ANNEXES
1887 - 1900
7S/ Judicial.G-XII-Political
Tokali and Dur from Feudatory States
and Zamindaries

Revision 20 years (1867) of the "Tokali" (tribute) payable by the Garhjat State of Patna, Sonepur, Bemra, Rehrakhole, Raigarh cum Bargarh, Sarangarh, Kharonde and Sakti.

P.14 In compliance with a request, the Commissioner of the Chhattisgarh Division forwarded, with his letter No. 1957, dated 4th June 1867, copy of report by Captain Cumberlege, Deputy Commissioner on special duty, on the progress made by him during his deputation to enquire into the takoli of the "Gajat Raja of Sambalpur" and to decide certain boundary disputes among them or in which they were parties.

The Deputy Commissioner visited the Rajas of Kharonde, Patna and Sonepur and obtain all possible information with reference to the contemplated revision of their tokali. They remonstrated most strongly against the proposed measure, urging that from time immemorial they had paid a fixed tribute; also that they did not consider themselves to be mere landlords under the Government, but feudal
lords who, in recognition of the superior power, paid a fixed tribute and held themselves bound to furnish armed contingents to aid the Government in case of disturbance. As a matter of fact these chiefs had on several occasions been called on to furnish troops to put down disturbances in neighbouring states; and the deputy commissioner considered that there was no doubt that the status of the chiefs had always been much superior to that of the Khalsa Zamindars of Sambalpur. Some years previous the Rajas of B^nara and Sonepur had a portion of their tribute remitted in reward for services rendered by them in the field, and the B^mra Raja, in addition, had two six-poundered brass guns presented to him. These facts were mentioned by Captain Cumberlege to show that the question on revising the tribute was a delicate one, and that the measure would be opposed to the utmost by the several chiefs. He understood, however, from Mr.(new Sir Richard)Temple that he was prepared to give any special claim to non-revision of tribute his consideration and further and fuller report was promised in June 1867.

The Commissioner agreed with the Deputy Commissioner as to the delicacy of interfering with the "Tokali" and vested rights of these Chiefs, as several of
them have Sanads or respective rights in favour of permanency whilst they all had to resign without compensation their transit duty revenue, which, though conducive to their eventual welfare, was felt as a present evil.

In this office letter No. 2303-207, dated 13th June 1867, the Commissioner, Chhattisgarh Division, was informed, with reference to the remarks by himself and the Deputy Commissioner regarding the revision of Tokali payable by Garhjat Chiefs, that the Supreme Government, when conferring on these personages the status of Feudatories, must specially desired that the liability of their tributes to periodical revision should be placed beyond doubt. It was observed that the late Chief Commissioner, on more than one occasion, expressed his opinion that not much increase of 'Tokali' - perhaps none at all - was to be looked for at the revision then under consideration, but that the principle of its liability to be revised then under consideration, but that the principle of its liability to be revised was to be asserted. Under these circumstances it was considered incumbent on the Deputy Commissioner to appear the fullest statistics possible regarding the assets (from land and other sources) enjoyed by each Chief, and to frame his proposals for revision of 'Tokali' on such data. At the same time it was left to him to take special recommendations regarding the
permanency of the "Tokali" of any particular Chief in whose case special circumstances (such as referred to in an appended* extract) warrant such occasion. It was said that, though in the year 1867 the Garhjat Chiefs could not afford to pay, and the Government may have small ground for demanding increased tribute, yet the case may be widely different in 1887, by which time the Mahanadi navigation may be open, a Railway may be spanning the half gulf from Nagpur to Raniganj, and the valley of Mahanadi may be the granary of Ganjam and Orissa. In such a case the Garhjat Chiefs could well afford to pay - and the Government might fairly demand - an enhanced tribute, as the increased value of their estates would be mainly, though not entirely due to the policy and to the acts of the British Government and to the administration of the Chiefs themselves. It was added that if the principle that the tributes of these Chiefs is liable to revision was lost right of, there might be difficulty in re-asserting a demand which had so long been dormant.

With his letter No.2344, dated 2nd July, 1867, the Commissioner Chhattisgarh Division, forwarded a copy of the further report promised by Captain Cumberlege.

*Para-6 of Foreign Secretary's letter No.628, dated 8th December, 1864 (being the orders of the Supreme Government on two reports on Zamindaris submitted by Mr. R. Temple in 1864*
on the subject of the settlement of the *"tokali" of
the following Garhjats:--

1. Patna 5. Raigarh cum Bargrah
2. Sonepur 6. Sarangarh
3. Bamra 7. Kharonde (This state did not form one of the original Garhjat Chiefships).
4. Rehrakhol

Paragraph 7 to 12 of the report give a historical sketch of the antecedents of these Chiefs. The Deputy Commissioner says that none of them have (special) Sanads, such as are referred to in the extract from the orders of Government quoted above, and that no actual enquiry into their status and no regular revision of their tribute have been made since they came under the British Government as tributary Mahals. He considered that the proper time to have done this would have been 40 or 50 years previous to 1867; whereas he found that they were still paying the same tribute which, when last settled, was fixed with reference to what they had been paying previously.

The general grounds urged by the Chiefs in support of a continuance of the existing tribute were:--

Firstly - that for centuries they had held independent sway in their respective states and that, though some of them recognised Patna and others Sambalpur as the paramount state, they all paid a fixed tribute and were united together as a

* The report also deals with boundary dispute, to which it is not here necessary to refer.
confederation for mutual support and protection. These relations subsisted without interruption until the time that the country was run by the Marathas and even they, in most cases, were satisfied with same tribute;

Secondly - that when the British Government assumed direct control over the Tributary Mahals, no enhancement of 'Tokali' took place, but that, on the contrary, reductions were made in many cases as a reward for assistance rendered in the suppression of disturbances;

Thirdly - that they have always understood and had been led to believe that they stood in the same position with regard to the British Government as they did to the Native paramount powers, that is, not as mere subordinate land holders like the Khalsa Zamindars is to degrade them from their former status.

Capt. Cumberlege considered that the satisfactory relations between the chiefs and the British Government kept them straight during the rebellion set on foot by the pretender Surendra Sai, for, though he was joined by nearly all the Khalsa Zamindars, not one of the Garhjats Chiefs stirred in his favour. On the contrary, many of them rendered valuable aid, e.g. the Maharaja of Patna captured, and handed over to the British, Onjul Sai, the warlike brother of Surendra Sai, the Raja of Rehraole
captured the murders of Dr. Moore; the Rajas of Bamra, Raigarh, and Sarangarh furnished contingents to aid our operations; and the Raja of * Phooljhar, at great personal risk, kept our dak line open when the whole country was over-run by rebels.

Capt. Cumberlege endeavoured to explain to the Chiefs the object of the Chief Commissioner in wishing to establish the principle of revision in regard to their tribute, but found it very difficult to get them either to believe in prospective advantages, or to understand why, on that account their 'Tokali' should be liable to revision. Viewing the whole question in a political light, the Deputy Commissioner was of opinion that it could scarcely be wise, except on very urgent grounds, to do anything that might tend to alienate the Chiefs from us.

Paragraph 18 to 24 of the report give the particulars to the case of each Chief separately. Briefly, the main facts are as follows:-

Patna - The Chief, Soor Pertab Deo, is a Chowan Rajpoot and holds the title Maharajah. The revenue from all sources was estimated in 1863 at Rs. 8,823, and in 1867 at Rs. 11,000; but the young Maharajah, who succeeded to the 'Gaddi' in October 1866, was saddled with heavy debts contracted by his predecessors. Independently of this, about

* Excluded from the list of Feudatories.
two-thirds of this estates were in the hands of Zamindars, who paid a very low revenue in proportion to the lands held. The Maharajah had little or no control over them and any attempt on his part to raise their tribute, especially in the Khond Zamindaris, would cause a disturbance. When the British took possession the tribute was fixed at Rs. 600, but subsequently at Rs. 562. This amount has been paid ever since, and the Deputy Commissioner considered that the state was not in a position to bear enhancement "at present".

Sonepur - The Chief, Niladee Sing Deo, is a Chowan Rajpoot, and obtained the title of Bahadur for services in the field. Sonepur was made into a separate chiefship about A.D. 1560. The Raja says that, up to the time of the Marattas, he paid no tribute, but that, when his father was taken prisoner, a Mukhtiar was placed in charge of the estate by the Marattas, who agreed to pay them the equivalent of Rs. 7,300 a year. The income from all sources was estimated at Rs. 18,000. The Deputy Commissioner considered the tribute to be somewhat heavy as much as the state could bear.

Bamra - Trilochan Deo, the Raja, is a Rajpoot, not a Chowan, but of the Gangavamsi race, His Raj dates back over 300 years. He says that he formerly paid tribute of Rs. 300 a year; that the Marattas were satisfied with this amount,

* Commissioner's remark. This I believe from all I have heard and know. J.G.B.
but that the British raised to Rs. 340. For assistance rendered to the British Government in quelling disturbances he was presented in 1847 with a khillut, 2 brass guns and an elephant. The revenue is said to be about Rs. 6,000.

Rehraole - Bissen Chunder Junnamunnie, the Raja, is a Rajpoot. He says that previous to and during the time of the Marathas he paid a tribute of some 1,600 rupees *cowrie*, but that, when the British Government took possession, he was required to pay Rs. 600. The revenue is estimated at from Rs. 5,000 to Rs. 6,000, and the Deputy Commissioner does not think that an increase of 'tokali' would be justifiable "at present".

Raiqarh cum Bargarh - Gunsham Sing, Raja of Raigarh, is a Raja Gond, and dates back 300 years. He says that his tribute was formerly 2,000 rupees "cowrie", but that it was reduced to 1,600 rupees "cowrie", equivalent about Rs. 530 in Government currency. In 1818 in consideration of his services in the field and the capture of the rebellions Zamindar of Bargarh, his tribute was reduced to 10 Gold Mohurs, or Rs. 170, by the British Government. On the Bargarh Ilaka being made over to the Raigarh Raja, the tribute of that state, Rs. 170, was added on, and he has

* Worth from 5 to 6 annas each.
The Deputy Commissioner says that, as the tribute payable by this Chief was fixed at a low figure in consideration of important services rendered, it would hardly be consistent to raise it, or over to declare it liable to revision.

Sarangarh - The Raja Sangram Sing, is a Raja Gond, of very ancient family, said to have continued through 53 generations or a period of some 1,600 years. He says that, when the state was annexed by Raja Balaram Deo of Sambalpur, he paid tribute of 1,250 rupees "cowrie", that when the Marahattas took the country, they levied some 2,500 rupees "cowrie", and that, when the state lapsed to the British Government, this tribute was fixed at Rs.1,400. The revenue is estimated at Rs.8,000. The Raja did good service during the rebellion, and subsequently captured the notorious rebel Kummul Sing, who had so long defied the authority of Government. Considering the great antiquity of the state and the principle on which its tribute has hither to been levied, Capt. Cumberleges regarded the Chief's prescriptive right to non-revision to be as valuable as any Sanad that he could possibly posses.

Kharonde - This state was not one of the original cluster of Garhjats. It was dependency of Nagpur previous to the annexation of that province in 1854, but is now a Feudatoryship under the jurisdiction of Sambalpur. In 1856,
When Major C. Elliot was in charge of the Raipur district, he estimated the Raja's income from all sources at Nagpur to be Rs. 29,878* and his expenses at Rs. 29,195.80, including 'tokali' alienations, management charges, and private expenses.

The abolition of transit duties in the state in 1857 reduced the income by Rs. 8,000. The Raja says that Mr. Plowden, then Commissioner Nagpur, promised to reduce the tribute in consequence, but that an application made by him on the subject to the Chief Commissioner was negatived. When the country was taken over the tribute was Rs. 3,846; the amount payable in 1867 was Rs. 3,571, the difference being due to the separation of the Kasipur Zamindari from the Raja's estate. The Deputy Commissioner would not recommend an enhancement of 'tokali'. With regard to its liability to revision, the case is considered to be somewhat different from that of the Garhjat states; but if it can be shown that the Raja has paid a fixed tribute for upwards of, say, 60 years, the Deputy Commissioner considers him to have a claim to be exempt from revision.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Estimated Income (Rs.)</th>
<th>Former Tokali (Rs.)</th>
<th>Tokali in 1867 (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Patna</td>
<td>11,000</td>
<td>562</td>
<td>562</td>
</tr>
<tr>
<td>2.</td>
<td>Sonepur</td>
<td>18,000</td>
<td>7,300</td>
<td>5,333</td>
</tr>
<tr>
<td>3.</td>
<td>Bamra</td>
<td>6,000</td>
<td>340</td>
<td>340</td>
</tr>
<tr>
<td>4.</td>
<td>Rehracole</td>
<td>6,000</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>5.</td>
<td>Raigarh-cum-</td>
<td>7,500</td>
<td>530</td>
<td>340</td>
</tr>
<tr>
<td></td>
<td>Bargah</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Sarangarh</td>
<td>8,000</td>
<td>1,312</td>
<td>1,400</td>
</tr>
<tr>
<td>7.</td>
<td>Kharonde</td>
<td>20,000</td>
<td>3,846</td>
<td>3,571</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>76,500</td>
<td>14,490</td>
<td>12,146</td>
</tr>
</tbody>
</table>

* Put down at about Rs. 20,000 after abolition of transit duties.
The Commissioner, Chhattisgarh Division, considered that the Deputy Commissioner laid too much stress on the active loyalty and good feeling of the Garhjat Rajas for, had they cordially supported the British Government, Surendra Sai and his adherents would have been cleared out of the country in a few weeks.

The orders of Government on the subject were distinct, though at the same time Mr. Morris admitted that the Chiefs could not afford to pay any largely increased tributes. It was therefore decided that, for the 20 years from 1867 to 1887, the seven Garhjat chiefs should pay the following tribute:

Revised tribute in 1867 for 20 years.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Amount (Rs.)</th>
<th>Increase or decrease (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Patna</td>
<td>600</td>
<td>+ 38</td>
</tr>
<tr>
<td>2.</td>
<td>Sonepur</td>
<td>5,000</td>
<td>+333</td>
</tr>
<tr>
<td>3.</td>
<td>Bamra</td>
<td>350</td>
<td>+ 10</td>
</tr>
<tr>
<td>4.</td>
<td>Rehraole</td>
<td>590</td>
<td>- 20</td>
</tr>
<tr>
<td>5.</td>
<td>Raigarh cum Bargarh</td>
<td>400</td>
<td>+ 60</td>
</tr>
<tr>
<td>6.</td>
<td>Sarangarh</td>
<td>1,350</td>
<td>- 50</td>
</tr>
<tr>
<td>7.</td>
<td>Kharonde</td>
<td>3,550</td>
<td>- 21</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>11,830</strong></td>
<td><strong>316</strong></td>
</tr>
</tbody>
</table>

In letter No. 869 dated 28th August, 1867, the Government of India approved the Chief Commissioner's proceedings in the assessment of "Tokali" and sanctioned the issue Sanads to the Chiefs in the form of suggested.

Nagpur
The 22nd April, 1886.

C. E. B. Critchley
Asst. Secy.
List of Feudatory States: Group-A - States managed by their own Chiefs.

Section - I (Page-2).

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Headquarters</th>
<th>Title and mode of Address</th>
<th>Dist.in which situated</th>
<th>Cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Patna</td>
<td>Bolangir</td>
<td>Maharaj Dalganj Sing</td>
<td>Sambalpur</td>
<td>Chauhan Rajpoot</td>
</tr>
<tr>
<td>2</td>
<td>Sonepur</td>
<td>Sonepur</td>
<td>Raja Bir Mitrodaya Sing Deo</td>
<td>Sambalpur</td>
<td>Chauhan Mohapatra</td>
</tr>
<tr>
<td>3</td>
<td>Bamara</td>
<td>Deogarh</td>
<td>Raja K.C.I.E Suchal Deo</td>
<td>Sambalpur</td>
<td>Gangavamsi</td>
</tr>
<tr>
<td>4</td>
<td>Rairakhol</td>
<td>Rampur</td>
<td>Raja Gaura Chandra Deo</td>
<td>Sambalpur</td>
<td>Rajpoot</td>
</tr>
<tr>
<td>5</td>
<td>Raigarh</td>
<td>Raigarh</td>
<td>Raja Bhup Sing Deo</td>
<td>Sambalpur</td>
<td>Raj Gond</td>
</tr>
</tbody>
</table>

Group-B - States under Government management

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Headquarters</th>
<th>Title and mode of Address</th>
<th>Dist.in which situated</th>
<th>Cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Kalahandi</td>
<td>Bhawani-patna</td>
<td>Raja Brijmohan Deo</td>
<td>Sambalpur</td>
<td>Kshatriya Nagavamsi</td>
</tr>
<tr>
<td>7</td>
<td>Sarangarh</td>
<td>Sarangarh</td>
<td>Raja Jawohir Singh</td>
<td>Sambalpur</td>
<td>Gond Hindu</td>
</tr>
</tbody>
</table>
Annual Return of Officers on Foreign Service in Native States in the Central Province.

**Section - II (Page-6)**

<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Post Appointment in British Service</th>
<th>Duties in State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patna</td>
<td>extra-Asst. Commissioner 7 Grade</td>
<td>Dewan</td>
</tr>
<tr>
<td>-do-</td>
<td>Inspector of Police 3rd Grade</td>
<td>Inspector of Police</td>
</tr>
<tr>
<td>-do-</td>
<td>Asst. Supt. of Land Records</td>
<td>Settlement Officer</td>
</tr>
<tr>
<td>Sonepur</td>
<td>Extra Asst. Commissioner 6th Grade</td>
<td>Dewan</td>
</tr>
<tr>
<td>-do-</td>
<td>Sub Inspector of Police 1st Grade</td>
<td>Police Inspector</td>
</tr>
<tr>
<td>Rairakhol</td>
<td>Naib Tahasildar 1st Grade</td>
<td>Dewan</td>
</tr>
<tr>
<td>-do-</td>
<td>Head constable, 4th Grade</td>
<td>Chief constable</td>
</tr>
<tr>
<td>Raigarh</td>
<td>Hospital Assistant 3rd Grade</td>
<td>Hospital Assistant</td>
</tr>
<tr>
<td>-do-</td>
<td>Tausi-Navis, Deputy Commissioner's Office, Sonepur</td>
<td>Settlement Superintendent</td>
</tr>
<tr>
<td>Kalahandi</td>
<td>Tahasildar 1st Grade</td>
<td>Superintendent</td>
</tr>
<tr>
<td>-do-</td>
<td>Head Clerk, Deputy Commissioner's Office, Sambalpur</td>
<td>Asst. Superintendent</td>
</tr>
<tr>
<td>-do-</td>
<td>Assistant Supt. of Land Records</td>
<td>Tahasildar</td>
</tr>
<tr>
<td>-do-</td>
<td>Police Inspector 2nd Grade</td>
<td>Police Inspector</td>
</tr>
<tr>
<td>-do-</td>
<td>Head constable 1st Grade</td>
<td>Sub-Inspector of Police</td>
</tr>
<tr>
<td>-do-</td>
<td>Hospital Asst., 3rd Grade</td>
<td>Medical Officer</td>
</tr>
<tr>
<td>-do-</td>
<td>Revenue Inspector</td>
<td>Supt. of Land Records</td>
</tr>
</tbody>
</table>

Contd.........
Name | Post Appointment in British Service | Duties in State
---|---|---
Sarangarh | 4th Asst. Manager, High School Saugor | Deputy Inspector

Part-II - Officers - temporarily transferred during the year who left before the 31st March.

Patna | Sub-Inspector, 1st Grade | Inspector of Police
Rairakhole | Clerk of court Police Agent's Office | Dewan
- do- | Forest Guard | Forest Daraga
Kalahandi | Sub-Inspector, 1st Grade | Inspector of Police

Other Officers Appointed locally by the States in the Central Province

<table>
<thead>
<tr>
<th>State</th>
<th>Duties in the State</th>
<th>Powers Civil</th>
<th>Criminal</th>
</tr>
</thead>
</table>
Kalahandi | Naib-Tahasildar | To try suits up to the value of Rs. 100. | Magistrate 2nd Class |
- do- | Overseer | |
- do- | Deputy Inspector of Schools | |
Sarangarh | Superintendent | All powers of Dist. Judge. | Dist. Magistrate and Session Judge |
- do- | Tahasildar | To try suits up to the value of Rs. 300 | Magistrate 2nd class with special power of whipping and with powers to commit cases to the sessions Court for trial.
- do- | Police Inspector | - | - |
Section - III (Page-1)

Note on Judicial Administration and Jurisdiction in Feudatory States in the Central Province, including those under direct management by British Officers.

1. The subject and status of the Chiefs in the Central Provinces who now rank respectively as Feudatories and Non-Feudatory Zamindars appears to have first been brought prominently to the notice of the Government of India in this office letter No. 4846 of the 31st October 1863.

2. In that letter the Chiefs are classified in the following groups:-

I) Nagpur Zamindars, who are sub-divided thus
   1) The Zamindars of Wainguna District
   2) The Chhattisgarh Zamindars including
      a) The Khalloti Zamindars (in Lanji and Balaghat)
      b) The Zamindars of Chhattisgarh proper
      c) The Kondwan Zamindar(also in Chhattisgarh)
      d) Kanker
      e) Kharond or Kalahandi
      f) Bastar
   3) The Chanda Zamindar
   4) The Thakur or Jagirdars of Deogarh (Chhindwara)
II) The Sambalpur Garjhat Chiefs.

III) Rajas and of the Saugor and Nerbudha Territories.

But information had been in course of collection for some years before the date of the above letter, and some of the most important facts which bear upon the present subject, viz. the Judicial powers of some of these chiefs, are extracted below:

a) x x x

b) With regard to the Chhattisgarh Zamindars and the Garjhat Chiefs, Group 1-(2)(b) and II, the Deputy Commissioner, Raipur, wrote in 1863 - (Deputy Commissioner, Raipur to Commissioner, Nagpur No. 1033 of the 9th July, 1863.)

"We have allowed them to do much as they pleased in criminal matters despite our prohibition that they should strict, their action to pretty cases. Many oppressive acts have been the consequence, but we have never laid down rules for their guidance".

c) The Deputy Commissioner went on to give specimens of Sanads granted to Chiefs e.g. Colonel Agnew on behalf of the Bhonsla Government had granted such a Sanad to the Chief of Khairagarh and taken
an acknowledgement from that Chief,
dated 17th Feb., 1821.

In paragraph 7 of this document, it is thus provided :-

without the orders of the Sarakar I will take no human life and will take fines for offences committed, only according to custom and not improperly ........ if any one dissatisfied with any justice, complains of it. I will obey whatever orders the Sarkar gives in the matter.

x x x

d) x x x

e) In a similar document of the 17th February 1827 the Raigarh (He belongs to Group II)-Sambalpur) recites:-

"I will conscientiously and impartially decide all civil cases. I will hear and properly investigate all suits preferred to me, and I will, to the utmost of my ability, give no reason to any one for dissatisfaction. If the litigation parties desire arbitration, I will permit them to have recourse to it. I will promptly investigate all heinous offences."

x x x

Page-5

In replying to letter No. 4846, the Government of India remarked that letter was not altogether satisfactory as to the relationship in which each
of the three group of chiefs really stood to the British Government.

The Chief Commissioner was requested to report further, in order that their Judicial status might be fixed and defined, and to classify the chiefs on the principle of 'sovereignty, or no sovereignty', with a possible intermediate class of chiefs whom it might be desirable to invest with powers of quasi sovereignty.

It was laid down that if the Chiefs were only British subjects enjoying a permissive authority over British subjects, the executive Government has no power to regulate their position. It may exercise such powers on the law has conferred on it by investing the chiefs with certain definite functions but it can give them no power or privilege unknown to the law.

If any chiefs, however, where in the enjoyment of some shall degree of sovereignty it was probable that the executive Government could do more. If the British Government had been in the habit of interfering for the welfare of the chief of the well being of the people, for own own safety, or on any other principles, we were, it was held, entitled to continue that interference. Whatever the ground on which inter-
ference could be justified with sovereign chiefs it would not follow that there was no right of interference with dependent quasi-sovereign chiefs on other and lighter grounds.

The British Government in reply agreed with respect to the three classes of chiefs indicated by it in letter No. 77 of the 21st May 1864, viz:-

1. Ordinary British subjects
2. those who have some degree of sovereign power;
3. Quasi-sovereign;

to eliminate class(2), and to distribute all the Zamindars and chieftains in the Central Province into (1) merely British subjects (2) Feudatories with respect to Feudatories it was decided that it would be unnecessary to invest them civil, revenue or criminal powers or to exempt their territories from the operation of the stamp Act.

With respect to those Feudatories the Chief Commissioner, in replying to the government of India, gathered that they were to be -

Chiefs who in some sense manage their own territories. Their territories will be in position of
protected states, and neither they nor their subjects are amenable, in respect of acts done or property possessed in their states, to British laws. The Feudatories themselves will be under the Political control of the Chief Commissioner, who, however, will interfere authoritatively only to prevent gross injustice on the part of a Feudatory. In all affairs within their own states they will be sovereigns have only in criminal cases, in which they will exercise a jurisdiction specified on the most part in orders which already exist.

The Chief Commissioner then recommended 14 Chiefs for this status and acknowledgement of Fealty.

The Government of India sanctioned the chief Commissioner's recommendation regarding the 14 Chiefs whom he proposed to class as Feudatories, and authorised Sanads being granted to them in the form contained in Appendix-B and Ikrarnamahs of acknowledgements of Fealty being taken from them in the form submitted in Appendix-C of No.894.47 of the 1st March 1865.

It is the Fealty acknowledgement accordingly which regulates the relative position of Feudatories and the British authorities in judicial as in other matters.

Those parts of it which effect judicial matters are extracted below:
ACKNOWLEDGEMENT OF FEALTY
Sanctioned in Government of India No. 289 of 3rd April, 1865.

I am a chieftain under the administration of the Chief Commission, Central Province. I have now been recognised by the British Government as a Feudatory subject to the Political control of the Chief Commissioner or such officer as he may direct me to subordinate myself to. I will respect and maintain all rights within my territories, I will extend to the prosperity of my ryots to the strict administration of justice and to the effectual suppression of crime. When a criminal convicted before me shall merit the punishment of death or a term of imprisonment beyond seven years, I will refer the case to such British Officer as the Chief Commissioner may appoint before I punish the offender.

X X X X

I will take such order with my subjects that they shall have no cause to complain against injustice of mine, and when complaints preferred against them are referred to me by British Officers I will dispose of them equitably. When the Chief Commissioner or his officer shall give me instructions or advice I will obey such instructions and accept such

X X X X
If at any time through the misconduct of myself or my successor my state should face into great disorder, or great oppression shall be practised, then I or any successor shall be liable to suspension or forfeiture of my or his governing powers.

The Chiefship that were then constituted Feudatories were:

f) Bastar, (d) Kanker, (e) Kalahandi, (b) Khairagarh of Kawardha, Nandgaon, and Kondka or Chhaikhadhan

Bamra, Patna, Raigarh (cum Bargarh), Sarangarh, Sonepur, Sakti, Makrai.

It is quite clear from the foregoing that in determining the status and powers of the ruler of any of the 14 States we cannot go behind the Fealty acknowledgement and the letters above given. Before 1865, these States were units in a much larger group, the rulers of many of which exercised as great and important powers within their own territories as did the chief of Khairagarh and Kalahandi. Mere temporary consideration in many cases determined whether the Chief of a state should remain a British subject, be shorn of his judicial powers and continue amenable to our courts, or whether he should have his estate removed from "British India" and himself cease to be a British subject.
It may be well to state here that the Non-Feudatory Zamindars are now regarded as just as completely British subjects as if they had never been precisely the same condition as those who are now Feudatories. Some of them have been left in charge of the police arrangements within their estates, but this is almost the only way in which they differ with regard to their status from ordinary land owners. They chalan offences committed in their estates to the local courts (British) direct instead of through the District Superintendent of Police.

It is apparently correct to say that in 1865 the condition of all Zamindars was changed. That of Feudatories was raised in respect of Judicial status, that of Non-Feudatories some what lowered.

It appears that a Feudatory chief has within his own state plenary judicial powers in revenue and civil and also in criminal cases, subject to confirmation, as declared in the Fealty acknowledgement, by the Chief Commissioner of sentences of death or of imprisonment for terms exceeding seven years. He usually in practice delegates powers of courts of first instance and of Magistrates to one or more of his officials. He is the final Appellate Court within his territory and also takes up himself cases of a heinous nature, analogous to those triable by Deputy Commissioners under the Criminal procedure code, Section 30. Cases of the nature of what are in British India "Sessions Cases"
are committed by his subordinate Magistrate to him for trial. The laws of British India do not apply in the states of Feudatories. But in practice, the officials in Feudatory States are, as a rule, men who have before taking service there had opportunities of becoming acquainted with our procedure, &c., and more or less familiar without judicial methods is frequently discernible in cases tried by Feudatory Chiefs. Except then in certain criminal cases above mentioned the Feudatory is, in judicial matters, subject to absolutely no control by British Officers or courts, except that he is bound to "obey instructions and accept advice "of such officers as the Chief Commissioner may direct to offer it to him.

x   x   x   x   x   x

It being then clear what the artificial status of a "Feudatory" is as settled in 1865, it remains to be seen what happens when a Feudatory state comes under the management of British officers.

x   x   x   x   x   x