EAST INDIA (BEHAR CADASTRAL SURVEY).

RETURN to an Address of the Honourable The House of Commons, dated 10 November 1893;—*for*,

"RETURN of Copy of Correspondence between the Secretary of State for India and the Government of India, with Enclosures, concerning the Cadastral Survey and the Record of Rights in Behar (in continuation of Parliamentary Paper, No. 188, of Session 1892)."

India Office,
20th November 1893.

ARTHUR GODLEY,
Under Secretary of State for India.

(*Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed*,
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APPENDIX I.

THE EXTENT OF SUB-DIVISION AND FRAGMENTATION OF HOLDINGS IN THE BOMBAY PRESIDENCY.

The extent of sub-division and fragmentation of holdings in the Bombay Presidency differs considerably in the different tracts. It is greatest in the rice lands of the Konkan and Ghat strip of the Deccan, where the conditions of rice cultivation and the value of the rice crop tend towards the existence of small holdings, and where the pressure of the population on the area of rice land, and in particular on the fertile coast strip, accentuates the evils of excessive sub-division and fragmentation.

A.—Konkan and Ghat strip of the Deccan.

I propose to state typical cases showing from different points of view the extent to which sub-division and fragmentation have proceeded in the districts of Kanara, Ratnagiri, Kolaba and Thana.

CASE No. I.

(Survey Nos. 1 to 40 of Uppinapatan, taluka Kumta, district Kanara.)

This area of 52 acres was selected simply because it was a nice compact block of land with excellent natural facilities, which might have sufficed for 3 or 4 rich holdings, or 6 or 8 fair holdings. In point of fact it is divided up into 139 separate plots held by about 50 landholders. I submit a map of the land and a tabular statement showing areas, number of plots, number of *mulgeni* (permanent) leases, number of simple leases and number of mortgages.

Survey No.	Area.	Assessment.	Number of Kabjedars, i. e., landholders.	Number of mulgeni leases.	Number of simple leases.	Number of mortgages.
	A. g.	Rs. a. p.				
1 (Part)	2 20	10 0 0	3	...	...	1
3	0 34	8 0 0	3	...	...	1
4	0 19	3 0 0	1	...	...	...
5	1 38	9 0 0	1	...	...	...
6	0 31	4 0 0	3	...	...	...
7	0 26	3 4 0	8	...	1	1
8	0 34	5 0 0	3	1	2	...
9	1 29	5 8 0	3	...	3	...
10	1 1	7 8 0	2	...	2	1
11	2 23	14 0 0	2	...	...	2
12	1 14	8 0 0	4	...	4	2
13	0 14	0 2 0	1	...	...	...
14	0 9	1 0 0	1	...	1	1
15	1 14	7 0 0	2	...	2	...
16	1 1	4 0 0	4	1	1	2
17	0 35	4 0 0	3	1	...	1
18	0 28	1 5 0	4	...	...	1
19	1 9	2 8 0	7	...	1	...
20	0 39	3 0 0	1	...	...	1
21	1 5	2 7 0	8	...	2	...
22	1 6	4 12 0	7	...	3	1
23	1 1	6 0 0	3	...	2	1
24	0 25	4 5 0	7	...	3	1
25	1 6	5 8 0	3	...	2	1
26	1 3	4 12 0	7	...	7	1
27	1 4	5 0 0	4	...	4	1
28	1 5	5 1 0	7	...	2	2
29	1 9	5 8 0	4	1	3	1
30	1 7	4 0 0	1	...	...	...
31	0 19	3 0 0	1	...	...	...
32	1 23	7 0 0	1	...	1	...
33	1 11	6 10 0	9	...	...	2
34	1 4	5 12 0	3	1	1	1
35	0 38	5 0 0	1	...	1	...
36	1 17	7 0 0	2	2	...	...
37	0 11	1 8 0	2	1	...	...
38	1 1	5 0 0	2	1	...	1
39	1 5	5 8 0	9	...	6	1
40	1 2	6 0 0	2	...	2	...
Total ...	52 1	*199 14 0	139	9	56	28

*Current rents about 10 times the assessment.

The number of *Kabjedars* (landholders) entered against each survey number represents the number of separate plots into which the land is divided. The same men, however, own land in several survey numbers, so that the actual number of owners is less, being about 50. In another way, however, the fragmentation is even greater than the figures indicate, *e.g.*, in Survey No. 1 the number of shares shown is 3; but in reality the field is divided into 18 plots, each sharer cultivating 6 plots annually, and moving on to another 6 plots the year after, and so on.

The following details regarding two of the survey numbers give a good idea of the fragmentation:—

Survey No. 7, garden land growing cocoanuts:—

Sub-divisions—		Gunthas.
1. Ganpu Dodda	...	1¼
2. Ganpu Bira	...	1
3. Ganpu Dodda	...	2⅜
4. Ganpu Bira	...	7
5. Mahabalu Mari	...	1⅞
6. Rama Anapa Naik	...	2½
7. Mahabalu Mari	...	1
8. Shridhar Manjanath Shanbog	...	8½
Total	...	26

Survey No. 33, rice land:—

Sub-divisions—		Gunthas.
1. Mahalaxmi *kom* Sadashiv Naik	...	3¼
2. Tulsi *kom* Shiv	...	4¾
3. Timapa Damgauda	...	4¾
4. Mahabalu Mari	...	6
5. Ganpu Dodda	...	8½
6. Ganpu Bira	...	13
7. Ramchander Sababhatta	...	2½
8. Dasu Vaikanth Pai and Wasudeo Krishna Pai	...	7½
9. Kuppa Maragauda	...	1
Total	...	1 acre 11 gunthas.

A cultivator can sometimes lease land contiguous to his own holding, and in this way some temporary unification of the land is effected, though it does not go very far. The following gives a typical case of the area actually cultivated by one of the most substantial cultivators in the village, *viz.*,

Ganpu Bira cultivated 12 acres of rice land, of which he owns 3 acres and hires 9 acres: the 12 acres which he cultivates is divided into 21 different plots.

Physical condition of the land.

The whole of the land is rice land except that on the edge of the river a few fields contain a certain number of cocoanut trees which are badly looked after and not irrigated. There is a tank in the jungle close by which, it is stated, formerly provided sufficient irrigation water to grow a second crop of *waingan* rice (*i.e.*, hot weather rice) or sugarcane on practically the whole area, to which it was conducted by a channel round the upper contour of the field. The tank is now much silted up and the channel out of order. Rice is grown in the monsoon, and afterwards there is enough water for about 4 acres of *waingan* rice and 2 acres of sugarcane. In the absence of a water channel this water runs down to a low part of the field and is lifted once and in some cases twice on to the sugarcane land.

It was obvious that the following improvements were needed:—

(1) The tank required clearing of silt or to have the bund raised.

(2) The water channel needed repair so that the water could be taken to any part of the field by gravity.

(3) Some embankments against flood water from the river were needed.

(4) The land needed proper fencing against wild animals from the adjoining jungle, which do much damage. Having the river on two sides, it needed fencing on only two sides.

(5) The whole needed to be properly laid off into level plots of reasonable size, so as to admit of easy cultivation, instead of being divided into very small and irregular shaped plots, with *bands* in between, which occupied an excessive amount of space.

On account of the excessive sub-division and fragmentation of the land it is hopeless to contemplate the possibility of any such improvements.

CASE No. II.

(Survey Nos. 2, 4, 5, 6, 7, 8, 13 and 26 of Shirgaon, taluka Ratnagiri, district Ratnagiri.)

Case No. I refers to an area which is held almost entirely by cultivators. In some parts of the Konkan the bulk of the rice land is in the hands of non-cultivating landlords. Naturally in such cases the holdings tend to be larger, and the fragmentation less, but this case which occurs at Shirgaon, where the Government Farm is situated, gives an instructive example of the way in which such holdings are becoming subdivided and fragmented. The area consists of a block of good rice land. It will be noticed that one holder has a nice block of 6½ acres of rice land, but most of the holdings are badly split up, as can be seen from the map and statement. This case is intended to indicate merely the extent of fragmentation of this class of holdings.

Block of rice land consisting of 8 survey numbers in Shirgaon, Ratnagiri Taluka, and divided into 17 separate holdings.

Holdings.	Area of holding.		Number of separate plots.
	Acres.	Gunthas.	
1. Narayan Balshastri Agashye ...	0	34½	3
2. Sadashiv Balshastri Agashye ...	0	13¾	1
3. Kashinath Balshastri Agashye ...	0	33	2
4. Raghunath Balshastri Agashye ...	0	20	2
5. Purshotam Ramchandra Apte ...	1	14	5
6. Vasudeo Keshav Apte ...	0	7½	1
7. Raoji Chintaman Bhat ...	1	30	5
8. Keshav Sitaram Damale ...	1	10¾	4
9. Vishnu Kashinath Damale ...	6	33½	9
10. Sona Govind Daphale ...	0	14	1
11. Laxman Raghunath Joshi ...	6	17½	1
12. Shrikrishna Nilkanth Joshi ...	1	32¼	1
13. Karmarkar brothers and Pandu Gharoji Shaitye ...	3	29¾	7
14. Harbhat Sakhanabhat Marathe ...	2	20½	2
15. Narayan Gharoji Shaitye ...	0	13¾	1
16. Pandu Gharoji Shaitye ...	0	35¾	3
17. Tukaram Ramji Shaitye ...	0	7	1
Total ...	30	17¼	49

CASE No. III.

The attached map merely indicates the extent of the fragmentatio n of three large holdings in Kane village, taluka Pen, district Kolaba. Holdings Nos. 1 and 3 belong to agriculturists, holding No. 2 to a non-agriculturist.

Statement showing different holdings held by three different Kabjedars in the village of Kane, taluka Pen.

No.	Name of Kabjedar.	Reference to survey number on the map in which his holding exists.
1	Ganoo Chang Patil ...	3, 5, 6, 29, 31, 66, 67, 74, 86, 102, 105, 115 and 33.
2	Mulchand Gemaji Shet ...	8, 9, 13, 14, 15, 16, 21, 23, 24, 27, 29, 32, 34, 35, 36, 38, 39, 41, 42, 43, 50, 55, 56, 59, 61, 62, 63, 64, 65, 67, 68, 69, 70, 72, 78, 81, 82, 83, 84, 85, 91, 92, 96, 97, 100, 102, 103, 106, 109, 110, 111 and 113.
3	Pavsya Kal Patil ...	2, 17, 32, 61, 62, 63, 67, 85, 86, 102 and 107.

CASE No. IV.

The following statement merely indicates the extent of sub-division of holdings in a typical village, showing the holdings of agriculturists and non-agriculturists separately. The village of Nehuli, taluka Alibag, district Kolaba, was selected because practically all the occupied land in the village is rice land, less than 4 acres out of 125 acres being *warkas* (*i.e.*, dry crop) land. It will be seen that the average size of a holding held by an agriculturist is only 2⅓ acres, and by a non-agriculturist 3½ acres. Amongst 24 agricultural holdings one is large, 3 or 4 fair in size, and the rest very small, 9 being less than one acre. Amongst 19 holdings of non-agriculturists one is large, 5 fair in size, and the rest very small, 8 being less than one acre.

Nehuli village, taluka Alibag, district Kolaba.

Agriculturists' holdings—

Holding No.	Acres.	Gunthas.
1	8	33
7	6	7
8	4	37
9	2	18
10	3	28
11	2	4
12	1	34
13	0	2½
15	18	17
16	2	5
23	2	22
24	0	17½
25	0	4
26	1	10½
27	0	13
30	0	37
31	1	25
32	0	2
33	0	25½
34	0	5½
37	0	12
38	7	23½
39	1	11
43	1	38

24 holdings with an aggregate area of:—

Acres.	Gunthas.
56	32

Average holding about 2⅓ acres.

Non-agriculturists' holdings—

Holding No.	Acres.	Gunthas.
2	9	6
3	4	27½
4	7	20½
5	2	33
6	0	34½
14	2	28
17	0	27
18	1	6
19	0	39
20	1	2
21	21	38
22	6	0
28	0	38
29	1	15
35	0	30
36	0	29½
40	4	16
41	9	35½
42	0	36

19 holdings with an aggregate area of:—

Acres.	Gunthas.
67	31½

Average holding about 3½ acres.

CASE No. V.

Badlapur village, taluka Kalyan, district Thana.

Assorted holdings showing extent of sub-division and fragmentation.

Name of holder.	Area held.		Assessment.			Number of separate plots.
	Acres.	Gunthas.	Rs.	a.	p.	
Chintaman Hari (Sowkar) ...	48	6	129	0	0	53
Vishnu Raghunath Vaidya (landlord) ...	67	0	137	0	0	38
Raoji Gopal Patil ...	1	9	1	4	0	6
Raoji Raghu Kulkarni ...	6	30	33	0	0	8
Rama Undriya Patil ...	24	0	22	0	0	17

The land referred to in the above statement is mostly rice land; but even the *warkas* (sloping dry-crop land) is much split up; *e.g.*, Survey No. 179 (area 25 acres—assessment Rs. 13) is split up into 22 sub-divisions. It grows only grass.

CASE No. VI.

Karla village, taluka Mawal, district Poona.

(Typical of rice tract immediately above the Ghâts.)

Assorted holdings showing extent of sub-division and fragmentation.

Name of holder.	Area held.		Assessment.	Number of separate plots.
	Acres.	Gunthas.	Rs. a. p.	
Bhika Tikaji Marwadi (Sowkar) ...	60	0	117 0 0	27
Genu Sakhada (Cultivator) ...	2	27	4 11 0	8
Chima Vithu (Cultivator) ...	12	31	12 0 0	5
Chimaji Jogoji (Cultivator) ...	16	6	27 6 0	7
Laxman Sakharam (Cultivator) ...	2	35	5 5 0	6

Most of the land shown in the above statement is rice land, but some bits of dry crop land are included.

B.—Gujarat.

CASE No. VII.

(Althan village, taluka Chorasi, district Surat. Area—Acres 694. Assessment—Rs. 4,381.)

Landholders 99, of whom 54 are cultivators and 45 are non-cultivators, which gives an average of 7 acres per holding, or ignoring non-cultivators, 13 acres per holding.

The largest non-cultivator's holding amounts to 86 acres in 23 separate plots.

The largest cultivators' holdings are—

(1) One of 41 acres, in 9 plots, the largest plot being 23 acres.

(2) One of 35 acres, in 8 plots, the largest plot being 17 acres.

(3) One of 26 acres, in 8 plots, the largest two of which are 6 and 5 acres respectively.

There are a good many small holdings of from 2 to 7 acres, but most of the holders of these manage to hire other land. In a few cases fragmentation has reduced the size of plots to ½ acre, but such cases are rare.

The village has heavy black soil and is a dry crop village growing cotton and jowari. A good cultivator aims at cultivating from 15 to 20 acres with one pair of bullocks, and a fair proportion of the cultivators secure this amount of land; so it will be recognised that from the economic point of view sub-division of land has not yet gone to any disastrous lengths. As regards fragmentation it will be noticed that it is considerable, and is certainly prejudicial, but the land is fairly level dry crop land, where there is no question of irrigation or garden cultivation, and comparatively little opening for permanent improvement. In such a case provided that the individual plots amount to 3 or 4 acres, and are not too small to admit of convenient tillage operations, the loss caused by fragmentation is relatively small. In the main this is the case here.

CASE No. VIII.

(Village Mangob, taluka Chorasi, district Surat. Area—458 acres. Assessment—Rs. 3,949.)

74 landholders of whom 14 are non-cultivators and 60 cultivators.

Largest non-cultivator's holding, 19 acres in one plot with a well.

Largest cultivator's holding, 14 acres of dry crop land in one plot.

The soil in this village is lighter than in case No. VII and there are 125 acres of garden land growing vegetables, ginger, chillies, etc. The rest is dry crop land, growing cotton and jowari. It will be seen that in this village the sub-division and fragmentation of the land is greater than in case No. VII. This is connected with the existence of garden land, and it is in such land that it is most pronounced, *e.g.*,

		Acres.	Gunthas.	
Survey No. 69—	Area	7	4	divided into 4 plots.
Survey No. 24—	„	9	5	divided into 7 plots.

The people say that as the garden land is sub-divided the rights in the old wells are also sub-divided, and the holders of rights in a single well repair the well jointly. This works fairly well up to a certain point, but they say that the sub-division of the garden land certainly checks the making of new wells, and very few are now being made, though there is plenty of suitable land where they might be made with advantage if the land was not so sub-divided.

CASE No. IX.

In the garden villages of the Bulsar and Jalalpur Talukas of the Surat District, where the pressure of the population on the land is greater, the sub-division and fragmentation are much more marked. The following statement gives details for some villages where it is very acute :—

Name of Village.	Cultivated area and assessment.	Cultivated area classified.			Number of land-holders.			Average holding per	
		Garden.	Dry crops	Rice.	Non-cultivators.	Cultivators.	Total.	Holder.	Cultivator.
		Bulsar Taluka.						Acres.	Acres.
Pardi Sandhpur ...	Acres 295 Rs. 3,146	246	47	2	33	100	133	2·14	2·85
Mograwadi ...	Acres 538 Rs. 3,335	178	333	32	38	122	150	3·58	4·41
Bhagda Vada ...	Acres 1,523 Rs. 5,546	101	1,186	236	122	321	443	3·43	4·74
		Jalalpur Taluka.							
Amalsad ...	Acres 1,192 Rs. 10,844	666	612	114	82	253	335	3·56	4·71
Kachholi ...	Acres 1,154 Rs. 10,962	406	695	53	109	210	319	3·61	5·49
Abrama ...	Acres 948 Rs. 14,9[illegible]	...	2,520	523	91	718	809	3·78	4·24
Eru ...	Acres 1,398 Rs. 5,775	...	1,117	281	6	387	393	3·53	3·61

The foregoing table shows the extent of the sub-division. The extent of the fragmentation may be gathered from the following examples of large and small cultivators—

Name.	Village.	Area cultivated.	Number of separate plots.
		Acres.	
Vasanji Sarbhai ...	Pardi Sandhpur .	18	14
Haribhai Gulab ...	Do. ...	13	18
Naranji Bhimbhai ...	Mograwadi ...	22	20
Ganda Ratanji ...	Pardi Sandhpur .	3	4
Khandubhai Mohanbhai ...	Do. ...	5	7

In the same group of villages the following examples may be given of individual fields where the fragmentation is very excessive :—

1. Village Abrama. Survey No. 218. Area 1 acre 26 gunthas. Assessment Rs. 28. (Bagayat.)

Separate Plots.	Area.		Crop grown in 1915.
	Acres.	Gunthas.	
1	0	9	Sugarcane.
2	0	9	Sugarcane.
3	0	10	Dry rice.
4	0	32	Dry rice.
5	0	3	Wal.
6	0	1	Guvar.
7	0	1	Uncultivated.
8	0	1	Dry rice.

2. Village Abrama. Survey No. 370. Area 26 gunthas. Assessment Rs. 13-8-0. (Rice land.)

Separate Plots.	Area.		Crop grown in 1915.
	Acres.	Gunthas.	
1	0	2	Uncultivated.
2	0	1	
3	0	2	
4	0	2	
5	0	1	
6	0	1	
7	0	2	Rice.
8	0	6	
9	0	9	

3. Village Pardi Sandhpur—Survey No. 28, area 3 acres 25 gunthas, assessment Rs. 44—is divided into 21 separate plots, and the whole was uncultivated in 1915.

From the above three cases it will be noticed that when the fragments become very small they tend to go out of cultivation.

CASE No. X.

In some parts of Northern Gujarat also, and particularly in the Chharotar sub-division, fragmentation of holdings has reached great lengths. Three statements are here given showing for three villages in the Kaira District the extent of the sub-division and fragmentation of particular holdings and of particular fields.

(1) *Showing extent of sub-division.*

Serial No.	Name of the village.	Occupied area.	Assessment.	Number of holders.		Average holding per cultivator.
				Agriculturists.	Non-Agriculturists.	
		A. g.	Rs. a. p.			Acres.
1	Saloon ...	2,418 7	14,018 0 0	438	109	5·52
2	Uttarsanda ...	2,231 19	14,095 2 0	484	86	4·60
3	Dabhan ...	1,997 18	14,251 1 0	450	92	4·43

(2) *Typical cases showing fragmentation of particular holdings.*

Name of village.	Name of Holder.	Agriculturists or non-agriculturists.	Area of the holding.	Assessment of the holding.	Number of separate plots.
Saloon.	*Big holders.*		A. g.	Rs. a. p.	
1	Patel Kishorbhai Jijibhai ...	Agriculturist ...	62 18	328 0 0	27
2	,, Mathurbhai Jeshangbhai ...	,, ...	65 34	412 0 0	23
3	,, Maghabhai Ichhabhai ...	,, ...	36 16	256 0 0	16
4	,, Chhotalal Mansukhbhai ...	Non-agriculturist ...	45 29	275 0 0	14
5	Tribhovan Chhaganlal ...	,, ...	13 30	61 0 0	7
6	Hiralal Shivlal ...	,, ...	11 39	62 0 0	9
	Small holders.				
1	Patel Chhagan Revandas ...	Agriculturist ...	7 9	53 4 0	5
2	,, Vaghaji Somabhai ...	,, ...	5 26	25 1 0	5
3	Desai Motibhai Shankerbhai ...	,, ...	13 16	70 0 0	6
4	Laxmishanker Prabhushanker ...	Non-agriculturist ...	3 14	18 15 0	2
5	Laxminarayan Parsadrai ...	,, ...	11 13	71 0 0	3
6	Shah Valavdas Gangadas ...	,, ...	5 32	47 12 0	3
Uttarsanda.	*Big holders.*				
1	Patel Ishvarbhai Bhulabhai ...	Agriculturist ...	28 4	186 6 0	15
2	,, Mathurbhai Muljibhai ...	,, ...	12 10	69 9 0	8
3	,, Lalubhai Narerbhai ...	,, ...	12 7	79 14 0	3
4	Morlidhar Maharaj ...	Non-agriculturist ...	70 24	378 0 0	18
5	Jamietram Shivlal ...	,, ...	12 7	73 10 0	4
6	Narandas Motiram Sadhu ...	,, ...	12 20	74 9 0	9
	Small holders.				
1	Patel Kishorbhai Bavaji ...	Agriculturist ...	5 26	35 8 0	5
2	,, Babarbhai Javerbhai ...	,, ...	5 34	35 11 0	5
3	,, Shankerbhai Manorbhai ...	,, ...	3 39	22 0 0	3
4	Gor Jagannath Shanker ...	Non-agriculturist ...	4 34	29 9 0	4
5	Mansukhlal Haribhai ...	,, ...	5 5	30 0 0	2
6	Motilal Nagar ...	,, ...	5 24	30 0 0	3

Name of village.	Name of holder.	Agriculturists or non-agriculturists.	Area of the holding.	Assessment of the holding.	Number of separate plots.
Dabhan.	*Big holders.*		A. g.	Rs. a. p.	
1	Patel Kishbhai Becharbhai ...	Agriculturist ...	24 38	173 12 6	13
2	„ Gokalbhai Kuberbhai ...	„ ...	26 10	172 6 0	15
3	„ Naranbhai Dadabhai ...	„ ...	14 36	113 9 0	13
4	Acharya Shripatprasad Biharilal ...	Non-agriculturist .	59 18	426 6 6	62
5	Pandya Dolatram Kirparam ...	„ ...	21 17	145 4 0	12
6	Pandya Dhirajlal Ranchhod ...	„ ...	8 24	58 9 0	7
	Small holders.				
1	Patel Chakabhai ...	Agriculturist ...	7 26	56 10 0	5
2	Bai Nathi (Patel Mathurabhai Girdhar's daughter).	„ ...	8 0	54 14 0	8
3	Patel Motibhai Muljibhai ...	„ ...	7 16½	52 2 6	13
4	Jamietram Pranshanker Bhatt ...	Non-agriculturist .	7 23	56 0 0	4
5	Narmadashanker Chhaganlal Bhatt ...	„ ...	5 34	41 5 0	4
6	Mansukhram Vidyaram ...	„ ...	5 18	45 15 0	6

3.—*Selected cases of excessive fragmentation of particular fields.*

No.	Name of village.	Total irrigated area.	S. No.	Area of S. No.	Number of divisions of S. No.	Size of the various divisions in gunthas.	Remarks.
		Acres.		A. g.			
1	Saloon ...	210	182	13 18	18	128, 19, 20, 34, 16, 41, 22, 24, 33, 29, 6, 18, 23, 31, 37, 14, 11, 27.	
2	„ ...	„	209	7 31	15	17, 18, 14, 16, 20, 20, 18, 15, 27, 14, 12, 28, 29, 35, 30.	
3	„ ...	...	630	5 33	12	32, 51, 34, 11, 4, 5, 16, 12, 4, 5, 8, 6.	
4	„ ...	„	548	7 1	7	32, 40, 43, 27, 30, 32, 27.	
5	„ ...	...	238	20 16	17	21, 19, 120, 102, 15, 15, 27, 23, 14, 14, 192, 49, 41, 42, 42, 40, 40.	
6	„ ...	...	81	3 3	3	61, 32, 30.	
1	Uttarsanda ...	351	926	6 18	12	10, 11, 10, 11, 12, 61, 28, 45, 28, 9, 4, 7.	During the recent Hissa Survey 456 survey numbers were divided into 1,525 sub-divisions.
2	„ ...	...	34	3 39	13	37, 37, 18, 18, 25, 26, 62, 21, 21, 16, 37, 21, 20.	
3	„ ...	...	245	13 16	14	28, 31, 36, 26, 40, 25, 34, 31, 36, 21, 25, 40, 59, 53.	
4	„ ...	...	934	11 24	12	24, 67, 76, 45, 41, 43, 13, 11, 14, 44, 42, 44.	
1	Dabhan ...	401	598	1 16	11	4, 3, 1, 3, 12, 5, 5, 5, 10, 5, 3.	
2	„ ...	...	592	0 32	21	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 2, 1, 2, 3, 3, 1, 2, 3, 1, 3.	14 divisions of 1 guntha. 3 of 2 gunthas. 4 of 3 gunthas.
3	„ ...	...	901	2 29	7	20, 9, 3, 13, 20, 17, 17.	
4	„ ...	...*	*643	0 17	25	Of these only five divisions are of one guntha, and the rest are less than one guntha.	

*This land is unirrigated land.

C.—Deccan.

The problem differs considerably between the West Deccan and the East Deccan.

In parts of the West Deccan where the rainfall is fairly regular and other conditions favourable, the pressure of the population on the cultivable land is often considerable. In the East Deccan it is usually far less.

Case No. XI.

The tables given below show the extent of the sub-division in five villages situated in the Koregaon Taluka, Satara District, under markedly favourable West Deccan conditions. They are distinctly non-irrigated villages, though a few wells exist. Most of their crops are kharif, but they have some rabi.

Name of village.	Average assessment per acre.	Average size of holding held by agriculturists.	Area held by non-cultivators and leased out to cultivators.
	Rs.	Acres.	Acres.
1. Tadvala ...	3·03	5·96	22
2. Jalgaon ...	1·87	5·19	741
3. Khed ...	1·70	6·09	541
4. Tripoti ...	1·23	8·32	282
5. Apsinge ...	·98	14·26	·33

The table below shows for the same five villages further details regarding the size of the holdings.

Cultivators' holdings.

Area of holdings.	Tadwala.			Jalgaon.			Khed.			Tripoti.			Apsinge.		
	No.	Area.	Average assessment per acre.	No.	Area.	Average assessment per acre.	No.	Area.	Average assessment per acre.	No.	Area.	Average assessment per acre.	No.	Area.	Average assessment per acre.
		Acres.	Rs.		Acres.	Rs.		Acres.	Rs.		Acres.	Rs.		Acres.	Rs.
1 to 5 acres ...	215	650	3·47	240	494	3·25	197	418	3·07	61	122	1·62	33	285	All inam land.
5 to 15 acres ...	90	733	4·14	82	735	2·37	117	1,028	1·91	31	269	1·21	28	149	2·09
15 to 25 acres ...	9	234	3·62	17	333	1·72	17	311	1·54	16	293	1·18	97	1,436	1·39
25 to 100 acres ...	8	303	4·06	8	241	1·94	9	317	1·67	8	283	1·43	62	993	·41
100 to 500 acres...	...	...	...	...	...	...	...	...	...	...	...	...	2	309	·42
Total ...	322	1,920	...	347	1,803	...	340	2,074	...	116	967	...	222	3,172	...

It will be noticed that in villages where the average assessment per acre varies from Rs. 3 to Re. 1 the size of the agriculturists' holdings varies from 6 acres to 14 acres. It is only in Apsinge where a large part of the land is of poor quality that the average holding exceeds 8 acres. No doubt the land held by non-agriculturists is leased out to some of the smaller holders and gives them some additional area to cultivate; but this relief does not amount to anything very material. The great bulk of the holdings have an area of less than 15 acres each. The best land is for the most part divided up into very small holdings.

Case No. XII.

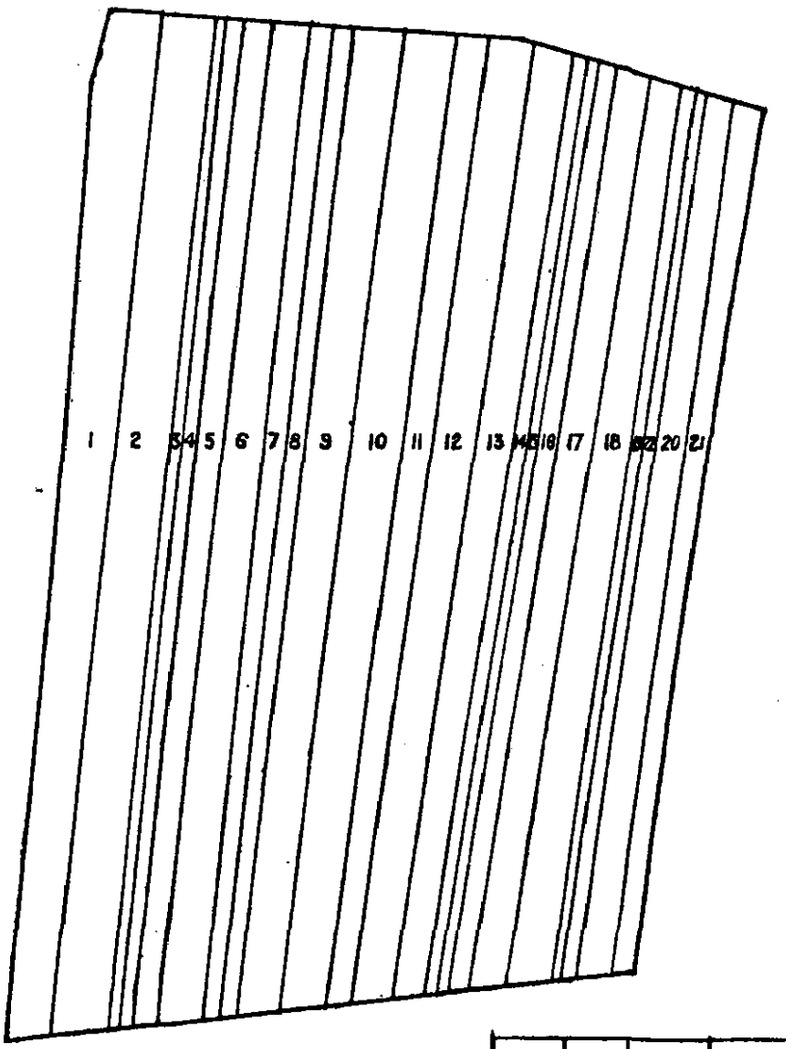
The village of Lhasurna, taluka Koregaon, district Satara, is close to the five villages mentioned in case No. XI. The average size of the holding is 5 acres, and the average assessment per acre for the village is Rs. 2·63. There are 100 acres under patasthal irrigation.

CASE Nº XIV

MUNDHVA VILLAGE

S Nº 92

Scale 330 Feet to an Inch



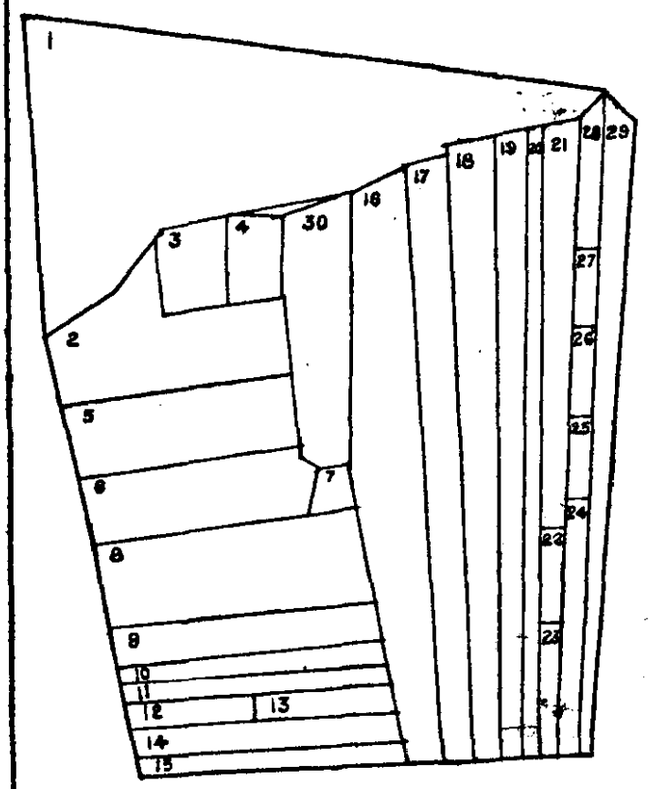
SURVEY Nº	POT S Nº	PART OF POTS Nº	AREA A.	AREA G.	ASSESSMENT R.	ASSESSMENT A.	ASSESSMENT P.
92		1	3	21	4	10	0
		2	3	30	4	15	0
		3	0	39	1	4	0
		4	1	0	1	5	0
		5	1	24	2	2	0
		6	2	23	3	7	0
		7	1	8	1	9	0
		8	1	12	1	10	0
		9	2	20	3	7	0
		10	3	27	4	10	0
		11	1	34	2	8	0
		12	2	32	3	9	0
		13	2	20	3	5	0
		14	0	30	0	14	0
		15	0	31	0	14	0
		16	1	1	1	2	0
		17	1	33	2	2	0
		18	2	17	2	12	0
		19	0	39	1	2	0
		20	1	35	2	3	0
		21	1	8	1	6	0
		22	0	38	1	2	0
			41	10	51	14	

CASE No. XIV

MUNDHVA VILLAGE

S No. 54

Scale 330 Feet to an Inch



SURVEY No.	POT S No.	PART of POT S No.	AREA A.	AREA G.	ASSESSMENT R.	ASSESSMENT A.	ASSESSMENT P.
54	1	1	2	27	5	13	0
		2	1	25	3	9	0
		3	0	16	0	14	0
		4	0	12	0	10	0
		5	1	5	2	7	0
		6	1	5	2	7	0
		7	0	4	0	3	6
		8	1	30	3	12	0
		9	0	29	1	9	0
		10	0	15	0	13	0
		11	0	15	0	13	0
		12	0	10	0	8	6
		13	0	10	0	8	6
		14	0	20	1	1	0
		15	0	19	1	1	0
		16	2	11	4	14	0
		17	1	28	3	11	0
		18	1	31	3	14	0
		19	0	36	1	15	0
		20	0	27	1	8	0
		21	0	31	1	11	0
		28	0	6	0	5	0
		23	0	7	0	6	0
		24	0	15	0	13	0
		25	0	5	0	4	6
		26	0	7	0	6	0
		27	0	7	0	6	0
		28	0	10	0	8	6
		29	0	35	1	15	0
		30	1	2	2	5	0
			25	20	51	0	0

The following instances give an idea of the fragmentation of holdings :—

Survey No. 67 (Patasthal), area 38 gunthas, is divided amongst 6 holders. Average size of each plot 6½ gunthas.

Survey No. 70 (Patasthal), area 23 gunthas, is divided amongst 7 holders. Average size of plot 3¼ gunthas.

Survey No. 71 (Patasthal), area 36 gunthas, is divided amongst 3 holders. Average size of plot 12 gunthas.

Survey No. 102, Pôt No. 13 (dry land), area 22 gunthas, is divided into 10 plots belonging to 10 different men. Average size of plot 2¼ gunthas. As a result of this extreme fragmentation it has been uncultivated for years past.

CASE No. XIII.

The village of Pimpla Soudagar, 9 miles from Poona, was selected by Dr. Mann for conducting an economic survey, and he recorded the following facts :—

Occupied area	... 951 acres.
Assessment	... Rs. 1,660
Number of holdings	... 156
Average size of holding	... 7 acres.
Number of separate plots owned	... 711
Average number of plots per holding	... 4½
Number of separate plots separately cultivated	... 729

CASE No. XIV.

The maps and explanatory statements given opposite of two survey numbers of Mundhwa village, near Poona, both under canal irrigation, show not only great fragmentation of the land, but indicate also the very awkward and unsuitable shapes into which the plots are divided. Some of these narrow strips running the whole length of the field are only 22 feet wide. Such a division makes effective tillage and irrigation impossible.

CASE No. XV.

In the case of poorer land the amount of sub-division and fragmentation is naturally less so far as the figures are concerned, though from the economic point of view matters are often at least as bad.

The following figures are for the village of *Khaâki*, taluka Man, district Satara. The soil is of the poorest and the rainfall as capricious as anything in the Deccan. The lands of this village may be taken as representing land on the very margin of cultivation, indeed most of them are well below the economic margin :—

Occupied area...	2,716 acres.
Assessment	Rs. 544.
Average assessment per acre	3 annas, 1 pie.
Number of landholders	160
Number of separate plots	825
Average size of holding	17 acres.
Average size of plot	2½ acres.

In the great majority of holdings, however, the size of the separate plots is much bigger than this. The patil has the largest holding with 137 acres divided into 17 plots, the average size of each plot being 8 acres. It is in the survey numbers which contain a well that fragmentation is marked, *e.g.*—

Survey No. 191 : area 16 acres ; assessment Rs. 4.

There are 14 separate plots in this field, belonging to 14 separate persons, and each of these persons has a share in the one well in the field.

Survey No. 201 : area 20 acres ; assessment Rs. 10.

There are 22 separate plots in this field belonging to 22 separate persons, and each of these persons has a share in the one well in the field.

CASE No. XVI.

The figures given below are for a tract where the pressure of population on the land is comparatively small and the holdings still fairly large :—

Arvi, taluka Dhulia, district West Khandesh :—

Occupied area	... 8,698 acres.
Assessment	... Rs. 2,150
Average assessment	... About 9 annas per acre.

36 holders have holdings of less than 10 acres.
74 holders have holdings from 10 to 20 acres.
60 holders have holdings from 20 to 50 acres.
9 holders have holdings above 50 acres.

Anakwadi, taluka Dhulia, district West Khandesh:—

Occupied area	... 1,300 acres.
Assessment	... Rs. 556
Average assessment	... 7 annas per acre.

The Marwadi money-lender owns 356 acres which he leases out to others.

Of the remaining land 7 holdings aggregating 411 acres are between 50 and 70 acres each. The remaining 33 holdings, aggregating 533 acres, average out at 16 acres apiece.

The land of the above two villages is light soil, growing bajri and cotton, and the amount of irrigation is negligible.

CASE No. XVII.

The last case refers to a typical cotton-village in the East Deccan, where the soil is deep, the rainfall somewhat precarious and the pressure of population on the soil comparatively small.

Murgundi, taluka Athni, district Belgaum—

Occupied area	... 2,327 acres.
Number of holdings	... 153
Average area of holding	... 15 acres.

Number of separate plots 327, *i.e.*, slightly over 2 per holding.

It will be seen that here neither sub-division nor fragmentation is acute.

Fragmentation occurs, however; *e.g.*,

Holding A, 31 acres in 7 plots.
Holding B, 12 acres in 6 plots.
Holding C, 30 acres in 8 plots.

Per contra many of the other holdings are unfragmented.

There are 113 working bullocks, *i.e.*, one pair for 40 acres.

APPENDIX II.

THE EXTENT OF FRAGMENTATION AND SUB-DIVISION OF HOLDINGS IN OTHER COUNTRIES, THE CAUSES OF THE SAME AND THE REMEDIAL MEASURES TAKEN.

A. England.—In England, as is well known, the Law of Entail, the custom of primogeniture and the difficulties involved in the conveyancing of land have resulted in the concentration of the land in the hands of a very few persons. It was estimated* not very long ago that there are in Great Britain not more than 250,000 owners of land, and that four-fifths of the land belongs to about 7,000 persons. Consequently there has been in England no question of excessive sub-division of land,—indeed the problem has been the exact reverse, *viz.*, the over-concentration of land in the hands of a few people; and the land legislation that has been undertaken or projected in recent years has been intended to encourage and promote sub-division of land and to bring small holders into existence.

B. France.—In France the situation is the opposite of that in England. The Code Napoleon enacts that on the death of the father property must be equally divided amongst all the children, and limits the parental power of testamentary disposition of property to a part equal to one child's share. This law was bequeathed to France by the authors of the French Revolution. It is designed to promote equality, and to secure the rights of the whole community in the distribution of public wealth. Even before the French Revolution there were many small holdings in France, but it is undoubtedly the case that the operation of this law has caused and continues to cause a great sub-division (and incidentally fragmentation) of holdings. It has roughly been estimated† that in France there are 5,000,000 land owners who own estates averaging 7½ acres each, 500,000 who own estates averaging 75 acres each, and 50,000 who own estates averaging 750 acres each. It is asserted that together with the sub-dividing action of the law, another consolidating force is in operation, which arises from the fact that the peasants are very hard-working and frugal, and manage to save enough money to purchase small parcels of land adjoining their own, and to round off their own small properties. The fact that in France families are usually small also mitigates the evil. Still in some parts of France the holdings have been sub-divided and fragmented to an extent which is very prejudicial to effective production and a demand has arisen‡ in France for a modification of the law which leads to such results, with a view to creating peasant holdings of the right size and shape, and to reconstituting into solid holdings the existing scattered plots. This demand has never been met in full by legislation, but Acts§ passed in 1908, 1909 and 1910 allow every farmer to voluntarily place beyond the possibility of expropriation and seizure for debt a holding of a value not exceeding 8,000 francs (Rs. 5,000) which is occupied and worked by his family. This holding remains a joint family property. It is now proposed to extend the scope of this law, presumably in the directions already taken in other European countries (*vide post*).

C. Germany.—In Germany the Law of Inheritance varies greatly in the different States. In Prussia the law and custom favour the formation of large estates, while in Southern Germany the reverse is the case.

In *Wurtemberg* a certain moderate portion, defined by law, of the father's property passes to each child, and over the remainder the father is allowed liberty of disposition. So far as is possible, an effort is made to leave a small farm intact to a single son, but it frequently happens that the daughters are on their marriage allotted a share of the paternal land, and as the husband is probably the possessor of a piece of land elsewhere in the Commune, the sub-division and intersection of land became serious and it was estimated‖ in 1880 that the land in Wurtemberg was held by 280,000 peasant owners with less than 5 acres each, as against 160,000 proprietors of estates of more than 5 acres each.

In *Bavaria* part of the State has adopted the Law of Inheritance laid down by the Code Napoleon, and in the other part the law ordains** that on the death of the father one-third to one-half of his property (according to the size of the family) must be divided equally amongst his children, and over the remainder he can exercise a testamentary disposition. Great efforts are made by the peasants to keep their farms intact, but the land has become much sub-divided.

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*"Free Land" by Arthur Arnold (1880).

†M. de Lavergne "Economie Rurale de la France", 1875.

‡M. Jousier "Economie Rurale", pages 344—355 (1903). Bulletin of Economic and Social Intelligence for December 1910, issued by the International Institute of Agriculture, Rome.

§M. Jousier "Economie Rurale", pages 344—355 (1903). Bulletin of Economic and Social Intelligence for February 1914.

‖"Agrarian legislation in Germany during the present century" by R. B. D. Morier (1850).

**"The Law and Custom of Primogeniture" by the Hon. G. C. Brodrick.

In his "Report on the Tenure of Land in the Grand Duchy of Hesse" submitted to the Foreign Office in 1870, Mr. R. B. D. Morier makes the following interesting remarks:—

"In the great majority of cases the holdings are dispersed over the arable land of the community in single parcels intersected by those of other holdings. In many parts of the Grand Duchy the sub-division arising from these causes has reached an intolerable pitch, and various consolidating Acts have been passed for the purpose of remedying the evil. These Acts have, however, only been partially successful, and a new measure is being at the present moment prepared which, it is hoped, will prove more efficacious. In the districts in which the consolidated farms are situated, immemorial custom has ruled that the property in its entirety descends to one child, almost invariably the eldest son, and the younger children do not avail themselves of their undoubted right to claim their *pars legitima*, though it is, of course, usual that some sort of provision is made for them."

During the past 30 years much work has been done in Germany in the way of creating and resettling peasants' holdings on an economic basis. This work has been entrusted to Land Commissions which have been created by the legislative enactments of various States dating from the seventys and eightys. In Prussia eight General Commissions exist for settling land on an economic basis either by the sub-division of large estates, by restriping or by the occupation and improvement of waste lands. The aggregate area of the economic holdings so formed is about 1,350,000 acres. The economic holdings so formed may not be sub-divided nor may they be added to the lands of large landholders*.

A short account† may be given of the work undertaken by the Commission in West Prussia where the main problem is to divide up large estates into small ones and to settle peasant farmers on improved waste lands. This Commission was founded by a law of 1886 which gave the Commission certain powers and placed at its disposal a fund of 100,000,000 marks. With this money the Commission buys large estates, divides them into suitable small farms, and contributes to the necessary expenses of the settlements. These small farms are given out—

(1) on lease for definite periods,

(2) on freehold, on payment of the price,

(3) on purchase by instalment, and subject to certain definite conditions.

System No. (3) is the most popular.

By a law of 1896 the small farms, so formed, can be sub-divided or separated into parts only with the consent of the Commission. They can be transferred to persons outside the family of the holder only with the consent of the Commission, but this consent can be refused only when the effect of the transfer would be to merge the farm in a larger estate. To preserve the farm intact the law of 1896 subjects these farms to special laws of inheritance differing from the principle of equality of heirs as established by the German Civil Code of the same year. The law lays down that in the absence of testamentary disposition the holding passes intact to the principal heir, and other heirs can obtain only limited shares in the form of annuities.

By 1903 the funds at the disposal of this Commission had been raised to 550,000,000 marks. In purchasing land compulsory expropriation is authorised when the land cannot be obtained otherwise. The land is not handed over to the peasants in its rough state, but drainage or irrigation works are previously undertaken. Roads are made and great care is taken to fix the area of the holdings with regard to their productivity, and to give each holding a good assortment of various qualities of soil without scattering the fields. Endeavour is made to place the homesteads sufficiently far apart to give each homestead plenty of elbow room and to situate it with reference to its land so as to effect economy of time and labour, but not so far apart as to check the development of the collective spirit or of co-operative action.

In Southern Germany where the holdings are already small and fragmented, as noted above, the method by which the Commissions proceed is mainly restripment, *i.e.*, the readjustment of fragmented holdings into compact and conveniently situated blocks. The following examples of this work may be given:—

"The lands of Hohenbaida in Saxony consisted of 1,374 acres belonging to 85 proprietors. It consisted of 774 separate plots. Restripment reduced the number of plots to 60, most of which were served by a single central road. The work was executed at a cost of 3,126 francs (Rs. 1,953), *i.e.*, at a cost of (about) 2½ francs (Rs. 1-9-0) per acre. By the saving of area occupied by roads and fences 21 acres were gained, that is to say, more than the cost of the operation. In consequence of the restripment it has been necessary to increase the size of the barns to provide for the larger outturn of the farms."

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* Bulletin of Economic and Social Intelligence for March 1912.

† Bulletin of Economic and Social Intelligence for December 1912, published by the International Institute of Agriculture, Rome.

In another* case from Ostheim in Hanau it is stated:—

"After first rising in revolt against the proposed readjustment of their holdings, stoning the surveyors and chasing them away, the people of this commune ended by submitting to the proposal, and having seen the advantages which resulted, showed their appreciation in the way that they received the Minister for Agriculture. The Minister was received by almost all the male population on the outskirts of the village, and the chief of the deputation, who four years before had lodged the protest in Berlin, advanced and thanked the Minister for the readjustment of lands which had been carried out against the wishes of the inhabitants, stating that they had not understood the matter, but now they quite appreciated the advantages of the operation which had in many cases trebled the value of the land affected."

In the above cases restripment was carried out under the law upon the application of a majority of the landholders affected.

Some† of the most recent legislation for preserving economic holdings intact has been passed in Schwartzburg Sondarshausen. A law of 1883 required the previous consent of the Provincial Governor before estates could be subdivided; but this was found to be inadequate. A "New Law against sub-division of land" passed in 1912 enacts that this consent to sub-division shall be given only on three conditions:—

(*a*) Payment of a fixed tax,

(*b*) Right of retrocession,

(*c*) Right of preemption for the Commune and Rural Bank.

The object of this law is to prevent sub-divisions of land which are anti-economic and disastrous to the good working of farms.

D. Switzerland.—In Switzerland sub-division and fragmentation has been carried to such lengths that in one canton (Ticino) the average size of a farm is only 9 acres and the average number of separate parcels in each farm is 35, the average area of each parcel being ¼ of an acre. When legislation was first introduced for restriping (*i.e.*, readjustment of scattered holdings) the opposition on the part of the landholders was great. The necessity for overcoming evils caused by this minute sub-division and for improving means of communication was so great, however, that the legislation was forced through, and the results obtained were so satisfactory that the new provisions of the Swiss Civil Code, fixing once for all the principle of the necessity for the minority to conform to the decision of the majority, was well received by all parties concerned; and it is now held in Switzerland that the economic future of the country depends chiefly on the manner in which these provisions are applied in different cantons. The large number of small farms is regarded as a benefit, and all that the legislation aims at checking is a too minute sub-division which seriously checks production and land improvement. The earliest legislation took place in the Canton of Lucerne in 1808 and in 1837 to encourage the union of small holdings; but these laws remained a dead letter because no provision was made for overcoming the opposition on the part of the minority.

The first law introducing the element of compulsion was passed in Ticino in 1852. This law granted to a proprietor the right of compelling his neighbours to sell to him or to exchange plots of less than 300 square metres adjacent to his own property. The neighbouring proprietor might require in exchange a plot superior by one-fifth to the value of the plot given up by him. This law also remained inoperative. The law under which progress has been made is the law of 1902 for "the restriping and readjustment of landed property". This law lays down that as soon as the undertaking is planned the consent of a majority of proprietors concerned, or, in default of this, of a number of proprietors who represent half the land to be restriped will be sufficient to compel the opposition to associate in the work. Restriping may even be ordered officially by the Council of State in the case of any commune or region of 10 hectares, when the average extent of the parcels in such commune or zone is less than 500 square metres. In 1908 restriping was declared to be compulsory by the Council of State in six communes.

Other Cantons have passed very similar laws, and in many Cantons restriping has been systematically ordered on a compulsory basis in connection with the construction of public works such as road-making, canals, drainage or surveys. Commissions are appointed to carry out the work and grants of public money made to facilitate the work. In the Canton of St. Gall it is shown that restriping with closer grouping adapted to local conditions has caused all the inconveniences due to sub-division and fragmentation to disappear, and the enhanced value of the holdings resulting from this work is estimated at from 60 per cent. to 77 per cent.

As a result of the experience gained by the operation of these communal laws the principle has now been accepted in the Swiss Federal Legislation, and Article 703 of

*Bulletin issued by the Ministry of Agriculture in 1884 and quoted on pages 353—355 of M. Jousier's "Economie rurale".

†Bulletin of the Bureau of Social and Economic Intelligence for October 1912, page 203, published by the International Institute of Agriculture, Rome.

the Swiss Civil Code provides for the compulsory restriping of land when the project is approved of by two-thirds of the persons interested, representing more than half the land. The Cantons have the power of modifying this provision for their own purposes, and work on their own laws. Mr. Girsbarger estimates the increased value obtained by restriping at francs 500 per hectare (Rs. 153 per acre) and calculates the minimum annual saving due to the work already undertaken at one million francs* (=Rs. 6¼ lakhs).

E. Austria.—In Austria extensive agricultural work connected with the reform of land tenures, the reclamation of waste lands, homestead settlements, etc., is undertaken by Commissions. The restriping of fragmented holdings is part of the work entrusted to such Commissions. Under the law of 1883 restriping could be enforced upon the application of half the landholders affected, but under a recent law restriping can be enforced upon the application of one-third of the landholders affected, provided that they enjoy half the net yield of the parcels of land to be restriped. Much work of this nature has been accomplished and it is recorded that "wherever restriping has been carried out it has realised the results expected from it, increased the yield of the land and reduced the cost of production."†

F. Spain.—The work‡ undertaken by the Government with a view to the economic regeneration of farms in Spain falls under three heads—

(1) Splitting up big estates.

(2) Uniting scattered parcels into economic holdings.

(3) Bringing waste and unreclaimed land under cultivation.

Expropriation is permitted in the case of splitting up big holdings, and also in the case of restriping when it is necessary for the sake of providing each farm with an area sufficient for economical farming.

Specially aided Co-operative Institutions are brought into existence to aid these colonies of homestead farms.

G. Denmark.—In Denmark there is in each Department a Commission for the creation of small economic holdings. Between 1909 and 1914 the State has advanced sums amounting to the equivalent of Rs. 1¾ crores for this purpose. The economic holdings so created cannot be sub-divided nor united with other land.§

H. *Sweden.*—In Sweden the work of reconstituting peasants' farms was commenced a century ago. The objects of the operations were—

(*a*) To create compact holdings out of scattered lots,

(*b*) To enlarge farms which were too small to an area that would admit of economical farming.

The first law was passed in 1807, and an amended law passed in 1821 is the law still in force under which the work is done. This work has gone on very steadily for a century and some 260,000 farms have been reconstituted on this basis, and whereas the number of plots of land constituting a peasant's holding was formerly often from 20 to 40, the average number is now only 2. Of the total number of 260,000 farms mentioned 180,000 of the holders continue to live in the villages, and the other 80,000 holders, with their families, nearly a third part of the peasant landholders of Sweden, have in the past century quitted the village site to go and live on their lands now united into larger lots.‖

I. Italy.—In Italy the Law of Inheritance allows a landowner to leave half his property as he likes, but the other half must be divided equally amongst his children. Owing to this law holdings have become much sub-divided.

In 1894 an Act was passed which enabled a landholder having land, the net income from which was calculated at between 200 and 600 francs per annum, to constitute this land as a "family property". A farm so constituted ceased to be the property of an individual and was held jointly by the family. It also became inalienable and could not be seized for debt.

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*Bulletin of Economic and Social Intelligence for March 1913, published by the International Institute of Agriculture, Rome.

†Bulletin of Economic and Social Intelligence for April 1912.

" " " May 1913, published by International Institute of Agriculture, Rome.

‡Bulletin of Economic and Social Intelligence for December 1912.

§ " " " March 1912, published by International Institute of Agriculture, Rome.

‖Bulletin of Economic and Social Intelligence for October-November 1910, published by the International Institute of Agriculture, Rome.

In 1910 a further Bill was introduced to facilitate the creation of small farms of from 2½ to 7 acres each, to form which peasants could obtain from the Government loans on easy terms. The farms so formed were to remain indivisible.*

J. Russia.—The case of Russia is instructive because prior to 1906 a large part of the land was held jointly by families on a system somewhat analogous to the Hindu joint family system. With a view to improve the extremely backward and ineffective system of farming in Russia and to raise the peasants from their abject state of poverty, important agrarian legislation was undertaken in 1906. The two most important factors in the reforms instituted consisted of—

(*a*) the abolition of collective family ownership, and the substitution of the head of the family as the free and independent owner of the holding,

(*b*) the reuniting in one contiguous holding the scattered plots which formerly made up the holding.

These measures were applied in the case of some lands on the application of the holders, and in the case of others compulsorily.

It was objected that it was unjust to deprive the other members of the family of their rights in the holdings, and the theoretical "injustice" of the proceeding was admitted; but it was held that these men who were dispossessed of their illusory rights to a share of the produce of uneconomic holdings would be better off as free labourers, and that the measure was necessary for the regeneration of agricultural practice. As a matter of fact agricultural wages in Russia have risen largely since that time, and the condition of the dispossessed sharers has been improved.

As a result of these measures it is now reported that—

(*a*) More than three-fourths of the investigated farms have now land in one contiguous piece, while formerly the great majority consisted of six or more separate pieces of land, and many of them of 30, 40 or even 100 pieces.

(*b*) Most of the farmers now live on or near their own farm.

(*c*) More than 40 per cent. of the peasants have now carried out marked improvements on their farm lands.

(*d*) Agricultural implements have been greatly improved in quality.

(*e*) Agricultural practice has been greatly improved.

(*f*) The harvest gathered in recent years on these newly settled farms is heavier than on farms still held on the old system.

K. Belgium.—In Belgium the Code Napoleon is in force and its operation has resulted in the creation of many small holdings, but in Flanders, at any rate, the holdings, though small, have not been seriously split up into separate parcels. This danger to a large extent was averted by the sagacity and care of the small land-owners. M. Emile de Lavalaye states†: "The Flemish peasant attaches too much value to the proper outline of a field to break it up into pieces; he would rather sell it altogether. He would never think of dividing the farm he cultivates amongst his children. On the contrary he will submit to extraordinary sacrifices to give the farm the size and typical shape it should have."

L. Holland.—In Holland there is an interesting tenure known as *Beklem-reght* which constitutes a permanent tenant right. This right can be sold, mortgaged or bequeathed, and is very similar to the Occupancy Right of the Bombay Presidency, but with this important difference that the right is indivisible and so presents an effective bar to injurious sub-division of land. In spite of this they are proposing in Holland to introduce legislation to facilitate restripment.

M. Jersey.—In Jersey the Law of Inheritance is substantially the same as in France, but with this important difference that when a farm is of an area less than 1½ acre the eldest son inherits the whole.

N. Japan.—70 per cent. of the holdings in Japan are smaller than 2½ acres, and are much fragmented. The cultivated land of Japan is for the most part sub-divided into small, narrow and irregular lots, with an insufficient and often unreasonable system of roads, and often imperfectly and not suitably irrigated, and drained. With the object of increasing the produce of the soil, and preventing the inconvenience caused by the existence of numerous small lots belonging to the same proprietor, and scattered over a large area, the Japanese Government, following the example of other countries, has appointed Commissions to effect readjustment of lands.

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* Bulletin of Economic and Social Intelligence, published by the International Institute of Agriculture, Rome, for February 1911,
" " " June 1915.
" " " July 1915.
" " " February 1917.

† Land System of Belgium and Holland, by M. Emile de Lavalaye (1880).

A law for the readjustment of lands was passed in 1899 and amended in 1909. The law provides for—

(1) the necessary interchange of land and the restriping of lots,

(2) the construction of roads, irrigation works, etc.

In order to obtain authorisation to form a Syndicate for the readjustment of farm lands it is necessary to obtain the consent of at least half the landowners in the tract in which the Syndicate intends to work, and these landowners must represent two-thirds of the land affected. The farms restriped are exempted from land tax, and special credit institutions are provided to finance them.

So far as the work has gone, it has resulted in considerable improvements in roads and canals, an increase in rice growing, and the general convenience of all concerned.*

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* Bulletin of Economic and Social Intelligence for February 1913, published by International Institute of Agriculture, Rome, and

"Outlines of Agriculture in Japan", pages 22-23, issued by the Agricultural Bureau, Tokio (1910).

APPENDIX III.

DRAFT BILL AND SHORT STATEMENT OF OBJECTS AND REASONS.

A Bill to enable landowners in the Presidency of Bombay to prevent the excessive sub-division of agricultural holdings.

Wheras it is expedient to enable landowners in the Presidency of Bombay to prevent the excessive sub-division of agricultural holdings; and whereas the previous sanction of the Governor-General required by section 79, sub-section (2), of the Government of India Act, 1915, has been obtained for the passing of this act; it is hereby enacted as follows:—

5 and 6 Geo. 5, c. 61.

1. (1) This act may be called the Bombay Economic Holdings Act, 191 .

Short title and extent.

(2) It extends to the whole of the Presidency of Bombay except the city of Bombay and Aden.

2. In this act unless there is anything repugnant in the subject or context—

Definitions.

(*a*) "collector" includes any person duly authorised to exercise the powers of a collector under this act;

(*b*) "economic holding" means a plot of land registered for the time being as an economic holding under this act;

(*c*) "unoccupied land" means land which, by virtue of section 37 of the Bombay Land Revenue Code, 1879, or otherwise, vests absolutely in the Government, free from all encumbrances;

Bombay V of 1879.

Cf. II of 1899, s. 2 (14).

(*d*) "instrument" means any document by which any right or liability is, or purports to be, created, transferred, limited, extended, extinguished or recorded;

(*e*) "registered owner" means any person in whose name an economic holding is for the time being authorisedly registered; and

(*f*) "prescribed" means prescribed by rules made under this act.

3. Any plot of agricultural land which, by reason of its size, situation, fertility, facilities for irrigation and other qualities, the collector may consider to be suitable for registration as an economic holding may be so registered, subject to the provisions of this act and the rules for the time being in force thereunder.

Kind of land which may be registered as an economic holding.

4. (1) Except in the case of unoccupied land, no land shall be registered as an economic holding unless an application has been made in this behalf by some person interested in the land.

Application for registration.

(2) On receipt of an application under sub-section (1), if the collector has reason to believe that the land to which the application relates is unsuitable for registration as an economic holding, or that all the persons interested in the land do not desire that it shall be so registered, or that there is any other sufficient ground for not proceeding further in the matter, he shall not be bound to cause notice to be given as hereinafter provided.

(3) Where the land which it is proposed to register as an economic holding is vested in a female subject to Hindu law, and such female does not possess an absolute interest therein, a reversioner shall, for the purposes of this section and of sections 5, 6, 7, 9 and 12, be deemed to have an interest in the land.

5. (1) Before registering any land, other than unoccupied land, as an economic holding, the collector shall cause public notice to be given, stating that it is proposed to register such land as an economic holding.

Cf. I of 1894, s. 9.

Notice before registration.

(2) Such notice shall be published on or near the land and at such other places and in such manner as may be prescribed.

(3) Such notice shall contain a description of the land sufficient to identify the same and shall contain such particulars as may be prescribed, and shall require all persons interested in the land to appear personally or by agent before the collector at a time and place mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state the nature of their respective interests in the land and any objections which they may have to urge against the registration of the land as an economic holding.

(4) The collector shall also cause copies of such notice to be served on the occupier (if any) of the land and on all such persons known or believed to be interested therein or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf in the district in which the land is situated. In case any person so interested lives elsewhere and has no such agent, the notice may be sent to him by post to his last known address.

6. The collector may also require any such person to make or deliver to him at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition) a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or in any part thereof and of the nature of such interest.

Cf. I of 1894, s. 10.

Requisitions for information.

Cf. I of 1894, s. 11.

Enquiry and registration.

7. (1) On the day fixed under section 5 or on any other day to which the enquiry has been adjourned the collector shall enquire into the nature of the respective interests of the persons claiming to be interested in the land and the objections (if any) which any such person has to urge against the registration of the land as an economic holding.

(2) Where no person interested in the land who appears at the enquiry raises any objection to its being registered as an economic holding, the collector may register the land accordingly in the prescribed register.

Procedure for enquiry.

8. An enquiry under section 7 shall be conducted according to the procedure for formal enquiries as provided in the Bombay Land Revenue Code, 1879.

Bombay V of 1879.

Registration of name of owner.

9. (1) In the case of land other than unoccupied land, the collector shall, at the time of registering an economic holding, enter it in the name of some person as registered owner.

(2) In the case of unoccupied land, the name of the registered owner may be entered at any time when the economic holding or an interest therein is assigned by or on behalf of the Government to any person.

(3) Only one person shall be entered as registered owner, and if the land is not unoccupied land and it is shown in the enquiry under section 7 that more persons than one possess an interest in it, the collector shall not register the land unless all the persons possessing an interest therein agree to its being registered in the name of one person.

Economic holding to vest absolutely in registered owner.

10. The economic holding shall vest absolutely, free from all encumbrances, in the first registered owner from the date of the entry of such owner's name in the register; provided that nothing in this section shall be deemed to affect the provisions of the Bombay Land Revenue Code, 1879, or any conditions lawfully annexed, by the government or any government officer, to the tenure of the land.

Bombay V of 1879.

Entry in register to be conclusive proof.

11. (1) An entry in the prescribed register of any land as an economic holding, or a certified copy of such entry, shall be conclusive proof that such land is an economic holding.

(2) Where the name of the first registered owner has been entered in such register, the entry or a certified copy thereof shall be conclusive proof that the holding vested absolutely, free from all encumbrances, in such owner at the date of the entry, subject to the proviso to section 10.

(3) The rule enacted by section 4 of the Indian Evidence Act, 1872, with respect to facts declared by the said act to be conclusive proof, shall apply to the entries and copies referred to in sub-sections (1) and (2) of this section, in the same manner as if this section were a part of the said act.

I of 1872.

Cancellation of registration.

12. (1) The registered owner of an economic holding may apply to the collector for the cancellation of the registration of such holding.

(2) On receipt of such application the collector, if he is of opinion, after hearing the registered owner, that there are sufficient grounds for holding an enquiry, shall cause notice to be given that it is proposed to cancel the registration.

(3) Such notice shall contain a description of the economic holding sufficient to identify the same and shall require all persons who may have any objections to urge against the cancellation of the registration to appear personally or by agent before the collector at a time and place mentioned (such time not being earlier than fifteen days after the date of the publication of the notice) and to state their objections.

(4) Such notice shall be published on or near the land and at such other places and in such manner as may be prescribed.

(5) On the day fixed or on any other day to which the enquiry has been adjourned the collector shall enquire into any objections urged by any person present and may, subject to such rules as may be made under this act, cancel the registration or not as he deems fit.

(6) The cancellation of the registration of an economic holding shall not affect any interest in the holding which any person possesses at the time when the registration is cancelled.

Maintenance of register.

13. The collector shall maintain the prescribed register and shall from time to time enter therein the name of the person for the time being entitled to each economic holding registered therein, in such manner and according to such procedure as may be prescribed.

Economic holdings are impartible.

14. An economic holding and every interest therein shall, notwithstanding any law or custom to the contrary, be deemed to be impartible and shall not be liable to sub-division.

Economic holdings to be held in severalty.

15. (1) An economic holding shall be held absolutely and in severalty by the person entitled to it for the time being.

(2) This section is subject to the proviso to section 10.

Illustrations.

(*a*) *A*, who is a member of a Hindu coparcenary, acquires an economic holding; such holding cannot in any circumstances become coparcenary property.

(*b*) Where a female succeeds to an economic holding, she takes an absolute interest in it.

Partition, partial transfer and transfer to two or more persons prohibited.

16. (1) Every instrument and every agreement which purports, or which if carried into effect would operate—

(*a*) to effect any partition of an economic holding or of an interest therein, or

(*b*) to transfer or dispose of a part only of such holding or of an interest in such part, or

(*c*) to transfer an economic holding or a part thereof, or an interest in an economic holding or in a part thereof, to or for the benefit of two or more persons whether jointly, severally or in common,

shall, to that extent and save as provided in sub-section (2), be void.

(2) Nothing in this section shall apply to a lease of part of an economic holding for a term not exceeding one year: provided that any instrument or agreement whereby the lessor agrees to renew the lease or in any manner to lease part of the holding for any further period, shall be void.

Illustrations.

(*a*) A sale or devise of one part of an economic holding to one person and of another part to another, or a mortgage effected on, or a life-interest created in, a part only of an economic holding would be unlawful.

(*b*) A trust under which the whole of an economic holding was vested in one trustee for the benefit of one beneficiary, would be lawful, but a trust which would vest the beneficial interest in several parts of the land in two or more persons would be unlawful.

(*c*) An economic holding cannot become the property of a firm of partners.

Cultivation and occupation of economic holding by two or more persons, or of a part only of an economic holding, prohibited.

17. Every instrument and every agreement purporting to provide—

(*a*) for the cultivation or occupation of an economic holding by two or more persons, or

(*b*) for the cultivation or occupation by any person of any part only of an economic holding,

shall be void whether such instrument or agreement purports to affect any interest in the land or not.

Law of succession.

18. On the death intestate of the person entitled to an economic holding, the heir of such person shall, for the purpose of succession to such holding, be determined in accordance with the rules contained in the schedule.

Power of collector to send certificate to court.

19. (1) Where it appears to the collector that by virtue of or in execution of a decree or order of any court in British India any part only of an economic holding or any interest in such holding has passed or may pass into the possession of any person in contravention of the provisions of this act, the collector may send a certificate under his hand and seal to the court stating that the property to which the decree or order relates is an economic holding or a part thereof or an interest therein, or otherwise as the case may be, and showing in what manner the provisions of this act have been contravened. *Cf.* Bombay III of 1874, s. 10.

(2) On receipt of such certificate the court shall remove any attachment or other process then pending against the said property and shall set aside any sale or order for the sale or transfer thereof and shall cancel the said decree or order so far as it relates to the said property.

(3) In this section the expression "order of any court" includes the order of a person exercising powers under the control of a court, such as a receiver in insolvency jurisdiction.

(4) Nothing in this section shall be deemed to empower the collector to send such certificate in any case where the integrity of the economic holding is not and is not likely to be affected by the decree or order referred to in sub-section (1).

Eviction.

20. The collector may summarily evict any person wrongfully in possession of any part of an economic holding.

Appeal, etc.

21. Any order passed by the collector under this act shall be subject to such appeal or revision as is allowed by the Bombay Land Revenue Code, 1879, with respect to orders passed by revenue officers. Bombay V of 1879.

Rules.

22. (1) The Governor in Council may make rules to carry out the purposes of this act.

(2) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

Saving of powers of the government for recovery of revenue.

23. Nothing in this act shall affect any powers conferred on the government, by any law for the time being in force, for the recovery of land revenue or of any sum recoverable as an arrear of land revenue.

THE SCHEDULE.

Rules of succession to an economic holding.

(See section 18.)

1. The succession is traced from the person last entitled to the holding.

2. The succession is in the first place to the issue lineally of the person last entitled to the holding, the male issue being preferred to the female.

3. Where there are two or more heirs in equal degree, the eldest only succeeds.

4. The lineal descendants of any person deceased represent their ancestor, that is to say, they occupy the same position as he would have occupied if he had been alive.

5. On failure of lineal descendants, the nearest lineal ancestor succeeds.

6. A paternal ancestor and his descendants are preferred to a maternal ancestor; a male paternal or maternal ancestor with his descendants is preferred to a female paternal or maternal ancestor respectively.

7. Illegitimate relationship is not recognised.

8. A person related by the half blood is capable of being the heir and stands in the order of succession next after any relation in the same degree of the whole blood and his issue where the common ancestor is a male, and next after the common ancestor where the common ancestor is a female.

9. Adoption is recognized whenever it would be recognized under the law of succession to which the parties are subject in cases not governed by this act.

Statement of Objects and Reasons.

It has long been a subject of comment in India that the land-holdings of cultivators have become sub-divided up to a point at which they are now, in many localities, very small, and that the holdings, whether large or small, are frequently "fragmented" in a manner which is very prejudicial to effective cultivation. This progressive process of sub-division and fragmentation is due to the increase of population and to the fact that the laws of inheritance which are in force in this country operate in such a way as to give to each male member of a landholder's family a share in the family land.

2. The same causes have produced precisely the same results in other countries, though in hardly any other country has the process been pushed so far. In many other countries legislation has been undertaken to remedy this state of affairs and has been found to be effective, resulting in an increase in the outturn of agricultural produce and a decrease in the cost of production. Such legislation has come to be recognised, even in countries where at first it met with much opposition, as altogether favourable to economic progress and to the production of increased wealth. The lines on which legislation has usually proceeded have been the compulsory and voluntary consolidation of holdings coupled with the provision that holdings once consolidated may not afterwards be sub-divided.

3. In the Bombay Presidency in general, and in particular in the Konkan, West Deccan and the garden and rice tracts of Gujarat, sub-division and fragmentation of land have reached an intolerable point. Over large tracts the average size of the holding is only two or three acres, while fields measuring less than half an acre are found to be sub-divided into more than 20 separately owned plots, many of them of less than one guntha ($\frac{1}{40}$th of an acre) apiece. The process of sub-division and fragmentation is continuously going on, both in tracts where the situation is already acute, and in tracts where the holdings are still, on the whole, of reasonable dimensions.

4. The evils of this excessive sub-division and fragmentation of land may be briefly stated as follows:—

(*a*) they impede current cultivation and waste time;

(*b*) they prevent permanent improvements being undertaken;

(*c*) they prevent a cultivator from living on his farm;

(*d*) they prevent the organisation of labour and capital;

(*e*) they frequently result in second crops not being grown;

(*f*) they sometimes send the land out of cultivation altogether;

(*g*) they cause enmity amongst neighbours, leading to litigation and permanent feuds;

(*h*) they produce a generally uneconomic situation.

In view of the fact that a large proportion of the cultivable land has been reduced to these unfavourable conditions, it is almost impossible to expect any substantial economic improvement amongst the majority of the landholders until the fundamental impediment is removed. So long as the existing laws of inheritance continue to operate in such a way as to sub-divide holdings continuously from generation to generation, it is impossible either for landowners or for the executive government to take any steps

in the direction of consolidation of holdings which would have more than a temporary effect. The object of this bill is to enable such landowners as may wish to do so to check the further sub-division of their lands and to enable them, when it is otherwise possible, to effect a permanent consolidation of their holdings; and also to enable the executive government to secure the same results in respect of unoccupied land. The legislation proposed is purely enabling, and it will be operative in the case of any holding only upon the expressed wish of every person possessing an interest in that holding.

5. The scheme embodied in this bill for securing these objects is briefly as follows. In order to be constituted an economic holding a plot of land must be entered as such in a register prescribed by rules. If the land is occupied, it will rest with some person having an interest in the land to make an application to the collector to have the land registered as an economic holding. ("Interest" is here used in the legal sense. *Cf.* the use of the word in section 58 (*a*) of the Transfer of Property Act, 1882). Unless the collector considers that there are sufficient grounds for rejecting the application, he holds a careful enquiry, in which he follows a procedure similar to that prescribed in the Land Acquisition Act, 1894. If the proceedings show that all persons interested agree, the land is registered. Land vesting absolutely in government may be registered without enquiry. The holding must in any case be registered in one name only, and the act of registration annuls all the interests of all other persons, except the registered owner, in the holding. Thereafter the owner cannot divide the plot, but must, so long as he owns it, keep it entire. He may sell, mortgage or otherwise dispose of it as an entire unit, but may not dispose of part of it or do anything that might result in splitting up the holding. On the death of the holder, if he has not disposed of the land by will, it will devolve upon a single heir. If the provisions of the bill are contravened (for instance, if the holder mortgages a part of his holding and the mortgagee obtains a decree for possession), the collector is empowered to send a certificate to the court, and the court will set aside its decree or order. The collector may also evict the person in wrongful possession. When a plot has once been constituted an economic holding, the registration cannot be cancelled except with the consent of the collector: the grounds on which cancellation will be allowed, will be laid down by rule, and it is proposed that it shall be permitted chiefly in cases where economic considerations indicate that it is expedient.

6. There is some difficulty in framing provisions to secure the integrity of the holding in spite of existing law and custom in favour of the sub-division of land. As will be seen, the above scheme aims at effecting the object in view by giving the registered owner an exclusive interest in the holding at the outset; by preventing the sub-division of the holding by transfer *inter vivos* or by will or by the operation of law; and by preventing sub-division in the case of the owner's death intestate. Each of these provisions appears essential to the success of the bill. With regard to the first, it may be said that wherever two or more persons are interested (whether jointly or otherwise) in a holding there is a probability that at some time the holders will desire to divide the land. The necessity for the second provision seems obvious; but it may be observed that in order to prevent partition the holding must not be permitted to become joint property or coparcenary property according to Hindu law. With regard to the third, there is considerable difficulty. If the operation of any law under which property is divided on an intestate succession is excluded, some rule of succession to take its place must be devised. Hindu and Muhomedan law, the Indian Succession Act, 1865, and the Parsi Intestate Succession Act, 1865, all contemplate the division of immoveable property on succession. The Hindu law, indeed, recognizes impartible property, but the principles governing the succession to such property do not appear to be sufficiently clear for application to agricultural holdings, in connection with which it is desirable to prevent litigation as far as possible. Moreover as an economic holding could be transferred to any person, a law of succession that will prevent its sub-division in all cases, whatever the law of succession to which the transferee is subject, is required. The difficulty cannot apparently be surmounted except by enacting specific rules of succession for economic holdings. Some provisional rules for this purpose have been set out in the schedule, but they are intended merely as an example of what is indicated, for it is felt that the matter is one which can more satisfactorily be dealt with later, when those classes of the community who will be affected have had an opportunity of expressing their opinions on the bill.

7. Those points in the bill which require further explanation are noted below.

Notes on clauses.

Clause 11.—Unless the title of the first registered owner can be readily proved, it is anticipated that adverse claims made after registration will give rise to ligitation and cause difficulty.

Clause 12.—The bill aims at the permanent prevention of excessive sub-division and it is therefore essential, when once a plot of land has, with the full assent of the persons affected (if any), been registered, to prevent the holder or his successors from procuring the cancellation of the registration without sufficient reason.

Clause 15, Illustration (*b*).—This appears to follow from the principles for succession adopted provisionally in the schedule. Males will be preferred to females and females will not succeed except in cases where they would almost necessarily take an absolute interest.

Clause 16.—It is hoped that the wording is not obscure. It is necessary to provide for dealings with "interests" as well as for dealings with the land, for it is probable that attempts to evade the section would be made in that way: the illustrations give some examples.

Clause 17.—Separate occupation or cultivation by two or more persons would be contrary to the purpose of an economic holding.

Clause 20.—This clause has been inserted to save the holder or the collector from the delay and expense of litigation in upholding the provisions of the bill. The clause does not apply where a person has wrongfully obtained possession of the entire holding, as that is a contingency which is not from the economic point of view very material. The clause applies only in cases of sub-division.

The schedule.—These rules have been taken from the English law relating to the descent of real property (*vide* Halsbury's Laws of England, vol. 11). It is immaterial for economic purposes what rule of succession is adopted, provided that it ensures that the holding shall descend in its entirety, and the rules in the schedule are inserted merely as an example.