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SELECTIONS FROM THE RECORDS OF THE BOMBAY
GOVERNMENT.

No. XXXI.—New Series.

31

CORRESPONDENCE EXHIBITING THE RESULTS OF
THE SCRUTINY

BY THE INAM COMMISSION

OF THE

LISTS OF DECCAN SURINJAMS

PREPARED IN 1844 BY THE AGENT FOR SIRDARS, MR.
WARDEN, AND REVISED UNDER ORDERS FROM
GOVERNMENT IN 1847 BY HIS SUCCESSOR,
MR. BROWN;

CONTAINING, ALSO,

THE PROCEEDINGS

WHICH HAVE TAKEN PLACE REGARDING THESE HOLDINGS FROM
THE INTRODUCTION OF BRITISH RULE TO THE PRESENT
PERIOD, AND THE RULES BY WHICH THEIR
CONTINUANCE IS NOW REGULATED.

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APPENDIX A.

No. 3127.

To H. E. GOLDSMID, Esq.,
Secretary to Government, Bombay.

SIR,—I have the honour to reply to your letter No. 9775, dated 24th December 1850, my answer to which has been delayed by the necessity of making several references to various quarters for further information.

2. The history of the Kuddum Banday family's tenure of the alleged Inam villages to which your letter relates—that is, its history since the introduction of the present Government—affords a striking example of how thoroughly a case may become confused and entangled from the want of a department like the Surinjām Department of the Peshwa's Government, the duty of which was to record and keep in sight all orders relating to alienations of public revenue. I shall endeavour in the first place to draw up a brief detail of what has been done regarding the Kuddum Banday family's claims.

3. On the 13th December 1818 the Sole Commissioner in the Deccan ordered the Political Agent in Khandeish to prepare lists of the Jagheers of certain Jagheerdars in that province.*

4. On the 6th January 1819 the Political Agent complied with this requisition. Regarding the Kuddum Banday family he stated that their *Jagheer* had been long ago resumed. He, therefore, left it to the Commissioner to settle what arrangement was to be made for the future subsistence of the family; having merely taken upon himself to restore “for its support in the meantime” some *Inam* villages which he (the Political Agent) had been led to believe were unauthorisedly seized by one Kadir Bhaldar† and his rebel Arabs the previous year.

5. On the 10th January 1819 the Commissioner replied in a brief letter, merely approving generally of the Political Agent's arrangements.

6. On the 19th June in the same year (1819) the Political Agent in a letter to the Commissioner reminded him that as yet no settlement had been made of the Kuddum Banday family's and others' claims for their Jagheers;

* My authority for what is here stated in paragraphs 3 to 6 is the copies &c. which form the accompaniment to the Khandeish Collector's letter to Government No. 138, dated 4th March 1845.

† Mr. Agent Warden's report to Government, No. 128, dated the 26th July 1845, shows that this seizure was specifically ordered by the Peshwa.

and on the 24th of the same month the Commissioner replied that the general settlement of Jagheers would probably be completed in another month, and that, meanwhile, the Political Agent should grant the distressed families "some pecuniary assistance."

7.* On the 9th December 1819 the Political Agent wrote to the Commissioner in the Deccan, again bringing to his notice the application of the Kuddum Banday family for "some allowance," to which the Commissioner replied that as the Surinjams of that family had long ago been resumed by the late Government, and their Inams usurped by others,† he was not inclined to recommend any further provision being made for them than that already made in the restoration of their Inams.

8. So far, and for several years afterwards, the Kuddum Banday family were regarded as having finally lost their great Surinjams; their restored Inams being looked upon, apparently, as a family property to which they had a right, though their enjoyment had for a time been interrupted.

9. The *Inams* restored to them appear, however, to have been subsequently regarded as *Jagheers*, for on the 24th July 1826 the Acting Collector of Khandeish wrote to the Sub-Secretary to Government to press for a settlement of the claims to Jagheers in Khandeish, independently of those to Inams; and in reply received from the latter officer a letter, No. 108, dated 17th April 1827, with which the Sub-Secretary stated that he forwarded *for the Collector's opinion* a "Murathee memorandum of the Jagheers which appear from the records of the late Government to have been restored on equitable grounds, and also for the same purpose (opinion) a tabular (English) statement of such of the claims as appear to have been wholly or partially founded on usurpations." The Collector was also informed that no definitive orders would be issued until his report should be received.

10. References made by me to the Secretary to Government and to the Agent for Sirdars have led to the discovery that the "Murathee memorandum" mentioned by the Sub-Secretary has been lost, but I have obtained from the Agent for Sirdars the copy of an extract furnished to him by the Collector of Khandeish from the English tabular statement which accompanied the Sub-Secretary's letter No. 108 of 1827, and its column of "Remarks" evidently contains the substance of the missing Murathee memorandum. This tabular statement and the "Remarks" in question show (under Nos. 19 and 20 of the statement) that the Kuddum family's right to their alleged *Inam* villages of Koprel,‡

* My authority for what is stated in paragraph 7 is to be found in the accompaniments to the Khandeish Collector's letter to Government dated 22nd May 1827.

† The Commissioner appears to have been ignorant of the fact proved by Mr. Warden, as noticed above in my note on paragraph 4, that the resumption of the Inams as well as the Surinjams was ordered by the Peshwa.

‡ Throughout this report I have followed this mode of spelling, though by no means sure that it is correct, as I have not seen the names of any of the villages written in the Native character, and the spelling of them varies very much in the English correspondence from which my report is compiled.

Tannah, and Runalé (Choley) was disallowed by Government, on the grounds that they had been attached by the late Government, as was proved by a reference to the Peshwa's Dufur. Government proposed, therefore, to resume these villages.

11. On the 22nd May 1827 the Collector of Khandeish submitted to the Sub-Secretary, as his opinion, that the course proposed by Government in the tabular statement last mentioned should be generally adopted, but suggested, as an indulgence to the Kuddum Banday family, that the Inams thus found liable to resumption should be continued *as a life-grant*.

12. On the 21st June 1827 the Sub-Secretary, in a letter No. 160, intimated to the Collector of Khandeish the consent of Government to the indulgence thus suggested,—viz. that the Inams restored in A. D. 1819 by the Political Agent, (as stated in paragraph 4,) should be continued during the lives of the incumbents, who, from the tabular statement mentioned in paragraph 10, seem to have been Bhaskur Rao (incumbent of Koprel and Tannah) and Krishnrao *et cetera* (incumbents of Runalé).

13. On the 19th August and 26th September 1843, and 3rd August 1844, petitions were made to Government by various members of the Kuddum Banday family, protesting against their villages Koprel, Tannah, and Runalé being restricted to life-holdings, and pointing out that they were hereditary *Inams* and not *Jagheers*. On these petitions the Collector of Khandeish, Mr. Bell, reported to Government on the 23rd December 1844 that even their continuance for life was to be regarded as an indulgence, and, in corroboration of this opinion, referred Government to the correspondence quoted above in paragraphs 9 to 12.

14. On the 29th January 1845 Government, in a letter No. 438, called on Mr. Bell for a further report on the merits of the three petitions; and in his reply, No. 138, dated 4th March 1845, that officer very strongly advocated the opinion that the restored Inam villages should be continued hereditarily, explaining at length the reasons of this his change of opinion regarding them, and quoting in support of it the correspondence above described in paragraphs 4 to 6.

15. On the 26th March 1845 the correspondence above described in paragraphs 13 and 14 was referred by Government with a letter, No. 1370 of 1845, in the Territorial Department, for the report of the Agent for Sirdars, whose reply, No. 128, dated 26th July 1845 (with a postscript dated three days afterwards) and accompanying extracts from the Peshwa's Dufur of A. D. 1816-17, show that the Kuddum Banday's Inams were not seized from them by rebels, but confiscated by orders of the Peshwa in consequence of *their* rebellion.

16. In consequence of this report, Government on the 15th August 1845 issued to the Collector of Khandeish the instructions contained in the letter No. 4024, to the effect that the limitation of the Kuddum Banday family's enjoyment of the villages Koprel, Tannah, and Runalé to a life-tenure was clearly justifiable, and that the question of the tenure of a fourth village,

Torkhera, held by the same family, was to be considered at the death of the incumbent. A copy of this letter was sent to the Agent, and on the same day, under the Government resolution No. 4026, the petitioners mentioned in paragraph 13 were informed that the Government decision of 1827, described above in paragraph 12, was final.

17. On the 20th February 1850 the Collector of Khandeish, in his letter No. 377, reported the death (in 1848 and 1849) of two persons whom he mentioned as sharers with another, Purwutrao, in the villages of Runalé and Torkhera, and proposed to resume their shares, according to his interpretation of the Government circular No. 4669, dated 19th December 1844. To this Government objected, as there appeared from the Collector's report to be still a third co-sharer in existence, and because the circular alluded to by the Collector referred to money allowances (pensions), and not lands. The Collector was, therefore, by a letter No. 1972, dated 14th March 1850, called on for a further explanation.

18. This further explanation is contained in the Collector's letter to Government No. 2094, dated 24th October 1850, which is the latest in date of all the documents sent for my opinion and report with your instructions under reply.

19. In submitting my opinion, I shall in the first place adopt hypothetically the idea that the Collector is correct in supposing that Government still adheres to its decision of the 15th August 1845, described above in the 16th paragraph; though, as I shall afterwards show, (see below, paragraph 24, and Appendix,) there is now some reason for doubting whether Government has not, after all, annulled that decision, as well as the previous one of 1827, referred to by it.

20. Supposing, however, the tenure to be one for life,—the Collector's first reason for resuming shares of it, as the shareholders die, is that they have divided interests, and that the grant did not specify that the estate was to be enjoyed undividedly until the death of the survivor. But it must be remembered that Government had nothing to do with the division of the family's interests. Had this been the case, and had each share in each village been guaranteed as a separate grant, then I think that the Collector would be right; but a reference to the correspondence above described shows that in 1827 the two villages Koprel and Tannah were ordered for life continuance to the then ostensible holder, Bhaskur Rao Kuddum Banday, and Runalé to Krishn-rao *et cetera* Kuddum Banday (a lamentably loose way of describing persons having a right against Government); and that in 1845 Government decided that the question as to the future continuance of Torkhera was to be left untouched until the death of the person who was then incumbent; but who that person was is nowhere stated in the correspondence sent to me.

21. All that can be gathered from the orders of 1827 and 1845 (supposing them to be still effective) is that Government is pledged to continue Koprel and Tannah till the death of Bhaskur Rao, not resuming or in any way inter-

fering with any division or family arrangement of those villages *until* then; but when that event occurs the whole may be resumed without respect to shares or other private arrangements. In the same way, Runalé must be continued until the death of Krishnrao *et cetera*, it being left to Government to call for an investigation by the Collector, and decide who, besides Krishnrao, ought to be admitted to the privileges promised in such a loose manner; and thus, also, when Government by like investigation shall have discovered who were the recognised incumbents of Torkhera in 1845, that village should be continued undisputedly until the death of the survivor of them, it being left for decision, either then or in the meantime, whether or not it should be subsequently continued to any one. This is the only course I can suggest in a case which strikes me as very indefinitely and unsatisfactorily managed from the first.

22. With respect to the case of the Bargul family, now alluded to as a precedent by the Collector, I may observe that it seems different, inasmuch as the widow whose claim was rejected seems to have claimed *possession* of what had never been inherited by the person whose immediate heir she was; and it seems to have been such a reversionary interest as *that* which was denied by Government, and not the mere continuance of a life-tenure till the death of the survivor of co-sharers recognised as such by Government. In the present case (still supposing the estate a life-tenure) it by no means follows that if the shares of the deceased sharers are left untouched by Government till the death of the survivor,* the latter will obtain possession of them; they will of course be held till his death by the nearest heirs (or assignees) of the deceased sharers. It is only as a *definition of the term of continuance* that the life of the survivor need be alluded to by Government—not as creating or affecting, during that time, any right of *possession*.

23. Government has already objected to the interpretation of the circular No. 4669 of 1844 brought forward by the Collector of Khandeish in his 2nd paragraph. If the shares had been separately guaranteed by Government, the interpretation might have been supported.

24. I now come to a remarkable phase in the very involved circumstances of the Kuddum Banday family,—I mean the condition into which its tenure has been brought by the Honorable Court of Directors' sanction of the revised lists of Surinjams in the Deccan, approved of in the Court's letter to the Bombay Government, No. 15, dated 22nd May 1849. Government will observe that the Collector of Khandeish, in the 3rd and 4th paragraphs of his letter alluded to above in my 18th paragraph, has referred to the effect of the sanction of the Surinjam lists on the Kuddum Banday family's claim, and I beg to annex (vide Appendix) an extract of my letter No. 3111, dated 31st March 1851, to the Agent for Sirdars, and of his reply, No. 149, dated 11th April 1851, regarding the same subject.

25. Government will observe that Mr. Brown is of opinion that the

* This hypothesis is of course inapplicable to the villages Koprel and Tannah, which seem resumable absolutely at *Bhaskur Rao's* death, according to the orders of 1827.

Honorable Court's approval of the revised Surinjam lists in which the Kud-dum Bandays' tenure of their restored Inams is regarded as hereditary (list Nos. I., Nos. 62 and 63) has annulled the former decisions regarding them,—“which,” he says, “had been brought to the notice” of the Court. It is, however, quite evident that the Honorable Court did not notice the proceedings referred to, or otherwise they would certainly not have abstained from *any* mention of them in their letter No. 15 of 1849.

26. Mr. Brown can scarcely be correct in imagining, as he states, that Mr. Warden included the resumed villages in the Surinjam list No. I., as entitled to be regarded as hereditary, from being part of an old Surinjam older than A. D. 1751; as the tabular statement of 1827, and the petitions of 1843-44, both seen by Mr. Warden, show that at least two of the villages were claimed as grants of the Peshwa Madhow Rao Bullal, who did not begin to reign till A. D. 1774, and he (Mr. Warden) was aware of their subsequent resumption in 1813-14 and 1816-17. In fact, the Inams, whether old or new, did not belong to the Surinjam at all, and it is to the Surinjam only that most of the remarks in the Agent's list can apply.

27. There seems no doubt, therefore, that the Honorable Court did not take full cognisance of this case, or they could not have left it without special notice.

28. But notwithstanding that the Kuddum Banday family is so wholly without *intentionally recognised* title, I cannot help thinking that the family has a strong claim for some provision from Government. When that of 1819 was made, as stated in the letters referred to in paragraphs 4 and 5, the authorities did not contemplate the resumption of the Inams then restored or the discovery of their want of title, or the Commissioner would have treated the Kuddums as he did other ruined Sirdars—by making some other provision for them; and the family does not appear one of so little note as to have had provision made for merely the lives of its then existing representatives. Government, however, will be the best judges as to whether, under all the circumstances of the case, it will or will not be right to obtain the grant in perpetuity to the family of the villages, to which I do not think, strictly speaking, they have now any tenable hereditary title.

29. If this should be done, I would suggest that some *definite* grant and guarantee should be made, which will for the future obviate the possibility of a recurrence of such confusion and uncertainty as the very loose procedure formerly observed in this case has occasioned.

30. In case of such a grant being made, of course, the suggestions made above in my 21st paragraph will become inapplicable, as they are made only on the Collector's assumption that the alleged Inamdars' tenure is a *life-tenure*.

I have the honour to be, &c.

(Signed) W. HART,
Inam Commissioner.

Belgaum, 23rd April 1851.

APPENDIX TO THE INAM COMMISSIONER'S LETTER No. 3127, DATED
23RD APRIL 1851.

Extract, being Paragraphs 2 and 3, of a Letter from the Inam Commissioner to the Agent for Sirdars, No. 3111, dated 31st March 1851.

2. I shall also feel grateful if you will kindly inform me on what alteration of decision, or other grounds, the villages in Khandeish claimed by the Bandy Kuddum family have come to be styled "Surinjam" instead of *Inam*, and why they have been admitted into the First Class of Surinjams in the Deccan, which consist of *hereditary* holdings, among which they appear as Nos. 62 and 63 in the list of that class.

3. In the 14th column of the list in question, allusion is made to Mr. Warden's report, which shows that the villages had been resumed in 1813-14 and 1816-17 under the late Government, and to the decision of Government which ordered their continuance, though void of valid title, during the lives of the incumbents, but no longer. My difficulty is to know whether or not the previous orders of Government in this case are to be considered as annulled by the entries No. 62 and No. 63 in question, and I shall feel much obliged if you will give me information on this point also.

Extract, being Paragraphs 3 and 4, of a Letter from the Agent for Sirdars, Poona, to the Inam Commissioner, No. 149, dated 11th April 1851.

3. With regard to the 2nd paragraph of your letter, I beg to inform you that when Mr. Warden was directed to prepare a Surinjam list agreeably to the instructions of the Honorable the Court of Directors in 1842, he called upon several Collectors in the Deccan to furnish him with a list of Surinjams situated in their respective Collectorates, and in the list received from the Collector of Khandeish, the villages of Koperlee, Tannah, and Runalé were shown as Surinjam. On this information, and also on the Peshwa's records,—which showed that these villages were a remnant of an ancient and extensive Surinjam held by Kuddum Bandy's family previous to 1751,—Mr. Warden entered the villages as hereditary in the Surinjam lists which he submitted to Government on the 29th December 1844. Afterwards, when Government entrusted to me the duty of revising the lists originally prepared by Mr. Warden, I put the previous correspondence between that gentleman and Government, in 1845, as an Appendix to the entries No. 62 and 63, noticing the same in its proper place.

4. The revised Surinjam lists having been sanctioned and confirmed by the Honorable the Court of Directors in 1849, the previous decisions of Government in the case of Kuddum Bandy, issued in 1828 and 1845, which had been brought to the notice of that authority, must, I should consider, have been annulled.

(True extracts)

(Signed) W. HART, Inam Commissioner.

No. 349 OF 1851.

POLITICAL DEPARTMENT.

From H. BROWN, Esq.,
 Agent for Sirdars in the Deccan,
 To A. MALET, Esq.,
 Chief Secretary to Government, Bombay.

Dated Poona, 11th October 1851.

SIR,—I have the honour to acknowledge the receipt of your letter No. 2792, dated the 28th June last, with enclosure from Mr. Hart, the Inam Commissioner, regarding the claim of the Kuddum Banday family to certain Surinjam in Khandeish.

2. In reply, I beg to state that the Mokassa of the Purgunas of Sooltanpoor and Nundoorbar, in which all the villages at present forming the possessions in Khandeish of the Kuddum Banday family are situated, was held by them as Jagheer a long time anterior to A. D. 1751. The earliest record forthcoming from the Peshwa's Duftur bearing out this fact is the registry of a Sunud dated 27th Zilhej, Soor Sun Esunay Khumsain Mya wu Ulluf, which, though rendered by Captain Gordon as A. D. 1752, is properly speaking A. D. 1751, November. This Sunud mentions that the Mokassa was held by the Kuddums "Péshjee passoon," or from former times. In endeavouring to ascertain how far back this expression in the Sunud was intended to carry the enjoyment of the Mokassa, I find from Grant Duff's History of the Murathas (vide column 1, page 491) that the ancestor of the Kuddum family, named Kunthajee Kuddum Banday, was as early as A. D. 1725 a distinguished Muratha leader in Guzerat, and, according to this Historian, he gained a victory over the Gaekwar at the Battle of Cambay, and retired in that year to his Jagheer district in Khandeish. It is worthy of notice that this family never held Jagheer districts in Khandeish other than the two above mentioned. I beg to annex copy of a letter from Captain Gordon, in charge of the Poona Duftur, No. 89, dated the 19th July (No. 1), and a translation of the Sunud above referred to (marked No. 2).

3. The village of Rûnalé, in the Purguna of Nundoorbar, appears to have been first granted in A. D. 1752 by Dada, who is better known by his other name of Raghoba. This grant is recorded in the account of the district of Nundoorbar, and in the Treaty or agreement made by the Peshwa with the Kuddum Banday family, and in the registry of outward letters. The English translations of extracts from these documents are enclosed (marked Nos. 3, 4, and 5 respectively). The tenure, as specified in these papers, is "Buksheesh," or reward for services.

4. The villages of Tannah and Koprel, situated in Purguna Nundoorbar, appear to have been first granted as Inam in A. D. 1762, by orders of the Peshwa, who confirmed the same by a Sunud two years afterwards. The

purport of this Sunud is recorded in the registry of outward letters, an extract from which, embodying the purport, is annexed (No. 6).

5. In 1768 the Surinjam and Inam held by Madhow Rao Banday was resumed from him and transferred to Amrut Rao Kuddum Banday. The memorandum of transfer, a translation of which is appended (No. 7), states the grant was for the support of troops required to be kept up for the service of the State. The translation No. 8 is a Sunud dated A. D. 1783, registered among outward letters in the Peshwa's Duftur. The object of the Sunud is to confirm to Bulwunt Rao Kuddum Banday, son of Amrut Rao who died in that year, the Surinjam and Inam held by his late father. In this document the villages of Tannah and Koprel are specified as grants for the support of the quota of troops the family was to furnish.

6. I beg to annex an English translation (No. 9) of an extract from the Peshwa's registry containing a Sunud dated A. D. 1795. This document shows that the Inam and Surinjam granted to the family had for their object the maintenance of troops.

7. The translation No. 10 is an extract from the general list of Surinjams held by different Sirdars, dated A. D. 1800. In this document the villages of Tannah, Koprel, and Runalé are entered under the names of the holders, with specification of the number of troops they were to furnish. The villages, though designated "Inam," are still entered in a list professing to give an account of Surinjams. This would go in some measure to show that the *Inam* was not then understood in a different light from *Surinjam*.

8. I beg to annex translation (No. 11) of an extract from the accounts of Nundoorbar, dated A. D. 1805, in which the villages of Tannah and Koprel are designated "Surinjam from the Sirkar."

9. I beg to append translation of an extract (No. 12) from a list of Surinjams written in the Duftur in A. D. 1812, which runs in the same style as No. 10.

10. It appears that these three villages were resumed between the year A. D. 1813 and 1816, and the late Agent, Mr. Warden, has already submitted to Government translations of the Peshwa's orders for the resumption of two of the villages (Runalé and Koprel), the order for Tannah not being yet forthcoming.

11. From what has been stated above, it will be observed that the three villages, which were at one time granted as Buksheesh and Inam to the family, but were subsequently included in their Surinjam, formed an integral part of the old and extensive Jagheer held by this once powerful family previous to A. D. 1751.

12. On the conquest of the Deccan, the three villages were restored by order of the Commissioner in the Deccan, and subsequently the Inam tenure which the Banday family urged was not recognised, but the villages were continued as Jagheers by the Honorable Mr. Elphinstone's Government in 1827.

13. With reference to the 2nd paragraph of your letter under acknowledgment, I beg respectfully to state, for the information of His Lordship in Council, that when I revised the Surinjam lists prepared by Mr. Warden, I put a

note to the entries of Surinjams of the Kuddum Banday family (Nos. 62 and 63 of Class I.), referring Government to the Appendix B to the Surinjam lists, which contained the whole discussion regarding the fact of resumption of these villages in the Peshwa's time. I therefore trust that Government will consider that no omission of any notice of the resumption in the body of the Surinjam lists has taken place.

14. I beg, in conclusion, to state that while reviewing the papers received from the Poona Dufur, I find that on more than one occasion the Surinjam of the Kuddums was resumed and restored. One of these was when the Bandays joined and supported Raghoba's pretensions to the Peshwaship; but the Surinjam was soon after their submission restored to them, and the resumption which took place in Bajee Rao's time—not many years before the war—may not have been final;—a supposition which is not inconsistent with the politics of the times. The antiquity and high rank of this family, under which, as observed by Mr. Warden, both the Holkars and Gaekwars had their rise, are in themselves sufficient grounds for a favourable consideration of their claims and the application of the Surinjam Rules to them.

I have the honour to be, &c.

(Signed) H. BROWN,
Agent.

Agent's Office, Poona, 11th October 1851.

No. 1.]

No. 89 OF 1851.

To H. BROWN, Esq.,
Agent for Sirdars in the Deccan, Poona.

SIR,—In reply to your letter No. 238, of the 8th instant, requesting information regarding the Surinjam of the Kuddum Banday family, in Khandeish, from the earliest period to the conquest, I have the honour to submit the following statement on the subject, premising that the documents specified at page 189 of the Ferisht, to which allusion is made at the end of paragraph 2 of your letter, are those which I have chiefly consulted in tracing the history of this family's Surinjam.

2. The Peshwa's diary of the 27th Zilhéj (A. D. 1752) contains the registry of an order issued to the hereditary district officers of the Purgunas of Sooltanpoor and Nundoorbar in Khandeish, which them [s. o.] to continue to Raghojee Kuddum Rao and Trimbuk Rao Kuddum, *half the Mokassa of those two Purgunas, it having been enjoyed by them from former times.* Under the same date, another Sunud is registered, continuing the other *half* of the Mokassa of the Purgunas referred to to Madhow Rao Kuddum, together with their Babtee and Surdeshmookee Umuls. Subsequent accounts in the Dufur show that the two lastnamed Umuls never were held by the family, and that they actually enjoyed but *half* of the Mokassa of Purguna Nundoorbar.

3. The conditions of the two grants above referred to were that the Kuddum Bandays should maintain a body of 400 horse for the service of the State.

4. It is, of course, impossible to determine how far the vague expression "Péshjee passoon" of the Murathee original, which I have rendered in paragraph 2 as signifying "from former times," was intended to carry back the term of the enjoyment of the Mokassa Umul of those two Purgunas by the Banday family, but most probably to a period antecedent, at all events, to A. D. 1750; and as I have met with no record in the Duftur to show that they were *not* holding it previous to that year, the opposite conclusion must, I imagine, be taken for granted.

5. In A. D. 1763 the contingent which the Banday family were obliged to furnish was reduced from 400 to 200 horse.

6. In A. D. 1768, in consequence of the non-attendance of the Kuddum Bandays with their contingent, the Surinjam was resumed by the Peshwa, but again restored to them the same year, upon payment of a Nuzur equal to one-third of its revenues.

7. Having been again resumed in A. D. 1778, it was restored to the family upon payment of a Nuzur of Rs. 75,000.

8. In A. D. 1784, also, a Nuzur of Rs. 18,000 was levied from a member of the Kuddum Banday family, for continuing to him his share of the Surinjam, which had been resumed, and also two Inam villages.

9. In A. D. 1814 the entire Surinjam was resumed from the family, and continued in this condition up to the close of the Peshwa's Government. At the same period, also, the three villages of Tannah, Koprel, and Runalé, in Purgunas Sooltanpoor and Nundoorbar, which comprise, as I learn from paragraph 2 of your letter, the present possession of the Banday family, were under resumption.

10. The facts above stated exhibit the principal features in the history of the Kuddum Bandays' Surinjam in Khandeish, from the earliest period for which there are accounts forthcoming in the Duftur relating to it, up to the accession of the British Government. I have deemed it useless in this letter to enter into more minute details regarding it, such as the sub-divisions of the Surinjam amongst the different members of the family, and the occasional transfer of a share from one member of the family to another, in cases of misconduct, as these details can, if necessary, be ascertained by referring to the full extracts from the accounts which accompany this letter; and I am, moreover, under the impression that it is not so much a minute account as a general outline of the history of this Surinjam that you desire to be furnished with by me.

I have the honour to be, &c.

(Signed) M. F. GORDON,

Assistant Inam Commissioner, in charge Poona Duftur.

(True copy)

(Signed) H. BROWN, Agent.

Poona, 19th July 1851.

No. 174 of 1852.

POLITICAL DEPARTMENT.

To W. HART, Esq.,
Inam Commissioner.

SIR,—With reference to your letter No. 3127, dated the 23rd April last, to the address of the Secretary to Government in the Revenue Department, on the subject of the Surinjam of the Kuddum Banday family, I am directed by the Right Honorable the Governor in Council to transmit for your report a letter, in original, from the Agent for Sirdars in the Deccan, No. 349, of the 11th October last, with enclosures, on the subject.

2. You will be pleased, with your report, to return the accompaniments to this letter.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary.

Bombay Castle, 13th January 1852.

Report by Lieutenant A. F. ETHERIDGE, Acting Assistant Inam Commissioner, upon the Correspondence referred, with Government Letters Nos. 9775 and 174, dated respectively 4th December 1850 and 13th January 1852, for the opinion of the Inam Commissioner, in the case of the Kuddum Banday Family.—Dated 18th August 1852.

1. The Kuddum Banday family claim hereditarily the alleged Inam villages of Koprel, Tannah, Runalé, and Torkhera, situated in the Purgunas of Sooltanpoor and Nundoorbar in Khandeish.

2. It does not appear clearly recorded under what tenure these villages were *originally* bestowed on the Kuddum Bandays, or whether all four were, or were not, enjoyed* by them previous to A. D. 1751-52,—the records forthcoming from the Poona Duftur from that year down to the close of the late Government as often allude to their tenures being Inam, as Surinjam; but whether one or the other, or rather both, (as, indeed, would appear to be the case,) it is clear that they were continued as a “reward” for services performed, and to be performed, by different members of the family: but taking into consideration the intermediate resumptions and restorations by the late Government, and the fact of the entire possessions of the Kuddum Bandays having been finally confiscated by the Peshwa a year or two prior to the close of his Government, on the account of *their rebellion*, and having

* They were not. See paragraph 3 of the Inam Commissioner's report No. 952, dated 21st August 1852.

in this condition passed into the hands of the British, the original tenure, whatever it might have been, and for whatever term, can avail nothing in deciding the present question.

3. On the introduction of the present Government, it would appear that, from the general confiscation of the Kuddum Bandays' possessions, above mentioned, the family were in great distress, and the Political Agent in Khandeish, in representing on the 6th January 1819 their destitution to the Commissioner in the Deccan, stated that although it would rest with him to settle what arrangement was to be made for the future subsistence of the family, he had taken upon himself to restore (13th August 1818), "*for its support in the meantime*," some Inam villages which he was led to believe one Kadir Bhaldar and some rebel Arabs had forcibly seized from its possession the year previous.

4. The restorations here alluded to are the four villages already mentioned, and to which the Kuddum Bandays now seek to establish an hereditary right, on the following grounds :—

1st.—That they were surrendered by the Collector of Khandeish on 13th August 1818, by an order on the Mamledar to make them over "for ever."

Agent for Sirdars' letter No. 123, of 26th July 1845, to Government.

2nd.—That these instructions were founded on the orders of the Sole Commissioner for the

settlement of the Peshwa's dominions.

5. Referring to the reasons which led to the restoration by the Political Agent in 1818 of these *particular* villages, as stated in paragraph 3, it is clearly shown that so far from their having been forcibly wrested from the Kuddum Bandays by rebel Arabs, they had been confiscated by express orders of the Peshwa, in consequence of *that* family's rebellion.

6. The tenure by which these four villages were to be held by the Kuddum Bandays from the British Government was not settled at the time of the restoration in 1818; indeed, it appears that they were intended merely as a provision for the family "*meantime*," to avert their *immediate distress*; but when the peculiar circumstances attending their several resurreptions by the late Government were brought fully under discussion, the British Government proposed to resume them at once, and was only induced to concede the indulgence of a life-tenure to present incumbents at the earnest solicitation of the Collector of Khandeish, as an act of grace, in recognition of the high rank and antiquity of the family, from which both the Holkars and the Gaekwars had sprung.

Ditto ditto & P. S. of 29th idem, and translates attached to the Superintendent Poona Duftur's letter, No. 89, of 19th July 1851.

Ditto ditto paragraph 6.

Ditto ditto paragraph 7.

Tabular statement accompanying Government letter to Khandeish Collector, No. 103, of 17th April 1827.

Mr. Giberne's reply to the above, dated 22nd May 1827, and the Government decision conveyed to the Khandeish Collector, under No. 160, of 21st June 1827.

7. The final decision of Government having thus been intimated to the Collector of Khandeish on 21st June 1827, no revival of the case appears on record till 1845, when Mr. Bell, warmly advocating the cause of the family for reasons which he explained at length, suggested the restorations should assume an hereditary tenure. Government, however, replied that a "final" decision having been passed upon mature deliberation in 1827, and nothing having since occurred to invalidate that decision, and, moreover, the arguments now adduced by Mr. Bell being most satisfactorily disposed of by Mr. Warden (in his reply to Government No. 128, of 26th July 1845, but more particularly so in the P. S. of 29th idem), to whom they had been submitted for his report on 26th March preceding, no grounds existed for revoking the judgment originally recorded; and that, therefore, the enjoyment of the villages of Koprel, Tannah, and Runalé should not exceed a life-tenure, though the question of the continuance or otherwise of the fourth village, Torkhera, might be reserved for discussion on demise of incumbent.

Letter to Government, No. 138, of 4th March 1845.
 Government reply to the above, No. 4024, of 15th August 1845.

8. It would appear that these four villages had not been entered in any of the Deccan lists of Surinjams till 1844, when, on Mr. Warden, the Agent for Sirdars, being directed by Government carefully to frame revised lists for submission to the Honorable Court of Directors, he entered three of them—viz. Koprel, Tannah, and Runalé—under Nos. 64 and 65, remarking that—"This grant is not in the previous lists: there is a record in the Poona Duftur of A. D. 1751 speaking of it, and in A. D. 1754 a division of the Surinjam took place."

29th December 1844.
 9. The above lists, however, framed by Mr. Warden, were returned to his successor, Mr. Brown, for revision and amendment, who, in submitting fresh lists to Government, recorded under Nos. 62 and 63 the following additional information against the above entries:—

9th May 1846.
 "The names of these Surinjamdars were inadvertently omitted in the lists of 1834 and 1840, in consequence of no information having been obtained from the Collector of Khandeish, as has been now done. These persons did not appear when Mr. Elphinstone's list was drawn out, but when he went to Khandeish they presented themselves and the Surinjam was restored. There is a record in the Poona Duftur, bearing date A. D. 1751, which makes mention of this Surinjam. Mr. Warden's report, and the final orders of Government in the case of these Surinjamdars, are contained in Appendix B to this list."

10. There is also inserted in the above lists, in the column under the head of "Tenure," the remark "*Hereditary in the fullest sense of the word,*" which, it must be borne in mind, was the natural consequence, under the instructions of the Honorable Court, of all Surinjams dating as far back as A. D. 1751.

11. These revised lists (which included, at the end, the Appendix B, containing the correspondence on which the Bombay Government had previously rejected the claim to hereditary tenure) were referred to the Honorable Court, and generally approved by them without any remark on, or exception made to these particular holdings of the Kuddum Banday family. And it becomes, therefore, now necessary to inquire whether the tacit acquiescence of the Honorable Court in this particular case would tend to annul the previous decision of the Governor in Council or to show that Appendix B had escaped observation.

12. It is remarked by the Inam Commissioner, in paragraph 25 of his *précis*, No. 3127, of 23rd April 1851, that—"It is, however, quite evident that the Honorable Court did not notice the proceedings referred to (Appendix B), or otherwise they would certainly not have abstained from *any* mention of them in their letter No. 15 of 1849."

13. It is, I think, placed beyond doubt that the Honorable Court did not notice Appendix B attached to the Surinjam lists, and, possibly, because the nature of Mr. Brown's remarks, as mentioned in paragraph 9, rendered it unnecessary; the inference from those remarks (as well as from those previously recorded by Mr. Warden) obviously being, that as these grants dated back to A. D. 1751, they came within a class of tenures fixed by the Honorable Court's previous instructions to be "*hereditary in the fullest sense of the word.*" There is nothing in the remarks of Mr. Brown of a nature particularly to direct attention to Appendix B: no allusion is made to any doubtful point; the several resumptons between A. D. 1751 and A. D. 1817-18, as well as the final decision passed by the Governor in Council in 1827, (confirmed, upon a re-agitation and reconsideration of the matter, in 1845,) are in no way referred to, beyond the brief mention of there *being* an Appendix; all which circumstances would have come to the knowledge of the Honorable Court had Appendix B been prominently brought to notice as alone containing information which would enable the Honorable Court to view the question in its proper light, and a perusal of which would certainly, as the Inam Commissioner most justly assumes, have induced *some* remark by the Honorable Court in taking occasion to annul the decision of the Bombay Government deliberately recorded upon two occasions.

14. The following resolution of the Bombay Government, under date 17th June 1851, appears on record:—

"No instructions were ever issued by Government for the insertion of these villages in the revised Surinjam lists of 1844 and 1847, but they were inserted by Mr. Warden in the former of these lists for the reasons explained in the following extract from the letter addressed by Mr. Brown to Mr. Hart, under date 11th April last, paragraph 4:—

"When Mr. Warden was directed to prepare a Surinjam list agreeably to the instructions of the Honorable the Court of Directors in 1842, he called upon the several Collectors in the Deccan to furnish him with a list

of Surinjams situated in their respective Collectorates; and in the list received from the Collector of Khandeish the names of Koprel, Tannah, and Runalé were shown as Surinjam. On *this* information, and also on the Peshwa's records,—which showed that these villages were a remnant of an ancient and extensive Surinjam held by the Kuddum Banday family previous to 1751,—Mr. Warden entered the villages as hereditary in the Surinjam lists which he submitted to Government on 29th December 1844. Afterwards, when Government entrusted to me the duty of revising the lists originally prepared by Mr. Warden, I put the previous correspondence between that gentleman and Government, in 1845, as an Appendix to the entries Nos. 62 and 63, noticing the same in its proper place.' ”

15. It would appear, therefore, that Mr. Warden, in submitting his revised lists on 29th December 1844, did not bring the circumstances recorded in paragraphs from 2 to 7 inclusive of this report to the recollection of Government *at all*;* and Mr. Brown merely did so in a brief allusion to an Appendix at the end, the small size of which, however, compared with that of the paper whereon the lists themselves were framed, may very possibly have tended to conceal it from view, especially as the attention of Government was in no way prominently directed thereto. It is not, therefore, unreasonable to suppose that this small Appendix did escape observation, and grounds are, moreover, supplied for this assumption in the Honorable Court's subsequent despatch No. 10, of 4th February 1852, in paragraphs 19 and 20 of which the Honorable Court, in contrasting the relative merits of claims to hereditary tenure between certain branches of the Kuveejung family,† clearly lay down the principle that “*lost possession*” (“*although these villages were given back by our Government*”) was fatal to a claim of an hereditary nature, and stated they could “only sanction an hereditary tenure of such portion of the Jagheer as remained *de facto* unresumed”; the remaining portion might be continued, but only for life.

(Signed) A. F. ETHERIDGE,
Acting Assistant Inam Commissioner.

Poona, 18th August 1852.

* Mr. Warden had probably forgotten the existence of a decision passed when he was Sub-Secretary, nearly twenty years before, and he had no opportunity of correcting the list after the former circumstances were brought to his recollection by the Government reference of the 23rd March 1845, to which his report No. 123, of the 26th July 1845, is a reply. He would, doubtless, have corrected the list, had he had an opportunity afterwards of so doing. Mr. Brown had the opportunity, and did not rightly avail himself of it.

† This would appear to be a precisely parallel case.

No. 952.

From W. HART, Esq.,
Inam Commissioner,
To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Poona, 21st August 1852.

SIR,—I have the honour to reply to your letter No. 174, dated 13th January 1852, the accompaniments of which have been already returned to you with my memorandum No. 802, dated 3rd July 1852.

2. I beg to enclose a report on the case to which your letter above mentioned refers, drawn up by my Acting Assistant Lieutenant Etheridge, the statements in which, except those made in paragraph 2, appear fully borne out by the evidence on record regarding the Kuddum Banday family's holdings.

3. With regard to that 2nd paragraph, I may beg your notice to the fact, admitted by Mr. Brown in his letter No. 349, dated 11th October 1851, and proved by its accompaniments, that previous to and in 1751 it was only half of the Mokassa Umul in the Purgunas of Nundoorbar and Sooltanpoor that the Kuddums held in Surinjam; they could not, therefore, have held the villages Runalé, Kopurlee (Koprel), and Tannah, before or in that year, nor have had any admitted interest in them, except to collect the half of the Mokassa Umul from them in the same manner as from any other villages of the abovenamed Purgunas in which they were situated.

4. According to the accounts now brought forward by the Agent with his letter No. 349 of 1851, the villages above mentioned are shown to have been first granted as follows:—

1, Runalé, in A. D. 1752-53. The whole revenues assigned as "reward" (or *gift*) to Madhowrao and Trimbuk Kuddum, but without guarantee of hereditary tenure. (See accompaniments 3, 4, and 5 of the Agent's report No. 349 of 1851.)

2, Kopurlee, and 3, Tannah.—Assigned to Amrutrao in A. D. 1762; confirmed as hereditary Inam in A. D. 1764-65 to the same person. (See accompaniment 6 of ditto.)

Instead, therefore, of stating that it does not clearly appear whether or not these villages were held before A. D. 1751, Lieutenant Etheridge should have stated that it did clearly appear that they were not authorisedly held previous to that year.

5. The Sunuds, &c. quoted by the Agent (accompaniment 7 of ditto) do not show when Torkhera was first granted; but it was *resumed* from Madhowrao and granted to Amrutrao Kuddum Banday in A. D. 1768, as part of a Surin-

jam in which also the above villages (1, 2, and 3) were this year included, though they were recognised in terms as Inam holdings.

6. It will be seen from the remainder of Lieutenant Etheridge's report, that as all the villages had been confiscated before the introduction of the present Government, the date of their original grant does not much signify. I have, however, considered it right to notice the above facts, as it has been incorrectly asserted that the villages are *part* of a Surinjam older than 1751-52, whereas it is beyond doubt that nothing but part of an Umul upon two Purgunas at large, in which these villages happened to be situated, was held by the Kuddum family up to A. D. 1752-53.

7. I shall now proceed to more particularly notice Mr. Brown's letter No. 349 of 1851, referred to me for my observations with your letter under reply; Mr. Brown's letter is a reply to my report No. 3127, dated 23rd April 1851.

8. With deference to Mr. Brown, I feel it necessary to state that his opinions are so vaguely expressed that I am at a loss to determine *exactly* what they are; but I gather that he intends to argue from his 13th and 14th paragraphs that the entries Nos. 62 and 63 of his revised list of First Class Surinjams are correct and sufficient; that the Kuddum family should have the benefit of the Surinjam Rules extended to them on account of the villages entered in the lists; and that those Surinjam Rules would guarantee their tenure as "hereditary in the fullest sense of the word."

9. The revised list seems to have utterly ignored the existence of Torkhera and its holder, though it is, apparently, of precisely the same degree of title, and part of the same property, as the three villages admitted;—obtained, too, in the same way, since the introduction of the present Government, by a member of the same family. This omission will no doubt cause extra difficulty and confusion in a case already sufficiently confused, when the death of the holder of Torkhera revives the question of its tenure.

10. In my 8th paragraph above I have stated what I believe Mr. Brown intends to argue by his letter No. 349, of the 11th October 1851. I shall now endeavour to explain my opinion as to how far he is borne out in his argument; and first, as to the entries of Nos. 62 and 63 of his revised list of First Class hereditary Surinjams being correct and sufficient:—

I.—The 6th column of this list professes to exhibit "the names of the villages comprising the Surinjam," and under Nos. 62 and 63 this column exhibits the names Runalé, Kopurlee (or Koprel), and Tannah. Column 8 professes to describe the date of the original grant, and this, with regard to the villages named above, is given as *before* A. D. 1751, though it is, as I have observed, admitted by Mr. Brown, in his letter No. 349 of 1851, and proved by records translated by him, that none of these three villages were granted till *after* that year, and then not in lieu of any previous Surinjam.

II.—The 2nd column of the list professes to give the name of the original grantee of each village, and there are five grantees attributed to Runalé

under No. 62, and one to Kopurlee (Koprel) and Tannah under No. 63; whereas the Sunuds and accounts transmitted by Mr. Brown with his letter No. 349 of 1851 show that there were two grantees of Runalé, Madhowrao and Trimbukrao, *neither* of whom are named among the five grantees asserted under No. 62 of the list.

III.—In the 14th column, of “Remarks,” Mr. Brown writes as follows under No. 62:—

“The names of these Surinjamdars were inadvertently omitted in the lists of 1834 and 1840, in consequence of no information having been obtained from the Collector of Khandeish, as has now been done.”

This 1st paragraph of Mr. Brown’s “remarks” implies two statements,—*1st*, that information had been inadvertently withheld from the Agent; and *2nd*, that if this had not been withheld, the names of the persons mentioned in the revised list would have rightly appeared as those of Surinjamdars in the previous ones of 1834 and 1840. I am obliged to record my opinion that both of these statements, whether direct or implied, are incorrect:—*1st*, Mr. Warden’s very clear and sufficient report, No. 128, dated 26th July 1845, shows that there was already in the Commissioner’s Duftur which is lodged in the Agent’s Office at Poona, and in the Peshwa’s Duftur, sufficient information regarding the villages in question to show under what impression they had been given up by Mr. Chaplin; *2nd*, it is clear that the more information that could have been thrown on the matter, the more clearly it would have appeared that Government had already finally decided on the claim of the Kuddum family to the continuance of the villages, and that they should not have been entered in any list of hereditary Surinjams.

The next paragraph in Mr. Brown’s remarks is,—

“These persons did not appear when Mr. Elphinstone’s list was drawn up, but when he went to Khandeish they presented themselves, and the Surinjam was restored.”

The whole of this paragraph is incorrect. The facts stated in paragraphs 3 to 8 of my former report, No. 3127, dated 23rd April 1851, show that the Kuddums were early applicants, and that their application for a Surinjam was negatived by the Commissioner in A. D. 1819, just as much as by the final orders of Government in A. D. 1827.

The next paragraph of Mr. Brown’s remarks is,—

“There is a record of the Poona Duftur bearing date Esunay Khumsain (A. D. 1751), which makes mention of this Surinjam.”

This is both incorrect and insufficient,—incorrect, in leading to the idea that the villages enumerated in column 6 were mentioned as Surinjam in any account so old as A. D. 1751; insufficient, in omitting all mention of their final confiscation, *which*, even had they been so granted, *would, accord-*

ing to the Honorable Court's orders, have precluded them from being regarded as First Class Surinjams.

The closing paragraph of these remarks is as follows :—

“ Mr. Warden's report, and the final orders of Government in the case of these Surinjamdars, are contained in Appendix B to this list.”

The statement made in this paragraph is literally correct, but it is so expressed as to convey the idea that Mr. Brown *appealed* to the Appendix he mentions, *as if it would be found to bear out the justice of the entry and remarks* above noticed. If Mr. Brown had given the slightest hint that the final decision of Government would be found to be at *variance* with his entry of the villages as an hereditary Surinjam, it might be said that he had brought the case sufficiently to the notice of Government, for in that case Government would have probably considered it necessary to refer to the Appendix ; but, as it is, all that any one could naturally understand from the mention by Mr. Brown of the former decision, would be that *it was his authority for the statements made in the list.*

11. On the above grounds, I am obliged to state that I cannot help considering that Mr. Brown has in his letter No. 349 of 1851 adduced nothing to show that the entries of Nos. 62 and 63 of his revised list of First Class Surinjams were either correct or sufficient.

12. It may be said that the admission of these so-called First Class Surinjams into Mr. Brown's revised list was caused by Mr. Warden's oversight, and so it appears to have been, in the first place ; for that officer entered as Nos. 64 and 65 of his First Class list of 1844 the same villages, but when his attention was afterwards drawn to their history by the Government letter No. 1370, dated 26th March 1845, he furnished the report No. 128 of 1845, and if he had then, or subsequently, had the opportunity of revising his own list of 1844, he would, doubtless, have corrected this entry.

13. When the duty of revising Mr. Warden's lists was entrusted to Mr. Brown, Government must have intended that he should correct them where they were found to require correction, and not that he should retain the incorrect entries, and merely insert in an inconspicuous Appendix papers which would disprove them, and that without drawing any attention to the Appendix except *as if appealing to it* for the correctness of the list.

14. What renders this the more unaccountable is that Mr. Warden's cases 64 and 65 were specially noticed in paragraphs 13 and 14 of the Government letter, No. 1896, dated 9th May 1846, to Mr. Brown, by which that officer was ordered to revise Mr. Warden's work. Nay, one of the points on which Mr. Brown was particularly directed to furnish information was whether the Surinjam No. 65 (Kopurlee or Koprel, and Tannah) “ *has without interruption been in the possession of this family (Kuddum Banday) from the year 1751.*”

15. This question Mr. Brown has not answered otherwise than to lead Government inevitably to believe that the continuance had been uninterrupted ;

and though he forwarded an Appendix which, if read through, would have shown that there had been interruption and even final *cessation*, he has not only, as above noticed, mentioned this Appendix as bearing out, rather than disproving the idea of continuance, but in paragraphs 12 and 13 of his reply, No. 178, dated 26th October 1847, when specially replying to the reference regarding this case, instead of noting its striking peculiarity, he merely refers to Nos. 62 and 63 of his revised list; and, instead of calling attention to the Appendix, leaves Government to find out what they like from it, nowhere alluding to the Appendix as necessary, but, on the contrary, giving it to be understood that the information *in the tabular statement* is *all* that is necessary to enable Government to decide on the merits of each case.

16. What I here allude to is Mr. Brown's assertion of the sufficiency of the tabular lists themselves, contained in paragraph 3 of his letter to Government, No. 178, dated 26th October 1847, in the following terms:—

“3. I trust that I have framed these lists in as complete a manner as the records of the Poona Duftur have enabled me to do; and under the head of remarks I have given a succinct account of each Surinjamdar:—
~~My~~ my object in doing so was to enable the Honorable the Governor : in Council to observe, at a glance, the right and title of each of these : Chieftains, without having to trace through a long letter for this in- : formation, &c.”

Who, after reading this, would expect to find that the “remarks” and the only “long letter” recorded about this case would be found wholly irreconcilable? And, not expecting this, who would not naturally have been led to consider the information recorded in the list enough, without wading through an Appendix, framed in the most difficult possible manner, to find one's way through? It is evidently thus that Government and the Court of Directors have hitherto been led to assent to the entries Nos. 62 and 63 of Mr. Brown's revised list of First Class hereditary Surinjams.

17. The second argument which, I believe, I rightly ascribe in my 8th paragraph above to Mr. Brown's letter No. 349 of 1851, is that even now, notwithstanding all that Government has been made aware of, the Kuddum family should have the benefit of the Surinjam Rules extended to them. To this I am aware of no objection, provided any Surinjam Rule can be discovered to benefit such a case as theirs. Their holding, whatever it may be called, is a temporary allotment, sanctioned by the indulgence of Government in 1827 as a life-grant; and with no other title, that I can see, than what was then extended to it. I beg to refer on this point to Mr. Warden's report of 1845, and Lieutenant Etheridge's now submitted.

18. The last of Mr. Brown's statements seems to be that the Surinjam Rules would guarantee or admit of their tenure being considered hereditary in the fullest sense of the word. I cannot find a single line of any Rule by which such a confiscation as that which is shown to have taken place with regard to the Kuddum holdings, whether Inam or Surinjam, could be regarded

as otherwise than wholly fatal to any sort of title; and I have no doubt that had Government received a correct and intelligible reply to their question regarding this very family's possessions, (put to Mr. Brown at the close of paragraph 14 of their letter No. 1896 of 1846,) instead of being led to suppose what was not the case, they would have ordered the so-called Surinjam to be expunged from the list, and have refused to alter the decision of Mr. Elphinstone's Government declared in A. D. 1827.

19. I might add much to the above observation, but fear being thought unjustifiably tedious: all, therefore, that I shall further take the liberty of stating is, that though I cannot help considering Mr. Brown to have made some oversights, and probably to have been in some degree misled throughout, either by false statements or suppression of the truth, I have not the very remotest idea of attributing to him any wish to wilfully mislead Government.

20. I am informed that there are some cases connected with the revised Surinjam lists, in which errors and oversights have occurred of even a graver nature than those noticed in the case of the Kuddum Banday family.

I have the honour to be, &c.

(Signed) W. HART,
Inam Commissioner.

No. 4175 OF 1852.

POLITICAL DEPARTMENT.

To W. HART, Esq.,
Inam Commissioner, Poona.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 952, dated the 21st ultimo, submitting your report in respect to the Surinjam of the Kuddum Banday family.

2. In reply, I am desired to convey to you the thanks of Government for the labour you have bestowed in unravelling this somewhat intricate case. His Lordship in Council is convinced by your clear report of the grave error which has been committed in including in the revised list of Sirdars of 1847, under Nos. 62 and 63 of Class I., as hereditary Surinjams, the villages of Runalé, Koprel, and Tannah, of the estimated aggregate value of Rs. 3,315-11-9.

3. The Right Honorable the Governor in Council has resolved that the above entries shall at once be expunged from the Surinjam lists, and desires me to inform you that the question of continuing the villages in question to the present incumbents will be considered and disposed of in the Revenue Department, where the correspondence with reference thereto was conducted previous to their insertion in these lists.

4. I am at the same time desired to request that you will report in detail, in separate letters, at your convenience, upon each of the cases in the revised Surinjam lists, with reference to which you state in your last paragraph that you have been informed errors and oversights of even a graver nature than the one now brought to notice exist.

5. I am also directed to acknowledge the receipt of your report, No. 983, dated the 26th ultimo, and to inform you that the claim relative to the village of Torkhera will be disposed of in the Revenue Department.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary.

Bombay Castle, 24th September 1852.

Extract Paragraphs 19 and 20 from a Despatch from the Honorable the Court of Directors, dated the 18th May, No. 27 of 1853.

Para. 19. From a comparison of Mr. Hart's reports on this subject with those of Mr. Brown, it would seem that although the Result of the inquiries respecting the estates of the Kuddum Banday family, forming Nos. 62 and 63 in Class I. of Mr. Brown's list. those of Mr. Brown, it would seem that although the four villages claimed by the Kuddum Banday family were known not to have been in their possession previous to 1751, three of these villages were nevertheless, by some construction which we cannot understand, considered to have "formed an integral part"* of a large Surinjam held prior to that date, and were, therefore, inserted in Class I. of the revised lists as hereditary. Since, however, the large Surinjam in question consisted solely of a portion of the Mokassa Umuls of the Purgunas of Nundoorbar and Sooltanpoor, it could not possibly include any villages. The villages in question were not part of this Surinjam, but were granted, one in 1752, the two others in 1762, and then not in commutation of any previous Surinjam. The four villages, moreover, had been confiscated by the Peshwa, on the ground of rebellion, before the breaking out of the war. The family had, therefore, no claim to be again put in possession of them after the conquest. In consideration, however, of their former rank and importance and their distressed circumstances, the villages were restored to them on life-tenure, but the insertion in Class I. was altogether erroneous, and reflects discredit on the manner in which the lists were prepared; nor can we exempt Mr. Brown's most unsatisfactory letter of explanation, dated 11th October 1851, from similar censure.

20. The claims which the family may have to further liberality you propose taking into consideration in the Revenue Department.

* Paragraph 11 of Mr. Brown's letter dated 11th October 1851.

APPENDIX B.

No. 327 of 1852.

From Captain T. A. COWPER,
Assistant Inam Commissioner,
To W. HART, Esq.,
Inam Commissioner.

Dated Poona, 21st September 1852.

SIR,—I have the honour to submit for your consideration a case in which Government and the Court of Directors have, owing to erroneous information, been led to sanction the hereditary continuance of two Surinjam villages in Khandeish, which had been previously declared a life-holding only, and which, under the Surinjam Rules in force, cannot, as far as I can see, be possibly viewed in any other light.

2. At the introduction of the British Government Moreshwur Dixit Munohur was found in the possession of a Palkee allowance of the estimated value of Rs. 1,000 per mensem,—at least it is most probable that he was so found, as the Commissioner, Mr. Elphinstone, admitted the claim as a life-holding. An extract from Mr. Elphinstone's lists of A. D. 1818 is annexed (A), showing the decision to have been—"To be continued,"—this being the remark entered against life-grants, all hereditary ones being invariably so specified.

3. From 1818 to 1834 the holding remained with Moreshwur Dixit, and in 1834 it was viewed, as by Mr. Elphinstone, as a life-grant, and, as such, was embodied in the Surinjam lists framed in that year, extract from which is annexed (B).

4. From 1834 to 1848 Moreshwur Dixit continued in the possession of the allowance on the above tenure, but in the revised lists prepared by Mr. Brown in the latter year the holding was included as No. 2 in the "List of Surinjams regarding which exceptions to the Rules might be made," and which were recommended for continuance on hereditary tenure.

5. The reasons for recommending the alteration were afforded in the column of "Remarks" of List II., in which Moreshwur Dixit's name was entered as No. 16. The Sunud of Moreshwur Dixit, dated A. D. 1766, was stated in these remarks to be "registered in the Peshwa's Duftur," and it was added—"it specifies that this grant should be considered hereditary."

6. Government do not seem to have been satisfied of the propriety of making an alteration in the tenure by which this and other grants had been previously held, for further explanation was called for, and afforded in a "tabular statement" containing the following explanation of the reasons for recommending the alteration of Moreshwur Dixit's holding from a life to an hereditary grant :—

"The mother of the ancestor of this incumbent was a sister of the mother of Ballajee Bajee Rao, and the wording of the Sunud expressly mentions that this Surinjam should always (नेहिली) be continued on hereditary tenure, which gives weight to the claim of this individual that his Jagheer should be continued hereditarily."

7. Under the foregoing circumstances, the Court of Directors sanctioned the hereditary continuance of the allowance (indeed, they could not, on the evidence before them, have done otherwise) in the 17th paragraph of their despatch No. 15, dated the 22nd May 1849, as follows :—

"No. 2, Moreshwur Dixit.—In this case the Sunud is of the date of 1766, but is stated to contain (what is rare in such cases) distinct words of inheritance. This Surinjam, therefore, should be hereditary."

8. I have obtained from the Agent copies of the Sunud and documents on which the recommendation quoted in paragraph 6 of this letter was made by Mr. Brown, and I find that they *do not contain even an allusion to hereditary tenure*; that the allowance shown in the lists as a Surinjam is distinctly entered as a "Nemnook" (allowance); and that it is entered not as a mere "Nemnook" (allowance), but as one expressly granted for the expenses of a Palkee to an individual who, at the time of the grant, was in charge of districts, and, as such, considered entitled to a Palanquin.

9. I have obtained the original Sunuds from Moreshwur Dixit; they correspond with the copies received from the Agent, and are duly registered in the Peshwa's diaries. Moreshwur Dixit has other documents in his possession, all of the same nature, and all proving clearly what I have stated in the last paragraph.

10. There can be, I believe, no doubt whatever that a Palanquin allowance never was considered or granted as hereditary, though it was, as in this case, often *re-granted* to sons or descendants for their lifetime, where their circumstances were such as to render such re-grant, in the opinion of the Government, either advisable or necessary. The Court of Directors have fully recognised and laid down this rule in the 48th paragraph of their despatch No. 9, of the 21st January 1852, (copy of which accompanied the Revenue Secretary's letter No. 3501, of the 9th May 1852,) relative to the Palanquin allowance granted to the late Ballajee Punt Nuthoo, and subsequently improperly declared hereditary;

but which the Court have decided must be discontinued at the death of his son, the present incumbent.

11. The copies of Sunuds referred to in paragraph 8 as obtained from the Agent, and which have been found to correspond exactly with the registered originals, state merely that the allowance is to be regularly enjoyed, the words used being "Néhemee ghét jané" (नेहेमी घेत जाने). Government have already had occasion to point out the meaning and force of the word "Néhemee" in the case of a Wurshasun allowance claimed as hereditary, but entitled to no such consideration. (Vide Revenue Secretary's letter No. 7229, of the 7th December 1849.)

12. As connected with this allowance, though not at all affecting its nature, I may mention that it is shown by the revised Surinjam lists (No. 16, Class II.) to consist of two villages in Khandeish,—Sherusgaum and Pimpree,—valued in the 8th column of the lists at Rs. 491-5-6; but a reference to the Murathee documents received from the Agent (vide paragraph 8) has shown the Palanquin allowance to consist not only of a *portion* (the lists show the whole villages) of the revenues of these two villages, but of an annual money allowance of Rs. 341-4-0, which Moreshwur Dixit is at present in the receipt of from the treasury of the Collector of Khandeish.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

A.

Extract from the Statement showing the Jāgheers, or Compensation in lieu of them, to be continued in the Country conquered from the Peshwa; prepared by Mr. Elphinstone.

| Number. | Name. | Class. | Remarks. | Decision. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. |
|---------|--|--------|----------|------------------|---|-----------------------------------|--------------------|------------------------------|
| | | | | | Kumal, or greatest recorded Collection. | Estimated real. Value at present. | Pecuniary Pension. | |
| | Mor Dixit Munohur; Rs. 1,000; 54 years. | Kitta. | .. | To be continued. | Rs. 1,000 | Rs. a. p. 492 4 0 | Rs. .. | .. |

(True extract)
(Signed) R. KEAYS,
Acting Agent.

(True copy)
(Signed) T. A. COWPER, Capt.,
Assistant Inam Commissioner.

B.

Extract from the List of Surinjams granted between the Conclusion of the Treaty of Bassein and the Accession of the British Government into the Deccan, to be resumed on the death of the Present Incumbent ; prepared in 1834.

| Number. | Name of the Present Incumbent. | Date of Original Grant. | Estimated real Value. | Reasons for making the Grant, as recorded by the Sole Commissioner in the Deccan. | Remarks. |
|---------|---------------------------------|-------------------------|-----------------------|---|----------|
| | <i>Kitta, or Miscellaneous.</i> | A. D. | Rs. a. p. | | |
| 62 | Moreshwur Dixit Munohur. | 1766 | 593 1 0 | To be continued | |

(True extract)

(Signed) R. KEAYS,
Acting Agent.

(True copy)

(Signed) T. A. COWPER, Capt.,
Assistant Inam Commissioner.

No. 1105.

From W. HART, Esq.,
Inam Commissioner,To A. MALET, Esq.,
Chief Secretary to Government, Bombay.*Dated Poona, 22nd September 1852,*

SIR,—I have the honour to submit for the consideration of Government a letter from my Assistant Captain Cowper, No. 327, dated 21st September 1852, containing information of a very startling nature.

2. Government are, as stated by Captain Cowper in his 11th paragraph, well aware that the word "*Néhemee*" conveys no meaning of continuance in perpetuity or of hereditary tenure, but it was certainly not by any carelessness on the part of Government, or by *their* losing sight of the real meaning of that word, that the grave error detected by Captain Cowper was suffered (notwithstanding the doubts and hesitation evinced by both Government and the Honorable Court) to transmute Moreshwur Dixit's Palanquin allowance into an hereditary Surinjam. Had the Agent, in stating the grounds for his assertion that

the grant was by Sunud specifically guaranteed as hereditary, so stated them as to let it be understood that he was misinterpreting the word "Néhemee" into bearing this meaning, then Government would have been in a position to detect his error; but no such chance was afforded to Government. A reference to Captain Cowper's 5th and 6th paragraphs shows that the Agent in one place asserted as a positive fact that the Sunud for the allowance "*specifies* that the grant should be considered *hereditary*," and that although in another the word "Néhemee" is quoted by the Agent, it is quoted so that Government could only imagine that it was put in apposition with the word "always," (which it does explain fairly enough in the usual acceptation of "always," *i. e.* as meaning "*ever*," but not "for ever,") and not with the sentence which follows it. As Mr. Brown's explanation stands quoted in paragraph 6 of the accompanying letter, it can only be understood to assert that the Sunud expressly mentions *not only* that the allowance should always ("Néhemee") be continued, but, *further*, that it provided for its continuance being *hereditary*. It was evidently this latter assertion *alone* that settled the objections of Government, and precluded all hesitation on the part of the Honorable Court further than a natural expression of wonder at the anomaly of the case; yet it now turns out to be an assertion disproved by the Sunud on which it appears to have been based.

3. The facts mentioned in Captain Cowper's 12th paragraph do not, it is true, affect the *real* nature of the allowance as it *ought* to have been described, but they seem very seriously to impugn its character as a permanent Surinjam (even were there nothing else to do so), by showing that what is so called consists of mere assignments of revenue and a cash payment from the treasury, void of even the *primâ facie* permanency of a landed estate; and whether or not they may be taken as affecting the character of the *allowance*, they do grievously affect that of the revised Surinjam lists.

4. As it cannot for a moment be supposed that Mr. Brown could have had the remotest intention of misleading Government in this case, I cannot help supposing that he must have been misled by the reader or other person of whose assistance he may have availed himself in drawing up his English reports and statements from the Murathee papers in his office; and if that person was one necessarily acquainted with the Murathee language, he must have intentionally misled Mr. Brown, and thus effected a fraud of the nature anticipated by Government in paragraph 30 of their letter to the Agent, No. 1896, of the 9th May 1846, as quoted below:—

"Re-opening the question of the character of these grants presents an opportunity for the commission of fraud and deception which the greatest caution and vigilance on your part alone can prevent."

5. As my Assistant's statement of all the facts essentially important in the case of the allowance noticed by him in the accompanying letter is so full that any remarks upon it will probably appear superfluous, I shall only state, in addition, my humble opinion that Captain Cowper has done Government good service in calling attention to this and other cases of a similarly lamentable nature connected with the revised Surinjam lists.

I have the honour to be, &c.

(Signed) W. HART,
Inam Commissioner.

No. 4401 of 1852.

POLITICAL DEPARTMENT.

To JOHN WARDEN, Esq.,

Late Agent for Sirdars in the Deccan, Bombay.

SIR,—I am directed by the Right Honorable the Governor in Council to transmit to you, in original, a letter and its enclosures from Mr. Hart, the Inam Commissioner, No. 1105, dated the 22nd ultimo, bringing to the notice of Government the circumstance of the Surinjam of Moreshwur Dixit Munohur, which was held on life-tenure only, having through erroneous information been declared an hereditary grant.

2. In forwarding these documents, which you will have the goodness to return with your reply, I am desired to annex thereto a *précis* of the past proceedings of Government on the subject of this grant, and to request that you will favour Government with any explanation which may be in your power to afford as to the cause of the mistake that has occurred.

I have the honour to be, &c.

(Signed) A. MALET,

Chief Secretary to Government.

Bombay Castle, 9th October 1852.

To A. MALET, Esq.,

Chief Secretary to Government, Bombay.

SIR,—I have had the honour to receive your letter, No. 4401, dated the 9th of October last, giving cover to an original letter, with enclosures, herewith returned, from the Inam Commissioner, suggesting that the Surinjam of Moreshwur Dixit Munohur, which was held on life-tenure only, has through erroneous information been declared an hereditary grant; and to a *précis* of the proceedings of the Government on the subject of this grant; and desiring me to furnish the Government with

any explanation which it may be in my power to afford as to the cause of what is supposed to be a mistake.

2. The turn this subject has taken obliges me to state, by way of preface, some elementary matter, in respect to the nature of the alienations of land in the Deccan, for which I should otherwise have to apologise.

3. An *Inam* was originally a grant from the rich to the poor for his maintenance; and in some title-deeds language seems to exhaust itself in declaring the plenary nature of the grant to the grantee and "his heirs, male and female, for ever." So absolute was the gift that the opinion which the Commissioner in the Deccan considered "a sound one" (Commissioner to Government, May 19th, 1825) as to the practice of the Peshwa's Government in respect to Inams was, that "the holders could dispose of them by will, in sale, or in any other way they chose; and that therefore there was no good reason for obliging them to resort to any other mode [alluding to adoption] of disposing of them not congenial with their inclinations."

4. A *Surinjam* was of two kinds,—one, called a Foj Surinjam, was a grant of land from the Sovereign to a noble, to enable him to support a contingent of troops, with which he was bound to take the field with his lord paramount; the other, called a Zât Surinjam, was a distinct grant to the same noble, to maintain due state and dignity as a feudal Chieftain. Both grants were personal, and "held on life-tenure only."

5. While, then, an Inam was a gift to the poor for his maintenance, a Surinjam was an assignment to the noble for his dignity; while the Inam was a gift "for ever," the Surinjam was an assignment resumable at pleasure; and never for a longer period than the life of the grantee: while the title of an Inamdar was upheld by his title-deeds, the only title of a Surinjamdar was the favour of his sovereign; and it is, therefore, as great a misapplication of terms to talk of an *hereditary Surinjamdar* as it is to talk of an *hereditary pension*.

6. The Most Noble the Marquis of Hastings, the Governor General of those days, ordered, on the conquest of the Peshwa's dominions, that the Muratha principles and practice in this respect should be followed, and that every Surinjam should be resumed at the death of each grantee, and be re-granted as "an act of grace" (I quote from memory).

7. The British military system rendering the Foj Surinjams an expensive and useless burden, they were, with the exception of those of the Putwurdhun family, whose position was peculiar, permanently resumed, and Mr. Elphinstone had then to address himself to the consideration of the question as to the disposal of the Zât or personal Surinjams, by which the state of all the noble families in the country was mainly supported.

8. Without, in the first instance, announcing the principles by

which he was governed, Mr. Elphinstone proceeded to re-grant the Zât or personal Surinjams. Some he marked "Hereditary"; some "May be diminished at his death"; some, as in the instance of Dixit Munohur now under discussion, he left unmarked*; and some he marked "For life."

9. But an Inam and a Surinjam being, as I have shown, quite different things, it follows that the title to an Inam and the claim to a Surinjam were decided on quite different considerations.

* 10. While an inquiry into the title to an Inam was whether the original title-deed was genuine, whether the grant had descended in unbroken succession, or the claimant was the representative of the original grantee; the inquiry in regard to a Surinjam was whether it had been—*however possession may have been in the interval disturbed*—first granted by the dynasty which the British Government succeeded, or whether a stronger prescriptive title had been established by the ability to trace the original grant to the Rajas of Sattara or the Mahomedan rulers of the Deccan.

11. While the latter were to be considered "hereditary in the fullest sense of the word," (see letter of the Court of Directors to the Government of Bombay, October 26th, 1842,) "much consideration," Mr. Elphinstone said, "was due" to the former, not because the grantees could prove a title from the Duftur, but because, though "kept in mind, by the exaction of service, as well as by *occasional resumptions*, of the real nature and extent of their tenure," they were the "*actual possessors of power*"; and because it was "desirable to avoid popular discontent, and prevent the too rapid fall of great families."

12. The grant of a Surinjam, in short, might have been resumed again and again, and re-granted again and again, in disregard of the ordinary laws of succession, and all title by the Duftur obliterated: the result of the inquiry was not based on a title by inheritance, but on possession and position at the conquest, and other considerations of State polity *which no one at the present day can, as they affected individuals, accurately estimate.*

13. And these rules, liberal as they were, he made susceptible of exceptions in favour of individuals.

14. For example,—Anna Deodhur's niece was given in marriage to the last Peshwa, who bestowed a Surinjam on his bride's uncle. The holders of land granted by the last Peshwa Mr. Elphinstone considered

* The Assistant Inam Commissioner is mistaken in supposing unmarked ones were grants "for life" only, as is proved by this very instance of Dixit Munohur; according to the principles which Mr. Elphinstone afterwards enunciated, it was a grant for two lives: the mass of business in the Commissioner's Office during the first year after the conquest of the Deccan obliged us to leave many questions open.

entitled to pecuniary pensions only, but the Surinjam of this Sirdar, whose family had been honoured by an alliance with the reigning house, was reserved to him. (See letter from the Agent for Sirdars to Government, December 29th, 1844.)

15. To apply the foregoing remarks to the case which has caused this reference.

16. Mr. Elphinstone found a grant of a miscellaneous character,—“*Kitta*,” as he termed it,—which had been granted fifty-one years before the British conquest, the original grantee having been, through his mother, allied to the reigning Peshwa. He was also a *Beekshookh*, and, as such, held in veneration. The grant was renewed; though not in exact conformity to the laws of inheritance, to two subsequent generations, and having survived the tempestuous factions of the three last reigns of the Peshwas, was re-granted by Mr. Elphinstone, in the exercise of the discretion with which he was vested, on the *Surinjamee tenure*. (See his lists and Chor Chittee.)

17. According to the Rules, this Surinjam fell in Class II., and in Class II. I placed it.

18. I found, however, that the original grant had been made with an emphasis most unusual, and that this emphasis, declaring that the grant was to be “always” enjoyed, was expressly repeated on the first re-grant, and by implication in the last, the third grant stating that the payment was to be made as heretofore.

19. It was clear that there must have been some object in the introduction and repetition of this word, so foreign to a Sunud for a grant on life-tenure, which was quite complete without any such word; and I sought for this object, not in dictionary interpretations (viz. “constantly,” “regularly”), though they support what I did, but in the course followed by the sovereigns who in succession dealt with the grant in which the word was found. Although called a Palanquin allowance, it was re-granted twice, and after an interval of fifty-one years was found in the possession of the third grantee, on the abdication of Bajee Rao. I, therefore, concluded that the Peshwas intended to indicate by this word that this Surinjam would not be disturbed, but would be, as it always had been, re-granted on the death of each grantee, or, to use my own words on the occasion, that it was “declared to be permanent” in consequence of the sacred character of the original grantee, and his alliance with the reigning house.

20. Acting, then, on this conclusion, and following the example of Mr. Elphinstone in respect to Anna Deodhur, (see paragraph 14, above,) while I entered the grant in its proper place according to the Rules, I added it to a list of five others, as cases contemplated in the 12th paragraph of the Court’s despatch, in which the popularity of the act appeared

to furnish an adequate inducement to prolong, in exception to Rules, the tenure. I am still of the same opinion. A mother's sister is a relation particularly respected among the Hindoos, and I feel satisfied that so long as the family of Bajee Rao had reigned, this allowance would have been undisturbed, and re-granted again and again as "an act of grace."

21. A very few words will explain how it befell that the grant was made a life-grant by the lists of A. D. 1833, the preparation of which was suggested by me, and they were actually prepared by me, as I believe Mr. Marriott told the Government, though signed by him. The indiscriminate resumption of all Surinjams having been ordered by the Bombay Government, I proposed to postpone the resumption of "the larger estates, the abrupt escheat of which would have been more extensively felt, and have made a deeper impression on the public mind than the resumption of smaller though more ancient ones," among which latter was Munohur Dixit's. The indiscriminate resumption that was ordered (Government to the Agent for Sirdars, August 2nd, 1832, and his reply, December 29th, 1844) having been disapproved by the Court of Directors, and a totally different settlement made, the lists of A. D. 1833 are no authority whatever as to the continuance or otherwise of grants.

22. Although I remained more than a year in India after the completion of my inquiries, I heard nothing from Government on the subject of the Surinjam inquiry; but two months after my departure for England, my successor, Mr. Brown, was asked for further information as to this grant, when he said that the "Sunud expressly mentions that this Surinjam should always be continued on hereditary tenure, which gives weight to the claim of this individual that his Jagheer should be considered hereditary."

23. At the same time that Mr. Brown recorded this, he endeavoured to guard himself against being misapprehended, by introducing the original Murathee word in the original Murathee character, which he translated "always."

24. I presume that as the Government interpreted this word in the case of a Wurshasun mentioned by the Inam Commissioner, so it did in this case; but whether it did or not, nobody knows better than Sir George Clerk,—nobody knows better than the authorities at the India House, who revised those lists,—that let Mr. Brown have called it what he might, "hereditary," in the ordinary sense of the term, could not be applied to a Surinjam, and that Mr. Brown could only mean what Mr. Elphinstone meant, when he spoke of "*the belief* that the holders were entitled *of right* to an '*hereditary* tenure.'"

25. That the "reader" was so silly as to attempt an imposition in respect to so common a word I do not believe, and when I mention

that he was Vidyadhur Purushram, who was introduced by me into the Agent's Office (to the head of which he has since risen) on the warm recommendation of Mr. Hart, for active co-operation in detecting fraud in the Stamp Department, he will, I think, agree with me that it was in the last degree improbable that he would have been so dishonest as to endeavour to make Mr. Brown believe that the common word "always" had any cabalistic meaning in this case. Mr. Hart thinks, however, that the construction of Mr. Brown's sentence in which "always" is introduced is calculated to mislead, by impressing the reader with a belief that the Sunud contained, in addition to the word "*Nehemee*," other words conveying an hereditary grant, and that the Court of Directors were so misled. The Court of Directors will, at all events, have an opportunity of re-considering their decision in connection with the discussion that has now been had in this case.

26. It is, as it appears to me, quite immaterial whether, as suggested by Captain Cowper, a Palanquin allowance was ever granted hereditarily or not. He admits that it was "often re-granted to sons or descendants for their lifetime, when their circumstances were such as to render such re-grants either desirable or necessary." This is all that was contended for by me, and, as I believe, by Mr. Brown also; and, in the words I have quoted, Captain Cowper exactly describes the condition of a Surinjam. Further,—Mr. Elphinstone's inquiries led him to the conclusion that the prince, whose submission he had just received, considered it a Surinjam,—he at all events granted it on the Surinjamee tenure; and without violation of the public faith it cannot now be called anything else, it being quite immaterial whether such grants is [s. o.] paid wholly by the produce of land, or partly from land and partly in cash.

27. Then, Captain Cowper compares this grant to a Palanquin allowance given by Mr. Elphinstone to Ballajee Punt Nuthoo. Why, he was not a Muratha Sirdar at all, but a Karkoon of Rastia, whom we dignified by the title of "British Adherent,"—a counterfeit, who, incapable of imitating the genuine lustre of a Sirdar, sought to dazzle by whatever a Sirdar had of gain! That he was a very sagacious man I do not deny; that his services to the British Government deserved, from their very nature, high reward, I readily admit; but looking to the different motives which actuated the parties in the two cases, I should no more think of comparing anything he got from us to the Surinjam of Dixit Munohur than I should think of comparing a present given by Lord Nelson to a French fisherman, for telling him which way the French fleet had sailed, to a grant by Parliament to a member of the royal family in the sixth year of the reign of George III., and which was re-granted in the three succeeding reigns and is in possession at the present hour:

28. Captain Cowper has done his duty in bringing forward what he believed a fraud, but he will, on consideration, see that all the motives which influenced Mr. Elphinstone's decisions were not reflected by the *Dafur*. "Government," as he wrote to Lord Hastings on May 11th, 1820, "will be at liberty to exercise its discretion in granting or withholding the renewal, except in cases of Padshah grants"; in which the Governor General expressed his concurrence on the 17th June 1820. Mr. Elphinstone, in exercising this discretion, had not only the *Dafur* entire before it had been scattered over the country,—he not only saw all that Captain Cowper has seen,—but he had, what Captain Cowper cannot have, the hereditary *Dafur* Karkoons to aid him, and a knowledge of the exact estimation in which each claimant was held at the moment of the conquest,—many considerations, besides a record of rights, having formed the elements of the basis of his decisions as to the extent of liberality to be extended to individuals.

29. The very case before us presents a striking example of this. Suppose that, instead of the *Sunud* the meaning of which is now under discussion, I had found a *Sunud* dated only fifteen years earlier, and expressly declaring that the grant was "for life";—suppose, in short, there had been no title at all by the *Dafur*,—I should, nevertheless, have declared it "hereditary in the fullest sense of the word."

30. Although the Government did not allow me the opportunity of giving the last touches to the laborious work undertaken by me at my own suggestion, and I am, therefore, not responsible for Mr. Brown's "revised lists," I am still willing to do my best in explaining "the other cases of a similarly lamentable nature connected with the revised Surinjam lists" which Captain Cowper is said to have brought forward; though, I observe, on glancing over the lists, that in working out Mr. Elphinstone's Rules, we adopted, as regards the first and most important class, his decisions in fifty out of the sixty-one cases which it contains, and as regards the remaining eleven, Mr. Elphinstone left five open questions, three are Surinjams which he said might be diminished at the first lapse, and two which he made life-grants. Of the twenty-seven cases of which Class II. is composed, he made eleven hereditary, ten he left open questions, six he made life-grants. As a set-off against having gone beyond Mr. Elphinstone in liberality in respect to these eight life-grants, I find that, as regards Class III., of the forty cases of which it is composed, the whole of which we reduced to life-grants, there are as many as twenty-four which Mr. Elphinstone either considered hereditary or left their decision open. That he acted advisedly, and on sound considerations, in each case, though we can no longer discover them, I have not the smallest doubt; in illustration of which let us take two cases in respect to which he could not have been mistaken, and both

of which he decided contrary to his own Rules. The rise of the family of Poorundhuree was coeval with that of the first Peshwa, whose personal friend the founder of the family's greatness was. Of this Surinjandam Mr. Elphinstone says,—“The head of the great house of Poorundhuree; came in to Sir John Malcolm;—*hereditary*.” Again, of the Vinchoorkur, while Mr. Elphinstone declares his Surinjam to be of only fifty-eight years' continuance, he adds—“The whole of his personal lands, according to the Duftur, to be restored: this is proper, in consequence of the respectability of the Chief, and of the promises of Sir John Malcolm;—*hereditary*.”

31. With such evidence as this that Mr. Elphinstone's decisions were founded on other considerations than those arising from information derived from the Duftur, though only formally recorded, perhaps, in respect to the greater Sirdars,—and as I presume no one will venture at this time, or at any other time, to place his opinion in competition with that of Mr. Elphinstone,—instead of making that information the grounds of disturbing claims which have been already inquired into six times, to the harassing of the claimants for no less than twenty years, I hope the Government and the Court of Directors will forbid any one to question his decisions in favour of individuals; when ratified by the early revisers of his lists, merely because we can no longer discover the motives which actuated him to restore grants, the claimants to which, as he admits, had been “kept in mind, by the exaction of service, as well as by occasional resumptions, of the real nature and extent of their tenure.”

32. For the rest,—there are a few Surinjams which were not on our lists in the Commissioner's Office, and some twenty cases, as mentioned in paragraph 30, in respect to which, in working out the Rules, I was unable to be so liberal as Mr. Elphinstone suggested, and regarding which, as I said at the close of my report, “I could not hope that my statements were free from error, and that they must remain open to correction”; and if Captain Cowper would address himself to the task of discovering the political considerations which prompted Mr. Elphinstone in his mode of dealing with those twenty cases, and thereon propose a return to the original liberal decisions, he will do good service to the public.

33. It is, I know, believed by some that Mr. Elphinstone worked in the dark, and that they have discovered that which escaped him: it is said he did not know that many of the Inamdars, whose possessions he did not disturb, could not prove a title.

34. There never was a greater mistake. If we would tread in his foot-prints without losing our balance, we must read his Minutes. In one published by order of the House of Commons, he proposes,

as a part of the ways and means by which to support public education, that we should impose a cess on Inamdars whose titles were doubtful. The truth is, that to an acuteness and penetration of intellect which nothing can elude, and to a knowledge of India, its history, and its people, and of the Murathas in particular, in which he is surpassed by no man living, he added untiring official industry, and, more valuable than all to a man in his position, a due respect for that best of all titles—prescription—and a magnanimous compassion for the conquered people at his feet.

I have the honour to be, &c.

(Signed) JOHN WARDEN,

Formerly Agent for Sirdars, and First Assistant to the
Commissioner in the Deccan.

Bombay, 9th December 1852.

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(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 163 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,
To W. HART, Esq.,
Inam Commissioner.

Dated Poona, 2nd May 1853.

SIR,—I have now the honour, as desired in your letter No. 1735, of the 23rd February last, to afford a detailed history of the Palkee Surinjam allowance of Moreshwur Dixit Munohur, entered in the revised lists as No. 16 of Class II. and No. 2 of Class VII., and to explain the principles upon which I understand that Government expect me to scrutinise the revised Surinjam lists, (ordered in the Chief Secretary's letter No. 4175, of the 24th December 1852,) pointing out at the same time in how far those principles are affected by the facts and opinions recorded by Mr. Warden in his letter of the 9th December last to the address of the Chief Secretary to Government.

2. I purpose, in the first instance, to take up *seriatim*, and in the order in which Mr. Warden has recorded them, the opinions and arguments contained in that gentleman's letter, every portion of which I find so intimately connected with the remainder as to render it impossible that any report can be complete, or can afford the desired information, which does not embrace the whole subject upon which Mr. Warden has entered, and which seems to me one of great importance, demanding the fullest discussion in all its bearings.

3. It is unquestionably of no small consequence, in disposing of claims to alienations of public revenue, to arrive at the real intentions of the original grantor, and at a correct interpretation of the original deed of grant; but, as a general rule, and especially where such grants are of great antiquity and where the system in which they originated is still more ancient, it becomes obviously necessary to take into consideration the history of the subsequent actual enjoyment of the grant and the extent to which additional right may have been acquired or original right modified by such enjoyment; for experience shows that to follow only the *littera scripta* in all such cases would be to inflict much hardship and injustice in some, inasmuch as it would frequently tend utterly to subvert the state of things which our Government, at the conquest of this country, undertook to uphold.

4. To no description of alienation do these remarks apply more strongly than to grants in *Inam*, "in some title-deeds" for which (as Mr. Warden has pointed out in paragraph 3 of his letter) "language seems to exhaust itself in declaring the plenary nature of the grant";

and yet nothing can be further from the fact than to suppose that such grants were in practice irrevocable; for the State records afford conclusive evidence that during the greater portion of the last century, and especially after the usurpation of sovereign power by the Peshwas, no title-deeds were sufficient to ensure the security of any possession, whether Inam or otherwise.

5. Under the Peshwas' Government, and indeed long before that period, it was the invariable practice, when making grants either of land or money, to issue "Sunuds" or written documents specifying the nature and extent of the grant, the name of the grantee, and, generally, the object with which the grant was made. These Sunuds* were always regularly entered, either at the time of issue or very shortly afterwards, in the State diaries (Rozkhirds), from which they were subsequently transcribed and classified in ledgers,† severally denominated the "Ghurnea," "Bhera," and "Surinjam Khutawnee." The Ghurnea ledger contained, besides a classification of the entries in the diaries, abstracts of all accounts of revenue management rendered to the Government. The preparation of these ledgers was unfortunately completely neglected during the reign of the last Peshwa, Bajee Rao Rugoonath, but this was not the case with the diaries, which continued to be prepared as usual, and which are extant up to nearly the close of the Peshwa's Government. The first Peshwa was appointed in A. D. 1714, from which year to 1730 the diaries are more or less imperfect; from 1730 to 1756 they are almost complete; from 1756 to 1763 but very few are forthcoming, and it is supposed that they were destroyed in the latter year by the Moguls; while from 1763 to the beginning of 1817 they are again to be found in a nearly perfect state.

6. The system of record and accounts under the Peshwas' Government was a very perfect one,—one of the most perfect, probably, ever devised; but to be fully understood, the documents themselves must be seen and studied. The outline‡ given in the last paragraph will, however, I hope, convey some idea of the great value of the information afforded by these State records; for it is *on their authority* that I venture to believe alienations of revenue generally, and Inams particularly, to have been one thing in theory, while they were quite another in practice.

7. I have framed and annexed to this letter the undermentioned four statements, containing a number of selected cases illustrative of the

* The resumption of these grants, or their continuance to other parties on the death of the holder, or, in short, all alterations whatever, were, under the Peshwas, authorised by Sunuds, and the Sunuds were recorded in exactly the same manner.

† The ledgers were not kept before the time of the Peshwas.

‡ The 95th, 96th, 97th, and 98th paragraphs of this letter afford some further description of these accounts.

system which was in force during the last seventy years of the Peshwas' Government:—

Statement A, of Inams resumed by the Peshwas' Government.

Ditto B, of ditto continued to direct and collateral heirs under the authority of do. do.

Ditto C, of ditto ditto to adopted sons under do. do.

Ditto D, of ditto transferred by gift or sale under do. do.

These cases form but a small fraction of those on record, but they will suffice, I apprehend, to prove that the Commissioner in the Déccan (Mr. Chaplin), whose opinion Mr. Warden has quoted in the 3rd paragraph of his letter, was in error when he stated that "the practice of the Peshwas' Government in respect to Inams was that the holders could dispose of them by will, in sale, or in any other way they chose. "It seems to me clear that without the sanction of Government *even a son, could not hold his father's Inam*, and that without such sanction any transfer of an Inam became null and void. It appears equally certain that the Peshwas' Government not only possessed the power of resuming Inams, but that the power was freely exercised; and it is further shown that Inamdars were not exempted from the payment of cesses, but that they contributed largely in this respect. In short, it is placed, I think, beyond a doubt that an Inam, though granted as a free gift in perpetuity, was resumed or continued, and was taxed at pleasure.

8. The power of resumption seems to have been arbitrarily exercised; but this is not surprising, for it could scarcely have been otherwise where the will of the sovereign had the force of law, and indeed *was* the law. Whatever may have been *the theory,—in practice*, Inams seem to have been interfered with in every possible way; and it will be seen* that on an Inamdar's death even his son could not consider his holding secure without obtaining the special sanction of Government to the succession. It will be observed,† also, that political offences were punished by resuming the Inams of the offender, and that the punishment due to the actual delinquent was sometimes‡ *even inflicted on his relatives*. When it is remembered that the Muratha rule was one succession of usurpations, conquests, and intrigues for sovereign power, an estimate may be formed of the number of persons who suffered on this account.

9. The documentary evidence thus obtainable being of such unquestionable authenticity, can scarcely be strengthened by individual testi-

* No. 24 of Statement A, and Nos. 1, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 16, 17, 20, 21, 23, and 24 of Statement B.

† Nos. 4, 5, 6, and 22 of Statement A. ‡ Nos. 9 and 14 of Statement A.

mony. The value, however, which attaches to any deliberately recorded opinion of Sir T. Munro is such that I should leave this portion of the subject incomplete were I to omit to make the following quotation from a Minute of his, dated the 16th January 1823, and *written after* he had effected the reduction and settlement of the *Southern Muratha Country*, now forming a portion of the Bombay Presidency, and that portion, too, in which more alienated land is claimed than anywhere else. Sir Thomas Munro thus expressed himself:—

“In this country, under the Native Governments, all grants whatever are resumable at pleasure; official grants are permanent while the office continues, but not always in the same family; grants for religious and charitable purposes, to individuals or bodies of men, though often granted for ever, or while the sun and moon endure, were frequently resumed at short intervals; grants of Jagheers or Inam lands, from favour or affection, or as rewards for services, were scarcely ever perpetual. It was rare that any term was specified, and never one or more lives; but it made usually little difference whether the grant was for no particular period or perpetual,—the (Altumgha) perpetual grant was as liable to resumption as any common grant containing no specification of time;—it was resumed because it was too large, or because the reigning sovereign disliked the adherents of his predecessors and wished to reward his own at their expense, and for various other causes. There was no rule for the continuance of grants but his pleasure; they might be resumed in two or three years, or they might be continued during two, three, or more lives; but when they escaped so long, it was never without a revision and renewal. I believe that the term of their lives is a longer period than grants for services were generally permitted by the Native princes to run.”

10. Statement D, of Inams transferred by gift or sale under the authority of the Peshwas' Government, contains a number of instances, sufficient, I think, to prove that these transfers were valid only when sanctioned by the Government. It is shown that this sanction was sometimes* conditional on the payment of a relief on “Nuzur.” How very fully the Government exercised the power of control can scarcely be doubted when we find that it extended to the transfer of a small portion of Inam land by Nana Furnaveses† when in the height of his power, and when we see that a powerful feudatory like the Vinchoorkur‡ was subjected to the same restriction.

11. The inquiries which I have made to enable me to prepare this

* No. 10 of Statement D.

† Nos. 14 and 16 of Statement D.

‡ No. 11 of Statement D.

report have placed me in possession of valuable information elucidatory of the practice which existed under the Peshwas' Government in regard to adoptions by Inamdars. Statement C contains fifteen instances in which adoptions were sanctioned. In some* of these cases the adoptive father had held a Surinjam as well as Inams, and both were continued on the payment of a relief (Nuzur), in others† the succession was to Inams only, and even here it will be seen that Nuzurs were sometimes‡ levied.

12. The above evidence seems tolerably conclusive, but there is yet stronger proof forthcoming. I would solicit a reference to the instances, specified as No. 19 of Statement A and No. 4 of Statement C, *in which adoptions were disallowed and Inams resumed, on the specifically recorded grounds of such adoptions not having been made with the sanction of the Peshwas' Government.*

13. Under these circumstances there cannot, I apprehend, longer remain room for doubting the correctness of the opinion on this subject laid down by the Government in the Revenue Secretary's letter No. 6023, of the 14th September last, and which has been submitted for the final orders of the Honorable Court of Directors: it is, I think, clear, that in reserving to themselves the power of granting or refusing such assent to adoptions on the part of Inamdars and others holding liens on the public revenue as will confer upon the adopted son a title against the State, Government merely exercise a prerogative which the Peshwas never for a moment relinquished.

14. That with the information which is now forthcoming—only a small portion of which (see paragraph 7 of this letter) I have thought it necessary to embody in the several statements appended to this letter—before him, the Commissioner (Mr. Chaplin) would have ever informed the Government that “the practice of the Peshwas' Government in respect to Inams was that the holders could dispose of them by will, in sale, or in any other way they chose,” is, I conceive, out of the question; and I presume, therefore, that the knowledge must have been withheld from him by the hereditary Duffur Karkoons, most of whom must have been more or less acquainted with the previous practice, and many of whom must have been able to refer to the recorded proof which was at hand, had they thought proper to do so. To one of these hereditary Karkoons I shall by and bye have occasion again to refer (see paragraph 99 of this letter), and I would only here further remark, that what has apparently occurred seems to point out the necessity of extreme caution in matters of this description.

* Nos. 8, 12, and 15 of Statement C.

† Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, and 14 of Statement C.

‡ Nos. 1, 2, 6, 9, and 11 of Statement C.

15. It certainly seems to me that *bond fide* Inams are now held on a tenure far more secure and permanent than any which existed under the Peshwas, and the proof that such is the case is, I think, to be found in the recorded proceedings of the Peshwas' Government. But this is not all,—it is only under the present Government that Inamdars have been relieved from the constant and heavy exactions to which they were previously subjected. The Native Government seems to have exacted from them largely, and if not quite as much as from some other classes, certainly as much as they required or thought proper. The difference was in many respects a purely nominal one; Inamdars did not, as a general rule, pay what was called "Nuzur," though it was frequently levied from them, but they were made to pay in a dozen other ways, and the Government demands were, if resisted, realized by a summary process,—the resumption of the Inam. I give below nine of the heads under which levies from Inamdars were brought to account, the amount of revenue which was thus realised being shown by the accounts of the late Government to have been very large:—

- | | |
|---------------------|----------------------|
| 1. Inam Tizaiee. | 6. Babool Puttee. |
| 2. Kurz Puttee. | 7. Swaree Puttee. |
| 3. Ek Salee Puttee. | 8. Ambeh Puttee. |
| 4. Duhuk Puttee. | 9. Doomalleh Puttee. |
| 5. Inam Puttee. | |

Of these, all save Inam Tizaiee have, I believe, been discontinued.

16. Mr. Warden thinks (see paragraph 3 of his letter) that "an Inam was originally a grant from the rich to the poor for his maintenance"; and it seems desirable to inquire in how far this description can be held applicable to the Inam tenure as it existed at the conquest of the Decan, because it may fairly be supposed that grants essentially of this nature must have been exempt from resumption on almost all of the grounds shown by the State records to have been those on which resumptions usually took place. What an Inam may have originally (*i. e.* as far back as the seventeenth century, and even earlier) been, it is, I apprehend, now scarcely possible to ascertain with certainty; nor, indeed, am I able to perceive that the information, if obtainable, could be of any practical use, as we know perfectly well what Inams were during the Government of the Peshwas, and what they were when the Peshwas' authority gave way to that of Great Britain.

17. Looking, then, to the seventy or eighty years which preceded the introduction of the British Government,—and for nearly the whole of which period we have voluminous records,—it will be found that Inams were indiscriminately granted to both rich and poor; very often, doubtless, to the latter for their maintenance, but frequently, also, to the former for their dignity: the instances in which *Inams of considerable value*

were granted to persons in different grades of life are very numerous, and cannot, in my opinion, be correctly designated as gifts to the poor for their maintenance, nor can I suppose that they were ever intended or considered as such; and still less am I able to view in this light the bestowal,* in Inam, by the sovereign of a small portion of land, or of a village worth only a few hundred rupees, upon a powerful tributary prince or feudatory already in the possession of estates valued at millions. I have extracted a few of the most striking cases on record, and they will be found in Statement E appended to this letter.

18. It is, I believe, equally unsafe rigidly to define (see paragraph 5 of Mr. Warden's letter) a Surinjam as "an assignment to the noble for dignity." Many of the smaller Surinjams were of little value, and even these were generally service holdings: in these cases, then, and when the recipient held nothing else, I cannot look upon an assignment, valued at sometimes less than one, and very frequently at not more than three or four thousand rupees, as one granted to uphold the dignity of a noble. I should rather adopt the definition laid down by Mr. Elphinstone in a letter to the Collector of Poona, dated the 22nd August 1818, and describe such a Surinjam as "allotted in lieu of pay for service."

19. Who *were* nobles? must first, however, be asked; and this is a question not very easily answered with regard to a country where the transition from the peasant to the prince was so rapid, and not unfrequent. It may yet be safely asserted, that although nobles were almost universally Surinjamdars, Surinjamdars were not necessarily nobles,—at least not as we understand and use the term. The small Paga commanders and Silledars held Surinjams in common with the Vinchoorkur and the Putwurdhun Chieftains, and many of the inferior Karkoons were Surinjamdars equally with Nana Furnavese; but in these cases the difference of rank and position was just as great as that which in our own country exists between a troop or company officer and a Commander-in-chief entrusted with the fullest powers, or between a local Magistrate and one of the Ministers of State. That the large Surinjams usually granted to great officers did maintain their dignity, and were intended so to do, is, I imagine, unquestionable; but, on the other hand, a numerous class existed, of whom it would be but correct to say that they held Surinjams for their maintenance in return for service rendered.

20. Mr. Warden in his 4th paragraph explains that—

"A Surinjam was of two kinds,—one, called a Fouj Surinjam, was a grant of land from the sovereign to a noble, to enable him to sup-

* Nos. 7, 8, and 9 of Statement E.

port a contingent of troops with which he was bound to take the field with his lord paramount; the other, called a Zât Surinjam, was a distinct grant to the same noble, to maintain due state and dignity as a feudal Chieftain."

But there was a *third* and important description of Surinjam,—that granted to civil ministers, and others of the non-military classes. It is important not to lose sight of these Surinjams, for Moreshwur Dixit's is one of them, and they were, moreover, deemed by the Governor General and by Mr. Elphinstone *not entitled* to the consideration shown to the holdings of the military Chiefs. Mr. Elphinstone observed in paragraph 33 of his despatch No. 78, of the 18th June 1818,—

"With respect to the old military Jagheerdars, I would by no means recommend the resumption of their lands on the death of the individuals; those of civil officers or new Jagheerdars may more properly be lessened or entirely resumed."

21. Mr. Warden, in expressing an opinion (see paragraph 5 of his letter) that a Surinjam was an assignment "never for a longer period than the life of the grantee, and that it is, therefore, as great a misapplication of terms to talk of an hereditary Surinjamdar as it is to talk of an hereditary pension," has overlooked the fact that the existence of hereditary Surinjams was pointed out by Mr. Elphinstone in 1838 to the Honorable Court of Directors, when explaining some of the general principles upon which he had in 1819 recommended to the Governor General that the Deccan Surinjams should be continued:—

"The maintenance [said Mr. Elphinstone] of many of the Chiefs in their possessions was certainly suggested, as supposed by the Governor General, for the purpose of avoiding popular discontent and preventing the too rapid fall of great families; but in other cases it rested in the belief that the holders were entitled of right to their possessions: where a Jagheer was by the original grant made hereditary in the family of the grantee, there could be no doubt of the right of the descendant; but where there was no such grant (as was the case with almost all the Jagheers), the right rested on different grounds, arising from the tenure of Jagheers (or Surinjams, as they are called by the Murathas)."

22. Again,—on the same occasion, Mr. Elphinstone, in referring to the Surinjam of Sheik Meera Waekur, adverted in terms equally explicit to the existence of hereditary Jagheers:—

"My impression is [Mr. Elphinstone said] that Sheik Meera's ancestor commanded a Mogul fort at the time of the first conquest by the Murathas, and surrendered on terms, one of which was the receipt of an hereditary Jagheer."

23. Previous to this, however, Mr. Warden himself had alluded to the existence of hereditary Surinjams. When submitting to Government in 1834 lists of the Deccan Surinjams, he stated in his letter dated the 3rd January,—

“Sheik Meera Waekur was a Sattara feudatory Chief, serving the Raja with a few horse and holding a Surinjam for his life in Khan-deish. I have referred to his Sunud or title-deed and find that his estate was clearly a life-grant, the customary provision for the continuance of it by inheritance, to be found in the Sunuds of all hereditary Surinjams, being omitted, and the usual form of life-grant adopted.”

24. One clearly recorded case in point is to be found in the Surinjam granted to the Kuveejung family, the Sunuds for which are registered in the State diaries, and distinctly define the grant as an hereditary one, to be continued to the children, male and female; and *this very case* was in 1844 specially reported on by Mr. Warden, the Government having, in the 6th paragraph of their Political Secretary's letter No. 994, of the 9th May 1843, called for information on the subject in the following terms:—

“6. With reference to the 15th paragraph of the Honorable Court's despatch, I am directed to request that you will in the first instance satisfy yourself of the authenticity or otherwise of the Sunud on which the family of the late Ekhtaz Khan Jung Nuggurkur claims, as an hereditary grant, the estate held by the deceased, and report the result of your investigation to Government, accompanied by a literal translation of that document. On the receipt of this information the final instructions of Government on this subject will be communicated to you.”

This information Mr. Warden supplied in his letter No. 225, of the 29th December 1844, in the 15th paragraph of which Government were informed as follows:—

“I annex, marked A, a literal translation of the Sunud produced by Ekhtaz Khan's son, which is registered in the Peshwa's Dufur, and must, therefore, be held to be authentic; orders to the same effect to the Mamlutdar and district and village officers are also produced by this person.”

The concluding portion of the Sunud above referred to is that in which the Surinjam is declared hereditary, and this portion was rendered as follows in the translation which accompanied Mr. Warden's letter:—

“In this manner has the Surinjam grant been made to you, and you are, therefore, requested to assume possession of the shares of the foregoing villages as formerly, and both you and your children, male and

female, enjoy the same. Continue to render faithful service to the State."

25. The whole of the circumstances detailed in paragraphs 21 to 24 of this letter were doubtless in the recollection of the Honorable the Court of Directors when, in sanctioning the revised Surinjam lists, they acknowledged (vide paragraph 17 of Honorable Court's despatch No. 15, dated the 22nd May 1849) in the following terms the existence of hereditary Surinjams, and in doing so admitted the claim of Moreshwur Dixit Munohur, stated to be in the possession of one:—

"No. 2, Moreshwur Dixit, value Rs. 491.—In this case, the Sunud is of the date of 1766, but is stated to contain [what is rare in such cases] distinct words of inheritance; this Surinjam, therefore, should be hereditary."

26. I have met with another recorded grant of an hereditary Surinjam to the Nuwab of Belha, dated 8th Ramzan, Teesa Sumaneen (corresponding with the 3rd June A. D. 1789), the registry of the Sunud for which is forthcoming in the State diaries, and declares the Surinjam to be granted to the *Nuwab and to his offspring* (तुहदी व तुचचे बरखुददार Toomhee, wu toomché Burkhoodar) so long as they may remain faithful servants of the Peshwa's Government.

27. Mr. Warden in his 6th paragraph (quoting from memory) describes the Governor General as having "ordered on the conquest of the Peshwa's dominions that the Muratha principles and practice in this respect should be followed, and that every Surinjam should be resumed at the death of each grantee and be re-granted as an act of grace." I would, however, observe, that in regard to a very large number of the Surinjams it was, from the very first, determined that they should be life-grants only, and to these, of course, Mr. Warden's remarks are not intended to apply. But even in the other cases I cannot find that the Governor General directed the resumption on the death of the holder, and the re-grant, as an act of grace, of every Surinjam; on the contrary, I find that the Governor General in Council expressed himself as "anxious that the alienations of public revenue, either in Jagheers, pensions, or other grants, should be limited as much as possible as to number, amount, and duration." (Vide paragraph 5 of letter dated the 4th March 1820, from the Secretary to the Government of India to the Chief Secretary to the Government of Bombay.)

When Mr. Elphinstone proposed to declare certain Surinjams hereditary, or when, at any rate, such was understood to be his proposal, the Government of India did not concur. This is the occasion to which I apprehend Mr. Warden must allude, and on this occasion Mr. Elphinstone, who had meanwhile become the Governor of Bombay, was informed in paragraph 13 of letter dated the 4th March 1824, from the

Secretary to the Government of India to the Chief Secretary to the Government of Bombay,—

“13. With reference to those grants which it is proposed to make hereditary, the Governor General in Council doubts the policy of making any grants hereditary which may justly be put on the footing of life-grants. By keeping them as life-grants, Government is by no means excluded from the power of renewing them if it should be deemed expedient to do so, and every renewal will be a fresh act of grace conferred on the individual receiving it; but, by now declaring those grants to be hereditary, Government would be precluded both from resuming its rights when it might be necessary to do so and from conferring favours on the descendants of the present grantees, and would thus be deprived of a probable source of future improvement in revenue and every other branch of civil administration, as well as of the means of winning attachment by personal obligation.”

28. The last column of Mr. Elphinstone's list of Jagheers is headed—“For what period recommended”; and in this column some of the Surinjams are marked “Hereditary”; some “May be diminished at his death”; some “For life”; and some are not marked at all. From several circumstances which it is not necessary here to particularise, I inferred on a former occasion (vide letter to the Inam Commissioner, No. 327, dated the 21st September 1852) that these unmarked Surinjams were recommended as life-grants only; but Mr. Warden has in a note to his 8th paragraph now explained that they are those upon which Mr. Elphinstone did not decide, and in regard to which he submitted no recommendation, leaving them open questions.

29. In previously forming an opinion on this subject, I had not the personal knowledge possessed by Mr. Warden of the circumstances (see note to paragraph 8 of Mr. Warden's letter) under which Mr. Elphinstone's lists were framed, and I could, therefore, only look to the best evidence of the intentions of the framer which was within my reach. This I sought in Mr. Elphinstone's own transitory despatch (dated the 25th October 1819) to the Governor General, which explained each “step” (see paragraph 2 of despatch) in “the operation” of preparing the lists, and the 6th paragraph of which stated that “the whole list was then examined, and decisions passed upon each case”; while, excepting a reference in the 12th paragraph to the claims of persons who had not made their appearance, but were still allowed a hearing, there was nowhere any allusion whatever to questions not decided upon or left open.

30. In my original report, No. 327, dated the 21st of September 1852, on Moreshwur Dixit's Palanquin allowance, Mr. Elphinstone's lists, and what I then supposed to have been his recommendation, were *incidentally*

alluded to, and nothing more, for the *sole* object of that report was to bring to notice what seemed to me a grave error in the *revised lists*; but I subsequently found that even where it did seem of importance to ascertain Mr. Elphinstone's recommendations, it was not possible to do so with any degree of security against error, owing to the absence of any authenticated copy of his lists and the apparently imperfect state of the only document on record at Poona, which I reported, in my letter to the Inam Commissioner, No. 664, of the 29th December 1852, as one "which is not authenticated, and is full of erasures and alterations,—when made it is impossible to determine."

31. The authenticated copy of Mr. Elphinstone's original lists, which, under the circumstances just mentioned, you applied for, has now been received from Calcutta, and does not differ materially from the rough draft heretofore in use here; it, however, enables me now to speak with confidence, and it shows that out of the whole four hundred and fifteen cases which the lists contain, *no less than two hundred and fifty-eight* are in the same condition as the Surinjam of Moreshwur Dixit,—that it is to say, they are "unmarked." (See paragraph 28 of this letter). The following abstract shows the number of marked and unmarked cases in each Class:—

| Under what Head. | Marked. | Unmarked. |
|------------------------------------|---------|-----------|
| Sirdars* or great Chiefs..... | 50 | 60 |
| Mootsudees..... | 45 | 13 |
| Hoozrat | 11 | 83 |
| Silledars | 28 | 50 |
| Dependents of Foreign States | .. | 16 |
| Paga Chiefs | 18 | 14 |
| Killedars..... | .. | 12 |
| Kitta | 5 | 10 |
| Total.... | 157 | 258 |

Out of the above two hundred and fifty-eight unmarked cases, about one hundred and twenty appear to be those of absentees.

32. In affording, in my letter to the Inam Commissioner, No. 42, dated the 17th January 1853, some supplementary information regarding Moreshwur Dixit's case, I adverted to the somewhat imperfect state of these lists in the following terms:—

"Mr. Elphinstone forwarded these lists to the Supreme Government just when he was leaving the Deccan Commission; it seems probable that their completion may have been somewhat hurried, and

* This Class includes the dependents of the Raja of Akulkote.

that this may account for their not being so perfectly framed as would otherwise have been the case. It may turn out, however, that the lists transmitted were more complete than the drafts which alone were apparently retained for record, and in this case the copies which have been applied for will be all that we require."

The authenticated copies have now been received from Calcutta, and a careful examination of them has satisfied me that they should always be referred to in connection with the other forthcoming English and Murathee records, and that they should be held to be authoritative only *after* collation with these documents. Of course I here refer to the *detail* of the lists; and as exactly illustrating my meaning, I cannot do better than quote the 9th, 10th, and 11th paragraphs of a report which I recently submitted to the Inam Commissioner, (No. 128, dated the 15th March 1853,) and in which I had occasion to allude to this subject :—

"9. Much stress is sometimes laid on the propriety of preserving intact Mr. Elphinstone's arrangements, and in this opinion generally I entirely concur; but I conceive that in speaking of Mr. Elphinstone's arrangements we speak of the *principles* which he laid down so clearly and so minutely as those on which his settlement was made, and that we do not purpose to take for granted that all the *detail* was necessarily correct. Indeed, we cannot do so, for we constantly find instances proving the contrary. One has come under my observation while making this inquiry, and it is such a very striking one that it is worth while to record it.

"10. The Surinjam of Saojee Nimbalkur (including the village of Sherusnee, now reported on) is entered as No. 8 in the Class of 'Paga Chiefs' in Mr. McDonnell's list of Jagheers (which list is nothing more than a detailed statement of the Surinjams entered in Mr. Elphinstone's list of Jagheers transmitted to the Supreme Government on the 25th October 1819), and the Mokassa and Nimchowtaiee Umuls of the village are therein shown as belonging to Government. But in another portion of Mr. McDonnell's list the Mokassa Umul is shown as forming part of the Surinjam of Umursing Jadow Rao, whose name will be found under the head of Sirdars, No. 28.

"11. In the (Chor Chittees) orders of release issued by the Commissioner, copies of which have been forwarded to me by the Agent for Sirdars, another mistake is apparent, the Mokassa Umul having been continued in two places. It is released as forming portion of the Surinjam of Umursing Jadow Rao (Sirdars, No. 28), and it is also released as forming a portion of the Surinjam of Saojee Nimbalkur (Paga Chiefs, No. 8)."

33. The *principle* upon which Inams and Surinjams were continued by Mr. Elphinstone is adverted to in the 10th paragraph of Mr.

Warden's letter. With Inams I have at present nothing to do, but not so as regards Surinjams, the inquiry regarding which Mr. Warden explains to have been—"whether it had been, *however possession may have been in the interval disturbed*, first granted by the dynasty which the British Government succeeded, or whether a stronger prescriptive title had been established by the ability to trace the original grant to the Rajas of Sattara or the Mahomedan rulers of the Deccan."

But this is exactly opposed to the principle laid down in the Government letter, as I understand it, (vide paragraphs 58. to 61 of this letter,) which directed the revision of Mr. Warden's lists, and it is on the principle which I suppose to have been laid down by the Government that I am conducting my inquiry.

34. I do not attempt here to look back to Mr. Elphinstone's recommendations, because I apprehend the question to be one arising *solely* with reference to the Rules laid down by the Honorable the Court of Directors on which the revised Surinjam lists were ordered to be framed. When the Honorable Court specified A. D. 1751 as the limit (vide paragraph 9 of the Honorable Court's despatch No. 17, dated the 26th October 1842), and declared that all grants of an earlier date should be considered hereditary, they must, I imagine, have contemplated not only possession previous to 1751, but also enjoyment subsequent to that date,—at least, so it seems to me; for otherwise, a Surinjam granted just before 1751 and under resumption for thirty or forty years of the period intervening between the original grant and the fall of the Peshwa, would become an hereditary one, while another grant made in 1752 and held from that date to the breaking out of the war, would have no claim to hereditary continuance, although actually enjoyed during a much longer period.

35. This seems the proper place to record what has taken place with regard to the Deccan Surinjams generally, from the date of Mr. Elphinstone's first settlement up to the present time. This statement will, I believe, be useful in clearing up more than one doubt, and especially in removing a misapprehension which, judging from several paragraphs (12, 28, and 31) of Mr. Warden's letter, seems to exist, that we have questioned, or are about to question in 1853, the decisions passed by Mr. Elphinstone in 1819 in favour of individuals, "merely because we can no longer discover the motives which actuated him to restore grants." Such a proceeding has, as far as I am aware, neither been ordered nor authorised by Government, and nothing of the sort has most certainly ever been contemplated by me.

36. On the 18th June 1818 Mr. Elphinstone submitted to the Governor General "a general view of the measures adopted for the settlement of the Peshwa's late country," and "suggestions on the plans" which

seemed "best suited to the completion of that object." One of the most important subjects discussed was the best method of providing for the Jagheerdars whom the events of the war had deprived of their power and possessions. It was proposed to do this by leaving them their *personal* Jagheers, and by pensioning on moderate sums the few not so provided for. As a measure of policy, Mr. Elphinstone also recommended "pensions to some of the old Ministers of the State, reduced to poverty by the persecution of Bajee Rao,—a sort of bounty that would be more popular than the provision for that Prince's own Ministers."

37. The above was the arrangement proposed with regard to the Jagheerdars generally,—there were exceptions, such as the Putwurdhun Chiefs, Appa Desaee, the Punt Suchew, and others, whose possessions were subsequently specially fixed on different principles. These Jagheerdars formed, and continue to form a separate class, and it will not be necessary further to advert to them in this letter.

38. Mr. Elphinstone calculated that the available revenue would fall short of forty lakhs, and proposed several additional measures, to be adopted in the event of the Governor General deeming the amount insufficient to meet the purposes to which His Excellency might intend to allot it; one of these measures (vide paragraph 33 of despatch) being the "recovery" of the pensions to civil and military officers, "by resumptions from the personal Jagheers."

39. A marked distinction was proposed to the Governor General to be made between the Jagheers of the military and those of civil officers,—Mr. Elphinstone observing in paragraph 33 of his despatch,—

"With respect to the old military Jagheerdars, I would by no means recommend the resumption of their lands on the death of the individuals; those of civil officers or new Jagheerdars may more properly be lessened or entirely resumed."

40. On the 26th September 1818 the Chief Secretary to the Government of India replied to the despatch, the important portions of which, affecting the subject-matter of this report, I have quoted in the preceding paragraph; and Mr. Elphinstone was informed that his financial calculations were approved of, in the following terms:—

"The statement given by you of the revenues of the territories of the late Peshwa remaining in the hands of the British Government, after meeting all the demands on us arising from the circumstances under which they were acquired, is satisfactory, and appears to have been framed by you on such notions and moderate principles as to afford just grounds for the belief that no disappointment will be experienced through any unexpected defalcation."

41. In the proposal to continue generally the *personal* Surinjams, or

an equivalent for them, the Government of India entirely concurred, and observed in paragraph 16 of their letter,—

“The proposal for allowing this class of persons [the Jagheerdars] and the other holders of lands for their personal expenses to retain the enjoyment of the lastmentioned description of grants, is founded on principles of wise and liberal policy, and has the perfect concurrence and sanction of the Governor General in Council, subject to such special arrangements and provisions as you may judge necessary in apportioning the grants, with a view to make distinctions according to individual desert, and to leave at the same time some fund to provide for persons similarly entitled to consideration, but who did not derive their support from grants of land.”

42. The 21st and 22nd paragraphs of the Chief Secretary's despatch (below quoted) sanctioned the assignment of pensions to those whose personal Jagheers were to be resumed, and to the old Ministers of the State reduced to poverty by the persecution of Bajee Rao.

“21. You are authorised to assign suitable but moderate pensions to such of the officers of the late Peshwa's service as are not provided for by having their personal Jagheers left to them.

“22. The arrangements you propose regarding the civil officers of the late Government, and some of the old Ministers of the Poona State reduced to poverty by the persecution of Bajee Rao, are entirely approved by the Governor General in Council. Your excluding from these arrangements those individuals who remained with Bajee Rao up to the last is also approved.”

43. I have already stated (paragraph 38 of this letter) that Mr. Elphinstone had proposed to reduce the personal Jagheers in the event of any increase of the available revenue of the country being deemed absolutely required : this, however, the Government of India did not consider necessary, although it was distinctly intimated that the alienation of revenue which these liberal arrangements involved was sanctioned, *not as a permanent, but as a prospectively diminishing one.* The 29th paragraph of the despatch which conveyed these instructions is given below entire, and preserves, it will be observed, the distinction which Mr. Elphinstone proposed (see paragraph 20 of this letter) to make between grants to *civil* and *military* officers of the Peshwa's Government :—

“29. The tranquillity of the country and the future success of our administration are so much involved in the grant of liberal provisions to the civil and military officers of the late Government, that the Governor General in Council would feel very much averse to sanction any reduction of the amount appropriated to that purpose. Many of

these are for life, and will ultimately increase the revenue of Government; and they will indirectly have the same effect by their influence on the general prosperity and productiveness of our possessions. The Governor General in Council does not by any means contemplate a general resumption of the Jagheers, especially those held by military officers. Every fair occasion, however, should be taken, to resume or curtail Jagheers falling in by the death of the holder."

44. Such was the plan proposed by Mr. Elphinstone, and sanctioned by the Government of India, for "restoring the personal lands of the Chiefs, Ministers, and other Jagheerdars of the Muratha Government," and the completion of which was reported in Mr. Elphinstone's despatch of the 25th October 1819. I propose to quote the whole of this despatch, and of the detailed Rules which accompanied it, because it is of great importance to show *how very fully Mr. Elphinstone explained to the confirming authority the considerations which influenced his recommendations in each case:—*

"1. I have the honour to report the completion of the plan proposed in my despatch No. 78, for restoring the personal lands of the Chiefs, Ministers, and other Jagheerdars of the Muratha Government.

"2. The first step in this operation was to extract from the Peshwa's Duftur a full account of each Jagheer, and to ascertain, as correctly as possible, the character and history of each Jagheerdar, with the time when he made his submission to the British Government. This was done immediately after the war.

"3. The Collectors were next furnished with lists of the personal Jagheers, and requested to ascertain their actual value, and whether they were in force up to the breaking out of the war.

"4. After time had been allowed for this inquiry, a proclamation was published, calling on all who had claims to Jagheers to appear and show their Sunuds, with lists of their personal lands, acquainting them that it was in the contemplation of His Excellency the Most Noble the Governor General to make some provision for them, and apprising them that none who did not appear before the 15th September would be attended to.

"5. The investigation was now committed to Mr. McDonnell, who proceeded to compare the statements of the Jagheerdars with those drawn up in the Duftur, checking both by the accounts received from the Collectors. A complete register was framed on this comparison, showing the name of the holder of each Jagheer; the date and nature of the grant; the situation of the lands, and the sources of revenue when not drawn from land; with the Kumal or highest revenue, the revenue as stated by the Jagheerdar, and actual collections as reported by our officers.

"6. The whole list was then examined, and decisions passed on each case.

"7. All were left in possession of their lands except such as were granted as late as Bajee Rao's time, to whom pecuniary pensions were assigned:

"8. All Jagheers held by ancient and great families were recommended to be hereditary (but no communication has been made on this subject to the holders). Those which were to cease at the death of the present possessors were specified, and where any allowance was to be continued to their heirs it was likewise noted down.

"9. Besides these principles which determined the grant, other detailed Rules were drawn out regarding the manner of executing it, and are enclosed (No. 1). The object of them was to consolidate Jagheers, and to provide in various particulars for the convenience of Government and the accommodation of the Jagheerdars.

"10. The enclosed statement No. 2 shows the result of the above inquiries, and the decisions passed on them. Where the principles and rules laid down have been departed from, the reasons are always stated in detail; a short account of each of the principal persons is also given.

"11. No. 3 is an abstract of No. 2; the Jagheers in Sattara were afterwards deducted. The balance shows what is still to be paid by the British Government,—it amounts to Rs. 7,46,269-13-0 of actual collections; but as many are already in possession, and others have not appeared, the actual deduction from our future revenue will not amount to this sum.

"12. The reason why those who have not appeared are still allowed a hearing on accounting for their absence is, that it is probable they also held them as Inams (a case not unfrequent), and have, therefore, been already put in possession;—this would sufficiently account for their non-appearance."

The following are the detailed Rules which are referred to in the 9th paragraph of the letter just quoted:—

"General Rules.

"I. When a Jagheerdar has no fixed villages for his personal Tynat, he is to receive villages of the average goodness of the Purguna, the Tunkha of which shall amount to the sum fixed for his personal Tynat. In cases where the grant to the Jagheerdars has been regulated by the Kumal instead of the Tunkha, he will receive villages the Kumal of which will amount to his personal Tynat. A Jagheerdar may be allowed to select a village for his residence, the rest will be fixed by Government, as may be most convenient; and if he should

willingly take money instead, it will be so much the better,—the sum to be something above the actual collection from the villages he would otherwise receive.

“II. Where a large proportion consists in partial collections in money and kind, on the lands of other persons, (Umul) one village may be granted, and the rest of the personal allowance made in money; the amount to be regulated by an average of the collection from these sources.

“III. The same scale may be adopted, when not particularly inconvenient, even if the whole Jagheer should consist of Umul.

“IV. The holders of Mokassa in districts where the revenue has much declined would probably accept of a fixed pecuniary payment, which, though much inferior to what the Mokassa would hereafter rise to, will still be considerably above the receipts from that source. Bargains of this kind ought always to be concluded when they appear favourable to Government: when Mokassa is derivable from the villages in the possession of foreign States, the Jagheerdar is to be allowed to collect them according to former practice, unless they have been exchanged or ceded; in the former case compensation will be made by Government, but in the latter none.

“V. The above rule is applicable to Jagheers; it should be recommended to Government to exchange any that lie within the territories of foreign powers.

“VI. Where money is given in lieu of Jagheers situated in Sattara, the sum is to be paid by the Raja who is to receive the villages.

“VII. No Surinjam ceded to the British Government by the Treaty of 1817, and no Jagheer not actually enjoyed up to the war, to be restored, unless specially directed so to be.

“VIII. In all cases of Mootsudees, where they do not reside upon their Jagheer, and have no particular ground of attachment to it, a pecuniary payment, somewhat exceeding the produce of the Jagheer, ought to be made, instead of actual restoration, unless in peculiar cases, which will be specified in the list and marked ‘land.’

“IX. In cases where members of the Hoozrat, and other persons whose Jagheer it is absolutely necessary to continue, have a large share of their resources within the Nizam’s country, an application must be made to that prince to continue them in the same manner as Inams.”

[Either a paragraph (X.) has been omitted, or the last two paragraphs have been wrongly numbered. Captain Cowper’s Office copy of these Rules, and that on the records of the Bombay Government, have been found to contain the same error. It has not been thought necessary to delay this report pending a reference to Calcutta.]

“XI. Ditto ditto ditto Pagha Chiefs.

“ XII. A list of the Jagheers of Ministers of foreign States to be sent to the Residents at the Courts of those States, and their opinions to be solicited confidentially as to the expediency of continuing them.”

45. A perusal of this despatch and its accompaniments, (the detailed Rules referred to in the 9th paragraph of the despatch,) and of the detailed statement of Jagheers prepared by Mr. Elphinstone's Secretary and retained at Poona, coupled with the knowledge of the previously recorded discussion to which I have adverted, has certainly left me under the impression, *not* that Mr. Elphinstone *failed* to record the motives and considerations which prompted him, but that he *did* record them with an accuracy and minuteness almost unexampled. In this, as in all other cases, not the least of the merits of Mr. Elphinstone's arrangements consisted in their admitting of such easy explanation, which from first to last that statesman seems to have considered it his bounden duty to afford even in matters comparatively unimportant. Mr. Elphinstone, in adhering scrupulously to a system which must have imposed on him no small amount of additional labour, was actuated, I doubt not, by a conviction of the immense advantage of enabling* the Governor General, in deciding on all questions submitted to him, to do so with a full knowledge of every consideration which had influenced him (Mr. Elphinstone) in proposing them.

46. The transmission on the 25th October 1819 of these lists of Jagheers, and of others of pensions which immediately followed them on the 26th October 1819, was one of the last of the official acts of Mr. Elphinstone as Commissioner and before proceeding to Bombay, to the Government of which he stood appointed. In some respects it was not to be supposed that the lists could be complete,—indeed, as regarded the pension lists, Mr. Elphinstone himself specially drew the attention of the Government of India to the fact that they were not so, and Mr. Warden has from personal knowledge now pointed out (note to paragraph 8 of Mr. Warden's letter) that many of the Surinjams were altogether left unsettled, although included in the lists. Here, again, the wonder seems to be, not that a little should have remained to be done, and that, owing to the necessity of trusting a good deal to imperfect information, error should here and there have crept in, but that a task of such magnitude should have been so well and so thoroughly completed in so short a time, under such circumstances.

* The 10th paragraph of Mr. Elphinstone's despatch, quoted in the last paragraph, seems sufficiently distinct on this point, as it informs the Governor General that the lists of Jagheers were framed generally according to the Rules previously laid down, and copy of which accompanied the despatch, and it further states that where the principles and rules laid down have been departed from, the reasons are always stated in detail.

47. In due course, Mr. Elphinstone's proposed settlement was reviewed by the Government of India, it having meanwhile, however, been discovered that the realizable revenue of the conquered territory would fall greatly short of the amount calculated upon by Mr. Elphinstone when making his proposals, and by the Government of India when generally approving of them. Under these circumstances, the following despatch was on the 4th March 1820 forwarded from the Secretary to the Government of India to that of Bombay :—

"I am directed to acknowledge the receipt of the despatches of the 25th and 26th October from the Honorable the late Commissioner in the territories conquered from the Peshwa, relating to Jagheers and pensions, either promised or proposed.

"2. The contents of these despatches have been for some time under the consideration of the Governor General in Council.

"3. His Lordship recognises in them an adherence to the principles laid down in the instructions of 26th September 1818.

"4. Since that period, however, a considerable diminution has taken place in the hopes then framed of an efficient revenue from the conquered country, applicable to the general service of the State. From the latest calculations received, it now appears that, considering the ostensible magnitude of the conquest, the aid to be derived from it to our resources is likely, in comparison, to be scanty even in prospect, or at any rate much inferior to what was at first expected.

"5. This consideration makes the Governor General in Council anxious that the alienations of public revenue, either in Jagheers, pensions, or other grants, should be limited as much as possible as to number, amount, and duration.

"6. I am, therefore, directed to convey to you His Lordship's request that the Honorable the Governor in Council will be pleased to revise the lists transmitted with the despatches now acknowledged, with a view to the reduction, if practicable, of the expense which they menace.

"7. It is for several reasons inexpedient that this revision shall be attempted here, and the Governor General in Council is satisfied that it can only be accomplished satisfactorily by the Honorable the Governor in Council.

"8. I am, consequently, instructed to confine my communication to a few observations.

"9. Where the faith of Government is pledged by the promise of the Honorable the late Commissioner, it is not, of course, the wish of the Governor General in Council that any infraction of that promise should take place.

"10. Where it is deemed essential by the Honorable the Governor

in Council, for the tranquillity of the country or on other important grounds of political expediency, that the grant proposed should take effect, the Governor General in Council will rest with entire confidence on his judgment.

“11. But His Lordship trusts that cases may be found in which neither good faith will be violated, nor the tranquillity of the country endangered, nor essential plans of policy frustrated by reduction.

“12. The following are instances which have casually struck the Governor General in Council, and which His Lordship desires me to point out as illustrative of the sentiment expressed in the preceding paragraph, without intending that these should be considered as the only instances seeming to require revision :—

“1st.—The case of the sons of Balajee Koonjur. It appears from the note annexed to this number in the list that Balajee Koonjur had been long employed to intrigue with Sindia against the British Government, and continued this occupation till his dying day. It appears that his sons are supposed to be rich. The Governor General in Council is not sensible of the expediency of granting them a pension, unless there be special reasons for it which have escaped His Lordship’s notice.

“2nd.—The case of Naroo Punt Aotee, the former Governor of Ryghur. It appears that he broke a capitulation, that his general conduct has been bad, and his character infamous. The remark on the first case applies also to this.

“13. With reference to those grants which it is proposed to make hereditary, the Governor General in Council doubts the policy of making any grants hereditary which may justly be put on the footing of life-grants. By keeping them as life-grants, Government is by no means excluded from the power of renewing them if it should be deemed expedient to do so, and every renewal will be a fresh act of grace conferred on the individual receiving it; but by now declaring those grants to be hereditary, Government would be precluded both from resuming its rights when it might be necessary to do so, and from conferring favours on the descendants of the present grantees, and would thus be deprived of a probable source of future improvement in revenue and every other branch of civil administration, as well as of the means of winning attachment by personal obligation.

“14. Observing the pensions of the old Government, partly religious, are proposed to be continued to the estimated extent of Rs. 5,00,000, the Governor General in Council is desirous of having the present opinion of the Honorable the Governor in Council, with reference to our disappointment in the expectation of greater resources from the conquered territories, as to the expediency of carrying into

effect the proposed additional grant of Rs. 2,00,000 for the support of the Hindoo religion.

"15. When the arrangements respecting Jagheers, pensions, &c. be completed, the Governor General in Council will be glad to receive a statement of all Inams, Jaidads, Jagheers, pensions, Nemnooks, Wurshasuns, and other allowances, in order that a complete knowledge may be obtained at one view of the amount of alienations of the public revenue in the territories conquered from the Peshwa, whether granted by us or confirmed by us on the grants of preceding Governments."

48. The Government of Bombay, of which Mr. Elphinstone was then the head, replied, through their Chief Secretary, on the 11th May following, as follows:—

"I am directed by the Honorable the Governor in Council to acknowledge the receipt of your letter of the 4th March, on the subject of the Jagheers and pensions, either promised or proposed to be granted by the late Commissioner in the conquered territories.

"2. The Governor in Council is deeply sensible of the necessity of economy, and would willingly adopt every practicable means of reducing the expenses with which our recent conquest from the Peshwa is burdened, but on the most careful revision he finds it impossible to effect any considerable saving.

"3. The Jagheers and pensions to individuals originated in the peculiar manner in which public services were remunerated under the Peshwa's Government, as explained in the report of the late Commissioner, and were conceived by him to be so necessary that he proposed a larger expenditure than the present in his first estimate sent to the Supreme Government in charge of Mr. F. W. Russell on the 8th March 1818, at which time he calculated the profits of the conquest at a much lower rate than at present.

"4. Independent of the considerations which determined the original amount of the grants and appear to the Governor in Council to be still in force, almost the whole of those grants have now been issued, and the individuals have been told that they will enjoy them for life.

"5. No grant of any description has been declared hereditary, the distinction in the list of Jagheers transmitted to the Supreme Government into hereditary and for life being intended as a suggestion for the future regulation of the Government, but having in no instance been communicated to the party concerned.

"6. The Governor in Council is of opinion that the grants marked hereditary should be continued to the heirs of the present occupants; but he entirely concurs with His Excellency the Most Noble the

Governor General in Council in respect to the expediency of renewing the grant on the death of each incumbent. Government will, indeed, be at liberty to exercise its discretion in granting or withholding the renewal on such occasions, except in the case of what is termed Padshahce grants, which the Governor in Council conceives ought in all cases to be renewed; and of the more ancient grants by the Rajas of Sattara, which should be treated with similar attention.

“7. With regard to the instances noticed in your communication, as to the Jagheers conferred on unworthy persons, the Governor in Council observes, that after the principle of continuing their personal lands to all Jagheerdars had once been determined on, it required clear grounds of demerit to resume them in any particular case. The political offences of Ballajee Koonjur, for example, were not considered sufficient to exclude his sons from the benefit of the rule adopted; but the treachery of Naroo Punt Aotee having been clearly established since the report alluded to was transmitted, it has been decided that he has forfeited all claim to this provision.

“8. With regard to religious grants, the Governor in Council is led to believe that they will not exceed one-half of the Rs. 2,00,000, of which sum at least Rs. 50,000 is allowed to supply the place of an expenditure by the Peshwa of Rs. 5,00,000 for the encouragement of learned Brahmins. Part of the remaining sum will be laid out on public education and the circulation of printed tracts, as recommended in the late Commissioner's report,—a point to which the Governor in Council attaches the utmost importance.

“9. Before concluding this letter, the Governor in Council thinks it necessary to remark that the amount of the Jagheers and pensions will soon be diminished by the death of the present incumbents, many of whom are men advanced in life. The number that has fallen in already is for this reason considerably above what might have been expected.

“10. The statement required in the last paragraph of your letter was transmitted with the late Commissioner's reports as far as could be made out from the Peshwa's records, and the experience of the Collectors has not yet been sufficient to admit of their framing other statements, on the accuracy of which some dependence could be placed. They are, however, actually engaged on this investigation, the result of which will probably show a considerable reduction in the total amount of allowances of this description.”

49. On the 17th of the succeeding month (June) the Government of India yielded to Mr. Elphinstone's opinion, and concurred in the proposed expenditure (with, however, a marked allusion to the necessity of its not being allowed to become a permanent one) in the following terms.

“The Honorable the Governor in Council being of opinion that it is impossible to effect any considerable saving in the Jagheers and pensions with which the territory conquered from the Peshwa is burdened, the Governor General in Council, in reliance on the judgment of the Governor in Council, has only to express his own concurrence, trusting that advantage will be taken of every proper opportunity to reduce the expenses incurred.”

50. Thus closed the discussion on the first portion of the transactions now under review. The supreme authority in India deemed it proper to defer to Mr. Elphinstone's local knowledge and experience, and no one questioned the soundness of the policy. But while dwelling on this, it is important not to lose sight of the fact that Mr. Elphinstone's arrangements were, in the first instance, *provisional ones only*, and that when they received confirmation, they did so only *as involving present and not permanent alienations of revenue*. The Government of India, when eventually sanctioning the former, deprecated, as they had always done, the latter.

51. The comprehensive statement with which the Government of India desired in the 15th paragraph of their Secretary's letter dated the 4th March 1820 to be furnished, on the completion of the arrangements respecting Jagheers and other alienations, appears not to have been prepared, (Chief Secretary's memorandum No. 3674, of the 23rd August 1852,) and the general subject does not seem to have come under the consideration of the Bombay Government again until 1832, in which year the Deputy Agent for Sirdars (Mr. J. Warden), when referring to an amended list of pensions which had been recently framed, suggested (letter No. 93, of the 7th November 1832, to the Secretary to Government in the Political Department) that “the Right Honorable the Governor in Council would find a similar document in respect to the personal Surinjams of the Deccan equally valuable.”

52. Mr. Warden also pointed out the necessity of establishing some uniformity in practice with regard to these Surinjams, and stated,—

“As each of these falls in, His Lordship in Council is troubled with correspondence and recommendations, and so different have the decisions sometimes been on cases of a similar kind, that no uniform principle for the future can be said to be yet established.”

53. Government having approved of Mr. Warden's proposal, the lists were prepared by him, and having been revised by the Agent for Sirdars, Mr. Marriott, were submitted to the Honorable Court of Directors, who, however, decided on making a still more liberal provision for the Jagheerdars, for reasons subsequently explained, in their despatch No. 17, of the 26th October 1842, to the Government of Bombay to have been,—

“Although this arrangement [the arrangement proposed in the lists prepared by Messrs. Warden and Marriott] would not have violated any pledge given to the Jagheerdars, it was greatly at variance with the recorded intentions of Mr. Elphinstone; and after having communicated with that gentleman on the subject, we forwarded to the Government of India the substance of a paper received from him, the principles laid down in which we desired might be conformed to in reconsidering the subject.

“Mr. Elphinstone observed that the maintenance of many of the Chiefs in their possessions was suggested for the purpose of avoiding popular discontent, and preventing the too rapid fall of great families; but that in other cases it was recommended in the belief that the holders were entitled of right to an hereditary tenure, not (in general) by express grant, but by length of possession. This remark, he said, was applicable to all those families which had held their Jagheers from the time of the Mogul Emperors or the Rajas of Sattara.

“‘The Jagheerdars of the Peshwa,’ said Mr. Elphinstone, ‘stood on a different footing: they had arisen under the dynasty which we subverted; none could have been in possession for more than seventy years; and they had been kept in mind, by the exaction of service, as well as by occasional resumptions, of the real nature and extent of their tenure. Much consideration was, however, due to them as the actual possessors of power, and they were allowed to retain their personal lands for one or more generations, according to their merits or importance.’

“Mr. Elphinstone thus recognised two classes of Jagheerdars,—those of the Mogul Emperors and the Rajas of Sattara,—whose lands he recommended should be hereditary in the fullest sense of the word; and those of the Peshwa, who had a claim to hold their lands for one or more generations.”

54. The foregoing instructions were issued by the Honorable Court on the 7th February 1838, and in conformity to them, the Agent for Sirdars was on the 6th November following directed to prepare and submit to Government “revised lists of the Jagheerdras, and the Rules for succession to their estates.”

55. Revised lists were accordingly prepared by the Agent and submitted to the Honorable Court, who, however, disapproved of them, pointing out (in their despatch of the 26th October 1842, No. 17) that their previous orders (those quoted in paragraph 53 of this letter) had been misunderstood, and calling for new lists in the following terms:—

“6. In attempting to apply those principles to the various cases under review, Mr. Mills, the Acting Agent for Sirdars, has fallen into a misapprehension which you have failed to correct.

" 7. He affirms that none of the Deccan Surinjams come within Mr. Elphinstone's First Class, all of them being grants made since the Peshwas commenced to reign. This result is arrived at by assuming that Ballajee Wishwanath, the first Peshwa, commenced to reign in A. D. 1714, while the earliest grants of which the date is known are of 1719.

" 8. But it is only by a complete historical error that all acts of the Muratha Government subsequent to 1714 can be considered as acts of the Peshwas, in contradiction to the Rajas of Sattara. Ballajee Wishwanath was appointed Peshwa in 1714, but so far was he from obtaining undisputed control over the Raja that, upon his death in October 1722, his son, Bajee Rao, was not appointed to the office of Peshwa until seven months after his father's decease, the duties of the office being discharged during the interval by the other Ministers of the Raja. Even Bajee Rao, though he made long strides towards the permanent establishment of the power of his family, can only be considered as the principal officer and Minister of Shahoo Raja; the supreme authority over the Raja and the Muratha State was first usurped by the son of Bajee Rao (Ballajee Bajee Rao). This usurpation, however, was not effected in the lifetime of Shahoo Raja, who was never deprived of personal liberty or sovereign authority as far as he chose to retain it, and exercised it shortly before his death in 1749, by naming Ram Raja his successor; it is from the troubled period which immediately succeeded this event that the sovereignty of the Peshwas is most unexceptionably dated, and the year 1751 may be fairly assumed as the epoch of its commencement.

" 9. We direct, therefore, that all Jagheers in Class I. of Mr. Mills' list which bear dates anterior to 1751 be, as Mr. Elphinstone recommends, hereditary in the fullest sense of the word, together with those of which the dates are unknown, but which are known to be ancient. The latter class, though small, includes the three resumed Jagheers of Shaik Meera, Shumshere Bahadoor, and Yeshwunt Rao Dabharee. The first of these, already restored to the son of the last holder, but for life only, must be considered hereditary; the second and third, which are now under attachment, must, if there be any direct heirs, be restored; and in all three cases the receipts from the date of attachment must be accounted for to the Jagheerdars.

" 10. In addition to these ancient Jagheers, all those of more recent date, which were granted in commutation for the resumption of ancient possessions (which is known to have been the case with some), are entitled in like manner to an hereditary tenure.

" 11. With respect to the Jagheers of more modern origin, Mr. Mills has fallen into another error in supposing us to have determined

that all estates which were marked 'hereditary' in Mr. Elphinstone's original recommendation should be hereditary. On the contrary, we expressly declared our intention to be only 'that Mr. Elphinstone's schedules should be compared with those submitted with the letters under reply, in order that, in any case where the latter are less favourable to the parties, it may be deliberately considered which of the two should be acted upon.'

"12. With regard to Surinjam grants bearing date subsequent to 1751, resumption after a second generation from the conquest, making a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding, should be the general rule; but in cases in which Mr. Elphinstone may have recommended a more extended provision, it should be deliberately considered by you and the Governor General in Council whether the services or merits of the family, or the popularity which would attach to the act, furnish an adequate inducement to make an exception to the rule, by prolonging for a further term the tenure of either the whole or a portion of the Jagheer. We would make these exceptions liberally, and we would extend them, where similar reasons recommend their adoption, even to cases not mentioned with particular favour by Mr. Elphinstone."

56. On the 9th May 1843 the Agent for Sirdars was desired to carry out the Honorable Court's orders, and the following detailed instructions were furnished in the 3rd and 4th paragraphs of the Political Secretary's letter No. 994:—

"3. I am further directed to request that, in conformity with the orders contained in the despatch from the Honorable Court of Directors, you will most carefully revise the amended lists of Decan Jagheerdars submitted to Government by your predecessor, Mr. Mills, in October 1840 and June 1841, and remodel with great care those lists, on the principles laid down in that despatch.

"4. I am desired to request that, in carrying these instructions into effect, you will insert in these new lists separate columns, containing the following information in regard to each individual whose name is entered in the lists:—

"1st.—The name of the present incumbent, together with that of the original grantee.

"2nd.—The Collectorate in which the village or villages comprised in each Surinjam are situated, together with the names of the villages and their estimated annual value.

"3rd.—The date of the original grant, as ascertained from Surnuds or other documents either on the records of the Poona Duffur or in the possession of the family to whom the Surinjam was

granted. The utmost care should be taken to guard against any fraud or deception on this point.

“4th.—The age of the present incumbent, and whether solely dependent on his Surinjam for support, or whether he possesses private property.

“5th.—Whether the incumbent has any legitimate male issue, and if so, how many sons,—their names and ages.

“6th.—The tenure on which the Surinjam will be held by the incumbent, on the principles laid down by the Court in their despatch dated the 26th October last; and in any case in which you may be of opinion that those principles should be departed from, you are requested to submit to Government full information of the grounds on which you may propose such deviation.

“7th.—To state in the clearest manner the data on which your recommendations in each case may be founded, and the points on which the instructions of Government are required.”

57. The Agent for Sirdars, Mr. Warden, submitted the lists on the 29th December 1844, and the following portion (paragraphs 10 to 14) of his transmittory letter No. 225 is here quoted, as the only one, apparently, material to the general subject on which I have to report:—

“10. As on the former occasion of preparing Surinjam lists the important distinction was not made between grants by the Mahomedan Government and Rajas of Sattara and those by the Peshwas, I contented myself with assigning as the period when a grant began to take effect the date of the earliest grant recorded in the Poona Duftur, but whenever I have now found these documents assign as the motive of the grant that the grantee held a Surinjam in the time of the Rajas of Sattara, I have altered the date of the original grant and placed it anterior to A. D. 1751; Jagheers of which the dates are unknown, but which are known to be ancient, as well as those of more recent date which were granted in commutation for the resumption of ancient possessions, being treated by the Court of Directors with as much consideration as grants actually dated before A. D. 1751.

“11. I have, however, been careful not to adopt any date which is not confirmed by the Poona Duftur; these descriptions of claims, then, compose Class I. of Surinjamdars, whose estates are to be ‘hereditary in the fullest sense of the word.’

“12. Class II. consists of grants bearing date from A. D. 1751 to A. D. 1796,—the date of Bajee Rao’s accession,—in respect to which resumption after a second generation from the conquest, with a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding, is the arrangement contemplated.

“13. Class III. consists of grants subsequent to A. D. 1796, as

well as of those made from A. D. 1751 to 1796 which have been already continued to a second generation since the conquest, and which have, therefore, fallen into the same position as lands granted as late as Bajee Rao's time, the holders of which Mr. Elphinstone considered (Mr. Elphinstone to the Supreme Government, October 25th, 1819) entitled to pecuniary pensions only, and to whom he assigned Surinjams for life. This list contains also four names of persons whose Surinjams should have been resumed on the death of the last incumbents; I have denoted them in the statement. The Honorable Court speaks of two classes only of Surinjams, no distinction being made between grants by Bajee Rao and those of his predecessors,* but a third class was, at all events, required for the reception of the second grantees since the conquest, of whom the first, had they survived till now, would have been entered in Class II.; and it is clear that the grants of Surinjams of Bajee Rao, which might have been converted at first into pensions, as well as grants by the British Government, stand on a different footing from the estates comprised in Class II.

"14. I have assigned pensions equal to half the net proceeds of their Surinjams to the grantees of Bajee Rao and of the British Government, because they would otherwise be worse off than many pensioners, which could never have been intended, or Mr. Elphinstone would have made them pensioners instead of Surinjamdars."

58. Government found it necessary to call for some additional information, and, in doing so, took occasion to point out to Mr. Brown (who meanwhile had succeeded Mr. Warden as Agent) in how far the latter officer's interpretation of the Honorable Court's orders differed from that placed upon them by the Government. The Political Secretary's letter, No. 1896, of the 9th May 1846, (which is a lengthy one,) specified, indeed, *every case* in which Government saw reason to differ or entertained doubts, but it is not necessary here to do more than advert to two important *principles* which Government laid down, and to which the attention of the Agent was especially drawn; these principles were,—

1st.—That the antiquity of a *portion* of a Surinjam was not to be looked upon as the antiquity of the whole of it, and that because a portion (perhaps a very small one) of a Surinjam granted prior to A. D. 1751 became, under the Honorable Court's orders, entitled to hereditary continuance, it by no means followed that the remainder granted after (perhaps long after) 1751 was so entitled.

2nd.—That it was necessary to ascertain and record whether

* "In their 16th and 19th paragraphs, however, the Court incidentally upholds the principle that Surinjams originally granted for life should be so held, which would of itself create a third class."

Surinjams granted prior to A. D. 1751 had been *since that period uninterruptedly enjoyed* or not.

59. The Government orders were very clear: the first was contained in the 8th paragraph of the Political Secretary's letter, where, adverting to the large Surinjam of the Rastia family, consisting of thirty-nine villages, it was observed,—

“In the statement prepared by Mr. Marriott and Mr. Warden in 1834, this Surinjam is entered as having been granted to the Rastia family in the year 1763; but Mr. Warden now states that this is an error, and that it was granted in the year 1746. This point is of considerable importance, since, if the latter be the correct date, this Surinjam will, under the recent orders from the Honorable Court, become an hereditary grant; but in the former case it will be resumable after a second generation from the conquest, a pensionary provision, equal to a moiety of the net proceeds of the Surinjam, being granted to the generation next succeeding. Mr. Warden, in explanation of his having entered this grant in his present statement as having been originally conferred in the year 1746 instead of 1763, observes,—‘In the lists prepared in 1834 the date of the original grant is stated to be 1763, which was the year in which the family received the bulk of its Surinjam, namely ten lakhs of rupees per annum, but during the present researches two grants, namely of the villages of Mohokul and Jeolee, have been discovered bearing the date herein given [1746].’ The two villages referred to produce a total annual revenue of Rs. 1,201-8-6, which bears a very trifling proportion to the entire Surinjam, which consists of thirty-nine villages, of the annual value of Rs. 62,212-14-3. Before, therefore, it can be admitted that the whole of this grant was made, as now alleged by Mr. Wardeh, in the year 1746 instead of in 1763, as entered in the previous statements, it will be requisite that equally clear and satisfactory proof be afforded in regard to each of the other thirty-seven villages, as in the case of the two villages above alluded to.”

60. Mr. Warden, in preparing his lists, had recorded merely the date of original grant of each Surinjam, without reference to subsequent enjoyment; but Government, in the 9th, 14th, and 16th paragraphs of their Political Secretary's letter, No. 1896, dated the 9th May 1846, especially directed the attention of the Agent, Mr. Brown, to the necessity of obtaining and recording in the revised lists this important information.

61. The Political Secretary's letter concluded by pointing out the necessity of extreme caution on the part of the Agent, who was informed,—

“The greatest care should be taken in collecting the further infor-

mation now called for since the re-opening of the question of the character of these grants presents an opportunity for the commission of fraud and deception which the greatest caution and vigilance on your part can alone prevent."

62. The revised lists were on the 26th October 1847 submitted (Agent's letter No. 178) to Government, who on the 7th April following, in the Chief Secretary's letter No. 1447, called for some supplementary information, and this the Agent afforded in his letter No. 187, on the 22nd of August 1848. The lists were then forwarded to England, and received the general sanction of the Honorable Court of Directors on the 22nd May 1849. (Vide Honorable Court's despatch No. 15.)

63. Government, under date the 15th July 1851, intimated in their Revenue Secretary's letter No. 7283 that the scrutiny of the Inam Commission (the operations of which it had been decided should be extended to the Deccan) would necessarily embrace the Revised Surinjam lists, copies of which were subsequently, under orders from Government, furnished by the Agent for Sirdars.

64. These instructions were carried out, and reports made either on cases specially referred by Government or on others incidentally brought under consideration,—that of Moreshwur Dixit being one of the latter class. The tenor of these reports was such as to elicit the following orders from Government in their Political Secretary's letter, No. 4175, dated the 24th September 1852, to the address of the Inam Commissioner:—

"I am at the same time directed to request that you will report in detail, in separate letters, at your convenience, upon each of the cases in the revised Surinjam lists with reference to which you state in your last paragraph that you have been informed errors and oversights of even a graver nature than the one now brought to notice exist."

65. And on the 1st October 1852 the revised pension lists, which were supplementary to the revised list of Surinjams, were also directed to be tested, the following being the instructions which the Political Secretary's letter No. 4249 conveyed on the subject:—

"As you have in your letter No. 952, dated the 21st August last, given Government reason to believe that the revised Surinjam lists submitted to Government by Mr. Brown, late Agent for Sirdars in the Deccan, under date the 26th October 1847, contain many grave errors affecting the interests of Government, the Right Honorable the Governor in Council considers it possible that similar errors may have been committed in the lists subsequently prepared by that gentleman [supplemental to the above] of pensions granted by the British

Government in commutation of Surinjams held previous and subsequent to the year 1751.

"2. I am, therefore, desired to transmit to you in original the whole of the proceedings connected with these supplemental lists, as per annexed list, and to request that you will be good enough at your early convenience to test their accuracy and report the result to Government.

"3. A copy of my letter of this date to Mr. Keays is enclosed for your information, and I am to request that you will return the original documents accompanying this letter with your reply."

66. Having now stated the circumstances under which the revised lists were subjected to the scrutiny of the Inam Commission, and having given the substance of the preliminary discussions which took place, and of the instructions which have been issued from first to last in regard to these alienations of revenue, it remains for me to explain the principles on which the above scrutiny is being made.

67. After much discussion, the Honorable Court of Directors promulgated certain Rules for application to the Deccan Surinjams generally, and, in doing so, desired* that wherever Mr. Elphinstone's recommendation in regard to any Surinjam might not accord with those Rules, it should be deliberately considered which of the two should be acted upon; and I understand the orders of Government to be that I should report fully and separately each case in which the above orders† have not been attended to, or in which the Government or the Honorable Court may have applied them on incorrect or incomplete information,—in short, I understand my inquiry to be confined to the revised Surinjam lists, and that it is *their* correctness or otherwise which I have to scrutinise. With Mr. Elphinstone's early inquiry and recommendations, all, apparently, that I have to do is to see that they have been correctly recorded in the revised lists.

68. Mr. Warden's letter, from the 15th paragraph to its conclusion, discusses the case of Moreshwur Dixit Munohur,—in connection, however, with a number of facts and principles of importance, and for the most part of very general application; it seems, therefore, desirable that I should explain in how far the information at my disposal leads me to a different application of those facts and principles, and to conclusions at variance with those of Mr. Warden.

69. Mr. Warden, in the 16th, 18th, 19th, and 20th paragraphs of his letter, describes as follows certain circumstances which appear to him

* Paragraph 14 of Honorable Court's despatch No. 9, dated the 7th February 1838, and paragraphs 11 and 12 of ditto No. 17, dated the 26th October 1842.

† The Rules referred to in paragraph 55 of this letter as those laid down by the Honorable Court, and the subsequent supplementary orders of the Government issued when the revision of the lists was ordered. (Vide paragraphs 56, 58, 59, 60, and 61 of this letter.)

to be peculiar to Moreshwur Dixit's case, and to entitle Moreshwur Dixit to special consideration :—

“1st.—The original grantee having been through his mother allied to the reigning Peshwa.

“2nd.—A mother's sister is a relation particularly respected among the Hindoos.

“3rd.—The sacred character of the original grantee, who was a *Beekshookh*, and as such held in veneration.

“4th.—That the original grant had been made with an emphasis most unusual, and that this emphasis, declaring that the grant was to be always enjoyed, was expressly repeated on the first re-grant, and by implication in the last, the third grant stating that the payment was to be made as theretofore.

“5th.—It was clear that there must have been some object in the introduction and repetition of this word,* so foreign to a Sunud for a grant on life-tenure, which was quite complete without any such word.

“6th.—The course followed by the sovereigns who in succession dealt with the grant in which the word was found, and which, although called a Palanquin allowance, was re-granted twice, and after an interval of fifty-one years was found in the possession of the third grantee, on the abdication of Bajee Rao.

“7th.—The example of Mr. Elphinstone in respect to Anna Deodhar.

“8th.—An impression ‘that so long as the family of Bajee Rao had reigned, this allowance would have been undisturbed, and re-granted again and again as an act of grace.’

“9th.—The incidental fact that ‘dictionary interpretations’ support the meaning assigned by Mr. Warden to the word *Néhemee* (नेहमी).’

70. The second Peshwa, Bajee Rao Bullal, and Huree Dixit married sisters, the daughters of one Mhadajee Krishnajee Josee, better known as “the Chasskur”; the Palanquin allowance was granted, *not* to Huree Dixit, but, after his death, to his son, Vereshwur, and it was not granted by the second Peshwa, nor even by his son, who succeeded him as third Peshwa, but it was granted by his grandson, the fourth Peshwa, Madhow Rao Bullal: when the grant was made, therefore, the connection stood thus,—the sister of the mother of the grantee, Yereshwur Dixit, had been married to the grandfather (the second Peshwa, Bajee Rao Bullal) of the Peshwa (the fourth Peshwa, Madhow Rao Bullal) who made the grant.

71. It will be thus seen that the Peshwa who made the grant made it to the son of his grandmother's (not mother's) sister. I am not aware that any peculiar degree of sanctity attaches to this degree of relationship, nor, indeed, have I been able to discover that a mother's sister is

* The Murathee word *Néhemee* (नेहमी).

“ particularly respected ”; it is, however, I believe, unquestionable that by Hindoos all relations of a mother are considered entitled to respect *inferior* to that paid to all those of the father, and if such be the fact, it furnishes a sufficient comparative estimate,—a positive one can, I apprehend, be, at the best, but a matter of opinion.

72. The changes of which we have recorded evidence were so frequent and so arbitrary, that I can scarcely conceive remote connection (as in the present case) by marriage with the wife of a former Peshwa to have had any great weight with his successor; but however this may have been, the prince whose supposed feelings (see paragraph 20 of Mr. Warden’s letter) are more especially the subject of discussion, is Bajee Rao, the last Peshwa, and as regards him there can be no doubt, for his acts speak for themselves. He was found in the possession of large estates and deprived of everything;—

Pandoorung Baboorao Baramuteekur married *to his (Bajee Rao’s) own sister.*

Sewajee Bullal Sholapoorkur, whose daughter was the wife of the fourth Peshwa, Mhadow Rao Bullal.

The family of the Chasskur, marriage with whose daughter had connected Huree Dixit with the second Peshwa. (See paragraph 70 of this letter.)

Neelkunt Aboorao Baramuteekur, into whose family a daughter of the first Peshwa had married.

The Peiteh family, into which the son (Chimnajeel Bullal) of the first Peshwa had married.

73. In *now* discussing the claim of any Surinjamdar to hold his Surinjam hereditarily, on the grounds of his family having been connected by marriage with any of the Peshwas, we have the advantage of knowing the views entertained by the Honorable Court of Directors on the subject. That they do not admit the reason as a sufficient one is evident from their despatch sanctioning the revised Surinjam lists (the 20th, 22nd, 29th, 38th, and 42nd paragraphs of which are below quoted), and I would solicit attention to the cases decided on in the 2nd and in the last of these paragraphs. In the former (that of Kassinath Narayen Rastia) it will be observed that the ancestor of the Surinjamdar had not only been connected with one of the Peshwas *more closely* than Moreshwur Dixit’s grandfather was, but that the Surinjam had been *granted twelve years earlier*; and in the other case (that of Wassoo-deo Bullal Thuttay) it will be seen that the Surinjam, the hereditary continuance of which the Honorable Court negatived, was held at the conquest by the *father of the wife of the last Peshwa* but one. I should add that Mr. Elphinstone had recommended the hereditary continuance of each of these four Surinjams, which Mr. Warden has

explained not to have been the case with regard to that of Moreshwur Dixit:—

“20. The cases in which Mr. Elphinstone, when Commissioner in the Deccan, recommended that a more prolonged tenure should be granted to particular Surinjamdars than is provided for by the present Rules, have also undergone revisal by you, and they are enumerated, with remarks, by Mr. Brown in a supplemental list submitted by that officer. We proceed to review them in their order.”

“22. Class II. No. 3, Kassinath Narayen Rastia (value Rs. 359).—Same recommendation. The estate has been held by the family from 1754, and the original grantee had given his daughter in marriage to one of the Peshwas: these are not sufficient grounds of exception.”

“29. Class II. No. 13, Yeshwunt Rao Krishna Wakhurrey (Rs. 960).—Same recommendation. The only apparent reason, that the sister of the first grantee was married to the Peshwa, Ballajee Bajee Rao, is insufficient.”

“38. Class III. No. 13, Huree Rao Ramchunder and Anund Rao Ramchunder, (Rs. 549).—Recommended by Mr. Elphinstone to be hereditary, but the only reason shown is the insufficient one that the sister of the first grantee was married to the Peshwa Ballajee Bajee Rao.”

“42. Class III. No. 23, Wassoodeo Bullal Thuttay (Rs. 1,250).—Same recommendation. The incumbent at the time of the conquest had given a daughter in marriage to the Peshwa, Mhadow Rao; reason insufficient.”

74. I have quoted the above cases to illustrate merely the Honorable Court's decision on them, as set forth in the revised Surinjam lists. I mention this because one obvious error in one of these cases has become apparent to me, while casually referring to the lists during the preparation of this report. In the tabular statement forwarded to Government with the Agent's letter No. 187, of the 22nd August 1848, the following reasons are assigned, in the column headed “Remarks,” as those for recommending that the Surinjam (entered as No. 11 in the tabular statement) of Kassinath Narayen Rastia should be continued hereditarily:—

“The ancestor of the present incumbent was a merchant, and his daughter, named Warrunseebaee, was given in marriage to Bajee Rao Rughoonath Peshwa, and it was on this account that the village of Shorapoor was given as Zât Surinjam in 1754, and the Jagheer was continued for three generations under the Peshwa's rule.”

But the Peshwa, Bajee Rao Rughoonath, who married Warrunseebaee, was not born in 1754, or until some twenty years afterwards.

75. It is, I believe, a mistake to suppose that the Palanquin allowance

was originally granted to a *Beekshookh*, which means nothing more or less than a Brahmin beggar. Huree Dixit was a *Beekshookh*, but his son Vereshwur, to whom the grant was made, (see paragraph 70 of this letter,) was not one; he was a "Gruhusth," or gentleman in the possession of property and power, and it was as a Government official (Government manager or Komavisdar of a district in Khandeish) that the Palanquin allowance was granted to him.

76. The circumstances above described lead, I think, irresistibly to the conclusion that Vereshwur Dixit could not have been, and could not have been looked upon as a beggar when he was granted the Palanquin Surinjam allowance, but there is additional proof forthcoming that he was not so considered, and it is this:—the form of written address to a "Beekshookh" differed essentially from that to a "Gruhusth," and nowhere, of course, was this difference more scrupulously preserved than in Sunuds and other documents emanating from the head of the State, himself a Brahmin. The Peshwa's Sunud making the original grant of the Palanquin Surinjam allowance to Vereshwur Dixit is addressed to a "Gruhusth," and the Sunuds continuing the Surinjam to the son and grandson of the original grantee are likewise so addressed; so that they may be accepted as the best possible evidence of the intention and view of the grantor in this respect.

77. But to render fully intelligible the preceding paragraph, I must explain that *Beekshookhs* in this country are such by *profession* and not by *caste*. The distinction is an important one, because, although no Hindoo could change his caste, his profession to a certain extent depended upon himself, and those who were beggars professionally remained so just so long as they pleased, or so long as their necessities obliged them, and no longer: mendicancy, although tolerated generally, was *revered* only when a Brahmin found it necessary to beg; and it may, therefore, I think, be reasonably supposed that this was but one link in the skilfully forged chain by which one class of men managed for centuries to fetter their fellow-creatures in a manner which the world is not again likely to witness. Although, however, such was the position a Brahmin commanded, even when subsisting on the bounty of others, it cannot be supposed that, as a general rule, it was preferred to affluence, or even to independent circumstances; but it is certain that the respect in which Brahmin beggars were held, and the countenance which was afforded to them, had the pernicious effect of rendering mendicancy too often preferable to a life of honest toil. Those who abandoned a life of begging on becoming possessed of means were considered and ranked as "Gruhusths" or gentlemen, and such appears to have been Vereshwur Dixit's case.

78. This might be illustrated by almost any number of examples, but

two of the most striking with which I have become acquainted will probably suffice,—

The first is that of the great Putwurdhun family, better known as the "Southern Jagheerdars," whose common ancestor, Hurbhut, was nothing more than a Beekshookh.

The second instance is that of Gungadhur Shastree, who was murdered at Punderpoor, while in attendance on the Peshwa as an ambassador at his court. Gungadhur Shastree had been in his youth a beggar (Beekshookh), but was at the time of his death the highly paid servant of the Gaekwar, and was deeply engaged in the political transactions of the day.

79. Mr. Warden's impression, "that the original grant had been made with an emphasis most unusual, and that there must have been some object in the introduction and repetition of this word [the Murathee word Néhemee (नेहमी)], so foreign to a Sunud for a grant on life-tenure," admits, I think, of ready explanation: the word Néhemee is not to be found in any Sunuds for hereditary grants, if I may judge from all which have come before me in the usual routine of business; from hundreds which I have examined myself; and from thousands which I have caused to be examined on this occasion. Hereditary grants, however, excepted, I am not aware that the use of the word was most unusual, or that its mere insertion necessarily imparted any especial degree of emphasis to a Sunud, or that it was foreign to a Sunud for a grant on life-tenure. The word is to be found used on all sorts of occasions, and for all sorts of purposes, *save* those indicating hereditary continuance, as will be seen from the statement annexed to this letter, and marked F.*

80. I would beg attention to the entry No. 4 in the statement above referred to, as it completely illustrates the correctness of the interpretation placed some time ago by Government on the word Néhemee. (Revenue Secretary's letter No. 7229. of the 7th December 1849.) The entry referred to is that of a Sunud containing an order to an officer entrusted with the revenue management (Kumavees) of a district, to charge to Government a certain amount regularly (Néhemee) on account of his own salary.

81. There are many other instances in which I have found the word recorded, sometimes with reference to money payments, sometimes to the acts of individuals, and sometimes with reference to land resumed and ordered to be held in future (always,—Néhemee) on account of the Government, but nowhere have I found any case in which the word is used to signify, either directly or by implication, hereditary tenure.

* The instances contained in this statement have purposely been confined to Sunuds issued by the Peshwa, who granted the Palanquin allowance to Vereshwur Dixit in A. D. 1766.

82. The use of the word *Néhemee*, however, in such cases, was by no means general: sometimes it was inserted in an order, sometimes not, as Mr. Warden has in his 18th paragraph shown to have been the case even with regard to this grant, the two first Sunuds for which contained the word, while the third and last document did not. Mr. Warden thinks that in the third case the word must be considered to exist by implication, and I see no reason for differing; but I would remark that this fact alone shows how little the expression can be held to imply anything like *hereditary* continuance; for where an hereditary grant was made nothing was left to be inferred,—the terms of the Sunud were always distinct, and always equally full. Hereditary continuance in Sunuds granted by the Peshwa's Government to Hindoos will be found to have been almost invariably expressed by { वंश परंपरेने
Wounsh Purumpuréné
उत्र पौत्रादी, }
Pootr Poutradee }; and these words and their meaning are familiar to all classes—even to the cultivator who can neither read nor write.

83. The fact that this Palanquin allowance “was re-granted twice, and after an interval of fifty-one years was found in the possession of the third grantee, on the abdication of Bajee Rao,” cannot, I think, entitle it to any more consideration than has been shown to many *older* Surinjams. A case in point is found in the 21st paragraph of the Honorable Court's despatch No. 15, of the 22nd May 1849, in which it is stated,—

“21. Class II. No. 1, Huree Trimbuk Ranjungaumkur.—Recommended by Mr. Elphinstone hereditary, the only apparent reason being that the Sunud is dated 1753; but though this is only two years later than the limit fixed by us, it suffices to bring the estate within the class of Surinjams granted by the Peshwas, and we see no reason to make the case an exception to the Rules.”

And another equally applicable case is the one decided on in the 22nd paragraph of the same despatch, and already quoted in the 73rd paragraph of this letter.

84. Mr. Warden thus describes the circumstances under which Mr. Elphinstone made an exception to his rule in favour of Anna Deodhur, in paragraph 14 of his letter:—

“For example,—Anna Deodhur's niece was given in marriage to the last Peshwa, who bestowed a Surinjam on his bride's uncle. The holders of land granted by the last Peshwa Mr. Elphinstone considered entitled to pecuniary pensions only, but the Surinjam of this Sirdar, whose family had been honoured by an alliance with the reigning house, was reserved to him.”

But I find additional and very strong reasons recorded in this case* by

* Entered in Mr. Elphinstone's lists as No. 10 under the head “Sirdars or great Chiefs.”

Mr. Elphinstone; so strong, indeed, as to lead me to believe, judging from similar cases decided on, that Mr. Elphinstone would have hardly rejected them, even had no others existed. Mr. Elphinstone's decision* states them to have been,—

“To have his personal Jagheer, Rs. 20,000, according to the general rule No. 1. He has only held it for ten years, but his father was a respectable Minister, and he had himself Rs. 20,000 a year from fees in the Duftur before his Jagheer was granted him.”

85. Mr. Elphinstone, under the circumstances just explained, allowed Anna Deodhur to hold, as a special case *and for life*, a Surinjam received from Bajee Rao, whose grants it was the general rule to resume; and Mr. Warden (if I correctly understand him) is of opinion (see paragraph 20 of Mr. Warden's letter) that Moreshwur Dixit's case may be made an exceptional one, in “following the example of Mr. Elphinstone”; but the Surinjam of Anna Deodhur (who was a *near connexion* of the last Peshwa) was continued as an act of grace, and *then only as a life-grant*, whereas Moreshwur Dixit's claim to hold his Surinjam as an hereditary one was stated to rest on a deed of grant (Sunud) declaring it to be so.†

86. The dictionary interpretations to which Mr. Warden refers he explains to be “constantly,” “regularly” (marginal note to paragraph 19 of Mr. Warden's letter), and these are the precise meanings which Government have already attached to the word “Néhemee,” and the meanings, also, in which the term seems to have been used by the Peshwa's Government. But in Mr. Warden's lists “Néhemee” was translated as “perpetual” (see paragraph 125 of this letter), and *this* is the interpretation which, as applied to a Surinjam or to any personal allowance, I have hitherto had in view as an incorrect one.

87. Under all the circumstances above explained, therefore, I am unable to agree with Mr. Warden in supposing Moreshwur Dixit's Palanquin Surinjam allowance to have been granted and continued under any peculiar circumstances; and as to what the last Peshwa would have done with it, had he continued in power, I cannot hazard an opinion, for Bajee Rao's own acts proved (as I have shown in paragraph 72 of this letter) how little dependence could be placed on him; but even admitting Bajee Rao's favourable disposition towards this Surinjamdar, the argument would apply with equal or greater force to many other holdings which the British Government have found it neither requisite

* Three of the columns in Mr. Elphinstone's lists are headed respectively “Remarks,” “Decision,” and “For what period recommended.” Mr. Warden's quotation is from the first of these columns.

† In Mr. Warden's lists—“perpetual”; in Mr. Brown's revised lists—“always (नेहमी) on hereditary tenure.”

nor expedient to recognise as hereditary; and it therefore seems to me dangerous to base (even partially) any such concession on grounds which might be made of such very general application.

88. I have thus endeavoured in paragraphs 69 to 87 of this letter to explain my reasons for entertaining an opinion differing from that of Mr. Warden as regards this portion of the question, which, however, appears to have been *now, for the first time*, brought under discussion. The following is an extract from the Political Secretary's letter No. 994, of the 9th May 1843, paragraph 4, clause 6, directing the preparation of the Surinjam lists according to the Rules laid down by the Honorable Court of Directors, and describing one item of information especially required to be—

“The tenure on which the Surinjam will be held by the incumbent on the principles laid down by the Court in their despatch dated the 26th October last, and in any case in which you may be of opinion that those principles should be departed from, you are requested to submit to Government full information of the grounds on which you may propose such deviation.”

And Mr. Warden, in submitting the lists, informed Government as follows in paragraph 23 of the Agent's letter to Government No. 225, dated the 29th December 1844:—

“No. 7 is the list, contemplated in the 12th paragraph of the Honorable Court's despatch, of cases in which the services or merits of the family, or the popularity of the act appear to furnish an adequate inducement to prolong, in exception to Rules, the tenure of the Jagheers. I have, as you desired, stated the grounds on which I am of opinion that these principles might be in regard to these cases departed from.”

While in the lists *the only reason* assigned in the column headed “Remarks” of list No. 7 of Mr. Warden's lists of 1834, entry No. 3, for making Moreshwur Dixit's a special case, was,—

“This grant is entered here because the Sunud on which it is held declares it to be perpetual.”

89. The Agent for Sirdars, Mr. Brown, when specially* called upon for information regarding Moreshwur Dixit's Palanquin allowance, reported as follows:—

“The Sunud expressly mentions that this Surinjam should always (नेदमी) be continued on hereditary tenure, which gives weight to the claim of this individual that his Jagheer should be considered hereditary.”

* After the revised lists were submitted, Government called for further information. (See paragraph 58 of this letter.)

And Mr. Warden, referring to the above passage, is of opinion (see paragraph 23 of Mr. Warden's letter) that,—

' "At the same time that Mr. Brown recorded this, he endeavoured to guard himself against being misapprehended by introducing the original Murathee word in the original Murathee character, which he translated 'always.'"

But it seems to me that the error was first committed (see paragraphs 127 and 128 of this letter) in introducing at all the word "hereditary," and that this error was greatly increased by the subsequent introduction of the original word in the Murathee character, translated as "always"; for although in the Sunud there was no word to be translated correctly as "hereditary," it might in the first instance have been that "hereditary" had been confounded with "always," but at last "always" was given with its Murathee original (Néhemeé, नेहेमे), and "on hereditary tenure" (for which there then remained no corresponding Murathee word of any sort) *was added*, the wording of the Sunud being thus made stronger than ever. (See paragraph 29 of this letter.)

90. Mr. Warden presumes (paragraph 24) the Government to have interpreted the word "Néhemeé," in the case of Moreshwur Dixit's Palanquin Surinjam, as they did in the case of the Wurshasun allowance to which I referred when reporting in the first instance upon Moreshwur Dixit's case (*i. e.* that it was interpreted by the Government as "regularly"), and that both Sir George Clerk and the Honorable Court must have known that hereditary in the ordinary sense of the word could not be applied to a Surinjam; but I have already explained (see paragraphs 21 to 26 of this letter) that hereditary Surinjams *do* exist, and that the Honorable Court adverted to *this very fact* as a rare one, when they sanctioned the hereditary continuance of Moreshwur Dixit's Surinjam *solely* because the Sunud granting it was stated to contain "distinct words of inheritance." It seems, therefore, clear that both Sir George Clerk and the Honorable Court could only look to the report before them in Moreshwur Dixit's case, and that report declared the Sunud to mention *expressly* that the Surinjam should always be continued on hereditary tenure. *On this information* Sir George Clerk recorded* an opinion that although the grant, as one of A. D. 1766, did not "come within the general Rules laid down by the Honorable Court as conferring an hereditary title, the fact of its having been assigned to the ancestors of the present incumbent on hereditary tenure seemed a sufficient reason for this [the Bombay] Government to recommend that the provisions of the Sunud granted to this [Moreshwur Dixit's] family

* See *précis* of past proceedings of the Government, transmitted to Mr. Warden with the Chief Secretary's letter No. 4401, of the 9th October 1852.

should be upheld." And the Honorable Court of Directors, in finally deciding on the case, did so in terms so distinct as to leave, it appears to me, no room for supposing that they acceded to the recommendation of the Government on any other but the exact grounds on which it had been made (*i. e.* because the Surinjam was one stated to be held under a Sunud declaring it hereditary): the Honorable Court observed,—

"In this case the Sunud is of the date of A. D. 1766, but is stated to contain (what is rare in such cases) distinct words of inheritance. This Surinjam, therefore, should be hereditary."

91. Under the circumstances recorded in the last paragraph, I am unable to agree with Mr. Warden (paragraph 24), and I cannot suppose it possible that either Sir G. Clerk or the authorities at the India House could have known "that Mr. Brown could only mean what Mr. Elphinstone meant when he spoke of the belief that the holders were entitled of right to an hereditary tenure"; for Sir George Clerk distinctly recorded his recommendation to rest on "the provisions of the Sunud," and the Honorable Court, with equal distinctness, declared their sanction to be accorded *because*, as the Sunud contained "distinct words of inheritance," *therefore*, the grant should be hereditary. Added to this, it must be remembered that Mr. Elphinstone, when expressing his belief that the holders were entitled of right to an hereditary tenure, distinctly defined the right to be one based on length of possession (*i. e.* possession from the time of the Mogul Emperors or Sattara Rajas), and *not* on *hereditary title-deeds*; whereas Mr. Brown's recommendation was based, and his recommendation was acceded to, upon the supposed existence of an hereditary title-deed, where there *was not* the length of possession contemplated by Mr. Elphinstone.

92. I do not think that the very striking comparison between the French fisherman and the member of the royal family of Great Britain, drawn in Mr. Warden's 27th paragraph, can apply to my report of the 21st September last, No. 327, in which it was not my intention to institute any comparison whatever between Ballajee Punt Nuthoo and Moreshwur Dixit or his ancestors, but merely to refer to a decision bearing materially upon the case reported on, and in which the Honorable Court had declared generally that Palanquin allowances were not, *per se*, hereditary. The Palanquin allowance particularly adverted to in the Honorable Court's decision *was* that of Ballajee Punt Nuthoo, certainly, but had it been one granted to one of the Putwurdhun Chieftains it would have been equally referred to by me,—my reference was not to the individual to whom the allowance was granted, but to a particular description of allowance granted by a particular authority: in both cases the grant was of the same description (*i. e.* an allowance for a Palanquin), and in both cases the grant emanated from the same

source (the Government). *To this extent* I viewed them as exactly alike.

93. The whole of Mr. Warden's 28th paragraph is based on the assumption that Mr. Elphinstone's* decisions have been questioned; but I have explained that, as far as I am aware, my inquiries have nothing to do with Mr. Elphinstone's decisions, and that I am desired by Government to ascertain merely in how far the decisions of the Honorable the Court of Directors on the revised Surinjam lists have been passed on facts correctly and completely stated. Mr. Warden, however, here (paragraph 28) refers to more than one important subject, on which it seems especially desirable that I should furnish Government with all the information I possess, as they are intimately connected with the general question of the alienation of public revenue.

94. The first and most important of these subjects is the state of the records of the late Government (better known here as "the Poona Duf-tur"), regarding which considerable misapprehension seems to prevail. Mr. Elphinstone many years ago alluded, as Mr. Warden has now done, to the incomplete state of these records, and when Mr. Elphinstone wrote, he was correct, in so far that a portion of them had been removed to the different Collectorates,† but a portion, consisting only of district accounts of management, the State diaries, the ledgers,‡ the estimates, and, in fact, the more important portions of the Duf-tur, were kept entire at Poona, and were there catalogued, and thus rendered much more available for all practical purposes than they could previously have been.

95. Such was the state of things when Mr. Elphinstone wrote in 1838, and even then I can scarcely conceive the separation of the above described portion of the records to have been an absolute bar to obtaining information as correctly as before, though it could not, of course, have been obtained as easily or as quickly; but I need not dwell upon this, because it is a state of things which exists no longer,—in all districts over which the operations of the Inam Commission extend, the records have been, under the orders of Government, returned by the different Collectors, and are now under the sole charge of this department; so far, therefore, as regards the Deccan Surinjams, I have at my disposal the whole of the Duf-tur to which Mr. Elphinstone alluded as having been entire in 1818 and 1819.

* Mr. Warden himself has, however, pointed out, in the note to the 8th paragraph of his letter, that Mr. Elphinstone's inquiries did not embrace Moresbwar Dixit's case, although the revised Surinjam lists were framed and sanctioned under the impression that Mr. Elphinstone had recommended it to be made a life-grant.

† The Poona and Nuggur district accounts, however, were not thus removed, and in these two districts the larger portion of Deccan Surinjams was comprised.

‡ The Ghurnea ledger is one of the most perfect State records, especially with regard to revenue management, which has probably ever been framed and preserved in any country; under the last Peshwa, however, this valuable ledger was not kept.

96. But I have now at my disposal much Dustur *in addition* to the above, and among this additional portion are to be found some of the most valuable* accounts which the Peshwa's records contain,—*i. e.* the accounts of management and estimates for the period immediately preceding the war in 1817. At the breaking up of the Deccan Commission in 1826, many enormous heaps and rooms full of papers remained in the record house unexamined and just as they had been thrown there at the taking of the country, and it is only within the last eight years that they have been put in order and the valuable† portions extracted and arranged for use;—the completion of this, indeed, only took place a few months ago.

97. I have as yet alluded only to the *State records* of the late Government,—*i. e.* those accounts which were either framed under the immediate orders of the Peshwa, or were rendered to him at stated periods; but these documents, though very valuable, are insufficient alone to test every description of alienation of revenue: there are the detailed accounts of management, which were in many cases not rendered to Government; there are the accounts of the hereditary officers; and, above all, there are the registries of land, all of which remained in the possession of the local authorities. Very few of these accounts were obtained at the conquest of the country, although the enormous number which have been discovered‡ within the last eighteen months afford convincing proof of their existence, and of the care and pertinacity with which they have for so many years been concealed and withheld from Government—in a majority of cases by their paid servants, the hereditary officers. Some idea may be formed of the nature and value of these hitherto withheld accounts, when I state that the land registries are the *only* || documents by which a very large proportion of the alienations of public revenue can be tested.

98. This is not the place to do more than allude generally to this subject, especially as the details have been already so fully laid before Government: it will, however, be well to specify one of the most striking instances which has come to my knowledge of the extent to which accounts of the late Government have been withheld, and of the

* The 25th paragraph of Captain Cowper's report No. 137, of the 19th March 1853, illustrates in a remarkable manner the great value of these lately found accounts.

† When it is stated that no less than *one thousand* bundles of useful accounts have been thus extracted, some idea can be formed of the amount of additional information which is now for the first time available.

‡ The 4th paragraph of the Inam Commissioner's report to Government dated the 8th April 1852, No. 546, adverted to this organised system of concealment, which has been since found to exist to an infinitely greater extent than was then supposed possible.

|| The 4th paragraph of the Inam Commissioner's report No. 546 explained to Government how fully this fact has been understood and calculated upon by the persons concealing these accounts.

effects of the system, which, though attacked, is as yet far from destroyed.* The case referred to was reported in my letter No. 433, of the 25th October last, which I will quote at length:—

“ A perusal of the English records of the Commissioner in the Deccan has informed me of another case, which seems so strikingly illustrative of the systematic concealment of accounts of the Peshwas’ Government hitherto practised that I beg to submit it for your consideration.

“ 2. After our occupation of the country in 1817, it became a matter of the utmost importance to obtain correct information regarding the transit, custom, and other duties collected in the Deccan, and for this purpose inquiries were instituted in every direction, and the Collector of the large district of Ahmednuggur was, with other functionaries, called upon by the Commissioner to obtain and furnish all the information he could procure regarding the Nuggur Collectorate.

“ 3. The Collector’s report did not afford the requisite information, and he was again addressed on the subject. A copy of his reply to this second requisition is annexed; it is dated the 13th September 1830, and thus accounts for the incompleteness of his previous statements:—

“ ‘ I beg leave further to add that the whole of the accounts connected with this subject were kept at Poona under the Murathas, and that in consequence of this fact there is not a single document from which the roughest guess could be formed of the collections for any one year. If any statements are procurable, I should think it most probable they would be so at Poona, where Chinto Punt Deshmook, the great customs farmer, resides.’

“ 4. There can, I apprehend, be no doubt that endeavours were made to procure accounts from the source pointed out by Captain Pottinger, and there can be as little doubt that previous to the receipt of his letter just referred to, the Commissioner must have made inquiries in the same quarter. In how far the efforts made were successful can be pretty accurately surmised from the fact of Captain Gordon having in March last obtained from the Deshmook’s family *four cart-loads* of accounts of the late Government, chiefly referring to the customs.

“ 5. That the revenues of a large portion of this Presidency have suffered greatly from the concealment of the accounts of the late Government, heretofore practised, is more than probable, but it seems to me *certain* that they will suffer to an incalculably greater extent

* The 17th paragraph of Captain Cowper’s report No. 557, of the 20th November 1852, adverts to the existing deficiency in the law, and the great want of some legal enactment providing effectually for the suppression of the system, and the recovery of the Peshwas’ accounts of revenue management.

should these documents not now be recovered and applied to their legitimate use. The Court of Directors and the Government have, I believe, both concurred in the opinion that the decisions of this Commission should be viewed as *final*, and it certainly seems to me that they should be so, from considerations both of policy and justice. If I am correct in these views, it seems very desirable to point out to Government, not merely the great risk, but (it may, I think, be safely stated) the positive certainty, as matters at present stand, of a large portion of the revenue being permanently alienated to persons possessing no title whatever, and who, in many cases, have obtained possession by fraud, and have hitherto successfully evaded inquiry by the same means,—*i. e.* the concealment of all accounts of the late Government.

“6. The above must be the inevitable result of many of our decisions, unless Government see fit to invest us with power sufficient to ensure the production of *all existing accounts of the late Government*.

“P. S.—Since writing the above, I have learned that the accounts of the customs received from the Deshmook’s family at the introduction of the British rule amounted to about *eleven bundles*, which have been up to this day preserved among the old records in the Duftur palace at Poona; the accounts referred to in the 4th paragraph, as received from the said family by Captain Gordon in March last, amount to about *three hundred bundles*.”

99. The want of the aid of the hereditary Duftur Karkoons, which Mr. Warden also supposes to operate prejudicially, does not, I am happy to say, exist: one of the best of these Karkoons (Gunesh Krishna Pendsay, commonly called Raojee Pendsay, about seventy years of age), whose father and grandfather spent their lives (from about A. D. 1730) in the Duftur, is on the strength of the Inam Commissioner’s establishment, and has assisted me from the commencement; but I would here record an opinion which I lately took occasion to express on this subject. (See also paragraph 14 of this letter.) The following is an extract from my report No. 137, of the 19th March last, on a claim to a large pension in regard to which this very hereditary Karkoon afforded information which, though accepted at the time (*i. e.* when the revised pension lists were framed) as correct, now turns out to be otherwise:—

“Raojee Pendsay is an old hereditary Duftur Karkoon, with a great knowledge of all matters connected with the revenue administration of the last Peshwa, and possessed of a most wonderful memory. Under *any* circumstances, however, I should for obvious reasons receive his evidence in matters of this sort with extreme caution; for though sometimes of much value, it is peculiarly requisite that, as a general rule, it should be tested and supported by other and independent

testimony, and, especially, by the documentary proof afforded by the State records."

100. Under all the circumstances which I have explained, it may, then, I think, be safely asserted that the records of the late Government are now more complete, better understood, and more capable of being made generally useful than they have been at any previous period of our rule.

101. The third and last subject of importance referred to in Mr. Warden's 28th paragraph is the supposed impossibility of now ascertaining the motives which influenced Mr. Elphinstone in proposing the settlement he did to the Governor General. Although this is a question already partially discussed (see paragraphs 44 and 45 of this letter), it seems to me to be one of such importance, and to be so intimately connected with the general subject of alienations, that I would again briefly refer to it;—the correctness of any opinion which I may have formed can be very easily tested, as the grounds on which I have arrived at my conclusions are patent to all. I have perused the despatches of the Government of India and of Mr. Elphinstone, and they appear to me to define in the clearest manner the general principles upon which the settlement of the Deccan was made. Supplementary to these are Mr. Elphinstone's detailed lists, his transmittory despatch of the 25th October 1819, the Rules which accompanied that despatch, and the still more detailed statements which were prepared and recorded here, under his own orders and supervision. All these documents I have studied attentively, and I am bound to say that I have, generally speaking, found them not only to afford the "record of rights" to which Mr. Warden alludes in paragraph 28 of his letter, but to explain, as clearly as they do minutely, the other considerations which influenced Mr. Elphinstone. The antiquity or greatness of a family; early adhesion to the British cause; the necessity of providing employment for certain classes; the importance attached to non-interference with grants of a purely religious nature; the policy of preserving in respectability some great families ruined by Bajee Rao, and of preventing the too rapid decay of others,—all these, and a variety of other reasons, Mr. Elphinstone has recorded to have existed, and to have influenced his decisions in the particular cases to which he considered them applicable, *and in each of which he stated them to be so.*

102. In his 30th paragraph Mr. Warden alludes to the two cases of the Poorundhuree and the Vinchoorkur, which Mr. Elphinstone considered should be made exceptions to the general Rules laid down. In the first of these cases (that of Poorundhuree) Mr. Warden, I imagine, quotes from the "remarks" made in the case "of Neelkunt Rao Abba Poorundhuree" (whose name stands No. 5 in Mr. Elphinstone's lists, in the Class of Sirdars or great Chiefs), and which are as follows.

“The head of the great house of Poorundhuree; came in to Sir John Malcolm.—Hereditary.”

This seems to me a clearly recorded reason, quite sufficient to explain the recommendation made; but the remarks in the case of the head of the other branch of the family, “Trimbukrao Myheeput Poorundburee” (whose name stands in Mr. Elphinstone’s lists as No. 14 in the Class of Sirdars or great Chiefs), explain still more in detail the considerations which influence Mr. Elphinstone, and allude in the following terms to a *promise* given by Sir John Malcolm in letters the dates of which are specified:—

“The whole of his personal lands to be restored; Rs. 10,000 of this sum was granted by Bajee Rao, but is not to be resumed, in consequence of the promise of Sir John Malcolm, communicated in his letters of the 5th June and 26th July 1818.”

But the bulk of the Surinjam of the family is shown by Mr. Elphinstone’s lists to have been held seventy-eight years *or before* A. D. 1751, and in the 8th paragraph of his despatch of the 25th October 1819, the Governor General was informed that “all Jagheers held by ancient and great families were recommended to be hereditary,” so that Sir John Malcolm’s promise, apparently, affected only the smaller portion granted by Bajee Rao, the rest being recommended for hereditary continuance *under the Rules*.

103. The other of the two cases is that of the Chief of Vinchoor, “Vittul Nursing,” whose name stands at the head of Mr. Elphinstone’s lists in the Class of “Sirdars or great Chiefs,” and whose Surinjam was restored for reasons thus recorded by Mr. Elphinstone:—

“The whole of his personal lands, according to the Duftur, to be restored. This is proper, in consequence of the respectability of the Chief, and of the promises of Sir John Malcolm communicated in his letters of the 5th and 26th July 1818.”

104. With regard to these two cases, Mr. Warden observes in the 30th paragraph of his letter,—“That he (Mr. Elphinstone) acted advisedly, and on sound considerations in each case, though we can no longer discover them, I have not the slightest doubt,”—but I cannot conceive it at all probable that in these cases Mr. Elphinstone can have left anything to discover. The antiquity of the holdings and of the families; the number of years during which they had held possession; the portions of the Surinjams recently granted; the circumstances under which the Sirdars submitted; and, lastly, the very letters promising the restoration of the Surinjams,—all this is recorded in the lists, and I certainly look upon it as information so complete as to preclude the supposition that Mr. Elphinstone was influenced by other considerations not

communicated to the confirming authority. (See paragraph 45 of this letter.)

105. The following is an extract from the 31st paragraph of Mr. Warden's letter :—

“As I presume no one will venture, at this time or at any other time, to place his opinion in competition with that of Mr. Elphinstone, instead of making that information (*i. e.* information derived from the State records of the Peshwa's Government) the grounds of disturbing claims which have already been inquired into six times, to the harassing of the claimants for no less than twenty years, I hope the Government and the Court of Directors will forbid any one to question his decisions* in favour of individuals, when ratified by the early revisers of his lists, merely because we can no longer discover the motives which actuated him to restore grants.”

All that seems proper for me to do is to state,—

1st.—That I understand the orders of Government (Chief Secretary's letters numbered 4175 and 5249, and dated respectively the 24th September and the 1st October 1852) to be *not* that I should question Mr. Elphinstone's decisions, but that I should report cases coming to my knowledge in which the Rules laid down by the Honorable Court of Directors, as those upon which the revised Surinjam lists should be framed, have been incorrectly applied, owing to an incomplete or incorrect statement of facts.

2nd.—That even in cases of the above description, I am not to call upon any Surinjamdar for any information without the previous sanction of Government. (Chief Secretary's letter No. 409, dated the 27th January 1853.)

3rd.—That the undermentioned reports, which have been already submitted, pointing out errors, some of them apparently of the gravest nature and seriously affecting the general interests of the country, will enable Government readily to determine in how far the revised Surinjam lists, and the lists of pensions supplementary to them, have or have not been correctly framed :—

| | | |
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| Submitted to Government with the Inam Commission- er's memorandum No. 1080, dated the 16th September 1852. | } | 1. Preliminary report No. 322, dated the 15th September last, on the Surinjam of Krishna Rao Neelkunt Moozumdar. |
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| Submitted to Government with the Inam Commission- er's letter No. 1105 dated the 22nd idem. | } | 2. Preliminary report No. 327, dated the 21st idem, on the Surinjam of Moreshwur Dixit Munohur. |
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* Mr. Warden has, however, pointed out, in a note to the 8th paragraph of his letter, that Moreshwur Dixit's case was not decided on by Mr. Elphinstone at all.

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| Submitted to Government with the Inam Commissioner's letter No. 1893, dated the 5th April 1853. | } | 3. Detailed report No. 102, dated the 28th February last, on the Hindoostan portion of the Surinjam now held by Chimnajee Vittul Poo-rundhuree. |
| Ditto to ditto with ditto No. 1929, dated the 14th idem. | } | 4. Ditto ditto No. 114, dated the 7th March last, on the Surinjam of Trimbukjee Raja Bhoslay. |
| Ditto to ditto with ditto No. 1934, of the 14th idem. | } | 5. Ditto ditto No. 129, dated the 15th March last, on the claim to a pension of Vishnoo Huree Oke. |
| Ditto to ditto with ditto No. 1931, of the 14th idem. | } | 6. Ditto ditto No. 132, dated the 17th idem, on the claim to a pension of the son of the late Yeshwunt Rao Babur. |
| Ditto to ditto with ditto No. 1930, of the 14th idem. | } | 7. Ditto ditto No. 137, dated the 19th idem, on the claim to a pension of Madhow Rao Powar. |

4th.—That my report on the case of Moreshwur Dixit's Palanquin allowance, No. 327, dated the 21st September 1852, referred to by Mr. Warden, was not intended (paragraphs 132 to 134 of this letter fully explain this) in any way to place opinions in competition with or in opposition to those of Mr. Elphinstone, but merely to point out that the Honorable Court of Directors had, on grounds which (*i. e.* a Sunud declaring the grant "perpetual," or to be continued always—*वेदनी*—on hereditary tenure), as recorded, did not, apparently, exist, recognised an hereditary title where Mr. Elphinstone *had not done so*.

5th.—That in the case reported on in Captain Cowper's report No. 114, of the 7th March 1853, and in others which have yet to be brought to notice, it is not Mr. Elphinstone's decisions, but *alterations of Mr. Elphinstone's record*, which are questioned, and that in these cases, Mr. Elphinstone's lists afford correct information regarding the history of the grant, but the *revised lists do not*.

6th.—That in Moreshwur Dixit's case Mr. Elphinstone never passed any opinion at all.

106. In his 32nd paragraph Mr. Warden thus refers to certain of the Surinjams:—

"And if Captain Cowper would address himself to the task of discovering the political considerations which prompted Mr. Elphinstone in his mode of dealing with these twenty cases, and thereon propose a return to the original liberal decisions,* he will do good service to the public."

* I would observe that *all* Mr. Elphinstone's decisions were subject to confirmation, which *they all received to the same extent*,—*i. e.* continuance for life. This is especially adverted to by the Honorable Court in the 14th paragraph of their despatch No. 9, of the 7th February 1833, and in the 2nd paragraph of a subsequent despatch, No. 17, of the 26th October 1842.

Passing over the improbability of my discovering at this late date political considerations which influenced Mr. Elphinstone, and which Mr. Warden's own ability and experience have not enabled him to discover, and passing over, also, the apparent impossibility of my attempting even to do so, without entangling myself in the very inquiry into Mr. Elphinstone's motives which Mr. Warden so greatly deprecates (paragraphs 28, 30, and 31),—passing over all this, it seems only necessary to explain in how far the course recommended by Mr. Warden, as one by adopting which I should do good service to the public, differs entirely in principle from the course which, as at present instructed, I understand it to be the desire of Government I should follow.

107. In the first place, the interests of "the public" I understand to be those of the country at large, and of the mass of its people, of whom the Surinjamdars form a very insignificant numerical fraction: Government I apprehend to be the paramount authority in whose hands the interests of all classes are placed. And the object of Government I have always conceived to be to ascertain, through its officers, the particular claims of each class, with a view to the equitable consideration of all.

108. Such being the view I take of this subject, it follows that good service to "the public" is not in my opinion necessarily synonymous with good service to the Surinjamdars, and that it may, indeed, so happen that the two interests are directly adverse the one to the other.

109. Next, as regards my own especial duty,—am I to consider it a part of that duty to endeavour to substantiate claims to alienations in perpetuity of the public revenue, or am I to confine myself to a strictly impartial trial of all such claims brought forward, extending to claimants the benefit of doubts, and noticing all points or evidence in their favour which, though unknown to, or undiscovered by themselves, may incidentally come to my own knowledge?

110. There are a few words of explanation I wish to offer in regard to *Inam* cases, in which it is not a *report* which I have to submit for the consideration and orders of Government, but a *decision* which I am called upon to pass, subject to eventual appeal to them. Here (*i. e.* in *Inam* cases), should doubt arise, and that doubt be of a nature not properly referable for the interpretation of Government (Act XI. of 1852 provides that in certain cases Government may be thus referred to previous to decision), I should, as a general rule, decide on the doubtful point *against* the claimant, leaving it to the *Inam* Commissioner and to the Government to reverse my decision in appeal, and enabling them to do so, if requisite, by recording the doubtful point most fully in all its bearings. Such a course seems to me necessary, because I deem it of very great importance that Government should not be obliged to reverse the decisions of its own officers, when passed in favour of claimants.

111. There *may* be some who, as supposed by Mr. Warden (paragraph 33), think that Mr. Elphinstone "worked in the dark"; but this class of thinkers must be small, and the only method by which their opinions could for a moment gain even partial credence would be that of noticing, and thereby giving them a publicity otherwise unobtainable. But I would not be understood to shut my eyes to the fact that thirty-seven years' experience must have unfolded much which it would not be correct to say "escaped" Mr. Elphinstone, but which, humanly speaking, it was not possible for him at that time, and on the first occupation of a large and newly conquered country, to become acquainted with. While, on the one hand, I apprehended that on all questions of local knowledge, and of acquaintance with the men and history of the period in which he played so conspicuous and honorable a part, his opinions must remain as the safest guide and land-mark for those who have succeeded him; on the other, I cannot but think that the changes and improvements of a third of a century, of which Mr. Elphinstone laid the foundation, and for which his own administrative talents paved the way, may, and probably have, progressed much more rapidly than even he anticipated when recording suggestions for the guidance of a succeeding generation.

112. I avail myself of this opportunity to assure the Government that the principles to which Mr. Warden in his 34th paragraph attaches great importance are those upon which I have always* acted, and those which each day's experience teaches me to consider the only safe ones; believing Mr. Warden's opinion to apply more or less to official work of every description, I have found it especially applicable to the duties of the Inam Commission, which demand an acquaintance with the records of past years and with previous proceedings, only to be acquired from various quarters, and involving constant and laborious search but too frequently unsuccessful. It seems a curious coincidence that inquiries of this very nature should have so lately placed me in possession of Mr. Elphinstone's recorded orders on the subject of Inams (adverted to in the 33rd and 34th paragraphs of Mr. Warden's letter) which I brought to your notice in my letter No. 81, of the 15th February last, and which are drawn up with the clearness and minuteness characteristic of his official writings. This does not seem the place to discuss the nature of these orders; it appears sufficient to state that they distinctly define the principles upon which Mr. Elphinstone's settlement was made, and which he laid down for the guidance of his subordinates.

113. I have now, I believe, pointed out how the principles upon

* I would solicit reference to my report, No. 651, of the 22nd December last, on the subject of the Chouth Jagheerdars, as affording one instance in which I have done so, and in which valuable information was thus obtained.

which I am conducting my inquiries differ from those recorded by Mr. Warden, and I have endeavoured to do this in a form which will enable Government readily to perceive the points of difference, and to issue any additional instructions which may appear requisite; it remains only to afford as succinctly as possible the history of Moreshwur Dixit's Palanquin Surinjam allowance, and I shall then, I believe, have complied fully with the instructions received in your letter under reply.

114. In Suba Seetain (A. D. 1766-67) an allowance for a Palanquin, of Rs. 1,000 per annum, was granted by the fourth Peshwa, Madhow Rao Bullal, to Vereshwur Dixit, the Government manager (Komavisdar) of the Purguna of Chaleesgaum, in Khandeish, and he was authorised by the Sunud to deduct the amount regularly (Néhemee, नेहमी) from the revenues of the Purguna: the form of address used in this and in the two Sunuds hereinafter mentioned (paragraphs 116 and 118 of this letter) is that adopted in addressing a "Gruhusth" or gentleman. (See paragraph 76 of this letter.)

115. Forthcoming accounts of the late Government show the above grant to have been carried into effect, and the yearly allowance to have been drawn and charged until Khumus Subain (A. D. 1774-75), in the name of the original grantee, Vereshwur Dixit; the amount is shown to have been paid in some years in cash, and in others partly in cash and partly by assignments of land.

116. Vereshwur Dixit died about Khumus Subain (A. D. 1774-75), and in that year a Sunud was issued by the Peshwa, Madhwa Rao Narayan, continuing the allowance to Vereshwur's son, Yedneshwur, and directing its payment regularly (Néhemee, नेहमी).

117. The forthcoming accounts show the grant to have continued in force from A. D. 1774-75 to 1808-09, but they also show the continuance to have been latterly a mere *nominal one*, as from A. D. 1803-04 to 1807-08. Yedneshwur Dixit is shown to have received *nothing at all*, the *villages* on which the assignment was made being deserted, and the whole district in scarcely a better condition. In A. D. 1808-09 the same state of things seems to have existed, though it is not expressly stated to have done so.

118. In or about Teesa Myatain (A. D. 1808-09) Yedneshwur Dixit died, and the allowance was continued to his son, Moreshwur (the present incumbent), by the last Peshwa, Bajee Rao, whose Sunud directs the payments to be made as heretofore (Peshjee prumané, पेशजी प्रमाणे).

119. In A. D. 1809-10 the two villages from which a portion of the allowance was paid were deserted. Moreshwur Dixit, however, got something in this year as a cash payment, but very little,—only Rs. 25. In A. D. 1810-11 he got the same amount,—Rs. 25.

120. There are no accounts of management of a later date forth-

coming, but the records contain an estimate of the revenues of Khandeish for 1815-16, in which the original allowance of Rs. 1,000 is charged in Moreshwur Dixit's name, partially (Rs. 341-4-0) as a cash payment, and partially (Rs. 658-12-0) as the amount of the Jagheer and Surdeshmookee Umuls of the villages of Pimpree Khoord and Sherusgaum. There are, therefore, no accounts forthcoming to show what the actual receipts were from A. D. 1810-11 to 1817-18, but it is not probable that they could have greatly increased, as Khandeish, when it became a British province, had scarcely, if at all, recovered from the combined effects of Holkar's invasion in 1802-03 and of the famine which followed.

121. This Surinjam was included in Mr. Elphinstone's lists, under the head of "Kitta" or miscellaneous, No. 10, but it turns out (see paragraphs 28 to 32 of this letter) to be one of many regarding which Mr. Elphinstone submitted no recommendation; it was entered in his lists merely as "to be continued."

122. In the detailed statement (see paragraph 136 of this letter) of Jagheers prepared by Mr. Elphinstone's Secretary, Mr. McDonnell, this Surinjam is *not to be found at all*.

123. In the lists prepared in A. D. 1834 (see paragraphs 51 to 53 of this letter) this Surinjam was entered in the class of holdings described as "granted between the conclusion of the Treaty of Bassein and the accession of the British Government into the Deccan; to be resumed on the death of the present incumbent." The above entry was, however, clearly made by mistake, as in the body of the lists the date of original grant was shown to be "A. D. 1766."

124. In A. D. 1841 Mr. Mills, the Agent for Sirdars, submitted lists (see paragraphs 54 and 55 of this letter) in which Moreshwur Dixit's Surinjam was entered as one of those recommended to be resumed at the death of the then holders.

125. In Mr. Warden's lists (see paragraphs 55 to 57 of this letter) of A. D. 1844 this Surinjam was entered (No. 21 of Class II.) as one entitled, under the Rules laid down by the Honorable Court, "to be continued to the second, and the prescribed pension granted to the third generation"; and it was further made (No. 3 of Class VII.) a special case and recommended for hereditary continuance, the reasons assigned being,—“This grant is entered here because the Sunud on which it is held declares it to be perpetual.”

126. The view Government took of the above entry was recorded in a minute of Sir G. Arthur's, dated the 21st April 1846 (paragraph 4 of *précis* of the past proceedings of Government, which accompanied the Chief Secretary's letter to Mr. Warden, No. 4401, of the 9th October 1852), to have been,—

“Mor Dixit Munohur holds a Surinjam of the annual value of Rs. 491-5-6, which Mr. Elphinstone recommended should be considered a life-grant; this Surinjam is stated to have been conferred in the year 1766. Mr. Warden states that in the Sunud under which this Surinjam is held, this grant is declared to be perpetual; the orders of the Honorable the Court of Directors should, therefore, be solicited whether, as now proposed by Mr. Warden, this Surinjam is to be considered an hereditary grant.”

127. A revision of Mr. Warden's lists having been ordered (Chief Secretary's letter No. 1896 dated the 9th May 1846), the Agent, Mr. Brown, submitted revised lists in A. D. 1847, in which Moreshwur Dixit's Surinjam was entered No. 16 of Class II., as entitled, under the Rules laid down by the Honorable Court,—

“To be continued to the second, and the prescribed pension granted to the third generation.”

The column of “Remarks” contained the following statement:—

“The date of original grant, Suba Seetain (A. D. 1766), is taken from a Sunud in possession of the Surinjamdar, and which is, moreover, registered in the Peshwas' Dufur; it specifies that this grant should be considered hereditary.”

In the 15th column of the above entry (No. 16 of Class II.) Mr. Elphinstone's reasons for making the grant are entered as—“To be continued for life.”

128. The Surinjam was further included (No. 2 of Class VII.) in the list of cases deemed special by Mr. Brown, for reasons thus recorded in the 15th paragraph of his transmittory letter, No. 178 dated the 26th October 1847:—

“With reference to No. 21 in Mr. Warden's revised list above alluded to, and which is recorded in Class II. under No. 16, and in list 7 under No. 2, of my revised lists, Moreshwur Dixit Munohur's claim for his Surinjam being made perpetual rests on a Sunud dated 1776, which he possesses, in which it is shown that this Surinjam should be hereditary; it, therefore, rests with the Honorable Court to give effect or not to the purport of this Sunud.”

129. Government having called for further information in regard to the grants recommended to be made special (paragraph 6 of Chief Secretary's letter No. 1447 dated the 7th April 1848), it was afforded in a “tabular statement” forwarded with the Agent's letter No. 187 of the 22nd August 1848, the following extract from which refers to Moreshwur Dixit's case:—

“The mother of the ancestor of this incumbent was a sister of the mother of Ballajee Bajee Rao, and the wording of this Sunud

expressly mentions that this Surinjam should always (नेहमी) be continued on hereditary tenure, which gives weight to the claim of this individual that his Jagheer should be continued hereditarily."

This tabular statement also showed Mr. Elphinstone's reasons for making the grant to have been—"To be continued for life."

130. The grounds on which Government recommended Moreshwur Dixit's Surinjam for hereditary continuance were explained in the following terms, in a Minute of Sir George Clerk's, written on the 22nd March 1848 before the receipt of the above tabular statement, which, however, made the wording of the Sunud stronger than before (see paragraph 89 of this letter):—

"Mr. Brown has brought to notice that although Mr. Elphinstone recommended that the Surinjam of Mor Dixit (No. 16 of Class II.) should be continued to that individual as a life-grant only, this individual has produced a Sunud, which is registered in the Poona Dufstur, in which it is specified this grant should be considered hereditary. This Surinjam is a grant of the year 1766, and does not, therefore, come within the general Rules laid down by the Honorable Court as conferring an hereditary title: the fact, however, of this grant (which is of the annual value of Rs. 491-5-6) having been assigned to the ancestor of the present incumbent on hereditary tenure is, I consider, with reference to the intentions of the Court alluded to in the preceding paragraph, a sufficient reason for this Government to recommend that the provisions of the Sunud granted to this family should be upheld."

131. The foregoing paragraphs contain, *verbatim*, the reasons submitted to the Honorable Court, who concurred in them and the recommendation grounded on them, in the following terms:—

"In this case the Sunud is of the date of 1766, but is stated to contain (what is rare in such cases) distinct words of inheritance; this Surinjam, therefore, should be hereditary."

132. Such were the circumstances under which, on the 21st September last, I reported on Moreshwur Dixit's Surinjam. In 1844 Mr. Warden had reported (see paragraph 125 of this letter) the *Sunud* to declare it to be "perpetual"; in 1847 Mr. Brown had stated (see paragraphs 127 and 128 of this letter) the *Sunud* to specify that "the grant should be considered hereditary"; and had further explained (see paragraph 129 of this letter) the precise wording of the *Sunud* to be that the Surinjam "should always (नेहमी) be continued on hereditary tenure"; Government had, on the above reports, resolved (see paragraph 130 of this letter) that the grant, although made as late as 1766, should nevertheless be considered an hereditary one, *because*, as it was held under a *Sunud* declaring it to be so, "the provisions of the *Sunud*

granted to this family should be upheld"; and lastly, the Honorable Court had sanctioned (see paragraph 131 of this letter) the hereditary continuance of the Surinjam on *the sole grounds* of the "distinct words of inheritance" said to be contained in the *Sunud*, and had even then added the observation that such words were rare. But when I referred to the *Sunud* itself, I found that it contained merely the word नेहमी (Néhemee), which had been translated as "always" (see paragraph 129 of this letter), whereas, the Government and the Court had been informed that it contained words signifying "always on hereditary tenure."

133. I thought then, as I think now, that Government must have been completely misinformed, and I reported accordingly (No. 327 dated the 21st September 1852). That "Néhemee" ought not to have been construed as "perpetual," or as "always on hereditary tenure," is I think undoubted, for reasons which I have explained at length in paragraphs 79 to 82 of this letter: in the last interpretation afforded to Government, the Murathee word was introduced in the original character, and translated as "always," and so far there was nothing to object to; *but other* English words, ("on hereditary tenure,") for which there were no corresponding words whatever in the Murathee original, were added, and *these were the words* described by the Honorable Court as "distinct words of inheritance."

134. My report on Moreshwur Dixit's Surinjam was referred by Government to Mr. Warden, who has explained (see paragraph 69 of this letter) his reasons for thinking that the case should be made a special one, and that the Surinjam should be declared hereditary. My opinion on most of these points differs (paragraphs 70 to 87 of this letter are explanatory of this) from that of Mr. Warden, and most of them have never previously been brought forward nor discussed. I have already fully adverted to this in previous portions of this letter (see paragraph 88), and it only seems necessary to add that they do not, apparently, affect my original report on this case. Even supposing that Mr. Elphinstone had not left it an open one, his recommendation could not have affected the reasoning by *which alone* the Honorable Court of Directors were induced to declare the Surinjam hereditary, for the reasoning to which I refer had not the slightest connection (either supposed or stated) with any act or recommendation of Mr. Elphinstone,— "The wording of the *Sunud* expressly mentions that this Surinjam should always (नेहमी) be continued on hereditary tenure."

This was the reasoning which I questioned in my first report; the only material point at issue, and brought forward by me, was whether such a *Sunud* existed or not, and this material point does not seem to me at all affected by the information now afforded by Mr. Warden.

135. Mr. Warden has pointed out an error into which I fell, in

believing Mr. Elphinstone to have disposed of Moreshwur Dixit's case; and Government, I may observe, appear to have supposed (see paragraphs 126 and 130 of this letter), as I did, that Mr. Elphinstone had recommended that the Surinjam should be continued for life. It seems, however, fortunate that the subject has now been discussed, for the discovery (see paragraph 31 of this letter) that not one-half of the cases which Mr. Elphinstone's lists contain were, from various causes, disposed of or inquired into by him, must, I apprehend, have an important bearing on all future, even should it not affect past proceedings.

136. Mr. Warden does not agree * in thinking that this Palanquin allowance should have been designated a Nemnook rather than a Surinjam: that it should be called a Surinjam, although the Peshwa's Sunud refers to it as a Nemnook, may be readily conceded without affecting the real question at issue, and, entertaining this belief, it would remain merely to acknowledge the correction; but Mr. Warden has also expressed an opinion in paragraph 26 of his letter, that because the Palanquin allowance was considered a Surinjam by Mr. Elphinstone and granted by him on the Surinjamee tenure, "without violation of the public faith, it cannot now be called anything else." In this opinion I am not able to concur,—in this particular case, because Mr. Elphinstone did not inquire into it at all, and, generally, because I am under the impression (see note to paragraph 106 of this letter) that the public faith stands pledged in regard to Mr. Elphinstone's lists *only* to the extent of continuing *for life* the holdings therein entered. I much doubt whether Mr. Elphinstone ever intended that this allowance should be inserted in his lists at all, and I think it most probable that it found a place there owing to the hurry (see paragraph 32 of this letter) in which the lists were completed: its non-entry (see paragraph 122 of this letter) in Mr. McDonnell's statement is remarkable, and the more so as Mr. Elphinstone distinctly informed the Governor General in paragraph 5 of his despatch dated the 25th October 1819, that the whole investigation had been "committed to Mr. McDonnell, who proceeded to compare the statements of the Jagheerdars with those drawn up in the Duftur, checking both by the accounts received from the Collectors." The only conclusion at which I can arrive is that this allowance must have been purposely excluded from Mr. McDonnell's statement, and inadvertently entered in Mr. Elphinstone's lists.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

* In the 8th paragraph of Captain Cowper's report No. 327 of the 21st September 1852, it was stated that "the allowance shown in the lists as a Surinjam is distinctly entered as a 'Nemnook' in the Sunud."

STATEMENTS A TO F,

BEING

ACCOMPANIMENTS TO CAPTAIN T. A. COWPER'S LETTER

DATED POONA, 2ND MAY 1853.

Statement A (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), of Inams resumed by the Peshwas' Government by Sunuds or Orders, which are registered or quoted in forthcoming State Records, Diaries, Ledgers, &c.

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| Number. | Date of the Registry of the Sunud, or other Document referred to. | | Description of resumed Inam. | From whom resumed. | On what account resumed. | Remarks. |
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| | Arabic. | A. D. | | | | |
| 1 | 11th Rubee-ool-Awul, Khumus Seetain. | 1764-65 | Inam land, and shares of revenue (Umul) in the village of Diggee, in the Newaseh Purguna. | Krishnajee Nikkum Silledar. | For quitting the Peshwa's camp without permission. | |
| 2 | 3rd Zilhej, Teesa Seetain. | 1768-69 | Land in the village of Ghotowreh, in the Konkun. | Bhaskur Keshow Joshee Kumla-kur. | No reason assigned. | |
| 3 | 18th Sufur, Sulas Subain. | 1772-73 | A portion of the village of Tullegaum, in the Trimbuk Purguna. | Balajee Huree Jog-lekur. | Stated to be an offence of the most heinous nature, but not specified. | The whole village was at first resumed, but on the relatives of the offender representing their innocence of any crime, <i>their shares</i> were restored. |
| 4 | 21st Rubee-ool-Awul, Arba Subain. | 1773-74 | Land in five villages in the Konkun. | Ramchunder Wittul | For serving with Ragoonath Bajee Rao (Raghoba). | This Sunud must have been issued by one of the Ministers who opposed the pretensions of Raghoba, as it is dated during the period which elapsed between the |

APPENDIX B.A.

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| 5 | 1st Rubee-ool- Awul, Arba Su- bain. | 1773-74 | Land in the hamlet of Bha- kudwaree. | Yessajee Doomal.. | Ditto ditto | murder of Narayen Rao Bullal and the birth of Mahadoo Rao Narayen, and during which Raghoba was <i>de facto</i> Peshwa. This resumption must have taken place as above; the date of the Sunud is quoted in the ledger for the year Khumus Subain (A.D. 1774-75). |
| 6 | 29th Zilhej, Suba Subain. | 1776-77 | The village of Purlee, in the Seeheemahal Turuf. | Trimbuk Suryajee. | Joining the standard of the impostor who personated Sudasew Rao Bhow, the Peshwa's cousin, who fell in the battle of Paniput. | |
| 7 | 29th Sufur, Teesa Subain. | 1778-79 | A share of the Inam village of Darowlee, in the Pour Khora Turuf. | Bhagoojee Balkur- dey. | Disobedience of the orders of the Government. सरकारा की रजु नाहीं. Surkara she roozoo nahee. | |
| 8 | 17th Sufur, Teesa Subain. | 1778-79 | Four Inam villages in Prant Poona. | The Minister, Suc- caram Bhugwunt. | No reason assigned | This was the act of the rival Mi- nister Nana Furnavese, the Peshwa being then an in- fant. |
| 9 | Teesa Subain | 1778-79 | The Inam village of Sawah, in the Mhar Purguna. | Bulwunt Rao Mul- har. | Because <i>his brother</i> had not paid a fine imposed on him by the Government. | This is an entry in the ledger bringing the proceeds of the village to the account of Government, for the reasons assigned in the preceding column. |

| Number. | Date of the Registry of the Sunud, or other Document referred to. | | Description of resumed Inam. | From whom resumed. | On what account resumed. | Remarks. |
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| | Arabic. | A. D. | | | | |
| 10 | Teesa Subain | 1778-79 | Land in the village of Murdah, Prant Wace. | Bullee Annajee .. | For having surreptitiously included in his Inam land that belonged to another person. | This is an entry in the ledger bringing the proceeds of the village to the account of Government, for the reasons assigned in the preceding column. |
| 11 | 18th Rubee-ool-Awul, Sumaneen. | 1779-80 | The village of Askhar Khoord, in the Joonere Prant. | Narayan Joshee, Nurhur Joshee, and Gopal Joshee, the sons of Krishna Joshee. | No reason assigned | Another Sunud, dated four days later, orders the seizure of the whole of the private property, house, &c. of one of the brothers, Gopal Joshee. |
| 12 | Ditto | 1779-80 | Inam land in the Poona and Kuryat Mawul districts. | Ramajee Bugajee, & Dajee Gopal and Ballajee Ragoonath, Deshpandey of Prant Poona. | Ditto ditto | A portion of the Wutun also resumed by the same Sunud. |
| 13 | 3rd Rubee-ool-Akhir, Sumaneen. | 1779-80 | Three villages in Purguna Newaseh. | Kwajeh Mahomed Khan Kuveejung. | Improper conduct वर्तगुणक यथास्वीत नाही. Wurtnook yéthästect nahee. | A Surinjam was resumed at the same time, and both it and the three Inam villages were by the same Sunud transferred to the son of Kwajeh Mahomed Khan on |

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| 11 | 14 | Sulas Sumaneen. | 1782-83 | Inam land in the Talooka of Viziadroog. | Luximon Morar... | Because his nephew, Ramchunder Narayen, had joined Raghoba. | the payment of a relief (Nuzur) of forty-five thousand and one rupees. |
| | 15 | Ditto | 1782-83 | The village of Vuleh, in the Waghera Purguna. | Dewjee Owdut Rao. | Misconduct. (अंतर)..... (Untur.) | This is an entry from the ledger bringing the proceeds of the resumed Inam to account. |
| | 16 | 22nd Jummad-ool-Awul, Sulas Sumaneen. | 1782-83 | Fifty-seven Inam villages... | Sukoobae Sindia, the aunt of Mahadajee Sindia. | In liquidation of a sum due by the Inamdar to a banker. | Ditto ditto. |
| | 17 | 15th Mohurum, Sulas Sumaneen. | 1782-83 | The village of Jambowlee, in Kullian Prant. | Baljoshee Kirkeeray. | No reason assigned. | These villages were subsequently restored. |
| | 18 | 9th Rubee-ool-Akhir, Sulas Sumaneen. | 1782-83 | Three villages, and land in seven others. | Ram Rao Jewajee Chitnees, and other of his relatives. | Ditto ditto | A Surinjam held by them was also resumed by the same Sunud. |
| | 19 | 7th Sufur, Arba Sulas Sumaneen. | 1783-84 | A large Wutun, extending over twenty-five districts. | The widow of the Deshmook of the province of Dowlutabad, &c. | The adoption without the sanction of Government of a son by the widow of the late Deshmook. | The Deshmook was also Deshpandey, and the latter Wutun was also resumed. |
| | 20 | 2nd Jummad-ool-Awul, Araba Sumaneen. | 1783-84 | The village of Bunnolee, Turf Koodall. | Ramsing Mohitay. | 1st.—For not producing the Sunud from the Raja of Sattara, on which the Inam was stated to be held; 2nd, for not paying the | |

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| | Arabic. | A. D. | | | | |
| 21 | 20th Mohurum, Arba Sumaneen. | 1783-84 | The village of Waneegaum, Turuf Rajapoor. | Rugoonath Trimbukjee Shet. | shares of the revenue (Umul) of the village belonging to other parties; 3rd, for withholding the Government dues levied from the village officers. For withholding certain monies payable to Government. | |
| 22 | Khumus Sumaneen. | 1784-85 | The village of Verasey, Turuf Wunkhul. | Dipajee Rao Ze-roofkur. | Treason | This is an entry from the ledger in which the revenue of the village is brought to account. |
| 23 | Echeday Teesain. | 1790-91 | Land in the village of Pal, in the Mhar Purguna. | Neelkunt Rao Prulhad Rajapoorkur. | Having obtained the grant of the Inam by false representation to Government, and by forgery. | Ditto ditto. |
| 24 | 12th Shuwal, Esunay Teesain. | 1791-92 | The hamlet of Sheetoley Waree, and shares of the revenue of two villages (Umul). | Nathoojee Shaloonkey. | The death of the holder, and no sanction having been accorded by Government for the continuance to his son. | A Surinjam also resumed by the same Sunud, and on the same account. |

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| 25 | 5th Zilkad, Arba Teesain. | 1793-94 | Share of the revenue (Umul) of several villages in the districts of Runasee and Koralee. | Deveesing Wiswas- rao Tokey. | Conduct not good वर्तणूक डोक नाही Wurtnook teek nahee. | The same Sunud orders the resumption of a Surinjam, also on the same account, and directs the continuance of both it and the Inams to the son of Deveesing. |
| 26 | 20th Rubee-ool Ak-hir, Suba Teesain. | 1796-97 | The village of Waree, in the Julgaum Purguna. | Resumed at the death of Hajee Taz Khan Rohilay. | The death of the Inamdar. | |
| 27 | 1st Shaban, Suba Teesain. | 1796-97 | The village of Takley, Prant Wae. | Mhadoo Rao Narayen Pinglay. | No reason assigned | A Surinjam resumed by the same Sunud. |
| 28 | 29th Jummad-ool-Awul, Suba Teesain. | 1796-97 | The village of Mansee, Prant Poona. | Hurbajee Nursew Dhaygooray. | Ditto ditto. | |
| 29 | 25th Shaban, Teesa Teesain. | 1798-99 | The village of Seerolee, in the Soopa Purguna, and land in another village in the Baramuttee Kuryat. | Govind Rao Krishna Kalay. | Ditto ditto | A Surinjam also resumed by the same Sunud. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

Statement B (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), of Inams continued to direct and to collateral Heirs, under the authority of the Peshwas' Government, by Sunuds or Orders, which are registered or quoted in forthcoming State Records, Diaries, Ledgers, &c.

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
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| | Arabic. | A. D. | |
| 1 | Khumsain | 1749-50 | Bringing to the account of the Government the sum of fifteen hundred rupees, being the amount of a relief (Nuzur) levied from Kwajeh Hameed Khan on sanctioning the continuance to him of the village of Toorkabad, in the province of Bedur, which had been held in Inam by his father, Toork Taz Khan. |
| 2 | 9th Zilkad, Eeheyday Seetain. | 1760-61 | Sanctioning the continuance, on the payment of a relief (Nuzur) of five thousand rupees, of two Inam villages in territory recently conquered from the Nizam, and then held by the family of Syud Lushkur Khan. |
| 3 | 16th Shaban, Suba Seetain. | 1766-67 | Sanctioning, on the payment of a relief (Nuzur) of one thousand rupees, the continuance of a share of the revenue of the village of Kunnair, Turuf Sattara, which had been held in Inam by Appajee Junardhun, and of his Surinjam holdings also, to his brother Balkrishna Junardhun. |
| 4 | 4th Shuwal, Eeheyday Subain. | 1770-71 | Sanctioning, on payment of a relief (Nuzur), the amount of which was to be afterwards fixed, the continuance to Morar Rao Jadowh Bhooinjur of one-third of the Inam village of Bhooinj, Prant Wae, and of the Surinjam also, which had been held by his deceased father, Kundeh Rao Jadowh. |
| 5 | 26th Shaban, Seet Subain. | 1775-76 | Sanctioning, on payment of a relief (Nuzur) of five lakhs and one rupees, the continuance to Raghoo-putrao Raja Bahadoor of the Inams and Surinjams held by his deceased father Naro, Shunkut Raja Bahadoor. |

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
|---------|--|---------|--|
| | Arabic. | A. D. | |
| 6 | 29th Rubee-ool-Awul, Suba Subain. | 1776-77 | Sanctioning, on payment of a relief (Nuzur) of four thousand and one rupees, the continuance to Hybutrao Athowley of a share of the revenues (Umul) of the village of Sheersophul, in the Soopa Purguna, and of Gozayhvee, in the Baramuttee Kuryat, which had been held in Inam by his deceased father, Soobanrao Athowlay, and also of his late father's Surinjam. |
| 7 | 14th Zilhej, Teesa Subain. | 1778-97 | Sanctioning the continuance to Madhow Rao Pettay of the Surinjams and the Inams which had been held by his late father, the Inams consisting of the villages of Chinchnora, Prant Wace, and Bhamoora, Prant Poona, and of land in the village of Koel, Prant Joonere. |
| 8 | 16th Rujub, Teesa Subain. | 1778-79 | Ordering the resumption of the Inams and large Surinjam then held by Raghooputrao Narayen Raja Bahadoor, and transferring them to Trimbuk Rao Narayen Raja Bahadoor (the brother of Raghooputrao), on payment of a relief (Nuzur) of ten lakhs and one rupees. |
| 9 | 29th Rumzan, Teesa Subain. | 1778-79 | Sanctioning the continuance to Jeewan Rao Pundit Soomunt of the Surinjam, and of half the Inam village of Riswair, in the Kurrar district, which had been held by his father, Myheeput Rao Pundit Soomunt, deceased. |
| 10 | 3rd Shuwal, Teesa Subain. | 1778-79 | Continuing to Huree Pundit Veidhantee the Inam land in three villages of Purguna Indapoor, previously held by his father, Govind Pundit, who had proceeded to Benares. |
| 11 | 29th Rubee-ool-Awul, Teesa Subain. | 1778-79 | Continuing, on payment of a relief (Nuzur) of twenty thousand and one rupees, to Abdool Gazeekhan, five Inam villages in Purguna UMBER, which had been held by his late father, Hakeem Mahomed Aleekhan. |
| 12 | 6th Jummad-ool-Awul, Sumaneeen. | 1779-80 | Reciting the death, without male issue, of Bapoojee Luximon Poorundhuree, and the consequent resumption of two Inam villages which had been originally granted to his father, and which the |

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| | Arabic. | A. D. | |
| | | | Government now allow to be held by Myheeputrao Luximon, the younger brother of the deceased Bapoojee Luximon. |
| 13 | 21st Rubee-ool-Akhir, Esunay Sumaneen. | 1781-82 | Continuing to Megusham Rao the Inam village and lands, and the Surinjam which had been held by his deceased father, Nago Rao Megusham. |
| 14 | 27th Zilhej, Sulas Sumaneen. | 1782-83 | Continuing to Vireshwur Bhut Kurvey three Inam villages (Madar, Kungola, and Bhadus), and Inam land in the village of Oorsah, which had been held by his deceased brother, and before his death attached by Government. |
| 15 | 19th Rubee-ool-Awul, Arba Sumaneen. | 1783-84 | Continuing, on the payment of a relief (Nuzur) of eighteen thousand and one rupees, to Bulwunt Rao Kuddum Banday, the Inams (two villages) and Surinjam which had been held by his late father, Amroot Rao Kuddum Banday. |
| 16 | 25th Rujub, Khumus Sumaneen. | 1784-85 | Continuing, on the payment of a relief (Nuzur) of twenty thousand and one rupees, to Narayen Rao Dhumdheray, the Inams (one village, and shares of revenue in three others) and Surinjam which had been held by his late father, Trimbuk Rao Dhumdheray. |
| 17 | 8th Rumzan, Teesa Sumaneen. | 1788-89 | Continuing to Anundrao Mulhar the Inams (shares in the revenue of two villages) and the Surinjam held by his late father, Mulhar Rao Krishna. |
| 18 | 9th Jummad-ool-Awul, Teesain. | 1789-90 | Sanctioning the continuance of Inam land in the village of Kooshturpun, which had been held by Venkun Bhut bin Rajeshwar Bhut, deceased, to his nephew and sons-in-law. |
| 19 | 20th Rumzan, Teesain. | 1789-90 | Deciding on a petition from certain relatives and connexions of the Inamdars of the village of Karungulla, in the Moolwar Purguna, and ordering the continuance of the village to the lineal male descendants of the original grantee, and to them alone, and directing the payment of thirty thousand rupees as relief (Nuzur) on the occasion. |
| 20 | Teesain | 1789-90 | Crediting to Government twenty-five thousand rupees, |

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| | Arabic. | A. D. | |
| | | | the amount of relief (Nuzur) paid by Rughoonath Rao Myral Pansé, to whom Government had continued the Inams and Surinjams of his late father and uncle. |
| 21 | Echeday Teesain .. | 1790-91 | Bringing to account of Government fifty thousand rupees, the amount of relief (Nuzur) paid by Krishnaje Thorat, to whom the Inams and Surinjams of his late father, Shivaje Thorat, had been continued. |
| 22 | 1st Shuwal, Echeday Teesain. | 1790-91 | Continuing to Jywntrao Marunwar Futteh Jung Bahadoor a share in the revenue (Umul) of the village of Chincholee, in the Patoda Purguna, which had been held in Inam, and also the Wutun which had been held by his late grandfather. |
| 23 | Arba Teesain | 1793-94 | Bringing to account of Government four thousand rupees, the amount of relief (Nuzur) levied from Sukojee Rajeh Seerkay on his being permitted to succeed to his late father's Inams and Surinjams. |
| 24 | 11th Sufur, Khumus Teesain. | 1794-95 | Issuing orders for the expenditure of twenty thousand and one rupees, to be levied from Krishna Rao Shaloonkay, as a relief (Nuzur), and on account of other dues, on his being permitted to succeed to his late father's Inam village and Surinjam. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

Statement C (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), of Inams continued to adopted Sons, under the authority of the Peshwas' Government, by Sunuds which are registered or quoted in forthcoming State Records, Diaries, Ledgers, &c.

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
|---------|--|---------|--|
| | Arabic. | A. D. | |
| 1 | 11th Jummad-ool-Awul, Teesa Subain. | 1778-79 | Sanctioning the continuance of the Inam village of Dyhurree, Prant Poona, to Mahadeo Rao, the adopted son of Tookajee Somwounshee, and ordering the payment of a relief (Nuzur) of one thousand rupees. |
| 2 | 26th Rumzan, Teesa Subain. | 1778-79 | Authorising the continuance, on the payment of a relief (Nuzur) of six thousand rupees, of four villages which had been held in Inam by Syud Kootubdeen Khan wulud Syud Noordee Mahomed Khan Bahadoor and resumed on his death without male issue, to his adopted son Imamoo-deen Ali. |
| 3 | 9th Rubee-ool-Awul, Teesa Subain. | 1778-79 | Sanctioning the continuance of Inam land in the village of War, in the Asseer Purguna, to Kasseer Dut, the adopted son of Myheshwar bin Rameshwar Janee. |
| 4 | 16th Sufur, Esunay Sumaneen. | 1781-82 | Reciting the previous resumption of the village of UMBER Khoord, in the Purguna of Nassick, in consequence of the death, without male issue, of the Inamdar Ramchunder Bhut Khaikur, and the adoption of a son by his widow not having received the sanction of Government, and now according such sanction on the application of the adopted son himself (Moro Bhut), and allowing him to hold the village. |
| 5 | 2nd Sufur, Arba Sumaneen. | 1783-84 | Sanctioning the continuance of three Inam villages in the Sattara district to Sudasew Pundit, the adopted son of Goonakur Pundit. |
| 6 | Arba Sumaneen .. | 1783-84 | Bringing to the account of Government twenty thousand rupees on account of a relief (Nuzur), |

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
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| | Arabic. | A. D. | |
| | | | or of a portion of a relief, paid on the Government according sanction to the continuance of the Inam village and land which had been held by the late Anundrao Ram to Ram Rao Anunt, adopted by the widow of the deceased Inamdar. |
| 7 | 27th Zilhej, Seet Sumaneeen. | 1785-86 | Sanctioning the continuance of the Inam village of Velloo, Prant Wae, which had been held by Burhanjee Mohitay, deceased, to Sonjee Mohitay, adopted by the widow of the late Inamdar. |
| 8 | Teesa Sumaneeen. | 1788-89 | Bringing to Government account eighty thousand and one rupees, the amount of relief (Nuzur) levied on the recognition by Government of Rung Rao as the adopted son of Myheeputrao Luximon Poorundhuree, and on allowing him to succeed to the Inams and Surinjams held by his deceased adoptive father. |
| 9 | 9th Rubee-ool-Akhir, Teesa Sumaneeen. | 1788-89 | Acknowledging the receipt by Government of fifty-five thousand rupees, the amount of relief (Nuzur) paid on the continuance of the Inam villages and Wutun of the late Deoshet Veerkur to Mahadshet, adopted by the widow of the deceased Inamdar. |
| 10 | 20th Rumzan, Teesain. | 1789-90 | Sanctioning the continuance of Inam lands in three villages, and of the shares of the revenues (Umul) of two others in the Purgunas of Dindoree, Wunn, and Nassick, to Moro Punt, adopted by the widow of the former Inamdar, Mahadowrao Bullal Peteh. |
| 11 | 7th Mohurum, Teesain. | 1789-90 | Sanctioning, on payment of a relief (Nuzur) of one thousand rupees, the continuance of Inam land in the village of Malgoond, and of a share of the revenue (Umul) of the village of Nimboree and of other lands, all of which had been held by the late Sudasew Rughoonath Rajwarray, to his adopted son, Rughoonath. |
| 12 | Teesain | 1789-90 | Sanctioning, on payment of a relief (Nuzur) of four thousand rupees, the continuance of the Inam and Surinjam which had been held by the late |

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| | Arabic. | A. D. | |
| 13 | 5th Zilkad, Arba Teesain. | 1793-94 | Deorao Kasse, Mootalik Nyadish, to his adopted son, Kasse Deorao. Sanctioning an adoption by the widow of the late Appajee Ram Dabholkur, and continuing to the adopted son, Ramrao Appajee, the three Inam villages, exclusive of certain shares of revenue belonging to other parties, which had been held by Appajee Ram. |
| 14 | 4th Rubee-ool-Akhir, Suba Teesain. | 1796-97 | Sanctioning the continuance of Inam land in the village of Keshow Rowaché Patun, in Hindoostan, to the widow of Dinnanath bin Purmanund Tirwaree, and authorising her adopting a son to inherit the Inam; also exempting the widow from the payment of any relief (Nuzur) on the occasion. |
| 15 | 30th Sufur, Suba Myatain. | 1806-07 | Continuing, on payment of a relief (Nuzur) of twenty lakhs and one rupees, the Inams and large Surinjam held by the late Nursing Khunderao Vinchoorkur, to his adopted son, Wittulrao Nursing. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

Statement D (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), of Inams transferred by gift or sale, under the authority of the Peshwas' Government, by Sunuds or Orders, which are quoted or registered in forthcoming State Records, Diaries, Ledgers, &c.

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
|---------|--|---------|--|
| | Arabic. | A. D. | |
| 1 | 10th Zilhej, Khumus Seetain. | 1764-65 | Reciting an application from Moro Gopal to be permitted to hold in Inam the village of Kurrosee, in the Talooka of Chass, which had been transferred to him in gift by the former Inamdar, Krishna Rao Mhadoo Joshee, and ordering the village to be held in Inam accordingly. |
| 2 | 7th Rumzan, Eeheday Subain. | 1770-71 | Sanctioning the gift in Inam of some land in the Inam village of Chandooree, in the Nassick Purguna, by the holders of the village to Balajee Luximon Joshee. |
| 3 | 21st Rubee-ool-Akhir, Eeheday Subain. | 1770-71 | Authorising a transfer of the Inam village of Rahatowree, in the Kallian Prant, previously made by Rukmabae, the widow of Gopal Mhadoo Goray (who had been granted it on the death of her husband in battle), to Ramajee Huree Bhiday. |
| 4 | 5th Zilhej Eeheday Subain. | 1770-71 | Sanctioning the transfer of 3 beegas of Inam land in the village of Sap, in the Bhewndy Prant, which had been given by Survootum Shunkur Phurkay to Rambhut bin Govind Bhut Phatuk. |
| 5 | 20th Zilhej, Eeheday Subain. | 1770-71 | Sanctioning the transfer of a share of the revenue (Umul) of the town of Halgaum, in the Sewgaum Purguna, which had been held in Inam by Su-koobae Sinday, and made over by her to Kundeh Rao Naique Nimbalkur. |
| 6 | 24th Rujub, Esunay Subain. | 1771-72 | Sanctioning the transfer of Inam land in the town of Kullian, in the Kullian Prant, which had been held by Ramchunder Krishnarao Joshee, and given by him to Gungadhur Moreshwur Golay. |

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
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| | Arabic. | A. D. | |
| 7 | 11th Rubee-ool-Awul, Sulas Subain. | 1772-73 | Sanctioning the transfer of a share of the revenue (Umul) of the village of Bendalla, in the UMBER Purguna, which had been held in Inam by SUGOONABAE SINDAY, and given by her to Moro Nurhur Bodray and Vishnoo Nurhur Bodray. |
| 8 | 4th Zilhej, Sulas Subain. | 1772-73 | Sanctioning a transfer similar to the above, but in another village, by the same person to Moro Bapoojee Phurkay, Gungadhur Abajee Phurkay, Huree Bullal Phurkay, and Dhondoo Bullal Phurkay. |
| 9 | 9th Jummad-ool-Awul, Arba Subain. | 1773-74 | Sanctioning the gift of some Inam land in the village of Khanowree, in the Poona Prant, made by Luximon Chintamun Dhurphullay to Mahadoo Rao Krishna Pansay. |
| 10 | Arba Subain..... | 1773-74 | Bringing to account of Government two hundred rupees, the amount of relief (Nuzur) paid by Myheeputrao Krishna Chandorekur on his being permitted to purchase, for four hundred rupees from Luximon Chintamun Dhurphullay, some Inam land in the village of Bhambowra, in the Poona Prant. |
| 11 | 10th Shuwal, Khumus Subain. | 1774-75 | Sanctioning a gift in Inam made to Anundbhut bin Dhondbut Chitrao and to Kassebhut bin Dhondbut Chitrao by Wittul Sewdeo Vinchoorkur, of some Inam land in his Inam village of Saikhair, in the Nassick Purguna. |
| 12 | 12th Rujub, Suba Subain. | 1776-77 | Sanctioning the gift of some Inam land in the village of Bhooinj, made by Bulwunt Bajee Rao to Venkajee Mankeshwur Uslaykur. |
| 13 | 8th Jummad-ool-Awul, Suman Subain. | 1777-78 | Sanctioning the gift in Inam, by Tookajee bin Sun-tojee Somwounshee, of some land in his Inam village of Dyhuree, in the Mawul Turuf, to Myheeputrao Krishna Sathay. |
| 14 | 9th Shaban, Sect Sumaneen. | 1785-86 | Sanctioning the gift, by Balajee Junardhun (Nana Furnavese), of some Inam land in the town of Waece, to Rajeshwarbhut bin Konberbhut Nanderkur. |

| Number. | Date of the Registry of the Sunud or other Document referred to. | | Substance of the Sunud, as registered or quoted in the State Records. |
|---------|--|---------|---|
| | Arabic. | A. D. | |
| 15 | 1st Rubée-ool-Awul, Suba Sumanéen. | 1786-87 | Sanctioning the sale by Daood Khan and Hyder Khan of their Inam village of Khoomshet, in the Joonere Prant, to Balajee Mhadoo Bhirray, for the sum of rupees fifteen thousand and one. |
| 16 | 8th Shuwal, Esunay Teesain. | 1791-92 | Sanctioning the gift by Balajee Junardhun (Nana Furnavese) of some Inam land in the village of Kurrundee, in the Parneer Purguna, to Suznajee bin Yessajee Goorow Waghmarah. |
| 17 | 8th Shuwal, Sulas Teesain. | 1792-93 | Sanctioning the gift by Yeshwunt Gungadhur Chunderchoor of his Inam village of Hewrah Choundal, in the Umber Purguna, to Abbajee Gungadhur Wanowlay. |
| 18 | 2nd Rumzan, Sulas Teesain. | 1792-93 | Sanctioning the sale by Mahomed Hoosin-ood-deen-wulud Shaik Meerao-ood-deen and others, for the sum of rupees one thousand seven hundred and one, of some Inam land in the town of Akoleh, in the Akoleh Purguna, to Krishnajee Ambadas Sunt. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

Statement E (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), of Inams (some of large and some of small amount) granted by the Peshwas' Government, by Sunuds, the Registries of which are forthcoming among the State Records, Diaries, Ledgers, &c., to persons of rank and influence, and some of whom are shown by the above Records to have been, when the above Grants were made, holding Surinjams or Inams of great value.

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| Number. | Date of Registry of the Sunud referred to in the last column of this Statement. | | To whom the Inam was granted. | Value of the Surinjam or Inam held <i>previous</i> to the Grants specified in the next column. | Substance of Sunud. |
|---------|---|---------|----------------------------------|--|--|
| | Arabic. | A. D. | | | |
| 1 | 25th Rubee-ool-Awul, Sulas Khumsain. | 1752-53 | Ramajee Anunt Dabholkur. | 50,000 0 0 | Granting in Inam the three villages of Akalneir, Nuggaum, and Kédle Purmanundachay, valued at Rupees 17,640-1-3. |
| 2 | 29th Rubee-ool-Awul, Sulas Khumsain. | 1752-53 | Ramajee Yadow Kouray. | None recorded. . . | Granting in Inam the four villages of Palsee, Mandweh, Kurrunggaum, and Gargaum, valued at Rupees 8,265-12-3. |
| 3 | 29th Rubee-ool-Awul, Sulas Khumsain. | 1752-53 | Gungadhur Yeshwunt Chunderchoor. | 50,000 0 0 | Granting in Inam shares of revenue (Umuls) of the seven villages of Gondee, Vyahmandweh, Sangvee, Shidhtekh, Jowkhereh, Dyheegaum, and Gunnegaum. |
| 4 | 23rd Mohurum, Suba Khumsain. | 1756-57 | Vittul Sewdeo Vinchoor-kur. | 3,00,000 0 0 | Granting in Inam the town of Vinchoor, in the Chandore Purguna, and the village of Saikhair, in the Nassick Purguna, both together valued at Rupees 9,913-6-0. |

APPENDIX B.

| | | | | | | | |
|----|---------------------------------------|---------|------------------------------------|-----------|----|---|--|
| 5 | 13th Zilhej, Khumus Seetain. | 1764-65 | Mulharjee Holkar | 99,55,104 | 7 | 9 | Granting in Inam a share of the revenue (the Jagheer Umul) of the Purguna of Umhur, valued at Rupees 4,36,846-7-9. |
| 6 | 10th Jummad-ool-Awul, Seet Seetain. | 1765-66 | Mahadoo Rao Vishwanath Pethay. | 12,641 | 2 | 0 | Granting in Inam the village of Bhambowra, in the Poona Prant, valued at Rupees 886-14-0. |
| 7 | 27th Rujub, Subain..... | 1769-70 | Myheeput Rao Trimbuk Poorundhuree. | 1,29,616 | 9 | 0 | Granting in Inam land (60 beegas) in the villages of Jejooree, in the Kurreputhar Turuf, and Rak, in the Sasoor Kuryat. |
| 8 | 21st Jummad-ool-Awul, Echeday Subain. | 1770-71 | Naro Shunkur Rajeh Bahadoor. | 15,30,353 | 3 | 0 | Granting in Inam a small quantity of land (one chahoor and a half), the value of which is not stated, in five villages of Purguna Nimbayet, in Khandeish, as an appanage to a Wutun recently purchased by the grantee. |
| 9 | 11th Rujub, Sumanecn. | 1779-80 | Mahadjee Sindia | 79,79,417 | 15 | 6 | Granting in Inam a small quantity of land, valued at Rupees 700, in four villages of Purguna Parnair. |
| 10 | 2nd Rujub, Teesain..... | 1789-90 | Govind Rao Krishna Kalay. | 60,000 | 0 | 0 | Granting in Inam the village of Sherolee, in the Soopa Purguna, valued at Rupees 1,115. |
| 11 | 17th Shuwal, Sulas Teesain. | 1792-93 | Huree Bullal Phurkay. | 1,95,000 | 0 | 0 | Granting in Inam a third share (Rupees 1,966-8-0) of the villages of Kurrunggaum and Latwun, the former in the Nassick Purguna and the latter in the Soovern-droog Talooka, valued at Rupees 5,899-8-0. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

Statement F (to accompany Captain T. A. COWPER, Assistant Inam Commissioner's Letter No. 163, of the 2nd May 1853), explanatory of the use of the word नेहमी (Néhemee) in Sunuds issued by the Peshwas' Government, and Registries of which are forthcoming among the State Records, Diaries, Ledgers, &c.

| Number. | Date of Registry of Sunud. | | Sunud by what Peshwa issued. | The word नेहमी (Néhemee) how used. |
|---------|---------------------------------------|---------|------------------------------|---|
| | Arabic. | A. D. | | |
| 1 | 21st Zilkad, Sulas Seetain. | 1762-63 | Madhow Rao Bullal. | Informing the District Officer (Mamlutdar) of Talooka Shewnair that a priest had been ordered to perform certain religious ceremonies at the town of Joonere, and that for this purpose he was to be supplied regularly (Néhemee) with fuel and leaves, and the services of six men, from the date of the receipt of the Sunud by the Mamlutdar to the next Dussera festival. |
| 2 | 11th Jummad-ool-Akhir, Arba Seetain. | 1763-64 | Ditto ditto. | Informing the District Officer (Mumlutdar) of the Talooka of Chass that four Government elephants had been sent into his districts, and desiring him to furnish one writer (Karkoon), and to appoint him to the duty of superintending the regular (Néhemee) feeding of the animals. |
| 3 | 30th Zilkad, Arba Seetain. | 1763-64 | Ditto ditto. | Desiring the District Officer (Mamlutdar) of the Chass Talooka to supply, as heretofore, thatch for the houses for five Bramins permanently (Néhemee) residing at Bheema Shunkur. |
| 4 | 12th Jummad-ool-Akhir, Teesa Seetain. | 1768-69 | Ditto ditto. | Appointing Luxumon Konbere Government Manager (Koma-visdar) of three villages in the |

| Number. | Date of Registry of Sunud. | | Sunud by what Pesawa issued. | The word नेहमी (Néhemee) how used. |
|---------|--|---------|------------------------------|--|
| | Arabic. | A. D. | | |
| 5 | 22nd Jummad-ool-Akhir, Teesa See-tain. | 1768-69 | Madhow Bullal. Rao | Shirola Purguna, desiring him to collect the revenue, and authorising his deducting regularly (Néhemee) a certain sum on account of his own salary. Ordering the Government manager of the village of Anjungaum to pay Rs. 200 on account of Nimbajee Thorat, then on duty in Hindoostan, and to whom it had been previously resolved to grant a regular (Néhemee) allowance (Shet Sunud) of that amount. |
| 6 | 18th Jummad-ool-Akhir, Subain. | 1768-69 | Ditto ditto. | Appointing to the situation of Accountant (Furnavese) of Prant Kullian, the son of Ballajee Narayen, who, in consequence of his great age, had been obliged to resign the appointment, and was about to proceed to reside permanently (Néhemee) at Benares. |
| 7 | 1st Jummad-ool-Awul, Suba Subain. | 1776-77 | Madhow Rao Narayen. | Directing the restoration of a Surinjam to Balajee Bhoslay, stated in the Sunud to be in the permanent (Néhemee) employ of Naro Krishna, at that time Sursubedar of Khandeish. |
| 8 | 5th Shaban, Suba Subain. | 1776-77 | Ditto ditto. | Desiring the District Officer (Mamlutdar) of the Shewneir Talooka to allot permanently (Néhemee) to Neelkunt Chuntamun a piece of hill land yielding two thousand bundles of grass. |
| 9 | 7th Jummad-ool-Akhir, Suba Subain. | 1776-77 | Ditto ditto. | Appointing Sukho Mulhar manager (Komavisdar) of the district of Kuryat Mawul, and ordering him to appropriate |

| Number. | Date of Registry of Sunud. | | Sunud by what Peshwa issued. | The word नेहमी (Néhemee) how used. |
|---------|------------------------------------|---------|------------------------------|---|
| | Arabic. | A. D. | | |
| | | | | the revenues collected to the use of the fort of Singhur, after deducting "the expenses of collection, and other regular charges." |
| | | | | महाराज मजकूर वगैरे Mahal muzkoor wugairé नेहमी नेमनूक खर्च néhemee Nemnook khurch. |
| 10 | 7th Jummad-ool-Akhir, Soba Subain. | 1776-77 | Madhow Rao Narayan. | Ordering an increase of pay to the garrison of the fort of Singhur, stated in the Sunud to consist partially of the regular (Néhemee) garrison of the place, and partially of troops temporarily withdrawn from another fort. |
| 11 | 9th Shaban, Soba Subain. | 1776-77 | Ditto ditto. | Granting to Keshow Mahadew, the commander of a body of horse, on account of his salary, the village of Wawundala, Turuf Wunkul, exclusive of the fixed (Néhemee) allowance payable from the revenue of the village. |
| 12 | 30th Shuwal, Suman Subain. | 1777-78 | Ditto ditto. | Ordering the commander of the fort of Chakun to allot permanently (Néhemee) to Ballajee Ram, a Karkoon in the Government Dufur, a portion of the grass lands of the fort, yielding ten thousand bundles of grass. |
| 13 | 23rd Zilkad, Teesa Subain. | 1778-79 | Ditto ditto. | Ordering the District Officer (Mamlutdar) of the Rutnagherry Talooka to pay regularly (Néhemee) out of the revenues of the village of Sewar Ambara, Turuf Pawus, Rs. 225 to the fort of Myheemutghur, and to charge the amount in his account yearly. |

| Number. | Date of Registry of Sunud. | | Sunud by what Peshwa issued. | The word नेहमी (Néhemee) how used. |
|---------|-----------------------------|---------|------------------------------|---|
| | Arabic. | A. D. | | |
| 14 | 26th Shuwul, Su- maneen. | 1779-80 | Madhow Rao Na- rayen. | Informing the Government ma- nager (Komavisdar) of the town of Pabul that it had been grant- ed in Surinjam to Allee Baha- door, exclusive of the Mokassa Umul, and the authorised per- manent charges (Néhemee Nem- nook) on the revenue. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 1991]

POLITICAL DEPARTMENT.

From W. HART, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Bombay, 20th May 1853.

SIR,—I have the honour to acknowledge the receipt of your letter No. 1138 dated the 14th March 1853.

2. In paragraphs 11 to 14 of my letter therein referred to, I proposed to follow a certain course with regard to the general questions brought forward by Mr. Warden, as well as the particular case in discussing which they were introduced by him; and I have now the honour of submitting Captain Cowper's report No. 163 dated 2nd May 1853, as at first promised by me, and again called for by your letter under acknowledgment.

3. Captain Cowper's letter now submitted (which is prefaced by a table of contents) will, I think, be found one of the most important documents yet brought under the consideration of Government. The broken state of my health, and the embarrassment under which I am placed, by feeling constrained to disagree, as to several of the points discussed in it, with Mr. Warden, who was my first master in the Judicial branch of the Service, and to whose careful though indulgent supervision as such I owe all the little usefulness I may have since acquired as a public servant, will, I trust, be accepted as my excuse for avoiding any lengthy discussion of these points. Such discussion on my part would, in fact, appear the less necessary, as Captain Cowper has, in his 2nd paragraph, proposed to himself the course of following Mr. Warden *seriatim* through his letter of the 9th December 1852, as the best mode of drawing up the explanation required by Government, who will, therefore, be, by a mere comparison of the letters of Messrs. Warden and Cowper, placed in a position to judge how justly, and how far each affects the Rules which are, or ought to be followed in disposing of the various alienations of the public revenue to which each letter refers.

4. The following synoptical table will show the order in which Captain Cowper has followed Mr. Warden throughout his letter.

| Paragraphs of Mr. Warden's Letter. | Corresponding paragraphs of Captain Cowper's Letter. | Paragraphs of Mr. Warden's Letter. | Corresponding paragraphs of Captain Cowper's Letter. |
|------------------------------------|--|------------------------------------|--|
| 2 and 3 | 3 to 17 | 23 | 89 |
| 4 | 20 | 24 | 90 and 91, also 130 to 132. |
| 5 | 16 to 19, and 21 to 26 | 25 | 89 and 90, also 127 to 134 |
| 6 | 27 | 26 | 88 and 89, also 125 to 134, and 136 |
| 7 and 8 | 28 to 32, and 135 | | 92 |
| 9 and 10 | 33 and 34, also 58 and 60 | 27 | 44 and 45, also 93 to 104 |
| 11 and 12 | 44, 45, and 101 to 104 | 28 | 88 and 91 |
| 13 and 14 | 84 and 85 | 29 | 102 to 104 |
| 15 and 16 | 69 to 78, and 83, 87, and 88 | 30 | 35 and 105 |
| 17 and 18 | 79 to 82 | 31 | 106 to 109 |
| 19 | 69 to 88 | 32 | 111 |
| 20 | 70 to 72, and 87 and 88 | 33 | 111 and 112, |
| 21 | 51 to 53 | 34 | |
| 22 | 55 to 62, and 127 to 129 | | |

5. Captain Cowper may seem to have been somewhat profuse in his quotations from the correspondence on record in the Deccan Commissioner's Office; but, in one respect, his able and valuable report derives great additional value from its profuseness of citation, as it now forms a complete recapitulation of proceedings connected with the much questioned Surinjam lists, from their rough draft by Mr. Elphinstone until their supposed final correction by Mr. Brown; and the Honorable Court of Directors will, I anticipate, find it the most valuable of the materials yet placed before them for enabling them to discriminate (with respect to the alienations of revenue entered in the lists) between their obligation to the Surinjamdars—whether as individuals or as a class—and their duty to the whole community, of whose revenues they are the trustees and administrators,—a distinction noticed in Captain Cowper's 107th and following paragraphs, and set forth in an able though exaggerative leader in the *London Times** of the 9th of February last.

* See page 105.

6. With respect to citations of the State records of the former Governments, Captain Cowper has also been profuse; but had he not been so, there would, in those cases in which he has questioned Mr. Warden's positions, have been nothing to have justified Government in attending to him; whereas, he has now fortified all his own positions by the strongest evidence.

7. I would beg the especial attention of Government to Captain Cowper's 94th to 98th paragraphs. Captain Cowper and Mr. Hearn have lately rescued valuable Government Documents from the shops of grocers and firework-makers.

8. The fact shown in Captain Cowper's 28th to 31st paragraphs is an important one, as it would appear that Mr. Elphinstone left more than

one-half of the Surinjams entered in the list signed by him without even a recommendation as to the nature of their final settlement. What adds to the importance of this fact is that the Surinjam lists, in their subsequent revisals, appear to have been revised without any regular call for information and proof being made upon the Surinjamdars, and without requiring from each a genealogical statement of his family. This was brought to my notice by Captain Cowper so long ago as the 4th of last January; but, in the then state of matters, I was unwilling to question the Agent's procedure in any case, except in those where there were *primâ facie* signs of error. At the same time I am respectfully of opinion that *no* decision, even in the absence of such signs, can be trustworthy, where the first and most obvious essentials to a complete inquiry have been omitted.

9. From these facts, therefore,—the absence of Mr. Elphinstone's recommendation as to more than half the cases entered in his lists, and the absence of regular statements by the Surinjamdars whose names appear in it, as to the history of their claims and family descent, added to the cases of actual error in the revised lists lately reported by this department,—I can come to no other conclusion than that the whole of the Surinjams entered in those lists should be regularly inquired into; not merely those which at first sight appear to have been disposed of on erroneous grounds, but those, also, in which no such complete inquiry is recorded as to show that the grounds of decision were evidently correct.

10. But a re-investigation of this nature is a work of such delicacy and importance that Government would, I suppose, hesitate at ordering it without renewed instructions from the Honorable Court; and I would respectfully suggest that it might be well to stop further inquiry into the lists until the Honorable Court's instructions are received, and meanwhile to again place the Agent for Sirdars in charge of the records which he temporarily transferred to this department, under the orders of Government, to enable it to effect the partial testing of the accuracy of Mr. Brown's revised lists, which has now been made more than doubtful.

11. I hope I may be pardoned for adding to Captain Cowper's remarks, in his 11th paragraph, on the conclusion of Mr. Warden's letter, the following quotation from an article on "Indian Administration" in the *Quarterly Review* for December last:—

"The passages adduced by the *Friend of India* from Munro, Metcalfe, and Elphinstone, reflect the chivalrous generosity of the writers, who, brought into official and social intercourse with the immediate representatives of houses recently powerful, were disposed to feel that the superior stations which they themselves held partook

of the nature of an usurpation; and thus *the exigencies of a changed policy and of altered circumstances were overlooked in sympathy for reverse of fortune.*"

12. As this is probably the last occasion I shall have, before leaving the country, to allude to Captain Cowper's work in the Inam Commission, I trust I may be allowed to take the opportunity afforded by having to submit the present sample of it, to record the exceedingly high sense I entertain of his zealous and unflagging industry, and the ability with which he has assisted me—indeed, I may say enabled me—to quietly introduce the several operations of the Inam Commission into the Poona Collectorate, where, it is well known, there are agitators to be found ready to excite discontent and opposition against every public measure. Government is, however, aware how quietly the introduction of this Commission under Act XI. of 1852, and the preliminary collection of Dusturs have been effected in Poona; and for this they are indebted to Captain Cowper's judgment and tact, as well as to his firmness and activity.

I have the honour to be, &c.

(Signed) W. HART,
Inam Commissioner.

No. 136 of 1854.

POLITICAL DEPARTMENT.

To P. W. LEGEY, Esq.,

Agent for Sirdars in the Deccan.

SIR,—With reference to the 6th paragraph of the Government letter to the address of Mr. W. J. Hunter, dated the 13th August, No. 3471 of 1849, relative to the Surinjam of Moreshwur Dixit Munohur, I am directed by the Right Honorable the Governor in Council to transmit to you an extract, paragraph 18, from a despatch from the Honorable the Court of Directors, No. 55, dated the 12th October last, and to request that you will give effect to the decision of the Honorable Court contained at the close of the paragraph.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary.

Bombay Castle, 11th January 1854.

Extract Paragraph 18 from a Despatch from the Honorable the Court of Directors, dated the 12th October, No. 55 of 1853.

Para. 18. We consented to recognise the Surinjam of Moreshwur Dixit as hereditary (although of later date than 1751) on the distinct statement by Mr. Warden and Mr. Brown that the Sunud contained words of inheritance. From Captain Cowper's letter dated 21st September 1852, and Mr. Warden's letter of explanation dated 9th December 1852, it appears there were no express words of inheritance, and that the view which Mr. Warden took of the case depended on a disputable and disputed interpretation of the word "Néhemee," stated by Mr. Warden himself to be literally equivalent to "constantly" or "regularly." Considering this circumstance, and also that the Surinjam is a mere Palkee allowance, we are quite satisfied that it ought not to be hereditary.

Correspondence respecting the Surinjam of Moreshwur Dixit Munohur, lately recognised as hereditary, and remarks by Captain Cowper and Mr. Hart on the Deccan Surinjams generally.

Article from the LONDON TIMES, referred to at page 101.

IN the last number of the *Edinburgh Review* a severe censure is pronounced against the avowed policy of the Indian Government to omit no suitable opportunity of acquiring the territories still in possession of Native powers: The question raised by these observations is so important, and at the same time so practical, that it seems worthy of discussion with reference to wider principles and higher considerations of policy than those which the Reviewer applies to its solution.

From Sind to the eastern extremity of Bengal, and from the most receding indentations of the Himalaya chain to Cape Comorin, the sovereignty of England is supreme, without a rival and without an equal. Whatever be the local Government of this vast territory, we are its paramount lords, its protectors, and its rulers. Our arms must defend it, our policy must guide it, our justice must pervade it, and for its welfare and good government we are responsible before God and man. This responsibility we have gradually, but knowingly and wilfully, taken upon ourselves. We cannot apportion it; we cannot divide it. Prior and superior to all other obligations is our duty towards the whole people of India. We do not, however, as yet, govern the whole of this vast country in our own name: Sovereigns over almost all the sea coast, we have left many rich provinces in the interior still under the nominal dominion of Native rulers. With the exception of the Rajpoot princes, these potentates are not generally of high rank or remote antiquity. Their possessions rest upon a title in general no better than our own,—with this remarkable difference, that though their dominions, like ours, were won by the sword, that sword, unlike ours, is drawn to oppress and not to defend. We have emancipated these pale and ineffectual pageants of royalty from the ordinary fate that waits on an Oriental despotism. The history of Eastern monarchies, like everything else in Asia, is stereotyped and invariable. The founder of the dynasty, a brave soldier or a subtle intriguer, expels from the throne the feeble and degenerate scion of a more ancient house. His son may inherit some of the vigour and talents of his father, but in two or three generations luxury and indolence do their work, and the feeble inheritors of a great name are dethroned by some new adventurer, destined to bequeath a like misfortune to his degenerate descendants. Thus are rebellion and deposition the correctives of despotism, and thus, through the medium of periodical anarchy and civil war, was secured to the people of the East a recurrence, at fixed intervals, of able and vigorous princes. This

advantage we have taken away from the inhabitants of the States of India still governed by Native princes. It has been well said, that we give these princes power without responsibility. Our hand of iron maintains them on the throne, despite their imbecility, their vices, or their crimes. The result is, in most of those Native States, a chronic anarchy, under which the revenues of the State are dissipated between the greedy mercenaries of a turbulent camp and the venal minions of a corrupt and degraded court. The heavy and arbitrary taxes levied on the miserable Rynts serve no purpose but to feed the prodigality of the meanest and most effeminate of mankind. The political relations of the State—everything, in fact, which does not tend directly or indirectly to the acquisition of a revenue thus profligately squandered, are left to the control and direction of the British Resident. The theory seems to be broadly admitted, that government is not for the sake of the people, but of the King, and that so long as we secure that King in his sinecure royalty, we discharge all the duty that we, as Sovereigns of India, owe to his subjects, who are virtually ours. The treaties concluded with these puppets of our own setting up are quoted, and their rights emphatically relied on, by philanthropic members of Parliament, who never seem to advert to the fact that these treaties have diverted the revenues of these kingdoms from their legitimate uses, and handed over their inhabitants to perpetual slavery. We, on the other hand, are inclined to believe that there is a higher duty towards the people of India than the observance of the letter of treaties made in fraud of their rights,—our duty to protect them from cruelty and injustice, from extortion and oppression,—to provide for them the best government which they are capable of receiving, and to lighten the load of taxation on all by taking care that no part of it is squandered in waste or profligacy. The higher morality cancels and makes void the lower.

But, not only does the policy of maintaining protected Native States tend to the grievous injury of the subjects whom we have betrayed into the hands of these titular Sovereigns,—it also tends to make our yoke press with unnecessary severity on our own immediate subjects. From 1838 to 1849 our Indian revenue has been in one continual deficit, the amount of which is upwards of 15,000,000*l.* There is no country in the world where the want of funds is keeping back so many necessary works as in India. In order to raise even this insufficient revenue, we are compelled to have recourse to the most questionable financial expedients,—to the monopoly of salt, which is a heavy and cruel poll-tax, and to an export duty on opium, a source of revenue which a single gleam of common sense on the part of the Chinese Government, which prohibits its cultivation, would immediately destroy. With all these desperate expedients, our Indian income fails to meet our expenditure. The

reason is obvious. We undertake to defend from foreign attack and domestic insurrection the whole, and to administer the Government with the revenue of only two-thirds of India, the revenue of the other third being wasted on the vices, the pageantries, and the intrigues of paltry Native Courts. While our net revenue amounts to twenty-one millions, the revenue which we suffer to be diverted from the purposes of government, and expended in Native Courts, is computed at no less an amount than thirteen millions. Who gains by this wonderful instance of self-sacrifice? Not the subjects of the Nizam, or the King of Oude, who are bowed to the earth under the weight of Government imposts, and plundered by the mercenary soldier of that which the tax-gatherer has left; not our own subjects, who, after being taxed to the utmost amount of their ability, see their canals dried up, their tanks fall into decay, and their lands smitten with artificial barrenness, because our Government cannot spare one per cent. out of its receipts to keep in repair necessary public works erected by their Hindoo or Mahomedan predecessors; not the people, whose education is withheld, whose internal resources are undeveloped, whose roads are unmade, whose mines are unwrought, because the revenue is anticipated and exhausted by the ordinary and current expenses of administration. The only gainers are the sinecure potentate, the inmates of his palace and his Zenana, his guards, his parasites, his jesters, and his dancers. For them is the mightiest agency for good which PROVIDENCE ever placed in the hands of any nation crippled and paralysed; they revel in abundance and wanton in luxury, while schemes the most benevolent and plans the most far-sighted languish and die out for want of the funds so recklessly dissipated. This state of things may be in accordance with the traditional maxims of Indian policy. Great names may be cited in its support, and ingenious reasons urged for its continuance. To us it appears a scandalous misuse of those opportunities which PROVIDENCE has given us—a gratuitous sacrifice of the helpless many to the worthless few.

—*London Times, February 9th, 1853.*]

APPENDIX C.

No. 114 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,
To W. HART, Esq.,
Inam Commissioner.

Dated Poona, 7th March 1853.

SIR,—I have the honour, under the instructions contained in paragraph 4 of the Chief Secretary's letter No. 4175 of the 24th September 1852, to report on the Surinjam numbered 50 of Class I. in the revised lists submitted to Government under date the 26th October 1847, by the Agent for Sirdars, Mr. Brown.

2. This holding was entered in the list of Surinjams recommended to be declared hereditary, on the grounds of its having existed previously to the year A. D. 1751, and, thus designated, it was included in the general sanction conveyed in the Honorable Court of Directors' despatch No. 15 dated 22nd May 1849, paragraphs 2 to 12.

3. But the evidence afforded by the records of the Peshwās' Government seems to me clearly to prove that the Honorable Court have passed this decision on erroneous information, inasmuch as neither the Surinjam in question, nor any other Surinjam in lieu of, or in commutation for which the present one was granted, were held previous to A. D. 1751, or for *twenty-six years afterwards*.

4. Mr. Elphinstone's list of Jagheers, transmitted to the Government of India on the 25th October 1819, showed this Surinjam to have been held for *forty-one* years. This agrees with the date of original grant as now ascertained (*i. e.* A. D. 1777-78), supposing Mr. Elphinstone to have calculated up to A. D. 1819, the year in which his lists were framed.

5. By a Sunud the registry of which is forthcoming under date the 13th Rumzan, Suman Subain Mya wu Ulluf (A. D. 1777-78), the Peshwa granted to Trimbukjee Rajeh Bhoslay, *as a new grant, and not in lieu of, or with reference to any previous one*, the "Hoozoof Mamleh" Umuls of the undermentioned two villages, valued at Rs. 2,023-5-0.

1. Moujé Veehay, Turuf Havailee, Prant Kurrar.
2. Moujé Borgaum, Turuf Sattara.

6. In A. D. 1779-80 the abovementioned grant was resumed, and in its stead, by a Sunud the registry of which is forthcoming under date the 8th Rubee-ool-Awul, Sumaneen Mya wu Ulluf (A. D. 1779-80), the Jagheer, Babtee, and Surdeshmookee Umuls of the undermentioned two villages were granted to Trimbukjee Rajeh Bhoslay, at a valuation of Rs. 2,010:—

1. Moujé Meerzapoor, Purguna Danderphul.
2. Moujé Bukterpoor, Purguna Koombaree.

7. This last Sunud did not long continue in force; the villages were resumed in A. D. 1782-83, and the following grant was made, the grounds assigned being that the villages previously granted had been found unproductive. The registry of this third Sunud is forthcoming under date the 15th Rujub, Sulas Sumaneen Mya wu Ulluf (A. D. 1782-83), and grants to Trimbukjee Rajeh Bhoslay, at a valuation of Rs. 1,925,—

1. The Jagheer, Babtee, and Mokassa Umuls of Moujé Danderphul Khoord, Purguna Danderphul.
2. The Jagheer and Babtee Umuls of Moujé Nimbgaum Khoord, Purguna Danderphul.

8. The word Surinjam is not used in any of the above Sunuds; in each, however, the grant is described in the same terms, the villages being specified as alienated (Doomalla) for the support of the family of the grantee (Kootoombaché bégmeees, कुटुंबाचे बेगमीस).

9. On referring to the Murathee documents recorded by the Agent in this case, I have found nothing relating in any way to the grant of any of the villages specified in my 5th, 6th, and 7th paragraphs, neither does the claimant appear to have made any statement of his case, nor to have furnished any proof, in the shape of Sunuds,—at least, nothing of the kind is forthcoming.

10. In the lists of Surinjams framed by Mr. Mills, the original grant (entered in the lists as No. 48 of Class I.) to Trimbukjee Rajeh Bhoslay is stated to have been made in A. D. 1778,—the correct date, and the one which agrees with Mr. Elphinstone's lists.

11. In Mr. Warden's lists of 1844 the Surinjam (entered in the lists as No. 2 of Class I.) is stated to have been granted "before A. D. 1751," and the column of "Remarks" contains the following entry:—

"The earliest actual grant recorded in the Dufstur is dated A. D. 1760; but in this it is said that it existed in the time of the Sattara Rajas."

12. In Mr. Brown's revised lists of 1847, the entry of 1844, described in the last paragraph, is preserved intact.

13. Under the circumstances above reported, this Surinjam, which

is shown by the revised lists to be of the estimated annual value of Rs. 1,497-5-3, should apparently have been, according to the Rules laid down by the Honorable Court, included in the class of Surinjam entitled to continuance for two generations, and a moiety of the net proceeds in money to the third, and should not have been entered as an hereditary holding.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 1929.

From W. HART, Esq.,
Inam Commissioner,
To A. MALET, Esq.,
Chief Secretary to Government.

Dated Belgaum, 14th April 1853.

SIR,—I have the honour of submitting a letter No. 114 dated 7th March 1853, from my Assistant, Captain Cowper, reporting on the Surinjam entered as No. 50 of Class I. in the revised Surinjam lists.

2. In the absence of Kyfeents, &c. noticed in Captain Cowper's 9th paragraph, it is impossible to tell whether it was from the fraud or carelessness of the servants of the Agent's establishment that the erroneous information given in the list was admitted into it; but that carelessness had something to do with its preparation is evident from the fact that in the column of the revised list which proposes to give *Mr. Elphinstone's* reasons for the grant is found the following entry:—

“Class Silledars, No. 11.—Grandfather to the Raja of Sattara. To retain his Jagheer land at Hyderabad ceded to the Nizam. Hereditary.”

This entry, which is of course nonsense, I find to be made up of *two* of Mr. Elphinstone's entries, relating to distinct cases,—one the Jagheer of Bhoslay, the other one of a person named Kowree, No. 12 of the same class in Mr. Elphinstone's list.

3. Whether Government decide on continuing Bhoslay's Surinjam according to Mr. Elphinstone's recommendation, or according to the Honorable Court's recent Rules, it is right that they should do so with a knowledge of actual facts. I have, therefore, considered it necessary to submit Captain Cowper's letter, with the above observations on a point not noticed by him.

I have the honour to be, &c.

(Signed) W. HART,
Inam Commissioner.

No. 2171 of 1853.

POLITICAL DEPARTMENT.

To W. HART, Esq.,
Inam Commissioner.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 1929 dated the 14th ultimo, forwarding one from your Assistant, Captain Cowper, reporting on the Surinjam entered as No. 50 of Class I. in the revised Surinjam lists.

2. You do not appear to have been aware, when addressing the above letter to Government, that "Purushram Rajeh Bhoslay," the last holder of the Surinjam in question, having died without leaving any male issue, orders were issued by Government on the 9th March 1852 for the resumption of the above grant.

3. In making this intimation, I am desired to forward to you copies of two letters from this Department to the Collector of Ahmednuggur, and the Commissioner at Sattara, the former dated the 9th March, No. 1008 of 1852, and the latter dated the 27th January, No. 418 of 1853.

4. A copy of your communication has been forwarded to the Agent for Sirdars in the Deccan, in order that there may be a record in his office of the erroneous nature of the information contained in the revised Surinjam lists of 1844 and 1847 relative to this grant.

I have the honour to be, &c.

(Signed) H. E. GOLDSMID,

Bombay Castle, 17th May 1853. Secretary to Government.

No. 1008 of 1852.

POLITICAL DEPARTMENT.

To R. SPOONER, Esq.,
Collector of Ahmednuggur.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 154 dated the 20th January last, reporting the death of Purushram Rajeh Bhoslay, who held in the Ahmednuggur Collectorate certain villages in Surinjam, of the estimated annual value of Rs. 1,497-5-3.

2. In reply, I am desired to inform you that the deceased having left no legitimate male issue, the Surinjam in question has lapsed to Government, and, accordingly, to convey to you the directions of His Lordship in Council for the resumption of this grant.

I have the honour to be, &c.

(Signed) A. MALET,

Bombay Castle, 9th March 1852. Chief Secretary.

No. 418 of 1853.

POLITICAL DEPARTMENT.

To T. OGILVY, Esq.,
Commissioner at Sattara.

SIR,—With reference to my letter No. 4838 dated the 5th November 1852, I am directed by the Right Honorable the Governor in Council to inform you that the Government of India has confirmed the grant by this Government to Goowuntabae, widow of Bulwunt Rao Bhoslay Senaputtee, of a pension of Rs. 50 per mensem, on the distinct understanding that the allowance must lapse entirely and finally on the death of the present grantee.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary.

Bombay Castle, 27th January 1853.

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

SIR,—I have now the honour to answer Mr. Secretary Goldsmid's letter to my address, No. 2173 dated the 17th May last, transmitting copy of a letter from the Inam Commissioner, with one from his Assistant, relative to entry No. 50 in Class I. of the revised Surinjam lists of A. D. 1847, founded on an entry of No. 2 of Class I. of the lists prepared by me in 1844, the object of the communication being that I should have an opportunity of offering any explanation I may wish relative to the alteration of dates noticed by the Assistant, Captain Cowper.

2. The case is that of Trimbukjee Rajeh Bhoslay, grandfather of the Raja of Sattara, who was placed on the throne by the British Government in A. D. 1818.

3. On the accession of the British Government three villages were found alienated by the Peshwa in Surinjam to this person, the names of which are,—

1. Sherusgaum,
2. Danderphul, and
3. Nimbgau;

a judicial attachment having been levied on the first, for the recovery of Rs. 6,000 claimed from the family of the grantee on account of the expenses arising out of a family feud.

4. He had also held a fourth village, named Ghargaum, which appears to have been resumed shortly before the conquest of the Deccan.

5. Mr. Elphinstone continued to him the villages of Danderphul and Nimbgaum, of the estimated actual value of Rs. 1,422-13-0.

6. The villages of which the British Surinjam was composed were granted forty-one years before the conquest.

7. The village of Sherusgaum, however, which did not form part of the British Surinjam, was granted before A. D. 1751-52, as proved by the registry of a Sunud (marked A, copy of which, with a translation into English by the head writer of the Agent for Sirdars, is annexed, and which Sunud is referred to by Captain Cowper in paragraph 2 of his letter dated the 27th of August last) conferring a grant on one Raojee Powar, in compensation for the loss of Sherusgaum granted to Bhoslay. This village was never permanently and politically resumed, in the ordinary sense of that word, but it was attached by judicial process, and farmed out by the Government, as will be seen by reference to the Sunud marked B, till the sum of Rs. 6,000 should have been realized from it to reimburse two persons (to one of whom the farm was assigned) who had advanced Rs. 6,000 for the payment and discharge of some irregular soldiery who held two members of the family in confinement at the instance of two others, there being at that time a feud in the family to adjust which the Government interposed. How long the village remained with this farmer is not known, but as the Purguna Newasseh, in which it is situated, had gone greatly to waste for some years, it is probable that the interval between A. D. 1800 and A. D. 1817 did not suffice to discharge the debt with which it was burdened, or the proceeds, as in other cases, were possibly "embezzled" by the public officers in the anarchy that immediately preceded the British conquest; but be that as it may, it so befell that at the British conquest the judicial attachment had not been raised.

8. It is stated in the "Remarks" in my Surinjam list, as respects this grant,—“The earliest actual grant recorded in the Dufur is dated A. D. 1760; but in this it is said that it existed in the time of the Sattara Rajas.” This appears to relate to shares of the revenue of the village of Ghargaum, which was released from attachment in A. D. 1760 by a Sunud copy and translation of the registry of which are annexed and marked C. This Sunud, taken in conjunction with the contents of that marked A and the fact of the grantee being a member of the house of Sattara, leaves it beyond debate that the grant was a Sattara grant; and as the Honorable the Court of Directors, in paragraph 9 of their despatch dated October 26th, 1842, directed that all Jagheers which bear dates anterior to A. D. 1751, together with those which are known (as this was certainly known) to be ancient, should be hereditary in the fullest sense of the word, there is no doubt that Mr. Brown's decision, based on my remark, is strictly correct; and that if the grantee had preferred

to take the waste village of Sherusgaum, which formed part of his ancient Jagheer, instead of the more fertile villages of Nimbgaum and Danderphul, of which the Peshwa's and British Surinjams were composed, Mr. Elphinstone would have gladly acceded to a request by which the British Government would have profited.

9. I regret that I should, as in the case of Poorundhuree, reported in my letter dated the 9th of September last, have reason to complain of the manner in which these cases are put before Government by Captain Cowper.

10. I annex my correspondence with the Inam Commissioner on this case, and have submitted copies of all the Murathee documents transmitted to me by Mr. Manson, in order that, if the Government please, they may be translated at Bombay.

11. It will be observed that Captain Cowper in his letter of the 7th of March last, which was submitted to Government with that of Mr. Hart dated the 14th of April, never once mentions the grants of the villages of Sherusgaum and Ghargaum, from the evidence derived from which the Surinjam found its way into Class I. ; but, on the contrary, states (paragraph 3) neither the Surinjam in question, nor any other Surinjam in lieu of, or in commutation for which the present one was granted, were held previous to A. D. 1751; while in his letter to the Inam Commissioner dated the 27th of August last, on my reference dated the 13th, he says (paragraph 2)—“the village of Sherusgaum was granted (on what tenure is not specified) to Trimbukjee Rajeh Bhoslay by a Sunud registered in A. D. 1751-52”; and again (paragraph 6)—“Sewajee Bhoslay appears to have held the village up to A. D. 1799-1800, in which year it is shown to have been resumed by a Sunud.” It follows, therefore, that although the grants by the Peshwa were not in lieu of, or in commutation for others, they were held in conjunction with ancient grants, and which was not brought to notice.

12. Again,—the Government will observe, on perusing the Sunud marked B sent to me by Captain Cowper in proof of his assertion that the village was resumed in A. D. 1799-1800 (paragraph 6 of his letter dated the 27th of August last), that the village was not thereby resumed, but that an attachment only was levied on it, of the nature of a judicial process, for the recovery of a sum of money, *and only so long as that money should remain unrecovered.*

13. It is true that the Sunud marked A does not, as observed by Captain Cowper in the 2nd paragraph of the letter of the 27th of August last, specify the tenure, but Captain Cowper has omitted to point out that this omission is supplied by the Sunud B, by which the attachment referred to in the last paragraph was levied, in which the tenure is specified as “Surinjamee.”

14. Again,—Captain Cowper tells Mr. Hart (paragraph 5) that two villages, Veehay and Borgaum, were granted "*as a new grant, and not in lieu of, or in reference to any previous one,*" in A. D. 1777-78.

15. The words in *italics* were *italicised* by Captain Cowper himself, and the object of this emphasis was, I presume, to impress on the Government that Bhoslay's claim as a Surinjamdar commenced in A. D. 1777-78, the fact being, as it appears to me, that the ancient grant of Sherusgaum and Ghargaum was at that very time in the possession of the Surinjamdar and his family, and held, according Captain Cowper's own subsequent showing,—one from before A. D. 1751-52 to the British conquest, even according to Captain Cowper himself till A. D. 1800, when it was temporarily attached in consequence of the family feud; and the other *certainly* in A. D. 1752-53, *and perhaps* as early as A. D. 1747-48 (Captain Cowper's letter of 27th August 1853, paragraphs 2 and 8).

16. Captain Cowper's letter to Mr. Hart is principally composed of the account of villages held one year and four years, and then resumed; and adds that in the Murathee documents recorded by the Agent he has found nothing relating in any way to the grant of any of the villages specified by him; and for this obvious reason, that these grants and exchanges were totally irrelevant to the question before me, and only of the least importance as showing the influence of the Surinjamdar in getting good villages exchanged for bad ones,—*the point* before me being the date of the original Surinjam.

17. Mr. Hart's letter handing up Captain Cowper's consists only of the notice of a clerical error in Mr. Brown's lists made in the transcript of Mr. Elphinstone's note, to which note has been joined the note on the case immediately following it. I should have expected from Mr. Hart, instead of talking of the "nonsense" written (as if a clerical error did not generally convert sense into nonsense) and of "carelessness," he would have pointed out—what he can hardly have failed to observe—that in the process of binding Mr. Elphinstone's Surinjam list, part of the notes was bound in *so as to give the two notes the appearance of being one*;—the error of the clerk is so obvious as to have been beneath notice.

18. Mr. Brown's decision is, then, I believe, strictly correct.

I have the honour to be, &c.

(Signed) J. WARDEN,
Late Agent for Sirdars.

Bombay, 5th November 1853.

To C. J. MANSON, Esq.

SIR,—In reference to your letter No. 2211 dated the 6th of this month, I have the honour to request you will favour me with authenticated extracts from the Peshwas' *Dustur*, tracing the alienation of Sherusgaum and Ghargaum from their original grant to their resumption.

I shall also be obliged by your favouring me with authenticated copies of the *Sunuds* and other documents referred to in Captain Cowper's letter to your predecessor, No. 114 dated March 7th, 1853.

I enclose a *Murathee* memorandum of these papers.

I have the honour to be, &c.

(Signed) J. WARDEN.

Poona, August 13th, 1853.

No. 2465.

From C. J. MANSON, Esq.,
Inam Commissioner,

To the Honorable J. WARDEN, Esq.,
Late Agent for Sirdars in the Deccan.

Dated Kirkee, 1st September 1853.

SIR,—I have the honour to acknowledge the receipt of your letter of the 13th August 1853, and, in reply, to forward an original letter No. 411 of the 27th ultimo, with accompaniments, from my Assistant, Captain Cowper.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 411 of 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,

To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 27th August 1853.

SIR,—In returning the accompaniments to your letter No. 2385, of the 17th instant, I have the honour to transmit copies of the registry of the undermentioned *Sunuds*, referred to in my letter No. 114 of the 7th March 1853.

1st.—A Sunud, the registry of which in the diary of the 13th Rumzan, Suman Subain (A. D. 1778-79), is found transferred to the ledger of that year, granting to Trimbukjee Rajeh Bhoslay, as a new grant, and not in lieu of, or with reference to any previous one, the Hoozoor Mamleh Umuls of the undermentioned two villages, valued at Rs. 2,023-5-0:—

1. Moujé Veehay, Turuf Havailee, Prant Kurrar.
2. Moujé Borgaum, Turuf Sattara.

2nd.—A Sunud, the registry of which in the diary of the 8th Rubeeool-Awul, Sumaneen (A. D. 1779-80), is found transferred to the ledger of that year, granting to Trimbukjee Rajeh Bhoslay, in lieu of the villages above mentioned, and which were resumed, the Jagheer, Babtee, and Surdeshmookee Umuls of the two villages below named, at a valuation of Rs. 2,010:—

1. Moujé Meerzapor, Purguna Danderphul.
2. Moujé Bukterpoor, Purguna Koombaree.

3rd.—A Sunud, the registry of which in the diary of the 15th Rubjub, Sulas Sumaneen (A. D. 1782-83), is found transferred to the ledger of that year, resuming the villages named in the Sunud last mentioned, and granting in their stead, at a valuation of Rs. 1,925,—

1. The Jagheer, Babtee, and Mokassa Umuls of Moujé Danderphul Khoord, Purguna Danderphul.
2. The Jagheer and Babtee Umuls of Moujé Nimbgaum Khoord, Purguna Danderphul.

2. The village of Sherusgaum was resumed from Ryajee Powar and granted (on what tenure is not specified) to Trimbukjee Rajeh Bhoslay, by a Sunud addressed to one Ragho Govind, and registered in the diary of the 5th Rubeeool-Akhir, Esunay Khumsain (A. D. 1751-52). A copy of the registry was forwarded with Captain Cowper's letter No. 286 of the 5th July last.

3. The village is entered in the forthcoming accounts of Purguna Newasseh up to the year Suman Sumaneen (A. D. 1787-88), as alienated to Trimbukjee Bhoslay.

4. The accounts for the next year (Teesa Sumaneen, A. D. 1788-89) of Purguna Newasseh show the village as then alienated to Gungajee Rajeh Bhoslay, son of Trimbukjee Rajeh Bhoslay.

5. It appears from the accounts, that at some period between A. D. 1788-89 and 1799-1800, the village must have passed into the hands of Sewajee Bhoslay, the son of Gungajee Bhoslay named in the last paragraph; I have not deemed it necessary to delay this letter by a search through all the accounts to ascertain the exact year in which the son succeeded the father, as I presume it cannot affect the inquiry.

6. Sewajee Bhoslay appears to have held the vilage up to Myatain (A. D. 1799-1800), in which year it is shown to have been resumed by a Sunud, the registry (copy is herewith transmitted) of which in the diary of the 16th Shaban, Myatain (A. D. 1799-1800), is found transferred to the ledger of that year.

7. The village from A. D. 1799-1800 up to the latest year for which accounts are forthcoming (A. D. 1816-17) is shown to have been in the hands of the Government.

8. I have now to afford the history of the other village (Ghargaum), which is equally clear in every respect, excepting the *exact* date of grant, which I have been unable to trace. All that I have been able to determine with certainty is that its Swuraj Umul, valued at Rs. 955-4-0, was granted to Trimbukjee Bhoslay subsequently to A. D. 1746-47, and prior to A. D. 1752-53. In the former year it is found entered in a list of villages distinguishing those alienated in the name of the first wife of the Sattara Raja, and in the latter, in a similar list, under the general head of "Guards," a document (an account of management of Purguna Ranjungaum) of a still later date (A. D. 1754-55), showing it as alienated to Trimbukjee Bhoslay, and showing, also, that he, was one of the "guards,"—so that he may be considered to have held the Umul, *certainly* in A. D. 1752-53, and *perhaps* as early as A. D. 1747-48.

9. The Swuraj Umul of Ghargaum is shown by a Surinjam memorandum dated A. D. 1771-72 (copy of which is transmitted) to have passed into the hands of Trimbukjee's son, Suntajee Bhoslay, in A. D. 1761-62 (Esunay Seetain).

10. The Swuraj Umul is shown to have continued alienated until A. D. 1805-06 (Seet Myatain), in which year it was resumed by a Sunud registered in the diary of the 29th Mohurum (copy herewith transmitted).

11. From A. D. 1805-06 to the latest year for which accounts are forthcoming (A. D. 1814-15), the proceeds of the Swuraj Umul are shown to have belonged to, and to have been realised by the Government.

12. The history of Sherusgaum and of the Swuraj Umul of Ghargaum is so clear that I have thought it best to submit at once this letter, under the impression that it will be found to afford all the information the Honorable Mr. Warden requires. Should, however, a transcript of the entry in each forthcoming account of each year, for the last seventy years of the Peshwas' rule, be still wanted, it shall be prepared, but its preparation will take a considerable time.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner,

To C. J. MANSON, Esq.

SIR,—In reference to the 7th paragraph of Captain Cowper's letter of the 27th of last month, which accompanied yours to my address of the 1st of this month, I shall be obliged by your informing me the amount realised year by year by the Peshwa's Government from the year A. D. 1799-1800 to A. D. 1816-17, from the village of Sherusgaum, which in the previous paragraph is said to have been resumed.

Your Assistant may also, perhaps, be able to inform me of the names of the villages, the revenue of which represented the resumption, entered in the name of Trimbukjee Rajeh Bhoslay, under the words "1,200 rupees resumed" in Mr. Elphinstone's Surinjam lists.

I have the honour to be, &c.

10th September 1853.

(Signed) J. WARDEN.

No. 2547.

From C. J. MANSON, Esq.,
Inam Commissioner,

To the Honorable J. WARDEN, Esq.,
Late Agent for Sirdars.

Dated Kirkee, 22nd September 1853.

SIR,—I have the honour to acknowledge the receipt of your letter of the 10th instant, and to forward an original letter, No. 455 of yesterday's date, from my Assistant, Captain Cowper, affording, as far as practicable, the information required by you regarding the village of Sherusgaum.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 455 of 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,

To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 21st September 1853.

SIR,—I have the honour to afford, as far as practicable, the information regarding the village of Sherusgaum called for in your letter No. 2500 of the 12th instant.

2. By the same Sunud (see paragraph 6 of Captain Cowper's letter No. 411 of the 27th ultimo) which resumed Sherusgaum in A. D. 1799-1800, the management (Komavis) of the village was made over to Manajee Sinday. I have been unable to discover how long it remained with him, neither can the results of his management be ascertained, as there are no accounts of it forthcoming from among the Peshwas' records, although it is possible that some may be hereafter discovered among the enormous number of accounts of the late Government which have lately been collected.

3. Up to A. D. 1809-10, whether Sherusgaum remained in the hands of Manajee Sinday or not cannot be ascertained; during either the whole or a portion of this period, however (*i. e.* from A. D. 1800-01 to 1809-10), it is shown by forthcoming accounts to have been deserted (*osar*).

4. In the *district* accounts of management which are forthcoming for A. D. 1800-01, 1806-07, 1807-08, and 1808-09, Sherusgaum is either deducted as alienated (to whom not specified), or as a deserted village. It is, therefore, probable that up to the lastnamed year it remained under separate management, for which the district officer was not responsible. In the account for 1800-01 this is recorded, and it is stated that no information could be obtained regarding Sherusgaum.

5. In A. D. 1809-10 Sherusgaum had been incorporated with the Government villages in the district (Newasseh), and this is the first year for which accounts showing the realizations of its revenue are forthcoming; Rs. 15 are shown as the amount realized and credited to Government under the head of "Revenue of resumed villages." From the smallness of this amount, it seems probable that Sherusgaum remained deserted up to A. D. 1808-09.

6. In A. D. 1811-12 the amount realized from Sherusgaum is not ascertainable, but that revenue *was* realized, and *by Government*, is shown by an account of management of the Mokassa* Umul of the *district*, in which document the following entry is found:—

"Sherusgaum has now been resumed, but the Government manager will not pay the share of its revenue."

7. For A. D. 1812-13 an account of the nature specified in the last paragraph is forthcoming, and contains a similar entry.

8. In A. D. 1812-13 it is certain, however, that the revenue of Sherusgaum was realized by the Government manager of the district, as in a subsequent account of management of his for A. D. 1814-15, the outstanding balance of A. D. 1812-13, amounting to Rs. 2-3-9, is shown to have been realized and credited to Government.

* The Mokassa Umul of the district had been always separately managed and accounted for to Government.

9. For A. D. 1813-14 no account is forthcoming, but it is equally certain that in this year Government realized the revenue of Sherusgaum, as in the account for A. D. 1814-15 referred to in the last paragraph the outstanding balance for A. D. 1813-14, amounting to Rs. 25, is shown to have been realized and credited to Government.

10. For A. D. 1814-15 the account of management referred to in the last two paragraphs is forthcoming, but as the amount realized throughout the district is shown only in the aggregate, the sum which Sherusgaum paid cannot be ascertained.

11. For A. D. 1815-16 no account showing the realizations of the village or district is forthcoming.

12. Accounts of the management of the Peshwa's officer for A. D. 1817-18 cannot, of course, be forthcoming, as, before that year terminated, British rule had been introduced; but the records contain an account showing the amount for which Bajee Rao farmed the *district* at the commencement of the year. This document does not specify the amount at which each village was farmed, but that Sherusgaum was one of them is proved by a detailed memorandum, drawn up at the same time, and showing *in detail* the villages deducted as alienated, Sherusgaum *not* being one of them.

13. I have been unable to ascertain the names of the villages, the revenues of which represented the Rs. 1,200 entered as resumed from Trimbukjee Rajeh Bhoslay in Mr. Elphinstone's lists, although I have availed myself of the assistance of Raojee Pendsay in my endeavours to discover any documents among the records of the Deccan Commission affording the information.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

(True copies)

(Signed) J. WARDEN,
Late Agent for Sirdars.

No. 31 of 1854.

From Captain T. A. COWPER,
Assistant Inam Commissioner,

To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 18th January 1854.

SIR,—In returning the Honorable Mr. Warden's letter dated the 5th November last (explaining the circumstances under which the date of

original grant of the Surinjam continued at the conquest of the Deccan to Purushram Rajeh Bhoslay, and which date had been correctly entered in Mr. Elphinstone's list of the Jagheers, was altered in the lists framed by the Agent, Mr. Warden, in 1844, and revised by his successor, Mr. Brown, in 1847; such alteration, moreover, bringing the holding into the class of those entitled to hereditary continuance), which, with a copy of one, No. 5468 of the 20th ultimo, from the Chief Secretary to Government, accompanied your memorandum, No. 2345 of the 22nd idem, I have the honour to submit the explanation called for.

2. One of the first proposals which Mr. Elphinstone, after having in his proclamation of the 11th February 1818 declared the Peshwa's late dominions to have become British territory, made to the Governor General (see Mr. Elphinstone's despatch of the 18th June 1818, referred to in paragraph 36 of Captain Cowper's report, No. 163 of the 2nd May 1853), was that "of providing for the Jagheerdars whom the events of the war had deprived of their power and possessions, by leaving them their *personal* Jagheers"; and this proposal met with the perfect concurrence and sanction of the Governor General in Council (reply, dated the 26th September 1818, from the Chief Secretary to the Government of India).

3. Mr. Elphinstone then laid down certain rules for the guidance of the officers to whom he entrusted the requisite inquiry (forwarded to the Government of India with Mr. Elphinstone's letter of the 25th October 1819); and the 7th of these rules declared,—“No Jagheer not *actually** enjoyed up to the war to be restored, unless specially directed so to be.”

4. At an earlier date Mr. Elphinstone had promulgated rules for the continuance of *Inams* (circular to Collectors, dated the 27th June 1818), and with regard even to these holdings of a permanent nature—the Surinjams being for the most part grants avowedly resumable at pleasure—he ordered,—

“No right to possession is ever intended to be recognised that was not in force at the breaking out of the present war.”

5. A general statement of the Jagheerdars' holdings and claims was next prepared by Mr. Elphinstone's Secretary, Mr. McDonnell, “who proceeded to compare the statements of the Jagheerdars with those drawn up in the *Dufur*, checking both by the accounts received from the Collectors. A complete register was framed on this comparison, showing the name of the holder of each Jagheer, the date and nature of the grant, the situation of the lands, and the sources of the revenue when not drawn from land, with *Kumal* or highest revenue, the revenue

* *Italicised by Captain Cowper.*

as stated by the Jagheerdar, and actual collections as reported by our officers." (Paragraph 5 of Mr. Elphinstone's letter to the Government of India dated the 25th October 1819).

6. In Mr. McDonnell's statement the Surinjam, the subject of the present discussion, was entered as shown below:—

"No. 11.—Trimbukjee Rajeh Bhoslay Waweekur.

"JAGHEER.

"Ahmednuggur.

Moujé Danderphul Khoord Rs. 1,226 0 0
Moujé Nimbgaum Khoord, Purguna Danderphul: 196 13 0

Total, . . . Rs. 1,422 13 0

Shet Sunud on Kusba Wawee Rs. 75 0 0

Total Jagheer. Rs. 1,497 13 0

"Note.—The Surdeshmookee of both the villages and the Mokassa of Neemgaum amounts to Rs. 233-0-3, and belongs to Government."

7. On the 25th October 1819 Mr. Elphinstone reported the completion of the plan (referred to in paragraph 2 of this letter) proposed in his despatch No. 78 of the 13th June 1818, for restoring the personal lands of the chief Ministers and other Jagheerdars of the Muratha Government, and with his despatch submitted a "Statement showing the Jagheers, or compensation in lieu of them, to be continued in the country conquered from the Peshwa."

8. The Surinjam under report was entered in Mr. Elphinstone's statement in the Class of "Silledars," No. 11, as shown below:—

| Number. | Name. | Class. | Remarks. | Decision. | Total Amount of the Jagheer as it stood at the breaking out of the War. | Number of Years in possession. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. |
|---------|------------------------------------|------------|----------|--|---|--------------------------------|---|----------------------------------|--------------------|------------------------------|
| | | | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at present. | Pecuniary Pension. | |
| 11 | Trimbukjee Rajeh Bhoslay Waweekur. | Silledars. | | Grandfather to the Raja of Sattara; to retain his Jagheer; land. | Rs. 1,497, besides resumed by Bajee Rao Rs. 1,200. | 41 | Rs. a. p. 1,422 13 0 | Rs. 711 | .. | Hereditary. |

9. A "register," showing to whom the Jagheers proposed to be continued by Mr. Elphinstone were actually restored, was submitted with Mr. Chaplin's letter of the 28th October 1822, No. 121, and in this register the Surinjam under report was entered as having been restored to "Purushram Rajeh Bhoslay."

10. In the lists framed by the Deputy Agent for Sirdars, Mr. Warden, and dated the 3rd January 1834, this Surinjam was entered as No. 41 of Class II., the date of original grant assigned being A. D. 1773.

11. In Mr. Marriott's revised lists, submitted on the 6th March 1834, the number assigned to this Surinjam was 46 of Class I. In other respects the entry in the Deputy Agent's lists was preserved.

12. New lists were on the 23rd October 1840 submitted by the Agent, Mr. Mills, and in these the Surinjam of Purushram Rajeh Bhoslay, as No. 43 of Class I., continued to be shown as a grant of A. D. 1773.

13. The principles on which Mr. Mills had framed his lists were pronounced by the Honorable the Court of Directors to be erroneous, and at variance with their intentions. They, consequently, in a despatch, No. 17 of the 26th October 1842, directed that new lists should be prepared, under the following Rules:—

I. (Paragraph 9 of Honorable Court's despatch.)—That "all Jagheers in Class I. of Mr. Mills' list, which bear dates anterior to 1751, be, as Mr. Elphinstone recommends, 'hereditary in the fullest sense of the word,' together with those of which the dates are unknown, but which are known to be ancient."

II. (Paragraph 10 of Honorable Court's despatch.)—"In addition to these ancient Jagheers, all those of more recent date which were granted in commutation for the resumption of more ancient possessions (which is known to have been the case with some) are entitled in like manner to an hereditary tenure."

III. (Paragraph 12 of Honorable Court's despatch.)—That "with regard to Surinjam grants bearing date subsequent to 1751, resumption after a second generation from the conquest, making a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding, should be the general rule."

IV. (Paragraph 12 of Honorable Court's despatch.)—That "cases in which Mr. Elphinstone may have recommended a more extended provision" should be separately and specially considered, as also any other cases deemed to require such consideration.

14. Consequent upon these orders of the Honorable Court, the Agent for Sirdars, Mr. Warden, was directed to frame new lists in the Chief Secretary's letter No. 994 dated the 9th May 1843, the 3rd paragraph and the preamble, and the 3rd and 6th clauses of the 4th paragraph of which are below quoted.

"3. I am further directed to request, that in conformity with the orders contained in the despatch from the Honorable the Court of Directors, you will most carefully revise the amended lists of Deccan Jagheerdars submitted to Government by your predecessor, Mr. Mills, in 1840 and June 1841, and remodel with great care those lists on the principles laid down in that despatch.

"4. I am desired to request, that in carrying these instructions into effect you will insert in these new lists separate columns containing the following information in regard to each individual whose name is entered in the lists:—

"3rd.—The date of the original grant, as ascertained from Sunuds or other documents, either on the records of the Poona Duftur or in the possession of the family to whom the Surinjam was granted. The utmost care should be taken to guard against any fraud or deception on this point."

"6th.—The tenure on which the Surinjam will be held by the incumbent, on the principles laid down by the Court in their despatch dated 26th October last; and in any case in which you may be of opinion that those principles should be departed from, you are requested to submit to Government full information of the grounds on which you may propose such deviation."

15. Mr. Warden's lists were submitted with his letter No. 225 of the 29th December 1844, the 10th and 11th paragraphs of which are as follows:—

"10. As on the occasion of preparing Surinjam lists, the important distinction was not made between grants by the Mahomedan Government and Rajas of Sattara, and those by the Peshwas, I contented myself with assigning, as the period when a grant began to take effect, the date of the earliest grant recorded in the Poona Duftur; but when I have now found these documents assign, as the motive of the grant, that the grantee held a Surinjam in the time of the Rajas of Sattara, I have altered the date of original grant, and placed it anterior to A. D. 1751; 'Jagheers of which the dates are unknown, but which are known to be ancient, as well as those of more recent date, but which were granted in commutation for the resumption of ancient possessions,' being treated by the Court of Directors with as much consideration as grants actually dated before A. D. 1751.

"11. I have, however, been careful not to adopt any date which is not confirmed by the Poona Duftur. These descriptions of claim, then, compose Class I. of Surinjamdars, whose estates are to be hereditary 'in the fullest sense of the word.'"

16. In Mr. Warden's lists this Surinjam was entered as shown below, as No. 11 of Class I. :—

| Number. | Name of Original Grantee. | Name of Present Incumbent. | Soobha in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village. | Date of Original Grant, as ascertained from Sunuds and Records. | Age of the Present Incumbent. | Annual Private Income of the Incumbent. | The Names and Ages of the Incumbent's Legitimate Male Issue. | The Tenure. | Remarks. |
|---------|------------------------------|----------------------------|---|--|---|---|-------------------------------|---|--|-------------|---|
| 11 | Trimbukjee Bhoslay Waweekur. | Purushram Rajeh Bhoslay. | Ahmednuggur. | Danderphul | Rs. a. p. 1,238 10 6 | Before A. D. 1751. | 67 years. | Rs. .. | None. | Ditto. | The earliest actual grant recorded in the Dufur is dated A. D. 1760, but in this it is said that it existed in the time of the Sattara Rajas. |
| | | | Nimbgaum Khoord. | 258 10 9 | | | | | | | |
| | | | Total.. | 1,497 5 3 | | | | | | | |

17. Mr. Warden's lists were returned for revision to his successor, Mr. Brown, with the Chief Secretary's letter No. 1996 of the 9th May 1846, in the 8th and 15th paragraphs of which Mr. Brown was specially warned against assigning to *even a single component portion* of a Surinjam any other date than that on which it had been actually granted, and his attention was still further directed in the latter paragraph (the 15th) to this important point in the following terms :—

“Under the column headed ‘Remarks,’ clear and detailed information should in each case be given in regard to the proofs which exist of the Surinjam having been granted to the family of the holder from the date alleged. In all cases in which you are not perfectly satisfied of the correctness of the alleged date of grant, you are requested to state your reasons for entertaining such doubt.”

18. Mr. Brown's revised lists were submitted to Government on the 26th October 1847, and in them Purushram Rajeh Bhoslay's Surinjam was entered, as shown on the next page, as No. 50 of Class I.

| Number. | Name of Original Grantee. | Name of Present Incumbent. | Number in the List prepared in 1834. | Soobha in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village, agreeably to the Collector's signed Memoranda. | Date of Original Grant, as ascertained from Bunds and Records. | Age of the Present Incumbent. | Annual Private Income of the Incumbent. | The Names and Ages of the Incumbent's Legitimate Male Issue. | The Tenure. | Reasons for making the Grant, as recorded by Mr. Elphinstone when Sole Commissioner in the Decan. | Remarks. |
|---------|--|----------------------------|--------------------------------------|---|--|--|--|-------------------------------|---|--|--|--|--|
| 50 | Trimbukjee Bhoslay Waweekur. Purushram Rajeh Bhoslay. | No. 46 of Class I. | | Ahmednuggur. | Danderphul..... Nimbgaum Khoord. Total.. | Rs. a. p. 1,238 10 6 258 10 9 1,497 5 3 | Before A. D. 1751. | 67 years | Rs. .. | None. | Hereditary in the fullest sense of the word. | Class Silledars No. 11.—Grandfather to the Raja of Sattara. To retain his Jagheer land at Hyderabad, ceded to the Nizam. Hereditary. | The earliest actual grant recorded in the Duftur is dated Esunay Khumsain, or A. D. 1751, but in this it is said that it existed in the time of the Sattara Rajas. |

19. Finding this Surinjam to have been erroneously shown as granted prior to A. D. 1751 in both the lists of 1844 and in those of 1847, I submitted, under the instructions noted in paragraph 4 of the Chief Secretary's letter No. 4175 of the 24th September 1852, a report, No. 114 of the 7th March 1853, which is below transcribed:—

"I have the honour, under the instructions contained in paragraph 4 of the Secretary's letter No. 4175 of the 24th September 1852, to report on the Surinjam numbered 50 of Class I. in the revised lists, submitted to Government under date the 26th October 1847, by the Agent for Sirdars, Mr. Brown.

"2. This holding was entered in the list of Surinjams recommended to be declared hereditary, on the grounds of its having existed previous to the year A. D. 1751, and, thus designated, it was included in the general sanction conveyed in the Honorable Court of Directors' despatch No. 15 dated 22nd May 1849, paragraphs 2 to 12.

"3. But the evidence afforded by the records of the Peshwas' Government seems to me clearly to prove that the Honorable Court have passed this decision on erroneous information, inasmuch as neither the Surinjam in question, nor any other Surinjam in lieu of, or in commutation for which the present one was granted, were held previous to A. D. 1751, or *for twenty-six years afterwards*.

"4. Mr. Elphinstone's list of Jagheers, transmitted to the Government of India on the 25th October 1819, shows this Surinjam to have been held for *forty-one* years. This agrees with the date of original grant as now ascertained,—*i. e.* A. D. 1777-78,—supposing Mr. Elphinstone to have calculated up to A. D. 1819, the year in which his lists were framed.

"5. By a Sunud the registry of which is forthcoming under date the 13th Rumzan, Suman Subain Mya wu Ulluf (A. D. 1777-78); the Peshwa granted to Trimbukjee Rajeh Bhoslay, *as a new grant, and not in lieu of, or with reference to any previous one*, the 'Hoozoor Mamleh' Umuls of the undermentioned two villages, valued at Rs. 2,023-5-0 :—

1. Moujé Veehay, Turuf Havailee, Prant Kurrar.
2. Moujé Borgaum, Turuf Sattara.

"6. In A. D. 1779-80 the abovementioned grant was resumed, and in its stead, by a Sunud the registry of which is forthcoming under date the 8th Rubee-ool-Awul, Sumaneen Mya wu Ulluf (A. D. 1779-80), the Jagheer, Babtee, and Surdeshmookee Umuls of the undermentioned two villages were granted to Trimbukjee Rajeh Bhoslay, at a valuation of Rs. 2,010 :—

1. Moujé Meerzapoor, Purguna Danderphul.
2. Moujé Bukterpoor, Purguna Koombaree.

"7. This last Sunud did not long continue in force; the villages were resumed in A. D. 1782-83, and the following grant was made, the grounds assigned being that the villages previously granted had been found unproductive. The registry of this third Sunud is forthcoming under date the 15th Rujub, Sulas Sumaneen Mya wu Ulluf (A. D. 1782-83), and grants to Trimbukjee Rajeh Bhoslay, at a valuation of Rs. 1,925,—

1. The Jagheer, Babtee, and Mokassa Umuls of Moujé Danderphul Khoord, Purguna Danderphul.
2. The Jagheer and Babtee Umuls of Moujé Nimbgaum Khoord, Purguna Danderphul.

"8. The word Surinjam is not used in any of the above Sunuds; in each, however, the grant is described in the same terms, the villages being specified as alienated (Doomalla) for the support of the family of the grautee (Kootoombaché bégmees, कुटुंबाचे बेगमीस).

"9. On referring to the Murathee documents recorded by the Agent in this case, I have found nothing relating in any way to the grant of any of the villages specified in my 5th, 6th, and 7th paragraphs, neither does the claimant appear to have made any statement of his case, nor to have furnished any proof in the shape of Sunuds—at least, nothing of the kind is forthcoming.

"10. In the lists of Surinjams framed by Mr. Mills, the original grant (entered in the lists as No. 48 of Class I.) to Trimbukjee Rajeh Bhoslay is stated to have been made in A. D. 1778,—the correct date, and the one which agrees with Mr. Elphinstone's list.

"11. In Mr. Warden's lists of 1844 the Surinjam (entered in the list as No. 11 of Class I.) is stated to have been granted before A. D. 1751, and the column of remarks contains the following entry:—

"The earliest actual grant recorded in the Duftur is dated A. D. 1760; but in this it is said that it existed in the time of the Sattara Rajas."

"12. In Mr. Brown's revised lists of 1847, the entry of 1844, described in the last paragraph, is preserved intact.*

"13. Under the circumstances above reported, this Surinjam, which is shown by the revised lists to be of the estimated annual value of Rs. 1,497-5-3, should, apparently, have been, according to the Rules laid down by the Honorable Court, included in the class of Surinjams entitled to continuance for two generations, and a moiety of the net proceeds in money to the third, and should not have been entered as an hereditary holding."

* This requires correction, which has been made in the 56th paragraph of this letter.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

20. The Inam Commissioner, Mr. Hart, submitted my report to Government with the following letter, No. 1929 of the 14th April 1853:—

“I have the honour of submitting a letter, No. 114 dated 7th March 1853, from my Assistant, Captain Cowper, reporting on the Surinjam entered as No. 50 of Class I. in the revised Surinjam lists.

“2. In the absence of Kyfeents, &c. noticed in Captain Cowper’s 9th paragraph, it is impossible to tell whether it was from the fraud or carelessness of the servants of the Agent’s establishment that the erroneous information given in the list was admitted into it; but that carelessness had something to do with its preparation is evident from the fact that in the column of the revised list which professes to give *Mr. Elphinstone’s* reasons for the grant, is found the following entry:—

“Class Silledars, No. 11.—Grandfather to the Raja of Sattara. To retain his Jagheer land at Hyderabad ceded to the Nizam. Hereditary.’

“This entry, which is of course nonsense, I find to be made up of two of *Mr. Elphinstone’s* entries relating to distinct cases, one the Jagheer of Bhoslay, the other one of a person named Kowree, No. 12 of the same class in *Mr. Elphinstone’s* list.

“3. Whether Government decide on continuing Bhoslay’s Surinjam according to *Mr. Elphinstone’s* recommendation, or according to the Honorable Court’s recent Rules, it is right that they should do so with a knowledge of actual facts. I have, therefore, considered it necessary to submit Captain Cowper’s letter with the above observation on a point not noticed by him.”

21. The orders of Government were received in the Political Secretary’s letter No. 2171 of the 17th May 1853, below quoted:—

“I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 1929 dated the 14th ultimo, forwarding one from your Assistant, Captain Cowper, reporting on the Surinjam entered as No. 50 of Class I. in the revised Surinjam lists.

“2. You do not appear to have been aware, when addressing the above letter to Government, that Purushram Rajeh Bhoslay, the last holder of the Surinjam in question, having died without leaving any male issue, orders were issued by Government on the 9th March 1852 for the resumption of the above grant.

“3. In making this intimation I am desired to forward to you copies of two letters from this department to the Collector of Ahmednuggur and the Commissioner at Sattara, the former dated the 9th March, No. 1008 of 1852, and the latter dated the 27th January, No. 418 of 1853.

"4. A copy of your communication has been forwarded to the Agent for Sirdars in the Deccan, in order that there may be a record in his office of the erroneous nature of the information contained in the revised Surinjam lists of 1844 and 1847 relative to this grant."

22. The Inam Commissioner's report and my own were forwarded to Mr. Warden, who was requested in the Chief Secretary's letter No. 2173 of the 17th May last to afford explanation relative to the alteration of dates noticed by me.

23. To this call the Honorable Mr. Warden, having meanwhile become a member of the Government of Bombay, has replied in a letter dated the 5th November last, which has been now referred for my explanation.

24. The Honorable Mr. Warden's 2nd paragraph defines the case under discussion as "that of Trimbukjee Rajeh Bhoslay, grandfather of the Raja of Sattara, who was placed on the throne by the British Government in A. D. 1818." I would explain that Trimbukjee's son, Shahoo, had been adopted by the Raja of Sattara, and thus it was that Trimbukjee's grandson occupied the throne in 1818.

25. The 3rd paragraph of the Honorable Mr. Warden's letter describes the village of Sherusgaum as having been on the accession of the British Government found alienated to Trimbukjee Rajeh Bhoslay; but this seems to me an incorrect description of the state in which the village was found, as the Honorable Mr. Warden in the same paragraph has explained that it (Sherusgaum) had been placed under "a judicial attachment" seventeen years before the war with the Peshwa broke out, and that "at the British conquest the judicial attachment had not been raised" (concluding portion of paragraph 7 of the Honorable Mr. Warden's letter).

26. Under these circumstances I should describe the village as one which *had been* alienated, but which, having been placed under attachment many years before the Peshwa's fall, was found by the British authorities *not* alienated, but in the hands of the Government, and managed by Government officers.

27. The Honorable Mr. Warden has described the attachment of Sherusgaum as a "judicial" one; I am not aware that the attachments made during the reign of the last Peshwa, Bajee Rao, admit of such a distinction as this being drawn; but however this may be, I would particularly solicit attention to the fact that Mr. Elphinstone did not even make the attempt; he laid down as a general rule—"No Jagheer not actually enjoyed up to the war to be restored, unless specially directed so to be" (see paragraph 3 of this letter); and he still more explicitly explained it to be his intention to allow no inquiry into the why or the wherefore of the state of things which existed when the war with the

Peshwa broke out, when he informed all his subordinates—"No right of possession is ever intended to be recognised that was not in force at the breaking out of the present war." (See paragraph 4 of this letter.)

28. In my report No 493 of the 19th October last, I had occasion to refer to a very striking illustration of the working of Mr. Elphinstone's orders on this subject; a portion of the remarks I then offered exactly meet the present case, and are below transcribed :—

"8. I have thought it necessary thus specially to allude to the village of Jowkerreh, which Mr. Elphinstone did not restore, because the case is one proving, it appears to me, beyond doubt, that neither the Peshwa's title, nor the Peshwa's acts, nor anything else, were held to confer a right to the restoration of that which was not 'actually enjoyed up to the war.'

"9. It requires no great search to discover a motive for this arrangement, which was not more simple than equitable. The late rulers and magnates of the conquered country, whatever they might expect from the generosity of the victors, could not suppose that the British Government would place them in possession of that which they did not hold when the war broke out; while, on the other hand, Mr. Elphinstone must have known the pre-existing state of affairs too well not to be aware that to attempt an inquiry into the acts of the Peshwa's Government, or into the acts of others which that Government tolerated, would have been a simple impossibility; and it is not, therefore, difficult to understand why he should have based his arrangements on a broad rule which was just in principle, intelligible to the people, and easily carried out in practice."

29. Government will perceive, then, that I have considered Mr. Elphinstone's orders as conclusive, and that I have, in consequence, not hitherto attempted to ascertain or to discuss the circumstances under which the Peshwa's attachments were made; I have looked *merely* to the condition of the holding at the introduction of the British Government, supposing this to have been the *only* point which Mr. Elphinstone deemed it necessary to ascertain, the *only* point which was allowed to influence his decision, and the *only* point, therefore, which it can now be necessary to refer to.

30. With this explanation I proceed to afford all the information I have been able to obtain, elucidatory of the circumstances which intervened between the attachment of the village of Sherusgaum in 1799-1800, and its being found in the hands of the late Peshwa's managers at the introduction of the British rule.

31. The Sunud ordering the attachment of Sherusgaum directed that it should be farmed out "till the sum of Rs. 6,000 should have been realized from it, to reimburse two persons (to one of whom the farm

was assigned) who had advanced Rs. 6,000 for the payment and discharge of some irregular soldiery who held two members of the family in confinement at the instance of two others, there being at that time a feud in the family, to adjust which the Government interfered." (See paragraph 7 of the Honorable Mr. Warden's letter.)

32. Such was the *origin* of the attachment: the circumstances which followed it, and lasted till the end of the Peshwas' rule, are thus described in the paragraph of the Honorable Mr. Warden's letter (the 7th) from which I have just quoted:—

"How long the village remained with this farmer is not known; but as the Purguna Newasseh, in which it is situated, had gone greatly to waste for some years, it is probable that the interval between A. D. 1800 and A. D. 1817 did not suffice to discharge the debt with which it was burdened, or the proceeds, as in other cases, were possibly 'embezzled' by the public officers in the anarchy that immediately preceded the British conquest; but be that as it may, it so befell that at the British conquest the judicial attachment had not been raised."

I am not aware on what authority this statement has been made, but I must explain that it is not borne out by the Peshwas' records, and that I pointed this out as clearly as I could, in my letter of the 21st September last, No. 445, a copy of which the Honorable Mr. Warden has submitted to Government. In that letter (paragraphs 5 to 12) I stated that in 1808-09 Sherusgaum was regularly incorporated with the Government villages in the district; that it thus remained up to the war in 1817; that during this period *its revenues were realized by Government*, and *not* by the person for the payment of a sum due to whom it had been originally attached; and lastly, that at the commencement of the very year at the close of which the Peshwas' rule terminated, it was farmed, with the rest of the district, *on account of Government*. The following are the paragraphs of my letter in which this information was afforded:—

"5. In A. D. 1809-10 Sherusgaum had been incorporated with the Government villages in the district (Newasseh), and this is the first year for which accounts showing the realizations of its revenue are forthcoming. Rs. 15 are shown as the amount realized and credited to Government under the head of 'Revenue of resumed villages.' From the smallness of this amount it seems probable that Sherusgaum remained deserted up to A. D. 1809-09.

"6. In A. D. 1811-12 the *amount* realized from Sherusgaum is not ascertainable, but that revenue *was* realized, and by *Government*, is shown by an account of management of the Mokassa* Umul of the *district*, in which document the following entry is found:—'Sherus-

* "The Mokassa Umul of the district had been always separately managed and accounted for to Government."

gaum has now been resumed, but the Government manager will not pay the share of its revenue.'

"7. For A. D. 1812-13 an account of the nature specified in the last paragraph is forthcoming, and contains a similar entry.

"8. In A. D. 1812-13 it is certain, however, that the revenue of Sherusgaum was realized by the Government manager of the district, as in a subsequent account of management of his for A. D. 1814-15, the outstanding balance of A. D. 1812-13, amounting to Rs. 2-3-9, is shown to have been realized and credited to Government.

"9. For A. D. 1813-14 no account is forthcoming, but it is equally certain that in this year Government realized the revenue of Sherusgaum, as in the account for A. D. 1814-15, referred to in the last paragraph, the outstanding balance for A. D. 1813-14, amounting to Rs. 25, is shown to have been realized and credited to Government.

"10. For A. D. 1814-15, the account of management referred to in the last two paragraphs is forthcoming, but as the amount realized throughout the district is shown only in the aggregate, the sum which Sherusgaum paid cannot be ascertained.

"11. For A. D. 1815-16, no account showing the realizations of the village of district is forthcoming.

"12. Accounts of the management of the Peshwa's officers for A. D. 1817-18 cannot, of course, be forthcoming, as before that year terminated British rule had been introduced; but the records contain an account showing the amount for which Bajee Rao farmed the *district* at the commencement of the year. This document does not specify the amount at which each village was farmed, but that Sherusgaum was one of them is proved by a detailed memorandum drawn up at the same time, and showing in detail the villages deducted as alienated, Sherusgaum *not* being one of them."

33. Surely I can scarcely be wrong in considering this conclusive proof that at the British conquest not only had the attachment not been raised, but that the village had been *completely and finally* taken possession of *by and on account of the Government*.

34. The 8th paragraph of the Honorable Mr. Warden's letter is given below entire. It explains the Honorable Mr. Warden's reasons for believing the entry in the lists of 1847, based upon that in the lists of 1844, to be "strictly correct," and it is, therefore, necessary for me to state, as clearly and succinctly as possible, the grounds upon which I arrived at a different opinion:—

"8. It is stated in the 'Remarks' in my Surinjam list, as respects this grant—'The earliest actual grant recorded in the Duftur is dated A. D. 1760; but in this it is said that it existed in the time of the Sat-tara Rajas.'

"This appears to relate to shares of the revenue of the village of Ghargaum, which was released from attachment in A. D. 1760 by a Sunud, copy and translation of the registry of which are annexed and marked C. This Sunud, taken in conjunction with the contents of that marked A and the fact of the grantee being a member of the house of Sattara, leaves it beyond debate that the grant was a Sattara grant; and as the Honorable the Court of Directors, in paragraph 9 of their despatch dated October 26th, 1842, directed that all Jagheers which bear dates anterior to A. D. 1751, together with those which are known (as this was certainly known) to be ancient, should be hereditary in the fullest sense of the word, there is no doubt that Mr. Brown's decision, based on my remark, is strictly correct, and that if the grantee had preferred to take the waste village of Sherusgaum, which formed part of his ancient Jagheer, instead of the more fertile villages of Nimbgaum and Danderphul, of which the Peshwa's and British Surinjams were composed, Mr. Elphinstone would have gladly acceded to a request by which the British Government would have profited."

35. The entry in the lists of 1844 framed by the Agent, Mr. Warden (see paragraph 16 of this letter), appears to me to have been either incorrect or incomplete in the following instances:—

1st.—No allusion was anywhere made to the alteration of the date of original grant, A. D. 1778 (see paragraphs 8, 10, 11, 12, and 16 of this letter), assigned by Mr. Elphinstone and preserved in the lists of 1834 and 1840, although in other cases, where such alteration was made, the requisite explanation was afforded.

2nd.—The only explanation afforded in the lists was the remark,—“The earliest actual grant recorded in the Duftur is dated A. D. 1760; but in this it is said that it existed in the time of the Sattara Rajas”; and this would certainly be supposed to refer to the items entered in the lists and which it was proposed to continue, or to more ancient holdings in commutation for which the items entered in the lists had been granted; but it referred to neither the one nor the other, but to a small share of the revenue of a village (Ghargaum) which had been resumed many years before the introduction of the British Government. (See paragraph 8 of the Honorable Mr. Warden's letter.)

3rd.—The remark in the lists of 1844 just referred to was in itself incorrect, inasmuch as the Peshwas' Duftur contained the record of a grant (Sherusgaum) made as early as A. D. 1751-52. This record, however, would have been equally inapplicable, referring as it did to a village which, also, had been resumed many years before the close of the Peshwas' rule.

4th.—It was nowhere stated, either in the lists or in the Agent's

transmittory letters, that the two items entered in the lists were *new* grants, made long *after* A. D. 1751. Had this been shown, it would have become at once apparent that they did not fulfil *any one* of the conditions required by the Honorable Court to confer an hereditary title. They were not grants made before A. D. 1751; they were not ancient grants; and they were not grants made in commutation for anything held before A. D. 1751.

5th.—No attempt appears to have been made to ascertain, as directed by Government, the date of original grant from Sunuds and other documents in the possession of the family to whom the Surinjam was granted. (See paragraph 14 of this letter.)

6th.—The Agent in his transmittory letter had informed Government,—

“Wherever I have now found these documents (the Poona Duf-tur) assign, as the motive of the grant, that the grantee held a Surinjam in the time of the Rajas of Sattara, I have altered the date of the original grant, and placed it anterior to A. D. 1751.”

But in the present case the documents making the grant of the hold-ings entered in the lists assigned no such motive. (See paragraph 19 of this letter, and paragraphs 5 to 7 of the report therein quoted.)

7th.—It would appear that the date of grant of the Surinjam which Mr. Elphinstone continued, and which was the one entered in the lists of 1844, was not ascertained from either the Poona Duf-tur or from any other source (see paragraph 9 of the report quoted in para-graph 19 of this letter); at least, such seems the inference to be drawn from the fact of there not being a single Murathee document relating in any way whatever to this Surinjam to be found amongst the papers recorded in the case.

8th.—In other cases (Nos. 3 and 46 of Class I.) where the ancient date of original grant of a portion of the Surinjam held from the British Government had been assigned to the rest of the holding which was not ancient, the fact was clearly stated; whereas, in the present case, not only was such information not afforded, but the date of original grant of that which had never been held at all from the British Government, nor for many years previous to its introduction, was assigned to a Surinjam which was neither an ancient holding nor yet a grant made in commutation for any ancient holding, but a new grant of A. D. 1778,—the date assigned to it by Mr. Elphinstone.

36. The apparent errors and omissions in the lists of 1844, which have been specified in the last paragraph, and the most serious of which had been *specially pointed out* to Mr. Brown by the Government (see paragraph 17 of this letter), remained *uncorrected* in the lists of 1847, which seem to have been *additionally* defective as shown below.

1st.—The age of the Surinjamdar had been entered in 1844 as sixty-seven years, and no alteration was made in the list prepared three years afterwards. This appears to have been the case with regard to nearly every entry in the revised lists.

2nd.—Mr. Elphinstone's recommendation was incorrectly entered: not only were two separate entries in Mr. Elphinstone's lists entered as one, but a word—"at"—not to be found in *either* of the two original entries, was *added*, to endeavour to connect the two sentences. (See paragraphs 8, 18, 53, and 54 of this letter.)

3rd.—The only explanation afforded in regard to the date of grant was a remark—"The earliest actual grant recorded in the Duftur is dated Esunay Khumsain or A. D. 1751; but in this it is said that it existed in the time of the Sattara Rajas." But the record of A. D. 1751 to which Mr. Brown referred makes no such allusion or statement whatever.

4th.—The remark just referred to was the *only* explanation or authority under which a Surinjam granted nearly *thirty years subsequently* to A. D. 1751, and then granted not in commutation for anything held previously, was entered in the revised lists as a grant made "before A. D. 1751"; and this remark referred to a village (Sherusgaum) not held at the introduction of the British Government, not continued by Mr. Elphinstone, and not, of course, entered in the revised lists. It was not possible that Government could *suppose* this to have taken place, when they had especially desired Mr. Brown to assign to each item composing a Surinjam the actual date of grant of that item, and when they had still further enjoined attention to this point in the following terms:—

"Under the column headed 'Remarks,' clear and detailed information should in each case be given in regard to the proofs which exist of the Surinjam having been granted to the family of the holder from the date alleged. In all cases in which you are not perfectly satisfied of the correctness of the alleged date of grant, you are requested to state your reasons for entertaining such doubt."

37. Such were the circumstances under which I reported (see those stated in the two preceding paragraphs—35 and 36) on the 7th March last, that Purushram Rajeh Bhoslay's Surinjam appeared to have been incorrectly entered in the revised lists, and these facts do not appear to be in any way affected by the Honorable Mr. Warden's letter.

38. It is proper that I should advert to some of the more important cases in which the rule so emphatically reiterated for Mr. Brown's guidance *has been acted upon*. (See paragraph 17 of this letter.)

39. The Surinjam of the Rastia family, consisting of thirty-nine villages, of the annual value of Rs. 62,212-14-3, and the bulk of which

had been granted in A. D. 1763, was entered (No. 3 of Class I.) in the lists of 1844 as a grant made before A. D. 1751, because *two* villages, of the annual value of about Rs. 1,200, had been granted at this early date. Government, however, specifically noticed this error (see paragraphs 7 and 8 of Chief Secretary's letter in the Political Department, No. 1896 of the 9th May 1846), and the correction *was made* in the revised lists.

40. The other case which I shall here notice is that of the Vinchoor Chief, whose Surinjam was valued (No. 6 of Class III.) in the revised lists at Rs. 53,436, only a very small proportion of it having been, however, granted prior to A. D. 1751. Such being the case, the Honorable Court and the Government have decided (see paragraph 5 of Honorable Court's despatch of the 4th February 1852, No. 10) that the early date of grant of this small portion can convey no hereditary title to the large remainder granted after A. D. 1751.

41. It is worthy of remark that in the case of both these Chiefs, and in other cases which I have not thought it necessary to specify, the small portion of the Surinjam, in consideration of the antiquity of which it was erroneously proposed to continue on hereditary tenure the large remainder of modern date, consisted of villages held from the British Government, and not, as in the case now reported on, of villages or portions of villages never thus held at all, but lost years before the termination of the Peshwas' rule.

42. I have now, I believe, stated the case completely, in so far as the correctness or otherwise of the entries in the lists of 1844 and 1847 is concerned, but the remaining paragraphs of the Honorable Mr. Warden's letter, which impugn the completeness of my report of the 7th March last, remain to be noticed.

43. The Honorable Mr. Warden in his 11th paragraph states:—

“It will be observed that Captain Cowper, in his letter of the 7th of March last, which was submitted to Government with that of Mr. Hart dated the 14th of April, never once mentions the grants of the villages of Sherusgaum and Ghargaum, from the evidence derived from which the Surinjam found its way into Class I., but, on the contrary, states (paragraph 3)—“neither the Surinjam in question, nor any other Surinjam in lieu of, or in commutation for which the present one was granted, were held previous to A. D. 1751.”

With reference to this I would explain,—

1st.—That I did not refer to either Sherusgaum or to Ghargaum because I found, after a careful inquiry, that both had been resumed long before the fall of the Peshwa; that nothing had been granted in commutation for them; that Mr. Elphinstone had neither continued nor alluded to them; and that, consequently, they had, under the orders upon which the lists of 1844 and 1847 were prepared, nothing

whatever to do with the Surinjam continued by, and held from the British Government.

2nd.—That the grant of Sherusgaum recorded in A. D. 1751-52 could not, apparently, have been the evidence derived from which the Surinjam granted in A. D. 1778 found its way into Class I. of the lists of 1844; for in those lists it was distinctly stated—"The earliest actual grant recorded in the Duftur is dated A. D. 1760* ; but in this it is said that it existed in the time of the Sattara Rajas."

44. The conclusion drawn at the end of the same (the 11th) paragraph of the Honorable Mr. Warden's letter is thus expressed:—"It follows, therefore, that although the grants by the Peshwa were not in lieu of, or in commutation for others, they were held in conjunction with ancient grants, and which was not brought to notice." With merely the orders of the Honorable Court and those of the Government to guide me (see paragraphs 13, 14, and 17 of this letter), I should undoubtedly have arrived at the conclusion that modern grants, held "*in conjunction with*" ancient ones, were, nevertheless, to be considered and treated as modern, but I could be at no loss to determine this with the remarkable illustrations on record to which I have referred in paragraphs 38 to 41 of this letter. Such being the case, I should not have referred to Sherusgaum and Ghargaum, even if they had been at the introduction of British rule held in conjunction with the Surinjam granted in A. D. 1778, but I have explained that they were not thus held. (See paragraph 35 of this letter.)

45. The 12th paragraph of the Honorable Mr. Warden's letter objects to my having described the village of Sherusgaum as one which was resumed in A. D. 1799-1800, and substitutes for "resumed" the words "a judicial attachment." I am not aware that the substitution would have affected the case as reported by me in the slightest degree,—

1st.—Because, for the reasons explained in paragraphs 27 to 29 of this letter, all that I looked to was whether the village, or anything granted in commutation for it, was held at the close of the Peshwas' government and continued by Mr. Elphinstone or not.

2nd.—Because the village had been, as I have hereinbefore explained (see paragraphs 32 and 33 of this letter), completely and finally resumed long before the close of the Peshwas' rule; and I would further solicit attention to the entry in Mr. Elphinstone's list (see paragraph 8 of this letter), which shows that in alluding to this village he described it, as I have done, to be one which had been "resumed by Bajee Rao."

46. The next (the 13th) paragraph of the Honorable Mr. Warden's

* *Italicised* by Captain Cowper.

letter refers to my having omitted to point out, when affording him some required information, that although the Sunud granting Sherusgaum did not specify the tenure, the Sunud resuming it did so. I certainly did not specially point out this latter fact, but *I furnished a copy of the document which contained it* (see paragraph 6 of Captain Cowper's letter No. 411 of the 27th August last), and it did not occur to me to do more, because the nature of the tenure had not been previously questioned, nor did I then question it. It must have been either Inam or Surinjam, and the *least* favourable position in which it *could* be placed was that in which I found and left it. Had there been any reason to suppose the tenure an Inam one, I should assuredly never intentionally have omitted to draw attention to the fact.

47. The 14th and 15th paragraphs of the Honorable Mr. Warden's letter are below transcribed :—

“14. Again, Captain Cowper tells Mr. Hart (paragraph 5) that two villages, Veehay and Borgaum, were granted *as a new grant, and not in lieu of, or in reference to any previous one*, in A. D. 1777-78.

“15. The words in *italics* were *italicised* by Captain Cowper himself, and the object of this emphasis was, I presume, to impress on the Government that Bhoslay's claim as a Surinjamdar commenced in A. D. 1777-78; the fact being, as it appears to me, that the grant of Sherusgaum and Ghargaum was at that very time in the possession of the Surinjamdar and his family, and held, according to Captain Cowper's own subsequent showing, one from before A. D. 1751-52 to the British conquest, or, even according to Captain Cowper himself, till A. D. 1800, when it was temporarily attached in consequence of the family feud; and the other *certainly* in A. D. 1752-53, and perhaps as early as A. D. 1747-48.—(Captain Cowper, paragraphs 2 and 8, August 27th, 1853).”

If I correctly understood the above, the Honorable Mr. Warden lays down, that because Bhoslay *once* held something granted before A. D. 1751, but lost before the close of the Peshwas' rule, *therefore* the Surinjam found in the possession of his descendant at the introduction of the British Government is, although granted long after A. D. 1751, and not in commutation for, or with reference to anything held previously, properly continuable on hereditary tenure.

48. But the Government and the Honorable Court have already decided, not only in general but also in distinct and specific terms, to the contrary; and they have gone further,—they have decided that such ancient grants, even *if held* at the introduction of the British Government (see paragraphs 17, 38, 39, 40, and 41 of this letter),—those to which the Honorable Mr. Warden has referred were *not* thus held—can give no hereditary title to other and modern grants made to the same family.

49. The Honorable Mr. Warden, in his 16th paragraph, has adverted to the fact of my report of the 7th March last having principally consisted of an account of villages, the grant of which was totally irrelevant (the Honorable Mr. Warden thinks) to the question—the date of the original Surinjam, which was before the Agent for Sirdars when the Surinjam lists were framed. But this was the very point which in my report I endeavoured to lay before Government (see paragraphs 3, 5, and 13 of the report quoted in paragraph 9 of this letter), because it was the *only* point on which it seemed to me that any real question could be raised, or on which error appeared to have been committed.

50. The object of my report of the 7th March last may be described in a few words. The Surinjam lists were framed under orders which explicitly declared (see paragraphs 13 and 14 of this letter) that Surinjams bearing dates prior to A. D. 1751; or bearing no precise dates, but known to have been granted before that year; or granted in commutation for any Surinjam held before that year; should be considered *entitled* to hereditary continuance; and it was further laid down (see paragraph 17 of this letter) that *each portion* of a Surinjam continued by the Honorable Mr. Elphinstone must fulfil the above conditions to be entitled to the consideration,—*i. e.* hereditary continuance conceded to antiquity of grant; but I found the Surinjam of Purushram Rajeh Bhoslay composed of shares of the revenue of two villages (Danderphul and Nimbgaum) which had been continued by Mr. Elphinstone as a grant of A. D. 1778, and erroneously entered in the lists of 1844 and 1847 as granted *before* A. D. 1751; the fact, which I at once brought to notice, being that “neither the Surinjam in question, nor any other Surinjam in lieu of, nor in commutation for which the present one was granted, were held previous to A. D. 1751, or for *twenty-six years afterwards.*”

51. This brings me to the close of the objections which have occurred to the Honorable Mr. Warden, and, having afforded all the explanation in my power, I can only express a hope that I may be found not to have omitted, in the first instance, anything material to the subject-matter of my report. It has certainly been my endeavour not to do so, and I have conceived it to be equally my duty to carefully abstain from encumbering reports necessarily voluminous with any irrelevant matter.

52. Government have not called for my explanation regarding a remark made in Mr. Hart's letter, submitting my report of the 7th March last, and to which remark the Honorable Mr. Warden has alluded in his 17th paragraph in the following terms:—

“17. Mr. Hart's letter handing up Captain Cowper's consists only of the notice of a clerical error in Mr. Brown's lists made in the transcript of Mr. Elphinstone's note, to which note has been

joined the note on the case immediately following it. I should have expected from Mr. Hart, instead of talking of the 'nonsense' written (as if a clerical error did not generally convert sense into nonsense) and of 'carelessness,' he would have pointed out,—what he can hardly have failed to observe,—that in the process of binding Mr. Elphinstone's Surinjam list, part of the notes was bound in *so as to give the two notes the appearance of being one*;—the error of the clerk is so obvious as to have been beneath notice."

But Mr. Hart's remark was made under circumstances which can only be disclosed by an inspection of Mr. Elphinstone's draft list of Jagheers, which is in my charge. These circumstances do not appear to me to admit of the construction which the Honorable Mr. Warden has placed upon them, and it seems, therefore, my duty to submit them for consideration.

53. Adopting the Honorable Mr. Warden's opinion that "in the process of binding Mr. Elphinstone's Surinjam list, part of the notes was bound in *so as to give the two notes the appearance of being one*," there still can be nothing to account for the fact of the word "at" having been *added* (see paragraphs 8, 15, and 36 of this letter).

54. But the process of binding Mr. Elphinstone's *draft* list, which is the one referred to, does not seem to me to have destroyed the original appearance and position of these two entries, which are below transcribed *exactly* as they now stand, the pencil lines never having been rubbed out, and the two sheets being joined or bound together at BB:—

B

| Number. | Name. | Class. | Remarks. | Decision. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. |
|---------|--|--------|----------|---|---|----------------------------------|--------------------|------------------------------|
| | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at present. | Pecuniary Pension. | |
| | | | | | Rs. a. p. | Rs. | | |
| 11 | Trimbukjee Rajeh Bhoslay Waweekur, Rs. 1,497; 41 years; Rs. 1,200 resumed. | Do. | .. | Grandfather to the Raja of Sattara; to retain his Jagheer land. | 1,422 13 0 | 711 | .. | Hereditary. |
| 12 | Muhiput Rao Kowree, Rs. 3,000; 70 years; Rs. 4,986 resumed. | Do. | .. | (Hyderabad), ceded to the Nizam. | | .. | .. | |

B

55. I have felt myself especially called upon to submit this explanation, because, if my memory serves me, Mr. Hart had not Mr. Elphinstone's draft list with him, or within his reach, when he wrote his

transmittory report, but I had it at hand, and I was furnished at once by Mr. Hart with a copy of his letter. I, therefore, was in a position to point out anything in the draft list at all incompatible with, or required to complete Mr. Hart's statement; but nothing of the sort occurred to me, and I would here add that *the whole* of Mr. Elphinstone's draft list is bound *precisely in the same way as the two leaves on which this entry stands.*

56. I beg to correct an error in the 12th paragraph of my report of the 7th March last, in which, instead of stating that the remark made in the lists of 1844 remained intact in the revised list of 1847, I should have said that in the latter the date was altered from A. D. 1760 to A. D. 1751. This alteration does not, however, seem materially to affect or alter the case as originally submitted by me, and it has been adverted to in its proper place in this letter. (Marginal note now added to paragraph 12 of report quoted in the 19th paragraph of this letter.)

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 2966.

POLITICAL DEPARTMENT.

From C. J. MANSON, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Belgaum Districts, Keroor, 2nd February 1854.

SIR,—I have the honour to acknowledge the receipt of your letter No. 5468 dated 20th December last, desiring me to call upon my Assistant, Captain Cowper, to submit any remarks he may have to offer on an accompanying communication from the Honorable Mr. Warden, dated 5th November 1853, in respect to entry No. 50 in Class I. of the revised Surinjam lists of 1847.

2. Captain Cowper was without delay furnished with all the papers in the case, and his reply, No. 31 dated 18th January 1854, herewith submitted, which is very clearly drawn up, appears to me to afford a complete refutation of the Honorable Mr. Warden's objections. The conclusion, therefore, at which I must arrive is, that Captain Cowper's first letter, bringing to light the erroneous entry in the lists, is in no way affected by the Honorable Mr. Warden's explanation.

3. I beg to return the Honorable Mr. Warden's letter and its accompaniments, received with your letter under reply.

I have the honour to be, &c.

(Signed) C. J. MANSON, Inam Commissioner.

No. 523 of 1854.

POLITICAL DEPARTMENT.

From Captain T. A. COWPER,
Inam Commissioner,

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

Dated Poona, 7th October 1854.

SIR,—With reference to the previous reports of mine which are enumerated in the margin, I have the honour to submit, for the consideration of Government, the following transcript of one dated the 30th July 1844, from the Agent for Sirdars, Mr. Warden, on a claim preferred by Rughoonath Rao Nimbajee to hold in Inam certain Umuls of the village of Rajapoor, in the Dindoree Purguna of the Nassick Sub-Collectorate, and which claim the Agent pronounced inadmissible “on the principles which regulated the settlement of the Deccan,”—*i. e. non-possession* at the breaking out of the war with the Peshwa :—

“The records of the Poona Duftur show that in A. D. 1802 the village of Rajapoor, Purguna Dindoree, with the exception of Surdeshmooke and Mokassa, was granted to petitioner’s father as Surinjam; that in A. D. 1809 the Surdeshmooke and Mokassa, as well as the Babtee of the village, were granted to petitioner’s father as Inam by the Punt Prithee Nidhee of Kurrar; that in 1813 the Mokassa was in the hands of the Government; and that on the accession of the British Government petitioner’s father acknowledged that the three items of revenue mentioned had not been in his possession for five years, and, consequently, on the principles which regulated the settlement of the Deccan, that he had no right to them.

Moreover, he only held them as Inam of the Prithee Nidhee, whose own tenure was no more than Surinjam, and who, consequently, was not authorised to alienate them as Inam.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Inam Commissioner.

No. 2605 of 1856.

POLITICAL DEPARTMENT.

From H. L. ANDERSON, Esq.,
Secretary to Government, Bombay,

To Captain T. A. COWPER,
Special Commissioner, in charge Alienation Department.

Dated the 20th May 1856.

SIR,—Referring to Mr. Manson's letter No. 2966 dated the 2nd February 1854, transmitting remarks on a communication from the Honorable Mr. Warden in respect to entry No. 50 in Class I. of the revised Surinjam lists of 1847, I am directed to transmit to you copy of a resolution passed thereon by the Right Honorable the Governor in Council under date the 9th instant, and to inform you that the question involved in this correspondence will be submitted for the decision of the Honorable the Court of Directors.

I have the honour to be, &c.

(Signed) H. L. ANDERSON,

Bombay Castle, 20th May 1856.

Secretary to Government.

Resolution by the Board, dated 9th May 1856.

RESOLVED,—The Surinjam of Purushram Rajeh Bhoslay having lapsed from failure of heirs, it will only be necessary to forward the correspondence to the Honorable the Court of Directors; but in taking this course, it is proper that the Right Honorable the Governor in Council should briefly notice the points at issue between Mr. Warden and Captain Cowper, in order that no incorrect precedent may be established.

2. The Honorable Mr. Elphinstone, by his settlement, continued two villages, Danderphul Khoord (the greater) and Nimbgaum Khoord, to the descendant of Trimbukjee Rajeh Bhoslay, and recommended that the possession, which had existed for forty-one years, should be hereditary.

3. By the operation of the Honorable Court's order of 1842, the Surinjam would have been included in Class II., as being granted since A. D. 1751, unless upon special grounds, approved by the Honorable Court, it had been retained in Class I.

4. Mr. Warden in his lists included it in Class I., on the ground "that the earliest actual grant recorded in the Dufstur was dated A. D. 1760, but that in that grant it was stated that it existed in the time of the

Rajas." There were two propositions involved in this assertion,—1st, the principle laid down by the Honorable Court, that a grant of a later date than 1751, if given in lieu of a grant of an earlier date than 1751, should be regarded as hereditary,—that is, should operate as a grant of the earlier date; 2nd, that if a portion of a Surinjam were granted before 1751, that would make hereditary those parts of the Surinjam which were granted after 1751. The first of these propositions is correct, the second is quite incorrect.

5. Mr. Brown's entry of this Surinjam was to the same effect as Mr. Warden's, but the date of the earliest actual grant was stated to be not 1760 but 1751.

6. Captain Cowper, when he submitted his report on this case, stated that the two villages had been granted in A. D. 1778, which agreed with Mr. Elphinstone's statement in 1819 that they had been held by Trimbukjee Rajeh Bhoslay's family for forty-one years. He also stated that the villages were not given in lieu of any former grants of an earlier date than A. D. 1751. These two statements are admitted to be correct, although the entry of the Surinjam in Class I. has been defended on other grounds.

7. Mr. Warden's argument in support of the entry of the Surinjam in Class I. may be thus briefly stated. Besides the two villages continued by Mr. Elphinstone, the Surinjamdar possessed a third village, Sherusgaum, at the accession of the British rule. A fourth village, Ghargaum, had also been formerly held by him, but resumed before the conquest; it does not, therefore, affect the discussion, except so far as that having been granted before 1751, it was held to bring the whole Surinjam into Class I. The village of Sherusgaum, at the time of the conquest, was found to have been under "a judicial attachment" since A. D. 1800. It had not been politically and permanently confiscated, but merely placed under an attachment, and handed over to a farmer, until a sum of Rs. 6,000 had been paid by the Surinjamdar. This village of Sherusgaum had been granted by a Sunud of A. D. 1751-52, and it was suggested that had the Surinjamdar preferred it, Mr. Elphinstone would have given the village to him, instead of the far more productive possessions of Danderphul and Nimbgaum.

8. To this argument it has been objected by Captain Cowper that Mr. Elphinstone did not continue Sherusgaum for the simple reason that Sherusgaum was not in the actual possession of the Surinjamdar at the breaking out of the war. "No *right of possession not actually in force* was to be recognised, unless specially ordered so to be"—was Mr. Elphinstone's plain rule. It was also contended by Captain Cowper that the village had been actually resumed, and its revenues brought into the Government accounts, before the breaking out of the

war. Mr. Warden, in his rejoinder, adhered to his view, that the decision of Mr. Brown was "strictly correct."

9. The Right Honorable the Governor in Council is of opinion, that had Purushram Rajeh Bhoslay left issue, it would have been a very proper case for reference to the Honorable Court whether, with reference to Trimbukjee Rajeh's connection with the royal family of Sattara, the old date of some of his possessions, and the fact that Mr. Elphinstone had continued the holding as hereditary, it might not, as a special case, be continued in Class I. On the other hand, if the Rules were to be rigidly interpreted, the Right Honorable the Governor in Council has no doubt whatever that Captain Cowper's and not Mr. Brown's view was "strictly correct." The two villages had no connection with Sherusgaum; they were not given in lieu of Sherusgaum; they were a distinct holding from Sherusgaum. Mr. Elphinstone never alluded to Sherusgaum, which was not in the actual possession of the Surinjamdar at the breaking out of the war. As to the distinction between judicial attachments and political confiscations, the Right Honorable the Governor in Council would remark that, in practice, it will be found that half of the latter were the result of the former. The superior power did not always directly resume the grants which it had made; a judicial attachment (as Mr. Warden terms it), or some other pretext, readily afforded the means by which the end was attained, and in the present instance the village seems to have been for seventeen years in the hands of Government. Lastly, the assumption that Mr. Elphinstone would have given Sherusgaum, had the Surinjamdar preferred it, is, however ingenious, entirely gratuitous.

10. The Right Honorable the Governor in Council has omitted many minor facts and arguments with which Captain Cowper's position is fortified, because the question is not now whether the Surinjam shall or shall not be resumed. But the point on which it is emphatically necessary he should remark is this,—let it be conceded that Mr. Warden's view, as now stated, is correct—that officer and Mr. Brown would still be liable to censure for not having submitted the reasoning on which they arrived at the conclusion set forth in their lists for the consideration of Government. No human ingenuity or acumen could have surmised the alleged facts, which were not stated, but on which the "strict correctness" of the entry is said to have been founded. Let all be conceded that Mr. Warden wishes—it is still obvious that several questions of principle must have been decided tacitly by the two Agents without reference to Government, before that entry could be established. No subordinate officer has a right to submit conclusions which the Government must naturally imagine to be founded on a certain class of facts and principles, and then, when the conclusions are discovered to

be inconsistent with those facts and principles, to justify the conclusions as obtained from other facts which had never been presented for the consideration of Government. If Mr. Warden's argument be correct, it ought, for his justification, to have been substantially conveyed in the entry regarding the Surinjam which he submitted to Government in 1844.

9th May 1856.

APPENDIX D.

No. 102 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,

To W. HART, Esq.,
Inam Commissioner.

Dated Poona, 28th February 1853.

SIR,—I have the honour, under the orders conveyed in the Chief Secretary's letter No. 4175 of the 24th September 1852, to submit, for your consideration, the circumstances under which the two villages, and the Mokassa Umul of the five others specified in the margin, were included in the revised Surinjam lists as part of the hereditary Surinjam of Chimnajeel Vittul Poorundhuree, and were subsequently restored to him on that tenure

under the orders from the Honorable Court of Directors passed on the above lists (despatch No. 15 of the 22nd May 1849, paragraphs 2 to 12).

2. The Honorable Court seem to have passed this decision on the erroneous information afforded to them in the revised lists* that "by an oversight this portion of the Surinjam was retained by Government when the remainder was restored to the present Surinjamdar in A. D. 1840.—Sunuds and Chor Chittees are in the possession of this person"; whereas, so far from the above portion of the Surinjam having been retained by Government through any oversight, its restoration had been fully discussed, on the Agent's representation, in 1841 (see paragraphs 14 to 21 of this letter), and had been decisively negatived by the Government of India, which decision had been communicated to the Agent for Sirdars on the 7th October 1841, in the Political Secretary's letter No. 2775. (See paragraph 22 of this letter.)

3. When Mr. Elphinstone settled the Deccan in A. D. 1818 and 1819, a Surinjam in the Deccan, stated to have been held at the breaking out of the war by Vittulrao Mulhar Poorundhuree (the father of the present holder,

* In Mr. Warden's lists of 1844, No. 29 of Class I., and No. 2 of Class V.

In Mr. Brown's revised lists of 1847, No. 19 of Class I., and No. 2 of statement No. I. of List No. 5.

Chimnajee Vittul), was restored to him, and subsequently Mr. Chaplin (Mr. Elphinstone's successor) addressed the authorities in Nimar with a view to the restoration of a portion of the Surinjam claimed in that quarter (the villages and Umuls specified in paragraph 1).

4. A good deal of correspondence took place consequent on this requisition, as the Nimar authorities on various grounds at first declined to restore the villages. The only portion of this correspondence which it is of importance here to notice is the fact pointed out by Sir John Malcolm to Mr. Chaplin, in a letter dated the 27th March 1820, that one of the villages claimed (Chugaum) had been abandoned by Vittulrao Mulhar Poorundhuree long prior to its occupation by the British Government; that the other village (Nugaum) had been completely abandoned, "and had been uninhabited by any human creature for a period of fifteen or twenty years"; and that the five villages, the Mokassa Umuls of which were claimed, were "in a state of desolation," four of them belonging to Holkar.

5. It thus appears that Vittulrao Mulhar Poorundhuree was not in possession of these villages at the breaking out of the war, and that under these circumstances Mr. Elphinstone's arrangements did not contemplate their restoration, as he most distinctly instructed all subordinate officers to this effect. Indeed, one village in the Nuggur Collectorate (the village of Bowhanuggur, Chimnajee Vittul Poorundhuree's claim to a portion of which was finally rejected in the Chief Secretary's letter No. 3482 of the 1st August 1851), which was exactly in the position of the Nimar ones, having been deserted and waste for many years prior to the conquest, was not restored to Vittulrao Mulhar Poorundhuree, and is at present Khalsat.

6. Sir John Malcolm subsequently restored the Nimar villages, and on the 14th June 1822 the Government of India ordered, through Sir David Ochterlony, that Mr. G. Wellesley, then Resident at Indore, should investigate "the claims by which the Poorundhur Chief" held them.

7. Mr. Wellesley obtained from Mr. Chaplin, the Deccan Commissioner, from the Political Agent at Sehore, and from the Acting Agent at Mundlaisur, all the information they could supply on the subject, and on the 21st October 1822 reported as follows:—

"The Poorundhur's claim on Chugaum and Nugaum appears to be, from the accompanying documents, clearly a tenure for his personal life, and no longer, and Sir John Malcolm's letter of restitution I find restores it only on the same tenure as it was held by him of the Peshwa; but as, perhaps, he may be reckoned to have a constructive claim to consideration from long possession of the villages of his family, I would, in such case, suggest it as an eligible compromise of the matter, that the Sunud of Government, to be given in conformation of the current tenure, should contain a prospec-

...tive provision for continuing the villages to his heirs in lineal descent as perpetual tenants in rent, or proprietors subject to payment of the assessed revenues of Government."

8. Sir David Ochterlony concurred in the above, and submitted Mr. Wellesley's propositions for the consideration of the Government of India, who on the 28th December 1822 replied as follows :—

"The Governor General in Council concurs entirely with the Resident at Indore, in viewing the grant of Chugaum and Nugaum to the Poorundhur Chief to be simply a life-tenure, of the nature of Zât Surinjamee. Both the testimony of Mr. Chaplin and still more the translations of Sunuds and extracts from the Poona archives, which accompanied his despatch of the 15th August last, are conclusive on this head, and Government is unable to understand on what principle Sir John Malcolm should have bestowed these 'villages' in *free gift* or *Inam*. The qualifying passage in the Sunud, indeed, which follows the latter words—'the villages of Chugaum and Nugaum are bestowed on him in free gift, and the village of Sangvee, Purguna Kanapoor, is given up as Mokassa, the whole being thus restored *on the terms formerly granted*'—shows that whilst intending to restore them only on the former tenure, an essential misapprehension existed as to the nature of that tenure. With this error apparent on the face of the transaction, and as it is very doubtful whether Vittulrao Mulhar was entitled to resume possession of the villages on *any* footing after many years' total abandonment of them, Government conceives that it will amply have fulfilled any obligations which the proceedings of the late Agent may have imposed by acknowledging the tenure in question to be a life Jagheer. On the same principle, the share of the revenue of the village Sangvee, called Mokassa, must be allowed whenever that village may have been brought into a productive state.

"12. Under these instructions, it will be necessary that the Resident at Indore should demand back the former grant by Sir J. Malcolm for the purpose of cancelling the same, and that the draft of a fresh one should be prepared as above, and submitted, both in English and Persian, for approval and signature by the Governor General in Council."

9. On the 30th April 1823 Mr. Wellesley sent the following letter to Vittulrao Mulhar Poorundhures, through Mr. Chaplin, the Commissioner at Poona, and in doing so he observed,—

"The resolution of Government in the case being conclusive, I beg you will repress any attempts of the Poorundhuree to renew negotiations upon it."

"*Substance of a Letter to VITTULRAO MULHAR POORUNDHUREE.*"

"By direction of Government, I have to acquaint you that the Governor General in Council having resolved, after a full consideration of the case,

on granting you a Sunud under seal and signature, confirming to you the possession of the villages of Chugaum and Nugaum, and the Mokassa of Sangvee during the term of your life, the tenure under which these possessions have been hitherto held by you, the said Sunud will be accordingly prepared and transmitted to you, when your acknowledgment will be required in return; and you will now be pleased to return the letter of restitution received by you from Sir J. Malcolm and Colonel Smith, the same being only a provisional deed on their part, subject to the confirmation of the Governor General in Council, whose Sunud, under his seal and signature, you are now about to receive instead."

10. To the foregoing Vittulrao Mulhar Poorundhuree gave the following answer :—

"I have had the honour and satisfaction of receiving the friendly letter which you wrote on the 5th of Bysakh Bidee, Sumvut 1880, notifying, by direction of His Excellency the Governor General, that the villages of Chugaum Mukan and Nugaum, with the Mokassa of the village of Sangvee, would be continued to me on the same condition as heretofore, viz. as Zât Surinjamee, or allowance for my personal expenses during the period of my life, desiring that I would transmit to you the deeds in my possession granted by General Sir J. Malcolm and Colonel Smith for the above villages, and that Sunuds, under the seal and signature of the Governor General, would be given to me in exchange. This was the purport of the letter, and, in compliance with the orders of Government, I have delivered the deeds granted by General Malcolm and Colonel Smith to Mr. Chaplin, the Commissioner of Poona, and they will accordingly reach your presence through that channel."

11. The following is a draft of the Sunud which Mr. Wellesley proposed in lieu of the document granted by Sir J. Malcolm, which he had cancelled :—

"Draft of a Sunud to VITTULRAO MULHAR POORUNDHUREE.

"Whereas, the Governor General in Council, after full consideration of the case, has resolved on confirming to Vittulrao Mulhar Poorundhuree the possession of the village of Chugaum, Purguna Kundwah, and Nugaum, Purguna Murdana, and of the Mokassa of Sangvee, Purguna Kanapoor,—all the places situated in the Zilla of Nimar,—for the term of his life, as hitherto held by him; after which they will revert to and be resumed by Government: This Sunud; under the seal and signature of the Governor General in Council, is accordingly issued to him in testimony of the same, and his acknowledgment will be taken in return."

12. On the 7th November 1823 Mr. Wellesley was informed that this

draft of Sunud had been adopted by Government, and that it would be returned to him from the Persian Office duly signed and sealed.

13. On the 24th December 1823 Mr. Chaplin forwarded the above Sunud "under the seal and signature of His Excellency the Governor General in Council" to the Collector of Poona, and in requesting that officer to deliver it to Vittulrao Mulhar Poorundhuree, added,—

"As this incumbent resides within your jurisdiction, it is desirable that, on the occurrence of his decease, early notice thereof should be communicated to me, with a view to the resumption of the Jagheer in question."

14. Vittulrao Mulhar Poorundhuree died on the 12th January 1840, leaving one son, Chimnajee Vittul, to whom the Surinjam in the Deccan was, by order of the Bombay Government, continued. The Nimar villages were, according to the tenure of the Governor General's Sunud, resumed by the Government of India.

15. Chimnajee Vittul Poorundhuree, on the 11th July 1840, addressed the Bombay Government, begging that the Nimar villages might be restored to him. His letter was forwarded for the report of the Acting Agent for Sirdars, Mr. Mills, who, on the 13th October 1840, informed Government as follows:—

"The Acting Agent begs leave to forward an original letter, dated 23rd instant, and enclosure, from the Resident at Indore, from which it will appear that petitioner has no claim whatever to the villages he alludes to, the Governor General in Council having decided that they were merely life-grants to petitioner's father."

"Under these circumstances, the petitioner may be informed that his title to the villages he claims is inadmissible."

16. The request of Chimnajee Vittul Poorundhuree was then, in the Political Secretary's letter No. 2490 of the 14th November 1840, negatived in the following terms:—

"I am desired to signify to you that, on inquiry, it appears that the villages in question having been merely life-grants, lapsed to Government on the demise of your father, and that the Governor in Council cannot, therefore, comply with your petition."

17. A copy of the Political Secretary's reply to Chimnajee Vittul (Political Secretary's letter No. 2491 of the 14th November 1840) was on the same date forwarded to the Acting Agent for Sirdars, with a request that he would "be pleased to report, for the information of Government, the tenure under which the villages situated in the Poona and Ahmednuggur territory were held by the petitioner's father."

18. The Agent, in a letter No. 101 dated the 14th April 1841, afforded the information called for in regard to the Deccan villages, and added a

recommendation that those in Nimar should be likewise continued, assigning, as the grounds on which he had arrived at an opinion opposite to the one expressed in his previous report to Government of the 30th October 1840 (see paragraph 16), the fact of the revenues of the Nimar villages having been included in Mr. McDonnell's statement of Surinjams, and also in those of Mr. Marriott submitted to Government on the 1st August 1834. Mr. Mills thought that the application of the rules framed by Mr. Marriott, and promulgated for observance by the Bombay Government pending the decision of the Court of Directors, annulled the previous decision of the Governor General in Council.

19. Mr. Mills seems, however, to have completely overlooked the grounds on which the decision of the Supreme Government had been based (see paragraph 8), and the important fact that the Nimar villages had not been held by Vittulrao Mulhar Poorundhuree at the breaking out of the war, and that on this account it had seemed to the Supreme Government "very doubtful whether Vittulrao Mulhar was entitled to resume possession of the villages on *any* footing after many years' total abandonment of them." They were included, it is true, in Mr. McDonnell's statement, but *subject to inquiry*, which was afterwards made by Mr. Chaplin, and which proved that they did *not*, like the Deccan villages, fulfil the terms *on which alone* Mr. Elphinstone had contemplated the restoration of any holding, whether Surinjama or Inam.

20. On the 29th July 1840, the Bombay Government, through their Political Secretary, forwarded to the Government of India copies of the under-mentioned correspondence, "for such notice as the Right Honorable the Governor General in Council might deem it to deserve":—

The petition from Chimnajeo Vittul Poorundhuree dated the 11th July 1840, referred to in paragraph 15 of this letter.

The report by the Acting Agent for Sirdars dated the 30th October 1840, referred to in paragraph 15 of this letter.

The reply of Government to Chimnajeo Vittul Poorundhuree dated the 14th November 1840, referred to in paragraph 16 of this letter.

The letter from Government to the Acting Agent for Sirdars dated the 14th November 1840, referred to in paragraph 17 of this letter.

The Agent's reply dated the 14th April 1841, referred to in paragraph 18 of this letter.

21. The reply of the Supreme Government, conveyed in their Political Secretary's letter No. 2334 of the 25th August 1841, was accompanied by a memorandum (the substance of which is given in paragraphs 6 to 12 of this letter) of previous proceedings in regard to the Nimar villages, and the tenure on which they had been held was explained as having been "by the resolution of the Governor General in Council limited to the life of Vittulrao."

22. The foregoing decision of the Government of India was communicated in the following terms to the Agent for Sirdars, in the Political Secretary's letter No. 2775 of the 7th October 1841:—

“With reference to your letter dated the 14th April, No. 101 [the letter recommending the restoration of the Nimar villages, referred to in paragraph 18], I am directed by the Honorable the Governor in Council to transmit, for your information, copy of a communication from Mr. Secretary Maddock, dated the 23rd August last, No. 2334, from which you will perceive the grounds on which the villages of Nugaum and Chugaum were resumed by the Government of India on the death of the late Vittulrao Mulhar Poorundhuree.”

23. Thus stood the case, as far as I have been able to learn, when the Agent for Sirdars, Mr. Warden, on the 29th December 1844, submitted classified lists of Surinjams, in which, as No. 29 of Class I. and No. 2 of Class V., the Nimar villages were entered as part of a Surinjam which Chimnajeo Vittul Poorundhuree was entitled, under the Rules, to hold on hereditary tenure, the column of “Remarks” containing the following explanation:—

“By an oversight this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent.”

24. Mr. Warden's lists were subsequently revised by Mr. Brown, who succeeded him as Agent for Sirdars, and in whose revised lists the above entry was preserved; the Nimar villages being entered as, together with the Deccan ones, forming *one Surinjam, held on one and the same tenure*. In neither of the lists was any allusion whatever made to the previous decision of 1822, nor to the reconsideration of the case which took place *subsequent to the resumption* in 1840, nor to the Supreme Government's final enunciation on the 23rd August 1841 of their previous decision of 28th December 1822.

25. The revised Surinjam lists were sanctioned generally by the Honorable Court of Directors (Honorable Court's despatch No. 15 of the 22nd May 1849, paragraphs 2 to 12), and it was with reference to this sanction that, on the 18th December 1849, the Acting Agent, Mr. Hunter, solicited the orders of Government as to whether or not he should convey the instructions of the Honorable Court in respect to the Nimar villages to the authorities in the Bengal Presidency.

26. Consequent on this application, Government called upon the Acting Agent (Political Secretary's letter No. 88 of the 8th January 1850) to furnish authenticated extracts from the Surinjam lists relating to the Nimar villages, which were, together with an extract, paragraphs 2 to 12 of the Honorable Court's despatch of the 22nd May 1849, No. 15, forwarded to the Government of India (Political Secretary's letter No. 36 of the 15th March 1850), with a

request that instructions might be issued for restoring the villages on hereditary tenure to Chimnajee Vittul Poorundhuree.

27. The Secretary to the Government of India in the Foreign Department replied on the 9th April 1850, No. 973, and intimated that the requisite orders had been issued for the restoration of the villages, which Chimnajee Vittul was accordingly placed in possession of, and now holds.

28. I have thought it advisable to report on these villages separately, leaving the title under which the Surinjam in the Deccan is held by Chimnajee Vittul Poorundhuree for inquiry, if requisite, hereafter; the question for decision in this case appearing to me simply to be whether the Honorable Court of Directors sanctioned the restoration of the Nimar villages on hereditary tenure, under the impression that they had been previously held on the same tenure as the Deccan portion of the Surinjam, and had been through oversight retained by Government when the Deccan portion was restored in 1840; or whether the Honorable Court were aware that the Nimar villages had not been held by Vittulrao Mulhar Poorundhuree at the breaking out of the war; that they had been under peculiar circumstances, and as an act of grace, restored to him, under the Governor General's Sunud, as a *life-grant*; and that they had been in 1841, *after* Vittul Mulhar's death, formally declared by the Supreme Government, on a reconsideration of the case, to have lapsed to the State.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 1883.

From W. HART, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Belgaum, 5th April 1853.

SIR,—I have the honour to submit a report, No. 102 dated 28th February 1853, from my Assistant, Captain Cowper, showing that it was on imperfect information that the Honorable the Court of Directors were induced to sanction the relinquishment to Chimnajee Vittul Poorundhuree, and the continuance to him on hereditary tenure of certain villages and Umuls in Nimar, which, under the deliberate and final orders of the Government of India, declared after reference to the Commissioner in the Deccan, ought to have finally lapsed to Government at the death of Chimnajee's father, the late Vittulrao Mulhar.

2. It does not appear necessary to add anything to what Captain Cowper has stated in his clear report on this case. But with regard to the important fact that the villages in Nimar had not been held by Vittulrao Poorundhuree at the breaking out of the war, as shown in Captain Cowper's 19th paragraph, it may be as well to recall the attention of Government to the Honorable Mr. Elphinstone's letter of the 25th October 1819, which contains the following description of a rule observed by him, and sanctioned by the Supreme Government:—

“No Surinjam ceded to the British Government by the Treaty of 1817, and no Jagheer not actually enjoyed up to the war, to be restored, unless specially directed so to be.”

This rule would appear to be doubly fatal to any claim by Poorundhuree to any part of his former Surinjam in Nimar, as, besides not having been enjoyed at the breaking out of the war, it would appear to have been included among the cessions made by the Treaty of Poona, the position of which is thus explained by Mr. Elphinstone, in the 5th paragraph of his despatch No. 78 dated 18th June 1818, to the Governor General:—

“The Peshwa's whole revenue, before the last Treaty, amounted to Rs. 2,15,00,000, of which Rs. 95,00,000 was paid into the treasury, and Rs. 1,20,00,000 allotted to Jagheerdars; of this last sum Rs. 26,50,000 was produced by land in Hindoostan, which had greatly declined in value, and from which the Peshwa derived no benefit whatever.

“This last Rs. 26,50,000, with Rs. 32,00,000 of the amount payable into the treasury, was ceded by the Treaty of Poona, concluded in June last.”

3. Enough, however, has, I think, been stated by Captain Cowper, to enable Government to come to a decision on the question submitted in the last paragraph of his report, and to judge how any reply which can be given to it ought to affect, in this particular case, the general sanction given by the Honorable Court of Directors to the settlements proposed by the revised Surinjam lists of 1847.

I have the honour to be, &c.

(Signed) W. HART,

Inam Commissioner.

Office No. 2750.]

No. 89 of 1853.

POLITICAL DEPARTMENT.

To. C. ALLEN, Esq.,

Officiating Secretary to the Government of India, Fort William.

SIR,—With reference to the correspondence noted in the margin, I am

directed to transmit to you, for submission to the Most Noble the Governor General of India in Council, copy of a letter and of its enclosure from Mr. Hart, the late Inam Commissioner, No. 1883 dated the 5th April last, showing that it was on imperfect information that the Honorable the Court of Directors were induced to authorise the continuance on hereditary tenure to Chintamun Vittul Poorundhuree of certain villages and Umuls in Nimar, which, under the orders contained in Mr. Secretary Swinton's letter dated the 28th December 1822, ought to have been resumed.

To the Secretary to the Government of India, No. 36 dated the 15th March 1850.
From ditto. No. 973 dated 9th April 1850.

2. In forwarding these documents, I am desired to add thereto copy of a Minute thereon by the Right Honorable the Governor, concurred in by the Honorable Mr. Blane, dated the 14th instant, and to request that, with reference to the 16th paragraph of the latter document, you will have the goodness to submit to the Most Noble the Governor General in Council the suggestion of this Government that immediate steps may be taken to resume the villages and Umuls in question.

3. The Resident at Indore has been addressed on the subject, in order that any portion of the income which may possibly be in his hands may be withheld, pending further orders from the Government of India.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary.

Bombay Castle, 23rd June 1853.

Extract Paragraphs 15 to 17 of a Minute dated the 14th June 1853, by the Right Honorable the GOVERNOR IN COUNCIL, concurred in by the Honorable Mr. BLANE.

15. The fact of both Mr. Warden and Mr. Brown having in their revised Surinjam lists of 1844 and 1847 made no allusion whatever to the correspondence which had passed in 1840-41 between Government and their predecessor, Mr. Mills, which terminated in the refusal of the Government of India to continue these villages to Chimnajeo Vittul Poorundhuree, appears wholly unaccountable, as does also the statement made by both those gentlemen that these villages, through "*an oversight*," had not been continued with the remainder of the Surinjam in the year 1840. Mr. Warden should, in my opinion, be afforded the opportunity of submitting any explanation upon this subject which may be in his power.

16. I would further propose that copies of Mr. Hart's and Captain Cowper's letters, accompanied by a copy of this Minute, be transmitted to the Govern-

ment of India, in order that immediate steps may be taken to resume the villages in question.

17. The Resident at Indore, also, should receive a copy of our communication to the Government of India, in order that any portion of the revenue which may possibly be in his hands may be withheld, pending further orders from the Government of India.

No. 3233.

FOREIGN DEPARTMENT

From the OFFICIATING SECRETARY TO THE GOVERNMENT OF INDIA,
To the CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY.

Dated Fort William, 22nd July 1853.

SIR,—I have the honour to acknowledge the receipt of your despatch dated the 23rd ultimo, No. 89, forwarding copies of a letter and of its enclosure from Mr. Hart, the late Inam Commissioner, and of a Minute recorded thereupon by the Right Honorable the Governor, pointing out that it was on imperfect information that the Honorable the Court of Directors were induced to authorise the continuance, on hereditary tenure, to Chintamun Vittul Poorundhuree, of certain villages and Umuls in Nimar, which ought to have been resumed.

2. In reply, I am directed to acquaint you that as the recommendation of the Government of Bombay, which was generally approved by the Court of Directors, and which, under that approval, led the Government of India in 1850 to restore the Nimar villages that had been resumed, and properly resumed, after full consideration by the Government of India in 1840-41, was founded upon a mistaken statement of the facts of the case, His Lordship in Council agrees with the Government of Bombay in thinking that the error should be at once corrected by the recall of the order of 1850, and the immediate recovery of the villages in question.

3. The Resident at Indore has been directed accordingly.

4. A copy of this correspondence will be duly forwarded for the information of the Honorable the Court of Directors.

I have the honour to be, &c.

(Signed) J. P. GRANT,

Officiating Secretary to the Government of India.

Fort William, 22nd July 1853.

No. 3676 OF 1853.

POLITICAL DEPARTMENT.

From A. MALET, Esq.,
 Chief Secretary to Government, Bombay,
 To C. J. MANSON, Esq.,
 Inam Commissioner.

Dated 18th August 1853.

SIR,—With reference to your predecessor's letter and its enclosure, No. 1883 dated the 5th April last, I am directed by the Right Honorable the Governor in Council to inform you that, at the recommendation of this government, the Government of India has directed the immediate resumption of the villages and Umuls therein alluded to, and that instructions have this day been issued to the Agent for Sirdars to erase them from the Surinjam lists.

I have the honour to be, &c.

(Signed) A. MALET,
 Chief Secretary.

Bombay Castle, 18th August 1853.

POLITICAL DEPARTMENT.

To A. MALET, Esq.,
 Chief Secretary to Government, Bombay.

Poona, 9th September 1853.

SIR,—My unexpected departure to Bombay to take my seat in the Council prevented my completing my inquiries, in view to answering your letter No. 2752 dated the 23rd of May last, transmitting one with enclosure from the Inam Commissioner, in which he has attempted to show that two villages, and portions of the revenue of others, were continued on imperfect information to Chimun Rao Vittul Poorundhuree; and adding a *précis* of the proceedings of the Government in respect to them, with the remark that the Government has no means of accounting for the fact of both Mr. Brown and myself having, in our Surinjam lists, made no allusion whatever to a correspondence on the subject between Government and my predecessor, Mr. Mills, which terminated in the refusal of the Government of India to continue these villages, nor for the statement made by both of us that these villages, through an oversight, had not been continued with the remainder of the Surinjam in A. D. 1840.

2. There is only one way of accounting for my silence in respect to the particular correspondence between Mr. Mills and the Government,—viz. that I had not seen it. From A. D. 1834 to A. D. 1842, I had no official connection with the Deccan; during this interval, the two Native officials, who had

aided in the preparation of the Surinjam lists submitted by Mr. Marriott in 1833, had been exchanged for two strangers, so that memory could not aid any of us; and having, since I have been at Poona, referred to the original papers without discovering any mark indicating my having seen them (and I seldom read an important official paper without leaving a mark on it which I can afterwards recognise as mine), I have not the smallest doubt that I had never seen this correspondence when I prepared the Surinjam lists in A. D. 1844; that I ought to have seen this correspondence there is no doubt, and I could not have avoided seeing it if Mr. Mills had compiled his records, as records are now universally preserved, instead of dividing his correspondence into volumes of "Inward and Outward Letters," bound up according to their dates, and quite irrespective of the subjects to which the letters severally related.

3. It does not, however, follow, as it appears to me, that any fraud or wilful suppression took place on the part of the Native servants of the Agent's Office on that occasion, for although on the lists there is only the brief note (I quote from Captain Cowper's copy of it)—"By an oversight this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent,"—if you will do me the favour to refer to paragraph 19 of my letter to Government dated December 29th, 1844, to which that note was only an accompaniment, you will find me entering into the following detail:—"I have the honour to state that the family of Vittulrao Poo-rundhuree has produced twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in *Hindoostan*, which last, *I am informed*, has been resumed, although granted by two Sunuds, dated, one in A. D. 1739 and the other in A. D. 1744, and which should, therefore, be restored, with arrears." While the expression in the foregoing passage—"I am informed"—satisfies me that I had no proof before me of what I asserted, it also satisfies me that my subordinates in the Duftur did not conceal from me their belief that the resumption had taken place; and the most probable solution of the difficulty is, that as the correspondence was in the English Office of the Agent for Sirdars, and the land to be resumed in country beyond the limits of this Presidency, and the resumption itself, consequently, not carried into effect through the instrumentality of the Agent for Sirdars, no official note of it was recorded, or at least remembered in the Poona Duftur.

4. Having thus disposed of the difficulty arising from my not alluding to the correspondence between the Government of Bombay and Mr. Mills in 1840-41, I shall now proceed to show,—1st, although, had this correspondence been before me, I should most certainly have alluded to it, that I should as certainly not have deviated one point from the course I took in respect to this

Surinjam in consequence of such correspondence, the decision of the Supreme Government having been the decision of a totally distinct question from that before me; and *2nd*, even if it had not been so, that the inquiry originally proposed by me was not only not to be affected by isolated decisions, but that it was on the apparent inconsistency of these local decisions that the Honorable the Court of Directors directed the general inquiry into and decision of these claims on certain definite principles, such inquiry being entrusted to me, though from the delay—extending to no less a period than fifteen months—that occurred in Bombay in disposing of my report, I had quitted India before it was even noticed by the Government which ordered my successor to test the accuracy of my work, and I have, consequently, ever since felt myself divested of all responsibility as to the result.

5. For perspicuity's sake, I dispose of the last-stated point first,—viz. that it was the nature of these local decisions that led to the general inquiry, and which was not to be affected by them. If the Right Honorable the Governor in Council will do me the favour to refer to a letter addressed by me as Deputy Agent for Sirdars to the Government on the 7th November 1832, No. 93, Political Department, he will find that the revision of the Surinjam lists was originally proposed by me, because “so *different* had the decisions sometimes been on cases of a *similar* kind, that no uniform principle could be said to have been established,” and that it was, therefore, desirable to prepare “statements to serve in future years to guide decisions, which should exhibit the antiquity of each grant, the claims and condition of the original grantee, and the respectability of the present representatives”; and if the Government will refer, secondly, to the 2nd paragraph of a letter, No. 9 dated February 7th, 1838, addressed by the Honorable the Court of Directors to the Government of India, it will be perceived that this very paragraph of mine is quoted by the Court as explaining the cause of the inquiry ordered; and so far, therefore, from the decisions passed in early years being a light to guide us, they were often considered as beacons to warn us off,—the antiquity of the grant, the claims and condition of the original grantee, and the respectability of the incumbent at the moment, being recommended as the sole basis of the decision.

6. On this communication of mine the Honorable the Court of Directors ultimately issued direct to the Government of Bombay their benevolent instructions contained in their letter dated the 26th of October 1842, directing, irrespective of an “arrangement” proposed by the Bombay Government, which it was admitted “would not have violated any pledge”—irrespective of a “note” by Mr. Secretary Maddock and a Minute by Lord Auckland, advocating a much more extensive resumption than the “Directors contemplated”—irrespective, in short, of all that had gone before,—the Home Government directed that *all* Jagheers which bore dates anterior to A. D. 1751, “as well as those of which

the dates are unknown; but which are known to be ancient, and those of more recent date which were granted in commutation for the resumption of ancient possessions, should be hereditary in the fullest sense of the word; resumption after a second generation, with reversionary pecuniary provision, being the rule" in respect to Surinjams bearing dates subsequent to A. D. 1751, and the accession of the last Peshwa, whose grants were, as a rule, resumed.

7. From the foregoing it results that my only business was to test every claim by these principles, and so far from the decision of the Supreme Government in respect to Poorundhuree's Nimar possessions being the only one a modification of which in favour of the claimant I proposed, it will be observed that it forms but one of a list of no less than twenty-two decisions by the Government resuming Surinjams which I said should be altered.

8. I proceed to show, secondly, that the question before the Supreme Government and that before me in respect to these lands in Nimar was different:

9. The Inam Commissioner has kindly placed at my disposal a compilation of the correspondence on this case, from which I make the following extracts:—On the 10th December 1819, Mr. Chaplin, the Commissioner in the Deccan, wrote to Sir John Malcolm, who was then Agent to the Governor General in Central India, enclosing a "Murathee list of two villages and the Mokassa of five others, in Nimar; which were held in *personal* Jagheer by Vittulrao Mulhar Poorundhuree, which it was desirable should be continued to him." Sir John Malcolm answered, January 15th, 1820, that the Supreme Government had appropriated the villages in the belief that they were Surinjam, not Inam.

10. Mr. Chaplin replied that the villages were granted in *personal* Jagheer seventy years before the time he was writing,—before even Holkar's possession of Nimar, to whose authority they were never subjected, *but held of the Peshwa up to the war*, though they may have been subject to interruption from Holkar and Sindia, *as well as other lands of the Peshwa in Nimar*. Mr. Chaplin added, that the claims of those who held their personal Jagheers of the Peshwa were quite distinct from such as held Jagheer grants, as in the case of Holkar alluded to in the letter of the 17th July from Mr. Elphinstone, whose proceedings had been sanctioned by the Supreme Government. Sir John Malcolm next enclosed a letter from Colonel Smith, mentioning that the local authorities maintained that Nugaum and several other villages were given as a *service* Jagheer, and not as a *personal* one, which he the more readily believed from Poorundhuree having had a considerable body of horse in the service of the Peshwa; and that these people said Poorundhuree *seldom* derived any advantage from the revenues of the village, *as it was eternally beset by Pindarees and other predatory Chieftains*; and abandoned, till; at the particular request of the village authorities, the British Government took charge of it. Colonel Smith

thought Poorundhuree's claims preposterous, because the village of Nugaum had been uninhabited by any human creature for fifteen or twenty years, until improved by the industry of an opulent Gosavee, to whom Colonel Smith gave it.

11. Mr. Chaplin now proceeded (April 8th, 1820) to state that Poorundhuree had *Sunuds bearing the Peshwa's seal* for all the villages mentioned in Colonel Smith's letter, in *personal Jagheer* (Zât Surinjam), dated in A. D. 1786-87, and that they *remained in his name in the Duftur accounts, and were considered to be in his possession up to the war*, though Nugaum had been deserted fifteen years. Mr. Chaplin added these important words,—“Vittul Mulhar never had any Fouj Surinjam, *nor had he any troops with the Peshwa*. I apprehend his rights will not be affected by the circumstance of one or more villages having been deserted. It is a common practice for Inamdars to reclaim their lands when they find them to be worth holding.”

12. The Supreme Government, on this (July 22nd, 1822) ordered a local inquiry to be made into the claims, *with the view principally* (says the Resident at Indore) *of clearing up the doubts whether the Poorundhuree held the villages on a SURINJAMEE OR INAMEE TENURE*; and the Assistant in charge of Nimar reported (August 8th, 1822) the information obtained by an examination of Wutundar Patels and Putwarees, who were fifty and fifty-five years of age, to the effect that thirty-six years had elapsed since the gift was made in Surinjamee tenure, which reserved the just right of the British Government to the two villages upon the lapse of the proprietor's life.

13. The village officers assured the Assistant that, *from their earliest recollection, the two villages had been in the possession of the Poorundhuree family, to whose local Collector they had duly paid the revenues*.

14. Possession had been twice interrupted for about one year, once by His Highness Dowlut Rao Sindia, and afterwards by Trimbukjee Denglia, six years before the British accession, though the villagers were unable to explain on what plea, other than force, Sindia could have interfered.

15. As regards the Mokassa of Sangvee, which is the third item held of the British Government, the Assistant said it had not been sanctioned, “as the village was but partially reclaimed to tillage, and the rent-free period had not expired.”

16. On this local inquiry, the Resident at Indore adopted the opinion expressed from the beginning, and throughout the inquiry by Mr. Chaplin; and the Governor General in Council (December 28th, 1822) concurred entirely with him in viewing the grant of Chugaum and Nugaum to be simply *a life-tenure of the nature of Zât Surinjamee*. The Supreme Government added to the expression of this opinion, that of its inability to understand on what principle Sir John Malcolm should have bestowed these villages *in free gift or*

Iaam, though a qualifying passage in the Sunud showed that he essentially misapprehended the nature of that tenure (*Inam*); concluding with the remark that it was very doubtful whether Poorundhuree was entitled to receive possession on any footing after many years' total abandonment of them; conceiving that Government amply fulfilled any obligations which the proceedings of the late Agent may have imposed, by acknowledging the tenure in question to be a life Jagheer, *instead of Inam*; and the villages were granted, accordingly, as "hitherto held," viz. on Zât Surinjam, or official tenure for life.

17. If the Government shall be able to follow me through the foregoing sketch of the manner in which Poorundhuree obtained possession of these two villages, it will be apparent that they were first thought by Sir John Malcolm to be *service Jagheer*, and *then Inam*, though even by Sir John Malcolm this tenure was not correctly apprehended. Mr. Chaplin having shown that they could not be *service Jagheer*, for the conclusive reason that Poorundhuree *never served*, and having consistently persisted that they were *personal Surinjam* (Zât Surinjam), the Governor General ordered a local inquiry as to whether the villages were *Inam* or Zât Surinjam, and pronounced the decision (his doubts as to whether he should receive possession on any footing in consequence of alleged abandonment of the villages notwithstanding) that his Zât Surinjamee tenure,—in other words, an official tenure for life,—should be acknowledged.

18. I leave it to the Government to say, after the perusal of the foregoing *précis* of a volume sent to me from Captain Cowper's own office, whether he was justified in telling Mr. Hart, the late *Inam* Commissioner (paragraph 3), that the *only* portion of the correspondence between the Nimar authorities which it was of importance to notice was "that one of the villages claimed (Chugaum) had been abandoned by Vittulrao Mulhar Poorundhuree long prior to its occupation by the British Government, as contained in a private letter from Colonel Smith" to Sir John Malcolm; for it was not even (as Captain Cowper alleges) a fact pointed out by Sir John Malcolm himself to Mr. Chaplin, but hearsay on what Sir John Malcolm himself calls a "private letter," *written two years and a half before the local inquiry* undertaken by order of the Government to clear up doubts; the facts elicited by that local inquiry being, not, as this private hearsay has it, that the village of "Chugaum had been abandoned by Vittulrao Poorundhuree long prior to its occupation by the British Government," but that from the earliest recollection of the local authorities, and who had attained the age of fifty, *the two villages had been in the possession of the Poorundhuree family, to whose local collector they had paid the revenues.*

19. In other words, Poorundhuree enjoyed till the British accession all that the "eternal" ravages of the Pindarees left any one to enjoy of the

Surinjam granted to him by the Peshwa under two Sunuds before even Holkar ever went to Hindoostan.

20. I have thus, I think, established that which I undertook to prove,—viz. that the question before the Supreme Government and that before me in respect to these lands in Nimar were different; and even if it had not been so, the inquiry by me was not to be affected by isolated local decisions.

21. The question before the Governor General in Council was—"Is this an Inam or a Zât Surinjam?" The question before me was—"Was this, which has been acknowledged a Zât Surinjam or official tenure for life, as hitherto held, attended, in its origin and continuance, by such circumstances as, according to the concessions made to the Surinjamdars by the home authorities, subsequently to the general settlement of the country, by which ALL were restored as *life-grants only*, and subsequently to the orders of the Government of India on this particular claim, to entitle the Surinjamdar's family to more than the Supreme Government gave him?"

22. Losing sight altogether of the important circumstance that the question, and the only question, before the Supreme Government, was, whether the grant was a free hereditary gift or an official life-grant, great stress is laid, throughout the whole of the recent discussion, on the fact that the Supreme Government pronounced it to be the latter, overlooking that it was so pronounced in contradistinction only to its acknowledgment as an hereditary free gift by Sir John Malcolm; and, above all, overlooking that, in so limiting the alienation, the Governor General in Council only placed this Zât Surinjam on the precise footing of every other Surinjam in the Peshwa's late dominions,—on the precise footing of every man whose name is borne on the Surinjam list; and that to have conceded to Poorundhuree anything except a life-grant would have been to do more for him than had at that time (A. D. 1822) been done even for the Surinjamdars whom the Honorable Court of Directors have since declared to be entitled, by the respect yielded to prescription, to "inheritance in the fullest sense of the word"; for although Mr. Elphinstone left notes for future guidance in the words "Hereditary"—"For life," &c. he told the Governor General that the decision had in no case been communicated, and the Governor General ordered that every fair opportunity should be taken to reduce the Surinjams which in each case of lapse were to be resumed, and, if continued, to be so as an act of grace.

23. In my apprehension, the moment the Supreme Government rejected Poorundhuree's claim to be an Inamdar, and declared him a Zât Surinjamdar, he was placed on precisely the same footing as all other Zât Surinjamdars, and entitled to share in all the privileges thereafter conceded to that class of landholders; and as Mr. Elphinstone originally intended that his Surinjam, including the Nimar villages, should be hereditary, unless it can be shown that it

will not stand the test under which it has found its way into its present place on the lists, I consider him as much entitled to the indulgences of A. D. 1842 as the twenty other Surinjamdars whose Surinjams had been not merely pronounced to be life-grants, but actually resumed by the Government before I entered on the inquiry, but which are now in the quiet possession of the heirs.

24. This brings me to the grounds on which Mr. Hart and Captain Cowper have attempted to show that the Nimar Surinjam was differently circumstanced from that in the Deccan.

25. These reasons are—*1st*, that the villages had not been held at the breaking out of the war, or, as Captain Cowper expresses it, not in possession at the breaking out of the war; and that, under these circumstances, Mr. Elphinstone's arrangements did not contemplate their restoration.

26. It is very remarkable that both these officers of the Inam Commission have abstained from inviting the attention of the Government to the *best* evidence as to possession, viz, the evidence obtained on the spot by the Assistant five years after the war; and how these gentlemen can have overlooked that the Assistant in Nimar reported, on the evidence of two village officers upwards of fifty years of age, that from their earliest recollection the two villages had been in the possession of the Poorundhuree family, to whose local collector they had duly paid the revenues; possession having been twice interrupted only, and that for but one year each time, and by usurpation,—the first having been on the “plea of force” by Sindia, and the last as long as six years before the British accession, at the hands of Trimbukjee Denglia; Mr. Chaplin, with the Peshwa's Sunuds in his hand, and Poona Duftur before him, declaring at the same time that the villages remained in Poorundhuree's name in the Duftur accounts, and were considered to be in his possession up to the war.

27. And if not in Poorundhuree's possession, in whose possession were they?—for the Government will observe, from the annexed extract of a letter from Captain Cowper to the new Inam Commissioner, Mr. Manson, which he has just sent me, that the villages were not in the possession of the only other party entitled to possess them, viz. the Peshwa, to whom they belonged:—

“The Peshwas' records do not, as far as I am aware, contain any order for the resumption of the villages and Umuls in Nimar, which were continued for life to Vittulrao Mulhar Poorundhuree by order of the Supreme Government; indeed, I have no reason to believe that they were thus resumed.”
(Captain Cowper, August 9th, 1853.)

28. As to the *interruption* of possession, if the Peshwa himself was so little able to maintain his own supremacy over Sindia as that he withheld, till the Peshwa had ceased to reign, villages ceded through the instrumentality

of the Duke of Wellington, by the Treaty of Surjé Anjungaum, so long before as 1803, does it weaken Poorundhuree's claim to consideration that he was the victim of this powerful Chieftain, and of the Minister whose hands were stained by the blood of an ambassador to his master's court? But even this usurpation was short, and did not, so far as I can discover, last till the war, as asserted by Mr. Hart and Captain Cowper, but ceased, as testified on the spot by Colonel Smith, six years before the British conquest.

29. It is true that the Governour General in Council of that day speaks of the total abandonment of the villages for many years; but, judging from the evidence that was before him, I conclude this abandonment referred to the deserted village of Nugaum only, for the "local collector" duly received the revenues of Chugaum, this "local collector" having been (as I am informed by the last of the hereditary Duftur Karkoons,—whose father and grandfather were in the Duftur, and who was himself employed on the Surinjam settlement under Mr. Elphinstone,—Raojee Pendsay, who is now employed under the Inam Commissioner) a Gosain, to whom Poorundhuree was largely indebted, and to whom, therefore, he assigned the revenues of these two villages.

30. Poorundhuree has informed me that Raojee Pendsay's statement is true, and has given me, as the name of the Gosain, Futtehgeer's *Chela* or *disciple*, Sumbhoogeer; and the Government, from the note set out at the foot of this page,* addressed on the 17th of last month to the Resident at Indore, will see that it was to the Gooroo of this very person to whom Poorundhuree says he assigned his villages in liquidation of his debts, that it was made over by Colonel Smith, and that Sumbhoogeer was Poorundhuree's general agent in Nimar,—thus satisfactorily explaining how it came to pass that the revenue of the villages, though alienated in Surinjam to Poorundhuree, was never remitted to Poona.

31. That he abandoned Nugaum, in the sense in which a man abandons his own house when set on fire by an armed banditti, is quite true: the land was wasted, the dwellings were desolated, and the village "without a light," as the Natives express it; but not because Poorundhuree abandoned them,

* *Mundlasir, August 17th, 1853.*

MY DEAR MR. HAMILTON,—Our letter books here only commence in 1821, so I could not find the letter you allude to, dated March 1820, but Colonel Smith settled Nogawa through "Futtehgeer Mhunt," and his family has continued ever since to be the leading people and bankers of the village; his son (a) Sumbhoogeer is the person the Poorundhuree put in charge of Nogawa, and appointed his general agent in Nimar. I propose continuing the village in Sumbhoogeer's management.

Yours most sincerely,

(Signed) R. H. KEATINGE.

(a) Disciple? Gosains have no "sons."—(Signed) J. W.

but because hordes of Pindarees carried fire and sword over the plains of India; and it would be a miserable subterfuge, unworthy of the British Government of A. D. 1817, still more of that of A. D. 1853, reigning over an empire, stretching, under the genius and energy of the present Governor General, from the confines of China to those of Afghanistan, to tell one whom Mr. Elphinstone described as "poor and in debt, and who left the Peshwa early"—"You could not hold your own against those freebooters, the extermination of whom was only effected through the instrumentality of a confederacy of all the Muratha powers and of the united armies of the British in India, commanded by the Governor General in person; and you should, therefore, be treated as one who abandoned his post, and be stripped of the indulgence conceded to all other Surinjamdars except yourself."

32. Captain Cowper next asserts that the village of Boorhanuggur—Poorundhuree's claim to which was rejected—was exactly in the position of the Nimar ones. What this position was I have shown, and in Captain Cowper's own book, already referred to, I find evidence, certainly bearing no better authority than my own signature,—but still what must be taken to be true till proved to be false,—as to the condition of Boorhanuggur. It is a report addressed by me, as Agent for Sirdars, to the Government, so long ago as May 4th, 1843; it is as follows:—

"On reference to the records of the Peshwas' Government, it appears that the portions of the revenue of the village of Boorhanuggur claimed by the petitioner were restored to his grandfather about A. D. 1759, and again entered in the following year as public property, in consequence of its being deserted; *and this was the state in which, according to the Duffur accounts, it continued till the accession of the British Government, and the Collector of Ahmednuggur reports that the village has been deserted for one hundred and fifty years, and that there is no record of the petitioner ever having enjoyed what he claims, and, in fact, there is nothing to enjoy, for the village being deserted, its land must be waste.*

(Signed) "JOHN WARDEN."

33. I leave the Government to determine whether Captain Cowper's assertion is borne out by his own record.

34. Captain Cowper's next assertion, paragraph 19, is—"The Nimar villages were included, it is true, in Mr. McDonnell's statement, *but subject to inquiry*, which was afterwards made by Mr. Chaplin, and which proved that they did not, like the Deccan villages, fulfil the terms on which alone Mr. Elphinstone had contemplated the restoration of any holding, whether Surinjam or Inam";—the truth being, so far as I have been able to discover it, that the

amount of Rs. 10,832-0-5½ which Mr. Elphinstone actually granted* (as proved by the annexed extract, not from Mr. McDonnell's statement, but from Mr. Elphinstone's own Surinjam list) was composed of the items specified below:—

| | |
|-------------------------|--------------|
| Poona | Rs. 743 14 0 |
| Ahmednuggur | 5,650 7 3 |
| Khandeish | 1,300 0 0 |
| Sattara | 75 0 0 |
| Nimar..... | 3,063 0 0 |
| Total....Rs. 10,832 5 3 | |

Extract from Mr. ELPHINSTONE'S List of Jagheers.

| Number. | Name. | Class. | Remarks. | Decision. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. |
|---------|--|--------------|---|--|---|----------------------------------|-----------------------|------------------------------|
| | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at present. | Pensionary Provision. | |
| | | | | | Rs. a. | Rs. a. | | |
| 7 | Vittulrao Poorundhuree, Rs. 20,949; 78 years, resumed Rs. 5,369. | Mootsaudees. | He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moortemoondwah, but concealed himself to avoid waiting on me when I passed it in April. | To retain the whole of his Jagheer, according to Rule No. 3. Land. | 10,832 5½ | 4,366 14½ | | Hereditary. |

And so far from any inquiry having been left to be made by Mr. Chaplin, he, in his second letter to Sir John Malcolm on this subject, dated January 26th, 1820, says:—"It was therefore decided that they (the Nimar villages) should be restored to him (Poorundhuree) by our Government, *in common with the personal Jagheer of all persons considered deserving of this indulgence throughout the*

* "Almost the whole of those grants have now been issued"—he, as Governor in Council, wrote to the Government of India as early as May 11th, 1820."

whole of the late Peshwa's possessions. You will observe that the claims of those who held their personal Jagheers of the Peshwa are quite distinct from such as held Jagheer grants from foreign princes, as in the case of Holkar alluded to in Mr. Elphinstone's letter of the 17th July. *As the Supreme Government has already sanctioned the Honorable the late Commissioner's proceedings on these points, you will not, perhaps, under this explanation, consider a further reference necessary."*

35. The foregoing extracts speak for themselves, and I abstain from remark.

36. Captain Cowper's next assertion which it falls to me to notice is that contained in his 25th and 27th paragraphs, that the revised Surinjam lists were sanctioned *generally*, and that it was with reference to this sanction that Poorundhuree was placed in possession.

37. If you will do me the favour to refer to the 20th paragraph of the letter from the Honorable the Court of Directors dated October 26th, 1842, you will observe that *THEY originated* the question as to whether Vittulrao Poorundhuree had been treated sufficiently liberally by the Government,—“The original grant (*i. e.* the Deccan estate) being (they said) of the early date of A. D. 1741, it must, under the principles laid down in the present despatch, be hereditary, and we direct it to be so considered.”

38. On this, instructions were issued to me as Agent for Sirdars, to ascertain whether the family of the late Vittulrao Mulhar Poorundhuree possessed any documentary proof of the estate held by the deceased having been granted to his family in the year 1741.

39. In answer to the requisition, I wrote as follows (Agent for Sirdars to Government, dated December 29th, 1844, paragraph 19) :—

“In reply to your last paragraph, I have the honour to state that the family of Vittulrao Mulhar Poorundhuree has produced twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in Hindoostan, which last, I am informed, has been resumed, although granted by two Sunuds, dated, one in A. D. 1739, and the other in A. D. 1744, and which should, therefore, be restored with arrears. The Poona and Ahmednuggur possessions are secured by Sunuds bearing dates from A. D. 1719 to A. D. 1768. Of these seven are dated subsequently to A. D. 1751; but as all these refer to older grants, and Mr. Elphinstone declares the estate to have existed seventy-eight years in 1819, which gives the year A. D. 1741 as that of the original grant, as set down by me in the list of 1834, I think no mistake can have been made on this point.”

40. This order from the Court of Directors was made just one year *after* the resumption of the Nimar estate, and if anybody had then understood there

was any distinction to be made between different portions of the Poórundhuree estate, the Nimar estate being the most ancient, my disregard of this distinction would have been observed by the Government of the day, seeing they scrutinised my lists for the long period of fifteen months, and would not have failed to refer to the order of the Government of India dated the 7th of October 1841 regarding the Hindoostan estate, which order was then recent and in recollection, or, if this had escaped the Bombay Government, it would not have been overlooked by the Court of Directors, whose despatches on this subject are drawn up with an accuracy and care which forbids the supposition that the existence of two distinct estates was not observed by them. Besides, I begin by telling the Government that Poorundhuree had availed himself of the opportunity given him to open out his whole case :—“ He has produced (I say) twenty-one Sunuds, of which seven relate to his estate in Hindoostan.” Translations of these Sunuds were laid before the Government by Mr. Brown, and were, as I presume, handed on to the Court of Directors ; and it is, therefore, the very opposite of the fact, as regards this case, that the revised Surinjam lists were sanctioned *generally* by the Honorable the Court of Directors, as alleged in Captain Cowper’s 24th paragraph, for this was one of twenty-two declaredly exceptional cases, regarding each of which it had been advanced by me that a wrong decision had been passed ; and as regards this case, no less than twenty-one title-deeds were deliberately considered before the Court released the two estates.

41. After all that has been said, I need not notice separately Captain Cowper’s concluding assertion that the Nimar estate had been held under peculiar circumstances, and was restored to Poorundhuree as an act of grace, the circumstances being ordinary circumstances, and the restoration of every Surinjam on every lapse being an act of grace.

42. It is hardly necessary, either, that I should allude to Mr. Hart’s opening assertion that the villages and Umuls were continued on imperfect information, and ought to have lapsed to Government on Vittulrao’s death ; but I must notice his misstatement on a point on which a misstatement is hardly excusable,—viz. the geographical position of the villages of Poorundhuree, and his deductions from this misstatement that the Treaty of Poona, and the Rules based thereon by Mr. Elphinstone, were “ doubly fatal ” to Poorundhuree’s claim.

43. By Article XIV. of the Treaty of Poona dated 13th June 1817,—or just before the war which ended in the conquest of all his dominions,—the Peshwa ceded, with some irrelevant exceptions, to the East India Company, generally, all rights and pretensions, of every denomination, which he possessed in the country to the *north* of the river Nerbudda ; and Mr. Hart says that the Surinjam in Nimar would “ appear ” to have been included amongst the cessions made by

the Treaty of Poona. On this question of geography Mr. Hart might have been expected to report positively. He was, however, altogether mistaken. I have referred to the map, and to the local authorities in Nimar, and have ascertained that the villages are *south* of the Nerbudda, and have no more to do with the Treaty of Poona than they have with the Treaty of Paris; but even if they had, after the abdication of the Peshwa the locality was immaterial. In June 1817, the British Government would not, of course, have recognised alienations of territory ceded to it: if the Peshwa's subjects held lands there, it might have been his business, but certainly not that of the British Government, to make compensation to them, and so diminish the value of the cession; but from the moment the British Government became rulers of the Deccan, these people would, of course, have had the same claim on it which they would have had on the Peshwa's Government; and, moreover, testing this claim by the rule which is said to be fatal to it, we find it a good one, for the Jagheer *was* actually held up to the war, and, by entering it in the Surinjam list, Mr. Elphinstone "especially directed it to be restored"; but, as I said before, Mr. Hart's deductions are drawn from a geographical error.

44. It will be observed that Mr. Mills, in his Surinjam lists, says of Vittulrao Poorundhuree,—“ He has lately, also, been deprived by the Nizam, in spite of urgent remonstrances of the Bombay Government, of a Surinjam yielding Rs. 11,000 ”; and I am informed by Raojee Pendsay, the hereditary Duffur Karkoon alluded to in paragraph 29, that when Poorundhuree pressed this loss on Mr. Chaplin's attention, he always said,—“ I have given you your Nimar Surinjam, don't think of that loss any more ”; and if this be true, —which from the high character and position of my informant I have no doubt it is,—the Nimar estate was held on far stronger ground than even that in the Deccan.

45. Besides antiquity of grant, the claim and condition of the original grantee, and the respectability of the then present representatives, were to be tests of the degree of consideration which a Surinjamdar was to receive at our hands. To show that Poorundhuree stands this test, as well as that based on records and title-deeds, I need only copy Mr. Elphinstone's note opposite his name in the Surinjam list—“ He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moortemoondwah, but concealed himself to avoid waiting on me when I passed it in April.”

46. To recapitulate :—I have shown that I had never seen, and, therefore, could not have alluded to the correspondence between Mr. Mills and the Government; that no wilful suppression of it is, however, to be suspected, as the merits of the claim on the Nimar lands were fully discussed in consequence of a specific reference from the Court of Directors; that that correspond-

ence related to a question totally different from that before me; that in recommending the manner in which effect was to be given to the Surinjam settlement of the Court of Directors, it was proposed by me to set aside twenty-two more decisions of the Government, the nature of such decisions having, indeed, in some sort led to the new settlement; that the Nimar estate was held on titles bearing date anterior to A. D. 1751, was in possession up to the war, was included in Mr. Elphinstone's Surinjam list and marked "hereditary," and was hereditary, by the principles of the new Surinjam settlement, "in the fullest sense of the word"; that the Assistant Inam Commissioner, Captain Cowper, has told (paragraph 25) his official superior, Mr. Hart, that it was with reference to the *general* sanction of the Court of Directors to the revised Surinjam lists that the Nimar villages were restored, a deliberate and final order of the Government of India having, added Mr. Hart to the Government, declared them lapsed,—the truth being that before I even laid my hand on the revised lists, or even heard of the task that was to be committed to me, the Honorable the Court of Directors themselves singled out this man's case as one in which, as regarded his villages in the Deccan, want of consideration had been shown to him by the Bombay Government in conceding, for the period of a *second* life only, what, in virtue of a Sunud dated A. D. 1741, Mr. Elphinstone declared "hereditary," and directed the Bombay Government not to make any more references to England, not to ask for a general sanction, or any other sanction, before they acted, but to consider the Surinjam hereditary, on the principles laid down by them; and Poorundhuree availed himself of the handsome manner in which the Honorable Court, without even his petitioning them, had advocated his cause, to bring forward his whole case, and show that still harder measure than that which he had received of the Government of Bombay had been dealt out to him by the Government of India, in allowing him his Nimar villages for *one* life only instead of two, although they were held under a more ancient title, dated prior to A. D. 1742; were, equally with the Deccan villages, declared "hereditary" grants by Mr. Elphinstone; and were, moreover (and this is a very strong point, because unknown to the Governor General in Council who passed the original decision, and to his Lordship in Council who has now directed the resumption of the villages), taken as compensation for a Surinjam of more than three times their value, which Poorundhuree held in the Nizam's country, and which that prince would not surrender.

47. It is true that I answered this special and particular reference to Poorundhuree's case in a letter on the whole of the Surinjams; but, as I have already shown you, so far from this case being treated "generally," it was handled by me, and afterwards by Mr. Brown, individually and particularly, it being one of two instances only in which the Sunuds themselves were

translated and sent to England in support of the decisions, and this because the Honorable Court had singled out the man's case, and ordered a reconsideration of it.

48. The orders of the Government of India in regard to Nimar were no more final than those of the Bombay Government in regard to the Deccan; and that he so considered the matter was evinced by the alacrity with which the villages were restored when the Governor General in Council heard of the final orders of the Court of Directors.

49. And I state my opinion, respectfully but unreservedly, that to resume these villages without a reference to England is at once to disobey the home authorities and violate public faith with the son of a poor and loyal subject, who abandoned the Peshwa's standard as soon as the British flag was hoisted, and all because a Colonel Smith wrote that a village which had been burnt down by Pindarees had "run into thick jungle," and was not inhabited by "human creatures"; and added, on hearsay, two *statements*, in respect to both of which he was proved to be quite wrong,—viz. that the other village was a *service Jagheer* and had been abandoned by Poorundhuree's manager,—a personal and local inquiry having two years afterwards established that Colonel Smith had been misinformed, and that the tenure was personal, and not for service, the possession of Poorundhuree from time immemorial having been only twice interrupted, and that by force and usurpation, and the last dispossession having ceased six years before the British accession.

50. I, therefore, close this (I am afraid) tedious letter by a repetition of the opinion which led to the whole discussion,—“By an oversight”—an oversight of the principles laid down by Mr. Elphinstone in A. D. 1838, and sanctioned by the home authorities—“this portion of Poorundhuree's Surinjam was retained by Government when the remainder was restored to the present incumbent.”

51. I trust the Most Noble the Governor General in Council will permit the two villages and the Umul of Sangvee to remain in Poorundhuree's possession till the sentiments of the Honorable the Court of Directors on the present correspondence shall have been obtained.

I have the honour to be, &c.

(Signed) J. WARDEN,
Late Agent for Sirdars.

*Index to the following Report by Captain T. A. COWPER, dated Poona,
30th November 1853.*

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| 45 | Villages in the district of UMBER, which was afterwards ceded to the Nizam, restored in Surinjam to Vittulrao Mulhar Poorundhuree, and now held by his son. |
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| 47 | Péta Boorhanuggur shown by the Collector of Ahmednuggur to have been held by Vittulrao Mulhar up to his death in 1840. |
| 48 and 49 | Chimnajee Vittul's request for the restoration of the Nimar villages negatived by the Bombay Government, on the report of the Agent for Sirdars, Mr. Mills. |
| 50 to 55 | The subsequent recommendation by the same officer, that the Nimar villages should be restored to Chimnajee Vittul, made on erroneous grounds, and finally negatived by the Government of India, the decision being communicated to Mr. Mills. |
| 56 to 59 | The orders of the Honorable Court regarding the Deccan Surinjam, issued in 1842, referred <i>solely</i> to its date of original grant. |
| 60 and 61 | The Deccan and the Nimar Surinjams both entered, and in both cases incorrectly entered, in Mr. Warden's lists of 1844, the former being represented as wholly granted before A. D. 1751, whereas a large portion was granted subsequently to that year, and the resumption of the latter, under the recent and deliberately discussed orders of 1841, being described as having taken place "by an oversight." The Mokassa Umuls of four villages in Nimar, which had <i>never been restored at all</i> to Vittulrao Mulhar, also entered as to be continued to his son. |
| 62 to 64 | The foregoing entry in Mr. Warden's lists preserved on their revision by his successor, Mr. Brown, who furnished translations of Sunuds for the Nimar villages, but <i>not</i> of the Sunuds for the villages in the Deccan, the original date of grant of which had been, and continued to be erroneously stated. |
| 65 to 67 | The Nimar villages restored, and large arrears paid to Chimnajee Vittul Poorundhuree, consequent on the foregoing erroneous statement in the Surinjam lists, which were generally approved of by the Honorable Court of Directors. |

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| 68 and 69 | Captain Cowper's report bringing these errors to notice, and the Inam Commissioner's letter submitting this report to Government. |
| 70 and 71 | The resumption of the Nimar villages recommended by the Bombay Government, and ordered by the Government of India, on the above report. |
| 72 | The Agent for Sirdars informed accordingly, and ordered to erase the Nimar villages from the Surinjam lists. |
| 73 | The Honorable Mr. Warden, as the late Agent for Sirdars, requested by Government to explain the erroneous statement in the lists. |
| 74 | The Honorable Mr. Warden's reply to Government forwarded for Captain Cowper's explanation on the observations therein made. |
| 75 | The information regarding the Nimar villages afforded by the Surinjam lists of 1844 and 1847 can only be correctly designated as "most imperfect." |
| 76 | The faulty arrangement of the Agent's records, which existed when Mr. Warden succeeded Mr. Mills in 1843, still in force. |
| 77 to 80 | The erroneous statements in the Surinjam lists must apparently have originated in wilful suppression by the Agent's subordinates of the information which was on record, while the explanation now offered on this point by the Honorable Mr. Warden cannot, <i>on his own previous showing</i> , be accepted. |
| 81 | The above view of the case confirmed by what has been discovered and reported by Captain Cowper regarding other Surinjams, and especially in regard to the Deccan portion of this one (Poorundhuree's). |
| 82 | The Honorable Mr. Warden apparently mistaken in stating that his report on the Surinjams was not even noticed by the Government before his departure from India. |
| 83 | The "local decisions" on Surinjams to which the Honorable Mr. Warden has referred differed entirely, as to the grounds on which they were passed, from the decision of the Supreme Government in regard to the Nimar villages, and it is apparently, therefore, a consequence that no comparison drawn between the one and the other can hold good. |
| 84 and 85 | The Honorable Court did not, apparently, issue the orders upon which the lists of 1844 were directed to be framed, irrespective of the |

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| | Governor General's opinion, and still less "irrespective of all that had gone before." |
| 86 and 89 | The above orders of the Honorable Court had no reference whatever to possession at the breaking out of the war, or to the Rules regarding such possession, which had remained in full force as originally passed, and under which the Supreme Government had decided in the case of the Nimar villages. |
| 87 | Out of the twenty-two Surinjams referred to by the Honorable Mr. Warden, as those the restoration of which he recommended in the lists of 1844 because they had been granted before A. D. 1751, the Nimar Surinjam was the only one the restoration of which was precluded by other reasons which ought to have been, but which were not stated. |
| 88 | The fact brought to notice by the Inam Commissioner was, however, quite a distinct one; it was that a deliberate and full discussion of the Government of India had been described in the lists as "an oversight." |
| 90 to 92 | The Honorable Mr. Warden, in describing the restoration of the Nimar villages to Vittulrao Mulhar Poorundhuree, has omitted to state that they were restored by a <i>Sunud specially</i> providing for their resumption at Vittulrao's death. |
| 93 | Is the term "official tenure" correctly applicable to these Surinjams, <i>as now held?</i> |
| 94 and 95 | Captain Cowper did not, in his former report on the Nimar villages, withhold from the Government any information regarding them of which he was in possession. |
| 96 | A portion of Captain Cowper's former report has been misquoted. |
| 97 | Reasons for noticing fairly and fully every point now brought forward by Mr. Warden. |
| 98 | Captain Cowper's statement that Sir John Malcolm had furnished certain information to the Deccan Commissioner, apparently, in accordance with official usage. |
| 99 | Reasons for considering certain correspondence relating to the Nimar villages really, though not nominally public. |
| 100 to 104 | Certain information to which the Honorable Mr. Warden attaches |

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| | great value, does not, apparently, affect Captain Cowper's report of the 28th February last on the Nimar villages. |
| 105 | It does not appear that every village in Nimar was at the breaking out of the war found, like those of Poorundhuree, in a wholly abandoned state. |
| 106 to 109 | The Nimar villages were not continued by the Supreme Government as the other Surinjams were, but were specially ordered to be resumed at the incumbent's death; and their continuance at all was in fulfilment of an obligation imposed on the Government by the error of their Agent, Sir John Malcolm. |
| 110 | The Nimar villages ought not, apparently, to have been entered in the lists of 1844 at all; certainly not without full explanation. |
| 111 | This explanation now <i>for the first time</i> afforded. |
| 112 to 114 | Neither the Inam Commissioner, Mr. Hart, nor his Assistant, Captain Cowper, have "abstained" from inviting the attention of Government to anything bearing on the case reported on and within their knowledge, much less have they suppressed the "best evidence" forthcoming in favour of a claimant. |
| 115 | The fact of Poorundhuree's Nimar villages having been found abandoned was known to the Deccan Commissioner, Mr. Chaplin, and alluded to by him. |
| 116 | Poorundhuree's "right of possession" was not "in force" at the breaking out of the war. |
| 117 and 118 | Mr. Elphinstone's orders regarding "right of possession." |
| 119 | These orders sanctioned by the Supreme Government, who must have had them in view when afterwards deciding on Poorundhuree's claim to the Nimar villages. |
| 120 | The application of these orders illustrated by the case of a portion of the Surinjams of the Wamorekur family. |
| 121 | The temporary interruption of enjoyment by Sindia and Trimbukjee Denglia, to which the Honorable Mr. Warden has alluded, not hitherto referred to at all by Colonel Smith, Mr. Hart, or by Captain Cowper; yet, supposing it to have lasted up to the war, it alone would have been fatal to Poorundhuree's claim to the Nimar villages. |
| 122 | Evidence of the abandonment by Poorundhuree not of one, but of all |

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| | the Nimar villages on which he preferred claims, was before the Supreme Government when they passed a decision in 1822. |
| 123 | The hereditary Duftur Karkoon, Raojee Pendsay, can have no personal knowledge of the state of the Nimar villages in 1817, as he was then many hundreds of miles off, at Poona, and as he has never visited them during his lifetime. |
| 124 | Neither can Chimnajee Vittul Poorundhuree (the present representative of the family) possess any such knowledge, as he was not then born. |
| 125 | The information which the Honorable Mr. Warden has quoted regarding the Gosavee to whom the Nimar villages are said to have been mortgaged by Poorundhuree must, if correct, be held to corroborate the evidence obtained by Colonel Smith that they were found at the breaking out of the war in an abandoned state. |
| 126 to 129 | Reasons for deprecating the extension of a discussion regarding an error in the Surinjam lists, to questions such as the policy and power of the British Government, or the poverty and loyalty of its subjects. |
| 130 to 135 | The grounds upon which Captain Cowper reported Pétah Boorhanuggur to have been, at the breaking out of the war in 1817, exactly in the position of the Nimar villages. |
| 136 to 139 | Mr. Elphinstone's arrangements were not only subject to inquiry, which Mr. Chaplin subsequently made, but were materially altered consequent on that inquiry. |
| 140 | How Mr. Chaplin's inquiry affected the Nimar villages. |
| 141 and 142 | Grounds for designating the Honorable Court's approval of the revised Surinjam lists a general one. |
| 143 | The orders of the Honorable Court issued in 1842 had no reference to the Nimar Surinjam, the resumption of which was incorrectly represented in the lists of 1844, and the Agent's letter transmitting the lists entirely failed to correct the error. |
| 144 and 145 | As neither the Bombay Government nor the Honorable Court adverted in any way to this error, it may be presumed that they were not aware of it. |
| 146 | Chimnajee Vittul Poorundhuree does not appear to have stated the whole of his case to the Agent for Sirdars in 1843, but to have withheld a portion of it materially affecting the Nimar villages. |

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| 147 | Mr. Hart, the late Inam Commissioner, in supposing the Nimar villages to have been ceded by the Treaty of Poona, was probably misled by the wording of a portion of one of Mr. Elphinstone's letters on the subject. |
| 148 | The mere entry of this or any other Surinjam in Mr. Elphinstone's lists neither ensured its restoration, nor conveyed any <i>special</i> direction that it should be restored. |
| 149 to 151 | It does not appear possible that Mr. Chaplin could have restored the Nimar villages in commutation for anything held in the Nizam's country. |
| 152 | Additional proof now afforded of the necessity of receiving with extreme caution oral evidence similar to that of Raojee Pendsay, the hereditary Duftur Karkoon. |
| 153 | A full discussion of the Nimar case was prevented by the erroneous statement in the Surinjam lists. |
| 154 | The Agent's letter transmitting the lists of 1844 rather confirmed than remedied this error, and afforded information regarding the Deccan portion of the same Surinjam which has now been discovered to be equally erroneous, and, apparently, the result of deliberate fraud. |
| 155 | Mr. Hart, in designating as final the decision of the Supreme Government, could not, apparently, have intended to ignore the controlling authority in England. |
| 156 | Colonel Smith, who made the earliest inquiry regarding the condition of the Nimar villages, was an officer of much higher rank, and probably, therefore, of greater experience, than Lieutenant Douglas, who investigated the matter at a later period. |
| 157 | The military Surinjam of the uncle and cousin of Vittulrao Mulhar Poorundhuree, probably, confounded with his own personal holdings. |
| 158 | Lieutenant Douglas must, apparently, have obtained information regarding the condition of the Nimar villages just as Colonel Smith did—from the statements of others. |
| 159 | The Supreme Government, in adhering, in 1841, to the decision passed in 1822, must have done so with a full knowledge, and not by an oversight, of the principles laid down by Mr. Elphinstone in 1838 and sanctioned by the home authorities. |

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| 160 | The Mokassa Umul of four out of five of the Nimar villages ought not, under <i>any</i> circumstances, to have been entered in the Surinjam lists of 1844 and 1847, as <i>they had never</i> been held at all. |
| 161 | Circumstances which have transpired since the revision of the Surinjam and pension lists was ordered, and which have an important bearing upon the present discussion. |

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 535 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,
To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 30th November 1853.

SIR,—In returning the Honorable Mr. Warden's letter dated the 9th September last, to the address of the Chief Secretary to Government, explaining the circumstances under which the Hindoostan portion of the Surinjam of Chimnaje Vittal Poorundhuree was erroneously entered in the lists of 1844 as having been resumed "by an oversight," and which accompanied your letter No. 2578 of the 29th idem, I have the honour to submit the report therein called for.

2. To render my explanation as complete as possible, it will be necessary in the first instance to state exactly what has occurred with regard to the Surinjam in question from the period at which the Deccan was conquered to that of my bringing to notice, in my letter No. 102 of the 28th February 1853, the grave error committed in framing the Surinjam lists of 1844 and 1847; and, having done this, I shall be in a position to notice, with certainty and effect, the several portions of the Honorable Mr. Warden's letter which have to be tested, as far as I am concerned, solely by that which is already on official record.

3. At the outset, however, I would solicit attention to the fact of my having in my previous report, No. 102 of the 28th February 1853, confined

myself to bringing to the notice of Government a specific erroneous statement made in the Surinjam lists of 1844, and repeated in the revised lists of 1847, and which it seemed of importance to correct, inasmuch as on it, and on it alone, the orders of the Honorable the Court of Directors appeared to have been issued.

4. I particularly solicit attention to this fact, because it is a simple one, easily disposed of; because it remains exactly in my opinion as it did, and as I represented it to the Government; and because almost the whole of the Honorable Mr. Warden's letter is devoted to the discussion of questions to some of which I have never alluded at all, and *none* of which I have hitherto attempted to explain at any length, under the impression that such an explanation would have been foreign to the subject-matter of my report.

5. It is of importance to determine with exactness the meaning of Mr. Elphinstone when he laid down as a general rule that nothing should be continued to individuals of which they were not in possession when the war with the Peshwa broke out, as this is a point on which the Honorable Mr. Warden has laid much stress.

6. On this subject the Commissioner's orders (in his circular letter to the Collectors, dated the 27th June 1818) were, it appears to me, clear and explicit; they were,—

“No right to possession is ever intended to be recognised that was not in force at the breaking out of the present war.”

This order had reference specially to Inams, and applied, therefore, certainly with equal, and probably with greater force to Surinjams held on a much less permanent tenure.

7. The rule was, however, specifically applied to Surinjams at a later date, when the preparation of lists of all holdings of this description which it was proposed to restore was undertaken. On this occasion Mr. Elphinstone laid down general Rules (forwarded to the Government of India with Mr. Elphinstone's letter dated the 25th October 1819) for the guidance of those employed, and the 7th of these Rules declared,—

“No Jagheer not *actually** enjoyed up to the war was to be restored, unless specially directed so to be.”

8. The precautions observed in framing these lists of Jagheers, and the method of obtaining the requisite information, were matters which Mr. Elphinstone deemed it necessary fully to explain to the Governor General in a despatch dated the 25th October 1819, and the 2nd, 3rd, and 5th paragraphs of which are below quoted. I would beg attention especially to the 3rd para-

* *Italicised by Captain Cowper.*

graph, as I shall have to revert to it hereafter (see paragraphs 21, 22, 138, and 139 of this letter) in connection with a point of some importance alluded to by the Honorable Mr. Warden:—

“ 2. The first step in this operation was to extract from the Peshwas’ Dufur a full account of each Jagheer, and to ascertain as correctly as possible the character and history of each Jagheerdar, with the time when he made his submission to the British Government. This was done immediately after the war.

“ 3. The Collectors were next furnished with lists of the personal Jagheers, and requested to ascertain their actual value, and whether they were in force up to the breaking out of the war.”

“ 5. The investigation was now committed to Mr. McDonnell, who proceeded to compare the statements of the Jagheerdars with those drawn up in the Dufur, checking both by the accounts received from the Collectors. A complete register was framed on this comparison, showing the name of the holder of each Jagheer, the date and nature of the grant, the situation of the lands, and the sources of the revenue when not drawn from land, with the Kumal or highest revenue, the revenue as stated by the Jagheerdar, and actual collections as reported by our officers.”

9. Mr. Elphinstone’s Rules were adopted and approved of by the Supreme Government in their Secretary’s letter of the 4th March 1820, in the 2nd and 3rd paragraphs of which it was stated,—

“ 2. The contents of these despatches have been for some time under the consideration of the Governor General in Council.

“ 3. His Lordship recognises in them an adherence to the principles laid down in the instructions of 26th September 1818.”

10. I now come to the application of these Rules and orders to the Surinjam which was claimed at the introduction of the British Government by Vittulrao Mulhar Poorundhuree. The result of Mr. McDonnell’s inquiry (see paragraph 8 of this letter) was recorded in the following terms:—

“ No. 7.—Vittulrao Poorundhuree.—Exd. .

“ Poona.

| | | |
|--|---------|----|
| Moujé Hurnee, Turuf Neerthuree, Prant Poona | Rs. 324 | 8 |
| Moujé Tanklee, Turuf Sandus Prant, two Umuls, Mokassa and Babtee | 216 | 0 |
| Moujé Mandway, Kurryat Sasoor, Prant Poona, Mokassa Umul | 78 | 8 |
| Moujé Vursolee, Turuf Nanay Mawul, Mokassa Umul | 77 | 14 |

| | | | |
|---|-----|-------|----|
| 15 beegas of land in Moujé Wanowdee, Turuf Havailee, Prant Poona | Rs. | 30 | 0 |
| 20 ditto of ditto Kurzay, Turuf Neerthuree | | 17 | 0 |
| 50 ditto of ditto Bamboordee, Kurryat Sasoor..... | | 125 | 0 |
| | | <hr/> | |
| Total in Poona.... | Rs. | 868 | 14 |

“ *Ahmednuggur.*

| | | | |
|---|-----|-------|----|
| Moujé Pimpulnair, Turuf Nighoz, Prant Joonere..... | Rs. | 1,733 | 8 |
| Mokassa, Babtee, and Surdeshmookee of Moujé Chow- rana Boodrook, Turuf Nuggur Havailee | | 288 | 9½ |
| Mokassa, Babtee, and Sahotra of Pétah Boorhanuggur, Turuf Nuggur Havailee | | 567 | 9½ |
| Moujé Vuddoolay, Purguna Shewgaum..... | | 2,500 | 0 |
| Mokassa, Babtee, Sahotra, and Neemchowtaiee Umuls of Moujé Moortee, Purguna Soopa | | 441 | 12 |
| Mokassa of Moujé Vassaray, Purguna Akolay..... | | 119 | 0 |
| | | <hr/> | |
| Total in Ahmednuggur.... | Rs. | 5,650 | 7½ |

“ *Khandeish.*

| | | | |
|--|-----|-------|---|
| Mokassa, Babtee, and Sahotra of Moujé Antervelly Tembé, Purguna Umber | Rs. | 475 | 0 |
| Mokassa, Babtee, and Sahotra of Moujé Muchindra Chincholee, Purguna Umber | | 625 | 0 |
| Mokassa Umul of Moujé Pargaum, Purguna Wun | | 200 | 0 |
| | | <hr/> | |
| Total in Khandeish:... | Rs. | 1,300 | 0 |

“ *Hyderabad.*

| | | | |
|---|-----|-------|---|
| Mokassa, Babtee, and Surdeshmookee, Moujé Nandray, Purguna Kurrood | Rs. | 1,001 | 0 |
| Ditto ditto ditto Moujé Wudalee, Purguna Chandore .. | | 300 | 0 |
| Ditto ditto ditto Moujé Vassadee, Purguna Nandray .. | | 200 | 0 |
| Ditto ditto ditto Moujé Hursoday, Purguna Chandore... | | 1,100 | 0 |
| Ditto ditto ditto Moujé Parrolay, Purguna Punch Gow- hawn | | 640 | 0 |
| Ditto ditto ditto Moujé Nair, Purguna Ankote..... | | 525 | 0 |
| Moujé Soongaum, Purguna Jamood | | 5,765 | 0 |
| | | <hr/> | |
| Total in Hyderabad.... | Rs. | 9,531 | 0 |

“ *Sattara.*

| | | | |
|--|-----|-----|----|
| Half a chahoor of land in Moujé Padlé, Sumut Ko- raygaum, Prant Waece | Rs. | 300 | 12 |
|--|-----|-----|----|

| | | | |
|--|-----|------------|-----------|
| One quarter of a chahoor of land in Moujé Bhooinj, Sumut Neemb, Prant Waee | Rs. | 75 | 0 |
| 14 beegas of land in Kusba Mannay Rajooree, Prant Meeruz | | 35 | 0 |
| One quarter of a chahoor and 20 beegas of land in Moujé Rétréhurnax, Purguna Kassaygaum | | 125 | 0 |
| Total in Sattara.... | Rs. | <u>535</u> | <u>12</u> |

" *Sindia.*

| | | | |
|---|-----|--------------|----------|
| Moujé Cheggan Muknay, Purguna Khadway | Rs. | 1,500 | 0 |
| Mokassa Moujé Tazoo, Purguna Pargaum | | 50 | 0 |
| Total.... | Rs. | <u>1,550</u> | <u>0</u> |

" *Holkar.*

| | | | |
|--|-----|--------------|----------|
| Moujé Naggaway, Purguna Murdana, Sircar Beejagur. | Rs. | 1,288 | 0 |
| Mokassa Umuls of five villages, viz. Moujé Buhadur- poora, Purguna Murdana, Moujé Ichapoor, Purguna Wurood; Moujé Oomurtee, Purguna Murdana; Moujé Boree, Purguna Sangvee; Moujé Sangvee, Purguna Kanapoor. | | 225 | 0 |
| Total.... | Rs. | <u>1,513</u> | <u>0</u> |

Grand Total Jagheer.... Rs. 20,949 $\frac{1}{2}$ " *INAM.*" *Poona.*

| | | | |
|---|-----|------------|----------|
| 120 beegas of land in Moujé Gurraday, Turuf Kurray Puttar | Rs. | 100 | 0 |
| 120 beegas of land in Moujé Rajevadee, Turuf Kurray Puttar. | | 100 | 0 |
| 60 beegas of land in Moujé Pissaway, Turuf Kurray Puttar. | | 50 | 0 |
| Total.... | Rs. | <u>250</u> | <u>0</u> |

" *Sattara.*

| | | | |
|--|-----|-----|---|
| 120 beegas of land in Moujé Tankla, Purguna Kassay- gaum..... | Rs. | 125 | 0 |
|--|-----|-----|---|

Grand Total Inam.... Rs. 375 0Grand Total.... Rs. 21,324 $\frac{1}{2}$

“ *Note.*—The Mokassa of Moujé Hurnee, Turuf Neerthuree, in Poona, amounts to Rs. 88, and belongs to Government.

“ 7. The Mootsudee has given a statement of what he held up to the war at Rs. 21,037-14-0; this includes his Inams. In it he does not claim the Rs. 125 on Bamboordee, Poona Division, or the Rs. 160 on Mannay Rajooree and Rétréurnax, in Sattara,—in all Rs. 285; in other respects his statement as to claims agrees exactly with the Duftur accounts, and very nearly the same valuation. The only differences between the district accounts and the Duftur are the following :—The Mokassa of Pargaum, in Khandeish, is stated not to belong to him, nor the land in Padlé, in Sattara; and he has given away his lands in Bhooinj and Tanklee, in the Sattara districts, to others. The lands not claimed by him, but shown by the Duftur accounts, are returned by those from the districts as being in his possession up to the war. The collection by the Ahmednuggur accounts amounts to Rs. 1,661-14½ only, and by the Khandeish Rs. 490. He has stated his receipts from all sources to be Rs. 12,000. The resumptions from him, and allowances discontinued, he estimates at Rs. 7,381-8, besides three kooruns, three khundies of wheat, and three villages given him by others in the Nizam’s country, and he complains that Rs. 92 of land which he held in Inam were included in his Surinjam. He had also, he says, Dustuks for exemptions from customs for a certain number of bullocks, and from the Wuncharaee of 5,000 sheep.”

11. On the 15th October 1819, an order of release (Chor Chittee) was issued by Mr. Elphinstone for a *portion* of the holdings specified in Mr. McDonnell’s memorandum. The items which were included in this order of release are shown below; some of them are entered, it will be observed, under the head of different Collectorates from those under which they appeared in Mr. McDonnell’s memorandum, but this was merely owing to alterations which had in the interval been made in the territorial charges of the several Collectors :—

“ *Poona Collectorate.*

| | | | |
|--|---------|----|---|
| The village of Hurnee, Turuf Neerthuree, Prant Poona, exclusive of Mokassa | Rs. 324 | 8 | 0 |
| The Mokassa and Babtee Umuls of the village of Tanklee, Turuf Sandus, Prant Poona | 216 | 0 | 0 |
| The Mokassa Umul of the village of Mandwah, Kurryat Sassoor | 78 | 8 | 0 |
| The Mokassa Umul of the village of Wursolee, Turuf Nanay Mawul | 77 | 14 | 0 |
| The village of Pimpulnair, Turuf Nighoz, Prant Joonere. | 1,733 | 8 | 0 |

| | | | |
|---|-------|----|---|
| The Mokassa, Babtee, Sahotra, and Nimchowtaice Umuls of the village of Moortee, Purguna Soopa..Rs. | 441 | 12 | 0 |
| 15 beegas of land in the village of Wanowree, Turuf Havailee | 30 | 0 | 0 |
| 20 ditto in the village of Kurunja, Turuf Neerthuree .. | 17 | 0 | 0 |
| | <hr/> | | |
| Total in Poona..Rs. | 2,919 | 2 | 0 |

"Nuggur Collectorate.

| | | | | |
|---|-------|-------|---|---|
| The Mokassa, Babtee, and Surdeshmookee Umuls of the village of Chowrana Boodrock, Turuf Nuggur Ha- vailee | Rs. | 282 | 9 | 6 |
| The Mokassa, Babtee, and Surdeshmookee Umuls of Pétah Boorhanuggur, Turuf Nuggur Havailee..... | | 567 | 9 | 9 |
| The village of Wadolee, Purguna Shewgaum | | 2,500 | 0 | 0 |
| The Mokassa Umul of the village of Wasreh, Purguna Akolay | | 119 | 0 | 0 |
| The Mokassa, Babtee, and Sahotra Umuls of the under- mentioned villages in Purguna Umber :— | | | | |
| AnterVELly Tembé | | 475 | 0 | 0 |
| Muchindra Chincholee | | 625 | 0 | 0 |
| The Mokassa Umul of the village of Pargaum, Purguna Wun | | 200 | 0 | 0 |
| The Mokassa Umul of the village of Tazoo, Purguna Pargaum | | 50 | 0 | 0 |
| | | <hr/> | | |
| Total in Nuggur.. Rs. | 4,825 | 3 | 3 | |

"In Sattara.

| | | | |
|---|----|---|---|
| One quarter of a chahoor of land in the village of Bhooinj, Sumut Neemb, Prant Wae.....Rs. | 75 | 0 | 0 |
|---|----|---|---|

"In Nimar.

| | | | |
|--|-------|-----|-----|
| The village of Chugaum Mukana, Purguna Khan- deish.....Rs. | 1,500 | 0 | 0 |
| Ditto of Nugaum, Purguna Murdana | 1,288 | 0 | 0 |
| The Mokassa Umul of the village of Buhadurpoor, Purguna Murdana | } | 225 | 0 0 |
| Ditto ditto ditto Ichapoor, Purguna Wurood. | | | |
| Ditto ditto ditto Oomurtee, ditto Murdana. | | | |
| Ditto ditto ditto Boree, ditto Sangvee. | | | |
| Ditto ditto ditto Sangvee, ditto Kanapoor. | | | |
| Total in Nimar..Rs. | 3,013 | 0 | 0 |

Grand Total released..Rs. 10,832 5 3"

12. It is to be explained that these and all other orders of release (Chor Chittees) which Mr. Elphinstone issued at the first occupation of the country were *provisional* merely, and subject to future inquiry. As one of the most distinct declarations of this sort under Mr. Elphinstone's own hand and seal which I have met with, I may quote the following letter, addressed by him under date the 10th July 1818 to the Resident at the Nizam's Court :—

“ I beg you will have the goodness to cause to be restored to Ruttunsing Jadow Rao the village of Tongaum, Purguna Goongootee, upon his proving that he held it before the war; but it is to be understood to be liable to investigation hereafter.”

13. In Mr. Elphinstone's lists of Jagheers transmitted to the Supreme Government on the 25th October 1819, Vittulrao Mulhar's name was entered as No. 7 in the Class of “ Mootsudees ”; the following is an extract from the lists :—

| Number. | Name. | Class. | Remarks. | Decision. | Total Amount of Jagheer as it stood at the breaking out of the War. | Number of Years in possession. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. | | |
|---------|-------------------------|-------------|--|--|---|--------------------------------|---|----------------------------------|--------------------|------------------------------|----|-------------|
| | | | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at Present. | Pecuniary Pension. | | | |
| 7 | Vittulrao Poorundhuree. | Mootsudees. | He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moor-temoondwah, but concealed himself to avoid waiting on me when I passed it in April. | To retain the whole of his Jagheer, according to Rule No. 3. Land. | Rs. 20,949, besides resumed by Bajee Rao Rs. 5,369. | 78 | Rs. 10,832 | a. 5½ | Rs. 4,366 | a. 14½ | .. | Hereditary. |

14. Thus, it will be seen that the portion of the Surinjam entered in Mr. Elphinstone's lists as “ to be continued,” was that for which the order of release had been issued on the 15th October 1819, and with regard to which I would here notice,—

1st.—That the *whole* of the holdings in the Nizam's territory, valued (see paragraph 10 of this letter) at Rs. 9,531, were *excluded*.

2nd.—That the Pétah of Boorhanuggur, in the Amednuggur Collectorate, valued (see paragraph 10 of this letter) at Rs. 567-9-9, was included.

15. Such was the earliest British record of this holding (see paragraphs 10 to 14 of this letter). It must not, however, be understood that it was altogether a correct one, or that it was an exact statement of what was eventually restored to each individual. It was neither the one nor the other; and this I have already explained at length in paragraphs 31 and 32 of my report No. 163 of the 2nd May 1853, so that I need not here more particularly advert to the subject; it will suffice to repeat that with regard to these lists—

“A careful examination of them has satisfied me that they should always be referred to in connection with the other forthcoming English and Murathee records, and that they should be held to be authoritative only after collation with these documents. Of course, I here refer to the *detail* of the lists.”

16. Taking events in the order of their occurrence, I must here advert to the Governor General's decision in regard to the future continuance of the Jagheers, many of which Mr. Elphinstone had marked “hereditary.” In regard to these it was observed in paragraph 13 of a letter from the Secretary to the Supreme Government dated the 4th March 1820,—

“13. With reference to those grants which it is proposed to make hereditary, the Governor General doubts the policy of making any grants hereditary which may justly be put on the footing of life-grants. By keeping them as life-grants, Government is by no means excluded from the power of renewing them if it should be deemed expedient to do so, and every renewal will be a fresh act of grace conferred on the individual receiving it. But by declaring those grants to be hereditary, Government would be precluded both from resuming its rights when it might be necessary to do so, and from conferring favours on the descendants of the present grantees, and would thus be deprived of a probable source of future improvement in revenue and every other branch of civil administration, as well as the means of winning attachment by personal obligation.”

17. I have recorded these instructions because I shall have occasion to refer to them to show that they were very different from those *especially* issued at a subsequent date (see paragraphs 32 to 42 of this letter) with regard to the continuance *for life* of the Nimar villages to Vittulrao Mulhar Poorundhuree.

18. Mr. Elphinstone transmitted his lists of Jagheers to the Supreme Government on the 25th October 1819, and a few days afterwards left Poona for Bombay, to assume charge of the Government of the Bombay Presidency. He was succeeded as Commissioner by Mr. Chaplin, on whom, therefore, devolved

the completion of Mr. Elphinstone's arrangements. That this was not a slight task and that a great deal remained to be done, may be inferred from the fact that it was not until the 28th October 1822, or three years afterwards, that Mr. Chaplin forwarded (with a letter, No. 121 of the 28th October 1822) to the Bombay Government—"A register of all personal Jagheers which have been restored by Government, and are now held in the Deccan,"—and, in doing so, informed the Chief Secretary,—“A very considerable reduction has actually taken place both in granting the Jagheers, and from lapses.”

19. In Mr. Chaplin's register Vittulrao Mulhar Poorundhuree's Surinjam was entered as shown below in the Class of "Mootsudees":—

| Number. | As per Lists sent to Calcutta. | Amount. | | | Restored to the undermen- tioned individuals, who are the actual Incumbents, and are either the same as those named in the Original Lists or their immediate Rela- tions, as explained below. | Amount. | | | Remarks. | | | |
|---------|--------------------------------|---------|----|---------------------------|---|-------------------------------------|-----------------------------------|--------|----------|-----------------------------|-------------------------------------|----|
| | | Kumal. | | Akar, estimated Value. | | Nernook, or Pecuniary Allowance. | Kumal. | | | Akar, present Pro- duce. | Nernook, or Pecuniary Allowance. | |
| | | Rs. | a. | Rs. | a. | Rs. | | Rs. | a. | Rs. | | |
| 7 | Vittulrao Poorundhuree. | 10,832 | 5½ | 4,366 | 14½ | .. | Vittulrao Mulhar Poorundhuree. | 10,832 | 5½ | 7,521 | 13½ | .. |

20. At the same time a Murathee statement was prepared in the Commissioner's Office, exhibiting the detail of each Surinjam, and showing in Vittulrao Mulhar's case that the items not restored by Mr. Chaplin were those which Mr. Elphinstone had excluded from his lists, and that *all the holdings* in the Nizam's territory, having been *from the first excluded* (see paragraphs 14, and 148 to 150 of this letter), so remained.

21. Among the items for the release of which Mr. Elphinstone's order of the 15th October 1819 was issued, which were subsequently entered in his lists as "to be continued," and the propriety of continuing which was, at a later date, admitted by Mr. Chaplin, in whose "Register" they were included, was Pétah Boorhanuggur, in the Ahmednuggur Collectorate. I notice this fact thus particularly because I shall have occasion again to recur to it in explaining what the Honorable Mr. Warden has stated on the subject. (See paragraphs 130 to 135 of this letter.)

22. To return to the Nimar holdings, valued at Rs. 3,013, and included

in Mr. Elphinstone's order of release of the 15th October 1819.—In their case, not only had inquiry (see paragraph 12 of this letter) at a future date remained to be made, but it had still to be ascertained whether they had been "actually enjoyed up to the war." This the several Collectors had, as Mr. Elphinstone in his letter dated the 25th October 1819 (see paragraph 8 of this letter) informed the Governor General when transmitting the lists of Jagheers, been requested to ascertain within their respective ranges; but the Nimar holdings were distant and out of reach, and it was not until Mr. Elphinstone had become Governor of Bombay that Mr. Chaplin, his successor as Commissioner in the Deccan, for the first time was made aware (see paragraphs 23 to 31 of this letter) of their previous condition by the British authority in the province.

23. The two villages of Chugaum and Nugaum, which formed the principal part of the Nimar holdings, and which were valued (see paragraph 10 of this letter) at *two thousand seven hundred and eighty-eight rupees*, had been taken possession of, and a report (a portion of the 2nd paragraph of which is below quoted) made by Sir John Malcolm to the Government of India on the 20th August 1819, two months before Mr. Elphinstone's order of release was issued,—viz. on the 15th October 1819 (see paragraph 11 of this letter):—

"The villages of Nugaum and Chugaum have been annexed to the two latter districts, as it been satisfactorily established that the term on which the Poorundhuree family held these villages from the Peshwa was not, Inamee but Surinjamee, or for performance of military services."

24. On the 10th December 1819 the Commissioner, Mr. Chaplin, addressed Sir J. Malcolm in the following terms, in a letter which was apparently the first communication on the subject made by the authorities in the Deccan:—

"I have the honour to enclose a Murathee list of two villages and the Mokassa of five others, in Nimar, which were held in personal Jagheer by Vittulrao Mulhar Poorundhuree from the Peshwas' Government, and which it is desirable should still be continued to him. I beg you will have the goodness to take such steps as may be requisite for effecting this arrangement, should you concur in the propriety of it."

25. The officer in immediate charge of the district was Colonel Smith, and he appears to have made a previous report to Sir J. Malcolm on the subject of these holdings, and to have informed him,—

"You will observe in the statement of the Kanapoor revenue that I have annexed the village of Nugaum to that district. I have done so as it properly belonged to the former, from the limits of the one being carried to the boundary of the other. This village has been long considered a grant from the Poona Government to the Poorundhuree family, but since our taking possession of the place, now thirteen months, no claims whatever have been

advanced on the part of that family. I have lately, however, made further inquiries into the nature of that grant, as also into that of Chugaum, which I have, in like manner, annexed to Burdeah, and find that the Poorundhuree family never held them as Inam, but as a Chakree budul Jagheer,* and, consequently, upon the principle of Mr. Elphinstone's decisions on such cases, they can have no just claim to these villages."

26. The above extract from Colonel Smith's report was forwarded by Sir J. Malcolm to Mr. Chaplin, with the following letter, dated the 15th January 1820:—

"I should sooner have replied to your letter of the 10th of December, but it was by accident mislaid. I now enclose an extract from Lieutenant Colonel Smith's report. This was forwarded by me to the Supreme Government, which has proceeded to direct the appropriation of the villages claimed by the Poorundhuree family in Nimar, in the belief that they were Surinjam and not Inam lands, but of the correctness of this fact you will be able to determine from the records at Poona.

"The right of the Poorundhuree Chief to these lands will, no doubt, be judged by you with reference to the Sunuds by which he held them, and to that indulgence which has been shown others in a similar predicament; but if these villages were held as Surinjamee, and you still deem it desirable to continue them to the family of Poorundhuree, it appears to me desirable to separate the question of favour from that of right. This can be easily done by a new grant of possessions that are ours by conquest. I am the more disposed to recommend this course in the present instance, from the discussions that have taken place as to the claims of the dependents of the Holkar State on Jagheer and Surinjam lands in Khandeish and the Deccan. The Honorable Mr. Elphinstone, in his letter to the Resident of Indore of the 17th July 1819, denies the right of the claimants to such lands (unless in cases of Inam), and allowing a Chief of the Poorundhuree family to take possession, under a Surinjam tenure, of possessions in Nimar, might lead to revive hopes it was meant to discourage; but there can be no reason for not giving him (if his conduct merits it) a renewed grant of these villages. It will, however, be necessary to refer the point to the most Noble the Governor General in Council."

27. Mr. Chaplin replied to Sir J. Malcolm on the 26th of the same month, and explained the *nature* of the grant; he stated,—

"In reply to your letter of the 15th instant, I have the honour to inform you that the villages mentioned in my letter of the 10th ultimo were granted to Vittulrao Mulhar Poorundhuree in personal Jagheer, as therein stated, by

* *i. e.* a service holding.

the Peshwas' Government seventy years ago, before even Holkar's possession of Nimar; and that they were never subjected to the authority of that Chief, but held of the Peshwa up to the war, though they may have been subject to interruption from Holkar's and Sindia's Governments, as well as other lands of the Peshwa in Nimar, from their detached situation; it was, therefore, decided that they should be restored to him by our Government, in common with the personal Jagheers of all persons considered deserving of this indulgence throughout the whole of the late Peshwa's possessions. You will observe that the claims of those who hold their personal Jagheers of the Peshwa are quite distinct from such as held Jagheer grants from foreign princes, as in the case of Holkar, alluded to in Mr. Elphinstone's letter of the 17th July. As the Supreme Government has already sanctioned the Honorable the late Commissioner's proceedings on these points, you will not, perhaps, under this explanation, consider a further reference necessary."

28. With reference to this last communication, Sir J. Malcolm received the following letter, dated the 24th March 1820, from Colonel Smith:—

"MY DEAR GENERAL,—I have had many of the Chugaum people with me, and have again inquired into the merits of the Poorundhuree claims upon that village and Nugaum. The local authorities and old inhabitants of the former still persist in maintaining that that village, with several others, were given to that family as a Chakree budul Jagheer, and not as a personal one, and I am not unwilling to give credit to the truth of this testimony, as it is, I believe, an established fact that the Poorundhuree family had no inconsiderable body of horse in the service of the Peshwa at the commencement of the war, and as they acknowledge having always been treated with due consideration by the managers on the part of that family; I can see no motive that these people have for thwarting the claims in question, were they just. They tell me, also, that Vittulrao seldom ever derived any advantage from the revenues of the village, as it was eternally beset by the Pindarees, Ramosees, and other predatory Chieftains, until we took charge of it at their particular requisition, long prior to which it had been abandoned by his managers; but, notwithstanding these inquiries, it would appear from Mr. Chaplin's letter that it was held by him, with the other villages mentioned in the Murathee list, in personal Jagheer, but it is not impossible the Sunud, if he holds one at all, may be defective in some respect or other; and this is a point I should think very necessary to be ascertained prior to its being continued to that family, as the revenue of Chugaum forms a principal item in the aggregate revenues of the Burdeah Purgana, and which you are aware by a late decision of the Supreme Government is to be made over; with our other districts in this quarter, to Holkar's Government, as an equivalent for some place relinquished by Holkar in our favour.

“ I consider the Poorundhuree claims upon Nugaum to be preposterous, for, until our assumption of the Peshwa's districts in this quarter, that village had been uninhabited by any human creature for a period of fifteen or twenty years ; its lands had run into thick jungle, and it was, in fact, in a state apparently reclaimless ; so that for its present state of improvement we are entirely indebted to the industry of an opulent Gosain to whom I gave it for three years Pugnig, and now that it bears marks of returning cultivation, he (Vittulrao) sets up his claim to it, in defiance of all decency. In my last report upon this village I annexed it to the district of Kanapoor in the same way as Chugaum had been annexed to Burdeah. These are my ideas, and all the information I have on the subject of these claims ; but I shall be ready to carry into effect any orders you may send me regarding them.

“ The five villages in Nimar upon which claims are made for Mokassa are in a state of desolation, and four of them belong to Holkar.

“ The Agent for the Poorundhuree family takes this up to you.

“ Yours very truly,
(Signed) “ H. T. SMITH.”

29. Colonel Smith's letter was forwarded by Sir J. Malcolm to Mr. Chaplin, with one dated the 27th of the same month, and transcribed below :—

“ DEAR CHAPLIN,—I send you copy of a private letter from Colonel Smith, and though I think, from the positive nature of your public despatch, he must be wrong as to the tenure of the Sunud, it may be as well to have it (should you not have done so already) particularly examined.

“ With respect to Nugaum, which was and has been a complete jungle for many years, we have made considerable advance, and given it in Pugnig for three years ; our faith and cash must both be redeemed before it can be made over : on this I shall not, however, write publicly till I get an answer to this note, and have your sentiments.

“ Yours truly,
(Signed) “ JOHN MALCOLM.”

30. Mr. Chaplin's reply, dated the 8th April following, was as follows :—

“ Wrote* as follows (private letter) to Sir J. Malcolm.

“ SIR,—I have the pleasure to acknowledge the receipt of your letter of the 27th ultimo, giving cover to the copy of a letter from Colonel Smith, respecting the Poorundhuree claims upon the villages of Chugaum and Nugaum.

“ 2. I still think there is no sufficient reason for questioning the validity

* This letter is recorded in the public letter-book of the Deccan Commissioner. (See paragraph 99 of this letter.)

of the claims of Vittul Mulhar Poorundhuree. He has Sunuds bearing the Peshwa's seal for all the villages mentioned in Colonel Smith's letter in personal Jagheer (Zât Surinjam); they are dated A. D. 1786-87, and are in the joint names of the present man and his uncle, Chimnajee Dhondoo. The latter died about twenty years ago, and the grants were continued to the survivor, but without any fresh Sunud. They remained in his name in the Dufstur accounts, and were considered to be in his possession up to the war, though it is true that Nugaum has been deserted for fifteen years.

"3. I enclose copies of Sunuds. Vittul Mulhar never had any Fouj Surinjam, nor had he any troops with the Peshwa. Colonel Smith probably is aware that he is distinct from the other Poorundhurees.

"4. If I am correct in assuming that Vittul Mulhar's rights have been continued up to the war, as I have stated, I apprehend they will not be affected by the circumstances of one or more of the villages having been deserted: it is a common practice for Inamdars to reclaim their lands when they find them to be worth holding, but it is, perhaps, but fair that the claimant should indemnify the person who has, perhaps, gone to a great expense in restoring them from a state of total desolation.

"I have the honour to be, &c.

(Signed) "W. CHAPLIN,
Commissioner."

"Poona, 8th April 1820."

31. My records do not contain any reply from Sir J. Malcolm, but it is clear from what subsequently transpired (see paragraph 34 of this letter), on an inquiry being instituted by order of the Supreme Government, that Sir John not only restored the villages, but furnished Poorundhuree with a document specifying them to be *Inam*, and this must have been done just after Mr. Chaplin had so clearly stated that they had been granted and held in *Surinjam*. (See paragraphs 24, 27, and 30 of this letter.)

32. It appears that the Supreme Government were not satisfied, however, with what had been done, for on the 14th June 1822 they ordered through Sir David Ochterlony that Mr. G. Wellesley, the Resident at Indore, should investigate "the claims by which the Poorundhur Chief held the villages of Nugaum and Chugaum." Mr. Wellesley, accordingly, issued the following instructions to his Assistant, Lieutenant Douglas:—

"2. Government having likewise directed a further inquiry to be made into the claims of the Poorundhur Chief to Chugaum, Nugaum, and any other places or benefices which he may hold in our Nimar territories, with the view, principally, of clearing up the doubts whether he held them of the Peshwa on a Surinjamee or Inamee tenure, I request you will undertake

a local inquiry into the fact, interrogating for this purpose such of the inhabitants of those places and in the neighbourhood as may be best qualified to speak to the circumstances and merits of the case. While inquiring on this account into the origin and exact nature of his claims, you will also ascertain whether he has continued from the commencement in uninterrupted enjoyment of those benefices on the same invariable footing, or whether they have undergone any modifications or interruptions during the lapse of time."—(Extract paragraph 2 from Mr. Wellesley's letter dated the 22nd July 1822.)

Lieutenant Douglas on the 8th August 1822 reported the result of his inquiry in the following terms :—

"Having terminated a local investigation of the Poorundhuree's tenure of the villages of Chugaum and Nugaum, I do myself the honour to transmit the information obtained by examination of the Wutundar Patels and Putwarees.

"The hereditary authorities of the former village have reached the ages of fifty and fifty-five, and the Putwaree of the latter has at least numbered sixty years; none more able to give information were procurable. No branch of the Poorundhuree family resides in Nimar, and the local agent has been too short a period in their employ to render me any aid beyond the production of three copies of separate Sunuds.

"I have annexed copies of those documents. From Nos. 1 and 2 it would become apparent that the grants have been made for the personal enjoyment, or life-subsistence of the present Chief, Vittul Mulhar, the grandson, and of his father, Chimnaje Dhondoo. Thirty-six years have elapsed since this gift was made by Shreemunt Madhow Rao Narayen upon the demise of the first Poorundhur Chief, Dhondoo Mulhar.

"The necessity for renewal to these two specified descendants upon the decease of the original grantee, and the absence of any paragraph in the new deed of gift conveying the succession to their heirs, fully establishes the just right of the British Government to these two villages upon the lapse of the present proprietor's life.

"Nothing has transpired to impugn the validity of these documents; they are, however, but copies, and their authenticity can alone be decided at Poona.

"The hereditary agents before alluded to have assured me that from their earliest recollection these two villages have been in the possession of the Poorundhur family, to whose local collector they have duly paid the revenues. They profess ignorance of the nature of the Poorundhuree's title, and are unable to state whether any Tunkha or Peshkushee was (yearly) exacted by the Peshwa.

"The possession in the Poorundhuree family has been twice interrupted and suspended, at each period for about one year. The first resumption was by His Highness Dowlut Rao Sindia twelve years since, and the last six years ago by Trimbukjee Denglia. On both occasions the revenue was lost to the Poorundhuree Chief. They are equally unable to explain the reasons of the villages having been resumed or released, or on what plea, other than force, Dowlut Rao Sindia could interfere with the village of Chugaum, as situated in the district of Murdana, part of the possession bestowed upon the Holkar family.

"The separate document (No. 3) executed at the same time with Nos. 1 and 2, by Madhow Rao Narayen, the posthumous son of the victim of Raghoba's ambition, bestows on Vittul Mulhar and his father (so is the deed worded) the collection and enjoyment of the item of Mokassa (one-fourth of the grand revenue) of the village of Sangvee, now a possession of the British Government, situated in the Kanapoor district. That item has not hitherto been sanctioned, as the village is but partially reclaimed to tillage, and the rent-free period had not expired.

"The Poorundhuree Chief claims no other privileges or possessions."

33. Mr. Wellesley also obtained from Mr. Chaplin, the Deccan Commissioner, and from the Political Agent at Sehore, all the information they could supply on the subject, and on the 21st October 1822 reported to the Supreme Government as follows :—

"The Poorundhur's claim on Chugaum and Nugaum appears to be from the accompanying documents clearly a tenure for his personal life and no longer, and Sir John Malcolm's letter of restitution I find restores it on the same tenure as it was held by him of the Peshwa; but as, perhaps, he may be reckoned to have a constructive claim to consideration from long possession of the villages of his family, I would in such case suggest it as an eligible compromise of the matter that the Sunud of Government to be given in confirmation of the current tenure should contain a prospective provision for continuing the villages to his heirs in lineal descent as perpetual tenants in rent, or proprietors subject to payment of the assessed revenues of Government."

34. Sir David Ochterlony concurred in the above, and submitted Mr. Wellesley's propositions for the consideration of the Government of India, who on the 28th December 1822 replied as follows :—

"The Governor General in Council concurs entirely with the Resident at Indore in viewing the grant of Chugaum and Nugaum to the Poorundhur Chief to be simply a life-tenure, of the nature of Zât Surinjam. Both the testimony of Mr. Chaplin, and, still more, the translations of Sunuds

and extracts from the Poona archives, which accompanied his despatch of the 15th August last, are conclusive on this head, and Government is unable to understand on what principle Sir J. Malcolm should have bestowed these 'villages' in *free gift* or *Inam*. The qualifying passage in the Sunud, indeed, which follows the latter words—'The villages of Chugaum and Nugaum are bestowed on him in free gift, and the village of Sangvee, Purguna Kanapoor, is given up as Mokassa, the whole being thus restored *on the terms formerly granted*'—shows that whilst intending to restore them only on the former tenure, an essential misapprehension existed as to the nature of that tenure. With this error apparent on the face of the transaction, and as it is very doubtful whether Vittulrao Mulhar was entitled to resume possession of the villages on *any* footing after many years' total abandonment of them, Government conceives that it will amply have fulfilled any obligations which the proceedings of the late Agent may have imposed by acknowledging the tenure in question to be a life Jagheer. On the same principle, the share of the revenue of the village Sangvee, called Mokassa, must be allowed, whenever that village may have been brought into a productive state.

"12. Under these circumstances, it will be necessary that the Resident at Indore should demand back the former grant by Sir J. Malcolm for the purpose of cancelling the same, and that the draft of a fresh one should be prepared as above, and submitted, both in English and Persian, for approval and signature by the Governor General in Council."

35. On the 30th April 1823, Mr. Wellesley sent the following letter to Vittulrao Mulhar Poorundhuree, through Mr. Chaplin, the Commissioner at Poona, and in doing so he observed,—

"The resolution of Government in the case being conclusive, I beg you will repress any attempts of the Poorundhuree to renew negotiations upon it."

"Substance of a Letter to VITTULRAO MULHAR POORUNDHUREE.

"By direction of Government, I have to inform you that the Governor General in Council having resolved, after a full consideration of the case, on granting you a Sunud under seal and signature, confirming to you the possession of the villages of Chugaum and Nugaum, and the Mokassa of Sangvee, during the term of your life, the tenure under which these possessions have been hitherto held by you, the said Sunud will be accordingly prepared and transmitted to you, when your acknowledgment will be required in return, and you will now be pleased to return the letter of restitution received by you from Sir J. Malcolm and Colonel Smith, the same being

only a provisional deed on their part, subject to the confirmation of the Governor General in Council, whose Sunud, under his seal and signature, you are now about to receive instead."

36. To the foregoing Vittulrao Mulhar Poorundhuree gave the following answer :—

" I have had the honour and satisfaction of receiving the friendly letter which you wrote on the 5th of Wuishak Wud, Sumvut 1880, notifying, by direction of His Excellency the Governor General, that the village of Chugaum Mukana and Nugaum, with the Mokassa of the village of Sangvee, would be continued to me on the same condition as heretofore, viz. as Zât Surinjam, or allowance for my personal expenses during the period of my life, desiring that I would transmit to you the deeds in my possession granted by General Sir J. Malcolm and Colonel Smith for the above villages, and that Sunuds, under the seal and signature of the Governor General, would be given to me in exchange. This was the purport of the letter; and, in compliance with the orders of Government, I have delivered the deeds granted by General Malcolm and Colonel Smith to Mr. Chaplin, the Commissioner of Poona, and they will accordingly reach your presence through that channel."

37. The letter of Vittulrao Mulhar Poorundhuree quoted in the last paragraph was forwarded to the Resident by Mr. Chaplin, with the following letter dated the 17th June 1823 :—

" 1. I have the honour to enclose the reply of Vittulrao Mulhar Poorundhuree to the letter which accompanied your communication to me of the 30th April last, with the original Sunud which he was therein directed to return.

" 2. Some delay has taken place in the transmission of these documents, in consequence of their having been deposited in his village, which is a considerable distance from this place, and they only arrived a few days ago."

38. The following is a draft of the Sunud which Mr. Wellesley proposed in lieu of the cancelled document granted by Sir J. Malcolm :—

" Draft of a Sunud to VITTULRAO MULHAR POORUNDHUREE.

" Whereas the Governor General in Council, after full consideration of the case, has resolved on confirming to Vittulrao Mulhar Poorundhuree the possession of the village of Chugaum, Purguna Kundwah, and Nugaum, Purguna Murdana, and of the Mokassa of Sangvee, Purguna Kanapoor,—all the places situated in the Zilla of Nimar,—for the term of his life, as hitherto held by him; *after which they will revert to and be resumed by Go-*

vernment : * This Sunud, under the seal and signature of the Governor General in Council, is accordingly issued to him in testimony of the same, and his acknowledgment will be taken in return."

39. On the 7th November 1823 Mr. Wellesley was informed that this draft of Sunud had been adopted by Government, and that it would be returned to him from the Persian Office duly signed and sealed.

40. With a letter dated the 12th December 1823, and which is below transcribed, the Resident forwarded to Mr. Chaplin the Sunud referred to in the last paragraph:—

"With reference to our former correspondence respecting Mulhar Rao Poorundhuree, I now beg leave to enclose an original Sunud, under the seal and signature of the Governor General in Council, confirming to him possession, during his life, of the villages of Chugaum and Nugaum, and the Mokassa of Sangvee, in Nimar, and to request the favour of your transmitting it to him, and to me, in return, his formal acknowledgment of the same.

"2. As this incumbent resides within your jurisdiction, it is desirable that, on the occurrence of his decease, early notice thereof should be communicated from your office to this, with a view to the resumption of the Jagheer."

41. On the 24th December 1823 Mr. Chaplin forwarded the above Sunud to the Collector of Poona, and, in requesting that officer to deliver it to Vittulrao Mulhar Poorundhuree, added,—

"As this incumbent resides within your jurisdiction, it is desirable that, on the occurrence of his decease, early notice thereof should be communicated to me, with a view to the resumption of the Jagheer in question."

42. Mr. Chaplin on the 8th January 1824 transmitted to the Resident at Indore Vittulrao Mulhar Poorundhuree's acknowledgment of the Sunud, with the following letter:—

"With reference to your letter of the 12th ultimo, I have the honour to forward the enclosed acknowledgment from Vittulrao Mulhar Poorundhuree of the Sunud granted to him by the Supreme Government, and to inform you that, on the occurrence of his decease, early notice will be communicated to you, as requested in the 2nd paragraph of your letter."

43. This closes the history of these Nimar holdings up to the final decision of the Supreme Government as to the tenure on which they were to be held. I have recorded in paragraphs 22 to 42 of this letter at length the whole of the correspondence which passed on the subject, and which appears to me to prove,—

* *Italicised* by Captain Cowper. (See clause 5 of paragraph 43 of this letter.)

1st.—That the Governor General, in his order (see paragraphs 16 and 17 of this letter) of the 4th March 1820, although he declined to pledge the Government to the hereditary continuance of anything, yet distinctly declared that such continuance was to be left an open question, in regard especially to the Surinjams marked hereditary by Mr. Elphinstone.

2nd.—That these Nimar holdings formed portion of a Surinjam which Mr. Elphinstone had marked hereditary. (See paragraph 13 of this letter.)

3rd.—That the Supreme Government deemed it necessary to order a special inquiry (see paragraph 32 of this letter) regarding these Nimar holdings, the result of which was a formal declaration that they were to be resumed after the death of Vittulrao Mulhar Poorundhuree, to whom the Government considered it very doubtful whether they should have been restored at all. (See paragraph 34 of this letter.)

4th.—That this restoration for life was distinctly declared (see paragraph 34 of this letter) by the Supreme Government to be sanctioned, partly, in consideration of an erroneous declaration previously made by Sir J. Malcolm that the holding was an Inam one.

5th.—That a *Sunud* was issued under the seal of the highest authority in India, specially declaring that these Nimar holdings *would be resumed* on Vittulrao Mulhar Poorundhuree's death. (See paragraphs 38 & 39 of this letter.)

6th.—That such a declaration, made in such a manner, cannot by any construction be held to have left, or to have intended to leave these Nimar holdings on the footing on which the other Surinjams (among which was the *Deccan* portion of the Surinjam of Vittulrao Mulhar Poorundhuree) which had been marked hereditary by Elphinstone stood,—*i. e.* that at the death of the holder the question of continuance would be taken into consideration and determined. (See paragraphs 16 and 17 of this letter.)

7th.—That when the Supreme Government decided that these Nimar holdings should be resumed at the death of Vittulrao Mulhar Poorundhuree, they had before them the whole of the evidence now forthcoming. (See paragraphs 25 and 33 of this letter.)

44. I would here observe that Vittulrao Mulhar Poorundhuree was not placed in possession of the *whole* of the Nimar holdings ordered to be released by Mr. Elphinstone, entered in his lists of Jagheers as "to be continued," and erroneously shown in Mr. Chaplin's "Register" as having been restored. The Governor General's *Sunud* restored the two villages of Chugaum and Nugaum, and a share of the revenue (the Mokassa Umul) of the village of Sangvee; but the other four items,—*i. e.* the shares of the revenue of the four villages of Buhadurpoor, Ichapoor, Oomertee, and Boree,—*were never restored at all*. This is a fact to which it will be necessary hereinafter more particularly to advert. (See paragraphs 63 and 159 of this letter.)

45. By the Treaty of the 12th December 1822, the district of Umer, and with it a portion of Vittulrao Mulhar's Surinjam, valued at Rs. 1,100, and consisting of a share of the revenue of the two villages of Antervelly Tembé, and Muchindra Chincholee, was transferred to the Nizam, and Poorundhuree's rights were subsequently, with those of several other persons, for a time withheld. Through the intervention, however, of the British Government, matters were arranged, and the son, Chimnajee Vittul, is now in guaranteed possession. (See paragraph 149 of this letter.)

46. Vittulrao Mulhar remained in possession of the Surinjam, which had been restored to him, until his death on the 12th January 1840, when the portion in Nimar was resumed, according to the provisions (see paragraph 38 of this letter) of the Sunud under which he had been permitted to hold it. The portions of the Surinjam in the Poona and Ahmednuggur Collectorates were continued to his son, Chimnajee Vittul, for his lifetime, under the orders of Government, contained in the Political Secretary's letters numbered 406 and 640, and dated respectively the 28th February and the 1st April 1840.

47. The report (No. 202 of the 26th February 1840) made by the Collector of Ahmednuggur on Vittulrao Mulhar's death was accompanied by a list of the items composing the Surinjam which the deceased had held, and in this list Pétah Boorhanuggur was *included*, at a valuation of Rs. 567-9-9.

48. Chimnajee Vittul Poorundhuree on the 11th July 1840 addressed the Bombay Government, begging that the Nimar villages might be restored to him. His letter was forwarded for the report of the Acting Agent for Sirdars, Mr. Mills, who, on the 30th October 1840, informed Government as follows :—

“The Acting Agent begs leave to forward an original letter, dated the 23rd instant, and enclosure, from the Resident at Indore, from which it will appear that petitioner has no claim whatever to the villages he alludes to, the Governor General in Council having decided that they were merely life-grants to petitioner's father. Under these circumstances, the petitioner may be informed that his title to the villages he claims is inadmissible.”

49. The request of Chimnajee Vittul Poorundhuree was then, in the Political Secretary's letter No. 2490 of the 14th November 1840, negatived in the following terms :—

“I am desired to signify to you that, on inquiry, it appears that the villages in question, having been merely life-grants, lapsed to Government on the demise of your father, and that the Governor in Council cannot, therefore, comply with your petition.”

50. A copy of the Political Secretary's reply to Chimnajee Vittul (No. 2491 of the 14th November 1840) was on the same date forwarded to the Acting Agent for Sirdars, with a request that he would “be pleased to report,

for the information of Government, the tenure under which the villages situated in the Poona and Ahmednuggur territory were held by the petitioner's father."

51. The Agent, in a letter, No. 101 dated the 14th April 1841, afforded the information called for in regard to the Deccan villages, and added a recommendation that those in Nimar should be likewise continued, assigning, as the grounds on which he had arrived at an opinion opposite to the one expressed in his previous report to Government of the 30th October 1840, the fact of the revenues of the Nimar villages having been included in Mr. McDonnell's statement of Surinjams, and also in those of Mr. Marriott submitted to Government on the 1st August 1834. Mr. Mills thought that the application of the Rules framed by Mr. Marriott, and promulgated for observance by the Bombay Government pending decision by the Court of Directors, annulled the previous decision of the Governor General in Council.

52. Mr. Mills seems, however, to have completely overlooked the grounds on which the decision of the Supreme Government (see paragraph 34 of this letter) had been based, and the important fact that the Nimar villages had not been held by Vittulrao Mulhar Poorundhuree at the breaking out of the war, and that on this account it had seemed to the Supreme Government "very doubtful whether Vittulrao Mulhar was entitled to resume possession of the villages on *any* footing after many years' total abandonment of them." They were included; it is true, in Mr. McDonnell's statement, but *subject to inquiry*, which was afterwards made by Mr. Chaplin, and which proved that they did *not*, like the Deccan villages, fulfil the terms *on which alone* Mr. Elphinstone had contemplated the restoration of any holding, whether Surinjam or Inam.

53. On the 29th July 1841 the Bombay Government, through their Political Secretary, forwarded to the Government of India copies of the under-mentioned correspondence, "for such notice as the Right Honorable the Governor General in Council may deem it to deserve" :—

The petition from Chimnajee Vittul Poorundhuree dated 11th July 1840, referred to in paragraph 48 of this letter.

The report by the Acting Agent for Sirdars dated the 30th October 1840, referred to in paragraph 48 of this letter.

The reply of Government to Chimnajee Vittul Poorundhuree dated the 14th November 1840, referred to in paragraph 49 of this letter.

The letter from Government to the Acting Agent for Sirdars dated the 14th November 1840, referred to in paragraph 50 of this letter.

The Agent's reply dated the 14th April 1841, referred to in paragraph 51 of this letter.

54. The reply of the Supreme Government, conveyed in their Political

Secretary's letter No. 2334 of the 23rd August 1841, was accompanied by a memorandum of previous proceedings in regard to the Nimar villages, the substance of which is given in paragraphs 32 to 36, and 38 and 39 of this letter, and the tenure on which they had been held was explained as having been by the resolution of the Governor General in Council "limited to the life of Vittulrao."

55. The foregoing decision of the Government of India was communicated in the following terms to the Agent for Sirdars, in the Political Secretary's letter No. 2775 of the 7th October 1841:—

"With reference to your letter [the letter recommending the restoration of the Nimar villages, referred to in paragraph 51] dated the 14th April last, No. 101, I am directed by the Honorable the Governor in Council to transmit for your information copy of a communication from Mr. Secretary Maddock, dated the 23rd August last, No. 2334, from which you will perceive the grounds on which the villages of Nugaum and Chugaum were resumed by the Government of India on the death of the late Vittulrao Mulhar Poorundhuree."

56. The Deccan holdings had been entered in lists of Surinjams submitted to Government by the Agent, Mr. Mills, on the 23rd October 1840, as No. 28 of Class I., the date of original grant being shown as A. D. 1741, and the column of "Remarks" containing the following entry:—

"Vittulrao Mulhar Poorundhuree died in January 1840, and the estate has been continued to his son, according to the late Agent's Rules."

57. The principles upon which Mr. Mills had framed his lists were pronounced by the Honorable Court of Directors to be erroneous, and at variance with their intentions; they consequently, in a despatch No. 17 of the 26th October 1842, enunciated definite Rules, according to which they desired that new lists should be framed, and in the 20th paragraph of this despatch they thus adverted to the *Deccan* Surinjam, which had been resumed at the death of Vittulrao Mulhar Poorundhuree:—

"The sixth and last case is that of Vittulrao Mulhar Poorundhuree, whose Surinjam of Rs. 7,491-3-37 you have determined to continue for one more generation. The original grant of this estate being of the early date of 1741, it must, under the principles laid down in the present despatch, be hereditary, and we direct that it be so considered."

58. The principles laid down by the Honorable Court were,—

I. (Paragraph 9 of Honorable Court's despatch.)—"That all Jagheers in Class I. of Mr. Mills' list, which bear dates anterior to 1751, be, as Mr. Elphinstone recommends, 'hereditary in the fullest sense of the word,'

together with those of which the dates are unknown, but which are known to be ancient."

II. (Paragraph 10 of Honorable Court's despatch.)—"In addition to these ancient Jagheers, all those of more recent date which were granted in commutation for the resumption of more ancient possessions (which is known to have been the case with some) are entitled in like manner to an hereditary tenure."

III. (Paragraph 12 of Honorable Court's despatch.)—"That with regard to Surinjam grants bearing date subsequent to 1751, resumption after a second generation from the conquest, making a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding, should be the general rule."

IV. (Paragraph 12 of Honorable Court's despatch.)—"That cases in which Mr. Elphinstone may have recommended a more extended provision" should be separately and specially considered, as also any other cases deemed to require such consideration.

59. These instructions were communicated to the Agent for Sirdars, Mr. Warden, who was ordered to frame new lists in the Chief Secretary's letter No. 994 of the 9th May 1843, the 10th paragraph of which specially adverted to this Surinjam in the following terms :—

"In regard to the 20th paragraph of the Honorable Court's despatch, I am directed to request that you will ascertain and report to Government whether the family of the late Vittulrao Mulhar Poorundhuree possess any documentary proofs of the estate held by the deceased having, as asserted by them, been granted to his family in the year 1741."

60. New lists were accordingly framed, and submitted to Government with Mr. Warden's letter No. 225 of the 29th December 1844. They were divided into several classes, the fifth being one of Surinjams improperly resumed, and, therefore, to be restored with arrears. In this class the Nimar holdings were entered as No. 2, as shown in the following extract :—

| Number. | Name of Original Grantee. | Name of Present Claimant. | Soobhas in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village. | Date of Original Grant, as ascertained from Sunuds and Records. | Age of the Present Claimant. | Annual Private Income of the Claimant. | The Names and Ages of the Claimant's Legitimate Male Issue. | The Tenure. | Remarks. |
|---------|---------------------------|--------------------------------|--|--|---|---|------------------------------|--|---|--|---|
| 2 | Mulhar Tookdeo. | Chirmajee Vittul Poorundhuree. | Nimar, in Hindoostan. | Chugaum Mukana Nugaum | Rs. 1,500 1,288 | A. D. 1741. | 17 years | Rs. 420 | None. | Hereditary in the fullest sense of the word. | |
| | | | Sircar Bejagur, in Hindoostan. | Buhadurpoor.. Ichapoor Koortee Boree Sangvee | } 225 | | | | | | |
| | | | | Total | 3,013 | | | | | | By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent in A. D. 1840. (See No. 29 of Class I.) |

61. In the 19th paragraph of his transmittory letter, No. 225 of the 29th December 1844, Mr. Warden offered the following explanation in regard to this Surinjam, including a portion claimed in Hindoostan :—

“In reply to your last paragraph, I have the honour to report that the family of Vittulrao Mulhar Poorundhuree has produced twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in Hindoostan, which last, I am informed, has been resumed, although granted by two Sunuds, dated one in A. D. 1739 and the other in A. D. 1744, and which should, therefore, be restored, with arrears. The Poona and Ahmednuggur possessions are secured by Sunuds bearing dates from A. D. 1719 to A. D. 1768: of these seven are dated subsequently to A. D. 1751, but as all these refer to older grants, and Mr. Elphinstone declares the estate to have existed seventy-eight years in 1819, which gives the year 1741 as that of the original grant, as set down by me in the lists of 1834, I think no mistake can have been made on this point.”

62. Mr. Warden's lists were revised by his successor, Mr. Brown, who re-transmitted them to Government on the 26th October 1847. The whole of Poorundhuree's Surinjam was entered as No. 19 of Class I., as shown in the following extract. In the List No. 5 the Nimar portion alone was shown, but the entry was a mere repetition of a portion of that below extracted.

APPENDIX D,

61

STATEMENT

EXHIBITING THE

SURINJAM OF THE POORUNDHUREE FAMILY.

| Number. | Name of Original Grantee. | Name of Present Incumbent. | No. in the List prepared in A. D. 1884. | Soobhas in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village, agreeably to the Collector's signed Memoranda. | Date of Original Grant, as ascertained from Sunuds and Records. | Age of the Present Incumbent. |
|---------|------------------------------|--------------------------------|---|--|--|--|---|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 19 | Mulhar Tookdeo Poorundhuree. | Chinnajee Vittal Poorundhuree. | No. 25 of Class I. | Poona. | Taklee | 216 0 0 | 1741. | 17 years. |
| | | | | | Moondway | 78 8 0 | | |
| | | | | | Wursolee | 77 14 0 | | |
| | | | | | Moortee | 441 12 0 | | |
| | | | | | Hurnee | 324 8 0 | | |
| | | | | | Land in the village of Ghorpuray | 30 0 0 | | |
| | | | | | Land in the village of Kurunjeh | 17 0 0 | | |
| | | | | | Total.. | 1,185 10 0 | | |
| | | | | Ahmednugur. | Pimpulnair | 886 5 0 | | |
| | | | | | Wudewlé Khoord | 1,277 10 9 | | |
| | | | | | Chahoorana Boodrook | 266 13 0 | | |
| | | | | | Wasur | 157 12 9 | | |
| | | | | | Pargaum | 104 12 0 | | |
| | | | | | Tazoo | 29 4 0 | | |
| | | | | | Total.. | 2,722 9 6 | | |
| | | | | Sattara | Bhooinj | 75 0 0 | | |
| | | | | Nimat, in Hindoostan. | Chugaum Mukana | 1,500 0 0 | | |
| | | | | | Nugaum | 1,288 0 0 | | |
| | | | | | Buhadurpoor | 225 0 0 | | |
| | | | | | Ichapoor | | | |
| | | | | | Koortee | | | |
| | | | | | Boree | | | |
| | | | | | Sangvee | | | |
| | | | | | Total.. | 3,013 0 0 | | |
| | | | | | Grand Total.. | 6,996 3 6 | | |

| Annual Private Income of the Incumbent. | The Names and Ages of the Incumbent's Legitimate Male Issue. | The Tenure. | Reasons for making the Grant, as recorded by Mr. Elphinstone when Sole Commissioner in the Deccan. | Remarks. |
|---|--|--|---|---|
| 10 | 11 | 12 | 13 | 14 |
| Rs. 420 | None. | Hereditary in the fullest sense of the word. | In the Class of Mootsudees, No. 7.—Vitulrao Poorundhuree. He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moor-temoondwah, but concealed himself to avoid waiting on me when I passed it in April. To retain the whole of his Jagheer, according to Rule No. 3. Land; hereditary. | This Surinjamdar possesses many Sunuds, and by them it appears that the tenure of the Surinjam is antecedent to Esunay Arbain (A. D. 1741). Translations of them are contained in Appendix A to the list. This Surinjamdar possesses a Surinjam in Hindoostan to the amount of Rs. 3,013. The Bengal authorities should be addressed, in order that this Surinjam should be restored. By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent in A. D. 1840. Sunuds and Chor Chittees are in the possession of this person. (See No. 2 of Statement No. 1 of List No. V.) |

63. In both Mr. Warden's and Mr. Brown's lists the Mokassa Umuls of five villages in Hindoostan were entered as to be restored to the son, Chimnajeel Vittul, although four out of the five had never been held by the father, Vittulrao Mulhar, as they had never been restored at all to him (see paragraph 44 of this letter), and, consequently, could not have been, as stated in the lists, resumed.

64. The remarks made by Mr. Brown referred in the following terms to translations of Sunuds produced by Chimnajeel Vittul :—

“ This Surinjamdar possesses many Sunuds, and by them it appears that the tenure of the Surinjam is antecedent to Esunay Arbain (A. D. 1741); translations of them are contained in Appendix A to this list.”

But Appendix A contained translations of the Sunuds for the Nimar holding only, not of the Sunuds for the Deccan portion; and this is remarkable, because the Honorable Court had only referred to the Deccan Surinjam, and because it has now been discovered that *its* date of grant was incorrectly represented. (See Captain Cowper's report No. 510 dated the 10th November 1853; to be found at the end of this Appendix.)

65. The revised Surinjam lists were sanctioned generally by the Honorable Court of Directors in their despatch No. 15 of the 22nd May 1849, paragraphs 2 to 12, and it was with reference to this sanction that on the 18th December 1849 the Acting Agent, Mr. Hunter, solicited the orders of Government as to whether or not he should convey the instructions of the Honorable Court, in respect to the Nimar villages, to the authorities in the Bengal Presidency.

66. Consequent on this application, Government called (Political Secretary's letter No. 88 of the 8th January 1850) upon the Acting Agent to furnish authenticated extracts from the Surinjam lists relating to the Nimar villages, which were, together with an extract, paragraphs 2 to 12 of the Honorable Court's despatch of the 22nd May 1849, No. 15, forwarded (Political Secretary's letter No. 36 of the 15th March 1850) to the Government of India, with a request that instructions might be issued for restoring the villages, on hereditary tenure, to Chimnajeel Vittul Poorundhuree.

67. The Secretary to the Government of India in the Foreign Department replied on the 9th April 1850, No. 973, and intimated that the requisite orders had been issued for the restoration of the villages, and Chimnajeel Vittul was accordingly placed in possession of the villages of Chugaum and Nugaum, and the Mokassa Umul of the village of Sangvee, arrears amounting to nearly Rs. 14,000 being at the same time paid to him.

68. So stood the case when, on the 28th February last, I reported the discovery of the erroneous entry which had been made in the lists of 1844 and 1847. The 1st, 2nd, 5th, and 28th paragraphs of my report are below

extracted; the remaining portion referred to matters and correspondence already recorded at length in this letter, so that it need not be repeated here :—

“ I have the honour, under the orders conveyed in the Chief Secretary’s

1. Moujé Chugaum.
2. Ditto Nugaum.

The Mokassa Umul of—

1. Moujé Buhadurpoor.
2. Ditto Ichapoor.
3. Ditto Oomertee.
4. Ditto Boree.
5. Ditto Sangvee.

letter No. 4175 of the 24th September 1852, to submit, for your consideration, the circumstances under which the two villages, and the Mokassa Umul of the five others specified in the margin, were included in the revised Surinjam lists as part of the hereditary Surinjam of Chimnaje Vittal Poorundhuree, and were subsequently restored to him on that tenure, under the orders from the Honorable Court of Directors passed on the above lists (despatch No. 15 of the 22nd May 1849, paragraphs 2 to 12).

“ 2. The Honorable Court seem to have passed this decision on the erroneous information afforded to them in the revised lists*—“by an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present Surinjamdar in A. D. 1840,—Sunuds and Chor Chittees are in the possession of this person’;—whereas, so far from the above portion of the Surinjam having been retained by Government through any oversight, its restoration had been fully discussed, *on the Agent’s representation, in 1841*, and had been decisively negatived by the Government of India, which decision had been communicated to the Agent for Sirdars on the 7th October 1841, in the Political Secretary’s letter No. 2775.”

“ 5. It thus appears that Vittulrao Mulhar Poorundhuree was not in possession of these villages at the breaking out of the war, and that under these circumstances Mr. Elphinstone’s arrangements did not contemplate their restoration, as he most distinctly instructed all subordinate officers to this effect. Indeed, one village in the Nuggur Collectorate (the village of Bowhanuggur, Chimnaje Vittal Poorundhuree’s claim to a portion of which was finally rejected in the Chief Secretary’s letter No. 3482 of the 1st August 1851), which was exactly in the position of the Nimar ones, having been deserted and waste for many years prior to the conquest, was not restored to Vittulrao Mulhar Poorundhuree, and is at present Khalsat.”

“ 28. I have thought it advisable to report on these villages separately, leaving the title under which the Surinjam in the Deccan is held by Chimnaje Vittal Poorundhuree for inquiry, if requisite, hereafter; the question for decision in this case appearing to me simply to be whether the Honorable Court of Directors sanctioned the restoration of the Nimar villages on hereditary tenure, under the impression that they had been previously held on the same tenure as the Deccan portion of the Surinjam, and had been through

* In Mr. Warden’s lists of 1844, No. 29 of Class I.; and No. 2 of Class V.; in Mr. Brown’s revised lists of 1847, No. 19 of Class I., and No. 2 of statement No. I. of list No. 5.

oversight retained by Government when the Deccan portion was restored in 1840; or whether the Honorable Court were aware that the Nimar villages had not been held by Vittul Mulhar Poorundhuree at the breaking out of the war; that they had been, under peculiar circumstances, and as an act of grace, restored to him, under the Governor General's Sunud, as a *life-grant*; and that they had been in 1841, after Vittul Mulhar's death, formally declared by the Supreme Government, on a reconsideration of the case, to have lapsed to the State."

69. The Inam Commissioner, Mr. Hart, submitted my report to Government with the following letter, No. 1883 dated the 5th April 1853:—

"I have the honour to submit a report No. 102, dated 28th February 1853, from my Assistant, Captain Cowper, showing that it was on imperfect information that the Honorable the Court of Directors were induced to sanction the relinquishment to Chimnajee Vittul Poorundhuree, and the continuance to him, on hereditary tenure, of certain villages and Umuls in Nimar, which, under the deliberate and final orders of the Government of India, declared after reference to the Commissioner in the Deccan, ought to have finally lapsed to Government at the death of Chimnajee's father, the late Vittulrao Mulhar.

"2. It does not appear necessary to add anything to what Captain Cowper has stated in his clear report on this case. But with regard to the important fact that the villages in Nimar had not been held by Vittulrao Poorundhuree at the breaking out of the war, as shown in Captain Cowper's 19th paragraph, it may be as well to recall the attention of Government to the Honorable Mr. Elphinstone's letter of the 25th October 1819, which contains the following description of a rule observed by him, and sanctioned by the Supreme Government:—

"No Surinjam ceded to the British Government by the Treaty of 1817, and no Jagheer not actually enjoyed up to the war, to be restored, unless specially directed so to be."

"This rule would appear to be doubly fatal to any claim by Poorundhuree to any part of his former Surinjam in Nimar, as, besides not having been enjoyed at the breaking out of the war, it would appear to have been included among the cessions made by the Treaty of Poona, the position of which is thus explained by Mr. Elphinstone in the 5th paragraph of his despatch No. 78 dated 18th June 1818, to the Governor General:—

"The Peshwa's whole revenue, before the last Treaty, amounted to Rs. 2,15,00,000, of which Rs. 95,00,000 was paid into the treasury, and Rs. 1,20,00,000 allotted to Jagheerdars; of this last sum Rs. 26,50,000 was produced by land in Hindoostan, which had greatly de-

clined in value, and from which the Peshwa derived no benefit whatever. This last Rs. 26,50,000, with Rs. 32,00,000 of the amount payable into the treasury, was ceded by the Treaty of Poona, concluded in June last.'

"3. Enough, however, has, I think, been stated by Captain Cowper, to enable Government to come to a decision on the question submitted in the last paragraph of his report, and to judge how any reply which can be given to it ought to affect, in this particular case, the general sanction given by the Honorable Court of Directors to the settlement proposed by the revised Surinjam lists of 1847."

70. The Bombay Government, on this information, recommended the immediate resumption of the villages, and the following letter, No. 2750 of the 23rd June 1853, was addressed by their Political Secretary to the Government of India :—

"With reference to the correspondence noted in the margin, I am directed to transmit to you, for submission to the Most Noble the Governor General of India in Council, copy of a letter and of its enclosure from Mr. Hart, the late Inam Commissioner, No. 1883 dated the 5th April last, showing that it was on imperfect information that the Honorable the Court of Directors were induced to authorise the continuance, on hereditary tenure, to Chintamun Vittul Poo-rundhuree, of certain villages and Umuls in Nimar, which, under the orders contained in Mr. Secretary Swinton's letter dated the 28th December 1822, ought to have been resumed.

"2. In forwarding these documents, I am desired to add thereto copy of a Minute thereon by the Right Honorable the Governor, concurred in by the Honorable Mr. Blane, dated the 14th instant, and to request that, with reference to the 16th paragraph of the latter document, you will have the goodness to submit to the Most Noble the Governor General in Council the suggestion of this Government, that immediate steps may be taken to resume the villages and Umuls in question.

"3. The Resident at Indore has been addressed on the subject, in order that any portion of the income which may possibly be in his hands may be withheld, pending further orders from the Government of India."

71. The Government of India, in their Foreign Secretary's letter No. 3233, of the 22nd July 1853, below transcribed, intimated their concurrence, and that orders for the resumption of the Nimar villages had been issued :—

"I have the honour to acknowledge the receipt of your despatch dated the 23rd ultimo, No. 89, forwarding copies of a letter and of its enclosure

from Mr. Hart, the late Inam Commissioner, and of a Minute recorded thereupon by the Right Honorable the Governor, pointing out that it was on imperfect information that the Honorable the Court of Directors were induced to authorise the continuance, on hereditary tenure, to Chintamun Vittul Poorundhuree, of certain villages and Umuls in Nimar, which ought to have been resumed.

"2. In reply, I am directed to acquaint you that as the recommendation of the Government of Bombay, which was generally approved of by the Court of Directors, and which, under that approval, led the Government of India in 1850 to restore the Nimar villages that had been resumed, and properly resumed, after full consideration by the Government of India in 1840-41, was founded upon a mistaken statement of the facts of the case. His Lordship in Council agrees with the Government of Bombay in thinking that the error should be at once corrected by the recall of the order of 1850, and the immediate recovery of the villages in question.

"3. The Resident at Indore has been directed accordingly.

"4. A copy of this correspondence will be duly forwarded for the information of the Honorable the Court of Directors."

72. Consequent on the above, orders were on the 18th August 1853 issued to the Agent for Sirdars to erase the Hindoostan portion of the Surinjam from the Surinjam lists, and the fact of their resumption having been ordered was at the same time notified to that officer.

73. Meanwhile, the late Agent, Mr. Warden, had, in the Political Secretary's letter No. 2752 of the 23rd May 1853, been requested to explain what had occurred, Government remarking that they possessed no means of accounting for the fact of Messrs. Warden and Brown having in their respective Surinjam lists made no allusion whatever to the correspondence recorded in the Agent's Office in 1841, and distinctly showing the resumption of the Nimar Surinjam to have been made after full discussion, and not by any oversight.

74. Having now brought the history of this Surinjam down to the period at which the case was referred to the Honorable Mr. Warden for his explanation, I proceed to notice the various portions of that gentleman's letter which seem to require explanation or remark.

75. The 1st paragraph describes Mr. Hart's report as one in which he has attempted to show "that two villages, and portions of the revenue of others, were continued on imperfect information, to Chimonrao Vittul Poorundhuree." After a careful perusal of the Honorable Mr. Warden's letter, I have failed to discover anything whatever to prove that I was at all wrong in reporting, in the 2nd paragraph of my letter No. 102 of the 28th February last,—

"2. The Honorable Court seem to have passed this decision on the

erroneous information afforded to them in the revised lists—(in Mr. Warden's lists of 1844, No. 292 of Class I. and No. 2 of Class V.; in Mr. Brown's revised lists of 1847, No. 19 of Class I. and No. 2 of statement No. 1 of List No. 5)—'By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present Surinjamdar in A. D. 1840,—Sunuds and Chor Chittees are in the possession of this person';—whereas, so far from the above portion of the Surinjam having been retained by Government through any oversight, its restoration had been fully discussed *on the Agent's representation*, in 1841, and had been decisively negatived by the Government of India, which decision had been communicated to the Agent for Sirdars on the 7th October 1841, in the Political Secretary's letter No. 2775."

It now appears that all this has really occurred just as I supposed to have been the case, so that I am at a loss to conceive how such information can be viewed as anything else but most imperfect.

76. The 2nd and 3rd paragraphs of the Honorable Mr. Warden's letter explain the circumstances under which the erroneous entry—"By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present Surinjamdar in A. D. 1840"—was made in the Surinjam lists prepared by him. It appears that the decision passed and recorded in 1841 was never seen by, nor brought to the notice of the Honorable Mr. Warden, although he observes—

"That I ought to have seen this correspondence there is no doubt, and I could not have avoided seeing it if Mr. Mills had compiled his records as records are now universally preserved, instead of dividing his correspondence into volumes of 'Inward and Outward Letters,' bound up according to their dates, and quite irrespective of the subjects to which the letters severally related."

The Agent for Sirdars has informed me, under date the 8th October last, No. 568, "that the plan adopted by the late Agent, Mr. Mills (that just referred to), is still in force in the Agent's Office."

77. The Honorable Mr. Warden in his 2nd paragraph states,—

"From A. D. 1834 to A. D. 1842 I had no official connection with the Deccan; during this interval the two Native officials, who had aided in the preparation of the Surinjam lists submitted by Mr. Marriott in 1833, had been exchanged for two strangers, so that memory could not aid any of us."

I do not understand the allusion to the lists of 1833, which could not, as far as I can see, throw any light whatever on the *discussion* in 1841, which *alone* was what ought to have been brought to notice;—but, apart from this, I

find that, on the 14th October 1841, a Murathee letter, No. 859, conveying the decision of the Supreme Government, had been addressed by the Agent, Mr. Mills, to Chimnajee Vittul Poorundhuree, so that the Murathee office of the Agent, at any rate, must have been acquainted with what had passed.

78. In the next (the 3rd) paragraph the Honorable Mr. Warden expresses the following opinion:—

“It does not, however, follow, as it appears to me, that any fraud or wilful suppression took place on the part of the Native servants of the Agent’s Office on that occasion, for although on the lists there is only the brief note (I quote from Captain Cowper’s copy of it)—‘By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent,’—if you will do me the favour to refer to paragraph 19 of my letter to Government dated December 29th, 1844, to which that note was only an accompaniment, you will find me entering into the following detail:—‘I have the honour to state that the family of Vittulrao Poorundhuree has produced twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in Hindoostan, which last, I am informed, has been resumed, although granted by two Sunuds, dated, one in A. D. 1739 and the other in A. D. 1744, and which should, therefore, be restored, with arrears.’ While the expression in the foregoing passage—‘I am informed’—satisfies me that I had no proof before me of what I asserted, it also satisfies me that my subordinates in the Duftur did not conceal from me their belief that the resumption had taken place.”

I certainly cannot perceive that the fact of the above letter having been also written in any way alters the case. The remarks in the lists were to the effect that the villages had been resumed “by an oversight.” This was the error, and this was not corrected by anything stated in the letter: on the contrary, the letter left the remarks unquestioned, and went on to strengthen the case in favour of the restitution by the addition of other facts (*i. e.* that the “estate in Hindoostan” had been granted by two Sunuds, dated, one in A. D. 1739 and the other in A. D. 1744), calculated only to enhance the necessity of remedying the oversight without delay.

79. As the subordinates did not (and the Honorable Mr. Warden is satisfied that they did not) conceal from the Agent “their belief that the resumption had taken place,” the only supposition which seems to me to be left is, that they must have misrepresented the circumstances which had shortly before been placed on record in both the English and Murathee offices. I allude here to the subordinates in the *Agent’s Office*, and I make this distinction because I am doubtful to whom the Honorable Mr. Warden has

referred when speaking of his "subordinates in the Duftur," for at the close of the same (the 3rd) paragraph "the Poona Duftur" is specified as the place in which no official note "of the resumption of the Hindootan estate was recorded, or at least remembered." But "the Poona Duftur" is the term by which the Peshwas' records, or the office containing them, have always been distinguished; and this office has, if I am rightly informed, never been anything else than one of reference, so that no record of resumption *could* have been made in it.

80. However, there remains to be stated that which, added to the foregoing, appears to me conclusively to prove that this information must have been purposely withheld from the Agent; and on the Honorable Mr. Warden's own previous showing on a similar occasion, it appears impossible to accept the opinion he has now expressed, that "the most probable solution of the difficulty is, that as the correspondence was in the English Office of the Agent for Sirdars, and the land to be resumed in country beyond the limits of this Presidency, and the resumption itself, consequently, not carried into effect through the instrumentality of the Agent for Sirdars, no official note of it was recorded, or at least remembered in the Poona Duftur"; for when, on a former occasion, a serious error in the list of 1844—which, had the Government not detected it, would have caused the improper alienation in perpetuity of an estate (the Surinjam of Madhowrao Neelkunt Poorundhuree) valued at Rs. 25,032-4-0—was pointed out by the Government to Mr. Warden, he informed them that the head clerk of the Agent's English Office, in which the correspondence regarding the resumption of these Nimar villages was recorded, had been directed to examine and *revise* the Surinjam lists of 1844 *in their complete state*, because from his "wonderful memory, and thorough knowledge of all past proceedings, he was specially qualified to detect any errors in them." The following portion of the 6th paragraph of the Chief Secretary's letter No. 1896 of the 9th May 1846, addressed to Mr. Warden's successor, Mr. Brown, when he was directed to revise Mr. Warden's lists, clearly explains the circumstances to which I have just referred:—

"6. This very important oversight was pointed out to Mr. Warden when lately in Bombay, previous to his proceeding to England, and his explanation called for. In reply to this reference, Mr. Warden, in a letter dated the 2nd March last, stated that he had altogether lost sight of the orders contained in the Government letter of the 5th January 1838, above alluded to, and that the oversight was the more extraordinary as, after he had finished the lists, he had sent them to Amiaba, the head clerk, who had assisted in the preparation of every list of every kind of alienation from the time of Mr. Elphinstone, and who has a most wonderful memory, with directions to revise them, and point out any errors that might occur, and the

circumstance must have escaped him also.' The Governor in Council considers this explanation to be in the highest degree unsatisfactory."

81. Were this the only case in which such things had occurred, I should hesitate to express the unfavourable opinion which I have done, but the very reverse is the fact. I have lately submitted the reports specified in the margin, on cases in which there seems every reason to believe that errors of a much graver nature have been committed, and I would solicit a perusal of these letters, especially of that last enumerated, which shows the Honorable Court and the Government to have passed a decision regarding the Deccan portion, of *this very Surinjam* (Chimnaje Vittal Poorundhuree's) on information still more incorrect than that which is now under discussion. (See paragraph 154 of this letter.)

82. In paragraph 4 of the Honorable Mr. Warden's letter, he proceeds to show,—

"1st,—Although, had this correspondence been before me, I should most certainly have alluded to it, that I should as certainly not have deviated one point from the course I took in respect to this Surinjam in consequence of such correspondence, the decision of the Supreme Government having been the decision of a totally distinct question from that before me; and 2nd, even if it had not been so, that the inquiry originally proposed by me was not only not to be affected by isolated decisions, but that it was on the apparent inconsistency of these local decisions that the Honorable the Court of Directors directed the general inquiry into and decision of these claims on certain definite principles, such inquiry being entrusted to me, though from the delay—extending to no less a period than fifteen months—that occurred in Bombay in disposing of my report, I had quitted India before it was even noticed by the Government, which ordered my successor to test the accuracy of my work, and I have, consequently, ever since felt myself divested of all responsibility as to the result."

I would, before discussing these two points, point out what appears to me a mistake which the Honorable Mr. Warden has made, in stating, with reference to his report of 29th December 1844, No. 225, transmitting the Surinjam lists, that he "had quitted India before it was even noticed by the Government." This I imagine cannot have been the case, as in that portion of the Government letter which I have quoted in my 80th paragraph, it is distinctly stated that one of the most serious errors in the lists "was pointed out to Mr. Warden when lately in Bombay, previous to his proceeding to England, and his explanation called for."

83. The Honorable Mr. Warden having "for perspicuity's sake" disposed "of the last-stated point first,—viz. that it was the nature of these local decisions that led to the general inquiry, which was not to be affected by them,"—I shall discuss it in the same order, and would observe that the local decisions referred to were, if I mistake not, decisions of a widely different nature from the one passed by the Supreme Government in the case of the Nimar villages, inasmuch as not one of those local decisions, that I am aware of, was ever passed with the slightest reference to non-possession at the breaking out of the war with the Peshwa; whereas, the Nimar villages were specially directed to be resumed at the death of Vittulrao Mulhar Poorundhuree (see paragraph 43 of this letter), because it was considered "very doubtful whether" he "was entitled to resume possession of the villages *on any footing* after many years' total abandonment of them."

84. The Honorable Mr. Warden in his 6th paragraph alludes to the order of the Honorable Court of Directors that the application of the Rules laid down in their despatch No. 17 of the 26th October 1842, as those upon which new lists of Surinjams were to be framed, should be "irrespective of a note by Mr. Secretary Maddock, and a Minute by Lord Auckland, advocating a much more extensive resumption than the Directors contemplated,—irrespective, in short, of all that had gone before." I think it will be found that the Honorable Court considered it expedient not to add their original instructions *only because* they considered Lord Auckland's orders *in principle* similar to their own,—at least this is the construction I place upon the 22nd paragraph of the Honorable Court's despatch below quoted:—

"In these documents a much more extensive resumption of these Jagheers is advocated than that which we have contemplated; but this more extensive resumption is contended for under the erroneous impression entertained by Mr. Maddock, in common with Mr. Mills, that the whole of the existing Jagheers are derived from the Government of the Peshwas, and Lord Auckland thinks that the grants of the Mogul Emperors, and of the Sattara Rajas, should be treated as hereditary. His Lordship's orders are, therefore, in principle similar to our own, and we do not think it necessary to add anything to the instructions contained in the preceding paragraph."

85. I can scarcely consider these instructions to have been irrespective of the Governor General's opinion; but however this may have been, I am certainly not aware of anything on record to show that the orders of the Honorable Court were directed to be carried out irrespective "of all that had gone before"; on the contrary, I am under the impression that the Rules which the Honorable Court laid down were intended to alter or cancel previous decisions

in respect *only* to original date of grant, and that *everything else* was most distinctly ordered to be fully recorded for their consideration and final disposal.

86. It therefore appears clear to me, that in arriving at the conclusion expressed in his 7th paragraph, that his *only** business was to test every claim by these principles,—*i. e. solely* to ascertain and record the date of original grant,—the Honorable Mr. Warden must have misapprehended the intention of the Honorable Court, and the subsidiary instructions which were issued by the Government of Bombay; for it surely cannot be that the orders regarding original date of grant were intended to apply to possession at the breaking out of the war, and still less that these orders could justify the entry of a Surinjam recommended to be restored as having been resumed “by an oversight,” the real state of the case being that such resumption had taken place under the distinct orders of the Supreme Government issued after full discussion on two separate occasions (A. D. 1822 and 1841).

87. If the opinion I have just offered be a correct one, it applies with equal force to the remaining portion of the Honorable Mr. Warden’s 7th paragraph, in which it is stated,—

“And so far from the decision of the Supreme Government in respect to Poorundhuree’s Nimar possessions being the only one a modification of which in favour of the claimants I proposed, it will be observed that it forms but one of a list of no less than twenty-two decisions by the Government, resuming Surinjams, which I said should be altered.”

I cannot admit that this correctly defines what was done; for, in the first place, the remaining twenty-one holdings were simply those which, as granted prior to A. D. 1751, were to be restored on hereditary tenure; whereas, the Nimar possessions were in a totally different position, as they had on inquiry been found not to have been *actually* held at the breaking out of the war with the Peshwa. The other twenty-one cases came within a rule already laid down by the Honorable Court, but not so the twenty-second, for no rule had been defined or even alluded to under which a decision passed—as that of the Supreme Government had been—on the grounds of non-possession became null and void. (See paragraph 34 of this letter.)

88. I have gone thus far in merely showing that the Nimar possessions—albeit one of the twenty-two cases in which restoration was recommended,—formed, nevertheless, a case which differed entirely from the remaining twenty-one. But it must be borne in mind that whether this difference existed or not, it had nothing whatever to do with the fact brought to the notice of Government by the Inam Commission (see paragraph 68 of this letter), that in the Surinjam lists

* *Italicised* by Captain Cowper.

the grounds on which the resumption of the Nimar possessions had taken place had been not only omitted to be stated, but had been actually *misstated*.

89. The Honorable Mr. Warden in his 8th paragraph proceeds "to show, secondly, that the question before the Supreme Government and that before me (himself) in respect to these lands in Nimar, was different."

As I understand the case, the two questions, though not precisely similar, were not altogether different. They were not precisely similar because the Rules of 1842, declaring a certain degree of antiquity to be *one* of the essentials to an hereditary tenure, were not in force when the decisions of the Supreme Government were passed; but they assuredly cannot be correctly described as altogether different, unless it can be maintained that, under the Rules of 1842 (those laid down by the Honorable Court, and having no reference whatever to non-possession at the breaking out of the war,—see paragraph 85 of this letter), the abandonment of the Nimar villages for many years previous to the war with the Peshwa no longer presented that obstacle to their hereditary continuance which in the judgment of the Supreme Government had rendered it necessary to issue, in 1822, a *Sunud specially* providing for their resumption at the death of the then incumbent, and to declare that decision final on its reconsideration in 1841.

90. Paragraphs 9 to 17 of his letter the Honorable Mr. Warden has described in his 18th paragraph as a "*précis* of a volume sent to me from Captain Cowper's own office." The greater portion of this information has been already laid before Government in my report of the 28th February last, No. 102; the rest will be hereinafter specially referred to in connection with the Honorable Mr. Warden's opinion (see paragraph 18 of letter) that I was not justified in omitting to insert it in that report; and the whole has been submitted at length on the present occasion, and will be found in paragraphs 22 to 43 of this letter.

91. Such being the case, it only seems necessary for me here to supply one fact which the Honorable Mr. Warden has omitted to state, but which appears to me materially to affect a most important question yet to be noticed.

92. The history of the early inquiry regarding these villages, and of their being eventually confirmed as a life-grant to Vittulrao Mulhar Pooṛundhuree, is concluded in the Honorable Mr. Warden's 16th paragraph in the following words,—“And the villages were granted, accordingly, as hitherto held, viz. on Zât Surinjam or official tenure, for life.” Such was most undoubtedly the case; the villages were granted for life; but they were granted by a *Sunud* under the Governor General's hand and seal (see paragraph 43 of his letter), in which it was *specified* that they *would be resumed* at the death of the grantee.

93. Before quitting this portion of the subject, I would advert to the Honorable Mr. Warden's application of the term "official tenure" to personal

Surinjams held from the British Government. It is not to question the correctness of the expression that I solicit attention to it, for, without explanation, I am in ignorance of the precise meaning that it is intended to convey; but it is a term which I have never before found used to describe these Surinjams, and I have always supposed its application to be confined to service holdings.

94. I must quote in full the Honorable Mr. Warden's 18th paragraph, as it imputes to me conduct of which I have not been guilty; of which I must clearly show that I have not been guilty; and with which the Government will, I trust, declare I should not have been charged. The paragraph runs thus:—

“I leave it to the Government to say, after the perusal of the foregoing *précis* of a volume sent to me from Captain Cowper's own office, whether he was justified in telling Mr. Hart, the late Inam Commissioner (paragraph 3), that the *only* portion of the correspondence between the Nimar authorities which it was of importance to notice was ‘that one of the villages claimed (Chugaum) had been abandoned by Vittulrao Mulhar Poorundhuree long prior to its occupation by the British Government, as contained in a private letter from Colonel Smith to Sir John Malcolm’; for it was not even (as Captain Cowper alleges) a ‘fact pointed out by Sir John Malcolm himself to Mr. Chaplin,’ but hearsay, on what Sir John Malcolm himself calls a ‘private letter,’ *written two years and a half before the local inquiry* undertaken by order of the Government to clear up doubts; the facts elicited by that local inquiry being, not, as this private hearsay has it, that the village of Chugaum had been abandoned by ‘Vittulrao Poorundhuree long prior to its occupation by the British Government,’ but that from the earliest recollection of the local authorities, and who had attained the age of fifty, *the two villages had been in the possession of the Poorundhuree family, to whose local collector they had paid the revenues.*”

95. My explanation is as follows:—

1st.—That the information which the Honorable Mr. Warden has left Government to say whether I was justified in withholding, and which is contained in the lines of the last paragraph which I have bracketed (the concluding portion of the last paragraph, commencing with “but that,” down to the end), was not in my possession when, on the 28th February last, I reported on the Nimar holdings, nor for nearly two months afterwards.

2nd.—That on the 17th November 1852 I addressed the Political Agent in Nimar, calling for any information on his records relative to the Nimar villages, but that I received no reply up to the 28th February of the following year, on which date I submitted my report on the Surinjam, which there appeared no reason for delaying, as I had been furnished with all the

correspondence on the records of the Bombay Government and the Deccan Commission, and with a complete *précis* of past proceedings framed in the Secretariat of the Supreme Government and clearly explaining the grounds upon which the decisions of 1822 and 1840 were passed.

3rd.—That I did not receive the reply, dated the 13th April 1853 of the Political Agent in Nimar, which furnished the information (contained in the last few lines of the 94th paragraph of this letter, which are bracketed) to which the Honorable Mr. Warden has made special allusion, until the 20th April 1853.

4th.—That the “volume” which was sent to the Honorable Mr. Warden from my office showed, *on the sheet next to the one* from which that gentleman has quoted the information which he has left Government to infer that I withheld, that I *could* not, as it was then unknown to me, have adverted to that information in my report of the 28th February last.

5th.—That the “volume” thus furnished by me was not called for, but sent *at my own* suggestion, “as the best means of enabling Mr. Warden to obtain the information he may require.”

6th.—That I do not, however, for reasons to be hereinafter more fully explained (see paragraphs 100 to 104 of this letter), consider the information thus received from the Political Agent in Nimar to affect in the slightest degree the merits of the case as reported by me on the 28th February.

96. The Honorable Mr. Warden has in his 18th paragraph informed Government, with reference to the ascertained abandoned state of Poorundhuree’s villages at the introduction of the British Government, that—

“It was not even (as Captain Cowper alleges) ‘a fact pointed out by Sir John Malcolm himself to Mr. Chaplin,’ but hearsay.”

But the foregoing is not a correct quotation of anything which I have written; the word “*himself*” has been inserted, and, by its insertion, the force of the sentence on the particular point to which exception has been taken is very materially altered.

97. Government may possibly consider superfluous my explanation of the precise meaning I attached, and considered might be attached, to the expression which I did make use of,—“*pointed out to Sir John Malcolm*”; but the peculiar circumstances under which I am writing render me desirous of carefully avoiding even the appearance of inability to meet fairly and fully each and every point which has been brought forward, and this will, I trust, be deemed to justify the length of this report.

98. A reference to paragraphs 26 and 29 of this report, in which the original letters are quoted at length, will show that Sir John Malcolm was the person who pointed out the fact to Mr. Chaplin, inasmuch as *he* was the

person who addressed the Deccan Commissioner. Sir John Malcolm had obtained the information from his own Assistant, Colonel Smith, but *he*, and not his Assistant, furnished it to Mr. Chaplin. Mr. Elphinstone, as Commissioner in the Deccan, furnished to various authorities information obtained just in the same manner; and it has been, I think, usual to describe it just as I did in the present case the information furnished by Sir John Malcolm. Indeed, as far as I am aware, the same rule has prevailed throughout the departments of Government, and where any other course has been adopted it has formed the exception.

99. If I rightly understand the 18th paragraph of the Honorable Mr. Warden's letter, exception is therein taken to the communication of Colonel Smith (quoted in paragraph 28 of this letter) dated the 24th March 1820, which brought to special notice the fact of the Nimar villages having been abandoned by Poorumdhuree long prior to the breaking out of the war with the Peshwa, because it was "what Sir John Malcolm himself calls a private letter." It was undoubtedly thus alluded to by Sir John, but it is equally certain that Colonel Smith wrote that letter on the public, and on no other service; that on the public service Sir John Malcolm forwarded it to Mr. Chaplin (see paragraph 29 of this letter); that Mr. Chaplin recorded it among his public correspondence; that the reply to it which he sent to Sir John Malcolm was also thus recorded (see paragraph 30 of this letter); that all these documents have so remained and been considered up to the present day; and lastly, that the information it contained was that on which the Supreme Government, after fully considering the circumstances elicited by a further inquiry which was instituted in 1822, decided that it was "very doubtful whether Vitulrao Mulhar was entitled to resume possession of the villages on *any footing* after many years' total abandonment of them." (See paragraph 34 of this letter.)

100. My next endeavour must be to explain my reasons for believing the information received on the 20th April 1853 from the Political Agent in Nimar not to affect in the slightest degree the merits of the case as reported by me on the 28th of the previous February. (See paragraph 95 of this letter, section 6). The Honorable Mr. Warden thus describes this information in his 12th and 13th paragraphs:—

"The Assistant in charge of Nimar reported (August 8th, 1822) the information obtained by an examination of Wutundar Patels and Putwaraes who were fifty and fifty-five years of age, to the effect that thirty-six years had elapsed since the gift was made on Surinjamee tenure, which reserved the just right of the British Government to the two villages upon the lapse of the proprietor's life.

"13. The village officers assured the Assistant that *from their earliest*

recollection the two villages had been in the possession of the Poorundhuree family, to whose local collectors they had duly paid the revenues."

101. The first inquiry regarding these villages was made by Colonel Smith at some period *before* the 24th March 1820, on which date he informed Sir John Malcolm in regard to them that one, Chugaum, had been "eternally beset by the Pindarees, Ramosees, and other predatory Chieftains until we (*i. e.* the British Government) took charge of it, at their particular requisition, long prior to which it had been abandoned by his (Poorundhuree's) manager"; that the other village, Nugaum, "had been uninhabited by any human creature for a period of fifteen or twenty years, its lands had run into thick jungle, and was, in fact, in a state apparently reclaimless"; and that "the five villages in Nimar, upon which claims are made for Mokassa, are in a state of desolation, and four of them belong to Holkar."

102. Two years and a half after Colonel Smith had ascertained and reported these facts, circumstances having rendered it desirable, in the opinion of the Supreme Government, that "the claims by which the Poorundhur Chief held the villages of Nugaum and Chugaum" should be investigated, a second inquiry was made by Lieutenant Douglas, the Assistant then in charge of Nimar, and on the 8th August 1822 he reported, as the result of an examination of Wutundar Patels and Putwarees who were fifty and fifty-five years of age, that thirty-six years had elapsed since the villages were granted in Surinjam, and that they had from the earliest recollection of the village officers been in the possession of the Poorundhuree family, to whose local collectors they had duly paid the revenues.

103. With a full knowledge of all these facts before them (see paragraph 33 of this letter), the Supreme Government of India decided that it was "very doubtful whether Vittulrao Mulhar was entitled to resume possession of the villages *on any footing* after many years' total abandonment of them," and they were, accordingly, continued during the lifetime of Vittulrao, *but* under a Sunud from the Supreme Government *specialy* providing for their resumption at his death.

104. Such were the circumstances under which the Supreme Government decided that the villages had been abandoned, and these are the circumstances which have impressed me with the conviction that Lieutenant Douglas's statement, made in 1822, does not affect in the slightest degree the merits of the case as reported by me on the 28th February last. My reasons for having arrived at this conclusion may be explained as,—

1st.—That Colonel Smith, in 1820, must have acquired his information, just as Lieutenant Douglas did two and a half years afterwards, from the village authorities, and, probably, from the very same persons who afterwards

were examined by Lieutenant Douglas, as Colonel Smith, in his letter of the 24th March 1820 (quoted in paragraph 28 of this letter), stated,—

“ I have had many of the Chugaum people with me, and have *again** inquired into the merits of the Poorundhuree claims upon that village and Nugaum.”

Again,—

“ And as they [‘the local authorities and old inhabitants,’—these are Colonel Smith’s own words] acknowledge having always been treated with due consideration by the managers on the part of that family, I can see no motive that these people have for thwarting the claims in question, were they just.”

2nd.—That from the expression “again,” used by Colonel Smith, he would appear to have ascertained on some former occasion prior to A. D. 1820, and, probably, on the first occupation of the country, that the villages had been for many years abandoned, and were then in a state of desolation.

3rd.—That the information thus obtained by Colonel Smith at an early period, and when the villagers and others could have had no motive for misrepresentation, must be viewed as evidence of greater value than that furnished to Lieutenant Douglas two and a half years afterwards, when the object of the inquiry, and the correspondence which had taken place between the authorities; must have become matter of publicity.

4th.—That the fact which the Honorable Mr. Warden has apparently dwelt upon, or the informants of Lieutenant Douglas having attained the age of fifty, could not enhance the value of their evidence on a matter of *recent* occurrence,—i. e. whether or not the villages had been abandoned prior to the introduction of the British Government,—and which matter was the *only* point at issue; the date of original grant no one had questioned.

5th.—That the Supreme Government of India appear to have taken this view of the case, and to have rejected the *second* statement made before Lieutenant Douglas.

6th.—That the decision passed by the Supreme Government in 1822, and confirmed on reconsideration in 1841, cannot be questioned *on the same, and on no other facts* by any subordinate authority, much less by Captain Cowper.

105. The Honorable Mr. Warden, in his 19th paragraph, adverting to these Nimar villages, states,—

“ In other words, Poorundhuree enjoyed, till the British accession, all that the ‘eternal’ ravages of the Pindarees left *any one* to enjoy of the

* *Italicised* by Captain Cowper.

Surinjam granted to him by the Peshwa under two Sunuds, before even Holkar ever went to Hindoostan."

But this surely must be a mistake; for although the devastation committed by the Pindarees is matter of history, I am still under the belief that at the Peshwa's downfall we found many persons in Nimar in the enjoyment of more than Poorundhuree, and that we did not find every village in the state in which Colonel Smith described those of Poorundhuree to have been found,—abandoned long prior to our occupation of them, uninhabited by any human creature for a period of fifteen or twenty years, run into thick jungle, and in a state apparently reclaimless.

106. In his 21st and 22nd paragraphs (below quoted) the Honorable Mr. Warden again defines the question which was before the Governor General in 1822 and 1841, and that which was before himself in 1844, when framing the new Surinjam lists:—

"21. The question before the Governor General in Council was—'Is this an Inam or a Zât Surinjam?' The question before me was—'Was this, which has been acknowledged a Zât Surinjam or official tenure, for life, as hitherto held, attended, in its origin and continuance, by such circumstances as, according to the concessions made to the Surinjamdars by the home authorities subsequently to the general settlement of the country, by which all *were restored as life-grants only*, and subsequently to the orders of the Government of India on this particular claim, to entitle the Surinjamdar's family to more than the Supreme Government gave him?'

"22. Losing sight altogether of the important circumstance that the question, and the only question, before the Supreme Government, was whether the grant was a free hereditary gift or an official life-grant, great stress is laid throughout the whole of the recent discussion on the fact that the Supreme Government pronounced it to be the latter, overlooking that it was so pronounced in contradistinction only to its acknowledgment as an hereditary free gift by Sir John Malcolm; and, above all, overlooking that, in so limiting the alienation, the Governor General in Council only placed this Zât Surinjam on the precise footing of every other Surinjam in the Peshwa's late dominions,—on the precise footing of every man whose name is borne on the Surinjam list; and that to have conceded to Poorundhuree anything except a life-grant would have been to do more for him than had at that time (A. D. 1822) been done even for the Surinjamdars whom the Honorable Court of Directors have since declared to be entitled; by the respect yielded to prescription, to inheritance in the 'fullest sense of the word'; for although Mr. Elphinstone left notes for future guidance in the words 'hereditary,' 'for life,' &c., he told the Governor General

that the decision had in no case been communicated, and the Governor General ordered that every fair opportunity should be taken to reduce the Surinjams which in each case of lapse were to be resumed, and, if continued, to be so as an act of grace."

This definition does not seem to be borne out by the record (see paragraph 34 of this letter), which clearly shows that when the Supreme Government decided on the *nature* of Poorundhuree's tenure they also discussed the important question of actual possession when the war broke out, and found that, having abandoned the villages, it was very doubtful whether he was entitled to resume possession of them on *any tenure*. This was the fact to which the Supreme Government adverted when sanctioning the continuance of the villages, *not* as the other Surinjams had been continued, but under a Sunud specially providing for their resumption at Vittulrao Mulhar's death.

107. I am unable to admit that I lost sight, as the Honorable Mr. Warden supposes me to have done, of the important fact that the *only* question before the Supreme Government was whether the grant was a free hereditary gift or an official life-grant, because, for the reasons explained in the last paragraph, I did not conceive that this *was* the only question at issue; and I must also point out that in having laid great stress throughout the whole of the recent discussion on the fact that the Supreme Government pronounced it to be the latter,—*i. e.* a life-grant,—I by no means overlooked that it was so pronounced in *contradistinction only* to its acknowledgment as an hereditary free gift by Sir John Malcolm, for I am not even now aware that such was the case. As I understand the decision of the Supreme Government, the life-grant was a concession made not only in contradistinction to, but also in *consideration* of Sir John Malcolm's acknowledgment, or in fulfilment (to use the very words of the Supreme Government,—see paragraph 34 of this letter) of "any obligation which the proceedings of the late Agent (Sir John Malcolm) may have imposed."

108. The Honorable Mr. Warden in the same (the 22nd) paragraph expresses an opinion that I overlooked "that in so limiting the alienation the Governor General in Council only placed this Zât Surinjam on the precise footing of every man whose name is borne on the Surinjam list." But I do not perceive that the Surinjam *was* ever placed on this footing; on the contrary, there is, I think, clear proof that it was *not*; for it was distinctly declared by the Supreme Government to be restored, partly, in consideration of an erroneous declaration previously made by Sir John Malcolm that it was an Inam holding; and it was restored by a Sunud under the seal of the highest authority in India, *specially* providing for its resumption at the death of Vittulrao Mulhar; whereas, the other Surinjams were restored under different circumstances, and placed on quite a different footing, inasmuch, as in their case

possession at the breaking out of the war was considered to have been proven, and the Government had pledged themselves to their restoration for the lives of the then incumbents, but with the important *additional* declaration* *not* that they *would* be resumed at their death, but that the question of further continuance would then be taken into consideration and determined.

109. I entirely concur with the Honorable Mr. Warden in believing "that to have conceded to Poorundhuree anything except a life-grant would have been to do more for him than had at that time (A. D. 1822) been done even for the Surinjamdars whom the Honorable Court of Directors have declared to be entitled, by the respect yielded to prescription, to 'inheritance in the fullest sense of the word.'"

But I question, for the reasons assigned in the last paragraph, the inference which I understand to be left to be drawn that Poorundhuree held the Nimar villages on the exact footing upon which the Surinjams generally had been restored.

110. For the same reasons, I cannot perceive, as the Honorable Mr. Warden does (see paragraph 23 of the Honorable Mr. Warden's letter), that—

"The moment the Supreme Government rejected Poorundhuree's claim to be an Inamdar, and declared him a Zât Surinjamdâr, he was placed on precisely the same footing as all other Zât Surinjamdars, and entitled to share in all the privileges hereafter conceded to that class of landholders."†

Neither can I agree in thinking that—

"As Mr. Elphinstone originally intended that his Surinjam, including the Nimar villages, should be hereditary, unless it can be shown that it will not stand the test under which it has found its way into its present place on the lists, Poorundhuree is as much entitled to the indulgences of A. D. 1842 as the twenty other Surinjamdars whose Surinjams had been not merely pronounced to be life-grants, but actually resumed by the Government before I (the Honorable Mr. Warden) entered on the inquiry, but which are now in the quiet possession of the heirs."

For it seems to me clear that the test under which Poorundhuree's Nimar Surinjam has found its way into its present place in the lists has been insufficient, and has not been applied to *all* the facts of the case. The "twenty other Surinjams" were, as I have already explained (see paragraphs 86 and 87 of this letter), differently circumstanced,—they were holdings supposed to have been

* For fuller information on this point, reference should be made to paragraphs 16, 17, 34, 38, 39, and 43 of this letter.

† It is to be remarked that all Surinjamdars are not "landholders"; a very large number of them enjoy nothing more than a proportional cash payment from the revenues of villages belonging to Government, or to other parties.

held at the breaking out of the war, and their restoration, therefore, as grants made prior to A. D. 1751, infringed no recognised rule, and was opposed to no previous decision grounded on such rule, as in Poorundhuree's case.

111. But here precisely the same thing has occurred as in the case of the Palanquin Surinjam allowance on which I reported on the 2nd May last (No. 163),—whether these Nimar villages can be restored without such infringement of *recognised* Rules (*i. e.* the rule laid down by Mr. Elphinstone, confirmed by the Governor General, and up to this day never rescinded, that “No right to possession is ever intended to be recognised that was not in force at the breaking out of the war”), and without completely disregarding all the decisions previously passed thereon, is a question which has not yet been submitted for consideration; it was not only omitted to be brought forward in the Surinjam lists of 1844 and 1847, but in its place a wholly different and incorrect statement was made, that the villages had been retained by an “oversight.”

112. The next eight paragraphs (24 to 31) of the Honorable Mr. Warden's letter advert to the “grounds on which Mr. Hart and Captain Cowper have attempted to show that the Nimar Surinjam was differently circumstanced from that in the Deccan”; and with reference to this portion of the subject, the honorable gentleman considers (paragraph 26) it “very remarkable that both these officers of the Inam Commission have *abstained** from inviting the attention of the Government to the *best* evidence as to possession,—*viz.* the evidence obtained on the spot by the Assistant five years after the war.”

113. These are grave charges, and, as such, should not be lightly hazarded by any one, still less by an officer who, at the time of penning them, was a member of the Government. Charges like these impugn seriously the official character of any Government servant, and more especially of those in the performance of duties such are entrusted to the officers of the Inam Commission, whose official position and prospects such charges would, if correct, affect most injuriously.

114. To return to the facts of the case. They may be very briefly adverted to in this place, as I have already explained at length (see paragraphs 100 to 104 of this letter) my reasons for considering the evidence obtained in 1822 by Lieutenant Douglas to be worthless in comparison with that furnished to Colonel Smith, *from the same sources, several years previously*; I have also pointed out that the Supreme Government appear to have grounded their decision on the same opinion; and, lastly, I have shown that neither Mr. Hart nor myself *could* have *abstained* from inviting the attention of Government to that with which we were not acquainted.

* *Italicised* by Captain Cowper.

115. The concluding portion of the Honorable Mr. Warden's 26th paragraph runs thus:—

“Mr. Chaplin, with the Peshwa's Sunuds in his hand and Poona Duftur before him, declaring at the same time that the villages remained in Poorundhuree's name in the Duftur accounts, and were considered to be in his possession up to the war.”

It has never, as far as I am aware, been questioned that the villages remained in the Duftur accounts in Poorundhuree's name, but I have failed to discover anything on record to show that Mr. Chaplin considered him to have been in *actual* possession of them up to the war; on the contrary, in all the correspondence of Mr. Chaplin (see paragraph 30 of this letter) which I have seen, and in which the question is discussed, the *fact* of the abandonment seems to be admitted.

116. In his 27th paragraph the Honorable Mr. Warden asks,—

“And if not in Poorundhuree's possession, in whose possession were they?—for the Government will observe, from the annexed extract of a letter from Captain Cowper to the new Inam Commissioner, Mr. Manson, which he has just sent me, that the villages were not in the possession of the only other party entitled to possess them,—viz. the Peshwa, to whom they belonged.”

The reply seems obvious; they were *not* in Poorundhuree's possession; they had been long before abandoned by him, and they were found thus abandoned when British rule was introduced into the province; *therefore* it was that the Supreme Government declared his claim to resume possession of them, on any footing, to be very doubtful, and (to use Mr. Elphinstone's own words) declined to recognise a “right to possession” found not to have been “in force at the breaking out of the war.”

117. I have quoted in the 6th paragraph of this letter Mr. Elphinstone's instructions regarding *Inams*: these orders were *à fortiori* applicable to Surinjams, and they declared—“No right to possession is ever intended to be recognised that was not in force at the breaking out of the war.” Now this order seems to me exactly to meet the case under discussion. Poorundhuree's right to possession may have existed on paper, but it was not in force at the breaking out of the war.

118. When, subsequently, Mr. Elphinstone laid down a specific rule for Surinjams, he appears to have laid just the same stress on *actual* enjoyment in declaring (see paragraph 7 of this letter) that “No Jagheer not actually enjoyed up to the war was to be restored, unless specially directed so to be.”

119. As the whole of Mr. Elphinstone's arrangements and orders were

reported to, and approved of by the Supreme Government (see paragraph 9 of this letter), it may fairly, I think, be presumed that they were not lost sight of when it was decided, in A. D. 1822, that abandonment of the villages for many years had rendered Poorundhuree's right to resume possession of them very doubtful.

120. That Mr. Elphinstone required, and looked to actual possession (*i. e.* enjoyment), his writings, I think, clearly show; and I doubt not that many instances can be found in which he carried this out in practice,—one, and a very striking one, was described in paragraphs 8 to 12 of a report (No. 493 of the 19th October 1853) which I lately submitted upon the Surinjam of the Wamorekur family. These paragraphs are below extracted:—

“8. I have thought it necessary thus specially to allude to the village of Jowkerreh, which Mr. Elphinstone did not restore, because the case is one proving, it appears to me, beyond doubt, that neither the Peshwa's title, nor the Peshwa's acts, nor anything else, were held to confer a right to the restoration of that which was not ‘actually enjoyed up to the war.’

“9. It requires no great search to discover a motive for this arrangement, which was not more simple than equitable. The late rulers and magnates of the conquered country, whatever they might expect from the generosity of the victors, could not suppose that the British Government would place them in possession of that which they did not hold when the war broke out; while, on the other hand, Mr. Elphinstone must have known the pre-existing state of affairs too well not to be aware that to attempt an inquiry into the acts of the Peshwas' Government, or into the acts of others which that Government tolerated, would have been a simple impossibility; and it is not, therefore, difficult to understand why he should have based his arrangements on a broad rule which was just in principle, intelligible to the people, and easily carried out in practice.

“10. As perhaps the most striking instance of this on record, I would point out the old and noble families whom Bajee Rao had arbitrarily ruined, and for whom Mr. Elphinstone considered it not more humane than politic to make provision; but he never thought of doing so by attempting to discuss the validity of Bajee Rao's acts, or by restoring that of which Bajee Rao had deprived them,—they were provided for by the grant of pensions for their lives. (See paragraph 26 of Mr. Elphinstone's despatch of the 18th June 1818, and paragraph 22 of the reply from the Chief Secretary to the Government of India dated the 26th September following.)

“11. To return to the history of Jowkerreh. The whole village, exclusive of the Mokassa Umul, was granted by the Peshwa to Nagoram in Surinjam, by a Sunud the registry of which is forthcoming in the State diary of the 2nd Rumzan, Esunay Sumaneen (A. D. 1781-82), and was

according to the statement of the district hereditary officers [furnished to Mr. Elphinstone, and found among the records of the Deccan Commission], forcibly wrested from him eighteen years afterwards (in A. D. 1799-1800) by Sindia, who kept it, apparently, up to the war in A. D. 1817, though not only without the Peshwa's sanction, but in defiance of his authority, as is shown by a Surinjam memorandum of A. D. 1807-08, drawn up at Poona, and in which Jowkerreh is entered as forming a portion of the Surinjam of Bulwuntrao Nagnath, the son of Nagoram.

"12. Mr. Elphinstone, having ascertained these facts, did not restore Jowkerreh to Bulwuntrao Nagnath, but left it, as he found it, in the possession of Sindia, with whom it has remained up to this day."

121. In his 28th paragraph the Honorable Mr. Warden states :—

"28. As to the *interruption* of possession, if the Peshwa himself was so little able to maintain his own supremacy over Sindia as that he withheld, till the Peshwa had ceased to reign, villages ceded through the instrumentality of the Duke of Wellington, by the Treaty of Surjé Anjungaum, so long before as 1803, does it weaken Poorundhuree's claim to consideration that he was the victim of this powerful Chieftain, and of the Minister whose hands were stained by the blood of an ambassador to his master's court? But even this usurpation was short, and did not, so far as I can discover, last till the war, as asserted by Mr. Hart and Captain Cowper, but ceased, as testified on the spot by Colonel Smith, six years before the British conquest."

Whether Sindia or Trimbukjee Denglia, as the Peshwa's agents, ever did or did not obtain possession of these Nimar villages, it has never, so far as I am aware, been thought necessary to discuss; and if so, it is certain that the point cannot have formed an element of any decision hitherto passed: still, however, I am obliged to offer at some length an explanation on several points to which the Honorable Mr. Warden has adverted, and some of which he has described most incorrectly. I would submit for consideration,—

1st.—That the alleged usurpation by Sindia and Trimbukjee Denglia has not only never been "asserted by Mr. Hart and Captain Cowper," to have lasted "till the war," but has never yet been *alluded to by them at all*: it is referred to in the correspondence relating to the inquiry made by Lieutenant Douglas in 1822, with which it has been explained that neither Mr. Hart nor Captain Cowper were, when their reports were submitted, acquainted, but which very correspondence they are charged by the Honorable Mr. Warden with having "abstained" from bringing to the notice of Government.

2nd.—That so far from any such usurpation having been, in respect to

its cessation, "testified on the spot by Colonel Smith," it appears never to have been alluded to by Colonel Smith at all.

3rd.—That supposing Poorundhuree to have been, although neither Mr. Hart nor Captain Cowper have assumed or asserted that he was, "the victim of this powerful Chieftain" (Sindia), his (Poorundhuree's) right to possession, had it not been "in force at the breaking out of the war," would have been disallowed in favour of Sindia, just as was done in the case of Jowkerreh, which has been explained in the 120th paragraph of this letter.

4th.—That following this last supposition, and admitting Trimbukjee Denglia to have obtained possession of these Nimar villages "six years before the British conquest" (*i. e.* about 1811), his hands were not then "stained by the blood of an ambassador to his master's court," as Gungadhur Shastree's murder took place on the 14th July 1815.

5th.—That the *character* of the agents of the Peshwa, by whom resump-tions were ordered or carried into effect, does not appear to have been considered by Mr. Elphinstone as affecting the validity of resumptions, a very large proportion of which, during the reign of the last Peshwa, were made, not under his (Bajee Rao's) own Sunud, but under the orders of his agents, of whom Trimbukjee Denglia was one of the most trusted, although one of the most unscrupulous. In regard to *even Inams*, Mr. Elphinstone's instructions were—"Inams resumed by Bajee Rao, or former Peshwas, are not meant to be restored." (Circular to Collectors dated 27th June 1818.)

122. I am obliged to differ *in toto* from the opinion which in the 29th paragraph of his letter the Honorable Mr. Warden has thus expressed :—

"It is true that the Governor General in Council of that day speaks of the total abandonment of the villages for many years, but, judging from the evidence that was before him, I conclude this abandonment referred to the deserted village of Nugaum only, for the 'local collector' duly received the revenues of Chugaum, this 'local collector' having been (as I am informed by the last of the hereditary Duftur Karkoons (whose father and grandfather were in the Duftur, and who was himself employed on the Surinjam settlement under Mr. Elphinstone,—Raojee Pendsay, who is now employed under the Inam Commissioner) a Gosain to whom Poorundhuree was largely indebted, and to whom, therefore, he assigned the revenues of these two villages."

The evidence before the Governor General,—that is to say, the evidence obtained by Colonel Smith,—and it was on this evidence that the *final* decision was passed,—this evidence distinctly referred, *not* to one village, *but to all*. It showed that at the introduction of the British Government Chugaum had long previously "been abandoned by his (Poorundhuree's) manager;" that

Nugaum had been uninhabited by any human creature for a period of fifteen or twenty years"; and that the five villages in Nimar upon which claims were made for Mokassa were "in a state of desolation." (See paragraph 28 of this letter.)

123. The information furnished to the Honorable Mr. Warden by "Raojee Pendsay" does not seem to me to prove or disprove anything, for the hereditary Karkoon's services in the Peshwa's Duftur at Poona cannot have qualified him in any degree to speak of what he personally knows nothing whatever about, nor can these services impart any value to his evidence regarding occurrences which took place half a century ago, at a distance of many hundred miles from Poonã where he then was, and at a place which during his lifetime he has never visited. Whatever Raojee Pendsay has stated has been stated *on what he says he heard*, some forty years ago, from one of the Karkoons of the Poorundhuree family, not now alive; any personal knowledge Raojee Pendsay does not profess to have.

124. Referring to Raojee Pendsay's information, the Honorable Mr. Warden in his 30th paragraph states,—“Poorundhuree has informed me that Raojee Pendsay's statement is true”; but Poorundhuree's information is even of less value in this matter than that of Raojee Pendsay, for Chimnajee Vittul, the present representative of the family, *was not born* when the Deccan was conquered, and I have been informed that not one of the Karkoons who served his father prior to A. D. 1817 is now alive.

125. The Assistant in charge of Nimar has, in a note dated the 17th August last (quoted in paragraph 30 of the Honorable Mr. Warden's letter), informed the Resident at Indore that “Colonel Smith settled Nagowa” (or Nugaum, as the village has been spelt in this letter) through a Gosavee named “Futtehgeer Mhunt,” and this “Futtehgeer” was, the Honorable Mr. Warden states in his 30th paragraph, the “very person to whom Poorundhuree says he assigned his villages in liquidation of his debts.” Now this assignation refers to a period before the introduction of the British Government, and, assuming it to have been made, the fact furnishes, in my opinion, strong presumptive evidence that the village *must* have been found, just as Colonel Smith reported, in a wholly abandoned state; for can it be reasonably supposed that this Gosavee, through whom Colonel Smith settled the village, would have represented, or would have quietly allowed to be represented to, or by Colonel Smith, that the village was an abandoned and uninhabited one, when the reverse was the case? I certainly think not, unless it can be maintained that this Gosavee, or any other man, would have been likely voluntarily to make over to the British Government, and thus to deprive himself of the revenues of a village assigned to him in liquidation of a debt, which he would receive so long, and so long only, as the village remained with his debtor (Poorundhuree).

126. To render intelligible my objections to the 31st paragraph of the Honorable Mr. Warden's letter, I must briefly recapitulate the circumstances under which I am submitting this explanation (explained at length in paragraphs 22 to 73 of this letter). These Nimar villages were, at the first settlement of the country by Colonel Smith, found to have been abandoned by Poorundhuree long before the war with the Peshwa; they were after this restored by Sir John Malcolm *as Inam*, but this was done by a palpable mistake; they were, by order of the Supreme Government, subjected to a second inquiry some two and a half years afterwards (in 1822), when Lieutenant Douglas reported having been informed by old village officers that from their earliest recollection Poorundhuree had, through his local collectors, received the revenues of the villages; they were, *after this second inquiry*, considered by the Supreme Government to have been, as Colonel Smith had reported, abandoned long before the war broke out; they were, *therefore*, continued to Poorundhuree for life, but under a Sunud specially providing for their resumption at his death; and at his death in 1840 they were resumed accordingly. The Agent for Sirdars, Mr. Mills, questioned the propriety of this resumption, and the case was, in consequence, reconsidered by the Supreme Government, who reiterated their previous decision, and Mr. Mills was so informed; they were subsequently entered by the Agent, Mr. Warden, in Surinjam lists prepared by him in 1844, and the resumption was described as having been made "by an oversight." The same thing took place when Mr. Warden's lists were revised in 1847 by his successor, Mr. Brown. *On this information* the Honorable the Court of Directors sanctioned their restoration, which took place, with the payment of arrears to the amount of nearly Rs. 14,000. In 1853, having discovered this error, I reported it, without making the slightest allusion to Poorundhuree personally, or to anything but the bare facts of the case. On this report the Supreme Government, at the recommendation of the Government of Bombay, directed the immediate resumption of the villages; and, lastly, the late Agent for Sirdars, Mr. Warden, was called upon to explain the erroneous entry in the lists which he had framed.

127. To this call for explanation the Honorable Mr. Warden, having meanwhile become a member of the Bombay Government, has written, as "late Agent for Sirdars," the reply, in regard to the first 30 paragraphs of which I have already recorded my explanation; the 31st paragraph is given below entire:—

"31. That he abandoned Nugaum, in the sense in which a man abandons his own house when set on fire by an armed banditti, is quite true: the land was wasted, the dwellings were desolated, and the village 'without a light,' as the Natives express it; but not because Poorundhuree

abandoned them, but because hordes of Pindarees carried fire and sword over the plains of India; and it would be a miserable subterfuge, unworthy of the British Government of A. D. 1817, still more of that of A. D. 1853, reigning over an empire, stretching, under the genius and energy of the present Governor General, from the confines of China to those of Afghanistan, to tell one whom Mr. Elphinstone described as 'poor and in debt, and who left the Peshwa early'—'You could not hold your own against those freebooters, the extermination of whom was only effected through the instrumentality of a confederacy of all the Muratha powers, and of the united armies of the British in India commanded by the Governor General in person; and you should, therefore, be treated as one who abandoned his post, and be stripped of the indulgence conceded to all other Surinjam-dars except yourself.'"

128. If I rightly describe that which has led to the present discussion, it amounts to neither more nor less than an inquiry regarding a grave error which has been detected in the Surinjam lists of 1844 and 1847. To connect this with the subjects to which the Honorable Mr. Warden has made such pointed allusion seems to me both unnecessary and undesirable,—unnecessary, because the question at issue is one which has, apparently, nothing whatever to do with the policy and power of the British Government, or the poverty and loyalty of the subjects of that Government; and undesirable, because, if there is any one department of the State the efficient and satisfactory working of which must, more than that of any other, be affected by such appeals, made under such circumstances and from such a quarter, that department is assuredly the Inam Commission.

129. While on this portion of the subject, and to prevent the necessity of recurring to it, I beg to extract the following passage from the Honorable Mr. Warden's 49th paragraph, merely remarking that it was written *long after* the resumption of these villages had been *ordered and officially notified* (see paragraph 72 of this letter):—

"And I state my opinion, respectfully but unreservedly, that to resume these villages without a reference to England, is at once to disobey the home authorities, and violate public faith with the son of a poor and loyal subject who abandoned the Peshwa's standard as soon as the British flag was hoisted."

130. I have next to explain the circumstances under which Poorundhuree has not been permitted to resume possession of the Pétah of Boorhanuggur, in the Ahmednuggur Collectorate, to which Pétah and to the Nimar villages his right was, at the introduction of the British Government, apparently one and the same. The Honorable Mr. Warden in his 32nd and 33rd paragraphs thus adverts to this matter.

"32. Captain Cowper next asserts that the village of Boorhanuggur—Poorundhuree's claim to which was rejected—was exactly in the position of the Nimar ones. What this position was I have shown, and in Captain Cowper's own book, already referred to, I find evidence, certainly bearing no better authority than my own signature,—but still what must be taken to be true till proved to be false,—as to the condition of Boorhanuggur. It is a report addressed by me, as Agent for Sirdars, to the Government, so long ago as May 4th, 1843; it is as follows:—

" ' On reference to the records of the Peshwas' Government, it appears that the portions of the revenue of the village of Boorhanuggur claimed by the petitioner were restored to his grandfather about A. D. 1759, and again entered in the following year as public property, in consequence of its being deserted; *and this was the state in which, according to the Dufstur accounts, it continued till the accession of the British Government;* and the Collector of Ahmednuggur reports *that the village has been deserted for one hundred and fifty years, and that there is no record of the petitioner ever having enjoyed what he claims, and, in fact, there is nothing to enjoy, for the village being deserted, its land must be waste.*

(Signed) "JOHN WARDEN."

"I leave the Government to determine whether Captain Cowper's assertion is borne out by his own record."

131. My assertion is certainly not borne out by the record just quoted, but my assertion was not made upon it, but upon the following facts to which that record makes no allusion:—

1st.—That although from first to last Pétah Boorhanuggur is entered in the Peshwas' accounts as deserted, it does not seem ever to have been entered "as public property," inasmuch as it is altogether deducted from the estimated revenue of the district, and not brought to account under any head at all.

2nd.—That it was a common practice thus to deduct deserted villages, whether alienated or otherwise.

3rd.—That such deduction, made solely on the *recorded* grounds of the deserted state of a village, does not, therefore, prove it to have been public property.

4th.—That in the present case, however, nothing is left to be inferred, as the State records of the Peshwas' Government afford proof that Pétah Boorhanuggur, although entered in the accounts of revenue management as deserted, and, consequently, deducted in the whole of these accounts, was, nevertheless, *at the same time specifically* recognised by the *Peshwa's own Sunud* as alienated to Poorundhuree, and that such formal recognition was

made, not once, but on several occasions, and renewed on the demise of each representative of the family. The entries in the State records are as follows :—

I.—A letter of injunction (Takeed Putru) from the Peshwa, dated A. D. 1763-64, and directing the restoration of Pétah Boorhanuggur to Dhondoo Mulhar Poorundhuree.

II.—A list of alienations, framed in the Peshwas' Dufur, dated A. D. 1763-64, and showing Pétah Boorhanuggur as then alienated to Dhondoo Mulhar Poorundhuree, with the remark that, being deserted, it was annually deducted in the accounts at its nominal (Tunkha) valuation.

III.—A letter of injunction (Takeed Putru) from the Peshwa, directing the restoration to Dhondoo Mulhar Poorundhuree of Pétah Boorhanuggur, which had been attached in the preceding year.

IV.—A detailed memorandum framed in the Peshwas' Dufur of the Surinjam held by Dhondoo Mulhar Poorundhuree in A. D. 1768-69, and showing Pétah Boorhanuggur as then alienated to him.

V.—A similar document for A. D. 1773-74.

VI.—A Sunud issued by the Peshwa in A. D. 1781-82, reciting the death of Dhondoo Mulhar Poorundhuree, and directing the continuance, in Surinjam, of Pétah Boorhanuggur to his two sons, Chimnajee and Mulhar, and to his grandson, Bhugwunt Rao Sudashew.

VII.—A Sunud issued by the Peshwa in A. D. 1786-87, reciting the deaths of Mulhar Dhondoo Poorundhuree and of Bhugwuntrao Sudashew Poorundhuree, and directing the continuance, in Surinjam, of Pétah Boorhanuggur to the son of Mulhar Dhondoo, Vittul Mulhar, who was alive and the claimant at the introduction of the British Government.

132. I have now before me a Murathee memorandum, No. 59 dated the 27th April 1843, containing the information which was furnished in this case from the Peshwas' records to the Agent for Sirdars, Mr. Warden, and on which the Agent's report to Government of the 4th May following was, I presume, framed. This memorandum does not, as it assuredly ought to have done, contain any of the information I have now afforded; it is signed by no one, but is in the handwriting of a Karkoon on the Agent's establishment, named Bapoo Gooroojee, who, I am informed, was then, and had long been specially employed in extracting information from the Peshwas' records.

133. The Honorable Mr. Warden in the 34th paragraph of his present letter has laid great stress on the fact of the Nimar villages having been included in Mr. Elphinstone's lists. That this *proved* nothing in regard to *actual enjoyment* I before stated in my report of the 28th February last, and I am about in a subsequent portion of this letter (see paragraphs 136 to 139)

to explain at length the grounds upon which I believe such to have been the case; but apart from this, it is quite certain that in regard to their entry in Mr. Elphinstone's lists, the Nimar villages and Pétah Boorhanuggur (see paragraph 14 of this letter) were upon one and the same footing, so that the arguments brought forward in the Honorable Mr. Warden's 34th paragraph must apply with equal force to both of these holdings.

134. But supposing such an entry to prove anything, which in my opinion it cannot, for the simple reason that it was made not only subject to inquiry, but on grounds which that subsequent inquiry proved to be erroneous; supposing it to be otherwise, however, it remains to be stated that Pétah Boorhanuggur was not only included in the register of Jagheers *actually* restored, framed by Mr. Chaplin in 1822, but was subsequently entered in the list furnished to Government by the Collector of Ahmednuggur on the 26th February 1840, and purporting (see paragraph 47 of this letter) to show the detail of the Surinjam which had been held by Vittulrao Mulhar Poorundhuree up to his death on the 12th January 1840.

135. This was the information on which I stated (see paragraphs 130 to 134 of this letter) in my report of the 28th February last, "that the village of Boorhanuggur, Poorundhuree's claim to which was rejected, was exactly in the position of the Nimar ones"; and I hope that I have now satisfactorily shown that I made this statement on sufficient grounds. There cannot, I apprehend, be any question that Poorundhuree's right of possession, in so far as it was derived from the Peshwa's title, existed in each of these two cases at the breaking out of the war; but there can, I think, be as little doubt that such right of possession was not at that time "in force."

136. In the 19th paragraph of my report dated the 28th February last I stated,—

The Nimar villages "were included, it is true, in McDonnell's statement, *but subject to inquiry*, which was afterwards made by Mr. Chaplin, and which proved that they did *not*, like the Deccan villages, fulfil the terms on which alone Mr. Elphinstone had contemplated the restoration of any holding, whether Surinjam or Inam." To this statement the Honorable Mr. Warden has taken serious exception, and has in his 34th paragraph explained,—

"The truth being, so far as I have been able to discover it, that the amount of Rs. 10,832-5-3 which Mr. Elphinstone actually granted* (as proved by the annexed extract, not from Mr. McDonnell's statement, but from Mr. Elphinstone's own Surinjam list) was composed of the items specified below.

* "Almost the whole of those *grants* have now been issued,"—he, as Governor in Council, wrote to the Government of India as early as May 11th, 1820."

| | | | | |
|-------------------|-----|--------|----|---|
| " Poona | Rs. | 743 | 14 | 0 |
| Ahmednuggur | | 5,650 | 7 | 3 |
| Khandeish | | 1,300 | 0 | 0 |
| Sattara | | 75 | 0 | 0 |
| Nimar..... | | 3,063 | 0 | 0 |
| Total.....Rs. | | 10,832 | 5 | 3 |

" Extract from Mr. ELPHINSTONE'S List of Jagheers.

| Number. | Name. | Class. | Remarks. | Decision. | Jagheer, or Yearly Allowance to be continued. | | | For what Period recommended. |
|---------|--|-------------|---|--|---|----------------------------------|-----------------------|------------------------------|
| | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at present. | Pensionary Provision. | |
| 7 | Vittulrao Poorundhuree, Rs. 20,949; 78 years; resumed Rs. 5,369. | Mootsudees. | He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moortemoondwah, but concealed himself to avoid waiting on me when I passed it in April. | To retain the whole of his Jagheer, according to Rule No. 3. Land. | Rs. a. 10,832 5½ | Rs. a. 4,366 14½ | | Hereditary. |

And so far from any inquiry having been left to be made by Mr. Chaplin, he, in his second letter to Sir John Malcolm on this subject, dated January 26th, 1820, says:—' It was therefore decided that they (the Nimar villages) should be restored to him (Poorundhuree) by our Government, *in common with the personal Jagheer of all persons considered deserving of this indulgence throughout the whole of the late Peshwa's possessions.* You will observe that the claims of those who held their personal Jagheers of the Peshwa are quite distinct from such as held Jagheer grants from foreign princes, as in the case of Holkar alluded to in Mr. Elphinstone's letter of the 17th July. *As the Supreme Government has already sanctioned the Honorable the late Commissioner's proceedings on these points, you will not, perhaps, under this explanation, consider a further reference necessary.'*"

In his next (the 35th) paragraph, which is quoted entire, the Honorable Mr. Warden expresses the following opinion :—

“The foregoing extracts speak for themselves, and I abstain from remark.”

137. Now, although the “foregoing extracts” are, as far as they go, perfectly correct, they do not state the whole case; indeed, they omit every portion of the case which bears out my assertion. I will now supply this deficiency, and believe that I shall be found to have laid before Government not only the “truth,” but the whole truth, and nothing else.

138. Mr. Elphinstone, a few days after his lists of Jagheers were sent to Calcutta, assumed charge of the Bombay Government, and was succeeded as Commissioner by Mr. Chaplin, who, *three years afterwards*, on the 28th October 1822, submitted (see paragraphs 18 to 20 of this letter) “A register of all personal Jagheers which have been restored by Government, and are now held in the Deccan”; and in doing so, informed the Bombay Government,—“A very considerable reduction has actually taken place, both in granting the Jagheers and from lapses.” *This* was the inquiry to which I alluded in my former report, and I now find, on reference to the register itself, that in regard to no less than *fifty-six* of the Surinjams entered in Mr. Elphinstone’s list, the alterations shown below resulted from Mr. Chaplin’s inquiry :—

| | |
|--|----|
| Altered in respect either to the amount restored or the persons to whom the Surinjam was granted | 21 |
| Reduced in amount | 5 |
| Not restored at all, Mr. Chaplin having discovered them not to have been enjoyed at the breaking out of the war..... | 30 |
| | 56 |
| Total number of alterations.... | 56 |

139. This, I think, establishes the fact of Mr. Elphinstone’s proposed grants having been subject *generally* to inquiry, which was afterwards made by Mr. Chaplin. It, therefore, only remains to explain in how far such was the case *particularly* in regard to the Nimar villages.

140. Before Mr. Elphinstone’s lists of Jagheers were framed, one of the precautions taken he thus described to the Governor General (see paragraph 8 of this letter) :—

“The Collectors were then furnished with lists of the personal Jagheers, and requested to ascertain their actual value, and whether they were in force at the breaking out of the war.”

It has been already explained in the 21st and 22nd paragraphs of this letter that in the case of the Nimar villages this information was not obtained until *after* the lists had been framed, *after* Mr. Elphinstone had relinquished the

post of Commissioner, and *after* Nugaum and Chugaum had been found abandoned, formally taken possession of, and annexed to the British districts. It was on the 10th December 1819 that Mr. Chaplin *first* (the Honorable Mr. Warden has only quoted Mr. Chaplin's *second* letter) wrote to Sir John Malcolm, and requested the restoration of the villages, should Sir John "concur in the propriety of it." Sir John Malcolm did *not* concur, and it was *this* which led to the discussion (see paragraphs 22 to 43 of this letter), terminating in the decision in 1822, by the Supreme Government, so often referred to.

141. The Honorable Mr. Warden has explained, in paragraphs 36 to 40 of his letter, the grounds upon which he has in the last of these paragraphs stated,—

"And it is, therefore, the very opposite of the fact as regards this case, that the revised Surinjam lists were sanctioned *generally* by the Honorable the Court of Directors, as alleged in Captain Cowper's 24th paragraph; for this was one of twenty-two declaredly exceptional cases, regarding each of which it had been advanced by me that a wrong decision had been passed; and, as regards this case, no less than twenty-one title-deeds were deliberately considered before the Court released the two estates."

What I considered a *general* sanction I will shortly explain; but before doing so, I would advert to that portion of the Honorable Mr. Warden's letter which I have just quoted, in so far as to point out that I have already shown (see paragraph 87 of this letter) that although this was one of twenty-two declared exceptional cases, it yet differed from the remaining twenty-one on a most material point—possession at the breaking out of the war; that although in each of the twenty-two cases the Agent, Mr. Warden, advanced that a wrong decision had been passed, yet in no one case that I am aware of, excepting in that of the Nimar villages, were the grounds on which the questioned decision had been passed incorrectly stated in the Surinjam lists; and lastly, that although in this case no less than twenty-one title-deeds may have been deliberately considered before the Court released the two estates, still no consideration of any number of title-deeds could have led to the discovery of error committed in respect to possession at the breaking out of the war, and in respect to the two decisions of the Supreme Government passed with reference to such possession, and not with reference to the date of original grant or to anything affected by title-deeds.

142. What I considered a general sanction, and why I considered Poorundhuree's Surinjam to have been included therein, is best explained by quoting from the 12th paragraph of the Honorable Court's despatch, No. 15 of the 22nd May 1849, the following passage, in which their sanction to the revised lists was conveyed.

“We hereby sanction and confirm them (the revised lists), with the exception of such cases as you have kept open for further investigation, and such as form the subject of special orders in subsequent paragraphs of this despatch.”

Bearing in mind that the above was the *only* sanction accorded to nine-tenths of the one hundred and fifty-eight Surinjams entered in the lists numbered I. to V., it certainly seems to me that it can only be called a general one, and that if this was a general sanction, Poorundhuree's Surinjam was sanctioned generally, for it was neither left open for further investigation nor especially sanctioned in any subsequent paragraph of the despatch.

143. The 37th, 38th, and 39th paragraphs of the Honorable Mr. Warden's letter describe the orders of the Honorable Court issued in 1842 regarding the *Deccan* portion of Poorundhuree's Surinjam, and the letter of the Agent for Sirdars with which the lists of 1844 were submitted to Government. But I do not perceive how this can affect the question, for the Honorable Court's letter of 1842 did not refer to the Nimar villages at all, and the letter with which the Agent, Mr. Warden, submitted his lists in 1844 was calculated, as hereinbefore (paragraph 78 of this letter) explained, to confirm, but certainly not to rectify the erroneous statement in the lists, that the villages had been retained “by an oversight.”

144. In his 40th paragraph the Honorable Mr. Warden, with reference to the Honorable Court's orders of 1842, laying down Rules for the preparation of new Surinjam lists, observes,—

“This order from the Court of Directors was made just one year *after* the resumption of the Nimar estate; and if anybody had then understood there was any distinction to be made between different portions of the Poorundhuree estate, the Nimar estate being the most ancient, my disregard of this distinction would have been observed by the Government of the day, seeing they scrutinised my lists for the long period of fifteen months, and would not have failed to refer to the order of the Government of India, dated the 7th of October 1841, regarding the Hindoostan estate, which order was then recent and in recollection.”

I infer from the above that the Honorable Mr. Warden thinks that both the Bombay Government and the Honorable Court of Directors accorded their sanction to the restoration, on hereditary tenure, of the Nimar villages, with the knowledge that they had been retained, *not*, as stated in the Surinjam lists, “by an oversight,” but under a decision of the Supreme Government, passed after a *second* inquiry in 1822, and declared final on reconsideration in 1841,—such decision having been arrived at, moreover, on grounds nowhere alluded to in the lists, and not applicable, it is believed, to a single other case which these

lists contained. But to assume this carries with it the supposition that both the Government and the Court not only discovered and acted upon the real state of the case, but did so leaving unnoticed the glaring error in the lists; and this I apprehend to be next to impossible. If a conjecture is to be hazarded, I should think it most probable that the lists were *at last* supposed to contain complete information in each case, and, above all, that they were supposed to represent correctly matters specially alluded to in them (as was the case in regard to the resumption of the Nimar villages), for in the Chief Secretary's letter of the 9th May 1843, No. 994, directing their preparation, the Agent for Sirdars had been specially directed "to state in the clearest manner the data on which your recommendations in each case may be founded." (Paragraph 4 of Government letter.)

145. In the same (the 40th) paragraph, the Honorable Mr. Warden observes that the despatches of the Honorable the Court of Directors "on this subject are drawn up with an accuracy and care which forbids the supposition that the existence of two distinct estates was not observed by them." This, I believe, never been questioned. There can be no doubt that the existence of two estates was observed, for it was distinctly shown in the lists; but that which the lists did *not* show correctly had reference, not to the *existence* of these estates, but to the *continuance* of one of them under circumstances which in the lists were not only omitted to be stated, but were actually misstated:—the very care and accuracy with which the Honorable Court's despatches were drawn up is sufficient, I think, to indicate that this misstatement was not detected, as otherwise it would have been pointed out.

146. In the same (the 40th) paragraph the following passage occurs:—

"Besides, I begin by telling the Government that Poorundhuree had availed himself of the opportunity given him to open out his whole case;—'he has produced,' I say 'twenty-one Sunuds, of which seven relate to his estate in Hindoostan.'"

Poorundhuree certainly produced his Sunuds, but failed, apparently, to represent "his whole case"; for in his statement of the 28th July 1843, which was presented to the Agent, Mr. Warden, and which is now before me, not the slightest allusion was made to the decision passed by the Supreme Government in 1841, and which had been communicated (see paragraph 77 of this letter) to him, (Poorundhuree) in the Agent's (Mr. Mills) letter of the 14th October 1841, No. 859; neither did the Sunuds which Poorundhuree produced before Mr. Warden contain that under which (see paragraph 41 of his letter) the Nimar villages had been continued to his father, under the special provision that they would be resumed at his (the father's) death.

147. In submitting my report of the 28th February last to Government,

the Inam Commissioner, Mr. Hart, adverting to Mr. Elphinstone's rule that no Surinjam ceded to the British Government by the Treaty of 1817 was to be, as a general rule, restored, observed,—

“This rule would appear to be doubly fatal to any claim by Poorundhuree to any part of his former Surinjam in Nimar, as, besides not having been enjoyed at the breaking out of the war, it would appear to have been included among the cessions made by the Treaty of Poona, the position of which is thus explained by Mr. Elphinstone in the 5th paragraph of his despatch No. 78 dated 18th June 1818, to the Governor General :—

“The Peshwa's whole revenue, before the last Treaty, amounted to Rs. 2,15,00,000, of which Rs. 95,00,000 was paid into the treasury, and Rs. 1,20,00,000 allotted to Jagheerdars; of this last sum Rs. 26,50,000 was produced by land in Hindoostan, which had greatly declined in value, and from which the Peshwa derived no benefit whatever.

“This last Rs. 26,50,000, with Rs. 32,00,000 of the amount payable into the treasury, was ceded by the Treaty of Poona, concluded in June last.”

The Honorable Mr. Warden has in his 42nd and 43rd paragraphs explained that “Mr. Hart's deductions are drawn from a geographical error,” inasmuch as Poorundhuree's Nimar villages are to the *south* of the river Nerbudda, whereas the Treaty of 1817 affected only possessions to the *north* of that river. Mr. Hart is now in England, and I can only submit what I conceive to be the most probable solution of the difficulty. In the first place, I would observe, that on the question of geography (paragraph 43 of the Honorable Mr. Warden's letter) Mr. Hart never reported at all (see Mr. Hart's report quoted in paragraph 69 of this letter); had he done so, or had he even been aware that a question of geography was involved, I feel assured that his report would have been an accurate one; but, unless I am greatly mistaken, it will be found that he considered the Hindoostan portion of Poorunduree's Surinjam to have formed part of the cessions of 1817, not after a perusal of Article XIV. of the Treaty, which defines the Nerbudda as the limit, and to which I do not believe that he referred, but on the strength of that portion of Mr. Elphinstone's letter which he quoted, and which states the *whole* of the “land in Hindoostan” to have been ceded. But however this may have been, it does not seem a matter on which I need further remark, as the reply (see paragraph 71 of this letter), dated the 22nd July last, of the Government of India appears clearly to show that the resumption of the Nimar villages has now been ordered not on any new grounds, but because, under the circumstances which led to the decisions of 1822 and 1841, they ought never to have been restored at all.

148. At the close of his 43rd paragraph, the Honorable Mr. Warden observes, with reference to this Surinjam, that "by entering it on the Surinjam lists Mr. Elphinstone especially directed it to be restored." In the first place, I would solicit reference to the 15th paragraph of this letter, in which I have explained that Mr. Elphinstone's lists were neither perfectly correct, nor an exact statement of what was eventually restored to each individual, and, besides this, I have pointed out (see paragraph 22 of this letter) that the condition of this Surinjam at the breaking out of the war was not ascertained until *after* the lists had been sent to Calcutta. This alone would, I think, suffice to show that its mere entry in these lists could never have been intended as a special direction that it should be restored; but there is, in addition, the conclusive evidence afforded by Mr. Chaplin's subsequent inquiry, the result of which was reported in October 1822 to the Bombay Government, of which Mr. Elphinstone was the head, and which inquiry I have shown in my 138th paragraph to have not only embraced a thorough examination of the whole lists, but to have resulted in the withholding altogether of thirty of the Surinjams entered in them. Surely, this proves unquestionably that an entry in the lists neither implied nor conferred exemption from inquiry, which was, as stated in my previous report, No. 102 of the 28th February 1853, paragraph 19, "afterwards made by Mr. Chaplin."

149. In his 44th paragraph, the Honorable Mr. Warden has referred to the villages in the territory ceded to the Nizam in the following terms:—

"44. It will be observed that Mr. Mills, in his Surinjam lists, says of Vittulrao Poorundhuree,—'He has lately, also, been deprived by the Nizam, in spite of urgent remonstrances of the Bombay Government, of a Surinjam yielding Rs. 11,000'; and I am informed by Raojee Pendsay, the hereditary Dufur Karkoon alluded to in paragraph 29, that when Poorundhuree pressed this loss on Mr. Chaplin's attention, he always said, 'I have given you your Nimar Surinjam, don't think of that loss any more'; and if this be true,—which from the high character and position of my informant I have no doubt it is,—the Nimar estate was held on far stronger ground than even that in the Deccan."

And again, at the close of his 46th paragraph, has, on this statement of the Dufur Karkoon, designated the Nimar villages as "taken as compensation for a Surinjam of more than three times their value, which Poorundhuree held in the Nizam's country, and which that prince would not surrender." This the Honorable Mr. Warden considers "a very strong point, because unknown to the Governor General in Council who passed the original decision, and to his Lordship in Council who has now directed the resumption of the villages."

The improbability of the hereditary Dufur Karkoon's statement is evident

from nearly every circumstance which I find recorded in connection with this case, but it admits, I believe, of proof that it cannot *possibly* be a correct one. Before, however, going further, I must explain that the Surinjam in the Nizam's country consisted, according to Mr. McDonnell's memorandum, of two portions, one of which, of the value of Rs. 9,531, was neither included in Mr. Elphinstone's order of release of the 15th October 1819 (see paragraphs 14 and 20 of this letter), nor included in his lists submitted to the Supreme Government; the other, of the value of Rs. 1,100, was both included in the order of release and entered in the lists, because it was situated in territory then British, though shortly afterwards ceded to the Nizam. (See paragraph 45 of this letter.)

150. The last mentioned Surinjam, of the value of Rs. 1,100, is *now held* by Poorundhuree, so that *it* cannot be the holding as compensation for which he is said to be entitled to the Nimar villages.

151. And the proof in regard to the other Surinjam, valued at Rs. 9,531, though of a different nature, seems to me to be just as clear; it is,—

1st.—That Mr. Chaplin wrote his *last* letter (see paragraph 30 of this letter) to Sir John Malcolm regarding the restoration of the Nimar villages on the 8th April 1820, and they were restored accordingly; whereas *three years afterwards* Mr. Chaplin urged (in the correspondence referred to in the 2nd paragraph of Captain Cowper's report No. 651 of the 22nd December 1852) the restoration of the Surinjam of Rs. 9,531; so that he could not have granted in 1820 compensation for that which he wished to restore in 1823.

2nd.—The decision of the Supreme Government in 1822 was passed, and the restoration of the Nimar villages, under the Sunud which specially provided for their resumption at the incumbent's death, ordered at *Calcutta*, on grounds wholly unconnected with any arrangements made by Mr. Chaplin, and without reference to any such arrangements.

3rd.—That even supposing Mr. Chaplin to have made the arrangement which it has been shown he neither did nor could make, his act would have been an unauthorised one, as he possessed no independent authority and had been so informed. (Paragraphs 5 and 6 of letter from the Supreme to the Bombay Government, in the Political Department, and dated the 15th July 1820, a copy of which was forwarded to Mr. Chaplin with the letter No. 1291 of the 23rd August following, from the Chief Secretary at Bombay.)

4th.—That the Surinjam valued at Rs. 9,531, in regard to which the Agent, Mr. Mills, in 1840 stated that Poorundhuree had "lately also been deprived by the Nizam, in spite of urgent remonstrances of the Bombay Government, of a Surinjam yielding Rs. 11,000," was one of those in

regard to which the Supreme Government on the 25th February 1825, after declaring that no claim could be fairly made upon the Nizam, observed,—
 “Neither does any obligation appear to attach to the Honorable Company to provide for the Chouth Jagheerdars, who have suffered by the events of the war in common with their late sovereign Bajee Rao.”

5th.—That not only has this alleged fact of the Nimar villages having been given in compensation never during a period of thirty years been before brought forward *by any one*, but Poorundhuree has, at dates *subsequent* to Mr. Chaplin's departure from India, frequently requested* the restoration of the very Surinjam for which compensation is now said to have been granted.

152. The facts mentioned in the last three paragraphs seem to point out the exceeding caution with which oral evidence like that of Raojee Pendsay must be accepted. This is a point on which I have before had occasion to differ from the Honorable Mr. Warden, and as it is one of no little importance, I will here extract what I wrote on the 2nd May last (No. 163) on the subject :—

“99. The want of the aid of the hereditary Duftur Karkoons, which Mr. Warden also supposes to operate prejudicially, does not, I am happy to say, exist; one of the best of these Karkoons (Gunesh Krishna Pendsay, commonly called Raojee Pendsay, about seventy years of age), whose father and grandfather spent their lives in the Duftur (from about A. D. 1730), is on the strength of the Inam Commission establishment, and has assisted me from the commencement; but I would here record an opinion which I lately took occasion to express on this subject. The following is an extract from my report, No. 137 of the 19th March last, on a claim to a large pension in regard to which this very hereditary Karkoon afforded information which, though accepted at the time (when the revised pension lists were framed) as correct, now turns out otherwise :—

“‘Raojee Pendsay is an old hereditary Duftur Karkoon, with a great knowledge of all matters connected with the revenue administration of the last Peshwa, and possessed of a most wonderful memory. Under *any* circumstances, however, I should for obvious reasons receive his evidence in matters of this sort with extreme caution, for though sometimes of much value, it is peculiarly requisite that, as a general rule, it should be tested and supported by other and independent testimony, and especially by the documentary proof afforded by the State records.’”

153. The Honorable Mr. Warden's 46th paragraph is a recapitulation of that to which I have for the most part hereinbefore *specifically* alluded, and to

* The Deputy Agent for Sirdars, Mr. Warden, reported on one of these requests, which was referred to him with Mr. Chief Secretary Norris' letter No. 168 of the 5th October 1832.

so much I need not, therefore, again refer; but there is one sentence which, as it stands, seems to me calculated to convey such a very erroneous impression that explanation seems necessary. It is stated, with reference to the decision passed by the Supreme Government in 1841, and recorded, as I have shown, both in the English and Murathee Office of the Agent, "that no wilful suppression of it is, however, to be suspected, as the merits of the claim on the Nimar lands were fully discussed in consequence of a specific reference from the Court of Directors."

I would explain,—

1st.—That the specific reference from the Honorable Court referred *only* to the Deccan and *not* the Nimar Surinjam.

2nd.—That "the claim on the Nimar lands" was *never* on one essential point,—the decision of the Supreme Government, and the grounds on which that decision had been passed,—discussed at all; on the contrary, the Honorable Court were erroneously informed that the lands had been resumed "by an oversight."

3rd.—That it is, therefore, *because* the merits of the claim on the Nimar lands were *not* fully discussed, that, under the circumstances which are shown to have existed, wilful suppression of the real facts *is* to be suspected.

154. The 47th paragraph of the Honorable Mr. Warden's letter is below extracted, as it certainly requires explanation:—

"47. It is true that I answered this special and particular reference to Poorundhuree's case in a letter on the whole of the Surinjams, but, as I have already shown you, so far from this case being treated "generally," it was handled by me, and afterwards by Mr. Brown, individually and particularly, it being one of two instances only in which the Sunuds themselves were translated and sent to England in support of the decisions, and this because the Honorable Court had singled out the man's case, and ordered a reconsideration of it."

I would submit for consideration,—

1st.—That "the Honorable Court had singled out" the Deccan Surinjam only. (See paragraph 57 of this letter.)

2nd.—That the Agent Mr. Warden's "letter on the whole of the Surinjams" referred to "twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in Hindoostan." (See paragraph 61 of ditto.)

3rd.—That the Sunuds which, on the revision of Mr. Warden's lists by Mr. Brown, "were translated and sent to England in support of the decision," were *not* those relating to the Deccan Surinjam regarding which *alone* the Court had written, but *only* those relating to the Nimar estate erro-

neously stated in the lists to have been resumed " by an oversight." (See paragraph 64 of this letter.)

4th.—That had translations of the Sunuds relating to the Deccan Surinjam been sent to England, the apparently gross fraud which was committed, and which I have reported in my letter No. 510 of the 10th instant, would have been either not attempted or at once detected, and it would have been then seen that some of the Sunuds produced by the Surinjamdar neither, as stated to Government, were dated before 1751 nor referred to older grants, but were Sunuds issued seven years subsequently to 1751 and having no reference whatever to any previous holding or grant.

155. Referring to an expression used by "the Inam Commissioner, Mr. Hart, in submitting my report of the 28th February last,—that the Nimar Surinjam ought, under the deliberate and final orders of the Government of India, to have lapsed to Government on the death of the last incumbent in 1840,—the Honorable Mr. Warden observes in his 48th paragraph,—

"The orders of the Government of India in regard to Nimar were no more final than those of the Bombay Government in regard to the Deccan; and that he so considered the matter was evinced by the alacrity with which the villages were restored when the Governor General in Council heard of the final orders of the Court of Directors."

That Mr. Hart, when he designated as final the orders of the Supreme Government, lost sight of the fact that all such orders are subject to review and reversal in England, I cannot suppose; but he most probably considered final orders based, as those in question were, upon a principle (*i. e.* non-recognition of any right of possession not in force at the breaking out of the war) which had received the unqualified sanction of the Honorable Court, and to question which would have been to question Mr. Elphinstone's whole settlement. Such I conceive to have been Mr. Hart's meaning; and as to the "alacrity with which the villages were restored when the Governor General in Council heard of the final orders of the Court of Directors," it has now been proved (see paragraph 71 of this letter) that the orders of the Honorable Court would not have been carried out at all, had the Supreme Government then known them to have been issued on an incorrect statement of facts.

156. To the Honorable Mr. Warden's 49th paragraph, in so far as it is a recapitulation, I need not refer; but I would submit that the officer who is therein designated "a Colonel Smith," may be fairly presumed from his rank to have been an officer of greater experience than Lieutenant Douglas, before whom, on a *second* inquiry, that evidence was given which the Supreme Government rejected, and for the rejection of which the strongest reasons appear

to have existed (see paragraphs 100 to 104 of this letter), but which the Honorable Mr. Warden considers, nevertheless, "the *best* evidence as to possession."

157. I would also briefly refer to another portion of the same (the 49th) paragraph, in which it is stated that Colonel Smith—

"Added, on hearsay, two *statements*, in respect to both of which he was proved to be quite wrong,—viz. that the other village was a *service* Jagheer, and had been abandoned by Poorundhuree's manager, a personal and local inquiry having two years afterwards established that Colonel Smith had been misinformed; that the tenure was personal, and not for service; the possession of Poorundhuree from time immemorial having been only twice interrupted, and that by force and usurpation; and the last dispossession having ceased six years before the British accession."

The incumbent at the introduction of the British Government (Vittulrao Mulhar) certainly held no military Surinjam, and this was at once pointed out (see paragraph 30 of this letter) by Mr. Chaplin and admitted, so that no harm resulted from the mistake, which probably originated in the fact that although Vittul Mulhar never served, his uncle and cousin both had done so, and it was not, therefore, surprising to find persons at a distance stating with reference to the whole family that which was applicable only to certain members of it.

158. I am not able to understand the distinction which the Honorable Mr. Warden has drawn between the two inquiries, for admitting Colonel Smith's information to have been received from others, and, consequently, hearsay, I cannot perceive how, by any possibility, Lieutenant Douglas could have had any advantage in this respect, when inquiring two and a half years *later* than Colonel Smith regarding *not the then* state of things, but the state of things which had existed from five to twenty years previously.

159. The Honorable Mr. Warden's 50th paragraph is as follows:—

"I, therefore, close this (I am afraid) tedious letter by a repetition of the opinion which led to the whole discussion,—'By an oversight'—an oversight of the principles laid down by Mr. Elphinstone in A. D. 1838 and sanctioned by the home authorities—'this portion of Poorundhuree's Surinjam was retained by Government when the remainder was restored to the present incumbent.'"

Without further explanation I cannot assume that this is intended to explain that the entry in the Surinjam lists of 1844 and 1847 had reference only to the principles laid down by Mr. Elphinstone in 1838, and that this, though not expressed, was left to be understood; but I must point out that the deci-

sion of the Supreme Government, confirmed on reconsideration in 1841, *could** not have been passed by "an oversight of the principles laid down by Mr. Elphinstone in 1838, and sanctioned by the home authorities," for all this was brought to their notice, the Agent, Mr. Mills, having thus concluded his letter No. 101 of the 14th April 1841 (see paragraph 51 of this letter):—

"In my letter to Government handing on the copy of the Governor General's letter, I stated that it did not appear that petitioner had, under the decision of the Governor General in Council, any claims to the villages he alluded to; but, under the circumstances above stated, I am of opinion that Chimnajee Rao Pōorundhuree has, under the Rules subsequently framed for Surinjam estates, a just claim to the villages in question; and should Government concur in the view of the question which I have taken, I would respectfully request that the Supreme Government be solicited to advise the Resident at Indore to continue the villages to Chimnajee Rao Vittul Poorundhuree, according to Mr. Marriott's Rules sanctioned by Government, and until the final order of the Honorable the Court of Directors is received to the subsequent correspondence and the Rules submitted by me respecting Surinjam estates."

This letter was forwarded (see paragraph 53 of this letter) to the Government of India, who, however, saw nothing therein to affect their former decision, based as it had been on a fundamental rule, originally laid down and sanctioned (see paragraphs 6 to 9 of this letter), that no right of possession not in force at the breaking out of the war should be recognised, and *which rule was not even alluded to, much less cancelled*, when in 1838 the principles laid down by Mr. Elphinstone were sanctioned by the home authorities as those principles had reference *only* to the date of original grant—*i. e.* the antiquity of the Surinjam.

160. There is yet one fact connected with this Surinjam which I did not report in my letter of the 28th February last, because I was not then aware of it, having looked merely to the erroneous entry in the Surinjam lists regarding the resumption;—it is that the Mokassa Umuls of four out of the five villages entered in the Surinjam lists of 1844 and 1847 were never restored to the late Vittulrao Mulhar Poorundhuree at all; have never since the introduction of the British Government been in his or in his son's possession; and could not, consequently, have been resumed. (See paragraphs 44 and 63 of this letter.)

161. In concluding this letter, I would briefly refer to the circumstances

* The principles laid down by Mr. Elphinstone in 1838 and sanctioned by the home authorities were explained to the *Supreme Government* in the Honorable Court's despatch No. 9 of the 7th February 1838.

In which this discussion has originated, and a knowledge of which must go far towards explaining much that I have not felt myself authorised to remark upon. The discovery of serious errors in the Surinjam list led Government, on the 24th September 1852, to direct (Chief Secretary's letter No. 4175, paragraph 4) further inquiry, and to order (Chief Secretary's letter No. 4249) on the 1st October following that the subsidiary lists of pensions should likewise be tested. The task devolved upon me, and in its execution I have up to this

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| No. 651, | 22nd | December | 1852. |
| 96, | 25th | February | 1853. |
| 102, | 28th | ditto | ditto. |
| 129, | 15th | March | ditto. |
| 137, | 19th | ditto | ditto. |
| 163, | 2nd | May | ditto. |
| 493, | 19th | October | ditto. |
| 497, | 22nd | ditto | ditto. |
| 499, | 26th | ditto | ditto. |
| 510, | 10th | November | ditto. |

date submitted the reports noted in the margin, disclosing errors in the above lists affecting the public revenue to the extent of more than *eighty thousand rupees*, the greater portion of which sum would, according to the lists, be *permanently alienated*, the estates or pensions being declared hereditary. This inquiry is in its very nature one of considerable difficulty and great

anxiety, which various causes have combined to increase, but which I have hitherto looked upon as merely those obstacles which every officer entrusted with a duty of importance must expect to meet with and is expected to overcome. The opinions expressed and the statements contained in the letter of the Honorable Mr. Warden cannot, however, be thus viewed, and I offer my respectful thanks for the opportunity which has been afforded to me of submitting an explanation, which I have endeavoured to make a complete one, and which I earnestly hope will meet with approval.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 2786.

From C. J. MANSON, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government.

Dated Poona, 3rd December 1853.

SIR,—I have the honour to acknowledge the receipt of your letter No. 4185 dated 27th September 1853, giving cover to copy of one from the Honorable Mr. Warden, late Agent for Sirdars, dated the 9th idem, regarding the villages and Umuls in Nimar held by Chimnajee Vittul Poorundhuree; and, in reply, beg to hand up a report in original by my Assistant, Captain Cowper, No. 535 dated the 30th November 1853.

2. I will briefly call to mind the facts of the case under discussion, before noticing the Honorable Mr. Warden's letter.

3. It was one of the fundamental Rules of the Honorable Mr. Elphinstone, approved and sanctioned by the Government of India, that "no Jagheer not actually enjoyed up to the war was to be restored, unless specially directed so to be." Thus, proof of actual enjoyment was an ingredient necessary in every investigation into a Jagheer holding. If it were found that a Jagheer had been resumed, or was under attachment at the breaking out of the war; or if a Jagheer had been usurped by an invader, and actual possession lost in that way; or if a Jagheer had been abandoned; or if for any other cause actual enjoyment did not exist; then, it "was not to be restored unless specially directed so to be."

4. In Poorundhuree's case the Nimar holdings had been abandoned, and the Government of India, after a full inquiry, sanctioned in 1822, as an act of grace, the restoration of these holdings for the lifetime of Vittul Mulhar.

5. He died in 1840, and his son asked for permission to succeed, but his request was deliberately negatived by the same high authority in 1841.

6. When Mr. Warden, late Agent for Sirdars, revised the Surinjam lists in 1844, he entered the Nimar holdings, giving as a reason in the column of "Remarks" in which Government expected of him to state in the clearest manner the data on which his recommendations in each case might be founded, that these holdings had been retained by Government "by an oversight."

7. Mr. Warden made no allusion to the decision of 1841, and there is reason for believing that a fraud was practised on him by the son, Chimnajee Vittul Poorundhuree, who had been informed of the decision of 1841, but said nothing about it to Mr. Warden; and also that the subordinates in the Agent's Office assisted in the deceit.

8. Captain Cowper, Assistant Inam Commissioner, detected the error in the lists, and the result of his report has been that the Government of India have for a third time declared the grant to Vittul Mulhar a life-grant only.

9. But Mr. Warden was called upon for an explanation of the error, and I now proceed to notice the Honorable Mr. Warden's letter forwarded to me with your letter under acknowledgment.

10. I, of course, placed this letter in the hands of Captain Cowper as quickly as possible, feeling exceedingly anxious about the grave imputations cast both upon him and upon Mr. Hart, my predecessor, that they had knowingly withheld from the Government information not only affecting the case of a claimant, but affording the best evidence in that claimant's favour.

11. It is nearly nine weeks since I called for Captain Cowper's explanation, and I should have noticed the circumstance to Government long ago,

had I not been fully satisfied from my communications with Captain Cowper that the charges were, in effect, wholly without foundation.

12. The length of time during which Captain Cowper's attention has been necessarily occupied, to the exclusion of other business, in framing a complete report, is in itself an evil to be deprecated. In the present case, however, I have the satisfaction of believing that Government will be as convinced as I am that the merits of the case have not been altered in the least by the Honorable Mr. Warden's letter. The case in 1853 is *precisely* the same as it stood in 1822; no new facts have been adduced in evidence.

13. But much matter has been introduced by the Honorable Mr. Warden which, I respectfully urge, has no proper bearing upon the case, and which, if left unreplied to, would have necessarily led to the belief that injustice had been unintentionally done to Poorundhuree by the Government of India. Captain Cowper has, I submit, met each assertion fully and fairly, and shown in a conclusive manner either that it is irrelevant to the point at issue, or else incorrect in substance or otherwise inapplicable.

14. With these remarks I beg to leave Captain Cowper's clear and convincing report in the hands of Government, earnestly soliciting their careful attention to each paragraph, and particularly to the last.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 5519 OF 1853.

POLITICAL DEPARTMENT.

From A. MALET, Esq.,
Chief Secretary to Government, Bombay,

To C. J. MANSON, Esq.,
Inam Commissioner.

Dated 22nd December 1853.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letters Nos. 2786 and 2787, both dated the 3rd instant, relative to the case of Chimnaje Vittal Poorundhuree.

2. In reply, I am desired to inform you that your Assistant Captain Cowper's letter, accompanying your communication No. 2786, is under consideration, and in the meanwhile to request that you will state, for the information of Government, the authority on which you state that if a Jagheer had been usurped by an invader and actual possession lost in that way, it was not to be restored, unless specially directed so to be.

3. I am also desired to request that you will state the "reason" you have for believing that the subordinates in the Agent's Office assisted in a fraud practised on the late Agent by the son of Vittul Mulhar Poorundhuree, and that you will specify the exact nature of the fraud and the overt acts of it which have come to your knowledge.

I have the honour to be, &c.

(Signed) A. MALET,
Chief Secretary to Government.

Bombay Castle, 22nd December 1853.

No. 2860.

From C. J. MANSON, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Poona, 27th December 1853.

SIR,—I have the honour to acknowledge the receipt of your letter No. 5519 dated 22nd December 1853, requesting me to submit the following information in connection with my report No. 2786 of the 3rd instant:—

1st.—To state the authority on which I reported that at the conquest of the Deccan "if a Jagheer had been usurped by an invader and actual possession lost in that way, it was not to be restored, unless specially directed so to be."

2nd.—To state the reason I have for believing that the subordinates in the Agent's Office assisted in a fraud practised on the late Agent by the son of Vittul Mulhar Poorundhuree, and to specify the exact nature of the fraud, and the overt acts of it which have come to my knowledge.

2. With regard to the first point, I beg to explain that the authority on which I afforded the above illustration was that of Mr. Elphinstone's own Rule, to which there were *no exceptions*; therefore, the illustration of an usurped Jagheer cannot be considered as excluded from, but, on the contrary, as falling clearly within its terms. The Rule appears to me most explicit:—

"No Jagheer not actually enjoyed up to the war (was) to be restored, unless specially directed so to be."

The Collectors were to inquire whether the Jagheer was "in force."

3. The Rule as it originally stood when applied to Inams, and before it was made applicable to Jagheers, was, if possible, plainer still,—

“No right to possession is ever intended to be recognised that was not in force at the breaking out of the present war.”

The word “*intended*” seems to imply that the question of whether or not mere right to possession should be a sufficient title against the British Government had been fully deliberated upon by Mr. Elphinstone, and the Rule promulgated accordingly.

4. But as, perhaps, the best proof of the intention of the framer of a Rule is that which is afforded by an example of the manner in which the framer puts his own Rule into force, I beg to refer Government to paragraph 120 of Captain Cowper’s report, which gives an example of Sindia usurping the Wamoree Jagheerdar’s authority in the village of Jowkerreh, and retaining possession of the village in defiance of the Peshwa’s orders. Mr. Elphinstone was made acquainted with the facts, but instead of “restoring” the village to the Jagheerdar who had “a right to possession,” but had not been able to keep it, he left the village with Sindia.

5. I trust that the above explanation will satisfy Government that I placed a correct interpretation on Mr. Elphinstone’s Rule.

6. I now come to the fraud which seems to me to have been practised both by Chimnaje Vittal Poorundhuree and by the Agent’s establishment.

7. Poorundhuree was supposed by the Agent, Mr. Warden, to have stated his *whole case* (paragraph 40 of the Honorable Mr. Warden’s letter); but that he did not do so has been pointed out in the 146th paragraph of Captain Cowper’s report in the following words:—

“Poorundhuree certainly produced his Sunuds, but failed, apparently, to represent his ‘whole case’; for in his statement of the 28th July 1843, which was presented to the Agent, Mr. Warden, and which is now before me, not the slightest allusion was made to the decision passed by the Supreme Government in 1841, and which had been communicated to him (Poorundhuree) in the Agent’s (Mr. Mills) letter of the 14th October 1841, No. 859; neither did the Sunuds which Poorundhuree produced before Mr. Warden contain that under which the Nimar villages had been continued to his father, under the special provision that they would be resumed at his (the father’s) death.”

8. That this suppression by Poorundhuree of the *only facts* affecting the restoration of the Nimar villages—for their date of grant had never been called in question, and had been all along admitted—was connived at by the Agent’s establishment there seems to me reason for believing,—

1st.—Because the head clerk in the Agent’s English Office, Anniaba, “who (to use Mr. Warden’s own words) had assisted in the preparation of every

list of every kind of alienation from the time of Mr. Elphinstone, and who has a most wonderful memory" (paragraph 79 of Captain Cowper's report) failed to lay the real state of the Poorundhuree's case before his superior, who, after he had finished the lists, had sent them to the head clerk, "with directions to revise them and point out any errors that might occur."

2nd.—Because, even supposing the head clerk to have forgotten the discussions which were placed on record in 1822, and the subsequent issue of the Sunud to Poorundhuree which was also recorded, it does not seem possible that he could have thus overlooked the revival of those discussions which had taken place scarcely twenty months previous to the call made upon Poorundhuree by Mr. Warden, and which were then on record in the office of which he (Anniaba) was the head and responsible clerk.

3rd.—Because the clerks in the Agent's Murathee Office must have allowed the statement made by Poorundhuree on the 28th July 1843 to be rendered to Mr. Warden, without bringing to his notice the letter which Mr. Mills had written to Poorundhuree on the 14th October 1841.

9. The above are the grounds upon which I expressed an opinion that the Agent's subordinates must have assisted in the suppression by Poorundhuree of that which it was the most necessary to place before the Agent, and by which means I consider the fraud on the public revenue to have been successfully perpetrated. To suppose that all this could have arisen through oversight or neglect is to suppose a state of inefficiency which I cannot believe to have existed, and in the case of the head clerk it seems certain that it did not.

10. While, however, the above were the only facts having specific reference to Poorundhuree's case, I could not, in forming an opinion, ignore the existence of others materially affecting the Agent's establishment. I was not reporting upon the only case of the kind which had come to my knowledge, but I had just before brought to the notice of Government certain cases the features of which seemed much more objectionable, and on a deliberate review of the whole of these circumstances I felt that I could express no other opinion than the one I did. Captain Cowper had, in the 81st paragraph of his report (below transcribed), arrived at a similar conclusion, in which I entirely agreed with him:—

"Was this the only case in which such things had occurred, I should hesitate to express the unfavourable opinion which I have done; but the very reverse is the fact; I have lately submitted the reports specified in the margin on cases in which there seems every reason to believe that errors of a much graver nature have been committed, and I would solicit a perusal of these letters, especially of that last enu-

No. 327, 21st September 1852.
163, 2nd May 1853.
493, 19th October 1853.
510, 10th November 1853.

These reports were submitted with the Inam Commissioner's letters—

No. 1105, 22nd September 1852.
1991, 20th May 1853.
2645, 19th October 1853.
2722, 12th November 1853.

rated, which shows the Honorable Court and the Government to have passed a decision regarding the Deccan portion of *this very Surinjam* (Chimnaje Vittal Poorundhuree's) on information still more incorrect than that which is now under discussion."

11. No other acts of the Agent's establishment have come to my knowledge in connection with this subject.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

P. S.—I beg to acknowledge the receipt of your letter No. 5521 dated 23rd instant, which has only been delivered here to-day. I do not think it worth while delaying my present letter in order to furnish the additional information called for, which shall be done on my arrival at Sattara, whither my records have been sent.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 566 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,

To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 31st December 1853.

SIR,—I have this day become acquainted with a report made to Government by the Honorable Mr. Warden when Agent for Sirdars, a portion of which bears so materially on the question discussed in the 121st paragraph of my letter No. 535 of the 30th ultimo, that I lose no time in submitting it for your consideration, for communication to Government, should you deem it advisable.

2. Referring to certain villages in Khandeish, claimed in Inam by the Kuddum Bandy family, the Agent, Mr. Warden, expressed the following opinion in the 12th paragraph of his report No. 128 of the 26th July 1845 :—

"12. Now it is distinctly stated by the Government in their tabular statement derived from the memorandum of the Dufturdar while the Poona Duftur was yet complete, that the Peshwa issued an order in Fuslee 1226 (A. D. 1816) for the resumption of Kopurlee and Tannah, and that Runalé was resumed by Trimbukjee Denglia in Fuslee 1223 (A. D. 1813), and the petitioners ascribe the resumption of the three to this Minister, but deny that he had any order for what he did; but it was in A. D. 1813 that this person 'supplanted Mankeshwur in his master's councils' (Grant Duff), and

by 1815 he had become 'the chief director of the Peshwa's councils, and was appointed his Minister in the transaction of affairs with the British Government' (Grant Duff); and it is idle, therefore, to draw distinctions between the acts of such a Minister of such a Government and the acts of the Peshwa himself, who personally took little or no part at this time in the details of administration."

2. It will be seen that this opinion, which the Honorable Mr. Warden expressed in 1845, agrees exactly with that lately submitted by me in the concluding portion of paragraph 121 of my report of the 30th November 1853, No. 535, below quoted:—

"That the *character* of the Agents of the Peshwa by whom resumptions were ordered or carried into effect does not appear to have been considered by Mr. Elphinstone as affecting the validity of resumptions, a very large proportion of which, during the reign of the last Peshwa, were made not under his (Bajee Rao's) own Sunud, but under the orders of his Agent, of whom Trimbukjee Denglia was one of the most trusted, although one of the most unscrupulous."

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 2883.

POLITICAL DEPARTMENT.

From C. J. MANSON, Esq.,
Inam Commissioner,
To A. MALET, Esq.,
Chief Secretary to Government.

Dated Mussoor, 6th January 1854.

SIR,—I have the honour to submit an original letter, No. 566 dated 31st December 1853, from my Assistant, Captain Cowper, affording further information in connection with paragraph 121 of his letter, No. 535 of the 30th November 1853, on the case of Chimnajee Vittul Poorundhuree.

2. Captain Cowper requests that I will submit his letter to Government, should I deem it advisable; and although, in my humble judgment, the particular point noticed in this letter which was raised by the Honorable Mr. Warden, and replied to by Captain Cowper, is irrelevant to the question as to whether or not a right decision has been come to in the case of the above-named Sirdar, yet as in his advocacy of Poorundhuree's claims the Honorable Mr. Warden has given an opinion which is directly opposed to one submitted

by him when Agent for Sirdars, this fact must strengthen Captain Cowper's position, and, therefore, I determine on forwarding his letter.

3. In the case of Kuddum Banday, the Honorable Mr. Warden gave his opinion that it would be idle to draw distinctions between the acts of Trimbukjee Denglia, the Peshwa's Minister, after A. D. 1815, and the acts of the Peshwa himself; and it would seem that the Government of 1845, in reviewing the case, coincided in that opinion:—

“2. The Honorable the Governor in Council thinks that Mr. Warden's letter contains a very fair exposition of this case, and justifies the decision come to by Government in 1827, which limited the enjoyment by the Banday family of the three villages of Kopurlee, Tannah, and Runalé, to a life-tenure.

“3. Any doubt which could have remained would be removed by Mr. Warden's postscript, which furnished copies and translates of the Peshwa's orders resuming these villages in the years 1813 and 1816.” (Government letter to the Collector of Khandeish, No. 4024 dated 15th August 1845.)

4. The expression “any doubt which could have remained” apparently shows that the Government of 1845 considered that some doubt might have remained on this point,—viz. whether Trimbukjee's acts should be viewed as those of the Peshwa; but I think, from the decisive wording of paragraph 3 of the Government letter, it is a question whether, if Mr. Warden had not afterwards discovered the Peshwa's orders, as stated in his postscript, the Government would have hesitated to act on that gentleman's opinion as set forth in the body of his letter.

5. The above remarks and accompanying letter might satisfy Government that now to speak of Poorundhuree as the victim of Trimbukjee Denglia, “the Minister whose hands were stained by the blood of an ambassador to his master's court,” is to apply a fact which should weigh no more in Poorundhuree's favour than it did in that of Kuddum Banday in 1845.

6. Should Government, however, have determined on reconsidering their former proceedings in this case, I venture to submit that the case of Kuddum Banday should be referred to, as some discussions on the above point may have been placed on the Government records which were not of course communicated to the Collector of Khandeish, and the views of the Government of 1845 might thus be fully ascertained.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 523 OF 1854.

POLITICAL DEPARTMENT.

From Captain T. A. COWPER,
Inam Commissioner,

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

Dated Poona, 7th October 1854.

SIR,—With reference to the previous reports of mine which are enumerated

Paragraphs 25 to 29 of Captain Cowper's report No. 31 of the 18th January 1854, submitted by the Inam Commissioner on the 2nd February 1854, No. 2966.

Paragraphs 116 to 120 of ditto ditto No. 535 of the 30th November 1853, submitted by the Inam Commissioner on the 3rd December 1853, No. 2786.

in the margin, I have the honour to submit for the consideration of Government the following transcript of one dated the 30th July 1844, from the Agent for Sirdars, Mr. Warden, on a claim preferred by Rughoonath Rao Nimbajee to hold in Inam certain Umuls of the village of Rajapoor, in the Dindoree Purguna of the Nassick Sub-Collectorate, and which claim the Agent pronounced inadmissible "on the principles which regulated the settlement of the Deccan" (*i. e. non-possession* at the breaking out of the war with the Peshwa):—

"The records of the Poona Duftur show that in A. D. 1802 the village of Rajapoor, Purguna Dindoree, with the exception of Surdeshmookee and Mokassa, was granted to petitioner's father as Surinjam; that in A. D. 1809 the Surdeshmookee and Mokassa, as well as the Babtee of the village, were granted to petitioner's father as Inam by the Punt Prithee Nidhee of Kurrar; that in 1813 the Mokassa was in the hands of the Government; and that on the accession of the British Government petitioner's father acknowledged that the three items of revenue mentioned had not been in his possession for five years, and, consequently, on the principles which regulated the settlement of the Deccan, that he had no right to them.

"Moreover, he only held them as Inam of the Prithee Nidhee, whose own tenure was no more than Surinjam, and who, consequently, was not authorised to alienate them as Inam."

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Inam Commissioner.

No. 2585 OF 1856.

POLITICAL DEPARTMENT.

From H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

To Captain T. A. COWPER,
Special Commissioner in charge Alienation Department.

Dated 20th May 1856.

SIR,—Referring to Mr. Manson's report, No. 2860 dated the 27th December 1853, upon the Surinjam of Chimnajee Vittul Poorundhuree, I am directed by the Right Honorable the Governor in Council to enclose for your information copy of a resolution passed thereon by Government under date the 9th instant.

I have the honour to be, &c.

(Signed) H. L. ANDERSON,
Secretary to Government.

Bombay Castle, 20th May 1856.

Resolution by the Board, dated the 9th May 1856.

RESOLVED,—A considerable part of this very diffuse correspondence is occupied with a discussion of whether the Inam Commissioner kept back from the notice of Government some papers received from the Nimar authorities. It will save time if the Right Honorable the Governor in Council at once states that he entirely acquits the Inam Commission of any such intention. When Mr. Hart and Captain Cowper wrote and submitted their reports they had not received the papers. Almost immediately after the papers had been received, Mr. Hart proceeded to England, and was succeeded by Mr. Manson. Eventually the papers were placed at the disposal of Mr. Warden, who was instituting some inquiries at Poona relative to the question at issue.

2. The question relates to some possessions claimed by the Poorundhuree family in Nimar, consisting of the two villages Chugaum and Nugaum, and the Mokassa Umul of five other villages. These possessions were after some inquiry and discussion granted in 1823, by a Sunud from the Governor General, to Vittulrao Mulhar Poorundhuree for life. He died in 1840, and the possessions in Nimar were resumed. An appeal was made by Chimnajee, the son of Vittulrao, which was referred to the Government of India, but in August 1841 it was announced that the grant was limited to the life of Vittulrao.

3. In 1842 instructions were received from the Honorable Court for the

revision of the Surinjam lists. In 1844 Mr. Warden submitted classified lists; in these it was stated with respect to the Nimar possessions,—“By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent.” Mr. Brown, who revised Mr. Warden’s lists, left the above entry intact. In neither of the lists of these gentlemen was any allusion made to the decision of 1823, nor to the discussion which occurred on the death of Vittulrao, nor to the decision of the Supreme Government in 1841.

4. The revised Surinjam lists were sanctioned generally by the Honorable Court in 1849, and in 1850 the Government of India restored the villages to Chimnaje Vittal Poorundhuree with arrears of revenue.

5. It will thus be seen that the entry in the revised lists was erroneous, and that what was stated to have been “retained by an oversight” was really retained after full and ample discussion,—after decision, reconsideration, and final orders.

6. These facts are now admitted by Mr. Warden, to whose notice the previous correspondence had never been brought. But that gentleman, while conceding the erroneousness of the specific entry, has at great length argued that the villages should be, nevertheless, continued, or rather restored—for they have been again resumed—to the Poorundhuree, upon the merits of the case.

7. The villages were granted by the Supreme Government, under a Sunud to Vittulrao, *for life*. But it would appear to be conceded by the Inam Commission that, did no particular objection exist, the possessions would, under the Rules of 1842, be regarded as hereditary; just as by the same Rules the Deccan Surinjam of the same family was declared to be hereditary.

8. The objection advanced by the Inam Commissioner, Captain Cowper, which in his opinion renders a distinction necessary between the Nimar and the Deccan Surinjam, is that the former at the breaking out of the war was not in the possession of the Poorundhuree;—Mr. Warden, on the other hand, contends that it was in the possession of the family.

9. The case, then, on which so much discussion has arisen, and which has been argued on both sides with great ability, is thus narrowed into a single question,—was the Poorundhuree in possession of the Nimar Surinjam at the breaking out of the war?

10. The Right Honorable the Governor in Council, after full consideration, is of opinion that the present is a peculiar case. The interruption in the Poorundhuree’s possession was not the result of a resumption by the Peshwa, or of the usurpation of any other Chief, but it was occasioned by a desertion of the villages by their inhabitants, in consequence of Pindaree ravages. The Poorundhuree, under such circumstances, would naturally find it impossible to collect any revenue, but his proprietary rights would remain intact.

11. The Government of India in 1822 alluded to the fact of non-possession at the breaking out of the war, but having in 1850 restored the villages to the Poorundhuree, it must be concluded that the views previously expressed were no longer thought worthy of being urged.

12. The Right Honorable the Governor in Council is, therefore, of opinion that the case should now be left for the final decision of the Honorable the Court of Directors, with an intimation that this Government is of opinion that the villages should be restored to the Poorundhuree as hereditary in the fullest sense of the word.

9th May 1856.

(True copy)

(Signed) H. L. ANDERSON,
Secretary to Government.

No. 357 OF 1856.

POLITICAL DEPARTMENT.

From Captain T. A. COWPER,
Officiating Special Commissioner,

To H. L. ANDERSON, Esq.,
Secretary to Government, Bombay.

Dated Bombay, 26th June 1856.

SIR,—I have the honour to submit, for the consideration of Government, the apparent necessity of modifying paragraph 11 of their Resolution regarding the Nimar Surinjam of Chimnaje Vittal Poorundhuree, a copy of which accompanied your letter to my address No. 2585 of the 20th May last.

2. In that paragraph Government have recorded their opinion that the Government of India, when in 1850 they restored the Nimar villages, must be concluded to have thought the views they had previously expressed regarding them “no longer worthy of being urged.”

3. But it will, I think, be found that the Government of India restored the villages in 1850 without in the slightest degree abandoning their original views, and that they three years afterwards, when informed how the Honorable Court's orders for the restoration had been obtained, not only forthwith cancelled their order of 1850, but expressly declared the villages to have been in the first instance “properly resumed.”

4. The Nimar villages were in 1822 continued to Vittal Mulhar Poorundhuree by a Sunud from the Government of India *specifically* providing for their resumption at his death.

5. This Sunud was issued after several years' inquiry and deliberation; at the close of which the Government of India held it clearly proven that Vittul Mulhar was not in actual possession of the villages at the introduction of British rule, when they were found deserted, he having abandoned them some years previously.

6. In 1840 Vittul Mulhar died, and the villages were resumed; when his son, Chimnaje Vittal, preferred a claim, which was submitted to the Government of India, and by them rejected on the grounds (described in paragraph 5) at first assigned for limiting continuance to the father's lifetime.

7. All this passed through the office of the Agent for Sirdars, in which, in the Surinjam lists of 1843, the Nimar villages were entered as to be restored, having been resumed by an "oversight." This was the *whole* of the explanation afforded; every portion of the past transactions was suppressed.

8. The next Agent, Mr. Brown, revised in 1847 the lists of 1843, and failed to correct this error, though he added to it a statement regarding Sunuds tending still further to mislead.

9. On the *general* sanction of the Honorable Court of Directors being accorded to the revised lists, the Government of India were simply requested to restore the villages in *accordance with the Honorable Court's orders*, and this was done.

10. In 1853 the Inam Commissioner exposed the utter erroneousness of the entry in the Agent's lists, and the Government of Bombay on the 23rd June 1853 brought the facts to the notice of the Government of India, with a recommendation that the villages should be at once resumed.

11. The Government of India on the 22nd July 1853 replied, through their Foreign Secretary, as follows:—

"As the recommendation of the Government of Bombay, which was generally approved by the Court of Directors, and which under that approval led the Government of India in 1850 to restore the Nimar villages that had been resumed—and properly resumed—after full consideration by the Government of India in 1840-41, was founded upon a mistaken statement of the facts of the case, his Lordship in Council agrees with the Government of Bombay in thinking that the error should be at once corrected by the recall of the order of 1850, and the immediate recovery of the villages in question."

12. It was *after* the receipt and *promulgation* of these orders that Mr. Warden, the Agent who had prepared the lists of 1843, submitted a letter in reply to a call which had been made on him for explanation. The following is the only portion of his letter (to the Chief Secretary to Government, dated the 9th September 1853) which it is necessary here to notice:—

"And I state my opinion, respectfully but unreservedly, that to resume

these villages without a reference to England is at once to disobey the home authorities, and violate public faith with the son of a poor and loyal subject."

13. I now learn that Government have recommended the reversal of the order of the Government of India, and in doing so have, in paragraph 11 of their resolution, recorded the opinion which I have described in my 2nd paragraph.

14. That there has been some misapprehension seems to me so evident that I have not hesitated to submit the necessity of reconsidering the case, which, moreover, I believe to be one in which it is especially necessary to uphold the orders already passed, *provided* they cannot be questioned on the score of material error. I mean to say that I conceive it to be in the last degree undesirable that an order of the Governor General of India three times iterated,—in 1822, in 1840, and in 1853,—and on the last occasion with an emphatic declaration of the correctness of the two previous decisions, should be annulled after it has been stigmatised publicly as a violation of "public faith" by an officer, the error of whose previous statement of the case, committed when he was Agent for Sirdars, he was then endeavouring to uphold by the weight of his recently acquired authority as a member of the Government of Bombay.

15. A secondary objection to such annulment is, I think, to be found in its probable effect upon the people, who are aware of the whole of the proceedings hitherto, but will assuredly, as it appears to me, never be able to understand how the Inam Commissioner's inquiry, the expunction from the Surinjam lists, and the resumption by the Government of India which took place in 1853, can, without the discovery of a single new fact, admit of hereditary continuance in 1856.

16. A third and very strong objection remains,—the suppression (see Inam Commissioner's letter to Government No. 2860 dated the 27th December 1853, paragraph 7) by the claimant himself, both in his written and in his oral statement of his case to the Agent in 1843, of the *only* facts which were material to it. He failed, when laying his case before Mr. Warden, to make any mention of his application, and its decisive rejection only a few months previously, and he withheld, when producing what he called "all his Sunuds," the only one which could explain how the case really stood,—the Sunud of 1822 from the Government of India expressly declaring the villages granted for life only. All this acquires, I think, additional force from the fact of Government having but lately enunciated (resolution passed in the Revenue Department on the 9th September 1853, No. 5281, paragraphs 32 to 34), with the concurrence of the Government of India and of the Honorable Court of Directors, that mis-

representation or suppression on the part of a claimant will, on detection, be invariably followed by the recall of any favour conceded in consequence of such misrepresentation or suppression; and of their having enforced the principle in several cases of importance, the latest being one in which His Highness Holkar's agents have been found to have resorted to these objectionable means. (Resolution passed in the Revenue Department on the 14th May 1856.)

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Officiating Special Commissioner.

No. 3540 OF 1856.

POLITICAL DEPARTMENT.

From H. L. ANDERSON, Esq.,
Secretary to Government, Bombay,

To Captain T. A. COWPER,
Special Commissioner in charge Alienation Department.

Dated 16th July 1856.

SIR,—I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter No. 357 dated the 26th ultimo, relative to the Nimar portion of the Surinjam entered in the revised lists of 1847 as No. 19 of Class I., in the name of Chimnaje Vittal Poorundhuree.

2. In reply, I am desired to inform you that this case has been referred for the final orders of the Honorable the Court of Directors, and that the erroneousness of the original entry in the revised lists has been admitted, and the case left for the decision of that authority on its merits.

3. The Right Honorable the Governor in Council thinks, therefore, that it will only be necessary to forward a copy of this letter by the next mail to the Honorable Court, in order that the arguments stated in it may meet with such consideration as they may be held to deserve.

I have the honour to be, &c.

(Signed) H. L. ANDERSON,
Secretary to Government.

Bombay Castle, 16th July 1856.

No. 510 OF 1853.

From Captain T. A. COWPER,
Assistant Inam Commissioner,
To C. J. MANSON, Esq.,
Inam Commissioner.

Dated Poona, 10th November 1853.

SIR,—I have the honour, under the instructions noted in the margin, to submit a report on the Deccan portion of the Surinjam entered in the name of Chimnajee Vittul Poorundhuree as No. 19 of Class I. in the revised lists of Surinjams forwarded to Government on the 26th October 1847, by the Agent for Sirdars, Mr. Brown.

Paragraph 4 of Chief Secretary's letter No. 4175 of the 24th September 1852, and Inam Commissioner's letter No. 1344 of the 1st December following.

2. On the 28th February last, No. 102, I reported that the revised lists, apparently, not only failed to show, but completely misrepresented certain important circumstances connected with the Hindoostan portion of this Surinjam; and I then stated (paragraph 28) that I left "the title under which the Surinjam in the Deccan is held by Chimnajee Vittul Poorundhuree for inquiry, if requisite, hereafter."

3. Of the urgent necessity for such an inquiry I have lately become aware from an examination (see paragraph 16 of this letter) of some of the records of the Peshwas' Government, which clearly show that although in the lists of 1844, in the revised lists of 1847, and in a separate communication dated the 29th December 1844 (see paragraph 13 of this letter) from the Agent for Sirdars, Mr. Warden, the whole Deccan Surinjam has been stated to have been granted prior to A. D. 1751, a large portion of it was, in reality, not granted nor held until after that period.

4. The following extract from Mr. Elphinstone's lists refers to the *whole* of the Surinjam which it was proposed to continue to Vittulrao Mulhar, and not to merely the Deccan portion, the detail of which is given in the next paragraph.

| Number. | Name. | Class. | Remarks. | Decision. | Total Amount of the Jagheer as it stood at the breaking out of the War. | Number of Years in Possession. | Jagheer or Yearly Allowance to be continued. | | | Pecuniary Pension. | For what Period recommended. | |
|---------|-------------------------|-------------|---|--|---|--------------------------------|--|----------------------------------|-------|--------------------|------------------------------|-------------|
| | | | | | | | Kumal, or greatest recorded Collection. | Estimated real Value at present. | | | | |
| | | | | | | | Rs. | a. | Rs. | a. | | |
| | Vittulrao Poorundhuree. | Mootsudees. | He is of the great family of the Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moortemoondwah, but concealed himself to avoid waiting on me when I passed it in April. | To retain the whole of his Jagheer, according to Rule No. 3; land. | Rs. 20,949; besides resumed by Bajee Rao Rs. 5,369. | 78 | 10,832 | 5½ | 4,366 | 14½ | .. | Hereditary. |

5. The *Deccan* portion of the above Surinjám, which was shown in the register of restored personal Surinjams which Mr. Elphinstone's successor, Mr. Chaplin, forwarded to the Bombay Government with a letter No. 122 dated the 20th October 1822, to have been restored to Vittulrao Mulhar Poorundhuree, consisted of the following items:—

Poona Collectorate.

| | | | |
|---|---------|----|---|
| The village of Hurnee, Turuf Neerthuree, Prant Poona, exclusive of Mokassa | Rs. 324 | 8 | 0 |
| The Mokassa and Babtee Umuls of the village of Taklee, Turuf Sandus, Prant Poona..... | 216 | 0 | 0 |
| The Mokassa Umul of the village of Moondwah, Kurryat Sassoor | 78 | 8 | 0 |
| The Mokassa Umul of the village of Wursolee, Turuf Nanay Mawul | 77 | 4 | 0 |
| The village of Pimpulnair, Turuf Nighoz, Prant Joonere.. | 1,733 | 8 | 0 |
| The Mokassa, Babtee, Sahotra, and Nimchowtaiee Umuls of the village of Moortee, Purguna Soopa | 441 | 12 | 0 |

| | | | |
|---|-----------|---|---|
| Fifteen beegas of land in the village of Wanowree, Turuf Havailee | Rs. 30 | 0 | 0 |
| Twenty ditto ditto in the village of Kurunjé, Turuf Neerthuree..... | 17 | 0 | 0 |
| Total in Poona.... | Rs. 2,919 | 2 | 0 |

Nuggur Collectorate.

| | | | |
|---|-----------|---|---|
| The Mokassa, Babtee, and Surdeshmookee Umuls of the village of Chowrana Boodrook, Turuf Nuggur Havailee | 288 | 9 | 6 |
| The Mokassa, Babtee, and Surdeshmookee Umuls of Pétah Boorhanuggur, Turuf Nuggur Havailee | 567 | 9 | 9 |
| The village of Wudewlé, Purguna Shewgaum | 2,500 | 0 | 0 |
| The Mokassa Umul of the village of Wasreh, Purguna Akolay | 119 | 0 | 0 |
| The Mokassa, Babtee, and Sabotra Umuls of the under-mentioned villages in Purguna UMBER:— | | | |
| Antervelly Tembé..... | 475 | 0 | 0 |
| Muchindra Chincholee..... | 625 | 0 | 0 |
| The Mokassa Umul of the village of Pargaum, Purguna Wun | 200 | 0 | 0 |
| The Mokassa Umul of the village of Tazoo, Purguna Pargaum | 50 | 0 | 0 |
| Total in Nuggur.... | Rs. 4,825 | 3 | 3 |

In Sattara.

| | | | |
|--|----|---|---|
| One-fourth of a chahoor of land in the village of Bhooinj, Sumut Neemb, Prant Wae..... | 75 | 0 | 0 |
|--|----|---|---|

6. In 1834 lists of the Deccan Surinjams were prepared by the Deputy Agent for Sirdars, Mr. Warden, revised by the Agent, Mr. Marriott, and by the latter officer submitted to Government, with a letter, No. 26 dated the 6th March. In the Deputy Agent's lists this holding was entered as No. 8, and in those of the Agent as No. 25, of Class I.; in all other respects the two lists agreed; A. D. 1741 was assigned as the date of original grant of the Surinjam, and its estimated real value was shown to be Rs. 7,491-13-6.

7. In 1840 the Agent for Sirdars, Mr. Mills, framed new-lists of the Deccan Surinjams, which were submitted to Government with his letter No. 258 of the 23rd October. In these lists this Surinjam was entered as No. 28 of Class I., the date of its original grant, and its estimated real value,

corresponding with the entries in the lists of 1834, and the column of "Remarks" containing the following entry :—

"Vittulrao Mulhar Poorundhuree died in January 1840, and the estate has been continued to his son, according to the late Agent's Rules."

8. The principles upon which Mr. Mills had framed his lists were pronounced by the Honorable Court of Directors to be erroneous and at variance with their intentions; they, consequently, in a despatch, No. 17 of the 26th October 1842, enunciated definite Rules, according to which they desired that new lists should be framed, and in the 20th paragraph of this despatch they thus adverted to the Deccan Surinjam, which had been continued, at the death of Vittulrao Mulhar Poorundhuree, to his son Chimmajee Vittul :—

"The sixth and last case is that of Vittulrao Mulhar Poorundhuree, whose Surinjam of Rs. 7,491-3-37 you have determined to continue for one more generation. The original grant of this estate being of the early date of 1741, it must, under the principles laid down in the present despatch, be hereditary, and we direct that it be so considered."

9. The principles laid down by the Honorable Court were,—

I. (Paragraph 9 of Honorable Court's Despatch.)—"That all Jagheers in Class I. of Mr. Mills' list, which bear dates anterior to 1751, be, as Mr. Elphinstone recommends, 'hereditary in the fullest sense of the word,' together with those of which the dates are unknown, but which are known to be ancient,"

II. (Paragraph 10 of Honorable Court's Despatch.)—"In addition to these ancient Jagheers, all those of more recent date, which were granted in commutation for the resumption of more ancient possessions (which is known to have been the case with some) are entitled in like manner to an hereditary tenure."

III. (Paragraph 12 of Honorable Court's Despatch.)—"That with regard to Surinjam grants bearing date subsequent to 1751, resumption after a second generation from the conquest, making a pensionary provision equal to half the net proceeds of the Surinjam lands for the generation next succeeding, should be the general rule."

IV. (Paragraph 12 of Honorable Court's Despatch.)—"That cases in which Mr. Elphinstone may have recommended a more extended provision" should be separately and specially considered, as also any other cases deemed to require such consideration.

10. These instructions were communicated to the Agent for Sirdars, Mr. Warden, who was ordered to frame new lists in the Chief Secretary's letter

No. 994 of the 9th May 1853, the 10th paragraph of which specially adverted to this Surinjam in the following terms:—

“ In regard to the 20th paragraph of the Honorable Court's despatch, I am directed to request that you will ascertain and report to Government whether the family of the late Vittulrao Mulhar Poorundhuree possess any documentary proofs of the estate held by the deceased having, as asserted by them, been granted to his family in the year 1741.”

11. In the 4th paragraph of the same letter, the Chief Secretary specially pointed out the necessity of carefully ascertaining, in each case, “ the date of the original grant, as ascertained from Sunuds or other documents, either on the records of the Poona Duftur or in the possession of the family to whom the Surinjam was granted; the utmost care (the Chief Secretary added) should be taken to guard against any fraud or deception on this point.”

12. New lists were accordingly framed and submitted to Government with Mr. Warden's letter, No. 225 of the 29th December 1844. In these lists the whole Deccan Surinjam of Chimnajee Vittul Poorundhuree was, as No. 29 of Class I., shown to have been granted in A. D. 1741.

13. In the 19th paragraph of his transmittory letter, Mr. Warden afforded the following explanation in regard to this Surinjam, including a portion claimed in Hindoostan:—

“ In reply to your last paragraph [see paragraph 10 of this letter], I have the honour to state that the family of Vittulrao Mulhar Poorundhuree has produced twenty-one Sunuds or title-deeds, of which fourteen relate to his Surinjam in Poona and Ahmednuggur, and seven to his estate in Hindoostan, which last, I am informed, has been resumed, although granted by two Sunuds, dated one in A. D. 1739 and the other in A. D. 1744, and which should, therefore, be restored with arrears. The Poona and Ahmednuggur possessions are secured by Sunuds bearing dates from A. D. 1719 to A. D. 1768; of these seven are dated subsequently to A. D. 1751, but as all these refer to older grants, and Mr. Elphinstone declares the estate to have existed seventy-eight years in 1819, which gives the year A. D. 1741 as that of the original grant, as set down by me in the lists of 1834, I think no mistake can have been made on this point.”

14. The entry in Mr. Warden's lists of 1844 of Surinjams of the First Class—i. e. those granted before A. D. 1751—is below shown; the entry in list No. 5, referred to in the column of “ Remarks,” has not been extracted, as it has no connection whatever with the Deccan portion of the Surinjam.

STATEMENT
EXHIBITING THE
SURINJAM OF THE POORUNDHUREE FAMILY.

| Number. | Name of Original Grantee. | Name of Present Incumbent. | Soobhas in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village. | Date of Original Grant, as ascertained from Sunuds and Records. | Age of Present Incumbent. | Annual Private Income of the Incumbent. | The Names and Ages of the Incumbent's Male Issue. | The Tenure. | Remarks. |
|---------|------------------------------|-------------------------------|--|--|---|---|---------------------------|---|---|--------------------------|----------|
| 29 | Mulhar Tookdeo Poorundhuree. | Chimnaje Vittal Poorundhuree. | Poona..... The Mo-kassa of these vil-lages. | Taklee Moondwah..... Wursolee Moortee Hurnee Land in the village of Ghorpuray. Ditto in the village of Kurunjeh. | Rs. a. p. 216 0 0 78 8 0 77 14 0 441 12 0 324 8 0 30 0 0 17 0 0 Total.. 1,185 10 0 | A. D. 1741 | 17 years. | Rs. 420 | None. | | |
| | | | Ahmednuggur. | Pimpulnair..... Wudewlé Khoord Chahoorana Boodrook Wasur Pargaum Tazoo..... | 886 5 0 1,277 10 9 266 13 0 157 12 9 104 12 0 29 4 0 Total.. 2,722 9 6 | | | | Hereditary in the fullest sense of the word. | | |
| | | | Sattara | Bhooinj | 75 0 0 | | | | | See No. 2 of List No. 5. | |
| | | | Nimar, in Hindoostan. | Chugaum Mukana..... Nugaum..... | 1,500 0 0 1,288 0 0 | | | | | | |

| | | | | | |
|--|------------------|---|-------|---|---|
| | Buhadurpoor..... | } | 225 | 0 | 0 |
| | Ichapoor | | | | |
| | Koortee | | | | |
| | Boree..... | | | | |
| | Sangvee :..... | | | | |
| | Total.. | | 3,013 | 0 | 0 |
| | Grand Total.. | | 6,996 | 3 | 6 |

15. In Mr. Brown's Revised List, submitted to Government on the 26th October 1847, this Surinjam was entered as shown in the following extract; the entry in list No. 5, to which allusion is made in the column of "Remarks," had no reference to the Deccan portion.

| Number. | Name of Original Grantee. | Name of Present Incumbent. | No. in the List prepared in 1894. | Soobhas in which the Surinjam is situated. | Names of the Villages comprising the Surinjam. | Estimated Annual Value of each Village, agreeably to the Collector's signed Memoranda. | Date of Original Grant, as ascertained from Sunuds and Records. | Age of the Present Incumbent. |
|---------|------------------------------|--------------------------------|-----------------------------------|--|---|--|---|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 19 | Mulhar Tookdeo Poorundhuree. | Chimnajeet Vitul Poorundhuree. | No. 25 of Class I. | | | | | |
| | | | | Poona. | Taklee Moondwah Wursolee Moorlee Hurnee Land in the village of Ghorpuray Land in the village of Kurunjeh Total.. | Rs. a. p. 216 0 0 78 8 0 77 14 0 441 12 0 324 8 0 30 0 0 17 0 0 1,185 10 0 | 1741. | 17 years. |
| | | | | Ahmednugur. | Pimpulnair Wudewlé Khoord Chahoorana Boodrook.... Wasur Pargaum Tazoo Total.. | 886 5 0 1,277 10 9 266 13 0 157 12 9 104 12 0 29 4 0 2,722 9 6 | | |
| | | | | Sattara | Bhooinj | 75 0 0 | | |
| | | | | Nimar, in Hindoostan. | Chugaum Mukana Nugaum Buhadurpoor Ichapoor Koortee Boree Sangvee Total.. | 1,500 0 0 1,288 0 0 225 0 0 3,013 0 0 | | |
| | | | | | Gand Total.. | 6,996 3 6 | | |

| Annual Private Income of the Incumbent. | The Names and Ages of the Incumbent's Legitimate Male Issue. | The Tenure. | Reasons for making the Grant, as recorded by Mr. Elphinstone when Sole Commissioner in the Deccan. | Remarks. |
|---|--|--|---|--|
| 10 | 11 | 12 | 13 | 14 |
| Rs. 420 | None. | Hereditary in the fullest sense of the word. | In the Class of Mootsudees, No. 7.—Vitulrao Poorundhuree. He is of the great family of Poorundhuree. He is poor, and in debt. He left the Peshwa early in the war, and returned to his village of Moor-temoondwah, but concealed himself to avoid waiting on me when I passed it in April. To retain the whole of his Jagheer, according to Rule No. 3. Land; hereditary. | This Surinjamdar possesses many Sunuds, and by them it appears that the tenure of the Surinjam is antecedent to Esunay Arbain (A. D. 1741). Translations of them are contained in Appendix A to this list. This Surinjamdar possesses a Surinjam in Hindoostan to the amount of Rs. 3,013. The Bengal authorities should be addressed, in order that this Surinjam should be restored. By an oversight, this portion of the Surinjam was retained by Government when the remainder was restored to the present incumbent in A. D. 1840. Sunuds and Chor Chittees are in the possession of this person. (See No. 2 of Statement No. 1 of List No. V.) |

16. It will be seen that it was not until Mr. Warden's lists of 1844 were framed that it became of primary importance to ascertain with exactness the date of grant of each of the items composing a Surinjam ; and it will be observed that the Government, in promulgating the orders of the Honorable Court, especially pointed out (see paragraph 11 of this letter) the necessity of consulting the State records of the Peshwas' Government (the Poona Duffur) on this point. I can scarcely suppose such a reference to have been made in this case at all ; but if the Peshwas' records were consulted by any qualified persons, the information which they afforded must, I apprehend, have been withheld by them from Mr. Warden, as a portion of it lay on the very surface (see paragraphs 18 and 19 of this letter), and must have, I think, at once attracted their observation, just as it has now done (see paragraph 3 of this letter) that of my subordinates and of myself.

17. Of the Deccan Surinjam, valued at Rs. 3,983-3-6, and entered as granted before A. D. 1751 in Mr. Warden's lists of 1844 and in the revised list of 1847, the undermentioned items, valued at Rs. 1,391-8-1½, were granted *subsequently* to that year (as shown below) as *new grants*, and not in commutation for or with reference to anything held previously :—

| Date of Grant. | Items. | Value according to Revised Lists. | | |
|---|---|-----------------------------------|----|----|
| | | Rs. | a. | p. |
| A. D. 1754-55 | The village of Hurnee, in the Poona Collectorate, exclusive of the Mokassa Umul..... | 324 | 8 | 0 |
| „ 1756-57 | The Babtee and Sahotra Umuls of the village of Moortee, in the Poona Collectorate | 208 | 12 | 0 |
| „ 1757-58 | The Jagheer Umul of the village of Wudewlé, in the Ahmednuggur Collectorate | 734 | 10 | 7½ |
| „ 1765-66 | The Babtee and Surdeshmooke Umuls of do. do.. | 123 | 9 | 6 |
| Total value of grants made after A. D. 1751.. Rs. | | 1,391 | 8 | 1½ |

18. The first item specified in the last paragraph—the village of Hurnee exclusive of the Mokassa Umul—was granted by the Peshwa, whose Sunud is duly registered in the State records.

19. The second item, consisting of the Babtee and Sahotra Umuls of the village of Moortee, was granted by the Punt Suchew, but the exact date of grant I have not been able to ascertain. There is proof, however, that the grant had not been made in A. D. 1756-57, as the State ledger for that year contains the registry of a Sunud issued by the Peshwa, and granting to Poorundhuree the *management (Komavees)* of these Umuls. This year has, therefore, been assigned as the date of grant, which, although it *could* not have been made before, may have taken place in A. D. 1756-57.

20. The third item, the Jagheer Umul of Wudewlé, was granted in A. D. 1757-58 by Sindia, whose Sunud was produced before the Agent, Mr. Warden, in 1843, and is recorded in a statement which was then made by the Surinjandar, who did not produce any document of an earlier date,—in fact, he could not do so, this being the Sunud making the original grant as a new one, and not in commutation for or with reference to anything held previously.

21. The fourth item, consisting of the Babtee and Surdeshmookee Umuls of Wudewlé, was granted by the Peshwa in A. D. 1765-66, by a Sunud registered in the State records. This Sunud was also produced before Mr. Warden in 1843, and the remarks made at the close of the last paragraph apply equally to this document.

22. It appears to me that in this case the person or persons in the Agent's Office who were employed to render to their superiors the substance of the Murathee Sunuds and the Murathee statement of the Surinjandar, must have committed a deliberate fraud; for under no other supposition can I account for Mr. Warden having informed (paragraph 13 of this letter) the Government that the Poona and Ahmednuggur possessions were secured by Sunuds bearing dates from A. D. 1719 to A. D. 1768, seven of these being dated subsequently to A. D. 1751, but referring to older grants; the fact being that two of the documents (those specified in paragraphs 20 and 21 of this letter) were Sunuds dated subsequently to A. D. 1751, making new grants, and not referring in any way to anything held previously.

23. It would seem, also, that a large portion of the documents which the Surinjandar produced in 1843 could not have been shown to Mr. Warden at all; at least, I infer this from the fact of there being recorded in the Surinjandar's statement more than four times the number (twenty-one) specified by the Agent. (See paragraph 13 of this letter.)

24. When the lists were revised by Mr. Brown in 1847. the following remark was added to the entry previously made by Mr. Warden:—

“This Surinjandar possesses many Sunuds, and by them it appears that the tenure of the Surinjam was antecedent to Esunay Arbain (A. D. 1741). Translations of them are contained in Appendix A to this list.”

This certainly seems to me to imply that translations of the Sunuds under which the whole Surinjam was held were appended; but such was not the case,—the only translations were those of Sunuds for the estate in Hindoostan, which was entered in the list as retained “by an oversight,” when its resumption, on grounds which the Sunuds did not affect, had been declared final on a reconsideration of the case by the Government of India in 1841, and the decision had been communicated to the Agent, and recorded in both the English and Murathee Offices; but for the Deccan Surinjam, the tenure of which

depended wholly *on the Sunuds*, no translations were appended; had they been furnished, that which I have now reported must have been at once detected, or, at any rate, could only have been concealed by false translations.

25. Under the circumstances now reported, therefore, it appears that a portion of this Deccan Surinjam, of the value of Rs. 1,391-8-1½, should not, under the Rules laid down by the Honorable Court of Directors, be held on hereditary tenure, being resumable after a second generation from the conquest (*i. e.* on the demise of the present incumbent), a pensionary provision being made for the generation next succeeding.

26. The above valuation I have taken from the revised lists, but it cannot be depended upon, as I find that in regard to some of the items the lists show the value assigned to the holding in the Peshwas' accounts, which is of course far in excess of its present value, while in other instances the present actual value seems to be the one assigned; at least, I infer such to be the case from its being less by nearly one-half than that shown in the Peshwas' records.

I have the honour to be, &c.

(Signed) T. A. COWPER, Captain,
Assistant Inam Commissioner.

No. 2722.

POLITICAL DEPARTMENT.

From C. J. MANSON, Esq.,
Inam Commissioner,

To A. MALET, Esq.,
Chief Secretary to Government, Bombay.

Dated Poona, 12th November 1853.

SIR,—I have the honour to submit a report (No. 510 dated 10th November 1853) by my Assistant, Captain Cowper, on the Deccan portion of the Surinjam entered in the name of Chimnaje Vittal Poorundhuree as No. 19 of Class I. in the revised lists of Surinjams forwarded to Government on the 26th October 1847 by the Agent for Sirdars, Mr. Brown.

2. This report exposes what certainly looks like a most barefaced fraud practised upon Mr. Warden, late Agent for Sirdars, in regard to fixing the date of the original grant of the Surinjam, by means of which fraud the public revenues have been declared liable for a larger amount and for a longer period than the Surinjam Rules sanction.

I have the honour to be, &c.

(Signed) C. J. MANSON,
Inam Commissioner.

No. 2640 OF 1856.

POLITICAL DEPARTMENT.

From H. L. ANDERSON, Esq.,
 Secretary to the Government of Bombay,
 To Captain T. A. COWPER,
 Special Commissioner in charge Alienation Department.

Dated 21st May 1856.

SIR,—Referring to Mr. Manson's letter, No. 2722 dated the 12th November 1853, with enclosure, relative to the Deccan portion of the Surinjam entered in the name of Chimnajee Vittul Poorundhuree as No. 19 of Class I. in the revised Surinjam lists of 1847, I am directed by the Right Honorable the Governor in Council to enclose, for your information and guidance, copy of a resolution passed thereon by Government under date the 9th instant.

I have the honour to be, &c.

(Signed) H. L. ANDERSON,

Bombay Castle, 21st May 1856.

Secretary to Government.

Resolution by the Board, dated the 9th May 1856.

The question relative to the Deccan portion of the Surinjam of Chimnajee Vittul Poorundhuree depends on a point of fact. By the orders of the Honorable Court, Surinjams granted before 1751 are declared to be hereditary in the fullest sense of the word. In Mr. Warden's and Mr. Brown's lists, the Deccan Surinjams of this family are stated to have been granted in A. D. 1741, but Mr. Warden admitted that seven Sunuds for various holdings were of a later date than A. D. 1751. He added, however, that all these referred to other grants. Captain Cowper opposes this statement by the assertion that four holdings were acquired after 1751, and were not acquired in lieu of former possessions.

2. The holdings to which Captain Cowper refers are the following :—

- I.—The village of Hurnee, in the Poona Collectorate, exclusive of the Mokassa Umul, granted in A. D. 1754Rs. 324 8 0
- II.—The Babtee and Sahotra Umuls of Moortee, in the Poona Collectorate, granted in A. D. 1756-57... 208 12 0
- III.—The Jagheer Umul of Wudewlé, in the Ahmednugur Collectorate, granted in A. D. 1757-58 734 10 7½
- IV.—The Babtee and Surdeshmookee Umuls of Wudewlé, granted in A. D. 1765-66 123 9 6

3. Captain Cowper shows, in the 18th to 22nd paragraphs of his report, that these grants were not in lieu of former possessions.

4. Mr. Warden has sent from England his remarks upon the case, in the course of which it may be collected that he abandons the defence of this entry in his lists. He forwards the answers of Vidyadhur Punt, the Assistant Sheristedar in 1844, and of Raojee Pendsay. The substance of these answers completely bears out Captain Cowper's assertion. Vidyadhur Punt endeavours to involve the facts in some difficulties, but on the main points he confirms Captain Cowper's statement, and Raojee Pendsay does so still more clearly and unreservedly.

5. Mr. Warden suggests that Chimnajeel Vittul be called upon to prove his title, but this course the Right Honorable the Governor in Council considers to be quite unnecessary. That Sirdar has had every opportunity of doing so, and has altogether failed. The facts are abundantly clear that the four holdings above detailed—which amount in value to one-third of the Deccan Surinjam—were granted after 1751, and were granted as new grants. The Right Honorable the Governor in Council, therefore, considers that they must, according to the Surinjam Rules as prescribed by the Honorable Court, lapse on the decease of the present incumbent, a pensionary provision being made for the next generation.

(True copy)

(Signed) H. L. ANDERSON,
Secretary to Government.

9th May 1856.