

Chapter 11

A. Baroda's case of "Sovereignty" over its Tributaries.

If one cares to cast a glance at the petitions, representations, accounts of disputes regarding tribute and controversies raging over succession, nazranahs and the lengthy correspondence covering number of years between the State on one hand and Residency Bombay Government and the Government of India on the other, one will be struck by ^{the} one singular fact that the only thesis propounded by the State is that the State is Sovereign over the States and Estates in the Kathiawar, Banaskantha, Mahikantha and Rewakantha agencies and that it has unceasing claim for the restoration of this Sovereignty.

The next question for consideration will be what were the grounds for the State to claim this and how far it was justified in claiming this for itself. For a proper appreciation of the questions involved in the just and equitable disposal of this important claim it is necessary to give an accurate idea of the acknowledged position of His Highness' Government in respect of these territories and of the nature and scope of the administrative arrangements made particularly between 1820 and 1825 with the express object of promoting peace and tranquility in the said districts. A short historical retrospect is, therefore, intended here.

In the middle of the 18th Century, after the Maratha conquest of Gujarat, the authority in the tributary portion of the province was divided equally or nearly equally between the Peshwa and the Gaekwad Governments the former Government found it expensive to

manage their tributary districts in the Kathiawar and soon afterwards farmed them to the Baroda Government, in whom, therefore, the sole authority in tributary Gujarat came to be practically vested from a very early period. In the beginning of the 19th Century, when the Baroda and the British governments came to definite relationship with each other the latter, in order to secure the ascendancy of their ally and to establish the peace and good Government in the land, assisted in carrying out permanent settlements in respect of the tribute payable by the States and estates in Kathiawar and the Mahikantha. In making these settlements, there was no intention to interfere with the rights either of the Sovereign Baroda Government or of its tributaries. The object was to eliminate an objectionable feature from the system of Mulukgiri which was the customary method of exercising sovereignty in these tracts. A change came in 1817, when the Peshwa ceded his share of Kathiawar Tribute for the maintenance of the subsidiary force. The British Government became desirous of acquiring the rights of the Baroda Government also; but the latter declined to part with them. A compromise was, thereupon, arrived at by which the Baroda Government consented so far to fall in with the proposals of the Government of Bombay as to refrain from direct collection of tribute from their tributaries in the aforesaid province and in the Mahikantha, on the understanding that their rights in the territories of these tributaries would be preserved in tact. The change thus resulted in the transfer of the exercise of authority from the hands of the Baroda Government to the British Government without however affecting or impairing the authority itself of the former. In 1825, the arrangement was extended to Rewakantha.*

*H.P.O. from an Answer given to the States Committee

By the above arrangements, the villages owned by petty proprietors, with which Gujarat was interspersed at the time of the dissolution of the Mogul Empire were divided into two classes:- (1) Those to which the settlements of Cols. Walker, Ballantyne and Mr. Willoughby were applicable and (2) those to which no such settlements applied. A very large number of villages falling under the second category passed to the British Government by the cessions by the Peshwa and the Gaekwad by the treaties of 1802 and 1805 (Dhandhuka, Ranpur, Gogo, and Dholka). These villages formed what were known as the Talukdari villages. The early British authorities were in doubt as to whether these villages were subject to the Sovereignty of the Company's Government. Enquiries appear to have been instituted and as a result the Sovereignty of that Government was asserted over these villages in 1815. The relations between the holders of these villages and the British Government were then regulated by Act VI of 1838, and the villages were then in every respect a part of British territory. A smaller number of villages in the same category remained subject to the Baroda Government. Chief among them were the Ankadia villages of the Vijapur Taluka in North Gujarat. A reference to page 12 of Col Walker's Report will show that when the said Taluka ~~was~~ was under the British Government between 1805 and 1817 the British authorities had to take help of the Mahikantha Mulukgiri Commander to recover the dues from them. The Sovereignty of the British Government upto 1817 and of the Baroda Government thereafter over these villages was an admitted fact though by the treatment accorded by His Highness's Government to them, their holders have fared better than the Talukdars of the British villages. It will be perceived that there was no difference in the status of the estates which were

which were settled by Cols. Walker and Ballantyne and Mr. Willoughby and those that have remained under the British and Baroda Governments. They belong to the same original stock. It is the guarantee given by these officers that constitutes the difference. This guarantee was a process of perpetuation. The obligations created under it were mutual, The proprietors agreed to remain submissive to the Sarkar according to the custom of the country, to behave like subjects and to keep the peace and the Baroda gave an assurance that their Jama would not be increased. The subjection and surrender of the right of private war were common to proprietors of villages of both the classes. The only difference was in regard to immunity from an increase in the Jama.

Clear meaning of the engagements under Consideration.

The working of the instruments which record the successive stages by which this artificial change in the status of the villages settled by the British Officers named above was effected ~~was~~ as clear as may be desired and a careful and dispassionate perusal of these documents ^{will not} ~~will not~~ fail to convince any one that they merely prohibited the Baroda Government from sending their troops into the territories of their tributary Zamindars for the purpose of collecting the tribute without the consent of the British Government, and from preferring any claims against these Zamindars except through the mediation of that Government. By the above arrangement, they did not surrender any right or cede any territory. Their Sovereignty over these territories remained in tact. The British Government did not desire to profit pecunniarily by these arrangements at first. They were only to exercise free of expense the Sovereignty of the Baroda Government as fiduciary managers and in

the name of that Government , and to hand over all dues and revenues collected from the tributaries on whatever account to the Baroda Government in virtue of such sovereignty.

**Slight difference in regard to Rewakantha
Tributaries.**

In the Rewakantha owing to the greater degree of the subjection of the tributaries to the Baroda Government, direct dealings were permitted in many important matters, though, in case of difference arising, the arbitration of the British Agent was to be invited.

**The nature of the rights claimed by Baroda
State.**

Again the rights of the Baroda Government were to survive after 1820-25 and were not to be extinguished by the instrument of 3rd April 1820, what these rights were will be apparent from the following extract from Aitchison's Treaties Vol. VI p. 81:-

"Inquiries which have been instituted in 1825 showed that the Kathiawar Chiefs believed the Sovereignty of the country to reside in the power to whom they paid tribute that before the British Government assumed the supreme authority, the Gaekwad had the right of interfering to settle disputed succession, to punish offenders."

Regulation after 1820.

For a number of years then, after these treaties the sovereignty continued to be exercised in the name of the Baroda Government and Security Bonds were taken from the tributaries in terms which showed that the Sovereignty of the Baroda Government was recognised. But afterwards it seems that the real position

was ignored.

Representations of Baroda.

His Highness's Government have, every now and then requested "that the clear intention of the arrangements and its temporary character should be taken into consideration and the sovereignty over the tributary areas should be rendited . Such a rendition does not involve," it was maintained, "any violation of faith on the part of the British Government towards the tributaries. His Highness' Government only asked that while the plighted word of the British Government to the Tributaries ~~shows~~ should be maintained inviolate, the accretion of usage which had ~~an~~ unauthorisedly grown up around the guarantee should be modified in such a manner as to secure the due exercise of the rights of sovereignty vested in His Highness' Government"* Instances showing wrong interpretations by British
===== Authorities. =====

We have however, shown the plain and unequivocal meaning of the engagements referred to, but the British officers who were charged with the duty of carrying out the arrangement put their own interpretation on the same. Their default appeared to be that they acted as if the Baroda Government had either no rights in the tributary districts beyond Tribute or, if they had, had in due course of time surrendered them to the British Government. In the first place they took under their management large tracts of territories to which the above settlements did not apply. The inclusion of the 57 estates of Mahikantha which paid both Ghasdana and Jamabandi

*H.P.O. From an Answer given to the States Committee.

in the Mulakgiri territories can be cited as an instance in point. Other instances in which the treaties and engagements have not been enforced or have been departed from are given below:-

(1) Annual Present of a Horse and clothes by the Radhanpur State to Baroda Darbar.

In 1813 *, an engagement was concluded with the Radhanpur State through the mediation of the Resident at Baroda by which the Nawab of that principality empowered His Highness the Maharaja Gaekwad to control his relations with other States and acknowledged the supremacy of the Maharaja. In recognition of the supremacy, it was stipulated that the Nawab should annually make a present of a horse and clothes to the Ruler of Baroda. The presentation ~~was~~ of the nature of tribute.

"When the political supervision over Radhanpur was transferred along with the control over Kathiawar, Mahi Kantha and Palanpur " it was submitted by the Baroda Government in a representation % , "it was distinctly understood that the sovereign rights of His Highness were to remain unaffected and in tact." His Highness' Government entrusted the carrying out of the arrangement to the British Political officers. But they failed to enforce this claim against Radhanpur. The claim was urged twice on behalf of the Baroda Darbar in the past , but was evaded on grounds which were not considered 'fair' by the Darbar. However, the Political office of Baroda kept the subject for future detailed representation.

It is interesting to note how sensitive were the monarchs,

* Aitchison's Treaties, Vol. VI, page 260.
% From a representation of 1918.

who considered themselves supreme, towards any expression which hints or indicates or establishes their supremacy on the inferior Ruler and views the negligence of this expression as 'serious'.

(2) Palanpur Tribute.*

In A.D. 1809, the Dewan of Palanpur entered into a permanent settlement of his tribute on the lines adopted in Col. Walker's settlement of the Kathiawar Tribute effected in the previous year. According to the ~~previous~~ provisions of the perpetual engagement the tribute specified in a separate decennial security bond, Viz. Rs. 50,000 % Siccai was to be paid for ever at Baroda. In 1817, Fatekhan, the then Dewan concluded a further agreement with Baroda and British Governments. @By this agreement, he engaged to receive an Agent from His Highness the Maharaja Gaekwad in the confidence of the British Government, whose suggestions he was to follow in all matters relating to the Government of his principality, to subsidise 250 Baroda Horse (eventually reduced to 150) and 100 infantry for his protection and to pay a sum of Rs. 600 for the Agent's salary. He ~~also~~ ~~in~~ undertook to pay the tribute punctually to the Baroda State. Article 5 of the engagement ran as follows:-

"The Sarkar dues Rs. (50,000) p.a. shall henceforward be
paid punctually at Baroda x x x "

The currency in which the tribute was to be paid was not specified in this paper, but as the perpetual engagement of 1809 was in full force, it was clear that the amount was to be in the

*H.P.O. File No. 116/48

%Vide Page 240 of Vol. VI of Aitchison's Treaties 4th Edition.

@Vide Page 246 of Vol. VI of Aitchison's Treaties 4th Edition.

Siccai currency as before.

For three or four years after the permanent settlement, the Palanpur State paid the tribute in Siccai currency "Afterwards, however, either taking advantage of the ignorance of the State Kamavisdar or purchasing his connivance," * as was given by the State to understand, " it began to make payment at the rate of Rs. 50,000 Babashai p.a. As the original or copy of the decennial bond in which the currency was specified was not available on the records of the State of Baroda, but had been kept in the Residency records the discrepancy was not observed for a long time. In 1865, it having come to the notice of His Highness's Government that the payment was to be in Siccai currency in the same manner as in the case of the adjoining tributary states, a copy of the deed was obtained from the Residency and a claim was ~~xxx~~ advanced for the retrospective enforcement of the permanent settlement in accordance with the treaty of 1820, by which the British Government undertook to procure the payment of tribute in accordance with the perpetual settlements. The claim, however, was negatived on the ground that His Highness' Government having acquiesced in the payment for so many years, it was not necessary to rectify the mistake. The Baroda Government thereupon, stated that "there was no acquiescence with knowledge. The past arrears may not be enforced now on grounds of equity, but as regards the future, as the payment recurs every year and the claim is political in the nature of tribute, there is no reason for not enforcing it according to the engagement. There could be no limitation in respect of these recurring payments. The difference between the equivalents in British currency of Siccai and Babashai Rs. 50,000

*In Minister's letter No. 2527, dated 20-6-1918.

amounts to about Rs. 8,000 and His Highness' Government are put to an annual loss to that extent. Considering that His Highness' Government are precluded by the perpetual ~~settles~~ settlements from increasing their tribute, the terms of these settlements have to be strictly enforced." Thus we can see that the engagement of 1809 was not being fully enforced. Moreover, the arrangement regarding the salary of the Baroda Agent and the payment of subsidy as referred to above were continued upto 1848, in which year the British Government abolished the appointment of the Baroda Agent. ~~They~~ They (British Government) however, continued to levy a sum of Rs. 9000 on this account which was appropriated towards the expenses of the Palanpur Agency. But like other question this was also reserved for the appropriate time for detailed representation to the British Government which was promised by the latter.

(3) His Highness' claim to receive an increased
Jamabandi from the villages of the Bavishi
Circles in Mahikantha.*

There is in the Mahikantha Agency a group of 24 estates known as the Bavishi Tappa. These villages formerly paid and used to pay tribute (Ghasdana) at least upto the period of one survey i.e. 1920, as well as Jamabandi (land revenue) to His Highness's Government. Previous to the year 1820 A.D. the tribute used to be collected by the usual Mulukgiri Army and the land revenue by the Kamavisdar of the Taluka. In that year, an agreement was obtained from the Maharaja Sayajirao II by which the British Government undertook the collection of the Tribute due to His Highness' Government from Kathiawar and Mahikantha, as we know free of expense. On this arrangement coming into operation, the dual system of

collecting the tribute from these villages through the British authorities and the land revenue by the Kamavisdars of the State came under fire, as ~~they~~ reported by the British officers to cause administrative difficulty and conflict of authority. And in 1823 Political Agent Mahikantha against the orders of the Bombay Government took these villages under his own control, and undertook to realise the land revenue and remit it annually to Baroda along with the tribute free of expense. The Political Agent also requested that the amount of land revenue should be fixed at the average of the preceding 10 years.

It will be interesting to note why British Government officials always insisted on permanent settlements of the tribute and the land revenue. They had no doubt the peace of the land in mind but with that they had three distinct advantages. Firstly, permanent and perpetual land revenue and tribute ceased to create vagaries of uncertainty and taking help of military force and pressure. Secondly, the increase in prosperity caused increasing profits, of which a certain fixed amount was to go to the State. The remainder or a lion's share was retained by the British Government. Thirdly, increase of British influence on a wider area and consequently narrowing of the Baroda limit of influence.

Now with this idea of fixing up of the land revenue on the average of past 10 years, Major Ballantye, the Political Agent, Mahi Kantha and a representative of Mir Sarfarazali, the then Kamavisdar of Baheyal, met in 1823 A.D. The average struck by them came to Rs. 41,498-8-0 p.a. Major Ballantyne however, represented that the Zamindars were in straitened circumstances at the time and were consequently quite unable to bear so heavy a burden. It was, therefore

therefore, arranged that the demand of the Jamabandi should be Rs. 31,123 Siccai p.a. for the first five years, and thereafter Rs. 36,000 p.a. This arrangement was not ~~was~~ given full effect to by the Mahikantha authorities who even after the expiry of the five years' period continued to realise the Jamabandi at the rate of Rs. 31,123 p.a. for some years and at the rate of Rs. 31,173 ever afterwards." The equivalent of this latter sum in British currency viz. Rs. 29,026-2-5 is being received to this day." A representation on this subject gave out in 1918.

In due course of time, Maharaja Sayajirao addressed a yadi to Resident claiming a retrospective increase of the Jamabandi promised viz. the amount of Rs. 36,000 Siccai. But the claim was negatived by the Government of Bombay, on the ground that Zamindars were not in a position to bear the additional burden. The question was again pressed twice but with no better results for Baroda.

In the year 1910, information reached His Highness' Government that ~~the~~ Gharania and the Vechania lands situated in the Bavishi Circle had been since 1897-98 brought by the British Government under full assessment. These were alienated lands which at the time of the arrangement of 1823 paid only nominal assessment to His ~~High~~ Highness' Government and had therefore, been practically left out of consideration in fixing the Jamabandi. "As the action of the British authorities in assessing these lands fully appeared to be in contravention of the arrangement of 1820", said Baroda Government, "a letter was addressed to the Resident requesting that the full amount of Rs. 36,000 Siccai stipulation in 1823 should in future be paid as Jamabandi instead of Rs. 31,173 as heretofore, that reasonable compensation for that past arrears of the difference between the two amounts

amounts should be given for some years, and that atleast half the revenue from the Gharania and Vechania lands resumed should be credited to His Highness's Government."

To this the Resident replied that the claim was a belated one, that apart from this fact, an examination of revenues of the villages showed that His Highness' Government received about 56 per-cent of the gross revenues of these villages including the receipts from the alienated lands, as tribute and Jamabandi, that a large portion of the balance was utilised in the expenses of the administration of the circle, that His Highness' Government had not been asked to afford financial assistance to these villages and the burden fell on the Bombay Government who received no revenue from this Circle, that, therefore, he saw no prospect of a favourable reply being received to this request, and that he should advise the claim being dropped, as the advancement of such ancient claims possibly acted as a hindrance to due consideration being paid to more weighty representations. This was a broad hint dropped by the Resident and is enough to judge the policy on which the relations between the two Governments were to continue in future.

However, feeling confident of the eventual success in the issued underadvertance as the theoretically the position of the State was very sound and moreover, not fully satisfied, objections raised by the Resident being not conclusive enough, His Highness' Government made a further representation. It was again urged therein (1) that the claim of His Highness' Government was a recurring one, and was besides, of a political character, that its punctual enforcement depended on the vigilance of the Mahikantha authorities, and that, therefore, it could not be said to be barred by time, (2)

that on the last occasion it was put forward, it was rejected but its enforcement was evidently ~~post~~ postponed until the time when the villages concerned should be able to bear the increased burden and that, therefore, it should now be enforced as the villages have had the benefits of British Management for nearly a century.

(3) that the British Government had engaged to recover these dues free, that besides the position that His Highness' Government did not contribute to the expenses of the administration of this circle was hardly correct, as His Highness' Government were annually contributing 3½ lakhs for the expenses of the administration of the Tributary Mahals, the addition to the territories ceded in perpetuity for maintaining the subsidiary force, a portion of which was to be utilised for maintaining order in these tributary provinces;

(4) that the Mattadars were merely the hereditary collectors and that the remuneration should not absorb the whole balance of 44 per cent of gross revenue which, remained after paying the tribute and Jamabandi due to His Highness' Government. As an additional circumstance why the claim should be enforced to the strict letter of the understanding of 1823, it was pointed out that these villages, which formed part of the Baroda territories proper, were taken over under his own management by the Political Agent, Mahikantha, contrary to the intentions of the treaty of 1820 and the express orders of the Government of Bombay, that this caused considerable loss of Khalsa territory to Baroda Darbar and that it was ~~no~~ but fair that until the true steps were taken to transfer the villages, to the direct administration of the Baroda State in accordance with the orders of the Government of Bombay dated the 15th February 1821, further loss, should, as far as possible, it was demanded, be

minimised by giving effect to the engagement of 1823.

To this also the Resident replied that he saw no prospect of a successful issue to the claim for the reasons already given by him. He admitted that it was true that Major Ballantye settled that the Jamabandi should be increased to Rs. 36,000 Sicca from 1827 A.D., but simultaneously observed that the extra amount could not be recovered, and the condition of the Bavishi villages did not justify at the moment any increase to the Jamabandi. He, therefore, again urged that the Darbar should be content with the Jamabandi that they received.

His Highness' Government also felt confident that their claim properly represented before the Government of India can have good result. The desire of the Bombay Government to utilise the surplus revenue was not in keeping with the provisions of the engagements.

4. Claim to an increase in payments made by the
estate of Punadra under Mahikantha.*

The estate of Punadra under Mahikantha was conferred upon its holder in A.D. 1804; on the condition that if he established any new villages in the waste area thereof he would pay half of their revenue to the Baroda State. The guarantee of the British Government was attached to the deed conveying the grant. In 1812, Col. Ballantyne, the architect of the Mahikantha Agency, fixed the tribute payable by the estate, taking into consideration the revenues of the villages then existing, as no new villages had been established

*H.P.O. File No. 116/88 'Punadra case'

till that year. In 1820, when the Political control of the Mahi-
kantha was transferred to the British Government, the Baroda Resi-
dency was furnished with a copy of the deed of 1804. "Since the
middle of the last century, the holders of the estate have been
establishing new villages, so that there are now several villages
therein on which the tribute was not fixed in 1820;" it came to
the knowledge of the Baroda Government. Having no means of knowing
what was happening in the territories ^{entrusted} ~~continued~~ to the political
control of the British Government, Baroda Government did not know
immediately what villages were established and when. But as soon as
they came to know about the establishment of any of them, they
advanced their claim of the moiety of their revenues. The claim
advanced, however, was rejected mainly on the ground of its being
belated and that the arrangement of 1812 superceded the sanad of
1804. The grounds advanced by the Residency did not appear to be
tenable to the Darbar. The Baroda Government maintained that, "if
the arrangement of 1812 had superceded the document of 1804, there
could have been no meaning in giving a copy of the latter to the
British authorities in 1820. The rights guaranteed to the holder of
Punadra by the Sanad have been enforced subsequently to the arrange-
ment of 1820, and it is scarcely fair to refuse to enforce the rights
under the same document, which have been guaranteed to the Baroda
Government." This was, however, ~~an~~ very feeble case and Baroda
Government could not expect at any time, the result in its favour;
as the question involved in it was of 'guarantee' on which the
policy of the British Government was unbending. The Baroda Government
was also aware of the weakness of their claim and did not press it
further.

(5) Babariawad Tribute.*

Col. Walker carried out the settlement of the Kathiawar Tribute in A.D. 1807-08, but he was not able then to fix the amount payable by the villages of the District of Babariawad as they were laying waste at that time. %

@ In the course of correspondence, it was agreed that tribute would be assessed on these villages by the Political Agent, as they regained prosperity. The understanding was given effect to by Capt. Barnwall in respect of certain villages newly populated subsequent to Col. Walker's Settlement. His Highness' Government afterwards learnt that 13 more estates had since been populated on which the tribute remained to be imposed, and though a claim was advanced by them on that behalf in 1896, it had not been complied with. £ The grounds advanced by the British Government were that with respect to six of them it was time-barred, and the tribute on the remaining seven was included in Capt. Jacob's Settlement of 1846. The claim for

*H.P.O. Files Nos. 116/41 & 116/42.

%Minister's letter No. 3026 dt. 21st July 1920.

@ Vide Residency Yad No. 114 dt. 27-6-1823

£ The Government of Bombay held that Col. Walker's Settlement was permanent; that no modifications could be allowed therein; that Capt. Barnwall's action had no sanction from them; that they would be perfectly justified in disallowing the enhancement made by him and Vithal Rao, and that it was never contemplated that, with the increase of prosperity in the ~~xx~~ district brought about by the British Administration, His Highness' Government should be allowed to benefit.

& The claim was advanced as tribute was allowed by Capt. Barnwall on certain other newly populated villages in the same district subsequent to Col. Walker's settlement and the right of His Highness' Government was thus recognised.

tribute from all these villages rested on a clear stipulation in the correspondence supplementing the treaty engagements. "It was a political claim of a recurring nature, the political enforcement of which was entrusted to the British authorities, and can hardly be regarded as time-barred. Moreover in the case of the seven villages said to have been settled by Capt. Jacob, the report of that officer was not communicated to His Highness's Government and a copy thereof, though asked for, is not supplied to them." (Representation on the subject in 1918).

A further representation was made again to the Residency for a copy of the said report by the Baroda Government, and this time it was supplied and on the grounds mentioned above and after a careful study of the report The Darbar addressed a communication to Government of India ~~with~~ the answer of which does not seem to have received till our time limit of 1920.

*** 6. Diversion of Funds for objects of Public utility, although meant for Social Reform among Jadeja Rajputs.**

The Government of Bombay with a view to encourage Jadeja Parents in sparing their female infants authorised the Political Agent, Kathiawar, in 1821, to set apart all fines under Rs. 20,000, levied by the British Government, from their Tributary Chiefs in Kathiawar and not appropriated to purposes connected with the grievances which led to their imposition as a fund out of which ^{al}grats were to be made for the defray~~me~~ of the marriage expenses of the girls of the clan of Jadeja Rajputs, in such sums, as may be suitable to the position of the parties concerned. The fund was formed in 1825 and His Highness' Government were also prevailed

upon in that year to cooperate in the matter by appropriating their portion of the funds to a similar purpose. His Highness' Government acquiesced in the above proposal, and stipulated that an account of the manner in which the fines might be appropriated should be rendered to them by the British Government. Accordingly, account was furnished upto the year 1856, but were not rendered subsequently. A similar Fund was raised for the Mahikantha and Palanpur, and an arrangement was come to in 1849, whereby His Highness's Government were to contribute half the amount of fines and Mohasal~~was~~ imposed upon their refractory tributaries, towards the prevention of Female Infanticide in those provinces. These funds were treated as third class local funds i.e. funds which could only be spent on the particular object for which they were raised, and when an attempt was made by the Political Agents concerned to direct them to purposes of education etc. in about 1842, the Government of Bombay deprecated such diversion.

That Government having ordered the discontinuance of the special measures for the prevention of the Female Infanticide in these provinces from 1st April 1900, His Highness' Government requested for the payment to them, from that date of the fines etc. which would have been appropriated for the purpose as also of the balance that might be ascertained to be due to them after an examination of the accounts kept in those agencies.

Hereupon the matter was referred to the Government of India and it was intimated as regards Kathiawar, that the matter pertaining to the disposal Mohsali fines underwent careful consideration in 1864, with the result that H.E. The Governor-in-Council came to the conclusion that nothing could be more just

than that fines raised in such a province as Kathiawar should be expended for the benefit of the inhabitants, while it was by no means expedient that India generally should be taxed for their benefit; that accordingly, it was directed that after providing for the support of the Infanticide operations and educational purposes in Kathiawar, the balance of the Mohsali funds be devoted to objects of public utility under the orders of the Kathiawar Agency; that it was to be regretted that this view was not communicated to His Highness' Government but had they called for the accounts at the proper time under the arrangement of 1825, perhaps the disposal of the proceeds would have been apparent to them, and that nothing could therefore, be done in regard to the request for payment of the unspent balance till 1st April 1900; as also for Mohsals realised thereafter, which were quite insignificant in amount. As regards Mahikantha and Palanpur, it was stated that Mohsali fines were from 1849, credited half to His Highness' Government and half to the local Fund for the suppression of Infanticide, but in 1900 the whole of them were credited to the Agency General Fund. The claim to these fines since the abolition of the Infanticide funds, was recognised to be a good one, but it was stated that since 1900 there was no balance and the proceeds of the fines did not cover working expenses.

His Highness' Government protested against these orders, and urged that it was not competent for Government to utilise the fund in any other way without the consent of His Highness' Government, that there was no obligation on His Highness' Government to call for accounts, but that under the arrangements, it was

incumbent upon the British authorities to render them, and since the abolition of the Infanticide Fund, it was fair that the amount realised from Baroda Tributaries, however insignificant should be paid to his Highness' Government were, therefore, fair and deserved to be satisfied.

The Resident, however, refused to refer again the matter to the Government of India.

The question was, however, indirectly revived in 1908, and the Resident was requested to state if His Highness' Government were correct in understanding that even the fines realised since the abolition of the Infanticide Fund in April 1900 would not be credited to them, but that they would be utilised towards purposes other than those for which they were originally set apart. This resulted in the matter being reconsidered by the Government of India, who ruled that the fines levied subsequent to that date and all future fines collected in the Mahikantha Palanpur Agencies, should be credited to His Highness' Government. As the case of Kathiwar was on all fours with that of the above two Agencies, the Resident was requested to move the Government on that account also. Hereupon, that officer put himself in the communication with the Agent to the Governor, Kathiawar and ascertained that the system of Mahsals was entirely abandoned since 1909-10, and that the Baroda portion of such fines from 1900-01 to 1908-09 amounted to Rs. 146-13-0 only, which the Agent, Governor Kathiawar was not prepared to refund. In view of the abolition of the system of levying fines and of the insignificant amount involved in the actual realisations since April 1900, the Resident advised His Highness' Government not to press the matter further,

and the Minister was inclined to follow the advice.

The above instance will however indicate the manner of interpretation of the Treaty Engagement stipulation and the tendency of the British Government.

7). Levy of customs duty on goods and articles
required for the Bonafide private use of
the Minister, Baroda State. *

The Government of Bombay having refused exemption from the levy of customs duty at Viramgam on articles intended for the personal use of the Minister, it was pointed out by His Highness' Government that under Article 8 of the Definitive Treaty of 1805, such articles were exempted from payment of customs duty, and a request was made that in the event of the Government of Bombay not modifying their views in consideration of this fact, the question might be referred to the Government of India for orders. The Government of Bombay declined to reconsider their orders or to refer the question to the Government of India on the ground that it was decided, so far back as 1861, by the Government of India that the said article did not provide for exemption from duty of goods on entering British India, but only for exemption from duty of goods which had already entered British India when they passed on to Baroda territory.

The disposal of this question hinged upon the interpretation of Article VIII of the Treaty of 1805, which runs thus:-

*H.P.O. from a note dated 15-9-1912.

x

x

x

"In consideration also of the good will and friendship which has so long happily subsisted between the Hon'ble Company and the Gaekwar Government, such goods and articles as may be bonafide required for the private use or consumption of that family or of the Ministers shall be allowed to be purchased at Surat and Bombay and to be sent from thence free of duties on being accompanied by a passport from the Resident at Baroda. "

It might be observed here that articles ordered out from Europe etc. for the personal use of their Highnesses Maharajas and the Maharani were exempted by the British Government from the payment of the customs duties at Bombay on the strength of the above-said article, although the article in question was interpreted by the Government of India in 1861 in the manner quoted above.

Succession Nazranahs. *

(a) Mehwasi Zamindars.

Moreover, inspite of Mr. Mount Stuart Elphinstone's Statement to the effect that the rights of the Baroda Government were to continue to exist, Baroda Darbar protested frequently that the British Government failed to enforce most of these rights. The one, most important of such rights, over and above the receipt of Tribute from the tributaries, was that with regard to the settlement of disputed successions and the levy of succession Nazranahs. It was thought by the Darbar that this right "arises directly out of the sovereignty of His Highness' Government, and is in accordance

with the acknowledged custom of the country." Yet after the transfer of control to the British Government in 1820 and in 1825 respectively, the British Government repeatedly refused to allow the same. His Highness' Government from time to time, brought all cases in which Nazranah was leviable which came to their knowledge to the notice of the British Government and furnished the necessary precedents, but the British authorities did not give any final replies, though later on Baroda Government came to know that they (British) had passed orders, unfavourable to the claim of the Darbar, which orders, were never communicated to the latter.

On the last occasion that the question was raised by His Highness's Government, it was divided by them into two parts, and was first taken up in reference to the tributaries in the Mehwas portion of the Rewakantha. In regard to the latter, as the documents comprising the settlement of 1825 were advisedly drawn up in greater detail, an express provision exists to the effect that the son of a deceased Mehwasi Zamindar was to assume the management of his estate in his stead with knowledge and sanction of His Highness' Government and that if a Mehwasi Zamindar wished to adopt a son he was to do so on payment of the customary Nazranah. In this connection we may note that there appears to have arose a difference of opinion with regard to the interpretation of a relative article of the Memorandum which was drawn up with the mediation of the British Government during the Settlement of 1825, The existence of this ancient practice was recorded in the Bonds passed by the Zamindars. This Article XI of the said Memorandum which is vernacular has been translated by the British authorities as follows:-

"If any Mehwasi Zamindar being without off-spring wishes to adopt a child, he may do so, according to law, paying customary fees to (Baroda) Government, and when any Zamindar dies his heir, near or remote, in relationship may succeed as has hitherto been the custom, the same being duly known to Government ".

The words "The same being duly known to Government" ~~do~~ not convey according to the Darbar opinion, adequately the meaning of the corresponding expression in the original vernacular. That expression would correctly be translated by the term "with the cognisance of the Baroda Government. *

The views of the British Government on this question ~~were~~ contained in the following extract from Residency letter No. 5011, dated 22nd March 1899:-

% "After careful consideration of all the facts, the Government of India are satisfied that the intention as well as the effect of the settlement of 1825 was to transfer the control of Rewakantha to the Bombay Government on the lines of the settlement so successfully achieved in Kathiawar and the Mahikantha. This position has been maintained with the happiest result to all concerned till now, and the Government of India must decline to reconsider it. The authentic version of the Kalambandi is the English translation prepared at the time and published at Pages 419-424, Aitchison's Treaties, Vol VI. In accordance therewith, Nazranah levied on adoption among the Mehwasi Zamindars will

*H.P.O. Nazrana Selections Part I & II

Melvill's Memo. Appendix A P. 8.

*H.P.O. Nazrana Selections Part 1 Page 19.

hence forth be credited to the Baroda Government, to whom also information of other succession will be given. The Nazranahs will be fixed and levied and successions will be sanctioned by the Government of India. Any other arrangement would be incompatible with their control over the tract."

On the other hand the Baroda position was summarised as thus in one of the representation over the subject made after the above reply from British Government.

"As these provisions of the Memorandum were not acted upon by the British Political authorities who were in charge of the province and whose duty it was to give timely effect to them, the same were brought to the notice of the Government of India, with a view to directing the political officers concerned to enforce the said provisions. The discrepancy in the translation of the Memorandum was also pointed at. That Government, however, decided that the intentions as well as the effect of the Settlement of 1825 was to transfer the control of the Rewakantha to the Bombay Government on the lines of the Settlement achieved in Kathiawar and Mahikantha, that the authorised version of the Memorandum ~~was~~ was the English translation made at the time in accordance with which any Nazranah levied on adoptions would henceforth be credited to the Baroda Government to whom also information of other

successions will be given and that the Nazranah would be fixed and levied and succession sanctioned by +Government of India.

"It seems only fair that the amount of Nazranah to be levied should be fixed and successions allowed with the cognisance of the Baroda Government in accordance with the clear words in the Memorandum.

"In practice, however , even qualified assurance given by the Government of India is sometimes not given effect to, and weak arguments are put forth by Political officers to evade the levy of succession Nazranahs. The case of Rana Khushalsinghji's succession to Mandwa Estate is an instance in point. Briefly stated the facts are these:-

"Rana Gajendrasinghji, a minor Chief of Mandwa, died on 21st February 1914. The Political Agent Mahikantha intimated that one Khushalsinghji son of Sajansinghji was recognised as heir and successor, that he was cousin to the deceased Rana 17 degrees removed, and was recognised not by adoption but as next of kin, and that therefore, His Highness' Government were not entitled to claim any Nazranah on his succession. It was pointed out that as the father of Khushalsinghji was alive, the latter could not succeed as next of kin in his own right as a collateral, that during his father's life time Khushalsinghji could only succeed if he is considered as adopted to the deceased Rana and in that case the right of the Baroda Government to

Nazranah would accrue according to the terms of the aforesaid memorandum.

"Khushalsinghji may have been selected for general considerations but it is contended that he acquires a right to the Gadi according to Hindu law only if he is affiliated to the last holder, and that he could not succeed as next of kin⁷, his own father being alive, he could only do so by legal fiction of adoption. There is no other way for him to sit on the Gadi. According to the Article of Memorandum he could succeed either as natural heir or by adoption. As he is not the natural heir as a collateral and next of kin owing to the existence of his father, he can only succeed by adoption. There is no ~~other~~ kind of succession recognised by the Memorandum.

This question of succession Nazranah from the Mandwadi had been pressed on the special attention of the Government of India whose conclusions were expected to be communicated shortly, and on that right of the Darbar to succession Nazranah in the Mehwasi portion of the Rewakantha depended greatly.

Succession Nazranas.

(b) Other Tributories, Decision of Government of India.

Subsequently (i.e. after 1899) correspondence * as

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| 1. Minister's letter of 26 th July 1904 (No.11896) | marginally noted took place |
| 2. Resident's letter of 29th May 1905. (No.7325) | between the Baroda Minister |
| 3. Minister's letter of 6th July 1908 (No.3012) | and the Resident at Baroda |
| 4. Resident's letter of 15th August 1912 (No.9245) | on the subject of the right |

claimed by the Baroda Government to levy Succession Nazranah from the tributary districts of Kathiawar, Mahikantha, Palanpur and the Non-mehwasī portion of the Rewakantha. In his letter of 26th July 1904* the Minister gave instances of such levy prior to 1820. It was also pointed out that the right was based on the general relations between a feudatory and the Sovereign power; that the prerogative was not extinguished by the arrangement of 1820, and that such recurring rights of Sovereignty did not extinguish by non-user in particular cases or for a length of time.

The Residency, however, declined to move the Government of India on the ground that though the claim of His Highness' Government was referred to higher authorities on three former occasions, the same was disallowed and that the arrangement of 1820 materially changed the position of His Highness the Maharaja in the Tributary Mahals and placed him on the same level with his tributaries and transferred the Sovereignty to the British Government. %

His Highness's Government represented that by the arrangement of 1820, they only agreed to two things, viz:- (1) ~~th~~ not to send their troops for the collection of tribute and (2) not to have any direct dealings with the tributaries except through the medium of the British Government; that that arrangement did not extinguish their rights; that the instructions issued by the Government of Bombay were clear enough in as much as they required the nominal suzerainty of His Highness being maintained; that a right in question was a passive right of sovereignty and related to a pecuniary claim like tribute; and that, therefore, it deserved to be enforced.@

But this question was set at rest by the Residency letter of 15th August 1912. He wrote:-

"A copy of the correspondence that has passed between the Darbar and this Residency on this question was referred by my predecessor for the orders of the Government of India, who have now directed me to inform the Darbar that they have given the matter their anxious consideration and see no reason to differ from the conclusions already arrived at by various authorities including the Court of Directors, the Secretary of State for India, and the Government of India and the Government of Bombay whose decisions, however, were apparently not communicated to the Darbar. The Government of India consider that the effect and the intention of the arrangement of 1820 was clearly to ~~be~~ leave to the Baroda Darbar no right of interference either in succession or in any matters in the tributary districts, and no pecuniary interests other than that of receiving the tribute collected from them by officials of the British Government. In these circumstances, the Government of India regret that they are unable to accept the claim."*

The Tendency of this decision.

The above views, though pronounced in connection with the right to levy Succession Nazrahah, sum up the attitude taken up by the British Government with regard to all the rights of His Highness' Government in the tributary districts. From the tenor

of the representations that preceded the expression of the said views, they serve to indicate the British Government consider in effect that the interpretation put by them on the arrangements of 1820 and 1825 is the only correct interpretation; that this interpretation need not necessarily be in consonance with the intentions, express or implied, underlying the several documents which together comprise these arrangements, that are to be the sole judges as to what territories are to be considered as comprehended in the arrangement; that they have full liberty to alter the internal distribution of these territories in any manner they like; that after the said arrangement, they are not under an obligation to enforce the terms of the engagements mediated by them previously to the date of the said arrangements; that if the Baroda Government had any right in these territories other than the right to receive tribute, they must be considered to have been either permanently ceded to the British Government or extinguished, and that therefore, so long as the full amount of tribute fixed by the settlements of 1808 and 1812 is paid to them, they have no concern as to how the management of the tributary districts is carried on.*

We may now go into the reasons for such an interpretation by the British Government.

Reasons for such ^{an} interpretation.

The Policy underlying such a decisions.

Such an attitude is the direct outcome of the policy hitherto pursued by the British Government in regulating their relations with the Indian States. Referring to this policy, His Excellency the

*Vide Residency Yadi No. 1875 dated 12th Sept. 1870

Viceroy and the Right Hon'ble the Secretary of State candidly observed as follows in their report on Indian Reforms:-*

"304. Moreover, we find that the position hitherto taken up by Government has been that the conditions under which some of the Treaties were executed have undergone material changes, and the literal fulfilment of particular obligations which they impose has become impracticable. Practice has been based on the theory that Treaties must be read as a whole and they must be interpreted in the light of the relations established between the parties not only at the time when a particular treaty was made, but subsequently. The result is that there has grown up around the treaties a body of case law which any one who is anxious to appreciate the precise nature of existing relations must explore in Government archives and in text-books. The Princes viewing the application of this case law to their individual relations with Government are uneasy as to its ultimate effect. They fear that usage and precedent may be exercising a levelling and corroding influence upon the Treaty rights of individuals States.

"305. It is thus clear that some ambiguity and misunderstanding exist as to the exact position. The Government of India have already taken cognisance of this and is affording opportunity for the verification of any specific complaints that may be made. We do not desire to say anything that might prejudice the

* H.P.O. File No. 341/46 Pp.143-144
Mountford Reforms.

These passages have been quoted before but are reproduced here for ready reference.

issue of these enquiries. In the meanwhile, however, we suggest that the time has come when it would be well to review the situation, of course only by consent of parties, not necessarily with a view to any change of policy but in order to simplify, standardise and ~~h~~ codify existing practice for the future. Before we pass on to state our own proposals, we wish to say that we think that the Princes should be assured in the fullest and freest manner that no constitutional changes which may take place will impair the rights, dignities and privileges secured to them by treaties, Sanads, and Engagements or by established practice."

A change foreshadowed.

As a matter of fact, the British Government seem long before, if we go through the files of correspondence of the Political department of the former Baroda State and Residency records of our period, this above quoted authoritative pronouncement to have inaugurated the policy of assuring the Indian Princes that the Treaty engagements on which the relations between the states and the British Government are based will be scrupulously adhered to. So far as Baroda is concerned, His Excellency Lord Chelmsford, writing on the occasion of the assumption of the high office of Viceroy and Governor-General of India, conveyed the following assurance to His Highness the Maharaja Sayajirao.

"It will be my constant endeavour, as has been the case with my illustrious predecessors, to maintain and strengthen the friendly relations which have so long existed between your State and the British Government by a scrupulous adherence to

the Treaty Engagements on which these relations are based.*

This reference to treaty engagements, which used to occur in the Kharitas received from some of the past Viceroys, appeared in Lord Chelmsford's letter for the first time since 1875, and marks a change (welcome change for Baroda) in the attitude of the British Government. However

This change is noticeable in the Government of India accepting the recommendation of the illustrious authors of the joint report made in paragraph 308 of the Mountford Reforms and provided a procedure for an equitable disposal of cases in which the Government of India is a party and in which the Indian State concerned is not satisfied with the ruling of that Government. This provision of the means for an exhaustive and judicial enquiry into the issues of the nature referred to bespeaks, to give full credit to the British Government a determination on the part of the Government of India to do strict justice to the Indian States- a determination to ensure that their decision shall always conform to correct standards of action and to dictates of reason, equity and justice. A tendency is, however, is perceived, paradoxical as it may appear, that the existence of such a procedure minimised occasions for invoking its application and at the same time, the British authorities concerned in the disposal of cases, knew before hand the principles on which ultimate decisions would proceed, themselves followed the same fundamental considerations in arriving at their conclusions.

*From a correspondence regarding revision of Political arrangements quoted by Sir Manubhai P. 44.
% H.P.O. File No. 341/46, P. 145.

Another change also clearly foreshadowed is perceptible in a succeeding paragraph of the Joint Report referred to, wherein H.E. the Viceroy Lord Chelmsford and the Right Hon'ble the Secretary of State Mr. Montagu proposed, as a general principle, that all important States should be placed in direct political relations with the Government of India * and stated that the relations between the States and the Government are clearly a matter for the Central Government and that the changing conditions of the time afforded strong reason for affirming the principle, both because - and this is important - the institution of a Council of Princes would give greater solidarity to the views of the States and also because the growth of popular responsibility in provincial governments, would, to some extent, unfit them to act in political matters as mere agents for the Government of India. With regard to the States then in relation with the provincial Governments, no definite proposal was made, but it was stated that the Government of India might assume direct relations with these States or they might be left for the time being in relation with the provincial Government; but that in the latter case, the head of the province should, in each case, act in his relations with the States as agent for the Central Government. His Highness' Government were anxious ~~that~~ with regard to this impending change in the political set-up of the country and therefore represented to the Governor General-in-Council that any readjustment in the political arrangements in Gujarat and Kathiawar that might be decided upon by the Government of India in pursuance of the above recommendation should be undertaken after full consideration of and in entire

*H.P.O. File No. 341/46, Para 310.

consonance with their own rights in the district affected "not as these rights had been upto now understood by the British authorities, but as they may be justly ascertained on a thorough re-examination of the position. The reference here is naturally to the tributary estates of the Baroda State in Kathiawar, Mahikantha, Rewakantha and Palanpur Agencies of Gujarat.

Now equipped with fairly good information regarding the history of these Tributary estates and their relations with the Gaekwad Government and later on with the British Government and their respective rights and obligations and a good deal of information relating to the arrangements of 1820 and 1825, it will be in fitness of things to have a dispassionate view of three or four issues which naturally crop up before us for consideration out of the whole discourse. They are:

- 1) What were the rights enjoyed by the Baroda Government in the tributary district prior to 1820 and 1825 respectively ? the rights which British Government does not accept without qualifications.
- 2) How are these rights affected by the arrangements of 1820-25?
- 3) Were these arrangements meant to be permanent as claimed by certain responsible British Officers ? and lastly
- 4) If not, what readjustments, if any, should be made in view of the altered circumstances ?

First issue: The Rights of the Baroda Government.

Doubts of the British authorities.

The first issue need not detain us very long. It has already been noted that the sovereignty of the Baroda Government in the above

referred to has been derived from the Moghuls by conquest, and is therefore, as potent as was that of the Moghuls before them. In theory, the Moghul Subedars of Gujarat recognised no limitations to their authority in the tributary portions of Gujarat excepting in matters of revenue administration, and the same is true of the Maratha conquerors. In practice, however, both under the Moghuls and their successors, owing to the existence of local self-governing institutions in full vigour, the occasions for the interference by the central authority were few and far between. This was even true, though in a lesser degree, with regard to the territory under the direct control of the Central authority. This state of things led the early British officers to believe that the tributary Zamindars as the proprietors of the soil were entirely independent of the Central authority in the limits of their estates, so long as they paid the tribute due to that authority. Col. Walker, in his report, dated 20th July 1806, on the condition of the districts of Dhandhuka, Ranpur and Gogo had expressed such an opinion. (paragraph 61)

(Paragraph 61). He had reason to considerably modify the above opinion subsequently when he carried out the permanent settlement of the tribute of Kathiawar, and in the security bonds for good behaviour which he obtained from the Kathiawar tributaries in accordance with the previous custom. The latter admitted their general dependence on the Gaekwad Government and their undertaking to keep the peace implied the power of the sovereign authority to compel them to fulfil the engagement. In the time of Col. Walker himself, and on his successors, when the Baroda Administration was temporarily carried on under the supervision of the Resident, authority in excess of that mentioned by Col. Walker in his report was actually exercised by the Baroda Officials.

officials entrusted with the management of the tributary districts. But the impression created by Col. Walker's report about the absence of power ~~of~~ the superior Government to interfere in the affairs of tributaries seems to have lingered on for a time in the minds of the British Officers. The result was that, after the transfer of control of Kathiawar and the Mahikantha to them in 1820, the above impression prevented them from making adequate arrangements for the performance of the duty of preserving the peace, and the provinces began to lapse into anarchy.

General Statement that the rights of the Baroda Government were those exercised by the British Government.

In addition to the rights like interference in successions etc. the British Government had been exercising in the tributary districts of the Baroda Government several other rights, such as the right to administer States and estates during minority or for the incompetence or indebtedness of the Chief concerned, the right to make arrangements regarding salt, opium, abkari and to derive postal and telegraph revenues. It is clear, however, that the British Government exercised these rights because they were such as the Baroda Government would have been competent to exercise them before 1820 and 1825, respectively. They had no rights in these territories except those derived from the Gaekwad's Government. The principle followed by them in the arrangements made for the management of these territories was to act exactly as their predecessors the Baroda Government would have done. It is really not possible to make an exhaustive list of the rights of the latter Government. It will, therefore, be correct to say in Sir Manubhai Mehta's words in general terms in

answer to the first issue "that the rights were exercised by the Baroda Government in their tributary districts in and before 1820 and 1825 are the same as are now exercised in the said districts by the Baroda British Government on the basis of the former rights of the Baroda Government. "

2nd Issue. Nature and scope of the arrangements.

Cession not at all contemplated.

It would be equally easy to give a fairly correct answer to the second question. It is on record that as soon as the Peshwa ceded his rights in Kathiawar to the British Government that Government expressed a desire that the Baroda Government should also cede their rights in that province for the maintenance of an additional subsidiary force, and that their refusal to do so and the acceptance by the Resident of their proposal to cede other revenues instead caused disappointment to the Government of Bombay. * The latter were, however, anxious to have the sole authority in their hands in Kathiawar. In their letter No. 107 dated the 17th January 1820, to the Acting Resident at Baroda, a suggestion was thrown in this regard in the following words:-

"The Governor-in-Council is anxious that your earliest attention is bestowed on the affairs of Kattywar. It is to be apprehended that the plan suggested in my letter to you of the 13th of last month cannot be effectual as far as affects the Gaekwad tributaries, unless the Gaekwad's Army be removed from that province. The best arrangements probably would be for us to pay the Gaekwad his tribute,

*Bombay Gazetteer Vol. VII, Page 277.
% Wallace Page 255.

without his having any connection with the tributaries. This proposition would not doubt be very distasteful to him, as lessening his consequence, his patronage, and his undue exactions. The same objection does not apply to a cession of territory in exchange for his rights in Kattywar."

The Hon'ble the Governor himself came to Baroda to pursue the subject and was successful in concluding the arrangement that he thought best. The alternative to obtain a cession of these rights for an adequate consideration had not, therefore, to be resorted to. Cession was contemplated in the earlier stages but was declined, and it was again contemplated later on, but the necessity for it was obviated by the arrangement that was actually made. It is thus clear that there was no cession of any rights. The rights remained there. They were to be exercised by the British Government on behalf of the Maharaja, and the full benefits from such exercise was to accrue to His Highness. As an inducement to His Highness, the Governor agreed to conduct the management without charging anything for expenses.

Third issue: Was the arrangement permanent?

The third issue ~~was~~ is the most important of all. In order to arrive at a correct appreciation with regard thereto, it is necessary to advert to the policy underlying the arrangements of 1820 and 1825.

Object, promotion of peace.

The object of the agreement is stated clearly in the preamble of the agreement of 1820. It is to promote the peace and prosperity of the country. It was an administrative arrangement dictated purely

by considerations of expediency, and was not a treaty of cession of rights. There was no intention of impairing or minimising any rights of the succeeding Gaekwads in perpetuity thereby.

Arrangement not permanent either by nature or by wording.

Such an arrangement could not in its very nature, it will now be clear to the reader, be considered as for ever immutable. It was liable to such modifications with the consent of the parties as altered times and circumstances might render necessary. That this view was correct would appear from the fact that any words importing perpetuity or permanence which form such an essential feature of all the tribute arrangements made about this time, were conspicuous by their absence in this agreement. The Fael Zamin bonds and the engagements for the payment of tribute passed by the tributaries both expressly stated to be perpetual or evergreen and were to endure from "generation to generation" and to be binding on the Chiefs, their sons, grandsons and their successors. When the Peshwa ceded his tribute in Kathiawar by the 7th article of the Treaty of 1817, express words connoting perpetuity were used. In all the treaties with the Baroda Government, whereever the stipulations were meant to be permanent, clear phraseology to that effect was employed. Stipulations were to be binding to the contracting parties, their heirs and successors. On the contrary, in the convention, dated 3rd April 1820 * Maharaja Sayajirao II agrees to the arrangement on his own behalf and makes no mention of his successors. The usual expression of the treaties "The Maharaja, his heirs and successors from generation to generation" is not to be found here. It is general rule that

*A.T.Vol. VI Ed. V Pp.360-361.

perpetuity ~~the~~ in an agreement is never presumed. It has to be provided for in clear and express terms. A high functionary of Mr. Elphinstone's abilities and ~~many~~ experience was not likely to overlook this obvious necessity; and there is no logical escape from the inference that the arrangement was not at all meant to be permanent. Even while the agreement was to subsist, the prohibition to send troops into the lands of the Zamindars was not absolute. The troops might be sent with the consent of the Company's Government and claims might be preferred against them through the mediation of the Company's Government. All these remarks equally apply to the arrangement of 1825, which was essentially the same as that of 1820, but only expressed the terms in greater detail.

Inference from the practice of the British Government.

While on this subject we may usefully refer to the statement of the practice of the British Government as regards the formalities in the execution of treaties given at pages 48-49 of Sir William Lee-Warner's "The Native States of India." Therein he says: "If the obligations of an engagement are not dynastic but personal, being intended to bind a particular chief only, they are usually not embodied on the lines just described, but conveyed in the form of a letter from the Governor or the Governor General as the case may be." In the present case, the object of the Governor's visit to Baroda was to settle the terms on which the management of the State was to be handed over to His Highness Maharaja Sayajirao II, or in other words to determine as to which of the powers of Government temporarily superceded owing to infirmities of the Maharaja's

predecessor were to be restored to him. Agreements on two points were arrived at:- The first relating to the independence of the Maharaja in internal affairs was conveyed in a letter from the Governor to the Maharaja, and the second in the yadi from the latter to the British Government. Neither agreement was dynastic like the treaty of 1805.

There is no indication of perpetuity of arrangement
in Elphinstone's minute.

Lest an inference about the perpetuity of the arrangement of 1820 may be drawn from an expression in Mr. Elphinstone's Minute occurring near the end of the page 280 of Wallace's book, it may be explained here that the remark had no bearing on the nature of the said arrangement. What Mr. Elphinstone said was that in Kathiawar the guarantee was perpetual while in Mahikantha it had been given for ten years only, but that he thought it much more desirable to render it perpetual in the latter province also. The perpetuating of the guarantee did not involve the necessity of making a perpetual arrangement for its enforcement. The guarantee would be perpetual, but the procedure for its enforcement need not necessarily be so. The guarantee could, as before 1820, be rendered effective by giving advice to the Baroda Government. Mr. Elphinstone's remark did not therefore, mean that the arrangement of 1820 was perpetual. Whether it was so or not has to be decided solely by a reference to actual words employed in the instrument.

Such arrangements especially liable to revision.

Arrangements made in the interest of peace and good government are considered as especially liable to be revised when the occasion

therefor ceases. They involved the curtailment of the right of the State without any adequate consideration, it was argued. Of this nature were the arrangements made for the preservation of the peace in Okhamandal and for the protection of the Mul Girassias of Amreli in about 1862. The view was for a time held that these arrangements were permanent. The Government of India, however, later on revised both the arrangements and restored to the Baroda Government those powers which had been temporarily superceded.

Ration decidendi in these cases.

The procedure followed in ~~the~~ Gwalior (1818) and Kolhapur (1862) serve to illustrate the principles by which the new policy of the Government of India was to be guided in future; regarding the revision of the arrangements of this nature. It can be seen that ^{certain} ~~the~~ conditions were required to be fulfilled, precedent to the withdrawal of the temporary interference exercised by them. The circumstances which, in their opinion, necessitated the arrangement must have ceased to exist, and secondly the administration of the State whose rights are to be restored must inspire confidence. The decisions in all the above cases have proceeded on the above grounds.

Necessity for the continuance of the arrangement
had ceased.

When these principles are applied to the case in hand of His Highnessthe Gaekwad's Government, it can be safely said that both the arrangements of 1820 and 1825 have outlived their purpose, and no longer necessary for ensuring permanently the preservation of the peace of the country. In the altered circumstances of that times it was no longer necessary to send troops in the Mulukgiri districts

for the collection of tribute or for the enforcement of peace and order. We need hardly refer to the administrative progress made by the Baroda State of that day, because it was a fact which had already been recognised in the two instances noted above, viz. the rendition of control over Waghers of Okhamandal and the Okha Battalion and the cessation of interference in Mulgiras cases, which have been dealt in greater detail elsewhere in this work.

Examination of the position taken up by the British
Government in the case.

This is a proper place to examine the position taken from time to time by the British authorities in this regard and see also how far it was in consonance with the express terms of Treaty Engagements.

In 1816, when the exact nature of the relations created by the Treaty Engagements between the two Governments was in doubt, the Government of India ruled that the Treaty itself must be accepted as the interpreter of these relations, When, however, His Highness' Government relied on the same kind of evidence in the present case, the British authorities told them that the real intention of the arrangement of 1820 was to deprive His Highness' Government in perpetuity of all their rights except to receive tribute from these districts, which tribute was to be collected by the officers of the British Government.

Objection contrary to binding engagements.

The above conclusion of the British Government appears to be at variance with Mr. Elphinstone's statements that the rights of the

Baroda Government still existed and that all their claims were to be treated with strict justice. The British Government did not rely on any documents other than those which have been referred to above and it was not clear how it was possible to say, after a century, that the real intention of a particular document was not what the express terms employed by its author would establish it to be.

Vague nature of objection.

The objection also appears to be a vague one and no authoritative grounds have been advanced in justification of the . Indeed, on all occasions, when questions arose out of the arrangements of 1820 and 1825, the British authorities contended themselves with placing certain views on record but omitted to communicate them to His Highness' Government. The only inference that could be drawn from such an omission was that these view were not in consonance with the terms of the binding engagements in this regard.

An Explanation.

The first attempt to explain the attitude taken by the British Government was made in ^{Col.} Meade's letter No. 7525, dated 29th May 1905*, but that letter was not addressed under the authority of the Government of India , and His Highness' Government did not believe that some of the irresponsible dicta contained therein would ever find acceptance at the hands of the Government of India. Yet the Baroda Government apprehended as likely, that views of the same extreme nature as were contained in that letter might again be advanced in some quarters. Col. Meade stated:-

*H.P.O. 'Nazrana Selections' Pp. 28-31 Part. 1.

%It is not denied that the Gaekwad levied the Nazranahs referred to prior to 1820, but it is asserted that these pretensions with others must be held to be untenable as the inevitable result of the arrangement of 1820. It is not denied that under the agreement, the Darbar are justified in appealing to the British Government for the settlement of any dispute with the tributaries. It is asserted, however, that in relation to Paramount Power, both His Highness the Gaekwad and the Tributary Chiefs are on a level. It is unprofitable to pursue this part of the subject at greater length. In 1808, the policy of the British Government was described as " the confirmation of the Gaekwad of his ascendancy on which so many advantages depend." and in 1820 that policy was declared a failure and permanently abandoned. Doubtless certain material consequences still subsisted, and were consequently recognised as material enjoyment and possession, but not as political rights. Any claims to sovereignty, such as the levy of Nazranah on succession and adoptions among Chiefs who owe allegiance to the British Government involves, must be negatived, particularly, as no such right was allowed to be exercised after 1820, and as the Gaekwad's position in relation to Tributary Chiefs underwent a material and substantial change by the historical settlements in virtue of which Chiefs of all classes became chiefs in subordinate alliance with the Government of His Imperial Majesty the king Emperor of India."

Source of this View.

This view is entirely untenable with the express terms of Treaties and engagements and in particular with the arrangements under advertence and sounds like an intensified echo of the exposition of the intentions and effect of the settlements made in 1818 and 1820 in Central India and Gujarat given by Sir William Lee-Warner at pages 114 to 119 of his book on the Native States of India. His view may be summarised as follows:- In 1813, the British Government abandoned the policy of the Ringfence and adopted the one known as that Subordinate Isolation of the Indian States, that the settlements of 1818 in Central India and of 1820 and 1825 in Gujarat were undertaken in pursuance of the above policy; and that the effect of these settlements was that the position of the Maratha Sovereign States underwent a material and substantial change in relation to their tributaries and feudatories, in virtue of which these latter were exalted into Chiefs in subordinate alliance with the Government of India.

An incorrect conclusion.

So great is the weight attached to the opinion of Sir William Lee-Warner in matters relating to the Indian States that even an incorrect statement made by him ^{is} was likely to pass as an accepted tenet of the Indian Political Practice. The present case appears to be exactly one of this nature. In writing about the said settlements, Sir William had obviously drawn an incorrect conclusion about their intention from the apparent state of things at the time of writing nearly a century after the actual event. It was an attempt to twist facts into conformity with cherished theories.' The state

of things was due to unauthorised practice that had grown up in giving effect to these settlements. His view that it was the intention of the settlements of 1818 and 1820 to raise the status of the petty Chiefs concerned to that of rulers of States in subordinate alliance with the British Government had been declared by the Government of India in the Gwalior rendition case to have been untenable as regards one class of Chiefs comprehended in the Central India Settlement. In regard to the other Central India Class, the interference of the superior Maratha States had been expressly prohibited by the terms of the agreement mediated with them. In their case, such non-interference was the essence of the guarantee, and besides the tributary rights had been permanently ceded to the British Government.

No ground for such a conclusion in the Baroda Case.

With particular regard to Baroda now:- It may be true that in 1813, the year in which the Marquess of Hastings assumed the charge of the office of Governor-General The British Government were inclined to throw overboard the policy of non-intervention till then pursued by them; but it is doubtful whether the contrary was ever authoritatively stated to be the policy of that Government to be followed in each and every succeeding case. Even supposing that such a policy was preferred, such a preference could not alter the relations with the State then obtaining nor could the continued pursuance of such a policy be pleaded as having the effect of invalidating or varying the actual terms of an agreement already arrived at after a great deal of negotiations and with complete faith in each other in upholding it. It was not enough that the

British Government had declared a particular policy. It was also necessary that the Baroda Government should have agreed to alter its relations with their tributaries in a manner suited to that policy. It was true that in 1817, the British Government had asked for a cession of Baroda's tributary rights in Kathiawar, but the demand was resisted and His Highness Fatehsinhrao II, was within his rights in doing so. Again when, in 1820, Mr. Elphinstone came to Baroda, his object was if possible, to obtain a cession of Gaekwad's rights in return for other territory. The question, however, was not what he desired to effect. It was essentially what he succeeded in effecting. The conclusion of his negotiations left the Sovereignty of Baroda over these tracts still subsisting. In all these negotiations there was no suggestion that he was acting not as the circumstances of the case seemed to him to require, but in obedience to an ~~inner~~ inexorable policy. Had the latter been the case, he would hardly have taken the trouble to explain in a lengthy minute that the arrangement was meant only for the preservation of the Gaekwad's rights for the maintenance of his superiority over his tributaries. There was, therefore, no warrant to hold that the arrangement of 1820 had the effect of ameliorating the status of the Chiefs of Kathiawar and Mahikantha who were not at all parties to the arrangement. That was merely a ~~previ~~ priori inference drawn from the apparent position. The theoretical position which was different was altogether ignored. There might have been in 1820 an intention to obtain a cession of Baroda's rights, but still the British authorities tried to act as if it had been actually carried out.

Reasons for the mistake.

Sir William Lee-Warner's mistake is due to the circumstance that in writing about the bearing of the Policy of ~~subordinate~~

of subordinate isolation and illustrating it by reference to the Central India and Gujarat cases, he was not quoting the view given in any State document, but was endeavouring as a historian to take a broad view of the events which had happened along time ago. The documents quoted by him in relation to the Baroda Case do not support him and may easily be turned against him. For instance, there is no reference in the instrument of 3rd April 1820* to the exaltation of the status of the tributaries and an extract from the judgment of the Privy Council referred to by him merely states that since 1820 "The Supreme authority in Kathiawar (as far it had previously been vested in the Peshwa or the Gaekwad) has been exercised solely by the British Government". The word "exercised" may be noted. The mistake is the counterpart of the one which was about to be committed in 1825 when the British authorities doubted whether they had derived from the Baroda Government any effective authority to preserve the peace in the peninsula of Kathiawar. The inquiry that was instituted dispelled their doubts. The said enquiry related to the "General rights of the British and Gaekwad's governments over the Chiefs of Kathiawar". If in 1824, the Sovereignty of the Baroda was ~~exin~~ extinct where was the necessity of ascertaining the "General rights of the Gaekwad" it may be asked. If it was only because he was a former Sovereign, why was the name of the Peshwa omitted and that of the British Government substituted, it may be further inquired. The reason is that in 1825, Mr. Elphinstone was still Governor of Bombay. He knew that the sovereignty of the Baroda State in part of Kathiawar still inhered. If Elphinstone's successors mistook the position and acted on such a mistake, it can be said in the words of the Court

*A.T. Vol. VI Ed. 5 Pp. 360-361.

of Directors that if the British authorities "acted on a supposed right they did not thereby make it a real one.". This view had been approved in the Gwalior case.

Contrary inference from payment of expenses.

But again, it is doubtful whether Elphinstone's successors can really be said to have acted on the supposition that the Gaekwad Sarkar's rights had been extinguished. Mr. Elphinstone did not provide for expenses of management, because he was under the impression that till then it had cost nothing. He, however, contemplated that in minor cases of default in payment of tribute the Baroda troops should be employed. (Para 23 of the Minutes). Mr. Elphinstone's impression about the management costing nothing, however, proved to be incorrect. and the practice grew up of holding the Baroda troops at all times available for these and other duties in the provinces and the fact has been that the prohibition to send troops into the lands of the Zamindars has been a dead letter, and ever since 1820 the peace of tributary Gujarat and Baroda portion of the tributary Kathiawar has ordinarily been maintained by men of the Baroda Contingent and, after 1885, by men of the police force paid by Baroda. The employment of these men really kept up the remembrance that the rights of the Baroda Government still existed, that they paid for the cost of the administration of the provinces because they received tribute from them, and that according to the custom of the country, the tribute was an insignium of their sovereignty and was attended with the obligation to preserve peace. Sir William Lee Warner in his zeal for his theories has apparently overlooked this important fact.

Some wrong notions and their unfair effect.

Another reason has vitiated the conclusions of Sir William Lee Warner relating to the Baroda arrangement. In his attempt to develop the theory that every spring of action of the Earl of Moira's Governor Generalship is traceable to the policy of subordinate isolation, he has seen analogies and similarities where none existed. He has been led into the error of supposing that there was a parallel between the state of things existing about 1818 in Central India and in Gujarat. He has taken no note of the fact that while the former province was ablaze with the Pindari Conflagration, the tranquillity which reigned in Gujarat enabled both British and Baroda Governments to send a large number of troops to take part in the measures taken in Central India; that while in Central India, the former proprietors of the soil had been wholly dispossessed of their lands, in Gujarat they had been confirmed in their possession under the guarantee of the Hon'ble Company. Owing to this failure to appreciate the difference between the Central India and Gujarat Settlements, he has been led into giving a very inaccurate account of the Mulukgiri system prevailing in Gujarat and of the reasons which necessitated Col. Walker's Settlements. His account is indirect contrast with that given by Col. Walker himself. Viz. that the Mulukgiri was no new system brought into vogue in Gujarat by the Gaekwad Government, but had been the customary method of exercising sovereignty for centuries together; that the necessity for the use of force for the recovery of the dues of the State, which were described as just, arose from the sentiment which made it a point of honour with the tributaries not to pay unless compelled to do so; that in case of resistance, the exactions of the Mulukgiri

army were directed against property only and never against persons; and that the Mulukgiri was subject to certain fixed rules, the chief of which was that all private wars ceased automatically as soon as the Mulukgiri army entered the province and that the happiest time the Chiefs enjoyed was when the army was on its usual circuit; that the settlement was carried out mainly with the object of relieving the British Government from any inconvenient stipulation in the treaty; that instead of the chiefs making piteous appeal to the British Government, the latter had to depute agents to ascertain whether the Chiefs would be willing to make a settlement. In short giving currency to altogether unfounded notions about the Mulukgiri system and by drawing a parallel from the Central India case, writers like Sir William Lee Warner have unjustly prejudiced the case like one in hand.

A reference here may be made, even at the risk of repetition, to the general objection arising from the position that had hitherto been taken up by the Government of India, that treaties were to be interpreted in the light of relations established between the parties not only at the time when a particular Treaty was made but subsequently. It is, however, as well to mention that the relations between the British and the Baroda Governments are those which were established by the Treaties of 1805 and 1817, that these relations have not undergone any change subsequently, that these relations have been confirmed by solemn pronouncements by the Crown in 1858, 1877, 1903, 1911* respectively.

Baroda Government's Proposals.

Baroda Government appeared to be however of the opinion that the literal fulfilment of their present claim was not inconsistent with the relations a reference to which has been made above and that the material changes in the conditions that had undergone had made such fulfilment quite practicable. Also by reason of such relation the Darbar thought that he was entitled to expect nothing but acts of the purest friendship from the British Government. He, therefore, regarded it, as put by his own Minister, "rather strange and inexplicable, that the continued existence of such relations between them and the benign British Government should unwittingly have the effect of depriving them, without any consideration and without any subsisting reason, of some of their most valuable and cherished rights." "Such deprivation", he further states, "is inconsistent with the abiding principles of justice and equity which guide the actions of the British Government in their relations with Indian State * * * it is meet that these principles should be fully vindicated at the earliest possible opportunity." *

Request for alteration.

The first thing that the Baroda Government demanded was the revision of the arrangements of 1820 and 1825 which it thought were no longer necessary in the altered circumstances and also when

* From the correspondence regarding revision of political arrangements in Gujarat and Kathiawar. Pp. 88-89

weighty changes due to Montford Reforms were in contemplation. They also requested in their representation to the British Government that they be fully trusted to collect direct their tribute from their tributaries in the same manner as the Sarkar dues on their lands in Baroda territory were recovered, and to exercise direct the residuary rights and privileges of Sovereignty in these districts which of right belonged to them and which it was the intention of all their treaties to preserve in tact. His Highness' Government promised to make the same arrangements for the exercise of their sovereignty as had been made for that purpose by the British Government till that time. They undertook to safeguard all the rights and privileges which had been guaranteed to the tributaries by the permanent settlements referred to above. The Baroda Government were also prepared to provide with respect of these, that the tributaries would be allowed the right of invoking the assistance of the Resident at Baroda in the same manner as in the case of their guaranteed holdings situated in Baroda territories.

The position of the Baroda Government is very well described by the Minister. Here is the gist.

His Highness' Government are only asking that while the plighted word of the British Government to the tributaries should be maintained as inviolable and inviolable, the existing practice which has ~~un-~~authorised~~ly~~ grown up should be modified in a manner that will secure the exercise of the rights of the Sovereignty vested in His Highness' Government. The settlements of 1808, 1812 and 1825 constitute a bilateral guarantee. While they guarantee to the tributaries the secure enjoyment of their rights, they equally guarantee to the Sovereign State that such enjoyment by the tributaries shall be in

subordination to the Sarkar. The existing arrangements constitute a temporary infringement of the guarantee given to the Baroda Government, and ^{it is} ~~it is~~ only asked that this violation should ~~be~~ not be allowed to continue any longer.*

Proposals.

1. The control of the estates of Kathiawar, the Mahikantha, Palanpur and the Rewakantha which are tributary to Baroda only may be rendered to His Highness' Government for being exercised in the same manner as it is being done by the British Government at present, with the provision that the Chiefs will have the right to invoke British interference in case they feel that their rights have been infringed in any way.
2. Some of the non-tributary estates in Mahikantha, Palanpur and Rewakantha Agencies also to be placed under Baroda. These territories were ^{ac}quired by the Baroda Government from the conquest of the Moghuls and hence were sovereign.
3. The 57 estates in Mahikantha which pay both Jamabandi and Ghasdana deserve to be under the direct authority of the Baroda Government in the same manner as similar villages of the Amreli Division. These estates include the 24th Mattadari estates of the Bavishi Circle. In their case, the proprietorship of the soil is vested in His Highness' Government. They are not subject of any Chief or community of Chiefs, and the only guaranteed persons residing in them are the hereditary mattadars who are officers of Government. The guarantee which they hold applies only to the perquisites they enjoy and it has been held that this guarantee does not extend to the cultivators of the

*From the correspondence regarding revision etc. Pp. 88-89

villages in the circle. These villages are under the direct administration of the British Officers of the Agency.

4. The question of the tributary estates in Kathiawar and Mahikantha placed under other States subsequent to the arrangement of 1820 was very important. Both His Highness' Government and the British Government had pledged their word to preserve the separate existence of those who settled separately with Cols. Walker and Ballantyne, and their being subjected to the authority of other States violated the pledge. "Apart from this the arrangement extinguishes the right of residuary sovereignty of His Highness' Government in these tracts. That the arrangement of 1820 should be regarded as leaving no right to the Baroda Government except that of receiving tribute, but should yet be allowed to result in accretions of territory to some of the larger tributary States at the expense of the smaller ones, is as glaring anomaly which requires to be rectified. His Highness' Government, therefore, seek a ruling that the acts complained of are foreign to the intentions of the arrangement of 1820 and cannot be upheld in principle." *

The question of the villages which were subject to the payment of the tribute of the Mahikantha but which then formed part of the Kaira and Ahmedabad Collectorates, were requested to be settled by the mutual consent of both the Governments.

5. The right to settle disputed successions and receive Nazranahs

*From the correspondence regarding revision of political arrangements in Gujarat and Kathiawar. Pp. 88-89.

had expressly been proved to have been exercised by His Highness's Government before 1820 and it was but just that it should be held to have continued. The Statement of Mr. Elphinstone that all the rights of the Baroda Government existed after the arrangement of 1820 permits of no other finding on the issue. The rights of the Baroda Government in their tributary districts were pronounced to be just and it was never the policy of the British Government to deprive the Baroda Government or any State of its just rights. Past decisions on the questions have been based on incorrect formulae, but a greater adherence to the spirit and letter of the Treaty engagements were thought necessary and His Highness' Government demanded that their rights may be fully upheld.

8. It was indicated by the Baroda Government in brief the arrangements to be made for the expenses of the management the sum of Rs. 3,75,000 paid by them as a police subsidy in these districts would be used by them for this very purpose. In addition, they would maintain the local thana and other funds instituted in the several Agencies, in the same manner as the British Government had done and apply their proceeds to the specific purposes for which they were established. They would levy the same cesses and contributions ~~and would be imposed without the concurrence of the British Government~~ for these purposes as the British Officers had hitherto done. No further cesses or contributions would be imposed without the concurrence of the British Government.
9. The sum of Rs. 9,000 paid by the Palanpur State in lieu of the

pay of the Gaekwad Sarkar's Agent should hereafter be paid to Baroda Government towards the expenses of the management of the Palanpur Agency. Half of the revenues of the Narukot estate, which the Chief had assigned to His Highness' Government in 1833 for the expenses of the management, would be utilised by the Baroda Government for the management of that estate.

The fundamental principles which were earnestly sought to be recognised by the Darbar were:-

- 1) That the main object of the British Government in the guarantee arrangements was the "amelioration and improvement" of the Baroda Government;
- 2) that full internal sovereignty was restored to Sayajirao Gaekwad in 1820;
- 3) that the settlements of 1820 and 1825 did not impair or detract from the rights of the Gaekwad nor alter his status as the Sovereign or his relations with his tributaries and feudatories; they merely bound Sayajirao Gaekwad to agree to the continuance of the method of dealing with his feudatories which ten years of actual trial had proved to be useful;
- 4) that with the Montford Reforms in the constitution of the Government of British India, the same generous policy of trust should be extended to the old allies of the Government, the premier Indian States, and their original integrity should be reconstructed;
- 5) that the guarantee was only a tentative measure of political expediency which has now outlived its purpose; and that in view of the advancement of the Baroda Government, the guarantee should

be strictly confined to its original purpose, and its subsequent ramifications abandoned;

- 6) that if Gwalior had been allowed the benefit of "the most favoured nation clause" equity demanded a similar just and generous recognition of the claims of Baroda, and
- 7) that all political dealings with Baroda and its feudatories which had necessarily to be carried on through the British Government should be under the control of the Resident at Baroda, and that all the feudatories should thus be brought under the supervision of the Government of India.

At the end we can conclude with sufficient reasons now that before the coming of the British on the scene of Kathiawar and Gujarat the Gaekwad was an accepted sovereign ruler, the sovereignty which was wrested from the conquest of enfeebled Moghuls, and the events that followed from the friendship with the British were the result of the policy of the superior power of British directed with political acumen and expediency and which gave the appearance later on that this sovereignty was a political fiction of the past which did not have any legal origin. However, with the change of the Policy of the British Government resulting out of the proposals of Montague Chelmsford the Baroda Government pounced upon the opportunity given as one of the important features of the Indian Reforms was the provision for premier Indian Native States to have direct dealings with the Government of India. Hence the demands advanced by the Darbar were in proper atmosphere; though it did fear that 'vested interests' might try to oppose the bonafide proposals of the Baroda Government; and that is why perhaps we see them appealing to the sense of justice

and equity which was responsible for the outcome of such liberal Reforms, of the British Government.

The importance of the subject forced us to have the full exposition and detailed analysis of the whole case of Baroda's supremacy over the territory named and with particular reason that misconception was likely to result out of the wrong perspective given by such eminent author like Sir William Lee Warner to this part of history of Gujarat.

We may now turn ~~over~~ our attention to other important problems arising out of tribute.