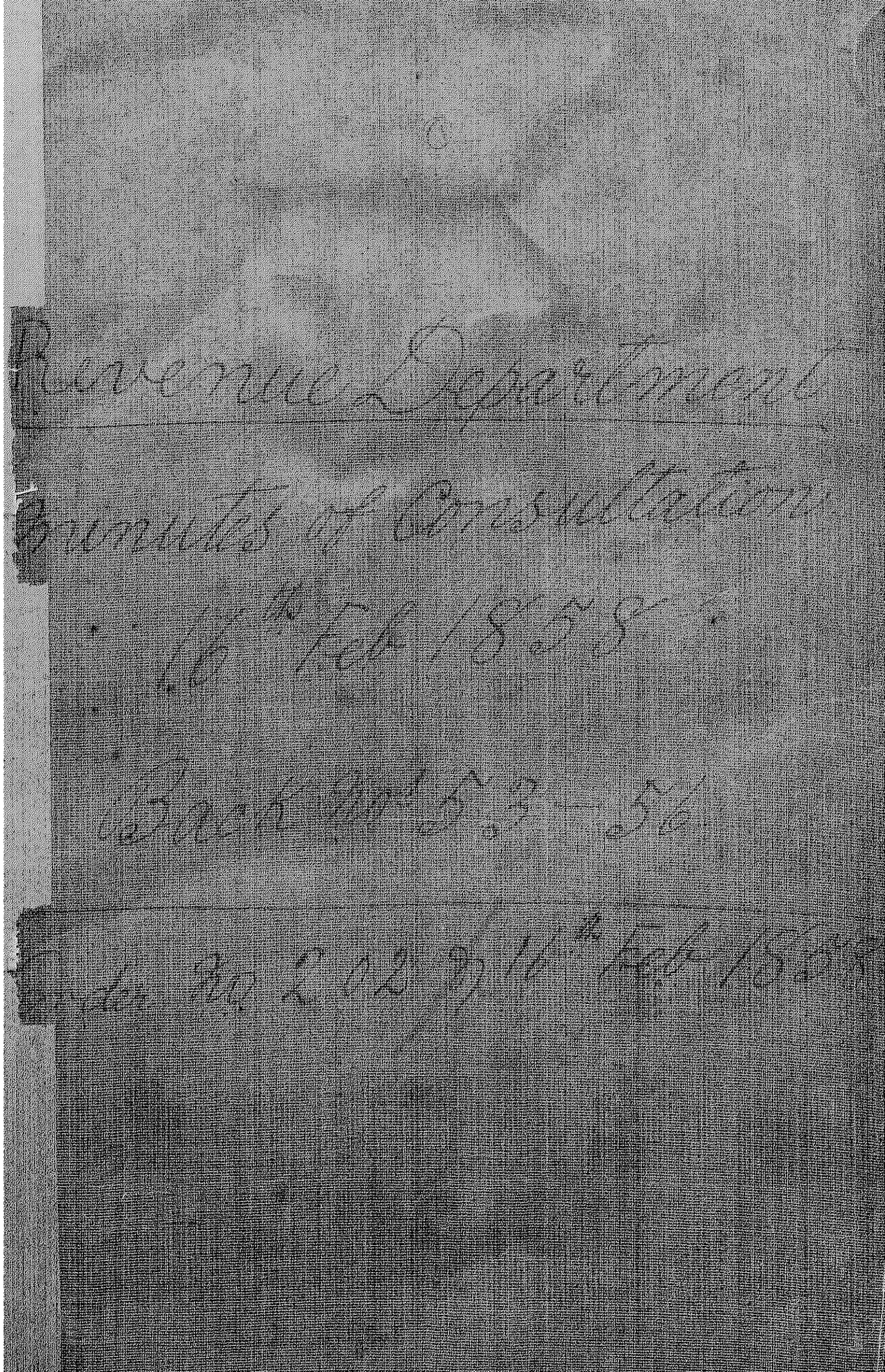
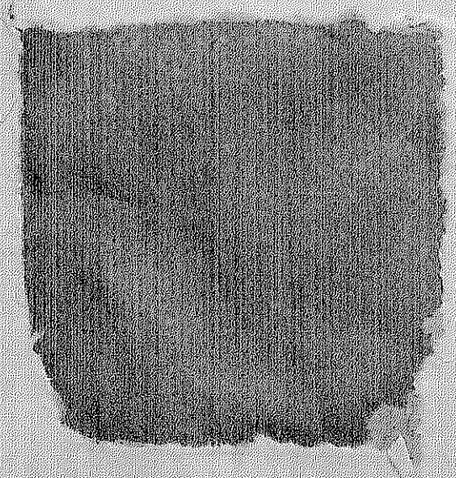




பாகாயம் பிரிவு - 2

செய்யவேண்டிய வேலை:

செய்யவேண்டிய வேலைக்-
கொடுக்கப்பட்ட நாள்:

45 21/6/08 | 21/6/08 | 21/6/08

Fort Saint George, Revenue Consultation of 16th February 1858.

Read the following papers.

No. 53. From R. B. CHAPMAN, Esq., Officiating Under Secretary to the Government of India; to E. MALTBY, Esq., Acting Chief Secretary to the Government of Fort Saint George; dated Fort William the 19th October 1857, No. 1716.

Sir,

I am directed to forward for disposal by the Government of Fort St. George the accompanying letter dated the 12th Instant from Mr. G. Norton, and its enclosure being a petition from Hurri Kishen Bunje the adopted son of the late Zemindar of Goomsur praying for a reconsideration of the decision confirming the Goomsur Zemindary.

From G. NORTON, Esq., Authorized Agent of Hurkishen Bunj; to CECIL BEADON, Esq., Secretary to the Government of India, Home Department, Fort William, dated Garden Reach, 12th October 1857.

Sir,

I have the honor to request the favour of your submitting the accompanying Petition before the Right Honorable the Governor General in Council at your earliest convenience.

2. The question of the *Zemindaree* of *Goomsur*, in the Madras Presidency, has been before the Governments of India and Madras on several occasions within the last twelve years, and the claims of the present Petitioner have been rejected by both Governments.

3. The Petitioner's case, with those decisions on record, may be considered to be finally closed. I have from this cause felt considerable hesitation in reviving the present Petitioner's claims. The legal rights of the Petitioner however do not appear to have been placed before the Governments of India or Madras, in the light in which they have now been shown in the present Petition, and as those rights have not been effected, by any of the decisions that may have been given on a former occasion, his present application cannot be said to be barred or prejudiced by those decisions.

4. This case only requires to be brought to the notice of his Lordship in Council, that the Zemindaree of Goomsur, was an ancestral Estate of the *Bhunj* family, the last Zemindar, was Rajah *Sreekur Bhunj* who died in exile, consequent to the Revenue authorities having excluded him from his Estates for arrears of Revenue. The Zemindaree was then in 1832 given to Dhunnunjoy Bhunj, the legestion son of *Sreekur Bhunj*, although *Dhunnunjoy Bhunj*, was for years previous discarded by his father, the Rajah *Sreekur Bhunj*, on account of *Dhunnunjoy Bhunj* having become a lunatic. The election of *Dhunnunjoy Bhunj*, by the Revenue authorities, for the management of the Estates was not the act of *Sreekur Bhunj*, the misdeeds, therefore of an incompetent and discarded son for which the Government of Madras, and subsequently the Government of India confiscated the *Zemindaries* of *Goomsur*, could not shut out the rights of the surviving legal heirs of the *Rajah Sreekur Bhunj*, the ostensible proprietor of those Zemindaries yet much has been done, and this point alone furnishes the Petitioner with the most equitable grounds for claiming a rehearing of his case from the Government of India.

5. There is another feature in the case which merits his Lordship in Council's earnest consideration. To the present day, the *Zemeendaree Goomsur*, is recorded as an *Enam* Estate, which means, that it is an Estate held in trust by the Government for the benefit of the Proprietor. This alone affords the clearest evidence, that the rights of the legal heirs of *Rajah Sreekur Bhunj* were still existing, in such case, under the acknowledged policy of the British Government, a defrauding *Zemindar*, can, whose an Estate is held in *farm* or in *trust*, claim to enter possession, after the expiration of 12 years. The Estates of Goomsur have now been held *Enam* for 26 years, the present claimant, is under all the circumstances of the case entitled to participate in the benefits of that policy.

6. The subject matter of the present Petition can hardly be decided upon, without support from the Government of Madras, on the points stated therein. It is therefore humbly suggested, that if the principle of the Petition should merit the approval of his Lordship in Council, the Petition be then forwarded to the Government of Madras for report, and on the re-

ceipt of such report his Lordship in Council will be in a position to decide finally, in the justice of Petitioner's claims.

7. This Petitioner has been recognised as the legal heir of the said *Rajah Sreekur Bhunj*, he receives a compassionate allowance from Government, but the receipt of such allowance does not obliterate his legal rights to the *Zemindaree*, and it is solely, under those rights, the Petitioner advances his claims to be restored to the possession of the *Zemindaree* he agreeing to cure the default for which his adoptive father was excluded by paying up all arrears due by him when the Estates were confiscated.

To the Right Honorable CHARLES JOHN Viscount CANNING, Governor General of India in Council.

The Humble Petition of Hurkishen Bhunj, the adopted son, and only surviving heir of Rajah Sreekur Bhunj, Zemindar of the Talooqua Goomsur in the District of Ganjam in the Madras Presidency deceased, dated Garden Reach, 12th October 1857.

SHEWETH,

That the Zemindary of Goomsur was the ancestral property of the Bhunj family, who have from time immemorial resided in Goomsur, and who from the date of the accession of the British Government in the Presidency of Madras have been recognised as the rightful proprietors, and with whom engagements for the Public Revenue have been annually made.

2d. Rajah Sreekur Bhunj deceased, the immediate ancestor of Petitioner, was the second Rajah of Goomsur under the British Government and succeeded to his Paternal Estates in the year 1802 and entered into engagement with the British Government on the year of his succession and at a subsequent date, to wit on the year 1820 for the payment of the Government Revenue.

3d. In the year 1803 Rajah Sreekur Bhunj left Goomsur on a pilgrimage to the various Hindoo shrines in Hindoostan confiding the management of the Zemindaries to Dhurmunjoy Bhunj his eldest and only son. The said Dhurmunjoy Bhunj on becoming a Lunatic in 1815, the Government removed him from the *Zemindaries* and held the same in trust for Rajah Sreekur Bhunj who was still absent on his pilgrimage.

4th. On the return of Rajah Sreekur Bhunj in 1819 the Government at once recognised him as the rightful proprietor and in the beginning of 1820, the said Rajah Sreekur Bhunj was allowed to enter into engagements with the Government for the Public Revenue. True translation of which engagement is hereto annexed marked A.

5th. In the year 1823 Dhurmunjoy Bhunj the only begotten Son of the Rajah Sreekur Bhunj being wholly incapable of managing his affairs, and from whom no spiritual or temporal benefits, could be derived at any time, [illegible] Rajah Sreekur Bhunj discarded, the said Dhurmunjoy Bhunj, and to the [illegible] Rajah Sreekur Bhunj took in adoption your Petitioner *Hurcishto Bhunj* [illegible] possession of all his rights and Zemindaries as enjoined by the Hindoo Law. The [illegible] the discarding of Dhurmunjoy Bhunj the only begotten son of the said Rajah Sreekur Bhunj [illegible] formal adoption of your Petitioner having been given at the time to the Government in Council of the Presidency of Madras. True translation of the Petitions to the Government in Council on this subject are hereto annexed marked B. and C.

6th. In the year 1832 the said Rajah Sreekur Bhunj falling into arrears the Government of Madras resumed the management of the Zemindaries under trust, and in opposition to the remonstrances of the said Rajah Sreekur Bhunj [illegible] knowledge of the fact that the said Dhurmunjoy Bhunj was a man of weak intellect and [illegible] of managing his own affairs the Government officers took engagements of the Public Revenue from him and Dhurmunjoy Bhunj thereby excluding the said Rajah Sreekur Bhunj from the management and control of the said Zemindaries of Goomsur. True translation of Collector's Proclamation excluding the said Rajah Sreekur Bhunj from *Zemindaries* is hereto annexed marked D.

7th. The said Dhurmunjoy Bhunj, who by the sole elections of the Collector of the District had been put in [illegible] possession of the said *Zemindaries* of Goomsur, from incapacity, and misconduct fell into arrears of the Government of the Presidency of Madras, under a Proclamation [illegible] said the said *Zemindaries* for the said arrears of Revenue, and [illegible] the said Dhurmunjoy Bhunj only to have control [illegible] *Zemindaries* by their own Revenue officers, and for their own [illegible] Proclamation aforesaid is hereto annexed marked E.

8th. The said Dhurmunjoy Bhunj having been [illegible] rebelled against the authority of Government and [illegible] defiance but in all of which acts the said Rajah Sreekur Bhunj [illegible] in the cities of Benares and Poona [illegible] annual pension of 8,000 Rupees, which was paid out of the Goomsur took no share in, nor was he [illegible] engagement.

9th. The said Pension [illegible] the day of his death, which did not take place until [illegible] Bhunj and the resumption of the Zemindaries by the Madras Government.

10th. Dhurmunjoy Bhunj was killed in the conflict that [illegible] the forces of Government and those of [illegible]

11th. Rajah Sreekur Bhunj died in [illegible] your Petitioner, the only [illegible] his adopted son and [illegible]

12th. Petitioner, in virtue of such right as the said Rajah Sreekur Bhunj deceased [illegible] his title first of all to the consideration of the [illegible] Revenues of the Goomsur Zemindaries and [illegible] restoration of the Zemindaries.

13th. The claim to the continuance of the [illegible] conceded, but the other claim having been wholly rejected by the Government of Madras, Petitioner under advice [illegible] to the restoration of the said Zemindary of Goomsur of which the said Rajah Sreekur Bhunj was the sole, and the rightful proprietor, on grounds that have been [illegible] before your Lordship or before the Government of Madras, and Petitioner earnestly beseeches your Lordship in Council's favourable and serious consideration of the grounds which from the subject matter of this petition.

14th. Petitioner first of all humbly entreats your Lordship in Council to consider the terms of the engagement entered into with Government by the said Rajah Sreekur Bhunj for the payment of the Revenue and the penalties attendant on a breach of such engagement.

15th. The said engagement was executed on the 11th day of August 1820 and consists of six articles, the first article fixes the amount of the *Peishcush* to be paid to Government as Revenue. The second article, stipulates that the Revenues derivable from salt, saltpetre, and excise Laws shall not be interfered with by the Zemindar such revenues being exclusively the right and property of the Government. Article 3 contains after the usual conditions of payment of the Revenue by instalments, a declaration of forfeiture of the said Zemindary in case of non-payment of the Revenue.

16th. It is this declaration, that is a point of particular and local consideration, to as much, as the declaration of forfeiture of a whole Estate, for the whole, or the loss of a Revenue demandable by the Government, which was only the partial value of an Estate was a stipulation that could not be equitably or legally imposed on a contractor. The whole contract then which contained this stipulation was *ipso facto* null and void in law. For it is settled, as one of the first principles of justice, that no man can bind anyone to an illegal engagement. The Government of the country themselves would not attempt to claim any exemption from this rule that binds communities and individuals alike.

17th. But the Government of India in making laws for the institution of the land revenue have clearly laid it down as equitable that no landholder being a Government *Ryotwar* shall forfeit all right and title in an ancestral Estate on account of arrears of revenue and in providing summary and penalties for public defaulters, the Government have fixed upon [illegible] the realization of the defaulter's [illegible] from his Estates, and the Government undertaking to defer the

restored managing the Estates under its own agency till such period as the default is cured. *Second* by farming the defaulter's Estates to strangers, for a period of years giving the defaulter the right to re-enter on paying the arrears paid by the farmer into the Government Treasury. *Third* by selling all the right and title of the defaulter by auction sale for the recovery of the arrears due on account of Government Revenue. In either of the three courses, there is no conveyance of an absolute right of the Zemindary to the Government, that would be equivalent to the forfeiture of the rights of the defaulting proprietor, on the contrary there is this distinctive principle apparent in all the three courses that the absolute rights of property in the Zemindary, remain intact in favor of the defaulting proprietor, that he could not at any time re-enter possession on curing his default. In the two first courses which is the most commonly adopted practice, and in the last course, the defaulting proprietor though he suffers the entire loss of his property by the transfer by sale, he still possess the right to recover the full value of his property, which often exceeds the amount of arrears of revenue, and he thus becomes the recipient of the *surplus* proceeds, of the sale, by which he could contrive to live comfortably following some other occupation or calling. In the contract entailing absolute forfeiture of all his rights to a valuable property for insignificant arrears of revenue the penalty was too unjust to be attempted to be supported by any systems or by any regulations effecting the administration of the Land Revenue of the British Government in India.

18th. It is this illegal condition then in the contract of the 11th August 1820 taken from Petitioner's ancestor and on which the Revenue authorities have been acting, that has been one of the immediate causes of the injury Petitioner has had to complain of, but which Petitioner trusts will now on being brought to the notice and consideration of your Lordship in Council lead to your Lordship's reconsidering the whole case and awarding that justice, that the actual merits of the case may demand.

19th. The next point deserving your Lordship's consideration, and which is the most important of the two, is a question of both fact and law, and Petitioner has every reason to hope that a proper investigation of that fact will threw a light on Petitioners case, which cannot fail to exercise a proper influence on your Lordship in Councils decision in the matter of the restoration of the said Zemindaries of Goomsur.

20th. In the year 1815, as already narrated above, Dhunnunjoy Bhunj, the only begotten son of the Rajah Sreekur Bhunj the rightful owner of the Zemindaries, being then in possession of the Estates during the absence of his father on pilgrimage, became a *lunatic* and was ousted by the Revenue authorities from the management and control of the Estates. On the return of Rajah Sreekur Bhunj to his country, the Revenue authorities gave him possession and took engagements from him of the public Revenue, thus recognising him as the sole and rightful proprietor, Dhunnunjoy Bhunj's incapacity and weakness of mind still continuing the father Rajah Sreekur Bhunj was compelled under the Laws and customs of his family to adopt a son who would under the Hindoo system, assist the father in his spiritual and temporal business, to this end the said Rajah Sreekur Bhunj forwarded the usual Petitions to the Government of Madras dated respectively the 28th of August 1822 and May of 1823. Translations of which are hereto annexed marked B and on which he intimates to that Government that he had disinherited and disherited his begotten son Dhunnunjoy Bhunj for his imbecility of mind and misconduct and had according to the Laws and customs prevalent among Hindoos, taken a son in adoption, and soliciting both the said acts would be recognised by that Government as valid and good. Ten years subsequent to the date of these petitions and the fact of Dhunnunjoy Bhunj's incapacity and weakness of intellect being already known to the Revenue authorities, nevertheless, the said Revenue authorities, on the Rajah Sreekur Bhunj falling into arrears of Revenue, excluded the said Rajah Sreekur Bhunj from the Estates and against the declared intentions and earnest remonstrances of the said Rajah Sreekur Bhunj, the sole and rightful Proprietor, they the Revenue authorities enter into and take engagements for the Revenue from Dhunnunjoy Bhunj, who had for years past been proved to be and was known to be a person incapable of managing his own affairs from weakness of intellect and dissipated habits so that in the year 1832 the said Dhunnunjoy Bhunj was put in his fathers stead in the Zemindaries of Goomsur as the recognised proprietor.

21st. In the year 1835 the said Dhunnunjoy Bhunj also became a defaulter for the Public Revenue, that the Government of Madras by a Public Proclamation was obliged to resume

the management of the Zemindary of Goomsur themselves, declaring Dhunnunjoy Bhunj's rights *only* to have ceased on account of such default. This Proclamation was dated the 27th day of August 1835 copy of which is hereto annexed marked F.

22nd. Dhunnunjoy Bhunj having fled to the *Jungles*, with the greater part of his tenants, commenced to waze war against the lawful authority of the Government and to commit depredations that called for the interference of the Government of India, which Government by a Resolution in the Legislative Department dated the 10th day of October 1836, passed an Act suspending the ordinary functions of the Courts of Justice, and appointed a special Commissioner, to establish order and tranquility in that country but nothing in the said Act considered any power or authority in the Government of Madras, to confiscate to or transfer or forfeit, the rights of the real proprietors in the Zemindaries of Goomsur.

23rd. The question in this state of things for the consideration of your Lordship in Council are, *first* whether, the Revenue authorities did or did not exceed their competency, in entering into and taking an engagement for the Revenue of the Zemindaries of Goomsur from Dhunnunjoy Bhunj who was declared to be unqualified and wholly unfit from weakness of intellect and dissipated habits, and if this act were not within their competency, could the illegal act of the Revenue authorities *a priori* prejudice or destroy the rights of the real proprietor Rajah Sreekur Bhunj who was living at Benares at the time of that act. *Second* had the Revenue authorities the power by the Law to confiscate the rights title and interest of the said Rajah Sreekur Bhunj in the Zemindaries of Goomsur, on the breach of an illegal contract made with a disqualified person like Dhunnunjoy Bhunj. *Third* could the said Rajah Sreekur Bhunj who was living at a distance from the scene of the rebellion, be in any way supposed to have participated or assisted in the act of rebellion of the said Dhunnunjoy Bhunj or could any act of the said Rajah Sreekur Bhunj be identified as the act of the rebel Dhunnunjoy Bhunj as to justify the Government confiscating the said Rajah Sreekur Bhunj rights, in the Zemindaree of Goomsur and could those rights cease by any act of default of a disqualified person like Dhunnunjoy Bhunj.

24th. Petitioner respectfully urges that there is not the shadow of a doubt, that the Revenue authorities did on the first instance exceed their competency in ousting the said Rajah Sreekur Bhunj to give the Revenue engagements to a discarded, disinherited, and disqualified son, like Dhunnunjoy Bhunj and the glaring illegality of this act stamps all the other proceedings of the Revenue authorities embraced in the three preceeding questions as illegal and unjust and the consequent inferences which such acts force upon the mind may be plainly stated to amount to this that the real rights and interests of the said Rajah Sreekur Bhunj never ceased in that property called the Zemindaree of Goomsur and that his legal heirs are by law, right, and justice entitled to succeed to the same without prejudice.

25th. The very act of recognition of the Government of India in continuing to the said Rajah Sreekur Bhunj an annual income that was paid out of the Revenues of the said Zemindaries of Goomsur completely sets at rest all doubts as to the right and title of the said Rajah Sreekur Bhunj, he lived and died as the rightful proprietor of the said Zemindaries of Goomsur.

26th. The only question, remaining to be disposed of, before your Lordship in Council was whether the power vested in the Government for excluding a proprietor from his Estate and from the revenue engagements thereof, on account of arrears of revenue had been in the first instance judiciously exercised and if judiciously exercised whether the time fixed by the Law for excluding such proprietor, had not expired, that legally there was no bar now to such proprietors re-entry and possession.

27th. The Goomsur country as will be proved by a glance at the map is a hilly tract of country covered with wild vegetation and at the same time subject to calamities of seasons chiefly by drought that it is difficult for the cultivators to reap harvests sufficient to sustain life and when short crops and bad harvests occur, the population unable to meet the revenue demand seek safety by flight in the jungles which is under no police, law, or authority. The natural consequence of this state of things is that the Zemindar becomes a defaulter in the payment of the Public Revenue and year to year adding to his difficulties the Zemindar finds himself deeply involved because the Government will make no remission in the amount of revenue demandable from the Zemindar, he must pay or be excluded from his Estates. The arrears of revenue dur-

ing the possession of the rightful proprietor the Rajah Sreekur Bhunj, were accumulations of years and nothing but an actual remission on the part of Government could release the Rajah from his liabilities. The recource had by the revenue authorities of shifting the liabilities from the said Rajah Sreekur Bhunj to his discarded son, one who was unqualified to retain the management of the Estates any longer, was a most injudicious proceeding, as the result has fully proved. The whole responsibility of this injudicious act rested on the revenue authorities, and could in no way lead to the extinction of the proprietary rights in the Zemindary of Goomsur which the Rajah Sreekur Bhunj held. It is in this view of the case that Petitioner relies on your Lordship in Council doing justice to Petitioner's claims.

28th. Irrespective however of this most important feature, on a point of fact Petitioner holds a still stronger ground in a point of Law, to claim the restoration of the Zemindaries of Goomsur to him as the legal and sole surviving heir to the rightful proprietor the said Rajah Sreekur Bhunj deceased. This point may be thus stated, the British Government have by special regulation fixed the time, that a Zemindar, shall be kept out of his Estates for arrears of Revenue, only for a period of twelve years, after the expiration of which time he the Zemindar, has a right by law to claim to re-enter possession, after his default, which was the cause of his exclusion. This applies to Estates of defaulting Malgoozars, which have been formed out to strangers, or held *khass* by the Government in both cases the distinctive principle being that the excluded Zemindars proprietary rights in the Zemindaries remain intact. It is only in cases where an Estate is sold for arrears of Revenue, that the proprietary rights of the Zemindars ceases. In the Presidency of Fort William in Bengal, Regulation 7 of 1822 is the special Law, in these cases and it is only reasonable to suppose, that the equities and principle of that Regulation exists in the Madras Presidency also. But admitting there was no specific enactment of the kind in that Presidency. Petitioner is bound to believe that the Government of India when deliberating on Petitioner's claim will not consider its decision to be fettered by considerations of the want of such an enactment, when substantial justice might be done to aggrieved parties by allowing the provisions of a just and liberal Regulation of one Presidency to be held applicable to the causes of another Presidency in which the Local Government, have omitted to enact a similar Law.

29th. The Madras Government in rejecting Petitioner's claims have simply assigned the rebellion, that took place in the Zemindaries of Goomsur as the cause of the forfeiture of the Estates, allowing that a rebellion did occur in Goomsur in the Estates of the said Rajah Sreekur Bhunj, *but the acts of rebellion were not instigated or participated in by the said Rajah Sreekur Bhunj*, who was residing at the time the disturbances did take place in the city of Benares far away from all communication with the people and their leader Dhununjoy Bhunj, consequently the said Rajah Sreekur Bhunj, could not be said to have forfeited any of his ancestral rights to property on account of a rebellion that did not originate with him and on which he was no actor. Your Petitioner then as the sole surviving heir to the said Rajah Sreekur Bhunj appears before the Government with an unprejudiced title as far as that rebellion was concerned. The cause assigned then for by the Madras Government is not one that can bar the admission of Petitioner's claims.

30th. The Government of Madras to this day considering twenty-two years has passed over since, this act of confiscation hold the Zemindaries of Goomsur as an *Amany* Estate or an Estate held in *trust* when there is this acknowledgement of a trust it is clear, that the Government is only holding it on behalf of another party which party is the rightful owner again in his stead for his heirs and successors.

31st. The time Petitioner respectful urges has arrived for the Government of India to decide whether that trust shall continue, or whether lapse of time has not cured the default that Petitioner's ancestor was laboring under, and under all the circumstances whether the trust should not now be withdrawn by the Government and Petitioner allowed to re-enter possession as the legal heir to the deceased Rajah Sreekur Bhunj.

32nd. Petitioner humbly entreats the serious consideration of your Lordship in Council on the grounds herein shown for the restoration to Petitioner of the Zemindaries of Goomsur, and Petitioner as in duty bound shall ever pray.

A.

Translation of the Cowlenamah executed by Rajah Sreekur Bhunj Zemindar of Goomsur to the Right Honorable the Governor General in Council on the 13th August 1822.

Names of Zemindaries.	
Goomsur and Kimpoor Zemindaries.....	75,000
Instalments.	
15th October.....	9,375
15th December.....	14,062-8
15th January.....	18,750
15th March.....	18,750
15th April.....	14,062-8
	75,000
	Seventy-five thousand.

No. 1. The Right Honorable the Governor General of the Honorable the East India Company has been pleased to make a settlement with me for the Zemindaries Goomsur and Kimpoor at the fixed annual Revenue of 75,000 Arcot Rupees, two years being the same as exacted for Khass and Zemindaries before I have agreed thereto and do hereby promise and bind myself to pay the said Revenue at the times and proportions the Instalments noted in the margin.

2. Besides the 75,000 Rupees fixed for Revenue Government will receive all revenue arising from salt and saltpetre Sayers Sea customs ganja opium and other Abkarree duties as also from unclaimed Hauts Mauts Bazars &c. with which I shall have no concern. All Enam lands in Debutter Brommutter and Nakraj lands and all Mahourrurce Jummahs at reduced rents shall remain as before and I shall not interfere therewith all these have been excluded in the revenue payable by me, the Jagere and Rusoom lands set apart for the Pykes connected with the Police will be duly made over to them by me.

3. I will pay up every year by instalments the Malgoozary or Revenue fixed by order of Government. If by drought or inundation or by any other accident the Zemindary suffers how I will still have to pay the full sum of Rupees 75,000 and be entitled to no reduction on account times. The reason of which is that the Government Revenue of the said Zemindary has been fixed at a moderate rate and notwithstanding the happening of any calamity there can be no likelihood of the Government revenue not being collected. Should I not be able to pay the Government revenue the Zemindary will be forfeited and I will have to answer for the money due and all my moveable property will be liable to be seized and sold in satisfaction thereof.

4. I will not make over the whole or any part of the Zemindary to any one without the order of the Government for those of my successors will retain the Zemindary who will without any dispute with the Government regularly pay the Government revenue as you have agreed to and such is my wish.

5. When any criminal secretes within my Zemindaries and Government sends people for his capture I will cause every assistance to be afforded to the Government people for such apprehension I shall inform the Magistrate when any person after stealing or committing roguery that of my Zemindary comes to take shelter in any Zemindary. The friend and the enemy of Government shall be deemed respectively my friend and enemy and I shall manage the Police of the country to the best of my power the charge thereof having been committed to me by Government for the good of my ryots.

6. I shall treat my subjects with paternal affection I shall not exact any money from my ryots but collect the just rent payable by them and I shall always try to improve the condition of my Zemindary with all my exertions.

This Cubbooleut I write in my own hand and bind myself this year 1822 Wednesday 14th August.

B.

SRI SAT DOORGA.

From SREEKUR BHUNJ, to the Right Honorable Governor in Council, dated 28th August 1822.

The humble Petition and request of Rajah Sreekur Bhunj the Khetry. This Petition is sent from old Governor. When my Kingdom Goomsur was in a very bad state you sent Mr. William Thackeray to know the particulars of the Government and having known fully from him you saved the Kingdom and put me in my former position on set widow has raised your fame and reflected great credit to your honor I have kept my subjects happy since by your order I was made King and am paying regularly the Government Revenue and have not acted contrary to the order. It is written in the order which I received from you that the person to whom I shall be

[illegible] the Zemindars should possess the same after my decease. And that one day my [illegible] countrymen ryots, officers and friends, &c., begged of me to say that this place [illegible] Dhanunjoy Bhunj was King we were all troubled and perplexed in the ex- [illegible] he his treasury and the country itself suffered from it but by the favor of Government [illegible] ent children being made King have kept us happy and as every one is doomed to death [illegible] y you see take some time before another King is appointed by Government and [illegible] ers to the Kingdom and injurious to our welfare therefore it [illegible] ys in your lifetime choose one as your adopted son informing Government [illegible] not from your friendly relatives worthy to manage the Kingdom support and take care [illegible] We will be able then to inhabit the Kingdom peaceably making him our leader and pay- [illegible] the Government Revenue. I thought in my mind when they thus told me who will, [illegible] Rajah of the land, my own begotten son Dhanunjoy Bhunj is very wicked he has [illegible] in his own hands his wife and children and many of his fellow citizens, further he has [illegible] the reputation and for time of many people and has infringed many orders of Govern- [illegible] Forsd these reasons and for the welfare of my people I do forsake him. One Rughonath [illegible] whom I informed you as my relative without have my Zemindary of Goomsur but [illegible] whom I will have to speak hereafter and write his name to you. I was much pleas- [illegible] when I heard that your honor was coming from Madras to this country hoping that I will have [illegible] of personally communicating to you of these particulars. But when I was informed [illegible] returned from the way I sent this Petition hoping that it will be granted by your honor.

D.

Seal
Signature.

Sri Sri Doorga.

Translation of translated copy of Istaharnamah or notice.

Notice is hereby given in pursuance of an order of the Right Honorable Governor in Council that Sreekur Bhunj the Rajah of Goomsur having not paid regularly the Malgoozary of the said Province of Goomsur has kept in arrear after he has been the Rajah of the place the Malgoozary for more than one year which is irregular. And the Cubbooleut by which he are bound himself to Government and the Cubbooleumah that was given in writing by Govern- ment purport contain within their bodies that if the Malgoozary be not regularly paid then the said Zemindary will come under confiscation. Subject to this condition we nominate and ap- point Sree Dhunnunjoy Bhunj as the Zemindary of the said talook. And by this his appoint- ment it is ordered that the officers people and ryots in short every one of the said Zemindary do obey and acknowledge the said Dhunnunjoy Bhunj as the lawful Zemindar of the said talook, and if any of the above named persons should act otherwise and not obey the said Dhunnunjoy Bhunj he should be liable to punishment by Government but if he act up to the above order he should be thought as friend and obedient to Government. And that the Collector himself should make known to the Mofussil the honor given to Dhunnunjoy Bhunj.

District Collector's Cutcherry 1832 (with seal and signature.)

E.

Proclamation.

Whereas by the 4th Article of the Sunnud granted to Dhunnunjoy Bhunj of the Zemindary of Goomsur it was stipulated that in the event of his failing to pay regularly the assessment thereby fixed on the Zemindary the lands composing it should be resumed and transferred from him for ever if the Government should think proper. And whereas the said Dhunnunjoy Bhunj has failed to discharge his engagement and there is now a balance due on account of the assess- ment fixed on the Zemindary by the said sunnud amounting to Rupees ninety-four thousand two hundred and forty-seven five annas nine pie (94,247-5-9.) The Right Honorable the Go- vernor in Council has determined that the Zemindary shall be resumed in consequence of his default, it is accordingly hereby proclaimed that the right and title of Dhunnunjoy Bhunj to the Zemindary of Goomsur have ceased and that the lands have been resumed on account of Government and all under tenants, rent-payers, ryots, &c. are required to pay their rent to the Collector and to obey his authority.

Fort St. George, 25th August 1835.

By order of the Right Honorable the Governor in Council.

(Signed)

Chief Secretary.

No. 54. Read the following letter from G. NORTON, Esq., Authorized Agent of Hurri- Kishen Bhunje; to the Chief Secretary Government of Madras; Fort William, dated 6th November 1857.

Sir,

By the accompany authentic copy of a letter, received from the Under Secretary in the Home Department to the Government of India, you will perceive, that I have had official in-

timation, of the case recently submitted by me, to the Right Honorable the Governor General of India in Council, on behalf of the surviving heir, to the Zemindary of Goomsur in the Province of Ganjam, under your Government, having been forwarded to the Right Honorable the Governor in Council for disposal. I have to solicit the favour of your communicating that circumstance before His Lordship in Council, with the case as submitted to His Lordship's Government, by the Government of India.

2. The claim of Petitioner, rests on two grounds. First, that the act of rebellion of the *Zemindar Dhunnunjoy Bhunj*, the son of the intestate proprietor and Zemindar of Goomsur, *Sreekur Bhunj*, could not prejudice the hereditary rights of the Zemindar as prior to the date of the rebellion, *Dhunnunjoy Bhunj* had been expelled by his father the late Zemindar, under the authority of the Hindoo Law, and *Dhunnunjoy Bhunj* having been pronounced to be a lunatic, by several acts of violence amounting to the murders of his wife and children, he was totally disqualified to succeed, to the management of those Zemindaries. Under these circumstances the Petitioner craves that his Lordship in Council, when considering upon the case will as an act of justice, call for the Petition of *Rajah Sreekur Bhunj* the late Zemindar, dated the 10th day of the Hindoo month of *Jeyat*, 1835 of the Christian era, that was presented to the authorities at Ganjam. The substance of that Petition, will go far to prove, the truth of the Petition which has been presented to the Government of India, by the only surviving heir of the late *Zemindar*, who forfeited no rights by the acts of a person, who was considered to be his successor, in the *Zemindaries* as above stated, and which has been fully made out in the Petition laid before the Government of India, which Petition must now be before his Lordship in Council. I have only to add my humble opinion, that it is most essential, that that paper of the 10th of *Jeyat*, should be laid before his Lordship.

3. On the second ground, I have only to reiterate the arguments used in the Petition, and my address to the Secretary to the Government of India, copy of which letter I herewith enclose for his Lordship in Council's perusal, under the supposition, that that records may have been forwarded with the case. It will be observed that we have a positive Law, in this Presidency, by which a defaulting *Zemindar* whose Estates have been taken as a security from him by the Government, for arrears of Revenue, and given in farm, to strangers, to hold *Amany*, or in trust, by the Government, for which default, he can claim the right to re-enter possession of his Estates, by curing his default. Being ignorant of the Revenue Regulations of the Presidency of Fort Saint George, I am unable to say, whether such a Law exists there or not, but admitting, that there was no Regulation to this effect, it may with great justice be surmised that the equity of the Law, which exists in this Presidency, would not be denied to the people of the Saint Presidency, when the principle of the Land Revenue is the same and the Government belongs to the same power, that governs the two Presidencies. Too much stress could not be laid on the permanent importance of such a Law that was framed to prevent the alienation of Estates from ancient families and I can only express the wish that his Lordship in Council when disposing of the case will not overlook the right of the present claimant to re-enter the possession of his ancestral Estates, although the adopted son of the real *Zemindar Sreekur Bhunj*, he is the son of the brother of the said *Zemindar*, and by birth possesses heritable rights in the Zemindaries. It is on these points I earnestly and humbly solicit his Lordship in Council most serious consideration, and I feel convinced that if his Lordships enquiries be directed to these points, the decision in the case could not fail to be one of justice and compassion.

From R. B. CHAPMAN, Esq., Officiating under Secretary to the Government of India; to G. NORTON, Esq., Agent of Hurrikishen Bhunje, dated Fort William the 19th October 1857, No. 2143.

Sir,

I am directed to acknowledge the receipt of your letter dated the 13th Instant submitting a petition from Hurrikishen Bhunje adopted son of the late *Zemindar* of Goomsur, praying for reconsideration of the grounds under which the Goomsur Zemindary was confiscated and to state that the petition has been referred to the Government of Madras for disposal.

From G. NORTON, Esq., Authorized Agent of Hurrikishen Bhunje; to CECIL BEADON, Esq., Secretary to the Government of India, Home Department Fort William dated 12th October 1857.

Sir,

I have the honor to request the favour of your submitting the accompanying petition, before the Right Honorable the Governor General in Council at your earliest convenience.

2nd. The question of the *Zemindary of Goomsur*, in the Madras Presidency has been before the Governments of India and Madras, on several occasions within the last twelve years, and the claims of the present Petitioner have been rejected by both Governments.

3d. The Petitioner's case, with those decisions on record, may be considered to be finally closed. I have from this cause, felt considerable hesitation, in reviving the present Petitioner's claims. The legal rights of the Petitioner however, do not appear to have been placed before the Governments of India, or Madras in the light in which they have now been shown, in the present petition, and as those rights have not been effected, by any of the decisions that may have

been given on a former occasion, his present application, cannot be said to be barred or prejudiced by those decisions.

4th. This fact only requires to be brought to the notice of his Lordship in Council, that the Zemindary of Goomsur, was an ancestral Estate of the *Bhunja* family, the last Zemindar, was Rajah *Sreekur Bhunja* who died in exile, consequent, to the Revenue authorities having excluded him from his Estate for arrears of Revenue. The *Zemindary* was then in 1832, given to *Dhunanjoy Bhunja* the begotton son of *Sreekur Bhunja*; although *Dhunanjoy Bhunja* was for years previous discarded by his father, the *Rajah Sreekur Bhunja* on account of *Dhunanjoy Bhunja* having become a Lunatic. The election of *Dhunanjoy Bhunja* by the Revenue authorities, for the management of the Estates was not the act of *Sreekur Bhunja*, the misdeeds therefore of an incompetent and discarded son, for which the Government of Madras and subsequently the Government of India confiscated the Zemindarees of Goomsur, could not shut out the rights of the surviving legal heirs of the *Rajah Sreekur Bhunja*, the ostensible proprietor of those Zemindarees, yet such has been done, and this point alone furnishes the Petitioner with the most equitable grounds for claiming a re-hearing of his case from the Government of India.

5th. There is another feature in the case which merits his Lordship in Councils earnest consideration. To the present day the *Zemindary* of *Goomsur* is recorded as an *Amany* Estate, which means that it is an Estate held in trust by the Government for the benefit of the proprietor. This alone affords the clearest evidence that the rights of the legal heirs of *Rajah Sreekur Bhunja* were still existing in such case, under the acknowledged policy of the British Government, as defaulting Zemindar, can when an Estate is held in form or in *trust* claim to enter possession after the expiration of 12 years, the Estates of *Goomsur* have now been held *Amany* for 22 years the present *claimant*, is under all the circumstances of the case, entitled to participate in the benefits of that policy.

6th. The subject matter of the present petition can hardly be decided upon, without a report from the Government of Madras, on the points stated therein. It is therefore humbly suggested that if the principle of the petition should merit the approval of his Lordship in Council, the petition be then forwarded to the Government of Madras for report, and on the receipt of such report his Lordship in Council will be in a position to decide finally in the justice of the Petitioners claims.

7th. This Petitioner has been recognised as the legal heir of the said *Rajah Sreekur Bhunja* by the Government of India, for as such heir he receives a compassionate allowance from Government but the receipt of such allowance does not obliterate his legal *rights* to the *Zemindary*, and it is solely under those rights, that Petitioner advances his claims to be restored to the possession of the *Zemindary* he agreeing to cure the default for which his adoptive father was excluded, by paying up all arrears due by him when the Estates were confiscated.

No. 55. From G. NORTON, Esq., Authorized Agent of Hurri Kishen Bunje; to the Chief Secretary Government of Madras; Fort Saint George, dated Garden Reach 15th January 1858.

Revenue re the Goomsoor Zemindary in the District of Ganjam.

Sir,

I have the honor to solicit the favour of your laying this communication before the Right Honorable the Governor in Council, entreating his Lordships attention to my communication of the 6th November last and the favour of a reply, as to the progress of the case submitted to his Lordship in Council by the Government of India, as per the Secretary's address to me dated the 21st October last.

No. 56. ORDER THEREON, No. 202; dated 16th February 1858.

Para. 1. An application has been made to the Government of India and also to this Government by Mr. George Norton, the agent of one Hurri Kishen Bunja, who styles himself the adopted son and only surviving heir of the late Rajah Sreekara Bunje, praying for a reconsideration of the decision of this Government confiscating the Goomsoor Zemindary.

2. Neither Mr. Norton nor his client appear to have a correct apprehension of the circumstances which led to the forfeiture of the Goomsoor estate. Mr. Russell the Special Commissioner appointed by Government in 1832, to ascertain the causes of the insurrectionary outbreaks which prevailed at the time in the Northern Circars, in his report on the Goomsoor and other Zemindaries published in 1856, as No. 24 of selections from the records of the Madras Government, gives a complete history of the occurrences in the Goomsoor country from the year 1787 to August 1836; this report sufficiently explains the circumstances which led to the forfeiture of the estate and the considerations which afterwards influenced the Government in their resolution to declare that forfeiture "absolute and unconditional." To that report the Government now refer Mr. Norton and have only further to inform him that there is no hope of the Goomsoor Zemindary ever being restored to any member of Sreekara Bungie's family.

(Signed) H. FORBES,

Acting Secretary to Government.

Revenue 1858 Class
Date 16th February 1858

1343

From the City Under
Secretary to the Govt
of India.

dated 19 October 1857
Rec'd 4 November ...

2 Pacts

Forwarding for distribution
by the Government of India
Despatch, a letter from the Right
Hon'ble the Secretary of State
in Council, with enclosures,
on the above-named Subject.
Stating that the Court of
Directors entirely concur
with the Government of India
in considering that no reason
has been given by the Petitioners
for reconsidering the Decision
passed in their case.

To

The Right Honble. Charles John Viscount Canning Governor General of India in Council

The Humble Petition of Hurrikishen Bhunj the adopted son and only surviving heir of Rajah Sree Kur Bhunj Zemindar of the Taloqua Goomsur in the district of Ganjam in the Madras Presidency deceased

Sheweth.

That the Zemindaree of Goomsur was the ancestral Property of the Bhunj Family who have from time immemorial Resided in Goomsur, and who from the date of the accession of the British Government in the presidency of Madras have been recognised as the Rightful proprietors and with whom engagements for the Public Revenue have been annually made.

2. Rajah Sreekur Bhunj deceased the immediate ancestor of Petitioner was the second Rajah of Goomsur under the British Government and succeeded to his Paternal Estate in the year 1802 and entered into engagement

engagements with the British Government on the year of his succession and at a subsequent date, to wit on the year 1820 for the payment of the Government Revenue

3 In the year 1806 Rajah Sreekur Bhunj left Goomsur on a pilgrimage to the various Hindoo shrines in Hindoostan confiding the management of the Zemindarees to Dhunnujoy Bhunje his eldest and only son. The said Dhunnujoy Bhunje on becoming a Lunatic in 1816 the Government removed him from the Zemindaree and held the same in trust for Rajah Sreekur Bhunje who was still absent on the pilgrimage

4 On the return of Rajah Sreekur Bhunj in 1819 the Government at once recognized him as the Rightful proprietor and in the beginning of 1820 the said Rajah Sreekur Bhunje was allowed to enter into a fresh engagement with the Government for the Public Revenue. True translation of which engagement is hereto annexed marked A.

(14)

5 In the year 1822 Dhunnujoy Bhunje the only begotten son of the Rajah Sreekur Bhunje being wholly incapable of managing his affairs, and from whom no spiritual or temporal benefits could be derived as a son the said Rajah Sreekur Bhunje discarded the said Dhunnujoy Bhunje, and in the year 1823 the said Rajah Sreekur Bhunje took in adoption your Petitioner Hurrakisto Bhunje as his heir and successor, in all his Rights & Zemindaries as enjoined by the Hindoo Law. Due intimation of the discarding of Dhunnujoy Bhunje the only begotten son of the said Rajah Sreekur Bhunje, and of the formal adoption of your Petitioner having been given at the time to the Governor in Council of the Presidency of Madras. True translation of the Petitions to the Government in Council on this subject are hereto annexed marked B and C

6 In the year 1832 the said Rajah Sreekur Bhunje falling into arrears, the Government

7

of Chittoor, Recommend the encouragement of the Farmers under them, and in order thereto to the Commencement of the said Pyah Cowlgeer Chungy went with the Knowledge of the Chief that the said Chinnayya Chetty was a Monopolizer of Grain entitled and incapable of encouraging the Ryots or serving the Government Officers, but encouragement of the Public Revenue from the said Chinnayya Chetty thereby occasioning the said Pyah Cowlgeer Chungy from the encouragement and Collection of the Revenue, and Collecting Peculations on the said Farmers of Cowlgeer Chungy in the Execution of the Collections of the Government Revenue

2nd That the said Chinnayya Chetty in the Public Election of the Collectorship of the District Government Officers, Interference of Cowlgeer Chungy Threatened and Encouraged Peculations, and Oppressions of the Ryots, and Collections of the Government Revenue, The Government is Deprived of the Assistance of

of Madras under a Proclamation dated the 25th Day of August 1835 Confiscated the said Zemindaries for the said Arrears of Revenue, and declared the Right and Title of the said Chinnayya Chetty to have ceased, the Government undertaking to manage the said Zemindaries by their own Revenue Officers, and for their own Benefit and Profit, Copy of Proclamation referred to Marked

8 That the said Chinnayya Chetty Purchased from the said Zemindary Peculations Committed during the Management of the Government Officers, and Collections of Revenue, but on full of which sent the said Pyah Cowlgeer Chungy into Confinement on the Part of Government, Four Zemindaries, during the Management of Government Officers, Interference of the said Public Servants, and Collections of the Revenue

9 That the said Chinnayya Chetty Purchased from the said Zemindary Peculations

Conceded, but the other Claim having been
also by Rejected by your Lordships in Council,
and by the Government of Madras, Petitioner
under advice is Constrained to pursue the
said Claim to the Restoration of the said
Zemindary of Gumsur, of which the said
Rajah Dheeben Patrujo was the late; and
the Rightful Proprietor; on grounds that
have never before been advanced before your
Lordships or before the Government of Madras
and Petitioner humbly and earnestly prays
as your Lordships in Council favourable
and serious Consideration of the said Grounds
which from the Judicial nature of this Petition
Petitioner first of all humbly entreats
your Lordships in Council Consideration
of the Terms of the engagement entered into
with Petitioners Ancestor on the 15th of
the Fourth of the Viziers and the Peishcush
demanded on a Breach of that Engagement
The said engagement was executed
on the 11 day of August 1802 under Signature
of and Seals of the Chief Rulers of the
Province

Sinhee, that an arrangement can be entered into
an illegal arrangement. The Government
of the Country therefore could not attempt to
Claim any exemption from the Land Tax
Since Government and undertake this
by But the Government of India in
making Laws for the Realization of the Land
Revenue from Estates that do claim an
Exemption had no Intention being to
Contravene or Circumvent Orders passed
and Engagements entered into with
Estates that do not claim such Exemption
therefore the Jurisdiction of Civil Courts
must Continue, with Civil Courts to
the Exclusion of the Executive, Powers
Estates and the Government certainly
to Collect the Revenue notwithstanding the
Existence of such Engagements
Orders passed by the Executive Officers
of the Government in Pursuance of such
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Orders passed by the Executive Officers
of the Government in Pursuance of such
Engagements Courts of Civil Courts to
to enter

to enter on paying the arrears paid by the Farmer into the Government Treasury—Third by selling all the right and title of the defaulter by auction sale for the recovery of the arrears due on account of Government Revenue. In either of the three Courses there is no Conveyance of an absolute right of the Zemindaree to the Government that would be equivalent to the forfeiture of the rights of the defaulting Proprietor on the Contrary there is this distinctive principle apparent in all the three courses that the absolute rights of property in the Zemindaree remain intact in favour of the defaulting proprietor, that he could not at any time re-enter possession on paying his deficits in the two first Courses which is the most commonly adopted practice, and in the last Course, the defaulting proprietor though he suffers the entire loss of his property by the transfer by sale he still possess the right to recover the full value of his property which often exceeds the amount of arrears of Revenue and

18

and he thus becomes the recipient of the surplus proceeds of the sale by which he could continue to live comfortably following some other occupation or Calling—On the contrary entailing absolute forfeiture of all his rights to a valuable property for insignificant arrears of Revenue the penalty was too unjust to be attempted to be supported by any systems or by any Regulations effecting the administration of the Land Revenue of the British Government in India.

18th. It is this illegal Condition then in the Contract of the 11th August 1820 taken from Petitioners ancestor and on which the Revenue authorities have been acting that has been one of the immediate causes of the injury Petitioner has had to Complain of but which petitioner trusts will now on being brought to the notice and Consideration of your Lordship in Council lead to your Lordships reconsidering the whole Case and awarding that justice that the

the actual merits of the Case may demand.

19th The most point deserving your Lordships Consideration, and which is the most important of the Two, is a question of both fact and Law, and Petitioner his every reason to hope that a proper investigation of that fact ~~wit~~ will throw a light on petitioners Case, which cannot fail to exercise a proper influence on your Lordship in Councils decision in the matter of the Restoration of the said Zemindarries of Goomsur.

20th In the year 1815 as already narrated above, Dhununjoy Bhunje, the only begotten son of the Rajah Sreekur Bhunje the rightful owner of the Zemindarries being then in possession of the Estates during the absence of his Father on pilgrimage, — became a Lunatic and was ousted by the Revenue authorities from the management & Control of the Estates — On the return of Rajah Sreekur Bhunje to his Country, the Revenue authorities gave him possession and took engagements from him of the public Revenue, thus recognizing him as the sole and rightful proprietor, Dhununjoy Bhunje's in Capacity and weakness of mind still Containing the Father Rajah Sreekur Bhunje was Compelled under the Laws and Customs of his Family to adopt a son who would under the Hindoo system, assist the Father in his spiritual and temporal benefits, to this end the R. Rajah Sreekur Bhunje forwarded the usual Petitions to the Government of Madras dated respectively the 28th of August 1822 and May of 1823 Translations of which are hereto annexed marked B and E on which he intimates to that Government that he had discarded and disinherited his begotten son Dhununjoy Bhunje for his imbecility of mind and misconduct and had according to the Laws and Customs prevalent among

Hindoos

Hindoo, taken a son in adoption, and soliciting both the said acts would be recog-nised by that Government as valid and good. Ten years subsequent to the date of these petitions and the fact of Dhunnujoy Bhunje incapacity and weakness of intellect being already known to the Revenue authorities themselves, the said Revenue authorities, on the Rajah Seeker Bhunje falling into arrears of Revenue, excluded the said Rajah Seeker Bhunje from the Estates and against the declared intentions and earnest remonstrances of the said Rajah Seeker Bhunje, the sole and rightful Proprietor, they the Revenue authorities enter into and take engagements for the Revenue from Dhunnujoy Bhunje who had for years past been proved to be and was known to be a person incapable of managing his own affairs from weakness of intellect and dissipated habits so that in the year 1832 the said Dhunnujoy Bhunje was put in his Father stead in the Zemindaree of Goomsur as

as the Recognised proprietor.

21st In the year 1835 the said Dhunnujoye Bhunje also became a defaulter for the Public Revenue; that the Government of Madras by a Public Proclamation was obliged to resume the management of the Zemindaree of Goomsur themselves, declaring Dhunnujoy Bhunjes rights only to have ceased on account of such default. This Proclamation was dated the 25th day of August 1835 Copy of which is hereto annexed marked **E**.

22nd Dhunnujoy Bhunje having fled to the Jungles, with the greater part of his tenants commenced to wage war against the lawful authority of the Government and to commit depredations that called for the interference of the Government of India which Govern-ment by a Resolution in the Legislative Department dated the 10 day of October 1836 passed an act suspending the ordinary functions of the Courts of Justice, and appointed a special Commissioner, to establish order and tranquility in that Country but

but nothing in the said Act conferred any power or authority in the Government of Madras, to Confiscate or to Consider as forfeited the Rights of the Real proprietor in the Zemindaree of Goomsur.

23 The question in this state of things for the Considerations of your Lordship in Council are First Whether the Revenue authorities did or did not exceed their Competency in entering into and taking an engagement for the Revenue of the Zemindarree of Goomsur from Dhunnunjoy Bhunje who was declared to be unqualified and wholly unfit from weakness of intellect and dissipated habits and if this act were not within their Competency, Could the illegal act of the Revenue authorities a priori prejudice or destroy the Rights of the Real proprietor Rajah Sreekur Bhunje who was living at Benares at the time of this act — Second Had the Revenue authorities the power by the Law to Confiscate the Rights title and interests of the said Rajah Sreekur Bhunje in the Zemindaree of Goomsur, on the Breach of an illegal Contract made with a disqualified person like Dhunnunjoy Bhunje

Third Could the said Rajah Sreekur Bhunje who was living at a distance from the scene of the Rebellion be in any way supposed to have parti-cipated or assisted in the act of Rebellion of the said Dhunnunjoy Bhunje or could any act of the said Rajah Sreekur Bhunje be identified as the act of the Rebel Dhunjoy Bhunje as to justify the Government in confiscating the said Rajah Sreekur Bhunjes Rights in the Zemindaree of Goomsur and Could those Rights cease by any act of default of a disqualified person like Dhunnunjoy Bhunje

24 Petitioner respectfully urges that there is not the shadow of a doubt, that the Revenue authorities did in the first instance exceed their Competency in inviting the said Rajah Sreekur Bhunje to give the Revenue engage-ments to a drunken, dissolute, and dis-qualified [illegible] like Dhunnunjoy Bhunje and the glaring illegality of this act stamps all the other proceedings of the Revenue authorities embraced in the three preceding questions as

illegal

finds himself deeply involved because the Government will make no remission in the amount of Revenue demandable from the Zemindar, he must pay or be excluded from his Estates. The arrears of Revenue during the possession of the rightful proprietor the Rajah Sreekur Bhunje were accummulations of years and nothing but an actual remission on the part of Government could release the Rajah from his liabilities. The recourse had by the Revenue authorities of shifting the liabilities from the said Rajah Sreekur Bhunje to his discarded son, one who was unqualified to retain the management of the Estates any longer, was a most injudicious proceeding as the result has fully proved. The whole responsibility of this injudicious act rested on the Revenue authorities and could in no way lead to the extinction of the proprietary rights in the Zemindaree of Gomsur which the Rajah Sreekur Bhunje held. It is in this view of the Case that petitioner relies on your Lordship in Council doing justice to petitioner's claims.

28 Irrespective however of this most important feature in a point of fact Petitioner holds a still stronger ground in a point of Law, to claim the restoration of the Zemindaree of Gomsur to him as the legal and sole surviving heir to the rightful proprietor the said Rajah Sreekur Bhunje deceased. This point may be thus stated. The British Government have by special Regulation fixed the time that a Zemindar shall be kept out of his Estates for arrears of Revenue, only for a period of twelve years after the expiration of which time the Zemindar has a right by law to claim to re-enter possession after his default which was the cause of his exclusion. This applies to Estates of defaulting Zemindars which have been farmed out to strangers or held Khas by the Government in both cases the distinctive principle being that the excluded Zemindars proprietary rights in the Zemindaree

A

Schedule of the Collateral assured to Paid
Assessor Duty Commissioners of Inland Revenue
to the Right Honble the Commissioners Treasury and
Exchequer on the 11th August 1820.

Nature of Security			No 1 The Right Honble the Commissioners Treasury of the United Kingdom of Great Britain & Ireland & Successors for the time being in Trust for the Consolidated Fund of the United Kingdom of Great Britain & Ireland pursuant to the Act 59 Geo 3 Cap 12
Consolidated Annuities	900 £		
Irish Consolidated Annuities			
5th October	9875		
5th December	14062-8		
5th January	18750		
5th March	8750		
5th April	14062-2		
	75000 Sixty five Thousand		

Received the Assessed Duties and Penalties mentioned in the Schedule

No 2 Stated the 9th Day of September 1820 pursuant to the Commissioners

[illegible] Deed of Trust and Settlement bearing
[illegible] Deed of Appointment of a New Trustee and
[illegible] Conveyance
[illegible] Deed of Trust and Settlement bearing
[illegible] Deed of Appointment of a New Trustee and
[illegible] Conveyance

No. 13 Deed of Trust and Settlement bearing date the [illegible] day of [illegible] 1[illegible] and made between [illegible] of the one part and [illegible] of the other part

No. 14 Deed of Trust and Settlement bearing date the [illegible] day of [illegible] 1[illegible] and made between [illegible] of the one part and [illegible] of the other part

No. 15 Deed of Trust and Settlement bearing date the [illegible] day of [illegible] 1[illegible] and made between [illegible] of the one part and [illegible] of the other part

D

(3)

Duke
Separation

Separation of Canada Copy of Declaration
of Notice

Notice of Motion for Confirming of the Order
of the Court of Chancery for Canada West
Relative thereto for the Purpose of Carrying
into Effect a Separation of Canada East
and Canada West

(No 9)

Garden Reach

Calcutta

6th December 1837

To

The Secretary

Government of Bengal

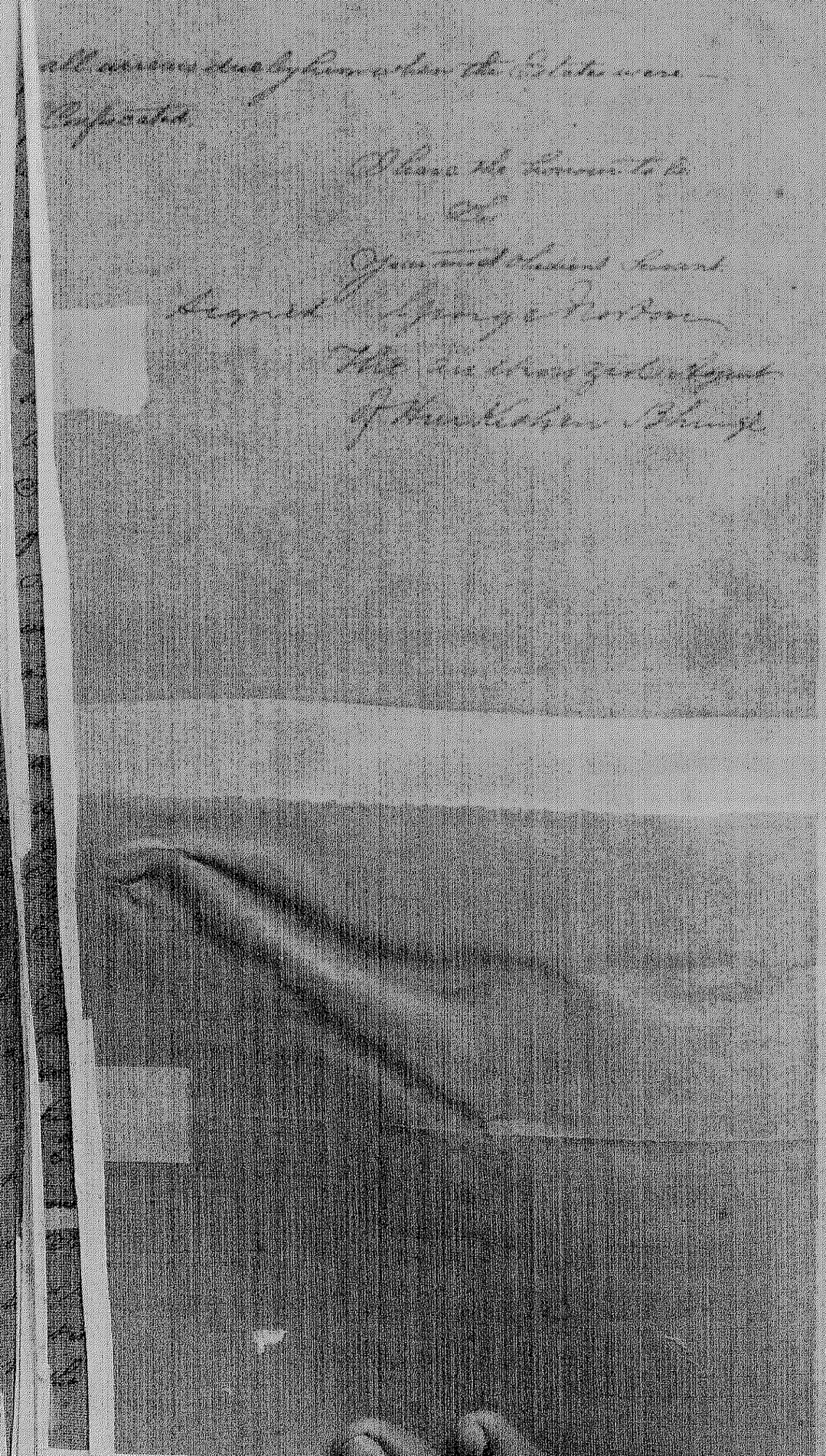
Political Dept.

Sir,

(Being) unwell myself & [illegible]

[illegible] received from the Master Attendant





f° 202

Extract from the Minutes of Council

Monday the 16th February 1852

Present the following Members

The Governor in Chief

Present on 16th October 1851 & 30th

Henry Miller Esqr. Magistrate

Agent of Australian Plumpers

Present on 6th November 1851 & 13th

Ordered that the Petition of Thomas Bell Esqr. Police Magistrate of Melbourne praying that he may be allowed to purchase Allotment No. 1 of Section No. 1 in the Township of Melbourne, be referred to the Surveyor General for his report thereon.

Ordered that the Petition of Thomas Bell Esqr. Police Magistrate of Melbourne praying that he may be allowed to purchase Allotment No. 1 of Section No. 1 in the Township of Melbourne, be referred to the Surveyor General for his report thereon.

Ordered that the Petition of Thomas Bell Esqr. Police Magistrate of Melbourne praying that he may be allowed to purchase Allotment No. 1 of Section No. 1 in the Township of Melbourne, be referred to the Surveyor General for his report thereon.

Received 28th Feb.
Read 16th February.

No. 202.

Colonial Office.

16th February 65.

Sir,

I have the honor to transmit
herewith for the information of
Lord Russell a Report