.

IV. The Darbar have fully set forth their rights of Sovereignty and Suzerainty over Piploda in paragraph V of their Memorial dated the 16th May, 1925. The Jaora Darbar get the tribute from Piploda under the 12th Article of the Treaty of Mandsaur and under the Engagement of 1820 and as such their right of sovereignty cannot be denied by Piploda. Likewise the Suzerainty of the Jaora Darbar cannot be denied on the grounds set forth in paragraph V of their Memorial mentioned above. As the subject of Piploda Deputation on the Jaora Darbar is on, it would not be out of place to submit that the Jaora Darbar do not agree to the Deputation not only on the financial loss of Sayar revenue to them as stated above, but also on the assertion that the Thakurs of Piploda themselves have been attending the Jaora Darbar as set forth in paragraph IX of the Memorial dated the 16th May, 1925. The attendance of the proposed Piploda Deputation is only a commemoration on the point of Sayar and Dami and is quite inferior to the attendance of the Thakur on the Jaora Ruler's Birthday as urged in paragraph IX of the Memorial as mentioned above.

V. That the prayer of Piploda in conclusion is that the Jaora Darbar be prevailed upon to accept the average of ten years' Sayar receipt, but it is not acceptable to the Jaora Darbar both on the financial aspect of the question and on the preservation of their Treaty rights as set forth in paragraph XI of their Memorial dated the 16th May, 1925. Of course the Piploda Dami is paid through the Political Agency, but its payment is based on the condition precedent of loyalty to the Jaora Darbar. The status of Piploda for the purposes of getting Dami is just like other Dami receivers of the Jaora State, simply because it is not guaranteed. The right of Piploda's abolishing the Sayar is under appeal in the Darbar's Memorial to the Right Honourable the Secretary of State for India.

VI. In conclusion it is prayed that this reply may be annexed to the Jaora Darbar Memorial dated the 16th May, 1925, for the consideration of the Right Honourable the Secretary of State for India within the purview of the Despatches from Her Majesty's Secretary of State for India No. 65 (Political) dated the 22nd September, 1865, and No. 34 dated the 24th May, 1866 (Political), described on pages 39 and 41 of the Printed Old Record File No. 158 of Piploda in the Central India Agency, the copies of which file being supplied to Piploda and Jaora Darbar by the Honourable the Agent to the Governor General in Central India.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX Y

THE ORDER OF THE GOVERNMENT OF INDIA OF 1905 TAKEN FROM
PAGES 392-93 OF THE AITCHISON'S TREATIES, VOL. IV. OF 1909.

The Government of India, while accepting the claim of the Jaora Darbar to half of the Sayar revenues of Piploda, did not recognise the right of the suzerain State to interfere with the internal administration of the Thakurate, and it was

decided that the Darbar should only be paid its share of the Sayar collections made by the Thakur himself, through the Political Agent in Malwa. The contention of the Jaora Darbar that the Thakur had no right to abolish Sayar dues was also not approved, and it was ordered that, in the event of the Thakur abolishing the Sayar dues, the Darbar should be compensated by either withholding the Dami paid to Piploda by the Jaora Darbar, or by paying to the Darbar a fixed annual amount determined on the basis of the collections for the past ten years. The engagement of 1844 was considered as binding, and the right of the Jaora Darbar to demand the attendance of a Vakil from the Thakur was upheld by the Government of India.

True Copy.

(Signed) ALI KHAN,
Office Superintendent,
for Chief Secretary.

APPENDIX Z.

THE ORDER OF THE GOVERNMENT OF INDIA AS CONTAINED IN THE MALWA POLITICAL AGENCY LETTER No. 511/375-11, DATED THE 18TH FEBRUARY, 1916, TO THE CHIEF SECRETARY, JAORA DARBAR.

I have the honour to refer to your letter No. 484 dated the 21st May, 1914, forwarding a representation against Mr. Carson's award which fixed the rate of Rs. 200 Salim Shahi=Rs. 100 British for the conversion of the guaranteed payments due in that currency to the Jaora Darbar from certain Thakurs of the State and from the Jaora Darbar to the Thakur of Tal.

2. The facts in this case are that these Thakurs are Jaora subjects and their Estates form an integral part of the Jaora State: that in the year 1895-96 the Jaora Darbar converted their Salim Shahi currency at the rate of Rs. 125/- Salim Shahi=100 British Rupees and that simultaneously the Thakurs adopted the same rate in all their own dealings with their tenants and others. The conversion was thus one measure operating throughout the State and accordingly, dissenting from Mr. Carson, the Government of India have decided that the conversion rate of Rs. 125/- Salim Shahi=Rs. 100 British must be applied equally to the guaranteed payments due by the Thakurs to the Darbar and to the Darbar's payment to the Thakur of Tal.

I request that the above decision may be communicated to the Thakur of Khojankhera.

True Copy.

ALI KHAN,
Office Inspector,
For Chief Secretary.

EXHIBIT 4.

DECISION OF THE GOVERNMENT OF INDIA AS CONTAINED IN THE MALWA POLITICAL AGENCY LETTER No. 2248/291-25, DATED THE 28TH MARCH, 1928, ADDRESSED TO THE CHIEF SECRETARY, JAORA DARBAR.

SUBJECT.—Status of the Rawat of Piploda *vis-à-vis* the Nawab of Jaora and the settlement of outstanding disputes between them.

With reference to your letter No. 1471/65-20 dated the 22nd November, 1927, forwarding a memorial from the Jaora Darbar on the above subject, I have the honour to inform you that the Government of India see no reason to reconsider their orders.

JAORA STATE (No. 3.)

Apart from the historical justification for this view to be found in the genesis of the "Guarantee" System even in a commonsense view of the matter, the idea of guarantee merely involves an obligation on the Guarantor (the British Government) to hold the parties (suzerain and feudatories) concerned to their respective rights and obligations, and not to allow any encroachment upon those rights and obligations by either party. The Guarantee of the British Government does not and was never intended to remove the feudatory "guarantee-holders" from the pale of the suzerain Darbar's executive or other lawful authority. To extend the import of "guarantee" beyond these terms is to create a State within a State.

It is unnecessary to emphasise that in every case in which a British Officer mediated a settlement between a suzerain State and its feudatory and obtained for the latter a lease or Sanad from the former, the British Government as the guarantor of such settlements is bound to see that all the conditions of these leases and Sanads are scrupulously respected. If the British Government would not permit any encroachment on the rights of the guaranteed feudatories, it must equally protect the inherent and express rights of their Sovereign Darbars. What it really does is that although in theory it admits that the parent Darbars are suzerains over their offshoots, namely the guaranteed estates, yet in actual practice it assumes to itself the functions of suzerainty.

The grievance of the Jaora Darbar in this respect becomes the more profound when we take into account the fact that the so-called "guaranteed" estates under this Darbar are not in fact such, in the real sense of the term, but they have been treated as such merely owing to the insertion of their Sanads in the volume of Aitchison's Treaties.

It will be apparent from the few instances given hereafter that often the elevation of the various jagirdars of Jaora to the position of mediatised chiefs under the British Guarantee has been the result of arbitrary procedure on the part of the political department:—

(1) *The Estate of Sidri*:—

Exhibit 1. The narrative account of this estate is given on page 405 of Aitchison's Treaties, Vol. IV of 1909. (Herewith Exhibit 1.)

Exhibit 2. The Sanad of this estate (No. CCXVI) is printed on page 454 of the same volume. (Herewith Exhibit 2.)

The narrative account (Exhibit 1) says:—

"The Sanad (No. CCXVI) was mediated with the Jaora Chief by Mr. G. Wellesly, Resident at Indore, on the 22nd November, 1824"

On the Sanad (Exhibit 2) there is no endorsement relating to the act of mediation, nor does the Sanad bear the signature of the mediator; whereas what may be called the standard guarantee Sanads invariably bear both the endorsement referring to the mediation and the signature of the British Officer who effected it. (See for example document No. CCXIII on page 450 and CCXIV on page 451, Aitchison, Vol. IV, 1909.)

Aitchison, Vol. IV.,
1909.

In the case of Sidri, in the description of the grant (No. CCXVI on page 454) prefacing the English version there occurs the statement that the original "bears the seal of G. Wellesly, Esq., Resident dated 22nd November, 1824 A.D." Be it noted that historically the period of guarantee proper, that is the period in which Sir John Malcolm and his Assistants mediated settlements, was confined to the years 1818-20.

It has also to be remarked that Aitchison's work cannot be treated as a safe guide for until now the Political Department of Government of India has never allowed the suzerain States any opportunity to check or controvert what has been

inserted by it in the successive Editions of that work. The compilation of this standard work has been a one-sided affair from beginning to end.

A (a) v.

The Estate of Bilaud :—

The Sanad of this estate (No. CCXV) which is printed on page 453 of Aitchison's Treaties Vol. IV of 1909 does not bear the signature or endorsement of any British Officer. The Sanad is dated 1st Shaban 1233 Hijri, which corresponds to 7th June, 1818 A.D.

Exhibit 3.

The narrative account of this estate is given on page 405 of the volume above named. It contains the following passage :—

Exhibit 4.

“The settlement (No. CCXV) was mediated by Sir John Malcolm on the 7th June, 1818”

But the real fact is that this date (7th June, 1818) is only the date of the grant of the Sanad and not that of any guarantee or mediation. The confusion seems to have arisen from the existence of a certificate (Aitchison, Vol. IV, 1909, page 454) granted by Sir John Malcolm to Nawab Ghafur Khan the grantor and to Hakim Zafur Ali the grantee of this jagir. This certificate is *undated* and on the face of it refers to a dispute regarding the desire of Zafur Ali to depart from the service of Nawab Ghafur Khan and to live in Hindustan, his native country. It refers to the existing grant of the village of Bilaud which already had been made by Nawab Ghafur Khan and makes it clear that Sir John did not procure that grant.

Exhibit 5.

If it be assumed, as the compilers seem evidently to have done, that this certificate was also given on 7th June, 1818 (the date of the Sanad), then there can be no possible explanation of the omission of Sir John Malcolm's *signature* and *endorsement of guarantee* on the Sanad itself, still less of the very significant omission of any mention of this estate in the list of guaranteed estates which Sir John Malcolm appended to his Report on the Province of Malwa, submitted to the Governor General in 1821. This report was reproduced in the Editions of 1823, 1824, 1832 and 1880, but the name of Mir Zafur Ali as the guarantee-holder of Bilaud is not to be found there.

It is clear, therefore, that the certificate (Exhibit 5) belongs to a date subsequent to that of the Sanad, and from its contents purports to be no more than a mere testimony to Sir John's having mediated a dispute between the Nawab and the Hakim whereby the Hakim consented to forgo his cash pension of 1500/- annually which was based on a separate Sanad, while retaining the village Bilaud under the Sanad above referred to (as Exhibit 3), the Nawab allowing him to return to his native country.

There is no mention in this certificate of any *guarantee* by Sir John Malcolm. But the compilers of Aitchison's Treaties in the narrative account of this estate (Exhibit 4) say that the Sanad was lost sight of till 1885; and include it in that work thereby raising the Estate to the status of a mediatised chiefship with all its privileges. Meanwhile for 70 odd years the Suzerain Darbar has dealt with Bilaud as an ordinary Jagirdar, but apparently no prescriptive right in favour of the Darbar had accrued from that fact.

The Estate of Sadakheri :—

The Istimrardari Patta (permanent lease) of the Thakur of Sadakheri (one of the four Rathor Thakurs of the Jaora Darbar) was for the first time published on page 367 of Vol. IV of Aitchison's Treaties Edition of 1893, and a foot-note was added, namely, that “the three Thakurs of Sirsi, Borekhera and Kerwasa are *said* to possess Sanads for their respective holdings precisely similar to those held by the Thakur of Sadakheri in respect of that village. The question of the status of these three Thakurs is at present (1892) under the consideration of the Government of India.”

Exhibit 6.

A reference to page 367 of Aitchison's Treaties, Vol. IV, of 1893, will show that the Sadakheri guarantee came to the notice of the Political authorities in connection with the succession of Thakur Sahadur Singh of Sadakheri.

A (a) v.

The Thakurs of Sirsi, Borekhera and Kerwasa were thereupon persuaded by the Thakur of Sadakheri to apply to the Political authorities for the entry of their Sanads also in the volume of Aitchison's Treaties, because their Sanads were exactly similar to his.

The lease of Sadakheri was printed in the Edition of 1893, but the other three being late in the field were left out with the foot-note (Exhibit 6) above mentioned.

As usual, no reference was made to the Jaora Darbar regarding the Sadakheri lease, but the Darbar getting information of the attempt of the remaining three Thakurs, submitted their objections to the Political authorities. It was pointed out that the status of these Thakurs was not that of guaranteed jagirdars of the time of Sir John Malcolm, as decided in 1876 by the Agent to the Governor General for Central India. (*Vide* Col. Watson's letter dated the 10th August, 1876.)

Exhibit 7.

But this objection was disposed of by the simple remark that the inclusion of the Sanads of Sirsi, Borekhera and Kirwasa would in no way lessen or affect any rights or privileges to which His Highness was then entitled (*vide* Political Agent's letter dated 5th January, 1894).

Exhibit 8.

The most interesting fact in connection with the entry of the leases of these four Thakurs (Sadakheri, Borekhera, Sirsi and Kirwasa) is that all of them bear the signature of Col. Borthwick without any date. The lease of Sadakheri is printed on page 456 of the Treaty book of 1909 (Exhibit 9). It was signed by Col. Borthwick as P.A.

Exhibits 9, 10, 11 & 12 (from Aitchison).

"P.A." does not here stand for "Political Agent" but for "Personal Assistant" to the Nawab of Jaora, in which capacity he granted this lease, because at the time of this lease (1839) the Nawab was a minor and the State was managed by Col. Borthwick, who signed the lease on behalf of the Nawab, as his Personal Assistant.

This fact is conclusively proved by a reference to the remaining three leases of Sirsi, Borekhera and Kirwasa, which are admitted to be contemporaneous with that of Sadakheri. All these are signed by Col. Borthwick as "Personal Assistant."

But unfortunately for the Darbar, Sadakheri was first in the field, and "P.A." having been wrongly taken to mean "Political Agent," his Sanad was recorded in the Edition of 1893, with the consequence that the remaining three Sanads which were exactly similar to that of Sadakheri were also inserted in the Edition of 1909, in spite of the fact that they all bear Col. Borthwick's signature as Personal Assistant and not as Political Agent.

To argue that Col. Borthwick could both be a grantor on behalf of the Jaora State and a guarantor on behalf of the British Government, on account of his signature on the leases, would be a manifest absurdity.

The real fact is that the leases in question were issued from the court of Nawab Ghous Mohammed Khan of Jaora, who was a minor in 1839, and therefore they were signed by Col. Borthwick as Personal Assistant to the Nawab. These Thakurs became refractory, soon after the leases of 1839, and remained so till the retirement of Col. Borthwick in 1841, and even till after the investiture of Nawab Ghous Mohammed Khan in 1842, and it was for this reason that the leases were withheld and Perwanas (Nos. CCXVIII, CCXX, CCXXII and CCXXIV, pages 457, 458, 459 and 460 of Aitchison's Treaties, Vol. IV of 1909, were issued by the Nawab in 1845 under the countersignature of Sir H. Hamilton, Resident at Indore.

Exhibits 13, 14, 15 and 16.

These Perwanas or Proclamations were issued by the Nawab because the Thakurs had shown repentance, and constituted an act relating to the internal administration of the State; in 1845 no system of guarantees existed, and surely Sir R. Hamilton's signature on the leases cannot be regarded as creating a guarantee.

Nevertheless, the aforesaid estates have been declared to be guaranteed estates and are "liable to the operation of the Nazrana rules for guaranteed and mediated chiefships."

This is how guaranteed estates have come into being in Jaora, and the result, in spite of the assurance of the Government of India (*vide* P.A.'s letter Exhibit 8) is that—

1. There is interference by the Political authorities in cases of succession, adoption, and minority administrations in these estates.
2. The Abkari revenue—a sovereign right of the Darbar—is unjustifiably shared by these estates.
3. There is interference by the Political authorities in the Darbar's Civil Court Jurisdiction over the estates, and
4. The Political authorities enter into direct dealings with the estates, the effect of which is that the estate holders repudiate the sovereignty of the Darbar, and ignore them totally.

This last fact has been recognised even by the Political authorities themselves, as will appear from a letter No. 8373 dated the 27th November, 1894, from the First Assistant to the A.G.G. in Central India, to the Political Agent in Malwa.

Exhibit 17.

But in spite of this recognition, the guaranteed status of these jagirdars is maintained and with it the traditional intervention of the Political officers.

EXHIBIT 1.

NARRATIVE OF SIDRI ESTATE ON PAGE 405 OF AITCHISON'S TREATIES, VOL. EDITION 1909.

Thakuri Lal, a Baniya by caste, was the original holder of this guarantee. He died in 1863. His son, Gopal Singh, succeeded him at the age of 13 years and died in 1886. Gopal Singh was succeeded by his son, Gordhan Singh the present Thakur, who was born 1879.

The Sanad (No. CCXVI) was mediated with the Jaora Chief by Mr. G. Wellesley, Resident at Indore, on the 22nd November, 1824, as the village with some wells was held by the family long before the foundation of the Jaora State, and as there was a dispute regarding them with the Darbar.

The area of this holding is 1 square mile; the population 184; and the revenue Rs. 3,000.

The Thakurate is liable to the operation of the nazarana rules for guaranteed and mediatished Chiefships.

EXHIBIT 2.

ANAD OF SIDRI No. CCXVI., PAGES 454-455 OF AITCHISON'S TREATIES, VOL. IV., EDITION 1909.

Translation of a grant of the village of Sidri in Baraunda Pargana, and wells with Zarat in the village of Baraunda, etc., by Nawab Ghafur Khan to Thakur Lal and his relatives, the original of which bears the seal of G. Wellesley, Esq., Resident, dated 22nd November, 1824 A.D.

A (a) v.

To the Choudries, Qanugoos, Zemindars and Agriculturists of the Pargana of Baraoda of the Mahal in Jagir of His Highness the Nawab, be it known :—

That the village of Sidri of the Pargana of Baroda and the wells and adjoining land watered by them (Zarat) of Baraoda, etc., that have been held from old times according to the details below, by the advice of the Bara Sahib, are granted by His Highness for the annual payment of Salam Shahi Rupees 630, the half of which is S. Rupees 315 as tribute on the above village and wells with their Zarat as detailed below, in perpetuity on the agreement of Thakur Lal and his relatives according to the details below, beginning from the Kharif season in the year 1231 Fasli, it therefore behoves the Zemindars and Agriculturists of the village named to remain with the Thakur and pay their lawful rent, and it behoves Thakur Lal and his relatives so to manage the above village, wells and their Zarat as to increase the revenue and make the cultivators prosperous and not to allow anyone in the village to be ruined, and to pay the fixed tribute year by year by instalments as stated below, without any objection, or on account of bad season, and without deduction, into the Treasury ; and be it known that the village and wells are given in perpetuity on the stipulation of punctual payment of tribute, loyalty, and readiness in all things, and that nothing in the slightest degree should be omitted but the above warning should be acted upon.

S. Rupees 630 tribute annually ; Thakur Lal on account of tribute, Rupees 400 as follows :—

Village of Sidri in the Pargana of Baraoda, 1 village, wells and their Zarat ; in the village of Baraoda, 3 wells, namely, 2 complete wells, one known as Maluk Chandas, the other known as Khairati Talaswala ; share of well known as Panghutia, 3 shares Khalsa, the fourth share to the Thakur.

Thakur Lal's relatives' share of tribute for wells and their Zarat Rupees 230 annually, namely, 10 wells for each Rupees 20, total Rupees 200/-

On account of share in other wells, Rupees 30/-.

Detail of 10 wells, Rupees 200/-.

In Baroda 8 wells, Rupees 160/-.

Brij Lal Chatar Singh, 2 wells, namely, 1 well and one Dinkli.

Sirdar Bula	1 well.
Dhanji	1 well.
Magniram	1 well.
Kewalram Mayaram	1 well.
Kalyanji Magniram	1 well.
Maluk Chand Ram Chand	1 well.

In other villages two wells, Rupees 40/-, namely :—

In Baraoda in name of Bhimaji	1 well.
In Pacharia in name of Magniram and Punna	1 well.

Detail of Rs. 30/-.

In Baraoda Rs. 16-11-0 in the name of Bhuraji Pipliwala 1 well, half Khalsa, half to him, Rs. 10/-.

In the name of Dalaji 1 well, 2 shares Khalsa, one share to him, Rs. 6/11/-.

In Burkhera in the name of Brijlal Chatar Singh, 1 well, 1 share Khalsa, 2 shares to him, Rs. 13-5-0.

Detail of instalments of tribute :—

At Kharif season	Rs. 315-0-0
First instalment	157-8-0
Second	157-8-0
At Rabi season	315-0-0
First instalment	157-8-0
Second	157-8-0

Written on 30th Mah Rabi-ul-Awal S. 1240 Hijri, corresponding to 22nd November, 1824 A.D.

True Copy.

Superintendent,

Chief Secretary's Office.

EXHIBIT 3.

SANAD OF BILAUD No. CCXV, PAGE 453 OF AITCHISON'S TREATIES, VOL. IV, EDITION 1909.

TRANSLATION OF A SANAD FROM NAWAB GHUFFUR KHAN GRANTING THE VILLAGE OF BELONDA IN SUNJIT PERGANA OF JAORA TO HAKEEM MEER ZAFFURALLY, DATED 1st SHABAN 1233 HIJRI.

Be it known to the Amils, Mutsuddies, Kanogoes, Chowdries, Mukadams and cultivators, present and future, of the Sunjit Pergana of Rampura Soubah Malwa, that the village of Belonda, together with its revenue and Customs dues, has been granted rent free to Hakeem Meer Zaffurally from the commencement of the Kharif of Fasi 1225 for this support, and it shall continue in his possession from generation to generation, undisturbed. It is required that the possession of the village should be given to the Agent of the said Hakeem, considering the grant as rent free. The village should not be harassed with demands for forced labour (begar), bhet, etc., nor should renewed Sanad be called for. Carry out these instructions without fail.

EXHIBIT 4.

NARRATIVE OF BILAUD ESTATE ON PAGE 405 OF AITCHISON'S TREATIES, VOL. IV, EDITION 1909.

The original holder of this guaranteed village, which is situated in the Sanjit Pargana of Jaora, was Hakim Zafar Ali, a Saiyid by caste, and a native of Bahera, a village in the district of Fatehpur Haswa, in the United Provinces of Agra and Oudh. He was in the service of Nawab Ghafur Khan of Jaora, by whom the village of Bilaud was granted to him in jagir. Zafar Ali died in 1824, and was succeeded by his son, Muhammad Saman Ali. Saman Ali died in 1875, and was succeeded by his son, Muhammad Zamin Ali. Zamin Ali died on the 29th August, 1884. The present Jagirdar is Saiyid Ghulam Abbas, son of Zamin Ali, who was born in 1878.

The settlement (No. CCXV) was mediated by Sir John Malcolm on the 7th June, 1818, in reward for services rendered by Hakim Zafar Ali to the British Government and to the Darbar. The existence of the guarantee to the Estate was lost sight of until December, 1885.

The area of Bilaud is 6.7 square miles, the population 202; and the revenue about Rs. 6,000/-.

The estate is liable to the operation of the Nazarana Rules for guaranteed and mediatized Chiefships.

EXHIBIT 5.

CERTIFICATE RELATING TO BILAUD ESTATE ON PAGES 453-54 OF AITCHISON'S TREATIES, VOL. IV, EDITION 1909.

This is to certify that being called upon by both parties to mediate a settlement of a dispute between the Nawab Ghuffur Khan and Hakim Mir Zuffur Ally, I agreed to do so on the ground of my consideration for the character of the Nawab and the public services rendered by the Hakim to Holkar's as well as the British Government, and the following is the settlement to which I have given my consent as according with the wishes of both and appearing to me under all circumstances just and reasonable.

A (a) v.

The Hakim Zuffur Ally is at liberty to depart from the service of the Nawab Ghuffur Khan and to live in Hindustan, his native country. He has consented to give up to the Nawab the Sanad he has in his possession for an annual pension to him and his heirs for ever of fifteen hundred rupees, but retains the Sanad or grant (to him and his heirs for ever) conferred upon him by the Nawab Ghuffur Khan as a reward for his services of the village of Belonda in the District of Sunjit which is given for the support of him, the said Mir Zuffur Ally and his descendants. In witness of my having mediated this agreement I have given one copy of this certificate to the Nawab Ghuffur Khan and another to the Hakim Mir Zuffur Ally.

(Signed) JOHN MALCOLM, M.G.

EXHIBIT 6.

FOOTNOTE TO THE NARRATIVE OF THE SADAKHERI (SHEOGARH) ESTATE ON PAGE 367 OF AITCHISON'S TREATIES, VOL. IV. EDITION 1893).

NOTE.—The three Thakurs of Sirsi, Borkhed and Kherwasa, in Jaora, are said to possess sanads for their respective holdings precisely similarly to those held by the Thakur of Sadakheri in respect of that village. The question of the status of these three Thakurs is at present (1892) under the consideration of the Government of India.

EXHIBIT 7.

COPY OF COLONEL WATSON'S LETTER DATED THE 10TH AUGUST, 1876, TO THE THAKUR OF SIRSI.

I have submitted the papers which you lately produced in my Court to the Agent Governor-General for Central India.

2. That authority has passed orders on them to this effect :—

“The holding of Sirsee and other villages in Istamrar from the Nawab of Jaora gives the Thakur no independence from the ruling State and there is no similarity whatever between the case of the Thakur of Sirsee and those Thakurs whose holdings and settlements were guaranteed by British Officers in the time of General Malcolm.”

It is, therefore, the duty of the Thakur of Sirsee to show respect and obedience in all things to the Nawab of Jaora and by careful management of his Estate and great economy in expenditure to provide for the regular payment of his rent. These duties first fulfilled, British Officers will at all times use their influence to protect the Thakur from hardship or inconvenience.

EXHIBIT 8.

GOVERNMENT'S ORDER AS CONTAINED IN LETTER DATED THE 5TH JANUARY, 1894, FROM THE POLITICAL AGENT WESTERN MALWA CAMP GOONA, TO HIS HIGHNESS THE NAWAB SAHIB BAHADUR OF JAORA.

Your Minister's letter dated 31st July, 1892, regarding the inclusion in Aitchison's Treaties of the Sanads in the possession of the Thakoors of Sirsi, Borkhera and Kherwasa was forwarded to the Government of India and in reply I am desired to inform Your Highness that it has been decided to insert the Sanads of the Thakoors named above in the next edition of the Treaties and that the inclusion of these documents in Aitchison's Treaties will in no way lessen or affect any rights or privileges to which Your Highness is at present entitled in respect of the Thakoors.

EXHIBIT 9.

Lease of Sadakheri Estate No. CCXVII, page 456 of Aitchison's Treaties, Vol. IV., Edition 1909.

DOCUMENT RELATING TO THE GRANT OF THE VILLAGE OF SADAKHERI TO THAKUR GOPAL SINGH, 1839.

(In the Court of) His Highness Nawab Ghaus Mohd. Khan Bahadur Shaukat-i-Jang.

(Signature in English). W. Borthwick, P.A.

Seal of Nawab
Ghaus Mohd. Khan

Seen.

PATTA (IN PERSIAN) OF ISTAMRAR JAGIR IN THE NAME OF THAKUR GOPAL SINGH.

The village of Sadakheri in the Baraoda Taluka of the Jaora State has been granted by the Sarkar in Istamrar from generation to generation from the beginning of the Fasli year 1247, corresponding with Samvat 1896, on payment without (any other) expenses of Rs. three thousand five hundred and one of the Salim Shahi currency the half of which is Rs. one thousand seven hundred and fifty and annas eight of the same currency. The Bhet, Begar, Kahi Kabari, of the State, Wazan Kashi, Khunt, Bir and Bughat (dues) of the Thakur will be current according to the usage of the Istamrar villages of the Pargana. You should, on Sabukar's security every year, pay into the State Treasury the amount fixed in this patta (instalments noted below) and do not make any excuse or evasion, and by good treatment keep the ryots contented and do not oppress them. And in case of delay in payment of the instalments fixed; a party of ten Sowars will be deputed (to realise the amount), and when the whole year's amount remains unpaid, it will rest with Sarkar to continue the village :—

DETAILS.

Rupees 9,201 Salim Shahi.

On 15th Katik Sudi	.. .. .	2,300-4-0
On 15th Poh Sudi	.. .. .	2,300-4-0
On 15th Phagan Sudi	.. .. .	2,300-4-0
On 15th Baisakh Sudi	.. .. .	2,300-4-0

Dated 24th Safar 1246 Fasli Jeth Badi 11th Samvat 1896 (Vikram).

True Copy.

*Superintendent,
Chief Secretary's Office.*

EXHIBIT 10.

Lease of Borekhera Estate No. CCXIX, on page 457 of Aitchison's Treaties, Vol. IV., Edition 1909.

DOCUMENT RELATING TO THE GRANT OF THE VILLAGES OF BOREKHERA AND REWAS TO THAKUR GULAB SINGH, 1839.

(In the Court of) His Highness Nawab Ghaus Mohd. Khan Bahadur Shaukat-i-Jung.

(Signature in English), W. Borthwick,

Seal of Nawab
Ghaus Mohd. Khan.

Personal Assistant.

Seen.

PATTA (IN PERSIAN) OF ISTAMRAR JAGIR IN THE NAME OF THAKUR GULAN SINGH.

The villages of Borekhera and Rewas in the Jaora Parhana of the State have been granted by the Sarkar in Istamrar from generation to generation from the beginning of Fasli year 1247, corresponding with Samvat 1896, on payment without (any other) expenses of rupees nine thousand two hundred and one of the Salim Shahi currency, the half of which is Rs. four thousand six hundred and annas eight of the same currency. The Bhet, Begar, Kahi Kabari of the State, Wazan Kashi Khunt, Bir and Baghat (Gardens) of the Thakur will be current according to the usage of the Istamrar villages of the Perhana. You should on Sahukar's security every year, pay into the State treasury, the amount fixed in this Patta (instalments noted below) and do not make any excuse or evasion, and by good treatment keep the ryots contented and do not oppress them. And in case of delay in payment of the instalments fixed, a party of ten Sowars will be deputed (to realise the amount) and when the whole year's amount remains unpaid, it will rest with the Sarkar to continue the village.

DETAILS.

Rupees 3,501 Salim Shahi.

On 1st Katik Sudi ..	..	..	..	..	..	875-4-0
On 1st Pos Sudi ..	..	..	..	..	..	875-4-0
On 1st Phagun Sudi ..	..	..	..	..	..	875-4-0
On 1st Baisakh Sudi ..	..	..	..	..	..	875-4-0

Dated 24th Safar 1246 Fasli Jeth Badi 11th Sammat 1896.

True Copy.

*Superintendent,
Chief Secretary's Office.*

N.B.—The leases of Sirz and Kermaza referred to as enclosures 11-12 in the memorandum, being exactly similar to this, have been omitted.

EXHIBIT 13.

PARWANA OF SADAKHERI (SHOOGARH) No. CCXVIII ON PAGE 457 OF AITCHISON'S TREATIES, VOL. IV. EDITION 1909.

DOCUMENT relating to the grant of the VILLAGE of SADAKHERI to THAKUR GOPAL SINGH, 1845.

Parwana countersigned by Sir Robert Hamilton, Resident, Indore, on 10th April, 1845, and bearing the Residency Seal, from the Nawab, dated 21st March, 1845, corresponding with the 13th Phagan Sudi Sammat 1901, and the month of Rabi-ul-Awal Fasli 1252, informing the Chaudhri, Kanoongoe, Zemindars and cultivators of the Pargana that the Sarkar had granted the village to Thakur Gopal Singh on the terms given above from the commencement of the Fasli year 1252, corresponding with Sammat 1901.

EXHIBIT 14.

PARWANA OF BOREKHERA ESTATE No. CCXX, ON PAGE 458 OF AITCHISON'S TREATIES, VOL. IV. EDITION 1909.

DOCUMENT relating to the grant of the VILLAGES of BOREKHERA AND REWAS to THAKUR GULAB SINGH, 844.

Parwana countersigned by Sir Robert Hamilton, Resident, Indore, on the 10th April, 1845, and bearing the Residency Seal from the Nawab (Ghous Mahomed Khan) dated the 21st of March, 1845, corresponding with 13th Phagun Sudj Sammat 1901, and the month of Rabi-ul-Awal, Fasli, 1252, informing the Chaudhri, Kanoongoe, Zemindars and cultivators of the Pergana that the Sarkar had granted the villages of Borekhera and Rewas to Thakur Gulab Singh on the terms given above from the commencement of the Fasli year 1252, corresponding with Sammat 1901.

EXHIBIT 15.

PERWANA OF KHERWASA ESTATE No. CCXXII, ON PAGE 459 OF
AITCHISON'S TREATIES, VOL. IV. EDITION 1909.

DOCUMENT relating to the grant of the VILLAGE OF KHERWASA to
THAKUR TAKHT SINGH, 1845.

Parwana countersigned by Sir Robert Hamilton, Resident, Indore, on the 10th April 1845, and bearing the Residency Seal from the Nawab (Ghous Mahomed Khan) dated the 21st of March 1845, corresponding with 13th Phagan Sudi Sammat 1901, and the month of Rabi-ul-Awal Fasli 1252, informing the Choudhri, Kanungoe, Zemindars and cultivators of the pergana that the Sarkar had granted the village of Kherwasa to Thakur Takht Singh on the terms given above from the commencement of the Fasli year 1912, corresponding with Sammat 1901.

EXHIBIT 16.

PARWANA OF SIRSI ESTATE No. CCXXIV, ON PAGE 460 OF AITCHI-
SON'S TREATIES, VOL. IV. EDITION 1909.

DOCUMENT relating to the grant of the VILLAGES OF SIRSI, KHIMA-
KHERE, and KHOKHRA to THAKUR DALPAT SINGH, 1845.

Parwana countersigned by Sir Robert Hamilton, Resident, Indore, on the 10th April 1845, and bearing the Residency Seal from the Nawab (Ghous Mohammed Khan) dated the 21st March, 1845, corresponding with 13th Phagan Sudi Sammat 1901, and the month of Rabi-ul-Awal Fasli 1252, informing the Chowdhries, Kanungoes, Zemindars and cultivators of the Pargana of Jaora that the Sirkar had granted the villages of Sirsi, Khimakheri and Khokhra to Thakur Dalpat Singh on the terms given above from the commencement of the Fasli year 1252 corresponding with Sammat 1901.

EXHIBIT 17.

Government's Order as contained in letter No. 8373 dated the 27th November, 1894, from the First Assistant to the Agent to the Governor General in Central India, Indore, to the Political Agent in Western Malwa.

I am directed to acknowledge the receipt of your letter No. 1560, dated 17th October 1894, regarding disputes between the Jaora Darbar and certain of its subordinate Thakurs in respect of opium and Sayar duties.

2. The Agent to the Governor-General has read with interest the letter (marginally noted) from the Minister of Jaora which accompanied your letter under acknowledgment, but considers that it is preferable to deal with the case of each Thakur independently and on its merits, rather than to entertain the collective representation of several Thakurs and each of whom has separate, and in some cases different, relations with the superior Durbar.

No 138 D/2 th
Aug. 1894

3. There seems to be little doubt that most, if not all, of these Thakurs, lay claim to rights and privileges which are not justified by the terms of their Sanads or guarantees, and they appear to have developed the habit of ignoring the Jaora Darbar, and of referring claims direct to the Political Agent. This procedure is not warranted either by precedent or by their status with regard to their Suzerain the Nawab of Jaora and should be discouraged.

4. When any such Thakur complains to you, you should satisfy yourself that he has first represented his case in proper form to the Jaora Darbar and if you are of opinion that the order of the Jaora Darbar on such representation is wrong or not in accordance with existing engagements as entered in Aitchison's Collection

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of Treaties and Sanads, Volume IV you should address the Darbar according to your discretion with a view to the settlement of the dispute in accordance with recorded rights of the Darbar and the Thakurs respectively. Failing such settlement, you should refer the matter with an account of the circumstances and an expression of your opinion to the Agent to the Governor-General for orders, but it does not appear probable that many such cases will have to be referred, for the terms of the Sanads affecting these Thakurs are generally sufficiently explicit to admit of little doubt as to their meaning and intention.

5. I am to request that any cases now under dispute may be disposed of in accordance with the foregoing instructions, the representations made by the Thakurs, in the form of petitions signed or sent by more than one individual, should be returned with an intimation that each Thakur should refer his case separately and on its own merits to the Jaora Darbar, and that appeals for the intervention of the Political Agent should invariably be accompanied by a copy of the order of the Darbar to which exception is taken.

JAORA STATE (No. 4.)

Another example of how the rights of the Darbar over territory included within the guaranteed Thikanas are over-ridden by the Political officers, is furnished by the grant of opium compensation to the guaranteed Thakurs.

The Imperial Opium Conference held at Delhi, in 1911, considered that the Darbars were entitled "to share equally with Government of India, the *extra pass duty plus the auction proceeds.*"

In this admission there is nothing to suggest that the division of profits was to be by way of compensation to the States on the basis of their areas under poppy cultivation. If the question were of awarding compensation for the abolition of poppy cultivation, such area would afford a good basis for calculating the amount of compensation to be paid, but surely the existence of poppy area itself could not be a *reason* for the act of awarding compensation. If it were so, any tenant or Zamindar with no pretensions to political rights, but owning considerable plots under poppy cultivation would be entitled to compensation for the loss of this paying crop. What the Government did in 1911 was to recognise the right of the States to share with them the unprecedented profits they were making in the last stages of the Opium trade with China. These profits accrued from raising the pass duty to the abnormally high figure of Rs. 1200, and from putting to auction the right of priority of export. When the Government of India resorted to these two devices, for the purpose of making large profits, they forbade the States to enhance their own pass duties and obviously interfered with the normal course of the export of opium to China. Such interference was a double wrong to the States who had been prevented from raising their own Export Duties. It was in consideration of these two measures of theirs that the Government agreed to share with the States the profits realised from the export of chests that went from each. That the share of profits is a compensation for loss of Trade and of the export duty levied by the States on opium and not for loss of Land Revenue is not open to doubt. This is amply proved by the fact that the Government of India refused to give the States of Bundelkhand and Baghelkhand (both in Central India) any share in the profits on the ground that though they cultivated and produced opium they never exported it. Thus the share was for loss of export duty and such a duty the feudatories of the State never realised and had no right to realise.

Nevertheless the Political Officers compelled Jaora to pay a share to its guaranteed feudatories out of its share of the profits made by the Government of India.

Exhibit 1.

The following protest of the State (*vide* Chief Secretary's letter No. 967) dated the 23rd October, 1912, to the Political Agent Malwa setting forth its contentions went unheeded :—

(1) That so far as their (the Thakurs') territory was concerned, it was an inherent and sovereign right of the Darbar either to prohibit the cultivation of

(2) That it was the Darbar alone who could levy any export duty on opium and that the Thikanadars had no such rights, and were consequently not entitled to any compensation.

(3) That the shares of the profits given to the States are not for the loss of land revenue, but for the loss of trade, as borne out by the confidential note from the Political Agency dated the 11th September, 1911, wherein it had been said "The Government of India have not overlooked the claim of the Darbars to secure, out of the profits of the trade, a reasonable measure of compensation for the losses which the diminution of exports to China involve."

(4) That although cultivated area was generally agreed upon and taken to be the basis of distribution of profits, yet other possible bases had also been suggested for it. For instance, instead of area under cultivation the amount of produce exported, or the average duty realised by each State during a series of years, had been advocated and accepted unanimously as the basis of distribution of profits. This arrangement evidently did not contemplate the grant of compensation to guaranteed Jagirdars.

(5) That for the above reasons, the guaranteed jagirdars (who have never enjoyed the right of exporting opium and collecting Duty thereon) could not be said to be entitled to get compensation.

The reply to this protest is contained in the Political Agent's letter No. 758-C dated 21st November, 1912, and is to the effect that the Agent to the Governor-General is unable to accept the Darbar's contention or to modify the orders previously conveyed. Exhibit 2.

This appears to be one of the instances in which the Political Officers of the Government of India intervened in an arbitrary manner and by superseding the just authority of the State not only inflicted upon it a monetary loss but afforded encouragement to its feudatories in a manner which must lead to future difficulties and complications.

EXHIBIT 1.

COPY OF LETTER No. 967, DATED THE 23RD OCTOBER, 1912, FROM THE CHIEF SECRETARY, JAORA DARBAR, TO THE POLITICAL AGENT IN MALWA, NEEMUCH.

I have the honour to acknowledge receipt of a copy of the Excise Commissioner's letter No. 1611-14/ Excise of 27th July, 1912, forwarded with your letter No. 640-47-C, dated the 8th October, 1912.

From paragraph 4 of the Excise Commissioner's letter it appears that it is proposed to give to guaranteed jagirs a share of the profits of the new system of exports of opium.

The Darbar beg to invite your attention to their confidential letter dated the 9th November, 1911, and the Chief Secretary's letter No. 660 of 25th July, 1912, in which it has been submitted that the Jagirdars and Thakurs are not empowered to levy export duty and are not therefore entitled to get a share in the extra pass duty and auction proceeds. His Highness still holds the same view and believes that the shares of the profits given to the States are not for the loss of land revenue, but for the loss of trade of the export of opium. This view is also borne out by the Confidential letter of your office dated the 11th September, 1911, wherein it has been said that "The Government of India have not overlooked the claim of the Darbars to secure out of the profits of the trade a reasonable measure of compensation for the losses which the diminution of exports to China will involve."

The very fact that the Government of India raised their duty on the export of opium and participated in the profits of the auction proceeds also confirms the view of the Darbar that when this new system was introduced the question of the loss of land revenue was not at all under contemplation, but the loss of export duty was the only consideration in view.

In paragraph 2 of your Office letter No. 40-48 of 24th October, 1911, the only enquiry which was then made was as to "whether the several Guaranteed Estates in Jaora collect any such duty" (on opium intended for export to China) "independently of the Darbar and if so at what rate."

It is true that cultivated area was generally agreed upon and taken to be the basis of distribution of profits but there were also other possible bases suggested for it. Instead of area under cultivation the amount of produce exported or the average duty realised by each State during a series of years had been advocated and accepted unanimously as the basis of distribution of profits the question of granting a share to the guaranteed Jagirs could never have arisen.

One point more may also be considered in this connection. The States in Bundhelkhand and Baghelkhand have been excluded from this participation because though they cultivated and produced opium, they never exported it (*vide* paragraph 2 of confidential letter No. 911 on 15th November, 1911, from the First Assistant to the Honourable the Agent to the Governor General in Central India to the First Assistant to the Honourable the Agent to the Governor General in Rajputana).

For the reasons above, the Darbar will adhere to their view formerly expressed in this matter and request that you will please reconsider the question of awarding a share of the export profits to Guaranteed Jagirs who have never enjoyed the right of exporting opium and collecting duty thereon. The loss suffered by the States in point of cultivation is beyond measure and this loss has been suffered not by States, Estates and Jagirs alone, but even a poor cultivator can be said to be a sufferer to a more or less extent in this respect. The opium profits are only meant to compensate the loss of export duty and not the loss accruing and arising from the fall of cultivation which loss is much heavier to opium growing States and Estates and it extends even to a poor farmer to a more or less degree.

EXHIBIT 2.

COPY OF LETTER No. 758-C, DATED THE 21st NOVEMBER, 1912, FROM THE POLITICAL AGENT IN MALWA, CAMP INDORE, TO THE CHIEF SECRETARY, JAORA DARBAR.

I have the honour to acknowledge the receipt of your letter, No. 967, dated the 23rd October, 1912, purporting to be the representation by the Jaora Darbar against the decision securing to the Darbar's Guaranteed Thakurs a share of the profits derived from the new system of taxation of opium, on the ground that it was losses of export duty, and not losses of land revenue that Government had in view when they decided to grant the State of Malwa, as a solatium for the losses caused by the diminution of exports to China, a share of the profits of the new system of taxing opium on exports.

2. The Honourable the Agent to the Governor-General in Central India, to whom the Darbar's representation was submitted, has very carefully considered it, but regrets that he is unable to accept the Darbar's contention or to modify the orders conveyed in the 3rd paragraph of the Excise Commissioner's letter, No. 2378-Exc., dated the 25th October, 1912, an extract from which was enclosed to my letter, No. 4392, dated the 2nd November, 1912.

JAORA STATE (No. 5).

The State is aggrieved that there has been much unwarranted interference by Political Officers in matters of succession and minority administration of the various guaranteed estates under it. Such interference becomes the more intolerable when it seeks to disturb established practice, and tends to limit the States' sovereignty.

The avowed intention of the British "Guarantee" as has been elsewhere amplified (*vide* instance No. 3) was to ensure to the feudatory grantees the permanent enjoyment of the rights and privileges accruing to them from the conditions of their grants, consistently with the discharge of their normal obligations owed by them to the suzerain grantor.

On page 6 of Aitchison's Treaties, Volume IV (of 1909) occurs the following passage: that "although there is a very great diversity in their tenures, the guaranteed chiefs may all be divided into two great classes, viz., first, those chiefs in the administration of whose affairs the interference of the superior chief is excluded by the express terms of the guarantee; and secondly, those whose Sanads contains no such stipulation."

The Jaora Darbar's experience has been that even in the case of estates falling within the second class (i.e., those whose grants do not expressly exclude the interference of the superior chief) the Political authorities have always tried to control the exercise of even the most legitimate interference on the part of the superior Chief.

The effect of this policy on the subordinate Thakurs in the words of Aitchison himself, has been that, "relying on the protection of the British Government, and the limitation imposed on the power of their superiors, they have not infrequently attempted to assume a degree of independence to which they are not entitled." (*Vide* Volume IV, 1909, p. 5.)

The spirit of defiance thus created, has often led the guaranteed Thakurs to ignore even the most indispensable conditions of their grants; while the State prevented from enforcing its claims, has had to suffer a curtailment of its most unquestionable rights.

In order to substantiate this, reference is invited to the correspondence that passed between the Jaora Darbar and the Political Agent in the year 1907, in regard to the minority administration of the estate of Khojankhera.

The facts of the case were that Thakur Man Singh of Khojankhera died on the 8th March of 1907. The estate was taken under management by the State, and this fact was duly communicated to the Political Agent (*vide* Jaora Minister's letter No. 154 dated the 11th March 1907). The succession of Dhulsingh to the Estate was sanctioned as recommended by the State and the arrangements made by it for the management of the Estate were approved by the Government of India. Shortly after, the widow of the deceased Thakur moved the Political Agent to entrust the management of the estate to the Thakur of Uperwara.

Exhibit 1.

This led to exchange of letters between the Political Agent and the Minister of Jaora who, in his letter No. 212 dated the 13th April 1907, said:—

Exhibit 2.

"The established procedure is that in the event of the death of a subordinate Thakur who leaves a minor as his successor, the Darbar in its capacity of the suzerain and the guardian of the minor, takes into its hands the management of the affairs of the Estate during the minority of the successor."

The Political Agent's reply to this (*vide* his letter, No. 4655 of 1907) was that "these remarks are not applicable to a guaranteed Estate, and that the established procedure is quite the reverse. Ordinarily, the suzerian Darbar is not allowed to assume charge of a guaranteed estate during minority, or whenever it may be necessary to place it under management."

Exhibit 3.

In reply to this letter, the following instances wherein the management of the guaranteed Estates had been assumed by the State, were cited in support of the Jaora Minister's contentions (*vide* his letter, No. 172, dated 20-4-1908).

Exhibit 4.

(1) To begin with, in the case of Khojankhera itself, the Estate on the death of Thakur Man Singh was brought under Darbar management, and the fact was duly communicated to the Political Agent, who approved of the arrangements made.

(2) In 1889, the Darbar, during the lifetime of Thakur Onkar Singh of Tal assumed the management of his estate and made arrangements for the liquidation of his debts. Later on, on the Thakur's representation that he was dissatisfied with the arrangements made by the Darbar, the Government of India decided that they should be consulted on all important matters connected with the guaranteed estates.

(3) In 1899, Thakur Khushhal Singh of Shujaota had heavily encumbered his estate, and being found incompetent, the management of his estate was entrusted to the Darbar and the Thakur was not allowed to have any hand in the affairs of his estate.

(4) The estates of Bilaud and Sidri, have in the past under similar circumstances, either when embarrassed financially or during minority, been managed by the State as suzerain.

But in spite of these precedents the Political authorities did not feel inclined to concede an unquestionable right of the State; and pending an express decision, the State has to submit to the dictum of the Political Agent, (contained in the concluding paragraphs of the letter referred to above as Exhibit 2) which lays down that the Darbar, should always obtain the previous sanction of the Political Agent, before taking up the management of any guaranteed Thikana either for reasons of mismanagement or minority.

EXHIBIT 1.

COPY OF LETTER, NO. 154 DATED THE 10TH MARCH, 1907 FROM THE MINISTER OF JAORA TO THE POLITICAL AGENT IN MALWA, NEEMUCH.

I have the honour to report the death of Thakur Man Singh of Khojankhera, a guaranteed Istamrardar subordinate to the Jaora Darbar. The sad event took place on the 8th instant. The Thakur has left no male issue but a younger brother by name of Dhool Singh, who is said to be eight or nine years old. The exact date of his birth is under enquiry.

On the day of the Thakur's death I received a communication in Hindi (copy enclosed) purporting from the late Thakur who stated therein that he had nominated his younger brother Dhool Singh as his successor. The signature on the communication is not in the handwriting of the late Thakur, but on enquiry it appears that the nomination was made by the late Thakur and that the communication was written with his knowledge and at his request, but that he was too ill to write down his name. The boy Dhool Singh, being the younger brother of the late Thakur, is his rightful heir, and the Jaora Darbar has no hesitation in recognizing him as Istimrardar of Khojan Khera, the necessary action in respect of the succession will be taken by the Darbar on receipt of the sanction of the Government of India.

It appears that the late Thakur has left the estate in an unsatisfactory financial condition. The estate is said to be heavily indebted and ill-managed. The Darbar is taking steps to take the management of the Estate in its own hands. It will be necessary to frame a budget of the income and expenditure to make enquiries regarding the liabilities and to prepare a schedule of the debts. I will submit to you a report on the financial condition of the Estate after the work of the preparation of the budget and of enquiry into debts has been completed.

True Copy.

(Signed)
For Chief Secretary.

EXHIBIT 2.

COPY OF LETTER, NO. 212 OF 1907, DATED THE 13TH APRIL, 1907, FROM THE MINISTER, JAORA DARBAR, TO THE POLITICAL AGENT IN MALWA.

With reference to your office vernacular letter No. 1086 dated the 23rd ultimo embodying an extract from a petition of the wife of the late Thakoor Man Singh of Khojankhera, who wishes that the management of Khojankhera Estate should be entrusted to the Thakoor of Uperwara I have the honour to state that the established procedure is that in the event of the death of a subordinate Thakoor who leaves a minor as his successor, the Darbar in its capacity of the Suzerain and the guardian of the minor, takes into its hands the management of the affairs of the Estate during the minority of the successor, and that it is deemed inadvisable and impolitic to entrust the management to another Thakoor and to allow the latter's interference in the management of the Minor's Estate. In case of Khojankhera, there is a further ground that the Darbar should look after its affairs as the Estate is indebted to the Darbar. Under the circumstances there is no ground to gratify the wish of the Thakurani, and she has been informed accordingly.

EXHIBIT 3.

COPY OF THE LETTER, NO. 4655, DATED THE 23RD NOVEMBER, 1907, FROM THE POLITICAL AGENT IN MALWA TO THE MINISTER OF JAORA.

I have the honour to refer to your letter No. 212 dated the 13th April 1907, regarding the guaranteed Thakurate of Khojankhera, in which it is stated that "the established procedure is that in the event of the death of a subordinate Thakur who leaves a minor as his successor, the Darbar in its capacity of the suzerain and the guardian of the minor, takes into its hands the management of the affairs of the Estate during the minority of the successor."

2. I beg to observe that these remarks are not applicable to a guaranteed estate and that the established procedure is quite the reverse. Ordinarily the Suzerain Darbar is not allowed to assume charge of a guaranteed estate during a minority, or whenever it may be necessary to place it under management, and the cases in which the Jaora Darbar has been allowed to undertake such management are quite exceptional and made purely for purposes of administrative convenience or for special reasons.

3. No Suzerain Darbar has the right to assume charge of such an estate, nor would it do so without first obtaining the consent of the Political Agent or the Agent to the Governor-General.

4. These remarks apply also to Estates which are only partly guaranteed, and I request that they may be carefully observed in future.

EXHIBIT 4.

COPY OF LETTER, NO. 172, DATED THE 20TH APRIL, 1908, FROM THE MINISTER, JAORA, TO THE POLITICAL AGENT IN MALWA.

I have the honour to refer to your letter No. 4655 dated the 23rd November 1907, regarding the taking over of the management of guaranteed estates.

It appears from the context of your letter under reference, that in the event of the death of a subordinate Thakur, who leaves a minor as his successor, the Darbar in its capacity of the suzerain and the guardian of the minor, has no right to assume the management of the estate during the minority of the successor.

The Darbar, I may be allowed to say, do not concur in the opinion inasmuch as such a new departure from the established procedure would not only be contrary to all precedent in Jaora and contradictory to the arrangements that are and have been in force and of which instances can be cited, but would cause a considerable intermeddling and clashing of rights and relations existing between the Suzerain Darbar and the subordinate Thakurs, the preservation of the rights of both of which has been safeguarded by the Government of India.

As a "Suzerain" the Darbar is, I beg to submit, in possession of the right to take into its hands the management of a subordinate Thakurate, during the minority of the Thakur, as well as at a time when the estate is in a financially embarrassed condition, owing to the extravagance and ill-management of the Thakur, and there are instances when the latter power has been exercised by the Darbar in order to place the affairs of the estate on a satisfactory footing. The term "suzerainty" would bear no significance if it did not constitute the superiority of the Darbar over the subordinate Thakur in some respects, particularly in the matter of assuming management under circumstances mentioned above.

After the death of Thakur Man Singh of Khojankhera, which took place on the 8th March 1907, the estate was brought under management by the Darbar, and the fact duly intimated to the Political Agent in Malwa (*vide* my letter, No. 154 dated the 11th March 1907). The succession of Dhul Singh, on the recommendation of the Darbar, was sanctioned and the arrangements for the management of the estate approved.

To quote another instance, in 1889, the Darbar during the lifetime of Thakur Onkar Singh of Talm, assumed the management of the estate and made arrangements for the liquidation of the debts, which had been contracted by the Thakur.

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Later on, on the Thakur's representing that he was dissatisfied with the arrangements made by the Darbar, the Government of India decided that they should be consulted on all important matters connected with the guaranteed estates, and this has already been observed (*vide* p. 368, Aitchison's Treaties, Vol. IV). The estates of Khojankhera, Uperwara and Shujaota are similar in status to Tal, under the account of which the above remark appears in the Treaties.

The late Thakur Khoshal Singh of Shujaota had overburdened his estate and being found incompetent to manage it the management was entrusted to the Darbar in 1899, and the Thakur allowed to have absolutely no hand in the affairs of the Thakurate.

The accounts of the income and the expenditure are submitted to the Political Agent for the information of the Agent to the Governor-General, and the liabilities reduced gradually.

The estates of Bilaud and Sidri have under similar circumstances, either when financially embarrassed or during minority, been managed by the Darbar in its capacity of the "suzerain."

Now it is clear that had it not been for the right exercise of the suzerain rights of the Jaora Darbar, it is very unlikely that the action taken in the above instances would have passed unnoticed.

I do not find any change in the position of the Thakurs, which would limit the exercise of the suzerain rights by the Darbar with certain restrictions, nor am I aware of any special reasons under which the Jaora Darbar was allowed to undertake management in exceptional cases.

The Darbar are of opinion that being a Suzerain Darbar, they are bound to look after the welfare of the subordinate Thakurs, and with this genuine desire they interfere into the affairs of the estates solely in the interests of the Thakurs themselves.

I trust you will concur with me in the above remarks, and will not allow the suzerain rights of the Darbar to suffer in any respect whatever.

MUDHOL STATE.

See infra, 1057 (i).

NAWANAGAR STATE.

I. STATEMENT OF FACTS.

In 1830 it was authoritatively laid down by the Court of Directors "that the British rights in Kathiawar were limited only to the exaction of tribute and that the Kathiawar Chiefs were entitled to the uncontrolled exercise of the power of Government within their own territories." (See Despatch No. 7 of 20th July 1830.) In 1831 the Bombay Government declared their policy of non-encroachment on the landed rights or on the independence of the Kathiawar Chiefs and conveyed the British Guarantee for the due fulfilment of the engagements (see letter No. 549 of 19th February 1831 from the Bombay Government to the Political Commissioner of Gujrat).

But despite these assurances and declarations of policy the British Government have more than once made a serious inroad upon the territorial integrity and sovereignty of the Kathiawar States.

In 1860 a *Girassia* belonging to the Palitana State submitted a memorial to the Secretary of State for India for the redress of his grievances against the State. Thereupon a despatch was addressed to the Government of Bombay directing an enquiry into the case. The Government of Bombay asked for an expression of the opinion of Her Majesty's Government on the general question of jurisdiction in cases of disputes between the Girassias and their Chiefs. The Secretary of State while adhering to the principal of non-interference declared that the case of the Girassias was entirely different, and that they were entitled to look to the British Government for the protection of their rights.

It is to be noted that this view was directly opposed to the scheme approved and sanctioned by the Secretary of State (Despatch No. 66 of 1866) under which the first and second class Princes of Kathiawar were recognised as possessing complete and independent Civil and Criminal jurisdiction over their subjects *from which the Girassias qua Girassias were not exempted*. (Original holder of land who accepted the suzerainty and protection of the Ruler when the State was first established or descendant of such original holder.)

In the face of strong opinion to the contrary, in 1871 the Bombay Government contemplated the establishment of a court to decide all disputes between the Girassias and the States in Kathiawar.

When the first-class Chiefs heard of this proposal they asked for an opportunity of fully stating their objections, and proposed to depute representatives to lay their case before the Governor-in-Council. In reply, they were informed that their representations would be fully heard and that they should communicate with the Political Agent whose report would be awaited.

Consequently a meeting of the officials was convened by the Political Agent at which the whole question was discussed and, as a result, a memorandum of objections was submitted by the officials. In this memorandum it was urged:— Exhibit A.

(1). That it was clear from Colonel Walker's report that the Kathiawar Chiefs enjoy the fullest exercise of sovereign rights over their subordinate *Girassias*.

(2). That the Fael Zamin Bonds did not bind the Chiefs in relation to their subordinate *Girassias*, as is clear from Colonel Walker's report; and that the Government of Bombay had passed a resolution (No. 576 dated 22nd February 1864) declaring that the Fael Zamin Bonds had no reference to the subordinate *Girassias*.

(3). That the States enjoyed under the Moghuls as well as under the Mahrattas every right of full sovereignty without any interference.

When this memorandum reached the Government of Bombay, a resolution was issued declaring:— Exhibit B.

(1). That in making arrangements for hearing the complaints of the subordinate *Girassias* the British Government were acting under the express instructions of the Secretary of State, and that therefore the Government of Bombay were not prepared to reopen the question.

(2). That a strong administration in Native States was essential in order to secure the well-being of the people and that in the present case the administration would be strengthened by the proposed arrangements which would remove a fertile source of disorder and discontent.

In answer to this a memorial was submitted by the first, second and third class States in Kathiawar. In this memorial the Rulers contended:— Exhibit C.

(1). That ever since the advent of the British Power they had been sincerely trying to carry out the wishes and advice of the British Government.

(2). That it was regretted that the grounds upon which the British Government had arrived at the conclusion that justice was not administered in the cases of the *Girassias* had not been communicated to the Chiefs.

The States at the same time categorically denied that justice was not perfectly administered in the cases of the *Girassias*. They, however, submitted a plan for the settlement of the claims of subordinate *Girassias*. It was also added: "We cannot, however, but respectfully urge that we have never recognised nor do we at present recognise the right of Government to assume jurisdiction in these cases. It is only with a desire to convince the Government of the sincerity of the intention on our part to give justice in *Girassias* cases to our subordinate *Bhayads* and *Mul-Girassias* that we, at present, are willing to agree to this temporary proposal."

In 1872 the final orders of the Government of India were communicated to the States sanctioning the proposed arrangements. It was expressly stated that the scheme would be tried for a period of three years. Exhibit D.

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The court thus established continued to exist for 27 years instead of 3 years as previously laid down by the Government of India. It was however abolished in 1900 although the *appellate jurisdiction which had been vested in that court is still retained and exercised by the Political Agent.*

Exhibit E. (p. 55.)

Another encroachment on the internal sovereignty of the Kathiawar States was made in 1868 when a circular was issued by the Political Agent of Kathiawar prohibiting the mortgage and sale of lands by petty *Girassids* to their chiefs. In 1891 the British Government arrived at the conclusion that they had recognised both sales of *Girass* and the right of pre-emption in the other shareholders, and the absolute prohibition of alienation previously imposed was consequently removed and elaborate rules embodying extremely onerous and unfair restrictions on the sale and mortgage of lands by *Girassias* were framed by the Government of Bombay. In 1907 in modification of previous rules it was laid down that "sales and mortgages by *Girassias* to Durbars shall in future be effected by deeds submitted to the Prant Officers which, when approved, shall be registered by them in their courts."

Exhibit F.

Exhibit G.

Exhibit H.

Exhibit I.

Exhibit J.

In 1915 a representation was made by the Kathiawar States protesting against this serious encroachment on their rights guaranteed by the British Government. In this representation it was pointed out that the rules referred to above undermine the sovereign rights of the Kathiawar States and were a fruitful source of conflict between the States and their subjects. The States also took exception to the provision of a genealogical tree and a complete list of collaterals and the presentation of claim by collaterals to Prant Officers. In reply the States were informed that the Agent to the Governor did not find anything in the instructions issued to the Prant Officers which it was desirable to modify.

EXHIBIT A.

Memorandum.

Recently there has been some discussion about allowing the subordinate Bhayats and Mul-Grassias to institute appeals against their Princes and Chiefs in the Agency Court. A petition against such a step has been already forwarded by the four First Class States to the Bombay Government, which thereupon passed a Resolution (No. 1277 of 29th March 1871) directing us to communicate freely on the subject with the Political Agent. In doing so, we find it necessary at first to criticize some of the statements made on the subject by Mr. Wedderburn (the Secretary to Government) in his memo. recommending the adoption of the proposal to allow such appeals in the Agency.

Now as regards the first statement made about the political condition of Kattywar prior to Colonel Walker's settlement in 1807, it is plain from that Officer's Report dated 20th July 1806 (the very same therein quoted) that we then enjoyed the fullest exercise of sovereign rights over our subordinate Grassias as well as other subjects. The experienced and old politician, Amratlal, the Vakil of the Peshwa, as quoted by Colonel Walker, also testifies to our always having maintained and enjoyed the rights of independent sovereignty under the Marathas, the Moguls, and other previously existing powers.

2. The effect of Colonel Walker's settlements is described in paragraph 4 (of Mr. Wedderburn's memo.) as having fixed the tribute and introduced a perpetual truce, and as such as having been termed "an Act of Consolidation." But, though so far this is true enough, yet in the extracts from Captain Watson's letter of the 29th June 1868, which are inserted immediately after, that gentleman appears to be describing a state of things existing only in his own imagination, with no foundation in fact. He appears to have confounded the subordinate Grassias with the smaller Talukdars and separate tribute-paying Grassias, and on this assumption has founded his assertion that Colonel Walker's settlement in effect destroyed their independence. But they were not independent and did not pay tribute either to the Gaekwar, the Peshwa, or any other power. Captain Watson cites no authority

to prove his assertion, and nowhere has such been the case, as these subordinate Grassias have continued in the same position under us as ever they have been, since their first connection prior to the said settlement.

Colonel Walker's Settlement was made with the tribute-paying States alone, and every engagement then entered into had exclusive relation to the States, large or small, mutually concerned, but not as between those States and their subordinates. Captain Watson's statement, therefore, though correct so far as regards the Chiefs paying Peshkush, etc., to the British or the Gaekwar Government, inasmuch as the Settlement in question deprived them of the hope of increasing their power by the chances of war, does not apply at all to the Grassias and Bhayats, who were as subordinate *then* as now—whose title to their possessions indeed rested on their obedience, *legally*, as its only condition.

Aitchison's Treaty
Book, Vol. VI,
pp. 363 & 364.

Captain Watson also insinuates that "the lands of the Mul-Grassias are being absorbed by their Chiefs"—a vague insinuation entirely unfounded, which is calculated to create an erroneous impression against us in the mind of Government. But he does not support his allegation by citing cases, as to whose lands, by what Chiefs, when, and in what manner have been so absorbed, consequently no full explanation can be given; suffice it to say, however, that none of us have made any such absorption.

3. The third point in Mr. Wedderburn's memo. refers to the proceedings of Captain Barnwall, Colonel Lang, etc. Regarding this we have only to bring to your notice the admission of Mr. Wedderburn himself in the said memo (in a paragraph which traces to that very cause, sundry evils complained of in the Province anterior to 1864) that in mediating between the Grassias and Talukdars, the Political Agents before Colonel Keatinge's time had not the right to act *authoritatively* but only diplomatically. And this is the real fact, and indicates a state of things which certainly would not have existed, had the subordinate Grassias been independent in Colonel Walker's time, and had been guaranteed by the British Government under that Officer's Settlement. Considering that this was the case when the States had no regular Courts of Justice, and no proper laws promulgated, it would, we submit, be quite a grievance for Her Majesty's Government to introduce a new authority in the Province, to a great extent superseding ours, now when we have established both the above essentials of justice in our territories, so that there can be but little to prevent any subordinate Grassias having their cases properly heard and duly redressed.

4. In reviewing Colonel Keatinge's proceedings Mr. Wedderburn writes in the 8th paragraph of the memo. that "in that Officer's scheme no special provision was made for the disposal of Gras cases, etc." But it appears to us plain that Colonel Keatinge, considering it right not to interfere in such cases, had distinctly provided that the subordinate Grassias should apply for proper redress to the Courts of their respective Chiefs. Now the powers of the First and Second class States were not newly conferred on them by Colonel Keatinge, but he merely perpetuated to the Chiefs only those sovereign rights and privileges to which their ancestral independence entitled them, and adopted an equitable course to refrain from exercising any undue interference.

5. Lord Craiborne, Her Majesty's Secretary of State for India, in a despatch dated 31st January 1867, relative to a dispute between the State of Palitana and its subordinate Grassia Dajibhai of Sejalna, gives the following reasons why he thinks the complaints of the Grassias should be entertained.

1st.—"They (the Grassias) have been prevented by the strong arm of the British Government from going out into Bahirwuttia, and thus taking the remedy in case of aggression into their own hands."

2nd—"And they are entitled to look to the British Government for an enforcement of the obligation which the Chiefs of Kattywar undertook when in the *file Zamin* Bond of 1807 they jointly and severally engaged not to seize on the land or lands of another."

Now with regard to the latter point we hope we have already made it clear that the obligations (of whatever nature) entailed by the Settlement of 1807 were only as between the British Government and the tribute-paying Chiefs, and as between those Chiefs among themselves, having no reference whatever to the subordinate

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Grassias, who whether directly or indirectly were no parties to the Treaties and Engagements, and that therefore, legally, the Government is not justified in interfering between us and the Grassias even if the oppression alleged be a fact, but to join issue on the first statement we have to observe that:—

In Kattyawar the long-established habit of going out into Bahirwata is not such as is solely confined to the class of Grassias for their Gras dispute. And it is an utter mistake to attribute *all* or even a majority of cases to oppression of the subordinate Grassias by the Chiefs. It is resorted to by many other ignorant people on account of very trifling disputes concerning women, etc.

In the return accompanying the report dated 2nd May 1864 of Captain Hebbert of the Bahirwattia department, he shows the total number of Bahirwattia then *out* to have been 210, of whom only 30 were actuated by Gras grievances. Out of these 30 again, only a minority were Mul-Grassias or Bhayats, and of this minority, those having any real grievances against their Chiefs were rare. These facts speak for themselves, and it is to be hoped—nay, it is almost certain—that the spread of civilization and education will ultimately extinguish a custom which had its origin in ignorance and lawless violence much more than in the injustice of the Talukdars.

Since the establishment of the Courts of Justice in our territories at the suggestion of Colonel Keatinge, no Grassia until now, as far as is known, has gone out against any Talukdar on account of being dispossessed of his Gras, although, as if on purpose to show a contrast and to strengthen our present argument, the Dedas of Morvi and the Bhayats of Sayala have gone into outlawry out of dissatisfaction at the decisions of the Agency and of Government. These latter cases therefore cannot be attributed to the Talukdars and we submit therefore that the first point relied on by Lord Cranborne—that of Bahirwattia—has no weight whatever.

Having already referred to the second reason advanced by Lord Cranborne, we have only to indicate that no terms of the *fael Zamin* Bond executed in 1807 by the Kattyawar Chiefs were ever binding on the Chiefs in relation to their subordinate Grassias, but, as already shown, the Bonds were taken only as securities from the separate tribute payers against any encroachment on each other's property in future, and also to provide against the continuance of the then existing state of warfare between the Chiefs and other smaller States, who settled separately for their own tribute. That this was really the case will be perceived by a reference to the 78th paragraph of Colonel Walker's report, dated 7th October, 1807.

Walker's Report
Book, page 101.

The original *fael Zamin* Bonds were written in Gujarati and delivered to Colonel Walker. The English translations of them in Walker's Report Book and Aitchison's Treaty Book are incorrect in one or two places; and as in the present argument their wording seems to have been misinterpreted, we wish that the original Bonds should be produced out of your office records and carefully translated afresh. Colonel Keatinge was well aware of the real intention of the Bond, and its true applicability, and has on several occasions brought the fact to the notice of Government, which, on his representations, passed a Resolution to the effect that the *fael Zamin* Bonds had no reference to the subordinate Grassias.

Vide Government
Resolution No. 576
of 1864, dated
February 22nd.

6. Considering that we have now met the main points of Mr. Wedderburn's memo., we have further to state:—

1st.—That under the Mogals, Marathas, and their predecessors, we enjoyed every right of independent sovereignty, and that they on their part did not molest us in their exercise.

2nd.—That subsequently, in 1807-8, Colonel Walker's Settlement was effected, whose only end and aim was to fix the amounts of Tribute and ensure its due payment annually without a Mulukgiri army and to effect a perpetual cessation of hostility between the separate tribute-payers, leaving our other powers untouched.

Vide Aitchison's
Treaty Book,
Vol. vi, p. 362.

3rd.—That the settlement so effected is the real basis of the Government of Kattyawar, that the said Officer fully acknowledged our immemorial independent status, admitting his repeated conviction that on no account should Government interfere in our internal affairs; and that this statement is correct will be clear on perusal of the undermentioned paragraphs in his various reports which have been also approved by the Government of Bombay.

Paras. 50, 51, 58 and 61 of the report of 20th July, 1806.

Paras. 3, 4 and 5 of the report, dated 30th April, 1808.

Paras. 14, 36, 249 and 250 of the report, dated 15th May, 1808.

4th.—That Mr. Elphinstone, the Resident at Puna in his Darkhast of the 15th March 1815 to the Peshwa says under the head of article second:—

“The Chiefs shall send their Vakils to Ahmedabad to pay the Peshwa’s share of the tribute, but no other claim of any description shall be advanced by the Sir Subehdar, nor any authority exercised by him over the Chiefs or their ryots.”

Thus proving that the British Government then considered that the paramount power had no right to interfere with the internal affairs of the Kattyawar Chiefs.

5th.—That in a letter from the Chief Secretary to Government to the Resident at Baroda, dated 10th February 1816, these words occur:—

“Neither His Highness the Gaekwar nor the British Government has any right of interference in the internal affairs of the Navanagur or any other principality in Kattyawar unless its interposition be expressly solicited by the chieftain of the Territory.”

6th.—That in a proclamation of the Bombay Government relative to the Female Infanticide in Kattyawar, dated 22nd November 1834, para. 6th contains the following:—

“The possessions of the Chiefs of Kattyawar are guaranteed to them, and protection is extended to them on certain conditions and it is the sincere wish of Government that they should continue to enjoy them, and all their privileges and immunities free from molestation.”

7th.—That Her Majesty the Queen’s Proclamation of 1st November 1858, announces to the Princes and Chiefs, Her Majesty’s acceptance of the Treaties and Engagements of the East India Company, and their scrupulous maintenance, and also gives assurance that the Rights, Dignity, and Honour of Native Princes shall be respected. And this gracious assurance has ever since been regarded as inviolable by all the Princes of India.

8th.—That in reply to a letter (No. 70, 14th April 1864) from the Government of India, relative to the political status of Kattyawar, Her Majesty’s Secretary of State for India in his despatch No. 54, dated 31st August 1864 writes:—

“I have read with interest and attention all the arguments which have been adduced on either side by the several members of the Governments of India and of Bombay.

* * * * *

“It is sufficient to say that the Chiefs of Kattyawar have received formal assurance from the British Government that their rights will be respected and that the Home Government of India so lately as 1858 repudiated the opinion that the Province of Kattyawar was British Territory, or its inhabitants British subjects. But we have never exercised the right to apply our Civil and Criminal Codes of Procedure to Kattyawar, and whatever reforms we have introduced have been made in such a manner as to ensure the co-operation and support of the Chiefs. *It has been our aim not to undermine their authority and independence*, nor to undertake the internal administration of the province, Her Majesty’s Government have no desire to claim any more direct and formal sovereignty than has been exercised ever since our first connection with Kattyawar, nor to impose British Laws and Regulations on the Chiefs of the province.”

We think no one can doubt that the above is sufficient evidence that the British Government has repeatedly pledged itself not to interfere in our internal affairs, and we cannot help thinking that this new attempt to take from us all control over the subordinate Grassias (for that will be its real effect) is in direct disregard of every one of these solemn guarantees.

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Bombay selection No. 39, pages 50 and 51.

Page 308.

Pages 207, 272 and 294.

Aitchison’s Treaty Book, Vol. VI, Appendix No. , page 70.

Bombay selection No. 37, page 537

Vide the Times of India, 7th January, 1871.

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7. One of the most important points to which we wish to direct attention is the statement made in Mr. Wedderburn's memo., para 12, that "what Sir Stafford Northcote wrote (in his despatch of 23rd November 1867) that 'there were two classes of subordinate Grassias guaranteed, and not guaranteed,' was a misapprehension." It does not however appear on due consideration that Sir Stafford Northcote made any mistake at all. For ever since Colonel Walker's Settlement, there *are* two classes of Grassias landholders in Kattyawar, viz.—the separate tribute-paying Talukdars (called in common parlance, Thakors, or Rajas when powerful but only "Grassias" when possessing little territory), who have been ever since 1807 guaranteed by the "bhandaree" of Colonel Walker, and the subordinate Grassias with whom the British Government contracted no engagements, and to whom *legally* it owes no protection. And it was, we submit, with a full knowledge of this fact, that Sir Stafford Northcote directed that there should be no interference between the unguaranteed subordinate Grassias and their superior Talukdars. We cannot see therefore, how, and on what grounds the present Political Agent in his Report of 13th July, 1868 can point out the misapprehension of Sir Stafford Northcote in the matter. We therefore request to be furnished with copies of the despatch of 23rd November, 1867, and the Report of 13th July, 1868, when we trust to be able to put forward still more convincing argument in the matter.

8. It seems very strange that though the latest despatch of the State Secretary distinctly deprecates interference in the internal affairs of our States, the present agitation for the establishment of an Agency Court, wherein the complaints of our subject Grassias against us should be heard, should have been revived by the partial and groundless views of the matter taken by Colonel Law, Captain Watson, and other Officers—a step which would tend to the great derogation of our dignity, being equal to the deprivation of a great part of our sovereignty, besides encouraging our subordinates to resist the authority we have always exercised over them. Many difficulties would also follow the adoption of such a step as to the administration of our territories, and instead of the concord Government expects will be established by it, it will only be encouraging the subordinate Grassias to disobey us, entail a confusion we await with the greatest apprehension; as whatever disorder is caused by the Grassias' elation, will probably be ascribed to *our* failings instead of to their turbulence.

9. We therefore sincerely trust that these considerations will induce you to forward to Government, with a suitable recommendation, our prayer that it will abandon its intention of hearing the complaints of our subordinate Grassias against us in the Agency Courts.

10. Before concluding, however, we have further to advance, that if by the one-sided reports of some Agency Officers, Government may have received any undue and ill-founded impression that we refuse to redress the just grievances of our subordinate Grassias and Bhayats, we are ready to show the utter groundlessness of the said accusation, and to convince Government that such has not been nor in future will be, our practice. But one feature of the recent proceedings has caused us more alarm than all the rest. Colonel Law in the second para of his memo, makes a clear definition of the word Mul-Grassias, and Bhayats, who, he thinks, should be heard in the Agency. But latterly in the 10th para, while specifying the kind of claims to be also entertained, he mentions, besides Mul-Grassias and Bhayats, such others as comprise Pasaitas Jivaidars, and others holding lands of "haks" in money on a service or other tenure cancellable at the will of the Darbars; and it is with feelings of deep regret and fear therefore, we have to bring to your notice the fact that such a proposed measure, if once made public would excite to resistance persons who have no title to their holdings beyond the pleasure of the Talukdars; would encourage other subjects to disobey us, and the result would be an utter destruction of our dignity and a great disturbance in the affairs of our States. We therefore consider that before moving any further in this matter, we are justified in requesting to be furnished with a strict definition by Government, of the terms Bhayats and Mul-Grassias, as set forth in the second para of Colonel Law's memo, in order that we may point out a plan by which no Bhayats, or Mul-Grassias should have any cause of complaint without at the same time affecting our own rights and privileges.

11. If such a settlement of the matter can be made by yourself, we shall be happy to agree, but, if from any cause, you cannot do so without reference to Government, we hope you will represent that we still earnestly solicit, that previous

to the final decision, our Karbbaries may be allowed an interview with His Excellency the Governor, agreeably to the Resolution of 29th March 1871.

Rajkote, 11th July 1871:

EXHIBIT B.

18P.

Political Department,

BOMBAY CASTLE, 28th September, 1871.

The POLITICAL AGENT, KATTYAWAR, No. 93, DATED THE 3RD APRIL 1871.

Submits in reply to Government letter No. 1068 of 14th March 1871, a further report on the subject of the appointment of a Judicial Assistant, and the hearing of the Bhayad's appeals.

The POLITICAL AGENT IN KATTYAWAR, No. 189, DATED THE 11TH AUGUST 1871.

Submits, with remarks, a reply of the Karbharis of the principal States on the subject of hearing Grassia and Bhayad appeals.

Resolution:—When the First Class Chiefs heard that arrangements were in contemplation for hearing the complaints of their subordinate Grassias, they asked for an opportunity of fully stating their objections, and proposed to depute their Karbharis to lay their case before His Excellency in Council. In reply, by Government Resolution No. 1277 of 29th March last they were informed that their representations would be fully heard; that they should communicate freely with the Political Agent, whose report would be awaited; and that, if hereafter found expedient, His Excellency in Council would see the Karbharis before final orders were issued.

2. Colonel Anderson on receipt of this Government Resolution held a meeting of these Karbharis. The whole question was then discussed; and the proceedings ended in the Karbharis giving in a Memorandum of objections, which Col. Anderson has now forwarded with his remarks. This Memorandum concludes with the three following requests on behalf of the Chiefs:—

1st.—They ask that Government will “abandon its intention of hearing the complaints of (their) Subordinate Grassias against (them) in the Agency Courts.

2nd.—They request “to be furnished with a strict definition by Government of the terms Bhayads, Mul-Grassias, as set forth in the 2nd paragraph of Col. Law's Memorandum, in order that (they) may point out a plan by which no Bhayads or Mul-Grassia should have any cause of complaint, without at the same time affecting (their) own rights and privileges.”

3rd.—They reiterate their request that the Karbharis may be allowed an interview with His Excellency the Governor.

3. With regard to the first request the Chiefs should be informed that in making arrangements for hearing the complaints of the subordinate Grassias Government are acting under the express instructions of Her Majesty's Secretary of State. And His Excellency in Council is not prepared to re-open this part of the question. At the same time they might be assured that in carrying out these instructions Government are desirous of consulting as far as possible the wishes and feelings of the Chiefs.

4. His Excellency in Council holds that a strong administration in Native States is essential in order to secure the well-being of the people. He would not therefore regard with favour any measure likely to weaken the hands of the Chiefs. But in the present case it appears that the administration of the Kattyawar States will be strengthened not weakened by an arrangement which will remove a fertile source of disorder and discontent. And upon consideration the Chiefs will probably themselves see the advantage of obtaining a simple and effective Machinery for disposing finally of this special class of cases, which must otherwise lead to much irregular interference on the part of Government and their Officers. At present the Chiefs are in a very difficult position with regard

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to Gras cases in which they are themselves interested. And by cordially accepting the arbitration of Government they will give the best answer to those who desire to throw discredit on their administration by alleging that the Chiefs, in deciding these cases, become the Judges in their own cause and the despoilers of their weaker brethren. It is necessary also to bear in mind the responsibilities of Government in this matter; for upon them ultimately devolves the duty of maintaining the public peace, and it is evident that they cannot lend their aid to coerce or punish the weaker party unless themselves satisfied that no injustice has been done to him.

5. With regard to their second request the Chiefs should be informed that further consideration will be necessary before Government are prepared to define the terms "Bhayad" and "Mul-Grassias." But the definition will have to be sufficiently wide to carry out properly the intention of the instruction of Her Majesty's Secretary of State. His Excellency in Council will however be glad to receive and consider the plan proposed by the Chiefs by which no Bhayads or Mul-Grassias should have any cause of complaint. This proposal should be forwarded at their earliest convenience through the Political Agent who will transmit it to Government with his remarks. On receipt of this proposal His Excellency in Council will be prepared to appoint a time for interview asked for in the third request.

(Signed) W. WEDDERBURN,
Acting Secretary to Government.

EXHIBIT C.

To HIS EXCELLENCY THE RIGHT HONOURABLE SIR WILLIAM ROBERT SEYMOUR VESEY FITZGERALD, G.C.S.I., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY.

Your Excellency,

We, the undersigned Princes and Chiefs of Kathiawar, have the honor respectfully to address your Excellency in Council.

We are perfectly aware that it is our duty to make improvements in our territories and promote the well being and happiness of our subjects; and we have since the advent of the British Power in our country, been trying heartily to do so according to the wishes and advice of the British Government and the Political Agent in Kathiavad.

Such being the case we had hoped that our endeavours to effect improvements in the various departments of our administration and especially in the judicial would have received favourable recognition from the Paramount Power. But we learn with much regret that in an important class of cases, viz., those relating to our subordinate Bhayads and Mul-Grassias, Government is not satisfied that we administer equal justice and that your Excellency proposes to establish for the hearing of these cases a Special Court to supersede those of the Talukdars.

Your Excellency in Council informs us that in making arrangements for hearing the complaints of the subordinate Grassias, your Excellency in Council is acting under the express instructions of Her Majesty's Secretary of State for India. We, therefore, propose to address a Memorial to the Secretary of State for India on this subject.

We must also express our regret that we have not been informed of the grounds upon which Government has formed the conclusion that justice is not administered in Grass cases by the Talukdari Courts. We do not admit that justice is not now perfectly administered. Had we been favoured with copy of the correspondence on which the decision of Her Majesty's Secretary of State for India was passed, we should gladly have furnished any explanations that might have been required.

We now beg to submit the plan promised in the Memo of 11th July last by the Karbharis of the First Class States in Kathiawar. This plan has been already discussed before your Excellency by these Karbharis, and has, we understand, met with your approval. We believe the proposed plan is under the circumstances the fairest that can be adopted.

We are prepared to defray all the expenses attending the arrangements proposed in the accompanying memorandum and relying on the support which, we trust, will be accorded by the Political Agent, we hope that the proposed settlement will be completed in about four years.

We cannot, however, but respectfully urge that we have never recognized, nor do we at present, recognize the right of Government to assume jurisdiction in these cases. It is only with a desire to convince Government of the sincerity of the intention on our part to give justice in Gras cases to our subordinate Bhayads and Mul-Grassias that we, at present, are willing to agree to this temporary proposal.

Nothing that has been written in the accompanying proposals shall interfere in disputes pending before Government or that may be raised hereafter by us about the jurisdiction of the different classes of the States in Kathiavad.

In conclusion, we beg to express our sincere thanks for the courtesy with which your Excellency has received the Karbharis of the First Class States.

We remain,

Your Excellency's friends,

(Signed)

THE FIRST, SECOND AND THIRD CLASS STATES
IN KATHIAVAD.

RAJKOTE: 1st January 1872.

EXHIBIT D.

FINAL ORDERS.

From C. U. AITCHISON, ESQ., C.S.I., SECRETARY TO GOVERNMENT OF INDIA.

To C. GONNE, ESQ., SECRETARY TO GOVERNMENT OF BOMBAY.

I am directed to acknowledge the receipt of your letter No. 1970 dated 3rd April 1872, with which you forwarded papers relating to the establishment of a Court for the purpose of settling disputes between the Chiefs of Kathiavad and their subordinate Grassias.

2. After careful consideration of the proposals signed and accepted by the First and Second* Class Chiefs of Kathiavad, His Excellency the Viceroy and Governor-General in Council is of opinion that they are well calculated to meet the necessities of the case. They appear to His Excellency to secure the maximum amount of protection to the Grassias, with the minimum amount of interference on the part of the British Government with the rights and jurisdiction of the Chiefs. They are moreover especially recommended by the fact that they are unanimously agreed to by the Heads of the principal States in Kathiavad.

3. His Excellency observes that the scheme advocated by the Bombay Government strikes at the root of all further dissension by providing for a survey of the estates and a settlement of the rights in land of the subordinate Grasses. If this proposal is fairly and equitably carried into effect, it will, His Excellency is satisfied, do more to introduce peace and good order in the disturbed territory of Kathiavad than any other that could be devised. The Viceroy in Council is of opinion that the settlement would probably be received with more confidence if it were carried out by British officers rather than by the officials of the Chiefs, who are directly interested parties. His Excellency has however no desire to object to the scheme on this ground; but I am to suggest, for the consideration of the Governor in Council, that if possible the Superintendent of Settlement who is to be appointed and paid by the Darbars, should be a British officer of some standing and experience in survey and settlement work.

* The proposals have also been signed and accepted by the third and Fourth Class Chiefs. (P)

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4. The Governor-General in Council agrees with the Bombay Government that the objection of Colonel Anderson, Political Agent in Kathiavad, to the definition of Mul-Grassia contained in the rules as not being sufficiently large, is adequately met by the provisions of the proposed rules authorising the Court to take cognizance of cases on the part of Grassias against their Chiefs, where the rights litigated are similar in nature to those of Mul-Grassias. Colonel Anderson's objection to the constitution proposed Court appears to His Excellency to be also sufficiently met by the arguments advanced in paragraph 10 of your letter under reply.

5. There is however one point upon which I am to request that further information may be afforded. The proposed scheme is accepted by the Chiefs of the First and Second Classes in Kathiavad but it is not apparent from the papers forwarded whether it is intended to apply to their estates only or to Kathiavad generally. There are in all 7 classes of Chiefs in Kathiavad who have jurisdiction more or less extensive, besides a considerable number who have no jurisdiction at all. His Excellency in Council desires to be informed whether it is intended that the jurisdiction of the new Court shall be limited to the First and Second Classes only, or be extended to the seven classes who have jurisdiction, or, finally, to those also who have no civil powers, and in regard to whom the Agency Courts have hitherto exercised jurisdiction. If to the First and Second Classes only, I am to request that it may be stated in what Court jurisdiction over the remaining five classes is to vest.

6. Subject to explanation upon this point, I am to convey the approval of His Excellency the Viceroy in Council of the proposals made by the Bombay Government. His Excellency considers that it might perhaps have been better if the nature of the control provided for by Rule 20, which is to take the place of appeal from the decision of the court, had been more clearly indicated. It is not apparent whether this control is to be exercised only during the trial of a case or also after the decision has been given. But this, His Excellency presumes, can be hereafter provided for by the subsidiary rules to be framed under Rule 13.

7. The scheme will, as proposed by the Bombay Government, be tried for a period of 3 years.

I have, etc.,.....

(Signed) C. U. AITCHISON,
Secretary to the Government of India.

SIMLA: 2nd July 1872.

EXHIBIT E.

Notification No. 21 of 1899.

The Rajasthanik Court having been abolished, the duty of maintaining the Giras Settlement effected by it now rests with the States.

Relying on the regular procedure and the principles of justice which have been grown up in the States since the establishment of the Court the Political Agent has directed all complaints on the files of the late Court of the infraction of the Court's awards to be returned to the States concerned for disposal and trusts no ground will be left to Girasias to invoke the interference of the Agency. The Political Agent will not take notice of any complaints of the kind until the Girasias have exhausted the remedies open to them in the States either in the regular or special courts or by personal appeal to their Chief.

(Signed) J. M. HUNTER, Colonel,
Political Agent.

KATHIAWAR POLITICAL AGENT'S CAMP, 15th April 1899.

True Copy.

(Signed) P. B. JUNNARKAR,
Political Secretary, Navanagar State.

EXHIBIT F.**CIRCULAR No. 14 of 1868.**

To all Political Agents in Kattywar.

Several instances having been brought to my notice of the larger Talookdars endeavouring to obtain the lands of the petty Girassias on mortgage and in some cases getting these lands written over in perpetuity. I consider it necessary to instruct you to prohibit this.

"Should a Girassia be in need, he is at liberty to mortgage his lands to Bankers and Merchants, as he will be always able to obtain restitution, but it is different where the mortgage has been made to a Chief, as in process of time the land becomes incorporated with the other possessions of the Talookdars, and the means of proving its identity and redeeming it becomes a most difficult matter.

"Where application, therefore, is made by a Girassia to write over lands to a Talookdar, it is invariably to be refused, and the latter should be referred to the 1st and 4th articles of the general engagements, entered into by the Chiefs with Colonel Walker in October 1807." (*Vide Kathiawar Agency Gazette, dated 9th July, 1868, Vol. VI, page 128.*)

True Copy.
(Signed)

*Political Secretary,
Navanagar State.*

EXHIBIT G.

(Kathiawar Agency Gazette 1891, Vol. XXIX, page 253.)

NOTIFICATION No. 49 of 1891.

The following revised rules regarding the sale and mortgage of Giras lands, which have been sanctioned by Government, are published for general information.

Kathiawar Political Agency,

Rajkot, 4th November, 1891.

(Signed) E. C. K. OLLIVANT,
Political Agent.

PREAMBLE.

In A.D. 1868, it having been brought to the notice of Colonel Anderson, the then Political Agent of Kathiawar, that some of the larger Talukas had been wrongfully endeavouring to obtain the lands of petty Girassias on mortgage and in some cases getting these lands written over to them in perpetuity, he issued a Circular No. 14* of 1868 to all his assistants instructing them, for reasons given, to prohibit all such practices in future.

2. In A.D. 1877, Mr. Peile, then Political Agent of the Province, in reply to a reference made to him on the subject by the Assistant Political Agent, Halar Prant, considered that Government, in their letter No. 750 of the 18th February, 1851, both recognised sales of Giras and the right of pre-emption in the other shareholders.

3. Sales of Giras have since been allowed by the Agency to collaterals and Talukdars, but no rules laying down the exact procedure to be adopted in regard to them have so far been framed. Before a sale can be effected the Girassia willing to sell his Giras has only to satisfy the Agency that he is in his proper mind and acting of his free will and pleasure, and when his Talookdar is the purchaser that the Giras had been first offered for sale to his collaterals and been refused by them.

4. As regards mortgages, Colonel Anderson's rules have not been observed partly because the Fael Zamin bounds on which they rested were wrongly interpreted, and partly because circumstances have changed. The survey and demarcation of all Gira's lands in the province has now been nearly completed and there do not exist such grave objections, and existed formerly, to Talukdars acquiring the lands of their subordinate Bhayads or Mulgirassias on mortgage in the same manner as they have hitherto been allowed to acquire them by sale.

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5. The restrictions therefore, which were then placed on the mortgage of Giras, are now removed, but in order to avoid any abuse of power on the part of the Darbars in thus acquiring Girassias' lands, it is decided to assimilate the rules regarding mortgage to those laid down by Government regarding sales, which may be summarized as follows:—

RULES.

1. A Girassia is only at liberty to sell his Giras to his collaterals or to his Talukdar. The right of pre-emption rests with the former, and before the Talukdar can be the purchaser, it must be proved that the collaterals have been given the opportunity to buy the Giras.

2. A Girassia is at liberty to mortgage his Giras either to his collaterals or to his Talukdar or to other parties, such as bankers and merchants. Property thus mortgaged may, until a final decree of foreclosure or sale has been pronounced, be redeemed by payment of such sum on account of principal, interest and costs (less such sums received or realised or as ought to have been realized by the mortgages) as the Court shall deem equitable. In the case of any suit brought by a mortgagee for foreclosure or sale, a co-Girassia, the Talukdar, may redeem the property when the defendant is unable or unwilling to do so and on the same terms on which such defendant might have redeemed.

The co-Girassia or Talukdar redeeming as aforesaid shall have such rights against the mortgagor Girassia and over the property redeemed as the Court shall deem equitable.

3. Sales and mortgages by Girassias to Darbars shall in future be effected by deeds submitted to the Prant Officers, and when approved by them, sent on for registration to the Rajasthanik Court. In case of sales, the applications will be forwarded to the Political Agent for final sanction as hitherto.

4. In cases wherein through deception, surprise, oppression or undue influence an unfair advantage appears to have been gained by a party to a sale, mortgage or lease, the Court shall have jurisdiction to rectify the terms of the transaction, and to adjudicate between the parties to such effect as in the circumstances of the case shall seem equitable.

5. No cases already decided by the Court shall be re-opened for want of the observance of these rules.

Secretary to Government.
(Signed) W. LEE-WARNER,

EXHIBIT H.

NOTIFICATION No. 22 of 1907.

It is hereby notified, under orders of Government, for information and guidance of all concerned, that rule 3 of the rules sanctioned by Government in their Resolution No. 7902 of 29th October, 1891, and published under Agency Notification No. 49 of the 4th November, 1891, is cancelled and the following rule inserted in its place:—

“ 3. Sales and mortgages by Girassias to Darbars shall in future be effected by deeds submitted to the Prant Officers which when approved shall be registered by them in their Courts. After registration copies of the documents should be sent to the Daftardar, Giras Record, who will make the necessary alteration in the records kept by him. In case of deeds of sales which the Political Agent is unable to dispose of under the authority delegated to him by Government Resolution No. 4621 dated the 7th July 1903, the applications will be forwarded to the Agent to the Governor for final sanction before registration.”

(Signed) P. S. V. FITZGERALD.

Agent to the Government, Kathiawar.

Agent to the Governor's Camp.
17th May 1907.

True Copy.

(Signed) P. B. JUNNAKAR,

Political Secretary.

EXHIBIT I.

No. OF 1915.

To J. SLADEN, Esquire, B.A., I.C.S., AGENT TO THE GOVERNOR,
KATHIAWAR, RAJKOT.

RAJKOT, 25th June, 1915.

SIR,

We the representatives of the States who have joined as signatories hitherto humbly beg to submit the following representation with an urgent request that the orders contained in Memo No. 2987 dated 6th May, 1909, require to be revised, and that the procedure laid down therein to be modified.

At the outset, we beg to point that in the matter of the rules of the sale and Mortgage of Giras Lands, we have all along been having a grievance, and that we have been urging a reconsideration of the principle since the year 1891, when the so-called revised rules on the subject were first promulgated by the Bombay Government. We have tried to show by *successive representation* that the said rules as promulgated by Notification No. 49 of 1891 went beyond the scope of the then existing practice and the Mulak Shiresta (custom of the country). We have also tried to show how the promulgation and the publication of the said rules undermined the sovereign rights of internal autonomy of our States and moreover how they became a fruitful source of irritation and conflict between the States and their subjects. However the matter is old history and now that orders have been passed by the authorities, it will serve no useful purpose to repeat the time worn question of principle which we must allow for the time being to be interred. But, apart from this we have a grievance with regard to the procedure which has been now laid down which we earnestly request you to redress.

2. We trust it will readily be conceded that the Kathiawar States have now sufficiently advanced to see that they have a better scope for the investment of their savings in concerns other than the lands of their Mulgirassias and Bhayats and that investments in business and trade concerns, in railway enterprise and in other works of public utility are more or less to help the Girassias in times of famine or scarcity and not infrequently to save them from perilous situation that the States are now induced to accommodate them with money. You will be thus pleased to see that with most of the States, that old earth hunger is gone and that they look forward to advancement and development in altogether new directions.

3. But this free and frank admission of the change which stress of circumstances has brought about in the views of the Kathiawar States should not prevent us from inviting your sympathetic attention to the unnecessary difficulties that are being thrown in the way of fair bargains between the Girassias and the States in the practical working of the rules under protest.

4. The States have already proved themselves worthy of the trust and confidence which Government were pleased to repose in their integrity and in their sense of justice by the abolition of the Rajasthanik Court. A reference to Notification No. 21 of 1899 of this Agency will at once show that the Kathiawar States have by their consistent good opinion of Government for "regular procedure and Principle of Justice" in their administrations. Col. J. M. Hunter, who issued this Notification was, for several years, the President of the Rajasthanic Court and had been a Prant Officer for a long period before he became the Political Agent (now the Agent to the Governor) and he was therefore in a peculiarly favourable position to understand these things.

5. In the face of this public acknowledgment of the regularity of the procedure and the principles of justice prevailing in the Kathiawar States, there was hardly any need, we respectfully submit for laying down fresh rules of procedure in 1909 and engrafting them upon the rules as laid down by Notification No. 49 of 1891. When these rules of directions as contained in Memo No. 2987 dated 6th May 1909 were first published there was an idea of approaching you at once but, on further consideration, we decided that it would be much better if time were allowed to see how the Executive Officers to whom those rules were addressed worked them in practice. We had expected and believed that the Political Agents would make a liberal use of the large amount of discretion which is always necessary in the use and interpretation of all rules of procedure.

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6. We have however been disappointed in this belief of ours and the issue of fresh Memo dated 12th May 1913 from the Political Agent, Gohilwar shows that the Political Agents in charge of Prants are disposed to deal with such cases with greater severity than is warranted even by the rules of 1909. It has therefore become necessary for us to approach you with this representation.

7. We now beg permission to discuss the several points in the rules complained of to which the Political Agents are advised to give due regard.

8. The first point relates to the production of a complete genealogical tree of all existing collaterals verified by the parties.

9. We beg to urge that this requirement of a complete genealogical tree and verification of the same is an innovation and that nowhere under the various systems of jurisprudence is it demanded as a matter of principle at the outset of transactions. Giras estates in Kathiawar are not the only instance of property subject to the law of pre-emption. The law of pre-emption obtains in several other parts of India, and applies to various other landed estates in the country and outside India. But nowhere has it been laid down as a necessary condition that when transactions of sales of these estates are submitted to the registering officers for registration and record, they must be accompanied by verified genealogical trees showing all the collaterals entitled to claim the right of pre-emption. We confess that the provision regarding the giving of notice of the intended sale and regarding the proper publication of the notice in the chief town of the state and in the village in which the lands concerned are situated is a reasonable and even a necessary one. Such provision regarding notice exists in all places where the law of pre-emption prevails. The intention is that all collaterals who have the right to claim pre-emption for the estate put up for sale, are, by means of the notice, called upon to exercise their said right, if they choose to do so, within the period mentioned in the notice and allowed by law. If for want of funds, or unwillingness to purchase the estate in question, or any other reason, they do not choose to come forth to exercise their right, then the proposed sale becomes final and complete. The only function of the registering officer is to see that the vendor grassia has willingly passed the deed of sale. It is no part of the registering officer's function to consider why the collaterals or any of them have not come forward to exercise their claim to pre-emption. In the light of these observations, we trust it will be clear to you that a list of the collaterals is of no use to the registering officer, and the rule requiring its compulsory submission is therefore redundant."

Again we also beg to urge that the preparation of a complete and correct list of all the collaterals is often a very difficult task. In this respect the Darbars have, at the best, to depend upon what the grassia says, and how different and careless these grassias are in such matters, hardly needs to be mentioned. Any list of collaterals thus prepared is likely to be incorrect and faulty, and therefore without serving any useful purpose so far as the registering officer is concerned, it is likely to be a fruitful source of unnecessary disputes and litigation in the future.

Besides, a fraudulently disposed litigious grassia will, by deliberately giving an incorrect list, get the opportunity of sowing the seeds of future trouble and litigation. And we may add that looking to the hereditary habits and temperament of the Kathiawar grassia, this contingency is not beyond the range of probability.

There is still one more point which we might mention in this connection. As has already been said, proposals of sales and mortgages of giras now-a-days only arise in case of extreme need of the grassia, either on account of the famine or similar causes. This implies that the Grassia must immediately be put in possession of the price if the intended transaction is to serve its purpose. Any delay and all obstacles thrown in the way of completing the transaction are harmful to the needy grassia and will frustrate the very purpose of the intended sale. Now if, instead of relying on the statement of the grassia in the matter of the genealogical tree, the state were to cause independent inquiries to be made with a view to ensure its correctness, it would mean very long delay, and thus the transaction would fail of its purpose.

We have thus endeavoured to show you, Sir, that the preparation of a correct list of all collaterals is difficult, if not impossible, that the requirement of such a list is redundant so far as the registering officer is concerned, that it is likely to be positively harmful as well from the point of view of the grassia as

that of the State, and lastly that it is likely to result in unnecessary trouble and litigation in the future.

In the rules of 1891 Government have laid it down as a principle that in the matter of sales of giras, collaterals have the right of pre-emption. They have also provided for opportunity being given to the collaterals to exercise their said right, if they wish to do so, by requiring that notice of the intended sale shall be published both at the chief town of the Taluka and at the village in which the giras is situated. The responsibility for the due publication of such notice rests upon the Talukdar or Darbar. It is respectfully submitted that these provisions are quite sufficient to secure the objection view, viz., to give an opportunity to the collaterals to exercise their right of pre-emption, if they desire to purchase the giras in question, if in spite of these provisions, any delinquencies are found in the future, or any fraud or neglect is detected in the matter of the publication of the notice, it is open to the collaterals, on these grounds, to challenge the said sale in the proper tribunal, and to claim to exercise their right of pre-emption. If it is proved to the satisfaction of the court that, either through fraud, neglect, or otherwise the notice was not properly published or was withheld from the collaterals, the court can decree the collaterals' claim, and direct that on payment of price paid by the State to the seller, the claimant is entitled to a transfer of the giras from the State to himself. On the other hand, if it is found that the notice was properly published, the court will throw off the collaterals' claim. This is the procedure in vogue in all places in India as well as in other countries, wherever the law of pre-emption prevails. And we respectfully submit that the same should be the procedure for similar cases in Kathiawar.

Assuming that a stray case of irregularity in the publication of the notice has occurred in a certain State or Taluka, we respectfully submit does an isolated instance of that nature justify a subversion of the rules on the subject? Is there any necessity, we beg to urge, to anticipate difficulties, with the purpose as it were, of making transactions of sale of giras so involved and complicated as to be almost beyond the range of practical possibility? Moreover does it justify, we respectfully submit, the want of faith in the Talukdars and chiefs, which the new procedure necessarily implies?

To be brief, we beg to urge, and urge with all the emphasis at our command, that as has been shown above, this preliminary inquiry by the Prant Officers into the rights and liabilities arising out of the law of pre-emption is not only unnecessary, but is positively harmful.

We might add that even looking at the subject from the collaterals' point of view, this procedure is harmful to their interests inasmuch as a merely summary inquiry by the Prant Officers prejudices and deprives them of their right of fighting out in a regular suit their allegations of fraud, collusion, irregular publication of notice and other similar questions arising out of their right of pre-emption. It tends rather to curtail than to add to their right.

We therefore submit that a declaration that the collaterals have the right of pre-emption, and the requirement that intending purchasers shall duly publish notices of the proposed sale, are quite sufficient to safeguard the interests of the collaterals. The only provision that is needed to enable them to effectually enforce their claim of pre-emption is the fixing of a period of limitation within which they may file their suit, if they have any ground of impeaching the sale on the score of fraud, collusion, irregularity in publication of notice and any other sufficient reason. In the State there is the ready-made Tribunal of the Giras court, generally known by the name of the Rajprakarni Court, whose province it will be to entertain and hear such suits, in the first instance. There can then be an appeal to the Darbar Hazur over the decisions of the Rajprakarni Court, and in the event of the parties being dissatisfied with the decision of the Darbar, it will be open to them to approach the Agency under Notification No. 21 of 1899.

If there is any doubt as to whether pre-emption suits are included in the category of giras cases within the competence of the Rajprakarni Court, the States are ready and prepared to make such amendments as will make this matter clear.

Then again the rules complained of require the collaterals to appear before the Prant Officer, and make their claim, if any, for pre-emption. This provision, we respectfully submit, is subversive of the inherent autonomy of the States, and constitutes an unnecessary interference in matters of internal administration. In this connection it will very kindly be remembered that the late Rajasthanic Court

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was a court of the States themselves, it was presided over by an experienced officer of Government with nominees of the States, and the court so constituted enjoyed, in giras cases, jurisdiction that was voluntarily *delegated to it by the States themselves*. The purposes of the said court having been completed, the jurisdiction that had been delegated to the Rajasthanik court was handed back to the States. Therefore this hearing of collaterals' complaints by the Prant Officers would be, we beg to submit, violation of the State's jurisdictionary rights. Of course, as mentioned above, if the collaterals, after exhausting their remedies in the State Courts, have still a grievance, it is open to them to approach the Agency, but to ask them to file their claim in original directly before the Prant Officers, is, we submit, a direct infringement of the rights of the States. And we have every confidence that we have but to bring this to your kind notice, to have it set right.

Apart from this objection we have shown above that an inquiry into the claims of the collaterals at the initial stage is not only unnecessary, but is even positively harmful.

We therefore pray that you will be pleased to revise the orders contained in memo. No. 2987 dated the 6th May, 1909, in light of these remarks, for which the States will be ever grateful.

We have the honour to be, Sir,
Your most obedient servants,

Signatures of first fourth class Pleaders.

True Copy.

(Signed) P. B. JUNNARKAR,
Political Secretary,
Nawanagar State.

EXHIBIT J.

No. R/317 of 1915.

KATHIAWAR POLITICAL AGENCY,
RAJKOT, 15th Sept. 1915.

Memorandum.

With reference to a representation received from some of the States dated June 25th relating to the procedure connected with the registration of documents passed by Girassias to Darbars and objecting to:—

- (1) The provision of a genealogical tree.
- (2) The provision of a complete list of collaterals.
- (3) The presentation of claim by collaterals to Prant Officers.

The Agent to the Governor, after perusing the papers, can find nothing in the instructions issued to Prant Officers in 1909 and 1913 which it is desirable to modify.

If by any order of the Political Agent a Darbar feels aggrieved, the matter can always be placed before the Agent to the Governor.

To be shown to the Vakils' signatories.

(Signed) J. STADEN,
Agent to the Governor,
Kathiawar.

True Copy.

(Signed) P. B. JUNNARKAR,
Political Secretary,
Nawanagar State.

REWA STATE.

As in all other cases, we must turn again to what may justly be called the Magna Charta of the Darbar's case, i.e., the treaties concluded between Rewa and the East Indian Company. To save unnecessary references outside this note Article 3 of the Treaty of 1812 is quoted. It runs as under:—

The Raja of Rewa being the acknowledged sovereign of his own dominions the British Government will not consider itself entitled to take cognizance of any complaint which may be preferred to it by any of the relations, subjects, or servants of the Rajah, who on his part shall not possess a claim to the aid of British troops for the support of his authority within the limits of his dominions.

2. A perusal of the contents of the above Article leaves no doubt of the assurances conveyed to the Rewa Durbar in the matter of complaints etc. preferred against them to the Paramount Power by the relations, servants etc. of the Maharaja of Rewa. It is proposed to see now how far the solemnity of these pledges of non-intervention have been observed in practice by the Paramount Power.

3. Before instances of interventions are taken up it will be well to note that the Rewa State contains several feudatory Estates. The Chiefs of these Estates are known as Thakurs or Illakadars. They were brought under the suzerainty of the Rewa Durbar either by conquest or by a voluntary subordination of the Chiefs themselves. There are still others who are grantees of the Darbar and as such subordinate to the Darbar.

4. To the last category, i.e., grantees of the Darbar, belongs the Thakur of Chandia. For a time his Estate passed under the sway of the Marathas and afterwards, the British, but, on representations being made, it was made over to Rewa in 1818 A.D. The Malguzary that was demanded of him by the Darbar fell in arrears and the Darbar were forced to take some severe measures for its recovery. The Thakur complained of these severe measures to Mr. Malony (the Political Agent in the Nerbudda territories) who intervened and mediated for a settlement between the Darbar and their vassal of Chandia. This, it is urged, was in violation of the Article 3 of the Treaty quoted above. The intervention went as far as the extraction of an agreement from the then Maharaja of Rewa to the effect that he would not unnecessarily trouble the then Thakur of Chandia so long as the Thakur remained loyal and obedient to the Durbar. In a subsequent letter, however, Mr. Malony did not fail to realize that he had intervened against the provisions of the Treaty, and so he added that the intervention was resorted to by the express wish of the Governor-General and that in future no action would be taken on mere complaints of Illakadars.

5. A much later case of undue intervention may now be usefully brought forward. This was when the Darbar were dealing with one of their feudatories, the Thakur of Naigarhi. In 1897 there was a General severe famine in Rewa. The Darbar opened relief works and Poor Houses throughout the famine-stricken area and desired their feudatories to help them (not financially) in opening poor houses in their Estates also. The Thakur of Naigarhi who had been anything but obedient since 1872, resisted the Darbar and used physical force in preventing Durbar's men from opening Poor Houses within his Illaka. The Darbar, therefore summoned the Thakur from his Estate to the capital at Rewa and required him to submit to Darbar's orders.

6. The Thakur had been behaving contumaciously for a long time. He freely indulged in Ganja and was an incorrigibly bad administrator of his Illaka. His advisers too were no better. When the Thakur was summoned to Rewa, his brothers and relatives at Naigarhi began to mobilize their resources for an open conflict with the Darbar and one of them used to represent his case to the Officers of the Political Department. What success they had in their representations is not for the Darbar to say.

7. The behaviour of the Thakur had been so bad that the Darbar considered that it was essential that they should take drastic measures to assert their authority. They had the Thakur in their hands at Rewa. The Darbar sought to impose certain restrictions on the Thakur before they could let him return to his Estate.

These conditions were all calculated to remove the mal-administration of his Illaka and to assert the Darbar's authority over him. He had already been violent in using physical force against those men of the Darbar who were engaged in the work of famine relief in his Estate. For taking strong measures the Darbar had secured the personal support of the Political Agent also who, in a private letter, wrote as follows:—

“ You have got the Thakur entirely in your power and you should on no account let him slip away on any pretext whatever until you are quite certain that the Darbar has got the upper hand in Naigarhi and that there is no chance of resistance.” He also said that “ the Darbar must act *promptly* and *fearlessly*.”* (His own emphasis). In his official communication it was written as follows:—

“ If the Thakur should continue contumacious and disregard the Darbar's authority he may be informed that by his late conduct in resisting the Darbar's authority and neglecting to afford proper relief to his people, he has proved himself unfit to manage his Estate and has deliberately broken the conditions under which he was granted certain powers in 1882, and that those privileges will, therefore, be cancelled and resumed by the Darbar.

“ All this should be put very plainly to the Thakur, and he should be informed that mere verbal submission to enable to get back to Naigarhi will not be sufficient.”†

The conditions were, therefore, framed which sought to annul certain magisterial powers, with which he was invested in 1882 by the minority administration, and these were read to the Thakur by some of the nobles of the State. The Thakur refused outright to accept the terms offered by the Darbar, and would not agree to any terms whatever.

8. The Thakur having consistently refused any terms, the Durbar had to consider what measures they would then take to bring the Thakur to a proper frame of mind. Just at that time, however, the Agent to the Governor-General suddenly intervened and pleaded for mercy for the Thakur. The apologetic tone of the Political Agent who had hitherto agreed with the Durbar is worthy of note. The letter, is therefore, quoted at length:—

“ I am sending you to-day official instructions received from the Agent to the Governor-General regarding Naigarhi. You will see that Colonel Barr considers, that as the Thakur has shown a certain amount of submission by coming into Rewa and has practically obeyed the Durbar's orders regarding famine administration he should be allowed to go back to Naigarhi and be given another chance for redeeming his character. *I know of course that the Thakur is practically incapable of administering his Estate himself owing to his free indulgence in Ganja and that he has no capable officials who can manage affairs for him.* But as this is the first time since the Maharaja received his powers that the Thakur has been summoned to Rewa to answer for his conduct he might be simply informed that after due consideration the Durbar have decided to warn him and that if his character and administration do not show signs of improvement within a reasonable time, the question of imposing certain definite conditions will be most certainly renewed. As far as myself and my office are concerned all these instructions will be kept strictly confidential so that the Thakur may not know that any steps the Darbar may now take in the matter are due to any sort of pressure from outside. I have refused to see the Thakur myself or to give him any encouragement and the Agent to the Governor-General refused to see his brother at Indore and sent a letter through him to the Thakur to say that he must submit himself entirely to the Darbar's orders.

“ It is for the Darbar, therefore, to take the initiative and to postpone imposing the suggested conditions as an act of grace after taking into consideration the fact that *any disturbance at the present time would be most inconvenient* and that such stringent conditions as have been proposed would most certainly provoke serious resistance.

* *Vide* private letter dated 10-8-1897 from the Political Agent in Baghelkhand, Satna, to the Secretary Darbar, Rewa, annexure No. 1.

† *Vide* letter dated 10-8-1897 from the Political Agent in Baghelkhand to the Secretary Rewa Darbar, annexure No. 2.

"I know the Darbar have gone rather far in their instructions to the Thakur and it will be difficult now to withdraw from the position taken up with regard to the conditions; but after all the Thakur of Naigarhi is a very unimportant person and the Darbar can afford to be generous in order to prevent a disturbance and unnecessary correspondence. Please understand that the whole object of present instructions is that the Thakur should not be dealt with too severely for a first offence and that he should be given another chance. He may be told this distinctly."

"I hope to see His Highness and yourself here to-day when I will talk the matter over with you."*

The Political Agent, of course could not be expected to write a note of dissent on the instructions of his chief at Indore which it was his duty to communicate to the Darbar. But that the Political Agent himself understood the awkward situation the Darbar would be placed in by the undue intervention of the Agent to the Governor-General is quite apparent from the above letter. If not, a false syllogism contained in his official communication of the same date to the Darbar will make it more patent. The premises are stated as follows:—

"No one denies that the Thakur has behaved extremely badly as regards his famine arrangements and that it was with some difficulty that he was induced to come into Rewa; also that his general administration may be very inefficient and not up to the standard of other parts of Rewa."

With these premises, the conclusion in the very next sentence, runs thus:—

"But as he did at length come into Rewa and as this is the first time any question has been raised regarding his general administration by the Darbar, he should be treated leniently and allowed a chance of redeeming his character."

9. The Darbar contend that the above was a bad case of intervention in disregard of the treaties with Rewa and in a matter in which the Treaties leave no room for any doubt whatever.

10. Another case in which the Political Department again intervened was one between the Raja of Singrauli and the Darbar. As two instances are presently to be cited in connection with the same feudatory, it will not be out of place to give, in very brief, the history of the Estate known as Singrauli.

11. The Illaka of Singrauli lies partly in British India and partly in Rewa State. It formed a part of the Estates of a former Raja of Bardi who made over his entire Estate, including Singrauli, to the Maharaja of Rewa in A.D. 1819. Since then the Raja of Singrauli was anything but loyal to the Rewa Darbar. The Rewa Darbar in the exercise of their sovereignty over Singrauli took away from the Raja his right to collect customs duties. The Darbar imposed a quit-rent of Rs. 9000/- per annum and established their police jurisdiction also in that Estate. The quit-rent having fallen into arrears the Rewa Darbar realised it by attaching the villages of the Estate. The Raja appealed to the various officers of the Political Department but was invariably told that he must look to the Darbar for a proper settlement of his case. In 1882 he was given a lease granting to him only zamindari rights in his Estate, while jurisdiction in all matters, and revenue from forest, excise, customs, etc., was reserved for the Darbar. In that very year he formulated a claim for independence from Rewa but he was explicitly told that his claim could not be allowed and he must remain subordinate to Rewa.

12. This short narrative brings us to the subsequent period when the Political Officers unduly intervened between the Darbar and the Raja. Though brought under the suzerainty of the Rewa Darbar, the Raja of Singrauli, like the Thakur of Naigarhi was always on the alert to throw off the yoke of subordination to Rewa. With this end in view aided by an eminent counsel† he drew up a lengthy memorandum of his grievances and complaints against the Darbar and without approaching the Darbar for their redress, he proceeded to indict the Darbar's policy in regard to Singrauli before the Political Officers of the Government of India. The Political Agent, impressed, perhaps more by the volume of his petition than by the matter it contained, lent a ready ear to the Raja's wail and wrote to the Darbar trusting that the "petition will receive the careful consideration of the Darbar," and added that he "may be furnished with the Darbar's reply

* Vide letter dated 3.9.1897 from the Political Agent to the Secretary to H. H. Rewa (Exhibit No. 3).

† Sir Walter Colvin.

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upon the points raised by the Raja as soon as convenient." He also went on to sermonize: "The Darbar, for the sake of its own good name should see" that the rights of the Raja were not encroached upon. As for certain matters that were pending between the Darbar and the Raja, the Political Agent thought that they may "be suspended until the final settlement of the case."*

13. The Darbar took exception to the above procedure and prefaced their reply contained in D.O. No. 4110 dated 23rd July, 1905, to the Political Agent with the following remark:—

"The Raja's case is put up by an eminent lawyer, as if the Raja of Sengrauli were not a subject of H.H. the Maharaja of Rewa, and the case were one between two ordinary contracting parties. His Highness the Maharaja is quite sure that you do not take this view of the case and therefore does not propose to discuss it."

The reply to this contention of the Darbar was:—

"I do not think that an exception can be taken to this course."†

He also doubted "if the Agent to the Governor-General will consider the answers that were sent to him satisfactory."

14. The Darbar's view was that the Raja had never approached the Darbar with his grievances, which he ought to have done, and had not even obeyed their wishes when he was invited several times to meet His Highness at Rewa. On the other hand, the Raja went over the Darbar's head to the Political Department and the latter by hearing his complaints had weakened the authority and prestige of the Darbar. In this connection the Political Agent wrote as follows:—

"I am afraid that the Raja of Singrauli will not be persuaded to come into Rewa, at all events by me. I believe that he considers that he has not been fairly treated and I fancy that he will certainly appeal to higher authority."‡

As to the course adopted by the Raja of Singrauli the Political Agent again wrote as follows in a D.O. letter No. 2736 dated the 24th July, 1905.

"I do not propose to discuss the propriety or otherwise of the Raja of Sengrauli in submitting his petition through the medium of Counsel, it seems to me that if he chooses to proceed in this matter, no particular objection can be raised, and as I have already mentioned in my last letter I was given to understand that the Raja felt that he had no alternative but to act as he has done, as he complained that he was unable to obtain the redress from the Darbar, to which in his opinion he is entitled by the terms of the lease that was given to him during the Superintendency under the authority of the Agent to the Governor-General for Central India. I may add that Sir Walter Colvin informed me that he had been instructed to bring the case to my notice in the first instance. It therefore appears to me that the Raja is prepared to submit his petition to the Agent to the Governor-General, if he finds that he is unable to obtain the redress which he seeks and considers that he is entitled to."

15. What followed the above conflict of views is of little consequence for the purposes of this note. The Agent to the Governor-General's opinion, of which the Political Agent had made so much, was that he should not pass any orders in the case. The Raja, however, approached the Government of India through the United Provinces Government, with a new set of grievances and the Government of India asked the Agent to the Governor-General to report on the case. The Darbar again expressed themselves as follows:—

"Kindly refer to your confidential D.O. letter No. 21 dated the 16th April 1909, with which you enclosed a note containing heads of the complaints from a petition which the Raja of Singrauli has submitted to the Government of India."

* Vide No. 1180 dated 11-4-1905 from the Political Agent in Baghelkhand to the Secretary to H.H. Maharaja Rewa (Exhibit No. 4).

† Vide D. O. No. 2645 dated 15-7-1905 from the Political Agent in Baghelkhand to the Secretary to H.H. Maharaja of Rewa (Exhibit No. 5).

‡ Vide letter dated 17-7-1905 from the Political Agent Baghelkhand to His Highness Maharaja of Rewa (Exhibit No. 6).

" (2) It is stated in your letter that the petition was transmitted to the Government of India by the Government of the United Provinces and, from the heading of the note you have forwarded, it appears that the petition was submitted to the Commissioner of the Benares Division. This procedure appears to His Highness the Maharaja rather unusual, but unfortunately for this Darbar it seems to have been sanctioned in effect by the Government of India inasmuch as the Honourable the Agent to the Governor-General in Central India has been asked to report on the petition. As far as his estate in the Rewa State is concerned the Raja Singrauli is subordinate to the Rewa Darbar and it does not appear why a petition relating to the Rewa Singrauli should have been received and forwarded by the Commissioner of Benares and the Government of the United Provinces.

" (3) The petition of the Raja of Singrauli contains 10 points. Of these points 4, 8 and 9 have been previously dealt with as the records of your office will show. About other points it appears to H.H. the Maharaja that the Raja should in the first instance be asked to lay his grievances before the Darbar prior to going to the Government of India. The Maharaja does not know if you have noticed it, but to His Highness, the Raja's conduct seems extraordinary. He has been petitioning the Agent to the Governor-General in Central India and the Political Agent in Baghelkhand for the last 4 years. In those petitions these grievances are not mentioned, and the Raja has never once, as far as is known, approached the Darbar for the redress of the alleged grievances since the assumption of powers by the Maharaja in 1895. Under the circumstances His Highness the Maharaja respectfully asks whether the Government of India should intervene in the Raja's behalf or he should be simply referred to the Darbar. His Highness ventures to think that there is nothing in the grievances of the Raja of Singrauli which the Darbar is not competent or entitled to deal with.

" (4) As the Raja has made no representation to His Highness giving particulars of his grievances, the Darbar regret they cannot fully deal with them "

16. The above expressions of the Darbar's views illustrate the case very completely. The case was certainly one in which the Government of India had unduly intervened. And it only remains to add that the intervention went directly against the provisions of the treaties which have been quoted at the beginning of this note.

17. The other case in which the Government of India unduly intervened in the Singrauli affairs was when there was a general famine in Rewa in the year A.D. 1908. This time, the Raja of Singrauli, who was one of the Darbar's feudatories, failed to make proper arrangements for the relief of the famine-stricken people of his own Illaka. His attitude towards the Darbar has already been noted in connection with the last case. The Raja was always consistent in defying the authority of the Darbar and whenever an opportunity arose he never failed in creating difficulties.

18. The Raja of Singrauli having failed to make proper arrangements for relief of his ryots, he was expressly *ordered* by the Darbar to do so. There were one or two other Illakadars also to whom similar orders, on their failure to relieve their men, had to be issued. But unlike them, the Raja went further and in effect denied his responsibility for relieving his ryots. This was an attitude that could not be tolerated. The Darbar were therefore forced to warn him that unless immediate steps were taken in the matter, the Darbar would have to start relief works in his Illaka and realise cost by attaching his villages. The Darbar were aware of the past history and the refractory attitude of the Raja of Singrauli. They also feared the possibility of an asylum being assured to him by the Political Department. Therefore, they at once wrote to the Political Agent acquainting him in brief with the facts of the matter and added, " as it is possible that the Raja may approach you or the Honourable the Agent to the Governor-General about the matter, His Highness has directed me to inform you of this."*

* *Vide* No. 016 dated 21-5-1908 from the Secretary to H. H. the Maharaja of Rewa to the Political Agent in Baghelkhand, Sutna (Exhibit No. 7).

19. The Political Agent appears to have been greatly alarmed on receiving the letter from the Darbar. He wired:—

“ Please await letter from me issuing to-day.”*

The Darbar waited for the letter. The letter came. Its contents, in short, were that the threat of attaching the Raja of Singrauli's villages “ will not meet with Colonel Daly's (Agent to the Governor-General's) approval ”† as if the Darbar had sought that approval. The solicitude of the Political Agent for the Raja of Singrauli, however, did not end there. He went on to say “ rumours have been reaching me lately of discontent among the Illakadars and landowners in the Rewa State owing to the action of the Darbar in making them open relief works in their Illakas and Estates at their own expense.” The object of the Darbar's No. 1016 dated 20-5-1908 was not to obtain the Political Agent's verdict on the contentment of Rewa Illakadars, but only to guard themselves against any misrepresentation which the Raja might perhaps have made to the Political Agent and other officers. The fears of the Political Agent were entirely unfounded. The Darbar sent a suitable reply to his letter, explaining their inability to show any consideration for the Raja of Singrauli.

20. The threat of attaching his villages, however, served its purpose, and the Raja opened relief works in his Illaka. But even if it had not had the desired result, the Darbar felt quite justified in coercing their feudatory whose attitude had been anything but loyal and who opposed even such measures of philanthropy as of Famine Relief. To allow him to continue in his ways of disobedience and disregard of the Darbar's orders was hardly consistent with their supremacy and authority over him. But the attitude of the Political Agent, the Darbar think, was unreasonable and contrary to Article 3 of the Treaty of 1812 quoted in the beginning of this note.

21. Illustrations of undue interference by the Government of India do not end with the above cases. So far, only the cases of Darbar's feudatories were taken up. In the following cases, persons other than Darbar's feudatories are concerned.

22. The Political Agent of Baghelkhand resides at Satna, a railway station on the G.I.P. Ry. and 31 miles away from Rewa, the capital of the State. These two places, *i.e.*, Satna and Rewa, are connected by a metalled road and there is no railway communication between them. At present a motor service runs between Rewa and Satna, but earlier than 1917 or so a contractor used to run mailcars more or less like the English post-chaise system. A contract was granted by the Darbar for limited periods (ordinarily 5 years) which had to be renewed on the expiry of the fixed term. This system of granting contracts had been instituted since the Minority of His late Highness by the Minority Administration known as the Superintendency of Rewa.

23. In 1902, a fresh contract was granted and the higher bidder happened to be a person other than the old contractor. It so happened that the Political Agent and the Agency Surgeon who, too, used to reside at Satna were somewhat inconvenienced in their journeys between Rewa and Satna, when the mailcart service was taken up by the new man. On this the Political Agent addressed an angry letter to the Darbar saying that the new contract should have again been granted to the old contractors; and, because it affected not only the Darbar but also the Agency officials, etc., and because the last existing arrangements, “ *were made during the Superintendency of Rewa* ” it appeared to him that “ the advice and approval of the Political Agent ought to have been sought by the Darbar before the present new arrangements were made.”‡

24. The Darbar ventured to reply§ that in their opinion “ the matter was not one in which advice or approval of the Political Agent should have been sought

* *Vide* telegram dated 23-5-1908 from the Political Agent in Baghelkhand to the Secretary to H.H. the Maharaja of Rewa (Exhibit No. 9).

† *Vide* confidential D.O. letter dated 28-5-1908 from the Political Agent in Baghelkhand, to the Secretary to H.H. the Maharaja of Rewa (Exhibit No. 9).

‡ *Vide* letter dated 8-6-1903 from the Political Agent in Baghelkhand, Satna, to the Secretary to H.H. Maharaja of Rewa (Exhibit No. 10).

§ *Vide* letter dated 28-6-1903 from the Secretary to H.H. Rewa to the Political Agent in Baghelkhand Satna (Exhibit No. 11).

by the Darbar." The Darbar also refuted the point that the last arrangements were made during the Superintendency. But the Political Agent held his own, and in a subsequent letter emphatically claimed his right to be consulted in the matter in the following language:—

" Please refer to your D.O. letter dated 28th June 1903 about the change of Contractors for the passenger service between Rewa and Sutna, you say that in ' your opinion ' (meaning presumably that of the Darbar) this is not a matter in which the advice or approval of the Political Agent should have been sought. I am totally unable to agree with you on this point and I am sorry that the first half at any rate of the sentence quoted should have been written by you. *Apart from Government rules, or agreements, this is obviously a matter in which the advice of the Political Agent could not fail to be beneficial to the Darbar,* and should, therefore, have been sought. I, however, adhere absolutely to what I have already written, viz., that owing to the public importance of having a good passenger service between Rewa and Sutna, and also to the fact that the arrangements which have been lately reversed were made while Rewa was under Superintendency, *the Darbar was bound to ask the advice of the Political Agent and to obtain his approval* before the present arrangements were made. The fact that the late contractors' contract was for five years only, and has been renewed since the Superintendency came to an end, does not affect the case in any way. My point is that whereas the Superintendents of Rewa took the trouble to discover a firm of contractors with whose resource they were acquainted and on whom they could rely, the Darbar ought not to have dismissed these contractors and replaced them by others without consulting the Political Agent as to the necessity for doing so, and as to the fitness of the new contractors for the work in hand. If I had been so consulted I should certainly have pronounced the persons selected by the Darbar as absolutely unfitted to take up such a contract, and the behaviour of the new contractors since the passenger service was entrusted to them has, I think, abundantly proved this to be the case."

25. With regard to the mention of " Government rules " and " agreements " in the above quotation, there are no relevant rules or agreements; on the contrary, the position taken up by the Political Agent was untenable in view of the treaties with Rewa.

26. There was still another occasion when there was an intervention between the Ruler and his servants. During the minority of His late Highness the Agency Surgeon was the head of the Rewa State Medical Department. When His late Highness assumed powers he continued the old arrangement in which the Agency Surgeon remained the head of the Medical Department.

27. In 1903, His late Highness, according to the ancient custom of Rewa, imposed the Daijawan cess on his State servants. This cess is imposed on the occasion of the marriage of a sister or daughter of the Ruling family. The cess was spread over all State servants and as such on the Medical Department also. But the Medical Department happened to be under the Agency Surgeon. The Agency Surgeon raised objections to the cess being levied on his subordinates. The Political Agent also objected. But the Darbar paid no heed. The Political Agent at once took the matter to the Agent to the Governor-General. A long letter was then addressed to the Darbar impressing on them the desirability of exempting the Medical Department from the Daijawan cess and also dealing with the cess on its merits.* The Darbar met the arguments advanced by the Political Agent in an equally long letter,† and asked for a reconsideration of the matter. The following was then received by the Darbar:—

" In reply to your letter No. 2913 dated the 25th July 1903 regarding the levy of Daijawan cess from the subordinate Medical Establishment in the Rewa State, I have the honour to inform you that though the Honourable Mr. C. S. Bayley considers that the Rewa Darbar would have been well advised to exempt the Medical subordinate from the payment of Marriage cess, the matter is one in which His Highness the Maharaja is at liberty to act as he thinks fit."‡

* Vide No. 2516 of 22-7-1903 from the Political Agent in Baghelkhand, Satna to the Secretary to H.H. Maharaja of Rewa (Exhibit No. 12).

• Vide No. 2913 of 25-7-1903 from the Secretary to H.H. Maharaja of Rewa to Political Agent in Baghelkhand, Satna (Exhibit No. 13).

† Vide No. 3013 dated 28-8-1903 from the Political Agent in Baghelkhand Satna to the Secretary to H.H. Maharaja of Rewa (Exhibit No. 14).

28. The Darbar feel that an unnecessary intervention was made in the above case, while, as the above reply from the Political Agent shows, the Darbar were perfectly in the right. In such cases, as the present, the Darbar take their stand on the pledges made to them in the treaties, and they think that Article 3 of the Treaty reproduced at the commencement of this note, was, in these cases, violated.

EXHIBIT 1.

Copy of a private letter dated the 10th August 1897 from the Political Agent in Baghelkhand Satna to the Secretary to His Highness Maharaja of Rewa.

I am sending you an official reply to your letter of yesterday's date just received. I personally cannot believe all these stories about armed resistance. But they may be carefully investigated and all such preparations should be stopped *at once*. You have got the Thakur entirely in your power and you should on no account let him slip away on any pretext whatever until you are quite certain that the Darbar has got the upper hand in Naigarhi and that there is no chance of resistance. If necessary, rewards should be offered at Naigarhi and a proclamation issued that all persons found to be in any way aiding and abetting the Thakur's brother in preparation for resistance will be severely punished. The Darbar must act *promptly and fearlessly*.

I am not quite certain about my leave yet, but if it is sanctioned I leave Satna on 18th or 19th instant. This Naigarhi affair ought not to detain me, as it seems to me quite simple now that you have got the Thakur so entirely at your mercy.

If I go probably Dr. Gimlette will officiate for a time and he will understand how to deal with Naigarhi and assist the Darbar.

EXHIBIT 2.

Copy of a letter dated the 10th August 1897 from the Political Agent in Baghelkhand Satna to the Secretary Darbar Rewa.

I have just received yours of 9th instant regarding Naigarhi affairs.

I cannot believe that the Thakur or his brother can really seriously contemplate resisting the Darbar's authority by force, but if the information conveyed by Lal Pratap Singh and Kunwar Ram Singh be true that his brother in the Thakur's absence is "making preparations for a contest of arms" the sooner these preparations are nipped in the bud the better, and I would recommend the Darbar to send a strong body of men to Naigarhi under some responsible and intelligent official with orders to investigate these rumours carefully and ascertain the exact truth.

In the meanwhile the Thakur should on no account be allowed to return to Naigarhi until all chance of resistance is absolutely at an end. The Darbar have got him entirely in their power and he should be shown in some practical manner that his brother's actions are well known and that all resistance on his part will be quite futile.

An intelligent official at Naigarhi could very easily find out what is going on inside the town and Fort and any attempt at manufacturing gunpowder, repairing fortifications or assembling armed men should be stopped *at once*.

Before giving the Darbar final advice in matters of detail I have been awaiting your report of His Highness' interview with the Thakur and the conditions on which he is to be allowed to return to Naigarhi.

In the meanwhile I may state that I have been authorised by the Agent to the Governor-General for Central India to advise the Darbar to take any steps that may be necessary to ensure the Darbar's prestige and authority, such as the attachment of a village, the posting of Darbar's troops in the Thakurate in sufficient strength to protest that officials and the rebuilding of the poorhouse at Garhwa.

If the Thakur should continue contumacious and disregard the Darbar's authority he may be informed that by his late conduct in resisting the Darbar's authority and neglecting to afford proper relief to his people, he has proved himself unfit to manage his Estate and has deliberately broken the conditions under which he was granted certain power in 1882, and that those privileges will, therefore, be cancelled and resumed by the Darbar.

All this should be put very plainly to the Thakur and he should be informed that mere verbal submission to enable him to get back to Naigarhi will not be sufficient.

EXHIBIT 3.

Copy of a letter dated the 3rd September, 1897, from the Political Agent in Baghelkhand Satna to the Secretary to His Highness the Maharaja of Rewa.

I am sending you to-day official instructions received from the Agent to the Governor General regarding Naigarhi.

You will see that Col. Barr considers that as the Thakur has shown a certain amount of submission by coming into Rewa and has practically obeyed the Darbar's orders regarding Famine administration, he should be allowed to go back to Naigarhi and be given another chance for redeeming his character. I know, of course, that the Thakur is practically incapable of administering his estate himself owing to his poor indulgence in Ganja and that he has no capable officials who can manage affairs for him. But as this is the first time since the Maharaja received his powers that the Thakur has been summoned to Rewa to answer for his conduct, he might be simply informed that after due consideration the Darbar have decided to warn him and that if his character and administration do not show signs of improvement within a reasonable time, the question of imposing certain definite conditions will be most certainly renewed. As far as myself and my office are concerned all these instructions will be kept strictly confidential so that the Thakur may not know that any steps the Darbar may now take in the matter are due to any sort of pressure from outside. I have refused to see the Thakur himself or to give him any encouragement and the A. G. G. refused to see his brother at Indore and sent a letter through him to the Thakur to say that he must submit himself contents to the Darbar's orders.

It is for the Darbar, therefore, to take the initiative and to postpone imposing the suggested conditions as an act of grace after taking into consideration the fact that any disturbance at the present time would be most inconvenient and that such stringent conditions as have been proposed would most certainly provoke serious resistance.

I know the Darbar have gone rather far in their instructions to the Thakur and it will be difficult now to withdraw from the position taken up with regard to the conditions but, after all, the Thakur of Naigarhi is a very unimportant person and the Darbar can afford to be generous in order to prevent a disturbance and unnecessary correspondence. Please understand that the whole object of the present instructions is that the Thakur should not be dealt with too severely for a first offence and that he should be given another chance. He may be told this distinctly.

I hope to see His Highness and yourself here to-day when I will talk the matter over with you.

PS. Although I shall see Col. Barr in a few days at Indore and have promised to put the Darbar's case before him as clearly as possible, please do not imagine that I shall be able to alter his opinion on this subject or induce him to issue any fresh instructions at the present time. He no doubt understands the whole case thoroughly and has good reasons for requesting the Darbar to modify their proposals and to give the Thakur another chance of reforming his character.

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EXHIBIT 4.

Copy of a letter No. 1150 of 1905 Dated Baghelkhand Agency Sutna the 11th April, 1905, from Major W. M. Cubitt, Political Agent, Baghelkhand, to the Secretary to His Highness the Maharaja Rewah.

I have the honour to forward for information and consideration to His Highness the Maharaja a copy of a petition addressed to me by Rudra Prasad Singh, Raja of Singrauli.

I trust that this petition will receive the careful consideration of the Durbar: and I would request that I may be furnished with the Durbar's reply upon the points raised by the Raja as soon as convenient.

2. The Raja of Singrauli appears to have a strong case, as his claims seem to be clearly supported by the terms of the Sanad granted to him during the Superintendency. The Durbar is in my opinion bound to respect the terms of the Sanad which cannot be altered during the lifetime of the present grantee. I venture to think that the Durbar for the sake of its own good name should see that the terms of the Sanad are scrupulously adhered to and in my opinion if it is true that the Raja of Singrauli has been dispossessed of certain rights, these rights, however inconvenient, should be restored to him.

3. As regards the Raja's arguments in connection with personal attendance at the Dasehra it would appear that a clear distinction had been made between the nature of the service to be rendered by his grandfather and that to be performed by his father, which has been repeated in the Sanad of 1887.

4. If fresh cesses are imposed in contravention of an agreement, the agreement is not worth the paper it was written upon. It is therefore but natural for the Raja of Singrauli to protest against the action of the Durbar.

5. Again in accordance with the terms of the Sanad the Raja of Singrauli is entitled to have conferred upon him the powers of a Deputy Magistrate; but even his Magisterial powers as an Honorary Magistrate have been taken from him. It seems to me that these Honorary powers should be restored to him at an early date.

6. In conclusion I would ask that further action regarding the personal attendance of the Raja of Singrauli at the Dasehra, and regarding the collection of the cess known as Daijawan may be suspended until the final settlement of the case.

EXHIBIT 5.

Copy of a D. O. No. 2645 dated Sutna, E. I. R. the 15th July, 1905, from Major W. M. Cubitt, Political Agent, Baghelkhand, to the Secretary to His Highness the Maharaja of Rewa.

Please refer to correspondence ending with your confidential demi-official letter No. 3110, dated 3rd inst., regarding the petition presented by the Raja of Singrauli.

I am unable to reply to your letter at present, but it will receive my close attention in the course of the next few days. Meanwhile I have to inform you that I have received a telegram from Sir Walter Colvin, who has been retained as you are aware to represent the Raja of Singrauli to the effect that he has heard that proceedings have been instituted to recover immediately the cess known as Daijawan from the Raja of Singrauli. And he has asked that proceedings may be stayed. I have replied that I will make inquiries, that I may ask the Durbar to stay proceedings, but the Durbar has replied to my letter forwarding the Raja of Singrauli's petition and has stated that this cess has been recovered from all, great and small; and that it has forwarded for my information a copy of a letter from the Raja of Singrauli, in which he already admits his liability to pay the cess. I shall be much obliged by your letting me know what has been done with regard to this matter.

I would take this opportunity of letting you know for the information of the Durbar that I was informed by the Raja's Counsel that the Raja considered that circumstances had compelled him to seek the intervention of the Officers of the Government of India in the matter of his claim against the Rewa Durbar. I would add that I do not think that exception can be taken to this course, as would appear to be the case judging from the remarks contained in the first paragraph of your letter of the 3rd instant. I fancy that the Raja contemplates appealing to the Government of India if he thinks it necessary. I am aware that the case has been already brought to the notice of the Agent to the Governor-General for Central India, and I understand that he directed the Raja to submit his representations to me in the first instance. I am of course aware that it has been already ruled that as regards the Estates that he possesses in Rewa the Raja is subordinate to the Rewa Durbar, but it should be remembered that it is unlikely that this will be held to be a bar to his right to appeal to Government, especially if it is considered that certain rights to which he is entitled under the Sanad granted to him during the Superintendency, are disallowed by the Durbar.

It behoves the Durbar, therefore, in my opinion to consider the grounds of his petition with great care, and to redress those complaints that he can justly make. So far as I am in a position to form an opinion on the merit of the case at present, I much doubt that the Agent to the Governor General will consider the answers that you have sent to me satisfactory.

EXHIBIT 6.

Copy of a D. O. letter dated Satna E. I. R. the 17th July, 1905, from Major W. M. Cubitt, Political Agent, Baghelkhand, to His Highness the Maharaja of Rewa, G.C.S.I.

I received on 4th instant Your Highness' letter dated Camp Davra, June 30th, regarding the Raja of Singrauli's case.

I doubt that I can forward matters much: and I do not think that the Raja will listen to my advice. I have already suggested to Sir Walter Colvin that the Raja might attend at the next Dasehra without prejudice to his claim! and I pointed out that (whatever may be the result of his petition) the Raja has caused considerable offence by his want of proper courtesy in not having attended at the Dasehra since Your Highness had been invested with powers. I explained that the greatest importance was attached by all Darbars to the observance of this formality on the part of their subordinate Chiefs. Sir Walter promised to urge the Raja to comply, and I believe that he has written to him, but as Sir Walter Colvin is in England, I cannot say whether his communication has had or will have any result.

I am by no means sure that the views expressed by your Secretary regarding Singrauli's attendance at the Dasehra was correct, and that they can be supported by the terms contained in the Sanad. I propose, however, to give my views in my reply to Your Highness' Secretary's letter.

Meanwhile I would venture to say that I do not share Your Highness' apprehensions regarding the possible disaffection of your principal Thakurs, if Singrauli is excused personal attendance. What I venture to consider to be important above everything else is for Your Highness to inspect a Sanad very carefully. I think that Your Highness will agree when you see my reply to your Secretary's letter that at all events as regards certain points some of the arguments contained in his letter are not supported by facts.

I am afraid that the Raja of Singrauli will not be persuaded to come into Rewa, at all events by me. I believe that he considers that he has not been fairly treated, and I fancy that he will certainly appeal to higher authority.

EXHIBIT 7.

No. 1016.

GOVINDGARH,
20th May, 1908.

My dear Sir,

As early as December last the local officials reported that the Raja of Singrauli did not take proper steps for alleviation of the sufferings of the people in his Illaqua. The Raja was warned and was told that if he did not start relief work his ryots would be relieved on State works and cost recovered from him.

2. From a recent report it would appear that things have not improved much and in reply to Durbar's orders the Raja says in effect that he is not responsible for relieving distress in his Illaqua. As you will see that in this he is quite wrong and the Darbar are surprised that the Illakedar should have taken this position. The Raja has therefore been warned that should he not take immediate steps and start efficient number of relief works the Famine Superintendent will start works on behalf of the Durbar and attach his villages to realize cost.

3. Such orders have been necessary in the case of one or two other Illaquadars, but in fairness to them it must be said that unlike the Raja of Singrauli they have not denied their responsibility in the matter. But as it is possible that the Raja may approach you or the Honourable the A. G. G. about the matter His Highness has directed me to inform you of this.

Yours sincerely,

(Signed) JANKI PRASADA.

To The Political Agent, Baghelkhand, Sutna.

EXHIBIT 8.

Copy of a telegram dated the 23rd May, 1908, from the Political Agent in Baghelkhand, Sutna, to the Secretary Durbar, Rewa.

Your confidential letter No. 1016 dated 20th May: Please await letter from me issuing to-day.

EXHIBIT 9.

Confidential D. O.

NAGOD,
23rd May, 1908.

My dear Sir,

Please refer to your confidential D. O. letter No. 1016 dated the 20th May, 1908, in which you informed me that His Highness the Maharaja has ordered the Raja of Singrauli to start a number of relief works in his Illaqua, and proposes, if the Raja does not comply, to start works there on behalf of the Durbar and attach the Raja of Singrauli's villages to realize the cost of such relief works.

Of course, if the relief works are necessary in the Singrauli Illaqua, they should be started as early as possible, but I very much doubt whether the further action contemplated by His Highness against the Raja of Singrauli will meet with Col. Daly's approval.

I am expecting Col. Daly to visit this Agency early next month and His Highness will be well advised to leave the question of any action against the Raja of Singrauli till he has ascertained Col. Daly's views on the subject.

Meanwhile in opening relief works by the Darbar in the Singrauli Illaqua care should be taken that this is not done in any provocative spirit likely to provoke disturbance.

I should perhaps mention that rumours have been reaching me lately of discontent among the Illaquadars and landowners in the Rewa State owing to the action of the Durbar in making them open relief in their Illaquas and estates at their own expense.

Yours truly,

(Signed) C. F. MINCHIN.

EXHIBIT 10.

Copy of a letter dated the 8th June, 1903, from the Political Agent in Baghelkhand, Sutna, to the Secretary to H.H. Maharaja of Rewa.

I have received your letter about Major Hore's objection to go to Rewa without a mail-cart being provided. I cannot agree with you that bullock Shikrams and ekkas are enough for the transport of passengers between Sutna and Rewa. The abandonment of the special mail-cart service is a most regrettable and retrograde step, and I hope that either mail-carts or tongas will soon again be available. For the sake of some temporary gain the State has put the travelling public and also the Agency officers to great inconvenience and I am sure that the Agent to the Governor-General will be very sorry when he learns what has been done.

EXHIBIT 11.

Copy of a letter dated the 28th June, 1903, from the Secretary to His Highness Maharaja of Rewa, to the Political Agent in Baghelkhand, Sutna.

I have received your letter of 18th instant asking certain information about change of Shikram and Mail-cart contractor.

You say that as the matter was an important one and the arrangements that have now been reversed were made during the Superintendency, the approval and advice of the Political Agent should have been sought by the Durbar. In reply I beg to say that in my opinion the matter was not one in which advice or approval of the Political Agent should have been sought by the Durbar. Nor is it a fact that the last arrangements were made during the Superintendency. These contracts are given for a fixed period generally of five years and the last contract was given during His Highness' administration though it happened that the old contractors were given the contract.

I may add that it was not entirely without your cognizance that the new arrangements were made. I sent for your office file about this contract which you sent me in June, 1902 (*vide* your D.O. letter No. 1520 dated the 9th June, 1902). I again asked you if an Ekka service could be started between Rewa and Sutna. You replied by your D. O. letter of the 20th June, 1902, that possibly there was no room for both the services (*viz.* Ekka and Mail-cart), that if public convenience be furthered, Ekka service be started at the expiry of Mail-cart contract. You also said that it was a matter in which I should myself well be able to form an opinion.

The new contractors are Munnalal and Arjun Das Mahajans of Sutna. They have taken the contract at Rs. 2,600/- whereas the old contract was for Rs. 600/- but there is every reason to believe that the old contract was at too low a figure. There were many complaints of the old contractors, chiefly from the Agency. I admit that the new contractors have not fulfilled the expectations formed of them, but that has hardly anything to do with what has been said in preceding paragraphs.

The Durbar quite agree with you that the Paramount consideration in these things is to look to the convenience of the Public. The Durbar will see that the new contractors must make satisfactory arrangements by the first week of July or their contract must be cancelled. In the latter case the contract will perhaps be given to Munnalal & Sons, the old contractors, and there will be no difficulty for the Postal Department in transmission of the mails. Should the contract remain with the new contractors, the obvious remedy for the Postal Department is to arrange with them for the transmission of the mails between Rewa and Sutna.

I hope the above statement is complete and that you do not require any files.

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EXHIBIT 12.

Copy of a letter No. 2516 of 1903 dated Sutna, E.I.R., the 22nd July, 1903, from the Political Agent in Baghelkhand to the Secretary to H.H. the Maharaja Rewa.

I have the honour to address you regarding the "Daijawan" or marriage cess which, the Darbar, as I understand, wishes to levy from the subordinate Medical establishment in the Rewa State, and also from the employees of the Umaria Colliery. Major Hore, Agency Surgeon Baghelkhand, having raised official objections to the levy of this cess from his subordinates, I felt it my duty to lay the matter before the Honourable the Agent to the Governor-General in Central India, and I have now received a reply. In this reply the First Assistant to the Agent to the Governor-General states that the Honourable Mr. C. S. Bayley having made enquiries from other States in Central India has ascertained that the Indore Durbar does not levy marriage cess from Medical Subordinates, although the medical establishment in Indore has been in some respects more under the direct control of the Durbar than it is in Rewa. In Rewa appointments to the subordinate Medical establishment, though subject to the concurrence of the Durbar, are made by the Agency Surgeon, by whose orders members of the establishment are also transferred, punished and dismissed, whereas in Indore the Medical establishment has up to the present time been dealt with by the Durbar direct. Similarly in Bhopal on a recent occasion a contribution was taken from State servants in general, but nothing was paid by the subordinate Medical establishment.

2. It would thus seem to the Agent to the Governor-General that the practice in Native States is not to levy such contributions from the Medical Establishment, and this in Mr. Bayley's opinion, is the fair and correct practice, because such establishments are educated, trained and employed on British Indian Lines, and naturally do not expect to be treated in a manner in which they would not be treated in British India, when they are serving in Native States.

3. Mr. Bayley does not say that the Rewa Durbar has not power to demand Daijawan from the Subordinate Medical Establishment of the Rewa State, but he considers that the Durbar would be well advised, in the interest of efficient Medical Administration to refrain from pressing such a demand.

4. The Agent to the Governor-General also approves of the advice which he understands has been given by the Political Agent to the Durbar, not to demand Daijawan from the Umaria Colliery staff.

5. For the reasons given above I trust that the Durbar will see the advisability of foregoing their claim to Daijawan in both the case of the Subordinate Medical establishment and that of the Umaria Colliery staff. The Darbar may rest assured that by this act of forbearance none of their real authority will be lost.

EXHIBIT 13.

Copy of a letter No. 2913 dated 25th July, 1903, from the Secretary to H.H. the Maharaja of Rewa to the Political Agent in Baghelkhand Sutna.

I have the honour to acknowledge receipt of your letter No. 2516 dated the 22nd July, on the subject of levy of Daijawan from the employees of the Medical Department of the State and to reply as follows:—

His Highness, the Maharaja has carefully reconsidered the subject in the light of the observations you have made in your letter under reply under instruction from the Honourable Agent to the Governor-General in Central India. But he thinks that for the reasons given below it would not be advisable to exempt the subordinates of the Medical Department from the payment of the cess.

2. It is true that the Medical Officer of the Rewa State (the Agency Surgeon in Baghelkhand) has, to facilitate the administration of the Medical Department, greater powers over his subordinates than other officers of the State. But it

appears to the Durbar that this should not affect liability of the Medical subordinates to pay Daijawan. Customs and practice differ in different States and it would therefore, perhaps, be not right to deduce a general rule from them.

3. In Rewa State Medical subordinates have always been treated like other servants of the State in all respects. The tax has from a very old time been levied on all the servants of the State and it is not fair to other departments to make an exception in favour of any one of them. In fact the tax will be harder for the Army and the low paid Forest, Customs and Police officials to pay than the comparatively well paid Medical subordinates. I may add that not only all the servants of the State but merchants, tradesmen, contractors have to pay the Daijawan.

4. The Medical Department is maintained on British lines but I beg to bring to your notice the fact that almost all the Hospital Assistants in the State are natives of Rewa educated entirely at the cost of the State.

5. His Highness the Maharaja hopes that you will see that in levying Daijawan from the Medical Department the Durbar are neither doing anything against custom in the State nor inflicting any particular hardship on the employees of the Department. He trusts that you will be so kind as to inform the Honourable the Agent to Governor-General accordingly.

EXHIBIT 14.

Copy of a letter No. 3013 dated Sutna the 28th August, 1903, from the Political Agent Baghelkhand to the Secretary to His Highness the Maharaja of Rewa.

In reply to your letter No. 2913, dated 25th July, 1903, regarding the levy of Daijawan Cess from the subordinate Medical Establishment in the Rewa State, I have the honour to inform you that though the Honourable Mr. C. S. Bayley considers that the Rewa Durbar would have been well advised to exempt the Medical subordinates from the payment of marriage cess, the matter is one in which His Highness the Maharaja is at liberty to act as he may think fit.

UDAIPUR STATE.

PART I.

Rana Arsi ascended the Gadi of Mewar in 1762. His treatment of his nobles was so harsh that it led to their estrangement from him. This naturally led to a general weakening of his authority, with the result that the Mahrathas attacked his territories frequently and wrested some of the best districts during his time. His successor fared no better and the power of the State deteriorated beyond hope. The nobles became turbulent and anarchy raised its head all round. The hilly districts to the south and south-west inhabited by wild and restless tribes of Bhils and Grassias under the control of the Rajput Chiefs were also not immune from it.

Such was the state of degradation in Udaipur when the British Government started on its general scheme of alliances for the suppression of the Pindaries and concluded a Treaty with the Maharana in 1818. By this Treaty while the British Government undertook under Article 2 "to protect the Principality and territory of Udaipur," they also engaged that "the Maharana of Udaipur shall always be absolute ruler of his own country and the British jurisdiction shall not be introduced into that principality." (Article 9.)

After this Treaty order was restored in the State to a large extent and even the hill districts were brought under control. But these tracts and especially the part called Bhaumat had become so unmanageable at the time that "it was found that without the constant supervision of British officers permanent peace could not be restored. Accordingly it was proposed in 1828 to raise a Bhil Corps to be stationed in these districts. The Maharana offered to contribute towards the expenses of the Corps the revenue of his share of Merwara estimated at 45,000 and the Grissia tributes estimated at Rs. 40,000, and to make over the districts for ten years to British management. The Corps was raised in 1841 at a cost of Rs. 1,20,000 a year, of which Udaipur agreed to pay Rs. 50,000, but the civil control of the district was left with the Maharana."

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From the foregoing quotation it is quite clear that the stationing of the Bhil Corps was intended for the pacification of the country and had nothing to do with its civil administration or control. By securing that the management of the "Magra Taluga" shall be subject to his "advice and consent," the Maharana sought to exclude the exercise, against his own wishes, of British influence in the affairs of those districts. Such reservation of administrative control necessarily followed from the Treaty of 1818.

Exhibit I.

The available correspondence of the period may now be examined :—

Exhibit II.

The Resident Mewar wrote to the Durbar in 1838 :—"The Bhumias of Panarwa, Ogna and Sarvan have expressed that their ancestors used to serve the Mewar State and obey Darbar's orders. With that idea they have made a written request for Police outposts being established in that territory and their Pattas being administered by the Darbar in return for services which they promise to render faithfully to the Darbar like their ancestors. I have reported the matter to the higher authorities. Now sanction of His Excellency has been received to the effect that all the three Bhumias may continue to render service to the State as heretofore," etc.

Exhibit III.

After this an agreement was written and signed by the Bhumias of the Magra district of which Bhomiat is a part.

By this agreement the Bhumias acknowledged the Darbar's suzerainty and placed themselves completely under its control. Under clause 10 they promised that they "shall not create mutual quarrels or disputes about any land or village but shall simply lay the facts before the Darbar who will make enquiries from both the parties and then decide the matter."

Then under clause 11 they agreed that "if a grassia of any other village comes to our village we shall not allow him to create a fracas but report the fact to the Darbar for orders and act in accordance with the orders received." Further, clause 15 runs : "We shall have Darbar officials with us while making revenue collections. We shall pay Chha Anni (Six annas in a rupee) to the Darbar and keep ten annas for us." And the concluding paragraph of the same clause reads : "If there is any dispute between the two brothers or with cultivators regarding land, etc., we shall refer it to the officials of the Mewar Darbar, etc." The value of this document is enhanced by the following remark at the foot of the agreement :—

"The above has been written by us and handed over to Major Outram at Thana on Jaith Bud 8 Sam 1894" (1837-38 A.D.).

Exhibit IV.

Another important fact which establishes the Darbar's suzerainty over these Bhumias is the restoration of Joora by Lord Auckland in 1838. At the time of the pacification of the Magra district by the British Government in 1823 the refusal of the Rawat of Joora to deliver certain offenders led to the sequestration of that estate by the British Government. In 1838, when this estate was made over to the Darbar, Lord Auckland observed in his Kharita that "the estate of Joora which anciently acknowledged the supremacy of Udaipur is now again committed to the charge of Your Highness, as I am convinced that the happiness of the people, the prosperity of the country generally, and the repression of robbery and outrage will be best attained by this arrangement."

Exhibit V.

Nearly two decades later (1st April, 1853), when the Rana of Panarwa approached the Political Agent for the settlement of certain disputes with the cultivators of the village of Manipur, the Political Agent forwarded the papers to the Prime Minister of Udaipur for disposal and in the course of the forwarding letter observed, "At the same time I write that I have no business to interfere with the case. *His Highness may do whatever His Highness likes as he has got all the authority.*"

Exhibit VI.

And in a subsequent communication relating to a succession dispute between claimants to the Panarwa estate the Political Agent wrote to the Darbar, "I cannot interfere in the affair. I am always keen to abide by the wishes of His Highness. His Highness is at liberty to make arrangements regarding Panarwa as he pleases."

Exhibit VII.

On the death of the Maharana in 1852 the Bhomia Nahar Singh of Sarwan offered his allegiance to Idar and got a police station of that State established in his Jagir. He also refused to pay the Chha Anni tribute to the Darbar of Udaipur. Captain Brook, the Superintendent of this State, thereupon issued a Parwana to him in which he wrote : "You are therefore ordered to dispense with the officials of the Police station of Idar and in accordance with the old custom pay the Chha Anni due to the Mewar Darbar

to the officials of the Udaipur State. You are further asked to act in consultation with the Mewar Police officers. You should not disregard this or make any fuss. The village of Sarwan is under the jurisdiction of Mewar. You should therefore always obey the orders of the Mewar Darbar with the least evasion or objection whatever."

But gradually and insidiously the rights of the Darbar were encroached upon by British officers and in 1895 in spite of the Darbar's protests, the succession to the holding of Jawas was determined by the Agent to the Governor-General and only formal recognition by the Darbar was asked for. In the same year the Darbar were asked to produce documents in support of their claim to exercise jurisdiction over the Thakurates of Newara, Patya and Sarwan. Exhibits VIII, IX, and X.

They explained the whole history of the question and recalled the agreement of 1838, written by the Bhomias, which proves that "the Mewar Darbar have all powers of suzerainty over Bhomat in administering the country and recovering Darbar dues from the Bhomias. The Bhomias and their people are in every respect under the surveillance of the Mewar Darbar." Exhibit XI.

This had the desired effect and the Resident Mewar communicated to the Darbar that "the A.G.G. Rajputana, after a perusal of the old records, has decided that the Thikanas in question have doubtless been under the surveillance of Mewar Chiefs and that the Mewar Darbar have sole powers to deal with matters of these Thikanas independently, being also responsible for the peace and disorders therein." Exhibit XII.

It was hoped that this question had been closed once for all but as later events dealt with in Part II show, the trouble was to be revived.

PART II.

The Raiwat of Jawas died in 1921, and the question of succession to the Estate was decided by the Darbar. One of the claimants memorialised the Government of India against the Darbar's decision. The Government thereupon sent a questionnaire to the Darbar for reply. Exhibit XIII.

The Darbar dealt with the question at length and gave reasons justifying their decision. They also protested against the interference of the Government of India in interesting themselves in affairs which were the Darbar's exclusive concern. The Government of India did not upset the Darbar's decision at the time but waited till 1923, when they handed to the Darbar a set of succession rules which they had framed in respect of these Feudatories of Bhomat. Rule 1 laid down that "in all cases of adoption or succession, whether of a natural heir in the direct line or otherwise, a report will be made by the Chiefship direct to the Darbar." Rule 2 read that "the Darbar on receipt of such report will consult the Resident and no orders will be passed until his concurrence has been obtained." Exhibit XIV. Exhibit XV. Exhibit XVI.

This was going back upon all the Treaties, Agreements and long-established usage and practice.

The Darbar's Minister in personal conversation and in writing made it known to the Resident that the Darbar considered the rules unnecessary and novel and an encroachment on their suzerain powers over their Feudatories. The Resident said in reply that the Government of India had decided on the procedure "which I communicated to you on October 16, 1923, etc., and which is therefore the procedure that will be adopted in those cases in future unless the Government of India alter their decision. It has not, however, been suggested to them that they should do so." Exhibit XVII and XVIII. Exhibit XIX.

The Darbar thereupon expressed their surprise and protested against the encroachment upon their sovereign rights and requested the Government of India to cancel the succession rules which they had promulgated. Exhibit XX.

The Resident replied "The Government of India regret that they are unable to accede to the Darbar's request for the cancellation of the rules regarding the recognition of succession in the Mewar Bhumat." Exhibit XXI.

The Darbar have thus been ousted from the exercise of their sovereign rights in their own territory. This has been explained to the Government in a communication which the Darbar have addressed to them. Exhibit XXII.

EXHIBIT I.

AGREEMENT BETWEEN COLONEL ALEXANDER SPIERS, AGENT IN MEWAR, ON BEHALF OF COMPANY, ANGREZ BAHADUR AND MEHTA SHER SINGH PRADHAN, ON BEHALF OF MEWAR DARBAR REGARDING THE MAINTENANCE OF A BHIL PALTON UNDER BRITISH OFFICERS FOR TEN YEARS FOR THE CONTROL OF MAGRA, JURA, OGNA, PANARWA, SARWAN, JHARAUL, MADRI PAHARA, BARAK, JAWAS KHERWARA, SEMARI, KALIANPUR, SARADA ANIDA, LASADIYA, DHARYAWAD, MUNGANA, THANA, DEOLI UP TO CHHOTI SADRI, INCLUDING PAIS, TERMS AGREED UPON BY MUTUAL CONSENT FOR THE SUPPRESSION OF BHILS MINAS, ROBBERS, DACOITS AND BAD CHARACTERS.

1. The salary of the officers and the Regiment and other expenses connected therewith, will not exceed Re. 1 lac per annum. The accounts of the Regiment have already been sent and are also herewith attached, arms and ammunitions will be supplied by the British Government.

2. The management of the Magra Taluqa will be made with the advice and consent of the Darbar. If the services of the corps are required for any place out of Magra district they will be ready to work under orders of His Highness with the consultation of the Political Agent. In case the said corps is unable to carry out the services required of them, the Government will detail more British troops to render help with the consultation of the Political Agent and the higher authorities, who will take necessary action if they consider it proper to do at the time the request is made.

3. A clerk (Mutsadi) deputed by the Darbar will remain on duty in the office and write the accounts and the roll call of the corps.

4. This agreement will come into effect from the date the recruitment of the Bhil corps commences and will remain in force for ten years, extension of its terms being entirely at the discretion and will of the Darbar—if the Darbar do not want to retain the corps, it will depend on the Darbar's will, dated Bhadon Sudi 7 Samvat, 1895—1838. A.D.

N.B.—The Mewar Bhil corps was raised subject to the above terms and conditions.

Afterwards, Mewar Bhil corps was converted into Military Police. A European officer of the I.M.S., used to live at Kherwara but there is none now.

Besides the Residency at Udaipur, the Mewar Bhil corps are also detailed at Mount Abu for guard duty.

In addition to the Bhil corps, 10 sowars from the State army are also stationed at Kherwara at the disposal of the officer commanding the said Bhil corps.

EXHIBIT II.

TRANSLATION OF A KHARITA, DATED 7TH JULY, 1838, FROM COLONEL ALEXANDRA SPIERS, P. A. MEWAR TO HIS HIGHNESS MAHARANA JAWAN SINGH JI OF ODEYPUR.

AFTER COMPLIMENTS,

The Bhomias of Panarwa, Oгна and Sarvan, have expressed that their ancestors used to serve the Mewar State and to obey the Darbar's orders. With that idea they have made a written request for police outposts being established in that territory, and their Pattas being administered by the Darbar, in return of services which they promise to render faithfully to the Darbar like their ancestors. I have reported the matter to the higher authorities. Now sanction of His Excellency has been received to the effect that all the 3 Bhomias may continue to render service to the State as heretofore. His Excellency remarks that it is essential to have agreements written from the said Bhomias accepting to pay Dasaundh instead of Chhatond presented by other Sardars and that these agreements should be verified by the Political Agent.

I therefore, write to ask you that police stations should be established in all the three estates in order to have peace and order in them which may lead to the prosperity of the people and suppression of thefts, robberies, dacoities and other crimes and progress of trade. The State officials should be ordered to have separate agreements written from the 3 Bhomias which may be forwarded to me immediately in order to enable me to report the matter to His Excellency.

Hoping no delay will be allowed to occur in the case, and Your Highness will always favour me with letters of welfare.

EXHIBIT III.

TRANSLATION OF AN AGREEMENT DATED JAITH BAD 8 SAMVAT 1894,
WRITTEN AND SIGNED BY THE BHOMIAS OF MOGRA TERRITORY IN
MEWAR STATE, ACCEPTING THE FOLLOWING TERMS IN CONNECTION
WITH THE SETTLEMENT.

1. Shelter will not be given or allowed to be given to any robber, dacoit, bad character, etc., whether he may be an outsider or a resident of the State.
2. Bhils of our territory will not be permitted to commit offences in other territories or take part in crimes committed by others. They will lead peaceful lives and bear good character.
3. If any one commits theft and the offence is proved against him, we shall arrest him and present him with the stolen property. We shall not give any shelter to the thief. If any one does so he will be punished as a thief. We agree to this.
4. If any State troops for the arrest and punishment of any thief or rebel are sent by the Darbar on receipt of a direct report by them or by the police officers, we shall come forward to have him arrested.
5. If any troops come from outside to punish any bad characters or offenders we shall join them secretly or openly. If the required person is found out or any trace of his presence at any particular place is given, we shall surrender him.
6. If any traveller, merchant, or Banjara trader, whether an outsider or belonging to the State, happens to come within our territory, we shall arrange escorts to accompany him up to our respective borders or police outposts. In case his goods are stolen or robbed we shall arrange to compensate him in cash or kind and submit a written deed of compromise to the Darbar.
7. If State officials or their camp equipage happen to come to our villages and a halt is made there at night time, we shall arrange to encamp them at safe places. In case any Begars are wanted, we shall provide the same so as to arrange for the safety of the officials and their equipage up to the destinations. If the said officers do not encamp at places suggested by us, we shall not hold ourselves responsible for any loss or damage done to them.
8. If any robber or dacoit of our district goes to outside territory with the intention of committing crimes and is killed or arrested in any fracas which might occur there we shall not put forward any claim for him nor allow any one to do so.
9. If any land or village of a Zimindar has been taken possession of by the other or given to any one else owing to the formals poverty, we shall get it redeemed in a proper way.
10. We shall not create mutual quarrels or disputes about any land or village but shall simply lay the facts before the Darbar who will make enquiries from both the parties and then decide the matter.
11. If a Grasia of any other village comes to our village, we shall not allow him to create a fracas but report the fact to the Darbar for orders and act in accordance with the instructions received.
12. We shall not keep nor allow any one to keep Makrani Arab without the sanction of His Highness.
13. No goods or property will be accepted or purchased by us without fully examining the same. If it is proved to be otherwise (stolen property, etc.) by the Darbar it will be returned.
14. Even if there are any riots or accidents in any other districts we shall make necessary arrangements so that roads and thoroughfares for merchants and traders may not be closed and their goods may pass safely.
15. We shall have Darbar officials with us while making revenue collections. We shall pay Chhs Anni (six annas in a rupee) to the Darbar and keep ten annas for us. We bind ourselves to act accordingly and not to do anything improper.

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We have written the above of our own accord and promise not to play any trick. If we do anything contrary to the above terms we shall be responsible to the Darbar and be punishable by our deity Rikhah Deoji.

If there is any dispute between the two brothers or with cultivators regarding land, etc., we shall refer it to the officials of the Mewar Darbar and arrange a decision thereof through Panchayat.

Dated Jaith Bad 5 Samvat 1894.

Signed and verified by Rana Pratap Singh of Panarwa.

Signed and verified by Rawat Khuman Singh of Jura.

Signed and verified by Kishen Singh of Ognā.

Signed and verified by Rawat Nahar Singhji of Patia.

Signed and verified by Rawat Bhim Singh of Jawas.

Signed by Thakur Daulat Singh of Bawalwara.

Signed by Thakur Amar Singh of Chuni.

Signed by Thakur Suraj Mall of Thana.

Signed by Rawat Pirthi Singh of Madri.

The above has been written by us and handed over to Major Outram at Thana on Jaith Bad 8 Samvat 1894.

EXHIBIT IV.

TO HIS HIGHNESS MAHARANA JAWAN SINGH.

MY HONOURED AND VALUED FRIEND,

The restoration to the representative of an ancient dynasty of any possession which his family has formerly held sovereignty over is an occasion of congratulation to him, and of satisfaction to his friends and allies.

The State of Joora which anciently acknowledged the supremacy of Oodeypore is now again committed to the charge of Your Highness, as I am convinced that the happiness of the people, the prosperity of the country generally, and the repression of robbery and outrage will be best attained by this arrangement.

Colonel Alves has reported to me that you have already taken (? given) order for opening roads to Joora from Odeypore and elsewhere, that you propose to establish strong guards for the preservation of peace throughout that country, and that you have agreed with the Rawat for a tithe of the revenue as now collected to be paid to you as tribute.

All this is highly satisfactory showing that your first care has been to encourage and protect trade and settle the question of tribute equitably and fairly.

I trust that you will continue to govern this possession with vigour, and discretion to the increase of your name and the satisfaction of your subjects.

In conclusion I beg to express the high consideration I entertain for Your Highness and to subscribe myself,

Your Highness's sincere friend,
(Signed) AUCKLAND.

SIMLA,

22nd May, 1838.

EXHIBIT V.

TRANSLATION OF LETTERS IN HINDI FROM CAPTAIN BROOKES TO MEHTA SHER SINGHJI, DATED 1st APRIL, 1853, No. 38.

AFTER COMPLIMENTS.

I have received from Ranna Badan Singh Ji of Panarwa two papers together with another paper containing the replies from the (Asamies) cultivators of Manpur village. Copies of these three papers are sent herewith for your information from which you will know all the particulars, at the same time I write that I have no business to interfere with the case. His Highness may do whatever His Highness likes as he has got all the authority.

EXHIBIT VI.

DATED 28TH APRIL, 1853, KOTRA.

AFTER COMPLIMENTS.

Your three letters, dated Chet Badi 14th Sanwat, 1909, regarding the Panarwa case referred to in my letter have been received. The following are the facts of the case. At first, after the death of Rana Pratap Singhji Bhawani Singh, son of Rawat Kishen Singhji of Oгна, succeeded to the Gadi of Panarwa by the consent of the mother of the late Rana, late Rana's wife and other Bhomias. After that you asked for my advice, besides this you sent Chandra Bhan Chaprasi to Panarwa and there he found Bhais, etc., Bhagias in a willing mode and he brought Badan Singh, of Adiwias, for succession to the Gaddi of Panarwa. According to the wishes of the Darbar, as well as according to your advice, and having seen the signatures of the Bhais and Bhagias of Panarwa, the State Kamdars considered it advisable to have Badan Singh seated on the Gadi of Panarwa. Singavi Kishen Mull had the turban fastened to his head on behalf of the Darbar. On this it is said that the Rao of Oгна offered opposition. I came to know from Munshi Lachhmi Lal of another proposal from the Darbar, who is the master of the country; I cannot interfere in the affairs I am always keen to abide by the wishes of His Highness. His Highness is at liberty to make arrangements regarding Panarwa as he pleases. But nothing should happen to lead the opposition into a disturbance.

EXHIBIT VII.

TRANSLATION OF A PARWANA, DATED 7TH MAY, 1852, FROM CAPTAIN BROOKES, SUPERINTENDENT TO BHOMIA NAHAR SINGH, OF SARWAN.

AFTER COMPLIMENTS.

A Kaifat was presented to me on the day of death of H.H. the Maharana Sahib of Odeypur, purporting that in those days Bhomia Nahar Singh, of village Sarvan, had been to Idar in Gujerat and got a police station of that State established in the village. It was also stated that the said Bhomia objects to and argues against the payment of Chha anni (six annas in a rupee) to the Mewar Darbar, you are therefore hereby ordered to dispense with the officials of the Police station of Idar, and in accordance with the old custom pay the chha anni due to the Mewar Darbar to the officials of the Odeypur State. You are further asked to act in consultation with the Mewar Police officers. You should not disregard this or make any fuss. The village of Sarvan is under the jurisdiction of Mewar. You should therefore always obey the orders of Mewar Darbar with the least evasion or any objection whatsoever. Please note and act strictly in accordance with the above.

EXHIBIT VIII.

TO HIS HIGHNESS MAHARANA FATEH SINGHJI, BAHADUR, G.C.S.I. OODEYPORE, 17TH APRIL, 1894.

MY ESTEEMED FRIEND,

With reference to your Mehkama Khas letter dated 11th March last, regarding the death of Rawat Umar Singh of Jawas and the succession of his adopted son Rutton Singh, son of the Thakur of Thana, I write to inform your Highness that the whole facts of this case, including copies of the correspondence which passed in 1874, on the death of Rao Bhyron Singh and the succession of Ummar Singh, have been submitted for the information of the Agent to the Governor-General.

2. Colonel Trevor now desires me to request the Meywar Darbar to consent to Rutton Singh's succession on condition that he reports his accession through the Superintendent of the Hilly Tracts as was done by the late Rao Ummar Singh in 1874. It is, however, at the same time to be understood that this will not affect the claims of the Darbar to the enforcement of a different procedure in cases of adoption and succession by adoption connected with the Jawas Estate. To enable the Agent to the Governor-General to come to a clear understanding on this subject in view to its determination, I am to ask the Darbar to be good enough to forward to me, on or before the 12th October next, a full statement of the Darbar's claims with the grounds on which they are based and supported by such evidence as the Darbar may wish to adduce.

I remain,

Yours sincerely,
(Signed) W. H. WYLLIE.

EXHIBIT IX.

TO HIS HIGHNESS MAHARANA FATEH SINGHJI BAHADUR, G.C.S.I.,
OF MEYWAR. OODEYPUR, 21st MAY, 1894.

MY ESTEEMED FRIEND,

With reference to the correspondence ending with Your Highness' letter of the 23rd April last, regarding the Jawas succession case, I beg to forward a Hindi letter received from Rutton Singh through the Officiating Political Superintendent, Hilly Tracts Meywar, reporting, for Your Highness' information, that Rawat Amar Singh of Jawas died on the 24th February, 1894, and that in virtue of his adoption he has succeeded to the Estate.

I shall be glad if Your Highness will kindly lose no time in acquainting me with your recognition of Rutton Singh as Rawat of Jawas, as the case has been pending some weeks and it is desirable to get it settled.

I take this opportunity of inviting Your Highness' attention to the concluding portion of my letter, dated 17th April last, and request you will be good enough to furnish me, at your early convenience, with the information therein asked for.

Yours sincerely,

W. H. WYLLIE.

EXHIBIT X.

TRANSLATION OF A MEMORANDUM DATED 8TH JUNE, 1894, FROM THE
OFFICER IN CHARGE MAHKAMA KHAS TO THE RESIDENT IN MEWAR.

On the death of Rawat Amar Singhji of Jawas, Ratan Singhji succeeded him without the sanction of His Highness the Maharana Sahib of Mewar whose objections to this succession are based on the following points :—

(1) The whole of Bhomat is in Mewar State. The land holders or Bhomias of the estates in Bhomat pay Chha anni (six annas in a rupee) out of their revenues to the Mewar Darbar. These Bhomias have rendered service to the State from the very beginning. They had few powers, the whole of the revenue from civil and criminal side was realised by them with the help of Mewar State officials. Out of this, 6 annas in a rupee was paid by them as tribute to the State and the remaining ten annas kept by them. After the restoration of peace in the country, the management of Bhomat was taken in hand, and agreements were taken from all the Thikanedars of Bhomat, a copy of the agreement, together with a copy of the representation submitted by some of the Bhomias as also of the Kharitas received from Colonel Alexander Spiers and His Excellency, on the subject, are enclosed herewith.

(2) You will find from these copies that these Bhomias are subject to the Mewar State. You are also aware of the State authority over them. Whenever the Bhils are out of control of the Bhomias or whenever there is any disorder in the Bhomat, the State sends its troops in order to maintain peace in the country which costs it thousands of rupees.

(3) In all criminal cases sanction of the Darbar is obtained by Bhomias—not only this but if the latter themselves commit any fault they are fined by the Darbar.

(4) In all succession cases final orders had to be passed by the Darbar. In cases of disregard of orders Military had to be sent and compliance sought for.

(5) Copy of the correspondence on the subject with the British officers is enclosed for corroboration of the facts mentioned above.

(6) For the reasons stated above, adoptions and successions among Bhomias must have the sanction of the Mewar Darbar.

EXHIBIT XI.

TRANSLATION OF A LETTER DATED 12TH APRIL, 1896, FROM THE OFFICER-IN-CHARGE, MAHKAMA KHAS, TO THE RESIDENT IN MEWAR.

AFTER COMPLIMENTS.

In reply to your letter No. 397, dated 9th February, 1895, regarding the question of jurisdiction of Mewar over Nenwara, Patiya and Sarvan, in which you have asked for document in support of the claim, I have to say as follows :—

(1) That all the Thikanas (estates) in the Bhumat tract are in every respect under the jurisdiction and surveillance of Mewar State. They pay Chha Ani (six annas in a rupee) of their revenue as tribute to the State. In this connection a memorandum No. 488, dated 8th June, 1894, was sent to you in the case of succession of Ratan Singhji to the Thikana on the death of Rawat Amarsinghji of Jawas, without the sanction of the Darbar—a copy of the said memo is again herewith enclosed. You have written in your letter under reference that the Thikanas in question were not under the vassalage of Mewar State up to the year 1838. This is not correct. You are well aware that prior to the year 1838 utter disorder reigned throughout the country owing to the ravages of Holkar, Scindia and Amir Khan Pindara and it was in those days that many of the said Thikanas made themselves independent of the Mewar State. At that time the Mewar Darbar had to ask for military help from the Government. The Thikana of Jura alone had been sequestered at the time because the Rewat of Jura could not produce the Bhils who had killed some privates of the Bombay Native Infantry. Subsequently, however, the estate was made over to the Mewar Darbar by the Government of India.

Lord Auckland in his Kharita, dated 22nd May, 1838, to the address of Maharana Sahib says that "the State of Joora which anciently acknowledged the supremacy of Odeypur is now again committed to the charge of Your Highness, as I am convinced that the happiness of the people, the prosperity of the country generally, and the repression of robbery and outrage will be best attained by the arrangement." In the year 1838, the Bhomias submitted a representation to the Political Agent, Mewar, in which they expressed a desire to have their estates placed under the Mewar Darbar, to render service to the Udeypur State and to have its police outposts in their territory just as was done by their ancestors. This request of theirs was accepted by the Government of India and was communicated to me by Colonel Alexander Spiers, Political Agent, Mewar, in his Kharita dated 7th July, 1838, a copy of which is also herewith attached. In the year 1836 the Idar Darbar claimed for the Sarvan Estate being placed under their surveillance. Colonel Spiers and Captain Outram investigated into the dispute, rejected the claim, and upheld the rights of the Mewar Darbar to the said estate. Against this decision the Idar Darbar filed an appeal to the Government of India in the year 1839, who ordered fresh enquiries being made into the matter. As a result of the enquiries the claim of the Mewar Darbar was admitted while that of the Idar Darbar was rejected. Since then all the police affairs concerning Sarvan Estate are dealt with by the officials of Koliari, a police station in the Mewar State.

In support of the above facts copies of two Parwanas, one issued to Thakur of Sarvan by Colonel Spiers on the 27th September, 1827, and the other by Captain Brookes, on 7th May, 1852, are herewith attached. Nenwara is about 20 miles distant from Odeypore City and is situate close to the State Police station in Barapal. There is another Bhumia of Singatwara near by. Both of these Bhomias are under the vassalage of Darbar and none of them has ever gone to Kherwara in order to have his cases decided there, nor has the Political Superintendent of Kherwara up to now interfered with such affairs. Patia is situate close to Balicha, a police station of the Mewar State. This police station handles all the cases pertaining to Patia.

The Bhil corps was raised in Sambat year 1841 for ten years, in accordance with the wishes of the Darbar, at a cost of Rs. 50,000/- per annum merely to help the Darbar and with a view to introduce a reform in the barbarous plundering nature of the Bhils. The agreement entered into by the State, in this connection, does not provide any term authorising the Political Superintendent of Kherwara to interfere within the territory of Bhumat in Mewar, nor does it carry an inference that the officer commanding the corps was to interfere with the Darbar's jurisdiction and to act independently in the matters relating to Bhomias and Grassias.

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You are fully aware of the fact that the Mewar Darbar are anxious to keep peace and order in Bhomat and they punish the offenders by sending their troops whenever there is a risk or accident there. The management of Bhomat costs the Mewar Darbar a sum of Rs. 1,25,735/- over and above its revenues. This, however, does not mean that the authority of the Darbar is to be weakened in the estates which have been under the surveillance of Mewar State from times immemorial. There are good many cases concerning Nenwara pending and the Superintendent desires that against the old practice these may not be heard by the Mewar State officials. But the said officer has no civil and criminal jurisdiction over the people of Bhomat. The agreement submitted by the Bhomias to the Darbar in May, 1838, is followed up to now, which will convince you that the Mewar Darbar have all powers of Sovereignty over Bhomat in administering the country and recovering Darbar dues from the Bhomias. The Bhomias and their people are in every respect under the surveillance of the Mewar Darbar. The financial year of the State commences from Sawan Bad 1. According to the local almanac the date of the said agreement is 14th May, 1838. In the time of the minority of His late Highness a list of arrears of revenue outstanding against the Bhomias was, on a requisition, forwarded to you in 1875. You have written to me about the names of Sarwan and Patia not being shown therein. The fact is that you required a list of the arrears outstanding against the Bhomias which the State Account Office was asked to supply.

This list was forwarded to you in the condition it was received from the said office. In spite of that there was no remark in the said list to the effect that the Bhomias and their people were in any way under the Political Superintendent.

You say in your letter under reply that the officer commanding the corps has a territory extending to 175 miles in length and 60 miles in breadth under him, but this fact is not verified from the records of the Darbar office nor is this really the case because Bhomat does not cover such a large area as stated by you. If Salumbar, Kuravar, Gogunda Jarol, Chanwand Thana, Prasad Khalsa villages and Pal Bhilan, etc., which are maintained by the State at a cost of Rs. 181,735/10 per annum, are also included, then the area of the whole territory might amount to what you have mentioned as being under the Officer Commanding. It is hoped that in view of the above circumstances and the rights and privileges of the Mewar Darbar and the fact that the Government have always been keeping the prosperity of the State in view, steps will be taken to prevent the officer commanding of the Mewar Bhil Corps from interfering into the affairs of Mewar Bhomat.

EXHIBIT XII.

TRANSLATION OF A LETTER, DATED 11TH AUGUST, 1897, FROM THE RESIDENT OF MEWAR, TO THE OFFICER IN CHARGE, MAHKAMA KHAS ODEYPUR.

AFTER COMPLIMENTS.

Please refer to the question of Mewar Darbar's jurisdiction over Nenwara, Sarwan and Patia connected with the office of Superintendent.

The A.G.G. Rajputana after a perusal of the old records has decided that the Thikanas in question have doubtless been under the surveillance of Mewar chiefs and that the Mewar Darbar have sole powers to deal with matters of these Thikanas independently, being also responsible for the peace and disorders therein. I am writing this because it is necessary to inform the Darbar of the above.

EXHIBIT XIII.

COPY OF A LETTER, No. 4036, DATED THE 11TH NOVEMBER, 1921, FROM THE RESIDENT IN MEWAR, UDAIPUR, TO THE MEHKAMA KHAS, MEWAR STATE, UDAIPUR.

In connection with the Jawas succession case the Government of India have considered the memorial submitted by Raghunath Singh and are of opinion that, before the case is decided, there should be a further enquiry into precedents among the Bhomat chiefships as regards certain points.

2. The questions which Government consider should be examined are the following :—

(i) Has there been any case among the Bhumat chiefs in which the blood brother of an adopted son has succeeded—

- (a) the adopted son, or
(b) the son of the adopted son ?

(ii) Has there been any case in which a man has succeeded—

- (a) Merely as the nominee of a chief (without adoption) or
(b) as the nominee (without adoption) of the predecessor of the last chief ?

(iii) Has there been any case in which the voice of the " Girassias, Jagirdars, Kamdars, Ahalkars officials and " Ryots " has been regarded as decisive ?

(iv) Has there been any case in which the right of widows has been recognised to nominate a successor of their deceased husband.

3. Raghunath Singh has been asked to produce any evidence he may desire to offer on these points, and I will send this to you for the Darbar's criticism when I receive it.

If the Darbar have any remarks to offer on the specific points raised, I shall be much obliged if I may receive them.

EXHIBIT XIV.

TRANSLATION OF LETTER, DATED MAGH SUD 8 SAMVAT, 1978, FROM THE OFFICER IN CHARGE, MAHKAMA KHAS MEWAR, TO THE RESIDENT OF MEWAR.

In reply to your letter, dated 11th November, 1921, and 31st December, 1921, respectively, I have to state that every case has its own merits and legal technicalities. It was only for the principles established by the Government of India that the succession of Raghunath Singh in place of Naubat Singh, was not objected to by the Darbar.

A perusal of the memorandum, dated 8th November, 1920, from Munshi Damodar Lal, will show that there are two parties, viz., Thana and Suberi families—in the case of succession to the Thikana of Jawas (1) Raghunath Singh and (2) Pane Singh, who belong respectively to the said two families are the two claimants in the case. The second family is quite close to the family of the deceased, while the first separated from it long before the separation of 8 or 9 generations of the second therefrom. The claim of Pane Singh owing to his being nearer to the family of the deceased and in view of the wishes of the widows being in his favour, has preference over the claim of Raghunath Singh. No arguments put forth by the latter have sufficient weight, while compared with the legal right of Pane Singh. These arguments have been fully contradicted in the memorandum referred to above.

The dispute about succession relating to Jawas which arose in the year 1874, has little similarity with the present case. Amar Singh succeeded Bheron Singh not only because the former was the brother of Bhim Singh or because he was nominated by the former Rao in his life time with the concurrence of minor Jagirdars under him, but his succession was sanctioned because the Rao had no other nearer relation to succeed him.

The nomination by the Rao and the wishes of the widows have no conclusive effect on the final decision of such cases, but the genealogical nearness to the deceased is given more weight in their disposal. The former no doubt helps in the selection of a rightful claimant where they are more than two and hold equal positions in the genealogical table.

There was a dispute between Chatar Singh, nephew of Thakur Dule Singh, deceased, and the Rana of Panarwa. The latter being desirous of making Umaria as a petty Jagir under him and to appoint his own brother to succeed the deceased, claimed for his authority to nominate a successor to the said Thakur Dule Singh. As, however, he failed to produce any evidence in support of his claim, the case was dismissed and there being no other relation in the deceased's family nearer than Thakur Chatar Singh, he was recognised as a rightful successor to the deceased. It was only to put more weight on the facts and arguments of the case that a mention was made in the findings of the aforesaid nomination by the Rao and the wishes of the widows expressed by them. Had there been any nearer

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relation to the deceased than Chatar Singh, the latter could not have been given preference over him. Chatar Singh's claims have been given preference to those of Panarwa. As regards the case of succession in Panarwa which came up in the year 1853, I write to say that after the death of Pratap Singh, Bhawani Singh, who held himself as successor of the deceased without the approval of the Mewar Darbar and got sword, etc., from Idar as a mark of surveillance having incurred the displeasure of the Mewar Darbar, was rejected to exist as such and the Darbar with the consultation of the then Political Superintendent, appointed Vijey Singh of Adivas the nearest relation to the deceased to succeed him—subsequently, however, owing to his misbehaviour and other political grounds, which it was necessary to take into consideration as one of the necessities of the time, Vijey Singh was deposed and Bhawani Singh retaken.

It will not be out of place to draw your attention to the fact that although the Darbar acted against the wishes of the political officers, but as the Darbar had full powers to control the affairs of the Thikana, there was no interference in the matter on their (Political officers) part. On the other hand military help was rendered by them in view of the rebellious attitude of Bijey Singh. Besides the officials sent by the Darbar in order to forfeit the Thikana of Adilias were also assisted. The Political officers have, in this case, clearly stated in their letters, copies already supplied to you, that the Mewar Darbar hold the right of an exclusive control over these Thikanas and can deal with them in the way the Darbar deem expedient.

I have therefore to request you to draw the attention of the Government of India to the fact that this case has been decided on its own merits, that the Darbar are fully authorised to use their discretion in the same and that they cannot understand how far it is proper for the Government to hear an appeal against Darbar's decision in such a case.

EXHIBIT XV.

SUCCESSIONS IN THE BHUMAT

1. In all cases of adoption or succession whether of a natural heir in the direct line or otherwise, a report will be made by the chiefship direct to the Darbar.
2. The Darbar on receipt of such report will consult Resident, and no orders will be passed until his concurrence has been obtained.
3. When the concurrence of the Political authorities has been obtained, the Darbar will be at liberty to communicate their decision direct to the Estate.

The ceremony of *Siro-pao* will not be attended by a Political officer unless specially invited by the Darbar.

16th October, 1923.

EXHIBIT XVI.

COPY OF A LETTER No 2291, DATED THE 13TH JULY, 1922, FROM THE RESIDENT IN MEWAR, TO THE MEHKAMA KHAS, MEWAR STATE, UDAIPUR.

I write to inform you that the Government of India after careful consideration of Raghunath Singh's memorial, see no reason to interfere with the decision of the Darbar in regard to the succession to the Jawas Gaddi Raghunath Singh has been informed accordingly.

EXHIBIT XVII.

NOTE OF CONVERSATION WITH THE RESIDENT.

His Highness has expressed that no new rules are necessary. The procedure followed recently in the Jawas case on the lines of Mr. Brookes' letter produced by himself should hold good.

Resident's reply :—

“If His Highness does not want them, the Resident is not particular about it, and will drop the matter of drawing up rules.”

Between the 16th October, 23rd,
and 5th November, 1923.

EXHIBIT XVIII.

COPY OF D.O. LETTER No. DATED THE 25TH MARCH, 1924, FROM THE MEH-KAMA KHAS MEWAR STATE, UDAIPUR, TO THE RESIDENT IN MEWAR UDAIPUR.

Regarding the rules in connection with succession and adoption in Bhumat.

Last year I verbally laid before Your goodself the Darbar's wishes in this matter, viz: that the Darbar wishes that such matters should be governed as laid down in Colonel Brookes' letter a copy of which was submitted in the Jawas case and that the Darbar further wishes that a new procedure is not required.

I understand that the matter was dropped.

I beg to inform your goodself that the Darbar hold the same view about this matter as verbally communicated by me last year.

(True copy.)

EXHIBIT XIX.

COPY OF D.O. LETTER No. 986, DATED THE 25/26TH MARCH, 1924, FROM THE RESIDENT IN MEWAR, TO THE MEHKAMA KHAS, MEWAR STATE, UDAIPUR.

SUCCESSIONS IN THE BHUMAT.

Please refer to your letter of 25th/28th March, 1924, written in continuation of our conversation of the morning. The Darbar's wishes in the matter and their opinion that there was no need to define the procedure were brought to the notice of the Agent to the Governor-General. He addressed the Government of India, telling them of the Darbar's opinion. The Government of India, however, decided on the procedure which I communicated to you on October 16th, 1923, and referred to again in my letter No. 4026, dated, the 5th November, 1923, and which is therefore the procedure that will be adopted in these cases in future, unless the Government of India alter their decision. It has not, however, been suggested to them that they should do so.

(True copy.)

EXHIBIT XX.

TRANSLATION OF A LETTER DATED 31ST MARCH, 1825, FROM THE OFFICER IN CHARGE MAHKAMA KHAS TO THE RESIDENT OF MEWAR.

I have received your D.O. letter No. 986, dated 25th March, 1924, regarding the succession question relating to Bhumat in which you say that "His Highness is of opinion that it is not necessary to adumbrate any rules on the subject." The attention of the Honourable the A.G.G. being drawn to the same, he communicated the views of His Highness to the Government of India. The latter have decided the adoption of the same ruling which was intimated by me on the 16th October, 1923. Cases of this nature will therefore be governed by the said rules in future unless the Government of India change their own decision.

In this connection I write to say that, P. Dharma Narayan while speaking personally to Mr. Wilkinson objected to the enforcement of the above rules. The latter then replied, "If His Highness does not agree the Resident does not insist, and the matter is dropped. . . . Adoption and succession cases in Bhumat are disposed of independently by the Mewar Darbar. You had been informed in details once about it, in connection with the adoption case of Jawas, and I am again writing this to you, reiterating that Bhumat belongs to Mewar Darbar who have every right over it from the very beginning The Mewar Bhil Corps was raised in 1840 (A.D.) and stationed in Bhumat for ten years in order to pacify that territory. From that time all the adoptions and successions in that area were carried out under orders of His Highness which fact has been supported throughout by

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the Political officers and Captain Brooke has clearly remarked in the case of adoption in Panarwa that the country belonged to the Mewar Darbar, that he was unable to interfere into the matter and always sought for the pleasure of His Highness who was at full liberty to administer the affairs of Panarwa."

It is therefore not understood what makes it necessary to have a ruling against the same which affects the rights and prestige of the Darbar. You will therefore kindly draw Government's attention to the above facts and have the new orders cancelled by adoption of the old procedure.

EXHIBIT XXI.

COPY OF A LETTER No. 1497, DATED THE 8TH JUNE, 1925, FROM THE RESIDENT IN MEWAR, UDAIPUR, TO THE MEHKAMA KHAS MEWAR STATE, UDAIPUR.

Please refer to the correspondence ending with Vernacular Khat No. 45, dated the 31st March, 1925, from the Mehkama Khas, Mewar, regarding the procedure to be observed in regard to the recognition of successions in Mewar Bhumat.

The Government of India regret that they are unable to accede to the Darbar's request for the cancellation of the rules regarding the recognition of successions in the Mewar Bhumat.

EXHIBIT XXII.

TRANSLATION OF A LETTER, DATED 24TH JULY, 1928, FROM THE OFFICER IN CHARGE, MAHKAMA KHAS, TO THE RESIDENT OF MEWAR.

I have received your D.O. letter, No. 1497, dated 8th June, 1925, with reference to this office letter No. 45, dated 31st March, 1925, regarding successions among the Thikanadars of Bhumat in Mewar, saying that "The Government of India regrets their inability to cancel the rules regarding successions in Bhumat territory in Mewar as desired by the Mewar Darbar."

In reply I write to say in continuation of this office letter No. 62, dated 11th March, 1926, as noted below :—

It is an admitted fact that Bhumat territory belongs to Mewar, that the Thikanadars thereof are in every respect under surveillance of the Mewar Darbar, and that all adoptions and successions among them were recognised after the approval of His Highness about which Captain Brookes clearly wrote to Mehta Sher Singh on the 1st and 28th April, and 13th June, 1853, in connection with the adoption case of Panarwa, as reproduced below :—

"I have no business to interfere with this case. The Darbar are at liberty to act as it may please them, as the country belongs to them, I am always desirous of seeking His Highness' pleasure. He may administer the affairs as he likes." All the adoption and successions have up to now been carried out with the approval of His Highness—a few instances of which are quoted below.

In the year 1852, on the death of Rana Pratap Singh of Panarwa, his widow adopted Bhawani Singh without the approval of the Mewar Darbar and got a turban procured from Idar tied to his head. On receiving information to that effect, the Darbar deposed Bhawani Singh and installed Badan Singh, son of Bijey Singh of Adivas to the Thikana of Panarwa. After some time, owing to his misbehaviour, Badan Singh was removed by the Darbar, and Bhawani Singh re-installed as Thikanadar of Panarwa.

The following Thikanadars in Bhumat were installed by order of the Mewar Darbar in various years—

	A.D.
Rawat Amar Singh in Jawas	1875
Chatar Singhji. Umaria	1884
Ratan Singhji Jawas	1894
Vijey Singhji Umaria	1897
Takht Singhji Jawas	1921
Himmat Singhji Panarwa	1923

The new ruling framed against the old established procedure by Mr. Wilkinson contains that—

“No orders should be issued unless the Resident agrees.”

As His Highness has been sanctioning all adoptions directly and independently up to now which fact is also verified in his communications by Captain Brookes, and the procedure has been continuously in vogue, a departure from the same simply weakens the prestige and authority of the Darbar. It is hoped that you will please consider the matter carefully.

While Mr. Wilkinson showed a draft of the said order to Dharam Narain in the first instance an objection was raised to it, the Resident will not insist, the case is being filled.” In face of the above facts it is not understood why steps have been taken in contravention of the same.

As stated above a Bhil corps was raised in 1840 A.D. to maintain peace and order in the Bhumat territory. Captain Brook, Colonel Spiers and Colonel Robinson have mentioned in their communications all about it as also about the Bhumat affairs being administered by the Mewar Darbar and services being rendered to the latter, by the Thikanadars as a mark of dependency.

The Government of India have always kept in view the welfare and prosperity of the State and preserved the establishment of rights and prerogatives of the Darbar. It is therefore hoped that in this case also you will kindly drawn Government of India's attention to maintain the old rights of the Mewar Darbar.

WANKANER STATE.

Some Bhayats (feudatories) of Wankaner State paid for a number of years “Pal” (or rent charge) to the Morvi State.

The Bhayats having stopped payment, Morvi sought the intervention of the Political Agent on the ground that Wankaner was bound to realize the payment from its Bhayats and to hand it over to Morvi. This obligation was repudiated by Wankaner, but the Political Agent refused to accept the repudiation unless Wankaner's freedom from liability in the matter was established by a decision in a political suit. Wankaner therefore brought the suit and it was finally decided by the Governor in Council in Political Appeal No. 8 of 1888-89. Relevant extracts from this judgment are quoted below:—

“Here the Pal was taken from Girassias of Kotharia continuously for 34 years. It seems to have been taken at an earlier period . . . It is said that Wankaner is not as a State, bound by this payment on the part of its Bhayats holding Kotharia, because it was not aware of it. The Assistant Political Agent has shown that it was aware of it in 1861. Exhibit

“But the same ambiguous nature of the payment which on one side goes to support a claim as of a legally possible and approvable due *reduces it on the other side to a right established by prescription merely against the group of persons who have habitually paid it.* Such payments would not and could not in themselves give to Morvi any fragment of sovereignty over the payers in derogation of the superiority held and exercised by their own chief of Wankaner.

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"As it is, we have the bare fact of payment. This constitutes in Morvi's favour a right against the persons, but one to be enforced by legal process seeing that any pretensions to sovereignty ever put forward by Morvi had been abandoned. *It is the Girassias who are liable, not the State.*"

"The only change necessary in the award of the Political Agent is to declare that the right of Morvi is one of an ordinary renter or charge holder against a group of proprietors and in case of default must be enforced accordingly."

Here we must clearly distinguish between Wankaner's alleged liability to make the payment in the event of its Bhayats not paying, and Wankaner's alleged obligation to realize the payment from the Bhayats and hand it over to Morvi. The judgment referred to above indubitably extinguishes the first liability, while in regard to the second it cannot be said that it definitely imposes any obligation on Wankaner.

Exhibit C.

It appears that after the judgment of 1889 the Bhayats of Wankaner paid to Pal and continued to do so up to 1912-13. At about this time it seems that there was again some trouble about the payment and Morvi again raked up the old question of Wankaner's obligation to realize the payment from its Bhayats and to hand it over to Morvi.

Exhibit B.

Wankaner repudiated this obligation. The question must then have been referred to the Political Agent and the controversy seems to have continued for about 12 years. The Diwan of Wankaner wrote to the Political Agent in a letter dated 28th October, 1925: ". . . it is not denied by the Morvi State that so long as there was no material question between the parties affecting the very question of liability this State did all that it could to help Morvi in the matter out of courtesy for a neighbouring State and out of respect for the advice of the Agency. This the State has not found possible now to do owing to Morvi's contumacy in refusing to take payment by giving receipts as per orders of Government and sleeping over its rights for many years, giving rise thereby to the question of limitation between the parties."

It may here be noted that there is apparently no agreement between the State of Wankaner and the Political Agency by which the two parties have engaged to execute each other's decrees.

Exhibit C.

One is surprised to find that the Political Agent, even after the judgment of 1889 and the Government Resolution of 1905, insisted that Wankaner should realize the payment from the Bhayats. The Secretary to the Political Agent wrote on the 29th June, 1926: "I am directed to inform you that the Honourable the Agent to the Governor-General, after careful consideration of present circumstances and the past history of the case, is constrained to request the Wankaner State *forthwith* to recover from the Girassias of Kotharia under Wankaner as much of the dues of the said Girassias to the Morvi Durbar as their pecuniary conditions will permit. The records of this case do not show that the Wankaner State has ever been absolved of all liability in the matter. Such absolution as has been granted is in respect only of the Durbar liabilities in default of payment by the Kotharia Girassias."

Exhibit C.

The Secretary to the Honourable the Agent to the Governor-General went on to write in the following terms:

"In the event of this political advice not being accepted by the Wankaner State the Honourable the Agent to the Governor-General does not agree that the next step is to leave the Morvi Durbar to sue the Kotharia Girassias in the Wankaner State Courts; such a procedure would in his opinion be opposed to all past practice and usage in this Agency and moreover be in direct contravention of the principles underlying the treaties and relations subsisting between the paramount power and the Indian States.

"The Honourable the Agent to the Governor-General has not considered and does not wish to consider beyond the opinion already given the consequences of the failure of Wankaner Durbar to comply with this request and he earnestly trusts that the need will not arise."

The Government once having taken the position that it took at the time of the judgment of 1889 and again in the year 1905, it is submitted that it was not open to the Political Agent to disregard the clear implications of that position.

The Government Resolution of 11th October, 1905, No. 6458, referred to above, says:—

“ In coming to a conclusion Government have carefully observed all the arguments put forward and have merely to observe that analogies based on the Civil Procedure Code must not be pressed too far in Political proceedings of this sort, in which all that Government can reasonably be asked to do is to give such advice as may be necessary from time to time to prevent the disregard of recognised rights. If often such advice does not go so far as His Highness the Thakor Sahib of Morvi may desire, it must be remembered that it is always open to him to have recourse to the Civil Courts of the Wankaner State to enforce payment of its dues.” Exhibit B.

It may be noted that the Agent to the Governor-General does not try to justify his order except on the ground that the Agency has intervened more than once between Morvi and Wankaner. On the contrary, he admits that his rights in this matter are not clearly defined.

It has been observed that there is no engagement between the State of Wankaner and the Agency by which the two may have agreed to execute each other's decrees.

Assuming there were such an engagement, there is no decree in this case for Wankaner to execute. The political suit of 1888-89 was a suit between the State of Wankaner and the State of Morvi. The Girassias of Kotharia were not and could not be a party to the suit for the simple reason that the Political Agent, though having jurisdiction to try suits between one State and another, has no jurisdiction to try suits between one State and the feudatories of another State. Therefore that part of the judgment which refers to the liability of the Bhayats is really in *obiter dictum* and hence unenforceable.

EXHIBIT A.

Judgment of the Government of Bombay in Council on an appeal from the Wankaner State against a decision of the Political Agent, Kathiawar, in Political Appeal No. 8 of 1888-89.

(To accompany Government Resolution No. 4961, dated 11th August, 1890.)

A good deal of bad and doubtful law is put forward very confidently in the appeal by Wankaner and in the rejoinder by Morvi in this case. It is not necessary to go into the points that have been rashly and erroneously taken. If the Pal (for such no doubt is the proper designation) taken by Morvi from the Girassias of Kotharia could not possibly have a legal origin, the levy of it could not according to the principles of municipal and National law be sanctioned by mere lapse of time. Lapse of time does not, *e.g.*, give legality to a public nuisance. Nor, it has been held, can prescription give validity to an alleged right which though long exercised could not have been created without violation of the terms of a statute. When, on the other hand, a legal origin or ratification was possible, such an origin is always presumed in favour of the right *prima facie* implied in long continued enjoyment. Such principles as these have but a qualified application when they are invoked as between State and State, or between one State and a subject or a group of subjects of another State, but in so far as they rest on the purely reasonable ground of the advantage of supporting what exists and discouraging endless

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disputes they may be applied to the relations even between independent States. The sound dues, for instance, had no other support than prescription. They were a transit duty levied without any ground but prescription, but still the maritime nations paid a large sum to redeem them.

2. Now as to *Pal* (a share), it appears that it is not intrinsically and essentially unlawful amongst the chiefs and petty States of Kathiawar. It has in fact been awarded in many cases by the Agency Courts. A *status quo* as between two such States, just as between two great kingdoms, becomes by its continuance a source of a corresponding *quasi* jural relation. There being no common superior law by which both are bound, no other basis can be found for their mutual relations except usage and reason seeking the common good (which indeed is the ultimate basis of all justice as a theory).

Here the *Pal* was taken from the Girassias of Kotharia continuously for 34 years. It seems to have been taken at an earlier period: there are indications of these, but even without that the doctrine applies of *proe sumitur retro*, etc. It is said that Wankaner is not, as a State, bound by this payment on the part of its Bhayats holding Kotharia, because it was not aware of it. The Assistant Political Agent has shown that Wankaner was aware of it in 1861.

This appears from a document obtained from the Agency archives which the Agent was quite at liberty to refer to, though the parties ought, no doubt, to have been allowed to argue on its effect. But accounts produced by Morvi show that *Pal* was paid at an early period anterior to the 34 years, and Wankaner, which relied on the entries to show that this payment was *Pal*, not *Jama*, could not claim that they should be rejected as worthless for any purpose of proof at all. The accounts appear in fact to have been as trustworthy as such documents in this country usually are. They strongly support what in itself is highly probable, that is, that Wankaner was in fact quite aware of the payments. It is impossible to say that the Political Agent's finding on that point is erroneous.

3. But the same ambiguous nature of the payment which on one side goes to support a claim as of legally possible and approvable due reduces it on the other side to a right established by prescription merely against the group of persons who have habitually paid it. Such payments would not and could not in themselves give to Morvi any fragment of sovereignty over the payers in derogation of the superiority held and exercised by their own Chief of Wankaner. If, indeed, it were clear that the levy had been made or the sums paid in the assertion or admission of a right of sovereignty or sums paid in the assertion or admission of a right of sovereignty or of overlordship, then of course the case might have been different. Wankaner might then have said the assumption of such rights was a mere usurpation never consciously submitted to. Morvi might have urged that a coercive power exercised *de facto* for so long had become a superiority *de jure*. As it is, we have the bare fact of payment. This constitutes in Morvi's favour a right against the persons, but one to be enforced by legal process seeing that any pretensions to sovereignty ever put forward by Morvi had been abandoned. It is the Girassias who are liable, not the State, though the State of Wankaner has been allowed to represent them in these irregular proceedings. The rights of the parties interested appear notwithstanding the irregularities of the procedure to have been effectually represented and thoroughly sifted. The only change necessary in the award of the Political Agent is to declare that the right of Morvi is one of an ordinary renter or charge-holder against a group of proprietors, and in case of default must be enforced accordingly.

25th July, 1890.

By order of the Governor in Council,

(Signed) W. LEE WARNER,

Secretary to Government.

EXHIBIT B.

No. 552 of 1925.

From The DEWAN, WANKANER STATE, WANKANER.

To C. L. COREFIELD, ESQUIRE, M.C., I.C.S., SECRETARY TO THE
HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL IN THE
STATES OF WESTERN INDIA, RAJKOT.WANKANER, HUZUR OFFICE,
Dated 28th October, 1925.SUBJECT: Pal or rent charge claimed by Morvi from the Girassias of Kotharia
under Wankaner.

SIR,

Referring to your No. R/96 of 13th July, 1925, on the subject noted above, I have the honour to state that the objections raised by the Bhayats of Kotharia are *prima facie* such as would require a judicial decision after hearing both sides, and as the position of the State in regard to the Pal or rent charge claim of Morvi against the said Bhayats is of a judicial authority having jurisdiction, I do not think I would be justified at this stage to enter into a discussion of those objections on merits or to express any opinion on it, more especially when the Morvi State has gone so far as to assert that the Bhayats' petition is the outcome of the State's inspiration.

2. It is an admitted fact that the Pal or rent charge is not a tribute or such other levy like Junagadh Jortalbi. It is also undisputed that there exists no treaty or engagement between the two States entered into through the Agency, whereby Wankaner agreed to pay or realize a sum and pay it to the other. There could again be no question of Hakpatrak inasmuch as the Rajasthanik Court had jurisdiction to settle questions of Hakks between Bhayats and their own Talukdar which has not been the case here. The only thing which then remains is whether there is any decree or order having the force of a decree obtained by the Morvi State holding Wankaner liable to pay a certain sum or to realize and pay it. This also is absent here as will be seen from the long and detailed letter of the Morvi State and hence before the Agency proceeds further in the matter the main question that arises is whether the Agency has any jurisdiction to pass any order in the matter.

3. I am fully aware of the fact that in old days when Morvi for the first time sought the assistance of the Agency regarding the Pal question what it had asserted was that Wankaner was liable to pay the amount on behalf of its Bhayats and it was on account of this assertion that Wankaner was obliged to bring a regular Political suit (No. 7 of 1884-85). The suit was decided in favour of Wankaner in the first Court but the Court of the Political Agent having taken a different view we had at last to approach the Government of Bombay who by their Resolution No. 4961 of 11th August, 1890, finally decided the matter as under:—

"This constitutes in Morvi's favour a right against the persons, but one to be enforced by legal process, seeing that any pretensions to sovereignty ever put forward by Morvi had been abandoned. *It is the Girassias who are liable, not the State*, though the State of Wankaner has been allowed to represent them in these regular proceedings. The rights of the parties interested appear, notwithstanding the irregularities of the procedure to have been effectually represented and thoroughly sifted. The only change necessary in the award of the Political Agent is to declare that the right of Morvi is one of an ordinary renter or charge holder against a group of proprietors and in case of default must be enforced accordingly." (The italics are mine.)

With the above decision of the Government of Bombay the liability of the Wankaner State to do anything in the matter ceased and with it the right of the Morvi State to invoke the assistance of the Agency came to an end for neither the Agency nor even the Rajasthanik Court had jurisdiction to deal with questions between a State and Bhayats of another State.

4. It is not necessary for me to remind you that the jurisdiction of the Agency to hear and decide Political Suits extends only to questions between a State and a State and so when Wankaner was absolved of all liability in the above matter:

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Government should have stopped there and said nothing about Morvi's right against the group of proprietors, leaving Morvi to have such recourse against them as it thought proper. The judgment expressing that opinion was an *obiter dicta*. However, taking that to be a declaration in favour of Morvi against the group of proprietors, the only course which remained for Morvi in case of default was to sue them in proper Courts for the enforcement of the declaratory decree.

5. For my above view I beg to invite your attention to Government Resolution No. 6458 of 11th October, 1905, which, though latest on the subject, the Morvi State has knowingly kept back in narrating the long history of the case. From paragraph 3 of the Resolution it will appear that after the said declaration by Government the remedy open to the Morvi State to enforce payment of its dues was to have recourse to the Courts of the Wankaner State. If leaving aside that course the Morvi State seeks the assistance of the Agency in a miscellaneous way what the Agency Courts could do would be to tender an advice. The words in the Resolution are:—

“ In coming to a conclusion Government have carefully observed all the arguments put forward and have merely to observe that analogies based on the Civil Procedure Code must not be pressed too far in Political proceedings of this sort, *in which all that Government can reasonably be asked to do is to give such advice as may be necessary from time to time to prevent the disregard of recognized rights. If often such advice does not go so far as His Highness the Thakoresaheb of Morvi may desire, it must be remembered that it is always open to him to have recourse to the Civil Courts of the Wankaner State to enforce payment of his dues.*”

6. It is not denied by the Morvi State that so long as there was no material question between the parties affecting the very question of liability, this State did all what it could to help Morvi in the matter out of courtesy for a neighbouring State and out of respect for the advice of the Agency. This the State has not found it possible now to do because of the Morvi State's contumacy in refusing to take payment by giving receipts as per orders of Government and sleeping over its rights for many years, giving rise thereby to the question of limitation between the parties. Courtesy to a State cannot be extended by the exercise of authority in a miscellaneous way by gagging the mouth of a party. If a State proceeds to give any assistance except by a due course of law, it is in duty bound to see that no injustice is done to any party. The proper course for the Morvi State was to come prepared before this State and meet the objections of the Bhayats. But instead of doing so it has approached the Agency and gone so far as to allege that the Bhayats are inspired to put forward these objections by the State. Under the circumstances this State has no other course but to refer the Morvi State to have a due recourse in Courts as decided by Government.

7. I have said above that with the decision of the Government nonsuited Wankaner there was no valid decree in favour of Morvi against Kotharia Bhayats. That part of the judgment was *obiter dicta* and without jurisdiction. Leaving aside these objections however I may say that it was only a declaratory decree, which is unenforceable in itself and a regular suit has to be brought to enforce payment as distinctly decided by Government. If the Morvi State does not want to approach our Courts and wishes the Agency to either execute the declaratory decree (though not allowed by law or proper procedure) or to pass another decree or order and to execute it, the Agency Courts are right welcome to do so within its own jurisdiction. There has hitherto been no reciprocal arrangement between the Agency and the full power Kathiawar States to execute each other's decrees. The remedy is to bring suits in proper Courts as suits on foreign judgment and this the Morvi State can do legally if necessary.

8. Under the circumstances what the Honourable the Agent to the Governor General has now to direct in this case is to ask the Morvi State to have recourse to the Wankaner Courts as decided by Government in 1905 and I hope that an order to that effect will soon be passed.

I have the honour to be Sir,

Your most obedient servant,

(Signed) DEVSHANKER J. DAVE,

Deewan Wankaner State.

EXHIBIT C.

No. R/96 OF 1926.

From CAPTAIN C. P. HANCOCK, M.C., SECRETARY TO THE HONOURABLE
THE AGENT TO THE GOVERNOR-GENERAL IN THE STATES OF
WESTERN INDIA, RAJKOT.

To The DEWAN, WANKANER STATE, WESTERN INDIA STATES AGENCY,
RAJKOT.

29th June, 1926.

SUBJECT: Payment of Pal or rent charge of Kotharia under Wankaner to Morvi.

Sir,

With reference to your letter No. 552 dated the 28th October, 1925, I am directed to inform you that the Honourable the Agent to the Governor-General, after careful consideration of present circumstances and the past history of the case, is constrained to request the Wankaner Darbar forthwith to recover from the Girassias of Kotharia under Wankaner as much of the dues of the said Girassias to the Morvi Darbar as their pecuniary conditions will permit. The records of this case do not show that the Wankaner State has ever been absolved of all liability in the matter. Such absolution as has been granted is in respect only of the Darbar's liability in default of payment by the Kotharia Girassias. The right of the Morvi Darbar to payment is recognized and of long standing and the Honourable the Agent of the Governor General can find nothing to merit a judicial enquiry at the present time or in the arguments of the Wankaner State read with past references any adequate reason why payment which was made up to 1912-13 should not be continued as heretofore. The validity of the orders of the Government of Bombay directing Morvi to approach the Wankaner Courts for relief was challenged by Morvi in Paragraph 2 of its representation dated the 17th April, 1906, to the Government of India. The latter recognising the usage, did not over-rule the Morvi Darbar's arguments but directed in respect of the prayer contained in Paragraph 11 of the representation that the instalment of Rs. 100/- might be increased to Rs. 200/- at the discretion of the Agent to the Governor, Kathiawar. Although the scope of the Agency intervention has not been specifically defined in this case by the orders of the Government of India, it is clear that the Agency has interfered more than once both on behalf of Morvi and Wankaner.

The Wankaner Darbar are therefore now requested to report to what extent the Girassias of Kotharia will be able to repay annually the arrears of payment since 1912-13.

2. In the event of this political advice not being accepted by the Wankaner State, the Honourable the Agent to the Governor-General does not agree that the next stage is to leave the Morvi Darbar to sue the Kotharia Girassias in the Wankaner State Courts; such a procedure would in his opinion be opposed to all past practice and usage in this agency and moreover would be in direct contravention of the principles underlying the Treaties and relations subsisting between the paramount power and the Indian States.

The Honourable the Agent to the Governor-General has not and does not wish to consider, beyond the opinion already given, the consequences of the failure of the Wankaner Darbar to comply with this request and he earnestly trusts that the need will not arise.

I have the honour to be Sir,

Your most obedient servant,

(Signed) C. P. HANCOCK, CAPTAIN,

Secretary to the Agent to the Governor-General.

MUDHOL STATE.

The State contends that there are no Kadim Inamdars in the State, and it may be added that in the cases that have been reviewed by Government, it has been held that the Inamdars, if Kadim, have waived their privileged position.

For a great deal more than a century, the custom has prevailed in the State that every succession to an Inam property has to be sanctioned by the Mudhol Darbar, which accords sanction on receipt of Nazarana, service commutation, etc. Where no special reasons for declaring an escheat have existed the State has invariably sanctioned adoptions on failure of heirs to Inam properties and has thereby perpetuated same. The Inamdars having in the past accepted the State's sovereignty over them cannot claim protection from the British Government to establish Kadim rights to their holdings, nor can Government interfere in their behalf.

The Mudhol territory was originally held as a Surinjam grant from the Bahamani Kings. Subsequently one of the Adil Shahi Kings conferred in 1681 by a Sanad, the territory of Mudhol as an absolute unencumbered grant to the ancestors of the present Ruler in perpetuity. The Sanad operated as an absolute demise of the grantor's interest in the territory, and as an extinction of every right and interest of all previous holders, if any, in the Mudhol territory. There are, therefore, no Kadim Inamdars, whose grants are more ancient than the grant of the State by the Bijapur Kings.

After the fall of the Bijapur Kings, the Moghul Emperor in 1686, confirmed Malojee Ghorpade in his possessions. This ancient holding continued to be enjoyed by the family till the advent of the British. Captain West while referring to the Chiefs of Mudhol and Beelghy says :—

“These two Chiefs hold their lands by grants of the Kings of Bijapur which have been respected by the Marathas.”

Mr. Chaplin while describing the principal Jagheerdars of the Mahomedan monarchies refers among others to the Chiefs of Mudhol and Beelghy in these words :—

“These old families which have survived so many revolutions have been left undiminished by us.”

The preamble of the Treaty of 1819 with Mudhol, acknowledges the State as “of old standing.”

Mudhol was never a grant of the Peshwas' Government and the theory of resumption and regrant by the Peshwa has no historical foundation. The basis of this theory would appear from the following extracts :—

(1) “The Peshwas' records at Poona show that, probably as is generally reported, to save himself from the imposition of Chouth on his jagheer, he (Malojee III), consented, in 1761, to serve with 250 horse. He failed, however, to act up to his agreement, and his estate was in consequence attached in 1766. It appears to have been restored to him in the following year as a Surinjam on the condition of his serving with 150 Horse.” (West's Memoir 1869, Edn. p. 157.)

(2) “Malojee Ghorpades' Jagheer of Mudhol is estimated at a lakh of rupees (but the amount is not accurately known, as it was in his possession before the rise of the Maratha Government or was never resumed) The Peshwa imposed on him the duty of serving with 150 horse, but it is understood that he never served with more than 75, and then received pay.” (West's Memoir 1869 Edn. p. clxxxviii.)

(3) “Details of the Surinjam Mahals with Malojee Raje Ghorpade.

“(1767—1768 A.D.)

“In all five Mahals are (with them) from ancient time. They were attached

this year by Government, which attachment is now released, and therefore the mesne profits, if any recovered during the attachment period, should be restored and the attachment released".

(Vad's Selections from Peshwas' Diaries Vol. I, p. 199.)

It is stated in quotation (1) above that Malojee, to save himself from the imposition of Chouth consented in 1761 to serve with 250 horse. Grant Duff says that "Chouth developed into a regular system of blackmail imposed by the Marathas upon districts under the Government of other powers which desired protection from plunder". (Grant Duff's History of the Marathas with introduction by S. M. Edwardes, 1921 Edn., Vol. I, p. 164). Therefore the reference that Chouth was levied from Mudhol establishes Mudhol's existence independently of the Peshwas despite the levy of the blackmail (Chouth), by dint of superior might.

In the latter part of quotation (1) above, it is stated that "Malojee failed to act up to his agreement, and his estate was in consequence attached in 1766. It appears to have been restored to him in the following year as a Surinjam on the condition of his serving with 150 horse." The extract from the Peshwas' diaries given in quotation (3) above, refers to this action of the Peshwas. The statement in the Peshwas' diary that "In all five Mahals are with them from ancient time," however establishes the fact that the Peshwas were not the grantors of those Mahals.

In quotation (2) above Mr. Elphinstone clearly implies that either Mudhol territory was in the possession of the Mudhol family from before the rise of the Maratha power or, if not, it was never resumed by that power. Nevertheless the Political Authorities, entirely ignoring Mr. Elphinstone's indubitable evidence that Mudhol was never resumed, have, on the slender basis of a temporary attachment, ventured the allegation in their reply to the State's Memorial that "Your claim to a specially privileged position cannot be maintained in view of the fact that your State was resumed by the Peshwa in 1766 and regranted to your ancestors." It is contended that this statement is not founded on historical facts.

Mudhol had rendered valuable services to the Peshwa and in return for the same received surinjam grants from the Peshwas which were entirely distinct from its own possessions. Mr. Forrest bears witness to this:—"For this and for other aid afforded subsequently he had a surinjam assigned him of Rs. 250,000 for the maintenance of 675 horse but which was resumed by the late Baji Rao." (Selections from the Despatches, etc., Marathas Series, edited by G. W. Forrest, 1885 Edn., Vol. I, p. 666.) Captain West also says:—"He had previously served the Peshwas, as the accounts for 1755 show that payments were made to him for the support of 250 horse, and he is said to have taken an active part in the operations, of which the Carnatic was the scene in the following years. Besides the above, the Mudhol Chief in 1778 received in surinjam the districts of Indee, Tambee, and Almella, yielding a revenue estimated at Rs. 173,900." (West's Memoir, 1869 Edn., p. 157.)

The Peshwa in all his important wars solicited the aid of the Mudhol horse, about which Rev. Gleig, in his Life of Major-General Munro, says:—"The Mudhol horse, though few, are esteemed the best in the Carnatic."

Further proof of this fact that the Mudhol State as constituted by the gift of the Bijapur Kings existed independently of the Peshwa would be found in the official seals used by it. These show that Mudhol acknowledged allegiance to the Adil Shahi Kings. This is in marked contrast with the inscription on the official seals used by the Peshwas' Jagheerders. These all denote their acknowledgment of the Peshwas' sovereignty over them.

It is thus clear that the Mudhol State proper, which was created in 1681 A.D., was not the creation of the Peshwa—as it could not be. It is also clear that the Peshwas had not, as is alleged, resumed this State in 1766, and certainly never regranted it. Attachment there probably was, followed, however, by a quick release.

On this subject of the true status of Mudhol further light will be thrown by an examination of the facts communicated in the "Maratha Proclamation" issued by Mr. Elphinstone in 1818. This provided as follows:—

"All wutun and Enam (hereditary lands), wurshasans (annual stipends) and all religious and charitable establishments will be protected and all religious sects will be tolerated and their customs maintained as far as is just and reasonable."

A (a) v.

This Maratha proclamation was intended for the surinjamdars of the Peshwas because the British had driven out Baji Rao, the last of the Peshwas, for his various acts of perfidy and violence, and his territory was also conquered. This proclamation prohibited the vassals and the adherents of Baji Rao, the Peshwa, from rendering any assistance whatsoever to him on penalty of forfeiture of holdings and death.

A reference to Article 10 of the Treaty with His Exalted Highness the Nizam will show that this protection under the proclamation was extended *only to the Peshwa's possessions* which were once ceded by the Nizam to the Peshwa in commutation of Chouth, and was subsequently restored by the British Government after the conquest of the Peshwas by them. It is contended by the Darbar that this protection under the proclamation is not applicable to territories not administered by the Peshwas.

This guarantee of protection was subsequently incorporated with the several Ruling Chiefs in the S.M.C. States. Article 6 of the Treaty of 1819 with Mudhol contains this guarantee. It includes a provision guaranteeing Inam villages and lands, etc., "in conformity to the *list* contained in the grant."

The list referred to relates to the sub-holders whose rights to lands, etc., were reserved by the Peshwa and recorded in a Tainat Zabta. Tainat Zabtās were prepared by the Peshwa's Government at Poona and showed the receipts of revenue from the territories assigned to each surinjamdar, the payment to each surinjamdar for the maintenance of horse, and his pay and allowance for services, and finally payments to sub-holders of Inam lands, etc., within the assigned territory, whose rights were reserved by the Peshwa's Government. The surplus or the deficit as shown by the account was dealt with by the Peshwa. This statement of account was called the Tainat Zabta and was made in respect of *all Peshwa's Surinjamdars* and are now available in the form of translations of the Peshwa's diaries. (Vad's Selections from the Satara Raja's and the Peshwa's Diaries, also West's Memoir, App. A to C.)

It has been contended and proved that Mudhol was not a grant of the Peshwas. If it were, the Mudhol Tainat Zabta would be available in the Peshwa's records. The fact is that the Peshwa's Daftars do not contain any Tainat Zabta of the Mudhol State, nor has there ever been any list attached to the Treaty with Mudhol for the simple reason that the sub-holders did not exist whose names could be incorporated in the list provided for by Article 6 of the Mudhol Treaty. The reference to the List in that Article occurs because of the simple fact that in consequence of the proceedings of 1812 a uniform formula was adopted by the British Government for incorporation in the Treaties of 1819. That Government did not at the moment pause to distinguish between one State and another.

A reference to the several Treaties with the S.M.C. States shows that such common formulæ have been used. This accounts for the occurrence in the Mudhol Treaty of provisions which in view of Mudhol's position have no application in that Treaty. There was no list attached to the Treaty and none has been produced during the past 100 years after the Treaty. The conclusion to be drawn is that Mudhol's sovereign rights were left untouched until the advent of the British. It follows that there are and can be no holdings in the State more ancient than the grant to the State and there are none to which protection under the proclamation of 1818 is afforded and is reiterated in Article 6 of the Treaty of 1819.

The State, therefore, is within its autonomous rights to define its relations with its own alienees. But Government, still proceeding upon an analogy, have acted as if Kadim Inamdars existed in the Mudhol State, and have thus interfered in the internal administration of the State. The result has been that Inamdars have been encouraged to approach the Political Authorities with applications and memorials contesting the State's right to adjudicate in their affairs.

Some of the cases showing the nature, character and extent of the interferences in the State's internal administration in relation to its alienees are appended.

Heirship Inquiry cases of the three Desais of

1. KULALI.
2. MUDDAPUR.
3. LOKAPUR.

These three prominent Desgats are within the Mudhol State and are held to be in sub-infeudation under the State by Government Resolutions.

I.—KULALI.

One Balappa, Desai of Kulali, died in 1878, leaving his son Venkatrao as the heir. The State held the customary heirship inquiry and levied Nazarana, service commutation and Wadhava (unauthorised increment), which were recovered according to the prevailing custom and with the approval of the Political Agent during the minority administration. This levy was paid by the Desai in 1881. The Desai subsequently appealed to the Political Agent on the ground that the State had no authority over him, he being a Kadim Inamdar, and claimed refund of the succession fee, etc., paid. The Political Agent held in 1888, that the Desai's adoptive grandfather had in 1828, in the absence of a direct heir to the Desgat (Desai's holdings), obtained the sanction of the Mudhol Darbar to an adoption in his family by paying the customary Nazarana, etc., that the then Desai had accepted the sub-infeudation of the Chief of Mudhol and that therefore the Desai could not be allowed to be independent of the State under some pretext or another. The Desai's petition was therefore dismissed by the Political Agent in 1888. Exhibit 1.
Exhibit 2

II.—MUDDAPUR.

One Donkappa Hanmappa, Desai of Muddapur, died in 1888. His son Hanmappa claimed to be recognised as the heir to the Desgat. The State after the customary heirship inquiry admitted Hanmappa's claim in 1907, and demanded the customary Nazarana, service commutation and Wadhava. The Desai contested the State's claim over him on the ground that he was a Kadim Inamdar, and applied to the Assistant Political Agent who decided in 1907, that the State was entitled to hold the heirship inquiry and levy Nazarana, etc. In support of this decision the Assistant Political Agent referred to a succession in the Desai's family in 1812, prior to the advent of the British, sanction to which was obtained from the Mudhol Darbar, on payment of Nazarana, etc. Against this order the Desai appealed to the Political Agent, who also rejected the appeal on the ground that in 1812, when the then Desai accepted the sub-infeudation under the Chief of Mudhol by paying Nazarana, etc., at the time of succession to his property, he ceased to be a Kadim Inamdar. The Desai then sent a Memorial to the Bombay Government who, in 1910, saw no reasons for interference in the orders of the Chief in respect of the levy of Nazarana and Wadhava. In regard to service commutation, however, Government held that as the succession took place in 1888, and the Chief accorded sanction in 1907, the recovery of arrears should be limited to the five years preceding the date of the Chief's order as Government thought that it would be a harsh measure to levy the charge with retrospective effect from the date of succession. In this decision the Government distinctly stated, that if the Desgat was ever a Kadim grant, it lost that character before the advent of the British rule (1812), and had never recovered it. Exhibit 3.
Exhibit 4.
Exhibit 5.
Exhibit 6.
Exhibit 7.

III.—LOKAPUR.

One Heballappa Desai of Lokapur died in 1881, leaving his son Venkatrao as heir. The State held the usual heirship inquiry, and in 1888 accorded sanction to the succession and demanded the customary Nazarana, Wadhava and service commutation. The Desai applied to the Assistant Political Agent to set aside the State's order. The Assistant Political Agent in 1892, decided in favour of the State. The Desai however, sent up a Memorial to the Government of Bombay. The Bombay Government in their Resolution No. 8143 of 1892, referred to the Government Resolution No. 927, of 1888, and decided that the claim of Mudhol to levy Nazarana on successions to the Lokapur Desgat rested upon the precedent of a previous payment. As regards service commutation Government saw no reasons to interfere in the State's decision, but as regards Wadhava claimed, it would not be admitted until the State proved that the Desai held lands in excess of his grant, and the extent of such excess was determined. The State accepted the favourable decisions of Government about Nazarana and Service commutation Exhibit 8.
Exhibit 9.
Exhibit 10.

A (a) v.

Exhibit 11.

but referred the question of Wadhava claimed back to Government on the ground that in 1879, rules had been framed by the Political Agent, who had authorised the levy of one-eighth of the Inam revenue as Wadhava in all cases of heirship inquiry and had directed that such amount should be kept in deposit until the excess in land over the grant was proved. The Government, however, rejected the State's claim to Wadhava for reasons previously given by them.

The Government have held in unequivocal terms in these three cases of Kulali, Lokapur and Muddapur, that these Desai's having accepted the sovereignty of Mudhol by the payment of Nazarana, etc., at each succession to their respective Desgats, are sub-infeudatories to the Mudhol State. It is contended by the Darbar that in view of Government's decisions in these three cases, these three Inamdars are estopped from contesting their status and that they should not be encouraged in making frivolous claims for preferential treatment.

LOKAPUR DESGAT CASE.

Exhibit 12.

In 1835 the Lokapur Desgat and the Mudhol Darbar submitted to arbitration on the question as to who was entitled to possess the Desgat lands to which both laid claim. The arbitrators decided that "the Desgat Wattan should be continued to the Desai and the remaining Taluka authority should be continued to the said Raja Ghorpade." The arbitrators, however, exceeded their jurisdiction inasmuch as they proceeded to determine certain matters not comprised in the submission, two of them being in relation to—

- (1) The lands held by Ramaji Govind ;
- (2) The proceeds of a Ferry at Chikkur

The decisions by the Arbitrators on these two last-mentioned points were without jurisdiction and consequently *ultra vires*. (Ghellabhai vs. Nandubai, I.L.R. 21, Bombay 335, p. 348. Strachey, J.)

CASE (1) OF 1875.

Exhibit 13.

In 1871 one Ramaji Govind, who held lands as Pargana Nokar (hereditary servant), died intestate and heirless. The State as the sovereign power exercised the right of escheat and temporarily granted the lands to a stranger for enjoyment in lieu of services to be rendered. The Desai claimed that the deceased was his sub-holder and therefore he was entitled to the lands on the basis of the Award of 1835. The Political Agent decided in favour of the State in 1875. The Desai sent a petition to the Bombay Government, who concurred in the opinion of the new Acting Political Agent and directed that the lands be entered in the name of the Desai. This decision, based as it is on an unauthorised finding in the Award of 1835, is erroneous in law.

Exhibit 14.

Exhibit 15.

CASE (2) OF 1905.

Exhibit 16.

In 1893 one Jiwanbhat in the village of Jalikatti Khurd died. The Desai of Lokapur claimed to hold the succession inquiry, and referred to the Award of 1835 in support of his claim. While deciding this case the Political Agent held in 1905 that—

- (1) The right to hold succession inquiries is a sovereign right and rests with the Darbar ;
- (2) That the Desai as a private individual has no jurisdiction to conduct succession inquiries, or, if he had, no authority to enforce his decisions ;
- (3) That the Desai held his Desgat Inam in subinfeudation under the Mudhol Darbar, and even if he held it from the British Government he accepted the former position when he took the benefit of the adoption sanctioned by the Mudhol Darbar in 1812. (The G.R. 927 of 27th February, 1888.)

Exhibit 17.

Exhibit 18.

Similar views were expressed by Colonel Parr in 1881, who said that in the case of Kadim Inamdars the heirship inquiry in respect of their alienations should be held by the State. Government Resolution 8143 of 1892 also ruled that the claim of the Mudhol State to levy Nazarana on certain successions to the Lokapur Desgat rested upon the relations of the sovereign of Mudhol to the holders of the alienations upon the precedent of a previous payment and on the principles laid down in G.R. 927 of 1888. Against

this decision the Lokapur Desai submitted a Memorial to the Government of Bombay, who rejected same. Agency No. 2133, dated 20th December, 1905, states the following in respect of the functionary value of the decision of the Panch in 1835 :—

Exhibit 19.
Exhibit 20.

“ The decision of the Panch in 1835 does not affect the question, which was not then at issue ; the matter before them for decision was whether the Mudhol Darbar or the then Desai was entitled to possess the Desgat lands to which both laid claim. The decision of the Panch was that ‘ the Desgat Watan should be continued to the Desai and the remaining Taluka authority should be continued to the said Raja Ghorpade.’ A perusal of the whole decision will show that both parties laid claim to the possession of the lands and the Panch decided between them on that issue.”

It will thus appear that the Government have thus recognised the force of the contention that the decision by the Panch on this matter in 1835 was beyond the scope of the submission and therefore of no value as bearing upon this question.

CASE (3) OF 1917.

In the Chikkur Ferry case between the Lokapur Desai and the Mudhol Darbar, the State in 1908 ordered that as the Chikkur Ferry was a public ferry under Ferry Act II of 1888 the Desai's share of the proceeds thereof should be credited to the Local Fund revenue. Against this order the Desai appealed in 1914 to the Assistant Political Agent on the grounds that the Award of 1835 upheld the justness of his claim. The Desai in 1915 sent a Memorial to the Assistant Political Agent to advise the Rajasaheb to cancel the order. The Assistant Political Agent under directions advised the Darbar to cancel the order and restore the rights to the Desai. Against this advice the Darbar submitted a Memorial in 1917 to the Bombay Government. The Political Agent under orders from the Government who rejected the Memorial referred to the relevant portions of the said Award.

Exhibit 21.
Exhibit 22.
Exhibit 23.
Exhibit 24.

In doing so it is submitted that the Government acted unjustly and erroneously, apparently in ignorance of their own resolution communicated to the State in 1905, as shown above.

Reading these three cases together the Darbar feel that the decisions of the Government are self-contradictory. But this may be treated as a not unusual human phenomenon. What the Darbar contends is that the Bombay Government, starting with a misconception of the rights of Mudhol as well as their own, have taken, through their Political Officers, action which was *ultra vires* of them and unnecessarily vexatious to Mudhol ; and that their interference had been exercised in behalf of people whom they were under no obligation to protect, people, too, whom they themselves subsequently held to be subject to Mudhol's sovereignty.

CASE No. 4.

The present Desai of Lokapur attained majority in 1903, when the State was under minority administration. The Assistant Political Agent directed the Administrator of Mudhol to hand over the Desgat lands to the Desai, subject to the condition that the Desai should not transfer by mortgage, sale, etc., any part of the immoveable property without the previous permission of the Mudhol State. This condition was imposed according to the usual practice prevailing in the State in respect of all Inam lands. The Desai contested the State's right to impose such a condition and referred the question back to the Assistant Political Agent on the ground that the mutual relations of the Lokapur Desgat and the Mudhol Darbar were defined in the Award of 1835, and the State was therefore not within its rights to impose this condition. The Assistant Political Agent in reply, stated that as it was in the interests of the Desgat that the whole property should remain intact, the condition imposed was justified, and suggested the imposition of the following conditions on the Desai :—

Exhibit 25.
Exhibit 26.
Exhibit 27.
Exhibit 28.

(1) That the Desai should not alienate or transfer by sale or otherwise any portion of the Desgat without the consent of the Mudhol State *and the Political Agent*.

(2) That he cannot encumber his estate with debts beyond his life-interest in it. The addition of the words “ and the Political Agent ” to the existing condition suggests that the Political authorities have a right to interfere in the State's rights over its own subjects—the alienees or Inamdars. It is contended that the introduction of the said phrase was unwarranted in the matter of the State's internal administration and in direct derogation of the State's rights in relation to its sub-infeudatories.

A (a) v.

It may be said that as the State was under minority administration at the time, and the British were in charge of the administration, the Political Agent may conceivably have thought it advisable not to give the Administrator an uncontrolled hand in the matter and therefore added the said phrase. If, however, this was the reason of the intention, it should have been so stated to avoid any future misunderstanding; because it has been the experience of ever so many States that such casual phrases inserted in consequence of special circumstances, are by succeeding Political Officers treated as substantial qualifications and interpreted to the detriment of the State's rights. This is how Political practice is built up and when built up, it creates a citadel which it becomes extremely difficult to demolish.

EXHIBIT 1.

KULALI DESGAT—HEIRSHIP ENQUIRY RE NAZARANA.

Javak No. 195/1888.

FROM THE ASSISTANT POLITICAL AGENT, PRANT KARNATAK.

The Petitioner, Vyankatrao Ballappa Desai, Mudhol State, is informed as follows :--

Against the order of the Political Agent, dated 29th February, 1887, disallowing his (petitioner's) claim to get the refund of Rs. 18,849/13/6 recovered from him by the Mudhol Darbar, as the amount of the Nazarana and other gifts to which he (petitioner) was held to be entitled by the Political Agent in 1884, in the inquiry instituted in the matter, of his claim to get his ancestors' estate, he had preferred an appeal petition to Government on 24th May, 1887, and another petition, dated 13th January, 1888, producing two original Sanads showing that his ancestors acquired the Desgat in Inam from the Bijapur Emperor before the Mudhol Jahagir was made a State. On these petitions the Government passed the Resolution No. 927, dated 7th February, 1888, in the Political Department, the purport of which is as follows :—

In the present case Nazarana was levied on the petitioner in 1881 at the time of registering his name as the holder of the Desgat, and it was recovered by the Mudhol State with the approval of the Political Agent. In the Government Resolution of 1885, it was casually remarked that the Jahagirdar should not levy Nazarana at the time of the transfer of a Kadim Inam, and the petitioner contends that his Inam of this class. But whether this Inam is Kadim or Jadid, if it is not held from the Mudhol State, it is held from the British Government, for all the rights of the Bijapur Emperor by whose Sanad this Desgat is held, have been acquired by the British Government which is the paramount power. It appears that in 1828 there was no proper heir to this Inam, and if this Inam being Kadim was a grant of the British Government, sanction for adoption at the time ought to have been obtained from the British Government. For in the case of service Inams, the adoption of an heir requires the Government's sanction (*vide W. and B.H.I.*, pages 1010 and 1208), or it was necessary to hold the estate in sub-infeudation of the Jahagirdar. The adoptive grand-father of the petitioner accepted the sub-infeudation of the Chief of Mudhol, and obtained the sanction of the Mudhol State for adoption by paying Rs. 5,000 to it. It is on account of this adoption alone, that the petitioner's father got the estate and the petitioner the right of heirship to it. If the Desgat had not been held under the Mudhol State, it would have been escheated long ago to the Paramount Power (British Government) as being without heir. The petitioner's father having got the Desgat on account of the right given to him by the Mudhol State, he cannot now be allowed to be independent of the State under some pretext or another. If any objection can be taken to the transaction effected between the Chief of Mudhol and the petitioner's family and the relations created between them, it is only the British Government who can do so. For it is deprived of the right of escheat by which it would have been profited.

2. But this is a matter between the Chief of Mudhol and the Government. The petitioner is enjoying the benefit of the adoption of 1828. He cannot rely upon the right which strikes at the very root of his rights made strong by the adoption. The petition is, therefore, dismissed.

Be it known to him.

Dated 20th April, 1888.

(Signed) (Unintelligible),
Assistant Political Agent,
Prant Karnatak.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 2.

MUDDAPUR DESGAT—HEIRSHIP INQUIRY.

ACCOMPANIMENT TO RAO SAHEB STATE KARBHARI'S REPORT VAJAI No. 355 of 15/3/1907.

From the report of the State Karbhari and his notes in English, his view is correct.

The Desai's Inam is of the class specified in Clause 2 of Rule 6 of the Varsa Inquiry Rules of 1879, in force in the State. Kulali Desgat Vatan and the Lockapur Desgat Vatan are instances in point. In the case of these Desgat Vatan the applicability of the Rules as to payment of Nazarana and the service commutation has been decided upon by the authority of the British Government; and it is difficult to understand why the Muddapur Desai should still raise the same old contentions that were so unsuccessfully but very strenuously urged by the Lokapur and the Kulali Desais.

The facts of this case are very simple. The Desai produced no Sanads. He simply alleges that he is a Kadim Inamdar to claim the benefit of rule 21 which would exempt him from the liability formulated by rules 7, 8 and 9. But the records of the State accompanying the Karbhari's report shows that this Desai's great-grand-father and grand-father in 1812 and in 1841 got themselves recognised as holders of this Vatan property by paying the customary Nazarana to the State and they were not instated in office of the Desai by the British Government. The father of the Desai the deceased Donkappa also came in by recognition of the State and not of the British Government. The very nature of the Desgat tenure which is simply an office of the District Officers, does not allow room for contending that is not a subordinate of the *de facto* present Ruler. If these officers were officers of the British Government and their services were lent to the State there would be distinct conditions between the State and the British Government, as to the terms upon which they should serve the State. But obviously these District Officers are the subordinate officers of the State and hence they pay the Judi to the State. The property reserved for remuneration of their services is as it must be at the disposal of the State as their pay would be, and it would go to the British Government only on abolition of the State itself.

But it is unnecessary to discuss this question with reference to these abstract principles. The language of the G Rs 927/1888 and 8143/1892 applies very accurately to this case. Assuming that this was Kadim Inam and that the escheat was in British Government, the escheat occurred before 1812 and since then the holders have enjoyed this tenure simply through the recognition of the State. The State brought the tenure into existence so far as the ancestors of the Desai were concerned and the present claimant who can only claim and does in fact claim through those ancestors cannot question the authority of the State to create the tenure of which the benefit he claims to enjoy.

A (a) v.

The decision of the Political Agent in 1890 relied on by the Desai is inconsistent with the principles enunciated in the G R Nos. 927/1888 and 8143/1892, the former of which was obviously not quite well comprehended by the Political Agent. The question before the Political Agent in 1890 had no bearing on the points now arising and without discussing the unsoundness of that decision which has ably been done by the Karbhari, it would be sufficient to observe that it has no bearing on the case.

I therefore declare Hanamappa Donkappa Desai to be the heir of Donkappa Hanamappa Desai imposing Nazarana of one year's income with service commutation at 15 per cent. and Wadhawa being $\frac{1}{4}$ of the Watan from the date of the deceased Donkappa Desai. Orders may be issued to make necessary transfer of name in the State accounts.

(Signed) M. GHORPADE,

Rajasaheb, Mudhol.

(True copy.)

K. B. NAUTMAR,

First Class Magistrate, Mudhol,

31st May, 1928.

EXHIBIT 3.

MUDDAPUR DESGAT—HEIRSHIP INQUIRY.

MUDDAPUR DESAI *vs.* MUDHOL STATE.

The main contention of the Desai against the payment of Nazarana and Service Commutation is based on his argument that the Desgat is Kadim to the Mudhol State. Even had this point been clearly established, of which I am by no means satisfied, the adoption of a boy to the Desgat in 1812, places the matter on the same footing as the dispute between the Mudhol State and Venkatrap Balappa Desai, decided by G.R. No. 927 of 7/2/1888.

The pleader on behalf of Mtheuddapur Desgat has endeavoured to show that the two cases are different in that the adoption of 1812 was of a boy of a collateral line, who would have succeeded naturally even without adoption and thus there would have been no escheat; it is difficult now to say whether this was really the case but even if it were the fact remaining that the then Desai accepted the Mudhol Darbar as giving the authority to sanction the adoption, the titles of the subsequent Desais including present applicant must be held to date from that adoption. If the argument of the applicant be accepted this adoption would have required the sanction of the British Government, and is therefore invalid. It follows therefore the decision of the G.R. of 7/2/88, and the petitioner cannot now rely on a right which by destroying its validity would sap the foundation of his own title.

Evidence has been produced by the State of the levy of Nazarana on the occasion of some successions, but not of all. The practice therefore does not seem to have followed any particular rule, but in 1879, certain rules were introduced and under these the Mudhol Darbar is within its rights in imposing Nazarana and service commutation on the Desgat, the holder of which undoubtedly comes under the head of District Officers liable to rendition of service to the State.

The minor details of the amount to be levied have not been fully argued before me, and I am not in a position to give any decision thereon, but on the general principles of State's right to the levy I see no ground for political interference.

Applicant to be informed.

(Signed) R. S. POTTINGER, MAJOR,

Assistant Political Agent, S.M.C.

KOLHAPUR.

7/11/07.

(True copy.)

K. B. NAUTMAR,

1st Class Magistrate, Mudhol.

31st May, 1928.

EXHIBIT 4.

MUDDAPUR DESGAT—HEIRSHIP INQUIRY.

There is no grounds for interfering with the orders of the A.P.A. declining to interfere with the decision of the Chief.

The case is exact on all fours with that dealt with in G.R. 927 of 7th February, 1888, and the same arguments apply. The adoption of applicant's ancestor in A.D. 1812 operated make the holding of the estate one of sub-infeudation under the Mudhol Chief.

Similarly the right of Mudhol to levy Nazarana and service commutation, is justified by the ruling of Government contained in G.R. 3143 of 21st December, 1892, and Nazarana is further leviable under rule 7 of the Rules for the investigation and adjudication of titles to alienation of public revenue.

Rule 21 of the rules does not apply as contended for the present title was created by the adoption of 1812, and the Inam ceased to be Kadim for the purposes of the rules.

G.R. 3697 of 12th June, 1890, does not help the applicant; it only has reference to the escheat on account of confiscation of certain Shetsanadi Inams to the estate from which they were originally carved out instead of to the suzerain State of Mudhol.

There is no contention before me as to Wadhava.

The application is rejected.

(Signed) W. B. FERRIS.

18/2/1908.

(True copy.)

K. B. NAUTMAR,

1st Class Magistrate, Mudhol.

31st May, 1928.

EXHIBIT 5.

MUDDAPUR DESGAT—HEIRSHIP INQUIRY.

No. 382 of 1910.

KOLHAPUR AND SOUTHERN MARATHRA COUNTRY POLITICAL AGENCY,
KOLHAPUR, 21st JANUARY, 1910.

MEMORANDUM :—

With reference to his memorial dated 20th July, 1908, to the address of Government in the matter of levy of Nazarana and service commutation by the Chief of Mudhol, Hanmappa Donkappa Desai of Muddapur in the Mudhol State is, under instructions from Government, informed that they see no ground for interference with the orders of the Chief of Mudhol in respect of the levy of Nazarana, and as regards service commutation, Government have decided that as the succession took place in 1888 and the Chief's final order was passed on the 22nd March, 1907, the recovery of the arrears should be limited to the five years preceding the date of the Chief's order. The Chief has been advised accordingly.

The ascertainment of unauthorised increments to the estate (wadhawa) is a matter which is within the Chief's jurisdiction, and in the absence of any proof of injustice, Government will not interfere with the Chief's proceedings.

(Signed) F. WODEHOUSE, MAJOR,

Political Agent, Kolhapur,
and Southern Marathra Country.

(True copy.)

K. B. NAUTMAR,

First Class Magistrate, Mudhol,

31st May, 1928.

EXHIBIT 6.

MUDDAPUR DESGAT—HEIRSHIP INQUIRY.

No. 1744 of 1910.

KOLHAPUR AND SOUTHERN MARATHRA COUNTRY POLITICAL AGENCY,
CAMP PANHALA, 13TH APRIL, 1910.

MEMORANDUM :—

With reference to his application dated 22nd March, 1910, to the address of Government, requesting to be supplied with a copy of the Government Resolution passed in the matter of the Muddapur Desgat in the Mudhol State, Hanmappa Donkappa Desai of Muddapur is informed under instructions from Government, that a copy of the said Government Resolution cannot be given, but that the undersigned is directed to communicate to the Desai, in continuation of this Office No. 382, of 21st January, 1910, the full purport of the said Resolution, which is as follows :—

Government find that the material issue for decision in this case is whether the Desgat estate held by the petitioner in the Mudhol Jahagir is Kadim or not. The petitioner contends that it originated in a Bijapur grant of date anterior to that of the grant of the Jahagir. This point is contested by the Chief of Mudhol and is held to be doubtful by the Political officers who have dealt with the case. This question is however immaterial, if the claim of the Chief that the title of the present holder dates from A.D. 1812, when it is alleged Basappa, great-grand-father of the petitioner, was adopted by Hanmappa under the sanction of Mudhol and a *Nazarana* was paid, is correct. In the opinion of the Governor in Council there can be no doubt that this allegation is correct. If at that time the grant had been *Kadim* the right of sanctioning adoption and receiving *Nazarana* would have vested in the Peshwa's Government, which was then the paramount power. The fact that the right was exercised by Mudhol, not by the the Peshwa, does not prove that the grant was not *Kadim*; for the Peshwa's administration was then in a state of confusion. It does however prove that the then holder regarded the Chief of Mudhol as his overlord and accepted him as such. It is urged on behalf of the petitioner that the case is to be distinguished from that decided by Government Resolution No. 927, dated the 7th February, 1888, inasmuch as in this case Basappa, who was adopted, was the natural heir, and would have succeeded without adoption, so that the adoption was not in fraud of the rights of the paramount power to escheat. Hanmappa was not however bound to adopt Basappa, who was a distant cousin, and it is not certain that the paramount power would have sanctioned Basappa's adoption or succession. The principle of the decision of 1888 does not apply to cases of possible escheat alone; it applies to all cases in which holders of *Kadim* grants forsake the paramount power and accept sub-infeudation under intermediate fief-holders. It is clear that Hanmappa accepted that position in 1812 and his successor in title cannot now be allowed to repudiate it. The case on behalf of Mudhol is further strengthened by the fact that on two of the three successions which have occurred since 1812, *Nazarana* was received by Mudhol. The petitioner contests the authority of the documents produced to prove these transactions, but his objections are groundless. Some of the most important of these documents were produced and proved by his predecessors in other proceedings. It is therefore established that even if this Desgat estate ever was a *Kadim* grant, it lost that character before the advent of British rule and has never recovered it. There is therefore no ground for the interference of Government with the orders of the Chief in respect of the levy of *Nazarana*.

Government find that when service is due to the Jahagir and is not rendered or has become unnecessary, the right of the Chief to levy a service commutation charge is incontestable. As, however, the succession took place in 1888, and the Chief's final order was passed on the 22nd March, 1907, it would be a harsh measure to levy the charge with retrospective effect from the date of succession. The Chief should be advised to limit the recovery of the arrears to the five years preceding the date of his order.

Government find that the ascertainment of unauthorised increments to the estate (Wadhava) is a matter which is within the Chief's jurisdiction, and in the absence of any proof of injustice the Governor in Council will not interfere with his proceedings.

2. The original Exhibits Nos. 1 (a to e), 2, 3 and 4P, received with the Desai's rejoinder, dated 9th June, 1909, are herewith returned to him as requested in his application to Government, dated 22nd March, 1910.

(Signed) F. W. WODEHOUSE, MAJOR,
*Political Agent, Kolhapur,
and Southern Marathra Country.*

No. 1746 of 1910.

KOLHAPUR AND SOUTHERN MARATHA COUNTRY POLITICAL AGENCY,
CAMP PANHALLA, 13TH APRIL, 1910.

Copy forwarded with compliments, to the Chief of Mudhol for information, with reference to correspondence ending with his letter No. 14, of 18th February, 1910.

(Signed) F. W. WODEHOUSE, MAJOR,
*Political Agent, Kolhapur,
and Southern Maratha Country.*

(True copy.)

K. B. NAUTMAR,
*First Class Magistrate, Mudhol,
31st May, 1928.*

EXHIBIT 7.

LOKAPUR DESGAT HEIRSHIP INQUIRY.

TO RAO SAHEB KARBHARI, ILAKHA, MUDHOL.

The Inam mentioned in the accompanying list and consisting of the whole of the five villages of Chikoor, Hebal, Junnur, Palkhanimanya and Jalikatti, of Chavrat lands (i.e., alienated lands in unalienated villages) and of cash allowance from the Mudhol Treasury, is entered in the name of the deceased Hebalappa Gopalappa Desai of Pargane Lokapur Mahal, under the heading "Pargana Nokar" (district hereditary officer). The said Desai died on 31st March, 1881. His son Venkatrao Hebalappa Desai, minor by his mother guardian Sabhava, widow of Hebalappa Desai, lays claim to it.

No original Sanad about the said Inam is produced. The Claimant has produced a copy. There appears no reason to consider about the genuineness of the said copy. An award about the dispute between the Mudhol State and the Desgat has been made in 1835 through the Political Officers. The claimant has produced a copy thereof, the original award is in the records of the State. That award has decided that the Inam now in question should be continued to the Desgat. Hence it deserves to be continued.

It is found out that the deceased Balava Desain paid Nazarana to the State at the time of the adoption of Hebalappa Desai and as the Inam is entered under the heading "Pargana Nokar" (district hereditary officer) it is clear that it is for service. The service is no longer required, hence it is proper that Nokari-aunsha (i.e., service commutation) according to the rules at the rate of 15 per cent. should be levied. Moreover, the custom of taking Nokari-aunsha and Nazarana at the time of heirship inquiry is in existence in this State and effect is given to it.

The aggregate amount of the entire Inam exclusive of the income of the Pot Inamdars in alienated village is shown in the list, and that amount is Rs. 12,156/14/3. Rs. 1,823/8/6 on account of the service commutation per year and one-eighth of the assessment settled at the time of the Survey Settlement on account of Wadhava on the Inam should be

A (a) v.

levied from the time of the death (of the deceased) according to the rules. After taking the amount of one year's income exclusive of Mamul Judi as Nazarana it is sanctioned that the name of the minor claimant Venkatrao Hebalappa Desai minor by his mother and guardian should be entered in the place of the deceased in the account books. Papers accompany.

Dated 15/10/1888.

(Signed) V. GHORPADE,
Chief of Mudhol.

Vajai No. 37 of 1888.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol.
31st May, 1928.

EXHIBIT 8.

LOKAPUR DESGAT HEIRSHIP INQUIRY.

YADI TO AZAM STATE KARBHARI, ILAKHA MUDHOL, FROM THE ASSISTANT POLITICAL AGENT, PRANT KARNATAK.

Your Chief, after holding an heirship enquiry after the death of late Hebalappa Desai, of Lokapur, finally decided that Nokari-aunsha (service commutation), Wadhava and Nazarana should be recovered from the Desgat. The manager of Lokapur made an application to this department (Political Department) against that order. Hence all papers relating to the case were called for from you. The case went up to the Political Agent and he has finally rejected all the claims of the Manager. A separate order (of the final decision) addressed to him is sent herewith. All the papers called for from you are also returned. The order should be communicated to him and a receipt for the same should be taken from him. All the papers should be kept with you. A reply to that effect should be sent. Be it known to you.

Dated 10th March, 1892.

(Signed) J. W. WRAY, MAJOR,
Assistant Political Agent.

(True translation.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol.
31st May, 1928.

EXHIBIT 9.

LOKAPUR DESGAT HEIRSHIP INQUIRY.

RESOLUTION No. 8143.

21st December, 1892.

The claim of Mudhol State to levy Nazarana on certain successions to the Lokapur Desgat rests upon the relations of the Sovereign of Mudhol to the holders of the alienations, upon the precedent of previous payment, and the principles laid down in Government Resolution No. 927, dated the 7th February, 1888.

2. The Commutation charge rests upon the general principles accepted by Government for the Southern Maratha Country and the considerations applicable to land held on service tenure from which service is no longer required. In neither of these cases is cause shown for interference of Government.

3.—The claim for Wadhava, however, requires further explanation before Government can approve of the orders passed. Apparently the Political Agent has accepted the facts as *prima facie* proved that the estate enjoyed by the holder of the Desgat exceeds the grant covered by title. But if such be the case, the State of Mudhol should prove his assertion before it is allowed to assume either that there is such an excess or that if excess is found to exist and is proved to be unjustified, mesne profits will be awarded. The Political Agent should furnish a copy of the order referred to, and state when the excess was discovered, and why the Mudhol authorities have not proved their claim.

(Signed) LEE WARNER,
Secretary to Government.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 10.

LOKAPUR DESGAT HEIRSHIP INQUIRY.

No. 3563 of 1893.

FROM LIEUT.-COLONEL F. M. HUNTER, G.B., C.S.I., POLITICAL AGENT, KOLHAPUR AND SOUTHERN MARATHA COUNTRY, TO RAO SAHEB VENKATRAO RAJE ALIAS BALASAHEB GHORPADE, CHIEF OF MUDHOL.

POLITICAL AGENT'S OFFICE,
KOLHAPUR,
23rd October, 1893.

SIR,

With reference to correspondence ending with your Karbhari's No. 187, dated 17th September, 1893, on the subject of Wadhava claimed by you from the Lokapur Desgat, I have the honour under instructions from Government to intimate that no claim need be made by the Mudhol State for Wadhava until it has been definitely ascertained that the Desai holds land in excess of his grant and the extent of the excess is determined.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) F. M. HUNTER, LIEUT.-COLONEL,
Political Agent,
Kolhapur and Southern Maratha Country.

No. 2003 of 1893.

ASSISTANT POLITICAL AGENT'S OFFICE,
BELGAUM,
25th October, 1893.

The State Karbhari of Mudhol is requested to hand over the accompanying communication separately to the Chief of Mudhol and the Manager of Lokapur, and report the date of delivery to this office.

(Signed) L. P. WALSH,
Acting Assistant Political Agent,
Southern Maratha Country.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 11.

JALIKATTI KHURD HEIRSHIP INQUIRY CASE.

No. 2133 of 1905.

FROM CAPTAIN R. S. POTTINGER, ASSISTANT POLITICAL AGENT, S. M. COUNTRY, TO THE CHIEF OF MUDHOL, ASSISTANT POLITICAL AGENT'S OFFICE CAMP LAXAMESHWAR, 20TH DECEMBER, 1905.

SIR,

With reference to the correspondence ending with your Karbhari's No. 454, dated 8th June, 1904, in connection with the claims of the Desai of Lokapur to hold succession enquiry consequent on the death of one Jivanbhat bin Trimbakbhatta, who held a Jat Inam land in Jalikatti Khurd an Inam village of the Lokapur Desgat. I have the honour under instructions from the Political Agent, Kolhapur and S. M. Country, to inform you as follows :—

2. The right to hold such enquiries is sovereign and *prima facie*, vests in the Darbar which has jurisdiction over the lands. The Desai is a mere land holder, and if he claims the right the onus is on him to show that it belongs to him by delegation, or by some other authority.

3. The decision of the Panch in 1835, does not affect the question which was not then at issue, the matter before them for decision was whether the Mudhol Darbar or the then Desai, was entitled to possess the Desgat lands to which both laid claim. The decision of the Panch was that "the Desgat Watan should be continued to the Desai and the remaining Taluka authority should be continued to the said Raja Ghorpade." A perusal of the whole decision will show that both parties laid claim to the possession of the lands and the Panch decided between them on that issue.

4. The "Inam" is "Jata," and in the absence of proof on the part of the Desai that it is "Jadid or the recent gift of one of the ancestors." It must be considered to be "Kadim" or more ancient than the Desgat itself.

5. In Government Resolution No. 927, dated 27th February, 1888, it was ruled that the Desgat was either a holding from the British Government or, alternatively was held in subinfeudation under the Mudhol Chief, and the Desai had accepted the latter position when he took the benefit of an adoption sanctioned by the Mudhol Chief in 1822.

6. The Desai as a private individual has no jurisdiction to conduct succession enquiries, or if he had, no authority to enforce his decisions. They must be conducted by the British Government, of the Mudhol State. The former relinquished its right when it decided not to enforce escheat in 1828, the latter therefore exercises the jurisdiction in the matter of alienations of revenue by its sub-feudatory the Desai, in right of its prerogative as overlord.

7. This view was held by the late Col. Parr, Political Agent, when on 25th June, 1881, he passed the decision that, in the case of the Kadim Dumaldars, the heirship enquiries in respect of their alienations should be held by the State.

8. Government Resolution 8143, dated 21st December, 1892, ruled that the claim of the Mudhol State to levy Nazarana on certain successions to the Lokapur Desgat vested upon the relations of the sovereign of Mudhol to the holders of the alienations, upon the precedent of a previous payment, and on the principles laid down in Government Resolution No. 927, dated 7th February, 1888.

9. Here there is no evidence of previous payment, but the principles enumerated in the last Resolution hold good as the alienation must be considered Kadim.

10. Government Resolution 5755 dated 11th September, 1885, relied on by the Desai does not affect the case. The question there was, to whom certain Desgat lands belonged. to the Desai or the Mudhol State, and the ruling was, that by the Panchayat's decision of 1836, they belonged to the Desai.

11. The Desai is a non-jurisdictional land holder of the Mudhol State, and the alienations are Kadim. The Darbar, therefore, is within its rights in conducting the succession enquiries.

12. The Desai of Lokapur has been separately informed of the orders passed by the Political Agent in this case.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) R. S. POTTINGER, CAPTAIN,
Assistant Political Agent,
S.M. Country.

(True copy.)

K. B. NAUTMAR,
1st Class Magistrate, Mudhol.
31st May, 1928.

EXHIBIT 12.

LOKAPUR DESGAT—ESCHEAT OF POT INAMDAR'S LANDS.

Javak No. 910/1875.

FROM MAJOR WESTROPPE, ASSISTANT POLITICAL AGENT, PRANT KAR,
NATAK AND KOLHAPUR, TO RAO BAHADUR, STATE KARBHARI,
MUDHOL.

This is to inform you that Meherban Hebalapa Desai of Pargana Lokapur, Mudhol State, having submitted a petition dated 18th January, 1875, to the Government of Bombay, in which he prayed to set aside the order of the Political Agent who, when moved against the order of the State Karbhari of Mudhol directing the entry of his (Desai's) five mars of land in the name of a stranger, informed him that his name would not be registered, an enquiry was held wherein Major Westroppe expressed an opinion that the Desai had good title to the said five mars of land with which the Acting Political Agent concurred, and finally the Government passed the Resolution, No. 5765, dated 11th September, 1875, in which it is stated that the Government agreeing with Colonel Schnider, think that the view expressed by Major Westroppe is correct and it accepts and confirms it. Hence this letter is written. Be it known to you.

Dated 30th September, 1875.

(Signed) G. R. C. WESTROPPE,
Assistant Political Agent.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 13.**JALIKATTI KHURD HEIRSHIP INQUIRY CASE.**

No. 4130 of 1906.

KOLHAPUR & S.M.C. POLITICAL AGENCY,
KOLHAPUR,

10th August, 1906.

MEMORANDUM :

With reference to his Memorial to the address of Government, dated 23rd March, 1906, against the decision of the Political Agent, Kolhapur and S.M.C., dated the 5th December, 1905, declining to interfere with the decision passed by the Chief of Mudhol in the matter of his claim to hold certain heirship inquiries and levy Nazarana, Meherban Venkatrao Heblappa, Desai of Lokapur under Mudhol, in informed, under instructions from Government, that on the merits His Excellency the Governor in Council finds no cause for differing from the Political Agent, who has given good reasons for the decision at which he has arrived.

(Signed) W. B. FERRIS, LIEUT.-COLONEL,
Political Agent, Kolhapur and Southern Maratha Country.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol.
31st May, 1928.

EXHIBIT 14.**LOKAPUR DESGAT—CHIKKUR FERRY CASE.****ORDER.**

The Desai of Lokapur herein claims a moiety of the profits of the ferry plying on the Ghataprabha river between Machaknoor and Chikoor villages. It appears from the State records that the Desai received the moiety from the Machaknoorkars till the year 1907-8, when it was temporarily withheld by Mr. Khandekar, the then State Karbhari, on the ground that the said profits properly belonged to the Local Funds. It also appears from the State records that before the introduction of the Local Funds and Public Ferry Acts in this State the proceeds from other ferries were collected and amalgamated with other revenues of the State while those of the ferry in question were equally shared by the Machaknoorkars and the Desai. The Local Funds system was established in this State in the year 1872-3 during the minority of the late Rajasaheb and the Public Ferry Act was brought into force in the same year. Since then the proceeds of other ferries are being credited to the Local Funds account and utilised for public purposes in virtue of these enactments. At this time the proceeds of the ferry in question ought to have been credited to the Local Funds account as a natural consequence along with those of other ferries, but it appears that through oversight or inadvertence it was not so done. But since 1872-3 this ferry along with the other ferries in the State have been declared and treated as a public ferry in accordance with the provisions of the Ferry Act II of 1868 and the revenues of all the ferries with the exception of the ferry in question (which was a sheer inadvertence) are being utilised towards public purposes such as maintaining ferries, roads, schools, dispensaries, etc., etc., in virtue of Section 16 of the said Ferry Act. Even the share of the profits which was formerly paid to the Machaknoorkars was transferred to the Local Funds account a couple of years before the present question had arisen. Thus it will be seen that all the proceeds from the ferries with the only exception now under consideration have been credited to the Local Funds account and utilised to the proper objects of the Local Funds. It is therefore just and proper that the proceeds now claimed by the Lokapur Desgat should go to the same Local Funds account.

The Desai of Lokapur mainly bases his claim on Clause 50 of the decision passed in the year 1846 but this clause does not help him in this case inasmuch as the decision does not affect the effects of the subsequent laws introduced in this State on the basis of British enactments. This is fully borne out by instances given below, wherein some of his dues are withheld by the State under the advice of the Political Authorities. For

example, the Desai used to receive his dues, under clauses 26, 27 and 32, of the very decision relied on by him, which were subsequently stopped by the State as advised by the Political Authorities (*vide* Javak Thalki No. 33, dated 18th January, 1886, from the Assistant Political Agent). Similarly steps have been taken to stop the payment of the items which he has been claiming under clauses 17, 23, 24, 28, 30 and 31 of the same decision. From these instances one can safely draw the conclusion that the clauses in the decision relied on by the Desai cannot be given effect to when they contravene any enactment or oppose the public interest. Besides these enactments now in force in this State, the interest of the Desai is not so much affected as that of the State. Because from the record it appears that the Desai has to forego his claim for a trifle of about Rs. 50 to 60 a year, while the State has to renounce its claim to the extent of about Rs. 1,500/- a year, by the introduction of the Local Funds and Ferry Act. Moreover, by crediting the proceeds of the ferry in question to the Local Fund account the Desai of Lokapur is benefited as a member of the public for whom the fund is intended to be utilised. By giving a share in the profit to the Desgat, the individual only will be enriched against the rights and interests of the public and the section 16 of the Ferry Act will thereby be contravened. Under these circumstances it is but reasonable in the interest of justice that the ferry in question should be treated as other ferries in the State and the proceeds thereof be credited to the Local Fund account for the use of public purposes. Hence we order that the Desai of Lokapur has no claim over the proceeds of the ferry in question but the public, and that the Desgat share of the profits should be credited to the Local Fund account as is done in cases of other ferries in the State and utilised for the purposes for which the Local Fund is intended.

MUDHOL.

(Signed) M. GHORPADE,
Rajasaheb of Mudhol.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 15.

LOKAPUR DESGAT—CHIKKUR FERRY CASE.

TO THE ASSISTANT POLITICAL AGENT, S. M. COUNTRY, FROM VENKATRAO HEBBALAPPA, DESAI OF LOKAPUR IN MUDHOL STATE, LOKAPUR, 7TH MARCH, 1914.

SIR,

I have the honour to place before you the following few lines for your kind consideration.

The present ferry boat plying in the river Ghataprabha near Chikur, one of my Inam villages, was built by joint expense of Machaknur and the Lokapur Desgat, on condition that the money levied thereby should be equally divided between both of us. This is a long standing custom. Before constructing the present ferry boat, there was a Tokera or a skin lined boat, and the money levied thereby was taken by the Desgat alone. Such being the history of the case, the Mudhol State has now stopped the payment of the ferry cess without any reason, which is justly due by the Machaknurkar, for the last five years, and thus unjustly thrown an unnecessary obstacle in my way.

I appealed against the decision of the State Karbhari of Mudhol in the matter, to His Highness the Chief of Mudhol by No. 9 dated 20th June, 1909, but though four years have passed still I have not got any decision from him. The custom was hundreds of years in force, but now it has been abruptly stopped, and the money is credited to the State treasury.

In A.D. 1835, under orders from the Bombay Government, a decision was passed by the Panchas in the dispute between the Desgat and the Mudhol State, in which this ferry cess or bab is plainly entered. Notwithstanding the decision, the Mudhol State now intends to estrange this right from me.

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I therefore request your Honour to advise the State to pass a decision to my appeal soon, and refund the arrears of the ferry cess taken by the Mudhol State during the last five years, and to pay the same annually hereafter.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) V. H. DESAI,

Desai of Lokapur.

(True copy.)

K. B. NAUTMAR,
1st Class Magistrate, Mudhol.
31st May, 1928.

EXHIBIT 16.

LOKAPUR DESGAT—CHIKKUR FERRY CASE.

No. 206 of 1916.

FROM MAJOR E. O'BRIEN, ASSISTANT POLITICAL AGENT, SOUTH MARATHA COUNTRY, TO MEHERBAN MALOJIRAO VENKATRAO, ALIAS NANASAHEB GHORPADE, CHIEF OF MUDHOL. ASSISTANT POLITICAL AGENT'S OFFICE, CAMP SHIRHATTI, 25TH FEBRUARY, 1916.

SIR,

I am directed to refer to the correspondence which ended with your Karbhari's letter No. 3444, dated the 5th July, 1916, regarding the application from Venkatrao Hebalappa Desai, of Lokapur, against your order that the proceeds of the ferry between Chikoor and Machaknoor should be credited to the Local Funds.

2. The main facts are not disputed. The Desai has contributed to the maintenance of the boat and has received half the ferry receipts up till the year 1908, when the State Authorities decided that the proceeds of the ferry should be credited to the Local Fund Account. It appears that the Public Ferries Act II, of 1868, was brought into force in the State in the year 1878, though no notification to this effect can be found on the State and the Political Agent's records. There is also no notification to be found declaring the Chikoor Machaknoor Ferry to be a Public Ferry under the Act. Unless, however, these notifications can be proved to exist your decision is wrong in law.

3. Even supposing these notifications to have been made I am of opinion that your decision cannot be supported in view of the fact that Government have not interfered in the Ferry rights of certain Inamdars of the Bijapur District occupying a similar position to that of the Desai, even when these Ferries have been declared to be public. These precedents can rightly be followed.

4. I am, therefore, to advise you to cancel your order, to restore the previous arrangement by which the Desai provided half the upkeep of the Ferry Boat and received half the proceeds of the Ferry, and to make the necessary adjustment in the accounts from the year 1908, the balance, if any, being paid to the Desai.

5. The action taken may be communicated to me.

6. The papers of the case are returned.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) E. O'BRIEN, MAJOR,

Assistant Political Agent.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol
31st May, 1928.

EXHIBIT 17.

LOKAPUR DESGAT—CHIKKUR FERRY CASE.

No. 4762 of 1917.

FROM LIEUT.-COLONEL F. W. WODEHOUSE, C.I.E., RESIDENT, KOLHAPUR, AND POLITICAL AGENT SOUTHERN MARATHA COUNTRY STATES, TO THE CHIEF OF MUDHOL, THE RESIDENCY, KOLHAPUR, AND S.M.C. STATES POLITICAL AGENCY, KOLHAPUR, 18TH OCTOBER, 1917.

SIR,

With reference to your letter No. 2 dated the 12th February, 1917, giving cover to a Memorial of even date to the address of Government in the matter of crediting the proceeds of the ferry between Chikkur and Machaknur to the Local Funds, I have the honour to inform you under instructions from Government that your application is time-barred, and can be rejected on that ground alone.

2. On the merits, Government find that you have no case. The matter was settled in 1835 by a Panchayat, whose award was adopted by the Political Agent in his decision on the claim of the Desainee of Lokapur, and the Political Agent's decision was confirmed by Government in 1846.

3. Moreover, Section 16 of the Bombay Ferries Act, 1868, could not empower the State to credit to the Local Funds more than what it actually received from the Ferry in question. The gross receipts of the ferry were subject to the deduction or the share of the Desai before being credited to the State Treasury. The amount to be paid to the Local Funds could not be more than the State credit since the Act could not operate to deprive the Desai of his vested interests.

4. For these reasons your application has been rejected by them.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) F. W. WODEHOUSE, LIEUT.-COLONEL,
Resident, Kolhapur, and Political Agent Southern Maratha
Country States.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol,
31st May, 1928.

EXHIBIT 18.

LOKAPUR DESGAT—RESTRICTIONS ON ALIENATIONS.

No. 561 of 1903.

FROM CAPTAIN J. W. B. MEREWETHER, ASSISTANT POLITICAL AGENT, S.M. COUNTRY, TO THE ADMINISTRATOR, MUDHOL, ASSISTANT POLITICAL AGENT'S OFFICE, BELGAUM, 16TH APRIL, 1903.

SIR,

I have the honour under instructions from the Political Agent, Kolhapur and S.M. Country, to request you to be good enough to entrust the Desai of Lokapur with the management of his estate, as he has completed 22 years, on condition that he should not alienate, mortgage, transfer or sell any of his immoveable property without the previous permission of the Mudhol State authorities, and to report the date of your having done so.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) W. MEREWETHER, CAPTAIN,
Assistant Political Agent S.M.C.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate,
31st May 1928

A (a) v.

1057 (xxi)

EXHIBIT 19.

LOKAPUR DESGAT—RESTRICTIONS ON ALIENATIONS.
BELOW ADMINISTRATOR'S OFFICE. No. 374, OF 20TH APRIL, 1903.

No. 6 of 1903.

Returned with compliments. I have this day received charge of my estate with the treasury balance, ornaments and all. I have already passed a receipt for the same. But as regards the conditions stated in your memo. which you showed me afterwards, I most humbly beg to state that I shall abide by the conditions contained in the decision already passed by the order of the Bombay Government with regard to the rights and relations of the Desgat to the Mudhol State. At present Desgat affairs have been conducted in pursuance of the same. I, therefore, request your Honour that I may not be urged to accept any more conditions as stated in your memo., other than those contained in the former decision. And further pray that your Honour will kindly place the matter before the Political Agent, Kolhapur and S.M. Country, for favourable consideration.

I have, etc.,

(Signed) V. H. DESAI,

Desai of Lokapur.

LOKAPUR,
20th April, 1903.

No. 389 of 1903.

ADMINISTRATOR'S OFFICE,
MUDHOL,
22nd April, 1903.

Forwarded to the Assistant Political Agent, S.M. Country, together with copy of this office No. 387, of 21st instant, to the Desai of Lokapur.

2. Under instructions contained in the Assistant Political Agent's Memo. No. 561, of 16th instant, the undersigned went to Lokapur to hand over the management of his estate to the Desai of Lokapur and Yadies of Desgat balance and jewellery, etc., were ordered to be prepared, but the Desai having declined to accept the conditions proposed in the Assistant Political Agent's memo, the undersigned has ordered the special Manager of the Lokapur Estate to continue the management under the Administrators guardianship as hithertofore. It was only through courtesy that the Desai's acceptance to the conditions was not taken before the Yadies, etc., were ordered to be made. The Desai now objects to the terms although there is nothing new in them. The Desai's contention that the new conditions should not be imposed on him is simply groundless, inasmuch as the said conditions are under the existing State Laws binding on him even if they are not expressly stated. The undersigned, therefore, begs to solicit orders in the matter.

(Signed) M. G. MHASKAR,

Administrator.

No. 629 of 1908.

ASSISTANT POLITICAL AGENT'S OFFICE,
BELGAUM,
28th April, 1903.

Returned with compliments.

2. A copy of the orders of the Bombay Government referred to by the Desai may be obtained and furnished to this office.

(Signed) W. MEREWETHER, CAPTAIN,

Assistant Political Agent, S.M.C.

To be returned.

No. 512 of 1903.

ADMINISTRATOR'S OFFICE,
MUDHOL,
20th May, 1903.

Returned with compliments.

2. The copy of the orders furnished by the Desai is herewith submitted.

3. The orders referred to by the Desai are not orders of the Bombay Government, but only an award made by the Panch and approved and confirmed by the Political Agent in the matter of some disputes between the Desai of Lokapur and the Mudhol State. The Desai has only furnished an extract from the Award. The undersigned has read the whole award from the State records. The award is silent about the conditions objected to by the Desai.

(Signed) M. G. MHASKAR,
Administrator.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate,
31st May, 1928.

EXHIBIT 20.

LOKAPUR DESGAT—RESTRICTIONS ON ALIENATIONS.

No. 979 of 1903.

FROM CAPTAIN J. W. B. MEREWETHER, ASSISTANT POLITICAL AGENT, S.M. COUNTRY, TO THE ADMINISTRATOR OF MUDHOL. ASSISTANT POLITICAL AGENT'S OFFICE, BELGAUM, DATED THE 25TH JUNE, 1903.

SIR,

With reference to your No. 389 dated the 22nd April last, I have the honour to state that as it is in the interests of the Desga that the whole property should remain intact the Political Agent, Kolhapur and S.M. Country, is of opinion that the following conditions may be imposed upon the Desai, i.e. :—

(1) That the Desai should not alienate or transfer by sale or otherwise any portion of the Desgat without the consent of the Mudhol State and the Political Agent.

(2) That he cannot encumber his estate with debts beyond his life-interest in it.

The Desai of Lokapur may be informed that similar conditions have been imposed in the cases of the Feudatory States under Kolhapur so that when he knows the fact he will, I trust, not hesitate to accept the aforesaid two conditions which are imposed solely for the benefit of the Desgat.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) W. MEREWETHER, CAPTAIN,
Assistant Political Agent, S.M. Country.

(True copy.)

K. B. NAUTMAR,
First Class Magistrate, Mudhol.
31st May, 1928.

A(a)vi.—Deposition of Rulers and compulsory modification of their Powers.

AUNDH STATE

EXPLANATORY NOTE.

The evidence in this memorandum is not tendered by the State of Aundh, but is brought to the attention of the Indian States Committee by the Standing Committee of the Chamber of Princes on behalf of themselves and those Rulers who are acting with them. In their view it throws valuable light on certain defects in the methods employed by Government in regard to firstly installing and then controlling a full-powered Ruler and secondly investigating and passing decisions upon questions regarding the suspension and deposition of a Ruler and the succession to the Gaddi of a deposed Ruler. The evidence gives rise to certain important criticisms of principle.

The Standing Committee feel it their duty to put all the material in their possession relating to this evidence before the Indian States Committee.

Appendix A is a memorial prepared by the ex-Chief of Aundh in 1920. Appendix B is the memorial to the Secretary of State dated 22nd October, 1909, by the younger brother of the ex-Chief. The Standing Committee have not been able to verify the facts personally, although most of those which raise questions of principle appear in or are corroborated by contemporaneous documents. And they desire particularly to make it plain to the Indian States Committee that they do not in any sense take a side as between the present Chief and the ex-chief or his brother and that they do not assume responsibility for any statement of fact not established by the documents exhibited.

SUMMARY.

The exhibits referred to in this summary of the case are attached to Appendix A. No references are made to Appendix B.

1. The facts are briefly as follows: Gopalkrishnarow known as Nanasaheb, who was Chief of Aundh but was deposed in 1909, was installed on the Gadi of Aundh in 1905 upon the death of his father. Succession in the State follows the rule of primogeniture. Nanasaheb was not on good terms with his late father's Karbhari, Mr. Jacob Bapuji Israel, whose services had been lent to the State by Government. This gentleman was originally a clerk in the office of the Collector of Satara. In the report made by Mr. Jacob to the Political Agent before the installation of Nanasaheb he had, unknown to the new chief, suggested that Nanasaheb's character and behaviour had been such that it was advisable to impose terms upon him, e.g., that the young Chief should be obliged to give an undertaking that he would not appoint or dismiss any Karbhari without the previous approval and sanction of Government. This report has never been supplied to Nanasaheb in spite of his repeated requests for a copy, although it is referred to by the Special Commissioners, who, as appears below, subsequently tried him. The Chief was installed subject to the condition that his Karbhari for the first five years shall be a person approved by the Political Agent (Exhibit No. 2 of Appendix A).

2. As a result of disputes and differences between Nanasaheb and his Karbhari the Political Agent heard from the Karbhari all kinds of allegations against Nanasaheb. The latter asked for his removal, but was refused and it is plain that there was serious friction between the two. (See Exhibits Nos. 3 and 4 of Appendix A and Government's reply No. 6.)

3. In 1906 Jacob Bapuji complained that Nanasaheb had "instigated one Piry Maung to murder him under pretext of committing a dacoity in his house."

4. Mr. Arthur, the Political Agent, reported the matter to the Bombay Government and a Special Commission was appointed to investigate the charges. The Senior Commissioner was a Revenue Officer, Mr. Logan, the Junior, a district judge, Mr. Kincaid.

5. The charges laid before the Commissioners were that the Chief had committed two definite and specific criminal offences: (1) murder; (2) dacoity. There were no general charges of maladministration or incompetence of the Chief. And the Chief had no reason to suppose that he was arraigned on any such general grounds. The Commissioners open

their long report by stating in terms that they had to try Nanasaheb for instigating (a) the murder; (b) the dacoity of his Karbhari. They state in the opening of their report that they are satisfied that both charges have been "substantially" proved. To this they give a direct contradiction in the concluding passages, where they clearly indicate that they do not believe that the evidence is enough to substantiate the more serious charge. Then follows the astonishing remark, after hinting at extenuating circumstances, that since the Chief's defence has been a bare plea of "Not Guilty," possibly he was not entitled to the benefit of any extenuating circumstances which might have been revealed in the course of the enquiry.

Even assuming the finding of the Commission such as it was to have been correct, all that can be said to have been definitely found against Nanasaheb was that he conspired with Piryā to frighten Jacob Bapuji into resigning. These are the words of the Commissioners:—

"We think that no worse motive than a desire to get rid of the Karbhari by some means or other need be imputed to him, and that even an abortive attack on the Karbhari's house would have satisfied him, provided it frightened that officer into resigning his appointment. No doubt the death of the Karbhari might have been a pleasure; but we do not think it was the whole or even the main object, so far as the Chief was concerned, and if Piryā's earlier version of what happened at the interview in the tent is true, the Chief never personally enjoined it and may not have known that Balka had done so."

6. The Balka referred to was the servant of the Chief. On the 15th December, 1906, the Political Agent had written a letter to the Chief informing him that a warrant of arrest had been issued against Balka and ending with this gratuitous pronouncement: "The fact of your most confidential private servant being a fugitive from the law is hardly likely to be favourably regarded by Government, and if he is not immediately produced, your reputation cannot but suffer thereby." The Chief protested against the allegation that Balka was his "most confidential private servant," and against the insinuation that he was aiding him in evading arrest.

7. These were the accusations and findings respectively brought before and made by the Commission. On the 16th September, 1907, the Government passed an order upon the Report which discloses two features of importance. Not only does the order treat the Commissioners as having given an unqualified verdict of guilty on the charges of instigating to murder and dacoity, which is a perversion of its language, but it contains a plain statement that the decision of the Government was not based only on the Report of the Commission, but also on a secret report by the Political Agent himself on the Chief's "unfitness to administer his State," a charge which not only had not been adjudicated on, nor investigated by the Commission, but had never even been brought before them. The Chief had never seen it; he had never been made acquainted with the charge; he was given no opportunity of meeting it.

Finally, it is plain that the order of the Government was not of deposition, but only of suspension for five years, with an implied intimation that if the Chief behaved well during that period his powers would be restored. This being the punishment it is at least open to doubt whether the Government really thought he was guilty of the crime of instigating murder. If they had, it is difficult to suppose that they could have treated an attempt by a Ruler to murder his Prime Minister with any less punishment than immediate and final deposition.

8. Nanasaheb rightly interpreted the Order as meaning that his punishment was limited to a suspension of his powers for five years and that he would be re-instated if his conduct in the meantime was entirely satisfactory. Such also was the view taken by Mr. Painter, Collector of Dharwar and Political Agent, who advised Nanasaheb not to appeal, but to behave in an exemplary manner during the period of five years' suspension. (See Memorial paragraph 28.) The ex-Chief accordingly did not appeal.

9. From 1907 to 1909 Nanasaheb lived at Dharwar as directed and the Collector reported on him favourably and Government expressed its approbation of his conduct. (See Memorial, paragraph 28.)

10. But on the 13th July, 1909, three years before the expiry of the five years' period of suspension, Nanasaheb was informed that upon "further consideration of the circumstances of his State," the Government had come to the conclusion that it would be contrary to the interests of the people of Aundh to allow you to return to power. They accordingly then and there deposed him.

11. The explanation of the conduct of Government is that Government had received reports against Nanasaheb from his enemies during the period of the suspension of his powers; but whatever the cause of their arbitrary decision in the teeth of their previous decision the fact is indisputable that the final order of deposition was passed against him without an opportunity being given to him to be heard in his defence. The principle that "No one shall be condemned unheard," was disregarded in Nanasaheb's case after the report of the Commission in 1907 in regard to the secret report of the Political Agent. It was again disregarded in 1909.

12. A further criticism upon the Commission proceedings of Government must be added. Shortly before the enquiry by the Commission the Chief was interned in Bombay while his accuser the Karbhari was allowed to be in charge of the State. He was thus free to "collect" and control the evidence which he thought necessary for the prosecution; a freedom which in the circumstances of personal enmity which prevailed was full of danger to the absent accused; whereas, the Chief was unable even to retain counsel he wanted for his defence as Government refused to sanction the amount necessary to meet their fees. (Exhibits No. 15 and No. 16.) The above two letters, Exhibits Nos. 8 and 9 are very instructive.

13. After the trial the ex-chief was interned in Dharwar and he was not allowed to stay in Bombay in spite of the serious illness of his wife who was there. But even if he was guilty it is to be noted that the punishment meted out was not limited to the convicted prisoner. His whole family were punished. His mother was exiled to Benares and was ordered not to leave Benares for more than 24 hours without the sanction of Government and Nanasaheb was not permitted to see her for 12 years and not even when she was on her deathbed.

14. In his stead after his deposition, Government installed his youngest uncle, Bala-saheb, thereby cutting off Nanasaheb's descendants, as well as his younger brother Bhan-saheb. Thus the whole of the issue of his father, involving the elder line of Aundh, was punished and debarred from succession, an exclusion which was contrary to the constitution of the State in which the strict rule of primogenitur obtained. (*Imperial Gazetteer*, pp. 113-115.) The following genealogical table shows the position.

15. After the final order of deposition of 13th July, 1909, Nanasaheb appealed concurrently to the Government of India and the Secretary of State direct to suspend the installation of his uncle pending the disposal of his appeals. His applications to the Secretary of State were returned to him on the ground that they should have been sent through the proper channel, on the other hand, it had become impossible for him to send his grievances through the proper channel. (Exhibit No. 33.) His communications are printed in the Exhibits No. 25, No. 26, No. 27, No. 28, No. 33, and No. 34.

Salient features of the above evidence:—

1. A Ruler *ex hypothesi* entitled by the constitution and law of his State to succeed to the Gaddi as of right was installed by the Government of India subject to the condition of taking a particular Kharbari imposed upon him as advised by the Government.

Criticism.—Such a condition cannot, it is submitted, be imposed upon a Ruler entitled to succeed as of right.

2. Government installed Nanasaheb on the Gadi of Aundh State "subject to the condition" that he should appoint a Karbhari who should be approved by the Political Agent (Exhibit No. 2).

This condition was imposed "after a full consideration of the report of the Political Agent and the Commissioner, Central Division."

3. The report of the Political Agent was based upon the secret report of Mr. Jacob Bapuji, the Karbhari, which is referred to by the Special Commissioners, but a copy of which was not supplied to the ex-Chief.

Criticisms.—The ex-Chief was entitled *de jure* to succeed in virtue of the constitutional law of his State and the Paramount Power had no right or power to impose any condition.

The fact that Government acted on a secret report not shown to the Chief is an aggravation of the wrong.

4. The order of 16th September, 1907, was passed by Government not merely upon the report of the Special Commissioners, who tried Nanasaheb, but also after perusing a report of the Political Agent as to the fitness of Nanasaheb to administer his State (Exhibit 22). The contents of the latter report were never made known to Nanasaheb.

Criticisms.—(a) The Paramount Power possesses no right to try any Ruler. If a Court of British India or England were asked to try him, he could as a Sovereign object to the jurisdiction. The immunity applies *a fortiori* to a Court appointed by the Government of India. Nothing can give jurisdiction except the consent of the accused. The Standing Committee do not know whether the ex-Chief gave his consent or not in the particular case; the criticism is one of principle only.

(b) The grounds stated in the Order of Suspension

(i) were not justified by what is known of the contents of the Report of the Commissioners;

(ii) included a wholly new ground on which the accused had not been charged, heard, or tried.

(c) To use the Political Agent's Report without communicating it to the Chief was a case of "secrecy" of the kind which the Princes feel has caused and is bound to cause distrust in the minds of their Order.

5. Nanasaheb was informed by the Order of 16th September, 1907, that he was deprived of his powers as a Ruling Chief, "subject to further report, after a period of five years as to your conduct during that period."

6. Before the expiry of the said period of five years he was by the Order of 13th July, 1909, finally deposed (Exhibit 24), although the Collector of Dharwar had reported favourably on him (Exhibit No. 23).

Criticisms.—(a) This seems to have been a breach of the plain terms of the Government's announcement in 1907—a breach of a kind calculated to undermine general confidence in such formal declarations of intention.

(b) Apparently the Chief's conduct had in fact been good; but if the Government were really alleging a breach by him of his "good conduct" condition, he was entitled as a right of elementary justice to be told what the charge was, given a chance of meeting it, and offered a trial.

7. Nanasaheb's appeals to the Secretary of State were returned on the ground that they were not forwarded through the "proper channel," whereas it had become impossible for him to go through the proper channel as his applications sent through the Political Agent was returned to him.

8. The Government in disregard of the rule of primogeniture followed in the State installed the youngest uncle of Nanasaheb, thus passing over the issue of the eldest branch represented by Nanasaheb's father as well as the issue of his uncle older than the uncle who was installed on the Gadi by Government.

Criticism.—The Paramount Power had no right to change the succession as provided for by the constitution of the State.

9. The punishment meted out to Nanasaheb was not confined to him only—his relatives were separated from him and his mother was exiled to Benares and compelled to reside 12 years in Benares till she died.

APPENDIX A.

MEMORIAL BY THE EX-CHIEF IN 1920.

STATEMENT OF FACTS.

The Pant Pratinidhi
of Aundh.

1. Aundh is a Native State under the Satara Collectorate in the Bombay Presidency. The Collector at Satara is also the Political Agent of Aundh and the continuance of the State is guaranteed by Treaty. (Aitchison's Treaties, Engagements and Sanads, Vol. VII, pp. 189 to 192). The Chief of Aundh is a Decanni Brahmin by caste, with the title of Pant Pratinidhi. The family is descended from Trimbak Krishna, and his son Parasharam Trimbak received the title of the Pratinidhi or Viceroy from Rajaram the son of the Great Shivaji in the year 1698 A.D. Since 1713 A.D. the office (of the Pratinidhi) became hereditary in the family. Aundh like the other States known as the "Satara Jahagirs" was once feudatory to the Raja of Satara, but became tributary of the British Government on the lapse of that State in 1849 A.D. The Chief of Aundh retains all this former rights and privileges and occupies in the Darbar a prominent seat among the Chiefs known as Satara and Southern Mahratta Chiefs. (See the Imperial Gazetteer, Vol. XXII, pp. 115, 215 and the Bombay Gazetteer, Satara Vol.).

2. Shrinivasrao Pantaheh the grandfather of the ex-chief of Aundh (now known as Nanasaheb) died in September, 1901, after ruling the State for more than 50 years. Shrinivasrao left behind him 3 sons, viz., Parasharamrao, *alias* Dadasaheb, Tatyasaheb and Balasaheb (Exhibit No. 1). After the demise of Shrinivasrao, Dadasaheb, the father of Nansaheb, succeeded to the Gadi of Aundh, in the year 1902 A.D. In 1905 A.D., Dadasaheb died after a short rule of only three years, leaving behind him two sons Nanasaheb and Bhausaheb. Nanasaheb being the eldest, succeeded his father Dadasaheb according to the law of primogeniture which prevails in the family (see the Imperial Gazetteer, Satara District pp. 113-115); and the formal ceremony of his installation took place on the 3rd of November 1905 at the hands of the Political Agent, Mr. S. R. Arthur, I.C.S.

Family history.

The law of Primogeniture

3. One Mr. Jacob Bapuji had been appointed as the Karbhari (or Divan) of Aundh State by the Government soon after Shrinivasrao Pant Saheb's death. This Mr. Jacob Bapuji had been Chitnis to the Collector of Satara before he was appointed the Karbhari, and at that time Nanasaheb's father Dadasaheb, Nanasaheb himself and even his mother were on terms of friendship with Mr. Jacob Bapuji. Dadasaheb had intimated a desire to have Mr. Jacob as Karbhari of Aundh State; and according to that desire immediately after the demise of Shrinivasrao Pantaheh in 1901 he (Jacob) was appointed the Karbhari of Aundh. Dadasaheb after his installation retained the services of Jacob with the sanction of Government. For nearly one year after Dadasaheb's installation the relations of Jacob, Nanasaheb and his mother continued to be friendly.

Jacob Bapuji the Karbhari.

4. Nanasaheb had been invested with civil, criminal and revenue powers by his father Dadasaheb with a view that he should get some experience in those matters. But Jacob did not like the arrangement since he was entrusted with the full management of the State. He began to interfere both in the State and private matters (of Dadasaheb) more than was allowable to him. Dadasaheb was a very good-natured man and so, in order not to wound the feelings of Jacob, he allowed him to do whatever he liked. Naturally therefore neither Nanasaheb nor his mother liked that Jacob should exercise undue influence over Dadasaheb, and consequently the relations between Jacob and the members of Dadasaheb's family became strained. This was one of the reasons why Nanasaheb thought it desirable to leave the State and stay in Poona. Soon after, his mother also had to leave Aundh when Jacob's conduct towards her became very insolent.

Jacob's hostile attitude to Nanasaheb at the time of his (Nanasaheb's) father's

5. When these two prominent members of Dadasaheb's family left Aundh Jacob found it very easy to do whatever he liked. He began practically to exercise the powers of the Chief, and when Nanasaheb and his mother complained about Jacob's conduct to the Political Agent Jacob made all sorts of allegations to him against them and poisoned his mind. Under these circumstances the subordinate officers of the State looked upon Jacob as the most powerful British officer ruling the State, whom they thought, they were bound to obey in every trifling affair, in order to make their position safe. When Dadasaheb's brothers Tatyasaheb and Balasaheb also saw that they could get anything from the State if they flattered Jacob, they began to come to Aundh from Satara every now and then and tried to win Jacob's favour. They (Balasaheb, Tatyasaheb and their mother) had been staying at Satara as their relations with Dadasaheb and his family were not good since Shrinivasrao's time, and they had left the State after Dadasaheb's installation. Thus in every possible way Jacob's position in the State became even superior to that of the Chief, Dadasaheb.

Balasaheb on the scene.

6. In 1905 Dadasaheb fell ill with paralysis and within a few months he died. On the following day the Karbhari, Mr. Jacob Bapuji, reported that fact of Dadasaheb's death to the Political Agent, Mr. S. R. Arthur, I.C.S., and at the same time communicated his (Jacob's) opinion as to the competence and fitness of Nanasaheb for assuming the management of the State. (A reference of this report of Jacob's has been made in the report of the Aundh Commission and though Nanasaheb applied for it several times, he never got it). Mr. Arthur supported Mr. Jacob. In spite of the ill-feeling that existed between Jacob and Nanasaheb, Jacob could not deny his *prima facie* rights. He (Jacob) at once saw that Nanasaheb would never remain under his thumb and so, he suggested in his report that Nanasaheb should not be given full and uncontrolled powers of management except under proper safeguard against mal-administration. In this report Jacob made insinuations regarding Nanasaheb's moral character, and stated, as an objection, "though he knows Marathi well, his knowledge of English is very limited and he has no experience." A passage of a particularly libellous character has been quoted in the report of the Aundh commission at page 2. Having made such a report secretly, he came to Nana-

Death of Dadasaheb and Jacob's Secret report against Nanasaheb.

A (a) vi.

saheb, who had now come to Aundh, and requested him that now it was better for them to behave like friends. He promised Nanasaheb that he would behave loyally towards him and entreated him to retain his services if Nanasaheb succeeded his father. He also told Nanasaheb that he had made a favourable report about him to the Political Agent. So, Nanasaheb consented to retain the services of Jacob thinking that he (Jacob) had experience and so, it was better to have Jacob as Karbhari for some time at least. Jacob thought that Nanasaheb would not be given full powers and as Nanasaheb had promised to keep him as Karbhari, Nanasaheb would be required to administer his State in consultation with Jacob and naturally he would have an upper hand in the State as he had under Dadasaheb's regime.

Jacob the virtual ruler of Aundh.

7. Nanasaheb somehow or other learnt about this secret report of Jacob and he also was informed by his friends that his uncle Balasaheb, who had been unsuccessful in getting the Gadi at the time of Dadasaheb's succession, was now trying for it again. Balasaheb also had learnt that Jacob had not made a favourable report about Nanasaheb and so, he thought that he had better chances now of succeeding to the Gadi than he had had at Dadasaheb's time. Balasaheb, therefore, went to Poona, to see the high officials there. Nanasaheb also, soon after he received the above-mentioned information, left Aundh for Poona. There he learnt that in spite of the efforts of his enemies Government were pleased to recognise his claims to the Gadi. In the personal interview with the Political Secretary Mr. Edgerley he was told that the Government would soon instal him on the Gadi. Mr. Edgerley at the same time advised Nanasaheb to keep Jacob as Karbhari, even though they were not on good terms, as he had previous experience.

Nanasaheb invested with powers in spite of Jacob's and Balasaheb's misrepresentation.

8. Nanasaheb then came to Satara and soon he received the order of Government stating that he was invested with full powers of the State, the only condition imposed upon him being that he would not appoint for the first five years of his rule a Karbhari, unless his appointment was approved by the Political Agent. (A similar condition had been imposed on Nanasaheb's father Dadasaheb when he had been installed but the period had been limited to two years. (Exhibit No. 2.) This was of course the result of the secret report of Jacob made to the Political Agent. After the receipt of this order Nanasaheb left Satara for Aundh for his installation ceremony. Nanasaheb was formerly installed by the Political Agent, Mr. S. R. Arthur, I.C.S., on the 3rd of November, 1905, at Aundh.

Nanasaheb mostly away from Aundh during his short rule.

9. As there was plague at Aundh Nanasaheb did not stay there for more than a few days. He went to Kinhai, a village of the State about 11 miles from Aundh, with his wife, brother and mother. During his short rule of 13 months he stayed mostly at Kinhai, and visited Aundh only once. Sometimes the Karbhari was also there with his staff.

Jacob's insolent behaviour, and Nanasaheb's request to P. A. for his removal.

10. Nanasaheb thought as Government had recognised his succession and invested him with full powers of the State, Mr. Jacob would mend his conduct towards him and would not give him any ground for complaint, especially because Mr. Jacob had promised to behave loyally towards him. But he did not mend his ways, and did not keep his promise. He began to behave very insolently and in an ungentlemanly manner. He was therefore obliged to make a complaint orally to the Political Agent about Jacob's conduct. But the Political Agent, Mr. Arthur (who was favourably inclined towards Jacob and whose mind Jacob had poisoned by telling tales about Nanasaheb's conduct and incapacity to rule) always asked Nanasaheb to get on with Jacob for some months more.

Nanasaheb was then compelled to send the Political Agent the note dated 4th April, 1906 (Exhibit 3), in which he again demanded the removal of this obnoxious man. The following are extracts from this letter: "It seems clear to me that the Karbhari is bent upon carrying matters to a crisis . . . It seems clear that what he wants is that the Chief must act as a tool in his hands. The due respect which ought to be shown to superiors he never does. In good administration it is impossible to do without strict discipline and obedience. Mr. Jacob Bapuji seems to be very much in want of these qualities."

"The dafterdar, who is working in the State since the time of my grandfather, has requested me either to change him to any other post, not directly subordinate to the Karbhari, or to allow him to retire, because he was insultingly reprimanded in an affair of minor importance."

"In order to be acquainted with the affairs of the State, I had asked the Karbhari to send me all the Prakarnas (correspondence) including even those which were to be disposed of by him; but now he has discontinued the practice"

"Besides, now he has taken to find faults with me and communicate them to you, instead of bringing them to my notice. Under these circumstances, it is impossible to work with such an officer—the most important in the State. I hope, therefore, that you will kindly request Government to take his services back and not to impose on me an officer whom I do not like and in whom I have no confidence."

This letter failed to elicit even a reply from Mr. Arthur. Jacob began to make all the subordinate officers believe that he was practically an administrator and the Chief, Nanasaheb, was bound to abide by his advice. The effect of Jacob's allegations against Nanasaheb weighed much on the mind of the Political Agent, who supported all the actions of Jacob, thinking that they were advantageous to the State, while whatever Nanasaheb did was thought to be damnable.

11. Since the new Chief's (Nanasaheb's) installation, Jacob was almost convinced that it was not possible for him to keep Nanasaheb under his thumb. While Nanasaheb at the same time tried to keep Jacob in proper check, this gave an additional cause for the Karbhari to hate the Chief. Ill-feeling between the Karbhari and the Chief began to smoulder and the disagreement between them arose from the Annual Report on the question of the debt to the State. On enquiry Nanasaheb had found that the State treasury was empty and the debt amounted to nearly Rs. two lakhs and a half though the Karbhari had put it in the Annual Report of that year at Rs. 90,000 only. (Before Mr. Jacob became the Karbhari the debt to the State was only Rs. 25,000.) Pay was in arrears. So, Nanasaheb had to use some prompt and speedy measures to remedy this embarrassment and for this purpose he drafted a new budget in January, 1906, making therein reduction in all the items of the budget. (Exhibit No. 4.) This new budget did not find favour with Mr. Jacob, and he severely criticised it, saying that the Chief was spending the public money for his personal luxuries, and made a long report to the Political Agent. (Exhibit 5.) The Karbhari was especially enraged as the Chief had shown in his report how there was an increase in the State debt. (See Exhibit No. 4 again.) Out of fear of the exposure of Mr. Jacob's incapacity, Mr. Arthur, the Political Agent, tried to hush up the matter for the time being and asked Jacob to be friends with Nanasaheb. But secretly Jacob and Arthur began to hate the new Chief. In order outwardly to appear friendly Jacob came to Kinhai and requested Nanasaheb not to expose him, while at the same time he was seeking a favourable opportunity to satisfy his spite. Among other things an incident may be mentioned here to show the spiteful attitude of the Karbhari all along towards Nanasaheb, viz., when an interview was to be had with the Commissioner, C.D., at Koregaon, 3 miles off from Kinhai where Nanasaheb was temporarily staying. Mr. Jacob, the Karbhari, found that Nanasaheb had gone in the tent to see the Commissioner unaccompanied by him and took it so ill that he went back to his place straight away and afterwards made so much of the incident that he expressed he would not rest satisfied until he took vengeance for it upon Nanasaheb (as is seen from Rango Ramachandra's deposition in the proceeding of the Aundh Commission, page 114).

The causes of friction between Nanasaheb and Jacob.

12. When Nanasaheb saw that it was no longer possible for him to get on with such a man as Jacob under such circumstances, he requested the Agency repeatedly to consent to the removal of Jacob but in vain. (Exhibits Nos. 3 and 4.) Jacob found it convenient to carry the wildest tales against Nanasaheb to Mr. Arthur who unfortunately for the latter, believed every word that came from Jacob. Nanasaheb in no way meant to disobey the Government order. He was ready to take any other Karbhari approved by the Political Agent, and had distinctly written to this effect in his letter to the Political Agent, but no notice whatever was taken of this.

Nanasaheb repeats his request for removal of Jacob.

13. Things went on like this for some time. Soon after, Nanasaheb fell ill with malaria for nearly two months. Jacob was therefore acting for the Chief and exercising all the powers of the Chief. The opportunity he was in search of thus presented itself. While the Chief was confined to his sick bed, the Karbhari was engaged in working up a false case against him. All the evidence was concocted with the aid of the subordinate officers of the State, and when the case was completed he lodged a complaint to the Political Agent on the 4th December, 1906, that Nanasaheb instigated on or about the 9th February, 1906, one Pirya Mang of Chinchni to collect men, and with their aid commit dacoity on the Karbhari's house and murder him. The Political Agent, who was very much prejudiced against Nanasaheb believed this allegation of Jacob and began to investigate the matter secretly. Then came the arrest of the chief instigator, Pirya Mang, by the Karbhari in furtherance of the plot, and he was taken to Mr. Arthur, the Political Agent, to be examined.

Nanasaheb's illness.

Karbhari lodges the complaint that Nanasaheb instigated Pirya Mang to commit dacoity and murder him.

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Nanasaheb goes to Bombay on account of his health.

14. While these things were going on at Satara and Aundh, Nanasaheb was thinking of going to Bombay for the seaside air which was recommended for him. Before Nanasaheb left for Bombay about the middle of December, 1906, he had heard of this plot and the allegation made against him by Jacob; and so, he at once wrote on the 8th December, 1906, to the Political Agent, requesting him to make him acquainted with all he had heard. Nanasaheb wrote to the P. A. as follows :—" Strong rumours are afloat that some proceedings are going on before you affecting myself by the instigation of my opponents. If the rumours be true I must have knowledge of these proceedings. So, you will be kind enough to send me copies of the papers regarding the affair." On the 10th of December again he wrote to the Political Agent requesting him to remove Jacob from the Karbhari's post. In this he wrote : " As there are thick rumours to the effect that Mr. Jacob Bapuji, Karbhari, has lodged some complaint, and arrests made by you corroborate these rumours, I here take the opportunity of *insisting* upon you his immediate removal for some time at least from the post of Karbhari. . . . It is quite probable that his position as the administrative head will have great effect on the progress of the case." Both these letters were never replied to by Mr. Arthur. (See in Exhibit No. 7.)

15. So, the first important work before Nanasaheb on reaching Bombay was to inform the Bombay Government of all he had heard and request them to remove Jacob as his continuance at the head of the administration was dangerous to him. On the 21st December, Nanasaheb sent a report to the same effect to H.E. the Governor, and the reply he received (Exhibit 6) stated that as the Government had not yet received the report which they had called for from the Political Agent, they were unable to pass any order on his request regarding his Karbhari. A month later, on the 21st January, 1907 he again sent a formal request to Government (Ex. 7) requesting that Jacob should be removed from Aundh; the following are extracts from this letter :—

Nanasaheb's representations to Government against Jacob.

" Although I have come here of my own accord and after giving timely intimation to the Political Agent, Mr. Jacob Bapuji is taking advantage of my absence from the State. A rumour has been circulated that I have ceased to have any hand in the administration, that I am prohibited from returning to my State, and that Mr. Jacob Bapuji is to be the administrator of the State just in the same way as he was during the interval between the demise of my father and my installation. The rumour has spread such a panic in those parts that several people actually do ask me whether it is a fact.

" It would not be too much to say that Mr. Jacob Bapuji is trying to concoct evidence against me by every means and that my cause is being much prejudiced by his continuance in office so long in spite of my protests. If the report that has reached me is correct, I understand that within my short stay here about a dozen menial servants such as peons, pages, etc., and some higher servants also have been approached and made to depose by Mr. Jacob Bapuji, as he liked. Thus he is trying to concoct evidence on the strength of his influence, position, etc.

" Under these circumstances it is really dangerous to allow Mr. Jacob Bapuji to continue to be at the head of the administration. He is taking undue advantage of his position to such an extent that the whole machinery of my State, police as well as civil, is being utilised against me."

" P.S.—I wished to attach a copy of the G. R. sanctioning the appointment of Mr. Jacob Bapuji on my installation. As it is in the Karbhari's office I addressed him a letter No. 1 dated 10th January, 1907, asking him to send it by return of post. The postal receipt shows that the letter was delivered to him on 18th January, 1907, I regret to say that not only has Mr. Jacob Bapuji not sent to me the communication asked for, but he has not shown me the courtesy of sending a reply."

The prejudiced attitude of Mr. Arthur the P. A. on account of which the repeated requests for the removal of Jacob not considered by Government.

16. On 19th December, 1906, the Political Agent had written a letter (Ex. 7a) to Nanasaheb informing him that a warrant of arrest had been issued against his Khasgi Karbhari, Balku Ingle, and ending with this gratuitous pronouncement, " The fact of your most confidential private servant being a fugitive from the law is hardly likely to be favourably regarded by Government and if he is not immediately produced your reputation cannot but suffer thereby." Nanasaheb replied (Exhibit 7b) protesting against the idea that Balku was his " most confidential private servant," and against the insinuation that Nanasaheb had been aiding him in evading the arrest. Exhibit 7A shows that the mind of Mr. Arthur was not free from misconceptions and prejudice against Nanasaheb . . . ; he had already begun his inquiry against the latter on 4th December . . . and the result

of Government calling for a report from him regarding Nanasaheb's allegations against Jacob (Exhibit 6) was that Nanasaheb never heard anything more about it; his repeated requests for the removal of Jacob (repeated later also) were never seriously considered by Government.

17. On the 22nd January, 1907, Nanasaheb received a telegram from his mother to this effect: "Send pleader; I am under severe restraint by Jacob Karbhari." (Exhibit 7c). Nanasaheb reported the matter to H.E. the Governor (Exhibit 7d) and Jacob's reply to the inquiry made was that Nanasaheb's mother had been put under no restraint.

Nanasaheb's mother under restraint.

18. On the 28th January, 1907, the Secretary, Political Department, of the Bombay Government, wrote to Nanasaheb, "I am directed to request that you will not leave Bombay without the permission of Government" (Ex. No. 8). In reply (Ex. 9), Nanasaheb wrote: "I cannot refrain from saying that I was surprised to find Government to curtail my liberty of movement without assigning any reason for the same, and my surprise is the greater as Government have even after request to Mr. Arthur and to Government allowed Mr. Jacob Bapuji, my accuser, to remain on the spot and do all he can in concocting evidence against me. This fact is sure to further prejudice me. I need not remind Your Excellency that you can always find a number of people in a Native State to be ready to state anything that they consider would be liked by a person who has the upper hand for the time being." Nanasaheb again reiterated his request for the removal of Jacob from the State. The order embodied in Government's letter of 28th January, must have been based on a report from the Political Agent, whose prejudice is shown by the fact that his recommendation, if carried out, would give a free hand to Jacob, whose ill-feeling against the chief could have remained no secret from him, and who, on his own admission, suggested "very nearly to the effect" that the Chief should be deposed. There can be little doubt that at the bottom of the Government order was some confidential report from Jacob. When the people of the State learnt of the order they must have felt that Jacob had scored heavily against the Chief and that it was dangerous to go against the wishes of such a man. It will be remembered that the Chief in his proposed budget had suggested the reduction in the pay of every servant of the State and that Jacob had opposed the proposal. This fact must have made it easier for Jacob to gain adherents to his side.

Nanasaheb ordered by Government not to leave Bombay. Nanasaheb's protest against it.

19. About this time Nanasaheb wired to the Karbhari for Rs. 2,000 for his private expenses, but in reply Jacob sent him the paltry sum of Rs. 200 and promised to send Rs. 300 more (see Exhibit 10). This put a very great handicap on Nanasaheb's attempts to seek legal and other help, not to speak of his private financial embarrassment besides. While Nanasaheb was thus handicapped Mr. Jacob was spending any amount of money as he was in power, in concocting evidence, against Nanasaheb.

Nanasaheb fails to get monetary and other means for putting up defence of the case preparing against him.

20. Then came the letter from Mr. Arthur, dated 8th March, 1907 (Exhibit 11). In this he stated that "the Governor in Council had perused with regret a report from him regarding his (Nanasaheb's) unfitness to be entrusted with the administration of the State of Aundh"¹ and that the Governor in Council felt constrained to take immediate notice of the very serious allegation that on or after the 9th February, 1906, he (Nanasaheb) had instigated Pirya Mang of Chinchni to collect men, with their aid to commit dacoity on the Karbhari house and to murder him. The letter further stated that Government had appointed a Commission to inquire into the truth of this allegation and that the Governor in Council was pleased temporarily to resume Nanasaheb's jurisdictional powers and to direct that the State should be taken under the Political Agent's administration until the orders of Government had been passed on the report of the above said Commission.

Nanasaheb informed of the resumption of powers and of appointment of commission to consider charges against him.

21. A situation like this naturally convinced the people of Aundh that the Chief's enemies had gained the upper hand in the State and that any attempt to support or help the Chief by giving evidence in his favour or otherwise would be unwise if not actually risky. The story of how Jacob had sworn to wreak vengeance on Nanasaheb could hardly have been forgotten by the people (see the proceedings of the Aundh Commission).

The people of Aundh afraid to support Nanasaheb.

¹ When Nanasaheb found that the Government not only did not grant his request of removing Jacob but on the contrary curtailed his liberties, he became helpless. He had neither money nor the sympathies of the higher officials though his cause was just. He did not know what to do under the circumstances. So he requested his kinsman the Chief of Vishalgad to come to his help. The Vishalgad chief nobly consented to come to help him and asked the Government whether they had any objection to his helping Nanasaheb; and when he learnt that they had no objection he willingly helped Nanasaheb in every way. Throughout the sessions of the commission and even after, till Nanasaheb went to Dharwar he was under the kind care of the Vishalgad chief.

² It will be seen that Mr. Arthur had been in a hurry to send this report to Government even before he concluded his enquiries regarding Jacob's complaint, which were finished on 9th March, 1907.

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Jacob's intimidation of possible supporters of Nanasaheb.

21A. There was another fact which confirmed this belief. It has been already mentioned that several arrests were made in the State in this course of Mr. Arthur's inquiries into Jacob's complaint (*see pp. 8 & 9 above*), Mr. Arthur commenced his inquiries on 4th December, 1906. Early in February, Nanasaheb got from two of his own household servants, Vithu and Hari (two brothers), a petition (Exhibit 11A) some passages from which are translated below :—

“ The Karbhari has got up a case against us two under S. 408 i.f.c., and has fixed the case for hearing before the Magistrate, First Class, on 5th February, 1907 . . . As both of us are State servants, Your Highness' permission is necessary before we can be prosecuted ; unless such permission has been granted we pray that it should not be given without Your Highness' seeing the papers in the case and hearing what we have to state, and the proceedings should be suspended until Your Highness disposes of the matter . . . Hari was taken to Satara to give evidence regarding matter of which he had no knowledge. As he did not give the evidence required, the Karbhari's mind has turned . . . against him and this is the reason of the present case being launched.”

Not only against these two men but against several other servants of Nanasaheb's household and the State was such action taken on some pretext or other and they were confined in the Jail for different periods. Those who conscientiously objected to give evidence against Nanasaheb were also convicted on some ground or other. It can easily be imagined what effect such action taken by a Karbhari, who was all in all in the time of Dadasaheb and had thus practically assumed the highest power in Nanasaheb's enforced absence, had on the mind of the people of Aundh.

The constitution of the commission defective, Nanasaheb's request for two native chiefs as the commission.

22. The Commission appointed by Government consisted of the Honorable Mr. A. C. Logan, I.C.S., Mr. C. A. Kincaid, I.C.S., and Meherban Shankarrao Chinnaji Pant Sachiv of Bhor. Nanasaheb in his letter dated 14th March 1907 to the Governor suggested (1) that 2 native Chiefs should be appointed on the Commission, instead of one ; (2) that owing to a long-standing feud between the Chiefs of Aundh and the Chiefs of Bhor it was undesirable that the Chief of Bhor who besides had little knowledge of English, should be one of the Commissioners, and that (3) the Commission, should sit at Poona or Bombay and not at Satara (Ex. 12). On the 16th March, 1907, Nanasaheb addressed another letter to H.E. the Governor, pointing out that he could not adequately prepare for his defence if he could not move out of Bombay and praying that the order of 28th of January should be cancelled. (Ex. 13). On the same day he suggested the names of seven Chiefs and prayed that any two of them might be appointed on the Commission. (Ex. 14). None of these requests of Nanasaheb was granted. (Ex. 14a).

Nanasaheb not allowed the necessary legal advice and assistance.

23. Nanasaheb wanted to engage for his defence two counsels and three pleaders (Ex. 15) but Government considered this extravagant. (Ex. 16). Nanasaheb protested against this view of Government in his letter to the Governor, dated 22nd March, 1907, and again reiterated his request for the appointment of two Indian Chiefs on the Commission. He gave a specific instance of the dispute between the Chief of Bhor and his family and again urged that Bombay or Poona should be selected for the sittings of the Commission (Ex. 17).

The Commission.

24. The Aundh Commission began their sittings at Satara on the 3rd April, 1907, and finished the hearing of the prosecution evidence on the 16th April, when an adjournment up to the 26th April was given before the hearing of the defence evidence. On the 19th April Nanasaheb addressed two letters to the Governor. (Exs. 18, 19). In the first letter he stated that he had not up to that date received from the Political Agent anything towards the payment of his legal expenses and unless they were paid in time it would be difficult for him to begin his defence on the 26th April. In his second letter (Ex. 19) he repeated his request once more for the removal of Mr. Jacob Bapuji . . . from the post of Karbhari in his State. “ His retention in office has already prejudiced my cause and his further retention in the office is sure to hamper me in my defence. It is clear that the prosecution has put forth a theory inconsistent with the facts about Pirya's escape, and has avoided examining persons present at the time of Pirya's escape from lawful custody ; and it is necessary for me now to examine these persons on my behalf. My accuser, Mr. Jacob Bapuji, will not fail to bring pressure to bear upon these and other witnesses to be examined on my behalf.”

Nanasaheb's request to Government for the legal expenses and for the removal of Jacob.

25. The defence evidence was heard by the Commission at Mahabaleshwar from the 26th April to the 4th May, 1907. On the 22nd May, Nanasaheb addressed a letter to the Governor (Ex. 20) in which he expressed his readiness to submit his explanation on any point that might appear to Government to require explanation. As regards the Political Agent's report regarding his alleged unfitness to rule (which report he never saw and on which his explanation was never asked for on any point), Nanasaheb wrote: "I was presumably fit to administer my State when I was installed in November 1905, and I do not know the grounds on which the Political Agent now reports that I am unfit for that purpose. . . . Your Excellency in Council will be pleased to furnish me with a copy of this report. . . . I may add that I had barely any time to show the quality of my administration. I had to begin with an absolutely empty treasury and had a Karbhari who, within a few weeks of my installation, began a process of hampering my attempt at financial and other reforms and of back-biting me to the Political Agent, which made me entirely helpless. . . . There is another rather serious allegation . . . in connection with my private character. . . . I give here the direct contradiction to any such charges. . . . I also undertake to satisfy any honest person that these foul aspersions are entirely untrue."

The arbitrary procedure of the Commission.

26. The Aundh Commission, which consisted actually of Messrs. Logan and Kincaid (the Pant Sachiv of Bhore having resigned at the eleventh hour), submitted their report to Government on the 27th May, 1907. They were of opinion that the imputations against the Chief were "substantially" true. To this, however, they give a direct contradiction in the concluding passages clearly indicating that they did not believe that the evidence was enough to substantiate the more serious charge. These are their words: "we think that no worse motive than a desire to get rid of the Karbhari by some means or other need be imputed to him, and that even an abortive attack on the Karbhari's house would have satisfied him, provided it frightened that officer into resigning his appointment. No doubt the death of the Karbhari might have been a pleasure; but we do not think it was the whole or even the main object, so far as the Chief was concerned, and if Pirya's earlier version of what happened at the interview in the tent is true, the Chief never personally enjoyed it and may not have known that Balku had done so." Thus there was no reliable evidence to connect Nanasaheb with the plot, if there was one. The Commission found some grounds for connecting Balku Ingle, his khasgi clerk, with such a plot. The Chief's dislike for Jacob was well known. Was it not possible that Balku had formed the plot with the view to gain the Chief's favour and, it might be, more power in the State, without the Chief being aware of it? The Commission were clearly aware that such arguments could be urged in Nanasaheb's favour, but they brushed them aside with the amazing remark, "Having contented himself with mere denials of everything (i.e., since his defence had been a bare plea of not guilty), the Chief is perhaps not strictly entitled to the benefit of extenuating circumstances which he has not pleaded." "Perhaps," not "strictly entitled," "extenuating circumstances"; surely these expressions constitute a very sorry apology for the astonishing view taken by the Commission that an accused person who had pleaded no more than not guilty is hereby deprived of any "extenuating circumstances" which the Court might have found proved?

The report of the Commission.

27. On the 2nd August, 1907, Nanasaheb sent a letter to the Governor (Ex. 21) complaining that his orders issued to Jacob before the resumption of his powers to send money had not been obeyed, except for a paltry sum, that since the 8th March when Government resumed his jurisdictional powers, he had "not been allowed a single pie even for his food and clothing" and that no money had been allowed for the maintenance of his senior wife and his younger brother who was a minor.

Nanasaheb's complaint to the Governor.

28. Next month he was called by Mr. Arthur from Kolhapur, where he was staying, to receive his letter No. 6716 dated 16th September, 1907. Although that was the ostensible motive for calling Nanasaheb the real object of Mr. Arthur was apparently no other than to humiliate him for (Ex. 22), Mr. Arthur behaved most rudely and insolently towards Nanasaheb in this interview. The letter which Nanasaheb received stated that on perusing the report of the Aundh Commission and Mr. Arthur's report "as to his unfitness to administer the State," the Government of India "concurred with the Government of Bombay in holding that he should be deprived of his powers as a ruling Chief, subject to further report after a period of five years as to his conduct during that period." The natural construction that Nanasaheb put upon this letter was that his punishment was limited to five years and that he would be reinstated at the end of that period, if his con-

Nanasaheb ordered to undergo a period of 5 years probation and has admittedly satisfactory behavior during the time.

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duct in the meantime had been satisfactory. He would have appealed against this order, but Mr. Painter, the then Collector and Political Agent, Satara, advised him not to appeal but to behave in an exemplary manner during the period of five year's suspension. Nana-saheb took his advice and did not appeal. He withdrew to Dharwar and began to live in a manner which was considered uniformly satisfactory by all the Collectors of Dharwar who had to send six-monthly reports about him to Government; and twice His Excellency the Governor had himself expressed satisfaction with the life he was leading at Dharwar. Nana-saheb was further fortified in his belief that Government would restore him to his State if his conduct was satisfactory by a letter which his kinsman the Chief of Vishalgad received from Government in January 1908 (Ex. 23). In that the Political Secretary wrote, "I note what you say as to your wish to improve the education of the Chief of Aundh and can say that Government will approve of any endeavours that may be made in this direction. . . . I can assure you that Government will be only too pleased to recognise and appreciate any improvement which may take place in the conduct of the Chief." These expressions suggest an interest in the education and improvement of Nana-saheb (who was expressly referred to as the Chief of Aundh in this letter) which would have been inconsistent if the order of 1907 had been meant as an order of deposition, even temporarily. The order certainly did not open any questions as to succession and the case appeared to be on all fours with the deprivation of powers of the Chiefs of Sangli, Jath and Phaltan, etc., in the Bombay Presidency, in which cases such deprivation had not connoted deposition. What else could the condition as to the period of five years' probation have meant except that his restoration to the State depended upon satisfactory conduct during that period? This order naturally contrasts with the order of deposition issued after the trial of Malharrao, Gaikwad of Baroda, in 1875, which ran as follows:—

"Having regard . . . to all the circumstances . . . having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda . . . that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Malharrao Gaikwad shall be deposed from the sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honours, and privileges thereto appertaining."

The bolt from the blue: the order of permanent deposition.

29. Barely two out of the five years of his probation had passed, when Nana-saheb suddenly received from the Political Agent at Dharwar his letter No. 5199 Confidential 49, dated 15th July, 1909 (Ex. 24), which stated that Government had "come to the conclusion that it would be contrary to the interests of the people of Aundh to allow you to return to power or to entertain any hopes of such return."

No case assigned for the deposition.

30. To this day Nana-saheb is ignorant as to what this order of his deposition was based on—whether the Aundh Commission's report or any extraneous circumstances or both. While at Dharwar Nana-saheb learnt that Jacob Bapuji and Balasaheb had been getting petitions against himself signed by the people of Aundh; he believed that if any action was going to be taken on these petitions he could certainly be given an opportunity of explanation. No such opportunity was given; he was not even informed whether there were any complaints or accusations against him, apart from the complaint which the Aundh Commission had inquired into. It is clear that since the order of 1907 some new matter had been brought to the notice of the Government; it could not have been something based on his conduct at Dharwar, which was acknowledged to be exemplary. If this new matter were true, it could have been brought to the notice of Government before the order of 1907; for both Mr. Arthur and Jacob were intimately connected with Aundh for more than ten years . . . the former as Assistant Collector, then as Collector of Satara and Political Agent of Aundh; the latter as Chitnis to the Collector and afterwards as Karbhari of the State since 1901. It is clear from the order of 1907 that Government were not satisfied that a sufficient case had been made out for the permanent deposition of the Chief. If then they intended to proceed further into inquiries as to his morals and competence as in fact they did, surely the most elementary principles of justice and fair play required that he should have been duly informed and should not have been allowed to continue in the natural belief that he had only to behave well at Dharwar to make sure of being restored to his powers in 1912. But Government thought fit to condemn him unheard, very largely upon a mass (it would appear) of untested and untrustworthy evidence procured in the Aundh State behind his back, if not before his actual exile at least after the adverse report of the Commissioners had been made known.

III.—SUBSEQUENT EVENTS.

31. This time Nanasaheb lost no time in submitting appeals. On the 14th August 1909, he sent the following telegram to the Secretary of State. (Ex. 25). "Government of India deprived me of my powers in 1907 subject to modification after watching my conduct for five years. Although conduct up to date satisfactory am suddenly informed by Bombay Government of impossibility of re-installment. Appealing to Government of India and Your Lordship. Brother and uncles trying for succession. Pray no final orders be issued and suspension of execution of orders, if any, issued by Bombay and India Government who have been wired similarly." Nanasaheb appeals against the deposition.

32. On 17th September, 1909, he sent the following telegram to the Secretary of State (Ex. 26): "Hear that Bombay Government are pressing on arrangements for succession to Aundh Gadi. Request stoppage of execution or orders by wire." On the 18th September and 20th September, 1909, he sent two more telegrams to the Secretary of State (Exs. 27 ; 28) to similar effect. Ditto.

33. Nanasaheb then sent the following memorials :— Ditto.

(1) To Sir George Sydenham Clarke, Governor of Bombay, on 16th September, 1909, asking for copies of the Aundh Commission's report and the Political Agent's report as to his unfitness to rule and the reasons which actuated Government in passing the order of his deposition. He also requested that final orders about succession to the Gadi might not be issued pending the decision of his appeal to the Secretary of State (Ex. 29).

(2) To the Earl of Minto, Viceroy of India, on 19th September, 1909, on similar lines, urging that he should be given an opportunity to explain the allegations made against him (Ex. 30).

(3) To Sir George Sydenham Clarke, Governor Bombay, in October 1909, requesting him not to carry out the installation of successor till his memorials had been considered and disposed of by the Government of India, and the Secretary of State (Ex. 31).

(4) To the Earl of Minto, Viceroy of India, in October 1909, on the same subject (Ex. 32).

About this time Nanasaheb learnt that Government had decided to instal his uncle Balasaheb on the Gadi and that the date of the installation had been fixed and published. He sent a wire to the Political Agent, Satara, protesting against this decision and asking him to forward the telegram to Government.

34. On 2nd November, 1909, the Political Agent, Dharwar, informed Nanasaheb that Bombay Government had already definitely declined to postpone installation at Aundh and that the Political Agent, Satara, had therefore not despatched his wire (Ex. 33). On the 29th October he had also received back his telegrams to the Secretary of State, with a letter from the Political Agent, Satara, to the effect that no representations made direct to the Secretary of State would be considered unless submitted through the local Political authorities. (Exhibit 34).

35. Almost immediately after Balasaheb was installed on the Gadi in accordance with this decision of Government to carry through the installation without considering Nanasaheb's objections or his brother Bhausahab's claims. (As to the latter's representations, see below.) It was in direct contravention of Government Press Communique which the Government had issued in connection with the installation on the Gadi of Limdi in 1907, laying it down as a rule that all objections and claims for the claimants must first be disposed of before a new installation could be made.

36. On 8th October, 1909, Nanasaheb sent two more memorials, one to the Viceroy and the other to the Secretary of State (Exhibits 35 ; 36) praying for reconsideration of the orders of his deposition in July, 1909. In reply he was informed that the Viceroy rejected his memorials (Exhibit 37) and that the Secretary of State found no reason to interfere with the orders already passed (Exhibit 38).

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37. After his deposition Nanasaheb and his senior wife (who lives with him) were allowed sums of Rs. 500 and Rs. 500 respectively a month, and the expenses of keeping his carriages and horses, which came roughly to Rs. 200 a month. About August 1910 the allowances were cut down to Rs. 600 monthly and the expenses on carriages and horses disallowed altogether.

38. Nanasaheb made no further representation to Government till 1919, when finding that the restrictions placed on his freedom of movement told heavily on his comforts and health and that the allowance given him was not sufficient for his needs, he again memorialised the Governor of Bombay regarding these two matters, asking them once more, if possible, to reconsider his case. (Exhibits 39). In reply he was informed that Government saw no reason to reconsider their previous orders (Exhibit 40).

39. After this Nanasaheb's senior wife sought an interview with His Excellency the Governor, but it was not granted (Exhibits 41 ; 42).

40. When Nanasaheb was permanently deposed by the order of 1909, Bhausaheb his younger brother, tried to secure the succession to the *Gadi*, as his claims to it were superior to those of Balasaheb. Even Jacob was obliged to admit, before the Aundh Commission, that in case Nanasaheb was deposed, Bhausaheb would succeed him in preference to Balasaheb. (Proceedings of the Aundh Commission, page 68). Similarly in a letter to Nanasaheb, date 21st February, 1908, H. L. Painter the then Political Agent wrote as follows (Exhibit 43), " the Government have desired me to ascertain from you whether you have any particular wishes with regard to your brother Bhausaheb. Do you not think it would be a good thing for him to complete his education at some recognised school or college ? It seems a pity for him to be left to his own resources." This shows that at least till the time when this letter was addressed Government looked upon Bhausaheb as a rightful claimant to the *Gadi* after Nanasaheb. Bhausaheb has been educated at the Rajkumar College, The New English School, Poona, and the St. Xavier's College, Bombay. He is now a graduate and up till now nothing against his character or competence has ever been urged by anybody. He sent memorials to the Governor of Bombay on the 5th July, and 19th and 20th September, 1909, and to the Secretary of State on the 15th October, 1909, through the regular channels, but his claims were passed over and Balasaheb was installed in November, 1909. This was in direct contravention of the principle of primogeniture which obtains in the family. To this day Bhausaheb is ignorant of the reasons why his legitimate claims have been passed over. In September, 1909, he sought an interview with H.E. the Governor, but it was refused. Not only has Bhausaheb been penalised for no fault of his own, but Nanasaheb's mother too has been ordered to reside at Benares and not to leave that place for more than 24 hours without express permission from Government.

41. It will thus be seen how harshly Nanasaheb, his brother and his mother have been dealt with. The installation of Balasaheb is tantamount to shutting off the claims of not only Nanasaheb and his possible progeny, but the entire line represented by his father Dadasaheb, the eldest of the three sons of Shrinivasrao. The gross injustice involved in this decision requires only to be pointed out to be realised. Throughout all this history Balasaheb has worked steadily in pursuance of an idea conceived by him long ago, viz., the idea of getting himself installed on the *Gadi*. He has sometimes acted singly, and at other times in co-operation with Jacob as suited him but he has never let drop a single opportunity of furthering his own interests. On the death of Shrinivasrao, Balasaheb although he was the youngest son did not hesitate to set up his claims against Dadasaheb ; similarly when Balasaheb came to know of the unfavourable report Jacob had made to the Political Agent against Nanasaheb he again tried to fish in troubled waters and to turn to his own use Jacob's spite against Nanasaheb ; again it was significant that shortly after the arrest of Pirya Mang on whose " confession " the whole case against Nanasaheb turned Balasaheb came to the State jail with Jacob. This fact suggests that Balasaheb and Jacob had formed a league against Nanasaheb and were working together to accomplish his ruin and to further their own interests. When the Aundh Commission was sitting Balasaheb was at Aundh actively co-operating with Jacob in concocting false evidence against Nanasaheb, during the latter's enforced absence from Aundh. As the result of the findings of the Commission, Nanasaheb was compelled to go to Dharwar for a period of five years. Nanasaheb was given to understand that provided he behaved satisfactorily during the period he would be re-installed. As soon as Nanasaheb went to Dharwar, Balasaheb engineered in co-operation

with Jacob a sham agitation against Nanasaheb and by threats and other means got the signatures of a number of people in the Aundh State to a petition to Government praying for the permanent exclusion of Nanasaheb from the *Gadi*. Directly after the presentation of this petition, Balasaheb also submitted a memorial to Government begging that as "the chiefship was vacant and Nanasaheb was incarcerated at Dharwar, Government should be pleased to acknowledge him (Balasaheb) as the ruler of Aundh." This was a deliberate misrepresentation of facts because Nanasaheb had not yet been permanently deposed and the *Gadi* could not under these circumstances be considered as vacant. As a matter of fact Bhausaheb the brother of Nanasaheb in a memorial which he submitted at this time protested to Government in this same sense because the question closely affected Bhausaheb whose superior claims to the *Gadi* in the event of the permanent deposition of Nanasaheb were endangered by the view attempted to be pressed on Government by Balasaheb. Balasaheb, however, ultimately succeeded in getting himself acknowledged as the chief in spite of the fact that there were superior claimants in the persons of Bhausaheb (who belonged to the elder branch of the family) and Tatyasaheb the elder brother of Balasaheb. The claims of these two were set aside although Government had no ground of complaint whatever against them. The fact that the all-important principle of primogeniture which hitherto has been recognised as governing questions of succession in the Aundh State was in this instance deliberately set aside in favour of Balasaheb shows that Balasaheb had been actively pushing his own cause as against the better claimants and by dint of misrepresentation and vilification ultimately succeeded in inducing Government to commit a piece of gross injustice. It must also have been due to his working that before hardly two years of Nanasaheb's probation had passed he suddenly was intimidated by Government of their decision to depose him outright although Nanasaheb had behaved in a most exemplary manner in fulfilment of the original Government order which promised him reinstatement if his conduct were found to be satisfactory; Balasaheb was after this the master of the situation and has used his position to reduce Nanasaheb and Bhausaheb to a condition of utter helplessness. The undue restrictions placed on Nanasaheb's liberty of movement have obviously been dictated by the motive of handicapping all efforts Nanasaheb may choose to make in seeking a redress in the proper quarters of his grievances. Similarly the very scanty allowances given both to Nanasaheb and to Bhausaheb must have been governed by precisely the same consideration.

Balasaheb's attitude has not only been inspired by motives of self interest but it has been characterized by calculated brutality; for instance, when in 1916 Nanasaheb's wife was lying seriously unwell and was taken to Bombay by Nanasaheb on medical advice. Nanasaheb was not allowed to stay with her at such a critical time in spite of the fact that Major Tucker (Professor at the Grant Medical College) had certified to the serious condition of Nanasaheb's wife and had expressed his opinion of the necessity of Nanasaheb's presence in Bombay to take care of his wife. It is unthinkable that Government should have inflicted this gratuitous cruelty on Nanasaheb and his wife except at the instance of Balasaheb, again even the old mother of Nanasaheb has been forced into exile at Benares and to live there in very straitened circumstances, the allowance given to her being only Rs. 150 a month, in contrast with this it may be mentioned that when Nanasaheb was on the *Gadi* Balasaheb's mother was allowed the handsome amount of Rs. 500 per month for her maintenance.

All this tends to show that Balasaheb has taken the fullest advantage of his position not only in reducing Nanasaheb and Bhausaheb to utter helplessness in the matter of putting their case before Government in an effective manner but also in subjecting them and theirs to many cruel and unnecessary humiliations.

It may be said that on the failure of Nanasaheb's appeals to the Government of India and the Secretary of State the order of his deposition now stands final and irrevocable. But an impartial consideration of all the facts would convince any one that the case is of such a character that here, if anywhere, the State ought, on its own initiative, to exercise its inherent powers of revision. It is a case which is singularly fraught with the possibility of becoming a dangerous precedent regarding questions of deposition, succession and installation of Chiefs in Native States. The fact that Native rules are not amenable to ordinary courts is supposed to be a privilege, but a case like this shows that it is far more difficult for a Chief to get an order once passed on him set aside than for an ordinary citizen to get the decision of a lower Court cancelled or modified by a higher. This case pointedly shows how flimsy and useless are a Chief's rights of appeal, what inordinate weight is carried

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by the opinion and reports of the Political Agent, and how on the strength of his report even a provincial Government may feel itself justified in condemning the Chief unheard. An ordinary criminal, on being arrested, may get bail and freedom to prepare for his defence, but a Chief, on a complaint being lodged against him and an inquiry made behind his back and without his knowledge, may be interned at a place while his accuser is left free to do what damage he can to his cause. And lastly, when an accused person is sentenced to prison by an ordinary Court, the punishment involves no disabilities on any of his relations; but in this case the deposition of a Chief has meant also the setting aside of his brother's claims to the *Gadi* and the restriction of his mother's freedom.

EXHIBIT 1.

GENEALOGICAL TREE.

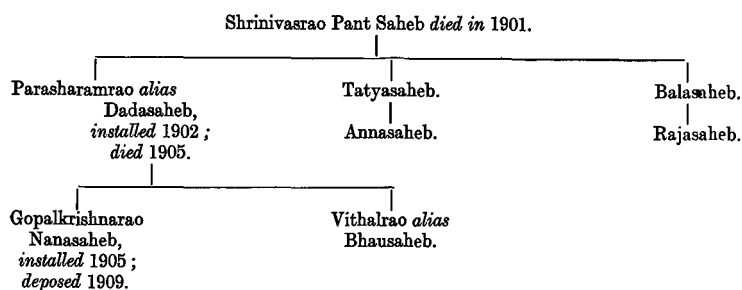


EXHIBIT 2.

TO MEHERBAN GOPAL KRISHNRAO ALIAS NANASAHEB, PANT PRATINIDHI OF AUNDH, POLITICAL DEPARTMENT, BOMBAY CASTLE, 3RD OCTOBER, 1905.

MY FRIEND,

After a full consideration of the report of the Political Agent and the Commissioner, Central Division, the Bombay Government have decided to instal you at once on the Gadi of the Aundh State with full powers of the State, subject to the condition that you will appoint for the first five years of your rule a Karbhari who shall be approved by the Political Agent.

In communicating to you the decision at which Government have arrived, I am directed to impress upon you the absolute necessity of resorting freely to the Political Agent for advice in any difficulty that may beset you. You will find him on all occasions ready to give you the best advice in his power and if necessary to ascertain the view of Government as to any difficulty which may confront you. The knowledge of your inexperience in matters of administration should make you deeply sensible of the assistance which you can thus obtain in discharging the high functions to which it has pleased Providence to call you and I am to take the opportunity to express the earnest hope that you will apply yourself with all diligence and singleness of purpose to give to those over whom you are called to rule fair and even-handed justice, full private liberty, and all the blessings of an enlightened administration. The task before you is full of difficulty and I am to express the hope that you will devote yourself to it conscientiously, avail yourself of all the assistance Government places at your disposal and realise to the full, responsibilities that have descended upon you.

Yours sincerely,

(Signed) S. W. EDGERLEY.

EXHIBIT 3.

(PRINTED FROM THE ROUGH OFFICE COPY), 4TH APRIL, 1909.

I am sorry I have to trouble you but hope you will excuse.

Since I wrote you confidentially last time regarding the present Karbhari, Mr. Jacob Bapuji, matters have not improved and it is now high time to mend them. I hope therefore that you will kindly give early consideration to what I am writing below.

I fully appreciate the good intentions of Government in making it necessary to appoint a Karbhari, approved of by the Government, during the early career of a Chief. The Chief himself does not possess a sufficient experience at the beginning and the Karbhari is to advise him on important affairs, and to show directions in the administrative work in short to make up for the want of experience of the Chief in discharging the responsible duties of the State.

During the course of five months it is with much regret that I find this noble object altogether frustrated. Many a time I have told you that before my installation, good feeling did not exist between myself and the Karbhari, and therefore it would not be possible to pull on smoothly with the administration of the State with him. The relations between the Karbhari and the Chief must be quite smooth, there must be mutual confidence, and both must assist each other. But in my case, I find that quite reverse is the case. It seems clear to me that the Karbhari is bent upon carrying matters to a crisis. He has never tried to remove the bad feeling, but on the contrary, every day it is increasing. Every time he pursues high-handed policy, never caring for my opinion as if sole authority is centred in him. It seems clear that what he wants is that the Chief must act as a tool in his hand. The due respect which ought to be shown to superiors he never does. In good administration it is impossible to do without strict discipline and obedience. Mr. Jacob Bapuji seems to be very much in want of these qualities. He is my subordinate and his duty, besides administrative, is to advise me only in matters wherein I may be going astray, but is not his duty to disobey me in each and every affair. Discipline must begin with him and he must show an example to others. Instead of doing this he shows absolute disregard to me and many times disrespects me. Once tolerated, the example will be followed and there will all be chaos. The latest incident of his disrespect is that when I came to Satara to see the Commissioner, he knew the purpose of my visit and intentionally avoided to accompany me when he had intimation about it. He left Kinhal without asking me, when I was there, and especially when he ought to have accompanied me.

Since the G.R. which intimated the sanction of the Government to retain his service as Karbhari, he has changed his course of action and behaves most insultingly towards me and the principal servants of the State. The Dafterdar, who is working in the State satisfactorily since the time of my grandfather, has requested me either to change him to any other post, not directly subordinate to the Karbhari, or to allow him to retire, because he was insultingly reprimanded in an affair of minor importance.

In order to be acquainted with the affairs of State, I had asked the Karbhari to send me all the *Prakarnas* including those which were to be disposed of by him; but now he has discontinued the practice.

Again many orders have remained unheeded, which ought to have been either executed or reported back upon. The Chief cause of this is nothing beyond the intentional act of going against and disobeying my wishes and orders. This causes great inconvenience and troubles in administration and is very much derogatory in keeping my influence and prestige in the State.

Since he took over the charge of the State about five years ago, the financial condition of the State is far from satisfactory. The State debt has gradually increased and has now risen greatly. To defray the debts, expenses ought to have been curtailed proportionately; but I find that instead of curtailment, he is the cause of great many additional expenses without which the State would have very well pulled on. Even the same thing is seen as regards the *khasgi* expenses. During the illness of my father, Mr.

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Jacob had the sole discretion of expenses ; and within six months has spent more than $\frac{1}{4}$ th of the sum, allotted for the year. It is my misfortune to take up the reins of the State with such heavy debts and start in such hard times of famine. To meet the hard times and the demands for standing debts, I prepared a new budget of expenditure curtailing some unnecessary expenses which resulted in saving ten thousand a year in administration, without affecting in the least the efficiency and management. But this arrangement the Karbhari has postponed under one pretext or other.

On account of these and other things, I do not think it possible to work with this man any longer. I did not trouble you till now as I thought he would improve his autocratic and overbearing conduct ; but he is pursuing quite the opposite course ; and I do not think there is any hope of improvement hereafter. Besides, now he has taken to find fault with me and communicate them to you, instead of bringing them to my notice. Under these circumstances, it is impossible to work with such an officer . . . the most important in the State. I hope, therefore, that you will kindly request Government to take his service back and not to impose on me an officer whom I do not like and in whom I have no confidence to lend to me the services of any of the following gentlemen :—

Mr. M. C. Kelkar, Mamlatdar, Kalyan.

„ Naik, Chitnis of the Collector of Sholapur.

„ Sathe, Chitnis to the Collector of Satara.

Considering the importance of the affair and present hard times, I hope this receives from you an early consideration.

I am, Yours sincerely,

G. P. P.

EXHIBIT 4.

TO S. R. ARTHUR, ESQ., I.C.A., POLITICAL AGENT, SATARA.

SIR,

From time to time as occasions have arisen I have sometimes orally and sometimes by means of letters explained to you in sincere terms that Mr. Jacob Bapuji does not behave towards me as a servant ought to behave. He is steadily growing disobedient and insolent, forgetting the fact that I am the Chief and he is my subordinate. I really fail to know the reason of his disrespectful conduct when as a matter of fact my attitude towards him was friendly and sympathetic from the very beginning. It was a fact which, I think, needs no mention that ill-feeling existed between me and Jacob Bapuji before my installation. But when I was installed on the *Gadi* by you as the representative of the King Emperor, I thought to myself that to further the real interests of my subjects, it was better for me to forget previous personal differences, and so acting in this spirit I actually consented to retain Mr. Jacob Bapuji as Karbhari of my State for some time to come. The line of conduct which he has preferred for himself is to say in general terms, to oppose all my orders, to try to represent me to my subordinate officers and subjects as an irresponsible some-body, to increase his own importance and to centre all power in himself. If you be kind enough to look to the affairs of other Native States in Southern India, you will not fail to observe that my State is in this respect in an exceptional position. As far as I know, I see no State where the Karbhari is such an insolent and disloyal man and the Chief is tolerating him.

I try in the following few lines to corroborate the truth of my above remarks by quoting some of the glaring instances of his insolent and overbearing conduct.

For this purpose, I take the budget affair first, as it is at present lying on your table. If Mr. Jacob Bapuji had suggested to me to take your advice in this matter, I would have been the first man to refer it to you. But leaving aside this straight-forward way of doing things, he had sent the budgets to you without my knowledge and consent, intending thereby that it may act as a sort of threat to me. However, I reserve my remarks on this point till I give you the details about the matter.

The following table will show the different items of expenditure under different heads during the years mentioned at the top :—

Items of expenditure.	1890-91	1901-02.		1905-06.	
	Rs.	Rs.	A. P.	Rs.	A. P.
1. Pay of the establishment ..	10,594	17,580	7 0	21,553	15 0
2. Shibandi ..	14,700	7,760	9 0	10,064	9 0
3. Police ..		9,855	0 0	11,975	0 0
4. Garden ..		700	300 0 0	1,726	0 0
5. Dress ..	700	700	0 0	4,000	0 0
6. Personal expenditure ..	45,975	50,000	0 0	60,000	0 0

The year 1890-91 represents the period of my revered grandfather ; the year 1901-02 is the first year of Mr. Jacob Bapuji's administration.

As regards the debts, the amount of debts in the year 1901-02 was Rs. 95,000 while in 1905-06 it was raised to nearly 225,000.

The perusal of these facts will, at a glance, point out that during the last five years the State expenditure has increased very rapidly, and with it the State has completely plunged in debts. Who is to be blamed for this miserable condition of my State, if not one who was actually guiding the administration ? From the above facts it can easily be seen that Mr. Jacob Bapuji's financial administration was a complete failure.

It is really an unfortunate thing that at the very dawn of my career I should find my State beset with financial difficulties of such grave magnitude. However, I must take the odds and try to find out a way out of the position. I make myself bold enough to say that certainly these difficulties would have been mostly overcome if I had a Karbhari of a different type, not an insolent and over-bearing, but a real well-wisher of myself and my subjects. In order to get over the financial difficulties I have proposed to follow a policy of reduction and to prepare a new year's budget curtailing unnecessary expenditure. Mr. Jacob Babuji has prepared another. I state below some of the important items of expenditure where we disagree. I know that I am taking too much of your time by asking you to go through these minute details affecting the question of my internal administration. However, I request that you, as my true and sincere friend, should give me your advice and help me on to achieve my only goal of life, viz., to make my State happy and prosperous.

Items of expenditure where we differ :—

Items of expenditure.	Sums proposed by me.		Sums proposed by Mr. Jacob Bapuji.	
	Rs.	a. p.	Rs.	a. p.
1. Devasthan	18,000	0 0	16,000	0 0
2. Pay of establishment	18,602	15 0	19,581	15 0
3. Police	9,816	0 0	10,791	0 0
4. Garden	435	0 0	950	0 0
5. Personal expenditure	45,000	0 0	45,000	0 0

The total expenditure according to my estimate is 1,38,376-4-7 and according to the Karbhari's is 1,42,863-13-9, i.e., my budget is only less by 4,487-9-2.

This was the case when we first prepared the budgets. But afterwards Mr. Jacob Bapuji agreed with me in all matters except on some points noted below :—

(1). As regards Devasthan, the expenditure cannot be reduced more than what I have suggested ; because my ancestors have distinctly laid down that no one in the line should reduce the amount and whoever would reduce it will never enjoy peace of mind and will be ruined. I treat this as a sort of religious mandate. I explained this thing to Karbhari but he did not like to consent to it as he regards this as a sort of submission to the Chief, an idea foreign to his mind.

(2). As regards the second item, the Karbhari had asked some more peons to himself and to his office and I consented to give them. So, practically there exists no difference between us.

(3). As regards the third item one important point of difference is regarding the retention of Aundh's Fouzdar's place. Mr. Jacob Bapuji urges that the Fouzdar's place is a necessity. I do not agree with him.

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My reasons are the following :—

(1). It is clear that we are following a policy of reduction. The safe and reasonable principle to be followed in such a case is to reduce new places created rather than the old ones. Applying this test it will be seen that the Fouzdar's place is a creation of some two years. There was no place of a Fouzdar in my State till 1903.

(2). There is a sufficient number of Police in Aundh. They are in all 9. Aundh is the only important village on that side of my territory. The population of it is not more than 26,000. In the other equally populated villages of my State, the number of police is not more than 4. Besides the police, there are armed men for guard.

(3). The village of Aundh is a peaceful village. No grave offences are reported from that side. So, it is clear that there was no necessity in 1903 to create a new place of Fouzdar and thus to increase the Police expenditure.

So, to sum up, as the place is a new creation and as comparatively there is at present a sufficiently large force in Aundh, as it is the only village and that too a peaceful one, I dispensed with the Fouzdar's place.

(4). Lastly I deal with my *khasgi* expenditure. In my budget and in the Karbhari's the amount actually put under this head is 45,000. But, unfortunately, my old revered grandmother Shrimant Baisaheb breathed her last, and her annual allowance (Rs. 6,000) remained undisposed of. For reasons which I orally explained to the Karbhari, I included this amount under the head of *khasgi*. The Karbhari did not then object orally or in writing. My reason for keeping this amount aloof is this. You know that my younger brother Shrimant Bhausahab has reached his marriageable age and the ceremony will have to be performed within a year or two. So, as a sort of prudential measure (as the amount is accidentally saved) I have proposed to keep it aside for marriage expenses. I perfectly believe that no sane man will say that I am wrong in this. These are the details of the budget affairs. According to my idea and accepting his reasonable proposals, I prepared a final budget and sent it to Mr. Jacob Bapuji for putting it in execution on the 6th of October, 1906. It was a definite order and he ought to have submitted to it. But he sent two reports, one addressed to my Chitnis and one to myself. I want to draw your attention particularly to some portions of them. I translate the portions below this.

"To Chitnis." "From the drafts sent to us for our initials we say that in it the necessary administrative expenses are reduced while the *khasgi nemnuks* which are spent only in luxuries and personal whims of the Chief are increased, we refuse to initial it as it is a piece of grossest injustice and so quite against our conscience. Dated 26th September, 1906."

"Report to myself." "The budget prepared by the Huzur is simply a piece of injustice, as personal expenditure is retained according to the (foolish) whims of the Chief, as no attention is paid to the happiness of the ryots and as the State servants are unnecessarily put to a great loss."

"We are thinking how to deal with this affair as it is an important matter and as it involves a great responsibility."

Dated 15th October, 1906.

It should be noted here that the above quoted reports are written by the Karbhari in his own hand writing. These reports are written by a servant to the Chief, by a subordinate to his superior, by one who is responsible for keeping order in the State, and by one who is trained to keep discipline under British service. Kindly place yourself in my position and say whether you would have tolerated such a language involving grave charges. I have given you the details about the budget affair and now I ask you to show me any grounds which would justify the Karbhari in making such insulting and disobedient remarks. When I read the reports for the first time it had a great effect upon my mind. I was thinking all the while how to deal with the man. The anxiety of the mind had the natural consequence to pull my health down, and the result is that I am still suffering from brain fever. Here what I say is that the British Government really has the greatest interest for my State. And if Government has invested me with powers to manage the affairs of my State, I must have a free scope to carry out my policy and to effect necessary reforms in the administration. The Karbhari is the Chief Executive officer, and discipline requires that as my subordinate he is bound to obey my orders, whether he finds it convenient to

do so or not. Instead of doing that if every now and then he takes pleasure in disobeying my orders and in some cases even countermanding them nothing but mismanagement would be the result. I admit the principle of Government in insisting upon the Chief newly installed to take a Karbhari, who shares the confidence of the British Government, to advise them for some years at least; and if I am ready and willing to accept any other officer who enjoys the confidence of the British Government, why I should be obliged to retain Mr. Jacob Bapuji when I have found it impossible to get on smoothly with him and when he intentionally behaves insultingly and disobediently.

(2). I can quote many examples of his behaviour which have the result of lowering me in the estimate of my servants and subjects of my State. One among the many is the demi-official circular issued by the Karbhari. It runs thus :—

TRANSLATION :—“ Whoever may ask to send any sum from the treasury, you should not send it without my permission.” “ Dated 3rd April, 1906.”

The occasion for the insulting circular was that I had ordered the Mamlatdar of Kundal on the 1st April, 1906, to send Rs. 5,000 to the Huzur treasury at Kinhai as the sum was urgently required for defraying establishment charges; and at the same time this order was communicated to the Karbhari stating that he should personally make the payments. On the next day the Karbhari issued the above circular to all Mamlatdars and Revenue officers in my State, with a clear intention on his report to represent me as nobody and himself as the chief controlling authority. Even a child may know what person is meant by the Karbhari in using the word “ Whoever ”; it refers to myself alone and to no other, as no one but myself can send orders to the treasury. I leave it to you, Sir, to imagine what effect such a circular can produce on the minds of my officers and servants.

Lastly I say that matters between us have gone to a crisis, and there is absolutely no chance of a compromise. He is accustomed to act as if there is no superior person over him. He does not observe now-a-day his simple duty of reporting me his frequent departures out of my State jurisdiction. The result of these relations between us is that he has grown too slack in collecting the revenues of the State at a time when the State exigencies require a prompt collection. I deeply feel to mention here that Mr. Jacob Bapuji the highest officer in my State had not even the pleasure to inquire after the state of my health during my present illness. Was it not his duty as a Karbhari to come down to Kinhai and to procure proper medical aid and thus to lessen the anxiety of myself and my family when he knew that I was perfectly confined to bed?

Under these circumstances, I request that in the interests of myself and my State the services of Mr. Jacob Bapuji should be withdrawn from my State immediately and a new Karbhari of my choice and whom you can approve of, should be given to me.

Hoping that this matter will receive your early consideration.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) RULER.

EXHIBIT 5.

EXTRACTS FROM THE LETTER.

CONFIDENTIAL.

No. 539 of 1906.

TO THE POLITICAL AGENT, SATARA, DATED AUNDH, 1st NOVEMBER, 1906.

SIR,

I have the honour to report as follows :—

* * * * *

5. I may here mention that if the Chief had shown signs of coming to reason and avoiding at least the serious harm involved in his scheme a reference to you would not have been necessary as I could have then entertained a hope of gradually, by persuasion, removing the remaining evils. But I do not see the slightest sign of his coming to reason and so I am compelled to point out to you the whole harm involved and to recommend the complete

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eradication of it irrespective of what could have been tolerated for the sake of avoiding a rupture or for the sake of securing temporary peace.

* * * * *

9. It will thus appear to you quite clear that the late Chief and the present Chief have spent for the *Khasgi* much more than what the grandfather of the present Chief used to spend, the fact being most vividly apparent when the addition to the regularly accounted for *Khasgi* expenditure (irrespective of the amount debited for the repayment of former private debts) there is secret and private *Khasgi* unaccounted for expenditure involving annual new private debts which especially in the case of the present Chief have as far as I know amounted in one year only to Rs. 22,808-4-0. There is by the bye another remarkable feature as regards the present Chief, viz., that the late Chief used at least to give away the allowances due to the members of his family, whereas the present Chief has improved upon his father by appropriating as much as possible to himself the money meant for the members of his family by denying to give it to them, granting instead, food, clothing and some servants, etc.

* * * * *

14. I have always noticed that the *Khasgi* is maintained on an illegitimately high scale and the host of servants, attendants, companions and various other obnoxious expenses maintained, are beyond your imagination. Public money is utilised for purposes far different from what it is meant for and consequently if it is not left to the Chief, as it will be necessary now to do so to decide what total amount is needed for him and his family and if it is carefully seen what he really requires, you will find that there is tremendous waste in the *Khasgi* and that Rs. 45,000 are not at all needed. The legitimate needs on a liberal scale will not exceed Rs. 30,000 as detailed below (in the margin) which amount as I have stated above, Government are likely to consider legitimate and proper.

* * * * *

17. This debt which is sheerly the result of the complete indiscretion of the late Chief, his wife and the present Chief, and which money has no doubt been spent in dissipation, the late Chief was partly clearing off by making grants to his family from the State revenues far higher than their legitimate needs and which debt the present Chief is seeking to repay from the State revenues with an imposture on his father that it should be recognized by the State on a footing equal to debts incurred for administration requirements; the necessity for which too did arise owing to excessive *Khasgi* expenditure. Whether what the late Chief used to do about the *Khasgi* debts and whether what the present Chief is seeking to do in relation to them is justifiable and should be tolerated or not is the question, and any reasonable person would say that these procedures are not at all justifiable and this course is in question. To burden the State revenues with the encumbrances, created by dissipation is not just to the tax-payer but what has happened hitherto cannot be helped. It is unwise, however, to shut our eyes any further about the matter and the evil must be remedied without causing loss to the *savakars* and traders who have hitherto been quiet.

* * * * *

48. It is best to be silent as to what feelings the Chief is actuated with as regards all these old State servants whose interests he is so desirous to injure.

* * * * *

EXHIBIT 6.

TO MEHERBAN GOPALKRISHNARAO, PANT PRATINIDHI OF AUNDH,
BOMBAY, 21st DECEMBER, 1906.

MY FRIEND,

I have received your note of to-day's date. As Government have not yet received the report which they have called for from the Political Agent, they are unable at present to pass any order on your request, regarding your Karbhari. The matter will be dealt with as soon as the facts have been laid before Government.

Yours sincerely,

(Signed) H. O. QUIN.

EXHIBIT 7.

MAY IT PLEASE YOUR EXCELLENCY :—

I am the present ruling Chief of Aundh, a Native State under the Satara Agency. The Chiefs of Aundh occupy in the Darbar a seat higher in rank to all the Chiefs known as Satara and Southern Maratha Chiefs. A reference to page 25 of the Aitchison's Treaties and Engagements and pages 621 and 622 of the Bombay Gazetteer Satara Vol., will give Your Excellency in a very concise form, the past history, position, status, etc., of my family. The late Chief, my father, died in September, 1905. On 3rd October, 1905, Government decided to instal me on the *Gadi* of the Aundh State with full powers of the State. The formal ceremony took place on the 3rd of November, 1905, at the hands of the Political Agent.

There is a condition in the *Tharifi* of my investiture that I shall appoint for the first five years of my rule a Karbhari who shall be approved by the Political Agent (*vide Ex.*).

My father, the late Chief of Aundh, had taken from the British Government the loan of the services of one Mr. Jacob Bapuji for a period of two years ending on 20th February, 1907, to fill the post of the Karbhari in my State. Before the expiry of the period my father died and Mr. Jacob Bapuji continued to act in the same capacity under the supervision of the Political Agent, Satara Agency. As Mr. Jacob Bapuji was already in the services of my State, I was advised at the time of my installation to retain his services as Karbhari. Although the relations of Mr. Jacob Bapuji and myself were rather strained during the life-time of my father, I consented to retain his services because I thought that as Government had recognised my succession and invested me with the full powers of the State, Mr. Jacob would mend his conduct towards me and would not give me any ground complaint especially because Mr. Jacob Bapuji promised to behave loyally towards me.

I extremely regret to say that Mr. Jacob Bapuji did not mend his ways and did not keep his word. Though a subordinate and a mere paid servant of the State, he thinks himself more than the Chief and behaves so insolently and ungentlemanly that I was forced to complain to the Political Agent about his conduct. Matters grew worse and consequently I was compelled to make a formal request to the Agency to consent for the removal of Mr. Jacob Bapuji, which consent up to now has not been obtained.

It is needless for me to state that Government installed me on the *Gadi* and bestowed upon me full powers of the State, because I was in the opinion of Government, the rightful claimant and also fit to be a ruler of the State. The retention of Mr. Jacob Bapuji was advised, because it was considered that Mr. Jacob Bapuji on account of his experience of the State for some years would better help me in conducting the administration. If there is no good feeling between us there is no chance of Mr. Jacob's fulfilling the duty for which his services have been retained. This fact in itself is, I submit, in my humble opinion, quite sufficient for the Political Agent to consent for the removal of Mr. Jacob Bapuji. I am aware that, in the interests, of a Chief, as well as his State and subjects, there is a necessity of a responsible officer to advise a Chief (especially a newly empowered Chief like myself) in the matter of the conduct of administration. But then Mr. Jacob Bapuji is not the only individual in whose hands alone the interests of my State and subjects are safe. There are a number of men in the British services, who can fill the post of the Karbhari in my State equally efficiently and more smoothly than Mr. Jacob Bapuji. There seems to be no reason to suppose that Government would not spare the services of any of such gentlemen in lieu of Mr. Jacob's. Under these circumstances, it is but just that the service Mr. Jacob as Karbhari should be dispensed with and as between the master and the servant the latter as a rule must be made up to give up the office.

Apart from these general considerations, the matter has assumed such a serious aspect that the immediate removal of Mr. Jacob Bapuji is essentially necessary.

I understand that he has lodged a complaint to the Political Agent alleging that I attempted to get him murdered by the hands of one, Pirya Mang, who had absconded from the jail at Aundh some ten months before.

Under these circumstances, I could have myself removed Mr. Jacob Bapuji from the post of Karbhari as he not only did not pull on well with me, but was sure to act antagonistically towards me. Six months' notice necessary under the rule of reversion of lent servants, could have been also dispensed with by my offering to pay to Government the amount of Mr. Jacobs six months' pay. However, as Mr. Jacob Bapuji had made allegations against me personally, I thought Government would be prejudiced against me

by taking the step of dismissing him, though it could have been legal to do so, and hence on the 8th of December, 1906, when the report of the complaint reached my ears, I wrote to the Political Agent as follows :—

“DEAR SIR,

Strong rumours are afloat that some proceedings are going on before you affecting myself by the instigation of my opponents. If the rumours be true, I must have the knowledge of those proceedings. So, you will be kind enough to send me the copies of the papers regarding the affairs. Of course, I can well rely upon your true sense of justice.

(Signed) CHIEF OF AUNDH.”

TO POLITICAL AGENT, SATARA.

On the 10th December, 1906, I addressed another letter to the Political Agent quoted below :—

“DEAR SIR,

As there are thick rumours to the effect that Mr. Jacob Bapuji, Karbhari, has lodged complaint and arrests made by you corroborate the rumours, I here take the opportunity of insisting upon you his immediate removal for some time at least from the post of Karbhari. I make this suggestion in the interest of justice and equity. It is quite probable that his position as the administrative head will have great effect on the progress of the case. To expect something against human nature, I have made this suggestion in due time and if you do not agree with me and are unwilling to act up to it, you will please record this as my objection. It will certainly appear queer to any reasonable man that the head of the Police Department should be a complainant and at the same time continue to be the head. Until something is done definitely, you can ask the Mamlatdar of Koregaon or Satara to take charge temporarily. Please look upon this as my consent to the affair.

(Signed) CHIEF OF AUNDH.”

I extremely regret to say that I have not received any reply to any of the above letters as yet, nor is anything done in furtherance of my requests.

With due deference to the Political Agent, I humbly submit that my cause is being materially prejudiced by the continuance of Jacob Bapuji in the post of the Karbhari, after he has made allegations against me and even after steps are being taken to investigate the truth of the allegations. Mr. Jacob Bapuji is taking full advantage of his position in prejudicing my cause. Under these circumstances, I am compelled against my will to approach Your Excellency in the matter.

As I was confined to bed in October and November last and was very much pulled down, my medical attendants advised me to go to some place on the seaside, whereupon I resolved to go to Bombay and be under the treatment of Sir Bhalchandra Krishna. I communicated my wishes to the Political Agent and left for Bombay.

Although I have come here of my own accord and after giving timely intimation to the Political Agent, Mr. Jacob Bapuji is taking advantage of my absence from the State. A rumour has been circulated, that I have ceased to have any hand in the administration, that I am prohibited from returning to my State and that Mr. Jacob Bapuji is to be the administrator of the State just in the same way as he was during the interval between the demise of my father and my installation. The rumour has spread such a panic in those parts that several people actually do ask me whether it is a fact.

I further understand that one, Mr. Babarkhan, a Police Inspector in the Sholapur Collectorate had especially come to those parts in connection with this case and was actually staying in Aundh itself for some days. It is said that Mr. Babarkhan is deputed to investigate the matter at the special request of Mr. Jacob Bapuji. The report goes further to state that Mr. Jacob Bapuji is preparing the case with the assistance of Mr. Babarkhan.

Whatever that may be, it is a matter of fact that people including the servants of the State are being taken to Mr. Babarkhan and examined. Some of the officers and menial servants are taken by Mr. Jacob Bapuji to the Political Agent and are made to depose whatever Mr. Jacob likes. It would be not too much to say that Mr. Jacob Bapuji is trying to concoct evidence against me by every means and that my cause is very much prejudiced by his continuance in office so long in spite of my protests. If the report that has reached me is correct, I understand that within my short stay here about a dozen

menial servants such as peons, pages, etc., and some higher servants, also have been approached and made to depose by Mr. Jacob Bapuji as he liked. Thus he is trying to concoct evidence on the strength of his influence, position, etc.

Under these circumstances, it is really dangerous to allow Mr. Jacob Bapuji to continue to be at the head of the administration. He is taking undue advantage of his position to such an extent that the whole machinery of my State, Police as well as Civil, is being utilised against me.

I request, therefore, that Your Excellency will kindly take into consideration all the facts and be pleased to accord sanction for the removal of Mr. Jacob Bapuji from the position of the Karbhari in my State. I am aware that Your Excellency has sanctioned his appointment for a period of five years from the date of my installation, but I humbly submit that it does not mean and I am bound to keep him on even under the present circumstances. He is after all a servant lent to me by Government and as soon as his interests become antagonistic to mine, his services must come to an end. Under the rules of reversion of lent servants, I know six months' notice is necessary, but then I am willing to pay, if necessary, to Government six months' pay of the grade of the post to which Mr. Jacob is entitled in Government service at this date.

Before concluding, I request Your Excellency to be pleased to lend me the services of any one of the following officers in Government service to do the duties of the Karbhari of my State :—

1. Mr. M. C. Kelkar, B.A., Mamlatdar, Kalvan.
2. Mr. Bapu Hari Godbole, B.A., Mamlatdar, Nasik.
3. Mr. Gagesh Balwant Jagade, B.A., Mamlatdar, Poona.

Even if one of the above be not approved of, I would request the Chiefs of Vishalgad, Ichalkaranji and Mudhol to lend me the services of their Karbharis for some period. I beg to give below a short account of each of the following officers for the information of Your Excellency :—

1. M. G. V. Khandekar, B.A., LL.B., has been doing the duties of the District Magistrate and Karbhari in the Vishalgad State for more than five years to the entire satisfaction of the Chief. His appointment is sanctioned by the Government of Bombay. He is about 39 years old.
2. Mr. B. K. Rashimkar is doing the duties of the District Magistrate and Karbhari in the Ichalkaranji State for more than 14 years to the entire satisfaction of the Chief. His appointment is sanctioned by the Government of Bombay. Mr. Rasingkar is about 46 years old.
3. Mr. S. D. Khandekar, B.A., LL.B., has been serving the Mudhol State as District Magistrate and Karbhari both during the regime of the present Chief and his father. He is about 46 years old.

If Government does not think it expedient to accord sanction to the appointment of any of these gentlemen, Government may appoint any person whom they think fit and relieve Mr. Jacob Bapuji at once. I am a Brahmin Chief and the social functions do require that there should be a Brahmin Karbhari in the State and I wish that Government should select a Brahmin officer, who would work sympathetically with me. If, on account of the present juncture, Government thinks it necessary to appoint a non-Brahmin Karbhari, I have no objection to his appointment for a temporary period.

As regards the charges made against me by Mr. Jacob Bapuji, I may assure Your Excellency that I am entirely innocent and am prepared to face any allegations. I also know why Mr. Jacob is creating this trouble and who are acting behind the curtain. But this is not the time to particularise these matters.

I hope Your Excellency will be pleased to comply with my request and at once issue orders consenting to my removing Mr. Jacob Bapuji from my State. If for some reason or other Government would require time to issue orders in the matter of the removal of Mr. Jacob, I earnestly request Government to wire to the Political Agent to stop further investigation until the question of the appointment of the Karbhari in my State is disposed of.

I beg to remain,

Your Excellency's most obedient servant,
Chief of Aundh.

Sardar Graha, Fort, Bombay, 21st January, 1907.

Drafted by the Honourable D. A. Khare, B.A., LL.B., High Court Pleader.

P.S.—I wished to attach a copy of the G.R. sanctioning the appointment of Mr. Jacob Bapuji on my installation. As it is in the Karbhari's office, I addressed him a letter No. 1, dated 10th January, 1907, asking him to send it by return of post. The postal receipt shows that the letter was delivered to him on 12th January, 1907. I regret to say that not only has Mr. Jacob Bapuji not sent to me the communication asked for, but he has not shown me the courtesy of sending a reply.

(Signed) CHIEF OF AUNDH.

EXHIBIT 7a.

No. 444 of 1905.

FROM THE POLITICAL AGENT, AUNDH STATE, TO THE CHIEF OF AUNDH, SARDAR GRIHA BOMBAY, POLITICAL AGENT'S OFFICE, CAMP, LHASURNE, 19TH DECEMBER, 1906.

SIR,

You are aware that a warrant of arrest has been issued against your *khasgi* Karbhari, Balku Ingle. I have the honour to request that if he is with you, you will immediately deliver him to such Police officer as the Commissioner of Police, Bombay, may appoint to take him in custody. . . . If he is . . . not with you I presume . . . that as he is your private servant you are aware of his whereabouts and I request that you will communicate them to the Bombay Police.

2. If he is not with you please inform me immediately from what date he is absent and whether with or without your permission. Full information should be given to me and to the Bombay Police regarding his recent movements.

3. The fact of your most confidential private servant being a fugitive from the law is hardly likely to be favourably regarded by Government and if he is not immediately produced your reputation cannot but suffer thereby.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) S. R. ARTHUR,

Political Agent.

Through The Commissioner of Police, Bombay.

EXHIBIT 7b.

TO THE POLITICAL AGENT, AUNDH STATE, SATARA, 22ND DECEMBER, 1906.

SIR,

In reply to your letter No. 444/06, dated 19th December, 1906, presented to me by the Bombay Police on the 20th instant, I have the honour to inform you that as written by you, Balku Ingle was never my *khasgi* Karbhari, but only a clerk in the *khasgi* department since the time of my revered grandfather. I had no idea up to this time that he was my "most confidential private servant."

He left me on a short leave on the 3rd instant, has not yet returned to my camp, nor has he applied for further leave. Since he left me he has not been heard of. I am, therefore, unable to supply you with any information as to his present whereabouts or his recent movements.

I did not know of there being a warrant against him, till the 10th instant. When I learnt it from Police on the Poona Station, who were inquiring about him with my men, I had informed the Police then and there that Balku Ingle was not with us, nor did we know anything of his whereabouts.

In the face of the facts stated above, I may be allowed to point out that paragraph 3 of your letter under reply is evidently the result of some misapprehensions and prejudices against me and might have been very well spared.

Chief of Aundh.

1085

A (a) vi.

EXHIBIT 7c.

No. 4 of 1907.

COPY OF AN URGENT TELEGRAM, FROM LAXMIBAI PRATINIDHI, KOREGAON, TO NANASAHEB PRATINIDHI, SARDAR GRIHA, BOMBAY, 22ND DECEMBER, 1907.

Send pleader. I am under severe restraint by Jacob Bapuji Karbhari.

Chief of Aundh.

(True Copy.)

EXHIBIT 7d.

No. 4 of 1907.

SARDAR GRIHA, FORT, BOMBAY, 22ND JANUARY, 1907.

MAY IT PLEASE YOUR EXCELLENCY,

I beg to enclose for Your Excellency's perusal a copy of the telegram received from my mother.

I have wired to Mr. Jacob Bapuji, my Karbhari, to remove restraint immediately and to report the reason by wire.

I am sending a High Court pleader to Aundh by a night train to secure her release.

I regret that I am compelled to trouble Your Excellency too much. I do not wish to add anything more . . . beyond stating that Mr. Jacob is going too far.

I beg to remain,

Your Excellency's most obedient servant,

(Signed) G. P. P.,

Chief of Aundh, O.C.

EXHIBIT 8.

TO MEHERBAN GOPALKRISHNARAO, PANT PRATINIDHI OF AUNDH, BOMBAY, 28TH JANUARY, 1907.

MY FRIEND,

I am directed to request that you will not leave Bombay without the permission of Government and that you will acknowledge the receipt of this letter.

Yours sincerely,

(Signed) H. O. QUIN.

EXHIBIT 9.

FROM SARDAR GRAHA, FORT, BOMBAY, 3RD FEBRUARY, 1907, DRAFTED BY THE HONOURABLE D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER.

MAY IT PLEASE YOUR EXCELLENCY,

I have already acknowledged the D.O., sent to me by Mr. Quin, dated the 28th January 1907. I cannot, however, refrain from saying that I was surprised to find Government to curtail my liberty of movement without assigning any reason for the same, and my surprise is the greater as Government have, even after repeated request to Mr. Arthur and to Government, allowed Mr. Jacob Bapuji my accuser to remain on the spot and do all he can in concocting evidence against me. This fact is sure to further prejudice me. I need not remind Your Excellency that you can always find a number of people in a Native State to be ready to state anything that they consider would be liked by a person who has the upper hand for the time being. I need not add anything further, but I would leave Your Excellency to judge of the peculiar situation created by Mr. Quin's letter.

I do not wish to stifle any enquiry into any allegations against me. I know, I am perfectly innocent, but I would certainly strongly protest against the procedure adopted in my case.

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A (a) vi.

As at present I cannot go to my State, I would suggest that for the purpose of carrying on administration, Government would be pleased to immediately remove Mr. Jacob Bapuji from my State and appoint, for the time being, an experienced European Civilian of considerable standing to be in independent charge of my State, who would carry on the administration in consultation with me. Mr. Arthur, I hear, is investigating in the allegations against me and I would, therefore, request that the administration, I propose, should be independent of Mr. Arthur and be directly subordinate to Your Excellency's Government.

I beg to remain,

Your Excellency's most obedient servant,

Chief of Aundh.

EXHIBIT 10.

SAIDAPUR, 1ST MARCH, 1907.

DEAR SIR,

I got your telegram last night asking me immediately to send Rs. 2,000. I regret very much that in the existing condition of the State finances, the salaries of State servants and *khasgi* servants being for months in arrears, I find it impossible to send this amount. I have asked the Kundal Mamlatdar to send you Rs. 200 now and after the middle of March I shall be able to send you Rs. 300.

The salaries of State servants have been almost cleared except the past two months. Devasthan and Bunyas have yet to be paid and village officers' salaries are in arrears. As the revenue comes in I shall gradually clear them off. The Sawakars, especially Majgaonkar, Yeolekar and Karanjekar are clamouring for money.

Yours obediently,

(Signed) JACOB BAPUJI ISRAEL.

EXHIBIT 11.

FROM S. R. ARTHUR, ESQ., I.C.S., POLITICAL AGENT, SATARA, TO THE CHIEF OF AUNDE, CAMP SATARA, 8TH MARCH, 1907.

SIR,

I am directed by Government to inform you that the Governor in Council in the meantime feels strained to take immediate notice of the very serious allegations against you, which arise out of the enquiry recently held by me, the allegation being that you instigated one Pirya Mang to murder the State Karbhari.

2. The allegation is that on or after the 9th February, 1906, you instigated Pirya Mang of Chinchni to collect men, with their aid to commit dacoity on the Karbhari's house and to murder him.

3. With a view to give you full opportunity to meet this grave allegation the Governor in Council is pleased to appoint the Honourable Mr. A. C. Logan, I.C.S., Mr. C. A. Kincaid, I.C.S., and Meherban Shankarrao Chimnaji Pant Sachiv of Bhor, as Commissioners for the purpose of enquiring into its truth.

4. It is further ordered that the Commissioners shall sit at Satara and shall have full power to fix times of meeting, to adjourn meetings, to adjust and arrange the method of procedure, to settle the course the enquiry shall take, to call for and to receive or reject evidence documentary or other, to hear such persons as they shall think fit on behalf either of Government or of yourself and generally to guide the whole course of the proceedings of the Commission as from time to time shall appear to them to be proper.

5. I am finally to inform you that His Excellency the Governor in Council is pleased temporarily to resume your jurisdictional powers and to direct that the Aundh State be taken under my administration until the orders of Government have been passed on the report of the said Commission. I request that you will immediately send to the Karbhari all State property which is in your possession.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) S. R. ARTHUR,

Political Agent.

EXHIBIT 11a.

(TRUE TRANSLATION OF A PETITION* ADDRESSED TO NANASAHEB.)

SHRI.

TO HIS HIGHNESS SHRIMANT RAJESHRI PANT PRATINIDHI, AUNDH STATE,
AT PRESENT RESIDING AT BOMBAY.

The petition of Vithu and Hari Rajaram Naik of Aundh.

The Karbhari has got up a case against us two under section 408 I.P.C., and has fixed the case for hearing before the Magistrate, First Class, on 5th February, 1907. Our prayer is that your Highness should be pleased to send for the papers of the case without delay and dispose of the matter detailed below :—

As both of us are State servants, Your Highness' sanction is necessary before we can be prosecuted ; unless such sanction has been granted, we pray that it should not be given without Your Highness' seeing the papers in the case and hearing what we have to state, and that the proceedings should be suspended until Your Highness disposes of the matter. Whether Your Highness gives sanction to the proceedings against us or finds that no sanction is necessary, we are afraid that we shall not get proper justice if the case be prosecuted in the Court of the Karbhari or in any Court Subordinate to him ; because one of us, Hari was taken to Satara to give evidence regarding matter of which he had no knowledge ; and as he did not give the evidence required, the Karbhari's mind has turned against him, and this is the reason of the present case being launched. We therefore pray that a special Magistrate, not likely to be influenced by the Karbhari, should be appointed.

This petition is written on 2nd February, 1907.

(Signed) VITHU RAJARAM NAIK,*(Signed)* HARI RAJARAM NAIK.

EXHIBIT 12.

CAMP BOMBAY, 14TH MARCH, 1907.

MAY IT PLEASE YOUR EXCELLENCY,

I beg to enclose herewith a copy of the letter dated 8th March, 1907, received at 4 p.m. on the 11th instant, from the Political Agent, Satara. In connection therewith I beg to place the following requests before Government.

1. As regards the constitution of the Commission, I beg to urge that there should be two Native Chiefs on the Commission like two European Civilians.
2. Owing to a long-standing family feud between the Chiefs of Aundh and the Chiefs of Bhor, I object to the appointment of the Chief of Bhor as one of the Commissioners. I am afraid that I will not be able to obtain impartial justice from him. Besides, he has not a good knowledge of English and so, he will not be able to appreciate the arguments of the learned counsel retained by me.
3. As regards the place, where the Commission is to hold its meetings, I beg to request that the Commission should sit at Bombay or Poona and not at Satara. I need not mention that the trial in Bombay or Poona would be less expensive as the best legal help is available in Bombay or Poona at a less cost than at Satara. Besides, I object to Satara because my cause will suffer on account of the party feeling that is against me there. Mr. Jacob Bapuji, my accuser and the persons in league with him will yield such an amount of influence there that it will materially affect the oral evidence. Mr. Jacob Bapuji had been occupying high and responsible posts in the said district for a long time and that circumstance together with his connection in this case will not fail to create an impression that he is in the confidence of the Government authorities. As most of the witnesses are likely to be from Aundh there cannot be any objection to the trial being held at Poona or Bombay as it would be the same thing for them to be at Satara, Poona or Bombay. As far as Poona is concerned, it is not at all more inconvenient than Satara for the witnesses to attend. The

*The original is with Nanasahab.

family of the Chiefs of Aundh possesses a high prestige in the Satara District, and I would request Government, not to unnecessarily cast a slur on the name of the family by ordering the Commission to be held there. Government is already aware that I have been staying in Bombay ever since 11th December last, *i.e.*, soon after Mr. Jacob Bapuji lodged a complaint with Mr. Arthur and I pray that Government will not compel me to go back to the Satara District before the question about the criminal allegation against me is disposed of. It is a matter of feeling and sentiment and I pray Government will be pleased not unnecessarily to harass me by holding commission at Satara.

I beg to remain,
Your Excellency's most obedient servant,
Chief of Aundh.

EXHIBIT 13.

CAMP BOMBAY, 16TH MARCH, 1907. DRAFTED BY THE HONOURABLE D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY.

MAY IT PLEASE YOUR EXCELLENCY,

In continuation of my letter Nos. 8, 9 and 10, dated 14th and 15th instant, I beg to request that as Your Excellency has been pleased to appoint a Commission for the purpose of enquiring into the truth of the allegation that I instigated Pirya Mang to commit the offence of dacoity and murder. I must in justice to myself try to prepare my defence and for that purpose I must have complete freedom of going about to different places and that my movement must be unhampered. I would, therefore, request Your Excellency to cancel the direction given by Mr. H. P. Quin, in his letter to me dated the 28th of January, 1907, to the effect that I should not leave Bombay without the permission of Government.

I beg to remain,
Your Excellency's most obedient servant,
Chief of Aundh.

EXHIBIT 14.

CAMP BOMBAY, 16TH MARCH, 1907.

MAY IT PLEASE YOUR EXCELLENCY,

In continuation of my letter No. 9, dated 14th March, 1907, as regards the constitution of the Commission, I beg to place before Your Excellency for consideration the following names of the Jurisdictional Chiefs :—

1. His Highness the Maharaja of Kolhapur.
2. His Highness' brother the Chief of Kagal. (*Senior*).
3. The Chief of Miraj. (*Senior*.)
4. The Chief of Ichalkaranji.
5. The Chief of Kurandwad. (*Senior*.)
6. The Chief of Kurandwad. (*Junior*.)
7. The Chief of Mudhol.

I pray Your Excellency will be graciously pleased to appoint any two of the above Chiefs on the Commission as all of them are men of experience and have insight into the state of things in a Native State.

I beg to remain,
Your Excellency's most obedient servant,
Chief of Aundh.

EXHIBIT 14a.

TO MEHARBAN GOPALKRISHNARAO PARASHURAMRAO, PANT PRATINIDHI
OF AUNDH. BOMBAY, 25TH MARCH, 1907.

MY FRIEND,

In reply to your petition No. 11th, dated the 16th March, 1907, to the address of His Excellency the Governor, I am directed to state that the Governor in Council is unable to accede to your request that the order conveyed to you in my letter, dated the 28th January, 1907, to the effect that you should not leave Bombay without the permission of Government may be cancelled.

Yours sincerely,

(Signed) H. O. QUIN.

EXHIBIT 15.

CAMP BOMBAY, 14TH MARCH, 1907.

MAY IT PLEASE YOUR EXCELLENCY,

I beg to state that I have engaged the services of Messrs. J. D. Inverarity and R. Lowndes as my Counsel and the Honourble Mr. D. A. Khare and Mr. P. P. Khare, High Court pleaders, Bombay, as my pleaders in the case. As there is a necessity of engaging a pleader who has a good knowledge of the Satara District wherein my State lies, I have also engaged the services of Mr. R. P. Karendikar as my pleader.

I request, therefore, that Government will be pleased to make arrangements to pay the bills of these gentlemen directly or through me according to their pleasure.

I beg to remain,

Your Excellency's most obedient servant,

Chief of Aundh.

EXHIBIT 16.

TO MEHARBAN GOPALKRISHNARAO PARASHARAMRAO, PANT PRATINIDHI
OF AUNDH, BOMBAY, 20TH MARCH, 1907.

MY FRIEND,

In reply to your petitions Nos. 8 and 9, dated the 14th March, 1907, to the address of His Excellency the Governor in Council, praying that arrangements may be made for paying the cost of Counsel engaged by you to conduct your defence and urging certain objections to the constitution and place of sitting of the Commission appointed to inquire into the imputations which have been made against you, I am directed to state that Government will be prepared to allow you from the revenues of your State the cost of legal assistance on a scale suitable to your position and to the financial condition of your State. Looking, however, to these considerations, they regard the proposals detailed in your petition No. 8, in respect of the Counsel and pleaders to be retained in your behalf, as entirely unreasonable and extravagant, and they are altogether unable to approve them.

As regards the constitution of the Commission and the place where it should sit, I am to observe that in the opinion of Government no adequate reason has been shown for modifying the orders which have already issued.

Yours sincerely,

(Signed) H. O. QUIN.

EXHIBIT 17.

CAMP BOMBAY, 22ND MARCH, 1907, DRAFTED BY THE HONOURABLE D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY.

May it please Your Excellency,

I am sorry I cannot but express my dissatisfaction at the vagueness of the reply sent to Mr. Quin to my petitions to Your Excellency in connection with the cost of my defence as well as the constitution of the Commission and the place where it should sit. In every ordinary trial in Bombay two Counsels and a solicitor's firm is engaged by a party and I never thought that my proposal about two Counsels and three pleaders would be considered entirely unreasonable and extravagant. Even the poorest of men makes his utmost effort to order to get his innocence established. To a person of self-respect, honour and reputation are dearer than money. I need not describe to Your Excellency how anxious I am to refute the fullsome charge brought against me, and I venture to submit that under the present circumstances I do feel that the proposals I have made in my petition No. 8 are perfectly legitimate and proper and I would request Your Excellency to reconsider your decision. I have been compulsorily kept away for these three months from my State on a poor maintenance allowance, while my treasury has been at the disposal of my accusers and I certainly feel that it is not just and proper to handicap me in my defence. I need not submit that in these days a trial in a Court is always a matter of money.

Then again, I am not informed by Mr. Quin as to what proposals in this connection would be considered Government not extravagant and not unreasonable. I submit that if I could get some idea about it, I would be able to see how far I may be able to meet the wishes of Government consistently with my making an efficient defence.

I have placed before Your Excellency the names of the Counsel and pleaders I have engaged and I now leave the matter in Your Excellency's hands with a request that Your Excellency will let me know as early as possible whose charges out of the names I have mentioned Your Excellency is pleased to sanction, so that I may at once proceed to instruct them and communicate to the rest my inability to engage them. I also submit that besides the charges of Counsel and pleaders, I have mentioned in my petition No. 8, I shall have to incur a deal of other expenses which are always incidental to the trial and I beg that Your Excellency's Government will make an additional allowance in that connection. I had not mentioned them in my petition No. 8 by mistake.

I may mention here that I am not responsible for the present financial condition of my State, if it be unsatisfactory. It is what I have inherited from my father and grandfather.

As regards the constitution of the Commission, I would submit that as there are two English gentlemen upon it, there should be two Indian Chiefs on it also and I would beg Your Excellency to consider my suggestion and pass orders accordingly.

Regarding the Chief of Bhor, I have already put forward my objections why he should not be made a judge in my case. Besides the family feud mentioned in my previous petition I would refer to a dispute which the present Chief of Bhor had with my grandfather about the privilege of carrying a gold mace exclusively enjoyed by any family and in which the Chief Bhor was ultimately defeated. This naturally must be rankling in his mind and makes my objection to him most substantial. I am sure the Chief of Bhor himself, if he hears my objection, would decline to sit as a judge in my case as no judge would like to try a case if he knows that either party objects to his trying it. I would submit that Your Excellency will perceive the justness of my objection and not impose upon me a judge from whom I have reasonable grounds to believe, I will not get justice.

As regards the place where the commission would sit, the reply of Mr. Quin is also very unsatisfactory. I have advanced what I consider to be very good reasons why the trial should not take place at Satara. Some of the reasons are based on family sentiments and I would request that Your Excellency would be pleased to recognise the cogency especially as Poona or Bombay would not be less convenient to all parties concerned. I would moreover add that all my objections are not sentimental as I have previously mentioned the fact that Mr. Jacob Bapuji's position there is sure to affect oral evidence if that evidence is taken at Satara.

In conclusion, I would beg that Your Excellency would be good enough to reconsider all these matters and allow my different requests. I am ready to prove my innocence and all I wish is that I should be properly equipped for the efforts and not be handicapped by an undesirable judge, undesirable place of trial where the oral evidence is certain to be adversely influence and by insufficiency of funds. In asking for all these things I assure Your Excellency that I am not asking for anything unreasonable and unjust.

I beg to remain,

Your Excellency's most obedient servant,
Chief of Aundh.

EXHIBIT 18.

SATARA, 19TH APRIL, 1907.

May it please Your Excellency,

I beg to state that the Political Agent, Satara, has raised difficulties and I have not up to now received any money towards the payment of my legal expenses. The Political Agent desires restoration of certain ornaments and property but the existence, the right to and the nature of the property raise questions which will require considerable time to solve satisfactorily. The enquiry before the commissioners has been adjourned to the 26th April, 1907, on which day my defence is to begin and unless the expenses which I have hitherto incurred are paid and unless distinct orders are issued to the Political Agent to pay the future charges, it will be difficult for me to begin my defence on that day. I forward the copies of my correspondence with the Political Agent in this matter for the information of Government. I may here mention that the lists of ornaments and property include ornaments and property in possession of others than myself, and include articles of clothing and pots for drinking water and tooth-picks, etc.

I beg to remain,

Your Excellency's most obedient servant,
CHIEF OF AUNDH.

EXHIBIT 19.

SATARA, 19TH APRIL, 1907.

May it please Your Excellency,

Now that the prosecution have closed their case, I beg to repeat once more my requests for the removal of Mr. Jacob Bapuji from the post of Karbhari in my State. His retention in office has already prejudiced my cause and his further retention in the office is sure to hamper me in my defence. It is clear that the prosecution has put forth a theory inconsistent with the facts about Pirya's escape and has avoided examining persons present at the time of Pirya's escape from lawful custody and it is necessary for me now to examine these people on my behalf. My accuser, Mr. Jacob Bapuji will not fail to bring pressure to bear upon these and witnesses to be examined on my behalf. I request, therefore, that Your Excellency will be graciously pleased to issue instructions by wire to remove Mr. Jacob Bapuji and put some one else in his place.

I beg to remain,

Your Excellency's most obedient servant,
CHIEF OF AUNDH.

EXHIBIT 20.

MAHABLESHWAR, 22ND MARCH, 1907.

May it please Your Excellency,

The report of the Commission appointed to investigate into the charge against me of having instigated one, Pirya Mang to murder my Karbhari will, I expect, be shortly before Your Excellency in Council, and I now beg to request that before Government pass any final orders in the matter, I should be given an opportunity to submit my explanation on any

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point that may appear to be against me either in the report or in the view Your Excellency's Government may take about the merits of the case, I would, however, request that Your Excellency in Council will give particular attention to the reports made against me by Mr. Jacob Bapuji which are Exts. Nos. 113 and 27 (copies appended) in the proceedings of the Commission. I may add for the information of Government that an opportunity for explanation was given by the High Court in the case of Mr. Govind Narayan Kelkar, Subordinate Judge in the Bombay Presidency.

Apart from this there is the report of the Political Agent of Satara regarding my unfitness to be entrusted with the administration of the State, which is before Government as stated in G. R. No. 1723 dated 5th March, 1907, and which is now under the consideration of Government. I was presumably fit to administer my State when I was installed in November, 1905, and I do not know the grounds on which the Political Agent now reports that I am unfit for that purpose. I have to request in this connection that before this report is considered, I should be given an opportunity to offer my explanations about matters contained in it and that to enable me to do so adequately, Your Excellency in Council will be pleased to furnish me with a copy of this report. I hear that there are allegations against my administration. I may add that I had barely any time to show the quality of my administration work. I had to begin with an absolutely empty treasury and had a Karbhari, who, within a few weeks of my installation, began a process of hampering my attempts at financial and other reforms and of back-biting me to the Political Agent, which made me entirely helpless. For the financial troubles, I myself was not at all responsible. I had only inherited them from my father during whose time Mr. Jacob Bapuji was the real administrator. Administration of a State, apart from its financial aspect, principally consists of civil, criminal and revenue functions and I venture to submit that there is no room for complaining about my work in any of these departments. I will confidently assert that not even an aspersion has been cast against me about my not having administered proper justice to the people, or of having confiscated any person's property or of having rack-rented the ryots.

There is another rather serious allegation which, I hear, has been made against me, namely, that in connection with my private character. I do not know precisely what the allegation is; nor was it ever made in a manner which gave me an opportunity to contradict or refute it. But Mr. Jacob Bapuji who very probably has made it in his own peculiar manner must have spread rumours and talked about this behind my back. I can guess that one of the allegations is that I was given to habits of drinking and indulging in bhang. I give here the direct contradiction to any such charges and I would also request Your Excellency to refer to my kinsman, the Chief of Vishalgad, with whom I have been living for the last five months and who will testify to my behaviour. I also undertake to satisfy any honest person that these foul aspersions are entirely untrue. I am confident that Government will not accept the word of a back-biter and of those who put implicit trust in him.

I beg to remain,

Your Excellency's most obedient servant,

CHIEF OF AUNDR.

EXHIBIT 21.

FROM 215, KIRKEE ROAD, DATED 2ND AUGUST, 1907.

MAY IT PLEASE YOUR EXCELLENCY,

Government is aware that I am out of the limits of my State since December last, that on the 28th of January last my liberties were curtailed and I was asked not to leave Bombay without the permission of Government, and that since February I have been living with the Chief of Vishalgad in Bombay, Satara, Mahableshwar, Kolhapur and Poona.

As Mr. Jacob Bapuji knew that the Political Agent was making enquiries as regards the criminal complaint, he has lodged against me on the 4th of December, he did not obey my orders issued before the resumption of my powers to send me money from the State

treasury. Of course, he could not say that I had no claim on the State treasury and so, he sent me a small amount which was quite insufficient for my expenses in Bombay. On the 8th of March I was informed by Mr. Arthur, the political agent, Satara, that Government resumed all my jurisdictional powers. Since that time I have not been allowed a single pie even for my food or clothing. I have been living on the kindness of my kinsman, the Chief of Vishalgad.

In addition to my own case, I beg to bring to Your Excellency's notice the fact that no money is allowed for the maintenance of my senior wife and younger brother who is a minor. They are living on the kindness of my wife's brother Sardar V. N. Mutalik of Satara. I understand that a monthly allowance is given to my mother but I do not know whether it is intended to cover the expenses of my junior wife who is living with her.

As Mr. Arthur had asked me to return to him all the property including ornaments and even such small things as tooth-picks, *kinkop* trousers, and drinking pots, etc., in the very same communication by which my powers were resumed, I may say, I cannot mortgage or sell or in any other way dispose of the little private property that I have with me. Your Excellency will thus see that I am quite helpless and that I and my family are obliged to live on the charity of others. I am not aware of any criminal allegations as yet lodged against the members of my family. I am at a loss to understand why nothing is allowed to them for their maintenance. I am all the more sorry because, I think, they are suffering for my sake. On the contrary, if they had gone over to the side of my accuser Mr. Jacob Bapuji who is in charge of the State under a nominal control of Mr. Arthur, I am sure he would have made them quite comfortable at Aundh by placing the whole *khasgi* at their disposal as there is no Chief living there.

I may add that my accuser has tried to make a false impression on the mind of Mr. Arthur that I have in my possession State ornaments to the value of upwards of Rs. 30,000. As Mr. Arthur had officially informed me by his letter dated 22nd April, 1907, and letter No. 167 dated 2nd May, 1907, that he is not at present dealing with the question of property, I do not wish to trouble Your Excellency on this point. I may, however, assure Your Excellency that I and my senior wife have not mortgaged or sold any property even worth a pie since the receipt of the communication of Mr. Arthur resuming my powers. My younger brother is a minor and I need not inform Your Excellency that he has not disposed of any property. I am sure Your Excellency will excuse me and my family if it will not be possible for us to produce all the clothes that we have taken with us when we left Kinhai as some of them will not last till the time the question of property is finally disposed of by Government.

It will be easily seen by Your Excellency that I am handicapped every way and that I am obliged to depend on the charity of others. Both Mr. Arthur and Mr. Jacob, who are managing the State, know that I have got a minor younger brother and wives. I expected that some provision would be made for me and my family but as nothing has been done so long, I have been compelled to trouble Your Excellency in the matter.

In justice to my kinsmen, I must inform Your Excellency that both the Chief of Vishalgad and Sardar Mutalik do not grudge in the least to spend for me and my family during my present plight but I myself feel awkward.

It is now more than four months that my powers have been resumed by Government and no provision has been made for the current expenses (including food and clothing, etc.) of myself and my family. I waited so long with the hope that Mr. Arthur the Political Agent, either with the sanction of Government or under his own authority, would make some arrangements. It, however, appears, that he does not think it necessary for him to make any such provision and I very much regret that I have been compelled to trouble Your Excellency in the matter.

I beg to remain,

Your Excellency's most obedient servant,

Chief of Aundh.

EXHIBIT 22.

CONFIDENTIAL.

No. 6716 of 1907.

FROM S. R. ARTHUR, ESQ., I.C.S., COLLECTOR AND POLITICAL AGENT, SATARA, TO THE CHIEF OF AUNDH, SATARA, DATED 16TH SEPTEMBER, 1907.

SIR,

I am directed by Government to inform you that the Government of India, after perusing the report of the Aundh Commission, which found that in January 1906, you instigated one Pirya Laxman, a Mang, to commit a dacoity at the house of the State Karbhari, Mr. Jacob Bapuji Israel, and murder him, and that in pursuance of this plot you caused the escape of Pirya from the Aundh Jail and subsequently incited him both directly and indirectly to carry out the project and after perusing my report as to your unfitness to administer your State, concur with the Government of Bombay in holding that you should be deprived of your powers as a ruling Chief subject to further report after a period of five years as to your conduct during that period.

2. As regards your further place of residence in the opinion of the Governor in Council it is not desirable that you should return to Aundh or reside anywhere in the Satara or Poona Districts. Government desires that you should reside at some station in close touch with responsible British officers. Subject to the above limitations Government are willing to consider your preferences. I therefore request you will inform me without delay what your wishes as to residence are.

3. The State will remain under my administration.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) S. R. ARTHUR,

Collector and Political Agent.

EXHIBIT 23.

TO ABAJIRAO KRISHNA, PANT PRATINIDHI OF VISHALGAD, DATED BOMBAY, 4TH JANUARY, 1908.

DEAR CHIEF,

Your letter of the 1st January, 1908. Government have decided that the Chief of Aundh should reside at Dharwar and the Political Agent has been requested to inform the Chief accordingly. The Collector of Dharwar will assist in making arrangements for a suitable bungalow and it is the desire of Government that there should be no delay in the Chief taking up his residence there.

I note what you say as to your wish to improve the education of the Chief of Aundh and can say that Government will approve of any endeavours that may be made in this direction. But of course, this is a private matter between you and the Chief and one in which the interference of Government is not called for. I can assure you that Government will be only too pleased to recognise and appreciate any improvement which may take place in the conduct of the Chief.

Yours sincerely,

(Signed) H. O. QUIN.

EXHIBIT 24.

CONFIDENTIAL.

No. 5199/Conf. 49 of 1900.

FROM C. HUDSON, ESQ., F.C.S., POLITICAL AGENT, DHARWAR TO MEHERBAN COPALKRISHNARAO PARASHARAMRAO, PANT PRATINIDHI OF AUNDH, DATED DHARWAR, 13TH JULY, 1909.

SIR,

I have the honour to state that I have been directed by Government to inform you that His Excellency the Governor in Council has, on further consideration of the circumstances of the State, with the concurrence of the Government of India, come to the conclusion that it would be contrary to the interests of the people of Aundh to allow you to return to power or to entertain any hopes of such return.

2. I am at the same time to inform you that the orders requiring you to reside at Dharwar will continue in force, and that in the event of your failure to observe this restriction on your movements or of your attempting to interfere in any way whatever in the affairs of the Aundh State, Government will be compelled to have recourse to more drastic measures.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) C. HUDSON,*Political Agent, Dharwar.***EXHIBIT 25.**

TO SECRETARY OF STATE, INDIA, LONDON. RECEIVED IN LONDON ON 14TH SEPTEMBER, 1909, AT 7.40 A.M., TELEGRAM FROM BOMBAY. NO. OF TELEGRAM 28. NO. OF WORDS 84, 83. DATED AND TIME HANDED IN AT ORIGINAL STATION, 14, 11.15 A.M.

Government of India deprived me of my powers in 1907 subject to modification after watching my conduct for five years. Although conduct up to date satisfactory, am suddenly informed by Bombay Government of impossibility of reinstatement. Appealing to Government of India and your Lordship. Brother and uncles trying for succession. Pray no final orders be issued and for suspension of execution of orders, if any, issued by Bombay or India Governments who have been wired similarly.

*Chief of Aundh.***EXHIBIT 26.**

THE FOLLOWING TELEGRAM RECEIVED AT 4.49 P.M. FROM BOMBAY. No. OF WORDS 99. DATED 17; TIME 7.50 P.M., 17TH SEPTEMBER 1909. TO THE SECRETARY OF STATE, INDIA, LONDON.

Hear that Bombay Government are pressing on arrangements for succession to Aundh Gadi. Request stoppage of execution of orders by wire.

*Chief of Aundh.***EXHIBIT 27.**

RECEIVED IN LONDON ON THE 18TH SEPTEMBER, 1909, AT 2.25 A.M. TELEGRAM FROM BOMBAY. No. OF TELEGRAM 280. No. OF WORDS 55. DATED AND TIME HANDED IN AT ORIGINAL STATION 18, 3.40 A.M. THE SECRETARY OF INDIA, LONDON.

Bombay Government pressing on arrangements installing successor, am appealing to Government of India against my deposition and to your Lordship. Fear that if installation of successor carried out before opportunity to me of appealing. Settled fact may prevent justice being done to me.

*Chief of Aundh,
Satara District,
Bombay Presidency.*

EXHIBIT 28.

20TH SEPTEMBER, 1909. 8.30 P.M. FROM DHARWAR, No. OF WORDS 95. DATED
20. TIME 11.20 A.M. TO THE SECRETARY OF STATE FOR INDIA, LONDON.

Papers embodying facts to explain telegram of 14th posted to-day. Pray for instructions to Bombay Government by wire for suspending the execution of their orders, because they are hastening to carry them out. Mine is a hard case. I have strong hopes of getting redress at your Excellency's hand. There may perhaps arise some difficulty to give redress if some one is actually installed on the *Gadi* and hence beg for stoppage of orders. Sir Steyning Edgerley as member of Bombay Government knows facts.

*Chief of Aundh,
Satara District.*

EXHIBIT 29.

No. 18 of 1909.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GEORGE SYDENHAM CLARKE, G.C.M.G., F.R.S., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY. THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASH-ARAMRAO, PANT PRATINIDHI OF AUNDH. DRAFTED BY D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY. DHARWAR, 16TH SEPTEMBER, 1909.

RESPECTFULLY SHOWETH :—

That Your Excellency is aware that the Government of India with the concurrence of the Bombay Government were, as stated in the Political Agent Satara's letter No. 6716 dated 16th September, 1907 (Ex. 1) pleased to grant Your Excellency's Memorialist a

period of grace for five years at the end of which the question about his being allowed to revert to power was to be decided on a report about his conduct during that period by the responsible officer in whose close touch he would elect to reside.

That Your Excellency is also aware that Your Memorialist has been living at Dharwar in close touch with the Collector, who, Your Memorialist has good reasons to believe, has submitted to Government six-monthly reports that his conduct has been satisfactory.

That long before the period was over suddenly Your Memorialist received a confidential letter No. 5199 (Conf. 49) dated 13th July, 1909 (Ex. 2), from C. Hudson, Esq., I.C.S., telling him that he should not entertain any hopes of return to power.

That this latter letter, coming as it did only within two years of the former, has fallen upon Your Memorialist like a bolt from the blue and has stunned and staggered him. Your Memorialist however, intends in justice to himself and his possible progeny to appeal to the Government of India and the Secretary of State against this last order, which, he submits, is unjust, made without his being asked any explanation and in direct contravention of the assurances contained in the first letter and calculated to shake the confidence of the Chiefs and the peoples of this country in the word of Government.

That Your Memorialist has already in his No. 50 dated 20th September, 1907, to the Political Agent, Satara, asked to be furnished with a copy of the report of the Commission and by his representation No. 10 dated 15th March, 1907, and No. 32, dated 22nd May, 1907, requested Government for a copy of the report of the Political Agent about his unfitness, etc., on which Government ordered the Commission of inquiry but has not yet received either. Your Memorialist also now requests to be furnished with the reason which led Government to hold that it would be contrary to the interests of the people of Aundh to allow him to return to power or to entertain any hopes of such return. Your Memorialist begs that Your Excellency in Council will be gracious enough to order that the copies asked for and the reasons for the present decision of Government be supplied to him without delay, so as to enable him to submit memorials to the Government of India and to the Secretary of State in time.

That Your Excellency's Memorialist has already by telegram submitted a request to Your Excellency not to issue any final orders about the succession to the Gadi of Aundh and he trusts that Your Excellency in Council will comply with that request. He also begs that if perchance any such orders have been issued Your Excellency will be pleased to direct that their execution be suspended until the period for appealing to the Secretary of State is over.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to Government at any early date with his favourable opinion.

EXHIBIT 30.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GILBERT JOHN ELLIOTT MURRAY KYNYNMOUND, P.C., G.C.M.G., G.M.S.L., G.M.I.E., EARL OF MINTO, OF ROXBURGH, VISCOUNT OF MELGUND IN THE COUNTY OF FORFAR, BARON MINTO OF MINTO, AND A BARONET OF NOVA SCOTIA, VICEROY AND GOVERNOR-GENERAL OF INDIA IN COUNCIL. THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO ALIAS NANASAHAB PANT PRATINIDHI, CHIEF OF AUNDH, SATARA, DISTRICT, IN THE BOMBAY PRESIDENCY. DRAFTED BY D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY. DHARWAR, 19TH SEPTEMBER, 1909.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist was installed on the Gadi of the Aundh State in the Deccan on 3rd November, 1905, after the demise of his father.

That in March, 1907, the Government of Bombay appointed a Commission to inquire into the charge that Your Excellency's Memorialist instigated one Pirya Laxman Mang, to commit a dacoity at the house of the State Karbhari, Mr. Jacob Bapuji Israel and murder him, and that in pursuance of this plot Your Excellency's Memorialist caused the escape of Pirya from the Aundh jail and subsequently incited him both directly and indirectly to carry out the project.

That this inquiry was ordered on a report made by the Political Agent, Satara, in which in addition to the allegation about Pirya Mang, that officer made allegations against the character and fitness of Your Memorialist to administer his State.

That the latter matter, viz., the allegations in the report regarding Your Memorialist's conduct, maladministration and private character, was not referred for inquiry to the Commission appointed to inquire into and report on the specific charge, but was reserved for consideration by the Government of Bombay.

That the Government of India after having considered the report of the Commission and the report of the Political Agent about Your Memorialist's unfitness, etc., concurred with the Government of Bombay in holding that Your Memorialist should be deprived of his powers as a ruling Chief subject to further report after a period of five years as to Your Memorialist's conduct during the period, and the Bombay Government asked Your Memorialist to choose a place of residence away from Aundh and also from the Satara and Poona Districts (*vide* letter No. 6716, dated 16th September, 1907, from the Political Agent, Satara, Ex. 1). This letter clearly shows that the decision of Your Excellency's Government covered the specific charge inquired into by the Commission as well as the allegations regarding Your Memorialist's maladministration, unfitness and private character, made in the report of the Political Agent and a reference to Ex. 3 will show that all that malice could allege against a gentleman was alleged against Your Memorialist by his enemies and these allegations were before Government when these orders were passed.

That after receipt of this communication Your Memorialist elected to reside at Dharwar in close touch with the Collector of that District, placing full reliance on the word of Government that their future decision about him would depend upon the report, that would be made by that officer five years after the date of this communication about his conduct during that period; and since that time the Collector of Dharwar has been submitting to Government a report every six months about Your Memorialist's conduct, which has been in the eyes of that officer entirely satisfactory. His Excellency the Governor of Bombay has also twice expressed his satisfaction in this respect, once in July, 1908, and again in February, 1909.

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It may also be stated that H. L. Painter, Esq., the then Political Agent of Satara while communicating the approval of Government about the choice of the place of residence made by Your Memorialist, assured him that his future depended upon his conduct at Dharwar during the period of probation and at the end of which, if that conduct was satisfactory in the eyes of the Collector of Dharwar, Your Memorialist would be restored to power, and that in case that officer was not satisfied with Your Memorialist's conduct, the period of probation would be extended from time to time. Moreover, Your Memorialist has all along believed that the opinion of H.E. the Governor-in-Council that "it is not desirable that Your Memorialist should return to Aundh or reside anywhere in Poona or Satara District" (*vide* paragraph 2 of Political Agent's letter No. 6716, dated 16th September, 1907, Ex. 1), was expressed more for his benefit than otherwise. This opinion must have been formed with a view that as bad feelings already prevailed between Your Memorialist and the State Karbhari, Mr. Jacob Bapuji, and as the then Political Agent, S. R. Arthur, Esq., I.C.S., was, rightly or wrongly, prejudiced against Your Memorialist, Government would be able to judge properly of the conduct of Your Memorialist, only if that conduct was watched by an officer who had no previous bias against him and who had no prepossession in favour of his enemies.

That however, on the 13th July, 1909, there suddenly came upon Your Memorialist from C. Hudson, Esq., I.C.S., Collector of Dharwar, a communication No. 5199 (Conf. 49) dated 13th July, 1909 (Ex. 2) in which Your Memorialist was told that H. E. the Governor-in-Council had, on further consideration of the circumstances of the State, with the concurrence of the Government of India, come to the conclusion that it would be contrary to the interests of the people of Aundh to allow Your Memorialist to return to power or to entertain any hopes of such return. This communication fell upon Your Memorialist as an unexpected heavy blow, while he was living quietly at Dharwar with full confidence, that whatever might be the truth or otherwise as to the allegations made against him in the report, submitted to Government by the Political Agent, Satara, in pursuance of which the Commission of Inquiry was appointed and which was taken into consideration by the Government of India along with the report of the Commission, the Government of India would decide his fate upon their view of his conduct during the five years of grace given to him, and that he had no reason to fear of consequences if he showed to Government through an unprejudiced responsible officer that his future conduct was above reproach. Under these circumstances he is really at a loss to understand and realise the reasons, which have led Government, suddenly and without any notice to him and any opportunity of explanation, to deprive him permanently of his powers. The only reason given in No. 5199 (Conf. 49) (Ex. 2), is the interests of the people of Aundh. Your Memorialist is quite in the dark as to the way in which those interests would be jeopardised by his return to power, nor does he know who discovered this possible jeopardy to those interests and how he discovered it. If any persons have made any statements or allegations about those interests being injured by the return of Your Memorialist to power, he humbly submits that he is at all events entitled to show that those statements, if made at all, are false and malicious and might have been procured by interested persons. But no such opportunity has been accorded to him. Your Memorialist would again here take the liberty of submitting that the reason now given does not at all accord with the belief solemnly created in his mind by the previous assurances of Government. Your Memorialist never went to Aundh after the Commission and was away at Dharwar, quietly passing his time in full reliance upon the word of Government of India and never concerned himself as to any happenings in Aundh. The State Karbhari, Mr. Jacob Bapuji, who was the complainant and Mr. S. R. Arthur who was the prosecutor before the Commission of Inquiry and who had reported about Your Memorialist's unfitness, etc., had a free hand in the State and it will not need much stretch of imagination to conceive how easily in this country, false allegation will swarm in behind the back of the person assailed, when his enemies know that the authorities on the spot have a bias against him. But it must be noted that the State Karbhari, Mr. Jacob Bapuji, has been retained at Aundh all through the time occupied by the inquiry before the Commission and afterwards up to this day, notwithstanding the repeated protests of Your Memorialist from the beginning.

That Your Memorialist submits that it is difficult to understand why the question about this return to power was opened before the five years of grace were over and he has grounds to believe that advantage of his absence from Aundh has been taken by interested persons, who are trying for the Gadi for themselves and who felt that they could not afford to wait for the full period of five years, being afraid of a change of personal in the

authorities on the spot and who in conjunction with the State Karbhari and others have by dint of machinations caused false reports to go up to the ears of the Political Agent, Satara, and the Bombay Government.

That Your Memorialist is not aware that the letter No. 6716, dated 16th September, 1907 (Ex. 1) may be construed as not giving any definite assurance to him that he would be restored to power. But that it certainly did not depose him outright, cannot be denied and that it accorded to him what may be described as a *locus penitentiae* and consequently there is no valid or just reason why the benefit so extended to him and on which he relied, should be suddenly taken away from him without affording even an opportunity of explanation. Your Memorialist may in this connection draw the attention of Government to the wording of the order issued after the trial of Mulhar Rao Gaekwar of Baroda in 1875, which runs as follows :—

“ Having regard, . . . to all the circumstances . . . having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda . . . that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Mulhar Rao Gaekwar shall be deposed from the Sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honours, and privileges thereto appertaining.”

Contrasting this order with the one contained in the Satara Political Agent's letter No. 6716, dated 16th September, 1907 (Ex. 1), it will become evident that the latter did not depose Your Memorialist and deprive him and his issue of their rights. Even the present letter of the Political Agent, Dharwar, No. 5199 (Conf. 49), dated 13th July, 1909 (Ex. 2), did not purport to do so. But Your Memorialist hears with deep regret that the Bombay Government are already proceeding to decide the question of succession to the Gadi of Aundh. If this information is correct, Your Memorialist has additional ground of complaint in that he fails to understand why the rights of his future progeny also should be ignored.

Your Memorialist desires to apply to Your Excellency's Government for a reconsideration of the question and he also desires if necessary to appeal to the Secretary of State. But he cannot do so properly without being furnished with the grounds in detail on which Government have taken the present sudden and precipitate action. Your Memorialist had in his No. 50, dated 20th September, 1907, to the Political Agent, Satara, asked to be furnished with a copy of the report of the Commission and by his representations, No. 10 dated 15th March, 1907, and No. 32, dated 22nd May, 1907 (Ex. 3), requested Bombay Government for a copy of the report of the Political Agent about his unfitness, etc., on which Government ordered the Commission of inquiry, but has not yet received either. He has on the 16th instant, also asked the Government of Bombay for the grounds on which the present orders are passed and he will on receipt of these materials be in a position to place his case before Your Excellency-in-Council in a proper manner. The question is one which is not only personal to himself but affects his future progeny and he feels that he is in duty bound to do all that he can in vindication of his just rights and Your Memorialist, therefore, humbly requests that Your Excellency-in-Council be pleased to allow him an opportunity of doing the same, and trusts that until then no final orders would, as already requested by wire, be passed as regards the succession to the Gadi of Aundh.

Your Memorialist also begs that if perchance any such orders have been issued Your Excellency will be pleased to direct that their execution be suspended until the period for appealing to the Secretary of State is over.

Your Memorialist begs to submit that if he be given an opportunity to explain away the allegations made against him he hopes to convince Your Excellency-in-Council and Secretary of State that the present decision, if not entirely erroneous, goes much further than the exigencies of the case would require, and metes out to him and his future progeny a punishment entirely undeserved and in any case far too heavy.

Your Memorialist's case is not a solitary instance of deprivation of powers. In the the Bombay Presidency itself there are instances such as, Sangli, Jath, and Phaltan, where deprivation of powers did not carry deposition with it and did not afford any scope for

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proceeding to decide the question of succession and therefore, he, in conclusion, respectfully and humbly says that that question at all events should not be decided until at least the period of five years of grace is over.

(Signed) CHIEF OF AUNDH.

DHARWAR,
19th September, 1909.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to Government at an early date with his favourable opinion.

DHARWAR,
19th September, 1909.

EXHIBIT 31.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GEORGE SYDENHAM CLARKE, G.C.M.G., F.R.S., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY, THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO, PANT PRATINIDHI OF AUNDH, DHARWAR, OCTOBER, 1909.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist has submitted through the proper channel formal memorials to the Government of India against the orders of the Government of Bombay, communicated to him through letter No. 5199 dated 13th July, 1909, from the Collector and Political Agent, Dharwar (copy appended). He has also similarly submitted a memorial to His Majesty's Secretary of State for India against the same orders. He has also submitted advance copies of these memorials to Your Excellency.

Your Excellency's Memorialist, therefore, begs that Your Excellency will be graciously pleased not to carry out the installation of a successor till the memorials are considered and disposed of by the Government of India and His Majesty's Secretary of State.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to the Government of India at an early date with his favourable opinion.
Dharwar, October, 1909.

EXHIBIT 32.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GILBERT JOHN ELLIOTT-MURRAY KYNYNMOUND, P.C., G.C.M.G., G.M.S.I., G.M.I.E., EARL OF MINTO, OF ROXBURGH, VISCOUNT OF MELGUND IN THE COUNTY OF FORFAR, BARON MINTO OF MINTO, AND A BARONET OF NOVA SCOTIA, VICEROY AND GOVERNOR-GENERAL OF INDIA IN COUNCIL, THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO ALIAS NANASAHEB PANT PRATINIDHI, CHIEF OF AUNDH, SATARA, DISTRICT IN THE BOMBAY PRESIDENCY, DHARWAR, OCTOBER 1909.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist has submitted through the proper channel formal memorials to the Government of India against the orders of the Government of Bombay, communicated to him through letter No. 5199 dated 13th July, 1909, from the Collector and Political Agent, Dharwar (copy appended). He has also similarly submitted a memorial to His Majesty's Secretary of State for India against the same orders. He has also submitted advance copies of these memorials to Your Excellency.

Your Excellency's Memorialist, therefore, begs that Your Excellency will be graciously pleased to issue instructions to the Government of Bombay, by wire if necessary, not to carry out the installation of a successor till the memorials are considered and disposed of by the Government of India and His Majesty's Secretary of State.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to the Government of India at an early date with his favourable opinion.
Dharwar, October, 1909.

EXHIBIT 33.

No. 494 of 1909.

FROM A. R. BONUS, ESQ., I.C.S., POLITICAL AGENT, SATARA, TO MEHER-BAN NANASAHEB, PANT PRATINIDHI OF AUNDH, SATARA, 22ND OCTOBER, 1909.

Sir,

With reference to your telegrams (herewith returned) to the Secretary of State for India, relating to the Chiefship of Aundh, I am by direction to inform you that no representation made direct to His Majesty's Secretary of State for India will be attended to unless submitted through the local Political authorities.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) A. R. BONUS,*Political Agent.*

Through THE COLLECTOR of Dharwar.

EXHIBIT 34.

COPY OF TELEGRAM DATED 1st NOVEMBER, 1909, FROM THE POLITICAL AGENT, SATARA, TO THE POLITICAL AGENT, DHARWAR.

Bombay Government have already definitely declined to postpone Aundh installation. Wire therefore not despatched.

No. 8560 of 1909.

DHARWAR, 2ND NOVEMBER, 1909.

Forwarded with compliments to the Pant Pratinidhi for information and guidance.
2. The Balance of Rs. 16 deposited is accordingly returned.

(Signed) C. HUDSON,*Collector and Political Agent, Dharwar.***EXHIBIT 35.**

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GILBERT JOHN ELLIOTT-MURRY KYNMOUND, P.C., G.C.M.G., G.M.S.I., G.M.I.E., EARL OF MINTO, OF ROXBURGH, VISCOUNT OF MELGUND IN THE COUNTY OF FORFAR, BARON MINTO OF MINTO, AND A BARONET OF NOVA SCOTIA, VICEROY AND GOVERNOR-GENERAL OF INDIA IN COUNCIL. THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO ALIAS NANASAHEB PANT PRATINIDHI, CHIEF OF AUNDH, SATARA, DISTRICT IN THE BOMBAY PRESIDENCY. DHARWAR, 8TH OCTOBER, 1909. DRAFTED BY D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist was installed on the Gadi of the Aundh State in the Deccan on 3rd November, 1905, after the demise of his father.

That in March, 1907, the Government of Bombay appointed a Commission to inquire into the charge that Your Excellency's Memorialist instigated one Pirya Laxman Mang, to commit a dacoity at the house of the State Karbhari, Mr. Jacob Bapuji Israel and murder him, and that in pursuance of this plot Your Excellency's Memorialist caused the escape of Pirya from the Aundha jail and subsequently incited him both directly and indirectly to carry out the project.

That this inquiry was ordered on a report made by the Political Agent, Satara, in which in addition to the allegation about Pirya Mang, that officer made allegations against the character and fitness of Your Memorialist to administer this State.

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That the latter matter, viz., the allegations in the report regarding Your Memorialist's conduct, maladministration and private character, was not referred for inquiry to the Commission appointed to inquire into and report on the specific charge, but was reserved for consideration by the Government of Bombay.

That the Government of India after having considered the report of the Commission and the report of the Political Agent about Your Memorialist's unfitness, etc., concurred with the Government of Bombay in holding that Your Memorialist should be deprived of his powers as a ruling Chief, subject to further report after a period of five years as to Your Memorialist's conduct during that period, and the Bombay Government asked Your Memorialist to choose a place of residence away from Aundh and also from the Satara and Poona Districts (*vide* letter No. 7616 dated 16th September, 1907, from the Political Agent, Satara, Ex. 1). This letter clearly shows that the decision of Your Excellency's Government covered the specific charge inquired into by the Commission as well as the allegations regarding Your Memorialist's maladministration, unfitness and private character, made in the report of the Political Agent and a reference to Ex. 3 will show that all that malice could allege against a gentleman was alleged against Your Memorialist by his enemies and these allegations were before Government when these orders were passed.

That after receipt of this communication Your Memorialist elected to reside at Dharwar in close touch with the Collector of that District, placing full reliance on the word of Government that their future decision about him would depend upon the report, that would be made by that officer five years after the date of this communication about his conduct during that period; and since that time the Collector of Dharwar has been submitting to Government a report every six months about Your Memorialist's conduct, which has been in the eyes of that officer entirely satisfactory. His Excellency the Governor of Bombay has also twice expressed his satisfaction in this respect once in July, 1908, and again in February, 1909.

It may also be stated that H. L. Painter, Esq., the then Political Agent of Satara, while communicating the approval of Government about the choice of the place of residence made by Your Memorialist assured him that his future depended upon his conduct at Dharwar during the period of probation and at the end of which, if that conduct was satisfactory in the eyes of the Collector of Dharwar, Your Memorialist would be restored to power and that in case that officer was not satisfied with Your Memorialist's conduct, the period of probation would be extended from time to time. Moreover Your Memorialist has all along believed that the opinion of H.E. the Governor-in-Council that "it is not desirable that Your Memorialist should return to Aundh or reside anywhere in Poona or Satara District" (*vide* para. 2 of Political Agent's letter No. 6716, dated 16th September, 1907, Ex. 1), was expressed more for his benefit than otherwise. This opinion must have been formed with a view that as bad feelings already prevailed between Your Memorialist and the State Karbhari Mr. Jacob Bapuji and as the then Political Agent, S. R. Arthur, Esq., I.C.S., was, rightly or wrongly, prejudiced against Your Memorialist, Government would be able to judge properly of the conduct of Your Memorialist, only if that conduct was watched by an officer who had no previous bias against him and who had no prepossessions in favour of his enemies.

That however, on the 13th July, 1909, there suddenly came upon Your Memorialist from C. Hudson, Esq., I.C.S., Collector of Dharwar, a communication No. 5193/Conf. 49, dated 13th July, 1909 (Ex. 2) in which Your Memorialist was told that H.E. the Governor-in-Council had, on further consideration of the circumstances of the state, with the concurrence of the Government of India, come to the conclusion that it would be contrary to the interests of the people of Aundh to allow Your Memorialist to return to power or to entertain any hopes of such return. This communication fell upon Your Memorialist as an unexpected heavy blow, while he was living quietly at Dharwar with full confidence, that whatever might be the truth or otherwise as to the allegations made against him in the report, submitted to Government by the Political Agent, Satara, in pursuance of which the Commission of inquiry was appointed and which was taken into consideration by the Government of India along with the report of the Commission, the Government of India would decide his fate upon their view of his conduct during the five years of grace given to him, and that he had no reason to fear of consequences if he showed to Government through an unprejudiced responsible officer that his future conduct was above reproach. Under these circumstances he is really at a loss to understand and realise the reasons, which have led Government, suddenly and without any notice to him and any opportunity of explanation, to deprive him permanently of his powers. The only reason given in No.

5199/Confl. 49 (Ex. 2) is the interests of the people of Aundh. Your Memorialist is quite in the dark as to the way in which those interests would be jeopardised by his return to power, nor does he know who discovered this possible jeopardy to those interests and how he discovered it. If any persons have made any statements or allegations about those interests being injured by the return of Your Memorialist to power, he humbly submits that he is at all events entitled to show that those statements, if made at all, are false and malicious and might have been procured by interested persons. But no such opportunity has been accorded to him. Your Memorialist would again here take the liberty of submitting that the reason now given does not at all accord with the belief solemnly created in his mind by the previous assurances of Government. Your Memorialist never went to Aundh after the Commission and was away at Dharwar, quietly passing his time in full reliance upon the word of Government of India and never concerned himself as to any happenings in Aundh. The State Karbhari, Mr. Jacob Bapuji, who was the complainant, and Mr. S. R. Arthur who was the prosecutor before the Commission of inquiry and who had reported about Your Memorialist's unfitness, etc., had a free hand in the State and it will not need much stretch of imagination to conceive how easily in this country, false allegation will swarm in behind the back of the person assailed, when his enemies know that the authorities on the spot have a bias against him. But it must be noted that the State Karbhari, Mr. Jacob Bapuji, has been retained at Aundh all through the time occupied by the inquiry before the Commission and afterwards up to this day, notwithstanding the repeated protests of Your Memorialist from the beginning.

That Your Memorialist submits that it is difficult to understand why the question about his return to power was opened before the five years of grace were over and he has grounds to believe that advantage of his absence from Aundh has been taken by interested persons, who are trying for the Gadi for themselves and who felt that they could not afford to wait for the full period of five years, being afraid of a change of personal in the authorities on the spot and who in conjunction with the State Karbhari and others have by dint of machinations caused false reports to go up to the ears of the Political Agent Satara, and the Bombay Government.

That Your Memorialist is not unaware that the letter No. 6716, dated 16th September, 1907 (Ex. 1) may be construed as not giving any definite assurance to him that he would be restored to power. But that it certainly did not depose him outright, cannot be denied and that it accorded to him what may be described as a *locus penitentiae* and consequently there is no valid or just reason why the benefit so extended to him and on which he relied, should be suddenly taken away from him without affording even an opportunity of explanation. Your Memorialist may in this connection draw the attention of Government to the wording of the order issued after the trial of Mulhar Rao Gaekwar of Baroda in 1875, which runs as follows:—

“Having regard, . . . to all the circumstances . . . having also considered the opinion of the Government of India that it would be detrimental to the interests of the people of Baroda . . . that His Highness should be restored to power, Her Majesty's Government have decided that His Highness Mulhar Rao Gaekwar shall be deposed from the Sovereignty of Baroda, and that he and his issue shall be hereafter precluded from all rights, honours, and privileges thereto appertaining.”

Contrasting this order with the one contained in the Satara Political Agent's letter No. 6716, dated 16th September, 1907 (Ex. 1) it will become evident that the latter did not depose Your Memorialist and deprive him and his issue of their rights. Even the present letter of the Political Agent, Dharwar, No. 5199 (Confl. 49), dated 13th July, 1909 (Ex. 2) did not purport to do so. But Your Memorialist hears with deep regret that the Bombay Government are already proceeding to decide the question of succession to the Gadi of Aundh. If this information is correct Your Memorialist has additional ground of complaint in that he fails to understand why the rights of his future progeny also should be ignored.

That it is an error to treat the fact of Your Memorialist's being deprived of his powers as tantamount to his deposition, when alone the question of succession can be opened.

Your Memorialist's case is not a solitary instance of deprivation of powers. In the Bombay Presidency itself there are instances such as, Sangli, Jath, Kollapur and Phaltan, where deprivation of powers did not carry deposition with it and did not afford any scope for proceeding to decide the question of succession and therefore, he, in conclusion, respectfully and humbly says that that question at all events should not be decided until at least the period of five years of grace is over.

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That Your Memorialist submits that if the present action of the Government of Bombay is based upon any facts which were not before Government in September, 1907, and which are alleged to have been subsequently discovered he is in justice entitled to know what they are. He can only submit now that *prima facie* those facts must be inventions and fabrications since it does not stand to reason that if true they could not have been known to Mr. S. R. Arthur the Political Agent and Mr. Jacob Bapuji the Karbhari, who were intimately connected with Aundh for more than ten years, the former as Assistant Collector, Collector of Satara and Political Agent of the Aundh State and the latter as Chitnis to the Collector and Political Agent and afterwards as Karbhari of Aundh State.

Your Memorialist begs to submit that if he be given an opportunity to explain away the allegations made against him he hopes to convince Your Excellency in Council and the Secretary of State that the present decision, if not entirely erroneous, goes much further than the exigencies of the case would require, and meets out to him and his future progeny a punishment entirely undeserved and in any case far too heavy.

That Your Memorialist has already submitted to Your Excellency a representation No. 20, dated 12th September, 1909, urging some of the grounds for a reconsideration of the orders embodied in the letter of the Political Agent, Dharwar, No. 5199, dated 13th July, 1909 (Ex. 2), and praying for the suspension of the execution of the orders of installation of a successor, if any have been issued. He has also stated therein that he is unable to prefer a detailed memorial, as he has not yet been furnished with copies of many papers. Being, however, apprehensive that the representation No. 20 dated, 19th September, 1909, may perhaps be construed only as a memorial for the suspension of the execution of orders and not a regular memorial for a reconsideration of the present decision of Government, embodied in letter No. 5199 dated 13th July, 1909, from the Political Agent, Dharwar (Ex. 2) Your Memorialist, although he has not yet got the copies asked for, hastens to approach Your Excellency with this memorial in order to save any objection on the ground of limitation, reserving liberty for him to put forward detailed arguments, when he obtains the necessary copies, on the following among other grounds:—

1. That the decision of the Government of India embodied in Political Agent, Satara's letter No. 6716, dated 16th September, 1907 (Ex. 1), covered not only the specific charge inquired into by the Commission but also the allegation made as regards the maladministration, unfitness to rule the State, private character, etc., of Your Memorialist.

2. That Your Memorialist did not appeal to His Majesty's Secretary of State nor approach Your Excellency against the orders of the Bombay Government and of the Government of India as embodied in the Satara Political Agent's letter No. 6716, dated 16th September, 1907 (Ex. 1), because he had not received the copy of the report of the Commission and of the report of the Political Agent and also because he relied upon the word of Governments of Bombay and India, which afforded him grace for five years and a *locus penitentiae* for that period.

3. That as Your Memorialist has not been furnished with the grounds on which the action embodied in Political Agent Dharwar's letter No. 5199, dated 13th July, 1909 (Ex. 2) is taken, he unable to answer the allegations made against him.

4. That the decision of the Government of Bombay as embodied in Political Agent, Dharwar's letter No. 5199, dated 13th July, 1909 (Ex. 2), is in direct contravention with the solemn belief, created in Your Memorialist's mind by the Political Agent Satara's letter No. 6716, dated the 16th September, 1907 (Ex. 1) and by the assurances given to him by H. L. Painter, Esq., I.C.S., that Your Memorialist's future depended upon his conduct at Dharwar and upon the report of the Collector of Dharwar alone. The punishment given by letter No. 6716, dated 16th September, 1907 (Ex. 1) from the Political Agent Satara was deemed adequate for all that had occurred before that day.

5. That there is no just cause why the grace of five years allowed to Your Memorialist should be taken away especially as his conduct during the last two years is found satisfactory in the eyes of the Collector of Dharwar in whose close touch he is living.

6. That there was no reason as to why the question about Your Memorialist's return to power should be opened before the period of five years of grace was over and that Your Memorialist has reason to believe that the persons trying for the Gadi have, in conjunction with Mr. Jacob Bapuji, who has been retained till now as Karbhari of Aundh State, notwithstanding the repeated requests of Your Memorialist for his transfer, caused false reports to be circulated and go up to Government.

7. That the reason now suggested does not at all accord with the orders of Government, embodied in the letter of the Political Agent Satara, No. 6716, dated 16th September, 1907 (Ex. 1).

8. That in permanently depriving him of his powers and installing a successor, Your Memorialist is being condemned unheard and his being deposed without his having been given even an opportunity of explanation.

9. That the order embodied in the letter of the Political Agent, Satara, No. 6716 dated, 16th September, 1907 (Ex. 1) was in the view of the Government of Bombay and the Government of India, an adequate punishment for all that had occurred before that date and the present action, as embodied in the letter of the Political Agent, Dharwar, No. 5199, dated 13th July, 1909 (Ex. 2) is either an enhancement of that punishment or involves Your Memorialist being punished twice over for the same set of circumstances without his having been heard against it.

10. That the question is one which is not only personal to Your Memorialist but affects his future progeny.

11. That it is an error to treat that fact of his being deprived of powers as tantamount to his deposition, when alone the question of succession can be opened. There are a number of instances of chiefs not being deposed, although deprived of powers.

12. That the present decision of Government metes out to Your Memorialist and his future progeny punishment entirely undeserved and in any case far too heavy.

13. That if any new facts have *now* been brought to the notice of Government they must *prima facie* be inventions and fabrications; for if true they could not have been unknown in 1907 to the then Political Agent and the Karbhari who are both connected with Aundh for more than ten years.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to Government at an early date with his favourable opinion.

Dharwar,

8th October, 1909.

EXHIBIT 36.

TO THE RIGHT HONOURABLE VISCOUNT MORLEY OF BLACKBURN, O.M., HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL, THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO *alias* NANASAHEB PANT PRATINIDHI, CHIEF OF AUNDH, SATARA, DISTRICT IN THE BOMBAY PRESIDENCY, DRAFTED BY D. A. KHARE, B.A., LL.B., HIGH COURT PLEADER, BOMBAY, DHARWAR, 8TH OCTOBER, 1909.

RESPECTFULLY SHOWETH :—

That Your Lordship's Memorialist, being the eldest son, was installed on the Gadi of the Aundh State in the Deccan on 3rd November, 1905, after the demise of his father, who occupied the Gadi from 1902 to 1905.

That in March, 1907, the Government of Bombay appointed a Commission to inquire into the charge that Your Excellency's Memorialist instigated one Pirya Laxman Mang, to commit a dacoity at the house of the State Karbhari, Mr. Jacob Bapuji Israel and murder him, and that in pursuance of this plot Your Excellency's Memorialist caused the escape of Pirya from the Aundha jail and subsequently incited him both directly and indirectly to carry out the project.

That this enquiry was ordered on a report made by the Political Agent, Satara, in which in addition to the allegation about Pirya Mang, that officer made allegations against the character and fitness of Your Memorialist to administer his State.

That the latter matter, *viz.*, the allegations in the report regarding Your Memorialist's conduct, mal-administration and private character, was not referred for inquiry to the Commission appointed to inquire into and report on the specific charge, but was reserved for consideration by the Government of Bombay.

A (a) vi.

That the Government of India after having considered the report of the Commission and the report of the Political Agent about Your Memorialist's unfitness, etc., concurred with the Government of Bombay in holding that Your Memorialist should be deprived of his powers as a ruling Chief subject to further report after a period of five years as to Your Memorialist's conduct during that period, and the Bombay Government asked Your Memorialist to choose a place of residence away from Aundh and also from the Satara and Poona Districts. (*Vide* letter No. 6716 dated 16th September, 1907, from the Political Agent, Satara, Ex. 1.) This letter clearly shows that the decision of Your Excellency's Government covered the specific charge inquired into by the Commission as well as the allegations regarding Your Memorialist's mal-administration, unfitness and private character, made in the report of the Political Agent and a reference to Ex. 3 will show that all that malice could allege against a gentleman was alleged against Your Memorialist by his enemies and these allegations were before Government when these orders were passed.

That after receipt of this communication Your Memorialist elected to reside at Dharwar in close touch with the Collector of that District, placing full reliance on the word of Government that their future decision about him would depend upon the report, that would be made by that officer five years after the date of this communication about his conduct during that period; and since that time the Collector of Dharwar has been submitting to Government a report every six months about Your Memorialist's conduct, which has been in the eyes of that officer entirely satisfactory. His Excellency the Governor of Bombay has also twice expressed his satisfaction in this respect, once in July, 1908, and again in February, 1909.

It may also be stated that H. L. Painter, Esq., the then Political Agent of Satara, while communicating the approval of Government about the choice of the place of residence made by Your Memorialist assured him that his future depended upon his conduct at Dharwar during the period of probation and at the end of which, if that conduct was satisfactory in the eyes of the Collector of Dharwar, Your Memorialist would be restored to power and that in case that officer was not satisfied with Your Memorialist's conduct, the period of probation would be extended from time to time. Moreover Your Memorialist has all along believed that the opinion of H. E. the Governor-in-Council that "it is not desirable that Your Memorialist should return to Aundh or reside anywhere in Poona or Satara District" (*vide* paragraph 2 of Political Agent's letter No. 6716, dated 16th September, 1907, Ex. 1), was expressed more for his benefit than otherwise. This opinion must have been formed with a view that as bad feelings already prevailed between Your Memorialist and the State Karbhari, Mr. Jacob Bapuji and as the then Political Agent, S. R. Arthur, Esq. I.C.S., was, rightly or wrongly, prejudiced against Your Memorialist, Government would be able to judge properly of the conduct of Your Memorialist, only if that conduct was watched by an officer who had no previous bias against him and who had no prepossessions in favour of his enemies.

That, however, on the 13th July, 1909, there suddenly came upon Your Memorialist from C. Hudson, Esq., I.C.S., Collector of Dharwar, a communication No. 5519 (Conf. 49) dated 13th July, 1909 (Ex. 2) in which Your Memorialist was told that H.E. the Governor-in-Council had, on further consideration of the circumstances of the state, with the concurrence of the Government of India, come to the conclusion that it would be contrary to the interests of the people of Aundh to allow Your Memorialist to return to power or to entertain any hopes of such return. This communication fell upon Your Memorialist as an unexpected heavy blow, while he was living quietly at Dharwar with full confidence, that whatever might be the truth or otherwise as to the allegations made against him in the report, submitted to Government by the Political Agent, Satara, in pursuance of which the Commission of inquiry was appointed and which was taken into consideration by the Government of India along with the report of the Commission, the Government of India would decide his fate upon their view of his conduct during the five years of grace given to him, and that he had no reason to fear of consequences if he showed to Government through an unprejudiced responsible officer that his future conduct was above reproach. Under these circumstances he is really at a loss to understand and realise the reasons, which have led Government, suddenly and without any notice to him and any opportunity of explanation, to deprive him permanently of his powers. The only reason given in No. 5519 (Conf. 49) (Ex. 2) is the interests of the people of Aundh. Your Memorialist is quite in the dark as to the way in which those interests would be jeopardised by his return to power, nor does he know who discovered this possible jeopardy to those interests and how he discovered it. If any persons have made any statements or allegations about those interests being injured by the return of Your Memorialist to power, he humbly submits

that he is at all events entitled to show that those statements, if made at all, are false and malicious and might have been procured by interested persons. But no such opportunity has been accorded to him. Your Memorialist would again here take the liberty of submitting that the reason now given does not at all accord with the belief solemnly created in his mind by the previous assurances of Government. Your Memorialist never went to Aundh after the Commission and was away at Dharwar, quietly passing his time in full reliance upon the word of Government of India and never concerned himself as to any happenings in Aundh. The State Karbhari, Mr. Jacob Bapuji, who was the complainant, and Mr. S. R. Arthur, who was the prosecutor before the Commission of inquiry and who had reported about Your Memorialist's unfitness, etc., had a free hand in the State and it will not need much stretch of imagination to conceive how easily in this country, false allegation will swarm in behind the back of the person assailed, when his enemies know that the authorities on the spot have a bias against him. But it must be noted that the State Karbhari, Mr. Jacob Bapuji, has been retained at Aundh all through the time occupied by the inquiry before the Commission and afterwards up to this day notwithstanding the repeated protests of Your Memorialist from the beginning.

That Your Memorialist submits that it is difficult to understand why the question about his return to power was opened before the five years of grace were over and he has grounds to believe that advantage of his absence from Aundh has been taken by interested persons, who are trying for the Gadi for themselves and who felt that they could not afford to wait for the full period of five years, being afraid of a change of personal in the authorities on the spot and who in conjunction with the State Karbhari and others have by dint of machinations caused false reports to go up to the ears of the Political Agent, Satara, and the Bombay Government.

That Your Memorialist is not unaware that the letter No. 6716 dated 16th September, 1907 (Ex. 1) may be construed as not giving any definite assurance to him that he would be restored to power. But that it certainly did not depose him outright, cannot be denied and that it accorded to him what may be described as a *locus penitentiae* and consequently there is no valid or just reason why the benefit so extended to him and on which he relied, should be suddenly taken away from him without affording even an opportunity of explanation.

That Your Memorialist applied for a copy of the report of the Commission of Inquiry to the Political Agent Satara, on 20th September, 1907, but that copy has not been furnished to him, nor has he been furnished with the grounds for the present action of Government, which he asked by Memorial No. dated 16th September, 1909 (Ex. 4).

That Your Memorialist did not appeal to Your Lordship in Council against the orders of the Bombay Government and of the Government of India as embodied in the Satara Political Agent's letter No. 6716, dated 16th September, 1907 (Ex. 1), because he had not received the copy of the report of the Commission and of the report of the Political Agent and also because he relied upon the word of Governments of Bombay and India, which afforded him grace for five years and a *locus penitentiae* for that period.

That on receiving the Dharwar Political Agent's letter No. 5199/Conf. 49, dated 13th July, 1909 (Ex. 2), Your Memorialist, however appealed to the Government of India by Memorial No. dated 19th September, 1909 (Ex. 5), although as stated already, the copy and grounds asked for by him were not furnished to him. He, however, has received no reply to this appeal except an acknowledgment of receipt of the duplicate copy.

That Your Memorialist would have waited sometime more before he preferred a formal appeal to Your Lordship in Council; but he now hears that not only he has been deposed but that the installation of a successor to the Gadi of Aundh has been determined upon and will be carried out by the Government of Bombay at an early date, and being apprehensive that if such installation is carried out it will form a formidable barrier in the way of his getting any redress by way of appeal afterwards, Your Memorialist ventures to hasten and approach Your Lordship in Council by this letter, as he has already done by telegrams and earnestly begs that Your Lordship in Council will not allow the perpetration of this great wrong without deciding for Yourself the whole matter on its merits on the following among other grounds :—

1. That no copy of the report of the Commission of inquiry having been furnished to him Your Memorialist was not in a position to appeal against the orders embodied in letter No. 6716, dated 16th September, 1907 (Ex. 1).

A (a) vi.

2. That as he has not been furnished with the grounds on which the action embodied in letter No. 5199/Conf. 49, dated 13th July, 1909 (Ex. 2) is taken, he is unable to answer the allegations made against him.

3. That in permanently depriving him of his powers and installing a successor Your Memorialist is being condemned unheard and is being deposed without his having been given even an opportunity of explanation.

4. That the order embodied in letter No. 6716, dated 16th September, 1909 (Ex. 1) was, in view of the Government of Bombay and Government of India an adequate punishment for all that had occurred before that date and the present action, as embodied in letter No. 5199/Conf. 49, dated 13th July, 1909 (Ex. 2) is either an enhancement of that punishment or involves Your Memorialist being punished twice over for the same set of circumstances without his having been heard against it.

5. That there is no just cause why the grace of five years allowed to him should be taken away.

6. That it is an error to treat the fact of his being deprived of his powers as tantamount to his deposition, when alone the question of succession can be opened.

That in conclusion Your Lordship's Memorialist submits that if the present action of the Government of Bombay is based upon any facts which were not before Government in September, 1907, and which are alleged to have been subsequently discovered he is in justice entitled to know what they are. He can only submit now that *prima facie* those facts must be inventions and fabrications since it does not stand to reason that if true they could not have been known to Mr. S. R. Arthur the Political Agent, and Mr. Jacob Bapuji, the Karbhari, who were intimately concerned with Aundh for more than ten years—the former as Assistant Collector, Collector of Satara and Political Agent of the Aundh State and the latter as Chitnis to the Collector and Political Agent and afterwards as Karbhar, of Aundh State.

(Signed) Chief of Aundh.

Submitted through the Political Agent, Dharwar, with a request that he will kindly forward this to Government at an early date with his favourable opinion.

Dharwar, 8th October, 1909.

EXHIBIT 37.

No. 20 of 1910.

DHARWAR, 4th January, 1910.

With reference to his two memorials dated respectively the 19th September and the 8th October, 1909, addressed to His Excellency the Viceroy, Meherban Nanasaheb, deposed Chief of Aundh, is informed that His Excellency the Viceroy has rejected his memorials and that orders passed in his case are final.

(Signed)

Political Agent, Dharwar.

EXHIBIT 38.

No. 5527 of 1910.

FROM C. HUDSON, ESQ., I.C.S., COLLECTOR AND POLITICAL AGENT, DHARWAR, TO MEHERBAN NANASAHEB, EX-CHIEF OF AUNDH, DHARWAR, DHARWAR, 21st JULY, 1910.

SIR,

With reference to your memorial No. 22 dated 8th October, 1909, addressed to His Majesty's Principal Secretary of State for India in Council, I have the honour to state that I have been asked by Government of Bombay to inform you that the Secretary of State finds no reason to interfere with the orders already passed for your deposition.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) C. HUDSON,

Collector and Political Agent, Dharwar.

EXHIBIT 39.

TO HIS EXCELLENCY THE RIGHT HONOURABLE, SIR GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY, DHARWAR, 5TH FEBRUARY, 1919.

MAY IT PLEASE YOUR EXCELLENCY,

I have the honour of submitting two Memorials to Your Excellency, one of which is of immediate and the other of ultimate importance to me.

The first one embodies a request for greater freedom of movement and an increased allowance. I beg most respectfully to call Your Excellency's attention to the fact that this Memorial was sent by me twice during the last eight or nine months. *It was both times forwarded by the Collector and Political Agent with a favourable remark* but both times it was sent back to me for reasons which have not appeared to me to have possessed any force.

Since even my most modest and reasonable representations are being thus returned without receiving any consideration, I am compelled to approach Your Excellency directly without availing myself of the regular channels. Without wishing to be even inferentially critical of the conduct of any of the officers concerned who have invariably been most kind to me personally, I take leave to urge, with all the emphasis I am capable of, that owing to the increased cost of living I find it extremely difficult to make both ends meet on Rs. 600 a month and it would be doing me nothing more than bare justice to raise my allowance to the *original* figure of Rs. 900.

The restrictions placed on my freedom of movement also appear to me unnecessarily severe and most irksome and injurious to my health. I venture to think there is ample scope for a relaxation of these restrictions consistently with the attainment of the objects Government had in view in imposing them on me.

The second Memorial sets forth my claims to be reinstated on the Gadi of Aundh. I need hardly say that although I refer very briefly to it here this Memorial, going as it does to the root of all my troubles, is of the most vital importance to me and I feel confident Your Excellency will consider it in a just and impartial spirit.

Your Excellency comes with a great reputation for a spirit of fairness and justice and by giving my case a fair hearing Your Excellency will earn my eternal gratitude.

I beg to remain,

Your Excellency's most obedient servant,

(Signed) Chief of Aundh.

TO HIS EXCELLENCY THE RIGHT HONOURABLE FREEMAN FREEMONT-THOMAS BARON, WILLINGDON OF RATTON, G.C.I.E., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY, THE HUMBLE MEMORIALS OF, GOPALKRISHNARAO PARASHARAMRAO ALIAS NANASAHEB, EX. CHIEF OF AUNDH, DHARWAR.

MOST RESPECTFULLY SHOWETH :—

Your Excellency's Memorialist has been residing here since January, 1908.

Since then he has been under the direct supervision of the District officers here.

They have observed his conduct very carefully and minutely, and all have referred favourably to him.

Now that Your Excellency's Memorialist has been here for over ten years. His long stay at one place has been very irksome to him and even injurious to his health. It is but natural that he should have the pleasure of seeing different places he wishes to visit.

For this your Excellency's Memorialist earnestly prays his freedom be restored to him and he may be allowed to move about without the permission of Government every now and then.

Your Excellency's Memorialist further begs to say that his allowance has been since long reduced from 900 to 600. It is impossible to live in decency and comfort for a man of his position. Hence Your Excellency's Memorialist prays that his allowance may be increased to the former amount.

Your Excellency's Petitioner prays that these two humble requests of his be graciously granted, for which act of kindness as in duty bound Your Excellency's Petitioner shall ever pray.

A (a) vi.

TO HIS EXCELLENCY THE RIGHT HONOURABLE, SIR GEORGE AMBROSE LLOYD, G.C.I.E., D.S.O., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY, THE HUMBLE MEMORIAL OF GOPALKRISHNARAO PARASHARAMRAO ALIAS NANASAHEB PANT PRATINIDHI, CHIEF OF AUNDH, NOW RESIDING AT DHARWAR, DATED 7TH FEBRUARY, 1919.

Showeth :—

1. Your Excellency's Memorialist was installed on the Gadi of the Aundh state in November, 1905, after the death of his father.

2. In 1907 on the complaint of the State Karbhari, Mr. Jacob Bapuji Israel and the report of the Political Agent, Mr. S. R. Arthur, I.C.S., a commission was appointed to inquire into the charge of instigating to commit dacoity at the house of and murder the State Karbhari of which the Memorialist was suspected and as a result of this inquiry he was found guilty and deprived of his powers as a Ruling Chief by the Government of India, subject to further report after five years as to Your Excellency's Memorialist's conduct during this period. Your Excellency's Memorialist has since then been living at Dharwar under the supervision of the Collector of Dharwar, who was asked to report on his conduct every six months. Your Excellency's Memorialist had great hopes that at the end of five years he would be restored to the Gadi if his conduct during that period were satisfactory.

3. In July, 1909 however, Your Excellency's Memorialist was informed by the Collector of Dharwar that His Excellency the Governor in Council had on further consideration of the circumstances and of the interests of the people of Aundh, come to the conclusion with the concurrence of the Government of India, that it would be undesirable to allow Your Excellency's Memorialist to return to power at Aundh or to entertain any hopes of such return.

4. During these two years namely from 1907 to 1909, the Collector of Dharwar and on two occasions even His Excellency the Governor of Bombay had expressed entire satisfaction as to Your Excellency's Memorialist's conduct. And this sudden decision therefore was a very heavy and unexpected blow to the Memorialist. He never understood what had moved Government to come to this decision nor whether any further charges were brought against him after 1907. He had appealed against this decision, but without success. Your Excellency's Memorialist ventures to point out that the only offence of which he can be said to have been definitely convicted at any trial or inquiry to which he was a party or upon any charge formulated against him of which he had notice was in effect that of having instigated one Pirya Mang to frighten the Karbhari, Mr. Jacob Bapuji Israel into resigning his office and leaving the State. The inquiry of the Commission was strictly limited to that and the more serious charge of having deliberately instigated to murder the said Karbhari. But while in the opening paragraph of their report, the Commissioners say they are convinced that both charges are substantially true, the concluding paragraphs conclusively show that they were not prepared upon the evidence to hold Your Excellency's Memorialist guilty of the more serious charge and did not indeed believe that he had any such intention. Your Excellency's Memorialist would even now respectfully contend that, even if what was found against him were true (which he will emphatically deny to the end of his life) it would hardly have merited the severe sentence passed upon him. No other charge of any sort or kind was either before or after the Commission communicated to your Excellency's Memorialist or as far as he knows openly brought against him. Viewed in any light therefore, the Exclusion of the whole line for the fault of one appears to have been a punishment far in excess of any fault actually found to have been committed by Your Excellency's Memorialist or any defects or shortcomings personal to himself.

5. Your Excellency's Memorialist begs to assure Your Excellency that he is not going to make any complaint or imputation on any one officially concerned in the proceedings that terminated so disastrously to him.

6. Your Excellency's Memorialist begs however, most respectfully to submit that when the succession to the Gadi of Aundh next opens, on the death or resignation of the present Chief, it would be but right and just that the Gadi should be restored to its rightful owner the representative of the elder branch of the Chief family, whoever he may be.

7. Your Excellency's Memorialist is wholly unaware of the other charges, if any, brought against him in 1909, which induced Government to decide that it would be undesirable in the interest of the people of Aundh to allow him to return to power. He was not asked nor was he given an opportunity to disprove such charges of any offences or misbehaviour, if any. He has been severely punished and he has borne that punishment with submission and had tried his best to retrieve his former good character by continuous good conduct, in proof of which he invites reference to the Collector of Dharwar, who will, he confidently hopes, bear him out. He now appeals for this measure of mercy, for there must come a time when it is but right that justice should be tempered by mercy, unless indeed the offence is in its nature inexpiable. Your Excellency's humble Memorialist believes that he could not possibly have been found guilty of any such offence.

8. It will probably be objected in view of some remarks contained in this memorial, that Your Excellency's Memorialist never appealed against the finding of the Commission and must be taken therefore implicitly to have accepted it. Your Memorialist must therefore explain why he did not do so. Mr. Painter, the Collector of Satara and Government Representative, there at the time, who was, Your Excellency's Memorialist is willing to admit, actuated by the friendliest feeling towards Your Excellency's Memorialist and the best intentions, personally advised him to submit uncomplainingly to Government Orders passed upon that Report, assuring him that if he did so and conducted himself satisfactorily during the period of five years indicated, he would most assuredly be restored to the Gadi at its close. It was on the face of that assurance upon which Your Excellency's Memorialist humbly submits he had every right to rely, that he made no further attempt to obtain a reversal of the Commission's Report.

9. Your Excellency's humble Memorialist therefore prays that when the succession to the Gadi of Aundh opens either by the death or resignation of the present Chief the claim of Your Excellency's humble Memorialist and his Branch of the Chief family may again be favourably considered and if necessary the whole proceedings which led to his temporary deposition in 1907 be revised. Your Excellency's humble Memorialist submits that should Government be graciously pleased to accord him this boon, he will for ever pray for the prosperity and glory of the British Government and will spare no efforts to prove that it has not been ill bestowed.

(Signed) NANASAHEB.

EXHIBIT 40.

No. 2736.

POLITICAL DEPARTMENT, BOMBAY CASTLE, 24TH APRIL, 1919, FROM H. D. BASKERVILLE, ESQUIRE, UNDER SECRETARY TO GOVERNMENT, BOMBAY, TO GOPALKRISHNARAO PARASHARAMARAO ALLAS NANASAHEB, ESQUIRE, EX-CHIEF OF AUNDH.

SIR,

In reply to your memorials dated the 5th February, 1919, requesting (1) that your allowances should be increased and (2) that the restrictions placed on your residence should be relaxed, I am directed to state that Government see no reasons to reconsider their previous orders.

I have the honour to be,

Sir,

Your most obedient servant,

H. D. BASKERVILLE,

Under Secretary to Government.

(Through the Collector of Dharwar).

Forwarded

1st May, 1919.

(Signed)

Collector, Dharwar.

EXHIBIT 41.

TO HIS EXCELLENCY, &c.

MAY IT PLEASE YOUR EXCELLENCY,

I crave leave to introduce myself as the unfortunate wife of an unfortunate prince in this Presidency, the Ex-Chief of Aundh, now interned at Dharwar, under orders of Government; and pray for a short interview with Your Excellency for placing before you the case of my unfortunate husband with a view to secure for him greater freedom of movement and more liberal allowance. Ladies of my position are rarely called upon to interfere in such matters; and had it not been a case of sheer necessity I would not have troubled Your Excellency in this matter. Under the circumstances, however, I confidently believe that Your Excellency will not be so unkind as to refuse to me the interview asked for. I don't know English, but if Your Excellency be pleased to grant the interview I hope I shall be allowed to bring my own interpreter with me. Awaiting the favour of an early reply to the above address.

I beg to remain,
Your Excellency's humble and obedient servant,
(Signed) RANI,
Wife of the Ex-chief of Aundh.

TO THE PRIVATE SECRETARY TO HIS EXCELLENCY.

SIR,

May I request the favour of your kindly placing the accompanying letter before His Excellency for a favourable reply and oblige,

Yours very truly,
RANI,
Wife of the Ex-chief of Aundh.

EXHIBIT 42.

GOVERNMENT HOUSE, BOMBAY, 21ST DECEMBER, 1919. TO RUKHMINIBAI,
WIFE OF THE EX-CHIEF OF AUNDH.

MADAM,

I am desired to acknowledge receipt of your letter, dated 13th December, 1919, and its enclosure which has been placed before His Excellency.

In reply, I am to say that as the purpose for which you seek an interview has only recently been considered and refused by Government, His Excellency regrets he is unable to see his way to re-open the question by granting you the interview asked for.

Yours Truly,
(Signed)
Private Secretary.

EXHIBIT 43.

SATARA, 21ST FEBRUARY, 1908. TO MEHERBAN NANASAHEB, PANT
PRATINIDHI OF AUNDH.

SIR,

Government have desired me to ascertain from you whether you have any particular wishes with regard to your brother Bhausahab. Do you not think it would be a good thing for him to complete his education at some recognised school or college? It seems a pity for him to be left to his own resources. An early reply will oblige.

Yours sincerely,
(Signed) H. L. PAINTER.

APPENDIX B.

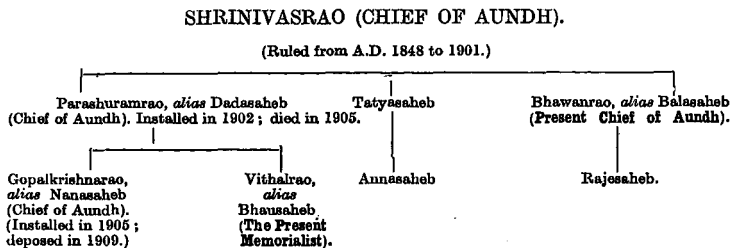
TO THE RIGHT HONOURABLE G. S. MONTAGU, P.C., M.P., HIS MAJESTY'S
PRINCIPAL SECRETARY OF STATE FOR INDIA IN COUNCIL, INDIA
OFFICE, WHITEHALL, LONDON, S.W.1.

The humble memorial of Vithalrao
Parashuramrao, *alias* Bhausahab Pant
Pratinidhi of Aundh, Bombay Presidency.

RESPECTFULLY SHEWETH,

That your memorialist is the younger and only brother of Meherban Status of the Memorialist.
Gopalkrishnarao Parashuramrao, *alias* Nanasaheb Pant Pratinidhi, Ex-chief of
Aundh, Satara District, in the Presidency of Bombay, and son of Parashuramrao,
alias Dadasahab, his predecessor on the Gadi.

That your memorialist is a Bachelor of Arts of the University of Bombay
and is at present prosecuting his studies at Bombay for the Degree of Bachelor
of Laws. In this memorial he craves permission to bring to the notice of the Secretary
of State for India his just claims to the Gadi of Aundh, a guaranteed State in the
Satara Collectorate of the Bombay Presidency. The following genealogy will show
the memorialist's relationship to the last holder of the Gadi :—



2. It will be seen from the above that the memorialist belongs to the eldest
branch of the family, being the son of Parashuramrao, *alias* Dadasahab. Dadasahab
was the eldest son of Shrinivasrao, and was succeeded by his eldest son Gopalkrish-
narao, *alias* Nanasaheb, the latter having no male issue. After Nanasaheb's depose-
tion, to which reference will be made in the sequel, the memorialist, as the son
of his father Parashuramrao, *alias* Dadasahab, who was the Chief of Aundh from
A.D. 1902 to 1905, is the sole representative of the eldest branch of the family of the
Chiefship of Aundh, and as such entitled to succeed to the Gadi of Aundh as its
rightful chief according to Hindu law and the usage and custom of primogeniture
prevailing in the family.

3. The memorialist's elder brother, Gopalkrishnarao, *alias* Nanasaheb, was
installed on the Gadi of Aundh as its Chief towards the end of 1905. One Mr. Jacob
Bajuji Israel, an officer of the subordinate revenue service of the Bombay Govern-
ment, whose services were lent to the Aundh State, was the Karbhari or the Diwan
of the Chief. The relations between the Chief of the State and his Karbhari were so
strained that, by the end of 1906, a charge was brought against the Chief by his
Karbhari to the effect that the Chief instigated one Piry Mang to commit a dacoity
at the house of the Karbhari and murder him. In 1907 a commission was appointed
by the Bombay Government to inquire into the said allegations, and as a result of
the inquiry Nanasaheb, the Chief of Aundh, was informed that the Government of
India, concurring with the Government of Bombay, held that he should be deprived
of his powers as a Ruling Chief for a period of five years subject to further reports
as to his conduct during that period (*vide* Exhibit 1 appended hereto). This decision
was communicated to Nanasaheb, the Chief of Aundh, on the 16th September,
1907.

A brief statement
of what has hap-
pened in the past.

A (a) vi.

4. *But before this period of five years was over*, another communication, dated the 13th July, 1909 (*vide Exhibit 2*) was addressed to Nanasaheb, in which he was informed that the Bombay Government, with the concurrence of the Government of India, had come to the conclusion that it would be contrary to the interests of the people of Aundh to allow him to return to power or entertain any hopes of such return.

5. At that time the present memorialist was a minor, and was, after being for some time at the Rajkumar College at Rajkote, studying at a High School at Poona to qualify himself for the Matriculation examination of the Bombay University. Before the receipt of the communication, dated 13th July, 1909, referred to in the foregoing paragraph, the memorialist learnt that while his elder brother was urging Government to reconsider their decision to deprive him of his powers, his junior uncle Bhawanrao, *alias* Balasaheb, a divided member of the junior branch of the family who was getting a maintenance allowance from the State (*vide* genealogy given in paragraph 1 above) was trying to have the Chiefship conferred upon him to the exclusion of the present memorialist and in disregard of the memorialist's rightful claim to the Gadi in succession to his elder brother as the next representative of the eldest branch of the family. The present memorialist was therefore advised to send the memorial dated 8th July, 1909 (*vide Exhibit 3*) to H.E. Sir George Sydenham Clarke, the then Governor of Bombay in Council, to the effect that if the question of succession to the Gadi had to be considered, his own claim should be recognised and that the memorial which, according to his information, his junior uncle, Bhawanrao, *alias* Balasaheb, had made for having the Chiefship conferred upon himself, should be rejected. To this memorial the following reply (*vide Exhibit 4*) was received from the Political Agent, Satara on the 12th August, 1909 :-

"With reference to his memorial dated the 8th July, 1909, addressed to the Governor in Council in the matter of his claim to succeed to the Gadi of the Aundh State in the event of it being decided by Government not to reinstate Nanasaheb, the late Chief, Vithalrao Parshuranrao, *alias* Bhausaheb Pant Pratinidhi of Aundh is informed that Government have recently considered the matter and have decided that Nanasaheb can never be reinstated as the Chief of Aundh, but that no memorial on the subject has been received from Meherban Bhawanrao, *alias* Balasaheb Pratinidhi."

6. Being thus led to believe that there was no truth in the rumoured danger to his rights to succeed to the Gadi, but anxious at the same time to see that his claims were duly recognised, your memorialist by a letter dated the 4th September, 1909, requested an interview with H. E. Sir George Sydenham Clarke, Governor of Bombay. But to his great surprise and disappointment, the Private Secretary to His Excellency wrote to him the very next day (that is on the 5th September, 1909) to the effect that His Excellency declined to give the interview, informing him further that the question of succession to the Aundh Gadi had been fully considered and decided by Government (*vide Exhibit 5*).

7. Thereupon your memorialist submitted a memorial to the Bombay Government, dated 12th September, 1909, in which he prayed that Government of Bombay would be pleased to communicate to him the decision arrived at by that Government in regard to the succession to the Aundh Gadi, and that if that decision were against the memorialist, he humbly submitted that Government be pleased not to carry out the orders, if issued, until the final decision of His Majesty's Secretary of State for India was given in the matter (*vide Exhibit 6*).

8. In reply to this memorial, the Bombay Government, without communicating to the memorialist the decision arrived at and the reasons, if any, for ignoring the claim of the memorialist to succeed to the Gadi of Aundh State, simply say that the petition referred to (that is to say the petition appealing from the decision of the Bombay Government to the Government of India and, if necessary, to His Majesty's Secretary of State for India) will be forwarded, when received, and with reference to his prayer that the Government will be pleased not to carry out the orders, if passed against his interests, until the final decision of His Majesty's Secretary of State in the matter, he was informed that "the arrangement approved by the Government of India must be carried out at once" (*vide Exhibit 7*).

9. The memorialist then sent a memorial to the Government of India, dated the 20th September, 1909 (*vide* Extract 8). In reply thereto he was merely informed that his memorial had been rejected by the Government of India (*vide* Extract 9). He then sent a memorial to the Right Honourable the Secretary of State for India, dated the 15th October, 1909 (*vide* Extract 10). To this again the only reply he received was that the Secretary of State did not propose to interfere with the orders passed by the Government of India in the matter of the succession to the Aundh Chiefship (*vide* Extract 11).

10. In spite of the memorialist's earnest prayer for the postponement of the orders issued by the Bombay Government, with regard to the question of succession to the Gadi of Aundh, till he received the final reply from the Secretary of State, the formal installation of Bhawanrao, *alias* Balasaheb, the youngest brother of Shrimant Dadasahab and the junior uncle of Nanasaheb and the memorialist, took place on the 4th November, 1909. Your memorialist's rightful claim to the Chiefship of Aundh State has thus been ignored and set aside in favour of his junior uncle, the present Chief of Aundh, a representative of a junior branch of the family. To this day the memorialist does not know why this has been done.

To this day the memorialist does not know why his rightful claim has been ignored.

11. That the memorialist was recognised as the heir presumptive is evident from the one simple fact that in 1905 he was sent to the Rajkumar College, Rajkote. That college is reserved for the education of Princes. If your memorialist was not in the direct line of succession, and at that time acknowledged to be so, it is virtually certain that he would not have been sent or admitted to that college. The fact that your memorialist is the next person entitled to the Gadi after Nanasaheb's deposition has been admitted even by Mr. Jacob Bapuji in his deposition before the Commission appointed by the Government of Bombay to inquire into the charge against Nanasaheb, the Chief of Aundh (referred to in paragraph 3 above). The prosecuting pleader put the following question to Mr. Jacob Bapuji in re-examination: "Nanasaheb has a younger brother by name Bhausahab. Supposing Nanasaheb is deprived of his powers, who would succeed him, his younger brother or his uncle Balasaheb?" To this the witness replied: "His brother Bhausahab has his chance in preference to his uncle Balasaheb."

12. Even in 1908 the Political Agent at Satara, at the desire of Government, interested himself in your memorialist and showed his concern as to his education (*vide* Exhibit 12). This clearly shows that up to that time Government looked upon your memorialist as the heir to the Gadi of Aundh so long as your memorialist's elder brother, Nanasaheb, had no male issue. Your memorialist has been denied knowledge of the grounds on which His Excellency Sir George Sydenham Clarke, the Governor of Bombay in Council thought it fit, to disregard his claim to the Gadi. He had no connection with the circumstances which led to the passing of orders against his elder brother (referred to in paragraphs 3 and 4 above). He was also never given an opportunity to refute any charges that might have been levelled against him. He was a mere student at that time and his teachers testified to his good conduct in unequivocal terms and the professors of his college have also given him certificates which speak for themselves. (*Vide* Exhibit 13 to 19.) The memorialist may be pardoned for saying that it is hard on him to be deprived of his right without even letting him know the grounds on which such a serious step has been taken against him by Government, and therefore, without giving him any opportunity whatever of meeting the reasons which may have influenced Government in making an unprecedented departure to his prejudice from the usage and custom of primogeniture, which has prevailed in the family so long, and according to which the memorialist is the nearest heir to the Gadi after Nanasaheb, the remoter claimants being Tatyasaheb and his son, and Balasaheb and his son. Balasaheb, the present Chief, and his son, come last of all in the order of succession (*vide* genealogy given in paragraph 1 above). The memorialist trusts it will be conceded that this is a legitimate grievance on his part and fervently hopes that His Majesty's Secretary of State for India will, on a fresh consideration of the case, be pleased to hold that, whatever orders may have been passed in the matter in the past, they will not be deemed as a bar for all times against the recognition of the just claim of your memorialist to the Chiefship of Aundh State.

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The relief now
prayed for by
the memorialist.

13. Your memorialist recognises that after Government have once taken, rightly or wrongly as he most respectfully submits, the step of passing him over and conferring the Chiefship on a representative of a junior branch, who was only getting a monthly maintenance allowance from the State, considerations of political expediency may deter them from giving immediate effect to his rightful claim. This should not, however, he submits, prevent His Majesty's Secretary of State for India from assuring him that by conferring the Chiefship on his uncle of the junior branch, Meherban Bhawanrao, *alias* Balasaheb, Government do not mean the continuance of the Chiefship in that line, that is to say, to his son after him and his son thereafter, and so on, as though the eldest branch of the family had been extinct or the memorialist had been permanently excluded from the Chiefship of the Aundh State. He hopes His Majesty's Secretary of State will come to the conclusion, on a careful reconsideration of the circumstances of the case, that it is but right that the memorialist should be assured that when the next opportunity presents itself, his just claim to the Gadi of Aundh State, as the representative of the eldest branch of the family, will be duly recognised and given effect to by Government.

14. The memorialist, therefore, prays that His Majesty's Secretary of State will, in the interest of justice, go into the facts of his case and be graciously pleased to grant him the relief he has specified in paragraph 13 of this memorial.

And for this act of kindness the memorialist will, as in duty bound, ever pray.

Bombay, 4.
Dr. Ferreira's Building,
Girgaum Road.
22nd October, 1920.

Submitted through the Political Agent, Satara, with a request that he will kindly forward this to Government with his favourable opinion.

Bombay, 4.
Dr. Ferreira's Building,
Girgaum Road.
22nd October, 1920.

EXHIBIT 1.

Confidential.

No. 6716 of 1907.

FROM S. R. ARTHUR, ESQ., I.C.S., COLLECTOR AND POLITICAL AGENT,
SATARA, TO THE CHIEF OF AUNDH.

SATARA, 16th September, 1907.

SIR,

I am directed by Government to inform you that the Government of India, after perusing the report of the Aundh Commission, which found that in January, 1906, you instigated one, Piryax Laxaman, a Mang, to commit a dacoity at the house of the State Karbhari, Mr. Jacob Bapuji Israel and murder him, and that in pursuance of this plot you caused the escape of Piryax from the Aundh Jail and subsequently incited him both directly and indirectly to carry out the project—and after perusing my report as to your unfitness to administer your State, concur with the Government of Bombay in holding that you should be deprived of your powers as a ruling Chief subject to further report after a period of five years as to your conduct during that period.

2. As regards your further place of residence, in the opinion of the Governor in Council it is not desirable that you should return to Aundh or reside anywhere in the Satara or Poona districts. Government desire that you should reside at some station in close touch with responsible British officers. Subject to the above limitations Government are willing to consider your preferences. I therefore request you will inform me without delay what your wishes as to residence are.

3. The State will remain under my administration.

I have the honour to be, Sir,

Your most obedient servant,

S. R. ARTHUR,
Collector and Political Agent.

EXHIBIT 2.*Confidential.*

No. 5199 of 1909.

Conf. 49.

FROM C. HUDSON, ESQ., I.C.S., POLITICAL AGENT, DHARWAR, TO
MEHERBAN GOPALKRISHNARAO PARASHARAMRAO PANT
PRATINIDHI OF AUNDH.

DHARWAR, 13th July, 1909.

SIR,

I have the honour to state that I have been directed by Government to inform you that His Excellency the Governor in Council has, on further consideration of the circumstances of the state, with the concurrence of the Government of India, come to the conclusion that it would be contrary to the interests of the people of Aundh to allow you to return to power or to entertain any hopes of such return.

2. I am at the same time to inform you that the orders requiring you to reside at Dharwar will continue in full force, and that in the event of your failure to observe this restriction on your movements or of your attempting to interfere in any way whatever in the affairs of the Aundh State, Government will be compelled to have recourse to more drastic measures.

I have the honour to be, Sir,

Your most obedient servant,

C. HUDSON,

*Political Agent, Dharwar.***EXHIBIT 3.**

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GEORGE
SYDENHAM CLARKE, G.C.M.G., F.R.S., GOVERNOR AND PRESIDENT
IN COUNCIL, BOMBAY.

The humble memorial of Vithalrao
Parasharamrao *alias* Bhausahab Pant
Pratinidhi of Aundh.

RESPECTFULLY SHOWETH,

That your Excellency's memorialist is the younger brother of Meherban Nanasaheb Pant Pratinidhi, whose powers as the ruling Chief of Aundh have been recently withdrawn by Government. The memorialist hears with deep regret that Meherbau Bhawanrao, *alias* Balasaheb Pratinidhi, the younger uncle of your memorialist, has submitted a memorial to Government praying that as the Chief is incarcerated there is no Chief at Aundh and that he should be given Chiefship as it is vacant.

At the outset, Your Excellency's memorialist begs humbly to submit that the representation on which Meherban Balasaheb has based his claims is far from true. Your memorialist's brother, Meherban Nanasaheb, is not at all incarcerated. He is quite a free man at Dharwar. The only restriction that Government have thought fit to place upon him is that he is not to leave the district without the permission of Government. Last year, when plague broke out at Dharwar, the Chief was allowed to stay with our relation, the Chief of Vishalgad, in the Vishalgad State, for more than three months. In the same way there is nothing to prevent the Chief from visiting any places except Poona, Satara and Aundh. This, your memorialist submits, cannot by any stretch of meaning be said to be incarceration.

Secondly, the Chiefship is also not vacant, as has been represented by your memorialist's younger uncle. The Political Agent's communication embodying the Government of India's Resolution simply says that the "Government of India after perusing the Report of the Aundh Commission and after perusing the Political Agent's Report, as to the Chief's unfitness to administer the State concur with the Government of Bombay in holding that the Chief should be deprived of his powers as a ruling chief, subject to further report after a period of five years as to the Chief's

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conduct during that period." This is by no means a vacancy in the Chiefship. There is, as it were, a minority for a limited period. A perusal of the Bombay Government Gazette of 4th March, 1909, (*vide* list of Sardars, No. 17), clearly shows that the Gadi of the Aundh State is not vacant. The name of Your Memorialist's brother appears there as those of the several Chiefs and Sardars, both major and minor whether wielding powers or not.

The Chief of Aundh's is not the first and solitary instance of deprivation of powers. Several Chiefs, Your Memorialist has heard, in the Bombay Presidency itself, have been in the past deprived of their powers and subsequently reinstated by Government. The instances of the late Chiefs of Sangli and Jath and of the present Chief of Phaltan are within the knowledge of Your Memorialist.

Thirdly, it has been clearly laid down by Government that their decision as regards the deprivation of powers will be modified after five years, if a favourable report is received of the Chief's conduct during that period.

Your Excellency's Memorialist is aware that the Chief is leading a very good life at Dharwar and there is every reason to hope that the authorities there, would be quite satisfied with him and if a favourable report is received at the end of the five years' period, Government would be graciously pleased to restore the Chief to his Gadi. At any rate the question is, for the present, not open. It is only two years since that the Chief has been deprived of his powers and for three years more to come the question cannot be opened unless something extraordinary happens. Even after the expiry of the five years' period, if Government be not pleased to restore the Chief to his powers immediately, then the period may be extended.

Your Excellency's Memorialist humbly submits that under these circumstances no person from the family can lay claim to the Gadi during the lifetime of the present Chief unless Government proclaims that he is set aside permanently, and as no such proclamation has been issued Your Memorialist is at a loss to understand how his younger uncle, Balasaheb, has applied to Government for the Gadi. If, however, Government be inclined to consider the question at this time, Your Excellency's Memorialist humbly submits that Your Excellency's Government would be graciously pleased to consider Your Memorialist's claim. Your Memorialist is the younger brother of the present Chief and consequently is by the law of primogeniture entitled to succeed. Your Excellency's Memorialist is at present 19 years old. The Superintendents of the New English School, Poona, and the Boarding House attached to it, where he has been living since 1st March, 1908, will testify to the high moral character, gentlemanly behaviour and good conduct of Your Memorialist. Your Excellency's Memorialist makes himself bold to say that even his enemies will have to admit that he is free from any vice. He is reading at present in the 6th Standard and hopes to pass the Matriculation examination next year. The Memorialist attended the Rajkumar College at Rajkot for one term from November, 1905, to April, 1906. But the climate of the place did not agree with him and consequently he was not allowed by his brother the present Chief to rejoin the college for the next term, during the whole of which he was ill and under medical treatment. From December, 1906, Your Excellency's Memorialist's guardian, the present Chief, came into trouble and the Memorialist had to depend upon the favour of Saradar Mutalik and the Chief of Vishalgad till February, 1908, when he received a communication from the Political Agent, Satara, saying that Government was pleased to give him a maintenance allowance of Rs. 150 per month. Immediately on receipt of this communication, Your Memorialist joined the New English School at Poona, as there was no Boarding House attached to the Government High School. He has successfully passed the annual examination of the 5th Standard within six months and has also passed the terminal examination of the 6th Standard held in May last. The School authorities will, the Memorialist submits, bear testimony to his progress. If Your Memorialist had not lost more than a year for want of money, he would have passed his Matriculation examination this year, if not last year. Your Memorialist humbly submits, that it matters but little in the eyes of Government whether Your Memorialist passes his Matriculation this year or the next. Your Memorialist also begs to assure Government that he further intends to take up any of the college courses after passing his Matriculation. Your Memorialist is ready to present himself before the Political Agent, Satara and Government, on any day he may be asked

to do so. The Memorialist has heard with extreme regret that his younger uncle is making certain dirty allegations against the present Chief, involving him in the death of his third uncle and argues that not only the Chief but Your Memorialist should also be excluded from the Gadi. The gentleman (the third uncle of Your Memorialist) died some two months before the installation of your Memorialist's late father, Dadasaheb. If the allegations had been true, Balasaheb would not have failed to lay claim to the Gadi on this ground at the time of the installation of your Memorialist's father or at least on the occasion of the installation of the present Chief. It is also worth noticing that Mr. Jacob Bapuji, who is the Karbhari of the State from before the installation of Your Memorialist's father in February, 1902, makes no mention of these allegations in his confidential No. 278, dated 28th August, 1905, reporting the death of Your Memorialist's father (which event according to Mr. Jacob Bapuji's report had caused much grief to the family and the rayats) and his (Mr. Jacob) opinion as to succession of the present Chief, although he has said in it all that could have been said against the Chief.

Leaving aside the question of the truth or falsity of the allegations, Your Excellency's Memorialist is at a loss to understand how the alleged actions of his brother can affect Your Memorialist's claims to the Gadi. He does not claim through his brother but claims through his father, Dadasaheb, who was the Chief from 1902 to 1905.

Before concluding, Your Memorialist begs to submit that in submitting this Memorial to Government he is not prompted by a desire to come in the way of his brother, the present Chief. Government have been kind and lenient to him and if they continue the same kindness and be pleased to restore him to his powers, your Memorialist shall, as in duty bound, feel grateful. If, however, owing to the ill luck of Your Memorialist's elder brother, they feel disposed to set him aside and to settle the question of succession, Your Excellency's Memorialist humbly prays, that his claims should be considered and that he be selected for succession.

Your Excellency's Memorialist sincerely wishes that his information is wrong, that his uncle Balasaheb's coming to Poona is simply for change and unconnected with any Memorial and that there is no necessity for the present Memorial. If the fears of Your Excellency's Memorialist are groundless, he begs to be pardoned by Government and his uncle. As the stake is very great he is constrained to approach Your Excellency.

POONA,
8th July, 1909.

Submitted through the Political Agent, Satara, with a request that he will kindly forward this to Government at an early date with his favourable opinion:

POONA,
8th July, 1909.

EXHIBIT 4.

No. 322 of 1909.

SATARA, 12th August, 1909.

MEMORANDUM.

With reference to his memorial dated the 8th July, 1909, addressed to the Governor in Council in the matter of his claim to succeed to the Gadi of the Aundh State in the event of it being decided by Government not to reinstate Nanasaheb, the late Chief, Vithalrao Parasharamrao, *alias* Bhausahab Pant Pratinidhi of Aundh, is informed that Government have recently considered the matter and have decided that Nanasaheb can never be reinstated as Chief of Aundh, but that no memorial on the subject has been received from Meherban Bhavanrao, *alias* Balasaheb Pratinidhi.

A. R. BONUS,
Political Agent, Satara.

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EXHIBIT 5.

GOVERNMENT HOUSE, KIRKKE,
5th September, 1909.

DEAR SIR,

In reply to your letter of the 4th instant I am desired to say that the question of the succession to the Aundh Gadi has already been fully considered and decided by Government, and His Excellency regrets that he is unable to grant you the interview for which you ask.

Yours truly,

C. C. WATSON.

Vithalrao Parasharam Pratinidhi of Aundh.

EXHIBIT 6.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GEORGE
SYDENHAM CLARKE, G.C.M.G., F.R.S., GOVERNOR AND PRESIDENT
IN COUNCIL, BOMBAY.

The humble memorial of Vithalrao
Parasharamrao, *alias* Bhausaheb Pant
Pratinidhi of Aundh.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist learns from a letter from C. C. Watson, Esq., I.C.S., Private Secretary to Your Excellency, that the question of the succession to the Aundh Gadi has already been fully considered and decided by Government. Your Excellency's Memorialist trusts that as the question has been fully considered the claims of the Memorialist must have been recognised by Government. But in case the decision has unfortunately ignored the claims of your Memorialist and has gone against him, Your Excellency's Memorialist humbly begs to state that he is desirous of appealing from the decision of this Government to the Government of India, and if necessary to His Majesty's Secretary of State for India.

Your Excellency's Memorialist, therefore, prays that the Government would be pleased to communicate to the Memorialist the decision arrived at by the Government of Bombay, and that if that decision be against Your Excellency's Memorialist, he humbly submits that Government be pleased not to carry out the orders, if issued, until the final decision of His Majesty's Secretary of State for India is given in the matter.

Your Excellency's Memorialist begs to draw the attention of Government to the succession cases in Akalkot and other States, where the carrying out of the orders was postponed till the final decision of the higher authorities was arrived at.

POONA,

12th September, 1909.

Submitted through the Political Agent, Satara, with a request that he will kindly forward this to Government at an early date with his favourable opinion.

POONA,

12th September, 1909.

EXHIBIT 7.

GOVERNMENT HOUSE, KIRKKE,
13th September, 1909.

SIR,

With reference to your memorial to His Excellency the Governor, dated 12th September, 1909, I am desired by His Excellency to say that the original petition therein referred to will be forwarded when received but that the arrangements approved by the Government of India must be carried out at once.

Yours faithfully,
(Signed) C. C. WATSON.

Vithalrao Parsharamrao, *alias* Bhausahab, Pant Pratinidhi of Aundh.

EXHIBIT 8.

TO HIS EXCELLENCY THE RIGHT HONOURABLE SIR GILBERT JOHN ELLIOTT-MURRAY RYNYNMOUND, P.C., G.C.M.G., G.M.S.I., G.M.I.E., EARL OF MINTO, OF ROXBURGH, VISCOUNT OF MELGUND IN THE COUNTY OF FORFAR, BARON MINTO OF MINTO, AND A BARONET OF NOVA SCOTIA, VICEROY AND GOVERNOR-GENERAL OF INDIA IN COUNCIL.

The Humble Memorial of Vithalrao Parasharamrao, *alias* Bhausahab Pant Pratinidhi of Aundh.

RESPECTFULLY SHOWETH :—

That Your Excellency's Memorialist is the younger and only brother of Meherban Gopalkrishnarao Parashram, *alias* Nana Sahab Pant Pratinidhi, Chief of Aundh, Satara District, in the Presidency of Bombay and son of Shrimant Dadasahab his predecessor on the Gadi.

That Meherban Nanasaheb was deprived of his powers on 16th September, 1907, with a probation of five years, at the end of which the question of his reinstatement was to be decided.

That, however, before that period was over, Nanasaheb was told by the Bombay Government on 13th July, 1909, that he could never be reinstated on the Gadi.

That in the month of July last Your Excellency's Memorialist heard that his uncle Shrimant Balasaheb had memorialised the Government in connection with the succession to the Gadi of Aundh that he should be installed as Chief of Aundh.

That Your Excellency's Memorialist thereupon sent a memorial (Exhibit 1) to the Government of Bombay on the 8th of July, 1909, requesting that if the Government were considering the question of succession to the Gadi at that time, the claims of Your Memorialist as the younger and only brother of the Chief and as the sole representative of the eldest branch of the family after Meherban Nanasaheb should be taken into consideration and that any allegations against the memorialist made by any other claimant should not be allowed to stand in his way.

That on the 12th of August, 1909, Your Excellency's Memorialist got a reply from A. R. Bonus, Esq., I.C.S., Political Agent, Satara (Exhibit 2) stating that Government had considered the matter and had decided that Nanasaheb could never be reinstated as Chief of Aundh and that no memorial had been received by Government from Balasaheb.

That on the 4th of September, 1909, Your Excellency's Memorialist sought for an interview with His Excellency the Governor of Bombay with a view of personally explaining his position and pressing his claims to the Gadi, but that on the 5th of September the Private Secretary to His Excellency wrote to Your Memorialist

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declining an interview and informing him that the question of succession to the Aundh Gadi had already been fully considered and decided by Government (Exhibit 3).

That Your Memorialist thereupon requested the Bombay Government by a memorial to be favoured with a communication of the decision arrived at by that Government and pointing out that he was desirous of appealing to the higher authorities if that decision were against him (Exhibit 4).

Your Excellency's Memorialist does not know what decision the Government of Bombay have arrived at on the question of succession to the Gadi at Aundh. But in case it is not in favour of Your Memorialist, he will approach Your Excellency in Council with a complete refutation of all objections if any, made against him, when he gets the copy of the reasons of the Government of Bombay for their decision. But for the present Your Memorialist begs to submit the following facts for the consideration of Your Excellency in Council.

That Your Memorialist is the sole representative of the eldest branch of the Aundh family, after Shrimant Nanasaheb, and that the succession up till now in this State, as in other States, is usually governed by the law of primogeniture.

That Your Excellency's Memorialist is the next person entitled to the Gadi and that this has been admitted by the State Karbhari, Mr. Jacob Bapuji, in his deposition before the Commission appointed by Government to inquire into the charge against Shrimant Nanasaheb the Chief of Aundh. The prosecuting pleader put the following question to this witness in re-examination: "Nanasaheb has a younger brother by name Bhausahab. Supposing Nanasaheb is deprived of his powers, who would succeed him, his younger brother or his uncle Balasaheb?" To this the witness replied: "His brother Bhausahab has his chance in preference to his uncle Balasaheb."

That even the Bombay Government have looked upon Your Excellency's Memorialist as the next heir to the Gadi. In the year 1905 Government sent Your Excellency's Memorialist to attend the Rajkumar College, a college which is especially intended for the education of persons who are likely to be called on to administer the States as chiefs. This fact will show that in 1905 the Government looked upon Your Excellency's Memorialist as the next heir to the Gadi.

That even in 1918 the Political Agent at Satara at the desire of Government interested himself in Your Excellency's Memorialist and showed his concern as to his education (Exhibit 5). This will show that up to that time Government looked upon Your Memorialist as the heir to the Gadi so long as Nanasaheb had no male issue.

That Your Excellency's Memorialist is at present 19 years old and is being educated in the New English School, Poona, an institution conducted by highly educated persons like Principal Paranjpe, Senior Wrangler, and recognised by the University of Bombay and highly spoken of by His Excellency the Governor in his speeches. Your Excellency's Memorialist stays in the boarding house of the institution where very strict rules of discipline are maintained and from the certificates appended herewith (Exhibits 6, 7 and 8), it will appear that Your Memorialist has given complete satisfaction to the superintendents and to the Principal of the Fergusson College. Principal Paranjpe says in his certificate: "He is a model of a student and his general conduct has been quite exemplary. There has been no point in which any fault could be found with him."

That Your Excellency's Memorialist further trusts that the certificate appended herewith will show the educational progress Your Memorialist has made since he joined the New English School, and that if it had not been for the break in his studies owing to the Rajkote climate not agreeing with him and his subsequent ill health, Your Excellency's Memorialist would have been able to show a better record.

That as Your Excellency's Memorialist has pointed out above he is the nearest in the succession to the Gadi, the remoter claimants being Tatyasaheb and his son and Bala Saheb and his son. Your Excellency in Council will be able to find from the genealogical table (Exhibit 9) that all these claimants belong to a junior branch and that Balasaheb and his son come last of all in the order of succession.

Your Excellency's Memorialist may venture to point out that in the Akalkote case the Government of India have laid down the principles which should govern questions like this. They have said: "The latter is 22 years of age, has received a fairly good education and in appearance is a strong, active young man. His moral character is said to be good. His Excellency in Council is not satisfied that the interest of the State and its people will be best served by selecting the child Sayaji and at any rate he does not think that the circumstances require him to be passed by." Judged by these principles there can be no question that the claims to the Gadi of Your Memorialist are superior to those of any other claimant.

That Your Memorialist begs Government to note that he is quite a young man and nothing can be or has been said against him. Even his worst enemy will have to admit that he is free from all vice and on the ground of age none of the other claimants stand in a better position than him.

Your Memorialist begs to point out that whatever the faults of his older brother Meherban Nanasahaheb may be, Your Memorialist cannot be affected by them. He stands upon his own rights and he is able to show that his conduct up till now has been above reproach.

Your Memorialist knows that some allegations were made against his father Serimant Dadasahaheb, but he begs to point out that Government must have been convinced that there was nothing in those allegations since Government installed him as a chief and continued him on the Gadi till his death and installed Shrimant Nanasahaheb, his son, and Your Memorialist's elder brother after him on the Gadi.

Your Memorialist is aware that Government have some prejudice against his mother. But under the orders of the Government she stays at Benares and Your Memorialist is not likely to come under her influence in any way. Your Memorialist believes that the selection by Government will be governed by question of personal fitness and Your Excellency's Memorialist has the fullest confidence in the British sense of justice and he trusts that the sins of others will not be visited upon him.

In conclusion Your Excellency's Memorialist trusts that having regard to the fact that Your Memorialist is the sole representative of the eldest branch excepting Nana Saheb, the deposed chief, and that nothing has yet been pointed out against him to his knowledge as regards his moral conduct and general behaviour, coupled with the fact that Government have so long treated him as the presumptive heir to the Gadi.

Your Excellency in Council will be graciously pleased to admit his claims and select him as the successor to the now vacant Gadi of Aundh.

And that for this act Your Memorialist will ever pray.

POONA,

20th September, 1909.

Drafted by S. R. Bakhale, Esq., B.A., LL.B.

High Court Pleader, Bombay.

Submitted through the Political Agent, Satara, with a request that he will kindly forward this to the Government of India at an early date with his favourable opinion.

POONA,

20th September, 1909.

EXHIBIT 9:

No. 1 of 1910.

FROM A. R. BONUS, ESQ., I.C.S., POLITICAL AGENT, SATARA, TO
MEHERBAN VITHALRAO PARASHARAMRAO, *alias* BHAUSAHEB,
PANT PRATINIDHI OF AUNDH.

SATARA, 6th January, 1910.

SIR,

With reference to your memorial dated the 20th September, 1909, addressed to His Excellency the Viceroy on the subject of succession to the Gadi of the Aundh State, I am by direction to inform you that your memorial has been rejected by the Government of India.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) A. R. BONUS,
Political Agent.

EXHIBIT 10.

TO THE RIGHT HONOURABLE VISCOUNT MORLEY OF BLACKBURN, O.M.,
HIS MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR INDIA IN
COUNCIL.

The humble Memorial of Vithalrao
Parasharamrao, *alias* Bhausahab, Pant
Pratinidhi of Aundh.

RESPECTFULLY SHOWETH :—

That your Lordship's Memorialist is the only brother of the present Chief of Aundh and the youngest son of the Chief's predecessor.

That Your Memorialist heard that Government, having deposed Nanasaheb, the present Chief, were considering the question of succession to the Gadi of the Aundh State, and consequently submitted Memorials to the Governments of Bombay and India (Appendix A, and Exhibit 1 and 4 attached to Appendix A), putting forth his claims. On a perusal of the Memorial to the Government of India (Appendix A.) Your Lordship will easily see that Your Memorialist is the rightful claimant to the Gadi under the law of Primogeniture which governs the succession to the Gadi of this State, as in almost all of the Hindu States in India, and that till recently the Government of Bombay looked upon Your Memorialist as the heir to the Gadi so long as the present Chief had no male issue.

That Your Memorialist is at present 19 years old and is being educated in the New English School, Poona, an institution conducted by highly educated persons like Principal Paranjpe, Senior Wrangler and recognised by the University of Bombay and highly spoken of by H.E. the Governor of Bombay in his speeches. Your Memorialist stays in the Boarding House of the Institution, where very strict rules of discipline are maintained. A reference to the testimonials Exhibits 6, 7, and 8 attached to Memorial (Appendix A) will prove Your Memorialist's high moral character, gentlemanly behaviour and satisfactory progress.

That Your Lordship will be able to find from the genealogical table (Exhibit 9) attached to the Memorial (Appendix A), that all other claimants belong to a junior branch and that Meherban Bhavanrao, *alias* Balasaheb, and his son come last of all in the order of succession.

That Your Memorialist begs Your Lordship to note that he is quite a young man and nothing can be said against him as far as character and fitness, and he begs to point out that whatever the faults of his elder brother Meherban Nanasaheb may be, Your Memorialist cannot be affected by them.

That Your Memorialist believes that the selection of a successor will be governed by the principle of personal fitness, and Your Memorialist has the fullest confidence in the British sense of justice and that he trusts that the sins of others will not be visited upon him.

That Your Lordship's Memorialist does not know whether the Government of Bombay have selected Your Memorialist for succession. Whatever the recommendations of the Government of Bombay may be, Your Memorialist trusts that Your Lordship will be graciously pleased to admit his claims and select him as the successor to the now vacant Gadi of Aundh.

POONA,

15th October, 1909.

Drafted by D. A. KHARE, ESQ., B.A., LL.B.,

High Court Pleader, Bombay.

Submitted through the Political Agent, Satara, with a request that he will kindly forward this to Government with his favourable opinion.

POONA,

15th October, 1909.

EXHIBIT 11.

No. 291 of 1910.

SATARA, 14th July, 1910.

FROM A. R. BONUS, ESQ., I.C.S., POLITICAL AGENT, SATARA, TO MEHERBAN VITHALRAO PARASHARAMRAO, *alias* BHAUSAHEB PANT PRATINIDHI OF AUNDH.

POONA, NEW ENGLISH SCHOOL.

SIR,

With reference to your memorial dated the 15th October, 1909, to the address of His Majesty's Secretary of State for India, I am by direction to inform you that the Secretary of State does not propose to interfere with the orders passed by the Government of India in the matter of succession to the Aundh Chiefship.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) A. R. BONUS,

Political Agent, Satara.

EXHIBIT 12.

SATARA, 21st February, 1908.

SIR,

Government have desired me to ascertain from you whether you have any particular wishes with regard to you brother Bhausaheb. Do you not think it would be a good thing for him to complete his education at some recognised school or college? It seems a pity for him to be left to his own resources. An early reply will oblige.

Yours sincerely,

(Signed) H. L. PAINTER,

Political Agent.

To Meherban Nanasaheb, Pant Pratinidhi of Aundh.

EXHIBIT 13.

TESTIMONIAL OF PRINCIPAL R. P. PARANJPYE.

FERGUSSON COLLEGE,
POONA, 30th August, 1909.

I have great pleasure in saying that I have known Shrimant Bhausaheb, Pant Pratinidhi who has been a resident boarder in our New English School for a year and a half. He is a model of a student and his general conduct has been quite exemplary. There has been no point in which any fault could be found with him and it is a matter of great satisfaction that such a thing can be said about a scion of great historical family.

He is also a member of the Deccan Club—a club for gentlemen in which he was admitted as a special case although he was a student—and it is the opinion of every member of that Club with whom he came in contact there that he is a very quiet member not making other members feel that he has a high position.

R. P. PARANJPYE, M.A., B.S.C.
*Principal and Professor, Fergusson
College, Poona, Fellow of the University
of Bombay, Late Fellow of St. John's
College, Cambridge, etc., etc.*

EXHIBIT 14.

TESTIMONIAL OF PROFESSOR V. K. RAJAWADE, SUPERINTENDENT,
NEW ENGLISH SCHOOL, POONA.

I have great pleasure in endorsing all the remarks of Messrs. Dravid and Panse. What struck me most about this young man during my superintendentship was his simple, unostentatious behaviour and strict obedience. That a scion of a great house should march three miles and more at the head of about two hundred boys to the parade grounds to do honour to His Majesty King Edward's birthday on the 25th of last June gave me unmixed pleasure. I would consider myself very fortunate if I have many more boys like him in my school. I value discipline as much as, if not more than, actual study. Shrimant Bhausaheb has satisfied me in both these respects. I make these remarks irrespective of the object for which he wants them. I have not bestowed a single thought on his claims to the Gadi.

POONA,
29th August, 1909.

V. K. RAJAWADE, M.A., Professor of
English and Sanskrit, Superintendent,
N.E. School, Poona.

EXHIBIT 15.

TESTIMONIAL OF PROFESSOR K. N. DRAVID, SUPERINTENDENT OF
THE BOARDING HOUSE, N.E. SCHOOL, POONA.

In compliance with Vitthal Parashura rao, *alias* Bhausamreb Pratinidhi's application for a testimonial of my opinion about his conduct, progress and general efficiency, I have great pleasure in giving the following account of what I know about him.

He joined this Boarding House in March, 1908, being introduced by the Chief of Vishalgad. Professor Panse was then in charge of the Boarding House. Since then he has continued in this House except during plague days.

My colleague and predecessor, Professor Panse, seems to have been so favourably impressed with the conduct of the subject of this testimonial that he is inclined to insert, in the published report of the Boarding House for 1907-08, a remark which I think it will not be irrelevant to quote here :—

“Shrimant Bhausaheb Pant Pratinidhi, brother of the Chief of Aundh, has been sent to the Boarding House. I have found in Bhausaheb a most well-behaved young man, perfectly amenable to discipline, diligent and hard-working.”

My estimate of this young gentleman is based partly upon what I have personally observed of him during the time I have been holding this office and partly upon such records about his progress and conduct as I find in the school catalogues, progress-books and result-sheets. Thus I find, in the first place, that his monthly rank in his class has been within the first five all along ; secondly, the teachers' remarks in his progress-books are “very fair,” and “good” for the most part in respect of his progress in studies, and uniformly “good” in respect of his conduct. At the annual examination of his class, when he was under the Fifth Standard last year, he was one of the three boys in his class that passed under all heads. At the Terminal Examination held in May last, he again passed under all heads.

I have great pleasure in remarking, as the result of my own observation and experience, that Shrimant Bhausaheb is a very promising youth, thoroughly well-behaved, modest and intelligent ; one that entirely satisfies even that standard of efficiency by which we may judge of ordinary students as distinguished from boys of high-class families such as Bhausaheb's is. It is a high compliment to say of a boy that he has given uniform satisfaction on all occasions in respect of obedience, straightforwardness and respect for authority. And I am glad to say that he cheerfully joined the special drill class and acquitted himself as the captain of a squad to the satisfaction of the Superintendent of the New English School.

NEW ENGLISH SCHOOL
BOARDING HOUSE,
POONA, 28th August, 1909.

K. N. DRAVID, M.A., Professor of English
and Sanskrit languages, New English
School, Superintendent of the Boarding
House, Poona.

EXHIBIT 16.

ELPHINSTONE COLLEGE,
BOMBAY, 18th June, 1914.

The bearer (V. P. Pratinidhi) was a student of Elphinstone College for two years, 1912 and 1913, when he was in my special Essay Class and came much under my observation and care. He always bore a very high character, was quiet, respectful, scrupulously neat and tidy, and altogether a very nice, well-bred young fellow. He never forgot the “*noblesse oblige*” which belongs to high descent. I was very sorry to lose him as a pupil.

(Signed) O. V. MULLER, M.A.,
Professor E.S.J.P. and Honourable Presiding Magistrate.

EXHIBIT 17.

ELPHINSTONE COLLEGE,
BOMBAY, 25th September, 1913.

Mr. V. P. Pratinidhi has been a student of the Previous Class of this College for two years. He is a very painstaking student whose conduct has been most exemplary and who bears an excellent character. He is a quiet, courteous and pleasant youth.

(Signed) A. L. COVERNTON,
Principal.

EXHIBIT 18.

ST. XAVIER'S COLLEGE,
CRUICKSHANK ROAD,
BOMBAY, 11th July, 1917.

Mr. Vithal Parasharamrao Pratinidhi has been a student of this College for two years, at the end of which time he has passed his Inter. Arts Examination with credit. During his time here he has always shown himself a diligent and obedient student, and has enjoyed the esteem of all his professors. He is of good moral character, agreeable in manner, keen in his work, and seems to be one well deserving of every encouragement and support.

(Signed) A. GOODIER,
Principal,
(The present Archbishop of Bombay.)

EXHIBIT 19.

ST. XAVIER'S COLLEGE,
CRUICKSHANK ROAD,
BOMBAY, 13th July, 1917.

Mr. V. P. Pratinidhi has been my pupil in English for the last two years. During the whole time he was under me, I always found him a very studious and well-behaved young gentleman. He has very engaging manners and has endeared himself with all he came into contact. He passed his examinations very creditably, giving perfect satisfaction to his professors.

I wish him every success in any career he may follow, feeling sure that he will give perfect satisfaction.

(Signed) JAMES DEVINE, S.J.,
Professor of English.

BARWANI STATE.

"The Ranas of this State are Sisodiya Rajputs of the Udaipore family who separated from the parent stock about the 14th Century. From the beginning of the 18th Century, the power of the Ranas of Barwani gradually declined They did not, however, become tributary to any of the Malwa Chiefs. Mohan Singh was Rana at the time of Sir John Malcolm's settlement of Malwa. He was succeeded by his son Jaswant Singh."

The above quotation from Aitchison (Vol. IV, pp. 480-81, Edn. 1909) shows that at the time of the advent of the British in Central India, the State of Barwani was an independent principality, which had never been subjugated by any of the Maratha Chiefs, nor was it ever conquered or subjugated by the British, its relations with that power having throughout been friendly. No treaty was ever concluded between the British Government and the Barwani State, nor was any Sanad ever given to the latter.

By the treaty of Mandsaur in 1818, the authority of the British Government in Central India was established; and it was at this time that the State of Barwani first came into contact with that Government. The Ruler entered into Political correspondence with the Agents at Khandesh and Bhopawar and the Resident at Indore, and co-operated with these officers in the suppression of crime among the Bhils of the Satpuras.

A perusal of this correspondence will show that the British authorities of the time recognised the Ruler of Barwani to be an independent sovereign ruler, with complete Civil and Criminal Jurisdiction within his State. Exhibits 1, 2, 3.

This continued to be the status of Maharana Mohan-Singhji of Barwani throughout his life.

On Maharana Mohan Singh's death in 1839, his sons being minor at the time, the management of the State was placed in the hands of the Senior Maharani Raj Kuari, but subsequently in 1844, owing to the latter's incapacity, the Political Agent Bhopawar entrusted the management to the Junior Dowager Maharani Gulab Kuari Basaheba, who was supposed to administer the State subject to the supervision of the Political Agent.

A Kamdar was also appointed, who, though working in concurrence with the Maharani, was responsible for his acts to the Political Agent. This arrangement afforded to the Agent unlimited opportunities for interference with the internal administration of the State. This state of affairs continued for a long time and it was not before 1858 that the State was handed over to Maharana Jaswant Singhji, although he had attained majority long before this. Two years later (in 1860) the Maharana was deprived of his powers, and a Superintendent was appointed to take charge of the State. Exhibits 4, 5.

In 1873, Maharana Jaswant Singhji was once more restored to power, on a probation of one year. The conditions under which the powers were restored were:—

- (1) That the Political Agent would appoint a Dewan for the State, and
- (2) that criminal cases involving capital sentences, and other serious offences were to be tried jointly by the Dewan and the Ruler and sent to the Political Agent for final orders.

This system remained in force until the death of Maharana Jaswant Singh in 1880. He was succeeded by his brother Maharana Inderjit Singh. But the latter's succession was merely nominal, in as much as he did not enjoy ruling powers. These powers were exercised by the British Government through their Superintendent.

In 1883—three years after the late Ruler's (Maharana Jaswant Singh's) death—Maharana Inderjit Singh was allowed to take charge of one single Pargana (District) of his State. This was done on the pretext of testing the ruling capacity of the Maharana before allowing him to take up the entire administration of his dominions in his own hands. Exhibits 6, 7.

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Being unable to find any fault with his administration over the small area allotted to him, and consequently there being no excuse for further delaying the grant of full ruling powers, the Government, in 1886, gave to the Ruler what were called full Ruling Powers, but which were really hedged in by the conditions imposed on his predecessor in 1873.

From the above account it appears that the British Government started interference in the affairs of Barwani during the minority of Jaswant Singh.

This policy was continued throughout the latter's rule, and his judicial powers were enormously curtailed. Even at the time of Maharana Inderjit's Singh's investiture, the Government did not care to make amends; and retained all the restrictions that were imposed on his predecessor.

On the death of Maharana Inderjit Singh in 1894, the State was again placed under the administration of the Superintendent. The Judicial powers of the Superintendent were further curtailed and he was left with the powers of a first-class Magistrate only.

Exhibit 8. In defining the precise powers of the Superintendent, the Political Agent (Captain A. D. Bannerman) in his letter, dated the 30th July, 1895, remarked :—

“ The powers you have are the same as those enjoyed by the Rana and they are those of a first-class Magistrate in Criminal cases. . . . You are correct in saying that your powers are not clearly defined, but what has been noted above is according to the practice of years and should be adhered to.”

Thus the Judicial powers of the so called independent Rule of Barwani were declared to be equivalent to those of British Indian Magistrate of the First Class.

No heed was paid to the fact that up to the time of Maharana Mohan Singh's death, the Rulers of Barwani possessed unlimited and unrestricted criminal and civil jurisdiction within their territory, and that it was only during the minority of Jaswant Singh that the British Government had got an opportunity to commence a policy of interference in the internal administration of the State.

Exhibit 9. The matter, however, was again represented by the Superintendent to the Political Agent, on which the latter granted him the powers of a first class Sub-Divisional Magistrate. But this extension of Criminal powers was counterbalanced by a considerable circumscription of civil powers, in respect of which, it was laid down that the Superintendent could not decide a case whose valuation exceeded Rs. 10,000/—.

Exhibit 10 and 11. The matter, however, was not allowed to rest here. The Superintendent carried on a lengthy correspondence with the Political Agency almost up to the termination of the minority period, when the Government conceded that the Superintendent might exercise the powers of an Assistant Sessions Judge in criminal cases, and full powers in civil cases.

Exhibit 12. When the present Ruler was invested with ruling powers he had to refer all heinous offences to the Political Agent. But later on (in 1916) the Government of India being satisfied with the “ Care, ability and judgment with which he administered justice in his State,” issued to the Ruler a Sanad empowering him to hear and decide all Criminal cases within the limits of the State of Barwani, on the following conditions :—

(1) That the sentences of death and transportation or imprisonment for life were to be reported to the A.G.G. without delay and would be subject to his confirmation.

(2) That the powers above-mentioned did not extend to cases in which the accused person was a European British subject or belonged to the European or American nationality.

(3) That the Sanad further reserved the power of revocation, should circumstances call for such a proceeding.

(4) That the powers thus granted were not hereditary.

Five years later, i.e., in April, 1921, the Government of India “ having regard to the status and position of Barwani State and reposing full trust and confidence in the sense of justice which, has animated the Ruler of the State ” were pleased to make these powers hereditary. But in doing so they took away the Ruler's powers to try a servant of the British Government, for any crime that he might commit within his jurisdiction.

The Government further reserved to themselves the prerogative of mercy in all capital sentences.

It was also laid down that in case the Ruler desired to delegate his powers to any Judicial Officer whom he might appoint, he was to act in consultation with the P.A.

Now the points worthy of note in the foregoing narrative are :—

(1) That the State of Barwani (which had been founded about the 13th Century) had all along enjoyed full internal sovereignty. Its Rulers had possessed unrestricted judicial powers within their territory during the Mohammadan and Maratha periods.

(2) That even after the establishment of British rule in Khandesh and the settlement of Malwa by General Malcolm, Maharana Mohan Singh exercised full Judicial powers.

(3) That after the death of Maharana Mohan Singh, the Political Agent assumed the Ruler's powers as trustee of the minor chief.

(4) That Maharana Jaswant Singh, on coming of age, was supposed by the British Government to be incapable of conducting the administration of his State, and consequently one of the conditions laid down at the time of the restoration of his powers in 1873, was that cases of murder and other heinous offences were to be decided by the Political Agent.

(5) That although the above limitation on the exercise of the Ruler's Judicial powers may have been justifiable on the ground of his supposed incapacity, the continuance of such interference at later dates, whether accompanied by limiting Sanads or not was in the absence of a minority, or mental incapacity or gross misgovernment unjustifiable—a breach of the various Royal Pronouncements and pledges and constitutionally inoperative.

EXHIBIT 1.

EXTRACT FROM THE BARWANI STATE GAZETEER, PAGE 28.

In old days the Chief was the only judicial authority. Procedure, however, was very irregular and defective.

(Signed) DEWAN BARWANI.

(True Copy.)

EXHIBIT 2.

MEHARBAN DOSTAN RANA MOHAN SINGH, STATE AWAS FORT, BARWANI. AZ DIL IKHLAS (FROM SINCERE FRIEND) CAPTAIN OUTRAM, AGENT SUBHA (GOVERNOR), KHANDESH.

After compliments everything is alright here up to 29th month (burnt) 1833 A.D. by your favour at (burnt) pur. The matter to write you is Gamicha Bhilji (burnt) Barwani, residing at present at Sangwi, committed theft at (burnt) about two miles from Rajpur. The man has therefore been traced out and stolen property—Wakad-Wel (anklets) was found with him. The Mamlatdar Chopda reported that he should be sent with the property to you. Accordingly the prisoner will be (burnt) to you. Always favour me with letters. Nothing more to add. Written.

(Signed) CAPTAIN OUTRAM.

(True Translation.)

EXHIBIT 3.

FROM CAPTAIN JOHNSTON, RESIDENCY INDORE, TO BLESSED WITH PROSPERITY AND AUSPICIOUS PLACE AND WORTHY OF ALL TITLES HONOURED BY KINGS SHREE RANA MOHAN SINGHJI BARWANI STATE.

I received your letter and learnt the contents thereof. You write that Major Pingleton had been there but did not make arrangement of your Kingdom, and went back and that in your State there are several mischievous persons who also were not done away with. I understand these things. You know that our Government has given

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no orders that he could interfere in your domestic affairs. You are wise, you have been conducting the administration since long. If in the same way you put your heart in the Administration, it is not a difficult task for you to get the Badmashas under proper control. You have often written that the Bhillnaiks commit thefts though they are given stipends. If you satisfy Major Pingleton that they commit theft the thieves will be punished, but you should not stop stipends to Naiks, because you should know that they have been settled through our Government.

Miti Jeth Vadi Saptmi. Sammat 1894.

Dated 25th May, 1837.

(Signed) JOHNSON,
Capt.

(True Translation.)

EXHIBIT 4.

FROM CAPTAIN WILKIE, MANAGER BARWANI, BHOPAWAR AGENCY, TO BLESSED WITH PROSPERITY AT BARWANI THE MOST AUSPICIOUS PLACE WORTHY OF ALL TITLES AND BLESSED BY THE GODDESS OF FORTUNE HONOURED BY KINGS SHRI MAJI SAHEB SHRI GULABKUAR BAI. AFTER COMPLIMENTS.

By your grace everything is well here and always wish the same to you. It is a pleasure to me that in these days the whole administration be conducted by you because in the State in a way you are elderly and you will conduct the administration to the interest of Raja Saheb's State. I therefore write this letter to you. You should dispose of all work with your authority of the two States Barwani and Rajpur. You should send weekly report of what is done by you for my sanction and arrange according to the reply I will send you. I have full confidence in you. You take in your charge all the articles small and big that Jagan Nath Rao has collected for Baiji's marriage. Similarly you should take in your charge the account Jamabandi, etc., worked out by Jagannath in detail. You should do all administrative work. You should obtain from here every eighth day sanction for every work. Curtail all superfluous expenditure in the State. There should be no superfluous expenditure in the marriage and economy should be observed. You should send, to Fort Rajpur, Vinayak as Mukhtiar and get everything small as well as great explained to you and after enquiring into the details write here. You are responsible for the administration, Jagannath should explain to you every work and return here. You should also examine this year account of Rajpur prepared by Balwantrao in detail and write here as you will find it. Write any service that I can do you.

Dated 28th March, 1849.

Miti Chait Wadi. 11th Sammat (eaten by white ants).

P.S.—You should fully bear in mind that as I have by placing confidence in you entrusted the work to you if in any matter you fail to report to me, and if that matter came to my knowledge in other way, you will lose all my confidence in you.

Seal.

(Signed) WILKIE.

(True Translation.)

EXHIBIT 5.

FROM CAPTAIN CUMMING, DEPUTY BHEEL AGENT AND POLITICAL ASSISTANT, AGENT BARWANI, MANDLESHWAR AGENCY. TO, BLESSED WITH PROSPERITY AND AUSPICIOUS PLACE AWAS FORT BARWANI HONOURED BY KINGS SHREE BANAJI YESHWANT SINGHJI.

I am well here. Write your welfare. Other matters are :—

(1) I have received letter regarding your State from Agent to the Governor General, purporting that at present the Administration of the State will be conducted by you.

(2) I have received communication to the purport mentioned above. The Kamdar from the British Government who has been working so long will now be removed. You should appoint on Kamadar's post your own man from among the old people who is good and trustworthy and capable of doing work. If you

have got doubt in any matter or suspicion on any person write to me. I will advise you in the best of your interest.

(3) Learnt from Major Yewan's letter that at present Sepoys will be kept for maintenance of peace and order in Barwani, but they will not remain there always. You should keep efficient Bandobast through your own Police Sepoys, so that after removal of the guard the work should go on properly and the subjects be quite safe.

(4) It's useless to keep a Sepoy on Rs. 2 or Rs. 3 which is not sufficient to maintain himself. He will remain engaged on field-work and not look to the State duty. Therefore giving of higher pay in the end is beneficial to the State.

(5) The ingress of Wilaitis and Makranis should be prohibited in all possible way. If any happens to come he should be arrested and sent to me.

(6) While employing servants locals be engaged. Foreigners should not be employed.

(7) The stipends as fixed for Bhil Naiks should be regularly paid, otherwise they would necessarily rebel.

(8) The Agent to the Governor General has presently called Indrajit Singh at Mandleshwar so he should be sent with Munshi Ramnath to Mandleshwar, and for all his expenses a sum of Rs. 50/- be remitted every month.

(9) If there is apprehension of any other matters, they may personally be stated to Ramnath munshi, who will speak to me on his arrival here. Dated 22nd June, 1858 A.D. What more to write. Written.

(Signed) CAPT. CUMMING.

Political Agent.

(True translation).

EXHIBIT 6.

Kharita No. 10.

FROM CAPTAIN KINCAID, BHEEL AGENT, I/C DEPUTY BHEEL AGENT AND POLITICAL ASSISTANT, AGENCY MANPUR. TO SIDHDHE SHREE SARVA UTTIM UPMALAI SADA VIRAJ, MAN RAJE SHREE MAHERBAN RANA, JASWANT SINGHJI SAHEB, SAUASTHAN AWAS, KILLE BARWANI.

After usual compliments English letter No. 809 dated 30th April, 1873 from the Secretary to the Government of India, has been received through the Agent to the Governor-General in Central India, contents of which were announced yesterday in Darbar to you and your officers. The Governor-General in Council has ordered that the Barwani State from yesterday was given to you for one year on probation and Khan Bahadur Najaf Khan Saheb, Superintendent Alirajpur, has been appointed as your Dewan and will be responsible for the State (eaten by white ants) therefore in this Kharita I write to you that contents of this order were communicated to you at that time. I also told you that the Government will order after seeing your administration for one year the full control over the State. Therefore you will conduct the administration satisfactorily and after one year it is hoped you will (eaten by white ants). Besides Khan Bahadur Najaf Khan is from our Government as Dewan. It is on this condition the State is entrusted to you that Khan Bahadur will remain your Dewan. Regarding his pay and powers after discussion it is settled that the pay will be Rs. 400/- per month, besides usual (eaten by white ants) full power Magistrate according to Government Law. The appeal from Dewan's decision will lie to you but you will hear it in company with the Dewan. Besides the Dewan will hear appeals from Kamasdar, Mahalkari, Sadar Amin in civil and criminal cases.

Proceedings of murder and other serious crimes will be before you and the Dewan and the opinion in writing may be sent to the Agency.

Procedure should remain as in the period of superintendency. The present staff of officials should not be removed without any fault.

These matters were explained to you private, as well as in open Darbar clearly with my advice. To-day Rao Bahdaur Venkat Ramji superintendent gave over the charge of the State and Treasury, etc., to Khan Bahadur Md. Najaf Khan Dewan, and the latter signed after getting the treasury accounts, etc., fully explained to himself on your behalf.

A (a) vi.

On the above-mentioned conditions the State has been entrusted to you yesterday. This has given me great pleasure and it is hoped that the administration will be conducted well. A reply accepting the above conditions may kindly be sent to me.

Dated 29th May, 1873, Camp Barwani.

(Signed) RAMKRISHNA PANTH,

GADRE SARISHTEDAR.

(Signed) MAJOR KINCAID.

(True Translation).

EXHIBIT 7.

No. 918.

Seal.

(Signed) MAJOR JOHN BIDULFF,

(True Copy.)

Political Agent.

FROM MAJOR JOHN BIDULFF, POLITICAL AGENT, BHOPAWAR, TO
SIDHDHE SHREE BARWANI MAHE SHUB STHANEK SERV UTTAM
UPMA LAIK SADA RAJMANE RAJE SHREE MAHARANA INDRA SINGH
SAHEB, SAUSTHAN AWASGADH KILLE BARWANI.

After compliments. Everything is well here, and wish the same to you. Your brother, Rana Jaswant Singhji, died in August, 1880, and as his nearest relative you occupied the throne, but the administration was not fully entrusted to you. The Government of India has now decided that you should work in consultation with Dewan Khan Bahadur Najaf Khan, who is responsible for the administration of the State. The Government desires that after some time full powers be given to you, but in order to test whether you are fit for having full powers, your present powers may be somewhat increased.

It is therefore settled that the Pargana of Anjar be entrusted to you. This Pargana in the whole State is fertile and populated. From State account it appears that five years' average income is Rs.44339-5-5 and the income is progressing. The five years' average expenditure is Rs.5035-6-10. The procedure to be adopted with regard to Anjar Pargana is as follows:—

(1) Criminal, Civil and miscellaneous work of this Pargana should be done by you on your own responsibility. Orders in connection with this Pargana, which you will give to the Dewan, will be duly obeyed by him, but for which he will not be held responsible. If required he will give you his advice and I hope you will take advantage of his advice, but the responsibility will be yours.

(2) As regards other Parganas, the work will be done by the Dewan as heretofore, but it will be his duty to consult you in the administration of the State and keep you acquainted with it. Still the Dewan's opinion will prevail and he will be held responsible for the administration with the exception of Pargana Anjar. In cases where you and the Dewan differ you should both give your opinions in writing and these opinions will be forwarded to me with a letter signed by both of you, so that final decision will be given from here.

(3) The receipts of Pargana Anjar be credited to Treasury as before and the expenditure of the Pargana be met from the receipts under your orders. Money for the expenses of this Pargana will be given on written orders signed by yourself. Similarly, all correspondence and orders with regard to this Pargana will be under your signature.

(4) Your privy purse, which amounted to Rs.14,400 up to now, has been increased to Rs.20,000/-, with effect from 1st January, 1884. The Pargana will be entrusted to you from 1st April, 1884, so that the account of the current year will then be completed and the Pargana will then be entrusted to you.

(5) I hope you understand the object of the Government in this arrangement. It is to test your capacity. After some time a report will be submitted to Government giving full account of your career. It depends upon that report whether or not you should get full powers. For the administration of Anjar Pargana the Dewan is in no way responsible nor will he interfere in your work. For this reason you have good opportunity to show your fitness for the administration of the State.

(6) If in any matter you require my advice I shall always be ready and willing to give it. I wish you success in this.

Dated 30th December, 1883. Camp Barwani.

Seal.

(True Translation.)

EXHIBIT 8.

EXTRACT FROM CAPTAIN BANNERMAN'S LETTER OF THE 30TH JULY, 1895.

"The powers you have, which are the same as those enjoyed by the Rana and are identical with those conferred on the Superintendent of Alirajpur, a State of precisely the same status as Barwani, are those of a First Class Magistrate with regard to Criminal Cases.

"You are correct in saying that your powers are not clearly defined, but what has been noted above is according to the practice of years and should be adhered to."

EXHIBIT 9.

COPY OF LETTER No. 1473, DATED THE 15TH JUNE, 1896, FROM CAPTAIN A. F. DELA FOSSE, POLITICAL AGENT, BHOPAWAR, TO THE SUPERINTENDENT BARWANI.

With reference to your question, relating to judicial powers to be exercised by you, I have to inform you that you practically may exercise all powers that can be conferred on a First Class Sub-Divisional Magistrate, under the code of Criminal Procedure. This code is not, of course, in force in Barwani and can be taken only as a general guide.

The principal point is, that you may try any offence punishable under the Indian Penal Code, with not more than seven years' imprisonment, and that you may pass any sentence, not exceeding two years' imprisonment, or Rs.1,000/- fine, or not.

In cases committed to the Political Agent for trial you have to complete the case, including the taking of evidence for the accused, and you may express a general opinion on the case, including a statement of what, according to your information, renders the case more or less serious, but you do not, of course, make out any judgment or pronounce sentence.

Cases decided by you need not be sent to the Political Agent, but you should send a quarterly statement of cases decided, giving name, caste, and residence of the accused, nature of offence and final order.

As regards Civil Cases, you may try any case not exceeding in value Rs.10,000/-. In cases of higher value, you take all evidence and forward the case for decision.

(Signed) DEWAN BARWANI.

(True Copy.)

EXHIBIT 10.

COPY OF LETTER No. 816-C, DATED THE 9TH MAY, 1907, FROM MAJOR F. G. BEVILLE, POLITICAL AGENT, BHOPAWAR, TO THE SUPERINTENDENT BARWANI.

In reply to your letter No. 3899, dated the 18th February, 1907, I have the honour to state that the Honourable the Agent to the Governor-General has approved of the following rules for the conduct of Criminal work in the State during the period of superintendency.

1. All heinous offences and proceedings and judgments and sentences of the Court of the Superintendent in connection therewith should be reported to the Political Agent.

A (a) vi.

2. The Political Agent will use his discretion :—

(a) In making over cases reported under rule (i) for trial by the Darbar Courts, though he will as a rule try in his own Court murders, dacoities with murder and other cases of exceptional importance.

(b) In revising, confirming, or annulling the orders reported under rule 1.

3. Your proposals as regards Civil Justice are approved.

EXHIBIT 11.

COPY OF LETTER No. 1626/108-96, DATED THE 31st MARCH, 1909, FROM THE POLITICAL AGENT BHOPAWAR TO THE SUPERINTENDENT BARWANI.

Your letter No. 2993, dated the 26th March, 1909, is the first official reference I have had which shows that difficulties have been experienced owing to the loose wording of instructions which have issued from this office.

I quite agree with you that it is necessary in the circumstances explained to more carefully indicate the extent of the Criminal Powers of the Superintendent of the State, and I accordingly accept the proposal made by you whereby the Superintendent will exercise the powers of an Assistant Sessions Judge as indicated in Section 31, sub-section 3 of the Criminal Procedure Code.

EXHIBIT 12.

SANAD.

Whereas it has been the practice that the Ruling Chief of Barwani should refer all heinous offences occurring in his State to the Political Agent, who is invested with discretionary powers whether to try such cases in his own Court or to make them over to the Darbar for trial subject to a report of the proceedings: and

Whereas the care, ability and judgment with which the present Ruler of Barwani, His Highness Rana Ranjit Singhji, has administered justice in his State, has enabled the Political Agent to make over to him even the most heinous offences for trial.

Therefore the Governor-General in Council hereby empowers the said Rana Ranjit Singhji to hear and decide all criminal cases within the limits of the State of Barwani on the following conditions, viz., that sentences of death and transportation or imprisonment for life shall be reported without delay to the Agent to the Governor-General and be subject to confirmation by the Agent and further that this Sanad does not apply to any Criminal case in which the person accused or any of the persons accused is a European British Subject or is of European or American nationality.

It must be distinctly understood that the British Government will at any time suspend or revoke the authority thus conveyed, should circumstances appear to call for such a proceeding.

The full powers herein bestowed will continue only so long as the said Rana Ranjit Singh continues to merit the distinction and they will not necessarily be transmitted to his successors.

By the order of the Governor-General in Council.

EXHIBIT 13.

TO CAPTAIN HIS HIGHNESS RANA SIR RANJIT SINGH, K.C.I.E., OF BARWANI.

MY FRIEND,

It gives me much pleasure to inform Your Highness that the Government of India having regard to the status and position of the Barwani State, and reposing full trust and confidence in the sense of justice which has animated the Ruler of the State, have been pleased to confer on Your Highness and Your Highness' successors, authority to dispose of trial of all classes of criminal offences committed within the State by subjects of the State or others. This Kharita does not, however, apply to any criminal case in which the person accused or any of the accused are Europeans, European British subjects, Americans or Government servants, the Government in extending the powers of the Ruler of the State in the manner described desire that persons sentenced to death, transportation or imprisonment for life should be given every facility to present a petition for mercy to the Agent to the Governor-General, the consideration of which would be

the subject of communication with you, and that in the case of a sentence of death you will not give effect to such sentence until intimation of the sentence being passed has been given to the Agent to the Governor-General, who, after awaiting the presentation of a petition for mercy, will communicate with you regarding the execution of sentence. The British Government at any time can suspend or revoke the authority conveyed in this Kharita should circumstances appear to call for such action.

The Government of India do not desire that as a condition of this grant of authority the Ruler himself must necessarily be burdened with the onerous work of trying all heinous offences himself. In certain conditions where efficient machinery exists or is created and the Ruler maintains effective control and supervision over it, the Ruler may with advantage delegate his powers in the matter. The Government of India have accordingly been pleased to decide that after the provision of efficient machinery, such as the nomination of a Bench of experienced Judicial Officers or of a Dewan or Judge possessing the essential legal qualifications for a Court of this nature, the authority conferred on the Ruler to dispose of cases of a heinous nature may be vested by him in such a Court, subject to the necessary supervision and control of the Ruler himself, who as Ruler remains responsible for the proper performance of these important and onerous duties. If Your Highness desires to establish such a Court or to make alterations in such court or courts after establishment, you will no doubt elect to do so in consultation with the Political Agent who will be able to afford Your Highness useful advice on the subject.

I remain,

Your Highness,

(Signed) F. G. BEVILLE, Lt.-COL.,

A.G.G. in C.I.

KASHMIR.

THE CONSTITUTION AND POWERS OF THE STATE COUNCIL (1889—1905) OF KASHMIR.

In 1889 His Highness the late Maharajah was deprived of his powers as Ruler. The Government of India appointed a Council which was to carry on the administration of the State under the orders of the Resident. The following were the instructions issued by the Government of India to the Resident :—

“ I am further to request you to make the Maharajah and the Members of Council thoroughly understand that although the Council will have full powers of administration, they will be expected to exercise these powers under the guidance of the Resident. They will take no steps of importance without consulting him, and they will follow his advice whenever it may be offered.” (Letter from the Government of India to the Resident, dated April 1st, 1889.)

After the Maharajah was deprived of his powers, a State Council was appointed to carry on the administration under the order and subject to the close supervision of the Resident. The following extracts from the Rules and Regulations of the Council will show the position in which it stood to the Resident and the authority which he possessed.

Full text of Rules
attached.
Exhibit A.

CONSTITUTION OF THE COUNCIL.

“ 1. The Council will be composed as follows :—

Raja Ram Singh,
Raja Amar Singh,
Rai Bahadur Pandit Suraj Koul,
Rai Bahadur Pandit Bhag Ram,

and such members as may be added from time to time by the Government of India.

A (a) vi.

(20) An English translation of the proceedings shall be forwarded without delay to the Resident, for information.

(21) The Resident shall be the final referee in all matters and may veto any resolution passed by the Council or suspend action thereon pending further explanation.

Following on the assumption of complete authority in State affairs by the British Government, the Frontier Agency was re-established in Gilgit. The Political Agent gradually took over the control of affairs in the Frontier and excluded the State administration from having a voice in it. The area was declared to be under the suzerainty and not the sovereignty of Kashmir.

In the period immediately following the assumption of authority by the Resident many arrangements were entered into which seriously diminished the authority and prestige of the State. Such were the restrictions laid down by Colonel Prideux' letter on the question of jurisdiction (1891), the transference of the Post Offices (1894), the amalgamation of the Telegraph Lines (1894), the restriction with regard to the possession of sale of arms in Jammu and Kashmir and the visitors rules.

In 1896, it was laid down that the Maharajah may send for the proceedings finally disposed of by a Member in his Chambers, and if he see reason for not concurring in the decision or order given may refer the matter to the Council. The rule, however, was not to apply to regular revenue and judicial cases. The supplementary rules which were framed to give effect to this additional power of the Maharajah stated that :—

“Every Member-in-Charge of a Department shall prepare a synopsis of the business conducted by him, the action taken by him on suggestions made or Irshads issued by His Highness the Maharajah and the appointments or transfers made to posts exceeding Rs. 50 a month.

“That the Synopsis shall be laid before the Maharaja for his perusal and signature, and shall then be sent to the Resident along with the proceedings of the State Council.

“That it shall be competent to a Member-in-Charge of a Department to reserve any question for an expression of the views of the Resident, the Council in all cases refraining from finally disposing of the case until it is furnished with them.

“That no expulsion from State territories shall be resorted to except after consultation with the Resident.”

This system of administration by the Council under the strict supervision and orders of the Resident continued up to 1905–1921. The State Council was abolished on 26th October, 1905, and its administrative powers were transferred to His Highness the late Maharajah. *The Maharajah was, however, to exercise his powers under the advice of the Resident and it was stipulated that no step of importance should be taken without consulting the Residency.* The constitution established under this system provided :—

1. That the advice of the Resident should be followed whenever offered.
2. That the Budget should be prepared and passed in consultation with the Resident.
3. That no Resolution of the late State Council should be cancelled or modified without consulting the Residency.
4. That the appointment of the following officers should be made with the concurrence of the Government of India :—
 - i. Ministers.
 - ii. Accountant-General.
 - iii. State Engineer.
 - iv. Director of Sericulture.
 - v. Superintendent of Customs and Excise.
 - *vi. Conservator of Forests.
 - vii. Chief Electrical Engineer ; and
 - viii. Settlement Commissioner.

5. That a summary of the orders passed by His Highness which modify the annual Budget as finally passed, involve alienation of revenue or remission of taxes or appointment or removal of Gazetted Officers or affect the Electrical Department, Assessment Reports, contracts by the administration of the Frontier would be furnished to the Residency.

Slight modifications were introduced in the above arrangements twice before the final grant of full powers in 1921. In 1914 enhanced financial powers were given to the Maharaja, but it was provided that no charge should be sanctioned unless it had been agreed to by the Accountant-General, who was invariably a European Officer of the Government of India.* In 1918 these powers were further extended.

In this connection, it may be stated that in financial matters the control vested in the State Government in the constitution sanctioned in 1905, was nominal inasmuch as the Government could sanction only those items of expenditure to which the Accountant-General, who was always a British lent officer, had agreed. Matters in which there was any difference of opinion between the Government of His Highness and the Accountant-General had to be referred to the Resident, whose decision was final. The consequence was, in practice, to give the Accountant-General a power of veto over His Highness' Government even though he was their servant. Instances are not wanting to show that the Government had to face difficulties on important and festive occasions in the State and repeated requisitions failed to elicit any satisfactory response although proper estimates of the function with full details had in the first instance been prepared in consultation with the Accountant-General and were sanctioned with the approval of the Resident.

In 1921, full powers were restored to His late Highness, on giving a confidential undertaking to accept the advice of the Resident whenever it is offered on State matters and to inform the Resident of any important changes to be made in the existing rules and regulations and the laws of the State and in regard to Frontier matters.

His Highness administered the State, after the restoration of full powers, through a Council of which he himself was President.

Maharajah Shri Pertab Singhji died in September, 1925, and was succeeded by His Highness the present Maharajah, who, though no longer subject to any restriction on his ruling powers, has to accept in practice the rulings of the Government of India, and the arrangements sanctioned by them during the period from 1885-1921, contrary to State rights and interest when they practically were in charge of the State administration.

EXHIBIT A.

CONSTITUTION OF THE STATE COUNCIL.

1. The Council will be composed as follows :—

Raja Ram Singh,
Raja Amar Singh,
Rai Bahadur, Pandit Suraj Koul,
Rai Bahadur, Pandit Bhag Ram.

and such other members as may be added from time to time by the Government of India.

2. The Council shall appoint one of its members as Secretary.

3. Vacancies in the offices of Members of Council shall be filled up and the nomination of additional members shall be made by the Government of India.

4. The distribution of business among the members shall be regulated from time to time by orders passed in Council.

POWERS OF COUNCIL.

5. Subject to the general control of the Resident, the Council shall be the final authority on all questions affecting the frontier relations of the State and its dependencies and in all matters appertaining to its internal administration.

6. The Members-in-charge of departments of the administration shall prepare a budget estimate of their respective departments for the final sanction and approval of the Council.

7. No legislative measures or schemes of general State reform shall be introduced except with the previous sanction of the Council.

8. The Council shall have power to veto or alter any orders passed by the Member-in-charge of the department in chambers and may call for and revise any proceedings in any department of the administration.

A (a) vi.

9. All appointments and removals of Gazetted Officers shall be made by order of the Council.

10. The Council may lay down special rules for the guidance of any department of the administration.

CONDUCT OF BUSINESS.

11. The Council shall hold its sittings on such date and at such time and place as may be determined.

12. Two days before the meeting the Secretary shall prepare an agenda of the business to be laid before the Council and circulate the same among the Members.

13. Each Member shall at the same time be furnished as far as possible with copies of all the papers to be brought up at the meeting.

14. No motion when more than one Member present objects shall be laid before any meeting of Council for consideration until and unless it is borne on the agenda and a copy thereof supplied to each Member as provided in rules 12 and 13.

15. Three Members shall form a quorum.

16. If a quorum is not formed the meeting shall be adjourned till such day as the chairman may direct.

17. If within fifteen minutes of the hour fixed for Meeting of Council, all the Members have not arrived those present may elect a chairman, and proceed to transact business provided a quorum is present.

18. In emergent cases Raja Ram Singh and Raja Amar Singh may convene a special meeting of Council and the rules hereinbefore prescribed for ordinary meetings shall apply to such meeting.

19. All proceedings in Council shall be conducted in vernacular. Every resolution as passed by a majority of votes shall be entered in detail in a minute book by the Secretary and before the close of the meeting the proceedings shall be read over to all the Members present and shall be signed by them provided that any Member or Members dissenting from any resolution shall, if they so desire, cause their dissent to be recorded.

20. An English translation of the proceedings shall be forwarded without delay to the Resident for information.

21. The Resident shall be the final referee in all matters and may veto any resolution passed by the Council or suspend action thereon pending further explanation.

DUTIES OF SECRETARY.

22. The Secretary shall

- (a) Receive all papers submitted to the Council.
- (b) Prepare and circulate agenda of business and give due notice of meetings to the Members.
- (c) Call for information on matters to be brought up before the Council.
- (d) Supervise the working of the office and custody and maintenance of records.
- (e) Furnish each Member with copy of the proceedings of the Council.
- (f) Compile the administration report and returns.
- (g) Comply with requisitions made to him by the Members-in-charge of departments.
- (h) See that reports called for by the Council are promptly sent for from departments concerned.
- (i) Conduct all routine business appertaining to his office.

23. The Secretary shall keep
- (a) The seal of the Council.
 - (b) Registers of all establishments employed in the State amended up-to-date.
 - (c) Budget estimates as sanctioned by the Council.
 - (d) Check statements of Budget sanctions.
 - (e) Register of supplementary Budget sanctions arranged under Budget heads.
 - (f) List of pending references.
 - (g) Minute books of proceedings.

MISCELLANEOUS.

24. If a Member is unable to attend the meeting of the Council he shall notify the fact to the Secretary.

25. All proceedings of the Council unless otherwise directed by the Council shall be published in the Local Gazette.

26. The Council may frame subsidiary rules for carrying out the above provisions and for regulating other matters falling within the scope of their authority.

RUPAL STATE.

(See *infra* 1144 (i).)

TONK STATE.

The Tonk State came into being in the year 1817. Amir Khan Pindara was a companion-in-arms of Maharaja Jaswant Rao Holkar, from whom he held certain grants of territories. These territories were guaranteed to him by the British Government, who took them under their protection. (*vide* page 227 of the Aitchison's Treaties, Volume III, Edition 1909.) Thus the founder of the State was Amir Khan. He died in 1834, and was succeeded by his son Wazir Mohammad Khan, who rendered good services to the British cause during the Mutiny. The State received the so-called Adoption Sanad in 1862. This State has been as loyal to the British Government as any other. It has ceded lands for railway purposes, it has given up the manufacture of salt for an annual payment, it consented to an Extradition Treaty in 1869, and to its revision in 1887, and to the administration by a British officer as often as called upon.

Amongst the tributaries of the Nawab of Tonk was a Thakur of Lava. In 1867 there was an "attack on the uncle and followers of the Thakur of Lava," which was later described (*vide* No. CI, page 243 of Aitchison's Treaties, Vol. III, Edition 1909) as an outrage. Apparently there was an investigation and the Governor-General was convinced "that the tragedy could not have taken place without the knowledge and, indeed, without the instigation of the Nawab. . . ."

As a punishment of this crime, and because, since its commission, the Government of India could repose no confidence in his (the Ruler's) administration, the following punishments were inflicted :—

- (1) Mohd. Ali Khan, the Nawab, was deposed.
- (2) He was banished from the State and placed in surveillance at Benares, with an annual allowance of Rs. 60,000 out of the revenues of Tonk for his support.
- (3) The Salute of the Ruler (the future Rulers) of Tonk was reduced from 17 guns to 11, though the former number of guns was restored at the Imperial Assembly in 1877.
- (4) The number of the troops maintained by the State was for the future reduced.
- (5) The State was prohibited for the future from receiving any levies, and
- (6) The Thakur of Lava's holding was sequestered from Tonk; it was declared a separate Chief-Ship and placed under the protection of the British Government. (*vide* page 100 of the Aitchison's Treaties, Vol. III, Edition 1909.)

A (a) vi.

It is to be noted that the Thakur of Lava used to pay to the Tonk State an annual tribute of Rs. 3,000/-. This the British Government transferred to themselves, and it appears that this tribute was in 1883 increased by a sum of Rs. 225/- per annum.

The point of this memorandum is that "the full evidence taken on the spot had established the personal guilt of Nawab Mohammad Ali Khan." His guilty conduct possibly deserved the sentence of deposition, assuming such sentence to be within the prerogative of the paramount power; it possibly also deserved the deportation of the guilty Nawab to Benares and his being kept in surveillance there. But it is not comprehensible how the State and its future rulers deserved any punishment by the prohibition for all times of determining the strength of their tributaries. It is even more difficult to find any justification either for the escheat of Lava from the State or for the transference by the British Government to itself of the tribute which Lava used to pay to the Tonk State. The State protested against this order, but both Government of India in 1921 and the Secretary of States in 1923 declined to restore Lava to the parent State.

UDAIPUR (MEWAR).

The Udaipur Family is the highest in rank and dignity among the Rajput Princes of India. The Ruling Chief is considered by the Hindus to be the representative of Rama, the hero of Ramayana, by one of whose descendants, Kanak Sen, the present Family was founded about A.D. 144. - (Aitchison's Treaties, Engagements, Sanads, Vol. III, p. 9.)

By the Treaty concluded in 1818 (*vide* Aitchison's Treaties, Engagements and Sanads, Vol. III, pp. 30 and 31) the British Government agreed to protect the territory of Udaipur, the Maharana on his part acknowledging the British supremacy.

Maharana Sajjan Singh, who was present at the Imperial Assembly at Delhi on the 1st January, 1877, and who was in 1881 created a Knight Grand Commander of the Star of India, died on the 23rd December, 1884, leaving no issue, when Maharana Fateh Singh was selected for the *Gadi* and after acceptance and confirmation thereof by the Supreme Government was installed on the 4th March, 1885. He was invested with full powers of Administration in August, 1885, and created a Knight Grand Commander of the Star of India as early as February, 1887.

A few of the events marking the progress under his rule are mentioned below :—

1. A line of Railway from Chittorgarh on the Rajputana Malwa Railway to Debari Station, about 8 miles from Udaipur, was constructed by the State and opened for traffic in August, 1895. It was extended to Vdaipur in August, 1899. The line is 67.30 miles long and the State retains jurisdiction over it.

2. On the occasion of the celebration of the Diamond Jubilee of Her Majesty the late Queen Victoria's reign in 1897, the Imperial Order of the Crown of India was conferred on the Maharani Sahiba, while the salute of the Maharana was raised from 19 to 21 guns as a personal distinction.

3. About a crore of rupees was spent on public works. The Victoria Hall, containing a Library, a Museum and a Reading Room, together with the statue of the late Queen Victoria, was erected in memory of Her Majesty's Jubilee.

4. Before 1921, 47 District schools were opened and the Udaipur school was affiliated to the University of Allahabad.

5. Twelve Hospitals were established in the District Head quarters; the Lansdowne Hospital was built and well-equipped. Vaccination for smallpox was introduced on a large scale, and a hospital for women was erected.

6. Udaipur was linked up with the Telegraph system of India.

7. A new gaol was built on modern lines and its administration was put on a sound basis. The Carpet Industry in the Udaipur Gaol is well known, its carpets being even exported overseas.

8. An Irrigation Department was established and nearly half a crore of rupees was spent on the construction of numerous tanks. The beautiful Fateh Singh Lake was constructed at Udaipur, named after the name of Maharana and opened by His Royal Highness the Duke of Connaught who also laid the foundation stone of the Bund which is known as the "Connaught Bund."

9. Udaipur was the first State in Rajputana to introduce a Revenue Settlement system.

10. The two Towers of Victory at the fort of Chitorgarh were thoroughly repaired and a collection of archaeological interest, including inscriptions, carvings and idols, was made.

11. The Maharana freely contributed to the Benares and Allahabad Universities and to the various funds opened by the Lady Presidents of the Dufferin Fund as well as to the Mayo College at Ajmer. He also contributed half a lac of rupees for repairs of the Kidarnath temple in the Himalayas.

The traditions of the Sesodia, conspicuous amidst the long records of chivalry which have made Rajputana famous, have survived from ages of turmoil and strife to adorn the era of internal peace which has been achieved by the British rule in India. His Majesty the King-Emperor summed up in four words the whole of that aspect of Mewar history when, as Prince of Wales, on the occasion of his visit to Udaipur, he spoke of "*great traditions greatly maintained.*"

The exceptional nature of this statement was emphasised in later years when His Majesty visited India to proclaim his accession. On that occasion His Highness the Maharana of Udaipur was singled out for the distinction of being the only Prince, other than the Aides-de-Camp, invited to receive His Majesty on his arrival in Delhi.

Viceroy after Viceroy has visited Udaipur and their pronouncements form as if it were signposts to the history of His Highness as a Ruler.

When Lord Lansdowne visited Udaipur, he said :—

"Since His Highness' election to the Gaddi six years ago, he has borne a high character as a Ruler and has proved himself to be possessed of many qualities which deserve our sincere admiration. Amongst these I am glad to mention more especially the generosity which he has shown to all public institutions, of which whether within the limits of his State or without them, he has been a most liberal supporter."

Lord Elgin, who visited the State at a time when Udaipur was being connected with the Railway system of India, referred to the "works which so befit a Ruler," undertaken by His Highness such as the establishment of hospitals.

Lord Curzon, who visited Udaipur at a time when it had not recovered from the effects of famine, said :—

"The Maharana is a conscientious and hard working Ruler who lives a simple and exemplary life and devotes himself assiduously to the interests of his people. Perhaps, if anything, His Highness taxes himself too severely."

Lord Minto, who made in Udaipur a speech on Government policy towards Indian States, which remains one of the most important political pronouncements relating to the States made in recent times, congratulating His Highness on the inauguration of a squadron of Imperial Service Cavalry, spoke of the loyalty of Rajputana in flattering terms.

Lord Hardinge, expressing "the highest esteem" for His Highness, said :—

"Everyone knows that the relations between the Paramount Power and the Maharana of Udaipur have always been those of intimacy and friendship. His Highness' Rupees bear the words 'Dost London' and these coins bear witness through the State to the unity of interest and cordial feeling that has subsisted between the British Crown and the State of Mewar since the British power first came into relations with it, no cloud has marred their serenity and it was a source of satisfaction to all, both English and Indian, that the seal was set to this friendship by the conferment by the King-Emperor on His Highness last year of the unparalleled honour of appointing him Ruling Chief-in-Waiting. This is in consonance with His Highness' martial traditions, for it indicates that His Highness is selected to be at all times ready to place his sword at the King-Emperor's service."

Speaking of the "unfailing courtesy and consideration" to the Agent to the Governor-General in Rajputana, and to the Resident, Lord Hardinge went on to speak with enthusiasm and favour of the relations between His Highness and the nobles of Udaipur and of the action taken by the State in "hearty" co-operation with the Government of India in the matter of the Opium Trade.

Finally, Lord Chelmsford spoke of his real friendship "with a Prince whose loyalty is proverbial and who symbolises in his own person all that is most noble, all that is most chivalrous in the Rajput character," and congratulated His Highness on the "Princely share that he had taken in the general demonstration of loyalty and good-will," made by the Indian States during the war.

In the Maharana are peculiarly combined the old as well as the modern ideas of administration. He is intensely religious and of a moral character which none has dared to asperse and His Highness has consistently shown to his subjects both by precept and example the value of simplicity of life. His only recreation has been Shikar and the results of his austerity of living are to be seen in the physical and mental vigour of his old age. He has been at times accused of being a little too slow to introduce reforms in the administrative control which he always retained in his own hands, but the critics forget the various statements of British policy towards Indian States made in Queen Victoria's proclamation and repeated in the Coronation message of the King-Emperor. These pledges are well known and, as Lord Minto said, "In pursuance of these pledges our policy is with rare exceptions one of non-interference in the internal affairs of Native States. But in guaranteeing their internal independence, and in undertaking their protection against external aggression it naturally follows that the Imperial Government has assumed a certain degree of responsibility for the general soundness of their administration and could not consent to incur the reproach of being an indirect instrument of misrule."

That statement is incontrovertible, but Lord Minto went on to show that there could be no uniformity of treatment or policy beyond the recognition of identity of interests between the Imperial Government and Darbar and the minimum of interference with the latter in their own affairs.

"I have always," he said, "been opposed to anything like pressure on Darbars with a view to introducing British methods of administration. I have preferred that reforms should emanate from the Darbars themselves and grow up *in harmony with the traditions of the State*. It is easy to over-estimate the value of administrative efficiency. It is not the only object to aim at, though the encouragement of it must be attractive to keen and able political officers, and it is not unnatural that the temptation to further it should, for example, appeal strongly to those who are temporarily in charge of the administration of a State, during a minority."

Lord Minto went on, to give advice to Political Officers. "They should regard themselves," he said, "not only as the mouth pieces of Government and custodians of Imperial policy, but as interpreters to the paramount power of the sentiments and aspirations of the princes." It is particularly noticeable that this definition of policy should have been made in Udaipur and it might in consequence have been expected that in that State, above any other, there would have been strict adherence to the policy thus laid down and never withdrawn by the Government of India.

It was against this Prince, singled out for marked honour by the King-Emperor, the recipient of innumerable expressions of friendship and esteem from successive Viceroy's and the proud possessor of his subjects' veneration that the Government of India proceeded, in July, 1921, to take peremptory measures which resulted in the signal and public humiliation of His Highness. This action, it is submitted, involved repudiation of treaty rights and departure from the lines of policy definitely prescribed for the regulation of the affairs between the Government of India and the Indian States, laid down in the above-mentioned pronouncements. It naturally caused general misgiving in the minds of the Ruling Princes of India. The Standing Committee of the Chamber know how deeply this misgiving was felt, and how general is the desire of their order to see what they believe to be justice done to His Highness of Udaipur. But after careful consideration they have decided not to put the detailed evidence of the case before the Indian States Committee. Therefore they content themselves with drawing attention to the principle involved; they definitely hope that the Paramount Power may see its way to give them and His Highness complete satisfaction.

RUPAL STATE.

1.—STATEMENT OF FACTS.

1. In 1914 a Bhayat was murdered in the territories of the Rupal State. As no clue of the culprit was discovered for a considerable length of time and as the relations between the deceased and the Thakur Saheb were supposed to have been strained, the police directed their enquiries towards the Thakur Saheb, and as a result of their investigations the Thakur Saheb was arrested under the orders of the Government of Bombay. A Commission consisting of the Judicial Assistant to the Agent to the Governor in Kathiawar with the Maharaja of Rajpipla and an experienced Political Agent as his colleagues was appointed by the Government of Bombay. The reasons advanced by the Bombay Government for the appointment of this Commission were :—

(1) That as the Thakur Saheb was a Ruling Chief there was no court either in his own State or outside it which could try him under the ordinary law.

(2) That the Penal Code of British India was not applicable in his case.

(3) That as the offence had been committed outside British India, there was no court of law in British India competent to try the case.

2. It was stated that the enquiry was not a trial under the ordinary criminal law but an enquiry which enabled the Bombay Government to deal with the case justly in the exercise of their right of interference in the affairs of Indian States in the Bombay Presidency on behalf of the Paramount Power. It was also argued that this right of interference was based "upon the principle that the Commission of Crimes by a Ruling Chief in his State gives justifiable cause for discontent on the part of his subjects and is likely to lead to disturbances affecting the interests and responsibilities of the Paramount Power."

3. The Commission reported their opinion to the Bombay Government who accepted the verdict of the Commissioners that the Thakur had been guilty of planning and his cousin, Takht Singh, of taking an active part in carrying out a brutal and cruel murder.

4. As a result of this finding, the Bombay Government, with the sanction of the Government of India, issued orders that the Thakur Saheb along with his cousin and other accomplices *should be confined during the pleasure of the Government*. The Thakur Saheb and Takht Singh were therefore ordered to be detained as *State prisoners* under the Bombay Regulation XXV of 1827. Although the Thakur Saheb was detained under a Regulation concerning State prisoners, yet he was treated as an ordinary prisoner and confined in an ordinary jail with ordinary convicts, and fetters were put on him.

5. Several representations were submitted by the States of Mahikanta Agency as well as by the subjects of the Thakur Saheb. This led to further investigation, and the accused, who had been alleged to be the actual perpetrators of the crime, were eventually found innocent and set free, but the Thakur Saheb and his cousin who had been accused of merely abetting the offence were detained in the Yarovada jail till 1924 when they were released; but the Thakur Saheb was not permitted to return to Rupal. The representations in his behalf of the Rulers in Mahi Kantha continued and he was allowed to return to Rupal—but not re-instated as Thakor. Finally only so recently as April, 1928, he has been suffered to assume his rightful position. Exhibit A to D.

6. The Standing Committee have tried, as usual, for the preparation of the Rupal evidence to obtain copies of the original documents, but the cable from His Highness the Maharajah of Bikaner explains their difficulties and contains a statement of the facts which can be verified from the official records of the Governments concerned. Such documents as are available are printed as Exhibits A, B, C, and D. Exhibit E.

II.—ARGUMENT.

It is contended :—

(1) That the Paramount Power had no right to order any trial and that the appointment of a tribunal to enquire into the charge against the Thakur Saheb of Rupal was a clear and unwarranted encroachment on the State's Sovereignty as Thakur Saheb was and still is for all purposes of Municipal Law, an independent Ruler.

It may be added that in 1914 there did not exist any arrangement, as was made with the general consent of the States in 1920, by which a Ruler can ask for a Commission of Enquiry as an alternative to summary deposition.

(2) That paramountcy does not confer the power to over-ride the right of internal independence guaranteed by the British Government except where the act complained of is hostile to the Paramount Power, or where there is a clear case of flagrant injustice or gross mis-government, necessitating steps for the preservation of tranquillity in the territories of a Native Prince entitled to its protection; and a single and solitary case of murder of a Bhat in which the Ruler was merely suspected to be implicated did not constitute such an exception.

(3) The reason put forward by the Government of India that complicity of a Ruler in the commission of a crime, without more, affords justifiable cause of discontent among his subjects and therefore warrants such interference, is unsupportable in this case as a general rule, and the various representations submitted from time to time by the subjects of the Rupal State made it abundantly clear that the subjects of Rupal had no doubt that the Thakur Saheb was wholly innocent.

(4) That the trial of the Thakur Saheb along with his subjects was highly derogatory to the rank and dignity of his position and of the State itself, and amounted to a breach of pledges given by the British Government (*see* for instance Queen Victoria's proclamation).

(5) That the confinement was illegal because the present case could not fall within the purview of Regulation XXV of 1827. "The Indian Legislature has powers expressly limited by the Act of the Imperial Parliament which created it, and it can, of course, do nothing beyond the limits which circumscribe these powers." (Per Lord Selborne, in the *Queen v. Burah*, 1878, L.R. 3 App. Cas. 889.) It follows that the Indian Legislature is not competent to make laws applicable to foreigners, not in the service of the Crown, in respect of offences committed by them outside British India. It cannot be contended that Regulation XXV of 1827 is applicable to the case of a foreigner who, while resident in a foreign country, may take part in any of such activities as may fall within the preamble to the Regulation.

(6) That the confinement of the Thakur Saheb did not come within Regulation XXV of 1827 at all. The power conferred by the Regulation can be exercised only in cases "where reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British dominions from foreign hostility and from internal commotion exists." No such "reason of State" existed.

(7) That the confinement of the Thakur under Regulation XXV of 1827 was illegal because upon proper interpretation of the Regulation it is clear that the actual presence in British India of the individual, against whom it is desired to take action, is a condition precedent to the institution of proceedings under the Regulation.

(8) That the confinement was illegal in view of the fact that the Regulation cannot apply where, as in the present case, action of a judicial nature was intended to be taken and was afterwards taken. (*See* section 1 of Bombay Regulation XXV of 1827.)

(9) That the detention of the Thakur Saheb as an ordinary prisoner was clearly illegal as, according to the Regulation itself under which he was confined, he should have been treated as a State prisoner, and it was incumbent on the Bombay Government to take such measures as were, in their opinion, "expedient in reference to the prisoner's habits and rank in society." (*See* section 2 of Bombay Regulation XXV of 1827.)

(10) That apart from all other considerations the trial was wrong on the ground that it is never safe to put any man, whatever be his station in life, upon trial on a grave criminal charge except before a properly constituted judicial tribunal bound by the laws of evidence and possessed of sufficient experience to try such a case judicially. In spite of even strong suspicion it is better not to attempt any trial than to risk such a miscarriage of justice as occurred in this case.

EXHIBIT A.

TO HIS EXCELLENCY LT.-COL. THE RIGHT HONOURABLE SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O., GOVERNOR OF BOMBAY. PETITION FROM THE SUBJECTS OF THE RUPAL TALUKA IN MAHI KANTHA AGENCY.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned, subjects of the Thakur Saheb of Rupal, most humbly and respectfully beg to approach Your Excellency with the sanguine hope that our just and humble prayer will receive Your Excellency's kind consideration.

In the year 1914, a murder of a Bhayat of Rupal Thakur Saheb was committed, and the Thakur Saheb along with others, was charged with it. As the Police could not get any clue of the offenders for some time, and as it so happened that for some time past, the relations of the deceased with the Thakur Saheb looked strained, the Police conveniently directed their inquiries towards him along with others and strange enough, all the accused were convicted. Truth could not be concealed long, and the huge error seems to have soon after found the light of day. The accused who were then supposed to be actual perpetrators of the crime were found innocent, set free after some time, but the Thakur Saheb and his cousin who were accused of abetting the said offence, were detained till lately. We, Your Excellency's humble petitioners sent applications, the Thakrani Saheb did the same several times, and even the widow of the deceased declared in no uncertain terms, that the Thakur Saheb was innocent; we beg to submit that the Government were led into a huge blunder, in convicting the Thakur Saheb because a number of circumstances compatible with the innocence of the Thakur Saheb were brushed aside by the Police, who somehow or other conducted their inquiries on the wrong side from the commencement.

After all it is with the utmost sense of gratitude that we beg to thank the Benign Government, for their very kind and merciful order of the release of the Thakur Saheb about more than a year ago; the order is a peculiar one, because while the Bhayat Takhat Singh was allowed to go to Rupal, a limitation was placed on the Thakur Saheb's liberty that he should not go to Rupal. We, the Thakur Saheb's loyal and poor subjects, could not fathom the reason underlying such an order but could only guess that the Benign Government was slowly and steadily being convinced of the whole truth, step by step.

The Thakur Saheb is lately again allowed to go to Rupal and we have once more been able to see our loving master among us. Our only grievance now is that his jurisdictional powers are yet withheld from him, and we, his humble and loyal subjects pray in all earnestness that they be kindly restored to him so that even after an unnecessary suffering, lasting for more than a decade, which was equally a suffering to the Thakur Saheb no less than to us, we may again enjoy the blessings of the same peaceful living as Thakur Saheb's subjects, as we did before this unforeseen calamity came upon him. His Rule was marked with peace and prosperity in the Taluka, and an era of progress was only marred by these undesirable happenings, of which we earnestly declare, in the name of God, our Thakur Saheb was innocent, and that Providence only willed it so.

Under the circumstances we pray that Your Excellency will be pleased to grant our request by restoring the jurisdictional powers of the Taluka to the Thakur Saheb.

And for this act of kindness we shall as in duty bound for ever pray.

We beg to remain,

Your Excellency's most obedient
and humble servants.

EXHIBIT B.

TO HIS EXCELLENCY LIEUTENANT-COLONEL THE RIGHT HONOURABLE SIR LESLIE ORME WILSON, P.C.G., C.I.E., C.M.G., D.S.O., GOVERNOR AND PRESIDENT IN COUNCIL, BOMBAY.

RESPECTFULLY SHEWETH,

That a representation was submitted by us to Your Excellency in Council in October, 1924, Praying for the release of the Thakur of Rupal, and we, the undersigned Rulers

in the Mahikantha Agency, beg to express our gratitude to Your Excellency's Government for your having been pleased to release him from Yeravada.

That though nearly a year has passed since his release, we regret to find that the restriction placed over him for going to Rupal still continues.

We once more beg to submit that we believe that the Thakur had fallen victim to the bias of the Police Officers, created by the discourteous and ill-motivated conduct of the Karbhari, and pray Your Excellency in Council to further extend mercy on the Thakur.

Your Excellency in Council is of course aware that a petition was submitted by the people of Rupal in favour of the Thakur, and as we understand this petition bears the signature of almost the whole of the male population of Rupal, and we humbly submit that under these circumstances there does not seem anything that would create any trouble by the presence of the Thakur in Rupal.

We, therefore, pray Your Excellency to be graciously pleased to set aside the restriction, which we humbly think is not necessary at least under the present circumstances, and kindly allow the Thakur to stay in his own home.

We are,

Your Excellency's obedient

and humble servants,

EXHIBIT C.

TO HIS EXCELLENCY BARON IRWIN OF KIRBY-UNDER-DALE, P.C., VICEROY AND GOVERNOR-GENERAL OF INDIA, DELHI. PETITION FROM THE UNDERSIGNED RULERS IN THE MAHI KANTHA AGENCY.

MAY IT PLEASE YOUR EXCELLENCY,

We, the undersigned Rulers of States and Talukas situated in the Mahi Kantha Agency, respectfully beg to approach Your Excellency with this petition in the earnest hope that it will meet with that sympathetic consideration at the hands of Your Excellency which the importance of the subject matter contained therein, deserves.

We submitted a petition to His Excellency the Governor of Bombay, praying in substance that the Government be pleased to extend to the Thakore Saheb Shree Hamir Singhji of Rupal, one more act of justice and mercy by releasing him. We cannot be sufficiently thankful to Your Excellency's Government for granting a part of our prayer in releasing him from jail, but as we find that he is totally innocent of any mischief connected with the crime with which he was charged, and we trust the Government must also have found the same by this time, our minds are naturally uneasy as he is till now not reinstated with his powers.

We here beg to state that in convicting the Thakore Saheb the mistake did not lie with the Commission, as it was composed of able and impartial officers, and one of them—His Highness the Maharaja Saheb of Rajpipla—was a most distinguished member of our order. The unfortunate circumstances, in this whole affair, was perhaps, as ill-luck of Thakore Saheb would have it, that there was a peculiar combination of several circumstances, the happening of which quite coincided with that of this murder, which must have made the Judges believe that what was presented to them as evidence by the Police could claim some share of truth. But it has by this time been indisputably unveiled that the whole affair was a got-up one and we believe the Agency as well as the Government have just as we have been disillusioned by this time. Had we been convinced that the Thakore Saheb of Rupal was directly or indirectly concerned with the murder, we should never have tried for his release, but it is the fact of our being fully convinced that he is entirely innocent that makes us anxious and forces us to place this request before Government to declare his innocence and reinstate him with his usual powers. We feel that we are troubling Government repeatedly, but we also find that our minds cannot be easy unless this glaring fact sees the light of day.

If we are correctly informed, our present Political Agent, Major Meek, after some careful inquiry, is convinced that the Thakore Saheb of Rupal was wrongly convicted and hence he also sympathises with him.

We have the fullest faith in the British sense of justice and we confidently hope and believe that Your Excellency will be pleased to give due consideration to our request and soon relieve us from this anxiety weighing on us all as an individual calamity.

We beg to remain,

Your Excellency's most obedient servants.

(Signed by) DANTA.
 MANSA.
 KATOSAN.
 MOHANPUR.
 GHODASAR.
 RANASAN.
 PITHAPUR.
 VASNA.
 SUDASANA.
 KHADAL.

EXHIBIT D.

RUPALA, March, 1925.

TO THE POLITICAL AGENT, MAHI KANTHA SADRA.

HONOURED SIR,

We, the undersigned subjects of the Taluka of Rupal, beg to express our sense of gratitude to your Honour and the Benign Government for their having been graciously pleased through your Honour's good offices to release our Thakur Saheb from the surveillance held over him for a decade for the offence of planning the murder of a murder of a Bhayat of his. We still believe as we believed from the beginning that our Thakor Saheb is quite innocent, and we are indeed very much pleased at the release of Thakor Saheb, and we are naturally extremely thankful to the Benign Government for this act of kindness.

We take this opportunity to pray to Your Honour to be pleased to move the Benign Government to kindly order reinstating our worthy Thakor Saheb on the Gadi of his ancestors with all the rights and privileges of a Ruling Chief.

We beg to remain, Honoured Sir,

Your most obedient servants,

Signed by about 600 people of Rupal.

EXHIBIT E.

BIKANER.

REC'D WEST STRAND,

13th October, 1928.

CCO. COLONEL HAKSAR, ST. JAMES' COURT, BUCKINGHAM GATE, LONDON.

Your telegram Eieventh August regarding original papers Rupal case which impossible produce as confidential. Copies not even given to Thakur or his Lawyers of order confining Thakur to jail but after personal verification by me as far as possible following facts may be taken as definite. One, Thakur entrusted with fifth class jurisdiction powers Nineteen Thirteen in recognition good administration, Two, on Fourth September Thirteen next of kin murdered. Three, Taking advantage circumstances that deceased had dispute with Taluka in connection with his maintenance Police levelled murder charge on Thakur and committed to Court District Deputy Political Agent Mahi Kontha, just as in case of ordinary citizens. Four, On preliminary objection that case unrecognizable as ordinary case because jurisdictional Ruler involved ordered be tried by commission consisting Graham, Judicial Assistant, Harold, Political Agent Halarprant, Kathiawad, and Maharajah Rajpipla. Five, Trial commenced Seventeenth concluded

A (a) vi.

Twenty-eight January, Fourteen. Six, Decision report of Commission not made public or furnished Thakur. Seven, Though less Ruler Thakur reported have very clean reputation universally respected but removed to jail in open cart like ordinary criminal. Eight, Thakur detained Yarowda jail and Takhatsingh his cousin in Sabarmati jail. Nine, Significant fact Thakur detained jail at own expense. Ten, Ruler Mahi Kantha memorialised Bombay Government requesting release. Eleven, Even widow of person murdered submitted written application to Government Bombay that she knew Thakur innocent and should be released and the very persons who committed crime unquestionably confessed before Political Agent Mahi Kantha on his promise that no proceedings will be taken against them. Twelve, December Twenty-four Thakur released after his consent obtained to conditions imposed by Bombay Government that he should not be allowed to exercise jurisdiction and will be required at any rate for some time at first to reside outside limits of his Taluka. Thirteen, His cousin Takhatsingh who was heir was debarred from succeeding Thakur and ordered reside outside Taluka. Fourteen, Thakur released after ten years two months confinement Twenty-fourth December, Twenty-four. Fifteen, Thakur allowed return estate six months after release. Sixteen, In summer Twenty-eight his jurisdictional powers restored. Seventeen, Understand Takhatsingh now recognised as heir to Thakur in default direct issue. Eighteen, Further understand Indian officer who conducted magisterial enquiry also associated with preliminary police investigation and that Thakur kept practically in confinement and denied access to outside world during investigation. Strongly urge Sir Leslie and you to have this case put before Indian States Committee. As Chancellor I myself raised in November Twenty-two point about treatment meted to a Ruler even though of petty State. Even though Government India or Bombay may not have made any statement openly regarding original finding of Commission and his punishment having been wrongly inflicted his now being restored to original powers position and entire official action clearly prove Governments India Bombay fully recognize very grave injustice and irreparable wrong done without any reparation, compensation and full amends to Thakur felt even by people of adjoining British Indian districts.

(Signed) MAHARAJAH.

A(a)vii.—Minority and other temporary administrations and Acts done by or at the instance of the Government of India during such periods.

BANSDA STATE.

INTRODUCTORY.—This State is situated in the Bombay Presidency and lies within the Political Jurisdiction of the agent at Surat.

Prior to the Treaty of Bassein in 1802 (between the British Government and the Peshwa) the rulers of this State were tributaries of the Peshwa, who received "Chouth Zekat" (tribute) from them. But by the treaty above named the allegiance of Bansda was transferred to the British and the Chouth Zekat hitherto paid to the Peshwa was also transferred to the British.

Bansda is an independent State and its ruler exercises second class jurisdiction in criminal matters, *i.e.*, he has power to try for capital offences his own subjects only. (Aitchison's Treaties, Vol. VII of 1909, pages 94-95.)

CASE I.

MINORITY ADMINISTRATION.

During the reign of Maharawal Shri Amirsinhji of Bansda, a village called Bibabari, situated in the Dangs (Forest) of Bansda, was given in perpetuity to the Darbar by the Bheel Chiefs, in compensation for the damage done to two villages of Bansda by the Bheel depredators. An agreement to this effect was signed in the Samvat year 1885 (corresponding to 1829 A.D.) on the third day of the second half of Phalgun. Exhibit 1 a.

In the year 1877, when the late Maharawal Shri Partap Sinhji was a minor, and the State was under British administration, the Agent to His Excellency the Governor, at Surat, communicated to the Political Department of the Bombay Government that he "as custodian of the rights of the Bansda Raja, would recommend that the village (Bibabari) be sold outright for the sum of Rs. 1000/-." He further went on to say, "We have authority to finally dispose of the matter *now*, and can do it more satisfactorily now than it will be possible for successors eight or nine years hence." Exhibit 1 b.

"If, however," he added, "Government do not wish to sell the village outright, I would suggest that a yearly payment of Rs. 50/- should be made until the Raja is of age, and Government elect to suggest any other mode of settlement."

This letter was forwarded by the Government of Bombay to the Political Agent Khandesh for his opinion in the matter.

The Political Agent Khandesh submitted his opinion by his letter No. 3973 of 1877 the 12th September, 1877, wherein he remarked, "I quite agree with Mr. Pratt (the Agent at Surat) in thinking it most desirable to get rid of the claim of the Bansda State altogether. Exhibit 1 c.

The motive for suggesting such a course was best disclosed by the writer himself, who added that "If Bibabari be bought up by the Government now, it will of course permanently form a minute item of British territory in the midst of the Based district called the Dangs."

In regard to the alternative proposal suggested by the Agent at Surat, he wrote, "I should be sorry to see a yearly payment decided upon inasmuch as with such an arrangement, dispute about the village would periodically recur and future Rajas of Bansda would undoubtedly strive to get actual possession of Bibabari"

A (a) vii.

Exhibits I c (i) and
I c (ii).

The above opinion seems to have been accepted by the Bombay Political Department, because shortly after, the village was actually sold for the sum of Rs. 500/- by the *British Trustees to themselves*; and the *protests and representations* made by the Superintendent of the State, and the mother of the minor Raja, were entirely disregarded.

On coming of age the Maharawal decided to move the Government in the matter, and as preliminary to it requested the Agent to furnish him with copies of the official correspondence relating to the sale of the village Bibabari. The request was complied with in part only, for the copies that were supplied did not include two of the most important letters.

Exhibit 1 d.

Exhibit 1 e.

Exhibit 1 f.

The Darbar then by their letter No. 142 of 1885, made another request for copies of these two letters, but it was not acceded to and the orders of the Bombay Government were conveyed to the Darbar by the Agent's letter No. 839 of 1885, dated the 7th December, 1885.

Exhibit 1 g.

Exhibit 1 h.

The Darbar, therefore, depending on the material in hand, submitted a memorial to the Government against the sale of the village Bibabari. This memorial was turned down, and even the Darbar's request asking for a copy of the Government's resolution in respect of this memorial was not granted.

Exhibit 1 i.

The case was then brought to the notice of the Secretary of State for India by means of a memorial from the Darbar. He decided in favour of the Raja and ordered the restoration of the village.

In communicating the decision of the Secretary of State by which the sale of the village was upset the Agent to the Governor in the last sentence of his letter arbitrarily appended the following condition:—

"The Raja is further informed that a liquor shop must not be established at the Pass."

The points worthy of note in this connection are:—

(1) That the Political Department adopted methods which amounted to a breach of trust, and

(2) that when the decision of the Government was adverse to the State the latter was not allowed to know the grounds or the reasoning on which such decision was based.

(3) that even when the action of the Government was repudiated by the Secretary of State, the Government of India unjustifiably imposed the condition prohibiting the establishment of a liquor shop.

EXHIBIT (I)-a.

SEAL.

Written to Shri Maharaj Maharaul Shri Amir Singhji Raja of the Bansda State by Naik Babaria Bajia and Nayak Dalpat Vagu and all other Bheels of Dang Pimpari:—Whereas dacoities were committed in the villages of Mouze Kuralia and Doldha of your State, and cattle and other property of the people having been carried off by the Bheels and the charges having been brought home to us, and as we could not make good the loss, we have given away to you the village of Bibabari of our pragna. Our brothers, their sons or none of our descendants and Bheels shall have any claim whatever to it (the village). The village is given with all the rights to and interests in it, viz., to and in the fallen leaves of the trees and teak timber and mango and tamerind trees. You shall receive the revenue of the village and shall levy the transit duty (Radhari Khunti) up to two pice (six pies) on every part passing within the boundaries of it. We admit that the village has been given by our free will and accord, as long as the sun and the moon last. Hence forward our partners or heirs and descendants Bheels shall have no claim to the village. If you will populate the village and if any of the inhabitants are molested by our Bheels, etc., we hold ourselves to be accountable for that.

Dated in the Samvat year 1885 3rd day of the 2nd half of Fagan Monday.

Here the Signature:

(Signed) NAEK BABARIA BAJAL.

(Signed) NAEK DALPAT VAGU.

Here the Witnesses:

PARSI DADABHAI RATANJI.

JAMADAR SULBAJI.

PATEL KALAN.

PATEL BEDIO.

EXHIBIT (I)-b.

No. 187 of 1877.

FROM W. R. PRATT, ESQ., AGENT, TO THE SECRETARY TO GOVERNMENT,
POLITICAL DEPARTMENT, BOMBAY.

SURAT AGENT'S OFFICE,

20th July, 1877.

SIR,

I have the honour with reference to your No. 2934 of the 18th May, 1877, to inform you that as custodian of the rights of the Bansda Raja I would recommend that the village be sold outright for the sum of Rs. 1000/-.

2. The village was granted to the Raja of Bansda with its transit duties, in compensation for damages done by the Bheels to two of the Raja's villages. The village therefore was never part of the original State of Bansda and taking that fact into consideration, together with the manner of its acquisition, I see no objection to the village being now sold outright. *We have authority to finally dispose of the matter now and can do it more satisfactorily now than it will be possible for successors 8 or 9 years hence.*

3. If, however, Government do not wish to sell the village outright, I would suggest that a yearly payment of Rs. 50/- should be made by the Khandesh authority into the Surat Treasury for the credit of the Bansda Estate, the payment to be unalterable and to be continued until the Raja is of age and Government elect to suggest any other mode of settlement.

(Signed) W. R. PRATT,

Agent.

EXHIBIT (I)-c.

No. 3973 of 1877.

Dhulia, 12th September, 1877.

FROM W. H. PROPERT, ESQ., POLITICAL AGENT, KHANDESH, TO THE
SECRETARY TO GOVERNMENT POLITICAL DEPARTMENT, BOMBAY.

SIR,

With reference to your No. 4248 of 1877 forwarding for my remarks a letter No. 187 of 20th July from the Agent to the Governor, Surat, on the subject of the village of Bibabari situated in Dang Dimpri, I have the honour to report as follows :—

2. Regarding the village itself, I can add but little to the information given in my No. 1632 of 26th April, 1877, to your address.

3. I quite agree with Mr. Pratt in thinking it most desirable to get rid of the claim of the Bansda State altogether, but I certainly consider that the price proposed is far too high.

4. It is true that in original sanad the village was mentioned as well as the naka, but as I have shown in my No. 1632, there never could have been a village at Bibabari, simply because there is literally no site for one. The real value of the property handed over to Bansda consisted of the transit duties levied at the Naka.

5. As far as I remember the amount levied by Bansda during the few years the Naka was worked by that State, never exceeded Rs. 30/-. I have not however the accounts by me at present. For about 30 years the State has not even held possession of the Bari, and has, of course, received nothing on account of the duties which have long ceased to be levied there.

6. Bansda has, I believe, been compensated for loss of all its duties, and in this compensation, the Bibabari Naka was I suppose included what therefore now remains to be disposed of.

7. A small rocky hill pass without an acre of the land on which a crop could be grown. The tract contains timber but the entire value of the trees would be very trifling. In short Bibabari would be valuable to the Bansda State merely as the site for a Tanna or liquor shop both of these being highly objectionable institutions, as I showed in my No. 1632.

A (a) vii.

8. If Bibabari be bought up by the Government now it will of course permanently form a *minute item of British territory* in the midst of the based district called the Dang. As it is improbable, however, that the base of the Dang forests will pass out of the hands of the British Government, the site of Bibabari may be allowed to remain as at present, forest.

9. As it is desirable to leave the present condition of the place undisturbed, I would certainly recommend that Bibabari be purchased from Bansda once for all. Rs. 1000, however, are more than the place can possibly be worth, as the Naka there has long ceased to exist and Bansda has received compensation on account of all Nakas. I think that Government should decide to pay the Bansda State Rs. 500/- in the Forest Department on condition that all claim to Bibabari cease for the future.

10. I should be sorry to see a yearly payment decided upon in as much as with such an arrangement, dispute about the village would periodically recur and future Rajas of Bansda would undoubtedly strive to get actual possession of Bibabari in order to harass neighbourhood by the establishment of a Tanna or liquor shop.

I have the honour to be, etc.,

(Signed) W. A. PROPERT,
Political Agent, Khandesh.

(True copies.)
(Signed) FRANK SPENCER,
Superintendent.
(True copies, illegible.)
Agent, Surat.

EXHIBIT (I) c-(i).

TRANSLATION OF A VERNACULAR LETTER DATED 9TH JULY, 1877, FROM
THE SUPERINTENDENT OF THE BANSDA STATE.

To
THE AGENT TO H.E. THE GOVERNOR
AT SURAT.

SIR,

With reference to your letter No. 129, dated the 4th May, 1877, asking for particulars regarding the area and value of land of Bibabari, the possession of which was made over to us according to the boundary settlement, I have to state as follows :—

1. According to the marks erected and the map of the boundary settlement, the area of the land in question is 55 acres and 32 gunthas, *i.e.*, 94-15 vigas as per Jantri. According to the records of the State the area of the village was 205 acres, 21 gunthas, *i.e.*, 342-8 vigas, but as the present area has been fixed by the mutual settlement I have nothing to say on the point.

2.

3. Now in the portion of the land which is decided to be in the possession of this State there are teak and other trees of the value of about Rs. 1,500 to 2,000 as estimated by me. In this tract the low-lying land is culturable, but mostly there are good timber trees rendering the culturable land unculturable. It is also not possible to get cultivators of good or even ordinary condition. The land is, therefore, useful for growing good timber. Though the village is very small I am not for selling it. But I propose that it should be given either to the Pimpri Naik or to the British Government for management on an annual rental of Rs. 60 to 80. Orders are solicited on the point.

EXHIBIT (I) c-(ii).

TRANSLATION OF VERNACULAR CORRESPONDENCE BEGINNING WITH
THE REPRESENTATION DATED THE 21st JANUARY, 1880, REGARDING
SALE OF THE VILLAGE BIBABARI.

TO THE HONOURABLE AND SINCERE FRIEND, L. REID, ESQUIRE, COM-
MISSIONER OF THE NORTHERN DIVISION, FROM GANGASWARUP
ATODARIA SHRI DHANKUNVARBA SAHIBA AND GANGASWARUP
JHALLA SHRI HARI KUNVARBA SAHIBA, BANSDA, DISTRICT SURAT.

WITH COMPLIMENTS,

The village Bibabari, of the Bansda State, is situated in the Dang Pipri. As the Naek of Pipri had interfered in the management of the village, a representation had been made before the Agent Sahib of Surat by the late Rajaji Gulabsinhji Maharaj, who died before the case was settled. As our son Kunvar Shri Pratapsinhji Maharaj is a minor,

the Government have assumed the management of the affairs of the State during minority. The Honourable the Agent contested the case regarding the village, and we learnt afterwards that the village had been sold for Rs. 500 to the Officer-in-charge of the Dangs forests. As this matter was derogatory to the prestige of our State, we wrote to the Agent of Surat on the 17th December, 1878, in reply to which we received his letter No. 36, dated the 23rd December, 1878, to the effect that the village in question had been sold in pursuance to the Resolution of the Bombay Government, and that nothing could, therefore, be done in the matter. We have, therefore, to give you the trouble, and we have to state as under :—

In the past it was customary to attach more prestige to the State whose area was larger, and every Raja used to increase his territory in every possible way. After the establishment of the British Government, this system was put a stop to, and every State had their limits fixed. The Government also tried to stop encroachments, and also rendered help in maintaining the fixed territories of States. According to this principle, the British Government should maintain the *status quo* of the territory of this State and its villages, and during their position as Trustees of the State, you will not endorse the view that a village small or big could be sold.

By the grace of the Paramount Power, this State was not in need of Rs. 500/-, nor was there any debt to be paid. There was thus no necessity for selling the village.

From our old servants we have learnt that some 25 years back a dispute had arisen with the Naek of Pipri regarding Jamanpada and Bibabari of the Dangs Pipri, and the British Government had decided that Jamanpada should be made over to the Naek of Pipri, and Bibabari should be retained by Bansda. On this Resolution the only thing that should have been done was to order the removal of interference at the hands of the Naek of Pipri, and on his non-compliance strict action ought to have been taken. This was not done, but on the other hand on account of great insistence of the Political Agent in Khandesh our village has been sold. We think your honour, as well as the Government, will think this action to be improper.

The income of the village may be more or less. The only point is that the territory of the State is to be kept intact under the protection of the British Paramountcy. The Raja of the State, who is our son, is a minor, and the duty of protecting (the interests) lies with the Government. When this village has been given away, we are now obliged to give trouble to you and the Government.

Taking all the above facts into consideration, and perusing the papers of the case after obtaining them from the Agent Sahib of Surat, we hope the village will be restored to this State, and you will be kind enough to recommend to the Government to take back any money that may have been credited into the State Treasury on account of the price of the village.

Dated 21st January, 1880 A.D.

(Signed) SEAL OF GANGASWARUP ATODARIA DHANKUNVARBA
SAHIBA.

(Signed) GANGASWARUP JHALA SHRI HARIKUNVARBA.

Forwarded to RAO BAHADUR SUPERINTENDENT SAHEB.

EXHIBIT (I)-d.

No. 142 of 1885. ex. 4/11.

FROM HIS HIGHNESS MAHARAJA SHRI PRATAP Singhji GULABSINGHI,
RAJA OF BANSDA, TO W. M. MULOCK, ESQUIRE, AGENT TO HIS
EXCELLENCY THE GOVERNOR AT SURAT, BANSDA PALACE, 14TH
OCTOBER, 1885.

MY FRIEND,

I thank you very much for the copies of the correspondence relating to the village of Bibabari received with your letter No. 716 of 9th instant.

Among the papers received there do not appear Government letter No. 2934 of 18th May, 1877, and Khandesh Political Agent's Letter, No. 1632 of 26 April, 1877, which are

A (a) vii.

referred to in the copies received and which form an important part of the whole correspondence. I shall, therefore, consider it an additional favour if you will furnish me with the copies of those documents at your convenience.

I am,

Your sincere friend,
(Signed) M. S. P. G.,
Raja of Bansda.

EXHIBIT (I)-e.

No. 7154.

POLITICAL DEPARTMENT,

BOMBAY CASTLE, 30th November, 1885.

Endorsement by Acting Commissioner, N.D. No. 637, dated 20th October, 1885. . . . Forwarding, for orders a letter No. 732, dated 17th October, 1885, to his address from the Agent to His Excellency the Governor Surat, who submits copy of one from the Raja of Bansda, requesting that he may be furnished with copies of Government letter No. 2934, of the 18th May, 1877, and the Khandesh Political Agent's letter No. 1632, of 26th April, 1877, which do not appear among the correspondence relating to the village of Bibabari, which has been supplied to him.

RESOLUTION.—In his letter to the Agent the Raja styles himself "His Highness." The Agent should be directed to draw attention to the orders of Government about titles.

The correspondence asked for cannot be given.

C. G. W. MACPHERSON,
Acting Secretary to Government.

To THE ACTING COMMISSIONER, N.D.,
The Agent to His Excellency the Governor, Surat.

EXHIBIT (I)-f.

No. 839 of 1885.

FROM W. B. MULLOCK, ESQUIRE, AGENT TO HIS EXCELLENCY THE GOVERNOR, SURAT, TO MAHARAJA SHRI PRATAPSINHJI, RAJA OF BANSDA. CAMP OLPAD, 7TH DECEMBER, 1885.

MY FRIEND,

With reference to your letter No. 142, of the 14th October last, I have the honour to forward herewith a copy of Government Resolution No. 7154, of 30 ultimo, Political Department, directing that the correspondence relating to the village of Bibabari asked for cannot be supplied.

2. I further beg to request that you will be so good as to refrain from using a title which Government do not recognise and which it would seem more becoming to assert no further claim to.

I am,

Your sincere friend,
(Signed) W. B. MULLOCK,
Agent, Surat.

EXHIBIT (D)-g.

No. 46 of 1890.

FROM MAHARAU SHRI PRATAPSIHJI GULABSIHJI, RAJA OF BANSDA,
TO G. B. REID, ESQUIRE, AGENT TO HIS EXCELLENCY THE GOVERNOR
AT SURAT. BANSDA STATE PALACE, 18TH MAY, 1890.

MY FRIEND,

With reference to your letter No. 865 of 11th December, 1889, I have the honour to request you to be good enough to supply me with a copy of the Resolution of Government in the matter of my Memorial regarding the resolution of the village of Bibabari. I want it for appeal to the Secretary of State.

I am, etc.,

(Signed) M. S. P. G.,

Raja of Bansda.

EXHIBIT (I)-h.

No. 406 of 1890.

FROM G. B. REID, ESQUIRE, AGENT TO HIS EXCELLENCY THE GOVERNOR
AT SURAT, TO MAHARAU SHRI PRATAPSIHJI GULABSIHJI, RAJA
OF BANSDA. CAMP TEETHAL, 21st MAY, 1890.

MY FRIEND,

In reply to your No. 46 of 18th May, 1890, I have the honour to inform you that I am precluded under Standing Orders to grant copies of Government Resolutions. I have already communicated to you the orders of Government in the matter.

I am,

Your sincere friend,

(Signed) G. B. REID,

Agent to His Excellency the Governor at Surat.

EXHIBIT (I)-i.

No. 391 of 1891.

FROM F. S. P. LELY, ESQUIRE, C.S., AGENT TO HIS EXCELLENCY THE
GOVERNOR AT SURAT, TO MAHARAU SHRI PRATAPSIHJI GULAB-
SIHJI, RAJA OF BANSDA. CAMP SACHIN, 26TH JUNE, 1891.

MY FRIEND,

With reference to your Memorial of 2nd September, 1890, addressed to Her Majesty's Secretary of State for India, in the matter of your claim to the village of Bibabari, I have the honour to communicate to you under the orders of the Bombay Government the purport of the decision passed by the Secretary of State for India.

"As the Raja, on coming of age, has expressed himself dissatisfied with the arrangement, I am of opinion that, in view of all the circumstances, it should be treated as if it had been originally adopted as a temporary measure to last only during the minority of the Raja. . . . The result of this will be that the Raja will be placed in the position in which he would have stood if the sale of 1877 had not taken place, and that it will be for Your Excellency's Government to make arrangements with him for the permanent acquisition of the village in question, if you should think it advisable to do so."

2. The Raja is further informed that a liquor shop must not be established at the Pass.

I am,

Your sincere friend,

(Signed) F. S. P. LELY,

Agent to His Excellency the Governor at Surat.

BASTAR STATE.

(See *infra* 1242 (i).)

A (a) vii.

BIHAT STATE.

The ancestral home of the ruler of Bihar was in village Gurha (District Jhansi in U.P.). The whole of this village was held by them as Zemindars.

According to the laws of inheritance governing Zemindars property in British India, the village was divided and sub-divided among the successors.

The late Rao Saheb Mohan Singh Ju Deo of Behat held Lambardari rights over half the village, and owned a share of 5 pies, 22 Kouries 18 dant in his own right.

Exhibit 1. In 1914 *during the minority of the present chief* the Political Agent in Bundelkhand issued orders to the Kamdar (Manager) of Bihar to take steps to sell the chief's above mentioned ancestral share in Gurha (*vide* letter No. 4097 dated the 4th December, 1914).

Exhibit 2. The Kamdar in reply reminded the Political Agent that an order had already been passed by him on the 10th March, 1912, to the effect that no action was "to be taken about the hereditary property in village Gurha entered in Khewat No. I."

Exhibit 3. But the Political Agent by his letter dated the 13th April, 1915, ordered that the land in question, ought to be sold without delay, and that this order was to be carried out without further discussion.

Exhibit 4.

The land therefore, had to be sold.

The contentions of the State in this matter are :—

(1) That the order of the Political Agent for the sale of the village was unjust, inasmuch as the village was in the possession of the family even before the grant of the Jagir of Bihar by the British Government.

(2) That the sale should not have been effected during minority.

EXHIBIT 1.

TRANSLATION OF A COPY OF AN ORDER DATED 4/12/1914, PASSED BY THE POLITICAL AGENT BHUNDHEL KHAND AGENCY.

As it is deemed proper that the lands measuring 5 pies, 22 cories, and 18 dauts, which stands in the name of Jagirdar Sahib Bihar, should be sold, it is ordered that a copy of this order be sent to Kamdar Bihar with the remark that the land in question may be sold by him at a reasonable price.

EXHIBIT 2.

COPY OF A REPORT No. 97 DATED 31st JANUARY, 1915, FROM JAGIRDAR BIHAT TO THE POLITICAL AGENT, BUNDHELKHAND.

1. With reference to your No. 4097 dated 4th December, 1914, regarding the sale of land measuring 5 Pies, 22 Cories and 18 Dauts of village Gurhu, I beg to state as follows :

(i) That the portion of land ordered to be sold, which is registered in Khata Khewat (Land Registers) No. 1, and which had been in the possession of Jagirdar Sahib as rightful heir, for a long time is not the purchased property.

(ii) That orders have been issued regarding the land in question *vide* letter No. 1296 dated 10th March, 1912, to the effect :—that, as this land is registered in Khewat No. 1, and is a hereditary one, it is not considered necessary to take any action about it, but the lands that were acquired after 1892, should be sold.

(iii) I beg therefore to enquire whether the portion of property which is held as hereditary should also be sold ?

Orders are solicited.

EXHIBIT 3.

TRANSLATION OF AN ORDER PASSED BY THE POLITICAL AGENT, BHUNDELKHAND (ON THE REPORT OF THE KAMDAR BHIAT), DATED 10TH MARCH, 1912, AND THE PREVIOUS ORDERS DATED 14TH FEBRUARY, 1912.

Ordered.

that a copy of this order should be sent to the Kamdar Sahib Bhiat, with the remark, that no action is to be taken about the hereditary property in village Gurha, entered in Khewat No. 1. But the lands in village Gurha entered in Khewat No. 46 and the lands in Mauza Amlota included in the Jagir after 1892, should be sold as per order of the Government.

EXHIBIT 4.

COPY OF AN ORDER PASSED BY THE POLITICAL AGENT, AGENCY DEPARTMENT, BUNDHELKHAND, ON THE REPORT OF KAMDAR SAHIB BIHAT No. 97 DATED 31ST JANUARY, 1915, ENQUIRING WHETHER THE LANDS MEASURING 5 PIES, 22 KOURIES AND 18 DANTS IN VILLAGE GURHA, DISTRICT JHANSI, WHICH IS SAID TO BE HEREDITARY PROPERTY OF JAGIRDAR SAHIB, AND REGARDING WHICH NO ACTION WAS ORDERED TO BE TAKEN *VIDE* No. 1296 DATED 10/3/1912, SHOULD BE SOLD OR NOT ?

Ordered.

that the Kamdar Sahib be informed by sending a copy of this order, that it is considered necessary to sell the land in question, and that in December, 1914, the Political Agent had personally instructed the Kamdar at Bajna, to make every effort to sell the land. It may be noted that the order which was issued to him, *vide* copy of this order. No. 4097 dated 4th December, 1914, should at once be carried out, without any further discussion.

BAUD STATE.

When this State was "released" from Government minority administration in 1925, certain restrictive and binding conditions were imposed upon the present chief at his installation by a separate D.O. letter No. 9 Con., dated 15th January 1925, which the Chief was expected to follow. The laying down of such conditions is considered unjustifiable in view of the terms of his Treaty of 1804. Exhibit A.

During the minority administration of the State, much interference was made in the private affairs of the Palace and matters were managed in a manner highly derogatory to the position of the Dowager Rani and other inmates of the Palace. On the death of the late Chief in March, 1913, the then Dewan was empowered to take charge of the State as "Superintendent" and at the same time he was directed by letter dated, 14th March, 1913, from the Political Agent to take into his custody the late Chief's private money, jewellery and papers in his Palace (apart from the money in the public treasury). Exhibit B.

On the Rani protesting against such interference, unwarranted telegrams were sent by the Superintendent to the Political Agent. The feelings and susceptibilities of the Rani were overlooked and the inner apartments of the Palace were ransacked and money and valuables were taken charge of by the Superintendent as will appear from his letter dated 31st March, 1913. While so doing the apartments were entered by officials and other people with shoes on, which was against the custom and dignity of the Palace. At the time of such search, or when the properties were listed, trusted agents of the Rani were not allowed access to the place. Those who were called as witnesses were mostly officials and outsiders. Exhibit C and D.

The representations of the Dowager Rani regarding jewellery, supplies to the Palace and other complaints were summarily disposed upon the report of the Superintendent. Exhibit E.

On the report of the Superintendent certain men and maid servants of the Palace were debarred from entering the Palace by the Political Agent's order without giving even an opportunity to the Rani or the persons concerned for an explanation. Exhibit F and G.

On the report of the Superintendent certain men and maid servants of the Palace were debarred from entering the Palace by the Political Agent's order without giving even an opportunity to the Rani or the persons concerned for an explanation. Exhibit H and I.

A (a) vii.

Exhibit J.

Private furniture, private cattle and other livestock of the Raj family were sold against the wishes and representations of the Rani.

Guards were placed at various places of the Palace and faithful servants and relatives were prohibited from coming into the Palace, thereby putting the Raj family to great annoyance and inconvenience. In all the altercations that arose in respect of the management of the private affairs of the Palace the protest and objections of the Dowager Rani were invariably set at naught, and the report and explanations of the Government "Superintendent" were relied upon and given preference, thus putting the Rani to unnecessary harassment and insult, and that in matters of which the Political Agent cannot be said to have any right of interference. In this connection the inspection remarks of the Commissioner of Orissa, who with Mrs. Le Mesurier, visited the Palace on 15th August, 1917, four years after the death of the late Chief, may well be quoted :—

"Later on we went to the Palace where my wife paid a visit to the Rajmata Sahiba. I am sorry to hear that the Rani is in bad health and I trust that, as I assured her, any request she may make for treatment and for change of air will be fully and readily met. I understand the lady has much charm of manner and person, as well as much intelligence and I am anxious that all possible respect and deference should be paid to her wishes."

The remarks are too eloquent to need any further comment.

Exhibits K, L and M.

During the last Government minority control, whilst the Daspalla-Baud-Sambalpur road was constructed, Government agents paid out of Baud treasury Rs. 80,000/- for the Rairakhol section of the road and Rs. 10,000/- for the Daspalla portion of the road in addition to the expenditure incurred by the State on the Baud section of the road to the extent of about Rs. 4,43,013/-. This was done on the ground that Daspalla and Rairakhol treasury had not sufficient funds at that time to contribute their full share. The marriage expenditure of the present Chief was ordered to be met out of the private money of the late Chief in the hands of the Government, although Rajmata objected to this and there was sufficient money in the State treasury for the purpose. Conversion of 3½ per cent. G.P. Notes, of a face value of Rs. 1,25,000/- during war time was effected to purchase war bond at a heavy loss in discount amounting to about Rs. 27,000/- during minority administration.

Exhibit N.

EXHIBIT A.

COPY OF LETTER No. D. O., T. CON./9, DATED THE 15TH JANUARY, 1925, FROM THE POLITICAL AGENT AND COMMISSIONER, ORISSA FEUDATORY STATES, SAMBALPUR, TO RAJA NARAYANA PRASAD DEV, MINOR CHIEF OF BAUD STATE.

Confidential.

MY DEAR RAJA SAHEB,

I write to inform you that the Governor in Council sanctions the release of the Feudatory State of Baud from the management of the Government with effect from the 14th March, 1925, the date on which you will attain the age of 21 years. You will exercise the powers under your Sanad subject to the following conditions :—

- (1) That your selection of a Dewan should be approved by the Political Agent and Commissioner ;
- (2) That you should forward a copy of the State budget each year to the Political Agent and Commissioner ;
- (3) That you should retain the services of the Agency Forest Officer and the Agency Inspector of Schools ;
- (4) That you should retain the services of the Agency Engineer at least till the completion of the Daspalla Baud road.

2. As regards your formal investiture I have been directed by the Government of Behar and Orissa to carry through your installation myself. This will take place in the Baud State and it is advisable that it should take place within a reasonable time after you attain your majority. You may now consider what would be an auspicious date for the ceremony and let me know as soon as possible. It would be convenient if it were possible to have the ceremony performed late in March or early in April.

3. I would ask you to be good enough to let me know at as early a date as possible the name of the man you would like to select as your Dewan. The choice is left entirely

to you subject to my approval. I would ask you to give the matter your very serious consideration. The responsibilities of the Dewan of your State will be great and your selection should be of a man fitted by his ability and experience to discharge his duties with credit to the State and yourself.

Yours sincerely,
(Signed) W. F. PECK.

EXHIBIT B.

COPY OF LETTER No. 1280G., DATED 14TH MARCH, 1913, FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATE TO BABU JAGANATH RAO, DEWAN OF THE BAUD STATE.

I have the honour to inform you that owing to the death of the Chief you are to assume charge of the State for the present as Superintendent. I have already wired you to take charge of the Chief's papers, jewellery and money. You should seal up the papers, jewellery and money, listing the same in the presence of witnesses who will sign the lists. Jewellery and money should be then placed in the treasury. You should take steps to call for debts and claims by advertising and you should send a copy of the sanctioned budget for 1913-14. If none has been proposed you should prepare one. If there are debts and they are considerable, provision should be made to pay them off over a term of years. The claims will have to be scrutinised and reported on before they are admitted. Proposals should be submitted for the reduction of livestock, carriages and horses. You will continue to exercise the powers criminal, civil and revenue you now exercise and in civil and revenue matters will exercise full powers in all classes of cases.

The Public Work Department comes under the Agency Engineer, Orissa Feudatory States, Sambalpur, and plans and estimates should be sent to that officer. Your attention is directed to the procedure in this respect laid down in Part II. of the Feudatory States Manual.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT C.

COPY OF TELEGRAM FROM THE SUPERINTENDENT BAUS STATE TO THE POLITICAL AGENT, ORISSA FEUDATORY STATES, SAMBALPUR, DATED 18TH MARCH, 1913.

Rani Saheb is against sealing up the inner treasury and trying to remove valuable elsewhere. Messenger waiting reply at Phulbani.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT D.

COPY OF TELEGRAM FROM THE SUPERINTENDENT, BAUD STATE TO THE POLITICAL AGENT, ORISSA FEUDATORY STATE, SAMBALPUR, DATED 21ST MARCH, 1913.

Rani vehemently protests against sealing up the inner treasury and unwilling to move off. A bunch of patent keys, presumably belonging to Rajbati was laying in river ghat close by. Reasons to suspect surreptitious removals going within. Rajbati guarded from outside from the beginning. Awaiting instructions. Messenger waiting at Phulbani.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT E.

COPY OF LETTER No. 104, DATED THE $\frac{31/3/1913}{2/4/1913}$ FROM THE SUPERINTENDENT OF THE BAUD STATE TO THE POLITICAL AGENT, ORISSA FEUDATORY STATES, SAMBALPUR.

In continuation of my letter No. 73, dated the 11th and 12th instant, I have the honour to report that I have finished making an inventory of the cash, jewellery and other precious things found in the late Chief's Baithak and Tosha Khanas and in those parts of the

A (a) vii.

Rajbati which were under the direct occupation of the late Chief, in presence of respectable witnesses. The portion in the Rajbati under the sole occupation of the Rani and female members have not been inspected by me, as I was not allowed to do so by the Rani. I annex a copy of the inventory for your inspection. The cash money and currency note amounting to Rs. 31,235/10/1 shown in the same includes the sum of Rs. 17,365/10/3 mentioned in my letter referred to above, the remainder amounting to Rs. 13,870/3/10 being subsequently found on further inspections in several other boxes in the Tosha Khana in charge of the Domestic Manager. The cash and jewellery have not been removed to the public treasury for want of suitable iron safe to keep them and are placed in the Toshakhana room of the Rajbati. The room is sealed and locked up by me and the place is guarded by the police.

2. As intimated to you by wire, the Rani was unwilling to allow me access into the late Chief's inner private rooms, but since receiving your orders contained in the telegram dated 19th March, 1913, she was prevailed in the matter. I made an inspection of the rooms in presence of Kumars Rathangadhar Rai and Kambudhar Rai, two near relatives of the Raj family, and the Lal Saheb of Sonapur, Jubaraj of Tigiria and Babu Jaganath Pattanaik, Domestic Karpardaz of Dhenkanal, the latter three gentlemen happen to be present there at the time. In an inner room, three locked-up iron chests, one wooden box and one trunk were found, placed besides some idols of goddesses. The keys of the chests and trunk were, however, not to be had. The Rani informs that she is not in possession of the keys nor known where they are kept. The Domestic Manager also expresses ignorance in the matter. The chests and trunk presumably contain cash money, jewellery, etc. The Rani objected to the same being removed. The chests and trunks as also the door of the room in which they are kept have therefore been sealed and the doors have further been locked up by me. As the room adjoins the sleeping apartment of the Rani, she objected and the gentlemen present also advised me as unprudent to place guards in the place. The Rani desiring, the idols found in the room were removed and made over to her for worship, which as she says, she used to do daily. But from what I saw at the place I believe that the idols had been kept there very recently, presumably with a view to hinder me from entering the room. I await your further orders in the matter to proceed accordingly.

3. Besides the above, I find no other cash money, gold, silver or jewellery in the parts of the Rajbati which have come under my inspection. The rooms, however, contain silk and cotton cloths, articles of apparel, furnitures, carpets, utensils, glasswares and numerous other items of property; I have not, however, made any attempt to catalogue the property owing press of more important works in hand. I have therefore locked and sealed up the rooms and intend submitting my report on the same later on.

4. During my inspection of papers in the Domestic office on the 26th instant, the Domestic Manager made over a note book to me in which the following amounts of cash money and gold coins are mentioned as having been stored in three iron chests. The entries in the book are signed by the late Chief. I believe that the iron chests referred to in the book must be those found in the inner private room in the Rajbati. It remains to be seen whether the contents of the chests coincides with the entries in the book or not.

In iron chest No. 1 :—

Mogle Silver Coins	...	...	...	...	5,580
Current rupees...	...	...	...	...	5,500
Gold Kal Muhurs	...	...	...	...	326 No.
Delhi Mohurs	...	...	...	...	274 No.
Gold Kurujatak Coins	...	...	...	...	100 No.

Iron Chest No. 2 :—

Current Coins Rs. 45,000/-

Iron Chest No. 3 :—

Current Coins Rs. 32,000/-

(Certified to be a true copy.)

(Signed) N. P. DEV,

Ruling Chief.

EXHIBIT F.

COPY OF LETTER No. 4201 G. FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATES, SAMBALPUR, TO THE RAMJATA OF BAUD STATE.

With reference to your petition dated 6th, April, 1913, regarding your ornaments, religious ceremonies, etc., I have the honour to say that the ornaments and jewelleryes found in the Tosha Khana were catalogued and after inspection by me were sent to the Government Treasury at Sambalpur for safe custody in compliance with my order. The Domestic Manager, who was in charge of the Tosha Khana, says that no personal ornaments belonging to you were kept there.

2. No proposal has been made to stop or curtail in any way the religious functions and ceremonies hitherto performed as a custom at the Raj Bati and due provision has been made in the budget estimates of the year for the same.

3. As regards allowances, the provision made for you, the minor Chief and the Jema were made after due consideration and I see no reason to consider the very high allowances suggested by you.

4. As regards your request for the provision of Rs. 5,000/- a year for scents, oil, etc., you are expected to meet all such personal requirements from the allowance granted and from the income derived from your villages.

5. As regards the annual presents to Jemas it is not proposed to interfere with the custom and the necessary expenditure on this account will be met out of the provision of the Khanja made in the budget.

6. As regards your request for the retention of all the elephants and the horses the order regarding the disposal of some of them were passed after full consideration of the State interests. There is no need to keep up a large number of elephants and horses while the Chief is a Minor.

7. As regards the annual requirements of rice for the Rajbati from the receipts in kind of village Sarvara the practice has been allowed to remain in force and has not in any way been interfered with.

The revenue in cash and kind, as well as the nazar due on the villages personally belonging to you, will continue to be paid direct to you, only the stock of paddy retained in granaries in some of the villages and out of which loans are given out to ryats, have been placed in charge of the Khamar Department as was the case during the life time of the late Chief. Regular account of the same are being kept in the Department.

8. I see no reason to consider this prayer as the late Chief is reported not to have conferred any concession or rights or given away anything to anybody during the last month of his illness.

9. There are no grounds for your complaint as mentioned in paragraph 10 of your petition under reference.

10. As regards the money made over to the Superintendent by the late Chief in the kondmal case the complaint is groundless in as much as the matter is of late Raja's time.

(Signed) N. P. DEV,

Ruling Chief of Baud State.

(Certified to be a true copy.)

EXHIBIT G:

COPY OF LETTER No. 4199 DATED THE 25TH NOVEMBER, 1913, FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATES, SAMBALPUR TO THE SUPERINTENDENT OF THE BAUD STATE.

With reference to your petition, dated 18th August, 1913, complaining that you are not allowed to see the late Chief as often as you wished I have the honour to say that I see that your complaint has no foundation whatever. It would have been well if you would have verified your complaints before making them.

2. As regards the complaints that much has been robbed out of the Treasury during the regarding the ivory chain being stolen by the Police Inspector, the charge appears to be unfounded and is absurd.

3. As regards the complaint that much has been robbed out of the Treasury during the inauspicious hour of the death of the Chief, the charge is groundless since the receipts and disbursements of the Treasury are embodied in duly kept account books.

A (a) vii.

4. As regards the complaint that the doors were shut up for hours together and that persons were removed out of the place without your knowledge. I find that the Superintendent's action was quite correct and the charges are in any case made much too late.

5. As regards the complaint regarding the removal of the servants those servants were removed after due consideration.

6. The charge regarding the theft of ghee by Batu Adhikari has needlessly been brought forward again since the matter had been enquired into and settled.

7. As Batu Adhikari admits having the things I see no reason for complaint in this connection.

8. The charge made in paragraph 7 of your petition is a vague one and is not worth consideration.

9. The complaint stated in paragraph 8 of your petition is groundless.

10. As regards the money received by the.....Superintendent from the late Chief in connection with Kondhmal case I find that the account was submitted to the late Chief and presumably accepted by him. The charge therefore is now groundless.

11. As regards paragraph 10 of your petition, I see there are no ground for your complaint.

12. As regards paragraph 11 of your petition, your complaint is groundless.

13. As regards paragraph 12 of your petition it is unreasonable of you to take of old complaints of the late Raja's time.

14. As regards paragraph 13 of your petition, I find that your opinion in this matter is a small importance, as you have no means of forming correct estimates of the Superintendent's work.

15. As regards paragraph 14 of your petition there is no foundation whatever for your complaint.

In fine I regret to say that it is unbecoming your position to make such a number of unfounded complaints without any justifications.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT H.

COPY OF LETTER No. 1 CON. II, DATED THE 21ST APRIL, 1913, FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATES, SAMBALPUR, TO THE SUPERINTENDENT OF THE BAUD STATE.

Male Servants.
1. Gangadhar Babu.
2. Ratna Naik.
Maid Servants.
1. Gurubari.
2. Ketsaki.

With referencé to your letter No. III, dated the 9/10th instant, I have the honour to say that your proposal to debar the marginally noted outdoor servants from entering the Rajbati is approved.

(Certified to be a true copy.)

(Signed) N. V. DEV.
Ruling Chief of Baud State.

EXHIBIT I.

COPY OF LETTER No. 76, DATED 25TH MAY, 1914, FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATE, SAMBALPUR, TO THE RAJMATA BAUD.

1. Kambudhar Rai.
2. Harihar Mishra.
3. Dayasagar Sahani.
4. Rasamaya Sarkar.

I have the honour to inform you that in view of you having taken into your confidence the marginally noted persons and your not having ceased to have any concern with all of them though repeatedly advised to do so, and in view of your constant interference with the Minor Chief's methodical attendance at the college which the Principal has reported as being most detrimental to the Minor. It has been ordered that you are no longer to reside in Raipur and that the Minor Chief of Baud will be kept at Raipur for the summer holidays.

I would again request you to remove them if they or any of them are still with you, and to have no dealings with these people while at Baudgarh. They are not to enter the Baud Rajbati.

(Certified to be a true copy.)

(Signed) N. P. DEV.
Ruling Chief.

EXHIBIT J.

COPY OF LETTER No. 4,747 G., DATED 6TH NOVEMBER, 1913, FROM THE POLITICAL AGENT, ORISSA FEUDATORY STATE, TO THE SUPERINTENDENT OF BAUD STATE.

With reference to your letter No. 437, dated 7/8th October, 1913, regarding the disposal of the livestock belonging to the late Chief, I have the honour to point out that the Rajmata's representations were made in her petition, dated 24th April, 1913, sent to you for submission of report with this office memorandum No. T.G. 235, dated 9th May, 1913. To this no reply has yet been received from you, but, since your proposals were submitted and approved by me after that representation orders already passed may be carried out and the results reported to this office.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT K.

EXTRACT FROM THE INSPECTION NOTE OF THE POLITICAL AGENT, ORISSA FEUDATORY STATES, DATED 13TH JANUARY, 1914 ON COMMUNICATIONS.

* * * * *

It is now necessary to make thorough communications with Sambalpur and this is of vital importance for this purpose; I have very carefully examined a large tract of country. The road from Sambalpur through Rairakhl down to the Sonapur border within 1½ miles of the north bank of the river is readily motorable in the cold and dry weather. From Sambalpur to Rampur is part of the grand trunk road being made to Cuttack, and in the not distant future it will be motorable at all seasons. Bridge this year 1914-15 goes up over the biggest Nullah in the Rairakhl State, but this State is very poor, and though without exaggeration I may safely say wonders have been to the road with the petty funds available and more will be done. Baud must contribute to this road as it will bring it within 50 miles of Sambalpur against 126 miles to Cuttack over a road which would be present and for years present the greatest difficulty to motor traffic and is difficult enough for carts.

* * * * *

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT L.

COPY OF D.O. LETTER No. W/47 DATED 6TH JANUARY, 1922, FROM C. L. PHILIP, Esq., I.C.S., POLITICAL AGENT, ORISSA FEUDATORY STATES, TO BABU BASUDEV MISHRA, SUPERINTENDENT OF THE BAUD STATE.

Mr. Peck informs me that the Rajmata of Baud wishes the Minor Chief to be married in April next after his return from college and says that she has found a suitable bride. I should like to have a formal report about this as soon as possible as the marriage proposals will have to be reported to Government for approval.

Mr. Peck also informs me that you do not wish to contribute Rs. 10,000/- to Dasapalla this year for the Baud-Dasapalla road. I have already considered this matter. The Rs. 10,000/- should be paid to Dasapalla as soon as possible. There is sufficient money for the work which has to be done within the Baud State boundary and the Agency Engineer who will shortly visit the State is reporting on this.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT M.

EXTRACTS FROM THE INSPECTION NOTE OF THE POLITICAL AGENT, ORISSA FEUDATORY STATES, DATED 3RD SEPTEMBER, 1919 ON THE PUBLIC WORKS DEPARTMENT.

* * * * *

The State contributes to Rairakhol State for the link with Sambalpur. The State is more interested perhaps than any other State in the road on through Daspalla to Nayagarh and Khurda as this will in due course give it communication with the rail head at all times of the year. I think, therefore, that in the budget of 1920-21 a contribution of Rs. 5,000/- for the road in Daspalla might be made and so soon as it has made more advance with the road within its own area the State should contribute on a larger scale yearly to the section in the Daspalla State.

* * * * *

(Certified to be a true copy.)

(Signed) N. P. DEV,
Ruling Chief.

EXHIBIT N.

COPY OF LETTER No. T.W.A. 770, DATED THE 27TH NOVEMBER, 1922, FROM THE POLITICAL AGENT AND COMMISSIONER, ORISSA FEUDATORY STATES, SAMBALPUR, TO THE SUPERINTENDENT OF THE BAUD STATE.

In continuation of my No. T.W. 944 of the 9th November, 1922, I have the honour to say—

1. That expenditure on the minor Chief's marriage should be met from the private funds of the late Chief, and from the magan to be collected from the people—a sufficient amount of the expenditure may be incurred from advances from the State Treasury, to be recouped later.

2. I understand the estimated expenditure has been reduced to about 51,000/-. This is ample and is approved. In addition provision of 4,000/- should be made for the purchase of a new car for the minor Chief. The Athmalik State will make a dowry present in cash to the minor. It was intended to present him with an elephant or a small car. I consider it better that the amount should be put in cash and used, together with the provision made by the Baud State of 4,000/-, in the purchase of a good car.

3. Steps should be taken for the realization of the magan of -/2/- in the repee of rent along with the land revenue.

(Certified to be a true copy.)

(Signed) N. P. DEV,
Raja and Ruling Chief, Baud State.

BIKANER STATE.

It has been customary with the Political Department, to obtain agreements from the States which imply abandonment of their sovereign rights. Such agreements are the least justifiable when obtained during the minority of Rulers, when the States are only nominally administered by a Council of Regency. These Councils usually are composed of officers lent to the States by the Government of India, and are dominated by the Political officers attached to the States. Such an example occurred in the case of Bikaner when in 1893 the present Maharaja was 13 years of age, and the late Maharaja had been dead for 6 years. The date of the agreement is 16th February, of 1893, and its 1st clause reads :—

“The Bikaner Darbar agrees to abstain during the term of thirty years, from the date of the notification aforesaid, from coining silver and copper in its own mint, and also undertakes that no coins resembling coins for the time being a legal tender in British India, shall, after the expiration of the said term, be struck under its authority, or with its permission at any place within or without its jurisdiction”.

This is a unilateral agreement. The undertaking is on the part of the Bikaner State, with no compensating or corresponding undertaking on the part of the British Government.

For a complete text of the agreement, please see page 355 of Aitchisons Treaties Vol. III Edition 1909.

GWALIOR STATE.

The following few cases will show the nature and extent of interference of the Government of India as well as of the Political officers in the internal administration of the State during the minority regime.

CASE A.

During Maharaja Madho Rao Scindia's minority the Resident in 1886 wrote to the President of the Council of Regency that "Dr. Crofts (Surgeon Capt. A. M. Croft, I.M.S. a British officer whose services were lent to the Gwalior State by the Government of India) in addition to the Medical charge of His Highness the Maharaja will have charge of all the dispensaries and Hospitals Civil and Military throughout the State." Exhibit 1.

The Council wrote back to say that "as the Military Medical Establishment is supported partly by contributions from the Military people and partly from the Military chest, it will be better if the Military Medical Department be kept separate from the Civil Medical Department." Exhibit 2.

The Resident replied that before writing previously he "had most carefully considered the question of placing the Military Hospitals as well as Civil dispensaries under the charge of Dr. Crofts and I see no reason whatever in any way to alter or modify the instructions therein contained." He also remarked that Doctor Kassim Khan who had "so shamefully neglected his duties must be retired on the 31st December." Exhibit 3.

The council had no alternative but to submit.

CASE B.

The Resident, on the report of the Commissioner Jhansi in 1888 desired the Darbar to make immediate enquiries as to the truth of the statement that the informers, Ujagarsingh, Nanha, and Lalli had been arrested by the State authorities and also enquired if the brother of Surajbali, a dacoit, was in the service of the Darbar. Hardly two weeks had elapsed when he asked the Darbar for orders to be passed to release the aforesaid three persons as it was reported to him that they had been arrested for helping the capture of Surajbali the proclaimed offender. Exhibit B1.
Exhibit B2.
Exhibit B3.

The Council thereupon referred the matter to the High Court and forwarded to the Resident the findings of the Chief Justice in the matter. The A.G.G. in the meantime enclosed a copy of the letter of the Under Secretary of the Government of India and wanted the original papers to be submitted for inspection. Exhibit B4.
Exhibit B5.
Exhibit B6.

The Council urged that "the Darbar objects to the sending of the files connected with these cases on the ground that such a proceeding means a direct interference on the part of the British Government into the internal administration of the State. Such an interference is sure to weaken the hands of the administration and to bring it into contempt in the eyes of the public. Of course, the Council is ready to do justice according to the advice of the Resident in the case where injustice may have been done by subordinates." Exhibit B7.

The Resident communicated that he had corresponded with the A.G.G. on the subject but the A.G.G. desired him to acquaint the Council that "the files in these cases were called for by the express command of the Governor-General in Council and that he does not consider it unreasonable to insist upon the production and inspection of proceedings in which the paramount power consider itself to be interested and he desires that the file be sent." Exhibit B8.

The Council complied with the requisition under protest.

Exhibit B9.

CASE C.

Out of respect for the religious sentiments of certain communities the Darbar have never permitted the shooting of birds in certain localities nor fishing in tanks held sacred by them. The Darbar's solicitude in this matter was so well recognised that in 1903 when Railway authorities represented to the A.G.G. for Central India that "pigeons at Neemuch and Mandsaur Railway stations had not only become a nuisance but did serious damage to grains carried in open waggons in the goods sheds the Resident enquired whether the" Exhibit C1.

A (a) vii.

Exhibit C2.

Darbar had any objection to the destruction of pigeons at stations along the line where they do considerable damage." The Darbar in their reply explained the attitude of the Mahajans of Neemuch and Mandsaur and objected to the destruction of the birds.

Nothing was heard thereafter and no trouble has since arisen. But this was when the Ruler was in power. Now let us go back to his minority.

Exhibit C3.

In Agar town there is a famous tank known as Makshi. There are a number of temples near the tank and the whole locality is held sacred by the Mahajans of the place. During the minority administration there were certain affrays between the Banias of Agar who held the tanks sacred and the Cantonment people who insisted on fishing. Instead of referring the matter for decision to the Darbar the A.G.G. for Central India passed certain strictures and made certain recommendations which were to all intents and purposes clear orders to be carried out by the Darbar. In paragraph 6 of his letter he clearly wrote that "it seems to the A.G.G. necessary to remove the present Suba at once," and also ruled that fishing should not be stopped. All this was reiterated in his letter by the Resident who forwarded the A.G.G.'s communication.

Exhibit C4.

CASE D.

Another example of the Government's interference in the internal administration of a State during minority period will be amply afforded by the brief recital of the following case :—

Exhibit D1.

Exhibit D2.

The Resident at Gwalior forwarded to the Darbar in May 1927, copy of a letter from the Commanding Officer Central Provinces District and wanted to know how far the facts mentioned by him were correct and what action the Darbar proposed to take in the matter.

The Commanding Officer wrote that one Mansa Ram a Military pensioner had settled down in Goona in Darbar territory. A buffalo cow of his was stolen in 1921 and when recovered was given back to him provisionally. After about a year the animal was on demand, sent to the Raghogarh Court where he was asked to establish his claim and though three years had elapsed the animal had not been returned to him. This Officer while he requested the Resident to ensure the return of the animal also passed uncalled for stricture against the administration of the Council of Regency.

Exhibits D3-7.

The Darbar were for their own satisfaction making inquiry in the matter. Before this was completed a number of communications was showered upon them—some were copies of telegrams from the Commanding Officers and others reminders—to furnish complete history of the case for the information of the Government of India.

Exhibit D8.

As soon as the information was available it was supplied by the Darbar but the Council resented such interference and in doing so put some pertinent queries :—

(1) Whether the Commanding Officer regards Goona or any other territory of the Darbar as part of his district and if so in what sense and on what basis.

(2) That having settled down in Goona the pensioner had become a State subject and therefore was governed by its laws in which outside interference was uncalled for.

(3) That interference by Military Officers or others in cases sub-judice was not right.

(4) That similar communications in British Provinces would be tolerated neither by the administration nor by the Courts.

In the course of their reply the Darbar cited some former instances of interference to which they objected. Nothing has been heard of since in this matter.

EXHIBIT A1.

MILITARY AND CIVIL MEDICAL INSTITUTIONS PLACED UNDER CHARGE OF THE MEDICAL OFFICER TO HIS HIGHNESS THE MAHARAJA.

File No. 1-1886/H.D.

FROM THE RESIDENT AT GWALIOR, TO SIR GANPAT RAO PRESIDENT OF THE COUNCIL OF REGENCY, GWALIOR. No. D.O. DATED 16-12-1886.

I have already informed you verbally that Dr. Crofts, in addition to the Medical charge of His Highness the Maharaja, will have charge of all dispensaries and Hospitals—Civil and Military—throughout the State, and all the medical subordinates in the State will be under his orders.

This arrangement will introduce system into the management of these various institutions, and the Military Hospitals which at present are in a most unsatisfactory state, ill supplied with medicines or surgical instruments and most carelessly administered will be placed on a proper footing and carefully supervised. Under the late system the medical care of the troops has been entirely neglected.

Please communicate the new arrangements to all officers and departments concerned.

EXHIBIT A2.

File No. 1-1886 H.D.

FROM THE SECRETARY TO THE COUNCIL OF REGENCY TO THE COLONEL
P. W. BANNERMAN, RESIDENT GWALIOR. No. D.O. DATED 24-12-1886.

Adverting to your Demi-official dated the 16th current, about the proposed amalgamation of the Civil and Military Hospitals and Dispensaries, I am directed by the President in Council to state that he is quite prepared to give effect to your wishes in the matter. But he thinks that as the Military Medical establishment is supported partly by contributions from the Military people and partly from the Military chest, it will be better, if the Military Medical Department be kept separate from the Civil Medical Department. The President at the same time sees the necessity of keeping the Military Medical Department on a better footing and is fully prepared to adopt any scheme which Dr. Crofts may propose to appoint such competent Native Doctors, Hospital Assistants, etc., as may be recommended by him. But he wishes that the Military Medical establishment should be under the authority of the Commander-in-Chief Dr. Crofts may of course inspect, from time to time the working of that department to see that its duties are performed efficiently.

On receipt of your reply, the President will take such steps in the matter, as you may deem fit.

EXHIBIT A3.

File No. 1-1886 H.D.

FROM P. W. BANNERMAN, RESIDENT AT GWALIOR, TO THE SECRETARY
TO THE GWALIOR COUNCIL OF REGENCY. D.O. DATED 26-12-1886.

I am in receipt of your letter of yesterday's date and in reply request you to inform the President in Council that before writing any D.O. of 16th I had most carefully considered the question of placing the Military Hospitals as well as the Civil Dispensaries under the Medical charge of Dr. Crofts, and that I see no reason whatever in any way to alter or modify the instructions therein contained. I am strongly opposed to deductions from the pay of officers and men of the Army being made to defray the partial cost of the Military Hospitals. The expenditure on this head should be borne entirely by the State, and I request that this be done from the 1st of January, 1887. No efficient supervision or control has hitherto been exercised over either the Hospitals or the subordinates in charge of them, and the result was that when inspected the other day they were found without medicines, surgical instruments, or any attempts to provide for the comfort of the sick. The state in fact of these hospitals was most discreditable and cannot be permitted to continue. The Darbar Surgeon, Dr. Crofts, will merely take up and discharge efficiently the duties which have been so shamefully neglected by Doctor Kasim Khan who must be relieved of all his duties on 31st December, 1886. Doctor Crofts will nominate competent persons to the charge of these Hospitals, will see that they are properly supplied with medicines and be responsible that the men of the Army receive the medical care to which they are entitled.

EXHIBIT A3.

File No. 1-1886 H.D.

FROM THE SECRETARY TO THE COUNCIL OF REGENCY TO THE RESIDENT
AT GWALIOR. No. 36 DATED 31-12-1886.

In reply to your D.O. letter dated 26th instant on the subject of placing the Military Hospitals as well as Civil Dispensaries of the State under the supervision of Doctor Crofts, I am directed by the President in Council to inform you that agreeably to your wishes

orders have been issued to the Military and Civil authorities of the State to place the Military Hospitals and Civil Dispensaries under the supervision of Doctor Crofts, the Medical Officer to His Highness the Maharaja, who should in future appoint competent subordinate native assistants, arrange for the supply of medicines and instruments and see to the efficient working of the Medical Establishment within the money sanctioned for such purposes by the State.

Orders are also issued to the Military Department to pension off Doctor Karin Khan from the 1st proximo and to discontinue making deductions from the pay of officers and rank on account of their contributions towards the Military Hospitals from the 1st of January next.

You will please inform Doctor Crofts of this and ask him to submit a scheme for the Military Hospitals which he may propose to be established here and in the Military camp, together with the names of the medical subordinates to be appointed for that purpose, for the sanction of the Council.

He should also be asked to see the scheme which the Darbar has prepared regarding the civil dispensaries to be established in the State together with the names of Native Assistants and submit it with his opinion, so that orders may be issued to carry it out throughout the State.

EXHIBIT B1.

SUBMISSION OF ORIGINAL FILES OF DARBAR COURTS FOR INSPECTION BY A.G.G. AT THE EXPRESS COMMAND OF THE GOVERNOR-GENERAL IN COUNCIL.

File No. 16/1888.

FROM COMMISSIONER OF JHANSI TO THE RESIDENT AT GWALIOR. LETTER No. AND DATE 1551/22-2-1888.

I have the honour to bring to your notice the following facts which have appeared in evidence into trial of one Surajbalsingh for dacoity and murder committed respectively on the 8th and 28th September, 1877.

2. Surajbali has been a proclaimed offender since May, 1878, and a reward of Rs. 250/- was offered for his apprehension by notification in Police Gazette, dated 7th January, 1882.

3. It has been sworn that about 4 years after the dacoity he attempted to shoot Lallusingh an accomplice who had given evidence against him, and did shoot his brother Bhoopsingh. This is said to have occurred at Sunderpura and Lallusingh states that a reward for Surajbali's apprehension was offered by the Gwalior Darbar upon his complaint.

4. The immediate cause of Surajbali's capture in October last was the occurrence of a dacoity at Sunderpura, in which one Lalli Banya was the sufferer. This dacoity was reported to the police of the Jalaun District.

5. Surajbali was traced and captured through the agency of three informers, Ujarsingh of Sunderpura, Nanha Khangar of Sunderpura and Lalli Khangar of Aswar. It is positively asserted that these three men have since the capture all been arrested by the Gwalior Police. It is also asserted that two brothers of Surajbali named Bhujbalsingh and Jetwar Singh are in the service of the Darbar.

EXHIBIT B2.

GWALIOR RESIDENCY No. 149/299 DATED 24TH FEBRUARY, 1888.

Copy forwarded to the Secretary to the Council of Regency, Gwalior, with a request that immediate enquiries may be made as to the truth of the statement that the informers Ujarsingh, Nanha and Lalli have been arrested and if so on what charge. It is requested also that enquiries be made, regarding the brothers of Surajbali being in the service of the Darbar.

EXHIBIT B3.

File No. 16/1888.

FROM THE RESIDENT AT GWALIOR TO THE SECRETARY, COUNCIL OF REGENCY. LETTER No. AND DATE, 184/362/7-3-1888.

In continuation of this office No. 149 of the 24th ultimo, I have the honour to forward copy of a police report received from the Deputy Commissioner Jalaun in the case of Surajbali and to request that orders may be at once issued for the release of the informers Ujagarsingh Thakur, and Lalli and Panna Khangars said to have been arrested for no other offence than helping the British Police in the capture of Surajbali, a proclaimed dacoit and this office informed of your having done so.

EXHIBIT (B) 4.

File No. 16/1888.

FROM AGENT G.G. FOR CENTRAL INDIA TO THE RESIDENT AT GWALIOR. No. AND DATE.—2389 DATED 18/6/1888.

With reference to the enclosed copy of a letter No. 2238-I, dated 6th June, 1881, I am directed to request you will be good enough to forward for the Agent to the Governor-General's perusal accompanied by a report from yourself, the papers in the trials of the men noted in the margin, who it is believed did good service in procuring the arrest of a notorious dacoit named Surajbali in October, 1887.

1. Ujagarsingh of Sunderpura.
2. Nanha Khangar of Sunderpura.
3. Lalli Khangar of Aswar.

EXHIBIT (B) 5.

File No. 16/1888.

FROM UNDER-SECRETARY GOVERNMENT OF INDIA TO AGENT GOVERNOR-GENERAL CENTRAL INDIA. No. AND DATE, 2238-I, DATED 6/6/1888.

I am directed to inform you that it has been recently brought to the notice of the Government of India that three informers who did good service in procuring the arrest of a notorious dacoit named Surajbali in October last have since been themselves arrested by the Gwalior Police and punished as is shown in the margin.

2. I am to request that you will be good enough to call for the papers in the case and submit a report for the information of the Government of India.

1. Ujagar Singh, of Sunderpura, ordered to furnish security for future good conduct.
2. Nanha Khangar, of Sunderpura sentenced for two years R.I. for abetting highway robbery.
3. Lalli Khangar, of Aswar, six months' imprisonment for theft.

EXHIBIT (B) 6.

No. 820, dated 6th August, 1888.

FROM SECRETARY TO THE COUNCIL OF REGENCY, TO THE RESIDENT AT GWALIOR.

With reference to your office No. 4066 dated the 22nd June last giving cover to a communication with its enclosure from the 1st Assistant A.G.G. Central India, herewith returned, regarding the arrest and sentence of three informers, Ujagar Singh, Nanha and Lalli, I have the honour to state that the matter having been referred to the Chief Justice, I have received a communication from him from which I quote the following :—

“Ujagarsingh was acquitted by the Prant Nyayadhish of Gwalior, but as four witnesses deposed that he was always found in the company of the notorious dacoit Surajbali he was directed on the 21st March, 1888, to give security for good behaviour in the sum of Rs. 500/- or in default to undergo one year's rigorous imprisonment. This security he has furnished on the 2nd April, 1888, and is now at large.

“With regard to Nana Khangar, I find from the papers in the case that there is not sufficiently convincing evidence to bring home the charge of robbery to 'Nanna,' I am led to think that the Prant Nayayadhish did not pay any attention to the police reports in the case and was not hypercritical as regards the sufficiency of evidence against

the accused in accordance with the procedure observed here hitherto. It was very usual for the courts here to convict accused on slight and inadequate evidence on account of the inefficiency of the police, deep jungles, ravines, etc. But it is now impressed upon the Magistracy and the police that without strong and sufficient evidence no person should be convicted. I hope that in course of time this salutary rule will be fully and practically observed by all courts. Having given my best and most careful consideration to the facts and the papers recorded in the cases, I can come to no other conclusion than that Nanha should be acquitted of the charge laid against him. Hence I have directed him to be released immediately.

"Concerning Lalli Khangar I see that he is convicted of theft by the 2nd class Magistrate of Daboh. But on a perusal of the evidence filed in the case I find that there is no evidence at all against him and that he has been wrongly convicted on quite insufficient evidence. I have therefore quashed the conviction and ordered the immediate release of Lalli Khangar.

"If the accused had appealed against the sentence of the lower courts I am sure that justice would have been meted out to them and that so much vain trouble as has been taken on their behalf would have been avoided."

While placing the foregoing before you I beg to state that the files in the cases of the three men referred to above having been carefully gone into by the highest tribunal in the State, with the result detailed above, there does not now appear to be any necessity of forwarding the proceedings to you, as requested in your letter under reply.

EXHIBIT (B) 7.

File No. 16/1888.

FROM THE SECRETARY, COUNCIL OF REGENCY, TO THE RESIDENT AT
- GWALIOR. D.O. No. AND DATE, 9-9-8-1898.

You have already been informed officially in my letter No. 820, dated 6th instant, of the steps which the Darbar took in the revision of the cases in connection with the accused marginally noted and of their disposal, and I now beg to state that the Darbar objects to the sending of the files connected with these cases for your inspection as requested in your office No. 466 on the ground that such a proceeding means a direct interference on the part of the British Government into the internal administration of the State. Such an interference is sure to weaken the hands of the administration and to bring it into contempt in the eyes of the public.

Of course the Council is ready to do justice according to the advice of the Resident in the case in which injustice may have been done by its subordinates.

EXHIBIT (B) 8.

File No. 16/1888.

FROM THE RESIDENT AT GWALIOR TO THE SECRETARY TO THE COUNCIL
OF REGENCY AT GWALIOR. LETTER No. AND DATE, 745-26/9/1888.

With reference to your letter No. 820 dated 6th ultimo, relating to the arrest and sentence passed on three men, Ujagar Singh, Nanha and Lalli, I have the honour to state for the information of the Council of Regency, that I duly communicated to the Agent to the Governor-General the objections which the Council entertained to having to send the files in these cases for the inspection of the Agent to the Governor-General.

I pointed out that the council considered that having called on to do this was *an interference with the internal administration of the State, and contrary to custom.*

In reply the Agent to the Governor-General has desired me to acquaint the Council that *the files in these cases were called for by the express command of the Governor-General*

in Council, that he (Mr. Henvey) does not consider it unreasonable to insist upon the production and inspection of proceedings in which the Paramount power consider itself to be interested and he desires that the files be sent.

Under these circumstances, I have the honour to request that the files in the cases above mentioned be sent to me as early as possible for transmission to the Agent to the Governor-General.

EXHIBIT (B) 9.

File No. 16/1888.

FROM THE SECRETARY TO THE COUNCIL OF REGENCY GWALIOR, TO THE RESIDENT AT GWALIOR. LETTER No. AND DATE 993/30-9-1888.

Your letter No. 745 dated the 25th instant, calling for the files connected with the arrest and sentence passed on Ujagar Singh, Nanha, and Lalli for the inspection of the Agent to the Governor-General was duly submitted to the Council for consideration and orders.

In reply I am desired to state that the hesitation which the Council had felt in forwarding the files in question for the inspection of the Agent Governor-General was not on account of any sort of disregard to his wishes in the matter, but that the Council felt it to be its duty, before doing so, to bring to his favourable notice the long prevailing custom of the State in such cases.

As the Agent Governor-General now orders in his letter that the files be sent to him, the Council has decided to send them to you for being forwarded to the Agent Governor-General.

I beg accordingly, to send them herewith.

EXHIBIT C 1.

DESTRUCTION OF BIRDS AT MANDSAUR AND NEEMUCH RAILWAY STATIONS DISALLOWED BY DARBAR.

No. 1555 dated 13-3-1900.

FROM THE RESIDENT AT GWALIOR, TO THE CHIEF SECRETARY TO HIS HIGHNESS THE MAHARAJA SCINDIA, LASHKAR.

The Railway authorities have represented to the Agent to the Governor-General for some time past, that pigeons at Neemuch and Mandsaur Railway stations have not only become a nuisance but do very serious damage to grain carried in open waggons by the day trains and also to grain in the goods yards.

The weightment of a truck of grain at Rewari station showed a deficiency of nine maunds owing to the depredations of crows, parrots and principally pigeons.

It is manifestly-unfair that owing to the prejudices of a portion of the population, which disfavours the destruction of these birds, the Railway and others should submit to large pecuniary losses. I am, therefore, desired by the Agent to the Governor-General to enquire whether the Darbar has any objection to the destruction of pigeons at stations along the line where they do considerable damage.

EXHIBIT C 2.

No. 3207 dated 22-9-1900.

FROM THE CHIEF SECRETARY, HAZUR DARBAR, TO THE RESIDENT AT GWALIOR.

SIR,

With reference to your letter No. 1555 dated the 13th March, 1900, regarding the destruction of pigeons at the Neemuch and Mandsaur Railway stations, I have the honour to state that the matter was referred to the Secretary, Sadar Board of revenue.

A (a) vii.

I have now received a communication from him in reply informing me that the Mahajans of Mandsaur represent that they hold Parwanas issued by the Government and the Emperors of Delhi, forbidding the killing of birds and animals in the limits of Mandsaur. According to the Parwanas the custom of non-killing of birds and animals prevails.

The Mahajans of Neemuch have represented that grain at the Neemuch station is always kept in bags and therefore it is not possible for birds to damage it. When bags are lifted for being taken from one place to another it sometimes happens that one or two bags are torn and grain falls therefrom on the ground and the same grain is eaten up by birds. If the Railway authorities consider that damage to grain is caused by birds, they should take care to keep it properly covered. It is not possible for pigeons, etc., to have caused damage to corn to the extent of nine maunds in a single truck.

Under the circumstances mentioned above I am directed to state that the Darbar objects to the destruction of pigeons, etc., at the stations referred to in your letter under reply.

EXHIBIT C3.

COPY OF LETTER No. 251C DATED 1-2-1894 FROM THE ASSISTANT TO THE AGENT TO THE GOVERNOR-GENERAL, IN CENTRAL INDIA (HUZUR DARBAR ENGLISH OFFICE 39 ARMY 1894,) TO THE RESIDENT AT GWALIOR.

I am directed to address you regarding the unsatisfactory state of the Agar city, and to enclose copy of a letter No. 97/18-1-94 from the Political Agent in Western Malwa, and of a report by Major Masters regarding an affray which recently took place there.

2. For some time an agitation has been carried on by the Banyas and Mahajans of Agar with the object of preventing fishing in the tanks situated in the neighbourhood of that city. The tank is not a sacred one, but it appears that in 1850 a Parwana was issued by the Resident at Gwalior prohibiting fishing in the tank, and in 1853, another Parwana was issued by the Political Agent, Mahidpur, to the like effect. In 1870-71 General Probyn, the Political Agent, W. Malwa, made an arrangement by which the catching of fish by and for the use of the European Officers of cantonments was sanctioned. In 1882 the Banyas of the city objected to this arrangement and their objection was disallowed by Sir Lepel Griffin. Subsequently Colonel Buller declined to punish Mohamedans and others for fishing in the tank provided that they did not fish from any of the Ghats or at any place along the side of the lake nearest to the city.

3. Since the year 1889 the Banyas of Agar have been presenting petitions praying that all fishing might be stopped. In March, 1897 the Political Agent reported that on the 8th of November, 1889, the Gwalior Vakil had informed him that the Suba at Agar agreed with the views of the Political-Agent that fishing should continue to be prohibited only at the bathing places and public roads on the lake which are frequented by the Banyas of the city, but that no such prohibition was necessary with regard to other portions of the water, as the lake was not a sacred one. Moreover, a reference was made on the subject by the Sar Suba of Malwa to the Council in 1890, and Colonel Gerard in his letter referred above, states that the Council expressed that they were indifferent as to whether fishing was practised or not.

4. In these circumstances the Agent to the Governor-General was of opinion that no interference to prevent fishing in the tank was called for. The tank is not a sacred one and fishing is allowed there by the Gwalior authorities. The attempt of the Banyas of Agar to stop fishing is an unwarrantable interference with the liberty of other people and an attempt to compel others who belong to a different religious persuasion to conform to their own practices. Such intolerance and bigotry should not be allowed and in the interests of the public peace it is necessary to prevent persons of one persuasion from interfering with the liberty of those of a different persuasion. It would seem now that the Banyas of Agar are endeavouring to take the law into their own hands. The assaults and affray which have recently taken place at Agar show in Mr. Crosthwaite's opinion, that a proper control has not been exercised over the people of that city who have been allowed to exhibit a spirit of lawlessness in a manner which reflects grave discredit on the Gwalior local authorities.

5. It appears from the report of Major Masters that since the present Suba, Ramchander Sitaram assumed charge of his office at Agar four months ago, a sowar of the Central India Horse was beaten by a crowd, the mess fisherman was forcibly prevented

from fishing, another mess fisherman was beaten by a band of men and robbed of his net, and the serious affray now reported on by Major Masters has occurred. In all these cases except the last, the Commanding Officer reports, the Suba has taken no action. Colonel Gerard also reports in paragraph 5 of his letter other failures of justice.

6. It is necessary that the present lawlessness of the Agar Banyas should be promptly suppressed, and, in order to effect this, it seems to the Agent to the Governor-General to be necessary to remove the present Suba at once, and to appoint an officer who will enforce the law with impartiality, undeterred by the fear of unpopularity and uninfluenced by religious prejudices. Since Mr. Crosthwaite has been in Central India the relations between the people of Agar and the Central India Horse stationed there have been of a friendly nature, and it is only since the appointment of Ramchander Sitaram that the people have shown this spirit of lawlessness and of animosity towards the Regiment. Unless an efficient Suba is appointed at once, this conduct of the people may lead to most disastrous results. I am therefore to request that you will bring the case without delay to the notice of the Council and request them to take the earliest possible action in the manner indicated above, and in other respects as they may deem expedient to enforce at Agar obedience to the law and to suppress the present tendency to fanatical excitement and rioting. The Agent to the Governor-General trusts that Lal Singh and the other persons who were identified in the attack on the Sawars, reported on by Major Masters, will be promptly tried, and, if guilty, adequately punished. It would be well also if the Banyas were prohibited at once from employing persons to stop fishing in the tank.

EXTRACT C 4.

FISHING IN THE TANK AT AGAR.

Huzur Darbar English Office.

File 39, 1894—Army.

FROM THE RESIDENT AT GWALIOR TO THE SECRETARY TO THE GWALIOR COUNCIL OF REGENCY, No. 779, 6-2-94.

In forwarding the copies of correspondence as per margin, the undersigned begs to call the attention of the Council to the very unsatisfactory state of affairs at Agar as shown in the reports of the Political Agent, Western Malwa, and the Officer Commanding the 2nd Central India Horse. It would seem to be impossible that so many complaints should be forthcoming if the Suba were a man of more intelligence capacity, and independence: and the measures recommended by the Agent to the Governor General of replacing Ramchander Sitaram by a more competent officer seems to be imperatively called for. The neglect of reasonable complaints, and the failure on the part of this man to even attempt the redressing of wrongs, throw discredit on the Gwalior Administration, and it is hoped that he may be not only removed to some post where his incompetence to deal with disturbances may be less likely to bring about trouble, but also that he may be called on to explain the charges brought against him. Unless decisive measures are at once adopted some serious disturbance involving loss of life may occur at any time, and it will be well for the Council to relieve themselves of the responsibility which in such a case they cannot escape if they neglect to follow the recommendations and advice now tendered.

No. 251C, dated 1st February, 1894, from the Agent to the Governor-General in Central India, etc., etc.

An early reply to this communication, for the information of the Agent to the Governor-General, is requested.

EXTRACT D1.

COPY OF D.O. LETTER No. 1050G/16-23-27 DATED 10TH MAY, 1927, FROM THE RESIDENT AT GWALIOR TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

Please see the enclosed copy of a letter No. 02599 dated the 22nd April, 1927, from Lieut.-General Sir Herbert C. Holman, Commanding, Central Provinces District, Mhow.

I shall be glad to know how far the facts noted therein are correct and what steps the Darbar propose to take in the matter.

EXTRACT D2.

COPY OF LETTER No. 02599/1/A1 DATED 20/22ND APRIL, 1927, FROM THE COMMANDING, CENTRAL PROVINCES DISTRICT, MHOW, TO THE RESIDENT AT GWALIOR.

During my tours in the District, I make it a point of duty to see as many pensioners as I can and to find out how they are faring.

2. H.H. the late Maharaja Scindia of Gwalior took an interest in our pensioners and made it his policy to ensure that those who settled in his State received the same consideration as his own subjects.

3. Now, however, I am afraid that there is some departure from this policy. Pensioners are very reluctant to ask for redress in cases of real grievance because, as one of them said, "if you live in a river you must put up with the alligators" and they fear that redress of grievances by higher authority will bring trouble upon them at the hands of the local officials who are responsible.

4. The following case, however, which has come to my notice, is one which is so unjust as to compel me to address you.

5. A buffalo cow, belonging to pensioned Jamadar Mansa Singh, late Central India Horse, and now living at Guna, was stolen in 1922. In 1923 a large number of cattle recovered from thieves were brought to the Guna Thana and notice was issued that owners from whom they had been stolen should present themselves to establish their claims.

6. Jamadar Mansa Singh had his animal in question branded in August, 1921, on both horns with the letter "C" used by the Central India Horse for branding their Camels. The Farrier Major who branded it went with him to the Thana, with the herdsman who used to look after the animals during their communal grazing, and the Jamadar's claim to the animal was accepted, and he took it to his home, where it remained for 11 months and 3 days.

7. At the expiry of this period he was ordered by the Raghogarh Tehsil to send the buffalo to Raghogarh. This he did. He was then ordered to proceed to Raghogarh, with witnesses, to establish his claim. This he did, taking the Farrier Major and the herdsman with him. He was told that he had made good his claim and that the buffalo would be returned to him in a week.

This occurred nearly 3 years ago and he had not got the animal when I visited Goona about a month ago.

8. I have the honour to request that you will be so kind as to take such steps as you may consider necessary to ensure the return to the Jamadar of the animal in question with, if possible, compensation for the loss he has suffered by being deprived of the milk which the animal would have supplied and of the calves which have been appropriated by those who have illegally kept the animal.

EXTRACT D 2a.

COPY A OF TELEGRAM No. 404-4, DATED THE 2ND AUGUST, 1927, FROM THE COMMANDING, C.P. DISTRICT, MHOW, TO THE RESIDENT AT GWALIOR.

Reference case Pensioner Jamadar Mansa Singh Goona am Request information by wire as to action taken by Darbar because am visiting Goona before middle this month and meeting Pensioners there.

EXTRACT D 3.

COPY OF D.O. LETTER No. 1693G-16-23-27 DATED THE 4TH AUGUST, 1927, FROM THE RESIDENT AT GWALIOR, TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

Please refer to my D.O. letter No. 1050-G/dated the 10th May, 1927, regarding the complaint of certain Military Pensioners of Guna against the Gwalior Darbar officials.

I enclose herewith a copy of a telegram No. 404-A dated the 2nd August, 1927, just received from the Commanding Central Provinces District, Mhow, and request you to be so good as to let me know at an early date what reply you wish me to give to the Commanding, Central Provinces District in this matter.

EXTRACT D 4.

COPY OF D.O. LETTER No. 2034-G/16-23-27 DATED THE 20TH SEPTEMBER, 1927, FROM THE RESIDENT GWALIOR, TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

Will you please refer to your letter No. 637, dated the 8th August, 1927, regarding a buffalo-cow belonging to pensioned Jamadar Mansa Singh late of the Central India Horse and now residing at Guna ?

The General Officer Commanding, Central Provinces District is still desirous of further information and as I am not in possession of the facts I am not in a position to dispose of the pending reference. I would, therefore, request you to be so good as to let me know how the case stands, as already asked for in my letter No. 1050-G, dated the 10th May, 1927.

EXHIBIT D 4a.

No. 1548.

MOTIMAHAL GWALIOR, 3RD OCTOBER, 1927.

Please refer to your D.O. letters Nos. 1050-G/16/28-27, and 2034-G/10-23-27 dated the 10th May and 20th September, 1927, respectively regarding the restoration of a buffalo cow to Jamadar Mansa Singh.

2. The Suba of Esagarh who was referred to in the matter writes to say that the buffalo cow in question has been made over to the complainant Mansa Singh by the Rajrangarh Court pending the final decision of the case.

3. It may incidentally be stated that had Mansa Singh represented his case to the Appellate Court much of the delay that has been caused in the restoration of the buffalo cow would have been avoided.

(Signed) For Political Member.

EXHIBIT D 5.

COPY OF D.O. LETTER No. 7-159G/83 DATED 17TH OCTOBER, 1927, FROM THE RESIDENCY GWALIOR, TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

As you know I am going to Guna and Agar to pay out pensions on Wednesday next, and I have two matters at least to discuss with you—a matter under reference from the G. of I about the Guna buffalo case about which I have again been asked to give further information, and another Government of India reference about which I should speak to you before I go away on eight days' tour.

Could I see you about 11 a.m. to-morrow.

EXHIBIT D 6.

COPY OF D.O. LETTER No. 2252G/16-23-27, DATED 18TH OCTOBER, 1927, FROM RESIDENCY GWALIOR, TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

Please refer to your letter No. 1548/7-139-82 Gel, dated the 3rd October, 1927, regarding the restoration of a buffalo cow to Jamadar Mansa Singh.

2. The contents of your letter were communicated to the Government of India but they have asked me for further information and I shall feel obliged if you will kindly give me a brief but complete history of the case for the information of the Government of India.

EXHIBIT D 7.

COPY OF LETTER No. 2528-G/16-23-27 OF 1927, DATED 21ST NOVEMBER, 1927, FROM THE RESIDENT AT GWALIOR, TO THE POLITICAL MEMBER, GWALIOR DARBAR, LASHKAR.

I have the honour to invite your attention to my letter No. 2252-G dated the 18th October, 1927, regarding the restoration of a buffalo cow to Jamadar Mansa Singh.

2. As to further information required by the Government of India I may explain that they would be glad to be informed in due course whether the statements that—

(a) Jamadar Mansa Singh had his animal in question branded in August, 1921, on the both horns with the letter "C" used by the Central India Horse for branding their camels. The Farrier Major who branded it went with him to the Thana, with the herdsman who used to look after the animals during their communal grazing, and the Jamadar's claim to the animal was accepted, and he took it to his home, where it remained for 11 months and three days.

(b) At the expiry of this period he was ordered by the Raghogarh Tehsil to send the buffalo to Raghogarh. This he did. He was then ordered to proceed to Raghogarh, with witnesses, to establish his claim. This he did, taking the Farrier Major and the herdsman with him. He was told that he made good his claim and that the buffalo would be returned to him in a week.

(c) Jamadar Mansa Singh was informed that his buffalo had had no calves during the three years of its illegal confiscation, but it was in milk when returned.

(d) Instead of receiving compensation he was compelled by the local Magistrate to pay Rs. 60/- before his own animal was handed back to him. The same sum was exacted from his servant for the return of an animal stolen at the same time.

are admitted to be correct and, if not, in what respect their accuracy is contested.

EXHIBIT D 8.

COPY OF LETTER No. 2498 DATED 8-12-1927, FROM THE POLITICAL MEMBER HUZUR DARBAR GWALIOR TO THE RESIDENT AT GWALIOR.

I have the honour to refer to the correspondence ending with your letter No. 2528-G/16-23-27, dated the 21st November, 1927, regarding Mansa Singh's buffalo cow.

2. I regret the delay in replying to this reference but I only returned from leave the other day and on seeing this case felt that without examining the records of the Raghogarh Estate and the files of the Esagarh District, no satisfactory reply was possible. Accordingly I sent for all the records and having scrutinised them take the earliest opportunity of addressing this letter.

3. I must state at the outset that the proceedings in this case originated not within a District directly administered by the Durbar but in the Raghogarh Estate which though a subordinate is yet within the powers it enjoys, a self-contained administrative unit.

4. Now, for convenience of treatment, I would divide the case into two parts. In the first part I shall answer the various questions asked in your letter, for the information of the Government of India and in the second I shall offer certain observations which in the opinion of the Council are necessitated by the letter No. 2599/1/XI dated the 20th/22nd April from the Commanding, Central Provinces District to the Resident at Gwalior.

As to the first part:—

(a) Whether Jamadar Mansa Singh did or did not get his buffalo cow branded in August, 1921, with the letter "C" it is not possible to ascertain. It will, however, be seen that in the body of his application dated the 11th June, 1924, to the Bajrangarh Court, Mansa Singh refers to the *description* of the buffalo though he omitted to give it; similarly when an elaborate description of the buffalo was entered in the Police Roznamcha dated the 12th June, 1924 (attached), Mansa Singh was either not aware of the brand-marks on the horns or did not draw attention to them (indeed, two defence witnesses Phalia and Mangalia, though disbelieved by the Court, stated on oath that the buffalo in question belonged to Dewa (s/o Ghasi) and that there were no marks on her horns until she was taken away from Ghasi's possession).

Mansa Singh's application dated the 11th June, 1924, also shows that he cited as his corroborating witnesses (i) Zora shepherd and (ii) Chhote Khan grazier and not Govinda (the Farrier Major who is alleged to have branded the buffalo in 1921). Therefore, his statement that "the Farrier Major who branded it went with him to the Thana with the herdsman who used to look after the animals during their "communal (sic) grazing" is false. So also his statement "that his claim was accepted and he took the animal to his house where it remained for eleven months and three days." This she-buffalo was recovered along with 134 other cattle by the Guna Police in June,

1924 (and not in 1923 as stated by the General Officer Commanding, Central Division), and was made over to one Gappulal Bania of Guna who agreed to stand surety (vide Supurdginama attached). Underneath the order of the Court appears Jamadar Mansa Singh's signature; so he knew that the she-buffalo was ordered to be kept in Supurdgi. The statement of Mansa Singh that he had to pay Rs. 60/- before the animal was made over to him is to say the least not proved; if he paid the money he must hold a receipt. Does he?

(b) When Mansa Singh was sent for by the Raghogarh Police no assurance was given to him by them that the she-buffalo will be restored to him in a week—on the contrary the buffalo cow was made over to Ghasi.

5. Now, as to the second part:—

With due deference to the General Officer Commanding, Central Provinces District, I am to ask whether he regards Guna or any other territory of this State, as part of his District and if so, in what sense and on what basis? I am also to ask from what evidence, outside the stories told by Mansa Singh and possibly one or two others of his kidney, results his apprehension that the present Council of Administration has renounced the policy of His late Highness. All those who settled in the territories subject to His Highness' rule and thus came under the operation of his laws or the laws of his State became absorbed amongst his subjects and were therefore treated as such. There was no question of extending to Government pensioners the same consideration as to his subjects for the former were not *sui generis*, nor were they treated on a par with the States subjects in spite of being Government pensioners but they were so treated because they had become the subjects of the State. The Council subscribes to this creed and would always respectfully resent every suggestion expressive of any doubt as regards this affirmation.

6. The General Officer Commanding's interest in Government pensioners is intelligible to the Council, his anxiety to know how they are faring is also understandable, but what is to them utterly incomprehensible is the length to which the General Officer Commanding is prepared to go on behalf of such pensioners as can no longer be differentiated from the subjects of this Government by virtue not only of their residence in its territories but of the occupations which they are pursuing and of the legal liabilities they incur thereby.

7. It is for the Government of India to judge on facts whether "alligators" abound in the Gwalior administrative river but those facts certainly go to show that the General Officer Commanding in this case hooked a downright slimy eel.

8. To demonstrate the definite tendency of people who have served under or are serving under British Officers and have or imagine they have Civil rights under this Durbar and equally to illustrate the methods in which the British Officers feel themselves bound to manifest their sympathy on behalf of such people, I would recall only two cases which last year and this year formed the subject of correspondence between the Residency and the Durbar.

(a) You would remember the application of Ibrahim Khan Dafedar, 21st K.G.O. Central India Horse, who petitioned through his Officer Commanding stating that his brother who held two pieces of land granted to the applicant in Agar, was being forcibly ousted and possession was being taken by the Agent of Seth Ganesh Das Kisanji. The Officer Commanding, forwarding the application for favourable consideration, added, "*I am fully aware that the petitioner is the legal possessor of the land in question. I request that any undue influence on the part of the outside party should be discontinued.*"

The Court held that the lands were the property of the father of Sardar Madhorao Kibe, Deputy Prime Minister, Indore, and that the grant to Ibrahim Khan was *ab initio* void, vide Political Member's letter No. 5252 dated the 27th April, 1927.

(b) Another instance in point is afforded by the case of one Sepoy Pan Singh, of 1/7th Rajput, Hyderabad (Sindh), who reported to the Officer Commanding of his Regiment that he held some land in Bhind District which, in his absence, was being cultivated by his brothers and that now Akbar Singh and others were forcibly taking possession of his land and had been assaulted his brothers. The Officer Commanding, in forwarding the petition to the Resident for enquiry, urged that injunction be issued, restraining the party complained against from entering on the petitioner's land, etc.

The Resident forwarded the petition to the Darbar for disposal and rightly informed the petitioner that if he wanted to make any more petitions they should be addressed to the Political Member of the Durbar.

Enquiry showed that there had been a criminal case before the Court of competent jurisdiction (Akbar Singh v. Gajju Singh, Rup Singh, etc.) and that it had been already dismissed.

9. It may be asked first, whether Officers Commanding Regiments, or for that matter, Officers of higher rank, must needs go so far as to record *ipse dixit* in cases pending before judicial Courts as in Mansa Singh's case, on the one-sided representations of persons in whom they are interested from any accident whatever, and secondly, how such action of theirs, if taken in cases arising in British India would be dealt with by the Provincial Governments and by the judicial Courts and District Officers concerned ?

10. Translation of :—

- (1) Mansa Singh's petition dated 12th June, 1924,
- (2) Court's order recorded on above,
- (3) Gappulal's Supurdginama dated the 12th June, 1924, and
- (4) Entry No. 21 made in the Guna Police Roznamcha Am,

which have been referred to in the letter are attached for facility of reference.

EXHIBIT D 8a.

ORDER OF THE COURT OF PARGANA MAGISTRATE, BAJRANGARH,
DATED THE 12TH JUNE, 1924.

Forwarded in original to the Police concerned for report. The Police should submit the required report on the 25th June, 1925. The she-buffalo may be handed over to Supurdgidar on a substantial bail, as the Court sees no objection to it.

The Jamadar has put down his signature underneath this order by way of information.

EXHIBIT D 8b.

TRANSLATION OF A SUPURAGINAMA, DATED THE 12TH JUNE, 1924,
EXECUTED BY GAPPULAL S/O GIRDHARILAL, AGARWAL OF GUNA.

I, Gappulal s/o Girdharilal, Agarwal of Guna, of the firm of Tularam Girdhari Lal do execute this Supurdginama regarding a she-buffalo which has been made over to me.

Jamadar Mansa Singh s/o Fateh Singh of Guna Cantonment has identified this she-buffalo as belonging to him.

By order of the Pargana Court, Bajrangarh, No. 2820, dated the 12th June, 1924, the Guna Police has made over the she-buffalo to me and I do promise and give in writing, that whenever I am called upon to produce the she-buffalo either to Police or in court I shall produce it till the case has been finally settled.

Failing production I shall forfeit to Sirkar Rs. 100/-, which I shall pay in the Court without any excuse.

This Supurdginama has been executed by me at my own will and is correct.

Marks of identification. . . .

(Signed) GAPPULAL.

Witness, BARKAT ALI SEJ RAM.

EXHIBIT D 8c.

TRANSLATION OF A PETITION, DATED 11TH JUNE, 1924, SUBMITTED BY
MANSAL SINGH TO THE PARGANA MAGISTRATE, BAJRANGARH.

REGARDING THE VERIFICATION OF FIRST POLICE REPORT OF KOTWALI GUNA
CANTONMENT.

SIR,

I beg to state that one she-buffalo belonging to me strayed away in Samvat, 1979 (A.D. 1924), from the Jungle of Guna Cantonment. Search was duly made, but no trace could be found. Now has been captured and there has come to Thana Guna a buffalo cow which is mine. But the papers of Kotwali Guna Cantonment have since been trans-

ferred to the Police of Guna City. Gulab Singh, the pensioner, Kotwal, Guna Cantonment, has written that the above said papers have already been transferred to Police Station, Guna City. So necessary proceedings with respect to this she-buffalo had been taken at the time. In proof of this I attach with this petition a slip given by Kotwal Gulab Singh and pray that my she-buffalo of the following description may be restored to me. Orders to that effect may be sent to the Guna Police.

Witnesses Zora Gadiria and Chote Khan s/o Jamal Khan, Grazier, are available. They may be asked to verify and my she-buffalo may be restored to me.

N.B.—The application does not contain any description of his she buffalo.
Order of the Court of Pargana Magistrate, Bajrangarh, dated the 12th June, 1924.

EXHIBIT D 8d.

TRANSLATION OF ENTRY No. 21 OF POLICE DIARY (ROZNAMCHA AM) OF POLICE STATION GUAN DATED THE 12TH JUNE, 1924.

No. 21, dated the 12th June, 1924. Time 4 p.m.

SUBJECT.

Mansa Singh son of Fateh Singh of Guna Cantonment, Caste Sikh petitioned to the Court that in Samvat 1979 his one she-buffalo had strayed away from the Jungle regarding which he had made a report to Gulab Singh Kotwal. That she-buffalo has now been found and identified by him among the she-buffaloes which are in Thana Guna.

"I have no copy of the report I made to the Kotwal nor did he give me any."

* "An ordinary slip of paper (Parcha) given by the Kotwal is annexed with the petition," so states the petition.

This petition has been received in the police station under order of the Court No. 2820, dated the 12th June, 1924. Court has directed that the buffalo should be kept in the Supurdgi of a third party and the papers should be challaned to the Court on the 25th June, 1924. Gappoolal son of Girdhari Lal Agarwal of Guna of the Firm of Tula Ram Girdhari Lal executed a Supurdginama so the she-buffalo is made over to him as directed by the Court.

Marks of Identification.

Colour Black. Horns 1½ spans each—right ear split one finger-length—all four legs brown below the knee—Tail black—age 7 years.—Price Rs. 25/-.

DHENKANAL STATE.

By a letter No. T. C. 166, dated 31st October, 1925 from the Political Agent and Commissioner, Orissa Feudatory States to the Ruling Chief of Dhenkanal written upon the "release" of the State from minority administration restrictions were placed, over and above those in the Sanads, on the Ruling Chief when assuming the Gadi, in matters regarding the appointment of a Dewan, compulsory retaining the services of the Agency Forest Officer, Agency Inspector of Schools, Agency Engineer, preparation and sanction of budget and numerous other matters. The terms for the continuance of the services of the Agency Forest Officer and the Agency Inspector of Schools at the time of the "release" of the minority administration is a clear encroachment on the rights of the Ruling Chiefs and an infringement of the terms of the Treaty and of even the Sanads.

A (a) vii.

EXHIBIT A.

COPY OF D. O. LETTER No. T. C. 166, dated 31st OCTOBER, 1925, FROM THE POLITICAL AGENT AND COMMISSIONER, ORISSA FEUDATORY STATES, TO THE RULING CHIEF, DHENKANAL.

I write to inform you that the Governor in Council sanctions the release of the Feudatory State of Dhenkanal from the management of Government with effect from the 15th November, 1925 on which you will attain your majority, subject to the following conditions :—

(i) That the Chief will appoint as his Dewan an officer who has been previously approved by the Political Agent ;

(ii) That he will continue to employ the services of the Agency Forest Officer and the Agency Inspector of Schools ;

(iii) That he will continue to employ the services of the Agency Engineer till a new Cutcherry is built ; and

(iv) That he will for the next two years submit the annual budget for the approval of the Political Agent and Commissioner and that no alteration in the budget so approved will be made without that officer's previous sanction.

2. The Governor in Council also sanctions that the Chief should be vested with the powers of a Sessions Judge and that he should delegate these powers to his Dewan. These powers will be personal to the Chief and his Dewan and will be liable to revision in case of a change of Chief or Dewan.

3. You will hear appeals from your Dewan and your judgment will be subject to petition to the Political Agent and Commissioner.

(True Copy.)

IDAR STATE.

This State was first brought into contact with the British Government in 1811-12, when the settlement of Mahi Kantha was effected under Government orders by Lt.-Colonel Ballantyne on the lines of Colonel Walker's settlement of Kathiawar in 1807 (*Vide* Capt. Keily's Memoir pp. 6 and 7, also Aitchison's Treaties and Engagements, 1909 Edition, Volume VI, page 275). At page 185 of the Hand Book of *Giras and Guarantee* by Lallubhai Pran Vallabhdas Parikh, 1889 Edition, a reference is made to the authoritative orders of the Government of Bombay in their letter No. 653, dated 16th April, 1836 that "the settlements in Mahi Kantha were identical with those concluded by Colonel Walker in Kathiawar in 1807."

Exhibit 4.

At the same page of the same Hand Book paragraph 194 runs as follows :—

"The object and the political results of the Kathiawar settlement are thus summed up in Lord Clare's Despatch No. 594 of 19th April, 1831 (page 402, Wallace's Gackwad and his Relations with the British Government) :—

"On our first interference in 1807-8, Colonel Walker promulgated by an address to the Chiefs the object we had in view, and proclaimed that this was confined to the settlement of the regular payment of their tribute, and *that no encroachment on their landed rights or their independence was contemplated ; and that the state of possession and power as it then existed, was to be guaranteed ; and*

at the same time both British and Gaekwad Governments concurred in the policy of abstaining from a spirit of aggrandizement and from every encroachment on the rights or possessions of the chiefs. On the faith of these assurances the chiefs entered into the measures suggested to them, by agreeing to pay a fixed sum annually, as hitherto, and also passed a security bond to abstain from any violent attacks on each other, * * * * *

We placed ourselves as guarantee between the several States for the due fulfilment of the above condition, and are therefore, when appealed to bound to enforce them."

During the Mahi Kantha settlement of 1811-12 security bonds were taken from Idar and others as in Kathiawar (Aitchison's Treaties and Engagements, 1909 Edition, Volume VI, pp. 186 to 289). Such bonds while generally requiring the signatories to pay up the *Ghadana* dues of the Gaekwad regularly and to maintain peace in their respective territories procured them a guarantee of the full enjoyment of the rights and possessions which they enjoyed at that time (*vide* Lord Clare's Despatch No. 549 of 1831 cited above).

The important document of 1811-12 is therefore the agreement between this State and the British Government. (Aitchison's Treaties and Engagements, 1909 Edition, Volume VI, page 286 *et seq.*)

Such being the case, so far as Idar is concerned, its landed rights, possession and powers in 1811 had to be scrupulously respected. What these rights and possessions were in those days will appear from the Report of Major Miles, which was prepared by that Officer in 1821 under orders of Government, as well as from the Memoir of Mahi Kantha prepared in May, 1845 by Captain Keily. Exhibit 1.
Exhibit 4.

According to the list transmitted by Major Miles to Government, the dependencies of Idar were comprised at that time of "the Pattas of the Bhayats or relations of the Raja; the Putavuts, or Putayuts; those of the former Raos of Idar (Shoomias); the Koles Chieftainships in their neighbourhood and the districts of Malpoor, Pola, Danta, and Gudwara" (page 101). At page 102, Major Miles states the following:—

"The Putavuts of the former Raos of Edur, now Chiefs of Pola, are said to have been twelve in number; these had Putas of about twenty-two towns and villages each. Some have most probably been partitioned amongst the Edur Chiefs, but those whose Putas remain wholly or in part, are:—

1. Pol (Pal)	The Putavut Rathor.
2. Walasun	The Putavut Rathores.
3. Gamboes	Do. do.
4. Mohunpoor	The Putavut Rehwurs.
5. Surdoes	Do. do.
6. Gorewara	The Putavut Rehwur.
7. Roopal	Do. do.
8. Ranasan	Do. do.
9. Bhudhalia	The Putavur Sesodi.
10. Koochki	Dabhi.
11. Dhuroi	Whaghila.
12. Poseena	Do.
13. Kuntaloo	Now held by the Chief of Ahmednuggur.

The use of the word Putavut in respect of all these by Major Miles is not without significance. It betokens the position and status which these estates held in 1821 in relation to Idar—the position of a grantee towards its feudal lord and grantor to whom they were subordinate and of whose territories they formed an integral part. It may here be mentioned that of these 13 only Nos. 1, 6, 10, 11, 12 and 13 are now included in this State.

All of them, however, owed allegiance to Idar as its feudatory estates. Over the Putas or guaranteed estates of Mohunpoor, Ropal, Ranasan specially, the Idar Darbar possess extensive rights a fact which is conclusively borne out by the statements made by the then Thakores of the said three estates before Colonel Miles in 1830. On being questioned by that officer as to what rights the Maharaja of Idar possessed over his Taluka, the Thakur of Mohunpoor described his status as a Bhoomia subordinate to Idar in the following significant terms:— Exhibits 85-97
Exhibit 95

"1. My estate must pay the Fouz Kichari cess whenever the Fouz after preparing itself for active service proceeds from it into the districts. The cess is not to be paid otherwise.

A (a) vii.

" 2. My estate pays the Salami from year to year according to the amount settled before.

" 3. Whenever the Idar Darbar may summon me to render service I must obey the summons and so long as I continue in its service it must provide me with rations and grain for my horses ; and when returning home after taking my leave of it, it must reward me and my Karbhari with Sirpaos and then dispense with my services.

" 4. On the installation of a person as Thakore on the Gadi of this estate, Tika is paid by him to the Idar Darbar according to the means of the estate. The Idar Darbar then ties a sword round the waist of the new incumbent, instals him on the Gadi and presents him with a Sirpao.

" 5. When the Rehvars left the Tarango Fort and my elders came to Idar, they were granted Patias (Sanads) by virtue whereof their descendents may enjoy the land of the Rehwar, or give it away or sell it off and in the event of their family becoming extinct the said land should revert to the Darbar.

" 6. I should not associate with the offenders of Idar, not should I harbour them within the precincts of my estate, neither should I help them."

Exhibits 86-87.

The replies made by the Thakores of Rupal and Ranasan also were substantially the same.

Exhibit 4.

In 1833 when Raja Gambhir Singhji was at the point of death, he entrusted the charge of his infant son to the care of the British Government, " rightly judging that this would be the only way by which the machinations of his chiefs could be subverted and the integrity of his son's possessions preserved." (Keily's Memoir, page 30, bottom). The British Government accepted this responsibility in 1837, when " the continued gross mismanagement of the Edur State, exposed to the rapacity of the unprincipled Chief and his Karbharies, together with the helpless condition of the young Prince, induced the Ranees to apply to the British Government " (Keily's Memoir, pages 30-31) for help. The duty thus devolved upon the British Government of scrupulously guarding the rights and privileges of the Ranees' minor son ; indeed the task was undertaken by the British Government not without an assurance to the Rani that the rights and privileges of her minor son would be carefully respected by the Paramount Power in whose *bona fides* and friendship her husband had put implicit faith.

Exhibit 4.

Exhibit 87A.

Exhibit 88.

Subsequently when the minor Prince attained majority (in 1854) and the British Government returned the trust by degrees to its rightful owner, the act was accompanied with the repetition of the same assurance to their quondam ward. Colonel Wallace, the Political Agent in his letter No. 168 dated the 28th March, 1859, assured the young Maharaja that all his rights and privileges would be secured to him and no interference made in their enjoyment in the following terms :—

" I desire to see you in the exercise of your just rights and privileges and that you should not be interfered with in the exercise of them."

Exhibit 89.

In reply to this letter Maharaja Jowan Singhji pointed out to him the names of some of the Talukas over which Idar had full jurisdiction. (Letter No. 1717 dated 9th April, 1859).

Exhibit 90.

By letter No. 1007 dated 14th April, 1859 the Political Agent while giving a further assurance that all the authority which the Idar Darbar possessed in Mahi Kantha in Maharaja Gambhir Singhji's time would be maintained, added that since those estates that paid their tribute to Gaekwad direct through the Agency were promised that the British Government would protect them and no other State would interfere in their rights, therefore, " you should not exercise jurisdiction over these."

Exhibit 7.

As regards this letter of the Political Agent it may be observed that the State is not aware of any record whereby any Government assurance was given to such Jagirdars at the time of the settlement of 1811-12. If any such assurance was given at a later period, it must, in order to be valid, be consistent with Government's guarantee regarding the maintenance of the power and possession of the Idar State existing at the time of the settlement. No guarantee could be given to any subordinate estate-holder in contravention or derogation of the guarantee then vouchsafed to the State. In this connection reference may be made to the case of Tintoj, a Pattawat Jagirdar (a grantee on service tenure of Idar) (see Case No. 1 of Idar under head A (a) v) who was made to submit to Idar by Government in 1859 in spite of his settling to pay *Ghasdana* tribute direct to Gaekwad.

It may be noted that the settlement of 1811-12, *qua* these Jagirdars, mainly concerned itself with a fixation of the amounts and mode of payment of *Ghasdana* tribute payable to Gaekwad in contradistinction to the payment of other dues payable by them to Idar and when settling the annual amount of *Ghasdana* payable by each estate, it was neither suggested nor by any implication understood that merely because the amount was settled directly for a Jagir, that Jagir would be able to assert its independence. Facility of collection appears to have been the only guiding motive at the time, and if the least suggestion were made that this direct settlement might at some future period be used as an argument for or result in the loss of Idar's suzerainty and jurisdiction over them, Raja Gambhir Singh would not have agreed to the measure adopted, but would have himself undertaken the realisation of the *Ghasdana* tribute. It is remarkable that while Colonel Wallace's said letter of 14th April, 1859, sought to place these Talukas which paid tribute direct to Gaekwad under the Agency Jurisdiction, it left intact the Idar Darbar's authority over its subordinate Pattas of Polo, Likhi, Vadagam, Gajipur, etc. In Maharaja Jowan Singhji's lifetime these latter were actually treated as Pattas directly subordinate to Idar, evidently because the reason advanced for taking the former out of Idar's jurisdiction did not and could not apply to the latter as none of these paid any *Ghasdana* to Gaekwad. Exhibit 90.

In reply to Major Wallace's letter No. 1007 dated 14th April, 1859, Maharaja Jowan Singhji in his letter No. 2696 dated 4th June, 1859, while distinctly affirming that Polo, Likhi, Vadagam, Gajipur, etc., among others had been left in direct subordination to Idar definitely asked for information as to how many settlements in respect of direct payment of *Ghasdana* tribute to Gaekwar had been made by the Government in the presence of Raja Gambhir Singh. To this no reply appears to have been received and Maharaja Jowan Singhji continued to exercise his rights over them as long as he lived without any let or hindrance. For instance, when the Thakur of Mohanpur died in 1861, his successor Thakur Dolat Singh was, in exercise of these rights, installed on Mohanpur Gadi by Maharaja Jowan Singhji, and not by the Political Agent (*vide* Maharaja's letter No. 865 dated 27th February, 1861, to the Political Agent, Mahi Kantha). Exhibit 91.

Maharaja Jowan Singhji died in 1868, and during the following minority administration, which lasted from 1869-1882, Idar, besides definitely losing its position of sovereignty with regard to the guaranteed Talukas of these Bhoomia Jagirdars of Mohanpur, Rupal, Ranasan and others, was deprived of this authority even over those estates which had been up to that time admitted and treated as subordinate dependencies of Idar. Exhibit 92.

On 17th October, 1918, Idar in reply to the Political Agent's confidential D.O. dated 22nd April, 1918, wrote a long letter showing that there had been a violation of treaty rights and a serious betrayal of trust during minority administrations. In paragraph 10 of this reply in the margin will be found a list of the Talukas which in 1811-12 formed, and subsequently, till 1859, remained a part of the State, as also a list of the estates which continued to be under Idar till the death of the Maharaja in 1868. No orders on this representation have been communicated to State. Exhibit 93.

It will thus appear that the State has a serious political grievance in respect of this withdrawal of certain Jagirdars from the subordination of the State in violation of the guarantee given to Idar State in 1811-12.

For documents other than Nos. 85 to 93 annexed to this memorandum, kindly refer to the documents annexed to the memorandum of Idar State under the head A a) v.

EXHIBIT 85.

TO COLONEL MILES SAHEB BAHADUR, ACTING POLITICAL AGENT. PRANT GUZERAT, ON BEHALF OF THE HONOURABLE THE EAST INDIA COMPANY.

The letter from Behawar Rajsingh Salamsingh of Taluka Mohanpore is as follows:—

You asked me to state what authority the Maharaja of Idar holds over me, what rights, privileges and respects he is entitled to receive from me, how far his connection with my estate extends, etc.

The reply to that is as follows:—

1. My estate must pay the Fouz Khichadi cess whenever the Fouz after preparing itself in Idar for active service proceeds from it into the districts. The cess is not to be paid otherwise.

A (a) vii.

2. My estate pays the Salami from year to year according to the amount settled before.

3. Whenever Idar Darbar may summon me to render service I must obey the summons and as long as I continue in its service it must provide me with rations and grain for my horses; and when returning home after taking my leave of it, it must reward me and my Karbhari with Sirpaos and then dispense with my services.

4. On the installation of a person as Thakore on the Gadi of this estate, Tiko is paid by him to the Idar Darbar according to the means of the estate. The Idar Darbar then ties a sword round the waist of the new incumbent, installs him on the Gadi and presents him with a Sirpao.

5. When the Rehawars left the Tarango Fort and my elders came to Idar they were granted *Patias* (Sanads) by virtue whereof their descendants may enjoy the land of the Rehawar, or give it away or sell it off and in the event of their family becoming extinct the said land should revert to the Darbar.

6. I should not associate with the offenders of Idar, nor should I harbour them within the precincts of my estate, neither should I help them.

In the above manner my estate is connected with the Idar Darbar; and I beg to assure you that as regards the interests of the said estate I have full reliance on you. Your word of command is all in all to me. This is my prayer. Dated, Palanpore, Samwat 1886, Ashad Sud 14, corresponding with the English date 4th July, 1830.

Comparer of this copy with the original. Signature in Gujrati of Thakor Rajsingh
Signature in Gujrathi of Karkun Dhirji Salamsingh.
Lalji. What is written above is true. In the
handwriting of Premchand Waghji.

(True Copy.)

(Signed) J. H. SADLER,
Acting Assistant Political Agent, Mahikanta, In, Ch.

A True Translation.

Translated by me.

Certificated Translator H.I.M. High Court, Bombay, and authorised Translator Mahikanta Political Agency and Palanpore Political Superintendency.

EXHIBIT 86.

TO COLONEL MILES SAHEB BAHADUR, ACTING POLITICAL AGENT, PRANT GUZERAT IN THE SERVICE OF THE HONOURABLE THE EAST INDIA COMPANY.

Letter from Rehawar Fattesingh Agarsinghji of Rupal is as follows:—

You asked me to state what authority the Maharaja of Idar holds over my estate, what rights, privileges and respects he is entitled to receive from me, how far his connection with my estate extends, etc.

The reply to that is as follows:—

1. My estate must pay the Fouz Khichadi cess whenever the Fouz after preparing itself in Idar for active service proceeds from it into the districts. The cess is not paid otherwise. The rate of the Khichadi cess was settled by the Maharaja with the consent of Azam Ballentine Saheb in the Samwat year 1879. The cess at that rate has since been paid to the Maharaja by my estate from year to year.

2. My estate has been paying the Salami from year to year according to the amount settled before.

3. Whenever the Idar Durbar may summon me to render service I must obey the summons and as long as I continue in its service it must provide me with rations and grain for my horses; and when returning home after taking my leave of it, it must reward me and my Karbhari with Sirpaos, and then dispense with my services.

4. The Idar Durbar claims no Tiko from my estate on occasions of installations of persons to the Gadi. When my grandfather Rehawar Lalji died my father Agarsinghji succeeded him to the Gadi on which occasion Jalamsang the Thakor of Mohanpore attended, tied a sword to his waist and installed him on the Gadi. He died in the Samwat year 1849. I then succeeded him. On that occasion Solaki Bhuwo, a Karbhari of the Rao of Polo, attended and tied a sword to my waist. The Idar Durbar never exacted Tiko from my estate.

5. When the Rehawars left the Tarango Fort and my elders came to Idar they were granted *Patas* (Sanads), by virtue of which they and their descendants may enjoy the land of the Rehawars, or give it away or sell it off; and in the event of their family becoming extinct the said land should revert to the Idar Darbar.

6. I should not associate with the offenders of Idar, nor should I harbour them within the precincts of my estate, neither should any help be given by me to them.

7. On the occasion of the first marriage of a sister, daughter, son or heir apparent of the Maharaja of Idar my estate must present a horse. The Maharaja should then give me leave with a Sirpao to return to my estate. On the occasion of the Maharaja's sister or daughter *Chandla* (cash present) is made by me.

In this manner my estate is connected with the Idar Darbar, and I beg to assure you that as regards the interests of the said estate I have full reliance on you. This is my prayer. Dated, Palanpore, Samwat 1886, Vyshak Sud 2nd, corresponding with the English date, 24th April, 1830.

Comparer of this copy with the original.

Signature in Guzrathi of Karkun Dhirji Lalji.

Signature in Guzrathi of Thakore Fattasing in his own handwriting.

What is written above is true.

(True Copy.)

(Signed) J. H. SADLER,
Acting Assistant Political Agent, Mahikantha, In Ch.

A True Translation.

Translated by me.

Certificated Translator, H.I.M. High Court, Bombay, and Authorised Translator, Mahikantha Political Agency and Palanpore Political Superintendency.

EXHIBIT 87.

TO COLONEL MILES SAHEB BAHADUR, ACTING POLITICAL AGENT, PRANT MAHIKANTA IN THE SERVICE OF THE HONOURABLE THE EAST INDIA COMPANY.

Letter from Rehawar Raisingji Makansingji of Mouji Ranasan is as follows:—you asked me to state what authority the Maharaja of Idar holds over my above-named Estate, what rights, privileges and respects he is entitled to receive at its hands, how far his connection with it extends, etc. The reply to that is as follows:—

1. My Estate must pay the Fouz Khichdi cess whenever the Fouz after preparing itself in Idar for active service proceeds from it into the districts. This cess is not to be paid otherwise. The amount of this cess was settled by the Maharaja through Azam Ballantine Saheb in the Samwat year 1879; and it has since been paid by my Estate to the Maharaja from year to year.

2. My Estate has been paying the Salami from year to year according to the amount settled before.

3. Whenever the Idar Darbar may call on us to render service we must obey the summons and as long as we continue in its service it must provide us with rations and grain for our horses; and when returning home after taking leave of it, it must reward us and our Karbhari with Sirpaos and then dispense with our services.

4. On the installation of a person as Thakore on the Gadi of this Estate Tiko is paid by him to the Idar Darbar according to the means of the Estate. The Darbar then ties a sword to his waist, installs him on the Gadi and presents him with a Sirpao, and on the occasion of the marriage of a sister, or daughter of the Maharaja a horse is presented by the Estate. Similarly, on the occasion of the first marriage of the Maharaja's heir apparent a horse is presented by it.

5. When the Rehawars left the Tarango Fort and my elders came to Idar they were granted *Patas* (Sanads). By virtue thereof their descendants may enjoy the Rehawar's land, or give it away or sell it off and in the event of their family becoming extinct the said land should lapse to the Idar Darbar.

6. We should not associate with the offenders of Idar nor should we harbour them within the precincts of our Estate neither should we help them in any manner.

A (a) vii.

In the above manner my Estate is connected with the Idar Darbar ; and I beg to assure you that as regards its interests I have full reliance on you. This is my prayer. Dated, Palanpore, Samwat 1886, Wyshak Sud 2nd. The English corresponding date is 24th April, 1830.

Comparer of this copy with the Original.
Signature in Guzrati of Dhirji Lalji
Karkun.

Signature in Guzrathi of Thakore Raisingji
Makansingji.

What is written above is true.

Rehawar Saleji Sardarji.

(True copy.)

(Signed) J. H. SADLER,
Acting Assistant Political Agent,
MAHIKANTA, IN CH.

A True Translation.

Translated by me,

BAJIRAO TATIA RAOJI RANJIT.

Certificated Translator, H. I. M., High Court, Bombay and authorized Translator, Mahikanta Political Agency and Palanpore Superintendency.

EXHIBIT 87a.

(Translation from Gujrati.)

No. 141.

SHREE.

Vaishakh Vad 8, Monday.

Sd/J.O.

TO MAHARANJI SHREE CHAVDIJI, IDAR STATE, WITH COMPLIMENTS FROM
JAMES OUTRAM SAHEB, POLITICAL AGENT, MAHIKANTHA, PRANT.

FURTHER,

This is to write with compliments that all's well here. Please always write letters of good news from your side. Further, this is to write that you sent tabular statements of account of revenues of your Taluka, etc., from Samvat 1889 to Samvat 1891, but the said accounts do not show details and reasons. In that respect a letter has been written (to you) to send details of receipts and expenditure, and remissions given to villages and arrears (of dues) and expenses incurred, together with reasons (remarks) thereof. Five or six days have passed since then but no reply has as yet been received to the letter, from which it appears to us that your Kamdars are very idle in that respect and that nobody acts duly according to your orders ; therefore we also have no confidence for the Kamdars working for you, (and we feel) that they would not duly and faithfully perform services of your State. And our desire is to see as to how Your and Maharaj Shri Javansinhji's Raj (State) can be improved. But we cannot find out clearly as to what is your internal desire. And looking to the revenues of your Taluka, they have become much less than the revenues of the former years. That is also a loss. While you do not conceive of these things, how will the affairs of the State be conducted ? You will therefore acquaint yourself of all the facts and consider over all the matters and send a detailed reply with full particulars according to your real internal intention.

Dated Vaishak Vad 8 St. 1892, 8th May, 1836, A.D. Camp Idar.

(Signed) J. OUTRAM,
Political Agent.

Translated by me,

SAKERLAL BHENJI REEPAIU,
Authorised Translator.

EXHIBIT 88.

No. 168 of 1859.

TO MAHARAJA JOWAN SINGJEE.

MY GOOD FRIEND,

I have as you know directed that the Attachment on the Edur State shall be considered at an end on the 1st May, 1859.

2. I am happy that I who first took charge of the Edur State when you were a child should live to restore it to you in a prosperous condition now that you are a grown man.

3. I desire to see you in the exercise of all your just rights and privileges and that you should not be interfered with in the exercise of them while at the same time the peace and order of the country should be maintained.

4. The benevolence of the British Government will be the same towards you when you manage your own State as it has been while the State was managed for you, and I have great confidence that both by your own good Government and by your employing honest and respectable "Karbharis" you will secure the good will and the reverence of the Puttawats Bhoomias and ryots of the Edur State.

5. There may be some points on which you require my opinion, and if so I beg you will write to me freely and directly but no cases can exist which cannot be settled just as well after as before the attachment is removed and therefore as no one can say where he will be at any future time, I have issued orders that the attachment on the Edur State shall be considered at an end on the 1st May, 1859.

(Signed) WALLACE, Colonel.
Political Agent.

Mahee Kanta Agency Office Camp at Tullukwara,
28th March, 1859.

EXHIBIT 89.

(Translation from Gujrati).

1717.

TO MAHERBAN DOSTAN AXAM, MAJOR ROBERT WALLACE SAHEB, POLITICAL AGENT, MAHI-REVA KANTHA PRANT.

This is to write that I am in receipt of your English letter No. 168 dated 28th March, 1859, wherein you so kindly directed to the effect that the administration of the Idar State which was taken in your hands owing to my minority is being handed over to me by making improvements in the territory and that therefore, no one shall interfere with our just rights and management. I have been greatly delighted on receipt of the said letter.

Now I hope, and am confident, that there shall not be any hindrance from the Agency in the exercise of my jurisdictions and powers which are being enjoyed over the Talukas under this State since the time of our ancestors. But if Jupti (management) is raised after it is so arranged, it would be a favour of the Sarkar. Moreover, if it is acted accordingly, the directions made in your letter, handing over to this State the Ahmednagar Patto of lordship of the late Maharaja Saheb Shri Shivsinhji Saheb, would be completely fulfilled, and I would be greatly obliged to you.

As Your Honour is fully aware of our ancestral rights which we have been enjoying accordingly over the Talukas under this state, there remains no necessity of narrating them here in details, but for the sake of recollection, I beg to state them in brief, and the same is necessary to be taken into consideration :—

1. The Patta of Poshi is subordinate to our State of Idar. All sorts of jurisdiction over the said Patta, continuously belong to the Idar State. No one else has got any jurisdiction. You know the fact. However, a copy of the reply to the letter received from Maherban Whitelock Saheb in the matter, is attached hereto as Appendix A, which will convince you that our right and jurisdiction over the said Patta of Poshi is continuous up till now. It may therefore be declared that no interference in our jurisdiction shall be made by the Agency.

2. The jurisdiction over Shamlaji is of the Idar State; and Shamlaji is under the subordination of the State. Hence the authority over it was in continuance since ancient times, but after management was placed over the Idar State owing to my minority, a Thandar and Palas (footmen) of our Sirbandi were posted at this place also, for preserving Bandobast (order). Thereafter, a letter having been addressed by us in the matter of the said Palas (footmen) having been directed to render service of escorting prisoners from Isari to Idar, a letter has been received from you, bearing No. 3322, dated 3rd August, 1850 to the effect that if we can keep Bandobast of our territory, the Thana along with the Thandar would be raised from Shamlaji. Copy of the said letter is attached hereto as Appendix B. Accordingly the Thandar may be removed from Shamlaji and our jurisdiction be restored to us.

A (a) vii.

3. In the Patta of Jadecha, no one except Idar has any right over the villages of the said Patta, viz., Karcha, Samera, Mori, Degamda, Vandiol, Vanzar, Jalis, Sunak, etc. You are aware of the fact. However, I beg to state that our jurisdiction over the said Jadecha Patta is continuous from ever, and (certain) persons of the said Patta who had committed offence were sentenced by the Idar Darbar; and in case the people of the said Patta were required by the Agency for being examined as witnesses or for other purpose, the Darbar used to be addressed in the matter; in assurance of the fact, a copy of the letter No. 1081, dated 10th August, 1836, of Maherban J. Outram Saheb, Political Agent Mahi Kantha, addressed to us, out of the two letters received from him, is attached herewith, Appendix C, merely for ready reference. On reading it, you will find that we have been exercising jurisdiction over the said Jadecha Patta from ancient times. It may therefore kindly be declared that there shall be no interference by the Agency in the jurisdiction over the said Patta, exercised by us since ancient times.

4. The village "Dabhio-ni-Kushki" is in subordination to the Idar State and the jurisdiction of this State over it is continuous from the beginning. To convince you of the fact, a letter No. 1081, out of the letters received from Maherban Outram Saheb, referred to in paragraph 3 above, and appended as Appendix C (may be referred) and a copy of the letter of Maherban J. William Saheb, Political Commissioner Prant Gujerat, No. 264, dated 15th October, 1833, addressed to us, the last portion whereof narrates the facts regarding Kushki, Vandiol (and) Gazipur, is attached herewith as Appendix D. Thereby you will be acquainted that our jurisdiction over the said village is going on since ancient times. It may therefore be declared that there shall be no interference by the Agency in our jurisdiction.

5. The villages of Dhambolia and Nandisan belong to our State, and the jurisdiction thereon is continuously exercised by us from ancient times. It may therefore be declared that there shall be no interference by the Agency in our exercise of jurisdiction over the said villages. You are fully aware of the fact that no one else except the Idar Darbar has any right over both the said villages. It is not necessary to state anything more in this respect. The declaration as above may therefore kindly be sent to us.

6. The Idar Darbar has the right over the village Rahevro-nu-Boludere. That village is in subordination of the Idar State and nobody else has any right over it. The right and jurisdiction of our State is continuous. It may therefore be declared that there shall be no interference by the Agency therein.

7. Pal Patta is in subordination of the Idar State and nobody (else) has any right thereon. All the right and jurisdiction continuously belong to the Idar Darbar; and in order that the Pattadar of the said Pal would act accordingly to our orders and not commit any default therein, Fael Zamins and Had Zamins (securities for good behaviour) are always being taken from them and Parwana is given to them by the Darbar for the enjoyment of the Patta. Copies of such Fael Zamin bond and a Parwana passed to them in St. 1779 and three Zaman-Khats (security-bonds) of St. 1864, St. 1879 and St. 1888, in all four copies are attached herewith as Appendix E. On reading the same, you will be convinced that our jurisdiction over the said Pal Patta is continuous since ever. It may therefore be declared that there shall be no interference by the Agency in our exercise of the jurisdiction.

8. Polo is under the subordination of the Idar State, and our jurisdiction over the said Taluka is continuous from before the Jupti (management). To convince you of the fact, it is stated that the Rao of Polo has passed Fael Zamin bonds to us, indicating the sovereignty of the Idar Darbar from a very long time. Out of them, a copy of the Zamin-khat (security-bond) of St. 1883 is attached herewith as Appendix F. On reading the same, you will be acquainted with the fact. It may therefore be declared that there shall be no interference by the Agency in our exercise of jurisdiction over the said Polo.

9. The Patta of Ghorvada is under the subordination of the Idar State; the right and jurisdiction over the said Patta belong to the Idar State. And we have our share and rights over the said Patta. You are aware of all those facts and so it is not necessary to state the facts at length. But in order to convince you about our continuous jurisdiction, we attach herewith as Appendix G, a copy of the letter of Maherban James Erskine Saheb, out of the letters received from the Agency, bearing No. 421, dated 10th August, 1834, as well as a copy of Your Honour's letter No. 5426, dated 10th September, 1847 in the matter of a mare with harness of Inami Jetha Taju of Uversad Pergunnah Dashkroi, which were lost and found at the place of Thakore of Ghervada. On reading the said

two copies, you will be convinced of our continuous jurisdiction, and so it may be declared that there shall be no hindrance from the Agency in the said Vahivat.

10. You know that the right and jurisdiction over the village of Moje Gazipur, under Idar, belong to us. Barot Ghemar of Chandap having approached the Agency in the matter of claims of persons over the said Gazipur, it was ordered on 24th February, 1852, that he should approach the Idar Darbar in the matter; and Barot Jaykaran Metha of Bhatvas having applied accordingly, he was also similarly ordered on 16th February, 1852. Copies of both the said applications together with the orders are attached herewith as Appendix H; on referring the same, as well as the letter of Maherban Outram Saheb, bearing No. 264, referred to above in paragraph 4 as Appendix D, which mentions that the said Gazipur is under our jurisdiction, you will be convinced that our jurisdiction over the said village is continuous from ever. It may therefore be declared that there shall be no hindrance from the Agency therein.

11. Moje Verabar is in the subordination of the said State. Our jurisdiction over the said village continues from the beginning. And we have also the rights of Ghasdana, etc., over the said village. The jurisdiction over the said Verabar being ours, it may be declared that it shall henceforth be arranged that the Agency shall not send for any matter before it, or that if there is anything to be done, the matter should be addressed to us and that no direct communication be made.

12. The Patta of Kantalu Bara is in subordination of this State. It was given to Setrisang, the ancestor of Biyola Jetsangh, by the Darbar, on condition of rendering service, but as he could not properly render service, the said Patta was resumed by the Idar Darbar. Thereafter, Jetsangh having prayed for something being given to him out of the said Patta for his maintenance on condition of service, the Darbar, out of favour, gave him Ged, Khakhariyun and Umedpur on condition of rendering service, and got a bond of the whole Patta executed (by him) in the year Samvat 1857. We attach herewith as Appendix I, a copy of the same, and a copy of letter of Maherban J. Outram Saheb, No. 1255, dated 25th August, 1836, directing (us) to send (certain) persons of Ged in the matter of a complain of theft made by the people of the village Tintoi, and a copy of your letter No. 2494 dated 8th July, 1852, mentioning that the Biyola of Ged having, after the Jupti was placed on the Idar State, detained a Potter woman named Galal, of Chhapra under Ged by accusing her of witchcraft, he was fined Rs. 100 and that the fine was got credited with the Potdar of the State, and a copy of your letter No. 3348 dated 6th August, 1850, in the matter of sentencing the accused in the said case, and a copy of a letter dated 14th January, 1858, addressed by us, mentioning the facts as regards the said Ged Patta, as a contention was raised by Maherban Whitelock Saheb about the said Ged. Five copies as mentioned above are attached herewith as Appendix I, on reading which you will be convinced that our authority over the said Ged is continuous since ancient times. It may therefore be declared that no hindrance shall be made by the Agency in our exercise of the jurisdiction as usual.

13. The Patta of Likhi is under the subordination of this State and the rights over the same also belong to this State. All the rights and jurisdiction over Likhi-Bhaderdi therefore belong to the Darbar. To convince you of the same, I beg to state the following facts:—

(1) After the death of Chuvan Hathiji of the said Likhi, the Taluka having fallen vacant, Amarsang applied to the Darbar to keep it under Jupti, but as there was Sarkari management over the State, a letter No. 3430, dated 14th July, 1848, was addressed by us to the Agency, along with a copy of the said application, requesting that Jupti be placed on the said Patta. Copy of the said application of Amarsang is attached herewith.

(2) Accused Vana Ratna of Moje Likhi was charged of defamation of Vyas Gangaram Ichharam of the said village and he was fined Rs. 9. Copy of your letter of approval thereof, bearing No. 2172, dated 12th June, 1852, is attached herewith.

(3) Mulji and others, Bhayats of Likhi, having dealt sword wounds to Dhed Becharia Kasla and others of Moje Jhup, a letter No. 1341, dated 26th April, 1848, was received from you in the matter of getting it compromised. Copy of the said letter is attached herewith.

(4) In the matter of tracing of footprints in the case of theft of Pathak Hiram of Moje Ruvach, a letter No. 1915, dated 27th July, 1853, was received from Maherban Kamtin Saheb for decision at Amrapur (in) Likhi Patta. Copy thereof is attached herewith.

A (a) vii.

(5) A copy of Fael Zamin bond of Samwat 1864, out of the Had Zamin and Fael Zamin bonds taken from the Chuvan of Moje Likhi, for Rasti Durasti (good behaviour), is attached herewith.

Copies of the above five papers are attached herewith as Appendix J. On reading the same, Your Honour will be convinced that our authority over the said Likhi Pata is continuous since ancient times. It may therefore be declared that there shall be no obstruction from the Agency in our exercise of the continuous jurisdiction.

14. Our jurisdiction over the village of Moje Dedasan continues from ever. To convince you of the fact, I beg to state the following facts :—

(1) Sampora, Sidhia and Navlo Hirio, of Moje Dedasan, having gone to the Sim of Moje Fechod for committing theft, Hirio was arrested and fined Rs. 10. Herewith enclosed is the copy of your letter No. 232 dated 29th January, 1848, approving the same and intimating that the fine has been got credited with the Potdar.

(2) There being a quarrel between Kuberji and others of Moje Dedasan and Thakerda Jhalji, letter No. 3875, dated 4th September, 1850, was received from you, sending them with papers to us for decision in the matter. Copy of the letter is attached herewith.

(3) Fael Zamins and Had Zamins were taken from Pagi Jhaluji Bhemaji and others of Moje Dedasan in St. 1853 and St. 1883. Copies of the above said two of the bonds are sent herewith for your perusal.

Four copies as mentioned above are attached herewith as Appendix K, on a reference to which you will find that our jurisdiction over the said Dadasan is continuous and the right also belongs to us. It may therefore be declared that there shall be no hindrance from the Agency in the exercise of our jurisdiction.

15. The Bayad Taluka is under the subordination of this State. Your Honour is well aware of the fact. However, for the sake of recollection, I beg to state that formerly there had been cases as regards this, wherein in clause 21 of the Minute of Honourable Maherbhan Willoughby Saheb, Modasa (and) Bayed were included in our claim for Ahmednagar as Takhatsinhji had gone to Jodhpur, and it has been directed in the orders of Government No. 971, dated 14th April, 1848, that Ahmednagar and all the Talukas and villages under it should now also be included under the Raja of Idar, as they were before St. 1874, and should be handed over to the Raja of Idar; and now whereas the Junti (management) over this State has been directed to be raised, it should also be directed that the management of the said Taluka which is being conducted by the Agency by Junti, should now be conducted by us, so that the Vahivat (management) of the said Taluka shall be made by us and the Mulki Fozdari cases shall be dealt with before us; and vahivat being conducted by us in spite of the existence of Baiji, we may not remain unaware of any matter or Vahivat and the Vahivat can in future be conducted with ease. Moreover, as most of the rights in the Bayad Taluka are being received from the Collector Sarkar and Zilla also is interested, we may not have to suffer any hardship or loss if vahivat is kindly (allowed to be) conducted by us even in the lifetime of Baiji, and no obstruction may be felt even for precedents. Your Honour will therefore certainly take this fact into consideration and we hope you will kindly direct the Vahivat to be done by us as mentioned above.

16. Moje Vadagam, Patta Modasa, was given to the ancestors of Revar Rajsang by this State on condition of rendering service, and the rights of Ghaddana and Khichdi and the jurisdiction over the said Patta belong to this State. No one else has got the right. But as the ancestors of the said Rehevar performed the service of Shree Darbar well, the Darbar, out of favour, remitted the cash right over the said Vadagam, but the jurisdiction over the said Taluka is being exercised by us, and the fact of the said Pata having been received by the Rehvars from Modasa, has been mentioned in the details of the said Vadgam given in the deeds of compromise (Saluk) effected between Maharaj Shri Gambhirsinhji Saheb and Maharaj Shri Karansinhji Saheb through Maherbhan Ballantyne Saheb in the year 1883. Your Honour knows all these facts. It may therefore be kindly declared that there shall be no interference from the Agency in our exercise of jurisdiction over the Vadagam as usual.

17. All the rights over the village of Moje Timba under Idar, belong to Shree Darbar. Nobody else has (any) right. The jurisdiction over the said village also belong to Shree Darbar. To convince you of the fact, we attach herewith (Appendix L) two copies of Fael Zamin bonds of St. 1854 and 1883 out of the Fael Zamin and Had Zamin bonds

taken by the Darbar from the people of the village. On reading the same you will be convinced of it. It may therefore be declared that there shall be no interference by the Agency in our exercise of jurisdiction as usual.

18. All the rights and also the jurisdiction over the village of Moje Mohor under Idar belong to the Idar Darbar. Nobody else has any right or jurisdiction. To convince you of the fact, we attach herewith as Appendix M two copies of the security bonds of St. 1864 and 1883 out of the Fael Zamins and Had Zamins taken from the people of Mohor, and one copy of the Razimama of the case relating to the goats of Raeka Sada Devkaran of Moje Rampur, Patta Valasan, in all three copies. On reading the same you will be convinced of our jurisdiction over the said village. It may therefore kindly be declared that there shall be no interference from the Agency in our exercise of jurisdiction as usual.

19. The Patta of Tintoi was given by this State to the ancestors of Thakor Kanak-sinhji on condition of service by making them Sarayet. And the said Thakor was made Pattavat among our eight Sarayets. Your Honour knows that our right of service, etc., thereon and all sorts of jurisdiction belong to us. However for recollection, I beg to state, in brief, that after Sarkari management was placed on this State, the said Kanaksang died and Parbatsang being minor, Tintoi was placed under Jupti by Sarkar and Vahivat of the said Patta commenced to be conducted through the Agency. Now Parbatsang's son Dolatsang has become major and Sarkar Shri expressed desire to raise management from this State; so on occasions of (taking) service, etc., according to the practice (Serdha) of Sardar, jurisdiction would be exercised; It should therefore be declared that there shall be no hindrance from the Agency in our exercising authority according to the usual practice. Herewith attached as Appendix N are five copies as under:—copy of Fael Zamin Bonds of St. 1878 and 1902 out of the Fael Zamins taken from them and a copy of Perwana of St. 1902, out of the Perwanas given to them according to the practice of Sardar, and copy of Zaman Khat (security-bond) of St. 1850 undertaking not to collude with Ahmednagar, and a copy of application of St. 1891 received from Kahaksinghji, mentioning that his son would be sent to render service, etc., in reply to the orders made in St. 1891 calling him to attend on service and directing to send their goods to our Khalsa village Isari. You will thereby be convinced of our jurisdiction. It may therefore be declared that there shall be no hindrance from Mahikantha in our exercise of jurisdiction according to the practice of Sardars.

20. Idar Darbar has the rights of Khichdi and Ghasdana over the villages of Sachodar and Pipodar, and the jurisdiction thereon also belongs to us from ancient times. The Prempur Vala has only one-third share in Vaje alone and has no other authority besides that. Both the said villages are under the jurisdiction of this State. It may therefore be declared that no interference shall be made by the Agency in our exercise of jurisdiction as usual.

21. The Idar Darbar alone has the right over Moje Madhua. Nobody except Idar has any right. Moreover the Darbar has one-third share in Mal Vaje also, and so all the rights and jurisdiction belong to this State. You are aware of all the facts. However, to show to Your Honour that our jurisdiction over the said village continued up to A.D. 1856 (the following facts) are stated:—

(1) Koli Khusahl Rasa of Madhua having abused Dafedar Vasanji, he was fined Rs. 3. Ka. Sitaram's report No. 144 dated 10th May, 1856, was received, stating that the amount was got credited at the shop of the Potdar. Copy thereof is attached herewith.

(2) Koli Khushalia of Moje Madhua having committed a theft of a bull of Patel Bhathi of the village Sunderpur under Idar, from the Sim, order No. 1553, dated 14th May, 1856, was sent to Ka. Sitaram directing to get the bull returned and permitting to fine him for the offence. Copy of the order is attached herewith.

Two copies mentioned above are attached herewith as Appendix O. On reading the same you will find that our jurisdiction has continued up to A.D. 1856. It may therefore be declared that no interference shall be made by the Agency in our exercise of jurisdiction as ever.

22. The right of Khichdi and Ghasdana over the village of Moje Fasod under Idar belongs to us and the jurisdiction over the village is also exercised by the State continuously.

A (a) vii.

To convince you of the fact, I beg to state the following from the correspondence that passed up to A.D. 1856 :—

1. There was a complaint of 1847 against the Pagi of Fasod for theft of buffalo of Patel Vala of Moje Madhva ; the case was decided in A.D. 1850, and Rs. 9 having been paid on account of the buffalo, the said Patel submitted a resignation. Copy thereof is attached herewith.

2. Mehta Manchand Malukchand of Vanasan having filed a suit for his dues against Patol Gala Nagji of Fasod, by paying commission (fee). The suit being disposed of, it was declared on 9th July, 1856. Copy thereof is attached herewith.

Two copies as mentioned above are attached as appendix P. On reading the same, you will be convinced of it. It may therefore be declared that there shall be no interference from the Agency in our exercise of jurisdiction as usual.

23. The village of Moje Chandap is under the jurisdiction of Idar State. The jurisdiction of this State over the same has continued from ever up to A.D. 1856. Our Hak (right) and jurisdiction over the said village are continuous since ancient times. To assure you of the fact, the following facts are submitted :—

(1) Two copies of Fael Zamin and Ad Zaman, out of those taken, in Samwat 1863 and Sr. 1892, from Moje Chandap, are attached herewith.

(2) Upon the application of Thakor Bhavansanghji of Moje Verabar, the claim of Patol Deva Ujam of Moje Verabar against Chandap having been decided before the Hazur, a Razinama from the said Patol was taken on 12th February, 1849. Copy thereof is sent herewith.

(3) Criminal cases were pending against Moje Chandap, in the disposals whereof Chandap people having not remained present, Ghameti Nathu was imprisoned, whereupon Gameti Nathu Jetha and Jagu Jetha passed a deed dated 28th February, 1849, undertaking to settle the matter within two months. Copy of the bond together with their Yad is sent herewith.

Four copies as mentioned above are attached herewith as Appendix Q ; on reading the same, you will be convinced that our jurisdiction over the said village is continuous. It may therefore be declared that there shall be no hindrance from the Agency in the exercise of our continuous jurisdiction.

24. Moje Gadhwa is under the subordination of this State and the jurisdiction thereon was continuously exercised by this State, when, in the year St. 1857, Jemadar Farid of Palanpur brought a force and forcibly took possession of the said Patta, and posted his Thanas. The late Maharaj Shri Gambhirsinhji having learnt about it, he sent some good men to Farid and sent word with them, saying that it was quite improper to come to the Patas of our State and post Thanas, and that therefore he should immediately go away with his baggage ; otherwise there would be a battle between you and us ; though remonstrances were thus made with him, he did not heed them and so the persons who were sent, came back. At last the Maharaj Saheb had to go with an army. When the camp was at Mahavad, Farid came to know of it and went away with his baggage to Palanpur. Thereafter, by prospering the Gadhias the Swari of the Darbar came to Idar, but as the Gadhias and the people of the Patta, through fear for Farid, could not keep their minds at ease, they made agreements to pay share to the Darbar in the Gadhwa and by bowing to the Darbar and undertaking to act according to orders, passed deeds of suzerainty and securities for good behaviour, etc. I beg to state the following facts regarding the same :—

(1) One deed dated Maha Sud 2, St. 1859, undertaking to act according to the orders of the Darbar and to render service, etc.

(2) One deed dated Fagan Sud 2 of St. 1859, stipulating a share for the Darbar.

(3) One deed dated Jeth Vad 5 of St. 1859, making obeisance to the Darbar and accepting his suzerainty, etc.

(4) One deed dated Chaitra Vad 14 of St. 1864 of Fael Zamin, etc., taken from the Gadhias, etc.

(5) One deed dated Ashad Sud 2 of St. 1889 *re* Fael Zamin and share, etc.

(6) There arising a dispute between the said Gadhias and their brothers and Kamdars, the dispute was, upon the request of the Gadhias, settled by arbitration in St. 1892 through the Darbar and they accepted the decision and passed a deed with security, undertaking to abide by the same. Copy thereof is attached herewith.

Copies of six papers as mentioned above are attached herewith as Appendix R ; on reading them, you will be convinced of all the facts of our suzerainty and jurisdiction. And the Gadhias having, as above, passed a share to the Darbar in the said Patta, the Darbar placed a Thana for taking care of the said share. Thereafter as Jupti (management) was placed by the Sarkar over the State, our Karkun returned from the Pergunna and Karkuns from the Sarkar went there ; accordingly from Gadhwad also in lieu of Pancholi Jethmalji, (other) karkuns went (there). Thereafter for some time the Vahivat went on as before in the Jupti of Idar, but recently since 1850 A.D. the Gadhwada Karkun addresses the Agency directly, but the said Patta is under the subordination of this State and the right, jurisdiction and suzerainty thereon is continuously ours from ancient times. It may therefore be declared that the orders of the State should be carried out as usual and that no interference shall be made by the Agency therein.

25. The Patta of Hadol is under the subordination of the Idar State and the Darbar has the right of Khichdi, etc., and a share also thereon. The jurisdiction over this Patta is permanently of this State. To convince you of the same, a copy of the deed of share of St. 1864 and a copy of the Fael Zamin bond out of those taken in St. 1883, in all two copies are attached herewith as Appendix S. On reading the same you will be convinced of our ancient jurisdiction.

Now the share and Khichdi of this Patta was given to the Thakor of Undni by the Darbar Shri, on condition of rendering service, and after management was placed on the State by the Sarkar, the said Thakor applied to the Agency and obtained Jupti also on Hadol. So the Vahivat is now-a-days conducted by the Agency. But now, as the Sarkar has thought to remove the management from the State, it should be declared that the jurisdiction over the said Hadol Patta also should be restored to this State and should be exercised by this State as usual, and that no interference shall be made by the Agency therein.

26. The Patta of Moje Valachana is under the subordination of this State ; and when Jemadar Bacha came from the Gaekwar Sarkar on Mahikantha Mulgari (Mulgiri expedition), he made (forced) a share in the Patta in the year St. 1866 and posted Thanas, whereupon the Darbar made endeavours and got the said Jemadar's share cancelled in the year St. 1868, and gave the said share to Thakor Narsangji of Undni, which after being enjoyed by him for 10-11 years, was thereafter resumed by the Darbar. The fact is well-known to all.

Now the said Patta being in subordination of this State, the entire jurisdiction belongs to this State. Management was placed on this State in A.D. 1836 but the jurisdiction has continued according to the ancient practice, up to A.D. 1856. Now-a-days Maherban Whitelock Saheb of Mahikantha having entertained unfavourable attitude towards this State, the Saheb Bahadur has commenced to carry on the work of the said Patta directly through him, but the jurisdiction of the said Patta is of this State. To convince you of the same, I beg to state the following :—

(1) There was a complaint by Potter Joita Bhavan of Moje Lakh under Ambaliara for a theft of his ass against Ravalia Ramla of Valachna and others. The case being decided, Rs. 6 of fine of the complainant were recovered in Jupti ; The Yad of receipt thereof from the Jupti Daftar, is dated 15th September, 1851. Copy is attached herewith.

(2) There was a complaint against Rathod Mana Kushal of Valachna for his having assaulted with drawn sword, Patel Hira Vala and others of Moje Valachna. The case having been finally decided, he was fined Rs. 1, looking to his condition, and the amount was credited with the Potdar. Copy of the receipt of the Potdar is attached herewith.

(3) Carpenter Ratanji Jiva of Mau filed a suit for his dues against Ghanchi Amila Khanji of Valashan. The claim being settled, Umedram Kalidas on behalf of Carpenter Ratanji submitted resignation on 10th July, 1850. Copy thereof is sent herewith.

(4) Sanghvi Rarachand Manekchand of Idar filed a suit for his dues against Mehta Hira Virchand of Valashana ; The same was decided before the Hazur and Rs. 7-10-9 on account of Choth were credited at the shop of the Potdar and intimation thereof was received from the Jupti Daftar on 12th August, 1850. Copy thereof is sent herewith.

Four papers as mentioned above are attached herewith as Appendix T. On reading the same you will be convinced of our jurisdiction continuing from ancient times. It may therefore be kindly declared that there shall be no interference from the Agency in the exercise of the jurisdiction.

A (a) vii.

27. The three Pattas of Mohanpur, Ranasan and Rupal were given to Rehvars by the Idar State on condition of rendering service. The right thereon and even the jurisdiction belong to this State. Whoever may succeed to the Gadi of the said Pattas must pay Nazrana to the Darbar, and then he would be given a sword and Sirpao and thereafter he can be called "Thakor"; otherwise they do not become entitled to Thakarat. Moreover, if holders of the said Pattas would die issueless, the Patta would revert to the Idar State. Moreover, when the said Rehvars be called to attend duty, they are bound to present themselves. Thus the rights and jurisdiction of all sorts belong to the State. As regards that, the Agency having enquired of the said Pattadars about the State's right and jurisdiction, the Munjpur, Ranasan and Rupal people had submitted their replies to the Sarkar on Fagan Sud 12 of Samvat 1879. Two copies thereof are with the Darbar Shree, which are sent herewith as Appendix U. On reading the same your Honour will find that the said Pattas were received from the State and that the jurisdiction thereof is permanently of the State. It may therefore kindly be declared that there shall be no obstruction therein from Mahi Kantha.

28. When Sisodia Vasaji, ancestor of Sisodia Laxmansinh came here from Udeipur, the Pattas of Moje Dadhalia and Bayad were, from the Idar State, given to him on condition of service, by the Darbar Shri. He having not remained vigilant in service, the Bayad and Dadhalia Pattas were taken back. The said Shishodia submitted application to the Darbar stating that he left Mewar and came to the shelter of the Darbar and that by the grace of the Darbar his reputation has been established, and consequently he even formed relationships in this Prant, and now when his Patto has thus been taken back all of a sudden, how can he preserve his reputation? That he would therefore, even lie at the Gate of the Darbar and (still) if he is not given his maintenance, we being master, may do so. He having entreated as above, the Darbar, out of favour, gave him the Dadhalia Patto on condition of service and resumed the Bayek Patto. Thus the said Patto was received by Shishodia from Idar and hence the entire suzerainty over it is of the Darbar Shri since ever. To convince you of the fact that the ancient right and suzerainty over Dadhalia is continuously of this State, a copy of the application received from Shishodia Raisinghji of Dadhalia is attached herewith as Appendix V. On reading it you will be convinced of the fact. It may therefore be declared that there shall be no obstruction from the Agency in our exercise of powers according to the ancient Vahivat.

29. The Patto of Moje Sudasana is of the subordination of this State. Jurisdiction thereon is continuously of this State since ancient times. To convince you of it, a copy of a Zamani Khat (security-bond) of St. 1864, out of the Fael Zamins and Had Zamins taken from the said Sudasanawala, is attached herewith as Appendix W. On reading it, you will be convinced of the ancient and continuous jurisdiction of the State. It may therefore be declared that there shall be no interference from the Agency in our exercise of jurisdiction as usual.

30. Vakhtsang, the ancestor of Makwana Harisang of Moje Vakhtapur was the brother of Ilol and he has got Moje Rangpur from Ilol in his share as brother. Thereafter he joined the service of Maharaja Shri Shivsindhji Saheb. The Maharaja Saheb graciously gave him the Patto of Moje Hansalpur, Vakhtapur, Virpur from the Khalsa territory of Idar in the year Samvat 1825 on condition of rendering service. The fact is well-known to all. And the said Makwana was obeying the orders and performing the service of the Idar Darbar as usual, meanwhile during the minority of the late Maharaja Saheb Gambhirsindhji, the Maharaja Saheb's uncle Sagramsanghji went out and encroached upon Pergunnas. Along with it, the said Patto also was taken under Ahmednagar and so Mulaji, the father of the present Thakor, used to render service at Ahmednagar; and at present the Darbar used to exercise jurisdiction over them. Thus the said Patto was given from the Khalsa territory of our State. It may therefore be declared that there shall be no interference from the Agency in the exercise of jurisdiction by this State according to the ancient practice.

31. The Pattas of Ilol, Prempur, Kadoli, Sedhvala, Hapa, Reghrota, Najpur, Derol were given by this State to those people on condition of service, and the jurisdiction used to be exercised by the Idar State. The fact is well-known. Thereafter, owing to the minority of the late Maharaj Shri Gambhirsindhji, the Maharaja Saheb's uncles took possession of Pergunnas, wherein the said Pattas also went under Ahmednagar and they used to perform service of Ahmednagar. To convince you of the fact, a copy of the Fael Zaman bond of Moje Ilol, dated Samvat 1877, out of the Fael Zamin bonds taken in ancient time from those people, is attached herewith as Appendix X. On reading it, you will be convinced of the fact. It may therefore be declared that there shall be no interference from the Agency in the exercise of jurisdiction by this State now.

Kakaji became aloof from the State and encroached Ahmednagar and other Pergunnas and the Idar Maharaja Saheb Gambhirsinhji was then minor. During the period of such chaos, the above-mentioned Kantha Valas, with the object of paying less amount than what they paid to us on account of Ghasdana, began to pay Ghasdano direct. As a matter of fact, in ancient times they did pay the amount along with that of this State. To convince you of the fact, the following particulars are given from page 227 which is the account of Barot Jaskaran, dated Jeth Vad 12 of Samwat, 1849 :—

538 Moje Majpuri.	3125 Moje Ilol.
725 Moje Gharota.	865 Moje Hapa.
1395 Moje Vakhtapur.	641 Moje Sedhavada.
901 Moje Kadoli.	772 Moje Derol.
401 Prempur.	

Thus the amounts have been recovered along with this State. The account of the said one year, out of them, is sent herewith for your perusal, which will convince you that the jurisdiction and right over the said Talukas belong to this State.

Thus, as mentioned above, the Sardars, Pattavats, Bhomias, etc., were given villages and Pattas by this State. Moreover the rights and jurisdiction over them are being continuously exercised from ancient times up to this day by this State, which is narrated in brief for your perusal.

Now, this is a matter which should be done at ease and if it be so done, there would remain nothing to be mentioned. But you have directed (to submit the same) within a short time and besides, when facts have to be submitted by confining them in the form of a letter, only the points have been shown. No doubt may therefore be entertained on that score.

In this matter, some Thakrats pay Ghasdana direct to the Agency, but it should not thereupon be considered by Your Honour that such Taluko is aloof from this State. If you will look to the ancient Vahivat, you will find that those Thakrats are under the subordination of this State, because the Ghasdano of all the Talukas used to be levied by the State, when during the time of minority of Maharaj Shri Gambhirsinhji Saheb, the Maharaj Saheb's uncle Maharaj Shri Jalamsinhji and others went out and encroached Ahmednagar, etc. During that period of chaos and the minority of the Ruler, their amounts having been paid less, remained (in arrears ?) and they, with the object (of paying less) began to pay direct, but thereby they cannot become aloof from the State, because the original Jagirs were received (by them) from this State on condition of rendering service and consequently the right of service (subordination) cannot cease. This representation would become very bulky if all the accounts of all the Thakrats, showing the recoveries of Ghasdana by this State, be attached herewith, and hence only one year's account from the Khata of St. 1949 of the Thakrat of Kantha alone, out of the recoveries made by this State, has been produced, and that would show to you that formerly the Ghasdana used to be paid by Idar. The Saheb Maherban should therefore entertain no doubt as regards separate Ghasdana.

Here I beg to remind you of one thing, that the Rehvars of Mohanpur, etc., pay Ghasdano separately, but they have submitted a reply to the Sarkar on Fagan Shud 12 of Samvat 1879, copy whereof is attached as Appendix U, referred to in paragraph 27 above, relating to Munjpur, etc. In the said reply it has been clearly mentioned that if the Pattadars would die issueless, the Patto would revert to the Raj of Idar. Thus the Saheb Maherban should bear it in mind that by separate payment of Ghasdano, nobody can become aloof from the jurisdiction and ownership (suzerainty) of the State. You will not therefore take the matter of Ghasdana into any consideration.

As regards Ghasdana amounts of certain Thakrats of Idar State which are recently paid direct to the Sarkar, if the Sarkar desires that it would be proper to receive the amounts through the State, there would be no objection in doing so, because the amounts of all the Thakrats under this State, formerly used to be paid together, and so there would be no objection in paying accordingly.

You may think that the Ghasdano is of Gaekwar Sarkar and so jurisdiction over them is separate, but that is not the case. From the very beginning the suzerainty and ownership are continuously of this State. The Subas of Gaekwar Sarkar, who used to come (here), merely settled Ghasdano and went away. They never used to interfere in any other jurisdiction. Your Honour knows the fact.

A (a) vii.

If in spite of the suzerainty and ownership being thus of the Idar State, the Sarkar may hesitate in handing over our jurisdiction to us, the Idar State would not (be able) to attain the importance (dignity) of a State.

The reputation of the Idar State is equal to that of Jeypur, Uderpur, Jodhpur. And the Government desire to preserve it accordingly. So, by handing over the jurisdiction of this State, continuously enjoyed and being enjoyed by it from ancient times over the Bhomias and Sardars, etc., the Domangiri (guarantee) of the Sarkar will thereby be effected and the status (Izat) of this State which is equal to that of the said States, will thus be preserved.

At the time when Jupti (management) was placed over this State, Maji Saheb Shri Chavdiji Saheb, apprehending that the equal status (of this State) with the above States may be affected, raised strong objections in the Agency. At that time the Government gave a promise to make improvements in the State and hand it back with its ancient suzerainty. I am therefore fully confident that the Sarkar will not but agree to my request.

By holding Admednagar as joint with the Idar State, the Bombay Government, in Yad No. 971 dated 14th April, 1848, directed, that before A.D. 1784, Idar and Ahmednagar were joint and they should accordingly be amalgamated and placed under the Raja of Idar. Moreover in your address on the said Yad, you have stated that the rule of Maharaja Javansinhji should now be understood to be just as it was in the time of Maharaja Shivsinhji of Idar. I am, therefore, confident that the Sarkar will not at all deviate from their word.

In paragraph 7 of the Proclamation of Her Majesty the Queen Empress, it has been declared that "we would not allow anything that would tend to affect the territories and rights of others," etc. It is therefore hoped that the Sarkar will certainly give relief to us.

We are Damangir of the Sarkar and so the Sarkar is very willing to do whatever that would increase our dignity. The Sarkar Shri well knows that we have according to the directions of the Sarkar conducted the administration and behaved loyally. You will, therefore, certainly allow our above request.

The Sarkar knows that in the present times whenever the Agent Saheb of Mahikantha made demands for arrangements being made of Nakabandhi (custom-posts), etc. and for arrest of culprits and giving help of Saranjam to the Agency, they have been met with without delay and Bandobast has accordingly been kept and the orders of the Sarkar have been carried out and whenever any of the culprits was found he was arrested and handed over to the Agent Saheb.

In the present times, the States of Jeypur, Udeipur, Baroda, etc., having, according to their capacity, remained devoted in service to Government, they received remuneration from the Ganj Baksh Sarkar (paramount power) with high reputation and increase of Roti (?).

We also wish, and are confident, that the Sarkar, taking into consideration our service (and) devotion, will grant our rights and jurisdiction, which have continuously been enjoyed from ancient times up till now, as mentioned above.

The above facts are submitted before Your Honour, which may fully be taken into consideration and arrangements may be made that the ancient rights and jurisdiction of this State which have been continuously exercised and are being exercised over the Thakors, Thakrais, etc. of the Idar State, be so exercised under Idar, and an assurance be given from the Sarkar that hereafter there shall be no interference from the Agency therein, and when Jupti (management) would be raised along with these explanations, our loyalty to the Damangiri of the Sarkar will look full well and the fame of the Sarkar for the protection given to us will know no bounds. I may, therefore, be favoured with a detailed reply that, while the management will be raised along with it, the above arrangements will be made. We hope to be always getting letters (from you) and wish you health.

Dated 9th April, 1859 A.D., corresponding with Chaitra Sud 6th of Samvat 1915, Camp Idar

Signature in English of Shree Darbar.
RAJU KARBHARI KEVALRAMJI.

Translated by me,
SAKERLAL BHINJI RUPAIN,
Authorized Translator.

EXHIBIT 90.

(Translation from Gujrati).

COPY OF NO. 1007 DATED 14-4-59, FROM EX-JUPTI BOOK NO. 2 OF A.D. 1859
OF THE OFFICE OF THE POLITICAL AGENT MAHIKANTHA.

No. 1007.

TO MAHERBAN DOSTAN MAHARAJ SHREE JAWANSINGHJI, IDAR STATE.

This is to write that we have received your letter No. 1717, dated 9th instant, in which you have stated facts in details as regards jurisdiction. It is not thought necessary to reply to every clause of it.

The rule of the Idar Darbar shall in future also remain just as it was in the time of the late Maharaj Gambhisinhji, when the Sarkar's Government was established in Mahikantha. But at that time when it was arranged to recover Gaekwar Sarkar's Ghasdano from certain Talukdars of Mahikantha, the Sarkar has given assurance to all the Talukdars that the Sarkar's hand (sovereignty) shall remain on all (and that) no suzerainty of any sort from any one else shall prevail. It has therefore been decided that over the Talukdars who pay Ghasdana direct and over whatever villages that may be under them, no suzerainty of any one else except that of the Agency shall be enforced. You should not, therefore, exercise jurisdiction over those villages who are paying Ghasdano direct. Besides that, the entire territory under the said State has been handed over to your subordination.

When full Bandobast of managing the affairs (of Shamlaji) shall be made by your Darbar (State) and when we will be informed accordingly (by you), the Thana of Shamlaji will be raised.

For management of the share owned by your Darbar (State) in the Talukas of Ghadvala, Valasan, Hadol, etc., which pay Ghasdana, the Karkuns shall remain as they at present are, and they shall recover the right of the Darbar and conduct the Fozdari Mulki administration according to the decision of the Agency. If there is any explanation to be taken in the matter, the same may be stated in writing.

The Jupti that is on the Likhi Taluka, is merely for the protection of the Thakor, but the Fozdari jurisdiction is of the Darbar.

There is Jupti on Bayad. The same shall continue till the lifetime of the Bai. Things shall therefore go on till then as they are at present going on.

As an advice to you, it is written that the work of (exercising) jurisdiction that has been entrusted to you is not a small matter. If, therefore, you will exercise the same with mature consideration and with a cool mind, matters shall go on well; otherwise it is a source of disputes. We shall be pleased always to receive letters from you.

Dated 14th September, (?) 1859 A.D., Camp Pavagadh.

(True copy.)

Signature in English,

HAZUR DI ASSITT,

Political Agent, The Daftarkhana Mahikantha.

Compared by—

*Signed in English,*and SHANKERLAL GIRDHARDAS KARKUN,
at the Record.

Translated by me—

SAKERLAL BHINJI RUPAIN,

Authorized Translator.

EXHIBIT 91.

(Translation from Gujrati.)

Outward No. 2696.

Me. Na. Di. Mulki Da. No. 12.

Fe. No. 3

Bahamishi.

TO MAHERBAN VALI (GUARDIAN) SAHEB.

This is to write that I have received your letter No. 1007 dated 14th April, 1859, wherein you directed as under : "you stated facts in details as regards jurisdiction. It is not thought necessary to reply to every clause of it. The Idar Darbar's rule shall in future also remain just as it was in the time of the late Maharaj Shri Gambhirsanghji, when the Sarkar's Government was established in Mahikantha. But at that time when it was arranged to recover Gaekwar Sarkar's Ghasdano from certain Talukdars of Mahikantha, the Sarkar has given assurance to all the Talukdars that the Sarkar's hand (sovereignty) shall remain on all (and that) no suzerainty of any one shall prevail. So the suzerainty over the Talukdars who pay Ghasdano direct shall be exercised by the Agency and the remaining entire territory under the said State has been handed over to your subordination." As you ordered as above, you mentioned the following villages as under the State :—

1. Posina.	1. Vandiol.	1. Kuski.
1. Polo.	1. Likhi.	1. Karcha.
1. Vanzar.	1. Dhambolia.	1. Dhoyada.
1. Dedasan.	1. Samera.	1. Vakhtapur.
1. Nandesan.	1. Gazipur.	1. Vadagam.
1. Mori.	1. Jalia.	1. Bolundra.
1. Vehrabar.	1. Timba.	1. Degamda.
1. Sunak.	1. Pal.	1. Ged.
1. Mohor.		

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You considered the above villages as under this State. The following are the particulars of villages besides these, which have been mentioned in the letter :—

1. Chandap.	1. Ranasn.	1. Rupal.
1. Munjpur.	1. Dadhalia.	1. Sachodar.
1. Pipodar.	1. Ghadvada.	1. Madhva.
1. Hadol.	1. Valasna.	1. Sudasna.
1. Vaktapur.	1. Fechood.	1. Hool.
1. Prempur.	1. Kadoli.	1. Shedhavada.
1. Derol.	1. Dedhrota.	1. Tajpuri.
1. Hapa.		

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Now I beg to state details about the above-mentioned villages regarding which you showed contention :—

1. Nobody else except Idar Darbar has any right over Moje Sachodar Pepodar. So, as directed in your first paragraph, you have treated the suzerainty over the said villages as under this State. Prempur-Shedhavada have share in Vaje in the said village and such share in Davad also, but the suzerainty is being exercised by the State. Moreover the right of Khichdi over Prempur, etc., is of the Darbar. So there remains nothing to write to you again as regards the said villages. But now-a-days, the Thandar of Saberkantha exercises authority over the said villages and it having not been intimated by you to the Thandar that the authority over the said villages shall be exercised by the State and it having not been written by a separate paragraph, it has been thought necessary to again put forth our demand as regards the said villages, and hence this clause has been added. You will therefore arrange to write to the Karkun of Savarkantha and inform us in reply to this letter, so that the Mulki Fozdari administration of the said villages can be kept from here. You will therefore kindly send us a reply as requested.

1. All the Hak over Moje Modhva belongs to Idar Darbar. Idar Darbar has also got one-third share and criminal jurisdiction over the said villages has been exercised by this State up to 1856, but recently the Agent Shri, having directly exercised jurisdiction over the village, you may have directed that the same be exercised by the State, but the said letter does not mention the fact that it has been so written to the Assistant Saheb and so I again seek the explanation. You will therefore, send the explanation, so that the Mulki Fozdari administration over the said village may be taken in hand.

1. The Ghasdana and Khichdi over the village of Moje Fachod under Idar belongs to the State and the Mulki Fozdari Amal (jurisdiction) over the said village was exercised by this State up to 1856, but recently the same is exercised by the Agent, Shri. You may have written to the Assistant Saheb that the same is to be exercised by the State, but the said letter does not mention the fact that such order has been sent. I have therefore to again trouble you. You will therefore kindly send explanation of the matter so that the Mulki Fozdari jurisdiction over the said village may be taken in hand.

1. The village Moje Chandap is under the jurisdiction of the State and we have also the right of Khichdi over it, and the Mulki Fozdari affairs have been conducted (by us) up to 1856; moreover the jurisdiction is being exercised since ancient times, in respect of which, the facts with precedents have been submitted before you in the former letter.

Now the Ghasdana over the said village is now-a-days recovered separately. Or (?) the Vahivat thereof being conducted under the Idar Darbar, as has been done till now and only Ghasdana being recovered as it was formerly done, there would be no objection. However, if Saheb Maherban feels any doubt about it, the amount of the said village may be recovered along with that of the State. In short, our continuous jurisdiction should not be affected in the least. The Ghasdana may therefore be recovered according to your will and our suzerainty should be handed over to us according to the ancient (right). The Assistant Agent Saheb may therefore be addressed in the matter and we should be given a clear reply, so that arrangements can be made to take over the Mulki Fozdari jurisdiction over the said village under our subordination.

1. As regards Moje Ghadvala and Hadol and Vanasan, it has been directed in paragraph 3 of your said (letter) that "those Talukas pay Ghasdana; your State has a share therein. For the management thereof the Karkuns shall remain as they are at present, and they shall levy the Darbar's right and shall conduct Fozdar Mulki administration according to the decision of the Agency and if there is any explanation to be taken in the matter, the same should be stated in writing."

Now, in this respect, I beg to state that the said three Talukas are part and parcel of this State; Mulki Fozdari authority thereon was continuously exercised (by us) and the same continued up to 1850 and 1856, after which the same is exercised by the Agent Shri. There is the direction in the first paragraph of your letter that the rule of the Idar Darbar shall in future also remain just as it was in the time of the late Maharaj Shri, Gambhirsinhji. Now the suzerainty over the said Taluka since that time up till now is being exercised by the State. Moreover, in the documents of those people that have been executed, the suzerainty of all sorts has been written as being under this State. Moreover, instances of cases having proceeded, decisions having been made, fines having been recovered, under the State, have been sent to you. Moreover, you are fully aware that the suzerainty was being exercised by this State from ancient times; it was only Maherban Whitelock Saheb who took the work in his own hands for taking the trouble, but at that time there was Jupti over the State and so he could do as he liked, but now, if after the Jupti is raised, the same may be conducted separately, the jurisdiction of the State would be affected. And you are also aware that our Thandar used to be kept from ancient time over the said Ghadvada. You will therefore kindly do the favour of sending over the Mulki Fozdari affairs of the Taluka to the State.

Now I beg to submit the following as regards the Ghasdana over the said Taluka, which is levied separately, which you will take into consideration:— I am prepared to pay the Ghasdana of the said Taluka to the Agent Shri through the State. In case you may take Shan (?) separately from them, it depends upon your will, but if there is any obstruction as regards the same, we are prepared to pay the Ghasdana. Therefore the jurisdiction over the said Taluka, which is being continuously exercised by us from ancient time, should be handed over to us by Maherban Saheb. You are old and experienced (officer) of this Province and you are handing over our authority to us with your own hands. Therefore, whatever rights and authority of us, you will hand over to us, shall continue as usual without any disturbance; and if there shall remain any obstacle at your hands in it, nobody else will be able to set it right. Please, Sir, your Honour will therefore take all the facts into consideration and hand over to us the jurisdiction over these Talukas which belongs to us.

1. The villages of Mohanpur, Ranasan, Rupal, Dadhaia, Sudasna, Vaktapur, Ilol, Prempur, Kadoli, Sedhavada, Tajpuri, Dedhrota, Derol are under the subordination of this State and the suzerainty over the same was being exercised by this State from ancient time. All these facts have been mentioned with proofs in the former letter to

you, whereupon you have directed that as in the time of the late Maharaja Saheb Gambhirsinhji Saheb, it was decided to levy Ghasdana of Talukdars separately, the Sarkar gave assurances to all the Talukdars that the Sarkar's hand (Sovereignty) shall remain on all and no suzerainty of any sort from any one else shall prevail. Now in this matter it is to be submitted before your Honour that this much is understood from your said writing that the Sarkar took into consideration (agreed) that the ancient suzerainty was of the State, but as the decision of levying separate Ghasdana was made in the time of the late Maharaj Shri Gambhirsinhji Saheb, the Sarkar now keeps an eye on the said decision.

Now, in this respect we have to submit that you should kindly send us copies of whatever settlements and writings that may have been passed in the matter in the presence of the late Maharaj Saheb Shri Gambhirsinghji Saheb, so that inquiry can be made into the matter, and I can submit what I may have to, before the Saheb Maherban. Therefore copy should kindly be sent. It is necessary to trouble you as regards the said Talukas, because all the said Talukas have been received by them from the Idar State and they have been treated from ancient times, to be under this State, and so if any Taluka (holder) dies issueless, the reversionary rights belongs to the State and the same would therefore revert to the State.

We are Malik (owner—suzerain) of the said Talukas and the said Talukdars look to us as such. Moreover, when the Thakor of the Taluka becomes Thakor from the position of Kunvar, they assume that position after they pay us Nazrano and after a sword is given by the Darbar to him. If, in spite of this, you will think to set aside our suzerainty from those Talukas, we would certainly be very sorry and much aggrieved to see the rights and jurisdiction acquired by our ancestors, marching to an end in our time. But I am confident that you are fully acquainted with the present affairs and a sympathetic officer, and you would be the last person to in any way disturb our just and real rights. Since the time the Gaekwar Sarkar introduced the right of Ghasdana in this territory, they used to levy only the amount of Ghasdana, and no other right or suzerainty on their part has prevailed. Similarly the present Government also may not be desiring to transfer under it any right or jurisdiction, except the right of Ghasdana. The Saheb Maherban should therefore bear in mind our rights.

Now, in Mahikantha, the Gaekwar Sarkar has the right of Ghasdana and the rule of the Agent Shri also is identical with the Gaekwar Sarkar. In case the British Sarkar may not be in existence, there is the Nek Namdar Sarkar Ganj Baksh, and so we have no apprehensions, but Gaekwar Sarkar is Samsthanik (local ?) and so we feel great apprehensions for the future. We have, therefore, to trouble your Honour to hand over our rights and jurisdiction to us.

To convince you that Idar is the owner of heirless property, we have sent with the former letter a copy of the reply to the Agency submitted by persons of Manpur, Ranasan, Rupal. You may have been convinced thereby.

Now, by deciding the right as separate, the jurisdiction would cease and by discontinuance of jurisdiction, the territory would pass off (from our hands). How can suzerainty of us, as owner of the territory, be enforced. This fact may therefore be minutely considered and our rights and jurisdiction should be handed over to us. If the Sarkar so desires, we shall pay the Ghasdana of the said Talukas along with that of the State; in case the Sarkar desires to keep it separate, ten years' average be taken and Dasoto be fixed, but the Fozdari Mulki administration of the said Talukas should be conducted under this State, so that our rights may not be affected in any way. The Sarkar also does not lose anything thereby. Just as those Talukas shall act under our subordination, in the same way there is Sarkar's authority over us. Thus on the whole all became subordinate to the Sarkar; so the Agent Saheb Shri has not to suffer anything. The said fact may therefore be taken into consideration and the matter may kindly be explained.

Taking into consideration the facts mentioned in detail as above, and taking into consideration also the fact that when our State was taken under management the Sarkar has given assurance to hand over to us, when I would attain majority, the State with all the rights and jurisdiction, order should be given to hand over to us our above-

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mentioned real places of our suzerainty, which have remained to be handed over to us with clear explanations. Please write letters and news.

Dated 4th June, 1859, A.D., Camp Idar.

RAJU KARBHARI KEVALRAMJI,

Signature of Shree Darbar in English.

Copy taken down from the original by MAGAN PUNJIRAM, Daftari Karkun.

Translated by me,

SAKERLAL BHINJI RUPAIN,

Authorized Translator.

EXHIBIT 92.

No. 865.

TO MAJOR WHITELOCK, POLITICAL AGENT, MAHI KANTHA.

With compliments. While I was encamped at Tintoi, Rehwar Dolatsingh of Mohanpur made a request to me to go to Mohanpur for installing him on his Thakrat, whereupon I directed that he should fix a Mahurat (i.e., auspicious day) for the installation, make all preparations for it and give intimation to me after which I would proceed there. He having accordingly made preparations and fixed the Mahurat of Maha Vadi 11th, for the purpose, his Kamdar Jaluji presented himself before me to give invitation.

Now, as your camp is shortly to be at Idar and as I ought to be present during your stay there, I can go (to Mohanpur) after you have left (Idar). I consequently directed the Mohanpur Kamdar to fix another Mahurat. He said that no other Mahurat except Maha Vadi 11th was available in the current year while the next year was a Sinhasth year, that all preparations of requisite things had been completed, that if Shree Hazur would not come, they would suffer a loss on that account, and that it was therefore essential that the Hazur be pleased to come.

The difficulty represented by the Kamdar as above appeared to be a real one. Moreover, I had already given my consent to go there. There being no help, therefore, I have decided to go there on the Mahurat day of Maha Vadi 11th, and have allowed the Kamdar to return.

Now, I write to inform you that when I leave from here, I will visit you at your present camp or at Idar and then proceed (to Mohanpur) to instal Rehwar Dolatsingh as Thakor on the above Mahurat and will come back immediately.

Dated 17th February, 1861, A.D., Camp Khed, Brahma.

(Signed) JEWAN SINGHJI,

Maharaja, Idar State

(True Translation.)

(Signed) J. K. SANDYE,

For Dewan, Idar State.

EXHIBIT 93.

PRATAP PALACE, HIMATNAGAR, 17TH OCTOBER, 1918.

CONFIDENTIAL.

MY DEAR COLONEL BEALE,

Before I reply to your confidential D.O., dated 22nd April last, I would request you to kindly convey my best thanks to the benign Government for affording the Ruling Princes of India an opportunity to give expression to their feelings on so important a point concerning their rights, dignities and privileges they hold so dear, which have been secured to them under treaties with the British Government. The free and frank discussion of such matters is bound to bear extremely good results and I have much pleasure therefore in availing myself of this occasion to bring to the notice of the Government the following points relating to such rights, dignities and privileges of the Idar State.

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2. This State was first brought into contact with the British Government in 1811-12, when the settlement of Mahi Kantha was effected under orders of Government by Lieutenant-Colonel Ballantyne on the lines of Colonel Walker's settlement of Kathiawar in the year 1807-08 (*vide* Bombay Government Selections No. XII, Captain Keily's Report, pages 6 and 7, also Aitchison's Treaties and Engagements, 1909 Edition, Vol. VI, page 275).

3. In 1811-12 Security Bonds were taken from the Chiefs of Mahi Kantha just as it was done in Kathiawar which, while generally requiring those Chiefs to pay up the dues of the Gaikwar regularly and to maintain peace in their respective territories, guaranteed to them the full enjoyment of the rights and possessions which they enjoyed at that time (*vide* Government letter No. 549, dated 19th April, 1831, and Mr. Aston's judgment, dated 18th July, 1888, in the Kotha Guarantee case).

4. The document of 1811-12 is therefore the Treaty which was executed between this State and the British Government.

5. What the rights and possessions of the Idar Darbar were in those days will be found from the report of Major Miles which was prepared by that Officer in 1821 under orders of Government. According to the list transmitted by him to Government, the dependencies of Idar were comprised at that time of "the Putas of the Bhayat or relations of the Raja; his Putavuts or Putayuts; those of the former Raos of Edur; the Kolee Chieftainships in their neighbourhood; and the districts of Malpoor, Pola, Danta, and Gudwara;" (see Government Selections No. XII, page 101). Among the Pattawats or grantees of the former Raos of Idar¹ are mentioned the following (see Government Selections, page 102):—

1. Pal	Pattawat Rathore.
2. Walasuna	" "
3. Gamboee	" "
4. Mohunpoor	Pattawat Rehwar.
5. Surdoee	" "
6. Gorewara	" "
7. Ropul	" "
8. Runasan	" "
9. Dudhalia	Pattawat Sesodia.
10. Kooski	Pattawat Dabhi.
11. Dhurul	Pattawat Waghela.
12. Poseena	" "
13. Kuntaloo	(then held by the Ahmednagar Chief).

The use of the word Pattawat in respect of all these by Major Miles is intentional and not without significance. It betokens the position and status which these estates held in 1820 in relation to Idar—the position of a grantee towards its feudal lord and grantor to whom they are subordinate and of whose territories they form an integral part. But of these Nos. 1, 6, 10, 11, 12 and 13 only are now included in this State.

6. All of them, however, owed allegiance to Idar as its feudatory estates. Over the Pattas or granted estates of Mohanpur, Rupal, Ranasan, etc., especially, the Idar Darbar possess extensive rights a fact which will conclusively be proved by a reference to the statements of the then Thakores of Mohanpur, Rupal and Ranasan which they made before Colonel Miles at Palanpur in 1830. On being questioned by that Officer as to what rights the Maharaja of Idar possessed over his Taluka, the Thakore of Mohanpur described his status as a Bhoomia Chief subordinate to Idar in the following terms:—

"1. My estate must pay Foj Khichari cess whenever the Foj after preparing itself in Idar for active service proceeds from it into the districts. The cess is not to be paid otherwise.

2. My estate pays Salami from year to year according to the amount settled before.

3. Whenever the *Idar Darbar may summon me to render service, I must obey the summons* and as long as I continue in his service it must provide me with rations and grain for my horses; and when returning home after taking my leave of it, it must reward me and my Karbhari with Sirpavs and then dispense with my services.

¹ Polo by itself has never had any Pattawats, so Major Miles in describing them as Pattawats of the Rao of Polo evidently means holders of estates granted by ancient Raos of Idar whose descendants are now Raos of Polo.

4. On the installation, as Thakore on the Gadi of this estate, Tiko is paid by him to the Idar Darbar according to the means of the estate. *The Idar Darbar then ties a sword round the waist of the new incumbent, instals him on the gadi and presents him a Sirpav.*

5. When the Rehvars left the Tarango Fort and my elders came to Idar, *they were granted Pattas* (Sanands) by virtue whereof their descendants may enjoy the land of the Rehwar, or give it away or sell it off and in the event of their family becoming extinct the said land should revert to the Darbar.

6. I should not associate with the offenders of Idar, nor should I harbour them within the precincts of my estate, neither should I help them."

The replies of the Thakores of Rupal and Ranasan also were to the same effect.

7. It will be noticed here that in 1822 when Major Ballantyne had been sent to Mahi Kantha with the express object among others of *settling the territories of the Raja of Idar*, he also confirmed Major Miles' statement and included these estates among the territories of the Raja of Idar. These investigations and enquiries took place under orders of Government in Maharaja Gambhir Singhji's time—the Maharaja who had entered into treaty with the British Government in 1811-12. There can be therefore no evidence more conclusive in proving the rights and possessions which Maharaja Gambhir Singhji enjoyed in 1811-12, than the testimony of these documents whose weight and authority it is impossible for any one to deny.

8. In 1833 when Gambhir Singhji was at the point of death, he entrusted the charge of his infant son to the care of the British Government "rightly judging that this was the only way by which the machinations of his Chiefs could be subverted and the integrity of his son's possessions preserved." The British Government generously accepted this responsibility which the dying act of a trusting friend had thrown upon them, for in 1837 when "the gross mismanagement of Edur State, exposed to the rapacity of unprincipled Chiefs and Karbharis, together with the helpless condition of the young prince, induced the Rani to apply to the British Government for help," the task was undertaken quite willingly and not without assuring the Dowager Maharani that the rights and privileges of her minor son would be scrupulously guarded by the Paramount Power in whose good faith and friendship her late husband had put so much trust.

9. Subsequently, when the minor Prince attained majority and the British Government, who had up to this time so carefully discharged the functions of a benevolent guardian, returned the trust to its rightful owner, the act was accompanied with the repetition of the same assurance to their quondam ward. For Major Wallace, the Political Agent, in his letter No. 168, dated 28th March, 1859, assured the young Maharaja that all his rights and privileges would be secured to him and no interference made in their enjoyment in the following words :—"I desire to see you in the exercise of all your just rights and privileges and that you should not be interfered with in the exercise of them while at the same time the peace and order of the country should be maintained." Maharaja Jowan Singhji then in reply to this letter pointed out to him the names of some of the Talukas over which Idar had full jurisdiction. And the Political Agent sent a further assurance that all the authority which the Idar Darbar possessed in Mahi Kantha in Maharaja Gambhir Singhji's time would be maintained, but added that since those estates which paid their tribute to Gaikwar direct through the Agency were promised that the British Government would protect them and no other State would interfere in their rights, therefore "you should not exercise jurisdiction in future over these" (*vide* Political Agent's Ver. No. 1007, dated 14th April, 1859). Now it is clear from this letter that these estates were actually recognised as subordinate to Idar till 1859 and the reason for their exclusion in future from Idar's jurisdiction was that the British Government had promised to them that no other State would interfere in their rights.

10. I have no complaint to make with regard to the protection and guarantee which the British Government were pleased to extend to these Bhoomias of Idar, but the guarantee which the execution of the security Bonds of 1811-12 secured to these men even according to the above letter, was limited to those rights and privileges only which these Talukas actually enjoyed in 1811-12. It could neither go nor was meant to go further. The grievance which Idar has in this connection, therefore, is that although Idar was also under the same arrangements given a direct, similar and as solemn a guarantee with respect to its own rights and possessions, the rights which Idar admittedly possessed and enjoyed over these Talukas in 1811-12, in Maharaja Gambhir Singhji's time and till 1859, were denied to it for future, 47 years after that guarantee had been given and acted upon.

11. The matter did not end here and a further calamity was yet in store for this State. Major Wallace's letter No. 1007, dated 14th April, 1859, by which those Talukas which paid tribute direct to Gaikwar were thenceforward to be placed under the Agency jurisdiction, left (intact) the Darbar's authority over its subordinate Pattas of Polo, Likhi, Vadagam, Gajipur, etc. In Maharaja Jowan Singhji's lifetime these were actually treated as Pattas directly subordinate to Idar, evidently because the reason advanced for taking the former out of Idar's jurisdiction did not and could not apply to the latter as none of these paid any tribute to Gaikwar.

Polo had formed part of Idar as one of its Pattas or subordinate holdings in grant in ancient times and an attempt at independence had been crushed by Maharaja Gambhir Singhji so late as in 1809 (see Government Selections No. XII, page 29). Subsequently the Rao of Polo executed a Fael Zamin Bond in 1827 not to the British Government but like other Bhoomia Jagirdars of this State to the Maharaja of Idar, undertaking to maintain peace in his estate and not to harbour the enemies of Idar, the East India Company, and the Gaikwar. Therefore, when Maharaja Jowan Singhji, in reply to Major Wallace's letter No. 1007, dated 14th April, 1859, distinctly affirmed that the Political Agent had by his above letter placed among others Polo, Likhi, Vadagam, Gajipur, etc., in direct subordination to Idar, this fact was not controverted (*vide* Maharaja Jowan Singhji's Ver. letter No. 2696, dated 4th June, 1859). The Maharaja took exception in this letter to the other Pattas, also such as Mohanpur, Rupal, Ranasan, etc., whose list is given there, being placed under the Agency and set forth his claims in detail with regard to them. To these also no reply so far as the records of the State show, was vouchsafed, but Maharaja Jowan Singhji continued to exercise his rights over them as long as he lived without any let or hindrance. As for example, when the engagements for prevention of smuggling of Marwar salt into this Province were taken by the Government in 1861, the incumbent of the Polo estate in virtue of his position as a Bhoomia of Idar described his estate as a *Patta* and signed himself as Thakoorjee just as the other subordinate Jagirdars of Idar had done at that time (*vide* Aitchison's Treaties and Engagements, Volume VI, pages 296 to 300). The place of Polo's engagement coming as it does among other Idar Jagirdar's engagements of similar nature is also significant of this fact. Again, when the Thakore of Mohanpur died in 1861, his successor Thakore Dolatsingh was in accordance with these rights installed on Mohanpur gadi by Maharaja Jowan Singhji and not by the Political Agent (*vide* Maharaja Jowan Singhji's Ver. letter No. 865, dated 27th February, 1861, to the Political Agent, Mahi Kantha).

12. Maharaja Jowan Singhji unfortunately died in 1868 and during the next administration which followed on account of the minority of his son Maharaja Kesri Singhji and lasted from 1869 to 1883, Idar, besides definitely losing its position of sovereignty with regard to the guaranteed Talukas of its Bhoomia Chiefs of Mohanpur, Rupal, Ranasan and others, was deprived of its authority even over those estates also which had been hitherto admitted and treated as subordinate estates of Idar.

The subordination to Idar of the holder of Likhi was expressly admitted in the Political Agent's letter No. 1007, dated 14th April, 1859, while the holders of Polo, Magodi, Vadagam, Gajipur, Bolundra and Timba paid tribute neither to Gaikwar nor to the British Government. The guarantee of 1811-12 and the promise of non-interference alluded to by Major Wallace to have been given to Mohanpur and others, did not exist in case of these estates. The deprivation of Idar of its authority over them, therefore, during 1869-1882 was on the face of it without any justification at all.

13. It may not be out of place to mention here that under the arrangements made for the settlement of Kathiawar and Mahi Kantha, *both* the Gaikwar and the British Governments had agreed to abstain from a spirit of aggrandisement in these provinces. It was in pursuance of this policy mutually agreed to between the above two contracting parties and in sacred regard of the treaties entered into by them that the Chiefs of Mahi Kantha and Kathiawar were given solemn assurance by the benign Government at the time of settlement of these countries that their rights and possessions as they existed in 1807-08 in Kathiawar and in 1811-12 in Mahi Kantha were for ever guaranteed (*vide* Mr. Aston's judgment, dated 18th July, 1888, in Kotha Guarantee case). It will be permissible, I believe, to quote the exact words of the British Government themselves in this connection. In letter No. 549, dated 19th April, 1831, they were pleased to observe as follows :—

“ On our first interference in 1807-08, Colonel Walker promulgated by an address to the Chiefs the objects we had in view, and, proclaimed that this was confined to the settlement of the regular payment of their tribute, and *that no encroachment on*

their landed rights or their independence was contemplated ; and that the state of possession and power, as it then existed, was to be guaranteed ; and at the same time both the British and the Gaekwad Governments concurred in the policy of abstaining from a spirit of aggrandisement and from every encroachment on the rights or possessions of the chiefs. On the faith of these assurances the chiefs entered into the measures suggested to them, by agreeing to pay a fixed sum annually, as hitherto, and also passed a security bond to abstain from any violent attacks on each other, to afford compensation each for the acts of his own subjects for all injuries sustained by any chief or any of his subjects ; to be responsible for criminals taking shelter within the possessions ; and also from preventing banditti passing through their districts to plunder other territories."

14. Perhaps it may be said that Mohanpur and others paying tribute as they did both to the Gaikwar and to Idar could not be allowed to remain under a dual jurisdiction. But it must be remembered that under the Treaty of 1811-12, the Gaikwar was entitled only to receive tribute from these estates and nothing more. There was therefore no question of dual jurisdiction when the only jurisdiction to which these Talukas were really subject was, as shown above, that of Idar. The proceedings of 1821, 1822 and 1830 at Palanpur leave no doubt about this fact.

With the exception of sending out Mulkiri forces at irregular intervals the Gaikwar never exercised any real power over these estates, see Gaikwar and his relations with the British Government, pages 181, 186 and 361 ; also Watson's *History of Guzerat*, page 151, and paragraph 18 of Mr. Richey's letter No. 18, dated 8th February, 1884, which fully supports this view. The rights which the British Government acquired in Kathiawar and Mahi Kantha, as a result of the Treaty of 3rd April, 1820, placed them in the position of the Paramount Power, which we are proud to acknowledge still. But this position of the British Government was in no way then as it is not even now incompatible with the Native States possessing immediate and superior jurisdiction as sovereign bodies over their subordinate estates both guaranteed or non-guaranteed.

15. The Security Bonds of 1807-08 and 1811-12, therefore, while securing the regular payment of tribute to the Baroda Government in Kathiawar and Mahi Kantha respectively, far from disturbing in any way the existing jurisdictions in these provinces, preserved and guaranteed for ever "the state of possession and power as it then existed." The rights and possessions of the Chiefs were henceforth secure from every encroachment both from the Gaikwar and the British Government (*vide* Lord Clare's Despatch, dated 19th April, 1831, quoted above). This guarantee of 1811-12, therefore, operated as much in protecting and preserving for ever the superior rights which Idar enjoyed over these Talukas at that time, as it did in securing to their holders the undisturbed possession and enjoyment in future of their inferior rights as subordinate chiefs under Idar. Both sets of rights existed side by side in 1811-12, and, as the records of the Government testify, were equally guaranteed for future to both the parties at one and the same time. Both "were secured from molestation or encroachment of the Baroda Durbar by British Guarantee" and the state of things then existing was for ever perpetuated. This is the only meaning of the guarantees given to the Chiefs of Kathiawar and Mahi Kantha. To extend it beyond this in favour of these Bhoomias or to curtail it as it seems to have been done in case of Idar, is not only illogical and inconsistent with its own terms but also against acknowledged facts and avowed intentions of the authors of that guarantee. Mr. Peile, Political Agent in Kathiawar, emphasised this point in his report to Government, dated 10th October, 1877, No. 419, and cleared it still further when he said : "It has always been considered by the British authorities that the integrity of each Kathiawar State is guaranteed as it existed at the time of Colonel Walker's settlement in 1808—whatever territory was recorded as an integral part of any State at that settlement remains an integral part of it for ever."

The principles and rules guiding the settlement in Mahi Kantha being the same as in Kathiawar, Mr. Peile's remarks with regard to Kathiawar apply *mutatis mutandis* to Mahi Kantha states also (see *Hand-book of Giras and Guarantee*, page 193, paragraphs 209-210.).

16. The estate of Polo, Dedasan, Bolundra, Likhi, Vadagam, Gajipur, Timba and Mohor were actually recognised to be under Idar in 1859, *vide* Maharaja Jowan Singhji's letter No. 2696, dated 4th June, 1859. They continued to be so till the demise of the said Maharaja in 1868. The Talukas noted in the margin formed part of this State in 1811-12

1. Mohanpur.	5. Gadhwada.	9. Chandup.	13. Sudasna.	16. Kadoli.	19. Sedhawada.
2. Rupal.	6. Valasna.	10. Hadol.	14. Sachodar.	17. Prompur.	20. Tajpuri.
3. Ranasan.	7. Fechod.	11. Vaktapur.	15. Madhwa.	18. Piplodi.	21. Dedhrota.
4. Dadhatia.	8. Derol.	12. Ilol.			

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and remained so till 1859, as is abundantly proved by Government records and the evidence detailed in Maharaja Jowan Singhji's letter quoted above. The deprivation of Idar of its jurisdiction over them therefore forms a regrettable infringement of the rights and privileges which were solemnly guaranteed by the British Government to this State by the Treaty of 1811-12.

17. The plea that the Nazarana and other Haks which Idar enjoyed over these Talukas are still paid by the latter, and therefore Idar has no cause of grievance in this respect, has no force, for it is not a question of a certain amount of money, but the loss of these Pattas as integral parts of this State and consequently the unmerited loss by Idar of its dignity and privilege as a sovereign State over them, which is a cause of grievance and a source of constant humiliation to us.

18. As a matter of fact, this payment of Nazarana to Idar by its Rehwar Pattavats lends additional strength to our claim and goes further to prove our position as a sovereign State over these Talukas, even at the present day. For the payment of Nazarana by one State to another has often been held by the Government themselves to be one of the decisive factors determining the latter's sovereignty over the former. As the Right Honourable Sir John Malcolm, the Governor of Bombay, expressed in paragraph 46 of his minute, dated 30th November, 1831: "The payment of Nazarana is in conformity with ancient and established usage; it is associated with the confirmation of hereditary claims." The receipt of Nazarana from these Pattas, therefore, should necessarily carry with it, according to the above finding, the right to confirm the hereditary claims in those Talukas. This right did belong to Idar in the past and was actually exercised, as pointed out before, so late as in 1861. But conditions have been altered unaccountably even in this respect also since then. The Nazarana is received but the superior, and to us far more precious, rights of which this offering in money is only a humble token and acknowledgment are disallowed. And this in spite of the admission of the existence of these rights in favour of Idar by all the parties concerned. As mentioned above, the Bhoomia chiefs of Mohanpur, Rupal and Ranasan stated in the course of enquiry before Major Miles in 1830 at Palanpur that it was a privilege of the Idar Darbar to instal them on the Gadi at the time of their succession to their estates; that it was the Idar Maharaja who had to gird the sword of authority round their loins after which they became Thakores of their Pattas; that whenever the Idar Darbar might summon them to render service, they must obey the summons. These rights and privileges unquestionably place Idar as the sovereign State over these Pattas. This position had been acknowledged not once in 1830 before Major Miles only, but in 1822-23 before Colonel Ballantyne also and again in 1861-62 even. These admissions leave not the least room for doubt in regard to the existence and enjoyment by Idar of these rights till quite a late period. The deprivation and loss of these established rights and cherished privileges, therefore, in spite of the British Government's guarantee to protect them, is a phenomenon for which I at least am unable to find any possible explanation. All I can say in regard to this is that it has perhaps been due only to some oversight in the past. I have unshakable faith in the British sense of justice, and I am convinced that even now these things have only to be brought to the notice of the benign Government to be immediately set at right, for with our Government, treaties and words of sovereigns are not mere scraps of paper but are acts of ever binding nature whose religious sanctity, as the present war has abundantly proved, the British Government is always prepared to preserve in the world whatever the cost may be to it in doing so.

19. These oversights of the past can be rectified without disturbing the existing arrangements. For while the rights and possessions which have actually been guaranteed to these estates and are at present enjoyed by them under that guarantee may be fully preserved, the Idar Darbar's status of sovereignty which it admittedly possessed in respect of these estates, may yet be restored and recognised. This condition in Native States is not unknown in this part of the country, as there are several States in this province which have both guaranteed and non-guaranteed estates or holdings under them.

20. The second point which I have to bring to the notice of the Government is of equal if not of greater importance. It concerns the jurisdiction of this State over three petty land-holders who are entirely subordinate to it in every respect, and are situated within this State. I refer to the question of criminal jurisdiction over the three Jadecha Pattas of Karchha, Samera, and Degamda. These Pattas are nothing more than groups of small hamlets, with incomes of not more than two thousand a year in each case, and yet the Government have been pleased to secure to them jurisdiction to try offences

punishable with less than seven years' imprisonment and rupees ten thousand fine in each case. It is not necessary to go into the history of the origin of these Pattas or grants in this short letter, but suffice it to say that the entire subordination of these holdings to the Idar State is admitted by Government time after time. And yet supervision over their criminal jurisdiction is reserved by them to be exercised by the Political Agent, Mahi Kantha, on behalf of the Idar Darbar. The result of this anomalous arrangement is that these petty Zamindars consider themselves independent chiefs in no way owing allegiance to their sovereign and master and set at defiance orders issued by the Darbar to them in various matters of administration. The oft-repeated warnings from the Agency against such insubordinate conduct on their part are useless, for however strongly the Darbar's authority may be supported by the Agency on paper, if according to the existing orders of Government, the Darbar is debarred from exercising its powers over them as it has a right to do, these Kooli land-holders have nothing to lose, as experience has often told them, by disobeying the Darbar's orders.

21. The Darbar is competent to rule over a First Class State and can arrange for judicial and police administration throughout the whole of its territories, but the estates of these three Zamindars—who in the words of more than one Political Agent are too poor even to keep separate Kamdars and Foudars (police officials) for themselves—have been exempted from the Darbar's supervision and control in this respect, on the ground, as it appears from the quotation given by one of these men in a recent memorial, of their villages being situated in a hilly country inhabited by Bhils.

It seems very strange indeed that a still wilder country more hilly than these villages can be administered by the Darbar, but these few Kooli hamlets should be considered as too dangerous to be entrusted to the control of the ruler of a First Class State. Such a dual authority, besides being an unmerited and continued slur on the administration of this State, is a constant source of irritation and trouble to the Darbar, especially because the insubordinate attitude of these petty Jagirdars infects the other subordinate land-holders of the State and creates thereby innumerable difficulties in the administration.

22. Getting sick of such a painful situation, my father, General His Highness Maharaja Sir Pratap Singhji, during his regime in this State, represented to the Government in 1909 that the supervision over criminal administration which the Agency exercised over these Pattas admittedly *on behalf of the Idar Darbar* should be restored to the State as the existing arrangement weakened the Darbar's authority in its own State and was the source of great trouble to him in his work of administration. It is a pity, however, that even the request of so strong and experienced an administrator as Maharaja Sir Pratap Singhji was not acceded to and his representation was rejected by the Bombay Government in 1912. The rulers of the State have never ceased protesting against this arrangement since its introduction in 1867, but no heed has yet been paid to their representations. This is a matter on which as a ruler of a First Class State, I cannot but feel most strongly especially because this is direct interference in the internal administration of my State, is an unwarranted encroachment on my authority and power and a continuous and unjustifiable infringement of the rights, dignities and privileges which every prince enjoying complete jurisdiction over his State must naturally resent.

23. I hope I shall be excused for discussing this delicate subject in the same open and candid way in which the Government of India have been pleased to raise it. But the subject is of so vital importance to my State that I had already a mind to represent all these matters in a more formal way and can do so even now if required. The solicitude which His Excellency Lord Chelmsford shows in the welfare of the Native States and their rulers has afforded me an earlier opportunity of doing so and I have most gratefully availed myself of it in this letter.

24. I earnestly trust that in the benevolent regime of His Excellency Lord Chelmsford, whose deep sense of justice, broad-minded statesmanship and wide sympathies are already winning for him a place in the hearts of the people and princes of India never before secured by any Viceroy in the past, these grievances which have hitherto been a source of much concern to the rulers of this State will become a thing of the past and another golden chapter of gratitude towards the benign Government added to the history of the Idar State.

Yours sincerely,

(Signed) DOWLATSINGH,

Maharaja, Idar State.

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KISHANGARH STATE.

1. Kishengarh State was under minority administration between 1900-1905.
2. The administration was carried on by a Council under the supervision and guidance of the Resident.
3. The Resident asked the Council to submit an official report regarding the service which the Jagirdars and Nobles of the State had to render to the Darbar, the Rules and Regulations which already existed on the subject and any reform which they proposed to introduce. This report was also to show what had been done regarding the commutation of service liability into a cash discharge.
4. The minority council who attempted to comply with the Resident's requisition met with serious opposition from the entire class of Jagirdars and nobles of the States, resulting in open defiance.
5. Thus, in consequence of the Resident's initiative during a minority, a grave situation was quite unnecessarily created. On the occurrence of open defiance of authority the Resident himself held investigations and recorded findings. But he left it to the Council to frame recommendations.
6. The Honourable the Agent to the Governor-General accepted these recommendations which bore upon the conversion of service obligation into cash payment and (2) the punishment of contumacious Jagirdars.
7. Irrespective of the fact whether this measure of commutation was desirable or not, it involved a radical departure from a long established custom and as such the change was undesirable, especially during a minority.

EXHIBIT 1.

COPY OF CONFIDENTIAL D.O. No. 51, DATED THE 4TH JUNE, 1904, FROM THE RESIDENT AT JAIPUR, TO RAO BAHADUR, B. SYAMSUNDERLAL, C.I.E., THE DIWAN OF THE KISHANGARH STATE, KISHANGARH.

Please refer to correspondence ending with my Confidential D.O. No. 45 of the 21st May, on the subject of the service which the Jageerdars and Nobles of the State have to render to the Darbar.

I notice that in the Regulations sanctioned by the late Maharaja of which you sent me a copy there is no fixed charge either by the month or by the year when the required service is not rendered, though you mention in paragraph 16 that there are instances of the charge being calculated at 12 annas a day. In referring the matter officially it will be well to quote some of these instances as precedents. I would suggest that instead of having one fixed rate per day or month or year, you should fix a maximum, and minimum, charge as is done in some other States. This would enable you to deal with each case on its merits.

I quite approve of your proposal that absentee charges should never exceed half the actual revenue of the defaulting Jagirdar. I would go further than this and reserve the right to treat with leniency any Jagirdar who honestly endeavours to furnish horses for service even though he fails to furnish the total number at once. The rules do not appear to have been rigidly enforced for some years and there may be cases in which, owing to a succession of bad seasons a Jagirdar is heavily in debt and in such cases it may be advisable to allow him to gradually purchase remounts.

I shall be obliged if you will report the matter officially and state your proposals as it is desirable that Government should be informed of what is being done.

EXHIBIT 1 (A):

COPY OF LETTER NO. 22C, DATED THE 18TH JUNE, 1904, FROM THE RESIDENT AT JAIPUR, TO THE SECRETARY COUNCIL, KISHANGARH STATE, KISHANGARH.

Undersigned has the honour to acknowledge the receipt of his letter No. 568, dated the 15th June, 1904, regarding the combination of certain Thakurs and others in the State with a view to representing their alleged grievances.

2. It appears from this letter that the persons who have been taking the most prominent part in the agitation are the Thakurs of Gothiana and Sanpronda, Mir Ashraf Ali the Thakur of Patan, one Sawai Lal a petty Jagirdar; that they have united or coerced discontented and disappointed Jagirdars and Muafidars to join in the movement and have endeavoured to induce the cultivators and also some of the Oswals to make common cause with them; and that they have disregarded the warnings given to them.

3. The Council are of opinion that some of the ringleaders in this agitation should be punished in one or more of the following ways, viz., by temporary deprivation of a portion of their Jagirs, deprivation of Tazim rank, fine or by prohibiting them from leaving their villagers.

4. The Resident concurs with the Council in holding that the Leaders of the movement deserve punishment and he considers the best course will be for the Council to select one or two of them who have been or still are, taking an active part and to decide what form the punishment should take—a certain period, not exceeding a few days should be fixed and the men selected should be informed that if they do not within that period return to their villages and give an assurance in writing that they will cease to carry on the agitation, they will be punished by the resumption of a portion of their Jagirs or by whatever punishment the Council have decided upon.

5. The Council should pay the most careful consideration to all petitions presented by individual Jagirdars and Muafidars in regard to their own particular cases, and if any genuine grievance or hardship is brought to their notice, should either pass orders or when necessary, refer the matter to the Resident.

6. The Council are requested to submit an Official Report regarding the service which the Jagirdars and Nobles of the State have to render to the Darbar, the rules and regulations which already exist on the subject and any reform which they propose to introduce.

The Report should also show what has been done as regards commutation of service for cash payments.

EXHIBIT 2.

COPY OF LETTER NO. 1216, DATED 3RD MARCH, 1905, FROM THE RESIDENT AT JAIPUR TO THE SECRETARY, COUNCIL, KISHANGARH.

With reference to the correspondence ending with the Council's Memorandum No. 90, dated the 1st February, 1905, regarding the scale of fines for non-service on the part of the Jagirdars of the Kishangarh State, the proposals to introduce a scheme of commutation of service, and the punishment to be awarded to the prime movers in the late agitation, the undersigned has the honour to state that the Honourable the Agent to the Governor-General accepts the recommendations made regarding the settlement of service and Rekh questions and regarding the punishment of the contumacious Jagirdars. The Agent to the Governor-General, however, considers that the Darbar should carry out the service and commutation rules with elasticity, having due regard to individual circumstances and nature of season, and requests submission of a separate report giving the results of the proceeding against the Thakur of Sampronda for removal of grain.

It is requested that the report called for may be submitted at an early date for the Agent to the Governor-General's information.

EXHIBIT 3.

COPY OF LETTER NO. 7550, DATED 20TH DECEMBER, 1904, FROM THE RESIDENT AT JAIPUR, TO THE SECRETARY COUNCIL, KISHANGARH

With reference to the Council's No. 796 and 1157, dated respectively the 18th August and 29th November, 1904, regarding the commutation of the services of the Jagirdars of the Kishangarh State, and the complaints of some of them and other subject of the Kishangarh State against orders recently issued by the Darbar State Council, the undersigned has the honour to state that during his recent visit to Kishangarh the Honourable the Agent to the Governor-General examined the matters in considerable detail with the Resident, His Highness the Maharajah, and Rao Bahadur Syamsundarlal, C.I.E., Member of the State Council. He also took statements from representative

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petitioners. His enquiries led him to share the Resident's conclusion that the majority of the alleged grounds of complaint are devoid of weight. He accepts the Resident's view that they have been put forward partly to support the protest of the petitioners against the attempt of the Darbar to advance certain reforms such as the revision of the Patel and Patwari systems, and the introduction of an educational cess which have been sanctioned during the young Chief's minority, but mainly with the object of defeating the Council's efforts to give reality to the obligations of the petitioners, either by enforcing the production of fit and suitable horse or foot for State service, or at the option of the estate holders, by allowing them to commute their obligations by cash payments at a fixed scale. The Agent to the Governor-General had frequent opportunities of observing the defiant attitude of the petitioners who were present in large numbers at Kishangarh during his stay, and in the circumstances noted above, he is not prepared to intervene to protect the ringleaders from the punishment which the Darbar in concurrence with the Resident propose to award to them.

2. As regards the commutation of the Jagirdar's services for cash payment, it does not appear to the Agent to the Governor-General, so far as he is able to judge from the information at his disposal, that the Service demands which the Darbar wish to enforce go beyond the terms on which the estates are held by the Jagirdars. The Darbar's action moreover springs from their desire to increase the State revenue by all legitimate means at their disposal to enable them to carry out the measures of administrative reform which have been approved from time to time during the Chief's minority. The main difficulty attending the case appears to arise from the fact that the late Chief, who died in the year 1900, had for many years past allowed service obligations to fall into abeyance. Estate holders were either tacitly excused from producing men and to Headquarters were worthless for actual duty; nor were cash payments system actually exacted as a substitute for service in kind. Hence the Council's efforts to secure efficient service or a cash payment instead, have been unpopular and have encountered persistent resistance from the Jagirdars concerned. Other reasons for their opposition are enumerated in the Resident's report, such as the indebtedness of the majority of the State holders, and the precarious nature of the rainfall in Kishangarh, which renders the payment of a fixed money payment every year unusually difficult.

The Agent to the Governor-General does not consider that these circumstances constitute sufficient ground to justify the defiant attitude of the Jagirdars or to necessitate the withdrawal of the Darbar from their intention to enforce more practical compliance with the terms on which they hold their lands. But a review of all the facts connected with the question in Kishangarh, as well as in other parts of Rajputana where similar conditions prevail, leads him to share Resident's opinion that special caution is needed in reforming the abuses of the present system. In the Rahtor State of Bikaner, an attempt of the same kind was one of the causes of the nobles' rebellion against the Darbar in 1883. In Marwar (another Rahtor State) out of the 40 lakhs of Rupees at which the annual value of these obligations was assessed, the realisations in cash for commuted service had only reached the total of Rupees 37,451/- between the year 1897, when proceedings were commenced, to 1901, the latest year for which figures are available.

The Agent to the Governor-General, therefore, concurs with Resident in the opinion that commutation should be entirely voluntary, and that a temporary settlement should be made for a limited period of, say, ten years before enforcing the maximum rates specified in the Council's report. Sir Arthur Martindale thinks, moreover, that the Darbar would be well advised to limit the scale of fines for non-service, or ineffective service during that period to a maximum of one-fourth, or one-third, of the income of the Jagir, instead of one-half, which he understands to be the proposal contained in the Council's report, and he would suggest that the optional cash commutation rates should be regulated by the scale which it appears is being gradually enforced in Marwar, viz. :-

- (1) For every 1,000 Rekh a yearly lump sum payment of Rs. 204/-.
- (2) If the Rekh exceeds 500/- but is less than 1,000/- a yearly payment of Rs. 20/8/5 per cent.
- (3) If the Rekh is 500/- or less a yearly payment of Rs. 16/8/- per cent., or Rs. 82/8/- (not 84/-) for each sum of Rs. 500/-.

8. If these modified proposals are accepted by the Darbar, the Agent to the Governor-General is doubtful whether it would be either necessary or advantageous to appoint a Committee as suggested. But on this point he is content to leave the decision with the Darbar acting in consultation with the Resident. He is thoroughly in accord with the Resident in the view that the attempts of the malcontents to excite a general agitation and to form a combination against the State Council should be resolutely and promptly suppressed, the ringleaders being suitably punished if they persist in their attempt to offer overt resistance to the authority of the Darbar.

It is requested that an early report may be submitted showing the arrangements finally approved of by the State Council in connection with this important question.

REWA STATE.

1. There have been two minority Administrations in the Rewa State. Maharaja Raghuraj Singh died while Rewa was, at his own request, under the management of the Political Agent, and that administration carried on as the Superintendency during the minority of His late Highness. On the whole there is not much complaint to make except that the complete records of this period were not made over to the State at the termination of the Minority and that the Superintendency went in some instances beyond the instructions of the Government. In 1889 Mr. Henvey,¹ then Agent to the Governor-General in Central India, laid down certain principles for the guidance of the Political Agent which, if they had been followed, would have obviated all trouble. Mr. Henvey wrote :—" He (a British Officer superintending a minority) should endeavour to identify himself in sentiment and policy as closely as possible with the Chief, and he should not, save for grave and urgent reasons, initiate or support measures of Administration which the Chief would most probably disapprove of and reject if he were of mature age." The whole of this letter should be printed in letters of gold and circulated to all Political Officers. Such acts of the Superintendency as exceeded these instructions have been dealt with in their proper places and need not be repeated here. Indeed, the main complaint is that after the Superintendency ceased to exist the officers of Government appear to have been unable to realise the fact and they continued to treat His late Highness as if he were still in tutelage. Instances of this have been given elsewhere, but one case in which the Agency Surgeon told ^a His late Highness that he could not order one of his sub-assistant-surgeons to attend a sick Thakur without the Agency Surgeon's leave, may be given here.

2. The second minority occurred in 1918 and lasted till October, 1922. This is known here as the "Regency," from the fact that in accordance with His late Highness' wishes, His Highness the Maharaja of Rutlam was appointed Regent of the Rewa State. In the meantime, the Government of India Resolution-Foreign and Political Department Notification No. 1894-1A, dated the 27th August, 1917, had been issued on the subject of Minority Administration. This was, it is understood from the wording of the Kharita from His Excellency Lord Chelmsford, framed as a result of discussion with the Princes and at their desire, and there is not much to be said about it except that its provisions are occasionally overlooked. In the main, however, since His late Highness' wishes on the subject were given effect to, there can be no great complaint on the part of the Rewa Durbar.

3. When His late Highness died suddenly in October, 1918, and until the Regency Administration was formally constituted in January, 1919, the Political Agent "assumed charge" ^b of the State (and as he was ill an officer was sent by the Agent to the Governor-General in Central India to Rewa on special duty till the Political Agent's relief arrived),

¹ Cf. Letter No. 1846 dated the 11th May, 1889, from First Assistant to the Governor-General in Central India to the Political Agent in Baghelkhand and Superintendent, Rewa, copy attached, Exhibit No. 1.

^a Cf. Letter dated the 25th March, 1896, from Agency Surgeon in Baghelkhand, copy attached, Exhibit No. 2.

^b Cf. Letter No. 1-C dated the 3rd November, 1918, from Officer on Special duty, copy attached, Exhibit No. 3.

In the circumstances of the case it was perhaps necessary to make some temporary arrangements, but the Durbar contend that the Political Authorities should not assume charge as of right. There is frequently a close relative of the Ruling Prince who could be trusted to take charge in the interim ; or failing such a relative, there is generally an official who was in the confidence of the late Ruler, to whom the temporary administration could be entrusted, and the Durbar urge that, wherever possible, such an arrangement should be made, and that only in special circumstances should the Political officer be put in charge. In this case the period was short and no specific complaint need be made ; it is the principle to which the Durbar objects. The practice is probably based on the statement contained in paragraph 2 of the Resolution (No. 1894 1-A, dated the 27th August, 1917), already referred to, that "the Government of India recognise that they are the trustees and custodians of the rights," interests and traditions of Native States during a minority administration. This statement is itself perhaps open to question if full internal Sovereignty is admitted as inherent in the State. It is for a Sovereign State to set up its own temporary or provisional administration in times of emergency ; and though in practice it must be admitted that this theory requires some modification in India, because in an Indian State on the death of the Prince and the succession of a minor there is frequently no real authority in the State till the minority administration is duly constituted, nevertheless the arrangements made should be in general conformity with the Sovereign dignity of the State, and resort should not be had as a matter of course to the direct management of the Government of India through its officers.

EXHIBIT 1.

COPY OF A LETTER No. 1846, DATED INDORE RESIDENCY, THE 11TH MAY, 1889, FROM THE FIRST ASSISTANT TO THE AGENT TO THE GOVERNOR-GENERAL FOR CENTRAL INDIA TO THE POLITICAL AGENT, BAGHELKHAND AND SUPERINTENDENT, REWA.

A British Officer superintending a Native State during the minority of its Chief should always bear in mind that he represents in the State not only the Paramount Power, but also the minor whose affairs he is superintending ; hence he should endeavour to identify himself in sentiment and policy as closely as possible with the Chief, and he should not, save for grave and urgent reasons, initiate or support measures of administration which the Chief would most probably disapprove of and reject if he were of mature age. This principle is subject to exceptions and modifications which may be required by the demands of progressive civilisation and by the exigencies of the State. But, as a general rule, it appears to the Agent to the Governor-General to be indisputable, and careful observance of it affords the best hope that a policy of cautious amelioration will be continuously maintained, and that the Chief will not be tempted, when he comes of age, to reverse or undermine the steps taken during the period of his minority, and especially in matters connected with religion in extreme prudence of action of the first importance.

2. Now in respect to the cases immediately under discussion, although some of the principal objectors have receded from the position originally taken under them, the Agent to the Governor-General feels bound to state that he is far from admitting, as against the ruler of Rewa, the truth and soundness of the arguments employed by the appellants. It is absurd, for example, to contend that grants to Brahmins, though not especially perpetual, are nevertheless perpetual, simply because the Shastras invoke curses on those who resume such grants.

3. And similarly, it is vain, in the face of many proved instances to the contrary, to argue that the *Paipakhar* tenures are in practice perpetual ; that, when granted by a Ruling Chief of Rewa, they are not liable to resumption or assessment by his successors ; and that in certain cases where the grants were interfered with by a Ruling Chief, the interference was due to particular and exceptional causes which are asserted but not proved by the appellants. The truth is that the *Paipakhar* tenures of Rewa, like many other religious tenures in India, are granted on the general rule of *dum se bene gerant*, tempered by the necessities or by the caprice of the ruler for the time being.

4. We are bound on the one hand, not to sacrifice the legitimate interests of the State. On the other hand we must not expose the Maharaja unnecessarily to the ill will of a powerful and privileged class whom his family have always held in reverence. Lastly, in our proceedings we must act with moderation, and where we have any indications,

express or implied, as to the manner in which a Rewa Chief would wish the cases to be treated, we must not, without urgent necessity, disregard these indications. Accordingly, Mr. Henvey thinks that in view of the considerations above set forth and on the principle explained in paragraph 2 of this letter your action may be guided by three canons.

Firstly, you should do what a Rewa Chief of ordinary prudence and judgment would probably do.

Secondly, you should not do what such a Chief would probably not do.

Thirdly, you should not give any guarantee that may hamper the Chief in the future exercise of his lawful rights and privileges.

And these canons will enable you to decide the cases that arise as follows:—

(i) All Paipakhar tenures may be recorded as being liable to assessment of Chauth in the fourth generation from the grantee.

(ii) Ancient tenures which date from, say, 50 years or more before our assumption of the Superintendency of the State, and which have not hitherto been assessed by any Maharaja, should be decided by the Chief when he attains full powers.

(iii) All other tenures, assembled under Rule I, may be assessed moderately to Chauth from such data as you may be able to procure on a calculation of the Revenue assessed on the land at the time of the original grant.

(iv) Chauth assessed on a tenure by a Maharaja should not be enhanced by you unless there is strong ground for believing that the assessment was vitiated by grave errors of fact or by fraud.

(v) No guarantee can be given, but the fact of assessment may be endorsed as proposed in your 9th paragraph.

5. In Mr. Henvey's opinion it is not necessary to re-open generally the cases of those who have accepted without complaint the assessment or revision ordered by Major Barr. But if you think that in any particular instances the assessment or revision press too heavily, you are at liberty to deal with them according to the merits.

6. In conclusion, I am to say that you are authorized to communicate the substance of these orders to the parties concerned, and I am to request that you will in due course report the arrangements you may make for carrying them into effect.

EXHIBIT 2.

COPY OF A LETTER DATED THE 25TH MARCH, 1896, FROM THE AGENCY SURGEON IN BAGHELKAND TO HIS HIGHNESS THE MAHARAJA OF REWA.

Shamsher Khan reports that he has been ordered by you to leave his dispensary and go to Chandia to attend on the Thakur. In future, please communicate your wishes on such matters to me; as the hospital assistants are liable to severe punishment if they leave their dispensaries without orders from the Agency Surgeon.

EXHIBIT 3.

COPY OF A LETTER No. 1-C, DATED THE 3RD NOVEMBER, 1918, FROM LIEUT.-COLONEL F. G. BEVILLE, C.I.E., I.A., OFFICER ON SPECIAL DUTY, CENTRAL INDIA, REWA, TO THE SECRETARY TO HIS HIGHNESS THE MAHARAJA OF REWA.

I am directed by the Honourable the Agent to the Governor-General in Central India to inform you, that pending further instructions, the administration of the State will remain unaltered, save that the Political Agent temporarily assumes charge of the State pending the orders of the Government of India as to the future form of administration. All officials of the State should conduct their duties as hitherto, leaving matters which ordinarily would be submitted to the Ruler of the State to stand over unless of an urgent nature, in which case they should be referred to the Agency. During the illness of the

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Political Agent the Honourable the Agent to the Governor-General has deputed me to Rewa to conduct such duties as pertain to the Agency, so that communications other than routine may please be addressed to me till further notice.

2. In order to enable me to comply with the instructions I have received, I have the honour to request that you will kindly arrange to let me have a copy of the State Budget for the year that has expired, showing (a) opening balance including investments, if any, the sanctioned estimates, and the actuals of receipt and expenditure under each head and the closing balance, also a copy of the Budget for the current year, together with details to the last available date, of receipt and expenditure under each head, and the balance of cash and if the latter varies from the balance of cash ascertained upon the death of His late Highness, the difference may kindly be explained. It will be well also if included in the report, details are given of outstanding balances due to the State, including Land Revenue arrears, etc. Also the condition of agriculture and an indication as to crop prospects, etc. The indebtedness of the State if any may also be included.

3. It is understood that under the instructions of His Highness the Raja of Rutlam you arranged for the safe custody of all moneys and State jewellery. You will please arrange to retain the same in safe custody, maintaining account of all subsequent receipts and expenditure.

4. You yesterday handed to me a detail of expenditure upon the ceremonies to be performed. After consultation with yourself and with His Highness of Ratlam, it has been considered expedient to adhere to former precedents as a guide in such customary ceremonies. It is noted that the Durbar records indicate that in the late Maharaja Raghuraj Singh's ceremonies articles to the value of Rs. 35,000/-, together with Rs. 3,000/- in cash, were expended, but on the assurance that this sum does not comprise the full actual expenditure incurred, approval is accorded to an expenditure of articles valued at Rs. 37,000/-, together with a sum not exceeding Rs. 10,000/- in cash. As no motor car was included in the former ceremony, it is considered inexpedient to introduce this novel adjunct to customary ceremonies, and on the advice of His Highness the Raja of Rutlam it is recommended that this item be excluded, thus reducing the items of expenditure by Rs. 5,000/-, and bringing the estimate to the figure noted above. It is understood that all the items entered in the list are already in the possession of the State, and that no actual expenditure will be necessary beyond a sum not exceeding Rs. 10,000/- in cash as noted. The estimates of Rs. 20,000/- viz., articles available in the State Rs. 12,000/- and cash Rs. 8,000/- on account of Karma at Rewa—are approved, as also an expenditure of Rs. 15,000/- to be devoted to the feeding of Brahmins, etc., according to custom.

5. It is perhaps hardly necessary, in conclusion, to add that the loyalty and devotion by all Jagirdars, Sirdars, officials and subjects generally of the State to His Highness the late Maharaja must continue to be given whole-heartedly and with equal loyalty and devotion, and that all will observe to members of the family on all occasions the customary honours and courtesies due. The Government of India, as the trustee and custodian of the rights, interests and traditions of the State during the present period, looks to all classes in the State to aid by every means the strict observance of all the principles recognised as pertaining to this great and important trust.

6. As soon as I receive from you the information asked for in paragraph 2, the details will be submitted for the consideration of higher authority, in order to enable the Government of India to accipe as how best to give effect to the wishes of His Highness the late Maharaja.

SAWANTWADI STATE (No. 1).

The management of this State was assumed by the British Government in 1838, and as noted by the Honourable the Court of Directors in their letter No. 1, dated 20th March, 1839.

“ the management of the State was assumed not for the subversion or injury of the Sar Desai's Government, but to restore the Sar Desai's authority.”

From times immemorial the State had a mint of its own for coinage of silver and copper. In 1845, *i.e.*, seven years after the British Government assumed supervision over the administration of the State, the Government ordered that the operations in the State mint should be suspended until further orders (No. 2602 dated 28th May, 1845 of the Bombay Government; *vide* enclosure No. 1), and on 7th January, 1846, they at once ordered that the Peerkhani silver coin current in the State should at once be called for and substituted by the British Coin. The then Political Superintendent G. Le Grand Jacob, represented that the sudden change would cause loss to the State on account of the stoppage of the State mint, and he proposed that the local currency be allowed a natural extinction. (*vide* enclosure No. 2.)

The Government, however, in their reply No. 1339, dated 8th April, 1846, (*vide* enclosure No. 3), ordered that the introduction of the Company's rupee in the Wadi State should be conducted upon the principles that have regulated its introduction generally throughout the British territory under this Presidency, namely, by being received and issued at the assay values in all transactions which require conversion to be made into the local currency.

In view, however, of the loss that would thereby be caused to the State, the Political Superintendent again in his letter No. 54, dated the 23rd April, 1846, solicited a reconsideration of the orders remarking that “ the change of currency that is now desiderated by Government will not only prevent the possibility of the State recovering itself, but be a virtual decree of annihilation.”

The Government, however, were not pleased to reconsider the orders previously passed, and ordered that the arrangements should be carried into effect. (*vide* letter No. 2660, dated 8th July, 1846, enclosure No. 4).

Accordingly the Peerkhani coin current in the State was called for and converted into British Coin at the assay rate and the revenue realisations, salaries, etc., were converted at the same rate. The copper coin was also called in and broken up and sold as scrap copper.

EXHIBIT 1.

No. 2602 of 1845.

**FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY TO
CAPTAIN G. LE GRAND JACOB, POLITICAL SUPERINTENDENT OF SAWUNT
WARREE. DATED THE 28TH MAY, 1845.**

POLITICAL DEPARTMENT.

SIR,

With reference to my letter dated the 21st ultimo, No. 1956, I am directed by the Honourable the Governor in Council to transmit for your information copy of a letter from the Secretary to the Government of India, dated the 9th instant, No. 1296 conveying the authority of the Right Honourable the Governor General of India in Council to the suppression of the Mint at Sawunt Warree, and to request that you will be pleased immediately to carry this measure into effect.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) J. P. WILLOUGHBY

Chief Secretary.

BOMBAY CASTLE, 28th May, 1845.

(True copy).

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 2.

No. 28 of 1846.

FROM THE POLITICAL SUPERINTENDENT OF SAWUNT WARREE TO
J. P. WILLOUGHBY, ESQUIRE, CHIEF SECRETARY TO GOVERNMENT,
BOMBAY. SAWUNT WARREE, 3RD MARCH, 1846.

POLITICAL DEPARTMENT.

SIR,

I am informed in the second paragraph of your letter No. 72, dated 7th January, that it is the intention of Government to call in the Peerkhane currency and to substitute for it the Company's rupee in which currency it is deemed desirable to fix the expenditure of the Sawunt Warree State according to its relative value, I beg however, to state for the information of the Honourable the Governor in Council that in consequence of the stoppage of the local mint and of the great influx of Company's coinage consequent on the payment to the troops in this State, the relative bazar value of the two coins has gradually approximated and for the last two months has been quoted at par—payments also of the revenues have, in many instances, been made in the Company's rupee at par—the loss to the State would be enormous if its revenues were to be realised with a remission to the difference of the assay value between the two rupees and further more the heavy deductions that would ensue from the salaries of the present under-paid establishments would excite the most serious discontent.

2. Let us for example look on its effects on the Warree corps of which a Private receives 5 rupees per mensem has to furnish his own clothing and is not entitled to pension for length of service. The calculation of his pay in Company's rupee at the relative assay value according to the table published 21st August, 1826, discarding minute fractions would leave him rupees 4-3-0 per mensem and as the Company and Peerkhane are now of the same value in the bazar, would be a positive loss to him of 13 annas a month the result of such a measure would be dangerous as regards the continued fidelity of the men the more especially since a corps has just been raised in the neighbourhood (Kolapoor) with the superior pay of 6 Rs. per man and an annual Jacket, although on the same footing as regards service.

3. For the foregoing reasons I would beg urgently to recommend that the local currency should be left to its own gradual process of extirpation, and if, eventually it be found that payment in the Company's rupee presses harder on any particular village than its resources are equal to, the same be left to be considered on its own merits with a view to any remission that the circumstances of the case may call for—as a general rule as far as my limited experience enables me to judge I conceive the land revenue or Jumma bundee assessment to be light and as the population has been relieved of much of the extortion practiced long after that assessment, was fixed and which was a well understood part and portion thereof, the collection of the revenue in Company's currency will not press hardly upon the Ryots, who have even now in many cases paid in both currencies without preferring any claim to remission.

I have the honour to be, etc.,

(Signed) G. L. JACOB,*Political Superintendent.*

(True copy).

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 3.

No. 1339 of 1846.

FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY TO
CAPTAIN G. LE GRAND JACOB, POLITICAL SUPERINTENDENT OF SAWUNT
WARREE. DATED 8TH APRIL, 1846.

POLITICAL DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of your letter No. 28, dated the 3rd ultimo, recommending that for the reasons therein stated the Company's currency may not suddenly be substituted in the public accounts of the Sawunt Warree State for the Peerkhane, but that the former should be allowed gradually to replace the latter.

2. In reply, I am desired to inform you that the introduction of the Company's Rupee into the Warree State should in the opinion of Government be conducted upon the principles that have regulated its introduction generally throughout the British Territory under this Presidency namely by being received and issued at the assay value in all transactions which require conversion to be made into the local currency.

3. On enquiry it appears that by a strict adherence to this rule it has been found that the superior currency has after a time risen to its proper level according to its intrinsic value, however much it may have from peculiar circumstances at first become depreciated in the Market.

4. The Governor in Council conceives that in the present instance the measure can be carried out without any difficulty. The Ryuts whose assessments are fixed in the Peerkhanee Currency should be allowed the difference of the exchange on paying their revenue in the Company's rupees. This is only an act of justice to the Ryuts which should not be departed from on the score of any disadvantage that might arise therefrom to Government.

5. With regard to the effect which may be produced by an adherence to this rule upon the pay of the Sawunt Warree Local Corps and the other establishments in that country in consequence of their having hitherto received their pay in the Peerkhanee Currency, I am desired to observe that this can only be considered a hardship in the salaries of the individuals, when converted into the Company's rupee, falling disproportionately below those of other similar Corps and establishments in the neighbourhood.

6. In such a case the Governor in Council is of opinion that it will be desirable at once to follow the course adopted at Deesa on the introduction of the Company's rupee namely to remodel the salaries of the parties and to fix them at an equitable rate in the Company's currency.

BOMBAY CASTLE,
8th April, 1846.

(True Copy).

I have the honour to be Sir,
Your most obedient servant,
(Signed) J. P. WILLOUGHBY,
Chief Secretary,

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 4.

No. 2660 of 1846.

FROM A. MALET, ESQUIRE, SECRETARY TO GOVERNMENT, BOMBAY TO
CAPTAIN G. LE GRAND JACOB, POLITICAL SUPERINTENDENT OF
SAWUNT WARREE. DATED 8TH JULY, 1846.

POLITICAL DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of your letter dated the 23rd April last, No. 54, on the subject of the substitution of the Company's for the Peerkhanee rupee as the rupee of assessment and account throughout the Warre territory.

2. In reply I am directed to inform you that the Honourable the Governor in Council considers that every Ryut at the present time who brings a Company's rupee to a Warree treasury has an undoubted right to demand that it be there received in payment of his revenue at its intrinsic value and that credit be given to him (at the rate of exchange quoted in the second paragraph of your letter) for rupees 1-3-0 of Peerkhanee currency.

3. The abolition of the mints at which the Peerkhanee rupees were coined and the withdrawal of this coin from circulation necessarily raises its exchange value and it would be manifestly unjust to insist on the Ryuts paying this rupee or not to provide them with the means of paying their dues in a coin readily obtainable at a rate in proportion to the quantity of pure silver it contains in comparison with that coin in which their revenue was originally fixed.

4. The Governor in Council is, therefore, of opinion that the substitution of the Company's for the Peerkhanee rupee as the rupee of assessment and account throughout the Warree territory should at once be carried into effect, the Peerkhanee rupee continuing to be received for the present at its assay value.

A (a) vii.

5. Whether the revenues of the whole or any portion of the Warree villages will bear an increase of assessment which will at all make up the reduction in the number of rupees forming the revenue is altogether beside the present question. If such be the case, the circumstances of the Warree State certainly justify the measure which can, however, scarcely be carried into effect without a regular survey.

6. The question as regards the remuneration of the servants of the State is certainly difficult to deal with in as much as the natural position of the two currencies is temporarily deranged by the substitution of a better for worse coin and of this the shroffs who contrive to regulate their proportional value necessarily take advantage.

7. The Governor in Council considers that the only effectual way of meeting this difficulty will be by readjusting all salaries, a measure the more expedient since you declare (and with much apparent justice) that those of all the servants of the State are now on far too low a scale to be compatible with efficiency. I am, therefore, directed to request that you will at once submit a statement, showing the position in which the whole receipts and disbursements at the Warree State will stand when this arrangement shall be carried into effect.

I have the honour to be, Sir,

BOMBAY CASLE, 8th July, 1846.

Your most obedient servant,

(Signed) A. MALET,

Secretary to Government.

(True copy),

Minister of Revenue and Political Affairs, Sawantwadi.

SAWANTWADI STATE (No. 2.)

This is a case in which a new hereditary Jagir, the estate of Parma, consisting of 22 villages, has been conferred by the order of the Government of Bombay in 1914, during the minority of the present Ruler, and has resulted in depriving the State of an appreciable portion of the revenues of the villages, which were formerly farmed by the State on contract to the ancestor of the present grantee of the Jagir, thereby converting the former farming contractor into a full-fledged Jagirdar. Thus the British Government, who were administering the State during the minority of the Ruler as trustees for the benefit of the minor, have thereby alienated a portion of the State's territory by making a new grant, to the permanent detriment of the State's interests. This policy is quite opposed to the general principle of minority administration and is tantamount to a violation of the Treaty rights and obligations and an encroachment on the territorial integrity of the State as guaranteed by its Treaties. The estate in question comprises an area of about 44,000 acres (7 square miles), yielding an annual income of about 20,000 Rs.

2. The facts of the case are briefly as follows :—

Before the organisation of a regular Revenue Department by the British Government within this State in 1848 it had been the practice of the State to farm the Jamabandi of outlying border villages on a farming contract to certain Desais and other people. The farming contractor was to get as remuneration 25 per cent. of the gross revenue of the villages (including besides land revenue, the revenues from Abkari, Forest, Customs and all other cesses), and credit the remaining 75 per cent. to the State. Such villages were known as Chowthai villages or Makta villages farmed on the "Chowthai" system.

3. Amongst such farmers of revenue were the Desais of Usap and Hewale. The Usapkar Desai held 22 villages of the Usap Tarf on the "Chowthai" Jamaband farming system, of which 21 were held under documents of the year 1746-47 and 1765 A.D. (*vide* enclosures Nos. 1 and 2), and one viz., Kasba Maneri under documents of the years 1764-65 and 1767-68 (*vide* enclosures Nos. 3 and 4). Besides these 22 villages the said Desai had three other villages in Mokasa Inami, for which no Sanad is forthcoming.

4. The Usapkar Desais had a younger branch of the same family called the Parmekar Desais (or the Desai of the villages of Parma)—a branch to which the grantee of the new Jagir belongs—and these two branches held the aforesaid 22 villages in equal shares, each branch having a half share in their Chowthai portion of the revenue, i.e., $\frac{1}{4}$ th of the gross revenue. They also enjoyed a half share each of the three "Mokasa Inam" villages.

5. In the year 1844 during the period of the management of the State by the British Government, there occurred a somewhat serious rebellion in the State, headed by the "Tambulkar Desai," another inamdar of the State. This local rebellion was instituted against the State, and the rebels, having abducted the young heir-apparent of the then Ruler, had begun to collect State revenues in his name. The above noted Usapkar Desai joined the rebels who, having been able to find a shelter in the adjoining Portuguese territory, were able to carry on guerilla raids on the State with impunity. Negotiations with the Portuguese Government for the surrender of the refugee rebels having failed, the British Government suggested that the confiscated property of the rebels within the State should be offered as a reward to their relatives and others with a view to prevent them from leaving the State territory and joining or making a common cause with the rebels (*vide* enclosures Nos. 3 to 5). Accordingly the confiscated half share of the Chowthai of 22 villages of the rebel Usapkar Desai was in 1845 bestowed on behalf of the State with the sanction of Bombay Government as a reward to the other branch of the family the Desai of Parma, who had remained faithful (*vide* enclosures Nos. 6 and 7). Thus Jiwanrao, the grandfather of the present Desai of Parma, became the holder of the full Chowthai share of the gross revenues of the 22 villages, the yearly value of which (chowthai) was computed at the time at Rs. 472 (*vide* enclosure No. 6), the remaining three-fourth share to be received by the State for these villages being Rs. 1643, British Coin, the equivalent of Peerkhani Rs. 1845, as settled in the old documents of 1746-47 and 1764-68 noted above in paragraph 3.

6. During this long period (*i.e.*, 1746 to 1845), the depopulated condition of these 22 villages, consequent on the raids of the Pargad and Kolhapur Gadkaris, and the Portuguese Government, hardly offered any opportunity to the State to revise or enhance their demand from the Desai on that account. They had on the other hand often to give remissions to square up the yearly accounts (*vide* enclosures Nos. 8, 9, 10 and 11) till at last they were compelled to put an end to the contract and to resume the farmed villages in 1834. However, on the Desais then paying off the arrears due and on their furnishing two securities every year and a yearly *kaulayat* not to oppress the cultivators, the farming contract was renewed on the old terms (*vide* enclosure No. 12).

7. When after quelling the rebellion peace was restored, these 22 villages commenced yielding large revenues under all the items included in the farming contract, but the 75 per cent. dues of the Darbar, which should have been correspondingly enhanced, remained at the same old figure. Thus, when Jiwanrao Desai of Parma, the grantee of the reward died in 1866, leaving two minor sons and his estate, including the 22 farmed villages was taken under supervision by the then Political Superintendent, the gross income of these 22 villages was found to be Rs. 10,000, and subsequently when on the death of the successor in 1909, leaving two minor sons, the estate came again under supervision, the gross revenue of the villages in question rose to 17,785, in 1910 as against Rs. 2,112, computed in 1845, the year in which half the Chowthai share of the rebel Usapkar was awarded to the grandfather of the present Desai. This State continued under the supervision of the British Government all the while, but no attempt to adjust the Chowthai figure to be given to the Desai as his remuneration, or the 75 per cent. to be realised by the State seems to have been made, and the old figure of Rs. 1,643 (British Coin) as computed in 1845, or as settled in the documents of 1746-47 and 1764-68 (*vide* paragraph 3 *supra*) continued to be realised.

8. The increase in the gross revenue was partly due to enhanced rentals levied from the cultivators of the villages in question and they (cultivators) commenced submitting repeated applications to the successive Political authorities in charge of the State for relief against the exactions of the Desai. When during the minority administration, Survey Settlement was introduced in 1880 into all the villages of the State, the cultivators of these 22 villages also claimed to have the same benefit extended to them. They urged that though they were tenants of long standing, they were all being treated as tenants at will by the Desai, and claimed to be recognised as occupancy tenants. The Desai of Parma, on the other hand, refused to introduce Survey Settlement in the villages, alleging that he was an independent tributary Chief paying only a fixed yearly amount to the State. Not getting any redress of their grievances, the cultivators ultimately applied to the Government of Bombay, who in Government Resolution, Political Department No. 7446, dated the 23rd November, 1910 (*vide* enclosure No. 13) ordered that the cultivators should pay the rentals on the paddy land as demanded by the Desai until a regular Survey

A (a) vii.

Settlement was introduced in the villages. In regard to the contention of the Desai, the Bombay Government were pleased to observe as follows :—

“ Apparently the Desais of Parma and Usap first received the villages about 170 years ago as revenue farmers, agreeing to pay to the State three-fourths of the revenue collections and to keep one-fourth as their remuneration (at present the Desai pays the State about one-sixth and retains five-sixths).”

They further remarked that the case was of a Political nature as, in the year 1845 (by order conveyed in Government Letter No. 2749, dated 3rd June, 1845), the British Government granted to the Desai of Parma “ on tenure of service ” the half share in the villages, which had belonged to the Desai of Usap, and which had been forfeited on account of the disloyalty of the latter. They consequently ordered that an enquiry should be made in the matter and the papers submitted for orders with the opinion of the Commissioner, S.D. (*vide* enclosure No. 13).

9. On enquiry the Political Agent found,

(a) That the Desai of Parma was neither an independent tributary on an yearly fixed amount payable to the State, nor a Jagirdar, nor an inamdar, nor a “ Katuban ” holder (as opined by the State Karbhari).

(b) That the Desai was not able to prove his right to hold the villages in question in perpetuity, and

(c) That the State had the right to increase the present amount of Rs.1643-8-1 paid for these villages by the Desai.

For the future, however, the Political Agent recommended that the 22 villages be considered as an hereditary “ Jat Saranjam ” of the Desai, together with all the rights of Abkari, Forest and Customs appertaining thereto. The Commissioner, S. D., having concurred in the opinion, the Government of Bombay in Government Resolution, Political Department, No. 4246, dated the 27th July, 1914 (*vide* enclosure No. 14) ordered that,

(i) The 22 villages in the Usap Tarf should be deemed to be held as Service Saranjam, and should be continued hereditarily to the Desai of Parma for such period as he remains loyal to the Sawantwadi State.

(ii) That the terms and conditions of the grant should be fixed by the Sawantwadi State, but should not be varied arbitrarily.

(iii) That the Desai should render service to the State in the matter of the collection and remittance of the revenue of the villages, belonging to him.”

10. Accordingly, as provided in paragraph 2 of the Government Resolution No. 4246, dated 27th July, 1914, noted above, the Political Agent fixed the terms and the conditions of the grant on behalf of the present Ruler during his minority and communicated the same to the Desai of Parma under his letter No. C/467, dated the 23th November, 1914. The terms so fixed provided, *inter alia*, that the Desai should make the same payment, viz., Rs. 1,643-8-1 (British coin) until Survey Settlement was introduced in the villages, when he (the Desai) should pay 10 per cent. of the gross realizations to the State (*vide* enclosure No. 15).

11. The result of the above decision is,

(1) That the grant of the confiscated half share of the “ Chowthai receipts ” of the rebel Usapkar Desai to the Desai of Parma under Government Resolution No. 2749 of 3rd June, 1845 (*vide* enclosure No. 7) has been construed as converting the original nature of the farming tenure into a “ Political tenure ” not only of the half share, so granted, but also of the whole.

(2) That in consequence of the above construction, the documents of 1746-47, and 1764-68 granting a farming contract, and a re-grant of the same in 1834 (*vide* enclosure No. 12) after resumption by the State, have been virtually set aside by the Government during minority administration without assigning any reason for the same.

(3) And during minority administration, which is admittedly for the benefit of the minor, an alienation of an appreciable portion of territory (about 7 square miles) has been made by the Government together with all the suzerain rights of Abkari, Forest and Customs under the guarantee of the British Government, not as an adjudication of a dispute on the merits, but as a pure matter of favour and concession to the permanent detriment of the minor's interests and loss of revenue to the State.

EXHIBIT 1.

TRANSLATION.

SHREE.

FROM SHREEMANTA RAJESHREE JAYARAM SAVANT BHONSLE AND RAMCHANDRA SAVANT BHONSLE, SAR DESAI PRANT KUDAL AND OTHER MAHALS, TO KARKUN OF RAJESHREE HARYE GAWAS DESAI, TAPE MANERI, DATED SURSAN, SUBBA, ARBAIN MAYA ALAF (A.D. 1746-47).

It having been represented to the Huzur that the Taha (agreement) of Revenue of Turf Usap Tape Usap previously issued was heavy and that the Rayats being unable to pay the dues left the country, a sum of Rs. 1,400/- exclusive of Chaotai (1/4 of Revenue) Mokase Gao (Inam villages), Bagayat (garden), Jirayat (Rice land), Inam Thikans is to be paid year after year from the next year Sansaman (A.D. 1747-48) as a lump makta amount on account of Surd Gimwas (wet and dry crops) as well as tobacco, Jack, Catechu, betelnuts, cocoanuts, Jagri and Baje Dast (other cesses) besides Rs. 15 on account of Jakat duties on tobacco trade total Rs. 1,415 from which deduct.

(FOR) SHREE DEWAJI (DETTIES).

21-4-0 As usual equivalent of 10 hons yearly.
21-4-0 New 10 hons (recently granted) from San Samman (1747-48).
100-0-0 In cash on account of fort Par Garh (to be paid) yearly.

142-8-0

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

TRANSLATION.

SHRI.

1764-65.

A petition from Karkun in the service of Rajeshri Harye Gawas Desai Tape Maneri in the year Suru San Siten Maya Alaf presented to the Huzur Shrimant Rajeshri Khem Sawant Bhonsle Sar Desai Pargana Kudal and its dependencies, stating that the agreement with respect to collection of dues from Tarf Usap, Tape Maneri was made on Cha 25 Moharam in the last year Saba Arbain and that a new agreement in accordance thereto should be made. In reply to this we have agreed to Rs. 1415 being paid to us Rs. 1,400 as Makta Khand (lump sum rental) inclusive of Kulbab, Kulkanu, in respect of dry and rainy season crops as also Tobacco, Jack fruit, cocoanuts, catechu, Gul, betelnut and other cesses, the Chauthi, Inam village and the Bagayat and Jirayat Inam Thikans being excluded as agreed to in the last year's agreement, and Rs. 15 on account of Jakayat (duties) on tobacco trade. Out of the above (Rs. 1,415) is to be deducted—

42-8-0 Hons for Shri Deoji.

10-0-0 Cash according to previous years.

10-0-0 New (grant from) the year Saman (1747-48).

Rs. 100 As usual (to be paid to) yearly to Fort Pargad.

142-8-0

Deducting the amount namely Rs. 142-8-0 the balance be paid in time. The said agreement to hold good from year to year. The revenues to be paid duly. All matters regarding theft, fornication, caste and heirless death shall be continued to you as in the days of Thorle Khase (late Ruler). No explanation will be demanded in this connection. You have reported that the Rayats have gone abroad in large numbers. You should arrange for annual cultivation by them as before. No molestation will be caused on account of service by the Huzur. Such is the agreement. Be it known. With loyal behaviour you should pay the revenue.

Cha nine Jilhej.

(Seal.)

(True Copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 2.

TO RAJESHRI KARKUN IN SERVICE OF RAJESHIR HARYE GAWAS DESAI TAPE MANERI, FROM KHEM SAWANT BHONSLE SAR DESAI PRANT KUDAL AND ITS DEPENDENCIES.

In the year Sit Siten Maya Alaf (1767-68). The village of Kasba Maneri was given for 5 years on a farming contract from the year 1763-64 to the Gaonkars of the said Kasba. They farmed the village for one year and paid dues. This year they left the contract. If the village be farmed to us we will cultivate and pay the dues. This was represented to the Huzur. Hence the (following) agreement is made.

As per previous Kabulkhata (farming contract).

Total revenue in kind 32 Bharas $8\frac{3}{4}$ Kudavs Sard paddy.

To be deducted 2 Bharas $8\frac{3}{4}$ Kudavs as per agreement of Gaonkars.
3 Bharas as at present agreed to from next year.

Total 5 Bharas $8\frac{3}{4}$ Kudavs.

Balance to be levied 27 Bharas of Sard Paddy.

Revenue in kind of gimwas (winter) paddy $12\frac{1}{2}$ Bharas as previously agreed to
Less 3 Bharas 5 Kudavs for the Inam thikan in the said Kasba granted to Harye Gawas.
Balance $9\frac{1}{2}$ Bharas 15 Kudavs of winter paddy.

Jagri 5 maunds.	Cash in Hon coin.
Hemp $2\frac{1}{2}$ maunds.	0-2-0 for jack fruit.
	2-5-3 for other cesses.

2-7-3

In all the Sard revenue in kind 27 Bharas and Gimwas revenue in kind $9\frac{1}{2}$ Bharas and 15 Kudavs and Jagri 5 Maunds, hemp $2\frac{1}{2}$ Maunds and $2\frac{1}{2}$ Hon and three dubals is the revenue in kind that has been fixed for the Kasba. Besides this revenue in kind the pattees and cesses as per Sheristah (custom) should be paid for this year. On account of want of cultivation a remission of 27 Bharas Sard Paddy and hemp $2\frac{1}{2}$ maunds is allowed for this year. The rest gimwas revenue jagri and Cash should be paid this year. The farming contract has thus been given. The revenue should be paid in kind from year to year. From out of the settled revenue in kind $\frac{1}{4}$ th would be allowed to Harye Gawas Desai of the said village from year to year. Gaonkars, Mirasdars and the other Rayats should be brought down and made to cultivate the lands. This agreement has been made accordingly. You should cultivate the village and pay the revenue.

Dated 20 Jillej.

(Seal.)

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

TRANSLATION.

SHRI.

1767-68.

TO RAJESHRI KARKUN IN THE SERVICE (OF), RAJESHRI HARYE GAWAS DESAI TAPE MANERI, FROM KHEM SAWANT BHONSLE SAR DESAI PRANT KUDAL AND ITS DEPENDENCIES.

In the year San Siten (i.e., 1767-68) an agreement of the Kumla (in kind) revenue was made in respect of Kasba Maneri. You prayed that the revenue be recovered in cash (instead of in grain). In consideration of this, the dues on both dry and rainy season crops exclusive of Chauthai (to be paid) to Rajeshri Harye Gawas Desai Tape Maneri, including Gul, hemp, Jack fruits, other cesses, Tobacco, Surdeshmukhi, rice, grain and Ghee have been agreed to be paid in cash amount of Rs. 345-4-0 since next year. The revenue dues to be paid regularly from year to year. There will be no demand for forced labour, etc.

Cha 15 Ramjan.

(Seal.)

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 3.

No. 1470 of 1845.

FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, TO
WILLIAM COURTNEY, Esq., POLITICAL SUPERINTENDENT OF SAWANT-
WADI, POLITICAL DEPARTMENT, DATED 20TH MARCH, 1845.

SIR,

I am directed by the Honourable the Governor in Council to acknowledge the receipt of your letter dated the 10th instant, No. 74, reporting further excesses by bands of Insurgents in the Sawant Waree territory and the apprehension of the leaders named in the margin.

Bhiro Withul
Koolkurnee of
Orosee Nar Sarwunt
Kinlojkar and
Eshwunt Row alias
Baba Rana.

2. In reply, I am desired to inform you that the Governor in Council has generally observed a great deal of ambiguity in your reports doubtful expressions such as "it is said" "it is believed," "I have heard" abounding in them.

3. In your present report (para. 7) you say that "you believe" a certain person was instrumental in the captures of the three Insurgents above alluded to. It would, I am desired to remark, have been easy to have ascertained the correctness of the rumour and whenever an outrage is committed you should invariably send for some of the parties who have suffered and ascertain from them the particulars.

Bulwunt Row
Raneh.

4. You should also on this occasion exhort the villagers to give timely information to the nearest military posts of the movements of the Insurgents and point out to them, that this is the only mode in which they can hope to live in peace and relieve themselves from these destructive visitations.

5. The Governor in Council is of opinion that it would be an excellent plan to bestow a portion of the Phond Sawant's villages in Zat Surinjam and on tenure of service upon those Chiefs who have remained staunch to the interests of the British Government such as the Permekhar Dessae, and if you are assured of his perfect fidelity, the Banda Soobedar.

6. By this plan, two objects will be attained. The adherents of the British Government will be rewarded and the community will be convinced that the Phond Sawant family will never again have an opportunity of oppressing them as heretofore.

7. You will be pleased to report without delay your opinion on the arrangement and the mode in which it can be best carried into effect.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) J. P. WILLOUGHBY.

Chief Secretary.

BOMBAY CASTLE,

20th March, 1845.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 4.

No. 1509.

FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, TO
WILLIAM COURTNEY, ESQ., POLITICAL SUPERINTENDENT OF SAWUNT-
WARREE, POLITICAL DEPARTMENT, DATED 24TH MARCH, 1845.

SIR,

With reference to the 6 paragraph of my letter No. 12190, dated the 8th instant, I am directed to inform you that the Honourable the Governor in Council is pleased, subject to the confirmation of the Government of India, to sanction the immediate increase by two companies of the Sawunt Warree Local Corps.

2. The Governor in Council has at the same time resolved, subject to the confirmation of the same authority, that a Second in Command shall be appointed to this corps, and Lieut.-Colonel Outram has been requested to select one of the best qualified officers serving under his command for the purpose of being nominated to this appointment.

3. The Governor in Council is of opinion that it may be advisable that a promise of pardon should be held out to two or three of the Chiefs amongst those who are more deeply implicated in the insurrection, if they are instrumental in the seizure of the rest.

4. The Governor in Council is, therefore, pleased to authorize you, after consultation with Lieut.-Colonel Outram, to promise a pardon accordingly, but it is his earnest desire that this pardon should not be extended to the Phond Sawant or to any of his sons.

5. With reference to my letter No. 1470, dated the 20th instant, I am desired to state that the Governor in Council is of opinion that the Chiefs who have been faithful and who have not committed themselves with the rebels should be effectually severed from them and encouraged sincerely to make common cause against them by some of the confiscated lands of those who have been leaders in the insurrection being at once assigned over to them.

6. The Governor in Council is anxious, with the view of attaining the above object, to reward those persons who have remained faithful to the British Government, and you will, therefore, be pleased in consultation with Lieut.-Colonel Outram to carry this measure into effect.

7. You will, however, at the same time remember that the revenues of Sawantwadi are not only small, but that the debts of this State are very considerable.

I have the honour to be, Sir,

Your most obedient Servant,

(Signed) J. P. WILLOUGHBY,
Chief Secretary.

BOMBAY CASTLE,
24th March, 1845.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 5.

No. 955 of 1845.

FOREIGN DEPARTMENT.

FROM F. CURRIE, ESQ., SECRETARY TO THE GOVERNMENT OF INDIA, TO
THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, DATED
11TH APRIL, 1845.

SIR,

I have the honour to acknowledge the receipt of your despatch, dated the 24th ultimo No. 257, respecting an augmentation to the Sawunt Warree Local Corps and the appointment of a second in command to the corps.

2. In reply, I am desired to refer you to my letters of the 28th ultimo No. 832 and the 4th instant, No. 924, for the instructions of the Supreme Government on this subject and to convey the approval of the Governor-General in Council to the measures suggested in the 3rd to 6th paragraphs of your letter of the 24th March, No. 1509, to the Political Superintendent of Sawunt Warree for the pacification of that company.

I have the honour to be, Sir,

Your most obedient Servant,

(Signed) F. CURRIE,
Secretary to the Government of India.

FORT WILLIAM,
The 11th April, 1845.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

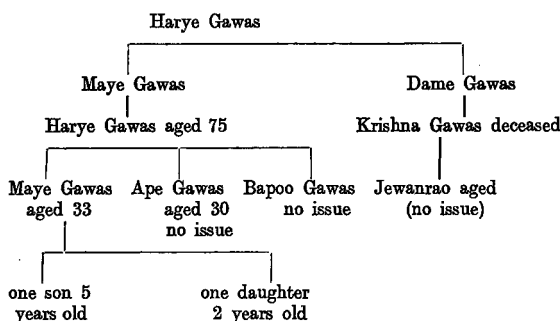
EXHIBIT 6.

No. 128 of 1845.

FROM THE POLITICAL SUPERINTENDENT OF SAWUNT WARREE, TO J. P. WILLOUGHBY, ESQ., CHIEF SECRETARY TO GOVERNMENT, BOMBAY, POLITICAL DEPARTMENT, SAWUNT WARREE, DATED 8TH MAY, 1845.

SIR,

With reference to correspondence as per margin, I do myself the honour to state that the inheritance of Jeewanrao the Parma Desae is a half share of the Oosup estates and rights held in joint tenure with the Oosup Desais, of whose House I annex a Genealogical Tree :—



2. The particulars are as follows :—

Three villages, viz., Oosup, Kusue and Weerdi, held in Inam, the date of this grant is unknown, but stated to have been prior to all others a chowth on the under-mentioned villages 22 in number, these with the three above-named constitute the Oosup Taraf. Yearly revenue:—

- | | | |
|--------------|----------------|----------------------------|
| 1. Muneree. | 8. Puntoorlee. | 15. Peekolee. |
| 2. Parme. | 9. Jhure. | 16. Matne. |
| 3. Konal. | 10. Gerode. | 17. Amburgam. |
| 4. Khanyali. | 11. Koodase. | 18. Mangelee with lands. |
| 5. Ambelee. | 12. Wujre. | 19. Kamte a waste village. |
| 6. Palie. | 13. Ayee. | 20. Tulekhol. |
| 7. Sonawul. | 14. Khokral. | 21. Bordi. |
- and 22 Satelee.

This Chouth gives yearly Peer : Rs. 563-7-11, Co. Rs. 472-15-8½. The Sanad for this grant is dated 25th Mohurrun Soor Sun Suba Araby, equivalent to A.D. 1746/47. The original deed has been shown me—an item of Revenue termed Wuttum Bab, viz., a fixed sum payable to Gamkurs (Patells) of villages, is realised from 19 of the above 22 villages, three of them (viz., Puntoorlee, Konal and Koorase) pay it to the Koorase Desae. The origin of the grant is unknown, but stated to be the same as that of the three Inam villages; its amount is Peer Rs. 108-0-0, Co. Rs. 90-10-5, a revenue item termed Inam thikane from the above 19 villages. This is a tax raised part in kind and part in money from cultivators holding lands belonging to the Desaes. It is referred to in the Sunud or deed of investiture above quoted, and its amount is returned at :—

Peer Rs. 186-8-0 Com. Rs. 156-8-8.

3. Independent of the above the entire management of the Oosup Taraf rests with the Desaes, they pass the annual Kabulayats to the State for the following amount.

The Waree Jumma	Peer Rs.	Co. Rs.	
	1742-12-0	1462-13-1½	
The Pargurh jumma payable to Belgaum Collectorate			} 100-0-0=83-15-0
Dharmadaya and Dewasthanee			
			} 42-8-0=35-10-9½
Total			1885-4-0

¹ 5 at 7 paras of G.L. No. 1470, 20th March, 1845.

5 at 7 paras of G.L. No. 1509, 24th

Pol. Supdt. to Government No. 114, 18th April, 1845.

G.L. No. 1996, 24th April, 1845.

A (a) vii.

I have no means of knowing what may be the profit, if any, accruing to the Desaes from thus framing the Jumma bundee land lapsing from absence of proprietors or otherwise may be a source of profit or of loss, but with my slight acquaintance with this country I hesitate to offer an opinion on this head. The practice of farming out the revenues to Desaes and others has prevailed in Waree from of old and is thus looked upon as a species of Wuttun, the Mukta or farm for the Jumma of the Oosup Taraf is included in the deed of grant for the Chouth on the 22 villages above referred to. The introduction of our direct interference has been of so recent a date and the establishment of the three Kummavidaraes so very recent, viz., in September, 1843, that time has not been given to supplant the power of the Desaes, etc. by that of Government, hence the extent and formidable nature of the recent rebellion all the population nearly following their chiefs to the war as their Lords Paramount, it becomes a very nice question to decide how far we should endeavour to break down the power of the remaining chiefs or how far we should govern through them; but leaving this point for subsequent discussion, I proceed to the detail of the joint patrimony of the Oosup family.

4. The next source of revenue to the Desaes is derived from their Hukks on customs, this subject, I see, is stated in the fourth paragraph of your letter to Mr. Courtney, No. 1070, dated 1st March last, to be "under review in the Revenue Department." I will, therefore, enter into it here further than to state the amount which has been estimated at Peerkhanees rupees 1695-1-0 per annum for the united families of Oosup and Hewale of which the relative shares are:—

	Co.	Rs.
The Oosup branch Peer	1186-	4-0 = 995-11-3
The Hewal do. do.	508-	13-0 = 427- 1-4

Total ... 1695- 1-0 = 1422-12-7

5. I will here recapitulate the several items:—

	Oosup share Peer Rs.	Parma share Peer Rs.	Total Peer.	Co. Rs.
Inam villages	272-13-1½	272-13-1½	545-10-3	=457-15-11½
Chowth on 22 villages ..	281-11-11½	281-11-11½	563-7-11	=472-15-8½
Wuttun Bab	54-0-0	54-0-0	108-0-0	=90-10-5
Inam thikane	93-4-0	93-4-0	186-8-0	=156-8-8
Customs, hukks	593-2-0	593-2-0	1186-4-0	=995-11-3
Total	1294-15-1	1294-15-1	2589-14-2	=2173-14-1

By the above it will be seen that the gross revenue of the Oosup confiscated estates in Peerkhani Rs. 1294-15-1=Co. Rs. 1086-15-1 per annum of this amount, I beg to recommend the immediate bestowal to Jeewanrao Desae in inam on tenure of service of the confiscated share of the three inam villages and of the Chouth on the twenty-two villages amounting to Peerkhanees Rs. 554-9-1=Co. Rs. 465-7-10 reserving the items of custom hukks, wuttun Bab and Inam thikane for future adjustment, but giving the mukta of these two last items to the Desae in other words rendering him responsible for the amount to Government.

6. The grant it will be perceived is of small amount and it is all Col. Outram and myself promised, though we contemplated a favourable arrangement of the Hukks. The Honourable the Governor in Council was pleased thus to express himself in your letter above quoted.

"The Governor in Council is anxious with the view of attaining the above object to reward those persons who have remained faithful to the British Government and you will therefore be pleased in consultation with Lieut.-Colonel Outram to carry this measure into effect," notwithstanding, therefore, your subsequent letter of the 24th April, modifying these instructions, I feel sure that the Honourable Board will deem it right to reward the fidelity of the Furme Desae evinced during the course of the recent campaign and to uphold Lieut.-Colonel Outram's and my promises which were under only in the name and by the authority of Government.

I have the honour to be, &c.,

(Signed) G. L. JACOB,

Political Superintendent.

(True Copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 7.

No. 2749 of 1845.

FROM THE CHIEF SECRETARY TO GOVERNMENT, BOMBAY, TO CAPTAIN
G. LEGRAND JACOB, POLITICAL SUPERINTENDENT OF SAWANT
WARREE, POLITICAL DEPARTMENT, DATED 3RD JUNE, 1845.

SIR,

I am directed to acknowledge the receipt of your letter No. 128, dated the 8th ultimo, stating that the inheritance of the Dessae of Purme is a half-share of the Oosup Estates and rights, held in joint tenure with the Oosup Dessaees.

2. In reply I am desired to inform you that the Honourable the Governor in Council concurs with you in opinion that the Dessae of Oosup and his family should be declared to have forfeited all the possessions they held in the Sawunt Warree Territory.

3. While Government thus punishes the guilty it has the opportunity of rewarding the Dessae of Purme, who remained faithful to his allegiance. The Governor in Council is accordingly pleased to authorize the forfeited rights of the Oosup branch alluded to in the 5th paragraph of your letter being, as therein suggested conferred upon the Purme branch on tenure of service.

4. It appears that the Purme Dessae is childless and as another mode of testifying how highly his late services are appreciated, I am directed to request that you will inform him that it is the intention of Government should he desire it to give him permission to adopt a son.

5. With regard to the disposal of the other rights of the Oosup branch I am desired to state that this may be left for future consideration. In the meantime, you will cause the revenues to be collected and kept in deposit.

I have the honour to be,

SIR,

Your most obedient servant,

(Signed) J. P. WILLOUGHBY,*Chief Secretary.*

BOMBAY CASTLE,

3rd June, 1845.

(True Copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 8.

TRANSLATION.

SHREE.

1770-71.—AKHANDIT LAXMI ALANKRIT RAJIMANYA RAJESHRI, HARYE
GAWAS DESAI TAPE MANERI.

After customary greetings.....from Khem Savant Bhonsle Sar Desai Prant Kudal and its dependencies in terms of the agreement of Kasba Maneri the assessment is to be recovered but the village was thrown out of cultivation on account of the Portuguese raids. The cultivators have deserted and gone abroad and cannot be replaced and for this reason Karkun in your service prays for a remission of arrears. From this we understand that the State assessment has been left unpaid on account of the Rayats having left on account of raids, the lands lying fallow in consequence. All the arrears have therefore been remitted up-to-date and there will no longer be any trouble on this account. The Rayats have not yet returned and although they have been kept away at the instigation of the Firangis you are however to bring new cultivators and arrange for cultivation. In view of last year's agreement you should enjoy the Vatan on payment of the revenue dues and there will be no trouble on any account. The Huzur will not interfere in the enjoyment. You should continue in peace and happiness. Be it known.

Cha 11 Ramjan.

(True Copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 9.

TRANSLATION.

SHREE.

1799-1800.

Ext. 4.

ACCOMPANIMENT TO THE REPORT No. 398, DATED 31st JULY, 1848, FROM WASUDEO TRIMBAK TAMBE KAMAVISDAR, TO RAJESHRI KARKUN IN THE SERVICE OF RAJESHRI KRISHNE DAME GAWAS DESAI TAPE MANERI, FROM RAJE KHEM SAVANT BHONSLE BAHADUR SAR DESAI, PRANT KUDAL AND ITS DEPENDENCIES.

In the year 1799-1800 (Suru San Maya Tsin Wa Alaf).

Rajeshri Krishne Dame Gawas Desai Tape Maneri has been receiving half the dues on account of Watandari rights, etc., in respect of Tarf Usap and Kasba Maneri. The State dues regarding thereto exclusive of those that cannot be recovered may be appropriated towards the expense of the retainers as per the Sanad of Tape in question. Thus the arrears due up to the end of the year Tissain have been accounted for. Be it known.

Cha 5 of the month of Rajab.

(Seal.)

(True Copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 10.

TRANSLATION.

SHREE.

1807-08.

TO RAJESHRI KARKUN IN THE SERVICE OF RAJESHRI KRISHNAJIRAO DESAI TAPE MANERI, FROM RAJE RAMCHANDRA SAVANT BHONSLE BAHADUR, SAR DESAI PRANT KUDAL AND ITS DEPENDENCIES.

In the year 1807-08 (Suru San Saban Samanin Maya Tain wa Alaf).

Rajeshri Krishnaji Desai has had the Wahiwat of a half of the Watandari and Government Taluk in the Tarf Usap and Kasba Maneri. In respect of this half the amount due under the provisions of the last year treaty on account of the State dues exclusive of his (Krishnaji Desai's) Watandari right is allowed to him for the maintenance of his retainers.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAWANTWADI.

EXHIBIT 11.

TRANSLATION.

SHRI.

1819-20.

ACCOMPANIMENT TO THE REPORT NO. 398 DATED 31st JULY, 1848, FROM VASUDEO TRIMBAK TAMBE KAMAVISDAR FROM SHRIMANT RAJESHRI RAJE KHEM SAVANT BHONSLE BAHADUR SAR DESAI PARGANNE KUDAL AND ITS DEPENDENCIES, TO RAJESHRI KARKUN IN THE SERVICE OF RAJESHRI KRISHNARAO GAVAS DESAI TAPE MANERI.

In the year 1819-20 (Suru San Ashrin Maya Tain wa Alaf).

The Watandari and Government (State) dues in respect of Tarf Usap and Kasba Maneri should be paid. The above-named Desai has been in the Wahiwat of a half share. The State dues relating thereto have been partly received. The balance to be paid has not

been received by Government owing to disturbances, and the Tarf also is deserted (depopulated). You made a representation to the Huzur that the arrears of the said Revenue in accordance with the lump sum agreement for the Tarf and Kasba due since last year may be exempted. This representation having made it clear to us that the State dues were not paid owing to disturbances we remit the whole arrears due since last year. You shall not be troubled on account of these arrears. Be it known.

Cha 11 of the month Rabilawal.

(Seal.)

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

EXHIBIT 12.

TRANSLATION.

SHRI.

FROM RAJE KHEM SAWANT BHONSLE BAHADUR, SAR DESAI PARGANNE KUDAL AND ITS DEPENDENCIES, TO RAJESHRI KARKUN HARYE GAWAS DESAI, TAPE MANERI.

After greetings—The revenues from Tarf Usap have not been regularly paid by you. This year the whole has remained in arrears on account of mutual quarrels between yourself (and your cousin) Rajeshri Krishnarao Gawas. The Rayats have been troubled and have absconded. On account of the quarrel and other reasons the vahiwat of the said Tarf has been removed from you and the Tarf is kept under attachment. Abaji Ram Bapat Karkun has been asked to manage the estate under attachment. But you have now made part payment of the arrears and have agreed to pay the remaining amount in cash. You have also furnished security with a view to prevent molestation of the Rayats on any account. Hence the Tarf is released from attachment and this Sanad is given to you. You should bring Rayats from other villages, bring the land under cultivation, realise the revenue as heretofore and without molesting the Rayats render accounts (of the Tarf) and pay the revenue (to the State) on the fixed dates of instalments. Extra expense has been incurred by the State for management during attachment. Accounts will be made of the cost incurred during attachment and a Yadi of the same will be sent to you. You should pay the cost accordingly and keep bandobast of the management.

In the year 1235, i.e., 1834-35.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

EXHIBIT 13.

SAVANTVADI.—PETITION FROM NARAYAN RATNE GAVAS AND OTHERS OF PIKULE IN THE SAVANTVADI STATE REGARDING A DISPUTE ABOUT THE LEVY OF ASSESMENT OF THEIR LANDS BY THE DESAI OF PRAMA, POLITICAL DEPARTMENT, BOMBAY CASTLE, 23RD NOVEMBER, 1910.

No. 7446.

RESOLUTION.—The petitioners should be informed that until a regular revenue survey can be introduced they must pay rent on Jirayat, rent by assessment on Warkas, the tax on fruit trees and the Karkuni tax, as decided by the Political Agent.

2. At the same time it is evidently most desirable that a regular revenue survey should be taken in hand without delay and an assessment fixed which shall include all miscellaneous levies. But before this is done, it is necessary that Government should decide once for all the nature of the tenure on which the Desai of Prama is to be permitted to hold these villages in future. At present the respective rights of the State and the Desai in the villages are undefined, and there is no reason why they should not be investigated now and a final settlement made.

A (a) vii.

Government letter
No. 2749, dated the
3rd June 1845.

3. Apparently the Desai of Parma and Usap first received the villages about 170 years ago as revenue farmers, agreeing to pay to the State three-fourths of the revenue collection and to keep one-fourth as their remuneration (at present the Desai pays the State about one-sixth and retains five-sixths). Then in the year 1845 the British Government granted to the Desai of Parma "on tenure of service" the half share in the villages which had belonged to the Desai of Usap and which had been forfeited on account of the disloyalty of the latter.

4. The matter is of a political nature, to be decided by Government. The Political Agent should hold an inquiry in the matter, giving the Desai of Parma full opportunity to represent his case, and should then submit the papers with his opinion to the Commissioner, S.D. The Commissioner is requested to go into the case carefully, visiting Savantvadi for the purpose if he thinks it advisable, and then to submit the papers with his recommendations to Government.

(Signed) J. E. B. HOTSON,

Under Secretary to Government.

TO THE COMMISSIONER, S. D.,
The Political Agent, Savantvadi.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

EXHIBIT 14.

SAVANTVADI.—TENURE OF THE 25 VILLAGES HELD BY THE DESAI OF PARMA IN THE STATE, AND THE CLAIMS OF THE DESAI TO THE FOREST AND ABKARI RIGHTS IN HIS VILLAGES, POLITICAL DEPARTMENT, BOMBAY CASTLE, 27TH JULY, 1914.

No. 4246.

RESOLUTION.—On a careful consideration of the Political Agent's report and the arguments on behalf of both the Savantvadi State and the Desai of Parma, the Governor in Council has resolved—

- (1) that the 22 villages in the Usuf Turfs should be deemed to be held as Service Saranjam and should be continued hereditarily to the Desai of Parma for such period as he remains loyal to the Savantvadi State;
- (2) that the terms and conditions of the grant should be fixed by the Savantvadi State, but should not be varied arbitrarily;
- (3) that the Desai should render service to the State in the matter of the collection and remittance of the revenue of the villages belonging to him;
- (4) that the Desai should comply with any reasonable order of the Savantvadi State in respect of the revenue administration;
- (5) that the three Mokasa villages of Virdi, Usaf and Kassai should be continued to the Desai on the same conditions on which they have hitherto been held.

2. As regards the claim of the Desai of Parma to the Forest and Abkari rights in his villages, the Governor in Council directs that the Forest rights should be adjudged to the Desai, on the understanding that he must exercise these rights subject to the control of the Savantvadi State, and to the rules in force therein, and that he must carry out any reasonable orders passed by the State. The Abkari rights should also be adjudged to the Desai, and the Governor in Council agrees with the Political Agent that the management of these rights should be taken over by the State, the Desai receiving the net profits calculated, now on the actuals for the last ten years, and in the future on the actuals for the previous ten years.

3. The Political Agent should be requested to communicate the above decision to the Desai of Parma.

(Signed) L. ROBERTSON,

Secretary to Government.

TO THE COMMISSIONER, S. D. (with the accompaniments to his letter No. 132, dated the 8th May, 1912).

The Political Agent, Savantvadi.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

EXHIBIT 15.

No. C/467 of 1914.

FROM THE POLITICAL AGENT, SAVANTVADI, TO THE DESAI OF PARMA,
PARMA, AMBOLI, 28TH NOVEMBER, 1914.

Sir,

In continuation of this office No. 3729, dated 19th August, 1914, I have the honour to intimate that the 22 villages of the Usap Tarf, Petha Banda, having been continued to you hereditarily on service saranjam tenure the following terms and conditions of the grant are laid down :—

I. That you and your heirs will continue to behave loyally and faithfully towards the State.

II. That you will continue to pay to the State annually Rs. 1643-3-1 as land and sayar revenue and Rs. 163-7-4 as local cess on account of the said villages as hitherto until the Introduction of the Survey Settlement.

III. That you will arrange to introduce revenue survey into the said villages at an early date, the whole cost of this measure being defrayed by you.

IV. That on the introduction of the Survey Settlement you shall pay to the State 10 per cent. of the gross realizations in each year with local cess. This 10 per cent. may be varied if considered desirable on a succession and regrant of the saranjam.

V. That you and your heirs will continue to render useful services to the State in the matter of collection and remittance of State revenue on account of the said villages.

VI. That you and your heirs will comply with any reasonable behests of the Darbar in the matter of the revenue-administration of the said villages and also assist in maintaining peace and tranquility therein.

VII. That you and your heirs will continue to hold and enjoy the three villages of Viridi, Usap and Kasai in Mokasa Inam on the same conditions as those on which your family has held them hitherto but that you will introduce the Survey Settlement therein simultaneously with its introduction in your saranjam villages.

VIII. That you will attend all Durbars and other ceremonial functions whenever called on to do so.

IX. That the State will not recognize alienation of any part of the said villages made either by you or your heirs by way of mortgage, sale or otherwise.

X. That you and your heirs will continue to enjoy the Forest rights in the said villages on the understanding that you must exercise those rights subject to the control of the Savantvadi State and to the rules in force therein and that you must carry out any reasonable orders passed by the State in that matter.

XI. That the Abkari rights in the said villages will be continued to you but that the management of those rights will be taken over by the State, you receiving the net profits calculated now on the actuals for the last 10 years and in the future on the actuals for the previous ten years.

Please inform me as soon as possible that you have accepted the above conditions.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) H. HARRISON, Major.

Political Agent, Savantvadi.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

SAVANTVADI STATE. (No. 3.)

As a corollary to the orders issued by the Government of Bombay in 1836 and thereafter about the status of Savantvadi in disregard of the treaties, the Government of Bombay were pleased in 1887 to register this State as liable to pay Nazarana on successions under the Nazarana Rules without giving any intimation to the State or giving it a hearing on the subject.

In 1900, on the death of the then Sar Desai Raghunathrao, alias Baba Saheb, on 14th December, 1899, without issue, the succession of his cousin, Shri Ram, alias Rao Saheb, was sanctioned on conditions noted in G.R. No. 4000, dated 1st June, 1900, and the Government of India, No. 2033 I.A., dated 9th May, 1900. One of these conditions was that

“the Political Superintendent should report the amount of Nazarana leviable and submit proposals for its payment.”

The Political Agent by his letter No. 2836, dated 28th July, 1900 (*vide* Exhibit No. 1) requested the Government to be informed of the grounds on which the State was considered to be liable to pay Nazarana. He also adduced reasons to show that the State by its position as defined in the treaties, and in accordance with the usage and practice obtaining in this behalf was not liable to pay Nazarana.

In forwarding the representation of the Political Superintendent the Commissioner, S.D., referred to the levy of Nazarana from the previous Ruler and disagreed with the views of the Political Superintendent. The Bombay Government, however, without giving due consideration to the arguments of the Political Superintendent, approved the opinion of the Commissioner, S.D., and in their Resolution No. 2753, dated 11th April, 1901, Political Department, ruled that the claim of the Savantvadi State to exemption from Nazarana could not be admitted (*vide* Exhibit No. 2).

As the said order was in direct contravention of previous practice and the terms of the treaty and as the exceptional levy from the late Ruler of an amount equal to Nazarana had been expressly specified as a penalty for joining the rebellion and as the levy of this penalty had not affected the status of the State he requested the Bombay Government to allow him to refer the question to the Government of India. This request was also disallowed by the Government of Bombay in their letter No. 5682, dated 12th August, 1901 (*vide* Exhibit No. 3).

As the Bombay Government's orders were based on the view of the Commissioner, S.D., Bombay, which was incorrect, the Political Superintendent again in his letter No. 2437, dated 12th July, 1901 (*vide* Exhibit No. 4) adduced evidence to prove the inaccuracy of the statements made by the Commissioner. In their final reply No. 3549, dated 12th May, 1902 (*vide* Exhibit No. 5), the Government of Bombay remonstrated with the Political Superintendent for his repeated representations in the matter and were pleased to justify the levy of the Nazarana in the following words:—

“It is a levy which is rooted in Indian History from a period antecedent to the establishment of British Rule in the Deccan, and in the case of Savantvadi the payment is the sole tax enforced on the State in recognition of the many advantages it and its subjects enjoy both in India and abroad from the protection extended to the State by the British Government; I am also to observe with special reference to your paragraphs 8 and 9 that the levy is a first charge on the revenues of the State and payment cannot be postponed on the grounds therein set forth.”

Accordingly a sum of Rs. 1,96,458 was recovered as Nazarana from the State. As the levy of the Nazarana from the States in general has been discontinued since the Delhi Darbar in 1911, there is no further step required to prevent a repetition of this particular fiscal injustice in future. But arrangements for the investigation of such cases where payments have been improperly exacted ought to be made in order that just and appropriate refunds may be made. In addition the history of the case throws much light on the grave defects of a system which can make such exactions possible without affording an absolute and not merely a discretionary right to investigation and adjudication binding equally on the Government of India to the State concerned.

EXHIBIT 1.**LIABILITY OF THE SAVANTVADI STATE TO THE OPERATION OF THE NAZARANA RULES.**

LETTER NO. 2836, DATED THE 28TH JULY, 1900, FROM THE POLITICAL AGENT, SAVANTVADI, TO THE SECRETARY TO GOVERNMENT, POLITICAL DEPARTMENT, BOMBAY.

In order to enable me to submit the report called for in paragraph 3 of Government Resolution No. 4002 (confidential), Political Department, Bombay, dated the 1st June, 1900, I have the honour to request you to be good enough to inform me of the grounds upon which the Government of India has registered the Savantvadi State as liable to the payment of Nazarana. The grounds of liability of a State to pay Nazarana are not clearly defined in the Nazarana Rules furnished to this office with Government Circular No. 5192, dated the 30th September, 1884.

No. 6031.

POLITICAL DEPARTMENT, BOMBAY CASTLE, 9TH AUGUST, 1900.

Resolution :—The Political Agent's attention should be drawn to the orders contained in Government Circular No. 569, dated the 22nd January, 1887, and he should be informed that the Savantvadi State was registered as liable to the operation of the Nazarana Rules because in its case none of the conditions necessary for exemption were fulfilled.

(Signed) W. T. MORISON,

Acting Secretary to Government.

To

The Commissioner, S.D.,
The Political Agent, Savantvadi.

(True Copy.)

Minister of Revenue and Political Affairs, Sawantvadi.

EXHIBIT 2.**LIABILITY OF THE SAVANTVADI STATE TO THE OPERATION OF THE NAZARANA RULES.**

LETTER NO. 4405, DATED THE 15TH DECEMBER, 1900, FROM THE POLITICAL AGENT, SAVANTVADI, TO THE SECRETARY TO GOVERNMENT, POLITICAL DEPARTMENT, BOMBAY.

With reference to Government Resolution, Confidential No. 4002, Political Department, dated 1st June, 1900, forwarding the orders of the Government of India regarding the recognition of Shriram Savant Bhonsle as Sar Desai of Savantvadi, and stating that "The Savantvadi State has been registered as liable to the payment of Nazarana and full Nazarana of half a year's revenue should accordingly be levied on the present succession," I have the honour to attach hereto a copy of the State Karbhari's letter expressing the view of the Darbar on the above subject, and to respectfully solicit a consideration of the points raised in his letter as well as of those discussed herein by me before any final orders are passed on this matter. I find after a very careful investigation of the records that in the past no successor to this ancient Principality, whether a direct heir or an heir by adoption or a collateral, has ever paid a Nazarana or tribute to any paramount power, British or Native; and in these circumstances I am humbly of opinion that the Savantvadi State is not liable for the payment of Nazarana in the case of the present or any future succession. In support of this humble opinion I beg permission to refer to Article 6 of the Treaty of Majgaon, dated 17th February, 1819, wherein the Raja and his heirs are declared "absolute rulers" of the Savantvadi State. I also request the favour of a reference to Colonel Schneider's letter No. 596, dated 17th December, 1867, to the address of Government, wherein he pointedly took exception to the expression "usual Nazarana." It will be seen that Colonel Schneider was prudent enough to foresee that the expression "Usual Nazarana" used by Government in their letter, dated 16th September, 1861, to the Sar Desai (a copy of which was sent to this office with Government letter No. 3091, dated 16th September, 1861) might at some future date be used as a precedent for claiming Nazarana from this State.

A (a) vii.

2. During the lifetime of Khem Sawant, Sar Desai of Savantvadi, his son and heir, Phond Savant, a boy aged 16 years, joined in the rebellion of 1844-45 and as a punishment was declared to have forfeited his right to succeed to his father's Gadi. In 1861 the Secretary of State for India was induced to obtain a pardon for Phond Savant, by which the latter's succession to the Gadi of the Savantvadi State was secured on condition of (i) payment of the debt due to the British Government on account of the insurrection of 1844-45, and (ii) payment of the usual Nazarana equal to a year's revenue of the State.

3. The debt in question, amounting to Rs. 5,60,514, due to Government was paid off during the lifetime of Khem Sawant; consequently, when Phond Sawant succeeded to the Gadi there remained only the second condition to be fulfilled.

4. Now supposing that the Savantvadi State was liable to the payment of Nazarana, no such payment would have been due or leviable under the rules on the succession of Phond Savant, because he was the legitimate son and direct heir of the last Sar Desai. It is, therefore, clear that the payment demanded in his case as Nazarana was a pecuniary punishment for his personal participation in the rebellion, and not a Nazarana on his succession, as contemplated by the Nazarana Rules, present or past.

5. It seems clear that the Secretary of State in pardoning Phond Savant decided to impose on him a fine, the amount of which was simply based on the principles which govern the levy of Nazarana; hence the use of the word "Nazarana." The term "Nazarana" as used by the Secretary of State in the case of Phond Savant was, I submit with great diffidence, intended to convey the meaning of fine or penalty only, and he therefore did not hold this State by the use of that term liable for the payment of Nazarana on that or any other succession. Similarly, I venture to think that the word "usual" had no special reference to the Savantvadi State, as is evident from the fact that this State had never paid any Nazarana; consequently, the word "usual" was used to explain that Phond Savant was to pay for his particular succession to the Gadi a sum of money equivalent in amount to the Nazarana which would be payable by a State liable to the payment of Nazarana, for which the Savantvadi State was clearly not then liable.

6. Colonel Schneider in his previously-quoted letter also expresses the foregoing views, and these the Bombay Government tacitly accepted, as in commenting upon them they have in paragraph 15 of their letter No. 72, Political Department, dated 27th March, 1868, to the Secretary to the Government of India, used the words "now liable" and "present Chief," which, I respectfully submit, show that liability for payment of Nazarana referred solely to Phond Savant, the then "present Chief," and not to any of his successors on the Gadi of this State.

7. Government, in their Resolution No. 6031, dated the 9th August, 1900, say that they have registered the Savantvadi State as liable to the operation of the Nazarana Rules framed in 1887, but I can find no record in this office to show how and under what circumstances this State was held liable for the payment of succession Nazarana, despite the fact that it has hitherto never paid any such Nazarana or any kind of tribute, even in the case of collateral successions.

8. In the circumstances set forth in this letter I have the honour to await the further orders of Government.

LETTER NO. 1550, DATED 17TH NOVEMBER, 1900, FROM THE STATE KARBHARI, SAVANTVADI, TO THE POLITICAL AGENT, SAVANTVADI.

Adverting to your letter No. 2435, dated the 22nd of June last, communicating to me the orders of Government regarding the payment of Nazarana to them on account of the succession of the present Sar Desai to the Gadi of this State, and desiring me to state whether the State could pay the whole amount in one sum or whether it proposes to pay the same by instalments, and if the latter be the case within what period it proposes to pay off the whole amount, I beg leave to submit on behalf of the Darbar that there are grounds to justify the State to solicit a reconsideration at the hands of Government of the orders referred to and to request you therefore that you will be pleased to lay before them the following grounds with a view to obtaining exemption from payment of the Nazarana.

2. Those grounds are :—

(1) That the Savantvadi State is a very ancient Principality which pays no tribute of any kind to the Paramount Power.

(2) That by Article 6 of the Treaty passed between the Raja Khem Savant Bhonsle and the Honourable East India Company in the year 1819, Government have assured the Raja that his heirs and successors shall remain absolute rulers of the State and that the British Government shall not introduce their jurisdiction into the Savantvadi Principality.

(3) That it is not the custom of this State to pay Nazarana to the Paramount Power on account of succession of its Chief to the Gadi, and that Nazarana was only once paid by this State under very peculiar circumstances.

3. As regards the first ground, I beg leave respectfully to point out that although Savantvadi is a very small Principality it will appear to have played a very important part in the history of the Konkan in ancient times. The Chiefs of this State will appear to have formed relations of amity and friendship with the Paramount Power for close upon two centuries and that the Paramount Power will appear to have treated the Chiefs of this State as its allies during all that long time. The Treaty of 1729-30 will clearly show that the rulers of this State rendered most valuable assistance to Government in destroying the Angrias who were the declared enemies of the Paramount Power. Such being the relations between this State and the Paramount Power, I am humbly of opinion that this State deserves to be treated quite differently to other State and Jahagirs in the Bombay Presidency.

4. As regards the second ground I venture very respectfully to say that the terms of Article 6 of the Treaty of 1819 fully dispose of the question of payment of Nazarana to the Paramount Power on account of succession of its present Chief to the Gadi. To my mind the question of payment of Nazarana appears altogether inconsistent with the condition set forth in the article quoted above. I, for myself, am inclined to think that the Raja Phond Savant, who entered into the said Treaty with the British Government, obtained a solemn assurance from the British Government that his heirs and successors were to be permitted by that Government to succeed to the Gadi of the State unconditionally, and that it was on that assurance that he became a party to the Treaty in question. If you consider that I am right in interpreting the articles as above you will doubtless agree with me in thinking that the succession of the present Sar Desai who happens to be the lineal heir of the Raja who entered into the said Treaty can fairly claim exemption from payment of Nazarana.

5. As regards the third ground I beg leave to bring to your notice that there is not a single instance of Nazarana having been demanded from and paid by this State on account of succession of any of its Chiefs save in the case of Phond Savant, alias Ana Saheb. On the occasion of Ana Saheb's succession to the Gadi, Nazarana equal to one year's revenue was demanded for the first time by Government on the ground of his having joined the rebellion raised by the sons of Phond Savant (a Sardar of the State) in the year 1844. Government had at first altogether declined the recognition of Ana Saheb's claims to the Gadi, but on the representation of the then Political Superintendent, Colonel Schneider, Government were pleased to pardon him and to allow his succession to the Gadi on payment by him to them of a Nazarana equal to a year's revenue. In this connection, I beg leave to solicit a reference to paragraph 16 of Colonel Schneider's No. 596 of 17th December, 1867, and to paragraph 15 of the Government of Bombay's letter No. 72, dated 27th of March, 1868, from which it would appear that Colonel Schneider objected to the use of the words "usual Nazarana" in the Government communication sanctioning Ana Saheb's succession to the Gadi and requiring the State to pay Nazarana to Government, and that Government agreeing with him informed the Government of India that the Nazarana was proposed to be levied from the State on account of Ana Saheb's succession only, as will appear from the words "now" and "present Chief" used in the sentence quoted in the margin. In short, the payment of the Nazarana on the occasion of Ana Saheb's succession was demanded by the Paramount Power as a sort of penalty for the misconduct of Ana Saheb, and I think the payment of the same on that occasion may not be held to be a precedent for demanding one on any subsequent occasion. As regards the liability of this State to payment of Nazarana under the Nazarana Rules of 1872, I beg leave to state that there is nothing on the Darbar Records to show that it was ever held liable to payment of Nazarana under those rules and I do not think that as the State has

But the State is now liable for the Nazarana on the succession of the present Chief.

continued under the British Administration from so far back as 1839 the question could ever have been referred to and settled with the Darbar. The broad principle of the Nazarana Rules appears to be that no Nazarana on succession is taken when the succession falls in the direct line. The question then arises whether the succession of Rao Saheb can be held to be in the direct line. The present Sar Desai is the first cousin of the late Sar Desai, is the nephew of the late Sar Desai's predecessor, and is the grandson of the last Khem Savant. Thus, although the present Sar Desai will appear to be more distantly related than the second degree to the late Sar Desai Raghunathrao Bhonsle, he will appear to be a direct lineal descendant of Khem Savant Bapu Saheb, with whom the treaty of 1819 was formed and to whom an assurance was given that his heirs and successors would remain absolute rulers of this State. It is, therefore for Government to consider and decide whether the Nazarana in question should be levied from the present Sar Desai who happens to be a lineal heir to the Khem Savant the last.

6. It may be added here that succession in the family of the Chiefs of this State has in more instances than one fallen to collaterals and that no Nazarana was paid by the State on any of those occasions.

7. Lastly, I beg leave to bring to your notice that the administration of this State is conducted on a very costly scale. It has to bear the cost of about Rs. 50,000 annually on account of the Agency Establishment. It has further to pay nearly Rs. 40,000 for the maintenance of the Local Corps. Moreover, the State having continued under British Administration for more than 60 years the administration of its various departments is conducted after British system which I need scarcely mention is very elaborate and costs a good deal.

8. There is one more point which I beg leave respectfully to bring to your notice and that point is that the present Sar Desai is only nominally recognised as the ruler of the State, and that being so I think the question of payment of Nazarana, if it be finally decided to levy one, be postponed until such time as the administration of the State is actually handed over to him.

9. The gross revenue of the State, exclusive of advances, deposits and local funds, and the income of the Sheri and Khasgi properties of the Chief for the past year was Rs. 3,37,785 and the average yearly revenue of the State for the past five years is Rs. 3,40,860. The annual savings of the State after deducting the annual ordinary expenditure come to about Rs. 20,000—we are called upon to pay half year's gross revenue which will be Rs. 1,70,430.

10. I am, however, not sure whether the gross revenue is meant to represent the revenue on account of all heads of income or only on account of the two heads, *viz.*, Land Revenue and Sayar. I find that on the occasion of Ana Saheb's succession the income on account of Land and Sayar Revenue was only taken into account in calculating the gross revenue. The principle laid down in Government Resolution No. 4449, dated 2nd August, 1898, in the Political Department, is that the Nazarana should be calculated upon the average yearly revenue of the State for the five years preceding the succession on account of which the Nazarana is leviable.

11. There is another point that requires elucidation in this case and that point is that on the last occasion deductions on account of cost of collections were ordered to be made, whereas no mention about such deduction is made in the Resolution under reference. You will therefore get both these points cleared from Government.

12. The State has got one lac and twenty-five thousand rupees in Government paper. If we pay the same we shall have left nothing in our hands to fall back upon in cases of emergency, and I think therefore that that amount should be left untouched. The State cannot thus pay the amount of Nazarana in one sum and will have to pay it by instalments. I am of opinion that the State should pay an instalment of Rs. 10,000 and thus pay off the whole amount in 17 instalments extending over a period of the same number of years.

13. If from all that I have stated above you are disposed to think that the State can fairly claim exemption from Nazarana you will be pleased to address Government and request them to reconsider their orders for the levy of the same.

NOTE BY THE POLITICAL AGENT, SAVANTVADI, DATED THE
15TH DECEMBER, 1900.

The argument used in paragraph 5 is that if Phond Savant had not been pardoned and passed over for the succession, as was at first ordered by Government, some other relative of the then Chief, Khem Savant, would have ascended the Gadi as the next heir in the ordinary course of succession, and that such relative would not have been called upon to pay any Nazarana, however distantly connected with Khem Savant. Thus it was entirely owing to the desire of Khem Savant to be succeeded by his son, Phond Savant, who had been specially debarred from succession, that the question of Nazarana arose, and if Phond Savant had not been debarred he would not have been called upon to pay a succession Nazarana.

MEMORANDUM NO. 364, DATED THE 16TH JANUARY, 1900, FROM THE
SECRETARY TO GOVERNMENT, POLITICAL DEPARTMENT, BOMBAY,
TO POLITICAL AGENT, SAVANTVADI.

Returned to the Political Agent, Savantvadi, for submission through the Commissioner, S.D.

MEMORANDUM NO. 262, DATED THE 19TH JANUARY, 1901, FROM THE
POLITICAL AGENT, SAVANTVADI, TO THE COMMISSIONER, S.D.

Forwarded with compliments to the Commissioner, S.D.

MEMORANDUM NO. POL. 69, DATED THE 2ND MARCH, 1901, FROM THE
COMMISSIONER, S.D., TO THE SECRETARY TO GOVERNMENT, POLITICAL
DEPARTMENT, BOMBAY.

Forwarded to Government.

Mr. Walsh appears to overlook the important fact that the Home Authorities ruled in 1856 that the State should on the death of the Chief (the father of the rebel Ana Saheb) be considered at the disposal of the British Government.

2. Any argument based solely upon previously existing conditions and ignoring that vital change in the position of the State is *ipso facto* unsound.

3. It is true that when, as an act of grace, the annexation or other disposal of the State foreshadowed in 1856 was foregone and Ana Saheb allowed to succeed, Government did not clearly enunciate the effect of the altered condition of affairs upon the succession, but the omission in no way prejudices the position.

4. It is also true that the Nazarana levied at the time of Ana Saheb's succession was by way of a penalty, as otherwise under Rule 1 of the Nazarana Rules no Nazarana would have been leviable upon the succession of a son. This, however, is no argument that at that time the Nazarana Rules were not considered to be applicable under the altered conditions. Nor is Mr. Walsh justified in the assumption he makes in his note that the next heir in course of succession would not have been called to pay Nazarana. The only further succession which has occurred till now since that date likewise fell under Rule 1.

5. The Commissioner is therefore of opinion that the State is bound to pay the Nazarana.

6. There seem, however, some grounds for treating the State with special leniency. It has during the last 60 years done its best to assimilate the various branches of its administration to the British system, and has spent large sums on the construction of useful public works, such as roads, dharmashalas, jails, hospitals, lunatic asylum, &c. The undersigned therefore recommends that special indulgence should be shown by calculating the Nazarana exactly on the lines of 1868, that is, upon the net Land and Sayar receipts minus cost of collection and not including judicial fines, etc. (*vide* paragraph 15 of letter No. 72 of 27th March, 1868, from the Secretary to Government, Bombay, Political Department, to the Government of India, Foreign). The Political Agent will be asked to report the exact amount thus due on receipt of Government orders.

A (a) vii.

1234

No. 2753.

POLITICAL DEPARTMENT, BOMBAY CASTLE, 11TH APRIL, 1901.

RESOLUTION :—The Political Agent should be informed :—

- (a) That the claim of the Savantvadi State cannot be admitted.
- (b) That the postponement of payment of Nazarana until such time as the administration may be handed over to the Sar Desai, cannot be allowed.
- (c) That the Nazarana must be calculated in the manner prescribed by the Government of India.
- (d) That his proposals regarding the manner in which the Nazarana should be paid will be awaited.

(Signed) J. L. JENKINS,
Acting Secretary to Government.

To

The Commissioner, S.D.
The Political Agent, Savantvadi.
(True Copy.)

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 3.

No. 5682.

POLITICAL DEPARTMENT, BOMBAY CASTLE, 12TH AUGUST, 1901. FROM
J. L. JENKINS, Esq., M.A., I.C.S., ACTING SECRETARY TO THE GOVERN-
MENT OF BOMBAY, TO THE POLITICAL AGENT, SAVANTVADI.

SIR,

I am directed to acknowledge the receipt of your letter No. 1528, dated the 27th April, 1901, requesting that the question of the liability of the Savantvadi State to the operation of the Nazarana Rules may be referred for the orders of the Government of India, and in reply to state that the Governor in Council does not consider that there is any good reason for making a reference on the subject to the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) J. L. JENKINS,
Acting Secretary to Government.

(True Copy.)

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 4.

No. 2437 of 1901.

FROM MAJOR E. F. MARRIOTT, ACTING POLITICAL AGENT, SAVANTVADI,
TO THE SECRETARY TO GOVERNMENT, POLITICAL DEPARTMENT,
BOMBAY, SAVANTVADI, POLITICAL AGENT'S OFFICE, 12TH JULY, 1901.

SIR,

With reference to this office letter No. 1528 of the 27th April last and to my letter No. 2325 of the 2nd July, 1901, I have the honour to lay before Government the arguments which induced Colonel Fenton to desire to refer to the Government of India the question of the liability of the Savantvadi State to pay succession duty. There are no actual reasons given by Government for refusing to admit the State's claim to exemption; but, assuming that the decision has been based on the arguments advanced by the Commissioner, S.D., I beg leave to respectfully point out that his arguments afford no reasonable grounds for refusing the claim to exemption which the State has put forward.

2. The Commissioner in his letter No. Pol. 69, dated the 2nd of March, 1901, embodied by Government in their Resolution No. 2753 of the 11th April last, has narrowed the question to a single issue. A review of the correspondence in the Agency Records led Colonel Fenton to draw an exactly opposite conclusion to that reached by the Commissioner, a conclusion which appears to me to be the only possible one to take.

3. The Commissioner writes :—

“ Mr. Walsh appears to overlook the important fact that the Home Authorities ruled in 1856 that the State should, on the death of the Chief (the father of the rebel Ana Saheb) be considered at the disposal of the British Government.

“ 2. Any argument based solely upon previously existing conditions and ignoring that vital change in the position of the State is *ipso facto* unsound.”

The Commissioner, in effect, maintains that the declaration of the Home Government in 1856 placed this State in an entirely different position from that which it had held up to that time; and that the vital change caused, in his opinion, by that declaration denies to the State the rights which it has previously enjoyed. I do not think that the Commissioner's view is supported by facts. The Secretary of State's despatch quoted below, and the action taken by the authorities in respect to Savantvadi, negative this view. I here give two extracts from a despatch of the Court of Directors No. 5 of the 27th February, 1847, the second extract was communicated to this office by the Bombay Government on the 12th August, 1856; it is the second extract, I presume, on which the Commissioner relies in support of his conclusion.

“ With regard to Sawant Warree, as the Chief, who was already excluded from the administration had no part in the insurrection, we participate in the unwillingness of the Government of India to make any change in his position. The British administration should be carried on during his life in the same manner as heretofore.”

“ On his decease the right of the heir apparent having been forfeited, the country must be regarded as at the disposal of the British Government.”

The first extract contemplates no change in the position of the State during the lifetime of the reigning Chief, who lived till the year 1867. The second extract did contemplate a change, a change which was to be effected after the death of the Chief; but it can never be held that a contemplated change of position can legally have the same effect as an actual change. The Court of Directors limited themselves to declaring that the country should be regarded as at the British Government's disposal on the death of the then ruler. The point affecting the issue in question is this—What action did the British Government take when the time came to determine the position of the State?

4. That this is so is the view taken by the Secretary of State in paragraph 2 of his letter No. 22, dated the 24th of June, 1861. He there writes :—(the italics are mine.)

“ A similar proposal” (to give a full pardon to Ana Saheb and to recognise him as the heir apparent) “ was laid before Your Excellency's Government by Colonel Auld in 1856, but negatived on the ground that the question having already been decided both by your Government and the Court of Directors should not have been reopened. On this it is to be remarked that the Home Authorities confined themselves to directing that the State should, on the death of the Chief, be considered at the disposal of the British Government, *thus reserving to themselves entire freedom of action at the proper period.* Although therefore, Colonel Auld's proposal may have been premature there is *nothing to show that any final decision had been arrived at.*”

These words of the Secretary of State seem, in my humble opinion, to put out of Court the conclusion arrived at by the Commissioner. They seem to support, as strongly as possible the view we take that the Home Authorities had, at no period, arrived at any final decision as to the position of the State, reserving to themselves entire freedom of action to deal with the matter at a specified time.

A (a) vii.

5. Before that time arrived Captain Schneider wrote a letter No. 903, dated 29th of December, 1860, to the Government of Bombay, in which, at some length, he told the story of troubles in 1844; recalled the youthfulness of Ana Saheb at the time of his rebellion; brought to mind the great loyalty to the British Government displayed by the State during the troublous times of 1857, and concluded by trusting that Government would take a generous view of the position.

6. And His Excellency the Governor in Council did take a generous view of the position, and recommended to Her Majesty's Government that full pardon should be given for the rash act of a boy of 16 years, and that Ana Saheb should be recognised as the heir apparent. With the views of the Government of Bombay the Secretary of State generally concurred, sanctioning the recognition of Ana Saheb as heir apparent, and making no change in the position of the State.

7. In my humble opinion, therefore, it seems clear that no change has ever been made in the position of the State from the year 1838 down to the present day; and if, as it seems to be acknowledged, the State was not, prior to 1844, liable to pay a succession duty, it is not liable now.

8. I have confined myself to a consideration of the arguments raised by the Commissioner of the Southern Division and I have alone been combating the Commissioner's conclusions. There may, possibly, be other grounds, with which the State has not been made acquainted, on which the State can be held liable to pay succession duty; but the Commission's arguments afford, I humbly submit, no reasonable grounds for levying this duty on the State, and, therefore, Colonel Fenton wished to refer the whole question for the further consideration of the Government of India, a wish which I humbly and respectfully share.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) E. F. MARRIOT, Major,

Acting Political Agent, Savantvadi.

Through :

The Commissioner, S.D.

(True Copy.)

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 5.

No. 3549.

POLITICAL DEPARTMENT, BOMBAY CASTLE, 12TH MAY, 1902, FROM S. W. EDGERLEY, Esq., C.I.E., I.C.S., ACTING CHIEF SECRETARY TO GOVERNMENT, BOMBAY, TO THE POLITICAL AGENT, SAVANTVADI.

SIR,

I am desired to acknowledge receipt of your No. 1408, dated the 24th April, 1902, on the subject of the Nazarana due by the Savantvadi State.

2. I am desired in reply to say that His Excellency the Governor in Council has perused the letter, and especially paragraph 5, with surprise and regret. I am to intimate that His Excellency expects the officers of his Government to accept orders issued by him as a sufficient guide for the conduct of their official duties. The policy and principles underlying the rules regarding the levy of Nazarana on certain successions are so well known that a further reference to the Government of India in the matter is entirely unnecessary.

3. It is a levy which is rooted in Indian history from a period antecedent to the establishment of British rule in the Deccan, and in the case of Savantvadi the payment is the sole tax enforced on the State in recognition of the many advantages it and its subjects enjoy both in India and abroad from the protection extended to the State

by the British Government. I am also to observe with special reference to your paragraphs 8 and 9 that the levy is a first charge on the revenues of the State and payment cannot be postponed on the grounds therein set forth.

4. I am, therefore, to request that you will be good enough to submit the proposals for payment of the levy without further remonstrance or delay.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) S. W. EDGERLEY,

Acting Chief Secretary to Government.

(True Copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

SAWANTWADI STATE. (No. 4.)

This State manufactured its own salt which was, in former years, sufficient for its own consumption. On account, however, of all its villages on the sea coast, together with the territory from the sea to the foot of the Ghauts, having been taken from them under the treaty of 1812 and 1819 by the Honourable Company, the quantity produced in the remaining few State salt pans which the State possessed in villages bordering on sea creeks fell far short of that consumed.

2. The British Government assumed the management of the State on behalf of the Ruler in 1838. The next year the Government of Bombay directed the Political Superintendent, who was the Officer administering the State, to take measures to obtain possession of the salt pans in the State then in existence and to prevent new ones being established (*vide* enclosure No. 1). The Ruler was accordingly approached for a surrender of his salt pans on a suitable compensation, but as the surrender would result in a hardship to his subjects he expressed his unwillingness to do so. (*vide* enclosures Nos. 2 and 3).

3. Being unable to secure the consent of the State to the surrender of its salt pans on compensation, the Government of Bombay ordered that they should be handed over to the British Salt Department for management stating at the same time that a duty equal in amount to that obtaining in British territory should be levied on the salt produced in the said pans. Having worked the pans for a short time, the British Salt Department found that the salt produced therein was of an inferior quality and with the tax laid thereon it was difficult to induce the workers even to conduct the salt operations. They had, therefore, to hand over the salt operations to the Political Superintendent and under his management the manufacture of salt in the State pans continued. It was subsequently continued until the year 1880.

4. In that year, however, the British Government concluded a treaty for taking a 12 year's monopoly of the manufacture of salt in Goa and the Political Superintendent was asked to surrender the pans in the Sawantwadi State on a yearly compensation of Rs. 5,500 and the two other pans belonging to private individuals in the State were purchased by the British Government during the period of their administration for a lump sum payment of Rs. 4,386 (*vide* enclosures Nos. 4 and 5).

5. These salt pans within the State were acquired by the British Government on a yearly monetary compensation equal to the yearly average revenue then realised, by an order of the Government of Bombay at a time, when the Ruler was not invested with power. That the facilities which the State subjects enjoyed from of old, of getting untaxed and cheaper salt from the adjoining Portuguese territory for their consumption and other needs, were also denied to them in consequence of the British Government posting their own Customs outposts on the Frontier within the limits of this State as early as 1838 under an agreement, though the right of the subjects to receive such salt without any tax was recognized just previously. (*Vide* enclosure No. 1).

EXHIBIT 1.

No. 678 of 1838.

TERRITORIAL DEPARTMENT, REVENUE TO R. SPOONER, ESQUIRE, ACTING
FIRST ASSISTANT COLLECTOR IN CHARGE OF RUTNAGIREE.

SIR,

I am directed by the Right Honourable the Governor in Council to transmit for your information the accompanying copy of a letter from Mr. H. Young to the address of the Collector of Customs of Guzerat and the Concan dated the 3rd instant (No. 32 describing the route by which salt, the produce of the Goa territory finds its way into the States of Warree, Kolhapur and Sattara and thence into our districts of the Deccan without the payment of the excise duty imposed by Act XXVII. of 1837.

2. The remedy proposed by Mr. Young seems to the Governor in Council to be the only one that can be adopted to prevent the destruction of our expected salt revenue for if the practice, which is now commencing, be continued, it will be impossible to provide against the introduction of untaxed salt into the Deccan and Konkan ; unless by the establishment of a line of Chowkees round the whole of the territories of the Native Chieftains in the collectorates of Ratnagiree, Tannah, Poonah, Belgaon and Dharwar.

3. The Governor in Council, therefore, requests that you will enter immediately into a negotiation with the Raja of Sawunt, Warree, in order to obtain his consent to our collecting the excise duty, at the foot of all the Ghauts trading into the Deccan from the Warree territory, a measure which will in no way interfere with his receipts from the customs or transit duties, nor as Mr. Young remarks, with the free transit of salt throughout his territories. You are to understand that for the concession of this privilege Government will not object to give to the Raja such a consideration as may induce him willingly to acquiesce in our plans.

4. No time should, I am desired to observe, be lost in effecting this arrangement as the salt trade is already finding its way above the Ghauts to the great detriment of our revenue and the evil will not be confined to the salt produced in the Goa territories, but that from the pans in the country of Angria and the Hubshee will no doubt soon adopt the same route.

5. By the arrangement proposed the necessity of guarding of against the introduction of salt into the Konkan through Warree will not be obviated. Lines of Chowkees must be established for this purpose by the Customs Department to which the requisite instruction will be accordingly be issued.

I have the honour to be, etc.,

BOMBAY CASTLE, 20th February, 1838.

(Signed) L. M. WEID,

Acting Chief Secretary.

(True copy).

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 2.

TRANSLATE OF A LETTER FROM THE CHIEFTAIN OF WARREE TO RICHARD
SPOONER, ASSISTANT COLLECTOR OF RUTNAGIREE DATED 17TH MARCH,
1838.

1. I have the honour to acknowledge the receipt of your letter dated the 24th ultimo.

2. In reply I beg to acquaint you that the existence of my State entirely depends on the good will of the Company's Government—there is great friendship between the two States, and the Company's Government are the only authority that is desirous of increasing my grandeur. I am therefore extremely anxious that the Company's new law regarding the levy of an excise duty on salt should continue in force and that they should not sustain any loss.

3. As a temporary arrangement I have deputed Karkoons and peons to my Chowkies at the foot of the Ghauts situated on the boundaries of the Sawunt Warree territories through which salt is transported from Goa to the country lying above the Ghauts with instruction that they should not allow the transit of the above article without previously exacting on it the duty of eight annas per maund.

4. Should the management of this branch of duty remain under the direct management of this State the Company's new Salt Act will not be infringed and the dignity of this principality will be maintained and no loss will be sustained by this State.

5. When you come to Warree I will personally discuss the subject with you and then whatever arrangements may remain to be made can be easily concluded.

True translation.

RICHARD SPOONER,

Assistant Collector.

(True copy.)

MINISTER OF REVENUE AND POLITICAL AFFAIRS, SAVANTVADI.

EXHIBIT 3.

No. 38 of 1839.

SAWUNT WARREE, 25th April, 1839.

TERRITORIAL DEPARTMENT REVENUE.

SIR,

I have the honour to acknowledge the receipt of your letter No. 1287, dated the 16th instant, enclosing copy of a letter from the Collector of Customs in Guzarat and the Konkan dated the 3rd instant, respecting the customs and salt duties ceded by the Warree State, together with a copy of your reply to the same and directing me to take measures to obtain possession of such salt pans as are now worked, within the territories of the Warree State and to prevent new ones being established.

2. In reply, I beg to state that there are three salt pans in this territory and that the whole quantity of salt annually produced therein is about 1,000 maunds—it is of a very inferior quality and almost worthless—it is only used by the poorest of the people who are unable to purchase better—and can never be used as an article of export.

3. Some months ago on my ascertaining that salt was manufactured in this State, I (being at that time an assistant to the Collector of Rutnagiree), endeavoured to prevail on the Chieftain to make over the whole of the salt pans to Government, but as I was unsuccessful the matter remained in *status quo*.

4. On receiving a communication from Mr. Pelly on the subject of the transfer of the salt pans No. 233, dated the 4th instant, I again proposed the subject to the Chieftain. He expressed his unwillingness to accede to the proposal and I therefore refrained from pressing the matter any further. He has, however, consented to my taking security from the salt manufacturers and prohibiting them from exporting any salt manufactured in this State to any place beyond the limits of this territory—the same rule is to be adopted in the event of any other salt pans being established, which event, however, does not appear at the present juncture likely to occur.

5. I have written to Mr. Pelly on this subject and have forwarded to him the Chieftain's written consent above alluded to, and I venture to hope that the arrangement now made will be sufficient to protect our interests.

6. As the Chieftain is not willing to transfer the salt pans as proposed by Mr. Pelly, I shall await further instructions previous to pressing the matter any further, and I humbly trust that my proceedings on this point may meet with the approval of the Honourable the Governor in Council.

7. With reference to the concluding paragraph of Mr. Pelly's letter to your address, copy of which accompanied the letter now under reply, I beg to state that the customs stations are placed in jeopardy owing to the culpable conduct of the Goa authorities. For the present, however, and with the view of securing Government from loss, I have posted guards of irregular sepoy at some of the Nakas and I have adopted every precaution for the safety of the treasure consignments to Vingorla. On this subject, however, I beg to refer you to my letter in the Political Department No. 36, dated 23rd instant.

I have, etc.,

(Signed) RICHARD SPOONER,

Political Superintendent.

(True copy.)

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 4.

MEMORANDUM.

A meeting was held at Raibandar, near Goa, on the 26th January, 1880, in order to settle the terms on which the manufacture of salt in the Savantvadi State should be discontinued. The following officers were present :—

Mr. A. T. Crawford, Commissioner, S.D. and British Delegate for the Portuguese Treaty.

Colonel Westropp, Political Superintendent of Savantvadi.

Mr. A. D. Curey, Acting Collector, Salt Revenue.

Mr. Sakharam B. Bawdekar, Assistant Political Superintendent.

Colonel Westropp represented that the State of Savantvadi would be willing to suppress the manufacture of salt on condition of receiving adequate compensation for the loss of revenue which it would thereby sustain, and urged that the loss of the privilege of making salt to which the State attached a high value should be taken into consideration in assessing the compensation.

2. The Political Superintendent further stated that the average amount of salt sold annually at the State works was 3,094 Indian maunds, and the average net revenue derived therefrom during the past ten years was Rs. 4636, but the revenue derived, had the present rate of duty been in force throughout the whole period instead of only 18 months, would have amounted to Rs. 6,557.

3. The Collector of Salt Revenue pointed out that salt was sold at the State works at Rs. 2-8-0 per maund, while at British works a duty of Rs. 2-8-0 was charged in addition to the cost price of the salt, which averaged 4 annas a maund and was at the present moment considerably more. It was, therefore, probable that if the price at both sets of works were equalised the Wari sales would fall off, and he urged that some deduction on this account ought fairly to be made in fixing the amount to be paid as compensation.

4. The Political Superintendent also strongly urged that the subjects of the Savantvadi State would have to pay an enhanced price for British salt in future and that the British Government could not justly claim the profit derived therefrom.

5. Taking all that had been urged into consideration, Mr. Crawford proposed that the amount of compensation should be fixed at Rs. 5,500 per annum, and after some discussion this was agreed to by all the officers present.

6. It was next pointed out by the Political Superintendent that of the three salt works in the Wari State two were private property, and the annual realisations to the owners were as follows :—

Rangnekar Agar	Rs. 123-3-0
Newgee Agar	Rs. 96-2-0

The proprietors, he considered, should be compensated by a payment equal to 20 years' purchase of these sums. It was further stated that the sites of these works in their present state could not be utilised for rice or other cultivation, and that the expense of rendering the land fit for cultivation would be more than anyone would be inclined to incur.

Under the circumstances, payment of a lump sum of Rs. 4,386 to these proprietors by the British Government through the Wari State was unanimously agreed to.

(Signed) G. R. C. WESTROPP,
Political Superintendent.

(Signed) A. D. CUREY,
Acting Collector of Salt Revenue.

(True copy.)

Minister of Revenue and Political Affairs, Savantvadi.

EXHIBIT 5.

SALT.

No. 644.

REVENUE DEPARTMENT, BOMBAY CASTLE, 6TH FEBRUARY, 1880.

LETTER FROM MR. A. T. CRAWFORD, C.S., BRITISH DELEGATE FOR THE PORTUGUESE TREATY AND COMMISSIONER, S.D., No. ARTICLE XII-86, DATED 27TH JANUARY, 1880.

Reporting, with reference to Government Resolution No. 5143, dated 3rd November, 1879, that a conference was held on the 26th January, between Colonel Westropp and Rao Bahadur Sakharam Baji for the Savantvadi State, and Mr. Carey, Acting Collector of Salt Revenue, and himself in his double capacity of British Delegate and Commissioner, S.D., at which the suppression of all salt works in Savantvadi was decided upon on the following terms :—

(i) The State to receive Rs. 5,500 per annum in compensation for loss of revenue, and the proprietor to be compensated in a lump sum of Rs. 4,386.

(ii) The first payment to be made to the State on or before the 31st March next, and annually at the same date; the payment to the proprietors to be made at once.

Forwarding a letter from Mr. Carey, which in a very able manner explains why Savantvadi must be dealt with in a manner quite different from the Jahagirdars of the Southern Maratha Country; and soliciting the earliest possible sanction to this arrangement and to the payments aforesaid.

RESOLUTION.—The arrangements effected appear judicious and likely to lead to a material increase in the British salt revenue. Credit is due to the officers concerned for this satisfactory result of their conference.

2. The Government of India should be requested to confirm the approval by this Government of the scheme now submitted and to sanction the payment of a lump amount now of Rs. 4,386 to the proprietors of salt works in Savantvadi in full compensation for all their rights, and of an annual sum of Rs. 5,500 to the Savantvadi State.

(Signed) JOHN NUGENT,
Acting Secretary to Government.

To

A. T. Crawford, Esq., C.S., British Delegate for the Portuguese Treaty,
The Political Superintendent, Savantvadi,
&c.

(True copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

BASTAR STATE.**INTERFERENCE IN DOMESTIC AFFAIRS DURING MINORITY
ADMINISTRATION.**

1. The Raja of Bastar died on 16th November, 1921, leaving him, surviving, the Patrani (his first wife) and a minor daughter, who was born on 11th February, 1910, of the second wife of the Raja (who died in 1911).

2. As the Patrani had been rendered semi-blind by an attack of smallpox she desired to retire from regency but did not however, disclaim the responsibilities of natural guardianship; nor did she surrender the rights allowed by Hindoo law to a widow in the property of her husband.

Thus Bastar State came under British Administration on 26th June, 1922, and so continued to-day.

3. In December, 1922, the then Political Agent, Chattisgarh States, began on his own initiative to discuss the question of the marriage of the minor Rani, and continued to press the matter, urging the claims of a distant relative of the Maharaja of Mayurbhanj. The father of the proposed bridegroom is the youngest brother of the late Maharaja and has no property of his own, being dependent on the present Maharaja, his nephew.

Exhibit A.

4. The Patrani pointed out to the Political Agent that there was no immediate necessity to marry the minor Rani; that she did not approve of the proposed marriage with a member of the Mayurbhanj family.

Exhibit B.

5. The Political Agent nevertheless continued to press the matter, considering postponement of the marriage "very undesirable," and demanding in writing the objections to the proposed alliance.

Exhibit C.

6. At an interview with the Governor of the Central Provinces the Patrani submitted that her objections were based on the obligations of orthodox Hindooism. She pointed out that the late Raja had been, as his forebears before him, a strict Hindoo, and that no member of the Bastar family could form an alliance with the family of Mayurbhanj which had "lost its caste" by the marriage of the late Maharaja with a lady who was not a Rajput, and belonged to a different caste.

The Patrani at the same time submitted several alternative proposals.

7. These reasons, however, did not avail with the Central Provinces Government. They held to their own nominee, requiring the Patrani to abide loyally in this matter by the decision of the Government, which decision was declared to be final.

The Political Agent did not hesitate to threaten the Patrani while conveying this decision of the Government. He wrote: "I feel sure that there is no need for me to point out to you the serious consequences which any disobedience or obstruction to His Excellency's wishes would entail and that I can count on your support of all measures which the Government decide should be taken."

Exhibit D.

8. The widow of the Raja immediately pleaded once more the undesirability of the proposed marriage. She was told that His Excellency's decision could not be altered, and that His Excellency had satisfied himself upon the points of her objections.

Exhibit E.

9. While the correspondence was still proceeding the Central Provinces Government cut short further remonstrances by precipitating the betrothal to their proposed nominee. The ceremony was carried through in spite of the vigorous protest of the widow of the Raja.

10. Thereupon a memorial was submitted to the Governor-General urging that a ceremony celebrated against the wishes of the minor's natural guardian and against orthodox Hindoo law, custom and religion should be cancelled.

Exhibit F.

11. The answer to the memorial, which was received on the 24th October, 1924, was to the effect that "The Government of India, after the fullest investigation, are not disposed to interfere with the arrangements which have been made for this marriage. They have, however, decided that the marriage shall not take place for two years from the present time."

12. The next move of the Administration was to isolate the minor Rani. This was carried out :—

(a) By excluding the widow of the Raja (the natural guardian of the minor Rani) from the State of Bastar in spite of her repeated requests for permission to visit her step-daughter.

(b) By cutting off all written communication between the minor Rani and her natural guardian.

(c) By refusing audience to and turning back all messengers sent by the natural guardian to obtain news of the minor Rani.

Exhibit G & H.

13. All representations made by the widow of the Raja were either entirely ignored or met with the reply that the arrangements in question had the support of the local Government.

14. Two points are clearly brought out in this case :—

(1) That the action of the British Administration during minority violently offended against the principles laid down by the Government of India in their Minority Resolution of 1917.

(2) The measures adopted by the Political Agent with the support and authority of the Government of India were diametrically opposed to fundamental principles of Hindoo law, religion and custom.

EXHIBIT A.

RAIPUR, C. P.,
7th April, 1923.
2nd May, 1923.

DEAR MADAM,

After compliments. You will remember that at our interview on the 1st of December, I discussed the question of the marriage of the minor Rani and mentioned the various proposals which I had then received. I have since received further proposals, but of all the proposals received the most suitable is that of the Maharajah of Mayurbhanj, a State in the neighbouring Province of Bihar and Orissa, about which I spoke to you. Some of the ladies of the family also visited you, though I understand that the marriage proposal was not then discussed. The boy is the first cousin of the present Maharajah, being the son of the late Maharajah's brother, and is nearly 15 years of age, well educated and carefully brought up. I have seen him; he is a fair, good looking boy with much intelligence. The family is a very good Rajput family. Mayurbhanj is one of the largest States in Bihar and Orissa and far the most wealthy State, having an annual income of over 20 lakhs. This is a matter of some importance as the finances of Bastar State will not admit of large Tilak or a large allowance for the education of the boy. The Maharajah Sahib will himself complete the boy's education and send him to a suitable college. I feel sure that an alliance with Mayurbhanj would be to the advantage of the Bastar State, and that the boy will make an excellent husband for the young Rani. I should be obliged if you would let me know, as soon as possible, whether this marriage will meet with your wishes so that arrangements can be made to compare horoscopes and take other necessary steps.

The actual marriage should not take place for another three years, but the Magni ceremony might be performed at an early date provided that the horoscopes agree and the auspices are favourable.

I am sorry to hear that Mrs. Leach did not prove a success, and I hope that Mrs. Chew will make a suitable governess. I liked what I saw of her when I was at Jagdalpur. I was very sorry to hear that the young Rani has been suffering from fever and hope she has completely recovered.

Hoping that you are enjoying excellent health.

Your sincere friend,

(Signed) W. E. LEY.

To SRIMATI PATRANI SAHIBA,
Bastar State, Jagdalpur.

A. (a) vii.

1242 (iii)

EXHIBIT B:

JAGDALPUR,
27th May, 1923.

DEAR SIR,

After compliments. I am in receipt of your letter dated 2nd May, for which I thank you, and am sorry to say I have been unable to reply to it before this as I wished to consult my mother, the Rani Sahiba of Powayan also in the matter.

I have given my earnest consideration to the proposal of an alliance with Mayurbhanj, but for reasons which I consider grave enough, I would deem it exceedingly kind of you to postpone any definite settlement till I have had the opportunity of expressing myself personally to you at your next visit to the State which, after heard, I feel sure you will think justified. This I find very difficult to do in writing as well as it could be done verbally, so I trust you will excuse me.

I agree with you that the proposal is attractive, but I hope you will see no harm to a postponement for a few months before a definite settlement is made for reasons I have said I wish personally to express to you.

In the meantime there may perhaps be other equally suitable proposals made which can also be considered. In my humble opinion I do not see an immediate hurry to make a marriage settlement as I think the young Rani needs educating sufficiently to enable her to enter the married state with an educated husband with as little disadvantage as possible so as to ensure her happiness. This, thanks to your arrangements, is now being attended to and progress being made, but will, of course, take time.

Trusting you will excuse the delay in answering your letter and that you will see your way to consent to my request.

I am,
With kindest regards,
Yours sincerely,
(Signed) PATRANI SAHIBA OF BASTAR.
(Signature in Hindi.)

EXHIBIT C,

RAIPUR, C. P.,
5th June, 1923.

DEAR MADAM,

After compliments. I think it very undesirable to postpone the settlement of the Rani Sahiba's marriage any longer. If you do not like to state in writing your objections to the proposed alliance with Mayurbhanj, will you kindly send your Private Superintendent as soon as possible to Raipur to explain personally your objections to me.

Yours sincerely,
(Signed) W. E. LEY.

To
THE PATRANI SAHIBA,
Bastar State, Jagdalpur, C.P.

EXHIBIT D.

RAIPUR, C. P.,
Dated the 15th January, 1924.

DEAR MADAM,

After compliments. I am directed to inform you that His Excellency the Governor has selected Profulla, the cousin of the Maharajah of Mayurbhanj, as husband of the young Rani Sahiba, Bastar, and the Magni ceremony will be performed as soon as possible. I regret that your own wishes in the matter could not be fulfilled, and I trust that your disappointment will in no way affect your attitude towards Government and that you will loyally abide by His Excellency's decision in the matter which is final. It has always

been my endeavour to maintain your dignity and assure your comfort and happiness in your life at Jagdalpur, and you may rest assured that the marriage of the young Rani Sahiba will, so long as you continue as in the past to loyally abide by the orders of Government, in no way lessen my endeavours. I feel sure that there is no need for me to point out to you the serious consequences which any disobedience or obstruction to His Excellency's orders would entail and that I can count on your support of all measures which Government decide should be taken.

Your sincere friend,

(Signed) W. E. LEY.

To
SRIMATI PATRANI SAHIBA,
Bastar State, Camp Raipur.

EXHIBIT E.

(D.-O. No. 43/I).

NAGPUR,
13th February, 1924.

DEAR MADAM,

After compliments. I am directed to reply to your letter of the 21st January, 1924, to His Excellency the Governor. The Political Agent has submitted a report on all the points raised in your letter and His Excellency the Governor is satisfied that the marriage of the Rani into the Mayurbhanj family which has the approval of the Maharajah of Kankar and other influential persons, is open to no objection on the grounds suggested by you. His Excellency has given, in consultation with the Political Agent, his most anxious consideration to the question of the Rani's marriage, and he considers that the arrangements now made are the most likely to be conducive to the Rani's happiness and the good of the State. I am, therefore, to express regret that His Excellency cannot see his way to accede to your request that a decision, taken after full deliberation, should be modified.

Your sincere friend,

(Signed) A. E. NELSON.

To
SRIMATI PATRANI SAHIBA,
Bastar State, C.P.,
Camp Raipur.

EXHIBIT F.

OFFICE OF THE ADMINISTRATOR, BASTAR STATE.
No. C./75 of 1924.

FROM W. A. TUCKER, Esq., ADMINISTRATOR, BASTAR STATE, TO THE
PATRANI SAHEBA OF BASTAR STATE, DATED JAGDALPUR, THE 18TH
OCTOBER, 1924.

DEAR MADAM,

With reference to your memorials to His Excellency the Viceroy against the decision of His Excellency the Governor, regarding the marriage of Rani Prafulla Kumari Devi to Prafulla Chandra Bhanj Deo of Mayurbhanj, I have been directed to inform you that the Government of India, after the fullest investigation, are not disposed to interfere with the arrangements which have been made for this marriage. They have however decided that the marriage shall not take place for two years from the present time.

Kindly acknowledge receipt of this letter.

I have the honour to remain,

MADAM,

Your most obedient servant,

(Signed) W. A. TUCKER,

Administrator, Bastar State.

A (a) vii.

1242 (v)

EXHIBIT G (1).

COPY OF TELEGRAM SENT TO POLITICAL AGENT, RAIPUR, 26TH MARCH 1924.

Have you any objection to my going to Jagdalpur? Please wire reply immediately.

PATRANI SAHIBA,
Ajmeri Gate,
Delhi.

REPLY TO THE ABOVE TELEGRAM.

(No. 334.)

Raipur.

Dated 27.

Hours 14-45.

PATRANI SAHIB OF BASTAR,,
Lala Madhosaran Oudhsing House,
Ajmeri Gate, Delhi.

Regret that I must refuse you permission to return Jagdalpur pending further orders
POLITICAL.

EXHIBIT G (2):

RAIPUR,

Dated the 29th March, 1924.

DEAR MADAM,

After compliments. I regret that I cannot allow the Rani Saheba to visit you at Delhi or Simla.

Yours sincerely,

(Signed) W. E. LEY.

To

SHREEMATI RANI CHANDRA KUMARI DEBI,
Patrani Saheba of Bastar,
Manickchand Jewellers' House,
CHANDI CHOWK, DELHI.

EXHIBIT G (3).

RAIPUR,

Dated 9th August, 1924. Hour 13

State.

Patrani Sahiba of Bastar,

Octagon Lodge, Simla E.

Regret that I must refuse you permission to return Jagdalpur, advise you to return Pawayan or Calcutta.

POLITICAL.

EXHIBIT H.

Note upon a visit to Bastar State.

Request January, 1915.

Permission granted April, 1915.

Visit—April 13.

Conditions made by His Excellency the Governor :—

There must be no reference to the marriage, and no advocacy on behalf of the mother. But I was to be allowed to see for myself if the Rani were well and happy, and I was to be allowed to give to the Rani from her mother a message (first submitted to His Excellency the Governor) as to her mother's love and constant remembrance and wishes for her health and comfort: and that the Patrani Sahiba hoped that the girl would always remember her Kshatriya origin and the behests of the Hindu religion.

(1) When I gave the message the Rani said: "I love my mother. Why has my mother never written to me or sent me answers to my letters? And why has she forsaken me since her case began."

I said that there must be some mistake as her mother had written, and herself complained of not hearing.

I did not like to say more because of my promise to the Governor.

But later I spoke privately to Mrs. Chew, the governess, who said: "Why did the mother forsake her daughter?"

I explained to Mrs. Chew that, as she must know, the Patrani Sahiba left Jagdalpur to fight her daughter's case, and was forbidden to return.

Also that the Patrani had herself complained to the Authorities that all communication had been cut off between herself and the Rani. That I had seen copies of letters and telegrams despatched in ordinary course to which the Patrani complained she got no answers. When I was coming away the Rani Sahiba sent her love to her mother. And Mrs. Chew said "The Rani loves her mother very dearly."

My impression was that whoever was responsible for receiving palace correspondence had intercepted the Patrani's letters, and that the Rani had been misled by whomsoever about her mother's absence from Bastar, and her mother's silence in response to the Rani's requests in the letters which did get through up to December, 1924, that she should go to her mother or her mother return to her.

I told this to the Political Agent before we left Bastar in accordance with the Governor's wishes that I should immediately acquaint him with the essential points of my report; and the Political Agent has, I am informed, made the necessary enquiries.

(2) The Rani seems happy, is in good health and spirits: and is being taught intelligently.

Her Mayurbhanj maids look after her clothes and dress her like a Brahmo lady very well indeed. She has lovely sarees and jewels, many of which came from Mayurbhanj.

But there are facts and incidents connected with the presence in the house of these Mayurbhanj women and with the Rani's upbringing which I have reported to the Political Agent as being in my experience against orthodox Hindu custom, and objectionable as connected with the habits, in orthodox Hindu opinion, of the women of the streets.

Mrs. Chew seems a good teacher, and a kind woman. But it is not fair to expect an American Missionary lady to know what is allowed to orthodox Hindus of good family. Mrs. Chew has spent her life in India as a Missionary teaching Christian Indian girls of the aboriginal or low caste, and has had no opportunity of acquiring the complicated rules of caste and religion which bind Rajput Hindus of Raj family. The Australian Administrator, Mr. Tucker, is more handicapped still about domestic charge of an orthodox Hindu lady.

From the correspondence between the Patrani and the Administration I gather that these two are the persons in official charge of the Rani.

There is also on the premises a steward or palace superintendent, an Indian from the United Provinces. I will say no more about this man than that after a conversation with him I could not but conclude that his position in the palace was as much improved by the deportation of the Patrani Sahiba as would be the position of the house steward on an English estate, who was left in entire charge during his master's absence, and left so indeed without the necessity of accounting to that master upon his return.

The Rani's companions are the wives of her illegitimate cousins (men who have been, because of their illegitimacy, cut off the inheritance), the wife of the palace superintendent—a very delicate little lady, quite young, less mature than the Rani herself, and the Mayurbhanj waiting-women.

It seemed to me that trouble might some time arise from the recognition thus given to these illegitimate connections, especially in face of the exclusion from Bastar of the widow of the late Rajah.

There are no relations of the late Rajah or his widow at the palace: and no elderly women, such as keep for the young generation the rules of right action, in every orthodox Hindu zenana. I said all these things in effect to the Political Agent before we returned to Raipur.

I would like to put on record my appreciation of the kindness of the Governor and the present Political Agent in the arrangements made for my visit to Bastar, and in the freedom of access allowed me to the minor Rani within the limitations of enquiry placed upon me.

CORNELIA SORABJI,

14th April, 1925.

A (a) viii. Control over Successions.

DHENKANAL STATE.

By clause 1 of the Sanads of 1894 and 1915 it has been laid down that no succession shall be valid until it has been recognised by His Excellency the Viceroy and Governor-General in Council. It is submitted that this clause has put an undue control over the succession of the State by the legitimate heir of the preceding Ruling Chief. No instance of any such control over succession in this State is ever borne out by history during the pre-British period. The Kaulnamah of 1803 does not impose any such control. On the contrary, the Adoption Sanad granted to the Chiefs of Orissa in 1862 specifically makes it clear that for the perpetuation of the Government of the several States by their respective Ruling Chiefs the British Government will permit and confirm any adoption of a successor made by a Ruling Chief that may be in accordance with Hindu Law and the custom of the race of the Ruling Chief who makes the adoption.

EXHIBIT A.

Kaool-Namah executed to Rajah Ram Chander Mohendro Vahadur, Rajah of Dhenkanal, by the Honourable East India Company's Commissioners for the Soobah of Cuttack 1803.

We, Lieutenant Colonel George Harcourt, commanding the victorious troops of the Honourable East India Company and Commissioner of the Soobah of Orissa, and John Melville, Commissioner of the same, appointed by the Most Noble the Marquis of Wellesley, Governor-General, for the settlement and pacification of the said Soobah do on behalf of the East India Company, execute this acknowledgment as set forth in the following paragraphs, to Rajah Ram Chander Mohendro Bahadur, Rajah of Killa Dhenkanal, in the said Soobah of Orissa.

Clause 1. The annual Peshkus payable by the Rajah for his Rajgee of the said Killah is fixed in perpetuity at 23,125 Kahans.

Clause 2. No further demand, however small, shall be made on the said Rajah or received from him as Nazar, supplies or otherwise.

Clause 3. The Government of the Honourable East India Company it is well known, is ever gracious to those Rajahs who are always loyal and obedient to them, and constant in the impartial administration of justice to all its subjects alike, and therefore in like manner extends the same impartiality to the Rajahs, such as have been indicated above, and seeks always their prosperity and peace. Therefore any just representation or complaints made to the Government by the said Rajah of Dhenkanal will meet with a decision in accord with justice.

Dated 22nd November, 1803.

Shrabun 6th, 1211.

(Signed) G. HARCOURT, LIEUT.-COLONEL
(Signed) J. MELVILLE,

Commissioners.

(True Copy.)

INDORE STATE.

This case though over eighty years old is given because old precedents often guide present policy, although not in themselves affording real justification.

Maharaja Khande Rao Holkar died in February, 1844, while yet unmarried and leaving no adopted son. The Government of India erroneously thought that there was "no person with any legal claim whatever to succeed, and no one possessed of a legitimate title to adopt a successor." *They ignored the claims of Martand Rao, though both

* Paragraph 1, Despatch No. 88, on page 82. "Return to the House of Commons on adoptions," Printed 1860. (1).

A (a) viii.

the Mahee Sahiba and the people were favourable to him.† They thought that the restoration of Martand Rao "would have to a certain degree, the appearance of a succession by a legitimate right,"‡ whereas to them "it seemed desirable that the selection of a successor should be manifestly the sole act of the British Government, as the paramount protecting State."‡ In carrying out the instructions he received from Government, the Resident, "on the 23rd June, 1844, in open Darbar, declared that the British Government had, out of its desire to perpetuate the Holkar State, come to the resolution of nominating a successor to the Chiefship; and, in deference to the expressed wishes of the Mahee Saheba, had determined to place the younger son of Bhow Holkar on the Gaddee under the style and title of Jeswant Rao (Sut) i.e., son of Tukoji Holkar." *On the 27th of that month, as desired by the Resident, the installation of the young Maharaja took place under a salute of twenty-one guns, and with precisely the same ceremonies which had been observed on the accession of the late Ruler Khande Rao.¶ When, however, these proceedings were reported to the Government of India they were of opinion that the accession "assumed more the form of a succession by legitimate right," while it had been their intention, "to mark distinctly the difference of position between the nominee of the paramount power and the chieftain succeeding by hereditary right, by delivering to the Maharaja a Sunnud, nominating His Highness to the Gaddee, and fixing the amount of Nazzar which His Highness should present to the British Government on the occasion of his succession." **They considered that "by the precipitate proceedings of the Resident, the opportunity of marking an important line of policy has been in a great measure lost to the Government, as it would have appeared inconsistent to present a Sunnad, and demand a Nazzar from a Prince who by the deliberate act of the British representative, had been already placed on the throne, not so much as the nominee of the paramount power, as the Chief succeeding by right to the Guddi of his successors.†† The Resident explained, however, that the impression abroad was that the boy had been placed on the Gaddee as one selected by the Governor-General; and acting on the Resident's suggestion, the Governor-General addressed to the young Maharaja a Kharita so worded as "to stamp the measure as an act of free grace on the part of the paramount power, and to strip the accession of the young Chief of all pretension to succession by either hereditary right, or by that of adoption."‡‡

The State submits that the action of Government was unjustifiable, because—

- (1) In the first place it interfered with the internal autonomy of the State recognised by the Treaty of Mandsore, which was made with Maharaja Malhar Rao, his heirs and successors, as by that Treaty the British Government acquired no right of interference in successions.
- (2) Secondly, it disregarded the provisions of the Hindu law which recognises even very distant kinsmen as heirs, and there were then in existence such heirs, including Martand Rao, whose relationship by adoption still subsisted.

The reversal of policy which followed the meeting and the abandonment of the previous doctrine of escheat on lapse, have to be borne in mind in considering the attitude of Government in the above history. By this change of policy Government recognised that much of its previous conduct had been mistaken, and this criticism is not irrelevant to the above action.

But apart altogether from change of policy, it is submitted that the Government's present day claim to treat a succession as invalid unless and until formally recognised by the paramount power rests on no sound legal or constitutional basis; is in reality founded on incorrect precedents such as the above, and is inconsistent with the Royal pronouncements that all the rights, privileges and dignities of the States will be observed by the Crown. In making this submission the Standing Committee of the Chamber of Princes desire carefully to distinguish between diplomatic recognition of a new Sovereign which is a matter of comity (although the States may have a right to expect it), and a recognition

† II. Paragraphs 5 and 6, *ibid.*

‡ III. Paragraph 7, *ibid.*

§ (IV.) Paragraph 14, page 84, *ibid.*

¶ (V.) Paragraph 16, page 84, *ibid.*

** (IV.) Paragraphs 22 and 23, page 85, *ibid.*

†† (VII.) Paragraphs 22 and 23, page 85, of the said return, see also letter No. 2218, dated the 14th September, 1844, from the Secretary to the Government of India to the Resident at Indore, pages 98 and 99 of the said Return.

‡‡ (VIII.) Paragraph 23, page 85, return on adoption.

by the paramount power which is to be a condition precedent of the new Ruler's powers of sovereignty inside his own State and under the law of its constitution. They humbly submit that they never conferred *that* right on the Paramount Power and that the Paramount Power does not possess it. Succession must be regulated by the constitutional law of each State.

EXHIBIT I.

FORT WILLIAM, FOREIGN DEPARTMENT, SECRET, 23RD DECEMBER, No. 88, 1844, TO THE HONOURABLE THE SECRET COMMITTEE OF THE HONOURABLE THE COURT OF DIRECTORS.

Paragraph I.

"HONOURABLE SIRS,

"In our despatch of the 23rd March last we announced to your Honourable Committee the demise of Khundee Rao, the young Chief of Indore. By this event the Gaddee of the Holkar State was rendered vacant, there being no person with any legal claim whatever to succeed, and there being no one possessed of a legitimate title to adopt a successor."

EXHIBIT II.

Paragraph 5 of same Despatch.

5. The Resident then took occasion to inform us of the substance of a conversation he had held with the Mahee Saheba, in which Her Highness expressed her desire that the British Government should place Martand Rao on the Gaddi; the succession of this person, the Mahee assured the Resident, would not fail to afford universal satisfaction to the people. If, however, the supreme Government had any objection to his succeeding, Her Highness could not but acquiesce and in that event Her Highness considered that the person most eligible to be the future Maharaja was the younger of the two sons of Bhoja Holkar.

Paragraph 6 of same Despatch.

6. In forwarding the above information and requesting our speedy decision in the matter of the succession, the Resident stated, that he believed the people generally were favourable to Martand Rao, and would be gratified by his being nominated Maharaja.

EXHIBIT III.

Paragraph 7 of same Despatch.

7. In reply, we informed the Resident that were the question of Martand Rao's succession altogether new, and if his eligibility were now to be considered, together with that of the other boys of the Holkar family, under precisely similar circumstances, the Governor-General in Council might have been disposed to meet the express wishes of the Maha Saheba, by selecting Martand Rao for the Gaddee; but Martand Rao having been once already upon the Gaddee, by reason of legal or pretended adoption, his restoration now would have to a certain degree, the appearance of a succession by legitimate right, whereas in-as-much-as he has really no legal claim and the Gaddee is really vacant, and no one of the Holkar family now possesses the right of adopting successor thereto, it seemed desirable that the selection of a successor should be manifestly the sole act of the British Government, as the paramount protecting State.

EXHIBIT IV.

Paragraph 14 of same Despatch.

14. In the same despatch the Resident proceeded to inform us that having satisfied himself that there was no reasonable ground to interfere in Her Highness' selection, he had after consultation with the Regent and the Ministry on the propriety of the measure, on the 23rd June, in open Darbar, declared that the British Government had, out of its desire to perpetuate the Holkar State, come to the resolution of nominating a successor to the Chiefship; and, in deference to the expressed wishes of the Mahee Saheba, had determined to place the younger son of Bhow Holkar on the Gaddee, under the style and title of Jeswant Rao Yukajee Holkar.

EXHIBIT V.

Paragraph 16 of same Despatch.

16. Accordingly on the day appointed, the installation of the young Maharaja took place, under a royal salute of twenty-one guns and with precisely the same ceremonies which had been observed on the occasion, of the late Chief Khundee Rao. We refer your Honourable Committee to our despatch of the 14th September last, which forms enclosure No. 16, for our sentiments, as detailed at length, respecting these proceedings of the Resident.

EXHIBIT V. and VI.

Paragraph 22 of same Despatch.

22. It had been the intention of the Governor-General in Council, on this occasion of the nomination of a successor to a vacant Gaddee, to mark distinctly the difference of position between the nominee of the Paramount Power and the Chieftain succeeding by hereditary right, by delivering to the Maharaja a Sanad, nominating His Highness to the Gaddee, and fixing the amount of Nazar which His Highness should present to the British Government on the occasion of his accession.

EXHIBIT VI. and VII.

Paragraph 23 of same Despatch.

23. By the precipitate proceedings of the Resident, the opportunity of making an important line of policy has been in a great measure lost to the Government, as it would have appeared inconsistent to a present Sannad, and demand a Nazzar from a Prince who, by the deliberate act of the British representative, had been already placed on the throne, not so much as the nominee of the Paramount Power, as the Chief succeeding, by right to the Gaddee of his ancestors.

EXHIBIT VIII.

Paragraph 28 of same Despatch.

28. By these means, although our original intention of marking a distinct line of policy on the occasion has not been so completely carried out as we could have desired, yet we trust that enough has been done to stamp the measure as an act of free grace on the part of the Paramount power, and to strip the accession of the young Chief of all pretention to succession by either hereditary right or by that of adoption.

A (a) ix. Derogation from Traditional Dignity of Rulers.

BANSDA STATE.

In the year 1883, the Agent at Surat, wrote to the Darbar asking for a statement regarding the title and the official form of address of the Prince. This statement was supplied by the Joint Administrator and the proper title of the Prince was given as—

“ His Highness Maharawal Shri Pratap Singhji Gulab Singhji, Raja of Bansda.”

This was actually the official mode of addressing the Darbar, as may be seen from the annexed copy of a letter from the Political Department of the Government of Bombay forwarding to the Agent at Surat a resolution of the said Government. In this letter the Darbar have been referred to as “ His Highness the Raja.”

Even so far back as 1877, Her Imperial Majesty Queen Victoria, presented to His late Highness at the Delhi Darbar held in that year, the State Banner of Bansda, and the inscription on the tablet contained the following words :—

“ To His Highness the Maharawal of Bansda State.”

This mode of address continued unaltered up to 1885, when suddenly the Darbar were informed to their surprise that in future they should refrain from using a title which the Government did not recognize. No reasons were assigned for this sudden change and the Darbar do not understand why the Bombay Government refuse to recognise a title, recognised by Her Majesty the Queen Empress herself.

Since then, in official correspondence, the Prince has been addressed merely as “ Raja of Bansda ” much to the derogation of the dignity of the State.

Yet another invidious innovation was introduced in 1887. It was that until that year Kharitas addressed to the Rulers of Bansda used to be signed by His Excellency the Governor himself—for example the one despatched by Lord Reay at the time of assuming office as Governor of Bombay.

But they are now invariably signed by the Political Secretary.

Similarly, replies to telegrams and letters of a private or demi-official nature are very seldom despatched under the signature of His Excellency the Governor.

EXHIBIT A.

No. 138 of 1883.

ENTRIES IN COLUMNS 10 AND 11 OF THE STATEMENT SUBMITTED TO THE AGENT TO HIS EXCELLENCY THE GOVERNOR, SURAT, AS CALLED FOR IN HIS No. 305, DATED 24TH AUGUST, 1883.

10

Nature of Service for which title was granted.	Official form of address by Local Government.	Remarks.
The title is not assumed for any service rendered, but is vested in the reigning Prince by right of Birth.	HIS HIGHNESS MAHA RAWAL SHRI PRATAP SINGJI GULABSINGJI RAJA OF BANS-DA.	On the Standard presented to the Chief at the time of the Delhi Darbar, the following words are inscribed : His Highness the Maharawal of Bansda.

To

THE AGENT TO H.E. THE GOVERNOR, SURAT.
BANSDA, 30th August, 1883.

(Signed) A. J.
Joint Administrator.

A (a) ix.

1248

EXHIBIT (B).

No. 2563.

POLITICAL DEPARTMENT,
BOMBAY CASTLE,

29th May, 1884.

Memorandum from the Commissioner N.D. No. 262, dated the 8th May, 1884, forwarding for orders, a letter to his address from the Agent to His Excellency the Governor, Surat, who communicated a recommendation of His Highness the Raja and the Joint Administrator of Bansda that Rao Sahib Govindas Keshavlal, Mamlatdar of Bansda, may be allowed to retain the present (consisting of a Shawl worth Rs. 45 and a turban of the value of Rs. 5/-), made to him by His Highness the Gaekwar of Baroda in return for a Nazur of Rs. 5/- presented to His Highness by the Rao Sahib on the occasion of accompanying the Raja of Bansda to a place near Sanghsi where an interview took place between the Raja and the Gaekwar on the occasion of the Unai fair on the 4th ultimo.

Resolution.—As the recipient is in the service of the Bansda State, there is no objection to the retention by him of the articles presented to him by His Highness the Gaekwar on the occasion referred to.

(Signed) J. H. RICHEY,
Acting Chief Secretary to Government.

To

THE COMMISSIONER, N.D.,
The Agent to H. E. the Governor at Surat.

EXHIBIT (C).

No. 7154.

POLITICAL DEPARTMENT,
BOMBAY CASTLE, 30th November, 1885.

Endorsement by the Acting Commissioner N.D. No. 637, dated 20th October, 1885, forwarding, for orders, a letter No. 732, dated the 17th October, 1885, to his address from the Agent to His Excellency the Governor, Surat, who submits copy of one from the Raja of Bansda, requesting that he may be furnished with copies of Government letter No. 2934 of 18th May, 1877, and the Khandesh Political Agent's letter No. 1632 of 26th April, 1877, which do not appear among the correspondence relating to the village of Bibabaree, which has been supplied to him.

RESOLUTION.—In his letter to the Agent the Raja styles himself "His Highness." The Agent should be directed to draw attention to the orders of Government about titles.

2. The correspondence asked for cannot be given.

(Signed) C. G. W. MACPHERSON,
Acting Secretary to Government.

To

THE ACTING COMMISSIONER, N.D.
The Agent to H. E. the Governor, Surat.

EXHIBIT (D).

POLITICAL DEPARTMENT.

TO MAHARAWAL SHRI PRATAPSINGHJI GULABSINGHJI, RAJA OF BANSDA.
MY FRIEND,

Her Most Gracious Majesty having been pleased to appoint me Governor of Bombay and its Dependencies, it affords me pleasure to announce to you that on the 30th ultimo, I assumed charge of the Government of this Presidency, and I take advantage of the present occasion to assure you of my friendly disposition towards you.

Your sincere friend,

BOMBAY CASTLE,
18th April, 1885.

(Signed) REAY.

EXHIBIT (C).

POLITICAL DEPARTMENT,
BOMBAY CASTLE, 14th December, 1923.

TO MAHARAWAL SHRI INDRASINHI PRATAPSINHI, RAJA OF BANSDA.

MY FRIEND,

His Most Gracious Majesty the King Emperor having been pleased to appoint Lieut.-Colonel the Right Honourable Sir Leslie Orme Wilson, P.C., G.C.I.E., C.M.G., D.S.O., to be the Governor of Bombay and its Dependencies, His Excellency assumed charge of the Government of this Presidency on the 10th instant and I am directed to convey to you on the present occasion the assurance of the Excellency's friendly disposition towards you.

Yours sincerely,

(Signed) (Illegible).

Secretary to the Government of Bombay Political Department.

BAUD STATE.

The Orissa Chiefs have to receive the Political Agent in full National dress, when the former visits the State, but this courtesy is not reciprocated to the Chiefs when visiting the Political Agent. Even in return visit to the Palace, Political Officers do not wear political dress. In installation Darbars, the Chiefs now have to present a gold mohur to the Political Agent, though such custom never existed before in the history of this State. The installation ceremony is now performed at a formal Durbar held in the State, though called under the authority of the Political Agent. Under Government of India memorandum of 1917, the Durbar ought to be held by the new Chief himself. These innovations are derogatory of the position of the Chief, especially in the eyes of their subjects, who draw their own conclusion. In the case of the present Ruler of Baud, however, the Installation Durbar was assembled by the Chief himself, who formally ushered into the Durbar the Officiating Political Agent. The Chief, however, was soon disillusioned by a communication from the Political Agent and Commissioner informing the Chief that the procedure adopted at the Durbar by which the Durbar was held by the Chief was erroneous and cannot be regarded as establishing a future precedent. The Political Agent and Commissioner referred to past custom which is to be adhered to, but there has been no such custom in the past—at least as far as this State is concerned—of holding Darbars in the State by Political Officers.

EXHIBIT A.

COPY OF LETTER No. TC/176, DATED 18TH DECEMBER, 1925, FROM THE
POLITICAL AGENT AND COMMISSIONER, ORISSA FEUDATORY STATES,
TO THE RULING CHIEF OF BAUD FEUDATORY STATE.

MY ESTEEMED FRIEND,

I have the honour to say that I am desired to inform you on behalf of His Excellency that the procedure adopted at your installation Durbar by which the Durbar was held by the Ruling Chief was erroneous, and the orders of the officiating Political Agent sanctioning this procedure cannot be regarded as establishing a future precedent. The past custom of the States, according to which installation Darbars will be presided over by the Political Agent and Commissioner or other representative of Government, will be adhered to.

Your sincere friend,

(Signed) C. L. PHILIP,

Political Agent and Commissioner.

BUNDELKHAND STATES.

(ALIPURA CONSTITUENCY.)

Before the advent of the British in Bundelkhand, the territory of that province was divided among numerous chiefs. Some of these owed allegiance to the Peshwas, while others were entirely independent.

Under the treaty of Bassein (1802) the possessions of the Peshwa in Bundelkhand were ceded to the British Government, but the actual enforcement of this cession met with considerable opposition on the part of Scindia, Holkar and other local representatives of the Peshwa.

The Province, was however, subjugated by the British who made necessary arrangements for the pacification of the country. In this connection it may be instructive to quote the following passage from Aitchison's Treaties (Vol. V of 1909, pages 4-5) :—

"As the authority of Peshwa in Bundelkhand was little more than nominal, it became necessary for the pacification of the chiefs to enter into engagements with the chiefs holding lands in the Peshwa's share of the Province, securing to them the rights they enjoyed under Ali Bahadur's (an illegitimate descendant of the Peshwa) Government."

In pursuance of this policy, the British Government granted Sanads to these chiefs guaranteeing to them, on conditions of loyalty and allegiance, the perpetual enjoyment of their respective possessions with all the rights of internal sovereignty. The rulers of these States, notwithstanding the smallness of their holdings, were regarded as independent chiefs.

The following quotations from the Chapter headed "States held under Sanads" in Volume V of Aitchison's Treaties of 1909 (page 16) may give some idea of the status of these Chiefs :—

"A fundamental principle in the arrangements made by the British Government in Bundelkhand was originally declared to be the confirmation of the chiefs of that Province in the possession of such parts of their ancient territorial right as were held under Ali Bahadur's Government subject to the conditions of their allegiance and fidelity to the British power, their renouncing all views of future aggrandizement, and their abandoning such parts of Ali Bahadur's conquests as had been acquired by them subsequent to his death. . . . At first it was the policy of the Government to leave the protection of their territories to the Chiefs themselves, and to exact no tribute or revenue from them. In several of the engagements executed in 1805 and 1806, it was therefore distinctly stipulated that the Chiefs should renounce all claims to the aid and protection of Government."

"Experience, however, soon showed the necessity of departing from this principle and of declaring the Bundelkhand chiefs to be subordinate to, and dependent on, the British Government." (vide page 17, Aitchison's Treaties Vol. V of 1909), It was, however, conceded that "it was not the intention of the Government to establish its laws and regulations in the States of these Chiefs, and to remove all doubts on this subject, these States were declared by Regulation XXII of 1812 to be exempt from the operation of the general regulations and from the jurisdiction of the civil and criminal courts. The particular clauses of the engagements made with the Chiefs, which imply a right of jurisdiction on the part of Government, have been generally understood to convey exclusively a right of political jurisdiction, that is to say, a right to interfere for the settlement of disputed claims, differences and disputes of any kind, not through the channel of the Courts of Justice, but through the Agency of the representative of the British Government."

From these quotations it would appear that the status of the Sanad States of Bundelkhand was in no way inferior to that of such States in other parts of the country. But recently the Government has been showing a lack of appreciation of the real Status of the lesser Sanad Chiefs of Bundelkhand, with the result that they are subjected to disabilities and disadvantages.

The following are a few examples of invidious treatment commonly accorded to these States by the British Government :—

(1) In official correspondence these Sanad States are designated as "Estates" or "Jagirs," and their rulers, though enjoying internal sovereignty, are described as "Jagidars." This terminology, apart from being incorrect on historical grounds implies a status almost similar to that of ordinary Zimindars in British India who have no claims to any political rights whatsoever.

It may be observed that the compilers of Aitchison's Treaties—an authorised publication, have invariably used the word "States" when describing these territories collectively (*vide* Chapter IV, pages 15-18 Aitchison's Treaties Volume V of 1909) but in dealing with individual states they do not appear to conform to any set phraseology (*vide* narrative account of Alipura on pages 36-38 Aitchison's Treaties Vol. V of 1909, wherein the words "State," "Jagir," "Chief," and "Jagirdar" have been loosely and indiscriminately used).

Again in the notification No. 645, dated the 12th September, 1921, issued in connection with the Chamber of Princes, it has been observed about this class of States that "each of the *Ruling Chiefs* . . . provided that he is ruling over his own *State* be eligible for election as a Representative Member . . ." Yet in the individual case of one of these States—Garrauli—the Political Agent in Bundelkhand informed the ruler that the Government of India had "decided that the *Jagirdars* of Garrauli should continue to be designated as *Jagirdars*." Exhibit A. Exhibit B.

This decision of the Government of India, in the face of the terminology adopted in their own notification referred to above, appears paradoxical.

It may also be mentioned here that the Chief of Garrauli—*like all other Chiefs of this constituency*—is in possession of an adoption Sanad granted by Her Majesty Queen Victoria. In all such Sanads the territories of these rulers have been described by Her Majesty as "States" and the Rulers themselves, as "Chiefs" (*vide* adoption Sanads of Jigni, Beri, etc., pages 165 and 170 respectively Aitchison's Vol V, 1909).

In view of this fact it is submitted that the Government of India should not alter a terminology which has been sanctified by the imprimatur of the Sovereign, namely Victoria, the first Empress of India.

(2) Up to the Delhi Durbar of 1903 all the Sanad Chiefs of Bundelkhand enjoyed the honour of receiving indifferently the same treatment as other Sanad States. They used to be invited to these Darbars, and presented individually. The ceremony of Itar and Pan used to be observed with them. But now on such occasions, the lesser Sanad Chiefs are presented in groups like other ordinary guests, and the ceremony of Itar and Pan has been discontinued totally.

(3) On the occasion of the Darbar of His Royal Highness the Prince of Wales at Indore in 1922, the lesser Sanad Chiefs were as formally invited as any other guests. But to their humiliation, they were not even formally presented to H.R.H.; nor was the honour of receiving Itar and Pan from H.R.H.'s hands extended to them. They were ignored and treated as mere spectators.

The A.G.G. gave as an explanation that this was due to shortness of time and that it should not be taken as a precedent.

EXHIBIT A.

EXTRACT FROM FOREIGN AND POLITICAL DEPARTMENT NOTIFICATION No. 645-R, DATED SIMLA THE 12TH SEPTEMBER, 1921.

In pursuance of Regulation (5) of the "Regulations for the appointment of Representative Members" forming part IV, of the first Regulations appended to the constitution of the Chamber of Princes.

His Excellency the Viceroy has approved of the following rules for the election of a Representative Member by the *Rulers of the States* specified in part V of the Appendix to Regulation IV, being *Ruling Chiefs* of Central India, namely:—

(1) Each of the *Ruling Chiefs* specified in part V¹ of the Appendix to Regulation IV shall, provided that he is ruling over his own *State*, be (i) eligible for election as a Representative Member, Such *Ruling Chiefs* are hereinafter referred to as "electors."

EXHIBIT B.

COPY OF THE POLITICAL AGENT IN BUNDELKHAND'S D.O. LETTER No. 173-76A, dated the 12TH APRIL, 1924.

Please refer to your letter dated the 19th July, 1923, I write to inform you that the Government of India have decided that the *Jagirdars* of Garrauli should continue to be designated as *Jagirdars*.

¹ N.B.—The States comprised in part V of the appendix to Regulation IV are:—
Khandahana, Sarila, Beri, Behat, Garauli, Banks-Pabri Bina Dhurwai, Tori, Fatehpur, Jigni, Lugasi, Alipura, Naigawan Rebai, Nagod Baraundha, Jaso, Kothi, Sohawal, Bhaissandha, Pabra, Pa'deo, Taraon, Kamta Rajaula, Kurwai Muhammadgarh, Piploda, Johat, Kathawara, Machwar, Ratanmal.

This constituency is represented in the Chamber Princes by the Chamber of Princes by the Chief of the Alipura. The present memorandum relates to this very constituency.

DHENKANAL STATE.

The Chief has to receive the Political Agent and Commissioner in full national dress when the latter visits the State, but there is no provision for reciprocal courtesy to be shown to the Chief when visiting the Political Agent and Commissioner.

At the time of the installation ceremony, the Chief has to present a Mohur to the Political Agent and Commissioner at the Durbar. No such custom existed previously in the History of this State.

This Chief is required to send up his order of death sentence to the Political Agent and Commissioner for confirmation, while death sentences passed by the Sambalpur Chiefs are confirmed by the Governor.

This Ruling Chief is being called a Feudatory which is a derogatory term introduced in the Sanads, but in the first engagement he was called "Rajah of Killa Dhenkanal."

Even the Agency Inspector of Schools and the Agency Engineer have been addressing the Chiefs as "My Esteemed Friend." This was justified by the Political Agent on the ground that the letters are signed "on my behalf." They do not purport to be so signed.

EXHIBIT A.**COPY OF LETTERS FROM THE A. I. OF SCHOOLS.**

898

No. _____ dated 1st May, 1926.

III B-2-26.

FROM H. DIPPPIE, Esqr., D.S.O., M.A., (CANTAB.), AGENCY INSPECTOR FOR THE ORISSA, FEUDATORY STATES, TO THE RULING CHIEF OF THE FEUDATORY STATE OF DHENKANAL.

MY ESTEEMED FRIEND,

I have the honour to inform you that the following books are suitable for use as prize and library books in High and Middle English Schools.

Your sincere friend,

(Signed) H. DIPPPIE,

A. I. of Schools.

2667-2680

No. _____ dated 17-12-1926.

I L-5-26

FROM H. DIPPPIE, Esqr., D.S.O., M.A. (CANTAB.), AGENCY INSPECTOR FOR THE ORISSA, FEUDATORY STATES, TO THE RULING CHIEF OF THE FEUDATORY STATE OF DHENKANAL.

MY ESTEEMED FRIEND,

I have the honour to request you to be so good as to send me by 1st week of April, every year, a list of Sanskrit Tols and Pathsalas in the enclosed form.

Your sincere friend,

(Signed) H. DIPPPIE,

A. I. of Schools.

226-54

No. _____ dated 25-1-1927.

III B-1-27

FROM H. DIPPPIE, Esqr., D.S.O., M.A., (CANTAB.), AGENCY INSPECTOR OF SCHOOLS FOR THE ORISSA FEUDATORY STATES, TO THE RULING CHIEF OF THE FEUDATORY STATE OF DHENKANAL.

MY ESTEEMED FRIEND,

I have the honour to state that the book "Gruhastaram" * * * * *
* * * * * in my division.

Your sincere friend,

(Signed) H. DIPPPIE,

A. I. of Schools.

No. 2245 dated 18-8-27.

I. B. 1-27

FROM H. DIPPIE, Esqr., D.S.O., M.A. (CANTAB.), A. I. OF SCHOOLS FOR THE ORISSA, FEUDATORY STATES, TO THE RULING CHIEF OF THE FEUDATORY STATE, DHENKANAL.

MY ESTEEMED FRIEND,

I have the honour to remit this day a sum of Rs. 8 (including money order Commission * * * * * amount.

Your sincere friend,

(Signed) H. DIPPIE,

A. I. of Schools.

COPY OF D. O. LETTER No. 1877 CON. DATED 22ND OCTOBER, 1927, FROM THE RULING CHIEF OF DHENKANAL TO THE POLITICAL AGENT AND COMMISSIONER O. F. S. SAMBALPUR.

I have the honour to request you kindly to enlighten me on a point of Political procedure. I see Agency Forest Officer and Agency Inspector of Schools are addressing me in official letters as "My Esteemed Friend," and subscribing at the end of an official letter as "Your Sincere Friend." I would like to enquire confidentially if these are forms prescribed for these officers in political procedure.

Besides, I find that these officers sometimes call for reports from me on specified points. Please let me know confidentially if they are justified in doing so according to political procedure.

POLITICAL AGENT AND COMMISSIONER'S REPLY TO THE ABOVE LETTER No. 138 CON. DATED 11TH NOVEMBER, 1927.

With reference to your D. O. No. 1877 of the 22nd October, I have the honour to say that the Agency Forest Officer and the Agency Inspector of Schools do not ordinarily address you as "My Esteemed Friend" and subscribe themselves at the end of the letter as "Your Sincere Friend." The ordinary procedure is that the letters from these Officers are issued to you by me but they are signed by the Agency Forest Officer and the Agency Inspector of Schools on my behalf. I find that in one instance by error a letter was issued from the Agency Forest Officer's Office direct. This was done by oversight.

2. These Officers occasionally call for reports on specified points. When they do so it should be understood that they are doing so on my behalf.

(Signed) C. L. PHILLIP,

P. A. and Commissioner.

8-11-27.

(True copy).

JODHPUR STATE.

The following are instances :-

(1) Arbitrary reduction of salutes from 17 to 15 of Maharaja Takhat Singh for refusing to sit below Maharaja of Udaipur in the Darbar held by Lord Lytton in 1870. (This restriction was personal to Maharaja Takhat Singh and did not affect his successors).

(Aitchison, Vol. III, page 145, 4th Edition.)

(2) The discontinuance, without assigning any reasons, in 1914 (regency period), of the old practice by which at the reception of His Highness by His Excellency, His Highness was received at the place of alighting in addition to an Aide-de-Camp by the Foreign and Political Secretary.

Correspondence on this point is submitted below.

Exhibit A

A (a) ix.

EXHIBIT A.

LETTER No. 95-P., DATED THE 21st JULY, 1912, FROM THE RESIDENT, WESTERN RAJPUTANA STATES, JODHPUR, TO THE SENIOR MEMBER OF COUNCIL, MARWAR STATE.

I have the honour to communicate for the information of the Darbar the following orders of the Government of India :—

(i) On the occasion of the reception of His Highness the Maharaja of Jodhpur by His Excellency the Viceroy at Jodhpur, a deputation, consisting of the Under-Secretary in the Foreign Department and an Aide-de-Camp will be sent to the palace to conduct His Highness to the Viceregal residence. The Maharaja on arrival at His Excellency's camp will be met at his carriage by an Aide-de-Camp to the Viceroy, and at the top of the steps by the Foreign Secretary.

(ii) His Excellency has accepted Sir Elliot Colvin's view, that the old custom of the Agent to the Governor-General going out a certain distance from his residence to meet the Chief of Jodhpur, when His Highness pays a formal call on him at his capital, should be maintained.

COPY OF CONFIDENTIAL D.O. LETTER No. 284-C, DATED THE 7th DECEMBER, 1927, FROM THE VICE-PRESIDENT, STATE COUNCIL, JODHPUR, TO THE RESIDENT, WESTERN RAJPUTANA STATES.

Please refer to your demi-official letter No. 50-C, dated the 24th November, 1927, enclosing a copy of the draft programme of the forthcoming visit of His Excellency the Viceroy. The same is returned herewith as desired.

2. The Darbar have the following remarks to offer regarding the same :—

- (a) Arrival of His Excellency. Nil.
(b) Reception of His Highness.

There is one point in the programme regarding reception of His Highness which, the Darbar believe, deserves special attention.

It is observed that the old practice whereby His Highness was received, at the place of alighting, in addition to an Aide-de-Camp by the Foreign (Political) Secretary, and which was observed on the occasion of the marginally noted four visits, has not been observed in its original form since 1914; His Highness now being received at the place of alighting merely by an Aide-de-Camp, the Foreign Secretary receiving His Highness at the top of the steps only. This innovation was made in 1914, which was a minority year and was probably overlooked on that account at the time, and there appear no reasons, from our file for the change. I am accordingly desired to request you kindly to bring these facts to the notice of the Supreme Government and use your good offices with a view to have the old procedure revived on the occasion of the forthcoming Viceregal Visit.

- (1) Lord Lansdowne's visit (1890).
(2) Lord Elgin's visit (1896).
(3) Lord Curson's visit (1902).
(4) Lord Minto's visit (1908).

COPY OF CONFIDENTIAL D.O. LETTER No. 41 C, DATED THE 2ND JANUARY, 1928, FROM THE RESIDENT, WESTERN RAJPUTANA STATES, JODHPUR, TO THE VICE-PRESIDENT, STATE COUNCIL, JODHPUR.

Please refer to your Confidential demi-official letter No. 284-C, dated the 7th December, 1927, in which you pointed out that at the reception of His Highness the Maharaja by His Excellency the Viceroy, His Highness was, according to the old practice, received at the place of alighting, in addition to an Aide-de-Camp by the Foreign (Political) Secretary.

In reply, I would refer you to this Office Confidential letter No. 95-P, dated the 21st July, 1912, to the Senior Member of Council, in which the Darbar were informed that "on the occasion of the reception of His Highness the Maharaja of Jodhpur by His Excellency the Viceroy at Jodhpur, a deputation consisting of the Under-Secretary in the Foreign Department and an Aide-de-Camp will be sent to the palace to conduct His Highness to the Viceregal residence. The Maharaja on arrival at His Excellency's Camp will be met at his carriage by Aide-de-Camp to the Viceroy, and at the top of the steps by the Foreign Secretary."

I am desired to say that the Government of India consider that the procedure, indicated in that letter should be adhered to. No alteration has, therefore, been made in paragraph 4 of the printed Reception Programme.

KOTAH STATE.

1. When the Honourable the Agent to the Governor-General pays a visit to His Highness two Sardars and the Kotah Vakil wait upon the Honourable the Agent to the Governor-General at his residence and accompany him to the palace.

2. Two musahibs of His Highness receive the Honourable the Agent to the Governor-General in Rajputana on alighting from the carriage and

3. At the time of departure of the Honourable the Agent to the Governor-General it is customary for His Highness to present Itar and Pan to the Honourable the Agent Governor-General and other British Officers present with his own hands.

Against this the procedure in vogue on the occasion of the return visit by His Highness to the Honourable the Agent to the Governor-General is as follows :—

1. When His Highness goes for a visit one Assistant of the Honourable the Agent to the Governor-General and the Vakil receive him at a distance of 300 paces from the camp.

2. The First Assistant or the Political Agent receives His Highness on alighting from the carriage and

3. At the time of departure the Honourable the Agent to the Governor-General presents Itar and Pan only to His Highness while his Assistant presents it to the Tazimi Sardars and officers of His Highness.

The above will show that under (1) and (2) while two Sardars wait upon and receive the Honourable the Agent to the Governor-General on the occasion of his paying a visit to His Highness, only one Assistant of the Honourable the Agent to the Governor-General waits upon and receives His Highness on his return visit, the Vakil going on both occasions.

It will also be observed that while the two Sardars wait upon the Agent to the Governor-General at his residence irrespective of any distance, the Assistant receives His Highness at a fixed distance of 300 paces only.

Under (3) there is an obvious distinction in the matter of doing Itar and Pan.

The Honourable the Agent to the Governor-General presents Itar and Pan only to His Highness, his Sardars and officers being served by the Assistant. On the other hand His Highness presents Itar and Pan not only to the Honourable the Agent to the Governor-General but to all the British officers present irrespective of their rank and status.

The above differentiations appear invidious, indicating an inferiority, perhaps not contemplated at the time the procedure came into force. The Darbar have from time to time spoken to the Political Agent on this differential procedure, but were advised not to raise the question officially as His Highness' special treatment of British officers on these formal occasions was much appreciated.

The Darbar are not aware what procedure is observed in other States, but they certainly object to this differential procedure and would like to see this political practice abandoned and equality restored in these official functions.

LIMBDI STATE.

The ancient family title of the Ruling Princes of Limbdi is "Maharana." This title has been used in regard to them by other Zala Princes, the Limbdi Bhayats and the subjects of the State from very old times. In ceremonial "Kharitas" the uniform practice on the part of the Darbar has been to prefix this title to their names in addressing Government Officers.

A copy of a deed dated the 29th December, 1883, passed by the Bhayats of Limbdi to the Limbdi State, through the intervention of the Political Agent of the time, and countersigned by that officer, will show that Maharana was the style of address of the Ruler of Limbdi. Exhibit A.

A (a) ix.

But in spite of these facts, the British Government now deny the right of the Darbar to style themselves as Maharana, and in official correspondence the ruler is addressed merely as the Thakore of Limbdi.

Against this innovation the Darbar submitted a representation to the Agent to the Governor-General at Rajkot, on the 23rd of March, 1925. In this representation the Darbar discussed the styles of address used in official correspondence by the Political Department with respect to some of the Ruling Princes of Kathiawar, including himself.

The following were some of the points urged in the representation above named :—

1. That no matter whatever appellation was used in reference to the Darbar, the term Thakore according to its accepted significance was too derogatory to their stations.
2. That the term Thakore was invariably used in Rajputana and other places to denote a subordinate estate-holder, and that it did not convey the idea of a Ruling Prince or Raja.
3. That the acknowledged style of address in regard to Jhala Princes was "Maharana Shri."
4. That it was in view of the last mentioned fact that the Government had recognised the claim of His Highness the Raja Sahib of Wankaner to style himself as "Maharana Shri."
5. That Limbdi and Dhrangadhra represented the two most ancient and independent branches of the Jhalas, and that these States had been founded as early as the 12th century, if not earlier.
6. That all other Jhala States including Wankaner were established much later.

In addition to the above points, the following quotations from Col. Walker's report on the District of Dhandhuka and Gogs, dated the 20th July, 1806, were also cited :—

1. "The title of Raja is applicable to the head of the family only, he must be independent, that is, not pay Jama or tribute to another of his family. The tribute payable to the Mogal or the Marathas does not affect the independence of his character."
2. "The sons of Rajas, Ranas, and Rawals bear the appellation of Kooer (Prince) and their sons the designation of Thakor provided they have succeeded to an estate."
3. "Thakor, the next gradation after Rawal in the title used by the Kathiawar Chieftains, is applied to all those who are not powerful enough to assume and use the title of Raja, or who are the heads of district, but inferior branches of a family."
4. "To the head of the family, Thakors owe a feudal submission exemplified in the payment of a tribute, sending a horse or the performance of service."

The Darbar argued that the above quotations from Col. Walker's report of 1806 were conclusive proofs of the fact that it was wrong to apply the term Thakore to the Ruler of Limbdi.

This representation was not acted on by the political authorities, who still adhere to the mode of address complained of.

EXHIBIT A.

TRANSLATION FROM GUFARATI SHRI.

(Written to) Maharana Harbhamji Bhojrajji (written by) Zala Ratansangji, Zala Madarsangji and others of Taluka Laliad. Whereas Zala Akhaji of Talsana Taluka, claimed the State of Limri on the death of Rana Shri Bhojrajji and Zala Abhesangji Jasaji, a shareholder of Kantharia Taluka, and we and other several Bhayads joined him, and an attack we made on Limri, the Government inquired into the matter and issued a mosal on us for it (bandobast) and that a report being submitted to the Bombay Government with reference to the attack, the Government passed an order, dated July, to the effect that a Rajinama of Zala Harbhamji of Limri should be produced within three months, we therefore begged pardon for all our faults, made peace and pass this agreement as detailed in the following paragraphs :—

That Zala Bhojrajji has two sons, namely :—Maharana Shri Harbhamji and Fatesing, of whom Thakore Shri Harbhamji is the heir-apparent (Tilayt) and he is

our Chief. That we, our brothers, nephews and men shall not make any enmity with him and his men, nor shall we cause enmity to be made, and that we shall not associate with his enemy, and that we shall conduct ourselves according to the usual custom which prevailed up to the death of Rana Shri Bhojrajji, and that we shall not make any fraud, deceit, or make any revolt, nor shall we excite others to do the same, and that as soon as the Government permits we shall go to Limri and drink Kasoomba.

2. That we or the people of our villages owe money to the merchants of Limri Taluka, and that in security of it property is formally written, but owing to the dispute we were not acting accordingly, but that we shall restore the same or settle them justly, and if we owe anybody just debts and although they have nothing in security thereof, we shall settle the same by the order of the Durbar according to our means, and that in case we shall fail to settle it, we shall give assistance to the Durbari men in accordance with the former usage.

3. When the footsteps of a theft or robbery are traced to the villages we shall trace the same further, and in case they do not proceed further, on settlement shall be made for it according to the custom of the country, or if a suspicion is raised against any person, we shall hand him over for inquiry without any obstinacy or objection.

4. When Sarkar requires labour (Veth Begar) and Durbari men come for it from Limri, we shall give the same according to the means of the village, and we shall not deny in the matter, and that we shall also give assistance to the Durbar by way of Veth according to our means when the Durbar requires the same for a great business.

5. That when a Bhayad or a Grasia becomes poor and he tries to pledge, or write down his Giras, shall not allow the same to be pledged or written down. That he shall mortgage it to his near Bhayads, and in case the latter is not able to pay the money, the Giras should not be mortgaged or written over to Bhayad of separate settlement or to a different Talukdar and that the Durbar report the matter to the Sarkar and act according to the order passed by it.

That we shall act according to what is mentioned above, and that in case if we make any difference in the matter we shall always be responsible for our faults in the way Sarkar orders it. We agree to this writing, which we have passed quite willingly in the presence of Shri Sarkar (represented by) Arthur Malet, Esquire, the Political Agent of Kathiawad, dated Kartick Sud 10, Wednesday, Samvat, 1900 (corresponding with) 1st November, 1843.

Here Signature.

1. Signature of Zala Ratan Sangi and Zala Madarsangji in the handwriting of Anandji Mitha.

2. Signatures of Zala Kanthadji Mohdji, Zala Amobhai Agabhai and our subordinate shareholders collectively, who agree to what is written above, handwriting of Amarsangji Jasabhai of Shri Samla, who have written it at the request of the party.

Signed before Ruderji Nanduram Japtie Metta in Pursuance of my order of the 10th November, 1843.

(Signed) A. MALET.

This agreement was given in my presence, and the first two signatures were then affixed.

(Signed) A. MALET, P.A.

JUNAGADH,
29th December, 1883.

PATIALA STATE.

1.—STATEMENT OF THE CASE.

His Highness' Government have more than once claimed exemption from customs duty and in all cases the right has been categorically denied by Government of India except once when they agreed to forego their "right" as a special case.

Exhibit A. I.—In the year 1916 His Highness the Maharaja Dhiraj imported for his own use four guns from Messrs. Joseph Lang & Sons, London; and the Political Agent for Phulkian States, on being moved to secure certificate of exemption from Customs duties, replied :—

1. That, as a matter of courtesy, exemption is granted to all Ruling Chiefs in regard to their baggage actually with them when returning to India.

2. That, "only in regard to Ruling Chiefs with a salute of 19 guns and over is it usual to grant exemption from Customs duties in regard to articles separately imported for their personal use."

3. That, "unless therefore the Durbar are prepared to make out a strong case for treating the present as a special case the Customs duties should be paid at once."

Exhibit B. His Highness' Government in their reply to the above pointed out :—

1. That, "it is an admitted practice that all firms which sell arms to His Highness for his personal use get the amount of Customs duty refunded to them."

2. That "His Highness' relatives and notables are likewise granted courtesy certificates for the refund of such duty on all the arms bought by them from firms in India."

And urged that under the circumstances "it seems but fair and reasonable that the arms imported from England for personal use of His Highness should be exempt from payment of duty."

In the same communication it was further pointed out that in *no instance had any duty been paid before on arms purchased for His Highness' personal use.*

Exhibit C. All that the Political Agent said in reply to the above, was—

"His Honour the Lieutenant-Governor regrets that as the orders regarding exemption from payment of Customs duty are clear, he can not move the Customs authorities to grant exemption in this case."

(Letter No. 4884, dated 20/9/1918.)

Exhibit D. II. In the year 1925 Messrs. Mackinnon, Mackenzie and Co., of Karachi, addressed a communication No. G.1051/C and F.5222, dated 10th October, 1926, to the Officer in charge, Motor Department, Patiala, in which they quoted the following remarks of the Assistant Collector of Customs made on their bill of entry in respect of a consignment of glass plates ordered out for being fitted into His Highness' own cars.

"It may be assumed that pieces of plate glass are to be fitted into a motor car and therefore classifiable as part of such cars. As the invoice is addressed to His Highness the Maharaja Dhiraj of Patiala who is entitled to import articles for his private use, free of duty, the importers should be asked to produce the necessary certificate if they claim free import."

Exhibit E. Thus it was that the question of exemption from Customs Duty was opened a second time and the matter taken up with the Agent to the Governor-General, who was requested (Foreign Department, His Highness' Government letter No. 1154, dated 26th October, 1926), to issue the requisite "No objection certificate."

Exhibit F. In response to this letter, the Secretary to the A.G.G. (*vide* his letter No. 2G-1098-C 41/19/22, dated 5th November, 1926), asked for a certificate to the effect that the goods in question were purchased for the personal use of His Highness the Maharaja Dhiraj of Patiala, which "the Agent to the Governor-General will be glad to countersign."

This was done and the certificate, together with a few others, was received duly countersigned, but the Secretary to the A.G.G. (*vide* his letter No. 2G-6897/41/19/22, dated 14/12/26), pointed out that "the Agent to the Governor-General is not empowered to issue exemption certificates in respect of articles imported by His Highness the Maharaja;" the privilege of exemption from Customs duty being rigidly restricted to princes enjoying permanent dynastic salutes of 19 guns or more. Exhibit G.

III. In the year 1925, when his Highness the Maharaja Dhiraj went to Europe to represent *India at the League of Nations* Session at Geneva, he took out with him some jewellery for repair and resetting. This jewellery he left with Messrs. Cartier of Paris, and having mentioned the matter to the Government of India, asked for the exemption of the jewellery from Customs duty on its return to India.

The Agent to the Governor-General in a personal letter (No. 2 G-98-C/41/19/22, dated 11th February, 1926), informed His Highness the Maharaja Dhiraj, that the Government of India were prepared, *as a special case*, to treat the jewellery as unaccompanied baggage and to exempt it from payment of Customs duty. Exhibit H.

IV. This case relates to exemption from the payment of duty of arms and ammunition imported for the Indian State Forces.

Mr. Coatman, Director of Public Information, was addressed by the Foreign Department (*vide* letter No. 3427, dated 25th August, 1927), as under :—

"I have been informed that the Government of India have announced publicly that articles for the use of Indian State Forces will, as a matter of courtesy, be exempted from Customs duty. Could you very kindly let me know whether there is any truth in this statement, and, if so, what is the authority for it?" Exhibit I.

Mr. Coatman, in response to the above, forwarded (*vide* his D.O. letter No. 3465, dated 14th October, 1927), a copy of a letter (No. 75/1/26, dated 11th April, 1927), from the Deputy Secretary to the Government of India in the Foreign and Political Department regarding the exemption from Customs duty of Military Stores imported for the use of the Indian State Forces. Exhibit J.

This document lays down that the concession of exemption from customs duty of articles imported direct by and for the use of units of Indian State Forces and detailed in the list annexed to the Government of India, Finance Department, Notification No. 2971, dated the 10th July, 1924, has been withdrawn except in regard to medals and decorations, including medal ribbon.

It has, however, been pointed out in this letter that—

1. "No. 12 (c) in Schedule II. to the Indian Tariff Act, 1894, authorises exemption from payment of customs duty on all arms, ammunition and Military stores imported for the Indian State Forces, provided that such importation receives the express previous sanction of the Government of India. Such sanction will, however, not be required except that the Military Adviser, Indian State Forces, of the circle will give certificates in the prescribed form."

2. That "the arms and ammunitions required for units of the Indian States Forces are supplied by the Government of India from arsenals and their importation for such troops will not be necessary. The Collector of the Customs will satisfy himself whether the articles imported fall within the category of "Military Stores" as defined in Customs ruling No. 4 of 1924."

II.—ARGUMENT.

His Highness' Government contend—

1. That from the standpoint of Municipal Law, Indian Princes are sovereign and as such entitled to claim exemption from British Indian taxation, (a) as of right, and (b) as an ordinary comity, the denial of which would be inconsistent with the relationship between the Princes and the Crown and with the Royal pronouncements, that Customs duties should not be collected on goods destined for them personally or for state use.

A (a) ix.

2. That restriction of the exemption from Customs duty to Princes enjoying permanent dynastic salutes of not less than 19 guns has no justification; is an encroachment upon the sovereign rights, privileges and dignities of other Princes, and is not a distinction which the Paramount Power ought in its separate discretion to make.

3. The matter is one which ought to be decided by the Crown without regard to the fiscal interests of British India, and with sole reference to its obligations to the Princes.

4. To refuse such exemption is to deny sovereign attributes, and to place such Princes in the category of ordinary citizens.

EXHIBIT A.

D.O. No. 3023.

PATIALA,

*Dated the 26th of April, 1917.***DEAR SIR,**

With reference to your endorsement No. 6784, dated the 4th December, 1916, asking that the Customs authorities in Bombay should be moved to treat His Highness the Maharaja as exempt from duty on Arms imported for his personal use, I am directed to point out that as a matter of courtesy exemption is granted to all Ruling Chiefs in regard to their baggage actually with them when returning to India. Only in regard to Ruling Chiefs with a salute of 19 guns and over, is it usual to grant exemption from customs duties in regard to articles separately imported for their personal use. Unless, therefore, the Darbar are prepared to make out a strong case for treating the present as a special case, the Customs duties should be paid at once and I should be glad to be informed if the Darbar decide to do so.

Yours sincerely,

(Signed) L. M. CRUMP.

To

DEWAN BAHADUR DAYA KISHAN KAUL, C.I.E.,
Foreign and Financial Secretary,
Patiala.

(True copy.)

(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

EXHIBIT B.

COPY OF D.O. LETTER No. 1108, DATED 12/7/18 FROM THE FOREIGN SECRETARY, PATIALA GOVERNMENT, TO THE POLITICAL AGENT, PHULKIAN STATES, PATIALA.

With reference to your D.O. No. 3023, dated 26/4/1917, on the subject of exempting certain arms imported from England for the personal use of His Highness the Maharaja Sahib Bahadur for payment of duty, I am directed to say that it is an admitted practice that all firms who sell arms to His Highness for his personal use get the amount of customs duty refunded to them. The Notables and His Highness' relatives, too, are likewise granted courtesy certificates, for the refund of such duty for all the arms bought by them from firms in India. Under the circumstances, it seems but fair and reasonable that the arms imported from England for personal use of His Highness should be exempt from payment of duty.

I have further to point out that in no instance has any duty been paid hitherto on arms purchased for personal use of His Highness. Taking all the above facts into consideration, I trust you will be good enough to move the Government of India to see their way to direct the Customs authorities in Bombay to exempt the arms in question from duty.

(True copy.)

(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

EXHIBIT C.

No. 4884.

FROM L. M. CRUMP, ESQ., I.C.S., POLITICAL AGENT, PHULKIAN STATES,
TO THE FOREIGN SECRETARY, PATIALA STATE, CHAIL, THE 19/20TH
SEPTEMBER, 1918.

Sir,

With reference to your demi-official letter No. 1108, dated the 12th July, 1918, I am directed to say that His Honour the Lieutenant-Governor regrets that, as the orders regarding exemption from payment of customs duty are clear, he cannot move the Customs authorities to grant exemption in this case.

2. Your representation cited above has been submitted nearly 15 months after the previous orders were communicated to you, and, if the duty has not yet been paid, I am to request the Durbar to make payment without any further delay.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) L. M. CRUMP,
Political Agent.

(True copy.)

(Signed) D. K. SEN,
*Foreign Secretary,
His Highness' Government, Patiala.*

EXHIBIT D.

COPY OF A LETTER No. G-1051/C & F 5222 D/9-10-26 FROM MESSRS. MACKINNON
MACKENZIE & CO., KARACHI, ADDRESSED TO OFFICER IN CHARGE
MOTOR DEPARTMENT, PATIALA.

B R
Re M.P. 403/4 2 cases Glass.
& Co.
ex s.s. "City of Yokohama."

The Assistant Collector of Customs has passed the following remark on our Bill of Entry in respect of the above consignment:—

"It may be assumed that the pieces of plate glass are to be fitted into a Motor Car and are, therefore, classifiable as part of such cars. As the invoice is addressed to His Highness the Maharaja of Patiala who is entitled to import articles for his private use, free of duty, the importers should be asked to produce the necessary certificate if they claim free import."

If the glasses in question are intended for the private use of His Highness, we shall thank you kindly to post us, per return, a certificate from the Political Agent to the effect that glasses imported per s.s. "City of Yokohama," valued at £43 2s. 11d. are intended for the private use of His Highness, and as such are entitled to importation free of Customs duty.

Possibly some other articles intended for the private use of His Highness have been cleared and despatched by us within the last three months, and if they are traceable on your records we shall be glad if you will send us the required certificate for each separate consignment to enable us to apply to the Customs authorities for refund of Customs duty paid. This may kindly be noted for all future shipments."

(True copy.)
(Signed) D. K. SEN,
*Foreign Secretary,
His Highness' Government, Patiala.*

A (a) ix.

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EXHIBIT E.

No. 1154.

FROM PROFESSOR L. F. RUSHBROOK WILLIAMS, C.B.E., FOREIGN MINISTER, PATIALA GOVERNMENT, TO THE SECRETARY TO THE AGENT TO THE GOVERNOR-GENERAL, PUNJAB STATES, LAHORE, DATED 26TH OCTOBER, 1926.

ASKING "NO OBJECTION CERTIFICATE" FOR THE EXEMPTION FROM CUSTOMS DUTY ON GOODS IMPORTED FOR HIS HIGHNESS' USE.

SIR,

In forwarding copy of a letter No. G-1051/C and F. 5222, dated 9th October, 1926, from Messrs. Mackinnon Mackenzie & Co., Karachi, to the Officer in charge Motor Department, Patiala, I have the honour to inform you that the glasses imported per s.s. "City of Yokohama," valued at £43 2s. 11d., are intended for the private use of His Highness the Maharaja Dhiraj Bahadur, and as such are entitled to importation free of Customs duty, and to request that you will kindly issue and send to this office the requisite "No Objection Certificate."

I have the honour to be, Sir,

Your most obedient Servant,

(Signed) D. K. SEN,

Foreign Secretary, Patiala.

(True copy.)

(Signed) D. K. SEN,

Foreign Secretary,

His Highness' Government, Patiala.

EXHIBIT F.

No. 2G-1098/C/41-19-22.

FROM C. P. SKRINE, ESQ., I.C.S., SECRETARY TO THE AGENT TO THE GOVERNOR-GENERAL, PUNJAB STATES, TO THE FOREIGN MINISTER, PATIALA GOVERNMENT, PATIALA, DATED CAMP CHAK ABDULLA, THE 5TH NOVEMBER, 1926.

EXEMPTION FROM CUSTOMS DUTY ON GOODS IMPORTED FOR HIS HIGHNESS' USE.

SIR,

With reference to your letter No. 1154, dated the 26th October, 1926, on the above subject, I am directed to refer you to the correspondence ending with Colonel St. John's letter No. 241-C/41-19-22, dated the 14th May, 1925, and to say that if you will send me a certificate to the effect that the goods in question were purchased for the personal use of His Highness the Maharaja Dhiraj of Patiala, the Agent to the Governor-General will be glad to countersign it.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) C. P. SKRINE,

Secretary.

(True copy.)

(Signed) D. K. SEN,

Foreign Secretary,

His Highness' Government, Patiala.

EXHIBIT G.

No. 2G-6897/41-19-22.

FROM C. P. SKRINE, ESQ., I.C.S., SECRETARY TO THE AGENT TO THE GOVERNOR-GENERAL, PUNJAB STATES, TO THE FOREIGN MINISTER, PATIALA GOVERNMENT, PATIALA, DATED LAHORE, THE 14TH DECEMBER 1926.

EXEMPTION FROM CUSTOMS DUTY ON GOODS IMPORTED FOR THE USE OF HIS HIGHNESS THE MAHARAJA OF PATIALA.

SIR,

With reference to your letter No. 1442/161/83 A, dated the 4th December, 1926, on the above subject, I am directed to return herewith duly countersigned the certificate in respect of the goods imported for the personal use of His Highness the Maharaja of Patiala. The name of the port has been inserted in this certificate, as desired in your

letter No. 1464, dated the 8th December, 1926, but no such insertion could be made in the certificate sent with your letter No. 1421, dated the 1st December, 1926, as it had already been returned to you with my letter No. 2G-6809/41-19-22, dated the 8th December, 1926.

In this connection, I am to point out with reference to the sixth line of your letter of 8th December, that the Agent to the Governor-General is not empowered to issue exemption certificates in respect of articles imported by His Highness the Maharaja. The document sent is merely a certificate issued by you and countersigned by the Agent to the Governor-General to the effect that the articles were imported for His Highness' personal and private use. As stated in Colonel Minchin's telegram No. 1239-E, dated the 30th January, 1922, to your predecessor, the privilege of exemption from customs duties is rigidly restricted to Princes enjoying permanent dynastic salutes of 19 guns or more.

I have the honour to be, Sir,
Your most obedient Servant,
(Signed) C. P. SKRINE,
Secretary.

(True copy.)
(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

EXHIBIT H.

COPY OF A LETTER No. 2G-98-C/41-19-22, DATED CAMP NABHA, THE 11th FEBRUARY, 1926, FROM COLONEL ST. JOHN, A. G. G., PUNJAB STATES, TO HIS HIGHNESS THE MAHARAJA DHIRAJ MOHINDRA BAHADUR OF PATIALA.

The Government of India have intimated that during Your Highness' visit to Delhi last month, Your Highness stated that you had recently had about ten lakhs worth of jewels re-set by Cartier of Paris, and asked that they should be exempted from payment of Customs duty on arrival in India. The Government of India state that they are prepared, as a special case, to treat the jewellery as unaccompanied baggage and to exempt it from payment of Customs duty. I should be obliged if Your Highness would kindly let me know at an early date how and when the jewels will be imported, so that the necessary orders may be issued to the Customs authorities.

(True copy.)
(Signed) RAM RATTAN,
Superintendent,
Private Secretary's Office, Patiala.

(True copy.)
(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

EXHIBIT I.

No. 3427.

PATIALA,
Dated August 20th, 1927.

MY DEAR COATMAN,

I have been informed that the Government of India have announced publicly that articles imported into India for the use of Indian State Forces, will as a matter of courtesy be exempted from Customs duty. Could you very kindly let me know whether there is any truth in this statement, and if so, what is the authority for it. We are on the point of importing certain articles for the use of our State Forces, and would like to know whether we can obtain exemption from Customs duty. With kindest regards,

Yours sincerely,
(Signed) RAJKUMAR SHIV DIAL SINGH.

To J. C. COATMAN, Esq.,
Director, Public Information Bureau,
Government of India, Simla.

(True copy.)
(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

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EXHIBIT J.

D.O. No. 3465.

DIRECTOR, PUBLIC INFORMATION,
HOME DEPARTMENT,

GOVERNMENT OF INDIA,

SIMLA, the 14th October, 1927.

MY DEAR BILL,

With reference to your D.O. No. 3427, dated the 20th August, 1927, I enclose herewith a copy of a letter from the Deputy Secretary to the Government of India in the Foreign and Political Department, regarding the Exemption from Customs duty of Military Stores imported for the use of the Indian State Forces. I trust that this information will serve your purpose. I am very sorry for the delay.

With kindest regards.

Yours ever,

(Signed)

To

L. F. RUSHBROOK WILLIAMS, Esq., C.B.E.,
Foreign Minister,
Patiala State.

(True copy.)

(Signed) D. K. SEN,
Foreign Secretary,
His Highness' Government, Patiala.

No. 75-1/26.

FROM THE DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN AND POLITICAL DEPARTMENT, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, POLITICAL DEPARTMENT; THE POLITICAL SECRETARY TO THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL FOR THE INDIAN STATES IN UNITED PROVINCES; THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM; THE HONOURABLE THE RESIDENT AT HYDERABAD; THE HONOURABLE THE RESIDENT IN MYSORE; THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL IN CENTRAL INDIA; THE HONOURABLE AGENT TO THE GOVERNOR-GENERAL IN RAJPUTANA; THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL IN THE STATES OF WESTERN INDIA; THE AGENT TO THE GOVERNOR-GENERAL, PUNJAB STATES; THE RESIDENT AT GWALIOR; DATED SIMLA, THE 11th APRIL, 1927.

EXEMPTION FROM CUSTOMS DUTY OF MILITARY STORES IMPORTED FOR THE USE OF THE INDIAN STATE FORCES.

SIR,

- With reference to the correspondence ending with the letter from the Government of India in the Foreign and Political Department No. 1408 (2)-I, dated the 29th July, 1924, I am directed to forward a copy of the Notifications cited in the margin, from which it will be observed that the concession of exemption from Customs duty of articles imported direct by and for the use of units of I.S. Forces and detailed in the list annexed to the Government of India, Finance Department, notification No. 2971, dated the 10th July, 1924, has been withdrawn except in regard to medals and decorations including medal ribbons.
- (1) Notification of the Government of India in the Finance Dept. (C. R.) No. 2, dated the 20th Feb., 1926.
- (2) do. do. No. 3, dated the 20th Feb., 1926.

2. I am, however, to point out that No. 12 (e) in Schedule II. to the Indian Tariff Act, 1894, authorises exemption from payment of Customs duty on all arms, ammunition and Military stores imported for the Indian State Forces provided that such importation receives the express previous sanction of the Government of India. Such sanction will,

however, not be required except that the Military Adviser, Indian State Forces, of the circle will give certificates in the following form :—

“Certified that the under noted goods upon which exemption from duty is claimed under No. 12 (e) of Schedule II. to the Indian Tariff Act, 1894, are for the use of a portion of the Military Forces of the.....State, being a unit notified in pursuance of the first Schedule to the Indian Extradition Act, 1903 (XV. of 1903).”

The arms and ammunition required for units of the Indian State Forces are supplied by the Government of India from arsenals and their importation for such troops will not be necessary. The Collector of Customs will satisfy himself whether the articles imported fall within the category of “Military stores” as defined in Customs Ruling No. 4 of 1924, a copy of which is enclosed. Should the Collector of Customs find it difficult to decide whether any articles fall within the definition of “Military stores” he will submit the case for the orders of the Government of India through the Military Adviser-in-Chief.

3. A copy of the notification of the Government of India in the Finance Department (C. R.) No. 10, dated the 14th April, 1926, is also forwarded for your information.

I have, etc., etc.

(Signed) H. R. LYNCH BLOSSE,

Deputy Secretary to the Government of India.

Copy to the Commerce Department,
the Army Department,
the Central Board of Revenue,
the Resident of Kashmir,
the Resident at Baroda,
the Agent to the Governor-General, Madras States,
the Military Adviser-in-Chief, I.S. Forces,

for information and guidance. (Reference Foreign and Political Department endorsement No. 1408 (2)-1, dated the 29th July, 1924).

(Attested.)

(Signed) J. PINER,
*Superintendent,
Foreign and Political Department.*

(True copy.)

(Signed) D. K. SEN,
*Foreign Secretary,
His Highness' Government, Patiala.*

REWA STATE.

1. These are questions in which discourtesy on the part of the Government of India or its officers is most keenly felt, since it concerns the Maharaja of Rewa, more or less personally. The point, therefore, that it is thought necessary to urge here is that if there is anything which can really undermine the high regard in which a Prince holds the Paramount Power, it is the want of courtesy on the part of those through whom the Paramount Power deals, in its daily affairs, with the Durbar.

2. It is proposed to adduce evidence on this subject under the following heads :—

- A. Ceremonials.
- B. Invidious treatment.
- C. Unwarranted assumption of authority.
- D. The tone of letters.

A.—*Ceremonials.*

3. The matter of ceremonials, etc., is perhaps, one which has never been and cannot even now be, decided on abstract principles, because it hardly ever admits of them and we have to direct our attention to several extraneous matters such as the position of the personages between whom the ceremonials are exchanged, past practice, etc., etc. The Indian Princes are, however, very sensitive about the observance of ceremonials. The history of India abounds in instances of bloodshed caused by a lack of proper observance of a ceremonial. Such a feeling of punctiliousness may not be as marked or as intense to-day as it was, say, fifty years ago, but amongst the Rajput Princes at least, "Izzat" remains a matter of great importance which, it is urged, the Paramount Power, in its dealings with them, should not ignore.

4. The Princes have agitated the question of "Treaties, rights, dignity, honours," etc., ever since 1918, as a consequence of which the question was officially referred to the various Durbars. The Political Agent referred it to the Rewa Durbar in his letter dated the 23rd April, 1918, when His late Highness recorded a long note.¹ The following is what His late Highness wrote as regards the ceremonials on the visit of Agent to the Governor-General:—

"My relations with the Honourable the Agent to the Governor-General with regard to the ceremonies and honours have to be placed on a satisfactory basis as the present state of things is hardly consistent with the dignity of Rewa House. Under this head I note the following:—

(a) While I have to be in a Peshwai to receive the Agent to the Governor-General when he pays a formal visit to Rewa, one of his assistants only receives me at the Railway Station when I visit Indore.

(b) I have to pay the first visit to the Agent to the Governor-General whether at Rewa or Indore. He merely returns my visit. I could understand this for Rewa but at Indore I think the Agent to the Governor-General should pay the first visit, and I return his visit. I understand that is the custom in States enjoying lesser salutes than Rewa.

(c) When I call at the Agent to the Governor-General the sentry on duty never presents arms."

5. While agreeing with His late Highness the Durbar think that Rewa being a first-class State His Highness should invariably be first visited by the Agent to the Governor-General and it will be for His Highness to return it.

Further the Agent to the Governor-General should receive His Highness at the Railway Station at Indore. This would seem to be the correct procedure and it was observed when His Highness went to Indore for his investiture in October, 1922. The Durbar feel that for the purposes of ceremonials there is a great difference between the Viceroy as the King's representative and the Viceroy's Agent in Central India. There are also other points that the Durbar have to observe in connection with Agent to the Governor-General's visits:—

(d) Our Sardar goes to the Agent to the Governor-General's residence to conduct him to His Highness' residence whereas the attaché comes, according to the programme, to the gate only of His Highness' residence.

(e) Two more Sardars meet him half-way, whereas the Secretary to the Agent to the Governor-General only comes 200 yards from the Agent to the Governor-General's residence.

(f) Our Sardars follow the Agent to the Governor-General in a separate conveyance, whereas the Secretary to the Agent to the Governor-General (more frequently Under-Secretary) gets into His Highness' carriage and occupies a seat to his left when he comes to receive His Highness. All this differentiation should be done away with; in any case the Under-Secretary should sit in front of His Highness.

(g) The wording in the programme with regard to receiving of His Highness by the Honourable the Agent to the Governor-General and *vice versa* requires some change.

¹ Not actually despatched owing to His late Highness' untimely death.

The words used with regard to reception of the Agent to the Governor-General are "will be received at the entrance of the Durbar Hall."

The words used with regard to reception of His Highness are "will be received at the edge of the carpet."

Both probably⁵ mean one and the same thing and in each case one meets the other at the entrance of the Durbar Hall. It would be therefore advisable to use identical expression in both cases.

The designation "Chief" has been discarded now. By inadvertence or otherwise the word, however, occurs in the programme and should be replaced by "Ruler" or "Prince."

6. The Government of India have not respected the wishes of the Durbar in another matter. The Rewa Durbar have certain oriental titles by which they have been addressed by other Princes for a very long time in the Kharitas. The Durbar dropped the use of the titles in their English correspondence under the wrong impression that it was not usual to use them in English letters. Later it came to their notice that other Princes did use their oriental titles even in their Kharitas to the Viceroy and the Viceroy recognised those titles by using them in his own Kharitas. The oriental titles of Rewa, therefore, were suggested to the Political Agent on the occasion of His Highness' investiture by His Excellency the Viceroy in October, 1922. The Political Agent, however, objected to this new departure in the use of Maharaja of Rewa's titles.¹ The President of Council of Regency in a letter to the Political Agent stated the facts on which the Durbar based the use of their titles.² As if a bar of limitation applied to the use of these titles, the Durbar were not allowed to use them.³ On this the Durbar formulated their claim to the use of their original titles and requested⁴ that a recognition be extended to them, but they met with no success because stronger evidence in support of these titles was required before the bar of limitation could be lifted. The Durbar was asked⁵ to prove their possession and title, as it were. The matter at present rests at that.

7. The Durbar feel that they have not been fairly dealt with in the matter of these titles, if they have not, indeed, been coldly treated. They had already based their claim on the fact that Rulers and Zamindars of much lesser status than Rewa are accorded the recognition of their oriental titles while Rewa is not.

8. The Durbar also feel that sometimes return visits have not been paid to them on important occasions, visits which they highly value and which always earn their gratitude, inasmuch as a return visit is understood to carry with it the meaning of reciprocity in mutual courtesies. Thus it has been a grievance of the Durbar that a return visit was not paid to them by the Prince of Wales (now King-Emperor) when he received them at Indore in 1905. Further, Lord Curzon also did not return the Durbar's visit on the occasion of the Coronation Durbar of Delhi in 1903. These omissions, it is urged, were in contravention of the precedent established by a former Prince of Wales (afterwards King Edward VII.) who returned the visit of the Maharaja of Rewa in Calcutta in 1876 and the Durbar are very anxious lest these omissions should form a precedent contrary to the one established at Calcutta.

9. A vain claim was made that the Sardars and nobles, who accompany the Maharaja of Rewa in his visits to the Agent to the Governor-General should present Nazars to the Agent to the Governor-General in the Durbar.⁶ This was an empty assertion unsupported by any precedent or records of ceremonials observed between the Durbar and the Government of India.⁷

¹ Vide D. O. No. 26 P. B., dated 15/9/22, from the Political Agent in Baghelkhand to the President Council of Regency, Rewa (Exhibit No. 1).

² Vide D. O. No. 7606, dated 20/9/22, from the President C/R. Rewa to the Political Agent in Baghelkhand, Sutna (Exhibit No. 2).

³ Vide D. O. No. 4118, dated 21/10/22, from P. A. to the President C/R. Rewa (Exhibit No. 3).

⁴ Vide D. O. No. 1530-280 P., dated 8/2/23, from the Secretary, Durbar to the Political Agent in Baghelkhand, Sutna (Exhibit No. 4).

⁵ Vide D. O. No. 1735/84-23, dated 14/5/23, from the Political Agent in Baghelkhand to the Secretary, Durbar (Exhibit No. 5).

⁶ Vide letter dated 28/12/03, from the Political Agent in Baghelkhand to the Secretary Rewa Durbar (Exhibit No. 6).

⁷ Vide letter dated 29/12/03, from the Secretary, Durbar to the Political Agent in Baghelkhand (Exhibit No. 7).

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10. There is still another case of which the facts are these:—

His late Highness Maharaja Sir Venkat Raman Singh Bahadur died on the 30th October, 1918, and the following telegram was despatched to His Excellency the Viceroy from the present Maharaja with the approval of His Highness the Raja of Rutlam, who was to be the Regent of Rewa State according to the wishes of His late Highness.

“ I have this afternoon duly ascended the ancestral Gaddi of my State with the usual religious rites and customary ceremonies in the place of my beloved father of blessed memory, His Highness Maharaja Lieut.-Colonel Sir Venkat Raman Singh Ji Bahadur.”

This telegram was to be followed up by a customary Kharita in the following words:—

“ I have the pleasure to inform Your Excellency that according to the immemorial custom of my State I *ascended* the ancestral Gaddi of my State *with* the usual religious rites and the customary ceremonies on the afternoon of the 30th October, 1918, in the place of my beloved father, His late Highness Lieut.-Colonel Sir Venkat Raman Singh Jee Bahadur, G.C.S.I., of blessed memory.

I cannot close this Kharita without expressing my loyalty to His Imperial Majesty's person and throne, which is a valuable tradition of my House.”

Colonel Beville was then on special duty at Rewa owing to the serious illness of the Political Agent (Mr. Warburton) and he worked as Political Agent in the meantime. Colonel Beville interfered in the matter and gave his own draft which was as follows:—

“ I write to inform Your Excellency the demise on the 30th October of my beloved father, Lieut.-Colonel His Highness Sir Venkat Raman Singh Ji Bahadur.

In accordance with the custom of the Rewa State, *the usual religious rites and the ceremonies connected with the Gaddi* thus rendered vacant *were performed* by me on the 30th October. I trust Your Excellency as the representative in India of His Imperial Majesty to whose person and throne the loyalty of my House is a valued tradition, will accord a formal recognition of my succession to the right and privilege secured to the State.

The wishes of my lamented father as to the form of administration during my minority will be communicated to Your Excellency's Government through the usual channel.”

11. The wording italicised in the two drafts quoted above should be very carefully marked. Colonel Beville's draft completely altered the meaning of the first one. It will be seen that in the first Kharita only the fact of the late Maharaja's demise and the present Maharaja having “ ascended the Gaddi ” was mentioned. Colonel Beville, on the other hand, omitted the fact of the Maharaja having “ ascended ” the Gaddi and modified it to read that only “ religious rites and ceremonies ” connected therewith, had been “ performed ” and asked for “ recognition ” of his succession to the right and privilege secured to the State. It was the second draft which Colonel Beville caused to be sent to the Viceroy. The Durbar have felt very keenly this intervention of the Political Agent in a matter in which he should not have interfered.

12. The Durbar feel the undue intervention of Colonel Beville under the above circumstances, because they are emphatically of the opinion that the proper communication was the one drafted by the Durbar Officials. Apart from the view that the Durbar hold on these matters the Kharita, as sent, contravened the provisions of the memorandum¹ of the Government of India on the same subject. The first paragraph of that memorandum with which we are concerned should be carefully read in the light of the above remarks. It read thus:—

“ When there is a natural heir in the direct line, he succeeds as a matter of course and the recognition of his succession by His Majesty the King Emperor will be conveyed by an exchange of Kharita of a complimentary character between the new Prince or Chief and the Viceroy (or head of the local Government, as the case may be) will be presented to the new Prince or Chief by a representative of the British Government at a formal visit.”

¹ Vide appendices to the Proceedings of the Conference of Princes, November, 1917, page 116.

Succession is to take place "as a matter of course" and the recognition is "to be conveyed by an exchange of Kharitas of a complimentary character." The importance of this paragraph is clear enough. His Highness the present Maharaja therefore succeeded his father as a *matter of course* with the necessary religious rites, *not* that "the usual religious rites and ceremonies connected with the *Gaddi* were performed."

Secondly, it was not necessary to ask for a formal recognition which should have come in a complimentary Kharita as stated above.

13. It may be worth while appreciating the principles on which the Durbar felt offended. In law of Primogeniture which applies to almost all the Rajput monarchies existing in India, the son is the natural heir to his father. One of the main principles of succession is that succession can not be held in abeyance. Thus when the son of His late Highness, the present Maharaja, was present he succeeded to the Bandhava Gaddi as a matter of course, because his succession could not be held in abeyance according to the above principle. The strongest testimony of the application of this principle in the ceremonies of a Rewa installation is afforded by the fact that on the death of His late Highness, the first thing that the present Maharaja (his son) had to do was not to mourn over the demise of his beloved father who was "lying in State," but to ascend to the Gaddi and then to pass an "order of the Durbar" that arrangements be made for the cremation of the body of the Dead Ruler. The Ministers, Sardars and other local well-wishers of the Bandhava Gaddi arranged the installation of the present Maharaja just as soon as his father breathed his last. This was a ceremony quite in consonance with the above principle and usual custom. The Kharita to the Viceroy also would have gone according to the usual custom announcing to His Excellency that the Maharaja has ascended the Gaddi, just as the telegram had gone to the same effect. But the Political Agent intervened and much against the wishes of the responsible and experienced officials of the Durbar, struck out words "ascended to the Gaddi," from their draft of Kharita. Such an act on the part of Colonel Beville was not merely an instance of undue interference, but was tantamount to violating a sacred principle of succession observed in installation ceremonies.¹

B. INVIDIOUS TREATMENT.

14. When the Maharaja of Rewa is "the acknowledged sovereign" of his State there should be no possibility of invidious treatment being accorded to him (the Sovereign) within his own territories. Unfortunately it is the fact that within his own territories the Maharaja of Rewa does meet with certain discourteous behaviour. The following cases will show what treatment was accorded to the Maharaja of Rewa by the Railway authorities of a Railway which belongs to the Government of India, namely, the B.N. Railway. This line runs across the width of the Rewa State towards the South and passes across those tracts which are the favourite places of tiger-shooting of the Maharaja and his distinguished guests. What is regretted is that, after an inequity had already been perpetrated on the Durbar in the matter of jurisdiction over land taken from them for the Railway line, such cases of ill-behaviour should occur when His Highness himself travels. Indeed, such cases of disrespect bring the question of jurisdiction very much in the front of the mind of the Durbar.

15. On an occasion when His Highness went from Jaithari to Annuppur on B.N. Railway the Shikaris with some of the tents were ordered to go by the mixed train. There was little time and so Shikaris and others put the luggage in goods waggon without being weighed, and the Station Master at Jaithari was informed that payment would be made at Annuppur. The guard threw out the loaded luggage from the waggons and would not listen to anything. His Highness was also present at that time at the Station. Here was a Maharaja "the acknowledged Sovereign" of Rewa State standing within his own territories witnessing seeing his sovereignty flouted under his very eyes, his prestige trampled upon before him and his jurisdiction trodden under foot by a Railway guard. One can imagine how humiliating the incident must have been.

16. Once when His Highness the Maharaja of Rewa travelled from Umaria to Venkatnagar by the usual Railway Service some of the heavy packages were given to the guard to be placed in the brake-van. When the train reached Venkatnagar

¹ 1. *Vide* Memorandum (Exhibit No. 8).

2. H.E. Lord Chelmsford's speech in opening the Conference of Princes in 1917 (Copy of Relevant Extract attached), (Exhibit No. 9).

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the packages were not unloaded there, the guard took them to Pendra Road Railway Station from where they came by the next train. This caused considerable inconvenience to His Highness and Party. It may well be doubted whether a guard would not be taken to task in a case like this if the complainant happened to be, say, a District Magistrate in British India, to say nothing of a higher official of Government.

17. Another time, from Birsinghpur His late Highness the Maharaja wished to shoot in the Ghunghuti Forests and to trolley down the line in the Railway trolley, but the reply from the District Traffic Superintendent was "regret cannot permit His Highness the Maharaja Rewa and his party to trolley on Railway."

C. UNWARRANTED ASSUMPTION OF AUTHORITY.

18. Under this heading are contained matters which do not require much explanation. The letters and correspondence quoted are enough to tell their own tale that even although the late Maharaja of Rewa was a duly acknowledged sovereign of the Rewa State, yet some of the officers of the Political Department of the Government of India failed to treat him as such. The Durbar feel happy that an opportunity has been offered to them now to ventilate their grievances. The Durbar feel constrained to remark that some of the Political Officers forget their real duties of an ambassador in their relationship with the Durbar and, as the following cases will show, in the performing of their duties they have sometimes carried their zeal too far.

19. The following letter dated 4-6-1902 of a Political Agent speaks for itself :—

"I have received your Assistant Secretary's letter regarding your proposed visit to Cutch-Bhuj. I am writing to the Honourable Mr. C. S. Bayley today, and will let him know what you say about not communicating your intentions (as regards sending troops to the Raja of Rutlam). *You are of course aware that when a Chief of Your Highness' rank wishes to visit another State the approval of the Agent to the Governor-General should, as a rule, be first obtained.* This is specially necessary in the present case, because the State which you propose to visit is a distant one, situated in the Bombay Presidency under the Government of Bombay, and also because you are going there not on your own account but in the company of the Raja of Rutlam. *The approval of the Governor-General's Agent will necessarily depend on the view taken by the Political Agent of Cutch-Bhuj and of the Government of Bombay,* and it is just possible that the latter authorities may not welcome Your Highness' visit at such a time seeing that you will be accompanied by nearly 100 Sawars and Infantry presumably by a very large following as well. It is possible that the accommodation and entertainment of your following, in addition to that of the Rutlam Darbar would be too great a strain on the resources of the Cutch-Bhuj State. Apart from these considerations I cannot help thinking that Your Highness would be well advised to refrain from taking such a long and costly journey at the present time, when you have in prospect at no very distant date another very expensive expedition, namely that to Delhi on the occasion of the Coronation Darbar. It can scarcely be necessary I imagine that you should accompany the Rutlam marriage procession to Cutch-Bhuj, in fact I should have thought that your doing so might be inexpedient, seeing that yours is the larger State and higher rank (larger and higher than that of the State and Rank of Rutlam). Would it not suffice to let H.H. the Rutlam Maharani go to Rutlam now and if necessary join the marriage party, and for you to visit Rutlam later after the marriage party has returned from Bhuj? I hope that Your Highness will think carefully over all these considerations before taking any final steps, and until I have communicated to you the Honourable Mr. C. S. Bayley's opinion you will not send your troops to Bhuj."

20. Suffice it to note that the Maharaja of Rewa was going to Bhuj not to wage war, not even for any conference of Princes which might, in those days, have excited the suspicion of the Government of India; he wanted to go merely to join in a marriage ceremony of his relative the Maharaja of Rutlam, a duty which has to be performed under Hindu usage by princes and people alike. Nor are the Durbar aware that His Highness is under any duty to secure the approval of the Agent to the Governor General when he leaves Rewa territory. The portions italicised in the above letter and the tone of the communication, which reads like a command, should be noted.

21. The following is a letter dated 21-8-1901 from the Political Agent:—

"I find that Eurasian nurse, Mrs. Moss, has gone to Govindgarh, with a great deal of luggage and a bicycle, signs of a long visit. Please let me know if she has come in her professional capacity, and if so on what lady she is to attend. I am also told (though I can scarcely believe it, and hope it is not true) that Mrs. Moss has occupied the Agency Bungalow at Govindgarh. If this is the case I have a right to protest against such a thing done without intimation being made to me. Mrs. Moss is the half-caste wife of a Railway guard, and is not a woman whom any British Officer would care to see put up in a house frequently occupied by himself.

I may go further than this and say that to put a low class Eurasian woman into a house marked by the Political Agent's flag-staff as the officer's official residence, is not respectful to the Government whom he represents. I have before this written to you that the house would only be used by the Agency Surgeon or by European Gentlemen and Ladies who may be invited to Govindgarh as guests of His Highness or of the Political Agent. Perhaps Mrs. Moss was only allowed to use the house as a temporary measure. In any case I trust that you will now have her removed to the little bungalow (which is a better house than she would be likely to get in her own station) or elsewhere. Please explain to His Highness what I have said and let me know the result."

22. The Durbar are unaware what "right" the Political Agent had "to protest" in this case. The Bungalow was Durbar's own, over which the Political Agent or his Government had not even a semblance of right or authority. The letter is almost insulting to the Durbar.

23. Again, in 1905 the Political Agent in Baghelkhand wrote a long letter to the Maharaja of Rewa which purported to be the gist of what he had to say in an annual administration Report of his Agency about Rewa.¹ It would seem that the administration report was not to be confined merely to the working details of his agency, but was also to contain a judgment on the administration of the Rewa State. He had thought fit to criticise the various details of Rewa administration. The Durbar replied to him in a long letter refuting his uncalled-for criticism and, in the end, added that it was "a little unusual to mention this matter in an annual administration report."

24. Now, why was this letter written? And why was it sent personally to the Maharaja? What was the object? The letter was all expressed in "shall" and "will" so that it would appear the Political Agent had already made up his mind to report about Rewa in the manner he had written. What, then, was the object in intimating the gist of an annual administration report to Rewa? If it was to advise, then the Durbar think it was too rough and discourteous a method of advising the Rewa Durbar. If it was to threaten the Rewa Durbar to make them respect the wishes or position of the Political Agent, then it was improper. In any case, the authoritative tone of the Political Agent was objectionable, and discloses an entirely mistaken idea of his relations with the State.

25. Let these remarks be not misunderstood. The sincerity of the officer was commendable, but Political Agents should realise that, after all, they are dealing with a Sovereign State, however subordinate its alliance with the Paramount Power.

26. During the minority of His late Highness, some Sardars and Nobles of the State were invested with certain Magisterial powers and were given the designation of "Honorary Magistrates." His late Highness assumed full powers in 1895, and, after more than eight years' trial, he found that the system of Honorary Magistrates did not work well; and so in the year 1903 he abolished most of those which were created during his minority. This was at once objected to by the Political Officers because it was they who had administered the Rewa State during the Maharaja's minority.² The Durbar made a suitable reply,³

¹ Vide letter dated 8/3/1905, from the Political Agent in Baghelkhand to H.H. the Maharaja of Rewa (Exhibit No. 10).

² Vide D. O. No. 606-C, dated 27/2/1904, from the Political Agent, Baghelkhand, to the Secretary to His Highness the Maharaja of Rewa (Exhibit No. 11).

³ Vide D. O. No. 1070 of 11/4/1904, from the Political Agent in Baghelkhand to the Secretary to His Highness the Maharaja of Rewa (Exhibit No. 12).

⁴ Vide D. O. No. 1935, dated 14/4/1904, from the Secretary Rewa Darbar to the Political Agent in Baghelkhand (Exhibit No. 13).

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which, however, drew in reply a discourteous and dictatorial letter from the Political Agent,¹ putting forward the contention that *since Honorary Magistrates were created by the Minority Administration of the Political Officers, they could not be divested of the Magisterial Powers without the sanction of the Political Officers.* Indeed, the Political Agent assumed powers of control which it is submitted the Government of India did not possess.

D. THE TONE OF LETTERS.

27. The tone of the Political Agent or other officers' letters has already been complained of in other places. Here, however, it is proposed to give one or two instances when the Durbar were asked to "submit reports" to the Political Agent. The Durbar feel that Political Agents have no right to demand submission of reports, although the Durbar are ready to give information out of courtesy when it is courteously asked for.

28. The Durbar consider that they are under no obligation to the Political Agent to prepare annual returns for him. The Political Agent should prepare his own returns in his own office, and the Durbar would be glad to verify and supply any information that may be necessary. But the Durbar's offices should not be expected to do the work of the Political Agent's office. They object to such wordings of the Political Agent's letters as, when he says "*and submit returns to this office*"² or when he "has the honour to enclose herewith a form in which the return of arms and ammunition should be submitted in future."³ No office of the Durbar it is contended is subordinate to the Political Agent's Office at Sutna and the Political Agent cannot ask the Durbar's offices to "submit" anything to him.

29. Only recently the Political Agent asked⁴ the Durbar to supply information on dacoities committed within the Rewa State, within a fixed period. The information was duly supplied but the Political Agent said it was "not in proper form and did not contain the complete information required."⁵ The Durbar failed to appreciate these objections,⁶ whereupon the Political Agent again asked⁷ the Durbar to expedite the return. The only dignified course for the Durbar was to keep silent.

30. The instances cited in this note and elsewhere are sufficient to support the Durbar's contention that the communications from the Political Officers are frequently discourteous whereas they should invariably be politely worded, even in matters of routine.

EXHIBIT 1.
D.O. 26 P.B.ROSK COTTAGE,
PACHMARHI,
15-9-22.

My dear Mr. Zutshi,

The Home Member in his Note on the programme of the Viceroy's Visit, which Major Evans Gordon gave me says that the full titles of His Highness the Maharaja are "Shri Samrat Maharaja Dhiraj Sri Maharaja Gulab Singh Ju Deo Bahadur." The Central India Agency have written saying that the words "Shri Samrat Maharaja Dhiraj Sri" do not appear to be recognised by the Government of India, as they are not included in any of the Government books of reference. They have been omitted, therefore, in the draft programme submitted by Central India to the Government of India.

¹ Vide D.O. No. 1936 dated 1/6/1904 from the Political Agent in Baghelkhand to H. H. Maharaja of Rewa (Exhibit No. 14).

² Vide D.O. 696 C. dated 27/2/1904 from the Political Agent in Baghelkhand, Sutna, to the Secretary Durbar, Rewa (Exhibit No. 11).

³ Vide Letter No. 298-C, dated 29/7/1897, from the Political Agent, Baghelkhand to the Secretary to H.H. the Maharaja of Rewa (Exhibit No. 15).

⁴ Vide Letter No. 2941, dated 19/11/1897, from the Political Agent in Baghelkhand, Sutna, to the Secretary to His Highness the Maharaja of Rewa (Exhibit No. 16).

⁵ Vide No. 303, dated 14/12/1927, from the Political Agent in Baghelkhand, Sutna, to the Secretary, Durbar, Rewa (Exhibit No. 17).

⁶ Vide No. 238, dated 27/12/1927, from the Political Agent in Baghelkhand to the Secretary, Rewa Durbar, (Exhibit No. 18).

⁷ Vide No. 585, dated 13/1/1928, from the Secretary Durbar Rewa to the Political Agent in Baghelkhand (Exhibit No. 19).

⁸ Vide letter dated February, 1928, from the Political Agent in Baghelkhand to the Secretary, Durbar, Rewa (Exhibit No. 20).

I should be very glad, therefore, if you could kindly let me know *at once* on what the Home Member based this part of his note.

Yours sincerely,
(Signed) E. H. KEALY.

EXHIBIT 2.

D.O. No. 7606.

REWA, C.I.,
The 20th September, 1922.

Please refer to your D.O. letter No. 26 P.B., dated the 15th instant.

The Indian titles used before and after the Maharaja of Rewa's name are:—
Shri Samrajya Maharaja Dhiraj Maharaja Bahadur (name of the Maharaja)
Ju Deva.

The titles Sri Raja were also inserted before Maharaja Bahadur in some old papers, but seems to have been latterly dropped.

The authority on which these titles are based are entries in the State archives, the most important among them being the following:—

(1) Alkapatra (or Alkab-Patra, *i.e.*, document containing titles) of Sambat year 1878, corresponding to 1822 of the Christian era.

(2) Alkapatra of 1854 A.D. recorded at the installation of Maharaja Vishwanath Singh Ji.

(3) Alkapatra of Sambat year 1811, corresponding to 1754 of the Christian era, recorded at the installation of Maharaja Raghuraj Singh Ji.

(4) Copies of Kharitas addressed to Ruling Princes since 1822 A.D.

(5) *Chaubanda* (a Bahi of official register in the form of folio) for Sambat year 1824, corresponding to 1767 A.D.

The word "Samrat" for "Samrajya" was incorrectly given, it only occurs once in the *Chaubanda*-item No. 5.

It has been represented that the Indian titles of the Maharaja have not been used so long by the Darbar in their communications to the British Government. But as it has now been found that other Indian Princes have been using their oriental titles and the Government have recognised them, His Highness the Maharaja hopes that the Government will be pleased to extend to him the same consideration.

Yours sincerely,
(Signed) B. N. ZUTSHI.

To

E. H. KEALY, Esq., M.A., I.C.S.,
Political Agent, Baghelkhand, Sutna.

EXHIBIT 3.

D.O. No. 4118.

BAGHELKHAND POLITICAL AGENCY,
SUTNA, E.I.R.,

The 21st October, 1922.

My dear Zutshi,

Please refer to your demi-official letter No. 7606, dated the 20th September, 1922, about His Highness the Maharaja Rewa's titles. I am desired by the Secretary to the Honourable the Agent to the Governor-General in Central India (in reply to mine forwarding a copy of yours), to say that they have been unable to trace any Kharita or other official document in which the Ruler of Rewa has been addressed by any such titles other than Maharaja and Bahadur. This simple style has been used in various recent Kharitas, and has not evoked any comment or objection.

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In the circumstances Colonel Blakeway feels that it would be impossible to support the use of any other titles in connection with the forthcoming investiture. There is, however, of course, no objection to the Durbar formulating a claim on the subject for subsequent consideration, and any such representation which His Highness may decide to submit to Government, after receiving his powers, would, of course, receive the fullest attention.

Yours sincerely,
(Signed) E. H. KEALY.

To
RAI BAHADUR PANDIT BRIJMOHAN NATH ZUTHSI, B.A., LL.B.,
President Council of Regency, Rewa State, Rewa.

EXHIBIT 4.

D.O. No. 1530-260 P.

REWA, C.I.,

The 8th February, 1922.

My dear Sir,

Please refer to correspondence ending with your D.O. letter No. 4118, dated the 21st September, 1922, to the President, Council of Regency, regarding titles of His Highness the Maharaja of Rewa.

2. His Highness cannot say definitely why Indian titles have not been used in the Kharitas to or from His Excellency the Viceroy, and why the matter was not previously brought to the notice of Government. When Kharitas were being addressed to Indian Princes in April, 1922, on the occasion of the marriage of His Highness' sister, it was brought to the notice of the Durbar that in Kharitas exchanged between the Viceroy and Ruling Princes, Indian titles were used and recognised by Government of India. I enclose a statement showing titles used or recognised by Government for some of the Princes and titular Maharajas in British India. When His Highness addressed Kharitas to other Ruling Princes the full titles used are "Sri Samrajya Maharaja Dhiraj Shri Maharaja Bahadur Shri Shrinivas Kripa-patra-dhikari Shri Gulab Singh Ju Deva." As the words underlined above are more or less religious, and the word "Bahadur" usually occurs after the name in English, the titles for Maharaja would be "Shri Samrajya Maharajadhiraj Sri Maharaja Gulab Singh Ju Deva Bahadur."

It appears His late Highness and His Highness' father were under the impression that Indian titles are not used in Kharitas with the officers of Government, otherwise His Highness ventures to think there is no reason why the same should not be used by or for the Maharaja of Rewa when it is done for other Princes. In any case His Highness trusts that His Excellency the Viceroy will do him the honour of recognising his Indian titles, and thus extend to him the consideration shown to his brother Princes.

4. His Highness hopes you will kindly address the Honourable the Agent to the Governor-General on the subject, and support His Highness' views.

Yours sincerely,
(Signed) JANKI PRASADA.

To
E. H. KEALY, Esq., M.A., I.C.S.,
Political Agent in Baghelkhand, Satna.

Gwalior.—Lieut.-General His Highness Mukhtar-ul-Mulk, Azim Iktidar Rafi-Ush Shan Wala Shikoh Mohtashom-i-Dauran Umdat-ul-Umra Maharaja Dhiraj Alijah Hisam-ul-Saltunat Maharaja Sir Madho Rao Scindhia Bahadur, Srinath Mansur-i-Zaman Fidvi-i-Hazrat Mutazzam-i-rafiuddaraja-Inglistan, G.C.S.I., G.C.V.O., A.D.C., LL.D., Maharaja of

Udaipur.—His Highness Maharaja Dhiraj Maharaja Sir Fateh Singh Bahadur, G.C.S.I., G.C.I.E., G.C.V.O., Maharana of

Jaipur.—Lieut.-General His Highness Saramad-i-Rajah-i-Hindostan Raja Rajinder Sri Maharajadhiraj Sri Sawai Madho Singh Bahadur, G.C.S.I., G.C.V.O., G.B.E., LL.D., Maharaja of

Jodhpur.—His Highness Raj Rajeshwar Maharaja Dhiraj Umed Singh Bahadur Maharaja of

Bundi.—His Highness Maharao Raja Sir Raghubir Singh Bahadur G.C.S.I., G.C.I.E., G.C.V.O., Maharao Raja of

Kotah.—Lieut.-Colonel His Highness Maharaja Sir Umed Singh Bahadur, G.C.S.I., G.C.I.E., G.B.E., Maharao of

Bikaner.—Major-General His Highness Maharaja Raj Rajeshwar Siromani Sri Sir Ganga Singh Bahadur, G.C.S.I., G.C.I.E., G.C.V.O., G.B.E., K.C.B., B.A., D.C., LL.D., Maharaja of

Dholpur.—Major His Highness Rais-ud-Daula Siphadar-ul-Mulk Maharaja Dhiraj Sir Sawai Maharaj Rana Sir Udai Bhan Singh Lokendra Bahadur Diler-Jang Jaideo, K.C.S.I., Maharaj Rana of

Baroda.—His Highness Farzandi-Khas-i-Daulat-i-Inglishia Maharaja Sir Sayaji Rao Gaekwar, Sena Khas Khel Shamsheer Bahadur, G.C.S.I., G.C.I.E., Maharaja of

Mysore.—Colonel His Highness Maharaja Sri Sir Krishnaraja Wadiyar Bahadur, G.C.S.I., G.B.E., Maharaja of

Patiala.—Major-General His Highness Farazand-i-khas-i-Daulat-i-Inglishia Mansur-i-zaman Amir ul-umra Maharajadhiraj Rajeshwar Sir Maharaja-i Rajgan Sri Bhupendra Singh Mahinder Bahadur, G.C.S.I., G.C.I.E., G.B.E., Maharaja of

Dhrangadhra.—His Highness Maharaja Sir Ghanshyam Singh Ji Ajit Singh Ji, K.C.S.I., Maharaja of

Lunavada.—His Highness Maharaja Sri Sir Wakkhat Singh Ji Dalel Singh Ji, K.C.I.E., Raja of

Bansda.—Maharawal Sri Indra Singh Ji Pratap Singh Ji, Raja of

Jammu and Kashmir.—Lieut.-General His Highness Maharaja Sir Pratap Singh, Indar Mahindar Bahadur, Sipar-i-Salta-nat, G.C.S.I., G.C.I.E., G.B.E., LL.D., Maharaja of

Darbhanga.—The Honourable Maharaja Dhiraj Bahadur Sir Remeshwar Singh, G.C.I.E., K.B.E., of Darbhanga.

Dumraon.—The Honourable Maharaja Bahadur Kesho Prasad Singh, C.B.E., of Dumraon.

Gidhaur.—Maharaja Sir Ravaneshwar Prasad Singh Bahadur of Gidhaur, M.L.C.

Vizianagaram.—Raja Sri Pushpati Vizianagram Gajapati Razu Manne Sultan Bahadur Goru of Viziarama.

Poonch.—Raja Sukhdeo Singh, Raja of

Benares.—Lieut.-Colonel His Highness Maharaja Sir Parbhu Narain Singh Bahadur, G.C.S.I., G.C.I.E., Maharaja of

Alwar.—Colonel His Highness Sawai Maharaja Sir Jey Singh Bahadur, G.C.I.E., K.C.S.I., Maharaja of

Sir Pratap Singh.—Lieut.-General His Highness Maharaja Sir Pratap Singh Bahadur, G.C.B., G.C.S.I., G.C.V.O., A.D.C.

EXHIBIT 5.

D.O. No. 1735/84-23.

BAGHELKHAND POLITICAL AGENCY,
SUTNA,
The 14th May, 1923.

My dear Sir,

Please refer to your demi-official letter No. 1530-260 P., dated the 8th March 1923, regarding the titles of His Highness the Maharaja of Rewa.

2. I forwarded the Darbar's representation to the Central India Agency, and the Honourable the Agent to the Governor-General in Central India desires me to make the following observations:—

3. Your letter referred to above seems to indicate the existence of a misapprehension which it is desirable to clear up before the case goes any further. The Darbar base their request on the fact that they were hitherto unaware that Indian titles were used in Kharitas addressed to and by British Authorities. The actual

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position is that Indian titles are not used in such correspondence unless conferred or recognised by Government, and it would be rash to argue from this that Government are prepared to accord such recognition to any Indian titles which may be in use in a State for purposes of correspondence with other Rulers. It is probable that many Rulers besides His Highness the Maharaja of Rewa have habitually used titles which are not recognised by Government, and would not be so recognised unless special reasons could be adduced.

4. Turning to the enclosure to your letter on the subject, it is observed that the list contains numerous items (*i.e.*, Bundi, Kotah, Mysore, Lunawada, Bansda, Poonch, and Benares) where the style of address is exactly on the same principles as that already in use as regards the Maharajas of Rewa. It is not understood why these have been included, and this applies to Durbhanga, Dumraon, Gidhaur and Vizianagram, none of which are jurisdictional States. Whatever titles are used by Government in addressing these zamindars (who are ordinary British subjects) have been conferred or recognised by Government, and have no bearing on the question of titles for a State like Rewa.

5. In cases where vernacular titles other than the ordinary territorial titles of the Ruler (*i.e.*, Maharaja, Raja, Maharao, etc.) are used in correspondence between the Government and the Ruler of an Indian State, it will almost invariably be found that the titles in question have been either (1) conferred by Government for specific services, or (2) conferred by some pre-British Authority, such as the Delhi Emperors or the Peshwas and subsequently recognised by the British Government by virtue of its succession to that Authority, or (3) recognised by Government in accordance with long standing local custom.

It does not appear that the Rewa Darbar claim that the present case comes under either (1) or (2) above.

Instances of (3) appear to be very rare, and the only ones known of locally are those of Baoni and Jaora, the Nawabs of which States have, ever since their connection with the British Government, enjoyed the privilege of assuming honorific titles on succession, which, if considered suitable, are formally recognised by Government.

6. In the above circumstances, I shall be obliged if you could kindly furnish me with some more definite evidence than is at present available regarding the actual use of these titles by previous Rulers of Rewa, and also regarding the antiquity of the practice, to enable me to address the Central India Agency further on the subject.

Yours sincerely,
(Signed) E. H. KEALY.

EXHIBIT 6.

COPY OF A LETTER DATED THE 28TH DECEMBER, 1903, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY, DARBAR, REWA.

Regarding presentation of Nazars by Sardars, it may be admitted that when Mr. Bayley came here in 1901 these were not presented, but the Agent to the Governor-General's files show plainly that when Mr. Croshawite came they were presented, and the Nazir also says this was so. The files also show that Col. Barr *excused* the *presentation*, and therefore that it was *due* if he had wished to insist on it. I do not know why Nazars were not presented in Mr. Bayley's Darbar. My Mir Munshi does not attend Agent to the Governor-General's Darbar, so his notes are incomplete, and the customs of other States in Central India and Rajputana have no bearing on the question, which depends on Rewa customs only. As, however, His Highness has raised objections at the last moment when there is no rule to settle the question properly, Major Bayley will *excuse* the presentation of Nazars by Sardars to-day, but he will afterwards cause final orders to be issued on the subject, which will govern procedure in future Durbars.

Please inform His Highness.

EXHIBIT 7.

COPY OF A LETTER DATED THE 29TH DECEMBER, 1903, FROM SECRETARY DARBAR, REWA, TO THE POLITICAL AGENT IN BAGHELKHAND, SUTNA.

Four of the Sardars present here who went with His Highness when he paid a formal visit to Mr. Bayley in 1901 positively say that no Nazars were presented. In our diary this ceremony is not mentioned to have taken place. From the note of your Mir Munshi it would appear that this ceremony did not take place. I have got in our office file notes by your Mir Munshi about these visits in 1901 to the address of the Secretary in which no mention is made that Nazars will have to be presented by the Sardars. I may add that the Darbar Wakil accompanied His Highness and says that this ceremony did not take place.

Two Sardars present here who almost always accompanied His Highness in the reception by the Agent to the Governor-General at the Agency, say that they do not remember that this ceremony ever took place. The State records do not show that this ceremony ever took place. As to the year 1891, when Mr. Crosthwaite received the Maharaja, ceremony does not appear to have taken place. During the Superintendency it *occasionally* happened that in the *Darbars* the Sardars presented their *Swords* to the Agent to the Governor-General or the Political Agent, and the note in the Agent to the Governor-General's diary for the year 1891 may possibly have reference to this. It does not appear that this ceremony takes place anywhere else in Central India and Rajputana, as would appear from your note or that of Mr. Reynolds.

EXHIBIT 8.

MEMORANDUM ON THE CEREMONIES CONNECTED WITH SUCCESSION IN THE NATIVE STATES.

1. When there is natural heir in the direct line, he succeeds as a matter of course, and recognition of his succession by His Majesty the King Emperor will be conveyed by an exchange of Kharitas of a complimentary character between the new Prince or Chief and the Viceroy or other high authority concerned. The Kharita from the Viceroy (or head of the Local Government), as the case may be, will be presented to the new Prince or Chief by a representative of the British Government at a formal visit.

2. In the case of successions other than those of the natural heir, the announcement of recognition and confirmation will be made by a Representative of the Government, either at a Darbar held for the purpose, or, if this is the custom of the State, at a formal visit to the Prince or Chief.

3. It is desirable that the local and religious ceremonies of installation should, in the case of disputed succession, be deferred until the orders of Government on the question of succession have been obtained. The performance of such ceremonies can in no case affect the prerogative of the Paramount Power in dealing with disputed succession.

4. The Darbar referred to in paragraph 2 will be considered as held by the Prince or Chief, the representative of the British Government sitting at his right hand.

5. Owing to the diversity of local question, no definite instructions can be formulated regarding the procedure to be followed at such a Darbar, but where a Darbar is held the main outlines are as follows:—

(a) The Representative of the British Government formally announces the recognition of the succession on behalf of the King Emperor, and presents the Kharita, if there be one, from His Excellency the Viceroy, or the Head of the Local Government or Administration.

(b) He also conducts the Prince or Chief to Gaddi or Masnad, if this is in accordance with the custom of the State.

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(c) In cases where it is customary, he fastens on a Sirpech or sword or both and places a necklace round the neck of the Prince or Chief. Sometimes he also attires the Prince or Chief with a robe.

(d) A Kharita is presented in cases where it is customary and peshkaash is received in return.

6. The installation of Chief or Prince who is of full age, carries with it *Proprio vigore* his investiture with ruling powers, unless Government see fit to restrict by special order the exercise of such powers. Government will decide in each case when a Prince or Chief is to be regarded as having attained full age.

7. If a Prince or Chief is a minor at the time of his installation, the termination of his minority and his investiture with Ruling powers, when approved will be announced by a representative of the British Government at an Investiture Darbar, which will be regarded as held by the Prince or Chief, the British representative sitting at his right hand. The ceremonies will include the reading by the British representative of the Kharita, if there be one, from the Viceroy or other high authority and its presentation to the Princes or Chiefs. It is not desirable to repeat at the Investiture Darbar the ceremonies mentioned in paragraph 5 (b), (c) and (d) above.

8. Lesser details of procedure must be settled in each case, whether of installation or investiture, with regard to precedency and local custom and feeling, reference being made to the Government of India on any doubtful point.

9. The above instructions apply primarily to States having a Salute of guns. In other cases it is left to local Governments and Administrations to decide, with due regard to existing practice, how far the instructions should be considered applicable.

EXHIBIT 9.

TRUE EXTRACT FROM HIS EXCELLENCY LORD CHELMSFORD'S SPEECH OPENING THE CONFERENCE OF RULING PRINCES AND CHIEFS HELD ON THE 5TH NOVEMBER, 1917.

Another important question which was the subject of lively debate during last year's proceedings was that of the recognition of successions in the Native States, and of the ceremonials to be observed at installation and investiture. Your Highness will remember that in the original draft memorandum which was placed before you for your criticism and advice, it was mentioned, as an introductory statement to the proposed instructions *re* ceremonial, that "every succession requires the approval and sanction of Government." Your Highness took exception to that statement, and held the view that succession takes place immediately as a matter of inherent right, and is not dependent on the approval or recognition of the Government of India. At the same time you admitted that the British Government has the authority of approval and recognition in cases of disputed succession. Now, in recording these views, Your Highness did not in any sense wish to dispute the paramountcy of His Majesty the King Emperor in relation to your State, on whose loyal co-operation His Majesty's Government have always been able to rely. In fact, you accept it in the fullest manner. It is clear also that the formal recognition of a new Ruler is, in all cases, a necessary concomitant of the fact of the succession, since the possession of a Ruling Prince who is not recognised by the King Emperor would clearly be impossible. The point to which you took special exception was the unqualified statement in the memorandum that all successions require the sanction and approval of the Government, no reservation being made of the succession of a direct natural heir, in regard to whose legitimacy or right to succeed no reasonable doubt exists. If I interpret your views correctly, you apprehended that the statement which I have quoted, if left unquestioned, would in some degree cast a doubt on the inherent right of a natural heir to succeed. Now, I have no wish to disguise the fact that the statement made in the Memorandum was in some respects defective. The function of the Paramount Power is more properly described by the words "recognition or confirmation" than the words "approval and sanction," and it is the former phrase which has commonly been used in the

past. Moreover, in the case of the succession of a direct natural heir, such recognition is purely formal, and the obligation on the part of the new Ruler to obtain it in no way impairs his inherent right to succeed. This point has been made clear in the revised memorandum which has been approved by His Majesty's Government, and which now lies before you. The memorandum as revised, states that "where there is a natural heir in the direct line he succeeds as a matter of course," and I trust that this definite statement, which is made with the full approval of His Majesty's Government, will remove entirely the apprehensions to which I have alluded. To prevent any misunderstanding, however, I should make it clear to you, first, that recognition by the King Emperor is necessary in all cases, and, secondly, that the formula used in the memorandum is not, of course, intended to apply to the very rare cases of a wholly unsuitable heir whom the Paramount Power would be compelled to depose immediately after succession.

EXHIBIT 10.

COPY OF A LETTER DATED THE 8TH MARCH, 1905, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO HIS HIGHNESS THE MAHARAJA OF REWA.

I shall soon have to submit a report upon the States in this Agency and it appears to me to be only fair to Your Highness to give you an indication of the general tenor of the report upon Your Highness' State and administration which I shall submit. It is quite possible that Your Highness will not agree with some of my criticism, but I trust that Your Highness will receive them in the friendly spirit in which they are made, and that you will recognise my desire to be perfectly frank in our relations.

In the first place I shall have much pleasure in stating that in my opinion Your Highness' subjects appear to be thoroughly content. No doubt the past season has been unfavourable; as unfortunately the abnormal and severe frosty weather at the end of January and in the early days of February has ruined an exceptionally promising Rabi; these things are, however, beyond human control; but setting this aside I have been much struck while on tour with the contented disposition of the people.

On the other hand, I consider that I shall be compelled to state that in my opinion there is want of vitality in the general administration, more particularly with regard to the management of public works and to the provision for primary education. I shall point out that so far as I can gather very few, if any, original public works of utility are undertaken. I should add that I have not lost sight of Your Highness' intention to construct a light railway between Sutna and Rewa, but in this connection I am of opinion that the undertaking could conveniently and properly be left to a Company or to the E.I. Railway. I shall also add that no systematic steps appear to be taken to improve communications in the State; and that the Public Works Department does not pay sufficient attention to the maintenance of roads and fair weather roads constructed during the Superintendency or commenced as Famine Relief Works. I would in the former case instance the fair weather road between Amarpatan, Ramnagar, and Deora, and in the latter case the fact that the Sutna Semaria road has not been touched, the metalling being left lying on the track rendering it practically impassable. I shall report that very little is being done in the direction of providing a better class of building for the State Dispensaries which now exist, and which in some cases are, I think, unsuitable, or at least could be very much improved by degrees.

To revert for a moment to the subject of communications (a) it seems to me that something should be done to provide better communication across the north of the State, viz., from Semaria in the direction of Garh (b) it would be public benefit to construct a good road over the Chakra Ghat between Deora and Beohari, and to make a good fair weather road between Deora and Beohari. I understand that there is considerable traffic along this route (b) at comparatively small cost the track from Beohari to Sahdol could be immensely improved and should benefit the people south of Beohari.

As regards education I shall report that I consider that many more village schools are required; for instance in the large village of Gungaur there is no school.

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On the subject of mineral resources I shall report that in spite of the fact that considerable profits have been derived from the Umaria Collieries, no money appears to be set aside for the purpose of exploiting other sources and other localities, or of sinking experimental shafts.

As regards the Army I shall report that it seems far in excess of what is required or is necessary, and it follows that all superfluous expenditure upon Military establishments are unprofitable. Of course I am aware that Your Highness takes the keenest interest in your troops, and I do not for a moment suppose that Your Highness would willingly reduce the strength. But I am merely letting Your Highness know my views and am giving you an epitome of the report that I shall submit.

Lastly, I shall state that I am disposed to think that the administrative staff is undermanned. I consider that there should be at least two Magistrates of the first class; in other words; there should be a second officer of the status of Kumar Ram Singh. I think that there should be a special Munsiff in Sutna. The Deputy Magistrate cannot be sufficiently out on tour owing to his being tied to Sutna by Judicial work. A Munsiff would relieve him of all civil suits and should also share the criminal work; the Deputy Magistrate would then be enabled to devote more time and attention to revenue matters. I am aware that there is a second Naib Tehsildar and that he has been placed on settlement work, but I venture to think that it is not right to take men off for settlement work, unless they are replaced by others.

As regards the Public Works Department, I shall report that I certainly consider that Your Highness will be well advised to employ a permanent European State Engineer to supervise and control under the Durbar all public works.

I shall add that had such an officer been employed, it is improbable that the disagreeable incident would have occurred of the Sub-divisional Officer at Sutna being tried upon charges of forgery and misappropriation.

These are the principal points to which my attention has been drawn.

EXHIBIT 11.

COPY OF A LETTER No. 696 C, DATED THE 27TH FEBRUARY, 1904, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY TO H.H. THE MAHARAJA SAHIB BAHADUR, REWA.

It has been brought to my notice that the system of entrusting certain of the more important Sardars of the Rewa State, and other persons with civil and criminal powers as Honorary Magistrates, which was instituted during the Superintendency of Rewa, has recently been abolished by the Durbar. Without knowing the reasons for abolishing these courts I cannot say if the measure was a wise one, or reverse, but it must, I imagine, have caused some discontent amongst the Sardars and in some cases (*e.g.*, in the villages of Sengrouli on the eastern border of the Bardi Tahsil and far from the headquarters of the Tahsildar) it appears that a real hardship may have been caused to the people, who if a case is brought against them (and the Tahsildar is not coming their way on tour) must take a long, troublesome and expensive journey to the Tahsildar's Cutchery, or else let judgment go by default. Whether my impressions are correct or not, I think that as the system of Honorary Magistrate was introduced during the Superintendency, their abolition was a measure of sufficient importance to warrant previous reference to the Political Agent, or at any rate to render it advisable that the Political Agent should be informed. Against this view it may perhaps be argued, that His Highness the Maharaja, having full Judicial Powers in the Rewa State including those of a High Court, can appoint, or reduce Judges and Magistrates at his discretion, without reference to anyone. To this I would reply that the case of the Honorary Magistrates is not only a judicial question but a Political question also, involving rights and privileges granted during the Superintendency of Rewa to several important Sardars. In one case (that of the Raja of Sengrouli) I believe moreover that the patta granted to the Raja in 1882 by Colonel Barr, acting under the orders of Sir Lepal Griffin, contains a distinct bestowal on the grantee of Honorary Judicial Powers equally to those of Deputy Magistrate of the Second Class. If this is so, it seems specially desirable that the Raja's Judicial powers should not have been cancelled without the Political Agent being informed.

For the above mentioned reasons I now find it necessary to ask you for the replies to questions given below in order that I may be in a position to report fully on the subject to the Agent to the Governor-General in C.I.

Questions—

- (1) When were the courts of Honorary Magistrates in Rewa abolished?
- (2) How many courts were thus abolished and who were the persons whose magisterial powers were withdrawn?
- (3) What were the reasons for abolishing Honorary Magistrate's Courts?
- (4) To what Officers have the duties performed by the various courts of Honorary Magistrates been transferred?
- (5) What in the Durbar's opinion, is the result of the abolition of Honorary Magisterial courts? If the result is considered advantageous, in what way have the advantages been gained?

P.S.—Since writing the above my attention has been called to Major Pinhey's note forwarded to you under endorsement No 2246 dated the 17th May, 1897.

This shows that the present Raja's Magisterial powers were granted recently and may perhaps modify what I have said above about the Patta of 1882. On the other hand Major Pinhey's remarks strengthen my opinion as to the hardship inflicted to the people of Sengrouli by depriving the Raja of Judicial Powers and leaving them with no court but that of the Tahsildar. In any case the special circumstances of Sengrauli can in no way affect the general question raised in this letter of the advisability of taking away the Magisterial powers, granted during the Superintendency of a number of leading Sardars, and it is in connection with the general question (not the Sengrauli case by itself) that I hope you will send me replies to the queries noted above.

EXHIBIT 12.

COPY OF A D.O. LETTER No. 1070 OF 1904, DATED THE 11TH APRIL, 1904, FROM MAJOR S. F. BAYLEY, POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY TO HIS HIGHNESS THE MAHARAJA OF REWA.

I have not received any reply to my D.O. letter, No. 696-C, dated 27th February, 1904, regarding the abolition of Honorary Magistrates in Rewa and the hardships thus inflicted on the people of Singrauli. If you are unable to give me any reply I shall be obliged to address the Agent to the Governor-General in Central India without waiting for it.

EXHIBIT 13.

D.O. No. 1935.

REWA, C.I.

14th April, 1904.

TO THE POLITICAL AGENT BAGHELKHAND, SUTNA.

Dear Sir,

Please refer to your D.O. letter No. 696 C, dated 27th February, 1904, regarding abolition of the courts of Honorary Magistrates in the Rewa State. I give below replies to the questions asked in your letter.

1. The courts of the Honorary Magistrates were abolished in April, 1903.
2. Nine courts were thus abolished whose names are given below:—
 - (1) Rewa Khas Pande Raghunandan Prasad was Honorary Magistrate (had no criminal powers).
 - (2) Kripalpur Lal Pahalwan Singh (not the Thakur of the place).
 - (3) Jodhpur The Sengar Thakur of the place.
 - (4) Deora The Thakur.
 - (5) Rampur The Thakur.
 - (6) Baikunthpur Son of the Thakur.
 - (7) Marwas Thakur.
 - (8) Singwara The Illaquadar.
 - (9) Singrouli The Illaquadar.

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(Although the powers were granted in 1898 it was not till 1902 that they were actually exercised by the Raja.)

4. The duties of Honorary Magistrates have been transferred to the Tahsildars.

3 & 5. For the following reasons H.H. the Maharaja came to the conclusion that the Courts of the Honorary Magistrates were a hindrance rather than a help to the administration.

The Honorary Magistrates delegated their powers to their clerks in the majority of cases it was almost impossible for them to arrive at an impartial decision. With one or two exceptions (*vide* accompanying statement) the number of cases decided by them was insignificant, so people have really not to suffer by going to Tahsil for their cases. Complaints of serious miscarriages of justice and oppression were received in some of the Honorary Magistracies.

As these courts did not seem to serve a useful purpose it was thought necessary to bring home to the minds of these gentlemen that they did not enjoy these powers as a matter of right and that the Durbar would grant these powers only to those who exercised them with justice and honesty in entire subordination to the Durbar. The Durbar think that these were also the guiding principles of the Superintendents of Rewa.

I may add that it is the intention of the Durbar to give Magisterial powers to one or two Thakurs who in the opinion of the Durbar can exercise them with justice and ability.

Yours truly,
(Signed) JANKI PRASADA.

EXHIBIT 14.

D.O. No. 1936 of 1904.

SUTNA E.I. RLY.,

1st June, 1904.

My dear Friend,

Your Highness is doubtless aware that some correspondence recently took place between my predecessor Major Bayley and Your Highness' Secretary regarding the abolition under Your Highness' orders of certain Honorary Magistrate's Courts. This matter was recently brought to Major Bayley's notice and in addressing Your Highness' Secretary in his letter D.O. No. 696 C., dated the 27th February, 1904, he drew attention to the fact that these courts were instituted during Your Highness' minority. Major Bayley also pointed out that in his opinion this was a matter of sufficient importance to warrant a reference to the Political Agent on the part of the Durbar, before it ventured on the extreme measure of abolishing a system which had been instituted during the period the Rewa State was under Superintendency. Before Major Bayley left this Agency, he considered it desirable and necessary to report the matter to the Honourable the Agent to the Governor-General. When doing so Major Bayley enclosed a copy of Your Highness' Secretary's D.O. letter 1933 dated the 14th April, 1904, for Mr. Bayley's information.

I have now been instructed by the Honourable Mr. Bayley to inform Your Highness that he was much surprised to learn that in an important matter of this kind without any previous consultation with the Political Agent Your Highness took up yourself to reverse an arrangement which was made after full consideration during the Superintendency and which certainly for some years worked with the best results. Mr. Bayley considers that Your Highness' action in this case, and also in that of the Jagir conferred in 1898 upon the Late Rao Bahadur Lal Janardan Singh, was a distinct breach of the conditions on which the Government of India sanctioned the exercise by Your Highness of ruling powers. The Agent to the Governor-General is unwilling to report the matter to the Government of India, as it is inevitable that such a report, if made, would create a very unfavourable impression on the mind of His Excellency the Governor-General in Council, but Mr. Bayley wishes Your Highness to understand very clearly that should any further instance occur, in which your Highness ignores the conditions, it will be his duty to bring the matter to the notice of the Government of India and he will have at the same time to mention to Government the warnings which have already been given to Your Highness on the subject.

In regard to the action taken by your Highness in this particular case, I am to say that while fully sympathising with your objection to judicial powers being exercised by corrupt or incompetent persons, it is impossible for the Agent to the Governor-General to suppose that all the Honorary Magistrates appointed during the Superintendentcy have failed in recent years to do their work properly.

I am also to inform Your Highness that Mr. Bayley attaches great importance to the maintenance of the system of Honorary Magistrates and Civil Judges for the disposal of petty cases, partly because the exercise of these functions is merely a continuance in a regularised form of a system which was in force when the leading Jagirdars wielded more extensive authority on their own estates than they at present possess and it is therefore conducive to the dignity and contentment of the nobles of the State; and partly because the existence of Honorary Tribunals in various parts of Your Highness' territories is a great convenience to the people. The extent to which in some instances people have availed themselves of this convenience (notably in the Honorary Magistrate's Court of Deora, Baikunthpore and Madwas in criminal matters, and in those of Rewa, Kripalpore, Madwas and Sengwara in civil matters), shows of itself that the classes most affected have appreciated the facilities which the Honorary Tribunals afford and that they are not altogether dissatisfied with the justice administered.

In these circumstances Mr. Bayley trusts that, while taking due care that corrupt and incompetent persons shall not administer justice, Your Highness will adopt early measure to revive the system on a sound basis, and I am to add that Mr. Bayley will await with much interest a further report upon the subject.

I trust that Your Highness will carefully remember the Honourable the Agent to the Governor-General's advice, and will recognise that in refraining from making a report to the Government of India, Mr. Bayley has been actuated by most friendly consideration towards Your Highness. I think that Your Highness realises that the Government of India would regard with dissatisfaction a breach of any of the conditions on which the exercise of ruling powers was rested. I further hope that I shall soon be in a position to report to Mr. Bayley that Your Highness has followed this advice by the reinstatement of most, if not of all, of these Honorary Tribunals to which Your Highness will no doubt nominate suitable gentlemen and nobles, bearing in mind Mr. Bayley's remarks on the reasons for the introducing of these codes with reference to those who should be the presiding officers.

I am,
Your Highness' sincere friend,
(Signed) W. M. CUBITT.

EXHIBIT 15.

COPY OF A LETTER NO. 299 C, DATED THE 29TH JULY, 1897, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY TO H.H. THE MAHARAJA OF REWA.

With reference to your letter No. 1409, dated the 22nd July, 1897, in which you express your inability to submit an accurate return of Arms and Ammunition imported into the Rewa State as no information is supplied to you, whether the articles covered by the licenses are actually imported into the Rewa State or not, I have the honour to point out that the sole object of this return is to ascertain whether the arms and ammunition covered by the licenses have reached their destination in native territory or not, and I would therefore suggest that the Durbar Office should keep itself well informed of these importations and submit returns to this office for comparison with the information received from other sources.

EXHIBIT 16.

COPY OF A LETTER NO. 2941, DATED THE 19TH NOVEMBER, 1897, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY TO H.H. THE MAHARAJA OF REWA.

With reference to his No. 2028, dated the 28th October, 1897, has the honour to enclose herewith a form in which the return of Arms and Ammunition should be submitted in future.

EXHIBIT 17.

COPY OF A LETTER No. 303, DATED 14TH DECEMBER 1927, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY REWA DURBAR, REWA.

I have the honour to request you to kindly let me know by the 25th December, 1927, total number of dacoities committed in your State during the year 1927 with the following heading:—

1. Property plundered.
2. Property recovered.
3. Dacoits concerned.
4. Dacoits arrested.
5. Persons killed.
6. Persons wounded.

EXHIBIT 18.

COPY OF A LETTER NO. 238, DATED THE 27TH DECEMBER, 1927, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY REWA DURBAR, REWA.

With reference to your endorsement No. 472/94 R.R., dated the 22nd December, 1927, forwarding a statement of dacoities committed in the Rewa State during the year 1927, I have the honour to say that the statement is not in proper form and does not contain complete information required. I would therefore request you kindly to furnish the detailed information in the enclosed form.

I may point out that Memorandum No. 157 G.B., dated the 3rd July, 1927, referred in your endorsement under note does not seem to have been issued from this office.

EXHIBIT 19.

COPY OF A LETTER No. 585/94 R.R., DATED THE 13TH JANUARY, 1928, FROM THE SECRETARY REWA DURBAR, TO THE POLITICAL AGENT IN BAGHELKHAND, SUTNA.

With reference to your letter No. 238, dated the 27th December, 1927, I have the honour to state that the statement forwarded with my letter No. 472/94 R.R., dated the 22nd December, 1927, contains all the information asked for in your letter No. 303, dated the 14th December, 1927. I, therefore, do not understand how it does not contain the complete information required.

2. I regret wrong reference was given in paragraph 2 of my endorsement No. 472/94 R.R., dated the 22nd December, 1927.

3. I should be glad to hear if information is still wanted in the form attached with your letter under reply.

Apparently information supplied with my endorsement No. 472/94 R.R., dated the 22nd December, 1927, practically contains all the information necessary for an annual report and completion of columns 3 and 5 of the statement now attached by you would hardly seem necessary in an annual return.

EXHIBIT 20.

COPY OF A LETTER NO. NIL, DATED THE FEBRUARY, 1928, FROM THE POLITICAL AGENT IN BAGHELKHAND, SUTNA, TO THE SECRETARY REWA DURBAR, REWA.

With reference to your endorsement No. 4221-94 R.R., dated the 22nd December, 1928, forwarding Statement of (Six) dacoities committed in the Rewa State from January to December, 1927, I have the honour to request you to kindly furnish further details of the dacoities in the form attached herewith at an early date for transmission to the Assistant to the Honourable the Agent to the Governor-General in Central India, Criminal Branch, Indore.

SANGLI STATE.

I, STATUS.

The present area of Sangli State is 1,136 square miles, its population 2,21,321, and its revenue Rs. 13,00,000. On this basis Sangli compares favourably with 33, 46, and 44 States respectively, Rulers of which have permanent salutes of 11 to 17 guns.

The Ruler of Sangli along with the other Patwardhan Rulers in the Southern Maratha Country was taken under the protection¹ of the British Government by the Agreement of Pandharpur in 1812, and fresh Agreements were concluded with them on the downfall of the Peshwa in 1819. The Agreement² concluded with Sangli in 1819, was cancelled and replaced by that of the 25th of January, 1820.

The Resolution of the Honourable Board of Directors of the East India Company dated 20th May, 1856, (*vide* Appendix E of West's Memoir, page LXXX) records that "for 20 years before the fall of the Peshwa, the Patwardhan Ruler had become almost independent of that sovereign."

Wrote³ Colonel Arthur Wellesley :—

"In the present State of that Government (Peshwa's), and in the system of policy which now guides it, it is necessary to treat the Jagirdars as independent Chiefs, *which they really are.*"

The Patwardhans were⁴ "*the most ancient friends* that the British Government have in the Maratha Empire." "In 1799, the Nizam, the Marathas and the English combined against (Tipu Sultan of) Mysore⁵, and Parashuram Bhow (Member of a Junior Branch of the Patwardhans) was appointed to command the Maratha Forces. He was accompanied by a British detachment under Captain Little, and Captain Little acted⁶ under Parashuram Bhow. The Patwardhans rendered valuable services to the British Army in this campaign, particularly when Lord Cornwallis and General Medows were at the end of their resources at Seringapatam. At that particular moment, the Patwardhans, writes⁷ Captain Moor, proved to be the most important friends that fortune ever sent to their relief since they took the field in Hindustan."

When Colonel Wellesley received orders to reinstate the Peshwa, who had been expelled by Holkar from Poona, he found the support of the Patwardhans indispensable. In order to gain that support and before undertaking the march to Poona, he wrote⁸ as follows to Balkrishana Pant Bhow, one of the Sirdars of the Patwardhans :—

"It is of course the desire and *request* of the Government to which I belong that terms of friendship should be established with the Patwardhans in every way *as they desire*. But it is necessary that I should be informed in detail of what they desire, whereupon I shall report them to the Government. I have every confidence that the Government will fully agree to give every satisfaction to the Patwardhans."

At the advent of the British, the Patwardhans Rulers already possessed all the rights, privileges, and dignities due to the confederates of the Maratha Empire, without any of the disabilities and restrictions imposed on other members of the Confederacy who had fought against the British Government⁹. It was in consequence of this that the British Government assured them that they would fare better under Peshwa, and guaranteed

¹ Page 267 Aitchison's Treaties, Vol. VII of 1909.

² *Vide* separate note on the binding Agreements between Government and Sangli and the exhibits appended thereto, page 1286 bottom.

³ The Duke of Wellington's Despatch, dated the 7th August, 1800, to the Chief Secretary of Government published in supplementary despatches and memoranda of the Duke of Wellington, Volume II, pages 93-95.

⁴ Despatch, dated the 23rd February, 1804, from Colonel Arthur Wellesley to Colonel Close published in Wellington's Despatches compiled by Lieut.-Colonel Gurwood, Vol. II., page 23.

⁵ Mr. Elphinstone's report on the Territories conquered from the Peshwa (Forrest's Selection, printing pages 270-271).

⁶ West's Memoir, pages 9-10.

⁷ A Narrative of operations of Captain Little's detachment and of the Maratha Army commanded by Parashuram Bhow during the late confederacy in India against the Nawab Tippoo Sultan Bahadur, by Edward Moor, 1794, page 73.

⁸ Letter from Col. Wellesley to Balkrishna Pant Bhow, dated 13th Rajjab Seringapatam.

⁹ Moor's Narrative, pages 432-34.

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that they "shall in no respect suffer injury¹." In pursuance of these undertakings, the Sangli State was exempted from the payment of a Nazarana of succession, (*vide* Article 2 of the Sangli Agreement of the 25th of January, 1820, reproduced in West's Memoir page CXXVII) and from the payment of Customs duties (*vide* page *ibid*, CXLVIII).

In 1832 one of the Patwardhans Rulers insisted upon a right common to all of them, of making direct representation to the sovereign, on the ground that the British Government had promised to maintain all the privileges, that they had enjoyed under the Peshwa, and a direct representation to the Peshwa was one of those privileges. The contention was admitted and the Patwardhan Ruler was permitted to appeal to the King-in-Council².

Article 2 of the Sangli Agreement of 1820, provides that the State shall be continued to the Ruler, "and to the Sirdars of his family" without interruption or question. In 1826 the Ruler of Sangli, "asserted his right to adopt by virtue of the Treaty³." This was contested, but finally the adoption was allowed to stand, even though "as a special case." Thus it would appear that in the case of Sangli the right of adoption existed even before this State in 1862 was given, perhaps unnecessarily, the adoption Sanad of Lord Canning.

Here it may be recalled that at that period of the British rule in India, the East India Company distinguished between "dependent" and "independent" Rulers, and claimed the right, in the case of the former, to refuse permission for adoption. The most important cases of such refusals are those of Satara and Jhansi. The fact that the Sangli adoption was finally applied in 1834, establishes Sangli's status as an "Independent State."

A point may be made here of the exaction by Government of succession Nazarana when the present Ruler came to the Gadi. The recovery of such Nazarana cannot be treated otherwise than as an exaction and an instance of the disregard of Article 2 of the Sangli Agreement of 25th January, 1820, which distinctly provides for the continuance of the State "from generation to generation *without levying a Nazar*."

By Article 7 of the aforesaid Agreement, the British Government promised that "They shall continue your dignity and rank (or more properly status which is the correct rendering of the word Darja in the original) in the same manner as they were continued in former times by the Peshwa's Government." Thus the status of the Ruler of Sangli, the maintenance of which was guaranteed in this manner, was that of one

- (1) Who was a confederate of the Maratha Empire and was promised an improvement in the position he held under the Peshwa.
- (2) Who could claim the honour shown to him by the Governor-General and British Commanders in the years between 1790 and 1800⁴ A. D.
- (3) To whom exemption was granted from the payment of Nazarana on succession.
- (4) To whom exemption was granted from the payment of customs duties.

The status assigned in actual practice is a very inferior one. Until 1917, all the Rulers of the Southern Maratha Country, not even Sangli excepted, were classed with those who were not entitled to a salute. Only one of them has had a permanent salute of 9 guns since 1917. Sir William Lee Warner in his evidence before the Royal Commission of Opium, 1894, observed that certain important States had "paid penalty due to their geographical conditions." But apart from the absence of these ceremonial acknowledgments of rank and status, the treatment of Sangli in regard to administrative matters affords further proof that the past is entirely forgotten and that definite promises have not been kept. Instances of such breaches of promises and understandings will be found in the separate memoranda of this State, under the appropriate headings.

NOTE ON THE AGREEMENTS BETWEEN GOVERNMENT AND THE SANGLI STATE.

Aitchison gives the following four agreements in Volume VII of the 4th edition of his "Treaties" :—

- (1) The Agreement of Pandharpur dated July and August, 1812 (page 267).
- (2) The Agreement of Dharwar dated 15th May, 1819 (page 269).
- (3) The Agreement of 1229 Fasil-26th October, 1819 (page 271).
- (4) The Agreement dated 12th December, 1820 (page 270).

¹ Elphinstone's letter No. 78, dated 18th June, 1818, to Metcalfe quoted on page CLXXXIII of West's Memoir.

² West's Memoir, page 99.

³ West's Memoir, page 45.

⁴ 1790 Salute of 17 guns. 1791 Salute of 21 guns (Appendix I). Memoirs of the early life and services of field officer on the retired list in the Indian Army, 1839 (pages 198-99).

The agreement dated 15th May, 1819, was however cancelled by that of 25th January, 1820, which was concluded and signed by Commissioner Mr. Chaplin. West gives this Agreement in his Memoir (page CXCVII). (West's Memoirs). Again, the Agreement of 26th October, 1819, was returned by Government to the Ruler and thus abrogated. This Agreement which is not now in existence and has not been in existence at least since 1830, is calculated to give an extremely erroneous impression of the status of Sangli and such a discarded document should never have found place in Aitchison's Treaties, a book having the authority of the Foreign Department of the Government of India. The binding agreements therefore are:—

- (1) The Agreement of Pandharpur dated July and August, 1812.
- (2) The Agreement dated 12th December, 1820.
- (3) The Agreement dated 25th January, 1820.

It is equally strange that the Agreement of the 25th January, 1820, is not reproduced in Aitchison's Treaties. What is printed is the abrogated agreement of 15th May, 1819.

2. As regards the Agreement dated 25th January, 1820, Captain West remarks¹ that "no correspondence can be found either in the Commissioner's Daftar or among the records at Sangli showing under what circumstances it was negotiated, and no report appears to have been ever made to Government on the subject." The facts relating to this Agreement are that when the Ruler of Sangli was in Bombay on the 28th November, 1830, he asked for the return of the Agreement of 1229 Fasli—26th October, 1819. Government suggested that he should write to them expressing his willingness "to abide by the agreement containing eight articles which Mr. Commissioner Chaplin executed"² (vide translation of letter dated 28th November, 1830, from Mr. Philip William, to Mr. Nilkanth Ravji Vakil to the Ruler of Sangli).

This shows that in 1830 at least the Government were perfectly aware of the fact that Mr. Chaplin had concluded a fresh Agreement superseding the Agreement of 1819.

To Mr. Philip William the Vakil replied: "He (the Ruler) will abide by the Agreement containing eight articles which Mr. Commissioner Chaplin executed on behalf of Government in Ashrin Mayatain mainly adhering to the articles of, but with an endorsement cancelling, the Agreement of Dharwar containing eight articles which were executed at Dharwar in the year Tissa Asar Mayatain with a view to graciously continue the territory granted by the Peshwa's Government and preserve intact the status and dignity"³ (vide translation of copy of letter dated the 28th November, 1830, from the Vakil to the Ruler of Sangli, Mr. Philip William).

It is thus clear that it was too sweeping a remark to make that "no correspondence can be found either in the Commissioner's Daftar or among the records at Sangli showing under what circumstances the treaty was negotiated," especially as Mr. Chaplin's letter⁴ No. 680, dated 28th November, 1819, reproduced in West's Memoir indicates the circumstances leading to the treaty and distinctly refers to the "new terms which are promised."

What is of importance is that the treaty bears the seal and signature of Mr. Chaplin, that the original is in the possession of the State and that there is Mr. Elphinstone's Promise that "whatever Mr. Chaplin signed should be adhered to" (West's Memoir, page 45).

This Agreement executed by Mr. Chaplin containing the clear statement that its "eight articles are substituted in lieu of those formerly entered into at Dharwar, which are cancelled."

3. The letters of Mr. Philip William and Mr. Nilkanth Ravaji, dated 28th November, 1830, referred to in paragraph 2 above, clearly show how the agreement of 1229 Fasli—26th October, 1819, was returned to the Ruler of Sangli. This is corroborated by the following from West's Memoir, page 41. "This document, it may be here noted, the Bombay Government in December, 1830, authorised the Agent for Sardars in the Deccan to return to Chintamanrao at the request of that Chief, it being considered that the Agreement related to pretensions, which Appa Saheb was not likely to raise again. The Governor-in-Council therefore was of opinion that it should be returned "as it could be of no value to Government, and its being retained was a source of great annoyance to Chintaman Rao." Thus the still-born Agreement of 1229 Fasli, which is still borne in the pages of Aitchison has been inanimate at least since 1830.

4. The Agreements in force thus are:—

- (1) The Agreement of Pandharpur dated July and August, 1812.
- (2) The Agreement dated 25th January, 1820.
- (3) The Agreement dated 12th December, 1820.

This point is of great importance because Sangli's case hinges upon:—

- (a) the authenticity of the Agreement of 25th January, 1820,
- (b) the inapplicability of the Agreement dated 26th October, 1819.

EXHIBIT 1.

TRANSLATION OF LETTER DATED SERINGAPATAM THE 13TH RAJYAB FROM COLONEL WELLESLEY (THE DUKE OF WELLINGTON) TO BALKRISHNA PANT BHAU SAHEB LAGU.

..... Appa Saheb once expressed a desire to settle in the territory of Mysore, whereupon he was informed in reply that Holehonnur was fixed for him. He may go to Holehonnur at any time that he may choose. The village officials will welcome and admit him into the village with great honour. But no fort or high office can be found for him. He need not take any army with him. A reply has moreover been received with regard to the desire once expressed by him for settling in the territory belonging

¹ West's Memoirs, page 45.

² Exhibit XII.

³ Exhibit XIII.

⁴ West's Memoir, page clxxxix.

⁵ The opening portion consists of a formal and complimentary nature which usually appears at the commencement of a letter and has therefore been dropped.

A (a) ix.

to the Company's Government. *It is of course the desire and request of the Government to which I belong that terms of friendship should be established with the Patwardhans in every way as they desire. But it is necessary that I should be informed in detail of what they desire, whereupon I shall report them to the Government. I have every confidence that the Government will fully agree to give every satisfaction to the Patwardhans.*†

Y. A. THOMBARE,

Fourth Councillor, Sangli.

DELHI,

6th June, 1928.

EXHIBIT 2.

TRANSLATION OF LETTER DATED THE 28TH NOVEMBER, 1830, FROM MR. PHILIP WILLIAM TO MR. NILAKANTH RAVJI VAKIL TO THE RULER OF SANGLI.

. *You ask for a return of the duplicate Agreements which were formerly received by Government from Meherban Appa Saheb. In this respect a letter may be sent to Government as follows :—

As I have now come to Bombay, I intend to receive back through the favour of Government the said duplicate Agreements which were executed by me before. I agree to abide by the Agreement containing eight articles which Mr. Commissioner Chaplin executed and granted to me subsequently to these duplicate Agreements. The keeping of those Agreements is therefore of no value to Government and is very derogatory to my dignity. An order may therefore be passed for kindly returning the duplicate deeds.

Such a brief letter may be sent with this peon at once. †

Y. A. THOMBARE,

Fourth Councillor, Sangli.

DELHI,

6th June, 1928.

EXHIBIT 3.

TRANSLATION OF THE OFFICE COPY OF LETTER DATED THE 28TH NOVEMBER, 1830, A.D., FROM THE VAKIL TO THE RULER OF SANGLI TO MR. PHILIP WILLIAM.

. *His Highness Chintamanrao Appa Saheb has come to Bombay and intends to receive back through the favour of Government the duplicate Agreements which were executed by him before. He will abide by the Agreement containing eight Articles which Mr. Commissioner Chaplin executed on behalf of Government in Ashrin Mayatain adhering to the Articles of, but with a statement cancelling, the Agreement of Dharwar containing eight Articles which was executed at Dharwar in the year Tissa Asar Mayatain with a view to graciously continue the territory granted by the Peshwa's Government and preserve intact the status and dignity. The keeping of the former duplicate Agreements is of no value to Government and is not in keeping with the dignity and status of His Highness. The duplicate Agreements may therefore be kindly returned †

Y. A. THOMBARE,

Fourth Councillor, Sangli.

DELHI,

6th June, 1928.

* The opening portion consists of a formal and complimentary nature which usually appears at the commencement of a letter and has therefore been dropped.

† The concluding portion consists of a formal and complimentary nature which usually appears at the conclusion of a letter and has therefore been dropped.

SAWANTWADI STATE.

It had been the practice for the Ruler to receive Kharitas from His Excellency the Governor of Bombay under his own signature. This practice was in vogue since 1838 to 1890, when for the first time the practice was stopped and Kharitas from His Excellency the Governor of Bombay were sent under the signature of the Secretary to Government, Political Department.

In 1900 when a reference was made by the Political Superintendent, Mr. W. T. Morrison, Under-Secretary to Government, Political Department, in his letter dated 16th July, 1900, on the occasion of the succession to the Gadi of Shri Ram Sawant Sar Dessi, the father of the present Ruler, wrote that

“ No Kharita is being sent both because it is not always the practice to send a Kharita from His Excellency the Governor on installation in States of the grade of Sawantwadi . . . ”

The previous practice of receiving Kharitas under the signature of His Excellency the Governor was noticed in the Memoranda relating to the Sawantwadi Agency sent by the Political Agent with his letter No. 894, dated 12th March, 1909, and Mr. J. E. B. Hotson, Under Secretary to the Government of Bombay, Political Department, enquired in his letter No. 3168, dated 30th April 1909 (*vide* Exhibit 1), whether there was any authority for the statement that the highest authority by whom the Chief has been addressed is the Governor of Bombay as according to ordinary practice letters from the Sar Desai have been acknowledged by the Secretary to Government, Political Department. In his reply No. C/542, dated 7th May, 1909 (*vide* Exhibit 2), the Political Agent was pleased to reply that as far as can be ascertained from the records Kharitas were addressed to the Sar Desai by the Governor himself until the year 1890, the last one being from His Excellency Lord Reay to the late Sar Desai Raje Bahadur Raghunath Sawant Bhonsle and sent with Government letter No. 1645 of the same date.

No reply has been received to the above-noted communication of the Political Agent.

From the above it will be clear that the status of the State as evidenced by the treaties and the practice observed from 1838 to 1890 of addressing Kharitas under the signature of His Excellency was put a stop to without any reason being assigned for the same. It is not understood why the status of a treaty State as evidenced by the solemn treaties and engagements entered into by the British Government in 1730, 1765, 1812 and 1819 was thus brushed aside and the status lowered to the grade of one, the Ruler of which, was not supposed to be entitled to receive Kharitas under the signature of His Excellency the Governor of Bombay.

EXHIBIT 1.

No. 3168.

POLITICAL DEPARTMENT,

BOMBAY CASTLE,

30th April, 1909.

FROM J. E. B. HOTSON, Esq., UNDER-SECRETARY TO GOVERNMENT,
BOMBAY, TO THE POLITICAL AGENT, SAWANTWADI.

Sir,

In returning herewith pages 127-129 of the Memoranda relating to the Savantvadi Agency which were received with your letter No. 894, dated 12th March, 1909, I am directed to invite attention to the last paragraph but one of the Savantvadi history, and to enquire whether there is any authority for the

statement that the highest authority by whom the Chief has been addressed is the Governor of Bombay, as according to ordinary practice letters from the Sar Desai are acknowledged by the Secretary to Government, Political Department.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) J. E. B. HOTSON,

Under-Secretary to Government.

(TRUE COPY.)

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 2.

No. C/542 of 1909.

FROM THE POLITICAL AGENT, SAVANTVADI TO THE SECRETARY TO GOVERNMENT, POLITICAL DEPARTMENT, BOMBAY.

AMBOLI, 7th May, 1909.

Sir,

With reference to your letter No. 3168, dated 30th ultimo, I have the honour to state that as far as can be ascertained from the records, Kharitas were addressed to the Sar Desai by the Governor himself until the year 1890, the last one being from H.E. Lord Reay to the late Sar Desai Raje Bahadar Raghunath Sawant Bhonsle. It was dated 5th March, 1888, and was sent with Government letter No. 1645 of the same date.

The Kharita addressed to the Sar Desai for the first time by the Secretary to Government, Political Department, was received under Government letter No. 2557, dated 23rd April, 1890.

The proofs received from you are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) C. C. J. BARRETT,

Ag. Political Agent, Savantvadi.

(TRUE COPY.)

Minister of Revenue and Political Affairs, Sawantwadi.

This State is an ancient one and was the first State to enter into treaty with the British Government as far back as 1730 A.D. This treaty was one of an offensive and defensive alliance against Kanoji Angriah. In 1784 the Mogul Emperor at Delhi recognized the Sovereignty of the Ruler over the State by means of his firman, which granted to him and his successors the title of "Raja" and the insignia of royalty, namely, the Royal Insignia or Morchal (peacock's feathers) and the necessary Khilat. This recognition was conveyed by Mahadaji Scindia, the then Deputy of the Mogul Emperor at Delhi. (*Vide Exhibits 1 & 2.*)

In accordance therewith the British Government in the Treaty of 1812 styled the then Ruler Fond Sawant as "Rajah Fond Sawant Bhonsle Sar Desai of Kudal and its dependencies."

He has not only been so styled in the subsequent treaty of 1819 but Article 6 of the said treaty further lays down expressly that

"The Rajah and his heirs and successors shall remain absolute rulers of the country," thus recognizing his sovereignty over the territory of the State.

In the next treaty of 1820 and the agreements of 1832 the practice of styling the ruler as Rajah has been invariably followed as also in all the Kharitas and subsequent documents until the year 1836. In that year, however, the Collector of

Ratnagiri, when addressing communications to the then Ruler Khem Sawant, omitted the title of "the Rajah." On the omission being brought to his notice, he at once reported the matter to the Government of Bombay, who, in their reply No. 622, dated the 13th April, 1836, to the collector, Ratnagiri (*vide* Exhibit 3.) were pleased to rule that

"Khem Sawant is not an independent Rajah as the Rajah of Satara and Kolhapur."

He is known as Sar Desai and in this relation he stands to Government. . . .
His proper style would be

'Azam Khem Sawant Bhonsle Bahadur Sar Desa Prant Kudal and Mahalanhaya Raje Bahadur.'

A copy of this letter was sent by the Collector of Ratnagiri to the then Political Superintendent who, in his letter No. 1420, dated the 13th October, 1849 (*vide* Exhibit 4), urged that the Chief has been styled as Rajah in the treaty of 1812 and 1819 not as a portion of his address but as sovereign of the country as noted in Article 6 of the treaty of 1819, namely:

"The Rajah and his heirs and successors shall remain absolute rulers of the country."

However, instead of giving due consideration to the facts noted by the Political Superintendent in his letter, the Government of Bombay, in their letter No. 4997, dated 22nd November, 1849 (*vide* Exhibit 5) were again pleased to rule that their orders as conveyed in their letter No. 622, dated 13th April, 1836, to the Collector of Ratnagiri must be considered as the final orders of the Government in the matter of the title "Rajah" (*vide* Exhibit 6).

Sixteen years later, viz., in 1852, Mr. H. L. Anderson, Political Superintendent accredited to the State, went further and in his letter No. 476, dated 28th September, 1852, in reply to Government letter No. 38, dated 30th July, 1851, he was pleased to recommend that the "Sar Desai or the Chief of Sawantwadi might be regarded as a Sardar of the first class. the Desai of Parma might be included in the second class. Such a classification would not, I believe, exactly square with the pretensions of the gentlemen themselves, but if the error, if any existed, would, I think, be on side of too great indulgence" (*vide* Exhibit 7).

The Government, however, were not pleased to accord sanction to the recommendation.

When the ancestors of the present Ruler were granted by the Mogul Emperor the title of sovereignty, namely, Rajah, and when the said grant was accompanied by the royal insignia of Morchal, etc., and when again the same was recognised by the subsequent solemn treaties and agreements with the Honourable the East India Company, it is difficult to conceive the grounds on which the orders of the Bombay Government were based, especially in view of the fact that in 1862, the Government of India were pleased to accord to the State its proper status, as defined by its treaties, in their printed letter No. 236-A, dated 27-3-1862 (*vide* accompaniments to Exhibit 8). In formulating the precedence and rank of the different States of the Bombay Presidency, they were pleased to classify the State as follows:—

NOMINAL ROLL.

CLASS I.—HINDOO.

1. H.H. the Maharaja of Baroda.

CLASS II.—HINDOO.

2. Kolapore.
3. Kutch.
4. Edur.
5. Sawunt Waree.
6. Dhurmpore.
7. Bansda.
8. Bhownggur.
9. Noanuggur.
10. Rajpeepa.

Mahomedan,

11. Cambay.
12. Rahdunpore.
13. Pahlunpore.
14. Sucheem.
15. Joanuggur.

CLASS III.—HINDOO.

- 16 to 20. The five Putwurdhuns.
21. Ramdroog.
22. Moodhole.

CLASS IV.—HINDOO.

23. Akulkote.
24. Punt Prithce Needhee.
25. Punt Sucheo.
26. Naik Nimbalkhur of Phulton.
27. Dufe Jagheerdar of Jhut.

It would thus appear that there has been a serious derogation from the dignity and prestige of the Ruler of Sawantwadi. In effect it is submitted that this constitutes a breach of his treaty rights as in the treaties he was recognised by the British Government as Rajah and the treaty of 1819 was made with him in that capacity and guaranteed the continuance of the rule of the then Ruler and his descendants as Rajah.

EXHIBIT 1.

(In Vernacular Characters.)

(True Copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 2.

LETTER FROM MHADJEE SINDE.

To

Raje sree Raje Khem Sawant Bahadoor Bhonsle Sar Desai of the country of Koodal and other districts, Master of himself, ornamented by all good qualities, possessing unmeasured wealth, honoured by kings, related by friendship.

Mhadjee Sinde¹ sends greeting—after begging you to be assured that all is well in this quarter do you keep writing word of your happiness—Raje sree Jeewajee Bullal represented that you desired a Padshahee² title and the peacock's feathers (Morchul)³ whereupon the Padshah⁴ was petitioned and in consequence, Balwantrao Raghunath and Sabaji Wasdeo are herewith sent to you taking for you the title of Raje Khem Sawant Bahadoor, the peacock's feathers, a Khilut⁵ of seven pieces, a Surpech⁶ (head ornament) and a jigga (garment) you should come out in state to receive the ROYAL title and the things specified.

You have written once or twice of the Goa Portuguese increasing their quarrel with you and of their having seized land and a military post—On this subject letters have been addressed to the Sreemunt (i.e., the Peshwa) to Raje sree Balajee Punt Nana and to the Portuguese Wukeel and now again letters are written to the

(1) Mr. Elphinstone spells this name Mahajee and Grand Duff Mahadajee I follow the original.

(2) Kingly or from the King.

(3) These are plumes of peacock's feathers set in embroidered handles and waved on each side of Royalty no lesser rank being held entitled thereto.

(4) Emperor of Delhi implied.

(5) Dress of Honour.

(6) The one in question was diamonds set in gold of considerable value

Gaokers and to Poona by which release of the district and post taken will be effected —for the rest you will know particulars from Jiwahee Ballal's writing.

Despatched 1st Rubbil Akher what more need be written—preserve affection this is my request.



Large seal with inscriptions as rendered.



Small seal with inscriptions as rendered.

Endorsed—received 1st of Rujjub Sunkhamus Sumaneem *i.e.* A.D. 1784/85.
Remark.

Grand Duff writing of the author of this letter and of events connected with the Imperial Court during the year 1784, Vol. II, ch. XV, p 480, says: "The event however vested Sindia with complete authority at Delhi—he refused the office of Umeer Ool Oomrah but with his usual sagacity obtained for the Peshwa that of Wukeel-i-Mootlug or supreme Deputy—and secured for himself the appointment of Deputy to the Peshwa so that he thus held by authority the executive power in Hindoostan—the Emperor also conferrd on him the command of his army.

(Signed) G. L. JACOB,

Political Superintendent."

(TRUE COPY.)

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 3.

No. 622 of 1836.

FROM I. L. WILLOUGHBY, Esq., CHIEF SECRETARY TO GOVERNMENT,
TO THE COLLECTOR OF RUTNAGHERRY. DATED 13TH APRIL, 1836.

SIR,

I am directed by the Right Honourable the Governor in Council, to acknowledge the receipt of your letter dated the 3rd ultimo, forwarding copy of one from your Acting first Assistant submitting translation of a letter from the Sur Dessae of Waree, complaining of having been deprived of the title of Raja in the recent correspondence of Government.

2. In reply, I am instructed to inform you, that it was never intended to deprive Sur Dessae of his title of "Rajeh Buhadoor" to which he has an undoubted right. It was merely intended to point out to you, the inaccuracy of the Collector in his correspondence with Government styling the Sur Dessae "the Raja," when he is universally known by the title of "Sur Dessae Sahib Khem Sawunt Rajeh Bahadoor." There is, I am directed to observe, a great distinction between "Rajey" used as a title and "Rajah" as denoting an independent Prince, such as the Rajas of Satara and Kolhapur. In exemplification of this remark, the Sirkeys, Bhonsleys, and other families may be cited. The former for instance are addressed "Tamajee Raje Sirkey."

3. Nothing was further from the intention of Government than to alter the mode of address to the Sur Dessae himself, for he undoubtedly stands to Government in the relation of "Sur Dessae of Prant Koodal and its Mahals." The words "Khem Sawunt Raje Buhadoor" are mere titles. It would therefore be absurd to call him in the public correspondence Raja of a country over which he is simply the Sur Dessae, but at the same time in letters addressed to himself, it would be improper to deprive him of the other honorary titles that have descended to him.

A (a) 12.

4. You will be pleased to explain to the Sur Dessae, the origin of the mistake that has arisen and in your future correspondence with him address him as heretofore "Ujum Khem Sawunt Bhonsley Bhadoor Sur Dessae Prant Kudal Vu Mal-nihaye Rajeh Saheb."

I have the honour to be, etc.,

(Signed) I. L. WILLOUGHBY,
Chief Secretary.

BOMBAY CASTLE,
13th April, 1836.

True Copy.
(Signed) A. MALET,
Chief Secretary.

[TRUE COPY.]

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 4.

No. 1420 of 1849.

FROM THE POLITICAL SUPERINTENDENT OF SAWANTWAREE, TO
ARTHUR MALET, Esq., CHIEF SECRETARY TO GOVERNMENT OF
BOMBAY. SAWUNTWAREE, 31st OCTOBER, 1849.

SIR,

In reply to your letter No. 4483, dated 20th instant, with enclosure, I have the honour to state that by the term "Raja" I intended to designate the Sur Desae of this State and would beg respectfully to bring to your recollection that he is so designated in the treaties of 1812 and 1819 not only as portion of an address but also as denoting the Sovereign of the Country, for instance Art. VI of the latter, page 290 printed compilation runs thus:—

"The Rajah and his heirs and successors shall remain absolute Rulers of the Country, etc."

2. The Sur Desae Khem Sawunt publicly assumed this title on receipt from Mahadajee Sinda in 1784-85 of a communication purporting to convey it to him as an Imperial grant together with certain emblems of Royalty, the Emperor of this State and well known fell in 1784 entirely under the control of this Chieftain, so that there was nothing to prevent his thus honouring his relative. I annex translate of Mahadjee Sinda's original letter as also of one from the Peshwa in 1792/93 confirming the grant, application for which as the Head of the Mahratta Empire had been made to him owing to the Kolhapur Durbar refusing to acknowledge the title (note A).

3. Although the title is now only an empty name yet under the circumstances stated His Lordship in Council will I trust feel disposed not to interfere with it—anywise I solicit instructions for my guidance as regards interference with the usage of the Durbar by which and indeed by every one here the Sur Desae is invariably spoken of as "the Raja" to suppress which would, I feel sure, create the most painful irritation.

I have the honour, etc.,

(Signed) G. LE G. JACOB,
Political Superintendent.

[TRUE COPY.]

Minister of Revenue and Political Affairs, Sawantwadi.

A. I may as well correct an error of Grand Duff in his history of the Mahrattes in alluding to this Court he styles Khem (spelled by him Kem) Sawunt's wife daughter of "Tookoji Sindia" Tookajee was full brother to Mahadjee Sinda and the historian's remark that "the connection was more splendid than honourable" would thus be borne out, both these sons of Ranoojee Sinda being natural children by a kept woman, but as is here affirmed and believed by aged and respectable men, Luximee Bace was the daughter of Jyasee Sinda, eldest son in marriage of Ranoojee and therefore of pure Mahratta blood—the ascendancy of Mahadjee is attributed to the slaughter of his kindred in the celebrated battle of Panniput, himself therein lamed for life, his relationship to Luximee Bace was consequently half uncle. Grand Duff spells the name Mahadajee Sinda and Monstuart Elphinstone—Mahadjee Sinda I have followed the original from his own letter—the title bestowed in this is "Raja Bahadur" Reje is the plural form of Raja and deemed more dignified—the letter specifies the gift suitable to and that accompanied the title.

EXHIBIT 5.

No. 4997 of 1849.

FROM A. MALET, Esq., CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, TO MAJOR G. LE GRAND JACOB, POLITICAL SUPERINTENDENT OF SAWUNT WARREE. DATED THE 22ND NOVEMBER, 1849.

POLITICAL DEPARTMENT.

SIR,

I am directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter No. 142 dated the 31st ultimo and to inform you that Government does not in any way wish to deprive the Sur Dessae of Sawunt Warree of any titles that he has a right to, and has been hitherto designated by, but that Mr. Secretary Willoughby's letter No. 622 dated the 13th April, 1836, to the address of the Collector of Rutnagheeree must be considered as containing the views of Government relative to the title of Raja.

BOMBAY CASTLE,

22nd November, 1849.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) A. MALET,

Chief Secretary.

(True Copy.)

*Minister of Revenue and Political Affairs, Sawantwadi.***EXHIBIT 6.**

No. 3068.

POLITICAL DEPARTMENT,

BOMBAY CASTLE,

14th October, 1864.

The Political Superintendent, Sawunt Waree, No. 789, dated the 29th September, 1864.

States in reply to Government Resolution No. 2795, dated the 19th September, 1864, that a reference be made to Major Jacob's letter of the 31st October, No. 1420 of 1849, regarding the style of address to be adopted in English communications with the Sur Dessae of Sawunt Waree.

RESOLUTION.—It is clear that in letters addressed to him by Government the Sur Dessae of Sawunt Waree is entitled to the designation of Raja Bahadour. That titled should therefore be used, and in addition to "Sur Dessae of Sawunt Waree" should be added the words "of Koodal and other Mahals." The family formerly derived their title from "Koodal," and it is only the fact of their residence at Sawant Waree which has in some degree, superseded the more ancient address.

The Political Superintendent will, of course, understand that the title "Raja Bahadour" does not give the Sur Dessae any claim to the position of a "Raja."

(Signed) H. L. ANDERSON,

Chief Secretary to Government.

To:—

The Political Superintendent, Sawunt Waree,

The Oriental Translator to Government.

(True Copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

A (a) ix.

EXHIBIT 7.

EXTRACT FROM LETTER No. 476, DATED 28TH SEPTEMBER, 1852, FROM MR. H. L. ANDERSON, POLITICAL SUPERINTENDENT, SAWUNT WAREE, TO MR. A. RICHARDSON, DEPUTY SECRETARY TO GOVERNMENT, PENSION DEPARTMENT, BOMBAY.

* * * *

"5. It may afford something like an estimate of what is, I think, a fair value to be attached to the position of the Waree Surdars if I briefly compare them with the Surdars under the Southern Maratha Agency. Applying this test, I would say that the Sur Dessayee or Chief of Sawunt Waree might be regarded as a Surdar of the first class. The Surdars on the numerical list No. 3 down to the 13th, namely, the Dessayee of Purma, might be included in the 2nd class and the remaining gentlemen in the 3rd class. Such a classification would not, I believe, exactly square with the pretensions of the gentlemen themselves, but the error, if any existed, would, I think, be on the side of too great indulgence."

(True Copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 8.

No. 1311 of 1862.

Political Department.

FROM M. J. SHAW STEWART, Esq., ACTING SECRETARY TO GOVERNMENT, BOMBAY, TO THE POLITICAL SUPERINTENDENT, SAWUNT WAREE. DATED THE 16TH APRIL, 1862.

Sir,

I am desired to forward herewith copy of a letter from the Under-Secretary to the Government of India, and of the Nominal Roll enclosed therein, regarding the grant of the right of adoption and permanent succession to the Native Chiefs who govern their own territories. Copies of the forms of Sunnud as granted to Mussulman and Hindoo houses respectively are also enclosed, and I am to request that you will communicate the tenor of them to the Chiefs mentioned in the Roll who are under your control, and inform them that the Sunnud will be sent shortly.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) M. J. SHAW STEWART,

Acting Secretary to Government.

BOMBAY CASTLE.

16th April, 1862.

ACCOMPANIMENTS.

EXTRACT PARAGRAPH 1 OF A LETTER FROM THE UNDER-SECRETARY TO THE GOVERNMENT OF INDIA, IN THE FOREIGN DEPARTMENT, No. 236 A, OF THE 27TH MARCH, 1862.

In continuation of previous correspondence regarding the grant of the right of adoption to the Native Princes and Chiefs of India, and in reply to your letters noted in the margin, I am directed by the Governor-General in Council to forward twenty-seven Sunnuds for delivery to the Chiefs named in the enclosed Nominal Rolls.

No. 6, dated 13th
December, 1860.
No. 6, dated 24th
January, 1861.

NOMINAL ROLL.

CLASS I—Hindoo.

1. Guikwar.

CLASS II—Hindoo.

2. Kolapore.
3. Kutch.
4. Edur.
5. Sawunt Waree.
6. Dhurmpore.
7. Bansda.
8. Bhownuggur.
9. Noanuggur.
10. Rajpeepla.
Mahomedan.
11. Cambay.
12. Rahdunpore.
13. Pahlunpore.
14. Sucheem.
15. Joanuggur.

CLASS III.—Hindoo.

- 16 to 20. The five Putwurdhuns.
21. Ramdroog.
22. Moodhole.

CLASS IV.—Hindoo.

23. Akulkote.
24. Punt Prithee Needhee.
25. Punt Sucheo.
26. Naik Nimbulkhour of Phulton.
27. Duffe Jagheerdar of Jhut.

(True Copies.)

(Signed) M. J. SHAW STEWART,
Acting Secretary.

No. 1304 of 1862.

Political Department.

FROM M. J. SHAW STEWART, Esq., ACTING SECRETARY TO GOVERNMENT, BOMBAY, TO ——. DATED THE 16TH APRIL, 1862.

Sir,

I am desired to forward herewith copy of a letter from the Under-Secretary to the Government of India, and of the Nominal Roll enclosed therein, regarding the grant of the right of adoption and permanent succession to the Native Chiefs who govern their own territories. Copies of the forms of Sunnud as granted to Mussulman and Hindoo houses respectively are also enclosed, and I am to request that you will communicate the tenor of them to the Chiefs mentioned in the Roll who are under your control, and inform them that the Sunnud will be sent shortly.

I have the honour to be, etc.,

(Signed) M. J. SHAW STEWART,
Acting Secretary to Government.

BOMBAY CASTLE,
16th April, 1862.

Seal of the
Supreme
Government of
British India.

A (a) iz.

To

HER MAJESTY being desirous that the governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, in fulfilment of this desire, convey to you the assurance that, on failure of natural heirs, the adoption by yourself and future Rulers of your State of a successor according to Hindoo Law and to the customs of your race will be recognized and confirmed.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown, and faithful to the conditions of the treaties, grants or engagements, which record its obligations to the British Government.

(Signed) CANNING.



To

HER MAJESTY being desirous that the Governments of the several Princes and Chiefs of India who now govern their own territories should be perpetuated, and that the representation and dignity of their Houses should be continued, I hereby, in fulfilment of this desire, convey to you the assurance that, on failure of natural heirs, any succession to the Government of your State which may be legitimate according to Mahomedan Law will be upheld.

Be assured that nothing shall disturb the engagement thus made to you so long as your House is loyal to the Crown and faithful to the conditions of the treaties, grants or engagements, which record its obligations to the British Government.

(Signed) CANNING.

No. 1461 of 1862.

FROM M. J. SHAW STEWART, Esq., ACTING SECRETARY TO GOVERNMENT, BOMBAY, TO ——— DATED THE 29TH APRIL, 1862.

POLITICAL DEPARTMENT.

SIR,

In continuation of my letter of the 16th instant, No. 1304, I am directed to transmit to you the accompanying Sunnud for presentation to together with a Kureeta from His Excellency the Governor, a translation of which is enclosed.

BOMBAY CASTLE,
29th April, 1862.

I have the honour to be, etc.,

(Signed) M. J. SHAW STEWART,
Acting Secretary to Government.

(True Copy.)

Minister of Revenue and Political Affairs, Sawantwadi.

SAWANTWADI STATE (2).

The number of guns that have been given to the Rulers of the Sawantwadi State as its salute is quite incompatible with the State's position and dignity as denoted by its history and Treaties. The Ruler of the Sawantwadi State enjoys full powers of internal administration, i.e., unrestricted civil and criminal jurisdiction and the power to make his own laws. This is obvious from the sixth Article of the Treaty of 1819, which runs:—

“The Rajah and his heirs and successors shall remain absolute rulers of the country and the jurisdiction of the British Government shall not be introduced into that principality.”

The number of guns is still considered by the Government of India as the sole basis for determining the privileges and courtesies to be accorded to Rulers of States at ceremonial functions, etc., in brief, for determining precedence and status. If gun salutes are still to be considered by the British Government as the measure of a State's status, it is clear from the case of Sawantwadi—and it is believed there are many other States in the same anomalous position—that a revision of the table of salutes is urgently needed. Sawantwadi recognises that all States are interested, and that the subject is by no means free from difficulty if each State is to have its just due and neither more nor less, but urges that the matter should be considered by H.E. the Viceroy and States in consultation.

Under their Circular No. 4001, dated 18th September, 1855 (*vide* Enclosure No. 1), the Government of Bombay asked the Political Superintendent the recommendations he had to make regarding the number of salutes to be given to the Chief. The Political Superintendent wrote in reply (*vide* Enclosure No. 2), that:

“Locally, when the Chief visited the parade of his (Ruler's) Military troops, he was once given a salute of nine guns. . . The Political Superintendent is also entitled to nine guns when he moves out on duty to districts and the same on his return to the Sadar Station.”

It appears that it was only on this totally irrelevant information, and not upon the State's position, that the State was marked as one eligible for nine guns when the Table of Salutes was first prepared in 1857. It is important to note that the parade referred to above by the Political Superintendent was held during the minority administration, and as such the troops on parade were under the orders of the Political Superintendent and not of the Ruler.

During the Mutiny of 1857, the State remained loyal to the British Government and its military troops rendered conspicuous assistance in quelling the rebellion in British Territory contiguous to this State. When, after the Mutiny, the question of revising the table of salutes was taken up in 1864, and those rulers who had evinced loyalty during the Mutiny were to be rewarded by revising the table of salutes the Political Superintendent was asked in notification No. 27, dated 7th May, 1864, for his recommendations in the matter in respect of this State. In his reply No. 427, dated 7th June, 1865 (*vide* enclosure No. 3), he had, however, to express his inability to make any recommendation in view of the Government having finally declared the Chief not to be an independent Rajah or Ruler, but a Sar Desai of the place, in their order No. 622, dated 13th April, 1836, and subsequently confirmed in their Orders Nos. 1420 of 31st October, 1849, 4997 of 22nd November, 1849, and 3068 of 14th October, 1864 (*vide* enclosures Nos. 4 to 7). In regard to these orders, a separate memorandum has been put in by this State under the head A (a) ix.

EXHIBIT 1.

No. 4001 of 1855.

FROM H. L. ANDERSON, ESQUIRE, SECRETARY TO GOVERNMENT OF BOMBAY, TO THE POLITICAL SUPERINTENDENT, SAWUNT WARREE, DATED 18TH SEPTEMBER, 1855.

POLITICAL DEPARTMENT.

SIR,

I am directed by the Right Honourable the Governor in Council to transmit to you an extract from the proceedings of Government, in the Military Department, dated the 15th instant, and to request that you will furnish the information therein required, with the *least practicable delay*, relative to the salutes usually accorded to the Chiefs under your Political Control, and whether you would recommend any change in the practice hitherto followed.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) H. L. ANDERSON,

Secretary to Government.

BOMBAY CASTLE,

18th September, 1855.

No. 38.

EXTRACT FROM THE PROCEEDINGS OF GOVERNMENT IN THE MILITARY DEPARTMENT, DATED THE 24TH AUGUST, 1855.

QUERIES NUMBERED 3 CONTAINED IN A DESPATCH FROM THE SECRETARY TO THE GOVERNMENT OF INDIA WITH THE MOST NOBLE THE GOVERNOR-GENERAL IN THE MILITARY DEPARTMENT.

3. What Native Sovereigns or Chiefs have by custom received salutes? What number of guns they have received? When the honour has usually been paid? and what practice in their case is recommended for the future?

Extract paragraphs 9 and 10 of the same letter.

9. I am further to request that the report on salutes now called for may embrace those given at Funerals both of European Functionaries and of Native Chieftains, and those salutes also which are fired on anniversaries or other occasions as well as the morning and evening or mid-day Guns.

10. The Governor-General desires to be favoured with the opinion and suggestions of His Lordship in Council on the subject at large, and in order to avoid any further indefinite delay, I am instructed to request that replies to the present enquiries may be furnished as soon as possible, and in no case later than the 1st of November next.

(True Extract.)

(Signed) H. L. ANDERSON,
Secretary to Government.

(True Copy.)

P. BALMAO,
Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 2.

No. 565 of 1855.

FROM MAJOR J. W. AULD, POLITICAL SUPERINTENDENT, SAWUNT WAREE, TO H. L. ANDERSON, ESQUIRE, SECRETARY TO GOVERNMENT, BOMBAY, DATED, 26TH SEPTEMBER, 1855.

POLITICAL DEPARTMENT.

SIR,

I have the honour to acknowledge the receipt of your Circular letter dated the 18th instant, No. 4001, forwarding an extract from the proceedings of Government in the Military Department relative to the salutes usually accorded to the Chiefs under my Political Control.

2. In reply, I beg to report for the information of His Lordship in Council that there are no Chief under my control with the exception of the Sir Dessayee of Sawunt Waree State, who is entitled to nine guns in the event of his going out in the districts or returning back to Waree, but as he seldom, indeed never, moves out, no salute has been fired for him, and as far as I can learn, only one* salute has been fired for him since the field pieces were attached to the Sawunt Waree Local Corps.

3. The Political Superintendent is also entitled to nine guns when he moves out on duty to the districts and the same on his return to Sudur station. Salutes are also fired in honour of the Queen's Birthday and New Year's Day.

4. No salutes have ever been fired on the occasions of Funeral Ceremonies either of European Functionaries or in the family of the Sir Dessayee.

5. We have lately arranged to fire a mid-day gun to regulate the time, and for the benefit of the community not only of the Town of Waree, but of the surrounding villages.

6. I see no necessity for any change in the practice hitherto followed.

I have the honour, etc.,

(Signed) J. W. AULD, Major,
Political Superintendent.

SAWANTWADI, POLITICAL SUPERINTENDENT'S OFFICE,
26th September, 1855.

(True Copy.)

P. BALMAO,
Minister of Revenue and Political Affairs, Sawantwadi.

* In Lt.-Col. Jacob's time on the occasion of the Sir Dessayee coming to a Review Parade.

EXHIBIT 3.

No. 427 of 1865.

TO C. GONNE, ESQUIRE, SECRETARY TO GOVERNMENT, BOMBAY,
DATED 7TH JUNE, 1865.

POLITICAL DEPARTMENT.

SIR,

In answer to Circular letter No. 777 of 1865, I have the honour to report that the Rank, Title, etc., of the Chief of this State having been determined by Government as per letters noted marginally,* I have no suggestions to submit.

I have the honour to be, Sir,

Your most obedient servant,

(Signed) X. X. X.,
Acting Political Agent, Sawantwadi.

(True Copy.)

P. BALMAO,

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 4.

No. 622 of 1836.

FROM I. L. WILLOUGHBY, ESQUIRE, CHIEF SECRETARY TO GOVERNMENT, TO THE COLLECTOR OF RUTNAGHERRY, DATED 13TH APRIL, 1836.

SIR,

I am directed by the Right Honourable the Governor in Council, to acknowledge the receipt of your letter dated the 3rd ultimo, forwarding copy of one from your Acting First Assistant, submitting translation of a letter from the Sur Dessae of Waree, complaining of having been deprived of the title of Raja in the recent correspondence of Government.

2. In reply, I am instructed to inform you that it was never intended to deprive Sur Dessae of his title of "Rajeh Buhadoor," to which he has an undoubted right. It was merely intended to point out to you the inaccuracy of the Collector in his correspondence with Government, styling the Sur Dessae "the Raja," when he is universally known by the title of "Sur Dessae Sahib Khem Sawunt Rajeh Bahadoor." There is, I am directed to observe, a great distinction between "Rajey" used as a title and "Rajah," as denoting an independent Prince, such as the Rajas of Satara and Kolhapur. In exemplification of this remark, the Sirkeys, Bhonsleys and other families may be cited. The former, for instance, are addressed "Tamajee Raje Sirkey."

3. Nothing was further from the intention of Government than to alter the mode of address to the Sur Dessae himself, for he undoubtedly stands to Government in the relation of "Sur Dessae of Prant Koodal and its Mahals." The words "Khem Sawunt Raje Buhadoor" are mere titles. It would therefore be absurd to call him in his public correspondence Raja of a country over which he is simply the Sar Dessae, but at the same time in letters addressed to himself, it would be improper to deprive him of the other honorary titles that have descended to him.

* From the Chief Secretary to Government to the Collector of Rutnagiree, No. 622 dated 13th April 1836.

From Major Jacob, Political Superintendent to the Chief Secretary to Government, No. 1420 dated 31st October, 1849.

Government reply to the above No. 4997 of 22nd November 1849.

From Major Schneider, Political Superintendent to the Chief Secretary to Government, No. 666 dated 8th August 1864.

Government Resolution on the above, No. 8068 dated 14th October 1864.

A (a) ix.

4. You will be pleased to explain to the Sur Dessae, the origin of the mistake that has arisen, and in your future correspondence with him address him as heretofore, "Ujum Khem Sawunt. Bhonsley Buhadoor Sur Dessae Prant Kudal Vu Mal-nihaye Rajeh Sahab."

I have the honour to be, etc.,
 BOMBAY CASTLE, (Signed) I. L. WILLOUGHBY,
 13th April, 1836. Chief Secretary.

(True Copy.)

(Signed) A. MALET,
 Chief Secretary.

(True Copy.)

P. BALMAO,
 Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 5.

No. 1420 of 1849.

FROM THE POLITICAL SUPERINTENDENT OF SAWANTWAREE, TO
 ARTHUR MALET, ESQUIRE, CHIEF SECRETARY TO GOVERNMENT
 OF BOMBAY, SAWANTWAREE, 31st OCTOBER, 1849.

SIR,

In reply to your letter No. 4483, dated 20th instant, with enclosure, I have the honour to state that by the term "Raja" I intended to designate the Sur Desae of this State, and would beg respectfully to bring to your recollection that he is so designated in the treaties of 1812 and 1819 not only as portion of an address, but also as denoting the Sovereign of the country, for instance Article VI. of the latter, page 290, printed compilation runs thus:—

"The Rajah and his heirs and successors shall remain absolute Rulers of the country, etc."

2. The Sur Desae Khem Sawunt publicly assumed this title on receipt from Mahadajee Sinda in 1784-85, of a communication purporting to convey it to him as an Imperial grant, together with certain emblems of Royalty, the Emperor, it is well known, fell in 1784 entirely under the control of this Chieftain, so that there was nothing to prevent his thus honouring his relative. I annex translate of Mahadjee Sinda's original letter as also of one from the Peshwa in 1792/93, confirming the grant, application for which, as the Head of the Mahratta Empire, had been made to him owing to the Kolhapur Durbar refusing to acknowledge the title (note A).

3. Although the title is now only an empty name, yet under the circumstances stated, His Lordship in Council will, I trust, feel disposed not to interfere with it—anywise I solicit instructions for my guidance as regards interference with the usage of the Durbar by which and indeed by every one here the Sur Desae is invariably spoken of as "the Raja" to suppress which would, I feel sure, create the most painful irritation.

I have the honour, etc.,

(Signed) G. LEG. JACOB,
 Political Superintendent.

(True Copy.)

P. BALMAO,
 Minister of Revenue and Political Affairs, Sawantwadi.

A. I may as well correct an error of Grant Duff in his history of the Mahrattas in alluding to this Court he styles Khem (spelled by him Kem) Sawunt's wife daughter of "Tookoji Sinda." Tookjee was full brother to Mahadjee Sinda and the historian's remark that "the connection was more splendid than honourable" would thus be borne out, both these sons of Ranoojee Sinda being natural children by a kept woman, but as is here affirmed and believed by aged and respectable men, Luximjee Bae was the daughter of Jysjee Sinda, eldest son in marriage of Ranoojee and therefore of pure Mahratta blood—the ascendancy of Mahadjee is attributed to the slaughter of his kindred in the celebrated battle of Panniput, himself therein lamed for life, his relationship to Luximjee Bae was consequently half uncle. Grant Duff spells the name Mahadjee Sinda and Monstuart Elphinstone—Mahadjee Sinda I have followed the original from his own letter—the title bestowed in this is "Raja Bahadur" Raja is the plural form of Raja and deemed more dignified—the letter specifies the gift suitable to and that accompanied the title.

EXHIBIT 6.

No. 4997 of 1849.

FROM A. MALET, ESQUIRE, CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, TO MAJOR LE GRAND JACOB, POLITICAL SUPERINTENDENT OF SAWUNT WARREE, DATED THE 22ND NOVEMBER, 1849.

POLITICAL DEPARTMENT.

SIR,

I am directed by the Right Honourable the Governor in Council, to acknowledge the receipt of your letter No. 142, dated the 31st ultimo, and to inform you that Government does not in any way wish to deprive the Sur Dessae of Sawunt Warree of any titles that he has a right to, and has been hitherto designated by, but that Mr. Secretary Willoughby's letter No. 622, dated the 13th April, 1836, to the address of the Collector of Rutnagheere must be considered as containing the views of Government relative to the title of Raja.

I have the honour to be, Sir,

Your most obedient servant.

(Signed) A. MALET,

Chief Secretary.

BOMBAY CASTLE,

22nd November, 1849.

(True Copy.)

P. BALMAO,

Minister of Revenue and Political Affairs, Sawantwadi.

EXHIBIT 7.

No. 3068.

POLITICAL DEPARTMENT,

BOMBAY CASTLE,

14th October, 1864.

THE POLITICAL SUPERINTENDENT, SAWUNT WAREE, No. 789, DATED 29TH SEPTEMBER, 1864.

States in reply to Government Resolution No. 2795, dated the 19th September, 1864, that a reference be made to Major Jacob's letter of the 31st October, No. 1420 of 1849, regarding the style of address to be adopted in English communications with the Sur Dessae of Sawunt Waree.

RESOLUTION.—It is clear that in letters addressed to him by Government the Sur Dessae of Sawunt Waree is entitled to the designation of Raja Bahadoor. That title should therefore be used, and in addition to "Sur Dessae of Sawunt Waree," should be added the words "of Koodal and other Mahals." The family formerly derived their title from "Koodal," and it is only the fact of their residence at Sawunt Waree which has, in some degree, superseded the more ancient address.

The Political Superintendent will, of course, understand that the title "Raja Bahadoor" does not give the Sur Dessae any claim to the position of a "Raja."

(Signed) H. L. ANDERSON,

Chief Secretary to Government.

TO THE POLITICAL SUPERINTENDENT, SAWUNT WAREE,

THE ORIENTAL TRANSLATOR TO GOVERNMENT.

(True Copy.)

P. BALMAO,

Minister of Revenue and Political Affairs, Sawantwadi.

SERAIKELA STATE.

IX. When the Political Agent visits the States, the Chief has to observe some etiquette as laid down in page 23 of the Frontier States Manual Part I. These etiquettes are highly derogatory. Nooning has been provided for the reception of the Ruling Chief on the occasion of his visits to the Headquarters of the Political Agent.

TRIPURA STATE.

The following quotation from Hutchinson, Vol. I, page 77, Edition 1862, will show that the State of Tripura does not owe its existence to the British Government and is an ancient State which has never been conquered or subjugated by either the Moghuls or the English:—

"The British Government has no treaty with Tippera. The Raja of Tippera stands in a peculiar position inasmuch as in addition to the hill territory known as "Independent Tippera," he is the holder of a considerable manikam in the district of Tippera in the plains; he receives his investiture from the British Government and is required to pay the usual nazrana. Independent Tippera is not held by gift from the British Government or its predecessors, or under any title derived from it or them, never having been subjected by the Moghuls."

Exhibit A.

On the 21st March, 1911, the Political Agent of Tripura wrote a letter to the Minister of the State in which he informed the latter that His Honour the Lieutenant-Governor approved "that His Highness the Raja should call first on the Commissioner at Agartala and on the Political Agent at Comilla, whenever that is the Political Agent's Quarters, but the Political Agent should call first on His Highness the Raja, at Agartala." This arrangement was certainly an improvement on the conditions obtaining before it, but the main objection, which is common to both, remains, namely, that rules of ceremony are laid down and rulers of sovereign States are expected to abide by them, even though they were not consulted at the time of formulating the rules and had not given their consent to the same.

The fact of the matter seems to be that the Government have been trying, consciously or unconsciously, to belittle the status of sovereign States, the only apparent justification for doing so being that in virtue of their enormous material resources they were, and are, in a position to dominate over these States.

EXHIBIT A.

No. 2P.

FROM CAPTAIN H. A. MURRAY, I.A., POLITICAL AGENT, HILL TIPPERA, TO THE MINISTER, HILL TIPPERA STATE, DATED AGARTALA, THE 21st MARCH, 1911.

Sir,

With reference to the exchange of first calls between His Highness the Raja and certain British officials, I have the honour to inform you that His Honour the Lieutenant-Governor approves that His Highness the Raja should call first on the Commissioner at Agartala and on the Political Agent at Comilla whenever that is the Political Agent's Headquarters, but that the Political Agent should call first on His Highness the Raja at Agartala.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) H. A. MURRAY (Captain),
Political Agent.