

Revenue Department

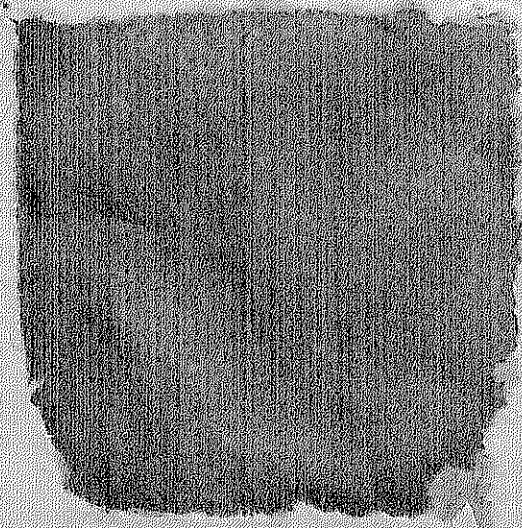
Minutes of Consultation

16<sup>th</sup> Feb 1858

Book No 5.2 - 56

Order No 202 of 16<sup>th</sup> Feb 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. 1748.

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 Bunde the adopted son of the late Zemindar of Goomsur praying for a reconsideration of the decision confiscating the Goomsur Zemindary.

From G. NORTON, Esq., Authorized Agent of Hurkishen Bunde; to CLICH 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 *Zemindari* 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 affected, 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 Zemindars of Goomsur, was an ancestral Estate of the *Bhuj* family, the last Zemindar, was Rajah Sreekur Bhuj, who died in exile, consequent to the Revenue authorities having excluded him from his Estates for arrears of Revenue. The Zemindari was then in 1832 given to Dhurunjay Bhuj, the begotten son of Sreekur Bhuj, although Dhurunjay Bhuj, was for years previous discredited by his father, the Rajah Sreekur Bhuj, on account of *Dutunor* Bhuj having become a lunatic. The election of Dhurunjay Bhuj, by the Revenue authorities, for the management of the Estates was not the act of Sreekur Bhuj, the misdeeds, therefore of an incompetent and discredited 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 Bhuj, the ostensible proprietor of those Zemindaries yet such 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 *Zemindari* of Goomsur, is recorded as an *Amoy* 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 Bhuj were still existing. In such case, under the acknowledged policy of the British Government, a 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 *Amoy* for 24 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 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 re-

பெரியபுத்த பித்தி-2

செய்யுட்டுப்படிப்பு நபர்:

செய்யுட்டுப்படிப்பு நபர்: செய்யுட்டுப்படிப்பு நபர்:

J. Comf  
H-08

செய்யுட்டுப்படிப்பு நபர்: செய்யுட்டுப்படிப்பு நபர்:

செய்யுட்டுப்படிப்பு நபர்: செய்யுட்டுப்படிப்பு நபர்:

செய்யுட்டுப்படிப்பு நபர்: செய்யுட்டுப்படிப்பு நபர்:



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 *Zemindaries*, and it is solely, under those rights, the Petitioner advances his claims to be restored to the possession of the *Zemindaries* 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 Hunkishon Bhunj, the adopted son, and only surviving heir of Itajah Sreekrish Bhunj, Zemindar of the Taluqua Goomsur in the District of Ganjam in the Madras Presidency deceased, dated Garden Reach, 12th October 1857.

STEWART,

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.

3d. Rajah Saekur Bhunj deceased, the immediate ancestor of Petitioner, was the second Rajah of Gosnur under the British Government and succeeded to his Paternal Estates in the year 1803 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 1805 Rajah Sreekur Blunij left Goomast on a pilgrimage to the various Hindu shrines in Hindoostan confiding the management of the Zemindaries to Dhanunjoy Blunij his eldest and only son. The said Dhanunjoy Blunij on becoming a Lunatic in 1815, the Government removed him from the Zemindaries and held the same in trust for Rajah Sreekur Blunij who was still absent on his pilgrimage.

4th. On the return of Rajah Sree Kur Bhuj in 1819 the Government at once recognised him as the rightful proprietor and in the beginning of 1820 the said Rajah Sree Kur Bhuj 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.

5th. In the year 1802 Dhanraj Bahadur, the only begotten Son of the Rajah Sreekur Bhung being wholly incapable of any mental effort, and from whom no spiritual or temporal benefits could be derived, and from the said Rajah Sreekur Bhung discarded, the said Dhanraj Bahadur, and in the year 1803 the said Rajah Sreekur Bhung took in adoption your Petitioner *Herrahisto Bhung*, and as the successor of his rights and Zemindaris as enjoined by the Hindoo Law. Due recognition of the discarding of Dhanraj Bahadur, the only begotten son of the said Rajah Sreekur Bhung, and his formal adoption of your Petitioner having been given at the time to the Government and 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 1837 the said Rajah Seckur Bhumj having informed the Government of Madras, resigned the management of the Zemindaries under trust, and in opposition to the remonstrances of the said Rajah Seckur Bhumj, with full knowledge of the fact that the said Bhurumjoy Ghung was a man of weak intellect and incapable of managing his own affairs the Government officers, took charge of the said Revenue from the said Bhurumjoy Ghung thereby excluding the said Rajah Seckur Bhumj from the management and control of the said Zemindaries of Coimbatore. The translation of Collector's F. 600/1837 excluding the said Rajah Seckur Bhumj from the Zemindaries is hereto annexed and marked B.

THE said Attorney at Law, who by the sale election of the Collector of the District had been put in charge of the said 2<sup>d</sup> and 3<sup>d</sup> articles of execution, do hereby certify that

and misconduct of various officers of the Government. The said Mr. Dhanoojee Bhowmik, Chief of the Presidency of Madras, under a Proclamation dated the 21<sup>st</sup> day of August 1857, created the said Zemindaries for the said district of Bhowmik, and appointed the Dhanoojee Bhowmik, the said Dhanoojee Bhowmik, only to have created the Government Zemindaries, and to be created the Zemindaries by their own Revenue officers, and for their own benefit and interest. The said Proclamation aforesaid is hereto annexed and sealed.

Sib. The said *Munimany* *Phung* having been expelled from the said *Phung* and called against the authority of Government and some of his agents were arrested and punished by sentence of the said *Phung* but in all of which acts the said *Phung* *Shan* *Shan* *Phung* was not engaged or concerned in the cities of *Bombay* and *Poona* *Jagannath* was by the Government of *Maharashtra* an annual pension of 8,000 *Ruppes*, which was paid out of the Treasury of the *Government* *Government* took no share in, nor was he ever expelled from them.

Sub. The said Pension, continued to be paid to the said Royal Princess until the day of his death, which did not take place until some time after the conclusion of the said War, and the resumption of the Zoumra by the Maronite Government.

10. The Muzumjoy Bangal was killed in the winter, that is to say, in the month of January, 1782, by the forces of Government and those of Muzumjoy Bang.

14th. Raja's Secretary (18th), died in the District Court in the year 1822, leaving  
your Pensioner, the only heir, as he adopted son of all the Rulers and Chiefs.

1914. Petitioner, in virtue of such right as he may acquire, to be considered as a  
 Sudder Bhoj demand, and directly transferred with the same to the Government of Bengal,  
 his title first of all, to the compensation of the amount payable to the Government of Bengal,  
 Revenues of the Government of Bengal, and finally Petitioner has no other claim on the  
 operation of the Government of Bengal.

1838. The claim to the continuance of the same is, however, not conceded, but the other claim having been already rejected by your Lordship, I am directed by the Government of Madras, Pondicherry under advice is constrained to refer the same again to the restoration of the said Zemindary of Gaurah of which the said English Company was the sole, and the rightful proprietor, on grounds that were never before presented before your Lordship or before the Government of Madras, and Pondicherry, and earnestly beseeches your Lordship in Council's favourable and serious consideration of the said grounds which form the subject matter of this petition.

14th. Petitioner first of all humbly entreats your Lordship in a humble manner to be pleased to confirm the terms of the engagement entered into with Petitioner's ancestor in the year 1740 for the payment of the Revenue and the penalties attendant on a breach of that engagement.

15th. The said engagement, was executed on the 11th day of August 1840 and contains of six articles, the first article fixes the amount of the *Joome* to be paid to Government as Revenue. The second article, stipulates, that the revenues derivable from salt, sulphore, and excise Laws shall not be interfered with, by the Zamindar 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 *Joome* in the case of non-payment of the Revenue.

16th. It is this declaration, that is a point of justice and legal construction, in as much as the declaration of forfeiture of a whole Estate, for the whole, or the balance of 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 *fas fure non* and void in law. For this reason, one of the first principles of justice, that no man can bind another to a illegal engagement, the Government of the country therefore would not attempt to claim any exemption from the law that binds communities and individuals alike.

✓ 17th. But the Government of India in making laws for the regulation of the land revenue are clearly and it must be admitted that our landholders being a Government *Mahajans* and not all right and rule in an ancestral Estate no account of account of revenue and in providing remedy and penalties for public default, the Government have fixed up a broad course for the regulation of the accounts, from his Estates, and the Government undertake to collect the



land and managing the Estates under its own agency till such period as the default is cured. Second by turning 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 possesses 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 continue 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 throw a light on Petitioner's case, which cannot fail to exercise a proper influence on your Lordship in Council's decision in the matter of the restoration of the said Zemindaries of Goomsur. ✓

20th. In the year 1815, as already narrated above, Dhununjoy 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 *fanatic* 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. Dhununjoy 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 pursuits, to this end the said Rajah Sreekur Bhunj forwarded the usual Petitions to the Government of Madras dated respectively the 25th 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 disowned and disinherited his begotten son Dhununjoy 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 Dhununjoy 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 Dhununjoy 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 Dhununjoy Bhunj was put in his father's stead in the Zemindaries of Goomsur as the recognised proprietor.

21st. In the year 1835 the said Dhununjoy 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 Dhununjoy Bhunj's 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. Dhununjoy Bhunj having fled to the Jangles, 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 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 conferred any power or authority in the Government of Madras, to confiscate or to consider as forfeited, 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 Dhununjoy 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 *Remares* at the time of this 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 Dhununjoy 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 Dhununjoy Bhunj or could any act of the said Rajah Sreekur Bhunj be identified as the act of the rebel Dhununjoy Bhunj as to justify the Government in confiscating the said Rajah Sreekur Bhunj rights in the Zemindaries of Goomsur and could those rights cease by any act of default of a disqualified person like Dhununjoy 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 Dhununjoy Bhunj and the glaring illegality of this act stamps all the other proceedings of the Revenue authorities embraced in the three preceding questions as illegal and unjust and the consequent inference 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 Zemindaries 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 jangles 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 recourse 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 *kham* 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 Dhanunjoy 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 *Amny* 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 and in his stead for his heirs and successors.

31st. The time Petitioner respectfully 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.

*Translation of the Cabbulet issued by Rajah Sreekur Bhunj, Zemindar of Goomsur, to the Right Honorable the Governor General in Council on the 11th August 1822.*

| Names of Zemindaries. |                        |
|-----------------------|------------------------|
| Goomsur and Bampur    | 75,000                 |
| <i>Instalments.</i>   |                        |
| 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 by His of the Zemindaries Bampur and Goomsur at the fixed annual Revenue of 75,000 Rupees. I am now being the same as was fixed for the said Zemindaries before I have signed this and do hereby promise and bind myself to pay the said Revenue at the times and according to the instalments noted in the margin.

2. Besides the 75,000 Rupees fixed for Revenue Government will receive all duties Revenue arising from salt and saltpetre Sayers Set roots, opium and other Abkaries that come from unclaimed Haunts Maits Bazzars &c. with which I shall have no concern. All *Harary* lands, Debutter Brumutter and Nakraj lands and all Mokamuttee Jannabhs at reduced rents shall remain as before and I shall not interfere therewith all these have been entered in the revenue payable by me, the Jagret and Ransom lands set apart for the Pyles 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 orders how I will still have to pay the full sum of Rupees 75,000 and be entitled to no reduction as on former times. The reason of which is that the Government Revenue of the said taluqa has been fixed at a moderate rate and notwithstanding the happening of any exigency 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 this year have agreed to and such is my wish.

5. When any criminal secerstes 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 robbery 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 Cabbulet I write in my own hand and bind myself this year 1820 Wednesday 11th August.

**B.**  
Sai Sai Deorsa.

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 Hackerny to know the particulars of the Government and having known fully from him you saved the Kingdom and put me in my former position an act which has raised your name 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



And that one day my countrymen, officers and friends, &c., begged of me to say that this place was by his tyranny and the country itself suffered from it but by the favor of Government you, our old and being made King have kept us happy and as every one is doomed to death after your death take some time before another King is appointed by Government and it is possible that you in your lifetime choose one as your adopted son informing Government of it. We will be able then to inhabit the Kingdom peacefully making him our leader and pay-ment to the Government Revenue. I thought in my mind when they thus told me who will, become the Rajah of the land, my own begotten son, Dhununjoy Bhunj is very wicked he has injured the reputation and for time of many people and has infringed many orders of Government. For all these reasons and for the welfare of my people I do forsake him. One Raghonath Bhunj whom I informed you as my relative without have my Zemindary of Goomsur but another of whom I will have to speak hereafter and write his name to you. I was much pleased when I heard that your honor was coming from Madras to this country hoping that I will have the advantage of personally communicating to you of these particulars. But when I was informed that you returned from the way I sent this Petition hoping that it will be granted by your honor.

D.

SRI SRI DOORNA.

Seal  
Signature.

*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 Sreekrishna 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 Cabboulment by which he was bound himself to Government and the Cabboulment that was given in writing by Government 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 appoint Sree Dhununjoy Bhunj as the Zemindary of the said talook. And by this his appointment it is ordered that the officers people and ryots in short every one of the said Zemindary do obey and acknowledge the said Dhununjoy 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 Dhununjoy 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 Dhununjoy Bhunj.

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

E.

**PROCLAMATION.**

Whereas by the 4th Article of the Sunnud granted to Dhununjoy 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 Dhununjoy Bhunj has failed to discharge his engagement and there is now a balance due on account of the assessment 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 Governor 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 Dhununjoy 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 Harri-  
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-

formation, 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 submitting this subject 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 descent of rebellion of the Zemindar Dhununjoy Bhunj, the son of the late Zemindar and Zemindar of Goomsur, Sreekrishna Bhunj; could not deprive the proprietary rights of the Zemindary, as proved to the date of the rebellion, Dhununjoy Bhunj, had been declared by his father the late Zemindar, under the authority of the Hindoo Law, and Dhununjoy Bhunj having been recognized 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 Zemindari. Under these circumstances the Petitioner craves that his Lordship in Council, when deliberating upon the case, and as an act of justice, call for the Petition of Sreekrishna Bhunj the late Zemindar, dated the 10th day of the Hindoo month of Jyest, 1829 of the Christian era, that was presented to the authorities at Ganjam. The substance of that Petition, will go far to prove, the facts of the Petition which has been presented to the Government of India, by the surviving heir of the late Zemindar, who inherited no rights by the acts of a person, who was considered to be his successor, in the Zemindari as above stated, and which has been fully stated upon 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 record of the 10th of Jyest, 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 record may not have been forwarded with the case. It will be observed that we have a positive Law, in that Presidency, by which a defaulting Zemindar whose Estates have been taken away from him by the Government for arrears of Revenue, and given in fann, to strangers, or held *Amory*, 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 rigour of the Law, which exists in this Presidency, would not be denied to the people of the other Presidency, when the principle of the Land Revenue is the same and the Government belongs to the same power, that governs two Presidencies. Too much stress could not be laid on the paramount importance of such a Law that was framed to prevent the alienation of Estates from ancestral families and I can only express the wish that his Lordship in Council when disposing of this case will not overlook the right of the present claimant to re-enter the possession of his ancestral Estates for although the adopted son of the late Zemindar Sreekrishna Bhunj, he is the son of the brother of the said Zemindar, and by birth possesses heritable rights in the Zemindari. It is on these points I earnestly and humbly solicit his Lordship in Council most serious consideration, and I feel convinced that if his Lordship's 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 Harrikishen Bhunje; dated Fort William the 9th October 1857, No. 2143.

Sir,

I am directed to acknowledge the receipt of your letter dated the 13th Instant submitting a petition from Harrikishen 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 Harrikishen 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 these decisions on record, may be considered to be finally closed. I have from this cause, felt considerable hesitation, in reviving the present Petitioner's claim. 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 Bhunje family, the last Zemindar, was Rajah Sreekur Bhunje 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 Dhanunjay Bhunje the begotten son of Sreekur Bhunje; although Dhanunjay Bhunje was for years previous discarded by his father, the Rajah Sreekur Bhunje on account of Dhanunjay Bhunje having become a Lunatic. The election of Dhanunjay Bhunje by the Revenue authorities, for the management of the Estates was not the act of Sreekur Bhunje, 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 Bhunje, the ostensible proprietor of those Zemindaries, 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 Bhunje were still existing in such case, under the acknowledged policy of the British Government, as defaulting Zemindar, can when 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 *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 Petitioner's claims.

7th. This Petitioner has been recognised as the legal heir of the said Rajah Sreekur Bhunje 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 Kishan Bunje; to the Chief Secretary Government of Madras; Fort Saint George, dated Garden Reach 16th January 1858.

Sir,

Revenue re the Goomsur Zemindary in the District of Ganjam.

I have the honor to solicit the favour of your laying this communication before the Right Honorable the Governor in Council, entreating his Lordship's 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 Kishan Bunje, who styles himself the adopted son and only surviving heir of the late Rajah Sreekan Bunje, praying for a reconsideration of the decision of this Government confiscating the Goomsur Zemindary.

2. Neither Mr. Norton nor his client appear to have a correct apprehension of the circumstances which led to the forfeiture of the Goomsur estate. Mr. Russell the Special Commissioner appointed by Government in 1832, to ascertain the causes of the revolutionary outbreaks which prevailed at the time in the Northern Circars, in his report on the Goomsur and other Zemindaries published in 1836, as No. 24 of selections from the records of the Madras Government, gives a complete history of the occurrences in the Goomsur country from the year 1783 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 Goomsur Zemindary ever being restored to any member of Sreekan Bunje's family.

(Signed) H. FORBES,

Acting Secretary to Government.

*Handwritten notes and signatures on the right page:*

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*Officer in charge of the Revenue*  
*at Fort St. George*  
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Garden Reach  
12<sup>th</sup> October 1857

To Cecil Becher Esquire

Secretary to the Government of India

Hon. Department

Fort St. George

Sir

I have the honor to acknowledge the favor  
of your submitting the accompanying Petition  
before the Right Honble the Governor General  
in Council at your solicitation.

2. The question of the Remuneration of Teachers  
in the Madras Presidency has been before the  
Government of India, and the Government  
consider whether the best mode of settling the  
claim of the present teachers, and the  
proposed new teachers.

3. The Government are now considering the  
question of the remuneration of the teachers.







and the Government of India  
from the Government of India.

3 There is another point in the case which merits  
the Council's careful consideration.

4 The present Government of India

is an estate which means

that it is an estate held in trust by the Govern-

ment for the benefit of the nation. This also

implies the view that the right of

the State to dispose of the property is

not subject to any restriction, and the

policy of the Government is to

bring Government property into the public domain

and to bring it into the public domain

and to bring it into the public domain

have now been presented

presented to the Council for consideration

of the case of the Government of India

of that case.

6 The subject of the present case

can hardly be considered as a new one

the Government of India, in the form of a

case - it is the same as the case of the

of the principle of the case, which is that

approval of the Council is required for

the Government of India, in the form of a

for a long time, and it is a long time

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agent here of the said Great British Whig  
 received a confidential allowance from govern-  
 ment but the receipt of such allowance does not  
 validate his legal rights to the Guineas and  
 the money under those rights that Petitioner  
 advances his claims to be restored to the possession  
 of the Guineas by agreeing to and to sign all  
 the which he and his father were entitled by  
 the said act and was by them when the Petitioner  
 was a child.

I am Sir,  
 your obedient servant  
 George Jackson  
 The authorized agent  
 of the Hon. Robert Peel

Received of the  
 Hon. Robert Peel  
 the sum of £1000  
 on 10th day of May 1843

at London  
 a large part of the  
 money being paid to  
 the said Petitioner  
 of the said Guineas  
 which he claims as  
 his own property

Received of  
 the Hon. Robert Peel  
 the sum of £1000  
 on 10th day of May 1843

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 Hon. Robert Peel  
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 paid to the said  
 Petitioner as his  
 own property



To

3

The Right Honble Charles John Vaneourt  
Leanning, Governor General of India in Council

The Honble Petition of Kuri.

Rishen Whung, the adopted son,  
and only surviving heir of  
Rajah Sree Nar Whung, Gemin-  
dar of the Saloqua Gomin  
in the district of Ganjam in  
the Madras Presidency deceased

Sheweth

That the Gemindees of Gomin  
-ur was the ancestral Property of the Whung  
Family, who have from time immemorial  
resided in Gominur, and who from the date  
of the accession of the British Government  
in the Presidency of Madras have been re-  
cognised as the Rightful proprietors and  
with whom engagements for the Public Revenue  
have been annually made.

2. Rajah Sree Nar Whung deceased, the  
immediate ancestor of Rishen, was the  
hereditary Rajah of Gominur under the British  
Government and succeeded to his Paternal  
Estate in the year 1832 and entered into  
engagement



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

3 In the year 1806 Rajah Sreeker Phung  
left Goomour on a pilgrimage to the various  
Hindu shrines in Hindostan confiding the  
management of the Zamindari to Phunjoy  
Phung his eldest and only son. The said Phun-  
joy Phung on becoming a Lunatic in 1816  
the Government removed him from the Zam-  
indari and held the same in trust for Rajah  
Sreeker Phung who was still absent on  
his pilgrimage.

4 On the return of Rajah Sreeker Phung  
in 1819 the Government at once recognized him  
as the Rightful Proprietor and in the beginning  
of 1820 the said Rajah Sreeker Phung was  
allowed to enter into a fresh engagement with  
the Government for the Public Revenue. Some  
translation of which engagement is hereto an-  
nexed marked A.

14  
5 In the year 1822 Phunjoy Phung  
the only begotten son of the Rajah Sreeker  
Phung being wholly incapable of managing  
his affairs, and from whom no spiritual or  
temporal benefits could be derived as a son  
the said Rajah Sreeker Phung discarded  
the said Phunjoy Phung, and in the year  
1823 the said Rajah Sreeker Phung took in  
adoption your Petitioner Purrikisho Phung  
as his heir and successor, in all his rights &  
Zamindari as enjoined by the Hindu Law.  
Due intimation of the discarding of Phun-  
joy Phung the only begotten son of the said  
Rajah Sreeker Phung, and of the formal  
adoption of your Petitioner having been given  
at the time to the Governor in Council of the  
Presidency of Madras. Some translation of  
the Petition to the Government in Council  
on this subject are hereto annexed marked  
B and C.

6 In the year 1822 the said Rajah Sreeker  
Phung falling into arrears to the Government



of a Madras, resumed the management of the Zamindaries under trust; and in opposition to the Remonstrances of the said Rajah Sreekan Phung and with the knowledge of the fact that the said Dhunungy Phung was a man of weak intellect and incapable of managing his own affairs the Government officers, took engagements of the Public Revenue from the said Dhunungy Phung thereby excluding the said Rajah Sreekan Phung from the management and Control of the said Zamindaries of Goomsur. True translation of Collectors Proclamation excluding the said Rajah Sreekan Phung from his Zamindaries is hereto annexed marked **D**.

7. The said Dhunungy Phung, who by the sole election of the Collectors of the district had been put in a Malguzars possession of the said Zamindaries of Goomsur having from incapacity and misconduct fallen into arrears of the Government Revenue, the Governor or Council of the Presidency of

15  
of Madras under a proclamation dated the 25<sup>th</sup> day of August 1835 confiscated the said Zamindaries for the said arrears of Revenue and declared the Right and title of the said Dhunungy Phung only to have ceased. — the Government undertaking to manage the said Zamindaries by their own Revenue officers and for their own benefit and use. True copy of Proclamation aforesaid is hereto annexed marked **E**.

8. The said Dhunungy Phung having been excluded from the said Zamindaries, rebelled against the authority of Government and committed various worst acts of Rebellion and defiance, but in all of which acts the said Rajah Sreekan Phung, who was living in Retirement in the Cities of Benares and Poore jaggernath, within the province of Benares, on an annual pension of 3000 Rupees, which was paid out of the Revenue of the Zamindaries of Goomsur, took no share in, nor was he ever Cognizant of them.

9. The said Pension, continued to be paid to the said Rajah Sreekan Phung up to the



the day of the death, which did not take place  
till some time after the conclusion of Pherunjoy  
Rajya and the Surrender of the Zamindari  
to the British Government.

1<sup>st</sup> Pherunjoy Rajya was killed in the  
fight which took place in Goomaur between  
the forces of Government and those of Pherun-  
joy Rajya.

2<sup>nd</sup> Pherunjoy Rajya died in the district  
of Goomaur in the year 1825 leaving your  
petitioner the sole heir, and his adopted son of  
all his estates and rights.

3<sup>rd</sup> Petitioner is entitled of such right as the  
law entitles him to the said Rajah Sreekrishna  
Rajya and has already appeared before  
your Lordship in Council setting forth his  
title, and yet still to the continuance of the  
unlawful Revenue the deceased enjoyed  
from the Revenue of the Goomaur Zamindari  
and more thereby. Petitioner has asserted his  
title to the continuance of the Zamindari.

4<sup>th</sup> As to the continuance of the  
unlawful Revenue, has only been partially  
conceded.

16  
conceded, but the other claim having been  
wholly rejected by your Lordship in Council,  
and by the Government of Madras, Petitioner  
under advice is constrained to revive the  
said claim to the restoration of the said  
Zamindari of Goomaur, of which the said  
Rajah Sreekrishna Rajya was the sole and  
the rightful proprietor, on grounds that  
have never before been advanced before your  
Lordship or before the Government of Madras,  
and Petitioner humbly and earnestly beseeches  
as your Lordship in Council favourable  
and serious consideration of the said ground  
which from the subject matter of this petition.

14<sup>th</sup> Petitioner first of all humbly entreats  
your Lordship in Councils consideration  
of the terms of the engagement entered into  
with petitioner ancestor in the year 1820 for  
the payment of the Revenue and the Penalties  
attendant on a breach of that engagement.

15<sup>th</sup> The said engagement was executed  
on the 11<sup>th</sup> day of August 1820 and consists  
of six articles, the first article fixes the  
amount



amount of the Samana to be paid to Govern-  
ment as Revenue. The second article stipulated  
that the revenues derivable from salt, salt-  
lake, &c. &c. Laws shall not be interfered with,  
by the Government such revenues being con-  
sidered the right and property of the  
Government. Article 3 contains after the  
usual conditions of payment of the Revenue  
by vassalage, a declaration of forfeiture  
of the land & vassalage in case of nonpayment  
of the Revenue.

It is the declaration that as a point  
of dishonour and legal contention, in  
as much, as the declaration of forfeiture  
of an whole Estate, for the whole, or the  
behaviour of Revenue demandable by the  
Government, which was only the partial  
revenue of an Estate, was a stipulation  
that could not be equitably or legally im-  
posed on a Contractor. The whole contract  
then which contained this stipulation was  
illegal and void in Law. For it is  
considered as one of the first principles of  
Justice

Justice, that no man can bind another to  
an illegal engagement. The Government  
of the Country therefore would not attempt to  
claim any exception from the rule that  
binds Communities and individuals alike.  
¶ But the Government of India in  
making Laws for the realization of the Land  
Revenue, have clearly laid it down as a  
principle that no Landholder being a  
Government Malguzar shall forfeit  
all right and title in an ancestral  
Estate on account of arrears of Revenue  
and in providing a remedy and  
penalties for public default, the Govern-  
ment have fixed upon three courses. First  
the exclusion of the defaulters, from the  
Estate, and the Government undertaking  
to collect the rent, & managing the Estate  
under its own agency till such time as  
the default is cleared. Second by turning the  
defaulting Estate to charge for a period  
of years giving the defaulters the right to  
be able



to enter on paying the arrears paid by the  
Farmer into the Government Treasury - Third  
by selling all the right and title of the defaulting  
by auction sale for the recovery of the arrears -  
due on account of Government Revenue -  
In either of the three Courses there is no con-  
sequence of an absolute right of the Zemindar  
to the Government, that would be equi-  
valent to the forfeiture of the rights of the  
defaulting Proprietor. On the contrary there is  
the distinctive principle apparent in all the  
three Courses that the absolute rights of property  
in the Zemindars remain intact in favour  
of the defaulting proprietor, that he could not at  
any time be ousted possession on paying his  
defaulting 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 possesses 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 occu-  
-pation or calling. On the Contract entailing ab-  
-solute 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 Regu-  
-lations affecting the administration of the Land  
Revenue of the British Government in India.  
18 It is the illegal condition then in the  
Contract of the 11<sup>th</sup> August 1820 taken from  
Petitioners in 1820 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 Consider-  
-ation of your Lordships in Council lead  
to your Lordships reconsidering the whole  
Case and awarding that justice, that  
the



the actual merits of the Case may demand.

<sup>10</sup>  
19 The most 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 <sup>will</sup> ~~will~~ throw a light on Petitioner's Case, which cannot fail to exercise a proper influence on your Lordship in Council's decision on the matter of the Restoration of the said Zemindari of Goundan.

<sup>20</sup>  
20 In the year 1815 as already narrated above, Phumnyong Phumje, the only begotten son of the Rajah Sreekrishna Phumje the rightful owner of the Zemindari being then in possession of the Estate during the absence of his Father on pilgrimage, —

became a Limatist and was ousted by the Revenue authorities from the management & Control of the Estate. On the return of Rajah Sreekrishna Phumje to his Country

19  
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, Phumnyong Phumje in Capacity and weakness of mind still containing the Father —

Rajah Sreekrishna Phumje was compelled under the Laws and Customs of his Family to adopt a son who would under the Hindu system, assist the Father in his spiritual and temporal benefits, to this end the Rajah Sreekrishna Phumje forwarded the usual Petition to the Government of Madras dated respectively the 28<sup>th</sup> of August 1822 and May of 1823. Translations of which are hereto annexed marked

**B and A** in which he intimates to that Government that he had discarded and disinherited his begotten son Phumnyong Phumje for his weakness of mind and misconduct and had according to the Laws and Customs prevalent among



Thundar, taken a son in adoption, and  
asserting both the said acts would be recog-  
nized by that Government as valid and  
good. Ten years subsequent to the date of  
these petitions and the fact of Thumungoy-  
Thung's incapacity and weakness of intellect  
being already known to the Revenue authorities,  
nevertheless, the said Revenue authorities, on  
the Rajah Section Thung falling into arrears  
of Revenue, excluded the said Rajah Section  
Thung from the Estates and against the  
declared intentions and earnest remonstrances  
of the said Rajah Section Thung, the sole  
and rightful Proprietor, they the Revenue  
authorities entered into and took engagements  
for the Revenue from Thumungoy Thung, who  
had for years past been found to be and was  
known to be a person incapable of managing  
his own affairs from weakness of intellect and  
susceptible habits so that in the year 1832 the  
said Thumungoy Thung was put in his  
place in the Zemindari of Goomur.

as the Recognised proprietor.

21 In the year 1835 the said Thumungoy-  
Thung 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 Zemindari of Goomur  
themselves, declaring Thumungoy Thung's  
rights only to have ceased on account of  
such default. This Proclamation was dated  
the 25<sup>th</sup> day of August 1835 copy of which is  
hereto annexed marked **E**.

22 Thumungoy Thung having fled to  
the Panglas, 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 15<sup>th</sup> day of October 1836,  
passed an act suspending the ordinary  
functions of the Courts of Justice, and  
appointing a special Commission to  
establish order and tranquillity in that Country.



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 Zemindaries of Goomoor.

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 Release of the Zemindaries of Goomoor from Thumngoy Bhunge who was declared to be disqualified and wholly unfit from weakness of intellect and dissipated habits, and if the act were not within their Competency could the illegal act of the Revenue authorities in passing a private judgment in deciding the rights of the Real proprietor Rajah Seetah Bhunge who was living at Calcutta at the time of the act be reversed. Second Whether the Revenue authorities be empowered by the Law to Confiscate the Rights and interests of the said Rajah Seetah Bhunge in the Zemindaries of Goomoor on the ground of an alleged Contract made with a disqualified person like Thumngoy Bhunge.

Disqualified person like Thumngoy Bhunge. Third Could the said Rajah Seetah Bhunge 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 Thumngoy Bhunge or could any act of the said Rajah Seetah Bhunge be identified as the act of the Rebel Thumngoy Bhunge as to justify the Government in confiscating the said Rajah Seetah Bhunge's rights in the Zemindaries of Goomoor and could those rights cease by any act of default of a disqualified person like Thumngoy Bhunge.

The 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 entering the said Rajah Seetah Bhunge to give the Revenue a guarantee to a discredited, dishonest, and disqualified man like Thumngoy Bhunge and the glaring illegality of the act stamps all the other proceedings of the Revenue authorities entered on the above preceding questions as

illegal



illegal and unjust and the consequent inference  
which such facts upon the mind may be  
plainly stated to amount to this that the local  
Rights and interest of the said Rajah's Section  
Charge were secured in that property and that  
the Government of Goomah and that his High-  
ness are by law right and justice entitled  
to succeed to the same without prejudice.

25<sup>th</sup> The only act of appropriation of the Govern-  
ment of Goomah in consequence of the said  
Rajah's Section Charge is an annual income that  
was paid out of the Revenue of the said Goomah  
demesne of Goomah and that at least all  
rights as to the right and title of the said Rajah's  
Section Charge to land and water in the  
rightful possession of the said Government  
of Goomah.

26<sup>th</sup> The only question remaining to be  
put of before your Lordship for consideration  
whether the same ought to be paid to the  
said Rajah's Section Charge.

for excluding a proprietor from his Estate and  
from the Revenue engagements thereof, in  
assessing a revenue of Revenue had been on  
the first instance judiciously assessed and  
if judiciously assessed whether the same given  
by the Law for excluding such proprietor and  
not assessed that legally there was no bar  
to such proprietor's being and possession.

27<sup>th</sup> The Goomah Country as will be shown  
by a glance at the map is a hilly tract of  
Country covered with vegetation and at the same  
time subject to the ravages 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 resort to flight in the jungle  
which is more or less, a very common  
consequence of this state of things  
so that the Government becomes a defaulter in  
the payment of the Public Revenue and  
if the same is not paid the Government



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 Shreeur Whung were accumulations of years and nothing but an actual pecuniary loss on the part of Government could release the Rajah from his liabilities. The pecuniary loss by the Revenue authorities of shifting the liabilities from the said Rajah Shreeur Whung to his discarded son, one who was unequalled to retain the management of the Estates any longer was a most injudicious proceeding as the Court has fully proved. The whole responsibility of this injudicious act passed on the Revenue authorities and could in no way lead to the extinction of the proprietary rights in the Zemindaries of Gossamer which the Rajah Shreeur Whung held. It is in this view of the case that petitioners feel very much

23  
Landed in Council being justice to petitioners claims.

28 In respect of however of this most important feature on a point of fact Petitioner holds a still stronger ground on a point of Law, to claim the restoration of the Zemindaries of Gossamer to him as the legal and sole surviving heir to the rightful proprietor the said Rajah Shreeur Whung 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 be enter possession after his default which was the cause of his exclusion. The application to Estates of depositing Chalgogers which have been found out to shaggy or sold them by the Government in both cases the undoubted 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 Zamindar cease. In the Presidency of Fort William in Bengal, Regulation of 1822 is the general Law in these cases and it is only reasonable to suppose, that the equities and principles 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 & aggrieved parties be allowed the possession of a just and liberal Regulation of one Presidency to be held applicable to the cases of another Presidency in which the Local Government have omitted to make a similar one.

The Madras Government in rejecting Petitioner's claim have directly avowed the objection, that took place in the Zamindari

of Goomsur as the cause of the forfeiture of the Estate, allowing that a rebellion did occur in Goomsur in the Estate of the said Rajah Sreekanth Chingya, but the acts of Rebellion were not instigated or participated in by the said Rajah Sreekanth Chingya 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 the leader Dhunoojee Chingya. Consequently the said Rajah Sreekanth Chingya, could not be said to have forfeited any of his individual rights to property on account of a rebellion that did not originate with him and in which he was no actor. Your Petitioner then as the sole surviving heir to the said Rajah Sreekanth Chingya appears before the Government with an undiminished title as far as that rebellion was concerned. He claims a jagged then for by the Madras Government is not one that can bar the admission of petitioner's claim.

The Government of Madras to this day notwithstanding nearly two years has refused



ever since this act of ~~Confiscation~~ held the  
Government of Goomsur as an ~~Emergency~~  
Estate or an Estate held in trust when there is  
the 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 and in his stead for his heirs and suc-  
cessors.

5<sup>th</sup> The true Petitioner respectfully urges that  
Government for the Government of India to decide  
whether that trust shall continue or whether the pa-  
rt of him has not cured the default that Petitioner  
was labouring under, and under all  
the circumstances whether the trust should  
not now be withdrawn by the Government  
and Petitioner allowed to be in the possession  
as the legal heir to the deceased Rajah -  
Sardar Bahadur.

3<sup>rd</sup> Petitioner humbly entreats the  
Honourable Commissioners of your Honours  
Council on the grounds herein shown

88  
for the restoration to Petitioner of the Government  
of Goomsur, and Petitioner as in duty bound  
shall ever pray.

Garden Reach } Hurkisher dia  
12<sup>th</sup> October } War Kisho Bhung  
1887. Biplin Choudhary  
Agent George Norton



Translation of the Cédulât executed by Royal  
 Instruction D. King, Governor of Indes, Comman-  
 to the Right Honble the Governor General's  
 Council on the 11<sup>th</sup> August 1820.

| Names of<br>Geminidaries                      |                          |  |
|-----------------------------------------------|--------------------------|--|
| Geminidaries and<br>Rampasses<br>Geminidaries | 10000                    |  |
| Installments                                  |                          |  |
| 15 <sup>th</sup> October                      | 9375                     |  |
| 15 <sup>th</sup> December                     | 14062-8                  |  |
| 15 <sup>th</sup> January                      | 18750                    |  |
| 15 <sup>th</sup> March                        | 18750                    |  |
| 15 <sup>th</sup> April                        | 14062-2                  |  |
|                                               | 75000                    |  |
|                                               | Seventy five<br>thousand |  |

N.B. The Right Honble  
 the Governor General of the  
 Honble the East India Com-  
 pany has been pleased to make  
 a settlement with me for life  
 of the Geminidaries Ramp-  
 passes and Geminidaries at the  
 fixed annual Revenue of  
 75000 West Rupees. This  
 sum being the same ~~sum~~  
 fixed for the said Geminidaries  
 before I have agreed thereto  
 and do hereby promise and  
 bind myself to pay the said  
 Revenue at the times and

according to the Installments noted in the margin.

N.B.2 Besides the 75000 Rupees fixed for Revenue



Government will receive all further revenue arising from salt and salt petre, sugar, sea water, Ganga-  
opium and other Khasee drugs as also from  
unclaimed Bants, Bants Bagars &c. with  
which I shall have no concern. All Rangay-  
lands, i.e. Debutter, Brummutter and Chakray lands  
and all Chokurwarre Sumnahs at reduced  
rents shall remain as before and I shall not inter-  
fere therewith. All those have been included in the  
Revenue payable by me, the Sayer and Poonam  
lands set apart for the Police connected with  
the Police will be duly made over to them by me.

Nº 3 I will pay up every yearly instalment  
the Malguzary or Revenue fixed by order of the  
Government. If by drought or inundation or by any  
other accident the Zamindary suffers loss, I shall  
still have to pay the full sum of Rs. 10000  
and be entitled to no reduction as in former  
times. The reason of which is that the Govern-  
ment Revenue of the said Subah has been  
paid

37  
fixed at a moderate rate and notwithstanding  
the happening of any exigency there can be no like-  
lihood of the Government Revenue not being  
collected. Should I not be able to pay the Govern-  
ment Revenue the Zamindary 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.

Nº 4 I will not make over the whole or  
any part of the Zamindary to anyone without  
the order of the Government. For those of my  
Successors will retain the Zamindary who  
will without any dispute with the Govern-  
ment regularly pay the Government Revenue  
that you have agreed to and which is required.

Nº 5 When any criminal detected within  
my Zamindaries and Government lands, people  
for his capture should cause every assistance to be  
afforded to the Government people for such apprehen-  
sion. I shall inform the Magistrate when  
any



This Certificate I write in my own hand  
and bind myself this year 1820 Wednesday 11<sup>th</sup>  
August. End.

She is Mary

Wm. Right Honorable Governor in  
Council

The honorable petition and request of  
Rajah Achmuty the son of the late Rajah. This  
petition is dated 18th Dec 1811. The  
petitioner complains that he is a very poor  
man and that he is unable to pay the  
taxes of the Government and that he  
is unable to pay the taxes of the Government  
and that he is unable to pay the taxes of the Government.

and which have caused your pain and affliction  
and which have been a sad cause of your  
suffering and of your death. I have been  
in your room and have seen the marks of  
your suffering and of your death. I have  
seen the marks of your suffering and of your  
death. I have seen the marks of your suffering  
and of your death. I have seen the marks of  
your suffering and of your death. I have seen  
the marks of your suffering and of your death.

but the person to whom I had the pleasure to  
see the Illustrations showed pleasure the same  
in the Illustrations I showed him by my pen and  
pencil.



subjects country. Right officers and servants  
 begged of us to say that this was a secret affair  
 Dhunagya. Relations near by are all dis-  
 abled and perplexed in the extreme, and are appre-  
 hending that something they suffered from it. Doubtless  
 the favor of Govt. you on your side are being much  
 being have kept in happy and as every one is desirous  
 to death it will of the government take some time  
 before another thing is accomplished. A great and serious  
 the external may be dangerous to the relations  
 and experience is our opinion. The government is much  
 able that you in your by law alone can suggest  
 adopted as a system of government. It is the  
 from more friendly relations. It is a duty to us to  
 the changes suggested and take care of it. It  
 will be able to do what it is doing for the  
 of our nation. It is a duty to us to  
 early they will be set. It is a duty to us to  
 agree in our view. It is a duty to us to  
 come to the light of the land and the world.

son Dhunagya. Relations near by are all dis-  
 destroyed in his own hands. His wife and children  
 and many of his fellow citizens; further he has  
 secured the reputation and for time of many  
 people and has infringed many orders of Govt.  
 for all these reasons and for the welfare of your  
 people I do persevere. One Raghunath Ban-  
 ge of whom I informed you as my relative and  
 said have my General of Government. but now  
 there of whom I will have to speak hereafter  
 and will be more to you. I was much pleased  
 when I heard that your home was coming from  
 Madras to this country. Hoping that I will have  
 the advantage of personally communicating to  
 you of these particulars. But when I was in-  
 formed that you returned from the way I sent  
 this Petition hoping that it will be granted by  
 your honor.

28th August 1844  
 Rajah  
 Jyoti Chandra Bhungu



Shri Sri Ranga

dealt  
Signature

Translation of translated copy of Tahasildar  
or notice.

Notice is hereby given in pursuance of an order  
of the Right Honble Governor in Council that as  
Section 14 of the Bengal Municipal Act having  
not been regularly the charge of the said  
Tahasildar of Gurnahar has kept an account of  
he has been the name of the place the charge  
for more than one year which is irregular and  
the order that by which he has bound himself  
to Government and the Government. The  
government is hereby by Government for part  
contains within them orders that if the charge  
has not regularly paid then the said government  
will come under confiscation. Subject to the  
conditions and arrangements and effort thereon  
Shri Sri Ranga in the name of the said  
Tahasildar who by the said effort and it is  
that he appears before the said Tahasildar.



one of the said boundary to stay and acknowledge  
the said Shumway Shumway as the lawful owner  
of the said boundary if any of the above named  
persons should not otherwise and not by the said  
Shumway Shumway he should be liable to punish-  
ment by Government that if he set up to the above  
order he should be thought as friend and obedient  
to Government. And that the Collector himself should  
make known in the chief and the lower parts  
to the said Shumway Shumway.

Subst. Collector's sketching 1832 (with the said  
signature)

E

(3)

Proclamation

Whereas by the 4<sup>th</sup> article of the  
Treaty granted to Shumway Shumway of  
the Territory of Louisiana it was stipu-  
lated that in the event of his failure to pay  
regularly the expenses of the said Territory  
the said lands comprising it should be  
seized and transferred from him for ever  
if the Government should think proper  
whereas the said Shumway Shumway has  
failed to discharge his engagements and there-  
fore a balance due on account of the said  
Treaty is due to the said Territory by the said  
Shumway Shumway to the said Territory  
Treaty Shumway Shumway and the said  
Treaty Shumway Shumway (Shumway) the  
right that the Government has  
determined that the said Shumway Shumway  
is a person who has failed to discharge his  
obligations to the said Territory and the  
said Territory.



of Sheringay Wharf to the Government of Goomer  
have ceased and that the lands have been resumed  
on account of Government and all under tenants  
Must pay the Rights &c. are required to pay their  
rent to the collector and to obey his authority.

Port St. George 25<sup>th</sup> August 1885

By order of the right hon<sup>ble</sup> the  
Governor in Council.

(Signed)  
Wm. H. Hartley

Done — 1885 — 25<sup>th</sup> Aug

Done

These lands & wharf  
admitted now & will be resumed  
by the Govt. of the Port of St. George &c.  
and the Government of  
the Port of St. George &c.  
in the  
District of Goomer

Done 10<sup>th</sup> Oct  
Done 1<sup>st</sup> Nov

Done 1<sup>st</sup> Nov 1885

Notice for information the  
circumstances under which the land  
of St. George &c. was resumed  
by the Government of Goomer &c.  
for betterment &c. that the  
Government will restore the same  
to the land.



Garden Reach  
Calcutta

1<sup>st</sup> November 1857.

To

The Chief Secretary  
Government of Madras  
Fort William

Sir

By the accompanying 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 a  
Official intimation of the case recently sub-  
mitted by me, to the Right Hon<sup>ble</sup> the Govern-  
or General of India in Council, on behalf  
of the surviving heirs to the zamindari of  
Goree in the Province of Bengoal, under  
your Government, having been forwarded to  
the Right Hon<sup>ble</sup> the Governor in Council  
for decision there to be at the present time

Submitting



submitting this address, before his Lordship in  
Council with the case as submitted to his  
Lordship for Government by the Government of  
India.

2. The claim of Rehtanwar rests on two  
grounds. First, That the act of rebellion of  
the Gemindar Shumargy Bhangy the son of  
the Attensible Inspector and Gemindar  
of Ganjour Rajah Arachun Bhangy could  
not prejudice the proprietary rights of the  
Gemindar as prior to the date of the rebellion,  
Shumargy Bhangy had been disowned by  
his father the Real Gemindar under the  
authority of the British Government and Shumargy  
Bhangy having been pronounced to be a  
demonstrator by several acts of violence amounting  
to the murder of his wife and children,  
he was totally disqualified to demand the  
recovery of his Real Gemindar Shumargy  
there was no doubt in the mind of the  
British Government when deliberating  
upon

38  
upon the case, will as an act of Justice,  
call for the Retention of Rajah Arachun Bhangy  
the Real Gemindar dated the 10<sup>th</sup> day of the  
Hindoo month of Chait 1823 of the Christian  
era, that was presented to the authorities  
at Ganjour. The substance of that Petition  
will go far to prove the Justice of the Petition  
which has been presented to the Government  
of India, by the only surviving heir of the late  
Gemindar, who forfeited his rights by the  
act of a person, who was disqualified as a  
heir, and the Gemindar as above  
stated, and which has been fully proved  
upon the Petition sent before the Govern-  
ment of India, which Petition was  
before his Lordship in Council. I have  
only to add my humble opinion, that it is  
most reasonable that that Petition of the 10<sup>th</sup>  
of Chait, should be sent before his Lordship.  
3. On the second ground Shumargy  
Rehtanwar



Yesterday the arguments were read in the Peltium,  
and my address to the Secretary to the Govern-  
ment of India, copy of which letter I have  
with an enclosure for his Lordship in Council  
personally, under the supposition that that  
Record may not have been forwarded with  
the case. It will be observed that we have  
a positive duty in this Presidency, by  
which a defuncting Zamindar whose  
estates have been taken away from him  
by the Government for arrears of Revenue,  
and persons having no strangers, are  
held absolutely or at least by the Govern-  
ment, for which default, he claims the  
right to recover possession of his estates,  
by having his deputy the acting agent of  
the Revenue Regulation of the Presidency  
of that district, I am unable to say  
whether there is any possibility of  
but assuming that the Government Regulation

3  
to this effect, it may with great justice be  
surmised that the Equities of the case,  
which exists in this Presidency, would not  
be denied to the people of the other Presid-  
ency, where the principles of the land revenue  
is the same and the Government belongs to  
the same Ministry that governs the two Presi-  
dencies. Too much stress could not be laid  
on the paramount importance of such a  
claim that was promised to prevent the  
alienation of Estates from ancient families  
and I can only express the wish that his  
Lordship in Council when disposing of  
this case will not overlook the right of the  
present claimant to recover the possession  
of his ancestral Estates for although the ad-  
ded son of the real Zamindar the son thing  
he is <sup>the</sup> son of the brother of the said Zamindar  
and by birth possesses heritable rights  
in the Zamindari. And in these  
points I earnestly and humbly solicit  
his Lordship in Council most devout  
consideration.



consideration and I feel convinced that if  
his lordship's enquiries be directed to these  
points, the decision in the case would not  
fail to be one of justice and confidence.

Thank the Lord for the  
peace

Yours most obedient servant  
George Dawson  
The undersigned Agent  
of the National Library

Erasmus

W. B. King

Wm. S. May to the Governor and John

*Ch. stricklandi*

1892

2nd & 3rd May

Home Department

I am directed to acknowledge the receipt of your letter dated the 7<sup>th</sup> inst. and stating a petition from the N. B. Co. and adopted by the Anti-Slavery Committee, praying for reconsideration of the amendment. The General Assembly was represented and decided the petition has been referred to the Committee of Finance and is for disposal.

Prof. Williams

12/15/61

1890

1.  $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

1997







[illegible][illegible]

5<sup>th</sup> There is another feature in the case which cannot be overlooked in connection with the above. It is the pressure by the Government of France on a number of our German Bishops, and more than two hundred priests, who are by the Government of the Empire of the Empire. This also affects the

clearly evidence that the rights of the legal heirs  
of Royal Charles & heirs were still existing in  
such case under the actual policy of the  
British Government as respecting feudal law  
when an Estate is held on feudal tenure or on feudal  
tenure to enter possession after the expiration of 22  
years, the British Government have never been held  
responsible for 22 years the British Government is under  
all the circumstances of the case, entitled to grant  
a title on the basis of that policy.

6 The subject matter of the present petition cannot  
hardly be described as new, and has in fact formed the  
general subject of collections on the points which it touches.  
It is therefore hardly necessary that if the principles  
of the Petition should convince the Congress of his  
Land, but we cannot, the petition be then forwarded  
to the Government, and if a measure for its enforcement  
the receipt of which is not the subject of the petition  
will be a more important one than the receipt of the  
of the Petition and its contents.

The President has been so engaged that the legal war of the said David Crockett & Henry Byrd Government of Texas for a such war. He has been in Congress with all his power from Government but the thought of such a thing as he was not able to do legal rights to the Government and it is only when these rights that government are now it is common to be referred to the Government of the Government as a way to see the effect of which the situation of Texas was reduced by paying it.



all accounts due by him when the State were  
liquidated

I have the honor to be  
Sir

Yours most obedient servant  
Signed George Norton  
The undersigned agent  
of the Honorable Company

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Garden Reach  
13<sup>th</sup> January 1858

Sir

The Chief Secretary  
Government of India at  
Fort St. George

Sir

Enclosed  
The Governor  
in writing in  
District of  
your

I have the honor to submit the papers  
of your writing that communication before the  
Right Honorable the Governor in Council  
concerning his Lordship's attention to my commu-  
nication of the 6<sup>th</sup> November last and the favor  
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 21<sup>st</sup> October last.

I have the honor to be  
Sir

Your most obedient servant  
George Norton  
The undersigned agent  
of the Honorable Company



(P) Canine Law Dept  
State and Judiciary

(C) Thy

Wm. G. L. L. L. L.  
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Wm. G. L. L. L. L.



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Extract from the minutes of consultation.

Under date the 16<sup>th</sup> February 1858.

I send the following letter

From the Hon. Under Secretary  
the Government of India.

(Received 17<sup>th</sup> October 1857 No 1716)

From the Hon. George Theobald  
Agent of the British Government.

(Received 6<sup>th</sup> November 1857 No 132)

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

It. An application has been made to the Government of India and also to this Government by George Theobald, the agent of one Benjamin Disraeli George, who styles himself the adopted son and only surviving heir of the late Regent of the Kingdom of the Netherlands, praying for a reconsideration of the decision of this Government concerning the Governor General.

14



his client a plea to have a  
 correct explanation of the  
 circumstances which led to  
 the forfeiture of the land.  
 Captain J. B. Smith the then  
 Commissioner appointed by  
 Government in 1832 to ascertain  
 the causes of the insurrection  
 and the whole presented at  
 the time in the Northern  
 papers. In his report on the  
 Government and other Government  
 published in 1836 and 1837 of  
 selections from the records  
 of the Province Government,  
 gives a complete history of  
 the occurrences in the Province  
 country from the year 1782  
 to August 1836. This report  
 sufficiently explains the  
 circumstances which led to  
 the forfeiture of the estate  
 and

and the insurrection which  
 followed. It is a  
 Government in the  
 to declare that for the  
 absolute and  
 a report of the  
 and have only further  
 to inform him that there  
 is no hope of the Government  
 & ministry ever being  
 restored to any member  
 of the Kara & Langed  
 family.

Copy to Mr. Porter. P. 18



Nov 16. Tuesday.

Richard H. Jones

216. February 5.

How did you like the show?  
I went up about 1000 ft.

*(Faint vertical bleed-through from reverse side)*

THE UNIVERSITY OF CHICAGO

1997

15

[illegible]