

Papers relating to the sale of waste lands;
and Redemption of land Revenue in India.

EAST INDIA (WASTE LANDS).

RETURN to an Address of the Honourable The House of Commons,
dated 13 March 1863;—for,

COPY of “ any further PAPERS relating to the SALE of WASTE LANDS or
REDEMPTION of the LAND REVENUES in *India*, and any further COR-
RESPONDENCE with the Indian Government relating thereto (in con-
tinuation of Parliamentary Paper, No. 327, of Session 1862).”

India Office, }
7 April 1863. }

FRANCIS W. PRIDEAUX,
Secretary, Revenue Department.

(*Mr. Henry Seymour.*)

Ordered, by The House of Commons, to be Printed,
14 April 1863.

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COPY of further PAPERS relating to the SALE OF WASTE LANDS OR REDEMPTION of the LAND REVENUES in *India*, and further CORRESPONDENCE with the Indian Government relating thereto (in continuation of Parliamentary Paper, No. 327, of Session 1862).

— No. 1. —

REVENUE LETTER from India, dated 11 March (No. 6) 1862.

Sir,

REFERRING to our Resolution of the 17th October 1861, regarding the sale of waste lands in fee simple, and the redemption of the existing land revenue, transmitted to you with our Despatch, No. 18, dated the 21st idem, we have the honour to forward for your information a copy of correspondence with the Government of the North Western Provinces, as noted in the margin.

We have, &c.
 (signed) *Canning.*
H. B. E. Frere.
Cecil Beadon.
R. Napier.
S. Laing.
W. Ritchie.

Enclosure 1, in No. 1.

From Sir *George Couper*, Bart., c. b., Secretary to the Government of the North Western Provinces, to *W. Grey*, Esq., Secretary to the Government of India, No. 1401 A, dated Camp Lullutpore, the 24th December 1861.

WITH reference to Part II. of the Resolution, No. 3264, dated 17th October 1861, regarding the redemption of the Land Revenue, I am desired to enclose, for submission to his Excellency the Viceroy in Council, the papers noted in the margin,* and to solicit instruction on the points therein discussed.

2. The Draft Bill has been prepared by the Sudder Board of Revenue of these Provinces, and represents their views as well on the points on which the Lieutenant-Governor thinks it necessary to ask for instruction as on all others.

3. The question considered in the papers under enclosures Nos. 1 and 2 is raised by the terms in which paragraph 43 of the Resolution is expressed. Those expressions, strictly construed, would seem to exempt the tenure obtained by redemption of the Land Revenue, from all demands on account of the Government, and to confer upon it an immunity from all legal claims of the Government. In these Provinces, as his Excellency is aware, a cess of one per cent. upon the revenue assessed upon their estates is paid by all landholders for the construction and repair of roads in commutation of their legal liability to be called upon to construct and repair roads. And under rules known as the Seharunpore rules, which were issued by the late Lieutenant Governor, a cess of one per cent. for educational purposes is added to the Land Revenue assessed upon all villages coming under re-settlement.

4. There appears to the Lieutenant Governor to be no doubt, as explained in the accompanying extract from the letter to the Sudder Board of Revenue, that the road cess of one per cent., and the educational cess also (the legality of which latter, however, the Lieutenant Governor is disposed to doubt), are no less than the income tax itself, demands on account of the Government. It is not supposed that the Governor General in Council intended that the redemption of the Land Revenue, by a payment of 20 years' purchase, should give immu-

nity to the purchasers from any one of these demands. But his Honour cannot help being apprehensive that a claim to such immunity might hereafter be preferred on the ground of the expressions employed in paragraph 43 of the Resolution; and, as the matter is one upon which no doubt of any kind should rest, the Lieutenant Governor ventures to trouble the Government of India with this inquiry.

5. The papers under enclosure No. 3 refer to a point which is of some importance in these Provinces; and his Honour would be glad to know that the construction which he has put upon paragraph 53 of the Resolution is in accordance with the views of the Governor General in Council. If such should prove to be the case, he would request that a clause be inserted in the law, to be enacted, under paragraph 55 of the Resolution, making it obligatory upon a sharer in a putteedaree estate, of which the land is entirely divided, desiring to redeem his quota of the village revenue, to demarcate the boundaries of his land, and to cause a partition to be made constituting it an independent and separate estate under the Law of Partitions for the time being in force. He would, at the same time, beg that Mr. Harrington may be called on to produce the correspondence cited in the margin, and referred to in paragraph 6 of the Board's letter enclosed, in order that the Bill discussed therein may be brought under consideration as soon after the meeting of the Council as practicable.

6. For reasons which have been stated by the Board, the draft Bill herewith submitted does not contain any Section regarding the registration of estates purchased in fee-simple, and estates of which the land revenue may be redeemed. The Board, having regard to the proposed Law of Registration, which is intended to make the registration of all transfers of landed property above a very low amount, compulsory, are inclined to think that the object aimed at by the Government of India, in paragraph 55 of the Resolution, may be more conveniently attained by means of that general law. But it appears to the Lieutenant Governor that, in providing for the execution of the measures inaugurated by the Resolution, there is no need to take into consideration future possible contingencies, and that it will be better to include a Section on the point in the legal enactment to be passed under paragraph 55 of the Resolution. If, in the final settlement of the general Registration Bill, it should be thought desirable, it will be easy to repeal or modify the special provision which has been above recommended.

7. As the publication of the rules regarding the redemption of the Land Revenue in these Provinces will be postponed, pending the receipt of the instructions now asked for, I am desired particularly to request that the Lieutenant Governor may be favoured with the earliest practicable reply to this letter.

DRAFT of BILL to provide for the Commutation of the Land Revenue by a present Payment in full Value of the same, and for the Sale of Waste Lands.

WHEREAS it is expedient to empower the local Governments to commute the Land Revenue by receiving a present payment in full of the value of the same, and to sell, free from the demand of Land Revenue, waste and unoccupied lands, it is hereby enacted as follows:—

II. It shall be lawful to the Governor General in Council, from time to time, to fix the number of years' purchase at which the Land Revenue may be redeemed; and likewise to determine what portion of the Land Revenue in each Presidency, or in each district of the Presidency, may be redeemed.

III. Wherever the Land Revenue has been assessed in perpetuity, the person who, as proprietor, possesses the right to pay the Government Land Revenue, shall be entitled to redeem such revenue by a payment calculated at the rate to be fixed by the Governor General in Council, as aforesaid, and within the aforesaid limits.

Wherever the Land Revenue has not been permanently assessed, the person who, being *de facto* proprietor in possession, possesses the right to pay the Government jumma, shall be entitled to commute such jumma by a payment calculated at the rate to be fixed by the Governor General in Council, as aforesaid, and within the aforesaid limits.

IV. In any case in which the assessment last effected may have been fixed on special or personal grounds, at a rate expressly lower than the general standard of assessment, such as in Nuzerana Mehals, or in tenures held under Oobaree or Talookdaree privilege, or in which the assessment has been partially remitted, the commutation of such assessment shall not render the land free for ever from further assessment, in case the privilege under which the reduced assessment is paid should lapse or become extinct. Provided that such further assessment shall have reference to the proportion of the full jumma in abeyance at the time of redemption, and no more.

V. No sharer in any Mehal shall be entitled to redeem the assessment on a portion only of such Mehal until he shall have separated the same by partition, under the law for that purpose at the time being in force. But in estates held in divided occupancy, the local Government shall be at liberty to permit the redemption of the jumma of the separate shares on such conditions as it may prescribe.

VI. In districts of which the Land Revenue has been settled in perpetuity, the permanent assessment will form the basis of commutation; in all other districts, the assessment of the settlement last effected.

VII. With the exception of the cases otherwise provided for in Section IV., estates or portions of estates, of which the Land Revenue has been commuted, shall be free for ever from

from any demand on account of or of Government Land Revenue assessed upon them, and falling due after the date on which payment of the commutation money has been made.

VIII. Wherever a proprietor has, by the settlement last concluded, come under engagements to pay a rate upon his jumma towards the repair of roads, or for the support of education, such obligation shall remain in force, notwithstanding the commutation of the Land Revenue; but it shall be competent to the local Government, in estates of which the Land Revenue has been commuted, to receive a payment in commutation for ever of the demand in question, at the rate of commutation for the time being in force on account of Land Revenue.

IX. No obligations binding by law, or by the compact of the settlement last made, shall be effected by the commutation of the Land Revenue other than the obligation to pay the Land Revenue itself; and all arrears for demands made by the Government in fulfilment of such other obligations may be enforced by distraint of the crops or other property of the defaulting proprietor on the estate on account of which such arrears are due.

X. All sums realised by the Government under the provisions of this Act shall, without loss of time, be invested in the purchase of Government promissory notes, or shall be devoted to the liquidation of the public debt by the re-payment of loans previously received by Government, and to no other purpose. For this object, the Governor General in Council shall appoint such number of commissioners as may be necessary, and such commissioners are hereby authorised and required to devote all monies received by them as having been realised by the commutation of the Land Revenue, or the sale of waste lands or other obligations as above specified in the manner aforesaid.

XI. It shall be lawful for the local Governments to sell any waste lands in which, after due inquiry and advertisement, no rights of property or of exclusive occupancy are found to exist, at such rates per acre as from time to time may be determined by such local Governments, with the sanction of the Governor General in Council.

XII. On the payment of one-tenth of the sale price so determined, together with the cost of survey, the purchaser will be recorded provisionally as the proprietor of the land thus sold. On the expiration of three months from the date of sale, interest at 10 per cent. shall be charged upon all outstanding arrears of the purchase money. Such interest shall be levied in half-yearly instalments on such dates as shall be determined by the local Government, and for all arrears of such instalments the land shall be held to be hypothecated, and all processes lawful for the realisation of arrears of Land Revenue shall be applicable to the realisation of such arrears of interest; provided that no land shall be sold for the recovery of arrears of interest until endeavour has been made to realise them from the crops or other property of the defaulter on the land. The effect of a sale of the land for the recovery of arrears of interest shall be the same as the effect of a sale for the recovery of arrears of revenue.

XIII. On the payment in full of the sale price determined as above, the purchaser shall possess an entire and exclusive title to the property in the land so sold, notwithstanding that any other rights may subsequently be proved to have existed in such land.

XIV. Provided that any claim made by third parties within one year from the advertisement mentioned in Section XI. shall be investigated, and on proof of the reality of such claim due compensation shall be awarded by the Government to the claimant. But the purchaser shall in no case be held liable on account of such compensation, nor shall his title be invalidated by any such claims of whatever nature.

XV. Provided further that in case of the disability of any such third parties arising from infancy, lunacy, or other legal cause, the limit for preferring objections shall be extended in conformity with the law of limitations for the time being in force.

XVI. The title conferred by the sale of waste lands shall be conclusive, not only as against all other proprietary claims, but as against all claims to subordinate tenure or occupancy, and all other rights and claims of any description, excepting such as may be specified in the deed of sale by the local Government, or such as may be incurred by the purchaser, his heirs or representatives, subsequent to the sale.

XVII. Provided that no prescriptive rights of individuals in running streams passing through the lands thus sold, or bounding the same, shall be affected by the sale; and provided further that the indefeasible right of the State over all such streams or rivers to control and distribute the water in such manner and on such conditions as may be expedient, whether for purposes of irrigation or navigation, shall remain unaffected by the sale.

XVIII. Provided also that nothing in this Act shall bar the Government from appropriating land under the law for the time being, for public purposes in any estate sold under its provisions.

XIX. It shall be competent to the local Government to require the purchaser of any waste lands under this Act to enter into engagements to maintain such village police, and to pay such other dues as may be customary in the Province wherein the lands sold are situated, and likewise to conform to the local usages of the said Province; and in respect of such obligations the provisions of Sections VIII. and IX. of this Act shall be binding upon the purchasers, his heirs and representatives.

(signed) *G. H. M. Batten,*
 Officiating Secretary, Sudder Board of Revenue,
 North Western Provinces.

4 PAPERS RELATING TO THE SALE OF WASTE LANDS

EXTRACT, Paragraphs 20, 26, and 27, of the Draft Rules of Procedure submitted by the Officiating Secretary to the Sudder Board of Revenue, North Western Provinces.

Para. 20. THE effect of redemption of the Land Revenue of any estate is simply to relieve the Malgoozar for ever from any demand by Government for Land Revenue on account of such estate. It does not in any other respect alter his position or liabilities either to Government or third parties. No stronger right of property, either as regards collateral claims or subordinate tenures than existed before, is created by the redemption of the Land Revenue.

26. Excepting release from farther demand of Land Revenue, the existing obligations and responsibilities of the proprietor will remain unchanged. The maintenance of Putwaries and of the village police will continue, as now, obligatory on the proprietor; and he will be responsible as before for such cesses as were engaged for at the settlement. Of these it will be in the power of the proprietor to redeem the road cess of one per cent., and (where that has been engaged for at the settlement) the educational cess, at 20 years' purchase. All sums paid on this account, will be separately credited and reported, as it will be necessary to invest them in distinct funds.

27. Estates, the Land Revenue of which has been redeemed, shall be held liable to assessment for income tax under the same rules as are applicable to Maafee and Lakhiraj estates.

EXTRACT, Paragraphs 3, 4, 5, and 6, of a Letter from Secretary to the Government of the North Western Provinces, to the Officiating Secretary to the Sudder Board of Revenue, North Western Provinces, No. — dated the — December 1861.

Para. 3. IN Section IX. of the Draft Bill the Board have provided that "no obligations binding by law, or by the compact of the settlement last made, shall be effected by the commutation of the Land Revenue, other than the obligation to pay the Land Revenue itself;" and, in paragraph 26 of the Rules, the Board have declared that the maintenance of Putwaries and of the village police will continue, as now, obligatory on the proprietor; and further, that the proprietor "will be responsible for such cesses as were engaged for at the settlement," that is to say, the road, educational, or other cesses; No. 20 countenances the same doctrine.

4. But the terms which are used in paragraph 43 of the Resolution of the Governor General in Council, No. 3264, dated 17th October, in regard to the tenure to be obtained by redemption, raise a doubt as to the correctness of the Board's interpretation. That tenure is described to "be that of an hereditary and transferable property held in perpetuity free of all demand on account of Land Revenue or of the Government." Now it may be at once admitted that the cost of maintaining Putwaries and the village police, these being village servants paid from time immemorial by the village communities and proprietor,—is not a demand "on account of the Government," But the same cannot be said of the one per cent. road cess, or of the educational cess. These of course do not come within the category of Land Revenue: but they certainly do constitute a demand which is made by the Government, and the proceeds of which are used by the Government. That these are used for the benefit of the people does not alter the fact that they are a demand on account of the Government.

5. In like manner, it appears to the Lieutenant Governor that a draft may arise as to the liability to income tax under a strict reading of paragraph 43 above referred to, of the parties who may redeem the Land Revenue assessed upon their estates on the profits derived from their redeemed lands.

6. It is proper to add that the Lieutenant Governor does not believe that it was the intention of the Governor General in Council by this Resolution to decree exemption from the demands above referred to; but the expressions used in paragraph 43 of the Resolution may possibly give rise to, or even justify, such an inference; and, in a matter of this vast importance, it is very undesirable to allow any doubt to rest upon any of the conditions of the measure. This point will be referred for the consideration of the Government of India.

EXTRACT, Paragraphs 3, 4, 5, and 6, of a Letter from the Officiating Secretary to the Sudder Board of Revenue, to the Secretary to the Government of the North Western Provinces. No. 873, dated the 6th December 1861.

Rules, paragraphs 10, & c, Bill, Section V.

Para. 3. THE provisions in paragraphs 10, &c., for a revision of the jumma as distributed in putteedaree villages are absolutely necessary, seeing that the sanction of Government has been given only to the jumma of the Mehals, and the redemption of any puttee, at an inadequate proportion of that assessment, might throw an unjust burden on the rest of the village without possibility of future equalization.

Paragraph 13.

4. Paragraph 12 includes shares on putteedaree and bhynchara estates when the distribution of land is liable to vary, because a property once redeemed must be of fixed and recognizable boundaries, as is most justly required in paragraph 44 of the Resolution.

5. The

5. The Board are of opinion that the extension of the privilege of redemption to unseparated portions of a mehal is inexpedient, but they have proposed the rules contained in paragraphs 10 to 12 as necessary, if the intent of paragraph 53 of the Resolution is to be understood without any restriction. If the redeemed lands remained undivided from those unredeemed, it would, at any ensuing settlement, be found difficult to prevent the fraudulent inclusion of Khalsa in the redeemed land. If the boundaries of the redeemed puttee were completely demarcated, as required by Rule 14, there would apparently be no reason why the puttee should not be declared a distinct mehal. Moreover the provisions of paragraph 11 of the Rules may be held somewhat inconsistent with the declaration in Section 55 of the Resolution.

6. As the law now stands, there is no legal process for enforcing partition under Regulation XIX. of 1814. A late decision of the Sudder Dewanny Adawlut* clearly shows this, and the Board would beg to remind Government of the necessity that exists for passing the proposed law sent up some time ago on the subject. This law is necessary to enable putteedars to separate their holdings from the responsibilities of the rest of the village.

EXTRACT, Paragraphs 10 to 13, from Draft Rules of Procedure submitted by the Officiating Secretary to the Sudder Board of Revenue, North Western Provinces.

Para. 10. In putteedaree estates of which the land is entirely divided, the jumma of the entire mehal may be redeemed as above, by the putteedars conjointly. If any putteedar is desirous of redeeming his share, he can proceed either by partition, thus constituting his puttee a separate and independent estate; or he may apply for permission to redeem his quota of the village revenue, still retaining his position as a member of the village community; but in this latter case, as the assessment has been fixed by Government upon the entire village and not on each puttee, a careful investigation will be necessary into the equality of the distribution of the jumma. If the jumma of the puttee be found to bear its full proportion to the jumma of the village with due regard to their relative assets, then redemption may be permitted at such jumma. Should the proportion of the puttee's assessment, on the contrary, be found to be inadequate, a fair allotment of jumma upon the puttee will be made, which, when sanctioned by Government, will form the basis of calculation.

11. Where a regular partition is not made, redemption of the revenue of a puttee will not affect the position of the putteedar in the community; he will retain his privileges in the management of the village, and will be responsible as before, for his share of the village expenses, and jointly responsible for any defalcation of revenue in the unredeemed portion of the village.

12. In imperfect putteedaree estates, where the division of lands is fixed, and not liable to occasional or periodical alterations, the same course may be followed. In case of regular partition under the law, the new mehal will of course be formed by the addition to it of its proper share of the undivided lands. Where partition does not take place, the puttee, including the putteedar's share in the commonlands will, after redemption, be free from all demand on account of its own previous revenue, but will remain, as above explained, jointly responsible in respect of the rest of the village and its revenue.

13. In putteedaree and bhyachara villages, where the division of lands is liable to change, no redemption can be allowed till the severalty of tenure becomes fixed and unalterable, either by partition under the law, or otherwise, when the property can be treated as above directed.

EXTRACT, Paragraphs 7 to 9, from a Letter from the Secretary to the Government of the North Western Provinces, to the Officiating Secretary to the Sudder Board of Revenue, North Western Provinces, No. —, dated the — December 1861.

Para. 7. ANOTHER point which seems to call for reference to the Governor General in Council is that raised in the 5th and 6th paragraphs of your letter. The opinion of the Lieutenant Governor is with reference to the entire spirit of the Resolution, that paragraph 53 must be read without any restriction, that is to say, that wherever redemption is practicable, without injury to the rights and interests of others, there redemption must be allowed.

8. It is undoubtedly true, as the Board have said, that the extension of the privilege of redemption to unseparated portions of a mehal is inexpedient; but the intention of the Governor General in Council clearly appears to be as above stated, and the Lieutenant Governor cannot think that the benefit of the measure can be denied to such tenures. He does not, however, see why complete demarcation of the boundaries of the redeemed puttee, and partition under the law for the time being in force, should not be made obligatory on the

* "Decisions," Vol. xv. for October 1860, case No. 107 of 1859, page 633; Sookh Loll and others v. Girdhareo Loll. *Vide* correspondence ending with Government order No. 818 A, Revenue Department, dated 16 July 1860.

the putteedar desirous of redeeming the revenue of his puttee, and this would do away with the inexpediency noticed by the Board. In this view the Government of India will be addressed, and asked to take into consideration, at the earliest practicable date, the passing of the Bill referred to in the 6th paragraph of your letter, and also to enter a clause in the enactment proposed in paragraph 55 of the Resolution, making demarcation of boundaries and complete separation in such cases obligatory.

9. But in any case it does not appear to the Lieutenant Governor that paragraph 11 of the rules is inconsistent with the declaration made in Section 55 of the Resolution, seeing that, in Section 52, it is expressly provided, "that the purchaser shall remain subject to all other customary liabilities whether to individuals or to communities." There can be little or no doubt that the responsibility of a putteedar "for his share of the village expenses," and his joint responsibility "for any defalcation of revenue in the unredeemed portion of the village," are liabilities to his co-sharers in the village community. Upon this point also the ruling of the Government of India will be solicited.

Enclosure 2, in No. 1.

From Sir *George Couper*, Bart., c.b., Secretary to the Government of the North Western Provinces, to *W. Grey*, Esq., Secretary to the Government of India, No. 105 A, dated Allahabad, 15 February 1862.

I AM directed to draw your attention to my letter, No. 1401 A, dated 24th December, and to state, for the information of his Excellency the Viceroy in Council, that references are being made to this Government which cannot be disposed of until a reply to that communication shall have been received from the Government of India.

Enclosure 3, in No. 1.

(No. 1376.)

From *W. Grey*, Esq., Secretary to the Government of India, to Sir *George Couper*, Bart., c.b., Secretary to the Government of the North Western Provinces, dated Fort William, 11 March 1862.

Sir,

Home Department.
Revenue.

No. 1401 A, dated
24 December 1861.
No. 105, dated
15 February 1862.

I AM directed by the Governor General in Council to acknowledge the receipt of your letters marginally noted, enclosing the draft of a "Bill to provide for the commutation of the Land Revenue by a present payment in full value of the same, and for the sale of Waste Lands," and soliciting instructions on certain points connected with the redemption of the Land Revenue, in respect of which the intention of the Resolution of the 17th October last seems to the Lieutenant Governor to require explanation.

2. The first point adverted to in the 2d and 3d paragraphs of your letter has reference to the interpretation of paragraph 43 of the Resolution, and especially of the words "free of all demand on account of Land Revenue or of the Government."

3. From the Extract of the Draft Rules of Procedure enclosed in your letter, and from sections 8 and 9 of the Draft Bill, it appears that the Sudder Board of Revenue consider that "the effect of redemption of the Land Revenue of any estate is simply to relieve the Malgoozar for ever from any demand by Government for Land Revenue on account of such estate," and that "it does not in any other respect alter his position or liabilities either to Government or third parties." Under this interpretation the Board proceed to show that the landholder, who has redeemed the land revenue of an estate, will continue to be responsible for the road cess of one per cent., and also for the educational cess where that has been engaged for at the settlement, and to be "liable to assessment for income tax under the same rules as are applicable to Maufee and Lakhiraj estates."

4. The Lieutenant Governor, on the other hand, though not supposing "that the Governor General in Council intended that the redemption of the Land Revenue by a payment of 20 years' purchase should give immunity to the purchasers from any one of these demands," is apprehensive that the terms in which paragraph 43 of the Resolution is expressed may give rise to such a claim, as he considers that the expressions, strictly construed, do "seem to exempt the tenure obtained by redemption of the Land Revenue from all demands on account of the Government," and therefore from the demands in question, which it is remarked are undoubtedly "demands on account of the Government."

5. The Governor General in Council desires me to observe, that there can be no doubt as to the correctness of the interpretation put upon paragraph 43 of the Resolution of the 17th October by the Sudder Board of Revenue, and this view, indeed, is acquiesced in, so far as the supposed intention of the Resolution is concerned, by the Lieutenant Governor. Whatever may be the full grammatical force of the words "or of the Government," it is obvious that it never could have been intended that a zemindar, by redeeming the Land Revenue

Revenue of his estate should acquire an exemption from all future taxation, general or local, in respect to the rental of such estate.

6. If paragraphs 37 and 43 are read together, the general meaning of the Resolution will appear more clearly. While on the one hand the tenure of waste lands granted under the rules is to be that of an heritable and transferable property held in perpetuity, free from all claims either of the Government or of third persons prior to, or inconsistent with, the grant, on the other hand the tenure of lands of which the Land Revenue is redeemed, will be that of an heritable and transferable property held in perpetuity free of all demands on account of the Land Revenue, and free from all claims of the Government (but not, as in the case of Waste Lands, from those of third persons) prior to or inconsistent with such redemption. It is clear that the words "of the Government" have the same meaning in the two sections.

7. Now, in regard to Waste Lands, it is elsewhere explained in detail that the deed of grant is to convey all rights of forest, pasturage, mines, fisheries, and all other property of the Government to the soil (section 12); all right, except under the provisions of Act VI. of 1857, to take land or material for roads, tanks, canals, or other public improvements except such as are named at the time of the grant, or are specifically excepted in it (Section 13); and freedom from all conditions as to the cultivation or clearance of the lands within a given period (Section 14). These are the claims of the Government from which such lands are to be exempted. But there is nothing in the rules to indicate that either grantees or purchasers of waste lands, or persons who redeem their land revenue, are to be exempt from any local or municipal tax legally imposed, such, for instance, as a per-centage on their rental for roads, or education, or other strictly local purpose, or from income tax, or any other general tax in respect to such rental.

8. The rules, I am to observe, provide for the redemption of the Land Revenue, not for that of any other kind of Revenue; and when it is said that persons who redeem their land revenue are to hold their lands "free of all demands on account of land revenue or of the Government," it is meant, not that such persons are to be exempt from local or general taxes on the income which they derive from their lands, but that they are free from all future demand on account of Land Revenue, and from all claims of a proprietary kind* which the Government may have possessed or asserted previous to redemption. There are no such claims in permanently settled districts, and few, if any, in the North Western Provinces where the proprietary right of the persons who pay Land Revenue is acknowledged, but in the Central Provinces, and in Western and Southern India, where the settlement is made with persons having only a right of occupancy, and where the proprietary right in the soil has hitherto been asserted by the Government, the concession of such claims is an element of vast importance in the scheme of redemption sanctioned by the Resolution.

9. The Governor General in Council desires me to remark here, with reference to Section VIII. of the Draft Bill, and to the latter part of extract paragraph 26 of the proposed rules of procedure, for carrying out the provisions of the resolution of the 17th October last, for the redemption of the Land Revenue, that the Board are wrong in supposing that the road and education cesses, so far as they are paid by the zemindars, can be redeemed with the Land Revenue. The legality, or otherwise, of the several cesses mentioned in the correspondence is not now in question; but all legal cesses of the kind should continue to be paid separately.

10. The second point on which the Lieutenant Governor solicits instructions, is that referred to in the 5th paragraph of your letter, relative to the construction to be put upon paragraph 53 of the resolution. From the extract of the letter from the Board of Revenue, dated 6th December, and of your reply, and also from Section V. of the Draft Bill, it appears that the Sudder Board of Revenue consider the provisions of paragraph 53, taken along with those of paragraph 44, to be quite inapplicable to putteedaree or bhyachara estates held in undivided occupancy, and to be applicable only under certain conditions to putteedaree estates, in which the land is divided.

11. The Governor General in Council agrees with the Lieutenant Governor, in thinking that paragraph 53 of the resolution must be read without restriction. Where, for example, a village is assessed, say, at 800 rupees a year, the owner of two annas in it, by paying 2,000 rupees, would be able to redeem the Land Revenue of his eighth share in perpetuity. To such a case the provisions of paragraph 44 are, to a certain extent, inapplicable. The exact extent and limits of the whole village may be defined, but not those of an eighth undivided share of it; and the same is the case where the lands of a share are partly divided off, and partly not. The effect of redemption would be this, that at the next settlement, if the assessment of the whole village were raised to 880 rupees, one-eighth would be deducted on account of the redeemed share, and the remaining seven-eighths of the village would be assessed with a jumma of 770 rupees. In cases of this kind, however, the redemption can only be an imperfect one. It can be a redemption only of the shareholder's own separate liability for his share of the whole assessment, not of his joint liability for the Land Revenue of the whole estate. It is not until the lands of a particular share have been entirely

* There is another limitation which must be placed on the full meaning of the words used in paragraph 43. Where lands have been pledged to Government as security for the fulfilment of a contract or otherwise, or where they may be liable to sale in execution of a decree of court given in favour of Government against the proprietor or against any one having an interest in such lands, it is clear that the claims of the Government arising in this way cannot be barred by the mere act of redeeming the revenue.

entirely marked off from the rest of the village, and separately defined and assessed, that the redemption can be complete.

12. An additional reason is thus afforded for hastening the enactment of the proposed law to facilitate the division of estates; but the promulgation of the redemption rules need not wait for it.

13. With reference to your 6th paragraph, I am desired to state that the Governor General in Council agrees with the Lieutenant Governor as to the expediency of inserting in the Act for giving effect to the resolution, a registration clause for the purpose contemplated in paragraph 55.

14. This correspondence, I am to add, will be considered in connexion with the Bill, for the introduction of which leave was given at the last meeting of the Council for making laws and regulations. The Lieutenant Governor will have an opportunity of offering his remarks on the provisions of that Bill before it is passed into law.

I have, &c.
(signed) *W. Guy*,
Secretary to the Government of India.

— No. 2. —

REVENUE LETTER from India, dated 5 August (No. 13), 1862.

Sir,

REFERRING to the Despatch of the Government of India, No. 18, dated the

From Secretary to Landholders' and Commercial Association, dated 2 July 1862.

To ditto ditto, No. 3623, dated 22 July 1862.

From Officiating Secretary to Government of Bengal, No. 1306, dated 29 July 1862, and enclosure.

From Secretary to Landholders' and Commercial Association, dated 30 July 1862.

To ditto, No. 3909, dated 2 August.

To Officiating Secretary to the Government of Bengal, No. 3036, dated 2 August.

21st October 1861, and to the proceedings, dated 12th March last, of the Council of the Governor General of India for making laws and regulations, transmitted with our Secretary's letter, No. 5, dated the 15th idem, we have the honour to forward for your information a copy of the correspondence noted in the margin, on the subject of giving effect to the resolution

of the 17th October last, regarding the sale of waste lands.

We have, &c.
(signed) *Elgin & Kincardine*.
R. Napier.
H. B. Harington.
W. Grey.

Enclosure 1, in No. 2.

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to
E. C. Bayley, Esq., Secretary to the Government of India, dated 2 July 1862.

I AM directed by the General Committee of the Association to ask for information as to the measures which may be in progress for giving effect to the resolution of the 17th October last, regarding the sale of waste lands in fee simple.

2. It is known to some members of the Committee that grantees of land under the old rules resident in England, relying on the early carrying out of the Resolution, have contracted to sell their grants, or part of their grants, with fee simple titles, which contracts they are unable to carry out.

3. It is also felt that proprietors of grants, who have been waiting to commute their holdings by purchase of the fee simple, will have great reason to complain if they are made to pay the higher price for lands cleared between the publication of the Resolution and the time when they are enabled to commute their holdings.

4. I have said that the proprietors of grants will have great reason to complain if they are made to pay the higher rate, because I do not suppose that Government will enforce the payment of the higher price for lands cleared since the date of the Resolution; still the liability to have such higher rates demanded is the cause of anxiety and uncertainty; so much so that some may be deterred from proceeding with their clearances, whilst those who are more reliant on the justice of the Government must feel that, if relieved from the higher rate of purchase money, they will be liable to trouble and delay in showing what lands have been cleared before and since any certain date.

5. The rains put a stop to all proceedings for the acquisition of new lands, and the short period of the year during which surveys can be made is another reason for the early settlement

settlement of the question, as to delay it till late in the dry season is, in effect, to delay the purchase of new lands to the December following.

6. I trust that the circumstances stated above will be considered sufficient to justify the Association in applying for the information I am directed to ask for.

7. The Committee of the Association are also desirous of knowing the present position of the Contract Law introduced into the Council of the Governor General, and will feel greatly obliged for any information you may be able to give them on the subject.

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Enclosure 2, in No. 2.

From *A. M. Monteath*, Esq., Under Secretary to the Government of India, to *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, No. 3623, dated 22 July 1862. •

I AM directed to acknowledge the receipt of your letter dated the 2nd instant, asking for information as to the measures which may be in progress for giving effect to the Resolution of the 17th October last regarding the sale of waste lands, and also as to the present position of the Contract Law, which was introduced into the Council of the Governor General last January.

2. In reply, I am desired to state, for the information of the Landholders' Association, that the Resolution of last October, regarding the sale of waste lands, and subsequently the proceedings of the Governor General's Council on the motion of the late Governor General for leave to introduce a Bill in reference to that matter, were transmitted in usual course to the Secretary of State. A communication from Her Majesty's Government upon the subject is expected at an early date; and until it is received, the Governor General in Council does not propose to take any further steps in the matter.

3. With respect to the Contract Bill introduced by the late Mr. Ritchie, I am desired to state that that Bill was in like manner, at the time of its introduction, transmitted to the Secretary of State. To this communication an answer has been received, stating certain objections to the Bill, which will have to be considered by the Council when it meets for legislative purposes.

Enclosure 3, in No. 2.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to *E. C. Bayley*, Esq., Secretary to the Government of India, No. 1306, dated 29 July 1862.

I AM directed to forward, for the consideration and early orders of His Excellency the Governor General in Council, the accompanying copy of a letter, No 259, dated the 19th instant, from the Secretary to the Board of Revenue, relative to the grant of waste lands in Darjeeling.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Officiating Secretary to the Government of Bengal, No. 259, dated 19 July 1862.

A CASE has lately come before the Board from Darjeeling, which has brought to light that some of the waste lands of that district have been dealt with by Dr. Campbell in a manner which may lead to complications.

2. No sooner was the Resolution of His Excellency the Governor General in Council, dated 17th October 1861, published, than numerous applications were made for lands in these hills; and in the case which is now before the Board, one of Major Sherwill's grounds of protest against Mr. Wake's order declaring certain lands for which he has applied to be included in a previous application, is that every piece of land on the hills has been applied for.

3. Another ground of protest is urged by Major Sherwill, in his capacity of "Surveyor of these Hills;" Major Sherwill considers Mr. Wake's order, which bars him from being registered as applicant for these lands, as opposed to a former order of Dr. Campbell's, under which certain tracts applied for have been surveyed and marked off; and Major Sherwill protests, in his official capacity, against the confusion which must arise from the issue of counter-orders.

4. It appears that Dr. Campbell registered applications for waste lands in the order in which he received them—this he was quite right in doing; but it further appears that this registration has been looked upon, and acted upon, as a formal promise of assignment; and the Board learn that some of those who have been fortunate enough to have their applications registered for eligible lots have immediately sold their interest to others, at rates very much higher than those which they will eventually have to pay to Government. The Board do not find that Dr. Campbell's official replies to the applications gave any ground for this misapprehension; in one of them to Mr. Donoghue, now before the Board, he (Dr. Campbell) writes:—"And for this land, less any portion required by Government for a police-station

and hauth, I record your application as the first received for this land, and to be dealt with under the Resolution of the 17th of October, as applied to this territory by the Local Government." Again, in a demi-official note, the Honourable D. Cowie quotes the terms of Dr. Campbell's official reply to his application, in which Dr. Campbell writes—that "it shall be complied with as soon as may be under the Resolution of the 17th of October last, *in such terms* as it may be applied to this territory by the Local Government."

5. Clearly these replies in no way pledge the Government, or restrict it as to the rules which it may think fit to prescribe for dealing with applications; whatever privileges may attach to a first applicant, under the rules which may be issued, will of course belong to the first registered applicants for Darjeeling lands, but nothing more; they will be exactly in the same position as persons who may apply for lands after the rules are passed.

6. Unfortunately, Dr. Campbell appears in some cases to have gone further. Taking advantage of Mr. Ivey's appointment to Darjeeling for survey purposes, Dr. Campbell has, in some instances, accepted from applicants the estimated cost of surveying and marking off the boundaries of the lands contained in their applications, and caused it to be so marked off; this was clearly exceeding his authority.

* In my letter No. 160, dated 16 April 1862.

7. As soon as the Board had intimation of what was going on, they brought the matter to his Honor's notice*, and subsequently issued their Circular Order, No. 41, dated 1st instant, pointing out that the receipt of such deposits was unauthorized, and that they should be returned; they are prepared to hear that the applicants will raise objections to accepting the amount deposited, and Mr. Wake writes that he is afraid the order will cause great excitement.

8. In a letter from the Commissioner of Assam, the Board are given to understand that applicants have taken possession of the tracts for which they have applied, and commenced operations without waiting for any formal sanction.

9. It appears to the Board very desirable that the Government should now issue an order, declaring distinctly the course which it will pursue in this matter; and this course, in the Board's opinion, should be to deny that the Government has yet parted with, or in any way pledged itself to part with a single acre of land, except on the fulfilment of all requirements of the rules which may hereafter be promulgated.

10. Certainly the policy of the Resolution of the 17th of October was not absolutely to confer the ownership of the most desirable waste lands, at a price very much below that which the public are willing to pay for them, on those who, from their personal acquaintance or connexion with the locality, may have the best opportunity of obtaining information regarding them, and thus of being first in the field with their applications. Such a course would have been as unfair to the general public as it would have been improvident of the interests of the Exchequer; still less is it in accordance with the policy of the Resolution that lands should be purchased by applicants who have no other object than to sell them again at a profit; but these must be the results if the right of a first applicant be recognised to the exclusion of others.

11. The policy of the Resolution was that no waste lands which were not absolutely required by the Government should unnecessarily remain unoccupied. Paragraph 29 of the Resolution provides that the minimum selling price shall not be fixed too high; but the 17th, 18th, and 30th paragraphs as distinctly provide that the highest price procurable in the market shall be obtained, by putting up to auction all lands which are desired by more than one person, and clearly contemplate that the public shall have an opportunity of competing given to it before lands are alienated by the Government.

12. The Board therefore request his Honor's sanction to make the following declarations as from the Government of Bengal:—

1st.—That paragraph 57 of the Resolution of the 17th of October gave no authority to local officers to sell waste lands; that the most which they were authorized to do was to register applications in the order in which they were received; and that any act done by them, any guarantee of allotment made by them, and any admission of right to allotment beyond this, was in excess of their authority, and will not be recognised.

2d.—That in the rules which are now under the consideration of the Supreme Government for applying the principles laid down in its former resolution, provision will be made for carrying out its 17th and 30th paragraphs, and that all lands which may have been applied for before the issue of the rules, as well as those which may be applied for afterwards, will be duly notified, and an opportunity given to the public of competing for them within the period, and in the manner which may be prescribed in the rules.

3d.—That the Government will enforce its right of selecting lands to be reserved from sale, without reference to any applications having been made for the lands which it may select. This right has already been enforced in the selection of a block of land to be put at Dr. Anderson's disposal as a cinchona nursery.

4th.—That any parties who may have entered on possession of waste lands before their final allotment, and who may have incurred expense, or who may in future incur expense, in connexion with these lands, have done so and will do so at their own risk, and that the Government will in no way consider itself restricted either in selecting lands for reservation, or in putting them up to sale by public competition under the rules, by the circumstance that parties have taken possession of lands without authority and in anticipation of the publication of the rules of procedure, accordance with which paragraph 20 of the Resolution clearly recognises as a condition of the validity of a grant.

13. Should the Board's view be adopted, they propose immediately to call on all district officers to submit recommendations as to the lands in their districts which should be reserved by Government.

Enclosure 4, in No. 2.

From *J. Beckwith, Esq., Secretary to the Landholders' and Commercial Association, to E. C. Bayley, Esq., Secretary to the Government of India, dated 30 July 1862.*

I AM directed by the Committee of the Association to acknowledge Mr. Secretary Monteath's letter, No. 3623, of the 22d instant, in reply to mine of the 2d on the subject of the sale of waste lands in fee-simple, and of the passing of a Contract Law; and I am desired, with due respect, to submit the following remarks:—

Since writing that letter, it has come accidentally to the knowledge of the Association, that a Circular Order had been issued by the Board of Revenue (of which circular, No. 41, of 28th June 1862, a copy has since been obtained), suspending all proceedings in the sale or assignment of waste lands, and directing that all sums received in payment of purchase-money, or as deposit for costs of survey, should be returned.

The appearance of this circular has caused regret and surprise to the Association,—regret at the apparently retrogressive policy of Government in suspending the operation of a measure of so liberal and wise a nature as that recorded in the Resolution of the Governor General in Council of the 17th October last, and more especially so after it had been practically in force for upwards of eight months; and surprise that an order so seriously affecting the interests of great numbers of the public should have been issued without being communicated to the public through the usual channel of the "Government Gazette," or in any other way, or to the Association whose members are so largely interested, although the Government had, in June last year, expressly asked for the suggestions of the Association as to the rules for the sale of waste lands, the greater part of which suggestions had been adopted.

The concluding paragraph of the Resolution of the Governor General in Council of the 17th October last is as follows:—

57. "The Local Governments will be called on to prepare the draft of a law to give legal effect to these measures within their several jurisdictions, so as to secure for all grantees a legislative title to their property."

"But it is not necessary to await the enactment of such a law before making known, and as far as practicable acting upon, the rules which have been here laid down."

And I am requested by the Association to submit, for the consideration of Government, that the directions contained in the 3d paragraph of the Circular Order of the Board of Revenue will, when compared with the above extract, be found to be not only inconsistent with the Resolution of the Governor General in Council, but beyond the authority of the Board.

But in addition to those who have paid money or have obtained the assignment of grants, there are many, both here and in England, who have withdrawn their capital from other investments, and who have abandoned other pursuits, to embark in the purchase and management of properties to be acquired under the Resolution of the Governor General in Council; and the Association would beg to point out that to defeat those arrangements now could not fail to destroy that confidence which the public have hitherto reposed in the Government; and indeed the issuing of the Circular Order must, even if retracted, shake for a time that reliance in the good faith of Government which it is so desirable to preserve above suspicion.

The suspending and calling in question the policy of the sale of waste lands in fee-simple, as provided for in the Resolution, is the more unexpected, as it had met with universal approval both in this country and in England.

In regard to that part of the letter of Government which refers to a Contract Law, I am directed to urge on the Government the vital importance of bringing forward at once, and passing as early as possible, a law that shall be just to all parties; as such a law, greatly wanted at all times, is now more urgently required than ever, as without it no effectual aid to the cultivation of cotton in India can be expected from English capitalists; and although the present extraordinarily high prices of cotton may induce a temporary increase in the quantity grown, it is only by the introduction of British capital and superintendence (as has been demonstrated in silk and other industries) that the quantity can be so improved as to give permanence to the trade after the present exceptional circumstances have ceased to affect it.

Enclosure 5, in No. 2.

Home Department.—Revenue.

To *J. Beckwith, Esq., Secretary to the Landholders' and Commercial Association; dated Fort William, 2 August 1862, No. 3909.*

Sir,

I AM directed to acknowledge the receipt of your letter dated the 30th ultimo, remarking upon Mr. Monteath's letter to your address, No. 3623 of the 22d idem, by which the Association was informed that until a communication, which was expected at an early

date, from the Secretary of State should be received, the Governor General in Council did not propose to take any further steps in the matter of the Resolution of last October, concerning the sale of waste lands and the redemption of the Land Revenue.

Your letter then notices a circular letter which has been recently put out by the Calcutta Board of Revenue, "suspending all proceedings in the sale or assignment of waste lands." This circular, it is said, has caused the Association regret and surprise—regret at the apparently retrogressive policy of Government in suspending the operation of a wise and liberal measure, after it had been practically in force for upwards of eight months, and surprise that such an order should have been issued without being communicated to the public through the usual channel of the "Gazette" *, or to the Association whose members are so largely interested.

Your letter proceeds to refer to the concluding paragraph of the Resolution of October, citing it *in extenso*, and submits on behalf of the Association that the circular of the Revenue Board is inconsistent with the Resolution, and beyond the authority of the Board.

It is next pointed out that to defeat the purpose of those who have paid money, or obtained assignments of grants, or who have entered into arrangements for embarking in the purchase of land to be acquired under the Resolution of October, cannot fail to destroy the confidence which the public have hitherto reposed in the Government, and that indeed the mere issue of the Board's circular, though it be withdrawn, "must shake that reliance in the good faith of Government which it is so desirable to preserve above suspicion.

And finally, you remark that "the suspending and calling in question the policy of the sale of waste lands in fee-simple is the more unexpected, as it had met with universal approval both in this country and in England."

2. In reply, I am desired to state that the Governor General in Council can perceive no ground on which it can reasonably have been supposed that there was any intention, either on the part of Government or of the Revenue Board, "to call in question the policy of the sale of waste lands," or to defeat the purpose of those who have made arrangements for taking advantage of the Resolution of the 17th October last.

3. The opening paragraph of the Board's circular states merely that no sales are to be made "until the terms on which they are to be made shall have been sanctioned by the Government of India."

4. From the belief expressed by the Association, that the Board of Revenue has exceeded its authority in issuing the circular in question, it is obvious that the provisions of the 20th paragraph of the Resolution of October last have been overlooked.

5. It is true that paragraph 57 of that Resolution, cited by the Association, gave the Local Governments authority to act upon the Resolution in anticipation of the enactment of the law necessary to give validity to some of its provisions; but it is equally clear that no authority was given to district officers to act under the Resolution in anticipation of instructions from their Government.

6. On the contrary, the 20th paragraph of the Resolution made it necessary, before any action was taken under it, that rules of procedure should be carefully framed for the guidance of the district authorities.

7. The Government of Bengal considered it preferable, having regard to some nice and difficult questions which arose in framing the rules, to seek the approval of the Government of India to those ultimately prepared before acting upon the Resolution.

8. It is to these rules of procedure that the Board of Revenue refer, in saying that sales of land are not to be carried out until the terms on which they are to be made shall have been sanctioned by the Government of India. The letter addressed to the Association on the 22d has explained why these rules are for the present kept in abeyance.

9. The 2d and 3d paragraphs of the Board's circular are simply intended to provide for cases in which there might be more than one applicant for the same piece of land, and to protect the right reserved to Government, in the interests of the public, by the 23d and 24th paragraphs of the Resolution of October, and generally to guard against the hasty assignment of land by local officers upon terms inconsistent with the spirit and intention of this measure.

10. It certainly was not the policy of the Resolution absolutely to confer the ownership of the most desirable waste lands, at a price very much below what the public are willing to pay for them, on those who, from their personal acquaintance or connexion with the locality, may have the best opportunity of obtaining information regarding them, and thus of being first in the field with their applications.

11. Such a course would have been as unfair to the general public as it would have been improvident of the interests of the Exchequer: still less is it in accordance with the policy of the Resolution that lands should be purchased by applicants who have no other object than to sell them again at a profit; but these must be the results if the right of a first applicant be recognised to the exclusion of others.

12. The Governor General in Council infers, from a communication just received from the Government of Bengal, that assignments of land have, in fact, been made by district authorities to the first applicant, without giving any opportunity to other applicants to come forward. The object of the Board of Revenue was to prevent further proceedings of the same nature.

13. The

* The circular was published in the Bengal "Government Gazette," which is the medium through which the Board invariably publishes its orders.

13. The Governor General in Council is, therefore, unable to agree with the Association in thinking that the Board of Revenue has exceeded its authority in communicating to the district revenue authorities an order given by the Local Government, or that the Board's circular affords any just ground for the apprehensions as to the intentions of Government, which are signified in the letter from the Association.

14. At the same time I am directed to state, that in any case in which land has been already actually assigned to an applicant by a district officer, such assignment will be upheld by Government, notwithstanding that it may have been made without proper authority, provided that it shall appear to have been made in accordance with the rules which are laid down by the Resolution of the 17th October, and more particularly the rule prescribed by paragraph 17, which requires that the application shall have been advertised "in the most customary and effectual manner."

15. Paragraph 20 of the Resolution requires, that every grant should be immediately reported to the Local Government. As it would seem that this injunction has not been observed by some district officers in Bengal, the Local Government will be requested to call, through the Board of Revenue, for the early submission of statements showing what grants have been made, with the dimensions of each, and stating how the requirements of paragraph 17 were fulfilled.

16. I am, in conclusion, desired to point out that the Association would more properly, in this matter, have addressed the Lieutenant Governor of Bengal, to whom the Board of Revenue is directly subordinate, and to whom a copy of the correspondence will be now communicated.

I have, &c.
(signed) *E. C. Bayley*,
Secretary to the Government of India.

Enclosure 6, in No. 2.

From *A. M. Monteath*, Esq., Under Secretary to the Government of India, to the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, No. 3936, dated 2 August 1862.

I AM directed to forward, for the information of the Honourable the Lieutenant Governor, and for the necessary communication to the Board of Revenue, the accompanying copy of a correspondence * with the Landholders' and Commercial Association, on the subject of giving effect to the Resolution of the 17th October last, regarding the sale of waste lands.

* From the Secretary Landholders' and Commercial Association, dated 2 July.
To ditto, No. 3623, dated 22 July.
From ditto, dated 30 July.
To ditto, of this date.

— No. 3. —

REVENUE LETTER from India, dated 13 September (No. 15) 1862.

Sir,

We have the honour to acknowledge the receipt of your Despatch, No. 14, dated the 9th of July, regarding the sale of waste lands and the redemption of the existing land revenue, and to transmit for your information a copy † of the orders which we have issued to the Local Governments in pursuance of the instructions contained therein.

† Letter to Bengal, North-Western Provinces, and the Punjab, No. 4206, dated 15 August 1862.
Letter to Madras and Bombay, Nos. 4244 and 4245, dated 15 August 1862.
Circular dated 5 September 1862.
Circular dated 9 September 1862.

2. A copy of the Bill‡ referred to in our circular of the 9th instant is also forwarded.

We have, &c.
(signed) *Elgin & Kincardine*.
R. Napier.
H. B. Harington.
W. Grey.

‡ Bill to provide for the adjudication of claims to waste lands, and for the investment of the proceeds arising from the sale of such lands, and of other Government lands, and from the redemption of land revenue.

Enclosure 1, in No. 3.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to Secretary to the Government of Bengal, to Secretary to the Government of the North-Western Provinces, to Secretary to the Government of Punjab and its Dependencies, No. 4206, dated 15 August 1862.

† Revenue, No. 14,
dated 9 July 1862.

WITH reference to the correspondence noted in the margin,* I am desired to transmit, for the information and guidance of the Lieutenant Governor, copy of a Despatch† received from the Secretary of State, regarding the sale of waste lands and the redemption of the existing land revenue.

2. It is desirable that Rules for regulating the sale of waste lands should be prepared, with as little delay as possible, in conformity with the modified conditions now prescribed by Her Majesty's Government; but it will be observed, that all arrangements which have been already completed under the terms of the Resolution promulgated by the Government of India last October, in regard either to the purchase of waste lands or the redemption of the land revenue, are to be maintained, the present Despatch not being intended to have retrospective effect. Referring to the words of the 76th paragraph of the Secretary of State's Despatch, I am desired to request that a Report, showing the extent to which any such arrangements have been made, may be furnished as soon as possible.

3. As regards the sale of waste lands, the principal points upon which the provisions of the Resolution of October last must be modified, in conformity with the instructions now received, are as follows:—

4. Paragraph 29 of the Resolution, which fixed a uniform price throughout India of 2½ rupees per acre for uncleared land, and of five rupees per acre for land unencumbered with jungle, is cancelled; and it is ordered that the several Governors and Lieutenant Governors shall fix, after communication with the chief Local Authorities, a minimum price suited to the circumstances of the various descriptions of land which they may find to be at their disposal in each district of their Presidency or Province.

5. In modification of paragraph 30 of the Resolution, which prescribed the sale of the land by auction in the event of more purchasers than one being desirous to buy the same tract, it is ordered that in every case the land shall be put up to auction at an upset price and sold to the highest bidder.

6. The provision contained in paragraph 25 of the Resolution, admitting of possession being given to an applicant for land in anticipation of survey, will be modified, as directed in paragraph 11 of the accompanying Despatch. In conformity with these directions, the land applied for must, in every instance, be surveyed, and the boundaries marked out before it is advertised for sale. The applicant for the grant, it will be observed, is to be required to deposit the estimated cost of the survey, which will, of course, be restored to him if he should be eventually outbid for the land. It is of great importance that a ready agency should be provided for effecting the preliminary survey and marking out of boundaries, so that applicants for land may be subjected to no unnecessary delay.

7. The provision which is made in paragraph 31 of the Resolution for reserving adjoining lands at the requisition of those who take grants must be regarded as withdrawn, it being inconsistent with the general injunction for resort to sale by auction.

8. In the 21st paragraph of the Despatch, herewith enclosed, it is ordered that the provision in paragraph 50 of the Resolution, which limits the price to be paid on the commutation of a grant under the terms of that paragraph to five rupees an acre, shall be withdrawn. It is also observed by the Secretary of State, that the provisions generally which relate to the commutation

* BENGAL.

To Government of Bengal, Nos. 1864 and 1924, dated 7 and 19 October 1861.
From ditto, No. 47 A, dated 16 January 1862.
" ditto, No. 233 A, " 13 March "
" ditto, No. 539 B, " 21 March "
" ditto, No. 344 A, " 19 April "
" ditto, No. 863, " 25 June "
" ditto, No. 994, " 2 July "

NORTH-WESTERN PROVINCES.

To Government of the North-Western Provinces, Nos. 2033 and 2094, dated 7 and 19 October 1861.
From ditto, No. 1401 A, dated 24 December 1861.
" ditto, No. 105 A, " 15 February 1862.
To ditto, Nos. 1376 and 1487, dated 11 March 1862.
From ditto, No. 227 A, dated 31 December 1862.
" ditto, No. 367 A, " 22 April 1862.
" ditto, No. 578 A, " 27 May 1862.
" ditto, No. 692 A, " 1 July 1862.

PUNJAB.

To Government of Punjab, No. 2034, dated 7 October 1861.
Resolution of Government, No. 3204, dated 17 October 1861.
From Government of Punjab, No. 330, dated 25 April 1862.

commutation of existing grants under the new rules contained in paragraphs 33 and 50 of the Resolution require revision.

9. As it has already been found that some misunderstanding prevails in regard to the intention and scope of these paragraphs, it seems desirable that the present opportunity should be taken of stating what the Governor General in Council understands to have been their purpose. It appears to the Governor General in Council that it cannot reasonably be maintained that paragraph 33 of the Resolution was intended to include land the absolute sale of which has already been effected, but for which the purchase-money has not been wholly paid up, being, by the terms of sale, payable by instalments. It is obvious that in such a case there could be no question of the applicability or the inapplicability of the limitation of the new rules as to area, inasmuch as the owner has already purchased absolutely the whole area in his possession, whatever it may be; and therefore, though he may not have paid the whole of the purchase-money, it is manifest that the permission accorded by the concluding words of the paragraph to purchase absolutely as much or as little of the area as may suit him, has no application to, and could not possibly have contemplated, any such case. The 33d paragraph, of the Resolution can therefore, in the opinion of the Governor General in Council, be held applicable only to the case of those grantees who hold their lands on terms which do not comprise the right of acquiring an absolute ownership in fee-simple. Such grantees, it is the object of the 33d paragraph to declare, may obtain that right by commuting their grants under the rules for the sale of land in fee-simple.

10. Paragraph 50 of the Resolution declares the terms upon which commutation may be made in the case of one, and that a very large, class of existing grants. This paragraph, when modified according to the instructions of Her Majesty's Government, will stand as in the margin.*

11. In the case of existing grants, which do not fall under the terms of paragraph 50, the conditions on which commutation under the new rules will be allowed may be settled with reference to the average value obtainable for waste lands of the same description in the district when sold by auction.

12. As it is highly desirable that persons who wish to avail themselves of the Resolution come to by the Government to dispose of waste lands by sale in fee-simple should be enabled to carry their intentions into effect with the least avoidable delay, and as the directions now received from Her Majesty's Government are on most points clear and specific, the Governor General in Council will not require that the detailed rules to be framed by the several Local Governments should be submitted for the sanction of the Government of India before they are acted on. A copy of the rules should, however, be forwarded as soon as they are finally approved by the Lieutenant Governor; and if on any point the intention of Her Majesty's Government should seem to the Lieutenant Governor to be doubtful, the question should be referred to the Governor General in Council for determination. As legislation will be necessary to give legal effect to the provisions of paragraph 19 of the Resolution, a Bill for that object will be introduced, on the meeting of the Governor General's Council for legislative purposes.

13. With respect to that part of the Secretary of State's Despatch which discusses the important questions of a redemption of the land revenue and of a permanent settlement, the Governor General in Council thinks it unnecessary at present to do more than point special attention to the conclusion which is announced in the 26th and the 63d paragraphs as to the extent to which redemption of the existing land revenue is to be permitted, and to the 72d paragraph, in which the conditions are finally stated, which, in the opinion of Her Majesty's Government, should be attained before a permanent settlement is conceded. It will be observed that this paragraph contemplates that the previous sanction of Her Majesty's Government should be obtained to the introduction of a permanent settlement in any district. Early steps should, therefore, be taken to obtain the information which will be required to enable the Local Government to submit the Report referred to in the 73d paragraph, as to the extent to which it may now be expedient to give effect to this important measure.

Enclosure 2, in No. 3.

Home Department.—Revenue.

From *E. C. Bayley*, Esq., Secretary to the Government of India—
To the Secretary to the Government of Fort St. George, No. 4244.
Ditto - - ditto - - - Bombay, No. 4245.

Sir,

Fort William, 15 August 1862.

WITH reference to the Despatch of the Secretary of State to the Government of Fort St. George, in the Revenue Department, No. 17, dated the 9th July last, communicating a copy of his Despatch to this Government, No. 14, of the same date, regarding the sale of waste lands, and the redemption of the land revenue, I am directed by the Governor General

in Council to forward, for the information of His Excellency the Governor in Council, the accompanying copy of a circular letter this day addressed on the subject to the Governments of Bengal, the North-Western Provinces, and the Punjab.

2. The Governor General in Council requests that a copy of the rules which the Government of Fort St. George may adopt for regulating the sale of waste lands in that Presidency, in conformity with the modified provisions now prescribed by Her Majesty's Government, be communicated to this Government as soon as possible.

3. His Excellency in Council further requests to be favoured, at an early date, with the views of the Government of Fort St. George as to the extent to which the important measure of a permanent settlement of the land revenue, subject to the conditions prescribed by Her Majesty's Government, is applicable to the territories under the Madras Presidency.

I have, &c.
(signed) *E. C. Bayley,*
Secretary to the Government of India.

Enclosure 3, in No. 3.

Home Department.—Revenue.

From *E. C. Bayley, Esq.,* Secretary to the Government of India—

To the Secretary to the Government of Bengal, No. 4794.

Ditto - - ditto - - North-Western Provinces, No. 4795.

Ditto - - ditto - - Punjab, No. 4796.

Sir,

Fort William, 5 September 1862.

WITH reference to my letter No. 4206, dated the 15th ultimo, I am directed to suggest, for the consideration of the Honourable the Lieutenant Governor, that irrespectively of the applications which may be at once received for grants of waste lands, and which it will of course be necessary to dispose of with as little delay as possible, it would seem very desirable that measures should be taken, in any district where a demand for waste lands is likely to arise, to have the entire extent of such lands surveyed at as early a period as practicable, and marked out in suitable allotments, comprising each, as nearly as may be, the area specified in the Resolution of October last, viz. 3,000 acres, except where, for special reasons, it may be deemed advisable in any district to dispose of the land in smaller or larger allotments than that. In effecting a general survey and allotment of this land, regard will of course be paid to the arrangement of the lots, so that each may have convenient access to any stream that may flow through the lands, or any intended line of road communication.

2. If a map and register of the waste lands in every district, founded on such a survey and allotment as that above referred to, were available, it would probably operate in future as a great inducement to persons to apply for waste lands, from the readiness with which the revenue officers would be enabled to dispose of all applications, and from the perfect facility which would be afforded to every applicant of taking prompt possession of the grant allotted to him.

3. It may not, however, be necessary that an intending purchaser should, under all circumstances whatsoever, be strictly confined to one of the lots thus marked out, if for special reasons he should be desirous to select an area comprised within more than one of such lots, and if there should be no objection as regards the interests of other grantees to permitting him to do so. But in any such case a fresh demarcation would have to be made, entailing of course some delay and additional cost to the purchaser, who should be charged, in addition to a proportion of the cost of the general survey and demarcation, that of the fresh demarcation rendered necessary by his selection of particular lands.

I have, &c.
(signed) *E. C. Bayley,*
Secretary to the Government of India.

Enclosure 4, in No. 3.

Home Department.

From *E. C. Bayley*, Esquire, Secretary to the Government of India, to—

Secretary to Government, Fort St. George, No. 4881 A.	.
Ditto - - ditto - - Bombay	- - " 4882.
Ditto - - ditto - - Bengal	- - " 4883.
Ditto - - ditto - - N. W. Provinces	" 4884.
Ditto - - ditto - - Punjab	- - " 4885.
Ditto - - ditto - - Oudh	- - " 4886.
Ditto - - ditto - - Central Provinces	" 4887.
Ditto - - ditto - - British Burmah	- - " 4888.

Sir,

Fort William, 9 September 1862.

IN the last clause of paragraph 12 of my letter No. 4206, dated the 15th ultimo, it was intimated that as legislation would be necessary to give legal effect to the provisions of paragraph 19 of the Resolution of the Government of India, dated the 17th October 1861, a Bill for that object would be introduced on the meeting of the Council of the Governor General for legislative purposes. And in paragraph 56 of the Resolution of October 1861, it was declared that, "with a view to secure the Government and the public creditor against any loss of existing sources of Government income, provision would be made by law that all sums paid in purchase of waste lands, or in redemption of land revenue, or in otherwise forestalling the land revenue, should be paid to Commissioners, and periodically invested in such manner as the law might direct; that the Commissioners would report annually to Government the total amount they had received and invested, and the districts from which it had been received, and that their reports would be published."

2. I am now directed by the Governor General in Council to transmit to you the accompanying draft of a Bill which has been prepared to carry out both the above objects, and to invite an expression of opinion on its provisions, and any suggestion for its improvement which the Government of Fort St. George may think proper to make.

3. The several provisions of the draft Bill, I am to observe, appear sufficiently to explain the manner in which it is proposed to accomplish the objects contemplated by the Bill. As regards the first of those objects, namely, the adjudication of claims to any waste lands ordered to be sold under the orders of the Government of India, dated the 15th ultimo, No. 4206, and the Despatch from the Secretary of State, a copy of which was circulated with those orders, it is sufficient to remark that the Bill will afford ample time to all persons who have any such claims to prefer, to bring forward the same, and will secure to them a full inquiry into their claims, and a speedy decision thereon by competent officers; while in what may be expected to be the very rare case of a person who may have been prevented by any sufficient cause from preferring his claim to the proper officer within the time allowed, provision is made for such person receiving, by way of compensation, on proof of his claim, the market value of the land claimed, as indicated by the price which it brought at public auction.

4. To permit such claims to lie dormant for the period of 12 years, the term fixed by the Law of Limitation, or to allow of the reversal of a sale actually made, would obviously deter purchasers from coming forward and investing their money in land on a title open to contest, and thus the object of the Government in offering waste lands for sale would be defeated, and the interests of the public would suffer. The case of these lands is, obviously, altogether exceptional, and may be properly treated as such.

5. Passing on to the second object which the Bill has in view, viz., to provide for the investment in Government securities of the proceeds arising from the sale of waste and other Government lands, and from the redemption of land revenue, it will be seen that it is proposed to except from the operation of this part of the Bill lands belonging to Government within the limits of any town, and also lands taken by Government for any public purpose, or for any purpose of public utility for which land may be taken by order of Government under any law for the time being in force.

6. In the town of Calcutta the Government is the proprietor of several parcels of land which are intended for the sites of public buildings. It may hereafter be found desirable not to build upon these sites, but to sell the land, and with the sale proceeds to purchase other sites. The money realised by the sale of the present sites would not, however, be available for the purchase of new sites if the sections of the Bill above referred to were not restricted in their application as proposed.

7. In the town of Rangoon, again, there is still a large quantity of land, the property of Government, remaining unsold; but provision has already been made for the sale proceeds of this land, whenever it may be disposed of, being applied to the construction of public works within the town of Rangoon. This provision could not be carried out if the land to which it applies were not excepted from the operation of the sections in question.

8. As regards land taken for public purposes, or by an order of Government under any law for the time being in force, for works of public utility, such as tramways, canals, and other works of the like character, which private individuals or companies may undertake to construct, it may happen that the land is not required, or that it may cease to be required for the purpose for which it was taken, and there seems no reason why the Government should not be allowed to dispose of any land so circumstanced, and with the sale proceeds buy other land required for any public purpose, or any work of public utility. This, however, could not be done without a provision, such as is contained in the last section but one of the Bill. Much of the land to which that section is intended to apply will have been purchased out of the current revenues or income of the country.

9. I am particularly desired to request that you will be good enough to move the Government of Madras to reply to this reference at their earliest convenience, for it is obviously desirable that the Bill should pass into law with as little delay as possible after the Council of the Governor General next meets for legislative purposes, as it probably will within a few weeks from this date.

I have, &c.
(signed) *E. C. Bayley*,
Secretary to the Government of India.

Enclosure 5, in No. 3.

A BILL to provide for the Adjudication of Claims to Waste Lands, and for the Investment of the Proceeds arising from the Sale of such Lands, and of other Government Lands, and from the Redemption of Land Revenue.

Preamble.

WHEREAS with a view to their speedy determination it is expedient to make special provision for the adjudication of claims which may be preferred to waste lands ordered to be sold on account of Government, and for the purchase of which application may be made; and whereas it is also expedient to make provision for the investment in Government securities of the proceeds arising from the sale of such lands, and of other Government lands, and from the redemption of land revenue; it is enacted as follows:—

Claim to lands to be preferred to Collector, &c. before day of sale.

I. When any claim shall be preferred to any waste land ordered to be sold on account of Government, the Collector of the district in which such land is situate, or other officer performing the duties of a Collector of land revenue in such district, by whatever name his office is designated, shall, if the claim be preferred within the period of the advertisement issued for the sale of such land, which period shall not be less than thirty days, proceed to make an inquiry into the claim, postponing the sale pending such inquiry, and the result of any suit to be instituted as hereinafter provided. The Collector or other officer as aforesaid shall call upon the claimant to produce any evidence or documents upon which he may rely in proof of his claim, and after considering the same, and making any further inquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim.

If claim established, the sale is to be stopped.

II. If the Collector or other officer as aforesaid shall consider the claim to be established, he shall stop the sale; but such sale may afterwards be proceeded with if, on an order issued by the Local Government to try the claim as provided in section IV. of this Act, the claimant shall fail to establish the same.

If claim not established, Collector, &c. shall report it to Government.

III. If the Collector or other officer as aforesaid shall consider that the claim should be rejected, he shall make an immediate report of the case for the orders of the Local Government, stating fully all the circumstances and the proofs adduced in support of the claim; and the Local Government on such report, or after calling for any further information that it may consider necessary, may order a suit to be instituted against the claimant to try his claim in a Court constituted as hereinafter provided.

If claim admitted, Government may, within twelve months, order a suit to be brought to try it.

IV. The Local Government may within 12 months after the date on which the claim of any claimant of waste land shall have been admitted under this Act by the Collector or other officer as aforesaid, direct a suit to be brought to try the claim of the claimant in a Court constituted as above.

A special Court to be constituted for trying claims.

V. For the investigation and trial of claims under this Act, the Local Government shall constitute in every district in which there may be any waste lands capable of being sold, a Court consisting of three judges, of whom the Judge of the District, or the officer presiding in the principal civil court of original jurisdiction in the District, by whatever name his office may be designated, shall be one. Any one or more of the judges of which such Court shall consist, shall have power to make all such orders in the case as may be necessary prior to the hearing of the suit.

VI. Whenever

VI. Whenever any Court is constituted under this Act, notice thereof shall be given by a written proclamation, copies of which shall be affixed in the several Courts, and in the offices of the several collectors and magistrates of the district; and from the date of the issue of such proclamation no other Court shall be competent to entertain any claim belonging to the class of claims for the trial and determination of which such Court is constituted.

Notice to be given of the constitution of special Courts: claims not cognisable in other Courts,

VII. The Courts constituted under this Act shall be held at such place or places within the limits of their respective jurisdictions, as shall be considered most convenient.

Special Courts may be held when convenient.

VIII. In every suit instituted under this Act by order of the Local Government, the Collector or other officer as aforesaid shall appear as plaintiff on the part of Government, and the claimant of the waste land shall appear as defendant. Either party may appear by pleader or by agent. Provided, that if such other officer as aforesaid be the presiding officer of the principal civil court of original jurisdiction in the district, the Local Government shall appoint some other officer to appear as plaintiff in the case on its behalf.

Collector, &c., to be plaintiff, and claimant defendant in all suits.

IX. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the code of civil procedure. Provided, that in suits instituted by order of the Local Government no stamp duties shall be chargeable on the petition of plaint, or, during the progress of the suit, on any other writing or instrument under Schedule B., Act X. of 1862 (to consolidate and amend the law relating to stamp duties); but at the termination of the suit, if the claim of the claimant be dismissed, the Court shall calculate the amount of stamp duty which would have been paid in the suit had it been instituted in the ordinary mode, valuing the land in suit at the price which the Local Government shall by any order issued by it fix as the upset price at which waste land in the district in which such land is situate shall be put up for sale, and such amount shall be recoverable by Government from the claimant, in the principal civil court of original jurisdiction of the district, in the same manner as costs of suit are recoverable under the code of civil procedure.

Suits to be regulated by Civil Procedure Code: Stamps not chargeable in first instance.

X. The Court shall fix a day for the appearance of the parties, and for the hearing of the suit, of which due notice shall be given to the parties or their agents, and on the day so fixed the parties or their agents shall bring their witnesses into court, together with any documents on which they may intend to rely in support of their respective statements. If either party require the assistance of the Court to procure the attendance of a witness on such a day, he shall apply to the Court in sufficient time before the day fixed for the hearing of the suit, and the Court shall issue a subpoena requiring such witness to attend the Court on that day. It shall be competent to the Court to require the personal attendance of the claimant of the waste land on the day fixed for the hearing, or at any subsequent stage of the suit.

Procedure before hearing of suit.

XI. On the day fixed for the hearing of the suit, or as soon after as may be practicable, the Court shall proceed to examine the claimant of the waste land, or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination and after inspecting the documents of the parties, and making any further inquiry that may appear necessary, shall proceed to pass such order in the case as it may consider just and proper.

Procedure on hearing.

XII. No appeal shall lie from any decision or order passed under this Act, nor shall any such decision or order be open to revision.

No appeal.

XIII. The records of cases disposed of by Courts constituted under this Act, shall be deposited amongst the records of the principal civil court of original jurisdiction in the district in which the property in dispute is situate.

Records of cases where to be deposited.

XIV. No claim to any land, or to compensation or damages in respect of any land sold or ordered to be sold on account of Government as waste land, shall be received after the expiration of 12 months from the date on which such land shall have been delivered by the Government to the purchaser. If within 12 months after any lands have been delivered by the Government to the purchaser, any claimant shall prefer a claim to the land so delivered, or to compensation or damages in respect thereof in the Court constituted under this Act for the district in which the land is situate, and shall show good and sufficient reason for not having preferred his claim to the Collector or other officer as aforesaid within the period limited under section 1 of this Act, such Court shall file the claim, making the claimant plaintiff, and the Collector of the district or other officer as aforesaid (with the like provision as aforesaid, if such other officer be the presiding officer of the principal civil court of original jurisdiction in the district) the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit, except that the claim shall be upon a stamp paper of the value prescribed for petitions of plaints in regular suits, the land being valued as provided in section 9 of this Act, and any other instruments or writing in the case requiring to be stamped under Schedule B. of the said Act X. of 1862, shall bear the stamp prescribed by that schedule. The report of the officer employed to give delivery on the part of Government of the land sold, shall be conclusive evidence as to the date on which such delivery was made.

Claim to land if not preferred within 12 months, how to be dealt with.

- If claim established, compensation to be given.
- XV. If the Court be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit, and such award shall be in full satisfaction of the claim of the claimant, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale of the land on account of Government.
- Government may award compensation, though claim not regularly made.
- XVI. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of Government, on proof to the satisfaction of the Local Government of the claim of such claimant, (notwithstanding that he may not have preferred his claim either to the Collector or other officer as aforesaid, or to the proper Court constituted under this Act, within the period prescribed by this Act), such amount of compensation for the said land within the limit as to amount mentioned in the last preceding section, as to such local Government may seem proper.
- Purchaser how to hold his lands.
- XVII. Every conveyance or deed of grant executed by Government upon a sale of waste lands, shall be effectual to pass the lands thereby granted or conveyed, and the fee-simple and inheritance thereof as therein expressed, discharged from all prior or other estates, rights, titles, charges or incumbrances whatsoever, whether of the Government or of any other person; provided that nothing in this Act shall be held to exempt the purchaser of such land, or any person holding or claiming through or under him or the person named in any grant for the redemption of the Government revenue on any land, or any person holding or claiming through or under him, from any general taxation which may hereafter be imposed for imperial purposes, or from any local rates or taxes for the construction or maintenance of roads, or for any other public purpose.
- Proceeds of waste lands, &c., to be invested in Government securities.
- XVIII. All monies paid to Government after the passing of this Act, on account of the sale of any waste or other land the property of Government, or of the redemption of land revenue, shall be invested in Government securities, in the names of the Head Commissioner of Currency, appointed under Act XIX. of 1861 (to provide for a Government paper currency), and of the Master of the Mint at Calcutta as Commissioners for the purposes of this Act, provided that if the Head Commissioner of Currency at Calcutta be Master of the Mint, the Governor General in Council shall appoint another trustee or trustees in addition to the Master of the Mint, as Commissioner or Commissioners for the purposes of this Act.
- Separate accounts to be kept.
- XIX. All moneys invested in Government securities under this Act, and the interest accruing due on such securities, shall be entered in a separate account, to be rendered by the Head Commissioner as aforesaid at Calcutta to the Governor General in Council, at such time and in such form as the Governor General in Council shall direct, and the amount of such interest shall, from time to time, as it becomes due, be paid by the Accountant General to Government of India into the revenues of the Government of India under the head of "Interest on Government securities purchased with money realised by the sale of waste and other land the property of Government, and by the redemption of land revenue."
- Annual statement to be published of monies invested.
- XX. A statement shall be published annually at the close of each year, or as soon after as possible, in the official "Gazettes" of the several Presidencies, Lieutenant Governorships, and provinces under chief Commissioners, of the amount and nature of Government securities held under this Act, of the monies invested in such securities under this Act during the year, and of the interest which accrued thereon, and was paid into the revenues of the Government of India within the same period. The statement shall exhibit the foregoing particulars separately for each Presidency, Lieutenant Governorship, and province under a chief Commissioner.
- Last three preceding sections not to apply to lands taken for public purposes, &c.
- XXI. The provisions of the last three preceding sections of this Act shall not apply to the sale proceeds of any land within the limits of any town sold on account of Government, or of any land taken by Government for any public purpose, or for any purpose for which land may be taken by order of Government under any law for the time being in force, if such land should not be required or should cease to be required for the purpose for which it was taken, and should be sold on account of Government.
- Interpretation. Number. Gender.
- XXII. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

— No. 4. —

REVENUE LETTER to India, dated 31st October (No. 21), 1862.

I HAVE had under my consideration, in Council, the Letter from your Excellency in Council, dated the 13th September last (No. 15), with which you transmit copy of the Orders which you have issued to the several Local Governments in pursuance of the instructions contained in my Despatch of the 9th July last (No. 14), regarding the sale of waste lands and the redemption of the existing land revenue.

2. You also forward copy of a Bill which you propose to introduce into the Council of the Governor General when it next meets for legislative purposes, "To provide for the adjudication of claims to waste lands, and for the investment of the proceeds arising from the sale of such Lands and of other Government Lands, and from the redemption of Land Revenue."

3. It does not appear that the Orders which you have issued call for any observation from me. The Bill will probably be found to require some modifications, after you shall be in possession of the views of the several Local Governments, to whom copies of it have been referred.

4. I take this opportunity of acknowledging the receipt of your letters of the 11th March (No. 6), and the 5th August (No. 13), to which no reply is required.

I have, &c.
(signed) C. Wood.

— No. 5. —

REVENUE LETTER from India, dated 26 September (No. 16), 1862.

Sir,

REFERRING to our letters noted on the margin, we have the honour to transmit the accompanying copy of a letter, addressed by the Government of Bengal to the Board of Revenue, under date the 30th ultimo, together with a copy of the "Rules for the sale of unassessed waste lands and for the redemption of the revenue of such lands already granted for a term of years," promulgated by the Lieutenant Governor in conformity with the provisions contained in your Despatch, No. 14, dated the 9th of July. We consider the rules to be free from any substantial objection.

No. 13 of 1862,
dated 5th August.
No. 16 of 1862,
dated 13th September.

2. We also forward herewith copy of a correspondence* with the Landholders' and Commercial Association relative to the interpretation to be put on the words, "arrangements actually completed," as used in the 76th paragraph of your Despatch above quoted, and to other points regarding the sale of waste lands and the redemption of the land revenue.

* From Landholders' and Commercial Association, dated 2 September 1862.

To Landholders' and Commercial Association, No. 5236, dated this day.

We have, &c.
(signed) Elgin and Kincardine.
R. Napier.
H. B. Harington.
W. Grey.

Enclosure 1, in No. 5.

From J. D. Gordon, Esq., Officiating Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue, No. 377 T, dated on board the yacht "Rotas," the 30th August 1862.

I AM directed by the Lieutenant Governor to forward, for the information of the Board of Revenue, copy of the "Rules for the sale of unassessed waste lands, and for the redemption of such lands already granted for a term of years," which have been approved and promulgated

promulgated by the Lieutenant Governor, under the instructions contained in paragraph 2 of the letter No. 4206, dated 15th instant, from the Secretary to the Government of India in the Home Department, published in the "Calcutta Gazette" of 16th August, together with the Despatch from the Secretary of State, regarding the sale of waste lands and the redemption of the land revenue.

2. In preparing these Rules, the Lieutenant Governor has had the advantage of referring to the Draft Rules of Procedure which the Board submitted to the late Lieutenant Governor with your letter, No. 914, of 28th December, in conformity with paragraph 20 of the Resolution of the Supreme Government, dated 17th October 1861. Those Rules of Procedure had been revised by Sir J. P. Grant, and forwarded for the sanction of the Supreme Government. With the assistance of these documents, the Lieutenant Governor has now drawn up a new set of rules, in which the amendments and modifications prescribed by the Despatch of the Secretary of State have been introduced. These rules will be immediately published in the "Calcutta Gazette;" and the Board are requested to issue them as quickly as possible, in the form of a Circular, with such supplementary instructions for the guidance of public officers as may appear to be necessary.

3. The Lieutenant Governor desires me to draw the attention of the Board to the following points in the rules, which are either new in themselves, or require further action to be taken by the Board.

4. In Rule II. it is provided that if, for special reasons, in particular localities, a lower maximum area than 3,000 acres should be determined upon, it will be duly notified hereafter. This has reference to lands other than those to be reserved under Rule XXII., which, from their vicinity to stations, or other peculiar local circumstances, it may be desirable to dispose of in smaller lots. A list of any sites coming under this description should be prepared by the Board for notification hereafter.

5. In Rule III. it will be seen that survey and demarcation are held, in conformity with the views of the Secretary of State, to be the first essential preliminary, and no lot can be advertised for sale until the process of survey and demarcation is complete. This rule, the Board will observe, renders it imperatively necessary that a competent Surveyor should be at once appointed in each district where applications are made for tracts of unsurveyed lands.

6. In Rule VII. power is given to the Collector to postpone the sale of any lot if he deems it necessary to do so. Such a contingency might arise where any delay had occurred to prevent the adjudication of claims preferred to the lot before the day originally fixed for sale. But the sale should always be held, if possible, on the day first advertised; and, if postponed, due notice should be given of the day on which it will actually take place. A form of advertisement should be prepared and circulated by the Board.

7. A draft of the deed of conveyance to which Rule IX. refers should be prepared by the Government Solicitor in communication with the Board, and circulated to the several Collectors for their use and guidance. In all cases where only one-tenth of the purchase money is paid, the deed should provide for the hypothecation and sale of the lot, in case of failure to pay the full value in 10 years, as provided in Rule XV. In the preparation of this deed due attention must be given to the principles laid down in paragraphs 11, 12, 13, 14 and 15 of the Resolution of the Governor General in Council, dated the 17th October 1861, and to the several points mentioned in the rules. It should be expressly stipulated that a strip of land at 20 feet width shall be reserved as a towing path along each bank of every navigable river or stream.

8. Rules XI. and XII. provide for the interference of the Commissioner of the division in cases where any claim to a right in the land is established by a third party. In respect to Darjeeling, the Board of Revenue will exercise the power which is vested in the Divisional Commissioners elsewhere.

9. Rule XVII. provides that the ordinary upset price shall be two rupees eight annas an acre, no deduction being made on any account from the total area of the lot. There will not be many cases in which it will be necessary to raise the upset price to the maximum of (10) ten rupees an acre, as such specially valuable land would doubtless find its true value at public auction. But the power of raising the upset price to 10 rupees an acre should be maintained for the protection of the interests of Government.

10. In Rule XIX. the conditions are laid down on which grants of waste land made under previously existing rules may be redeemed. The Board are requested to explain to Collectors the rule for calculating the present value of such grants, subject to the limitations laid down. Illustrations of the mode of calculation would be most instructive to the local officers.

11. The Board are requested to submit, for the information of the Government, a quarterly statement, commencing from 1st September, of all transactions which are reported to them under Rule XX.

12. A list of the lands in each district which it is proposed to reserve altogether from sale, for the purposes specified in Rule XXII., should be obtained by the Board from the local authorities

authorities without any delay ; and after careful revision of the whole, these lists should be combined by the Board in one general list, and submitted with their remarks for approval and publication.

13. Rule XXIII. has reference to those applications which were made on the faith of the Resolution of the Governor General in Council, dated 17th October 1861. As such applications form a class of cases which must be dealt with separately on their own merits, and in accordance with the terms of the Resolution, so far as is consistent with law and a due regard for public interests, it is not desirable to enter into further discussion regarding them here. A special report on them must be prepared as soon as possible, in accordance with the 76th paragraph of the Despatch of the Secretary of State.

14. The Lieutenant Governor will now briefly notice two of the points raised in your letter, No. 914, of 28th December 1861, to which reference has been already made in the 2d paragraph of this letter.

15. It appears to the Lieutenant Governor that the register proposed by the Board in their Draft Rule, No. II. should be prepared by the Collectors for their own use and information, as well as for the information of intending applicants, who may all be allowed to have access to it. But it is not necessary that the rules should provide for the compilation of such a register. The form of the register should be the same as that of the report of sales made to the Board ; the report, in fact, might be in the form of an extract from the register. With regard to the question whether one individual may purchase more than one lot of 3,000 acres in adjacent localities, it appears to the Lieutenant Governor that there is nothing to prevent such a contingency. The spirit of public competition will suffice to keep any such speculative purchases within their due limits.

16. The Board will observe that the clause in the rules which provides for the redemption of prospective revenue in grants of waste land already made does not apply to the case of grants made under the old Darjeeling rules ; these grants being, in fact, not grants, but sales of land at an upset price of (10) ten rupees an acre.

NOTIFICATION.

The following rules for the sale of unassessed waste lands, and for the redemption of the revenue of such lands already granted for a term of years, in the Lieutenant Governorship of Bengal, are published for general information:—

Rule I. All unassessed waste lands in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed, and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule XXI.

II. No greater quantity of land than 3,000 acres shall be sold in one lot, except with the express sanction of the Government. If, for special reasons, in particular localities, a lower maximum area than 3,000 acres should be determined upon, it will be duly notified hereafter.

III. Every lot shall be compact, and shall include no more than one tract of land within a ring fence ; and when the land touches a public road or a navigable river, the length of the road, or river frontage, shall not exceed one-half the depth of the lot. No lot will be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated in consequence of an application for purchase. The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area. If, on completion of the survey, it shall appear that the area of the lot applied for exceeds the prescribed maximum, the excess shall be excluded.

IV. Applications for the purchase of waste land shall be made to the Collector of the District, and every application shall contain the following particulars:—

1st. The estimated area of the land applied for.

2d. The situation of the land and its boundaries as accurately as can be ascertained.

V. If the Collector be satisfied that the land applied for is available for purchase, and within the conditions prescribed in Rules II. and III., and if it have been previously surveyed and demarcated, he shall advertise the lot for sale on a given day at an upset price of not less than Rs. 2. 8. an acre on the whole area. The advertisement shall be published in the Collector's office, in the court of the principal judicial officer of the district, and at the moonsiff's court (if there be one), and police station within the limits of which the lands are situated.

VI. If the Collector be satisfied as above, and if the land have not been surveyed, he shall cause it to be surveyed and its boundaries demarcated ; the estimated cost of such survey and demarcation being first deposited by the applicant. On the completion of the survey the advertisement of sale shall be published as above.

VII. The day of sale to be named in the advertisement shall not be less than 30 days from the date of publication, and the sale shall be held at the Collector's office. The sale may be postponed, if, in the Collector's judgment, it should be necessary, due notice being always given of the date on which the sale will be held.

VIII. If before the day of sale no claim of proprietary or occupative right in the land be preferred, the lot shall be sold by auction to the highest bidder above the upset price, or to the applicant at the upset price, if there be no higher bid.

IX. On payment of one-tenth of the purchase money, and of all expenses of survey, demarcation, advertisement, and sale, the purchaser shall receive a deed (in a form which will hereafter be issued by the Board of Revenue) signed by the Collector, conveying to him the lot, in full hereditary and transferable proprietary right, free for ever from all demand on account of land revenue, but subject, nevertheless, to all general taxes and local rates imposed by law, and to any other claim, whether of the Government or otherwise, that may have been or may hereafter be established in any court of competent jurisdiction.

X. If before the day of sale a claim of proprietary or occupative right in any part of the land be preferred, the Collector shall investigate the claim, and, if satisfied that it is groundless, shall reject it and proceed with the sale.

XI. If on investigation any such claim should appear to be well grounded, the Collector may either reject the application for purchase of the lands, or refer it for the orders of the Commissioner. In the former case the applicant may appeal to the Commissioner.

XII. The Commissioner may direct the Collector either to reject the application or to proceed with the sale of the land, either unreservedly on the conditions prescribed in Rule IX., or, if any claim to right of proprietorship, occupancy, or user in any part of the lands be established to the satisfaction of the Commissioner, with a special reservation of such right, or exclusive of the area in which such right exists. If the application for purchase of the land be rejected, the amount deposited as cost of survey will be forfeited.

XIII. On being put in possession of the lot, the purchaser shall be bound to erect as many substantial boundary marks of masonry as the Collector may think necessary.

XIV. If the land be purchased by any person other than the applicant, the estimated cost of survey deposited by the applicant shall be returned to him.

XV. The purchaser may, if he choose, pay the whole of the purchase money when the lot is sold or the deed delivered to him. Or, if he choose, he may pay a portion, not being less than 10 per cent., at the time of sale, and the remainder in instalments at any future time not being more than 10 years from the date of sale. In the latter case simple interest at the rate of 10 per cent. a year will be charged on the unpaid portion of the purchase money, and the whole lot will remain hypothecated as security for the full discharge of the amount, including principal and interest, and be liable to sale by order of the Collector if the said amount be not paid within the stipulated period.

XVI. If the purchaser fail to pay one-tenth of the purchase money and all other expenses within three months from the day of sale, the lot will be put up to sale again on the same conditions as before, and sold at the risk of the first purchaser, whose deposit will also be forfeited.

XVII. The upset price will be calculated on the whole area of the lot without any deduction on any account whatever. Ordinarily, the upset price will be two rupees eight annas an acre, but in special cases the Collector, with the sanction of the Commissioner, may put a higher upset price on any lot, provided that the upset price of available waste lands shall in no case exceed 10 rupees an acre.

XVIII. If it should at any time be found that the same land has been included in more than one lot, it shall be held to belong to the lot first sold, and all subsequent sales shall, as regards such land, become null and void. In the event of any dispute regarding the boundary of two or more adjoining lots, the Collector may, on the application of any one of the parties, readjust the boundaries of the lots, and his decision shall be final. The price paid by any subsequent purchaser for land thus excluded from his lot will be refunded to him with simple interest at 10 per cent.

XIX. All grants of waste land already made for a term of years under previously existing rules, in which no right of occupancy or proprietorship exists, except that of the grantee or that derived from him, will be treated, for the purposes of this rule, as if the land were permanently settled; and the grantees or their representatives may redeem the future land revenue of such grants or of any compact part of them in perpetuity for an amount equal to the present value of all future stipulated annual payments calculated at five per cent. interest, provided the said amount is not less than two rupees eight annas an acre on the whole area of which the revenue is redeemed.

XX. All sales of waste land, and all redemptions made under these rules in each division, will be reported immediately to the Board of Revenue in such form as the Board may direct; but no sale of waste lands once made by the Collector in conformity with the rules will be disturbed by any higher executive authority.

XXI. Reserves

XXI. Reserves of grazing and forest land, of land for the growth of firewood near towns and stations, of building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government. A list of these lands is under preparation by the Board of Revenue, and when it has been approved by the Government it will be published in the "Gazette."

XXII. Lands for the purchase of which application has been made under the Resolution of the 17th October 1861, will, if such application were duly registered, be dealt with in accordance with the terms of the said Resolution so far as the law allows.

XXIII. From and after the date of the promulgation of these rules, no fresh applications for grants of waste land under any previous rules will be entertained.

On board the yacht "Rotas,"
30 August 1862.

By Order, &c.
(signed) J. D. Gordon,
Offg. Junior Secy. to the Govt. of Bengal.

Enclosure 2, in No. 5.

From J. Beckwith, Esq. Secretary to the Landholders' and Commercial Association, to E. C. Bayley, Esq. Secretary to the Government of India; dated Calcutta, 2 September 1862.

THE Despatch of the Secretary of State for India, No. 14, of the 9th July, on the subject of the Resolution of the Governor General in Council of the 17th October 1861, regarding the sale of waste lands, together with the circular instructions of the Government of India of the 15th August, as published in the Government "Gazette," have been under the consideration of the committee of this association; and I am directed to ask for information as to the meaning intended to be conveyed by the term "completed" as used both in the Despatch of the Secretary of State, and in the circular of the Government of India. The Despatch states as follows:—

"It is not, however, intended that these orders should have retrospective effect, and if any arrangements in regard either to the purchase of waste lands or the redemption of land revenue have been actually completed under the provisions of the Resolution, they must, so far as is compatible with the law, be scrupulously carried into effect."

And the circular of the Government of India makes use of the expression "all arrangements which have been already completed."

Many parties, whose applications for grants of lands are in different stages of progress, are naturally anxious to know as early as possible the exact position in which they stand, and as there is some ambiguity about the expression used, the committee trust that they may not be considered as troubling Government unnecessarily in asking for an explanation.

In your letter No. 3909, of the 2d ultimo, in alluding to the same subject, you say "that in any case in which land has been already actually assigned to an applicant by a district officer, such assignment will be upheld by Government," and the committee trust that at least as liberal and comprehensive an interpretation will be given to the term completed as is contained in the sentence I have quoted from your letter of the 2d.

The committee understand that the legislation to give legal effect to the provisions of paragraph 19 of the Resolution, will have relation only to the mode of dealing with any rights which may be established by third parties in land sold, and will affect only those third parties, and the Government who undertake to make compensation whilst "the possession of the party to whom the land has been granted *bonâ fide* shall not be disturbed."

I am desirous to say that the committee will be glad to receive confirmation of the meaning they attach to this part of the subject, as nothing so discourages enterprise in the purchase and reclaiming of waste lands as uncertainty of title; and in case the legislation is not immediate, it is very desirable to have all doubts on the subject set at rest.

I am also directed by the committee to submit some remarks on the alterations introduced by the Despatch of the Secretary of State, and the circular instructions of the Government of India, in the system marked out by the Resolution of the 17th October 1861, for the sale of waste lands in fee-simple.

These alterations are essentially comprised in the point of selling no land except by public auction at upset prices to be hereafter fixed, in place of selling at a uniform and moderate price already fixed to the party applying for the particular parcel of land, without resorting to auction, excepting when there should be more than one applicant for the land.

The committee consider the change in the system to be unfavourable to the object which the Resolution of the 17th October 1861 was intended to promote—the settlement of Europeans in India, and which object is declared by the Secretary of State to have his approval in part of paragraph 24, as follows:—

"I fully admit the advantages which have arisen, and which in future are likely to arise, for the settlement of Europeans in many parts of India, by the introduction of new or improved processes of agriculture and manufacture, and by the moral influence of their example on the neighbouring population; and I am most anxious that every facility should be given to persons desirous of settling in India with that object in view."

Before the Resolution of the 17th October last was issued, the subject had received most mature consideration, and all parties likely to throw light upon it had been communicated with, and the suggestions they made had been weighed; the question of price of land, and the mode of selling had been especially discussed, and as the present members of the Government were not then in office, I may be allowed to suggest shortly the grounds for the decision come to.

The mode of proceeding adopted in many of the Colonies, and now ordered to be followed, very naturally suggested itself; but it was pointed out and admitted that circumstances were essentially different, and required a different mode of treatment. In the Colonies land is usually sold in allotments of small extent, which are in the immediate vicinity of a population already settled in the neighbourhood; and being of small extent, the quality of the land in each lot is easily ascertained, whilst in India the districts where waste lands are likely to be taken up, are at great distances from the centres where applicants are likely to be found, and the quantities of land applied for are so large, that no one lot can be expected to contain land of a uniform quality, or indeed to be without a large proportion of land altogether unfit for the particular cultivation which the settler may propose to introduce.

If Assam and Cachar are considered with reference to Calcutta, and the Nagpore country with reference to Bombay, it will be seen that parties who wish to enter upon the cultivation of waste lands will have to undertake an examination of the country, which will require much time and involve much expense and personal exposure, and after all this some one who has never stirred from home, but has watched what was going on may at the auction outbid those who have made the selection.

It is very probable that, under all discouragement, there will be a certain number of applicants; but undoubtedly the uncertainty attending the new system will deter great numbers from seeking to become purchasers of waste lands, and will in so far discourage that settlement of Europeans which the Secretary of State has expressed his anxious desire to encourage.

With regard to the upset price to be fixed, I may observe, that Rs. 2. 8. and five rupees were fixed not only as a fair equivalent for lands of the best quality, but also with reference to the old existing rules for the grant of waste lands. In Assam, Dacca, Cachar, and Silchar grants were made for 99 years on the following terms:—

One-fourth of the grant to be exempted from assessment in perpetuity.

Three-fourths to be rent free for 15 years, and to pay three annas per acre for 10 years, and six annas per acre for 74 years.

In the Sonderbunds:—

	One-fourth for ever exempt from assessment.		
	Three-fourths rent free for 20 years.		
21st to 30th year	$\frac{1}{2}$ anna per beegah	=	$1\frac{1}{2}$ anna per acre.
31st to 40th "	1 "	=	3 "
41st to 50th "	$1\frac{1}{2}$ "	=	$4\frac{1}{2}$ "
51st to 99th "	2 "	=	6 "

Now if the purchase money under the resolution of 17th October is considered with reference to the terms of these leases of 99 years, the rate will be found a very full equivalent.

It may be considered that it would be more proper to address these remarks to the Local Governments, who are to fix the prices of land in their districts; but it is necessary, in deprecating the change that is being made, to show generally that the prices fixed before were ample, and had not been fixed without due regard to the interests of the State.

The great delay that the new orders must cause in the introduction of a system which the public had thought fairly set on just nearly a year ago, and the ever-recurring delay which the substitution of auction sales must necessarily cause in all future individual cases is one of the most unfortunate effects of the change of system, particularly occurring as it does at a time when events in America afford such encouragement and opportunity for introducing European enterprise and capital to the country.

Enclosure 3, in No. 5.

Home Department—Revenue.

From *E. C. Bayley, Esq.*, Secretary to the Government of India, to *J. Beckwith, Esq.*, Secretary to the Landholders' and Commercial Association (No. 5230); dated, Fort William, 26 September 1862.

Sir,

I am directed to acknowledge the receipt of your letter, dated 2d instant; and, with reference to the request preferred in the first paragraph thereof, "for information as to the meaning of the word completed, as used in the Despatch (No. 14, dated 9th July last) of the Secretary of State and the Circular of the Government of India," to point out, that by the 22d of the rules recently published by the Government of Bengal a very liberal interpretation

tation has been given to the Secretary of State's Despatch upon the point; and that as the Government of India does not desire to narrow the view taken of the matter by the Lieutenant Governor, it does not appear that any further exposition of the question is required.

2. The rule above alluded to, I am desired to observe, goes further than the assurance given in my letter, No. 3909, dated 2d ultimo, which has been cited in your letter under reply, with an expression of the committee's hope, that a less liberal interpretation will not be given to the term "completed."

3. With reference to paragraph 4 of your letter, I am desired to state, that the intention of the Governor General in Council, in regard to the legislation necessary to give effect to paragraph 19 of the Resolution, dated 17th October 1861, has been correctly apprehended by the association so far as the position of the grantees is concerned.

4. Referring to the last 10 paragraphs of your communication containing certain remarks made by the Association on the alterations introduced by the Despatch of the Secretary of State in question, and the consequent instructions of the Governor General in Council, in the system marked out by the Resolution of 17th October 1861, I am desired to inform you that a copy of the correspondence will be transmitted to the Secretary of State.

I have, &c.
(signed) *F. C. Bayley*,
Secy. to the Govt. of India.

— No. 6. —

REVENUE LETTER from India, dated 27 September (No. 17), 1862.

Sir,

WE have the honour to forward the special narrative of the proceedings of the Government of Bengal, noted on the margin, transmitting papers regarding the sale of unassessed waste lands, and the redemption of revenue of such lands, already granted for a term of years. No. 5 dated 23 September 1862.

We have, &c.
(signed) *Elgin and Kincardine*.
R. Napier.
H. B. Harrington.
W. Grey.

Government of Bengal.—Special Narrative.—23 September (No. 5), 1862.

THE papers noted on the margin are forwarded for the information of the Right Honourable the Secretary of State for India, with reference to his Despatch, Revenue, No. 14, dated 9 July 1862. Letter to the Secretary to the Board of Revenue, Lower Provinces, No. 2039, dated 17th instant.
Letter to C. B. Stewart, Esq., No. 2120, dated 19th instant.

(signed) *A. Eden*,
Officiating Secretary to Government of Bengal.

Enclosure 1, in No. 6.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to the Secretary of the Board of Revenue (No. 2039), dated the 17th September 1862.

Sir,

IN continuation of the Junior Secretary's letter, No. 377 T., dated 30th ultimo, I am desired to say that, in dealing with applications for waste lands which were made and registered on the faith of the Resolution of the Governor General in Council, dated 17th October 1861, the Board must be careful that all the conditions prescribed in that Resolution are strictly fulfilled.

2. The advertisement required in paragraph 17 of the Resolution must be especially insisted on, so that an opportunity may be given to other intending purchasers, who may, perhaps,

perhaps have been waiting for the issue of the rules, to compete for the same land; and also that persons claiming to have proprietary rights, or rights of occupancy, may be enabled to come forward and state their claim, with a view to their being dealt with under the terms of the Resolution; the application for the land being rejected where such claims cannot be legally set aside.

3. Where there is more than one applicant for the same land, the lot must be put up to auction, and the terms of sale will then be there laid down in the rules published under the notification of the 30th ultimo, a copy of which was forwarded to the Board in the Junior Secretary's letter of the same date.

4. I am further to suggest, for the Board's consideration, whether much inconvenience to intending purchasers, and interruption to ordinary public business, would not be obviated by fixing and notifying periodical dates for the sale of all lots of land applied for under the new rules. For the present, however, the sales should not be less frequent than once a month.

Enclosure 2, in No. 6.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to
C. B. Stewart, Esq., (No. 2120), dated the 19th September 1862.

Sir,

I AM directed to forward to you the orders passed by the Lieutenant Governor on each of the four questions which you have submitted to his Honor, in regard to the rules for the sale of waste land, published in the "Calcutta Gazette" of the 17th instant.

2. I am at the same time to inform you that the rules, which provide for the redemption of prospective revenue in grants of waste land already made, do not apply to the case of allotments made under the old Darjeeling rules, these allotments being, in fact, not grants, but sales of land at an upset price of 10 rupees an acre.

Questions.

1. Comparing the 6th Rule with the latter part of the 12th Rule, how is an applicant to make sure that no claim of proprietorship or occupative right exists in the land he applies for; and if such claims are established, will the cost of survey required to be deposited by the applicant, under Rule 6, be forfeited as set forth in Rule 12, if the application for the purchase of the lot be rejected?

2. By the old rules, one-fourth of the whole area of a grant was permitted to be held rent-free in perpetuity as an allowance for unculturable land. I presume, under the 17th Rule of the Notification, no such deduction will be allowed?

Answers.

1. There are two classes of waste lands:
(a.) Those which have already been surveyed by the Government, and of which a correct map is in the hands of the Collector. In this case the lands applied for can be marked off on the map, and advertised for sale, and the applicant will be put to no expense.

(b.) Those which have not yet been surveyed by the Government. In respect to these lands (which must ultimately be regularly surveyed by the Government), if an applicant desires a preliminary survey, with a view to purchase, it is but fair that he should bear the expense, and that the risk of the land being adversely and successfully claimed should be borne by him. The cost of the preliminary survey (which is to be a rough survey, sufficient to ascertain gross area and identify boundaries), will not be great; and the applicant, with the assistance of the Collector, who also must be satisfied (under Rule 6) that adverse claims do not exist, may easily ascertain whether such claims are likely to be made, and admitted, or not. It is only when an application for waste lands is absolutely rejected that the deposit is to be forfeited; but, under Rule 12, applications may be conditionally complied with, and the projected law will afterwards render the sale of adverse rights compulsory.

2. No deduction will be made on account of unculturable land.

3. What

Questions.

3. What interpretation does the 19th Rule bear as regards holders of old grants in Bengal?

I apprehend that the redemption of the land revenue of such old grants will be regulated on the principle upon which deferred annuities are calculated?

Will the amount of purchase-money or price of redemption be ascertained on the calculation of the interest that would accrue from the amount paid up equalling the rate of assessment during a period of 20 years, or how?

4. With reference to the 22d Rule, how will it apply in the following cases:—

In the case of all companies or individuals who applied for the redemption of their grants, under the Resolution of the 17th October 1861, whose applications were registered by the local authorities, and deposits received, but subsequently returned to the applicants?

In the case of those who applied, under the Resolution of 17th October 1861, for the redemption of their grants, whose applications were registered by the local authorities, but whose deposits tendered at the time were refused to be received?

In the case of those who applied for grants, under the Resolution of the 17th October 1861, but whose applications would neither be received or registered by the local authorities in terms of that Resolution, and whose applications, on such refusal, were put in under the old rules, and granted under those rules?

Answers.

3. The redemption of future payments of revenue will be calculated precisely as an actuary would calculate the present value of a deferred annuity, with interest at five per cent.

Thus, if a beegah of land is held rent free for 20 years, at 4 annas a year for the next 20 years, 8 annas a year for the next 20 years, and at 12 annas a year thereafter in perpetuity, the amount for which all future payments may be redeemed at once would be calculated thus:—

Present value, at five per cent.,	<i>Rs. a. p.</i>
of a deferred annuity of 4 annas, from the 21st to the 40th year - - - -	-
Ditto - ditto - of 8 annas, from the 41st to the 60th year - - - -	-
Ditto - ditto - of 12 annas, from the 61st year for ever	-

TOTAL - - - *Rs.*

The amount will be found to be very small.

4. *1st Case.*—Registration is enough to bring these applications under the Resolution of 17th October 1861. Return of deposit makes no difference.

2d Case.—The same registration alone is sufficient.

But it will be found that the terms of redemption offered by the new rules are more favourable generally than those given by the Resolution.

3d Case.—Those who applied, under the Resolution, but whose applications were not received or registered, have no claim to receive lands under the Resolution of 17th October. The Resolution neither authorised persons to apply, nor warranted Collectors in receiving and registering applications till rules should be issued by the Local Government, and no such rules ever were issued. Still where an applicant has been led to expect, by the act of a Collector, that his application would be complied with in the terms of the Resolution, he is not to be disappointed.

Grants under the old rules may be commuted under Rule 19.

— No. 7. —

REVENUE LETTER from India, dated 6th October (No. 18), 1862.

Sir,

IN continuation of our letter, No. 16, dated the 26th ultimo, we have the honour to transmit for your information a copy of a circular,* which we have addressed to the Local Governments on the subject of the disposal of forest lands.

* Dated 26th September 1862.

We have, &c.
(signed) *Elgin and Kincardine.*
R. Napier.
H. B. Harington.
W. Grey.

Enclosure, in No. 7.

Home Department—Revenue.

CIRCULAR.

From *E. C. Bayley*, Esq., Secretary to the Government of India,

To—

The Secretary to the Government North Western Provinces (5331).
 The Secretary to the Government of Punjab (5332).
 The Secretary to the Government of Bengal (5333).
 The Secretary to the Government of Madras (5334).
 The Secretary to the Government of Bombay (5335).
 The Chief Commander of Oude (5336).
 The Chief Commander of Central Provinces (5337).
 The Chief Commander of British Burmah (5338).

Sir,

Fort William, 26 September 1862.

IN continuation of my previous letters noted in the margin,* and with reference to No. 21 of the rules for the sale of unassessed waste lands lately published by the Government of Bengal, I am directed by the Governor General in Council to express a hope that great caution will be exercised in regard to the disposal of forest lands, and to state the opinion of His Excellency in Council, that as a rule, such lands should be reserved until it can be more clearly seen, than it is at present what may be required from them in the interests of the general public.

2. Already it is apparent that great difficulty may be experienced not only in procuring wood of a superior kind required in great quantities for railway sleepers, but also in some parts of India in obtaining sufficient supplies of fire-wood for consumption on the railways, where coal at a moderate cost cannot at present at all events be supplied.

3. These circumstances seem to make it peculiarly expedient that the Local Governments should be very careful in regard to the further alienation of the forest lands which still remain at the disposal of the State.

I have, &c.

(signed) *E. C. Bayley*,

Secretary to the Government of India.

— No. 8. —

REVENUE LETTER from India, dated 30th December (No. 22), 1862.

Sir,

WE have the honour to forward herewith, for your information, a copy of the papers noted in the margin,† containing revised rules prescribed by the Government of the North Western Provinces, for regulating the sale of waste lands in those provinces, and the notification issued by that Government relative to the redemption of the land tax.

2. We also transmit a copy of the correspondence noted in the margin.‡ from which you will perceive that we have approved of the course which his Honor the Lieutenant Governor proposes to follow in respect of the publication of a tabulated description of waste lands suitable for grants in the North Western Provinces, in preference to the execution of the general survey, suggested in our circular of the 5th September last, which accompanied our Despatch, No. 15, of the 13th idem.

We have, &c.

(signed) *Elgin and Kincardine*.*R. Napier.**H. B. Harington.**H. S. Maine.*

* To Bengal, No. 4206, dated 15th August; No. 4794, dated 5th September; No. 4883, dated 9th September.

† To North Western Provinces, No. 4206, dated 15th August; No. 4795, dated 5th September; No. 4884, dated 9th September.

‡ To Punjab, No. 4206, dated 15th August; No. 4799, dated 5th September; No. 4885, dated 9th September.

To Madras, No. 4798, dated 5th September; No. 4881A, dated 9th September.

To Bombay, No. 4799, dated 5th September; No. 4882, dated 9th September.

To Chief Commissioner, Oude, No. 4886, dated 9th September.

Ditto Central Provinces, No. 4887, dated 9th September.

Ditto British Burmah, No. 4888, dated 9th September.

Enclosure 1, in No. 8.

From Sir *George Couper*, Baronet and C.B., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India, No. 1044A; dated Nynce Tal, 17 September 1862.

WITH reference to paragraph 12 of your Circular No. 4206, dated 15th ultimo, I am directed to transmit, for the information of his Excellency the Governor General in Council, the accompanying copy of revised rules for the sale of waste lands in fee-simple, which have been prepared by the Sudder Board of Revenue, and which, appearing to the Lieutenant Governor to be in accordance with the Resolution of the Government of India, No. 3264, dated 17th October 1861, as modified by the Despatch of the Right Honourable the Secretary of State, No. 14 (Revenue) dated 9th July 1862, have received his approval.

2. Copy of a Notification, which has been issued, giving effect to the instructions of the Right Honourable the Secretary of State in regard to the redemption of the land tax, is also forwarded for the information of His Excellency in Council.

3. The points adverted to in paragraphs 2 and 13 of your circular above cited will be separately reported on hereafter.

 RULES OF PROCEDURE.

The attention of all officers in charge of districts containing unassigned waste lands is directed to the first portion of the Revenue Resolution of the Viceroy in Council, No. 3264, dated the 17th October, to the provisions of which, as modified by the further orders of the Supreme Government, dated 15th August 1862, No. 4206, they are required to give full and immediate effect.

2. The Collector should at once proceed to prepare a statement of all special tracts reserved from the operation of this circular, under paragraphs 23 and 24 of the first named orders, as being required for forest purposes, for grazing or fire-wood preserves, for building sites, or for any other public object. This statement should be exposed in his office, and facilities should be given to intending applicants to make themselves aware of its contents.

3. When an application for the assignment of a specific tract of waste land is received, the Collector will first consider whether any objection or special limitation is required by reason of the land being required for any of the above-named purposes, and in the event of such being the case, and the applicant still prosecuting his demand, the Collector will report the matter for the information of the Commissioner.

4. In other cases he will at once proceed to inquire whether the land applied for is encumbered by any prior claim of property or occupancy.

5. Where it is evident that there exist rights of property or of exclusive occupancy, either active or latent, the applicant will be informed that the case cannot be taken up under the Grant Rules, excepting in favour of the party originally possessed of those rights, or who has purchased them from such party. "It will be an important part of the Collector's duty to make certain that any transfer of such rights shall have been made with a complete and fair understanding on the part of all concerned."

6. In case of there being any doubt as to whether existing rights are of the exclusive character necessary to bar alienation, the Collector will report the case through the Commissioner to the Sudder Board of Revenue. If the rights claimed, though not exclusive, should appear to the Sudder Board of Revenue to be such rights of pasturage, wood-cutting, turf-cutting, &c., as commonly obtain in the Hill Districts, and are entitled as "existing rights" in a rude form, to protection under paragraph 6 of the Resolution of the Governor General in Council, No. 3264, dated the 17th October 1861, the Board will instruct the Collector to endeavour to bring the applicant for the grant, and the parties who possess a right to use the spontaneous products of the soil within the tract applied for, to a mutual agreement as to the terms upon which (if any) an hereditary and transferable property in the soil may be given to the former subject to the exercise of their customary rights by the latter. If an amicable arrangement be come to the Collector will report the particulars for the information and sanction of the Sudder Board of Revenue. Otherwise the Collector will proceed to estimate the value of the prescriptive rights, as above, on a liberal basis, and will submit the case through the Sudder Board of Revenue to the Government in view to the payment of full compensation.

7. Where no claims of the nature supposed are known to exist, the Collector will calculate the cost of surveying the grant, and of erecting durable pillars of demarcation. This will be at the lowest rate for which land of the nature applied for is ordinarily surveyed in the district. But provision must be made for the measurement being accurately

conducted on the plane table system, and in such wise that a correct estimate may be formed of the amount of land "uncleared" and of the amount "uncumbered with jungle," as also of the portion which may fairly be held to be unculturable. A scale of charges of survey should be prepared and hung up in the same way as the statement referred to in paragraph 2. The Collector will submit a copy of this scale to the Commissioner for the approval of the Board.

8. No allotment as above will be made exceeding 5,000 acres; and in the hill districts no grant of tea lands shall exceed 2,000 acres. Where any special reason may exist against the assignment of so large an area, such as proximity to a station, &c., and the grantee may not be content with a smaller area, the Collector will report the case for orders, with his opinion as to the degree of further limitation which is called for.

9. When the cost of survey has been paid in the survey will be proceeded with forthwith, and no time should be lost in the erection of the boundary pillars.

10. Where an estate has already been surveyed and marked off, this portion of the operations will of course be dispensed with, and no charge will be made against the applicant further than is necessary to secure an accurate plan of the new estate with the requisite boundary marks.

11. On the completion of the demarcation and survey, or, in the case of surveyed land, immediately on the boundaries of the proposed grant being marked by substantial pillars, the Collector will issue an advertisement describing the land to be sold, stating the upset price, and specifying the place and date of sale. The period of the advertisement will be for not less than 30 days. The upset price will be fixed at five rupees for cultivated, and two rupees eight annas for uncultivated land, unless for some special reason (such as proximity to a station, valuable timber being on the land, &c.) that rate be held to be inadequate; in the latter case the Collector will report what upset price he thinks proper, and on its being confirmed by the Board, he will prepare his advertisement accordingly.

12. The advertisement will be published in the "official gazette," and in two up-country newspapers, and the Collector will also cause an istchar to be stuck up in his office, and in the police and revenue posts nearest to the property, as well as in any villages on the land, or adjoining thereto. He will also, where he deems it advisable, have the purport of the application verbally explained to the inhabitants of those villages, and to any other parties likely to be interested in the grant.

13. Any objections to the grant will be carefully considered and disposed of on their merits. If they are held to be valid, the sale will be stayed, and the circumstances reported through the Commissioner to the Board.

14. At the sale, which will be conducted on the usual footing of an auction sale, the land will be assigned to the person offering the highest price; or, in the event of no competitors, to the applicant at the upset price, the cost of survey (if made) being added in both cases. In case the applicant is not the purchaser, all monies paid by him on account of the survey will be forthwith refunded to him.

15. Immediately on conclusion of the sale, the purchaser will pay down one-tenth of the sale price. On this payment being made, the Collector will at once deliver the deed of grant [Forms A] with plan of the estate, to the grantee, and will enter his name in the district records as proprietor of the grant. Possession will at the same time be given.

16. Wherever it may seem necessary to make any reservation of the rights of Government, under paragraphs 12 and 13 of the Resolution, the Collector will report the circumstances for the orders of the Commissioner.

17. Grants, which have already been given for a term of years at progressively increasing rents, will be treated as if the land were permanently settled, if the holder wishes to redeem the future land revenue, at the highest rate fixed for any year during the currency of the grant, provided there is no right of occupancy other than that of the lessee, or that derived from him. The rates for redemption will be calculated according to the market rate of 4 per cent. Government Securities at the time being, as directed in paragraph 75 of the Despatch of Her Majesty's Secretary of State.

18. As laid down in paragraph 11 of the same despatch, the title acquired by sale under the rules now promulgated, is to be held subject to the provisions of any legislative enactment which may hereafter be passed for disposing of the claims of third persons subsequently preferred.

19. From the date of the deed of sale three months will be calculated; and whatever balance of purchase-money is found to be then unpaid, will be entered as an arrear against the grantee, who is to be charged with 10 per cent. per annum on such arrear. This charge should be treated in the same manner as a demand of land revenue, liable on default to the same measures for recovery of arrears.* The amount should be demanded twice a year with the May and November instalments, and should be entered at the foot

of

* "The land will be held liable to resale in default of the regular payment of such interest, should there be no crop or other movable property on the land from which the claim of Government can be satisfied."

of the Pergunnah Touzee in the same manner as land revenue, though the amount (being subject to diminution on each further payment) will not be added to the rent-roll of the district.

20. Each grant will be reported through the usual channel, for the information of Government, immediately on the deed being delivered to the grantee.

21. Every six months a report will be submitted of any sums that may have been realised within that period as purchase-money. This must be carefully drawn up, in order that the provisions of paragraph 56 of the Resolution may be carried into effect. A copy of the six-monthly report will be simultaneously sent to the Deputy Auditor and Accountant General.

22. In the Annual Administration Report the amount so realised within the year, and the total amount from the commencement of the system up to date, will be noted; and also the sum realised as interest on unpaid balances of purchase-money.

23. A separate register of all grants made under these rules will be carefully maintained in the following form in the Collector's office, both in English and in the vernacular. No transfer of proprietary right will be recognised by the revenue officers of Government unless duly registered, after having been acknowledged by the transferee in person, or by duly authorised agent before the district officer, or one of his assistants.

Number.	Number of Grant.	Name of Grantee.	Purchase Money.	Payment of Instalments, with Date of each.	Date of Deed of Grant.	Subsequent Registered Transfers, or Successions.

The maps or plans of all grants sold under these rules will be kept in a series corresponding with the numbers in this register.

24. All previous circular orders on the subject of grants of waste land are hereby cancelled. Future applications will be disposed of under the present orders.

(A.)

FORM OF GRANT.

KNOW all men by these presents that the Government North Western Provinces has conferred on his heirs, executors, administrators, and assigns, the grant of a tract of land measuring British statute acres situate in to be holden by him in full proprietary right, subject to the following conditions:—

1. The purchase-money for this grant is rupees, of which rupees have been already paid. On the * if the entire purchase-money has not been paid up, interest at the rate of 10 per cent. per annum will be charged on the balance, and thereafter, until the entire purchase-money be paid up; such interest will be chargeable on all unpaid arrears of the purchase-money, and all payments by the grantee shall be first carried to the credit of any outstanding arrear of interest due on such purchase-money.

* Enter the date calculated three months from date of this deed.

2. Arrears of interest shall be treated in the same manner as arrears of land revenue, and shall be subject to the same measures of realisation.

3. No transfer of proprietary right will be recognised by the revenue officers of Government unless duly registered, and no transfer of interest, or creation of new interest, in the grant, beyond a lease of three years, without an acknowledgment by the transferee in person, or by authorised agent before the district officer, or one of his assistants.

4. The right of way heretofore enjoyed by the public in roads now existing in the grant is not to be interfered with. The grantee is to pay a contribution of one rupee per annum for every 1,000 rupees of purchase-money in lieu of all demand of the State for aid in repairing the high roads; he will have no claim on the Government for making or repairing private roads.

5. The grantee is to erect permanent boundary marks round his grant, and to keep them in a state of repair.

6. The grant conveys the plenary right to all products both above the surface and below the same. (Here any exceptions which may have been approved by superior authority to be noted.)

34 PAPERS RELATING TO THE SALE OF WASTE LANDS,

7. For the preservation of the public peace, the grantee shall, at the requisition of the magistrate, maintain a chowkeedar for every sixty houses or families resident in the grant. The chowkeedar shall receive three rupees per mensem. For every three chowkeedars there shall also be maintained by the grantee a goryt or reporter at a salary of two rupees per mensem.

8. Arrears on account of road fund or chowkeedar's salary may be realised by distraint of the crops or other property of the grantee.

9. The prescriptive rights of other proprietors in streams running through or bounding the estate will be maintained for purposes of irrigation or navigation, and for the transport of timber or other property, and for other purposes of general utility. The Government reserves to itself the right which it everywhere possesses over all such streams, whether for purposes of irrigation or navigation, and, whenever it sees fit, can assume the control of the waters, and distribute them in such manner and on such conditions as may seem most conducive to the public good.

10. The lands included in this grant are shown in the subjoined table:—

Number of Map.	Number of Grant.	Name of Grant.	Name of Grantee.	Area in Acres.	Deduct Irremediable barren Acres.	Remaining cultivable Acres.	Area unencumbered with Jungle.	Uncleared Area.	Purchase Money.

Boundaries—North.
East.
South.
West.

11. On the payment of the purchase money in full with all arrears of interest, the grant will belong to the grantee free for ever from all demand for land revenue.

12. The title conferred by this grant will not exempt the proprietor from any taxes, cesses, or liabilities (other than liability for the land revenue) which may hereafter be imposed by law.

No. 1043A of 1862.—REVENUE DEPARTMENT.—North Western Provinces.

Dated Nynce Tal, the 17th September 1862.

UNDER paragraph 26 of the Despatch of Her Majesty's Secretary of State, dated the 9th July last, a discretion is granted to the Local Government to allow redemption of the land revenue, in respect of "lands required for dwelling-houses, factories, gardens, plantations and other similar purposes." This permission extends "to portions of land comprised within zemindaries, the jumma of which is not redeemed, a proportionate reduction being, of course, made in the jumma payable to the Government."

2. Under this authority, the Government will be prepared to receive applications from the proprietors of lands of the nature above indicated, for the commutation, by a single payment, for ever of the land revenue assessed thereon.

3. The price to be paid will, under paragraph 75 of the same Despatch, be fixed according to the actual value at the time being of Government 4 per Cent. Securities.

4. Under paragraphs 36 and 75 of the Despatch, redemption will only be allowed where the revenue is found to be fairly assessed; otherwise "a full, fair, and equable rent" will be imposed as a necessary preliminary to the measure.

By order of the Honourable the Lieutenant Governor of the North Western Provinces.

(signed) G. Couper,
Secretary to the Government of the
North Western Provinces.

Enclosure 2, in No. 8.

From Sir *George Couper*, Bart. and C.B., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India, No. 1161 A, dated Nynee Tal, the 17th October 1862.

WITH reference to your letter No. 4795, dated the 5th September, I am directed to forward to you, for the consideration of his Excellency the Governor General in Council, the accompanying copy of one * from the Secretary to the Sudder Board of Revenue, and to state that the Lieutenant Governor concurs with the Board in thinking that the general survey of waste lands, suggested in your Despatch above referred to, would be of little practical utility, while the labour and expense of making it would be very considerable.

* No. 720, dated 2d October.

2. The Sudder Board of Revenue will be requested to take steps for the preparation of a tabulated description of waste lands suitable for grants in the districts of the North Western Provinces; and the table will be published in the "Government Gazette" for general information.

From *G. H. M. Batten*, Esq., Secretary to the Sudder Board of Revenue, North Western Provinces, to Sir *George Couper*, Bart. and C.B., Secretary to the Government of the North Western Provinces, No. 720, dated Allahabad, the 2d October 1862.

IN reply to the orders of Government No. 1057 A, dated the 22d ultimo, in the Revenue Department, calling for a report on the suggestion contained in the letter * from the Secretary to the Government of India, in the Home Department, relative to the waste lands in these provinces, the Sudder Board of Revenue desire me to state, for the information of the Honourable the Lieutenant Governor, that they do not see that there would be advantage to the Government or the public in any of the districts in these provinces in making the survey proposed. The land in question is generally under forest and jungle, the allotment proposed must be arbitrary, and might not in any case suit the views of applicants. The survey and demarcation would be expensive, and without any adequate return of convenience or inducement to the public.

Present:
W. Muir, Esq., Senior Member and
R. Money, Esq., Junior Member.
* No. 4795, dated 5th September 1862.

2. Under existing circumstances every facility is given to applicants to indicate the position and limits of the grants they are anxious to obtain, and the survey and demarcation at that stage is an easy and inexpensive process.

3. It might, however, be a good plan for each district officer to prepare a brief descriptive statement of the tracts where lands are available. A tabulated description of waste lands, suitable for grants, published in the "Gazette," would probably answer the purposes contemplated.

Enclosure 3, in No. 8.

(Home Department, No. 7380.)

From *E. C. Bayley*, Esq., Secretary to the Government of India, to Sir *George Couper*, Bart. and C.B., Secretary to the Government of the North Western Provinces, dated Fort William, the 18th December 1862.

Sir,

I AM directed to acknowledge the receipt of your letter No. 1161 A., dated the 17th of October, and in reply to state that the Governor General in Council is pleased to approve of the course which his Honor the Lieutenant Governor proposes to follow in respect of the publication of a tabulated description of waste lands suitable for grants in the North Western Provinces in preference to the execution of the general survey suggested in the letter of the 5th September.

2. His Excellency in Council desires me to intimate that the tabular description which his Honor intends to publish should be made as full as possible, and should contain all the information procurable, and which is likely to be of use to the public, or to persons wishing to purchase waste lands,

I have, &c,
E. C. Bayley,
Secretary to the Government of India.

— No. 9. —

EXTRACT, REVENUE LETTER, from India, dated 7. January (No. 1), 1863.

WE have the honour to forward the Special Narrative of the Proceedings of the Government of Bengal, noted in the margin,* transmitting * * * * a Register of the Waste Lands available for Grants in the surveyed part of the District.

EXTRACT—Government of Bengal—Special Narrative, dated 31 December (No. 8), 1862.

ENCLOSED is forwarded, for the information of the Right Honourable the Secretary of State for India, * * * * a Register of the Waste Lands available for Grants in the surveyed part of the District, as furnished by the Collector.

Enclosure in No. 9.

EXTRACT from the REGISTER of WASTE LANDS, absolutely the Property of Government, which are available for Grant

Number of the Plot or Tract	Pergunnah, Thannah, or other Sub-divisions, in which situated.	Boundaries of the Plot.	Estimated Area of the Plot in Acres.	Actual Area.	Distance from Sudder Station, of District, and Means of Communication with it.	Remarks, giving a description of the Land; its Nature, Soil, Cultivation which it appears to possess, Advantages or Disadvantages as regards a Supply of Labour, Communications, any other Information available.
1	Thannah Ramoo -	The boundaries cannot be given as the lands do not form one block.	A. r. p. y. 10,017 0 23 20½	A. r. p. y. 10,017 0 23 20½	Three days. There is communication with the Sudder Station, and other important parts of the District, both by sea and land.	The greater part of the land is hilly and jungle, and the remainder is roadway, pebbles, nullah. The soil is "D shila," i.e., sand mixed with clay, and possibly fitted for the cultivation of tea and coffee. Labour is not plentiful on the spot, but can be taken from the hills if one or two months' notice be advanced.
2	" Tek-naaf -	Ditto - -	3,323 0 1 18½	3,323 0 1 18½	Six days. Ditto - ditto -	
3	" Chuckeriah	Ditto - -	4,554 1 18 0½	4,554 1 18 0½	Two " Ditto - ditto -	
4	Chittagong, Town Thannah.	Ditto - -	2,230 1 7 2½	2,230 1 7 2½	About two hours. There is communication with the town by land.	
5	Pharee Rangoneeah	Ditto - -	867 3 20 5½	867 3 20 5½	One day. There is communication with the Sudder Station, and other important parts of the District, both by water and land.	

The above are the surveyed Waste Lands. Besides these, there is a vast tract of unsurveyed hills available for Grants.

Chittagong Collectorate,
22 November 1862.

J. D. Ward,
Collector

— No. 10. —

Foreign Department—Revenue—No. 3.

To the Right Hon. Sir *Charles Wood*, Bart., M.P. and G.C.B., Her Majesty's
• Secretary of State for India.

Sir, Fort William, the 22d January 1863.

In submitting to you a copy of a correspondence, as noted in the margin, relating to the proposed grants of lands in the Sonakhan talook to Mr. Meik, the agent for Messrs. Borradaile and Co., of Calcutta, we also beg to enclose a copy of a letter from the Secretary to Chief Commissioner, Central Provinces, dated 6th October last, No. 37, containing a report on the sale of waste lands in the Central Provinces, together with a copy of our reply, and of the rules drawn up for their sale which we have caused to be published for general information in our official "Gazette."

Extract from "Calcutta Gazette," dated 8th October 1862.
To Officiating Chief Commissioner, Central Provinces, dated 11th October 1862, No. 569.
From Secretary to Chief Commissioner, Central Provinces, dated 22d October 1862, No. 42.
To Officiating Chief Commissioner, Central Provinces, dated 13th December 1862, No. 635.
Dated 13th December 1862, No. 684.

We have, &c.
(signed) *Elgin and Kincardine.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.

Enclosure 1, in No. 10.

COPY of a Notice by the Officiating Deputy Commissioner of Belaspore, dated the 13th September 1862.

THE "Sonakhan" talook, in the Belaspore district of the Central Provinces, being the property of Government, confiscated for rebellion, and as, under the provisions of the Supreme Government, dated 17th October 1861, regarding the disposal of waste lands, a Mr. Meik, agent of the firm of Messrs. Borradaile and Co., of Calcutta, having applied for a grant of land in the aforesaid "Sonakhan" Estate, and which the Local Government is willing to make to the extent of 16,000 acres, or about 20,000 kundies, notice is hereby given, that any one having a just claim to the aforesaid property, or a right of occupancy thereon, their claim as such is to be preferred in the Court of the Deputy Commissioner, Belaspore, within 30 days from this date.

Belaspore,
The 13th September 1862.

(signed) *J. Fulton*, Captain,
Officiating Deputy Commissioner.

Enclosure 2, in No. 10.

From Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner, Central Provinces (No. 569), dated the 11th October 1862.

Sir,

WITH reference to a notice, published at page 3395, of the "Calcutta Gazette" of the 8th instant, and signed "J. Fulton, Captain, Officiating Deputy Commissioner," Belaspore, relating to a contemplated grant, under the orders of 17th October 1861, of 16,000 acres of land in the Sonakhan talook, to the agent of Messrs. Borradaile and Co., of Calcutta, I am directed to observe that the terms of this notice appear to the Governor General in Council to be inconsistent both with the Resolution of 17th October 1861, which restricted grants of land to a maximum of 3,000 acres, and with the orders more recently communicated to you in the circular letter from this department, dated 30th August last, No. 480. It is moreover incorrect to state that the Local Government is willing to make the grant, as its sanction has not yet been applied for, and the fact that the talook in question is said to consist in a great measure of forest land, renders it doubtful whether the sanction could be properly given. If, on consideration of the circumstances above stated, you concur in these views, you will take immediate steps to have this notification cancelled, and at any rate you are requested, before further proceedings are taken in the matter, to submit a full report of the case for the consideration of the Governor General in Council.

Enclosure 3, in No. 10.

From Captain *H. Mackenzie*, Secretary to the Chief Commissioner, Central Provinces, to Colonel *H. M. Durand*, c. b., Secretary to the Government of India, Foreign Department (No. 42), dated Head Quarters, Nagpore, the 22d October 1862.

Sir,

I AM directed to reply to your No. 569, of the 11th October, requiring a report regarding the circumstances of a proposed grant in Talooka Sonekhan to Mr. Meik.

2. I am to premise that immediately on receipt of your telegram the Officiating Chief Commissioner directed the Commissioner of Chutteesgurh to suspend proceedings, so that the case is not concluded, and awaits such orders as the Supreme Government shall be pleased to issue.

3. In respect to the notice in the "Calcutta Gazette," signed by Captain Fulton, this notice was inserted without the Officiating Chief Commissioner's knowledge. It was proposed to make a grant in Talooka Sonekhan under the Resolution of 17th October 1861. Some time before the receipt of the orders conveyed in your No. 480, of 30th August last, forwarding copy of Secretary of State's Despatch regarding waste land, it would appear then that Captain Fulton, supposing that in this particular case the proceedings would be under the old rules, must have issued this notice in reference to paragraph 17 of the Resolution of 17th October, which prescribed that where no claim to land applied for, should appear, an advertisement with term of 30 days should be made. The notice is, of course, quite incorrect in stating that the Local Government (which here must mean the Supreme Government) was willing to make the grant. But it is true that, before the receipt of the recent orders and proceeding under the old rules of 17th October, the Officiating Chief Commissioner was willing that the local officers, acting on the responsibility vested in them by the rules, should make a grant as described, if on inquiry they found the facts to be such as had been set forth. The circumstances under which the proposal was made, I am now to explain.

4. This is the case alluded to in paragraph 9 of my letter, No. 37, of 6th October, to your address, regarding the general subject of waste land. Extract copy of which is appended to this letter for facility of reference.

5. In June last a reference was made by the Commissioner of Chutteesgurh, to the Officiating Chief Commissioner, regarding the management of this talooka. It had been confiscated shortly after the troubles of 1857-58 for rebellion; then leased to a farmer for a nominal sum of rupees (50) fifty for a brief period which had expired. The farmer had been unable to reclaim the land, and would probably prove unable to pay even the above nominal sum. From inquiries on record, the title of Government seemed perfectly clear and certain. It was then that Mr. Meik applied to the local officers for the talooka. The Deputy Commissioner strongly recommended that the talooka be made over to that gentleman. The Commissioner supported the recommendation, copies of the letters of these officers are appended. About the same time Mr. Meik applied to the Officiating Chief Commissioner for a grant in the talooka.

6. On reference to the Resolution of the 17th October, the Officiating Chief Commissioner apprehended that the local authorities in the different parts of India were to act at once on its provisions. The paragraph 7 ran thus:—"With these views his Excellency in Council proceeds to state the rules under which he desires that the Governments and Administrations of India should give effect to these two measures, first, as to the sale of unassessed waste lands, &c., &c. The administration of these provinces appeared to be one of the Administrations meant. Then the Resolution concluded thus:—"But it is not necessary to await the enactment of a law before making known, and as far as practicable, acting on, the rules which have been here laid down." The Officiating Chief Commissioner trusts that he interpreted the Resolution correctly. At all events the above passages led him to suppose that he was competent to direct the local officers to make grants under the rules laid down in that Resolution.

7. Under these circumstances the Officiating Chief Commissioner informed the Commissioner of Chutteesghur that if, after inquiry on the spot, he, the Commissioner, and the Deputy Commissioner were satisfied that the application might properly be granted under the rules of the Resolution of the 17th October, they might grant it, provided that the amount of the grant should not be more than 16,000 acres, and that the price should not be less than (4) four annas an acre. The possible advantages and disadvantages were pointed out, and with these general reservations the terms of the grant were left to the responsibility and discretion of the officers on the spot, they being directed to exercise due inquiry and to proceed under the rules of the Resolution of the 17th October.

8. Herein there are two points on which explanation will be proper: first, the extent of the grant; second, the rate of price.

9. As to the extent of the grant, the Officiating Chief Commissioner did not understand that paragraph 21 of the Resolution of 17th October actually restricted the grants to 3,000 acres in each case. The paragraph runs thus:—"A maximum limit must be fixed to the size

size of all grants, probably 3,000 acres would be a suitable limit in Eastern Bengal, Cachar, Assam, and similar districts." This appeared to leave scope for discretionary variations in the extent of grants. In this case, however, it was understood that Mr. Meik applied partly for himself personally, and partly for Messrs. Borradaile and Co., so that the proposal might be ruled to contain two applications and two grants. Then, again, in a large tract like Sonekhan, containing many (160) square miles, it would be difficult to say whether a lot of 3,000 acres taken up in one place, and another lot of 3,000 in another place, could be considered as parts of the same grant or as separate grants. If the two were near to each other they could not be considered separate grants. If they were several, say 10 miles apart, segregated by hills, then, perhaps, a question might arise as to whether they might not be considered separate.* It seemed impossible to define these points beforehand. Therefore the Officiating Chief Commissioner thought it best to leave the local officers, after inquiry on the spot, to decide, with the proviso that not more than an aggregate of 16,000 acres should be allotted to Mr. Meik, on all accounts and under all bearings, within the talooka of Sonekhan. But one proviso in detail was added to the effect that no one lot should be less than (1,000) one thousand acres. This was done to guard the interest of the State, inasmuch as a small lot less than the above might include extraordinarily good land, which ought not to be sold at a low price; whereas a larger lot of several thousand acres would include probably some bad land, so that the lot might be fairly sold at an average low price.

10. Furthermore there is the general consideration which might lead applicants in these provinces to expect a larger limit of grant than in provinces more happily circumstanced. These considerations have been stated in my letter, No. 37, of the 6th instant, on the general subject of waste lands. They will be again stated presently in those paragraphs of this letter which shall relate to the rate per acre in this proposed grant. Suffice it here to explain that this tract is supposed to be subject to great disadvantages in respect to remoteness and insalubrity, and that unless a grantee could obtain a decidedly large grant, he would not probably apply for a grant at all.

11. The second point to be adverted to is the rate of price. The determination of this was necessarily left to the officer on the spot, but the Officiating Chief Commissioner prescribed four annas as a minimum. By paragraph 29 of the Resolution of 17th October, 2½ rupees was the maximum fixed, but that was liable to deduction for unculturable land. No minimum was fixed, so that there appeared to be a considerable scope allowed for discretion according to circumstances. And there seemed to be circumstances in this case which warranted a low rate of price. The talooka of Sonekhan may be thus described:— It is situated on the Jonk River, about 60 miles east of Raepore, and nearly 100 miles west of Sumbulpore. Its area is supposed to be 160 square miles, or 1,02,400 acres. On the west it is within reasonable distance of the comparatively cultivated country of Raepore. But to the north, the east, and the south, it adjoins wild, savage, and intractible territories. It is quite uncultivated, though perhaps one-third of the area may be culturable, the remainder being hill, rock, or thick jungle. The culturable land is supposed to consist of valleys between the hills near the banks of the Jonk River. It is said to abound with wild beasts. And without doubt it is now very insalubrious, and will continue so until the jungle shall to some extent be cleared away. At present it could not be safely entered by an European from August to January. If, however, it could be partially cleared, or if settlements could be established here, then no doubt its situation near the line of high road (as yet unmade however) between Raepore and the Mahanuddy would render it a fit field for capital and enterprise. But its remoteness from supply of labour, and its insalubrity for settlers, its present want of communication, the hopelessness of effecting anything in it without extensive arrangements, and the application of considerable amount of capital, would demand that some special inducements should be held out to any parties likely to commence its occupation. If a commencement were once made, then other applications might be expected to follow. But unless some start could be made, it seemed certain that applicants, or intending purchasers, would not think of such localities as these, but would carry their skill and capital to other provinces more fortunately circumstanced. These were general considerations which seemed to point to the expediency of demanding a low price at first. But further it is to be borne in mind that, inasmuch as the allotments must exceed (1,000) one thousand acres in any one spot, it is probable that any such allotment must necessarily comprise bad land as well as good, and in fact a considerable proportion would be worth almost nothing at all. Thus many acres might be worth more than four annas, and many worth even less. But this again was necessarily left to the officers on the spot. Although, by paragraph 25 of the Resolution of 17th October, it was competent for the district officer to place a grantee in possession without previous survey, yet the Officiating Chief Commissioner contemplated having a survey made as soon as the season should permit. And it was supposed that unless the local officer already possessed sufficient information (which was improbable), they must at all events delay final action till January next, when the season would admit of the place being examined.

12. Still

* Indeed the Officiating Chief Commissioner understands that there has been and will be doubt as to how far an applicant or grantees may avoid the operation of any maximum rule by applying for several grants in the same neighbourhood.

12. Still there is no doubt that the applicant, Mr. Meik, did understand that, if after inquiry and verification the local authorities should find that grants might fairly be made under the rules of 17th October, he might expect to obtain grants aggregating 16,000 acres at an average price of four annas per acre. No absolute promise or guarantee was or could be given. But he was allowed to entertain the hope or expectation under the conditions above described.

13. The proceedings above described, so far as they went, were taken according to the rules of 17th October 1861, and before the receipt of the Secretary of State's Despatch, and the recent orders thereon. The Officiating Chief Commissioner is well aware that under these last named orders a different procedure would have to be followed. But as these orders are declared not to have retrospective effect, the Officiating Chief Commissioner would recommend that the grant be permitted to be completed according to the terms now described. After local inquiry, as previously directed, the Officiating Chief Commissioner believes that this course would be liberal and just towards the applicant.

14. The principle of these terms is in many respects similar to the proposed rules, submitted with my Despatch, No. 37, of the 6th instant. Future grants would of course be made in exact accordance with whatever rules the Supreme Government shall now be pleased to sanction.

15. In respect to the forest lands in this talooka, alluded to in your letter under acknowledgment, the Officiating Chief Commissioner is not himself aware of the existence of any valuable timber forests in the talooka. So far as he knows, there is no certain or detailed information on the point, but the operations of the Forest Department (previously ordered) during the next season will show clearly whether there is valuable timber or not. At all events, when the grant was under consideration, it was clearly understood that if there should be any such timber forests, or mineral resources, or quarries, or the like, they would be reserved under paragraphs 23 and 24 of Resolution of 17th October.

16. The opinion of the district officer of Raepore, Major Dennys, regarding the benefit to his district from an European settlement in this talooka of Sonkhau, can be seen from the appended copy of his letter already alluded to in the preceding paragraph 5. That opinion is, indeed, very forcibly expressed.

It is, the Officiating Chief Commissioner believes, quite true that this large tract is hopelessly unproductive, unless it shall be taken in hand by European capital and enterprise. If one settlement were started, others would follow. Then the value of land, and of property, and the supply of labour would increase in all that neighbourhood. Thereupon the Government revenue, now almost nominal, would rise in various ways. The advance of civilization in that wild territory is so obvious as scarcely to require mention. And if the course of events, leading to such prospective results, is to be set in motion by means of a large grant to an European firm, then perhaps Government may deem it proper to sanction the first grant on terms favourable to the grantee. But such a grant would of itself give rise to a train of circumstances which will enable Government hereafter to demand a much higher price for future grants. In short there seems to be two alternatives, either to leave the tract in the utterly unproductive condition described by the Deputy Commissioner, or else to make over a portion of it at least to an European capitalist. In the former case it would be of no good whatever, and would rather be a source of evil. In the latter case, it would be a source of benefit to the country round about, and ultimately of profit to the State.

17. It will be observed that originally the Deputy Commissioner proposed to leave the whole talooka to Mr. Meik. But the Officiating Chief Commissioner could not recommend such an arrangement. It would not be conducive to the outlay of capital, nor to the security of improvement. The rent would be almost nominal, and the transaction would probably not prove satisfactory either to the Government or to the lessee. It were in every way preferable to grant a limited portion in fee-simple under the rules.

19. The great importance of these grants to the future of the Central Provinces has been explained in my Despatch of the 6th instant on the general subject of waste lands. In respect to this particular grant, and in respect to the proposed rules submitted with that Despatch, the Officiating Chief Commissioner will feel much obliged if favoured with the early orders of his Excellency the Viceroy in Council.

EXTRACT Paragraph 9 of a Letter, No. 37, dated 6 October 1862, from the Secretary to Chief Commissioner, Central Provinces, to the Secretary to Government of India, Foreign Department.

Paragraph 9. I am to explain in this place that, having regard to the terms of paragraph 7, of the Resolution of 17th October 1861, which stated that the various Governments and Administrations in India should give effect to its provisions, and also having regard to paragraph 57, which set forth that it was not necessary to wait for a law, before giving effect to the rules, the Officiating Chief Commissioner did, in June last, entertain an application for a large grant in Chutteesgurh made by Mr. Meik on his own behalf, and on behalf of Messrs. Borradaile and Co. And the Commissioner of Chutteesgurh was authorised

authorised to make a grant, if, after inquiry on the spot, he found that the land was really fit to be granted under the rules. It was alleged with a considerable degree of truth that the tract applied for was wild, remote, insalubrious, uncleared, rugged, but containing in valleys and hollows quantities of good and reclaimable land. Considering all these things, and also the importance of getting European enterprise started in that neighbourhood, the Commissioner was instructed that he might accept as low a price as four annas an acre. This was, no doubt, a low average. But while on the one hand many acres of the land would be worth more, yet on the other hand many acres, and indeed a considerable part of the aggregate of land, would prove to be worth nothing at all. The Resolution while fixing a maximum of 2½ rupees, did not fix any minimum. Then considering that two grants were applied for, and that, unless a large quantity of land could be secured, it would not be worth any one's while to take land at all in such a place, the Commissioner was told that he might make grants up to an aggregate of 15,000 acres. The resolution did not fix absolutely any maximum for grants, the lots of 3,000 acres each were stated to be applicable to Eastern Bengal.

(True Extract.)

(signed) *W. E. Crawford,*
Head Clerk.

COPY of a Letter from the Officiating Commissioner, Nagpore Division, to Secretary to Chief Commissioner, Central Provinces (No. 257-39), dated 7 July 1862.

WITH reference to your demi-official communication, dated 4th instant, I have the honour to forward an application, in original, from Mr. Meik, together with letter, No. 167, dated 25th ultimo, from the Deputy Commissioner of Raepore.

2. The Deputy Commissioner details the circumstances connected with the estate of Sonakhan, and from memorandum, No. 6, dated 24th April 1862, by Colonel Spence, in charge of Chief Commissioner's office, I find that he directed that this estate should be settled with the heirs of the late Maharaj Sai on more than ordinarily favourable terms until the expiration of the first regular settlement.

3. The brother of the deceased has now resigned the lease of this large estate, as he could derive no profit from it, even at the low rental of 50 rupees per annum, and Mr. Meik has sent in an application for it to hold until the termination of the next regular settlement, 30 years. I can see no reason why it should not be made over to him. It is a confiscated estate, and the property of Government, and trifling though the jumma may be, it is a matter of considerable importance to introduce European capital and speculation.

4. The services of Maharaj Sai, who was murdered by the former proprietor of the Sonakhan estate, might, I think, be adequately and appropriately recognised by awarding to his widow, either a sum of money or a monthly stipend for her lifetime. A small allotment of land, as proposed by Colonel Spence, would hardly be appreciated where land is so valueless.

5. This question, however, would be better determined by the Commissioner of Raepore, to whom I will transfer the file; now that I have placed this tender before the Chief Commissioner.

6. With regard to Mr. Meik's paragraph 4, there is no doubt an almost unlimited field for speculation of the kind he proposes to enter into in the Mundlah district.

COPY of a Letter from the Deputy Commissioner, Raepore, to Commissioner Nagpore Division (No. 167), dated 25 June 1862.

REFERRING to past correspondence, I have the honour to submit the following Report, and to solicit instructions:—

2. On the capture of the rebel Narrain Singh, and his execution, his estates were confiscated to the Government. Amongst others, the estate of Sonakhan, consisting nominally of 49 villages, but in reality a wild uncleared tract, a refuge only for the disaffected, or the wild denizens of the forest. The latter abound. Amongst which the tiger, leopard, bear, buffalo, bison, and sambhur and other species of deer, may be mentioned.

3. In May 1858 Captain Elliot settled the estate temporarily with Maharaj Sai, the zemindar of the adjoining estate of Decreee. This man was an uncle of Narrain Singh's, had long been on bad terms with him, and gave great assistance to Captain, then Lieutenant Smith, in securing Narrain Singh's apprehension.

4. In a letter, No. 34, of 25th May 1858, Mr. Plowden sanctioned this settlement at a rental of 50 rupees a year for three years, on the clear understanding that the property continue that of the Government, liable to be assessed at any future period up to its full resources

resources. Captain Elliot in a former communication had described Maharaj Sai as a man of undoubted loyalty and good faith, but it does not appear that, in settling the estate with him, he at all intended anything beyond a temporary arrangement.

5. After Narrain Singh's execution, his son, Govind Singh, was placed under Maharaj Sai's care, who promised to provide him with some villages either from the Sonakhan or Deoree Estate.

6. In July 1860 Koonjul Singh, a brother (I believe) of the rebel Soorundur Sabai of Sumbulpore, instigated by Govind Singh, entered the house of Maharaj Sai, murdered him, and plundered his property, Govind Singh taking part in the deed, when they retreated into Sumbulpore. Koonjul Singh as well as Govind Singh are, I believe, still at large lurking in the Sumbulpore district.

7. Before leaving this district *en route* to England, Captain Smith, Officiating Deputy Commissioner, in his letter, No. 223, of 4th April last, recommended the Sonakhan zemindaree being conferred rent-free on Maharaj Sai's heirs in perpetuity. The Officiating Chief Commissioner enters fully into the subject in his memorandum of 24th idem, and disapproves of the recommendation of a reward so much beyond the services rendered; but directed me to ascertain the annual assets of the estate and make a Malgoozaree settlement with the heirs of Maharaj Sai at such a jumma as I might deem proper under the circumstances, and with reference to the means of livelihood they at present possess; the term of settlement being made, until the expiration of the first regular settlement, upon more than ordinarily favourable terms.

8. On receiving these orders, I sent for the zemindar's brother. Maharaj Sai had no issue, and his widow is in possession of Deoree, reporting to you my opinion that the settlement of this estate in the manner proposed would be ruinous to our hopes of bringing it under cultivation, and that a monetary reward, if necessary, would be far more suitable.

9. In the meantime I had received an application from Mr. Meik, an agent of the house of Messrs. Borradaile & Co., Calcutta, asking for this estate. He informed me verbally that Captain Smith had told him he could lease the estate from the Deoree man at 500 rupees a-year for 30 years; but when I told him there must be some mistake he addressed me an official application on the subject, which was forwarded by me in ignorance of Captain Smith's application, and cancelled on receipt of the Chief Commissioner's orders.

10. On the arrival of the zemindar's brother, I spoke freely to him on the subject, told him exactly what were my orders, and asked his wishes. At the same time I pointed out to him his absolute inability to manage the estate, that the whole of his own estate of Deoree, for which he pays only a nominal takolee of 12 rupees, was lying waste on account of his poverty and want of means to bring it under cultivation. He told me that his assets from Sonakhan were nothing, and the 50 rupees he paid to the Government on account of it, a loss; that he had succeeded in establishing a few men in one or two parts of Sonakhan; all of whom, however, pay him nothing. He said if I wished it, he would take the land until the expiration of the first regular settlement at 50 rupees, but could not pay more. On my suggesting that he had better give it up and leave it to the generosity of the Government to grant him a pecuniary reward, he seemed averse to the proposal, and with a pride, none the less dignified because coming from a poor and very ignorant man, said, "How can I give up my zemindaree lands for money?" I explained that he here laboured under an error, and the land belonged to the Government, not to him, that it had never been given to him in zemindaree, and it was not now proposed to do so. He allowed his utter incapacity to do anything for the estate, and at last petitioned that we should do anything we thought most advisable, asked that other flourishing villages must be given to him, or a monetary reward; in short, he placed himself completely in my hands.

11. On this I issued a proclamation calling upon any one who would undertake the lease of Sonakhan for 20 or 30 years, to come forward with tenders, but though nearly a month has elapsed, save from Mr. Meik, I have only one offer of 50 rupees a-year for 30 years. Mr. Meik expresses himself as willing to take the lease on any fair terms, or for any period. The object of the farm is said to be to work lands upon a large scale with the aid of English capital. Mr. Meik is also willing, at the same time to pay, as a gratuity, any sum to the heirs of the Deoree zemindar to which they may be considered entitled.

12. One point is clear, this large tract of land, comprising probably, some 160 miles square, will remain for ever in its present unreclaimed state, if we leave it with the Deoree zemindar, or give it to other natives. The utmost bid that I can get for it, even for a 30-years' lease, is 50 rupees a-year. An opportunity thus occurs of offering to European enterprise a field of considerable prospect. If a large sum of money were sunk on the estate, the Government would be indirectly far more indemnified, even had it granted the estate rent-free. It is situated just about 40 miles off the high road leading from this to Sumbulpore, and its reclamation, if effected, would indeed prove a blessing.

13. Under these circumstances I beg to solicit the orders of the Chief Commissioner. Does he still desire the settlement should be made with the heirs of the Deoree zemindar until the expiration of the first regular settlement, or a period probably of 25 to 30 years? Such an arrangement is tantamount to dooming the land to be waste for that period; or,
have

have I his permission to settle this estate as a talookdaree with Messrs. Borradaile & Co. of Calcutta, through Mr. Meik; and if so, for what period, and upon what terms?

14. Nothing but some such an arrangement can give us hopes of clearing the land. I would feel inclined to propose that the estate be offered at a rental of 100 rupees a-year until the regular settlement, the proviso being made that in revising its jumma at that time every consideration would be given to the sum which might have been expended in improving the property.

15. Mr. Schiller, of Messrs. Borradaile's house, is, I believe, now in England trying to organise a company to work lands they may thus obtain, on a very large scale, and has full confidence of succeeding, but awaits the result of Mr. Meik's report as to what lands he can get granted to them.

16. In my opinion the importance of the measure is such that it can hardly be over-estimated, and that, if the Government can be satisfied that the land will really be reclaimed, they might, with great advantage, effect a lease of it for 30 years at a rent almost nominal.

17. In regard to the Deoree zemindarin, the tukolee of 12 rupees, which she pays to Government might be altogether remitted, and the sum of 1,000 rupees given to her as a reward for her husband's services. This latter sum Mr. Meik is willing to pay by instalments of 100 or 200 rupees, and it might enable her to do a little something for the advancement of her estate.

18. It is, I believe, Mr. Meik's intention to proceed to Nagpore for the purpose of waiting upon the Chief Commissioner. He has traversed much over the country and is well acquainted with its features and capabilities. He is also desirous of leasing other lands, if procurable, either from Government or from the zemindars, but I have not much hope that he will succeed in the latter quarter.

19. The estate of Sonakhan would of course be settled, subject to any future adjudication of external boundaries. Internal boundaries it cannot be said to possess. It should be considered as an estate, and the talookdar should have powers to create as many villages as he chose.

(True copies.)

(signed) *W. E. Crawford,*
Head Clerk.

Enclosure 3, in No. 10.

From Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner, Central Provinces (No. 685), dated 13 December 1862.

Sir,

THE Governor General in Council now directs me to reply to your letter, No. 42, dated 22d October 1862, in which you submit the Report called for in my letter, No. 569, dated 11th October, regarding the grant of 16,000 acres of waste land to Mr. Meik.

2. A notice in the "Calcutta Gazette," signed by Captain Fulton, was the first intimation which Government had of the grant in question; you now explain that the application for the grant was made and entertained before the receipt of the orders conveyed in my letter, No. 480, of the 30th August last, and therefore at a time when the Resolution of the 17th October 1861 was in force without modification.

3. But I am to point out to you that the Resolution of 17th October 1861 did not empower you to make grants of waste land without reference to higher authority. The Resolution did not lay down rules for the grant of land as you suppose; it laid down general principles only, and paragraph 20 of the Resolution directed that rules of procedure should be framed by the Local Governments with sufficient clearness of detail to obviate in all ordinary cases any necessity for reference or sanction. No such rules had been laid down by the Government of India. But even if such rules had been framed, it would have been your duty, in accordance with paragraph 20 of the Resolution, immediately to report any grants made under them. Under such circumstances there was a still more urgent necessity for an immediate and full report to Government of the grant to Mr. Meik than if Government had issued its rules of procedure.

4. I am further to point out to you that the grant to Mr. Meik was contrary to the letter and principles of the Resolution of 17th October 1861, in respect of both area and price. The Resolution very clearly intimates that where, as in Sylhet, Cachar, and Assam, there is a mixture of marsh and unculturable soil, 3,000 acres should be the maximum area of grant. Where land is more valuable, a lower limit is to be fixed. For uncleared land 2½ rupees, 5 rupees for land free of jungle are to be the maximum upset prices, subject to deduction for area of swamps or unculturable land.

The grant to Mr. Meik is for 16,000 acres at 4 annas the acre, *i. e.*, upwards of five times the maximum of area allowed by the Resolution, and at one-tenth the upset

price of uncleared land, and one-twentieth that of land free of jungle. In addition to this it appears that the grant is not in one block area; on the contrary, the stipulation is that Mr. Meik's lots are not to be less than 1,000 acres, so that there is nothing to prevent Mr. Meik from selecting 16 of the clearest and most valuable tracts of 1,000 acres each in different parts of the Sonakhan Talooka for 400 L.

5. The Governor General in Council cannot consider the explanation which you have given of your proceedings on this case as very satisfactory. The best excuse that can be made for your proceedings is that, as the estate only brought in to Government a rental of 50 rupees a-year, and was really an unprofitable waste, though styled an estate of 49 villages, there was some ground for the anxiety of the local authorities to see the whole or a part of it in the hands of an European firm having some command of capital, and disposed to embark in the enterprise of bringing the tract under cultivation.

6. Under this consideration, and as Government is to some extent pledged by what you have done, the Governor General in Council will not interfere to prevent the completion of the grant to Mr. Meik. The notice issued by Captain Fulton, however, was for a grant of 16,000 acres to Mr. Meik, not for 16 grants of 1,000 acres each. It will rest with you to see that the allotment made to Mr. Meik shall be such as not to leave the adjacent lands valueless.

Enclosure 4, in No. 10.

From Captain *H. Mackenzie*, Secretary to the Chief Commissioner, Central Provinces, to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department (No. 37), dated Head Quarters Nagpore, 6 October 1862.

1. Copy of a Despatch, No. 14, dated 9 July 1862, from the Secretary of State for India.

2. Copy of Circular, No. 4206, dated 15 August 1862, from the Home Department to the Governments of Bengal, North Western Provinces, and Punjab.

Sir,

I AM directed by Officiating Chief Commissioner to acknowledge receipt of your Circular, No. 480, of 31st August last, giving cover to documents noted in the margin. I proceed to submit the report therein called for on the subject of waste lands.

2. I am first to note that, in the opinion of the Officiating Chief Commissioner, the waste land question is in the southern and eastern parts of the central provinces; that is to say, in Sumbulpore, Chutteesgurh, and on the Godavery, almost the most important that could possibly arise. The Officiating Chief Commissioner offered a general opinion upon the subject in connexion with European colonization in paragraphs 441-451 of the Administration Report lately submitted to the Supreme Government. He there pointed out the desirability of making grants in these provinces on more than ordinarily favourable terms, and that these grants could, in many parts of the country, be made without infringing any pre-existing rights in districts where there are boundless tracts of waste without an owner; and that, while the most part of it lay under great disadvantages, from its insalubrity, impracticability, remoteness from markets and labour, there were large tracts in the valleys of the Godavery and Mahanuddy, the lower Nurbudda Valley, the Plateau of Chutteesgurh, and in the uplands of the Santpoora range; many of which, more especially those in Chutteesgurh, might, with the application of capital, skill, and enterprise, be turned into some of the great cotton-growing districts of India.

3. In respect to the Godavery country, the Officiating Chief Commissioner can now attest, by personal observation, the facts which he mentioned in his report. His recent tour down and up that river has shown him that, on either bank, but more especially on the left or British bank, there are vast tracts of land rich and culturable. If, as the navigation be opened, settlers, European and native, shall come up from the east coast (as Mr. Temple believes they will), then the valley of the Godavery, which is now only a forest sprinkled with villages, might become a long strip of agriculture. There is every probability of cotton, sugar, linseed, and indigo being grown on the bank of the Godavery; and if such things be grown, then, without doubt, there would be a demand for their exportation. On the whole, the Officiating Chief Commissioner regards this valley as a highly suitable and promising locality for new grants, and the unclaimed waste is endless.

4. The points in the Secretary of State's Despatch relating to waste land, which might especially be adverted to in this Despatch, appear to Officiating Chief Commissioner to be as follows:—

5. In reference to paragraphs 4 and 5, I am to state that the dormant claims to waste lands are believed not to exist largely in these provinces. Wherever they do, they will be carefully looked to before any grant is made. Nor have we fierce tribes in the neighbourhood of the waste lands who are likely to regard European or other settlers as intruders. Those fierce tribes which we actually have are situate in a different direction.

6. There are some tracts of waste, no doubt, to which large zemindars will lay claim. But this remark applies to the zemindars of central and eastern Nagpore, and not to those on the Godavery. However, the Officiating Chief Commissioner desires me to say that Government may rely on his making no grant on any such claimable land, unless the claim shall have been thoroughly sifted and disposed of beforehand.

7. The

7. The direction in paragraph 17, to the effect that grants should generally be made only in "tracts of country in which there may be a reasonable approach to certainty that valid claims will not be put forward, or at any rate to no considerable extent," has been duly noted by Officiating Chief Commissioner. He believes that if grantees can only be found, these are just the provinces where such land might be found in abundance.

8. It seems, however, to the Officiating Chief Commissioner, that the points of chief practical importance are: first, in what quantities may grants be allotted; second, what price per acre should be fixed.

9. I am to explain in this place that, having regard to the terms of paragraph 7 of the Resolution of 17th October 1861, which stated that the various Governments and Administrations in India should give effect to its provisions; and also having regard to paragraph 57, which set forth that it was not necessary to wait for a law, before giving effect to the rules, the Officiating Chief Commissioner did, in June last, entertain an application for a large grant in Chutteesgurh, made by Mr. Meik on his own behalf, and on behalf of Messrs. Borradaile & Co. And the Commissioner of Chutteesgurh was authorised to make a grant, if, after inquiry on the spot, he found that the land was really fit to be granted under the rules. It was alleged with a considerable degree of truth, that the tract applied for was wild, remote, insalubrious, uncleared, rugged, but containing, in valleys and hollows, quantities of good and reclaimable land. Considering all these things, and also the importance of getting European enterprise started in that neighbourhood, the Commissioner was instructed that he might accept as low a price as four annas an acre. This was no doubt a low average. But while on the one hand many acres of the land would be worth more, yet, on the other hand, many acres, and, indeed, a considerable part of the aggregate of land, would prove to be worth nothing at all. The Resolution, while fixing a maximum of 2½ rupees, did not fix any minimum. Then, considering the two grants were applied for; and that, unless a large quantity of land could be secured, it would not be worth any one's while to take land at all in such a place; the Commissioner was told that he might make grants up to an aggregate of 15,000 acres. The Resolution did not fix absolutely any maximum for grants. The lots of 3,000 acres each were stated to be applicable to eastern Bengal.

10. The Officiating Chief Commissioner has not, indeed, heard that the Commissioner of Chutteesgurh has effected anything definitely upon these instructions. But if, after inquiry, he should have entered into any understanding with Mr. Meik, Mr. Temple hopes that the transaction may be maintained; as the present orders of the Secretary of State are not to have retrospective effect. Any further or modified instructions which Government may be pleased to issue upon this general reference shall be carefully observed.

11. But I have been desired to particularize the above case the more, because it affords a practical illustration of the principle of the manner in which grants should, in Mr. Temple's opinion, be made in these provinces. The waste lands in these provinces are subject peculiarly to the following drawbacks:—

1st.—They are very remote from markets and from labour.

2d.—They are insalubrious until they are cleared of jungle.

3d.—They are largely interspersed with rock, sand, and unculturable land. The Officiating Chief Commissioner is able to say this from personal experience, having walked and ridden through many of these places, both in the hot weather and in the rainy season; all waste lands in India are, perhaps more or less, subject to exactly these drawbacks. But Mr. Temple believes that in no part of India can the waste lands be worse, and in few so bad, in the above respects, as are the waste lands of the central provinces. Indeed so greatly is the balance against us that unless we offer some advantages to compensate for the above disadvantages, we shall have no chance of competing with the Bengal or other provinces, or of attracting capitalists.

12. The Officiating Chief Commissioner, therefore, earnestly submits, for the consideration of the Supreme Government, that, in making grants of waste land in the central provinces, two points should be observed.

1st.—To make grants in quantities larger than elsewhere, or at all events in quantities decidedly large.

2d.—To fix a price per acre somewhat lower than elsewhere, or at all events decidedly moderate.

13. The application of these principles should, it is true, be different in different districts. Chutteesgurh and Mundla, though abounding in fine waste, are yet specially subject to the above disadvantages. The districts on the Mahanuddy (Sumbulpore), those on the Godavery (Sironcha), those on the Nerbudda (Hoshungabad), are somewhat less so. The Officiating Chief Commissioner would, therefore, propose a maximum of 10,000 acres per grant for Chutteesgurh and Mundla districts; 5,000 acres for the Sumbulpore, Sironcha, and Hoshungabad districts; and 3,000 acres for all other districts.

14. So also he would have a differential scale for the price, and would fix as a minimum,—

Four annas per acre in Chutteesgurh and Mundla, if the grant be not less than 10,000 acres; and eight annas, if it be not more than 5,000.

Eight annas in Sumbulpore and Sironcha, if it be not less than 5,000 acres; and one rupee, if it be not more than 3,000 acres.

One rupee in Hoshungabad, if it be not less than 5,000 acres; and two and a half rupees, if it be not more than 3,000 acres.

Two and a half rupees in the other districts.

15. In the above scale it will be observed that a difference is made in favour of large grants over small ones. An almost nominal price for large grants in Chutteesgurh and Mundla is proposed for this reason, namely, that in either of these districts any grantee taking a large grant of 10,000 acres must necessarily include within his limits much impracticable land; and much insalubrious jungle. If he takes a smaller grant, he should pay higher; because with that size he might find ground with a larger proportion of good soil. The same remark applies, *mutatis mutandis*, to the Sumbulpore, Sironcha, and Hoshungabad districts. Sumbulpore and Sironcha are better off than Chutteesgurh and Mundla, because the former have rivers which will one day be navigable. Hoshungabad, though containing wild tracts, will soon have a railway; therefore the only case wherein more favourable terms are proposed for it, is the case of a large grant being taken, such a grant in that neighbourhood must necessarily include some hilly or rugged ground.

16. The rates of price here proposed are minimum or upset prices, according to the terms of the Secretary of State's Despatch. Of course if any more be bid, when the lot is put up to auction, so much the better.

17. The Officiating Chief Commissioner would declare these terms, both as regards quantity and price, for two years only, after that period it is hoped that the various improvements now going on may, in some degree, change the face of the country. One of the first things affected by such changes would be the value of land. The terms should then be open to revision. If the terms proposed shall appear favourable, then Mr. Temple submits that men of enterprise and capital, who shall now come forward in the present state of these provinces to take up land, will most richly deserve any ulterior advantage they may obtain, for they will have been, in literal truth, the pioneers of civilization.

18. The Officiating Chief Commissioner would append one condition, namely, that these terms should be applicable only to grants of (500) five hundred acres and upwards. It may be doubted whether it would be worth while to concede these advantageous terms to small grants below that amount. For grants below the above amount, the uniform rate of 2½ rupees will be applicable in all districts alike.

19. I am to add that, in Officiating Chief Commissioner's opinion, it would be of the greatest advantage if companies could be formed to take up grants of land. They would have, under the circumstances of these provinces, great advantages over single capitalists, unless indeed such single capitalist were a very large one. Mr. Temple entertains hopes that such companies may be formed.

20. In conclusion, I am to submit a set of rules of procedure for the sale of waste lands in these provinces for the approval and sanction of his Excellency the Viceroy in Council. These proposed rules have been framed partly on the model of those recently issued by the Bengal Government. They appear to comply with the requirements of the Despatch from the Secretary of State, No. 14, of 9th July last, and they embody the proposals which have been made in this letter. Should they meet with his Excellency's approval, Mr. Temple trusts that they may be published in the "Calcutta Gazette" at an early date, in order that they may be made known to the public without delay. It is hoped that, during the ensuing cold season, some arrangements with grantees may be commenced, if not completed.

21. The subject of the introduction of a permanent settlement into these provinces, upon which the Officiating Chief Commissioner's views have again been called for in reference to the Secretary of State's Despatch, will be entered into in a separate letter.

CENTRAL PROVINCES.—WASTE LAND SALE RULES.

Preamble.

THE following Rules for the sale of unassessed waste lands, in the Central Provinces, are published for general information:—

Rule I. All unassessed waste lands in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed, and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule 19.

Rule II. The maximum limits of the quantity of land which will, for the present, be sold in one lot, in the several districts of the Central Provinces, will be as mentioned below:—

1. Raepore	-	-	District	-	} 10,000 acres.
2. Belaspore	-	-	"	-	
3. Mundla	-	-	"	-	
4. Sumbulpore	-	-	"	-	} 5,000 "
5. Upper Godavery	-	-	"	-	
6. Hoshungabad	-	-	"	-	
7. Nagpore	-	-	"	-	} 3,000 "
8. Chanda	-	-	"	-	
9. Bhundara	-	-	"	-	
10. Wurda	-	-	"	-	
11. Jubbulpoor	-	-	"	-	
12. Nursingpore	-	-	"	-	
13. Chindwara	-	-	"	-	
14. Seonee	-	-	"	-	
15. Saugor	-	-	"	-	
16. Baitool	-	-	"	-	
17. Dumoh	-	-	"	-	

If, for special reasons in particular localities, lower maximum areas should be determined upon, due notice will be given.

Rule III. Every lot shall be compact and shall include no more than one tract of land in a ring fence. No lot will be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated in consequence of an application for purchase. The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area. If, on completion of the survey, it shall appear that the area of the lot applied for exceeds the prescribed maximum, the excess shall be excluded.

Rule IV. Applications for the purchase of waste land shall be made to the Deputy Commissioner of the District, and every application shall contain the following particulars:—

- 1st. The estimated area of the land applied for.
- 2d. The situation of the land and its boundaries, as accurately as can be ascertained.

Rule V. If the Deputy Commissioner be able to satisfy himself that the land applied for is available for purchase under Rule I., and within the conditions prescribed in Rules II. and III., and if it shall have been previously surveyed and demarcated, he shall advertise the lot for sale, on a given day, at an upset price as hereinafter specified. The advertisement shall be published in both the English language and the vernacular of the district in the Deputy Commissioner's office, in the offices of the tehseeldars of the district, and in the police stations, within the limits of which the lands may be situated. The expense of the advertisements will be chargeable to the applicant.

Rule VI. If the Deputy Commissioner be satisfied as above, and if the land have not been surveyed, he shall cause it to be surveyed, and its boundaries demarcated, the estimated cost of such survey and demarcation being first deposited by the applicant. On the completion of the survey, the advertisement of sale shall be published as above.

Rule VII. The day of sale to be named in the advertisement shall not be less than 30 days from the date of publication, and the sale shall be held at the Deputy Commissioner's office. The sale may be postponed if, in the Deputy Commissioner's judgment, it be necessary; due notice being always given of the date on which the sale will be held.

Rule VIII. If before the day of sale no claim of proprietary, or occupative, right in the land be preferred, the lot shall be sold by auction to the highest bidder above the upset price, or to the applicant at the upset price, if there be no higher bid.

Rule IX. The upset price of the lands to be sold will, ordinarily, be as follows:—

1. In the Raepore, Belaspore, and Mundla districts—
 - For lots exceeding 5,000 acres - - - - 4 annas per acre.
 - For lots containing less than 5,000 acres - - - 8 " "
2. In the Sumbulpore and Upper Godavery districts—
 - For lots exceeding 3,000 acres - - - - 8 annas per acre.
 - For lots containing less than 3,000 acres - - - 1 rupee per acre.
3. In the Hoshungabad district—
 - For lots exceeding 3,000 acres - - - - 1 rupee per acre.
 - For lots containing less than 3,000 acres - - - 2½ " "
4. In the Nagpore, Chanda, Bhundara, Wurda, Jubbulpoor, Nursingpore, Chindwara, Seonee Saugor, Baitool, and Dumoh districts, 2 rupees 8 annas per acre.

The upset price will be calculated on the whole area of the lot, without any deduction on any account whatever.

Rule X.—On payment of one-tenth of the purchase money, and of all expenses of survey,

survey, demarcation, advertisement, and sale, the purchaser shall receive a deed (in a form which will hereafter be issued) signed by the Deputy Commissioner; conveying to him the lot, in full hereditary and transferable proprietary right, free for ever from all demand on account of land revenue; but subject, nevertheless, to all general taxes and local rates imposed by law, or by the Local Government, and to any other claim, whether of the Government or otherwise, that may have been, or may hereafter be, established in any court of competent jurisdiction.

Rule XI.—If, before the day of sale, a claim of proprietary or occupative right in any part of the land be preferred, the Deputy Commissioner shall investigate the claim; and if satisfied that it is groundless, shall reject it and proceed with the sale.

Rule XII.—If on investigation any such claim should appear to be well grounded, the Deputy Commissioner may either reject the application for purchase of the lands, or refer it for the orders of the Commissioner. In the former case the applicant may appeal to the Commissioner.

Rule XIII.—The Commissioner may direct the Deputy Commissioner either to reject the application or to proceed with the sale of the land, either unreservedly or on the conditions prescribed in Rule X.; or if any claim to right of proprietorship, occupancy, or use, in any part of the lands be established to the satisfaction of the Commissioner, with a special reservation of such right, or exclusive of the area in which such right exists. If the application for purchase of the land be rejected, the amount deposited as cost of survey, after deduction of any expenses which may have been incurred in survey, demarcation, advertisement, or any other way incident to the transaction.

Rule XIV.—On being put in possession of the lot, the purchaser shall be bound to erect as many substantial boundary marks of masonry as the Deputy Commissioner may think necessary, provided it be not made incumbent on the purchaser to erect more than at the rate of four per mile of boundary line.

Rule XV.—If the land be purchased by any person other than the applicant who may have deposited the cost of survey under Rule VI., it shall be returned to him, and should the proceeds of the sale be less than the upset price, plus the actual cost of survey and demarcation, the difference or so much of it as shall make up that amount will be chargeable against the purchaser, in addition to the price of the land.

Rule XVI.—The purchaser may, if he choose, pay the whole of the purchase money, when the lot is sold, or the deed delivered to him. Or, if he choose, he may pay a portion, not being less than 10 per cent. at the time of sale, and the remainder in instalments at any future time, not being more than ten years from the date of sale. In the latter case, simple interest, at the rate of 10 per cent. a year, will be charged on the unpaid portion of the purchase money, and the whole lot will remain hypothecated as security for the full discharge of the amount, including principal and interest, and be liable to sale by order of the Deputy Commissioner, if the said amount of either principal or interest be not paid within the stipulated period; and should such sale take place in default of payment of the purchase money, the defaulter will have no claim for improvements against the Government or on any other account, except for the amount of the deposit money; and for that only, in the event of the amount realised at the second sale at least equalling the amount of the original sale.

Rule XVII.—If the purchaser fail to pay one-tenth of the purchase money and all other expenses within three months from the day of sale, the lot will be put up to sale again on the same conditions as before, and sold at the risk of the first purchaser, whose deposit will also be forfeited.

Rule XVIII.—No sale of waste lands once made by a Deputy Commissioner in conformity with these rules will be disturbed by any higher executive authority.

Rule XIX.—Reserves of grazing and forest land, of land for the growth of firewood near towns and stations, of building sites, parks, recreation grounds, of tracts possessing mineral wealth, stone quarries, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Chief Commissioner. A list of these lands is under preparation, and will be published in the local "Gazette."

Rule XX.—Lands for the purchase of which application has been made under the Resolution of the 17th October 1861, will, if such application were duly registered, be dealt with in accordance with the terms of the said Resolution so far as the law allows.

Rule XXI.—From and after the date of the promulgation of these rules, no fresh applications for grants of waste lands under any previous rules will be entertained.

Rule XXII.—The above rules will continue in force for two years from the 1st November 1862.

Chief Commissioner's Office,
C. P. Nagpore, 16 October 1862.

(signed) *H. Mackenzie*,
Secretary to Chief Commissioner,
Central Provinces.

Enclosure 5, in No. 10.

From Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner, Central Provinces (No. 684), dated 13 December 1862.

Sir,

I AM directed by the Governor General in Council to reply to your Letter, No. 37, dated 6th October 1862, in which you report on the subject of waste lands and the rules under which you propose to make grants.

2. After observing, with reference to the Secretary of State's Despatch, No. 14, of 9th July 1862, that dormant claims to waste lands are believed not to exist largely in the Central Provinces, and that no grant would be made without such claims being thoroughly sifted and disposed of, you note as the points of chief practical importance:—

- 1st. In what quantities may grants be allotted.
- 2d. What price per acre should be fixed.

3. As bearing on these questions you remark that the waste lands of the Central Provinces are subject to the following drawbacks:—

- 1st. They are very remote from markets and from labour.
- 2d. They are insalubrious until they are cleared of jungle.
- 3d. They are largely interspersed with rock, sand, and unculturable land.

In these respects you regard the waste lands of the Central Provinces as worse than those of other parts of India, and to compensate for these drawbacks, and to enable the Central Provinces to compete with Bengal and other provinces, you are of opinion that commensurate advantages must be offered.

4. To attain this object you propose:—

- 1st. To make grants in quantities larger than elsewhere, or, at all events, in quantities decidedly large.
- 2d. To fix a price per acre somewhat lower than elsewhere, or, at all events, decidedly moderate.

You fix therefore as a maximum:—

	<i>Acres.</i>
For Chutteesgurh and Mundla - - - - -	10,000
For Sumbulpore, Seroncha, and Hoshungabad - - - - -	5,000
For all other districts - - - - -	3,000
Besides the difference in arrear of permissible grants you propose a differential scale for the price, namely, 4 annas per acre in Chutteesgurh and Mundla if the grant be not less than - - - - -	10,000
Eight annas per acre, if it be not more than - - - - -	5,000
Eight annas per acre in Sumbulpore and Seroncha, if the grant be not less than - - - - -	5,000
One rupee, if it be not more than - - - - -	3,000
One rupee per acre in Hoshungabad, if the grant be not less than - - - - -	5,000
Two and a half rupees, if it be not more than - - - - -	3,000
Two and a half rupees per acre in other districts.	

5. The rules proposed are to be in force for two years only, and open to revision of terms at the expiration of that period. Moreover, the rules are to be applicable only to grants of 500 acres and upwards. Smaller grants to be at the upset price of 2½ rupees in all districts alike.

6. The Governor General in Council directs me to observe that, in framing these rules, you have on the important points of price and area not only not adhered to, but have proceeded in flagrant opposition to, the principles laid down both in Lord Canning's Resolution of 17th October 1861, and in the Despatch of the Secretary of State, No. 14, of the 9th July 1862. In both those documents it was deemed advisable, by fixing a reasonable price, and limiting the size of grants of land, to obtain some security for the transfer of the waste lands belonging to the public to *bonâ fide* settlers, or, in other words, to persons intending at once to utilize and improve them.

7. But the scheme which you have proposed is one which cannot fail to stimulate speculation in large grants with a view to re-sale. It must be obvious to you that no man would take small grants, if grants of 5,000 and 3,000 acres can be so designated, at 8 annas, 1 rupee, and 2½ rupees, when, by taking double the quantity of land, he would only pay the same sum.

For instance, no one would pay 1,250 rupees for 500 acres, when for the same sum, and in the same locality, 5,000 acres could be had for the asking.

8. The Bengal Government has fixed 3,000 acres as the maximum, the North Western Provinces 5,000 acres; you propose 10,000 acres, and argue that the limit of 3,000 acres, as suggested in the Resolution of 17th October 1861, was only intended for Eastern Bengal.

But this is not quite correct, as the words of Lord Canning's Resolution are: "Probably 3,000 acres would be a suitable limit in Eastern Bengal, Cachar, Assam, and similar districts." The localities where land was more valuable were to have a lower limit, and from the mention made in paragraphs 22 of the districts like Sylhet, Cachar, and Assam, where a portion of the ground is swamp or unculturable land, it is clear that 3,000 acres were regarded as a suitable maximum for land thus circumstanced, and that the object of thus limiting the area, and of demanding immediate payment of a fair price, was to do away with any necessity for conditions or restrictions, and at the same time sufficiently to secure Government against attempts to monopolise advantages of situation with a view to re-sale.

9. The reasons which you have given in paragraph 15 of your letter for the rules which you have prescribed in respect to both the area and the price of grants are not wanting in plausibility, but the Governor General in Council does not find in them evidence of that full and cautious deliberation which alone could justify so decided a departure from instructions addressed to you by the highest authority. The Governor General in Council would infer from your letters that your knowledge of the quality and capabilities of the lands which you are in such haste to alienate is of a very limited and superficial character, and you do not seem to have taken into consideration the fact that, in many new countries (in some parts of North America, for example), the possession of large tracts of waste land by individuals who have not sufficient capital to improve them, and who, nevertheless, resolve to retain them until the improvement of adjoining lands gives them enhanced value, has been found to be one of the most formidable obstacles to national progress.

10. It is possible that the special circumstances of the Central Provinces may render it ultimately advisable to apply, with some modification to their case, the principles laid down in the Despatch of the Secretary of State. But the Governor General in Council is of opinion that the rules should, in the first instance, be framed in accordance with those principles, and that the necessary modification should be introduced after some experience has been had of their working.

11. I am therefore to forward, for your guidance, the enclosed copy of revised rules which have been published in the "Calcutta Gazette" by order of the Governor General in Council.

CENTRAL PROVINCES.—WASTE LAND SALE RULES.

Preamble.

THE following Rules for the sale of unassessed waste lands in the Central Provinces are published for general information:—

Rule I.—All unassessed waste lands in which no right of proprietorship, or exclusive occupancy is known to exist, or to have existed, and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule 19.

Rule II.—The maximum limits of the quantity of land which will, for the present, be sold in one lot, in the several districts of the Central Provinces, will be as mentioned below:—

1. Raepore	-	-	District	-	} 5,000 acres.
2. Belaspore	-	-	"	-	
3. Mundla	-	-	"	-	
4. Sumbulpore	-	-	"	-	
5. Upper Godavery	-	-	"	-	
6. Hoshungabad	-	-	"	-	
7. Nagpore	-	-	"	-	} 3,000 "
8. Chanda	-	-	"	-	
9. Bhundara	-	-	"	-	
10. Wurda	-	-	"	-	
11. Jubbulpoor	-	-	"	-	
12. Nursingpore	-	-	"	-	
13. Chindwarra	-	-	"	-	
14. Seonce	-	-	"	-	
15. Saugor	-	-	"	-	
16. Baitool	-	-	"	-	
17. Dumoh	-	-	"	-	

If, for special reasons in particular localities, lower maximum areas should be determined upon, due notice will be given.

Rule III.—Every lot shall be compact and shall include no more than one tract of land in a ring fence. No lot will be sold unless previously surveyed and demarcated. The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area. If, on completion of the survey, it shall appear that the area of the lot applied for exceeds the prescribed maximum, the excess shall be excluded.

Rule IV.—Applications for the purchase of waste land shall be made to the Deputy Commissioner of the district, and every application shall contain the following particulars :—

- 1st. The estimated area of the land applied for.
- 2d. The situation of the land and its boundaries, as accurately as can be ascertained.

Rule V.—If the Deputy Commissioner is able to satisfy himself that the land applied for is available for purchase under Rule I., and within the conditions prescribed in Rules II. and III., and if the land shall have been previously surveyed and demarcated, he shall advertise the lot for sale, on a given day, at an upset price as hereinafter specified. The advertisement shall be published in both the English language and the vernacular of the district in the Deputy Commissioner's office, in the offices of the tehseeldars of the district, and in the police stations, within the limits of which the land may be situated.

Rule VI.—If the Deputy Commissioner be satisfied as above, and if the land have not been surveyed, he shall cause it to be surveyed, and its boundaries demarcated, the estimated cost of such survey and demarcation being first deposited by the applicant. On the completion of the survey, the advertisement of sale shall be published as above.

Rule VII.—The day of sale to be named in the advertisement shall not be less than 30 days from the date of publication of the advertisement of sale in the office of the Deputy Commissioner. The sale shall be held at the Deputy Commissioner's office. The sale may be postponed if, in the Deputy Commissioner's judgment, it be necessary; due notice being always given of the date on which the sale will be held.

Rule VIII.—If, before the day of sale, no claim of proprietary or occupative right in the land be preferred, the lot shall be sold by auction to the highest bidder above the upset price, or to the applicant at the upset price if there be no higher bid.

Rule IX.—The upset price of the lands to be sold will, ordinarily, be as follows—but, in special cases, the Deputy Commissioner, with the sanction of the Commissioner, may put a higher upset price on any lot, provided that in no case shall the upset price exceed four times the ordinary rates :—

- (1). In the Raepore, Balaspore, and Mundla districts, 8 annas per acre.
- (2). In the Sumbulpore and Upper Godavery districts, 1 rupee per acre.
- (3). In the Hoshungabad, Nagpore, Chanda, Bhundara, Wurday, Jubbulpoor, Nursingpore, Chindwarra, Seonee, Saugor, Baitool, and Dumoh districts, Rs. 2. 8. per acre.

The upset price will be calculated on the whole area of the lot, without any deduction on any account whatever.

Rule X.—On payment of one-tenth of the purchase-money, and of all expenses of survey, demarcation, advertisement, and sale, the purchaser shall receive a deed (in a form which will hereafter be issued by the Chief Commissioner) signed by the Deputy Commissioner; conveying to him the lot, in full hereditary and transferable proprietary right, free for ever from all demand on account of land revenue, but subject, nevertheless, to all general taxes and local rates imposed by law, or by the Local Government, and to any other claim, whether of the Government or otherwise, that may have been, or may hereafter be, established in any court of competent jurisdiction.

Rule XI.—If, before the day of sale, a claim of proprietary or occupative right in any part of the land be preferred, the Deputy Commissioner shall investigate the claim, and if satisfied that it is groundless, shall reject it and proceed with the sale.

Rule XII.—If on investigation any such claim should appear to be well grounded, the Deputy Commissioner may either reject the application for purchase of the lands, or refer it for the orders of the Commissioner. In the former case, the applicant may appeal to the Commissioner.

Rule XIII.—The Commissioner may direct the Deputy Commissioner either to reject the application or to proceed with the sale of the land, either unreservedly or on the conditions prescribed in Rule X; or, if any claim to right of proprietorship, occupancy, or use, in any part of the lands be established to the satisfaction of the Commissioner, with a special reservation of such right, or exclusive of the area in which such right exists. If the application for purchase of the land be rejected the amount deposited as cost of survey, after deduction of any expenses which may have been incurred in survey, demarcation, advertisement, or any other way incident to the transaction, will be forfeited or refunded, as the Deputy Commissioner or Commissioner may direct according to the circumstances of the case.

Rule XIV.—On being put in possession of the lot, the purchaser shall be bound to erect as many substantial boundary marks of masonry as the Deputy Commissioner may think necessary, provided it be not made incumbent on the purchaser to erect more than at the rate of four marks per mile of boundary line.

Rule XV.—If the land be purchased by any person other than the applicant, the estimated cost of the survey, deposited by the applicant under Rule 6, shall be returned to him, and the actual cost of survey and demarcation shall be charged against the purchaser in addition to the price of the land.

Rule XVI.—The purchaser may, if he choose, pay the whole of the purchase-money when the lot is sold, or the deed delivered to him. Or, if he choose, he may pay a portion not being less than 10 per cent. at the time of sale, and the remainder in instalments at any future time, not being more than 10 years from the date of sale. In the latter case, simple interest, at the rate of 10 per cent. a-year, will be charged on the unpaid portion of the purchase-money, and the whole lot will remain hypothecated as security for the full discharge of the amount, including principal and interest, and be liable to sale by order of the Deputy Commissioner, if the said amount of either principal or interest be not paid within the stipulated period. Should such sale take place the defaulter will have no claim for improvements against the Government or on any other account, except for the one-tenth of the purchase-money paid; and for that only, in the event of the amount realized at the second sale, at least equalling the amount of the original sale, plus any interest due to Government by the original purchaser on the unpaid portion of the purchase-money.

Rule XVII.—If the purchaser fail to pay one-tenth of the purchase-money and all other expenses, within three months from the day of sale, the lot will be put up to sale again on the same conditions as before, and sold at the risk of the first purchaser, whose deposit will also be forfeited.

Rule XVIII.—No sale of waste lands once made by a Deputy Commissioner in conformity with these rules will be disturbed by any higher executive authority; but all such sales shall be immediately reported to the Supreme Government.

Rule XIX.—Reserves of grazing and forest land, of land for the growth of firewood, near towns and stations, of building sites, parks, recreation grounds, of tracts possessing mineral wealth, stone quarries and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Chief Commissioner. A list of these lands is under preparation, and will be published hereafter in the "Calcutta Gazette."

Rule XX.—Lands for the purchase of which application has been made under the Resolution of the 17th October 1861, will, if such application were duly registered, be dealt with in accordance with the terms of the said Resolution so far as the law allows.

Rule XXI.—From and after the date of the promulgation of these rules, no fresh applications for grants of waste lands under any previous rules will be entertained.

Rule XXII.—The rules relating to the disposal of claims to land for the purchase of which application may be made will be subject to the provisions of any law which may hereafter be passed for regulating the disposal of such claims.

Rule XXIII.—The above rules will continue in force for two years from the 1st January 1863.

(signed) *H. M. Durand*, Colonel,
Secretary to the Government of India.

— No. 11. —

Home Department.—Revenue—No. 2 of 1863.

To the Right Honourable the Secretary of State for India.

Sir,

* No. 1, dated the
19th January 1863.

WE have the honour to forward the special narrative of the proceedings of the Government of Bengal noted in the margin,* transmitting papers relative to the Rules for the sale of Waste Lands.

We have, &c.
(signed) *Elgin and Kincaid*,
R Napier,
H. B Harrington,
H. S M'ine,
C. F. Trevelyan.

Fort William, 31 January 1863.

(No. 1 of 1863.)

Government of Bengal.—Revenue.—Special Narrative.

Fort William, 19 January 1863.

In continuation of the Revenue Special Narrative No. 5, dated 23d September last, herewith are forwarded, for the information of the Right Honourable the Secretary of State for India, the papers noted in the margin, relative to the Rules for the sale of Waste Lands, which will be published for general information in the Supplement to the "Government Gazette" of the 21st instant.

Waste Land Rules, with Supplementary ditto from A. to O. in juxtaposition.

Letter from Secretary to the Landholders' and Commercial Association, dated 3d November 1862.

Letter from Board, No. 378, dated 25th November 1862.

Letter to Board, No. 3394, dated 12th December 1862.

(signed) *E. H. Lushington*,
Secretary to the Government of Bengal.

Enclosure 1, in No. 11.

RULES for the Sale of unassessed Waste Lands, and for the Redemption of the Revenue of such lands already granted for a term of years, in the Lieutenant Governorship of Bengal, issued by Notification of Government of Bengal, dated 30 August 1862.

SUPPLEMENTARY RULES.

A. There is no prohibition against the same person applying for two or more lots of land, provided that each application comprises no more than 3,000 acres, or such other maximum as may be prescribed.

B. If it should appear from the survey or otherwise that the application does not comply with these conditions, the Collector may call for an amended application; and, in the event of a revised application not being given in within 15 days, the application shall be held to be cancelled, and the deposit shall be returned to the applicant less the amount of expense actually incurred for advertisement, survey, and the like.

C. In Darjeeling the Superintendent, and in Assam, Chota Nagpore, and the Sonthal pergunnahs, the Deputy Commissioners in charge of districts, will perform the duties of Collectors under these rules. Applications shall immediately be entered in a register in the Form A. attached to these rules.

RULES.

Rule 1. All unassessed waste lands in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule 21.

2. No greater quantity of land than 3,000 acres shall be sold in one lot except with the express sanction of the Government. If for special reasons, in particular localities, a lower maximum area than 3,000 acres should be determined upon, it will be duly notified hereafter.

3. Every lot shall be compact, and shall include no more than one tract of land in a ring-fence; and when the land touches a public road or a navigable river, the length of the road or river frontage shall not exceed one-half the depth of the lot. No lot will be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated in consequence of an application for purchase. The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area. If, on completion of the survey, it shall appear that the area of the lot applied for exceeds the prescribed maximum, the excess shall be excluded.

4. Applications for the purchase of waste land shall be made to the Collector of the district, and every application shall contain the following particulars:—

1st. The estimated area of the land applied for.

2d. The situation of the land and its boundaries as accurately as can be ascertained.

D. An advertisement shall also be published in the "Government Gazette." The form of advertisement is given in annexure C. A sum of 16 rupees to cover all estimated expenses connected with advertising shall be paid by the applicant in advance at the time of application.

E. The sum to be deposited will include the estimated cost of clearing the boundaries for survey, but is not, under any circumstances, to exceed four annas an acre.

F. Until the 1st of May 1863, sales of waste lands shall be held not less often than once a month; after that date sales shall be held quarterly, on the 2d of May, 2d of August, 2d of November, and 2d of January, or on the first day after those dates on which the Collector's office may be open. Where a sale is deferred, the notice of the date fixed for it will be given by an advertisement at the Collector's office. If the day to which the sale is postponed be more than 15 days after the date originally fixed, the date to which it is deferred shall be published in the manner prescribed by Rule 5 for the original notification of the day of sale. In this case all expense of advertisement shall be borne by the Government.

G. The cost of survey and advertisement will be payable by the highest bidder in addition to the upset price. Immediately on the conclusion of the sale, the highest bidder (if he be not the original applicant) shall deposit a sum equal to four annas an acre on the whole area of the lot. In default of immediate payment of this deposit, the Collector may at once re-sell the lot. If he think it necessary he may refuse to recognise any bid which is not supported by the deposit of the amount required by this rule. Immediately a sale is made, it shall be entered in a register in the Form B. annexed.

H. Forms of deed of sale will be prepared and forwarded as soon as possible.

5. If the Collector be satisfied that the land applied for is available for purchase, and within the conditions prescribed in Rules 2 and 3, and if it had been previously surveyed and demarcated, he shall advertise the lot for sale on a given day at an upset price of not less than Rs. 2. 8. an acre on the whole area. The advertisement shall be published in the Collector's office, in the Court of the Principal Judicial Officer of the district, and at the Moonsiff's Court (if there be one) and police-station within the limits of which the lands are situated.

6. If the Collector be satisfied as above, and if the land have not been surveyed, he shall cause it to be surveyed, and its boundaries demarcated, the estimated cost of such survey and demarcation being first deposited by the applicant. On the completion of the survey, the advertisement of sale shall be published as above.

7. The day of sale to be named in the advertisement shall not be less than 30 days from the date of publication, and the sale shall be held at the Collector's office. The sale may be postponed if in the Collector's judgment it should be necessary, due notice being always given of the date on which the sale will be held.

8. If before the day of sale no claim of proprietary or occupative right in the land be preferred, the lot shall be sold by auction to the highest bidder above the upset price, or to the applicant at the upset price if there be no higher bid.

9. On payment of one-tenth of the purchase money, and of all expense of survey, demarcation, advertisement, and sale, the purchaser shall receive a deed (in a form which will hereafter be issued by the Board of Revenue) signed by the Collector, conveying him the lot, in full hereditary and transferable proprietary right, free for ever from all demand on account of land revenue, but subject, nevertheless, to all general taxes and local rates imposed by law, and to any other claim, whether of the Government or otherwise, that may have been or may hereafter be established in any court of competent jurisdiction.

10. If before the day of sale a claim of proprietary or occupative right in any part of the land be preferred, the collector shall investigate

investigate the claim, and, if satisfied that it is groundless, shall reject it and proceed with the sale.

11. If on investigation any such claim should appear to be well grounded, the collector may either reject the application for purchase of the lands, or refer it for the orders of the Commissioner. In the former case the applicant may appeal to the Commissioner.

12. The Commissioner may direct the Collector either to reject the application or to proceed with the sale of the land either unreservedly on the conditions prescribed in Rule 9, or, if any claim to right of proprietorship, occupancy, or use in any part of the lands, be established to the satisfaction of the Commissioner, with a special reservation of such right, or exclusive of the area in which such right exists. If the application for purchase of the land be rejected, the amount deposited as cost of survey will be forfeited.

13. On being put in possession of the lot, the purchaser shall be bound to erect as many substantial boundary marks of masonry as the Collector may think necessary.

14. If the land be purchased by any person other than the applicant, the estimated cost of survey deposited by the applicant shall be returned to him.

I. The interest due for any year or part of a year under this rule shall be payable on or before the 15th of May; and, if the amount be not paid on that date, the Collector may realise the amount by sale of the lot under the rules in force at the time being for the sale of estates on account of arrears of revenue due from other estates. Any balance of the purchase-money which may not have been paid up before the 15th of May of the tenth year following that of the sale may be realised in the same manner as an arrear of interest outstanding on that date. The proceeds of the sale shall be applied, in the first instance, to the payment of the costs of sale, and to the satisfaction of the demand of Government; the surplus shall be payable to the late registered proprietor or proprietors on their joint receipt.

15. The purchaser may, if he choose, pay the whole of the purchase-money when the lot is sold or the deed delivered to him. Or, if he choose, he may pay a portion, not being less than 10 per cent., at the time of sale, and the remainder in instalments at any future time, not being more than 10 years from the date of sale. In the latter case, simple interest at the rate of 10 per cent. a-year will be charged on the unpaid portion of the purchase-money, and the whole lot will remain hypothecated as security for the full discharge of the amount, including principal and interest, and be liable to sale by order of the Collector if the said amount be not paid within the stipulated period.

16. If the purchaser fail to pay one-tenth of the purchase-money and all other expenses within three months from the day of sale, the lot will be put up to sale again on the same conditions as before, and sold at the risk of the first purchaser, whose deposit will also be forfeited.

J. *Vide* Supplementary Rule G. above. Where the Collector is of opinion that, for special reasons, a higher upset price than Rs. 2. 8. an acre should be put upon the lot, he will, immediately the application is made, submit a report for the orders of the Commissioner. From Darjeeling such reports will be made to the Board. In considering the upset price to be fixed, collectors will not overlook the value of the trees on the land applied for.

17. The upset price will be calculated on the whole area of the lot without any deduction on any account whatever. Ordinarily, the upset price will be Rs. 2. 8. an acre, but in special cases the Collector, with the sanction of the Commissioner, may put a higher upset price on any lot, provided that the upset price of available waste lands shall in no case exceed 10 rupees an acre.

K. The sum to be refunded will be calculated on the average price paid per acre, excluding the cost of survey and advertisement.

L. Tables illustrating the mode of computing the value of future payments will be issued hereafter.

M. The report will be in the form of an extract of the entry from Register B., prescribed in Supplementary Rule G. above.

N. Until the list be published, district officers will reserve all forest lands, that is, lands on which valuable timber is growing.

O. All proceedings taken in conformity with the Resolution of 17th October 1861, will be recognised, and pending proceedings will be continued under the provisions of that Resolution. Where the application has only been made and registered, the next step will be the issue of the advertisement required by paragraph 17 of the Resolution; if the advertisement have already been issued, and the term of it have expired, the Collector will proceed to give the applicant a certificate of allotment under paragraph 18, unless others have come forward with offers to purchase the land, in which case the lot must be put up to auction under paragraph 30 of the Resolution. In all such cases the sales will be regulated by the rules laid down in the present notification.

18. If it should at any time be found that the same land has been included in more than one lot, it shall be held to belong to the lot first sold, and all subsequent sales shall, as regards such land, become null and void. In the event of any dispute regarding the boundary of two or more adjoining lots, the Collector may, on the application of any one of the parties, re-adjust the boundaries of the lots, and his decision shall be final. The price paid by any subsequent purchaser for land thus excluded from his lot will be refunded to him with simple interest at 10 per cent.

19. All grants of waste land already made for a term of years, under previously existing rules, in which no right of occupancy or proprietorship exists, except that of the grantee or that derived from him, will be treated for the purposes of this rule as if the land were permanently settled; and the grantees or their representatives may redeem the future land revenue of such grants, or of any compact part of them in perpetuity, for an amount equal to the present value of all future stipulated annual payments calculated at 5 per cent. interest, provided the said amount is not less than Rs. 2. 8. an acre on the whole area of which the revenue is redeemed.

20. All sales of waste land, and all redemptions made under these rules in each division, will be reported immediately to the Board of Revenue in such form as the Board may direct, but no sale of waste lands once made by a Collector, in conformity with these rules, will be disturbed by any higher executive authority.

21. Reserves of grazing and forest land, of land for the growth of firewood near towns and stations, of building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules, without the express sanction of the Government. A list of these lands is under preparation by the Board of Revenue, and when it has been approved by the Government it will be published in the "Gazette."

22. Lands for the purchase of which application has been made under the Resolution of the 17th October 1861 will, if such application were duly registered, be dealt with in accordance with the terms of the said Resolution, so far as the law allows.

From and after the date of the promulgation of these rules, no fresh applications for grants of waste land under any previous rules will be entertained.

H. L. Dampier,
Secretary.

Enclosure 2, in No. 11.

FROM *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, Calcutta, to the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, dated 3 November 1862.

Sir,

THIS Association has been favoured with a Circular Order of the Board of Revenue, No. 63, of the 14th October, circulating the rules for the sale of unassessed waste lands with certain rules supplementary to those issued by the Government of Bengal on the 30th August last, and I am directed by the Committee to submit, for the consideration of his Honor the Lieutenant Governor, remarks on two of these supplementary rules, to which it appears to them that there are objections.

Supplementary Rule F directs that, until the 1st May 1863, sales of waste lands shall be held not less often than once a month, and after that date quarterly, on the 2d May, 2d August, 2d November, and 2d January.

In the present state of the districts of Assam and Cachar, the exploration required for the selection of land can only be made at a particular time of the year, with much personal exposure and great expenditure of time; and after a selection has been made a further delay of considerable extent will occur before the land selected has been surveyed and marked off, as required by the rules; and should this process be completed, as will often happen, within 30 days of a quarterly sale day, a fresh delay of three months will intervene before the lot can be put up for sale.

It is thought that six months is not too long to calculate on for the selection and survey of grants, and that the system of quarterly sales will very often add three months to this period, so that it will frequently be nine months before an intending settler can have his selected piece of land put up to sale; and he will then be liable to be outbid, and will, therefore, to the last have no certainty of obtaining any result to his labours.

The uncertainty and great part of the delay are inseparable from the changes introduced in the rules of the 17th October 1861, by order of the Home Government, and we are aware cannot be obviated by his Honor the Lieutenant Governor; but the infrequency of sales will add greatly to the delay, and the Committee, therefore, beg to suggest that the monthly sales, instead of ceasing after the 1st May 1863, should be continued, at all events, until a survey of the country has rendered the selection of grants, and the other steps preliminary to the advertising for sale, more easy.

The other supplementary rule, to which I am directed to call attention, is N, with regard to the reserves of forest lands, and is as follows:—"Until the list is published, district officers will reserve all forest lands; that is lands on which valuable timber is growing." Applying this rule to Assam and Cachar as before, it is believed that the whole of the lands in these Provinces available for purchase are covered with a growth of jungle, and that it is scarcely possible to select any block of 3,000 acres, of average quality, on some part of which large trees are not growing, trees which are really of no value from the impossibility of conveying them from the place of their growth to a market, but still trees which would be valuable timber but for want of that facility of getting them moved to where they would be saleable.

It appears to the Committee that local officers may very probably consider themselves directed to reserve all lands on which large trees are growing without making inquiry to ascertain whether the site of growth is such that they are of no value as timber, nor likely to become of value, or the reverse; and thus the supplementary rule will, as regards the two provinces to which the attention of settlers is at present directed, practically place in abeyance the rules issued by the Government of Bengal on the 30th August, until the list of reserves provided for in Rule 21 has been published.

Where timber is scarce, as in some parts of India, great precautions to preserve existing forests may be advisable, but in Provinces which are all forest, and where scarcely any timber can be got to market, it cannot be necessary to issue instructions which virtually suspend all the rules, the prompt publication of which has been considered so gratifying.

In conclusion, I am directed to express the hope of the Committee that the tables referred to in Supplementary Rule L, for computing the value of payments required to commute leasehold into freehold grants, may be made public as early as practicable.

Extract of Letter from Darjeeling.

I have spoken personally about it, both to Captain Murray and to Mr. Ivey, the surveyor.

The former informed me that, in consequence of the great number of applications received, it was impossible to say what land was available, and the latter expressed himself totally unable to fix a time for the survey. He gave me to understand, however, that with the present very inadequate staff of surveyors it could not take place for years.

Enclosure 3, in No. 11.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Officiating Secretary to the Government of Bengal (No. 378), dated 25 November 1862.

Sir,

I AM directed by the Board of Revenue to report on a letter from the Secretary to the Landholders' and Commercial Association, to your address, dated 3d instant, as required by your endorsement, No. 2787, of the 13th instant.

2. The Association has, in the opinion of the Board, shown good cause for an alteration in Supplementary Rule F. With his Honor's sanction the Board will modify the rule, and direct that sales be held on the 2d of each month, or on the first day after that date on which the Collector's office may be open, unless the Collector shall, with the sanction of the Commissioner, for special reasons, fix a later date in the month, notification of which shall be given at least a month before the later date is fixed.

3. The second part of the letter of the Association prays for a modification of Supplementary Rule N. His Honor will observe, that the Board have in this rule adopted the expression made use of in your letter, No. 2333, dated 10th ultimo, directing the present reservation of "all forest lands; that is to say, lands on which valuable timber is growing." The arguments advanced by the Association are of much weight, and a strict adherence to Supplementary Rule N, as it stands, would interfere to a considerable and unnecessary extent with the immediate allotment of grants. But there is an obvious difficulty in laying down any general rule defining what lands shall be reserved as being covered with "valuable" timber, until the local officers have drawn up their registers of waste lands after full local inquiry. The Superintendent of Darjeeling has already addressed the Board on this difficulty. They recommend that, until the registers be prepared, a discretion be left to the Commissioner (and in Darjeeling to the Board), to sell land although covered with the more valuable description of timber, on their being satisfied that the reservation of the tracts in question is not necessary for the object which the Government have in view.

4. Mr. Grote is of opinion that the guarantee held out by Rule 22 of the Government Notification of the 30th of August last, does not admit of any exceptional treatment under Supplementary Rule N of lands which have been applied for, and for which the applications have been duly registered under the Resolution of the Government of India, dated 17th October 1861. His colleagues, however, are clearly of opinion that paragraphs 23 and 24 of the Resolution of 17th October 1861, and Rule 21 of the Notification of the 30th of August last, leave the Government free to reserve any required land under whatever rules it may have been applied for.

5. The enclosure of your endorsement is returned.

Enclosure 4, m No. 11.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 3394), dated 12 December 1862.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 378, dated the 26th ultimo, submitting the Board's report on the letter from the Secretary to the Landholders' and Commercial Association, dated the 3d idem, taking exception to the conditions F and N of the Board's Supplementary Rules for the sale of unassessed waste lands. With reference to your 2d paragraph, I am to state that the Lieutenant Governor agrees with the Board in the opinion expressed therein, and directs that Rule F may be modified so as to provide for monthly sales.

2. As regards the question of reserving forest lands, I am to request that the Board will be good enough to direct the local officers to lose no time in submitting a list of the lands which they propose to reserve under Rule 21 of the new rules. In the meantime the Lieutenant Governor is pleased to vest the Commissioners generally, and the Board, in the case of Darjeeling, with powers to say what are, and what are not, lands covered with valuable timber. His Honor is of opinion that for the present the best practicable definition of valuable timber forests is forests of teak, or saul—that is to say, lands in which such trees abound, not tracts in which merely isolated trees or small isolated patches of trees are found, and forests of other timber now actually valuable or marketable; that is to say, timber for which there is a present demand.

3. Referring to your 4th paragraph, the Lieutenant Governor concurs entirely with the majority of the Board in considering that there is nothing contained in Rule 22 of the notification of 30th August last which renders the reservation of forest lands a matter of difficulty, when applications for such lands have been registered under the Resolution of 17th October 1861. Rule 22 simply provided that applications registered under that Resolution would be dealt with in the spirit of the Resolution, one of the express conditions of which was that forest, fuel, and grazing reserves were not to be sold; and, as shown by the majority of the Board, the 21st of the new rules provides for the exceptional treatment of such lands.

— No. 12. —

Home Department.—Revenue.—No. 3 of 1863.

To the Right Honourable Sir *Charles Wood*, Bart., G. C. B., Secretary of State for India.

Sir,

REFERRING to our letter, No. 15 of 1862, dated the 13th of September, we have the honour to transmit for your information copy of a correspondence with the Government of Bombay, relative to the adoption in Sind, with certain modifications, of the rules published by the Government of Bengal for the sale of unassessed waste lands. The rules were reported to you in our letter, No. 16 of 1862, dated the 26th of September.

From Bombay, No. 4267, dated 22d November 1862, and enclosure.
To ditto, No. 567, dated 23d January 1863.

2. You will observe that the Bombay Government also reported that, owing to the unsatisfactory character of the existing settlement, the question of the redemption of land-tax would not in the meantime be held applicable to Sind. We informed the Bombay Government that it was presumed that the term "redemption of land-tax" had been used inadvertently for "permanent settlement," the latter being the point referred to in our communication, to which the letter from Bombay was a reply.

We have, &c.
(signed) *Elgin & Kincardine.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.

Fort William, 2 February 1863.

Enclosure 1, in No. 12.

From *A. D. Robertson*, Esq., Acting Chief Secretary to the Government of Bombay, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 4267), dated 22 November 1862.

WITH reference to your communications noted in the margin, I am directed to forward to you the accompanying copy of a letter from the Commissioner in Sind, No. 232, dated 24 October 1862, and of the Government reply thereto on the subject of the sale of unassessed waste lands and the redemption of land revenue in Sind.

Letter, No. 4245, dated 15 August 1862, with accompaniments.
Memorandum, No. 4799, dated 5th September 1862, with accompaniment.

From *S. Mansfield*, Esq., Commissioner in Sind, to His Excellency the Honourable Sir *H. B. E. Frere*, K. C. B., Governor and President in Council, Bombay (No. 232), dated 24 October 1862.

IN reply to the references marginally quoted, on the subject of the sale of unassessed waste lands, I have the honour to state I consider that the rules published by the Government of Bengal in a Supplement to the "Calcutta Gazette," dated 27 September last, are in every way suitable for application to this province, and would, therefore, recommend their adoption, with the slight modification that, when land has been surveyed and marked off into fields by the settlement officers, no portion of a survey field be ever transferred, the grant invariably being made to include whole survey numbers or fields.

2. This change I think advisable, as, considering the size of survey fields, it could never seriously affect any purchaser, while it would save the necessity of any fresh survey, and prevent confusion in Government registers of land.

3. The survey registers and maps would, moreover, serve as records of waste lands in every district, and would at once enable revenue officers to dispose of all applications made to them, thus fulfilling the ends of the registers proposed in the 2d paragraph of letter from the Secretary to the Government of India, dated 5th September last.

4. The other question on which my opinion has been asked, namely, the redemption of the land revenue, is one to which it is not so easy to reply. The circumstances of Sind are to a certain extent peculiar, as your Excellency is well aware.

5. No trustworthy records exist showing the value of land or its produce. Of late years, it is true, several attempts at valuation have been made, and rough assessments have been introduced. In some instances, as in the case of lands in the neighbourhood of the Munchur Lake, the rates thus fixed were far too low, while in other instances the reverse has been the case; and they have been found so high that they could not be continued. All that has been done has, in fact, clearly proved that we are not in a position at present to fix any fair assessment on the land.

6. In addition to this, the circumstances of Sind are rapidly changing. Cultivation in Upper Sind has for some years been increasing at the rate of nearly 20 per cent. per annum, and there seems no reason why this rate should not continue. The zemindars everywhere are increasing in wealth and enterprise, the population is multiplying, the facility of communication and the increased demand for produce are causing a rapid rise in the value of produce, and consequently in that of land; indeed everything tends to show that in a few years existing rates will be far below what Government has a right to demand, and that a larger revenue will easily be collected.

7. For the first time, too, an attempt is now being made to classify lands and fix a fair assessment on them after all their advantages and drawbacks have been considered. This settlement will not be completed throughout Sind for 10 years at least; and until this has been done, and the rates first imposed have been subjected to one revision, I do not think they could be made permanent without subjecting Government to very great losses.

8. The reason given by the Secretary of State for India in his Despatch of 9th July last, for deferring a permanent settlement in the Bombay and Madras Presidencies, applies with double force to Sind; if the rates in them were "adapted rather to the depressed circumstances of the agricultural population at the time they were imposed than to the prospective capabilities of the soil," and if they "are not at present generally in a condition which would warrant the authorisation of a permanent settlement at existing rates," much more is such the case in Sind, which, partly owing to the recentness of its annexation, and partly to the imperfection of the system of land revenue which existed throughout its districts at the time of conquest, is far behind any part of the Bombay Presidency in the matter of land assessments.

9. Everything, therefore, induces me to believe that the time for permitting the redemption of land revenue in Sind has not arrived; that, on the contrary, such a measure, if acted on, would cause very great loss to Government, and I would accordingly suggest that no rules authorising such redemption be for the present made applicable to this province. If any cases should arise in which it might be considered advisable to grant permission to redeem the revenue, these might be separately considered on their own merits, and submitted for the consideration of your Excellency in Council.

From *A. D. Robertson*, Esq., Acting Chief Secretary to the Government of Bombay, to *S. Mansfield*, Esq., Commissioner in Sind (No. 4266), dated 22 November 1862.

I AM directed to acknowledge the receipt of your letter, No. 232, dated the 24th ultimo, and in reply to state that his Excellency the Governor in Council accedes to your proposal for the adoption in Sind, with certain modifications, of the rules published by the Government of Bengal for the sale of unassessed waste lands, and to request that you will submit a draft of the rules you propose for re-publication as applicable to Sind.

2. The question of redemption of land tax, I am to add, will not apply to Sind.

Enclosure 2, in No. 12.

Home Department, No. 567.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *H. L. Anderson*, Esq., Chief Secretary to the Government of Bombay; dated Fort William, 23 January 1863.

Sir,

WITH reference to the letter from your office, No. 4267, dated 22d November last, I am directed to say that the Governor General in Council approves of the proceedings of the Bombay Government in having sanctioned the proposal of the Commissioner of Sind, for the adoption in that province, with the modification noted in the margin, of the rules published by the Government of Bengal for the sale of unassessed waste lands.

That "when land has been surveyed and marked off into fields by the settlement officers, no portion of a survey field be ever transferred, the grant invariably being made to include the whole survey numbers or fields."

2. It appears to have been decided by the Governor in Council that "the question of redemption of land tax will not apply to Sind," owing to the unsatisfactory character of the existing settlement, which does not enable

enable the Government as yet "to fix any fair assessment on the land." The question, however, which was asked in the 3d paragraph of this office letter, No. 4245, dated 15th August last, had reference not to the redemption of the land tax, but to the permanent settlement of the land revenue. It is presumed that the words "redemption of the land tax," have been used in your letter under acknowledgment, and its enclosures by mistake for "permanent settlement."

I have, &c.
(signed) *E. C. Bayley*,
Secretary to the Government of India.

— No. 13. —

Home Department.—Revenue.—No. 4 of 1863.

To the Right Honourable the Secretary of State for India.

Sir,

In continuation of our letter, No. 2, dated the 3d ultimo, we have the honour to forward the special narrative of the proceedings of the Government of Bengal, noted in the margin,* transmitting papers relative to waste land in Darjeeling. • No. 2, dated the 21st January 1863.

Fort William, 6 February 1863.

We have, &c.
(signed) *R. Napier*,
H. B. Harrington,
H. S. Maine,
C. E. Trevelyan.

(No. 2 of 1863.)

Government of Bengal.—Revenue.—Special Narrative.

Fort William, 21 January 1863.

In continuation of the Special Narrative, No. 1, dated the 19th instant, of this Department, the papers noted in the margin, which have been published in the Supplement to the "Government Gazette," of the 17th idem, are forwarded herewith for the information of the Right Honourable the Secretary of State for India.

- Letter from the Secretary to the Board of Revenue, No. 349, dated 28th October 1862.
- Letter from the Superintendent of Darjeeling to the Secretary to Board of Revenue, No. 960, dated 6th September 1862.
- Letter from Government to Board of Revenue, dated 2d December 1862.
- Letter from Board of Revenue, No. 412, dated 23d December 1862.
- Letter from Superintendent of Darjeeling to Board, No. 1354, dated 3d December 1862.
- Letter from Captain P. G. Cornish to Superintendent of Darjeeling, dated 26th November 1862.
- Letter from H. Dear, Esq., to Superintendent of Darjeeling, No. 234, dated 3d December 1862.
- Letter from Government to Board of Revenue, No. 3491, dated 30th December 1862.

(signed) *E. H. Lushington*,
Secretary to the Government of Bengal.

Enclosure 1, in No. 13.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Under Secretary to the Government of Bengal (No. 349), dated 28 October 1862.

Sir,

In reply to your letter, No. 1402, dated 2d August last, I am directed by the Board to report that it appears that, although several applications were registered, no lands have been formally assigned by local officers in any district under the misapprehension that they were authorised to give effect at once to the Resolution of the Supreme Government, dated 17th October 1861.

2. I am, however, to submit copy of a letter from the Superintendent of Darjeeling No. 960, dated 6th ultimo, reporting in detail on certain cases in which applications were made to Dr. Campbell.

3. In none of these cases was the advertisement issued, which is required by paragraph 17 of the Resolution of the 17th October; the Board therefore recommend that the Superintendent be directed to issue the advertisements at once on each case, and to proceed under Rule XXII. of the Government Notification of 30th August 1862.

From *H. C. Wake*, Esq., C.B., Superintendent of Darjeeling, to the Secretary to the Board of Revenue, Lower Provinces (No. 960), dated 6 September 1862.

Sir,

In reply to your Circular, No. 916, dated 23rd August, I have the honour to inform you that no assignments have been made in this district under the Government of India's Resolution of the 17th October 1861.

2. With reference, however, to Clause 76 of the Despatch of the Secretary of State of the 9th of July 1862, which rules that the orders in question are not to have retrospective effect, and that the Board may be prepared for the claims which will doubtless be preferred on the grounds of "arrangements already concluded," I will detail all the instances in which any arrangements have been made by my predecessor, premising that, as the Board are by this time doubtless aware, an attempt will be made generally to prove that the reception of survey money gives the applicants a title.

3. On the 3rd of January Mr. Dear paid the purchase money of 500 acres of land at Kinchintong, at 2 rupees 8 annas an acre; in full 1,250 rupees; his application having been made on the 31st December 1861, under the Resolution of the 17th October 1861.

4. On the same date Mr. Rundle paid a similar amount for the same quantity of land in the same place.

5. On the 1st February 1862, Captain C. Murray, Officiating Superintendent, wrote to Captain Cornish, who had applied for 3,000 acres, situated at Merick, as follows:—"The usual assignment will be made on the land being surveyed. As there are no other applications made for the same, you can commence operations pending the above survey." On the same date he wrote the same to Mr. F. N. Cornish, who had applied for 3,000 acres situated on the Setong Spur.

6. These are the only instances in which the price has been received or positive assurance of assignment given.

7. On the 11th December 1861, Dr. Campbell wrote to Mr. Jennings, who had applied for 2,000 acres situated in the Terrai, that after survey, "the land, or as much of it as was available, should be granted."

8. On the 26th November 1861 he wrote to Mr. Lindeman, who had applied for 100 acres, situated on the new cart road towards Salim, your application "to that extent shall be complied with as soon as may be under the new Resolution."

9. On the 23rd of December 1861, Dr. Campbell called upon applicants by circular to pay in, without delay, two annas per acre towards the survey expenses; and Messrs. David Cowie, Southby, Scanlan, Mohamed Torikoola, Troylucko Nath, Brine, Donoghue, and Stalkart, complied with his order. Many other applicants for land, paid bills for line-cutting and survey submitted by Major Sherwill, Revenue Surveyor.

10. The ground on which all these applicants, and particularly those who have received positive assurance of assignment, ground their claims is, that they have gone to considerable expense in making arrangements for the cultivation of the land of which they considered themselves the prospective owners.

Enclosure 2, in No. 13.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 3112), dated 2 December 1862.

Sir,

In reply to your letter, Nos. 349 and 350, dated the 28th and 30th October last, on the subject of the waste lands at Darjeeling, I am directed to refer the Board to Orders No. 2688, dated the 6th ultimo, and to state that the Lieutenant Governor sees no reason for making any exception at all as regards the advertisement required by paragraph 17 of the Resolution of the 17th October 1861.

Enclosure 3, in No. 13.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal (No. 412), dated 23 December 1862.

Sir,

I AM directed by the Board of Revenue to submit, for the consideration of his Honor the Lieutenant Governor, the accompanying letter, No. 1364, dated 3d instant, from the Superintendent of Darjeeling, with enclosures.

2. The cases of Messrs. Dear & Rundle and Captain Cornish, are among those which were specially mentioned in the Superintendent's letter, No. 960, dated 6th September 1862, which was submitted to Government with my letter, No. 349, dated 28th October. With those facts before him, his Honor the Lieutenant Governor, in concurrence with the Board's recommendation, ordered that no exception should be made to the rule that the advertisements must be issued in all cases.

3. This course was necessary as a distinct assertion of the principle that the Government was in no way bound by the arrangements made, or the expectations raised by the Superintendent of Darjeeling in excess of the authority which had been delegated to him. This having been done, the Board would now submit, for the Lieutenant Governor's consideration, whether concessions should not be made to those who were so far misled by the late Superintendent's misapprehension of his authority under the Resolution of the Governor General in Council, dated 17th October 1861, as to take actual possession and to commence clearances or other operations on the land.

4. It will be seen that in Captain Cornish's case there was a specific permission from Captain Murray, then Officiating Superintendent, to commence operations at once; but the Board do not think that absence of this specific sanction in other cases is of much weight as altering the nature of the case. Possession would hardly have been taken without an implied permission from the Superintendent, and they look upon the written communication of that permission as a mere accident.

5. If the Lieutenant Governor concurs with the Board in this view, and sees the same difficulty in drawing a line between applicants who have acted in anticipation of a formal assignment of the lands applied for, he will probably also agree with them in the opinion that, if concessions are to be made in favour of Captain Cornish or Mr. Dear, they should embrace the cases of all registered applicants who have actually entered on occupancy and commenced operations on their lands. Such lands might be excluded from sale where the occupants agreed to pay for them at 10 rupees an acre, being the higher rate at which they were obtainable before the date of the Resolution, and which, it is hoped, will be realised at auction sale. If these terms be refused, the sales might be allowed to proceed.

6. Several sales, it will be seen, are fixed for the 4th proximo.

From *H. C. Wake, Esq., c.B.*, Superintendent of Darjeeling, to the Secretary to the Board of Revenue, Lower Provinces (No. 1354), dated 3 December 1862.

Sir,

I HAVE the honour to forward the enclosed protest* addressed to me by Mr. Dear; this is one of the special cases mentioned by me in paragraph 3. of my letter, No. 961, dated 6th September last. When his Honor the Lieutenant Governor was here, I brought these cases to his notice, pointing out their hardship, but after the decided reply of the Board on the subject in their letter No. B, dated 26th September last, I had no option but to advertise the lot with the rest.

* To be returned when done with.

2. Having, however, received this protest, I must request the orders of the Board that I may withdraw it at time of sale.

3. A protest by Captain Cornish, also enclosed, being received before the issue of the advertisements, I have refrained from advertising the land referred to pending final orders.

From Captain *P. G. Cornish, Invalid*, to *H. C. Wake, Esq., c.B.*, Superintendent of Darjeeling, dated Darjeeling, 26 November 1862.

Sir,

HOLDING certain letters, as you are aware, authorising me to commence operations at Merig and Mahalderam, pending survey, &c., and such survey, in the one instance (Merig), having been completed, and believing also you consider my title under such letters as deserving of consideration, may I request you will do me the favour, pending the orders of Government, of not including the lands in question in the advertisement which I am given to understand is about to be forwarded for publication in the "Government Gazette."

From *H. Dear, Esq.*, to *H. C. Wake, Esq., c.B.*, Superintendent of Darjeeling (No. 234), dated Darjeeling, 3 December 1862.

Sir,

I HAVE the honour to state that, owing to my friend and partner, Mr. C. Rundle's, severe indisposition, I have been unable before now to address you on the subject of our one thousand acres of land at Rinchintong, for which we applied, and which we hold according to the Governor General's Orders, dated the 17th October 1861; but, in finding this morning a notice posted at your catchery, in which the said land is advertised for sale on the 4th proximo, I lose no time in addressing you on the subject.

On behalf of Mr. Rundle and myself, I beg most respectfully to protest against the sale of the aforesaid land on the following grounds:—

You are aware that we have already paid the full price of it to your predecessor, for which we hold his receipts, and that the money has been credited to Government, and

under a firm conviction that we had a clear right and title to the land, we are in possession of it.

• And, in pursuance of the object with which we applied for the land, we have incurred, and are incurring, considerable expense in establishing tea plantations thereon. We respectfully submit that, if any of the formalities prescribed in the Governor General's Resolution of the 17th October 1861, or in subsequent orders, have not been strictly carried out by your predecessor, it would be a most hard case indeed that we should suffer for it who have fulfilled our part of the engagement.

I beg, therefore, you will have the goodness to treat Mr. Rundle's case and mine as exceptional and peculiar, and make a favourable representation thereof to Government, and meanwhile withdraw the order for sale on the 4th proximo.

Enclosure 4, in No. 13.

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 3491); dated 30 December 1862.

Sir,

YOUR letter, No. 412, dated the 23d instant, with its enclosures, having been laid before the Lieutenant Governor, I am directed to state, for the information of the Board, that, in dealing with the present case, it is essential to remember that it was not competent to the Superintendent of Darjeeling to entertain or register applications for waste land under the Resolution of the 17th October 1861, much less to allot such land, to receive the estimated cost of its survey, to sell it, or to give possession until rules of procedure had been laid down by the Local Government, in accordance with paragraph 20 of the Resolution.

2. Even if the Superintendent of Darjeeling had had authority to act under the Resolution, and if the rules required by paragraph 20 of the Resolution had been laid down, his Honor observes that his proceedings in these cases would have been entirely erroneous, and in several material points opposed to its express provisions, for the applications were not advertised as required by paragraph 17, no opportunity was given to other purchasers to offer to buy the same land, and it is even said that several other persons who applied for these very lands were told that they had been already disposed of.

3. It is only grants made in conformity with the rules of procedure required by paragraph 20 of the Resolution to be laid down by the Local Government that were declared not liable to be disturbed; but no such rules were ever laid down, and it is clear, therefore, his Honor thinks, that the applicants, to whom these lands have been made over by the irregular and unauthorised act of the Superintendent, have no title whatever to them. The Government has entirely repudiated the acts of the Superintendent, and does not hold itself bound by them.

4. In like manner the Secretary of State, in declaring that his orders are not to have retrospective effect, exempts from their operation only lands in respect to which arrangements have been actually completed under the provisions of the Resolution; but these arrangements, so far from having been made under the provisions of the Resolution, were made in direct contravention of them, and are certainly not such arrangements as the Government can support or acknowledge. It cannot be allowed, that the persons into whose hands the lands have thus irregularly passed shall be allowed to acquire them on the most favourable terms set forth on the Resolution, when none of the conditions on which those terms were sanctioned have been complied with.

5. The Lieutenant Governor has no objection, however, to allow those who have actually entered on the occupancy of lands, for which they were registered applicants, to retain the lands on the terms on which the Superintendent was authorised to dispose of them at the time under previously existing rules. If, therefore, the holders of such lands are willing to pay for them at 10 rupees an acre they may be permitted to keep them on those terms, and the lands will not be put up to auction, otherwise the sales must go on.

6. In conclusion, I am to forward, herewith, for disposal by the Board, with reference to the above orders, a memorial,* in original, from certain landholders and tea planters of the District of Darjeeling, addressed to his Excellency the Viceroy and Governor General of India in Council, dated the 10th instant, and to observe that no further relaxation of the rule can be admitted.

*Dated 10th instant.

— No. 14. —

EXTRACT India Revenue Proceedings, January 1862.

(No. 18.)

From *W. F. Fergusson*, Esq., Secretary to the Landholders' and Commercial Association, to *W. Grey*, Esq., Secretary to the Government of India; dated 14 January 1862.

I HAD the honour of addressing you on the 25th November last, on behalf of this Association, to express the great gratification which had been felt by the members at the announcement of the Government Resolution of 17th October last, in reference to the sale of waste lands and redemption of the land-tax.

The Association, then and since, has stated its belief that the announcement of this wise and liberal measure would be received with as much pleasure in England as in India: that it has been so received is abundantly proved by the tenor of private correspondence, and of the public accounts sent from home since the particulars of the Government Resolutions arrived there.

I am desired now, respectfully to request that you will lay before his Excellency the Governor General in Council the strong feeling entertained by the members of this Association, that there is yet another step wanting to complete this great work, and to urge that all classes of Her Majesty's subjects should be permitted to purchase and hold lands in India. At present the members of the Civil and Military Services are prohibited from doing so, although land may be held by Natives in Government employ; and while the Committee feel how entirely any alterations in this respect must be a matter for the consideration and determination of Government, they would at the same time desire to express their opinion, that if the members of the services, and all classes in Government employ, were allowed to hold lands on the same terms as granted to others, that such a permission would be attended with the happiest effects, and prove beneficial at once to the Government, to their servants, and to the general interest of India.

(No. 19.)

From *A. M. Monteath*, Esq., Under Secretary to the Government of India, to *W. F. Fergusson*, Esq., Secretary to the Landholders' and Commercial Association (No. 629), dated 31 January 1862.

I AM directed to acknowledge the receipt of your letter dated the 14th instant, submitting, for the consideration of Government, that all classes of Her Majesty's subjects in India, including members of the Civil and Military Services, should be permitted to purchase and hold lands in India, and in reply to refer you to the Resolution of Government in this department, bearing date the 14th instant, on the subject.

— No. 15. —

EXTRACT India Revenue Proceedings, March 1862.

(No. 1.)

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to *W. Grey*, Esq., Secretary to the Government of India (No. 78A), dated 27 January 1862.

I AM desired to forward, for the consideration and orders of his Excellency the Governor General in Council, the accompanying copy of a letter, No. P., dated 18th instant, from the Officiating Commissioner of the Sonthal Pergunnahs, requesting orders as to what kinds of lands are to be considered belonging to the Hill-people, with reference to the Government Resolution concerning the sale of waste lands, and to observe that, as to the lands of Sonthals, whether cultivated or in pasture, there can be no doubt that it is impossible for Government to sell them as waste lands, because neither are the lands waste, nor has Government the sole property in them.

2. As to the hills, it seems to the Lieutenant Governor that whatever may be done with any uninhabited hills, those on which Paharecas live, or those on which they cultivate, cannot be sold under the Resolution; and that in respect to uninhabited hills, if they are granted in order that they may be reclaimed and cultivated, the grants cannot be made under the new rules, but only in accordance with some special arrangement to be come to with the Paharecas.

3. In conclusion, I am desired to solicit such early instructions as may be necessary.

(No. 2.)

From *A. Money, Esq., c. B.*, Officiating Commissioner of the Sonthal Pergunnahs, to *E. H. Lushington, Esq.*, Secretary to the Government of Bengal (No. P.), dated 18 January 1862.

I HAVE the honour to submit, for the consideration and orders of the Lieutenant Governor, a subject of much importance, regarding which I would respectfully solicit the issue of orders as soon as possible.

2. When the Government Resolution concerning the sale of waste lands appeared, I concluded that, if any doubt arose regarding the sale of all, or a portion of, the Damun-i-Koh, I should be referred to.

3. I also understood that rules were being prepared by the Board regulating the mode, &c. of sale; and I took it for granted that the Board, while preparing such rules, would adapt and modify them according to the differing circumstances of the various parts of the country in which waste lands are to be found.

4. In short, I assumed that, as regards the Damun, the Government, or those to whom the preparation of rules had been entrusted, either had before them all the information necessary, or would apply to me if more was required, and that meanwhile I was not called upon or expected to discuss the subject.

5. I now believe I was in error; when lately in Calcutta, I understood that the Board's rules, as prepared, are general. It devolves, therefore, upon me to bring to the notice of Government any peculiar circumstances or facts connected with the Damun, which would seem to require special orders.

6. The point I now beg to refer is this:—what parts and portions of the Damun-i-Koh are to be considered as waste lands, liable to sale under the Government Resolution?

7. The tract known as the Damun consists of the chain of hills called the Rajmahal Hills, of the valleys between these hills, and of a portion of the low ground at the outer foot of these hills, divided from the adjacent plain by a chain of pillars, and to which the term Damun more especially applies.

8. All the land within this tract belongs exclusively to the Government. The references in the margin* show that this has been authoritatively ruled.

The first extract disposes of the hills and intervening valleys; the second of the low ground at the outer foot of the hills, called the Damun-i-Koh.

† Paragraph 1 of Government letter to Revenue Board, No. 179, of February 1824.

9. In 1824 the Government appointed two officers to Bhaugulpore, "for the purpose of asserting the rights of Government in the hills of that district, and in the adjoining forests and tracts denominated the Damun-i-Koh.†"

10. There is, therefore, no doubt as to the general right of Government to the whole tract.

11. But this right is only that of any other proprietor, and may contain within it other subordinate rights.

12. In the valleys between the hills and in the Damun, cultivation has almost entirely been introduced and extended by the Sonthals.

13. Throughout

* Paragraph 32 of Resolution of Supreme Government, 17th July 1823.

The excesses to which the Hill-people were driven, by the cruelty of the zemindars and others to whom they had thus been abandoned, obliged the British Government to resume the whole tract, and to bring it under its direct management. This was done long before the perpetual settlement, and before any declaration had taken place on the subject of zemindaree rights, and was a measure in which all parties fully acquiesced, as the only means of restoring the country to peace. The Hill-people thus became the direct ryots of Government, and all rights that may at any previous time have attached to the zemindars or others, ceased.

Paragraph 36 of Resolution of Supreme Government, 17th July 1823.

Under these circumstances, the Governor General in Council has no hesitation in maintaining the principle then assumed, and in declaring the right of property in the Damun-i-Koh (when not assigned by any Act of the Government, or especially confirmed to any former assignee, as in the case of the jagheer noticed by Mr. Sutherland) to be at the disposal of the State.

13. Throughout the whole tract, the various and numerous Sonthal villages hold at present under similar leases, having yet six years to run.

14. These villages have the right of occupancy, and the right derived from original clearing of the soil. Such rights are not confined to the cultivated parts only, but extend to such uncultivated or waste ground as the villagers have been in the habit of using as grazing ground, and which have therefore been by them considered as parts of their villages.

15. With the exception of a few new villages, almost all the Sonthal villages, that is, almost all which existed in Mr. Poutel's time, had their boundaries settled and defined by him. * This is stated to be the case, but the demarcation papers cannot be found.

15½. In the valleys and in the Damun, properly so called, the Sonthals therefore possess a rightful claim to much the greater portion of the land. Mr. Yule wrote in 1859 as follows:—

“There remain there, say, 200 square-miles of level waste land; but some portion, if not the whole, of this is probably within the limits of Sonthal villages—a matter of little consequence, however, as the Sonthals will willingly give up a part of their waste lands for a small sum in cash, or a trifling reduction in their village rent.”

16. If in 1859, more than two years ago, there were but 200 square miles of level waste, of which some portion, if not the whole, was probably within the limits of Sonthal villages, it is certain that now the amount of waste must be considerably less, and that of what remains a still smaller portion than formerly is free from Sonthal claims.

17. As to the hills, Mr. Yule, in paragraph 10 of his letter above quoted, promised to report on the rights of the Pahareeas.

18. No report was however made, but information was called for from all the Sonthal officers.

19. The Resolution of Government of 1823, quoted at the beginning of this letter, disposes of any doubts as to the legal relation of the Pahareeas to the Government. That Resolution declares them to be Government ryots; their hills, therefore, are Government property, and, like other ryots, they are clearly liable to pay rent whenever the Government chooses to demand it.

20. But like the Sonthals, and still more than the Sonthals, they possess the rights which spring from long occupation.

21. What these rights are in their case it is very difficult to ascertain or define.

22. In 1823 the Government was satisfied with the vindication of its authority and the declaration of its rights. That it never contemplated enforcing these upon the aboriginal inhabitants of the hills is evident from paragraph 33 of the same resolution, which states that “Government can have no desire to interfere with the existing possessions of the Hill-people in the mountains, or to assert any right incompatible with their free enjoyment of all which their labour can obtain from that sterile soil.”

23. From the reports sent in by the Sonthal officers, it appears that the Hill-people universally consider their right to be that which the Government in the above extract conceded as an indulgence. “The Pahareeas,” says Mr. Browne Wood, then Officiating Deputy Commissioner, “no doubt consider the hills as their private hereditary property; they buy and sell them as if they were their own,” &c.

24. I give extracts from the answers of some of the most intelligent of the Pahareeas, who were interrogated by the Assistant Commissioners, and also from the letters of those officers themselves.

25. It is evident, moreover, that the Pahareeas were not alone in their belief that the hills belonged to them, and that so long at least as they abstained from their old plundering habits, they would not be interfered with. There are three perwannahs† of Mr. Poulet, Superintendent Damun-i-Koh, acknowledging that right in three separate instances. Captain Sherwill, in paragraph 28 of his printed report, states that “all land within the pillars was claimed by Government, and by Government given over to the Hill-men, to be held by them as long as they behaved themselves in an orderly manner;” and it is moreover quite clear, from the correspondence which took place between the Commissioner and his Sonthal officers at the end of 1859, consequent on the Government inquiries with regard to waste lands, that no definite ideas existed, even among officials on the spot, as to the real and legal rights of the Pahareeas.

† Translations of these perwannahs are annexed.

26. We have thus, in the tract called the Damun, two classes of people—the one Sonthals, with rights, in general, clearly defined and, where doubtful, susceptible of decision (for this tribe, like all cultivating races, are already “most jealous and watchful of their boundaries, the slightest encroachment being made cause of instant complaint”); the other Pahareeas, with rights also very clearly defined, according to their own views and belief, but regarding which it is now necessary the Government should issue an authoritative ruling.

‡ Paragraph 8 of Mr. Browne Wood's letter to Commissioner, No 8, of 1st August 1860.

27. Without such ruling it will be impossible for the local officers to know how far they can carry out the instructions of Government as to waste lands.

28. Paragraph 16 of the waste-land instructions supposes questions of claim to property to be generally capable of settlement by the Collector's registers; but this question of the rights of the Hill-men having never been mooted, its decision is to be found in no record.

29. Local officers can only follow the laws or the orders of Government; they cannot pronounce upon matters where no precedents exist to guide them.

30. Moreover, any mistake on these points might subject the Government to the unknown loss to which it is liable under paragraph 19 of the Resolution.

31. What, then, are we to consider as the rights of the Hill-men?

32. If we accept their definition, or decide according to the spirit of the Government Resolution of 1823 (paragraph 33), or allow that the undisturbed possession of years gives a just claim, then the Paharees have rights over every hill in the Damun, and over such small portions of ground at the foot of the hills as they have cleared and cultivated.

33. This interpretation would leave to the Government very little disposable waste land; for, as shown already, by far the greater portion of the low country and of the valleys belongs now to the Sonthals.

34. Under this interpretation, either no lands on the hills could be sold, or the Government would be obliged, before selling, to buy first from the Paharees such hills as it intended to dispose of.

34½. But if the Government determine not to recognise to the full the claims put forward by the Hill-men, it will still be necessary to define what they are to be considered as entitled to.

35. Is every hill on which a Pahareea village exists to be exempt from sale, or only a portion of it; and if so, what portion?

36. Are hills on which no village exists, but of which a portion is under cultivation by the inhabitants of a neighbouring village, to be exempted from sale, and considered the property of the neighbouring village, or is only the cultivated portion to be so considered? In some places, especially towards the south, the Paharees have moved their villages from the summit to the foot of the hills, cultivating a portion of the slope and a portion of the flat below it.

37. It should be remembered that cultivation by the Paharees is of the scantiest description; it is well described in page 33 of Captain Sherwill's report:—"Labour is the Hill-man's abhorrence, but necessity compels him to cultivate a small portion of the land for his actual existence; beyond this trifling labour he never exerts himself. He will, nevertheless, fish, or hunt, or roam over miles of the forest, searching for honeycombs, wild yams, and other edible roots; he will travel many miles to get a shot at a deer or to secure a peacock. Such labour he considers in the light of amusement, but to have to clear away the forest for his crop he considers a great hardship; but clear it he must, and the Hill-man generally chooses the most precipitous hillsides as the ground best fitted for his crops. In these spots an iron-shod staff, or a pointed stick, hardened by charring, is used instead of the plough; with this implement holes are made in the soil, at the distance of a foot or less from each other, into which are dropped a mixture of the following seeds—Indian corn, juneru, bora beans, and the seeds of several small pulses."

38. The mode of life here delineated is an important element of consideration. If the hills over which the Pahareea at present roams are sold, and their access denied to him; if we confine him to the narrow limits sufficient for a civilized and cultivating being, we drive him to one of three alternatives—agriculture on his own account, service with the neighbouring purchaser of waste, or return to his traditional pursuits of plunder and raid-making. As the fertile ground below his hill becomes more and more cleared, the first alternative will be gradually closing against him, and only the other two will remain; unless, indeed, the race should slowly decrease and become extinct, under influences so contrary to their habits and modes of life.

39. The abolition of the Bhaugulpore Hill Ranger Regiment, if it ever takes place, will, by stopping the supplies on which many families depend, hasten the time when the Hill-man must choose between the alternatives above enumerated.

40. It may, perhaps, be said, that a race leading such idle and unproductive lives deserve but little consideration.

41. Has the Government itself, however, nothing to answer for?

See Mr. Sutherland's Report of 1819, paragraph 49.

42. May it not be urged that the system of pensions granted to the Hill Chiefs must have had the effect of encouraging idleness? Mr. Cleveland appears to have seen the danger afar off: for shortly before his death, in August 1783, he proposed to the Government a plan by which the Hill-people were to be induced to leave their hills for the plains below, and a life of sloth for one of agricultural occupation.

See Mr. Sutherland's Report of 1819, paragraph 55.

43. In 1795, M. Fombelle, his successor, suggested again to the Government a similar measure, but on neither proposition did the Government take action.

44. The

44. The question of the Hill-people's pensions has also been often mooted, but without any very definite result.

45. I cannot but think that, if those pensions had been commuted to grants of low-land, and if the Hill-people had been assisted by donations of bullocks and ploughs, a gradual change might have been wrought, and the Hill-men have been partly driven, partly led, into habits of labour and productive industry.

I fear I have written at great length, but the subject is an important one, and one as to which there should be no doubt or possibility of mistake, and I have been anxious to put before the Government all the information I could gather.

46. In conclusion,

47. The point upon which definite orders are solicited is—

48. With reference to the Resolution of Government regarding waste lands, what kinds of lands are to be considered as belonging to the Hill-people, and exempt, as such, from sale?

49. An early answer is solicited, as many applications are already before me for grants of land.

50. I had intended submitting some remarks regarding the survey referred to by Mr. Yule, in paragraph 10 of his letter of 23rd December 1859; but these remarks will be more appropriate when the points now submitted are disposed of.

EXTRACT from a Letter from the Assistant Commissioner of Pakour, to the Commissioner of the Sonthal Pergunnahs (No. 64, dated 19 February 1860), containing statements of some of the chief Hill-men.

Burhope.—Before Mr. Cleveland's time the Pahareea insurrection took place. Mr. Cleveland met the Pahareea Sirdars at Diggee, and also with him was the Suzawal Abdool Russool Khan, and the matter was then settled by Mr. Cleveland giving us the hills rent-free, and by settling pay on us—two rupees to the Maujees, three rupees to the Naibs, and ten rupees to each Sirdar per month.

The same rights by which we enjoy the hills, the cultivated parts of the hills, give us the trees and forests on them. Whoever cut timber from our forests had to pay the Manjee from whose hill it was cut.

Patsundah.—We are the original inhabitants of this country; the Sonthals emigrated from some other part of the country; and in order that we should have homes, Mr. Sutherland gave us the hills rent-free to live on; and after this Mr. Cleveland appeased the insurrection, by giving some of us pensions and forming the Bhaugulpore Regiment.

We got the trees and forests with the hills and all their profits. No Jagheers existed before Mr. Poulet's time, and all are registered by him.

Ambar.—It was long ago, in Mr. Cleveland's time, that the hills were made over to us. They were given to us to keep a kind of police-watch over everything and report occurrences.

Mr. Cleveland came and settled the position, giving us the hills to live on and their produce, and whatever we could cultivate on them.

The trees were always ours, given us with the hills; Mr. Poulet always acknowledged our right. From the summit of the hill to each hill-foot is ours, and where a plough could be used below was Sonthaldom. Whoever is Manjee of the hill gets what he can for the trees; whoever wants them has to pay something, but it's very little we get that way.

Mr. Cleveland came and arranged our future position, and formed the Bhaugulpore Regiment; we have no right to anything beyond the hills themselves; the trees were always considered ours, and we sold them to any who would purchase.

Mr. Poulet always allowed our right to the forest, and it has never been called in question.

EXTRACT from a Letter from Mr. Deputy Commissioner *Robinson* (No. 151), dated 26 March 1860.

THE Paharees look on the timber, large or small, on the hills as their own property, and have from time immemorial demanded and obtained payment from timber-cutters.

EXTRACT from a Letter from the Assistant Commissioner, *Doomku* (No. 179), dated 30 April 1860.

THE Paharees of my division are Mal Paharees, and of quite a different race to the Paharees of the northern portions of the Damun: they claim to be the aboriginal inhabitants, and state that the ancestors of present paid Paharees stood in the light of owners of the

the soil to the then people, who paid them, for each village, a yearly tribute of one rupee in cash, one kid, and one seer of honey; and that when the British Government resumed the valleys and plains, they were ordered to take possession of and cultivate the hills, and make what they could out of them in the way of bunkur, &c.

EXTRACT from a Letter from Mr. Deputy Commissioner Wood (No. 58) dated 1 August 1860.

Para. 5. The Paharees no doubt consider the hills as their private hereditary property; they buy and sell them as if they were their own, and I am not aware that their alleged right to them has ever been called in question by the officers of Government.

7. I am informed by Bhuggobuttee Churn Lullah, Mr. Poulet's late head almah, that Mr. Poulet in no way interfered with the Paharees in their occupancy of, or alleged right to, the hills cultivated or owned by them; and when Mr. Poulet farmed out the Bunkur Mehals of the Sonthalee portion of the Damun-i-Koh, the individuals leasing such mehals used to make their own private arrangements with the Paharees who claimed the hills adjoining the Sonthalee jungle-lands, so that there should be no clashing of interests between themselves and any parties who might wish to take the bunkur of the hills from the Paharees.

TRANSLATION OF No. 8.

PROCEEDINGS of the Court of the Superintendent of Damun-i-Koh, Zillah Bhaugulpore; dated Camp Chandna, Thannah Kurhurria, 6 March 1840.

GUNDAY SIRDAR, of Mouzah Buchanora, this day represents that Jeetoo Roy Ghatwal, who is mustager of the Bunkur Mehal of Thannah Kurhurria, collects the bunkur rents of the hills of his (the Sirdar's) elaka, and that last year a sum of 15 rupees was collected by the Naib Suzawal, of Thannah Rajmehal Coheston, on account of the following mehals:—

Jogee Mudna, Paharpore, Heemra Pather, Perghedeep, Soosirna Chummoo Panee, Burkutta, Burgo Keraged Danga. Receipt of which sum he files.

On ascertaining from Kunhya Lall, Naib Suzawal of Thannah Kurhurria, and the records of the Serishtah, it appears that the said sum was improperly levied from the Sirdar; these mehals having very little bunkur in them, and Government having nothing to do with it.

It is ordered that the collections of this year, which are with Persadee Pergunite, be made over to the Sirdar in my presence. The Mustager warned to have nothing to do with the bunkur on the hills and its collections in future. The Sirdar is ordered to appropriate to his own use whatever he collects, and not to pay anything to Government.

(signed) J. Poulet,
Superintendent, Damun-i-Koh.

TRANSLATION OF No. 9.

PURWANNA to the Mohurrir of Thannah Rajmehal; dated 28 February 1841.

GUNDAY SIRDAR, of Buchanora, having represented to me that Chumroo Pergunite, Munboodee Roy, Pershadee Pergunite, and others, are in the habit of cutting away bamboo, &c. from his hills, you are therefore ordered to see that the said Chumroo and others do not forcibly cut away the bamboo, &c., of the Sirdar's elaka. If against my orders they cut and take away, you are to investigate the matter and report to me.

(signed) J. Poulet,
Superintendent, Damun-i-Koh.

HOOKOONNAMA to Lukhun Sirdar, Pahareea of Bukwa Hills, Tuppeh Murpoul, Thannah Doomka, Zillah Bhaugulpore; dated 23 March 1844.

As the Board consider it proper to make provision for the Paharees, and as you are the chief of them, the claim of Government to the bunkur, &c., in the hills of your elaka was relinquished last year: agreeably to a perwannah from this court, you are hereby ordered to enjoy the profits of the bunkur on the hills without paying any rent. No Government servant, high or low, will disturb your possession. The Mustagers also will, on seeing this document, abstain from interfering with the bunkur, &c., on the hills in your elaka.

(signed) J. Poulet,
Superintendent, Damun-i-Koh.

(No. 1214.)

Home Department.—Revenue.

(No. 3.)

From *W. Grey*, Esq., Secretary to the Government of India, to *E. H. Lushington*, Esq., Secretary to the Government of Bengal.

Sir,

Fort William, 6 March 1862.

I AM directed to acknowledge the receipt of your letter, No. 78 A, dated the 27th January, submitting a reference from Mr. Money, the Officiating Commissioner of the Sonthal Pergunnahs, as to what parts of the Damun-i-Koh* are to be considered as waste lands, available for sale under the Government Resolution regarding the sale of waste lands.

2. The Lieutenant Governor expresses the following opinions as to the different descriptions of land involved in this reference :—

1st. That lands which have been leased to, and are in the occupation of, Sonthals, whether such lands be cultivated or in pasture, cannot be sold as waste lands, because neither are the lands waste, nor has Government the sole property in them.

2d. That the hills on which the Paharees live, or which they cultivate, cannot be sold under the Resolution.

3d. As to the uninhabited hills, that if these are granted in order that they may be reclaimed and cultivated, the grants cannot be made under the new rules, but only in accordance with some special arrangement with the Hill-men.

3. Assuming that the whole of the lands of the Damun-i-Koh are included in one or other of these three definitions, the Governor General in Council thinks it is clear that so much of the Resolution of the 17th October 1861, as has reference to the sale of unassessed waste lands, in which no rights of proprietorship or of exclusive occupancy are known to exist at present, or to have existed, and to be capable of revival, is not applicable to the Damun-i-Koh.

4. The claim of the Hill-men to the occupancy of the uninhabited hills, in which they derive an income from the jungle produce, and which they may at any time bring into cultivation, is too substantial a claim, and one which has been too distinctly recognised by the Government to be set aside in favour of new purchasers. To this class of cases the provisions of paragraph 34 of the Resolution apply, but it is of course open to the Hill-men to transfer their rights of occupancy in a given tract, by private agreement, to any person who may wish to acquire them, and such transfer would carry with it the privilege of purchasing the tract as waste lands.

5. If, however, there be any portion of the tract known as the Damun-i-Koh which is not included in any of the above definitions, being unassessed waste lands belonging to Government, to which there is no prior claim of occupancy, the Governor General in Council sees no reason why such lands should not be disposed of under the rules.

I have, &c.

(signed) *W. Grey*,
Secretary to the Government of India.

* Mr. Money describes this tract as consisting "of the chain of hills called the Rajmahal Hills, of the valleys between these hills, and of a portion of the low ground at the outer foot of these hills, divided from the adjacent plain by a chain of pillars, and to which the term 'Damun' more especially applies."

— No. 16. —

EXTRACT India Revenue Proceedings, March 1862.

(No. 15.)

From *J. W. B. Money*, Esq., to *W. Grey*, Esq., Secretary to the Government of India, dated 25 January 1862.

As a grantee of waste lands in the North Western Provinces, I have the honour to request that you will submit to his Excellency in Council the following appeal from the rules relative to the sale of waste lands, by the Honourable the Lieutenant Governor of the North Western Provinces, published in the "Gazette" of the 25th December 1861; which rules much curtail the advantages promised by his Excellency's Resolution, No. 3264, dated the 17th October 1861.

2. Paragraphs 33 and 50 of that Resolution authorise existing holders of grants, under the late N. W. P. Rules, to commute their grants under the new rules, at 20 years' purchase of the highest rent fixed for any year during the currency of the grant, provided it does not exceed the rates in paragraph 29 of the same Resolution.

3. Paragraph 29 fixes the utmost price at 2½ rupees per acre for uncleared land, and at 5 rupees per acre for land unencumbered with jungle, subject to deduction for swamps or unculturable land—such rates to remain in force for five years, from 1st January 1862.

4. The principle understood to be conceded by this clause of his Excellency's Resolution, was that of paying less for land which would cause the cultivator expense in clearing, and more for land which did not call for any such outlay.

5. Paragraph 37 declares that the new tenure will be that of an heritable and transferable property held in perpetuity, free from all claims, either of the Government or third persons, prior to or inconsistent with the grant.

6. The Lieutenant Governor's Minute is opposed to these provisions.

7. Section 23 of his Minute curtails the permission to commute to a period of six months.

8. Section 21 applies the higher purchase rate to the land which has already caused the grantee great expense in clearing it, as well as to the land which he received from Government unencumbered with jungle. It also puts a grantee, who has cleared energetically, in a worse position than one who has not cleared at all.

9. And the 6th condition attached to the Form of Grant B, given in the said Minute, maintains in third persons claims prior to and inconsistent with the grant of an heritable and transferable property, held in perpetuity, free from all claims.

10. I humbly venture to submit that such rules are variations of his Excellency's Resolution beyond the power of the Local Government, that they are not called for by public policy, and that they will work injury and injustice to existing grantees.

11. My case is an illustration of this assertion.

In the autumn of 1860 my brother (Lieutenant Colonel Money) and I took grants of a considerable tract of land in Kumaon for tea cultivation, under the then Grant Rules, which required of us no payment to Government for five years.

At the time of our taking the grant it only contained a small portion of land unencumbered with jungle.

12. Within the first 12 months we laid out upwards of 40,000 rupees in clearing the grant, in buildings, in tea cultivation, and otherwise generally in performance of the conditions and objects under which the land was granted to us.

• 13. This

13. This has resulted in clearing upwards of a thousand acres of our grant, for which, under the Lieutenant Governor's application of his Excellency's Resolution, we must now pay double the purchase-money which we should have had to pay if we had neglected and left our grant uncleared, and twice as much per acre as our less energetic neighbours will have to pay for most of their grants.

14. The Lieutenant Governor's limitation of the right to commute to six months is also injurious to us.

15. My brother and I propose to lay out one lakh of rupees in making our grant pay. This with tea requires five years, and after our large outlay of over 40,000 rupees in the first 12 months, the remaining 60,000 rupees will all be required for the proper maintenance and extension of the tea cultivation during the remaining four years, before we can obtain any return.

16. The fact of not having to divert any of our funds from the cultivation was, of course, one of our inducements under the former Grant Rules, and we relied on the returns at the end of the five years to meet the then commencing claims of Government.

17. We shall be deprived of this advantage, which was further sanctioned and confirmed by his Excellency's Resolution, if the Lieutenant Governor's limitation of six months be made imperative as the period within which we must either commute or lose the right to do so.

18. We shall in that case either have to surrender the benefit of purchasing our grant in fee-simple, or have to divert a considerable portion of our available funds from the profitable cultivation of the grant to the needlessly speedy attainment of that benefit.

19. The 6th condition annexed to the Form of Grant B, given in the Lieutenant Governor's Minute, is of still more evil consequence. It opens the door to the creation of conflicting rights with ours in the same soil, to constant encroachment on our property, and tends to interfere materially with our cultivation. It allows and authorises trespass upon our land by any persons pretending to have been accustomed to use or consume the spontaneous products of the soil; and, though it forbids trespass upon or other injury to the cultivated portion of the land, such prohibition will of course be nugatory if we are obliged to submit to claims for pasturage or timber, merely supported by custom or occasional use, without any lawful or recognised existence.

20. Our grant is part of a waste high land, surrounded by cultivated vallies, whose inhabitants used occasionally to pasture their cattle and cut timber over the whole of the waste, but who, before the land was granted to us, were officially decided to have no legal or authorised claim, by custom or otherwise, to the exercise of any such right on our grant.

21. If, however, the Lieutenant Governor's Minute in this respect be maintained, such claims on their part will receive an official recognition, and will probably then be enforced in a manner which will oblige us to fence in every portion of our cultivation, will deprive our grant of much of its convenience and value, and will lead us into collision with the neighbouring peasantry, and thus affect our supply of labour.

22. These are consequences, but for assured immunity from which we would neither have taken the grant, nor expended upon it the large outlay which we have incurred.

23. I beg humbly to submit that, on all these grounds, the Lieutenant Governor's Rules cause us injury, against which we have no other remedy than by this appeal to his Excellency in Council.

(No. 16.)

From *W. F. Fergusson*, Esq., Secretary to the Landholders' and Commercial Association, to *W. Grey*, Esq., Secretary to the Government of India; dated Calcutta, 31 January 1862.

I AM directed by the Committee of the Association to beg that you will submit to his Excellency the Governor General in Council the following remarks on the subject of the rules for the disposal of waste lands which have been published by the Government of the North Western Provinces and of Oude.

2. The Committee have to express their entire satisfaction with the spirit and tenor of the Resolution of 17th October, but they regret to observe in the orders of the Local Government carrying them out a tendency to circumscribe the benefits, and that some of the rules proposed, especially those proposed by the Government of the North Western Provinces, will interfere with the beneficial results of this large and comprehensive measure.

3. The Committee would call attention to the difference in the areas purchaseable in the two provinces under their respective rules, section 4 of the Oude rules fixing 5,000 acres as the maximum, while the North Western rules limit the area to 3,000, and for tea land to 2,000 acres.

4. The Committee consider that the limitation of 2,000 acres for the grant of tea lands is not judicious or reasonable. Such an extent is not sufficient for a joint stock company or for a large capitalist, considering the quantity that must be reserved for timber, charcoal, and purposes other than the actual cultivation of tea, and from the length of time which must elapse before tea cultivation becomes productive, it is probably only by the employment of a large capital that it can be successfully carried on.

5. The Committee would also call attention to the difference in the rates according to which existing grantees would commute under the Oude rules and under those for the North Western Provinces. In the former, by section 20 the proportion of land to be commuted at 2 rupees 8 annas, and that to be commuted at 5 rupees an acre will depend on the state of the land when the grant was made, and not on the condition it may have been brought to by the grantee, which the Committee submit is the correct interpretation of the principle intended by the 29th paragraph of his Excellency's Resolution.

6. By the 21st section of the North-Western Provinces' rules, the proportions of lands purchaseable at 2 rupees 8 annas, and 5 rupees per acre, will depend on the state of the land as existing at the time at which application is made for redemption.

7. The result is that a grantee of land in the North Western Provinces who has cleared a thousand acres of his grant will have to pay twice as much for that area as a grantee in Oude in the same condition.

8. The Committee also consider that the rule charging 5 rupees on land unencumbered with jungle may act unfairly if in this is included land which has been cleared by native wandering tribes and then given up. Such land is in every way inferior to forest land, is much deteriorated by the process of temporary clearing and cropping referred to, and is more expensive to bring into proper cultivation than even uncut jungle.

9. The provisions as to land required for roads in the 12th section of the Oude rules is in accordance with the 13th paragraph of his Excellency's Resolution, but the provisions on this subject contained in the fourth condition to be attached to the form of grant in the North Western Provinces are opposed to that paragraph. The Committee consider the conditions proposed to be attached to the form of grant in the North Western Provinces to be objectionable in many respects. The fixed contribution for aid for repairing the high roads, and for the chowkeedars and reporters are burdens in addition to the price fixed on the land by his Excellency's Resolution. Grantees and purchasers will of course be subject to any such contributions which may be fixed by law on proprietors of lands generally, but the Committee consider that such obligations attached as conditions to

to the grant in the manner proposed by the Lieutenant Governor of the North Western Provinces will interfere with the beneficial tenure of land offered by his Excellency.

10. The Committee still more strongly appeal to his Excellency to prevent the happy working of his Resolution being interfered with by the reservation of other rights in the land sold. The sixth condition attached to the form of grant in the rules for the North Western Provinces contemplates the sale of land with reservations, which the Committee submit is opposed to the wise and just provisions contained in the 34th and 37th paragraphs of his Excellency's Resolution. It proposes to legalize mere customary user to consume the spontaneous products of the soil, thus obliging the fee simple owner to submit to claims for pasturage and timber inconsistent with his necessary absolute control over his property, and leading to the evils of cattle trespass and of conflicting claims in the same soil, the practical operation of which evils has been so lately apparent in the indigo districts. The Committee would submit that the principles of the 34th and 37th paragraphs of his Excellency's Resolution should be made obligatory; that on land where any such user amounts to an exclusive and legal right, the sale should only be made to the owners of such rights; but that on land where such claims are not founded on usage sufficient to constitute an exclusive legal right, the land be sold free from any such claim.

11. The Committee would also submit that any conditions or limitations attached to the form of grant would give rise to questions in future involving uncertainty, as not referable to any fixed standard. If, on the other hand, the form of grant were a simple conveyance of the land mapped thereon to the grantee and his heirs for a freehold estate of inheritance in fee simple, as in the conveyances of the Irish Encumbered Estates' Commission, a well known and recognised legal definition of the purchaser's title would be thereby secured, to which the law attaches specific rights and obligations. This would mark the relations of the owners, of the Government, and of the public, towards each other, and would make any question arising in future easily resolvable by analogy.

12. The Committee would also venture to call his Excellency's attention to the importance of arrangement for keeping clear the title to be given by the Government.

13. With all deference they would suggest that the experience of registration in different countries is in the favour of the English Manor Court's principle, and of that which governs the transfer of consols, both which require public and notorious action in the presence of the authorities charged with the registration. The experience of the Committee as to the uncertainty of land tenures in Bengal, and of the present modes of registration in India, together with the chicanery and litigations consequent thereon, satisfy them that their interests as intending purchasers would be best consulted by a rigid rule that no transfer of such fee-simple estate in India, nor the creation of any interest therein beyond a lease for three years, should have any valid effect except when made in the mode of surrender and re-grant before the local European official by the registered holder in person, or by his agent, expressly authorised for that purpose in the manner required for the transfer of consols by attorney.

14. If every such transfer and creation of estate were forthwith registered with a map index by the European official in person, and if the register were made conclusive evidence (till altered by suit to be brought for that purpose) of all rights in the land, whether of property, possession, or occupancy, the title derived from Government would be kept plain and undoubted, and all rights in the land would be manifest and not easily open either to disturbance or litigation. The Committee believe that the additional value given to estates by this secure title, would tend much to induce native landholders in Bengal to redeem their land tax for the purpose of freeing themselves from the existing insecurity of title, with its consequent liability of attack, the chief protection against which at present by benamie transactions is now made criminal by the Penal Code.

15. The Committee would also call attention to the 23d section of the North Western Provinces' rules, curtailing the time within which grantees must elect

to commute for six months, as being an infringement of the 50th paragraph of his Excellency's Resolution. Most of the tea grants in the North Western Provinces come within the definition in that paragraph "of grants already given for a term of years at progressively increasing rents," and "where there is no right of occupancy other than that of the lessee, or that derived from him."

16. As such, these grants would, under that paragraph and paragraph 29 of his Excellency's Resolution, be commutable at any time within five years from 1st January 1862, at 20 years' purchase, of the highest rate fixed for any year during the currency of the grant, provided it shall not exceed the rate fixed in paragraph 29.

17. The Committee would further beg attention to the very important question of lands reserved by Government for forest. They do not question the expediency or even the necessity of a proper conservancy to prevent waste or destruction of timber; but in the Dhoon, for instance, if all lands producing sal or other valuable timber were reserved, settlers would virtually be excluded from one of the most suitable and promising fields offered for their enterprise.

18. The Committee would venture to suggest, that Dr. Cleghorn, who is now in those provinces, should be requested to report on those forest lands, and to prepare rules respecting them for the consideration of Government.

19. The Committee believe that it would suit the views of intending settlers, if on forest land Government reserved the right to a certain number of trees of a specified size, at the date of the grant per acre, giving up all others to the grantee; or if the grantee had the option of purchasing all the timber at a separate valuation, to be fixed at the time.

20. In this way, immediate waste would be prevented, all valuable timber would be preserved, either to Government or the grantees, and it would be for the interest of the grantees to encourage the growth of the younger trees, and even to purchase and plant timber seedlings, as likely ultimately to give an advantageous return.

(No. 17.)

From *W. Grey, Esq.*, Secretary to the Government of India, to *Sir George Couper, Bart., c.B.*, Secretary to the Government of the North Western Provinces (No. 1487), dated 11 March 1862.

From *J. W. B. Money, Esquire*, dated the 25th January.
From Secretary to the Landholders' and Commercial Association, dated the 31st idem.

I AM directed to forward, for consideration and report by the Lieutenant Governor, copies of the letters marginally noted, relative to the rules of procedure for the sale of waste lands, published in the "Allahabad Gazette" of the 24th December last, and at the same time to communicate the view which it seems to the Governor General in Council must certainly be taken in regard to some of the questions raised in these communications.

2. In the 15th and 16th paragraphs of the letter from the Secretary to the Landholders' and Commercial Association, and in the 7th paragraph of Mr. Money's letter, reference is made to the 23d section of the rules, in which it is laid down that the permission of a grantee to commute the terms of his grant under the new rules "must be acted on at once," but that "a period of six months may be allowed for the grantee to make his election between the old and new rules." On this point I am desired to observe, that it was the intention of the Governor General in Council that the owners of existing grants should be allowed to commute at any time. The limit placed on the time of commutation in the rule under notice should, therefore, be withdrawn.

3. Paragraph 10 of the communication from the Landowners' Association, and paragraphs 9 and 10 of Mr. Money's letter, refer to the 6th condition entered in the form of Grant B. attached to the rules of procedure. That condition provides "that wherever any persons have been accustomed to use or consume the spontaneous products of the soil, the grantee shall not interfere with them, so long as they do not trespass upon, or otherwise injure the cultivated portion of the land." The Governor General in Council is of opinion that the condition in question

question is to some extent open to the objection taken to it. If claims to the spontaneous products of the soil are preferred and established before the grant is made, the case should be dealt with under paragraph 34 of the Resolution, the lands being either not granted at all, or, if granted, only to those who possess exclusive rights of occupancy, pasturage, wood cutting, and the like. If such claims are not brought forward at the time of the grant, but are established afterwards, the Government must give compensation under paragraph 19. There may, however, be cases in which by mutual agreement, at the time, between the applicant for a grant and those who claim a right to use the spontaneous products, an hereditary and transferable property in the soil may be given to the former, subject to the exercise of their customary rights by the latter.

4. With reference to the limitation of the areas of grants indicated in paragraph 10 of the rules, to which reference is made in the 3d and 4th paragraph of the communication from the Landowners' and Commercial Association, the Governor General in Council observes that the extent of area ought not to be absolutely limited to 3,000 acres in the plains and 2,000 acres in the hills. This may properly be the ordinary rule, but grantees should be able to obtain larger tracts of country under special circumstances, at the discretion of Government in each case.

5. On the remaining points which are discussed in these letters, orders will be passed on receipt of the Lieutenant Governor's report; but with reference to the fourth condition of the grant, noticed in paragraph 9 of the letter from the Landowners' Association, I am desired to draw attention to my letter of this date, No. 1376, so far as it relates to the question of allowing commutation of the road cess.

— No. 17. —

EXTRACT India Revenue Proceedings, April 1862.

(No. 5.)

From Colonel *Orfeur Cavenagh*, Governor of Prince of Wales' Island, Singapore and Malacca, to *W. Grey*, Esq., Secretary to the Government of India (No. 191), dated Singapore, 21 October 1861.

WITH reference to the provisions of Section 12 of Act XXVI., of 1861, I have the honour to forward herewith, for submission to his Excellency the Governor General in Council, the draft of a notification relative to the disposal of lands in Malacca, which, should it meet with his Excellency's approbation, I would propose issuing in the "Government Gazette," for general information.

2. In framing these regulations I have kept in view the necessity for their being, as far as practicable, clear and simple, so as to admit of their being fully understood by our Malay and Chinese subjects, yet sufficiently comprehensive to suit the interests both of the wealthy capitalist and the needy cultivator, without, at the same time, relinquishing any of the rights of Government, or indeed causing any very material change in the system under which the revenue is at present realised.

3. Wealthy capitalists will naturally avail themselves of the power of obtaining land in fee simple, and, as through their means a large number of Chinese immigrants will doubtless be introduced into the settlement, it is to the advantage of the State that they should do so, as the loss in the permanent land revenue will be more than counterbalanced by the additions made to the general revenue from other sources.

4. Mere speculators or cultivators with small means will, on the contrary, be perhaps glad to obtain a remission of one-half of the purchase-money on the payment of a quit rent equal to 10 per cent. on the amount, as they will be thereby enabled to take larger grants, and to devote a portion of their capital to the improvement of their lands, whilst they are assured the right of eventually becoming

becoming proprietors on the same terms as originally allowed to their wealthier brethren. My object in postponing the acknowledgment of the right of lessees to become proprietors until the expiration of five years, was partly that of preventing the purchase of land from becoming a gambling speculation, and partly of inducing lessees to devote any superfluous cash of which they might become possessed, to the improvement of their property, instead of applying it to the purchase in fee simple of land, which they might not perhaps subsequently find means for bringing under cultivation; with the latter view I have also retained the clause inserted in all the deeds, issued under the order of Government, No. 520, dated the 12th October 1844, providing for the resumption of land of which a fourth part may not be cleared within a specified period.

5. Although I believe the right of the Crown to a royalty upon all mineral products is acknowledged by law, and is not alienated by the mere sale of the land, I have thought it advisable, to prevent any future misconception on this head, to clearly define the nature of the right that would be enforced.

6. The reservation of the ground along the banks of rivers and canals is, I conceive, necessary to admit of a proper system of drainage and irrigation, being hereafter introduced without entailing any interference with private rights and its attendant expense; an equal necessity exists for reserving land along the line of roads, to insure their being maintained in a proper state of order.

7. With a view to prevent unnecessary delay in making arrangements for the sale of lands after the receipt of the orders of his Excellency in Council, I have already published an order requiring intending purchasers to register their names, and the supposed area of the tract they require, at the Resident Councillor's Office. I have also desired the Resident Councillor to submit, with the least practicable delay, a list of those annuitants who are prepared to accept a commuted allowance under the provisions of Section 2 of the Act; I can at present form no idea as to the probable nature of their demands, but I would respectfully beg to recommend that I may be permitted to enter into an arrangement with all those who may be willing to accept sums equivalent to 12 years' purchase of their annuities, so as to enable them to invest their money in the purchase of land, which probably many would be inclined to do; a fund for the above purpose might be formed from the receipts from the sale of waste lands which might be entered in a separate account, and not under the head of ordinary land revenue.

(No. 6.)

DRAFT OF NOTIFICATION.

UNDER the provisions of Act XXVI. of 1861, and with the sanction of His Excellency the Right Honourable the Governor General of India in Council, the following regulations regarding the disposal of land in the station of Malacca, are published for general information:—

1. All unoccupied and waste lands, the property of Government, required for agricultural purposes, with the exception of such tracts as may be reserved for Government use, or with reference to the nature of the soil or other circumstances, it may be deemed desirable to dispose of by public sale, shall be granted in fee simple to applicants at the fixed rate of \$3 per acre, or, as regards grants of 10 acres and upwards, at the option of the applicants, on lease for 999 years, at the rate of \$1 50 cents per acre, with an annual quit rent of 15 cents per acre; grants of less than 10 acres to be disposed of only in fee simple; payments in both cases to include the prescribed survey fee of one rupee per acre.
2. Parties taking land on lease for 999 years to have the option, after the expiration of five years, of purchasing the land in fee simple on the payment of the additional sum of \$1 50 cents per acre.
3. Cultivators and resident tenants, holding land by prescription, subject only to a payment to Government of one-tenth part of the produce thereof, and cultivators holding land under commutation deeds to be empowered to claim their lands upon the same terms as offered to intending purchasers of waste lands in the two preceding paragraphs.
4. Deeds of sale in perpetuity, or of lease for 999 years; to contain a provision for the resumption of the land in the event of one-fourth not being cleared and brought under cultivation within 10 years of the date of execution of the deed.
5. No permit to be granted under Section 5 of Act XVI. of 1830, except on payment of one-half of the Government demand for the land thereby permitted to be cleared and occupied, the remaining moiety to be paid within one month of the completion of the survey.

In

In the case of land taken on lease, the payment of the rent to commence from first of the month following the receipt of the cutting paper.

6. The rights of the Crown under the head of royalty not to be affected by the transfer of land under the foregoing regulations, such rights to continue as at present to be fixed at one-tenth of all mineral products.

7. A space of 60 feet measured from high-water mark to be reserved along the sea coast, of 20 feet on each bank, along the course of all existing rivers and canals, and of 20 feet on each side along the line of all existing roads.

8. The above rules to continue in force until further orders.

THIS Indenture, made the _____ day of _____ in the year of Christ 18____, between the Right Honourable the Secretary of State for India in Council on behalf of Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors of the first part and _____ of _____ of the second part, witnesseth that the said Secretary of State for India in Council for and in consideration of _____ dollars which have been paid to the Resident Councillor of Malacca by the said _____, do, in pursuance of Act No. IX. of 1842, and also independently of that Act, grant, bargain, sell and release unto the said _____, his executors, administrators and assigns, all that piece of land situated in the district of _____, in _____ aforesaid, being marked No. _____ in the Government Map of such district, and whereof the lines of boundary and their bearings are laid down in the plan endorsed hereon, certified under the hand of the Surveyor to Government, estimated to contain _____, together with the appurtenances, to have and to hold the same unto the said _____, his executors, administrators and assigns for ever, subject nevertheless to the proviso hereinafter contained, that is to say, provided always, and these are upon this condition that the said _____, his executors, administrators and assigns, do and shall, within the period of 10 years from the date hereof, clear and cultivate one-fourth part at least of the said land, and that if he or they shall fail so to do these presents on the expiration of the said period shall be void, and it shall then and henceforth be lawful to and for the Right Honourable the Secretary of State for India in Council on behalf of the Crown to enter into the said piece of land, and the same to have, hold, and enjoy again, as in their former estate, and in the same manner to all intents and purposes as if these presents had not been executed. In witness whereof the Resident Councillor of Malacca, by authority of the Governor General of India in Council has affixed the Common Seal of his Office, and subscribed his signature, and the said _____ has signed his name and affixed his seal hereto the day and year aforesaid.

Know all men by these presents, that I _____ Resident Councillor of Malacca, acting for and on behalf of the Right Honourable the Secretary of State for India in Council for and in consideration of the sum of _____ Spanish dollars received and the further sum of _____ dollars as quit rent to be paid annually by half yearly instalments during the term of nine hundred and ninety-nine years by _____ representatives, executors, administrators and assigns, have demised, leased, set, and to farm let, unto the said _____ representatives, executors, administrators and assigns, all that piece or parcel of land situated in the district _____ in Malacca aforesaid, bounded on the east by _____, on the west by _____, on the north by _____, on the south by _____, and described in the annexed plan containing _____ together with all and singular the trees, woods, underwoods, ways, paths, passages, waters, water courses, profits, commodities, advantages and appurtenances whatsoever not being public roads or water courses to the said piece or parcel of land belonging or in any wise appertaining or therewith used. To have and to hold the same unto the said _____ representatives, executors, administrators and assigns, from the day of the date of these presents for and during and unto the full end and terms of nine hundred and ninety-nine years.

In witness whereof, I the said _____ Resident Councillor, as aforesaid and acting for and on behalf of the Right Honourable the Secretary of State for India as aforesaid, have subscribed my hand, and caused the Common Seal of my Office to be affixed to these presents, on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Signed, sealed, and delivered
(where no stamps are in use of
to be had) in the presence of

Resident Councillor.

UNDER the provisions of Section 5, Act XVI. of 1839
 permission to clear and occupy _____ has
 unoccupied ground at _____ acres of forest and
 be procurable, and at the disposal of Government. He the said _____ should that quantity
 is required, as soon as practicable, or within six months from this date,
 to mark off the said land so occupied by him by good and substantial land marks, for the
 purpose of enabling the necessary survey to be made, no survey of such lands will be
 acknowledged, except that furnished from the Government Surveyor's Office. He the said
 hereby binds himself, his heirs, successors and assigns to
 accept of the said land, on the terms prescribed in the Government Notification No. _____,
 dated _____

Dated at Malacca this _____ day of _____ 186 .

Signed, sealed, and delivered
 in the presence of _____

* Resident Councillor.

(No. 7.)

From *A. M. Monteath*, Esq., Under Secretary to the Government of India,
 to Colonel *Orfeur Cavenagh*, Governor of the Straits' Settlements (No. 1832),
 dated 8 April 1862.

I AM directed to acknowledge the receipt of your Letter, No. 191, dated the
 21st of October, and in reply to inform you that his Excellency the Governor
 General in Council is pleased to approve of the Draft Notification of Rules
 therewith submitted, relative to the disposal of lands in Malacca, and authorises
 you to issue the same in the "Government Gazette" for general information.

— No. 18. —

EXTRACT India Revenue Proceedings, June 1862.

(No. 9.) .

From *J. D. Sim*, Esq., Secretary to the Government of Fort St. George, to
E. C. Bayley, Esq., Secretary to the Government of India (No. 1155),
 dated 24 May 1862.

* Dated 25th
 March, No. 67, in
 Proceedings Board
 of Revenue, dated
 10th April 1862,
 No. 2377.

† Resolution of the
 Government of
 India, dated 17th
 October 1861,
 No. 3264.

‡ Letter to Govern-
 ment of India,
 dated 25th Feb.
 1862, No. 395.

I AM directed to forward, for the consideration of the Government of India,
 the accompanying letter* from the Collector of Coimbatore, pointing out that
 the rates proposed for waste land sold under the new rules† are quite unsuited
 to that district, and especially to the Neilgherries. The collector submits that
 their adoption will cause a needless sacrifice of revenue, and suggests that they
 should be raised, and that sales by public auction should be resorted to in
 every case, as the fairest course for both Government and the applicants for
 land.

2. The Government have already advocated‡ the measures proposed by the
 Collector, and they instruct me to forward this letter in order that the Supreme
 Government may be acquainted with the views of an officer who has had length-
 ened experience of the district in which most land is likely to be sold under the
 new rules. It will be seen from the letter that the price of Government land in
 the plains of Coimbatore has averaged 106 rupees per cawny, subject to payment
 of the full annual assessment year by year, and that on the Neilgherry Hills
 an acre of forest within 10 miles of Ootacamund is worth 1,000 rupees for fuel
 alone.

(No. 10.)

From *E. B. Thomas*, Esq., Collector of Coimbatore, to *W. Hudleston*, Esq., Secretary to
 the Board of Revenue, Madras (No. 67), dated Ootacamund, 25 March 1862.

I BEG to acknowledge receipt of proceedings of Madras Government, dated 27th February,
 No. 433, regarding the sale of Government waste, &c.

2. I have, in obedience to the orders therein contained, carried out the preliminary steps
 directed in registering the various applications, writing to the present acting conservator of
 forests

forests for his opinion as to what tracts should be reserved, and giving my own view thereon. I have also, in letter dated 20th instant, No. 62, asked the Board's orders on a few points which seemed necessary.

3. Having taken all preliminary steps ordered, I beg to be permitted to point out where, I fear, Government will find these Bengal rules not quite applicable to this* district, and especially to the Neilgherries. They probably were framed with reference to large, unhealthy, jungly districts of Bengal, which it was desirable to clear at any rates, and should be modified to suit the condition and facts of other localities here. * And perhaps others.

4. For the valuable principle of "sale of waste" and "redemption of the land-tax," I have been (as the Board are aware, and will do me the justice to testify) long contending; and have sold waste in Coimbatore, and realised for Government about 18,680 rupees in the last two years alone—selling only the right of present occupation, the purchasers paying annually full land-tax from the date of purchase.

5. What I regret is the very low and unsuitable rates, as applied to the Neilgherries and many other localities, involving such a needless sacrifice of Government revenue and resource; for some of our jungle districts the rules may be, no doubt, suitable, but not so here.

6. The rates should have been at least reversed—2½ rupees for open, and five for forest land, the latter being far the more valuable; an acre of forest on the Neilgherries, *ex gr.*, would certainly be worth for fuel alone, if within ten miles of Ootacumund, 1,000 rupees for the wood only; and this Government propose to give (I am compelled to say throw) away for 2½ rupees, land and all.

7. As regards open land, in the plains of Coimbatore, all I have lately sold has averaged 106 rupees per cawny,† the competition (auction) price alone, the land not going in fee-simple, but paying future full tax in perpetuity without diminishing the annual resources of the State; this land Government now are going to give away at five rupees and the rental with it. † In one instance one cawny of land, near a town; sold for 800 rupees.

8. The Bengal rates, as applied here, are very much too low; and in conceding so valuable and desirable a point as the "fee-simple," the rates might fairly have been much more adequate to the value of the boon given. I write on facts, not theory; and I deem it my duty to set such facts before Government. The very low rates are a temptation and premium to much land-jobbing; buying up to re-sell at leisure at a monopoly price not leading to early and beneficial investment of capital and enterprise in agriculture.

9. The only partial remedy for this great and needless sacrifice of Government resources is free and public auction in every case: if any competition, Government benefits; if none, the applicant is in no way injured, nor his price enhanced. In many instances bidders appear at the last moment, who will not declare before. Abkarree and other Government property all go by auction; it is still more important that this more valuable commodity, land, should do the same. The boon is a great and lasting one to the capitalist and settler. No one can appreciate its value more than I do, who have long advocated it; but in sacrificing its rental in perpetuity, Government might fairly have derived much more present advantage from it.

10. I beg to refer to my letters noted in the margin.‡ If land, paying yearly full tax in its class, will sell freely for 106 rupees per cawny, it is surely unwise and needless to give it for 2½ in fee-simple; while the principle was adopted, inquiry should have been made, and the Bengal rates raised to suit circumstances and localities here. ‡ To Government, dated 3d April 1860, No. 9. To Board of Revenue, dated 12th July 1861, No. 154.

If Government can afford such a sacrifice, it is a happy and fortunate circumstance for all parties, especially the purchasers. I request the favour of these facts being submitted to Government.

ORDERED to be submitted to Government as requested.

2. The Board consider that Mr. Thomas takes too narrow a view of the subject, and loses sight of the fact that jungle, when necessary, can be reserved, and that jungle, in positions where a market is not readily available, involves much more expense to the grantee in bringing into cultivation.

(No. 11.)

From *E. C. Bayley*, Esq., Secretary to the Government of India, to
J. D. Sim, Esq., Secretary to the Government of Fort St. George
(No. 3053), dated 20 June 1862.

I AM directed to acknowledge the receipt of your letter (No. 1155), dated 24th ultimo, submitting a communication from the Collector of Coimbatore, pointing out that the rates proposed for waste land sold under the Resolution of this Government, dated the 17th of October last, are quite unsuited to that district, and particularly to the Neilgherries.

2. In reply, I am desired to state that his Excellency the Governor General in Council hopes to be able shortly to communicate orders on the draft rules submitted with your letter, No. 395, dated the 25th of February. Meanwhile it seems to his Excellency in Council that paragraphs 23 and 24 of the Resolution of October last, as also the provision in paragraph 30 regarding sales by auction, will enable the Government of Fort St. George to prevent any undue sacrifice of the public interests in respect of the particular lands referred to by Mr. Thomas.

— No. 19. —

EXTRACT India Revenue Proceedings, August 1862.

(No. 11.)

From Messrs. *Mair & Company*, Secretaries Dooteriah Estate and Tea Company "Limited," and *Tukvar Tea Company "Limited,"* to *W. Grey*, Esq., Secretary to the Government of India; dated 14 April 1862.

WE have the honour of transmitting herewith a petition to his Excellency the Governor General, signed by the Directors of the various Tea Companies in Calcutta holding land at Darjeeling, and praying that they may be allowed to commute their holdings under the rules of the Government of India, dated 17th October 1861. We beg you will lay this petition before the Governor General in Council.

(No. 12.)

To the Right Honourable the Earl of *Elgin and Kincardine*, K. T., G. C. B.,
Viceroy and Governor General of India in Council.

The Humble Petition of the undersigned Directors of Tea Companies holding grants in the District of Darjeeling,

HUMBLY SHEWETH,—That your petitioners, being holders of grants of land in Darjeeling, hailed with feeling of great satisfaction the publication of the recent Resolutions of the Government of India regarding the sale of waste lands.

2. Your petitioners were led to believe that paragraph 33 of those Resolutions had particular reference to them, and that, as holders of grants under the old Darjeeling rules, they would be allowed to commute them under the new rules, and in this belief applications have been submitted from the landholders of Darjeeling generally to the local authorities, for permission to avail themselves of the terms in question.

3. Your petitioners have, however, observed with regret, in the published correspondence respecting these rules that has taken place between the Secretary of the Landholders' and Commercial Association and the Secretary to the Government of India, that commutation under the terms of the Resolution is stated to be impracticable for the holders of grants under the Darjeeling rules, because the land was sold absolutely at the upset price of 10 rupees per acre.

4. This decision is likely to have so injurious an effect upon the interests of your petitioners, and it appears to them to be so contrary to the liberal and enlightened spirit that dictated the recent Resolution, that they would earnestly pray that the question may be reconsidered, and that the holders of grants under the old may be permitted to commute them under the new rules.

5. Your petitioners would beg permission to state that they believed the terms of paragraph 33 to be particularly applicable to Darjeeling, because, as far as they are aware, it is the only place within this Presidency where holders of grants, before the promulgation of the new rules, could, in the words of the Resolution, have completed the purchase of their grants. The Secretary of the Landholders' and Commercial Association, in his letter to the Secretary to Government, omitted the words "who has not yet completed the purchase of his grant," and

your

your petitioners believe those words to have an important bearing on the question.

6. Your petitioners ask for no refund where more than the price fixed in paragraph 29 has been paid in under the old rules ; but they pray that, where the amount of the instalments paid has been less, they may be allowed the benefit of it.

7. Your petitioners would further respectfully urge, that the decision of which they complain will depreciate the value of property acquired under the action of the old rules. The holders of grants under those rules are chiefly the men who have led the enterprise that has given to Darjeeling its present importance in a commercial point of view. They have had to incur all the risks and difficulties of the first introduction of tea cultivation, and they now feel that they will be heavily taxed if they are required to pay twice and four times as much (for cleared and uncleared lands respectively) as will have to be paid, under the new rules, for neighbouring lands within this district, granted with more extensive rights and with fewer reservations. That this is the case will be readily perceived upon a comparison of paragraphs 12 and 13 of the Resolution with sections 7 and 8 of the old rules, and paragraph 28 of the Resolution with section 6 of the rules.

8. The anxious desire of the Government of India to encourage enterprise is so clearly apparent throughout the Resolution regarding the sale of waste lands, that your petitioners cannot but feel confident that, after a reconsideration of the claims they have urged, their prayer will meet with a favourable result.

And your petitioners, as in duty bound, will ever pray, &c.

NAME OF THE COMPANY.	NAMES OF DIRECTORS.
Tukvar Tea Company " Limited "	- { T. E. Judge. J. Mackintosh, Jun. A. M. Dowleans.
The Dooteriah Estate and Tea Company " Limited " - - - - -	- { T. E. Judge. R. Doyme. W. Maitland. J. H. Fergusson.
Hope Town Tea Association " Limited "	- { W. Anderson. J. M. Robinson. H. E. Braddon. A. H. Blechynden.
Balasun Tea Company " Limited "	- { A. W. Wilson. T. E. Carter. H. E. Braddon. N. S. Sweedland. A. H. Blechynden.
Kursiong and Darjeeling Tea and Coffee Company " Limited " - - - - -	- { G. W. Bracken. T. R. Safe.
Darjeeling Tea Company " Limited "	- Begg, Dunlop & Co., Agents.

Calcutta, 14 March 1862.

(No. 13.)

From E. C. Bayley, Esq., Secretary to the Government of India, to Messrs. Mair & Company, Secretaries Dooteriah Estate and Tea Company " Limited," and Tukvar Tea Company " Limited" (No. 4492), dated 25 August 1862.

I AM directed to acknowledge the receipt of your letter dated the 14th of April, enclosing a petition of the Directors of the various Tea Companies in Calcutta holding land in Darjeeling, praying that they may be allowed to commute their holdings under the Resolution of this Government bearing date the 17th of October 1861.

2. In reply, I am directed by the Governor General in Council to refer the petitioners to paragraphs 9, 10, and 11 of the letter dated the 15th instant to the

Local Governments, published in the "Calcutta Gazette" of the 16th instant pp. 2898, 2899.

— No. 20. —

EXTRACT India Revenue Proceedings, September 1862.

(No. 5.)

From *W. Grey*, Esq., Secretary to the Government of India,
 To Secretary to the Government of Madras, No. 5, } Dated 2 January
 To Secretary to the Government of Bombay, No. 6, } 1862.
 To Secretary to the Government of Bengal, No. 7, }

I AM directed to request that a copy of the rules under which it is proposed to give practical effect in the ^{Madras} } ^{Presidencies}
_{Bombay} }
 Lower Provinces to the provisions for the disposal of waste lands contained in the Resolution of the Governor General in Council, dated the 17th of October, may be furnished for the information of his Excellency in Council.

2. I am also desired to ask attention to the second paragraph of my letter of the 19th October, and to say that the Governor General in Council will be glad to receive the draft law therein referred to, if possible, before the expiration of the present month.

(No. 6.)

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 47A.), dated 16 January 1862.

WITH reference to the Under Secretary's letter, No. 1924, dated 19th October last, and your No. 7, dated 2d instant, I am directed to forward, for the consideration and orders of his Excellency the Governor General in Council, the accompanying copies of two letters from the Board of Revenue, Nos. 914 and 917, dated the 27th and 28th ultimo, submitting a draft of rules of procedure for the sale of waste lands in perpetuity, and for the redemption of the land revenue, with the alterations proposed by the Lieutenant Governor in the Board's draft, and the following remarks:—

2. The Lieutenant Governor thinks the provision in paragraph 2, about registers, better be omitted from the rules, where it will have the appearance of delaying the immediate operation of the rules, though not intended by the Board to have that effect. It is not a rule that concerns purchasers at present; and the registers may be ordered by the Board, in a separate circular order, to be prepared, and when prepared the fact can be notified.

This will fully effect the Board's object, which is a good one.

3. As regards paragraph 3 of the Board's letter, No. 914, I am to ask the decision of his Excellency the Governor General in Council on the two points on which the members differ as to what the intention of the Government of India was—viz., first, whether one grantee can have any number of grants under these rules in one district, provided that the aggregate extent of such grants does not exceed the fixed limit, say 3,000 acres; and, second, whether one grantee can have in one district any number of grants, no matter what their aggregate extent may be, provided he has no one grant of greater extent than the fixed limit, say 3,000 acres. The wording of the Resolution merely restricts each grant to a maximum extent, say, of 3,000 acres. It does not prohibit one person from having more than one grant, whether the first grant he has be more or less than the limited extent. The rules, as prepared by the Board, follow the Resolution of the Government of India in this respect, and would offer no impediment to one person purchasing 300,000 acres in one district under 100 separate applications. But, with the majority of the Board, the Lieutenant

• Governor

Governor doubts whether this was the intention of the Government of India. The argument of the Resolution for requiring no condition to cultivate the waste land granted seems to show that this was not the intention. If it was not, a new rule must be substituted for this one, so framed as to carry out the actual intention.

4. The Lieutenant Governor's own opinion is, that as it would be quite impossible to prevent any one person obtaining as many grants as he pleases by applications in the names of other persons (a fact which the Board treat as unquestionable), no attempt to restrict one purchaser to an aggregate purchase of not more than 3,000 acres, or of any limited extent whatsoever, should be made. If it be the intention to impose no restriction, the Lieutenant Governor thinks that words should be added, clearly notifying that such is the intention and the effect of the scheme. Whatever is the intention, it is advisable that it should be made plain. If the intention be to restrict the quantity of land to be granted in the aggregate to one person, it should be observed that the rules on this point are futile, as the intention cannot be enforced under them. Indeed, the Lieutenant Governor cannot imagine any rules that would effectually secure the carrying out of such an intention.

5. The fixing a maximum extent for each lot, without limiting the aggregate quantity of land to be taken by one person, would be very useful, as preventing one great capitalist from absorbing, in one transaction, so vast an extent of country that no small capitalist, wishing for a moderate portion thereof, could compete with him, even though it would not prevent one large capitalist from obtaining any quantity of land he can pay for, if he bids more for it, lot by lot, than any other person.

6. On the extent of limit proposed, viz. 3,000 acres, with a right of reserving 3,000 more next to the first lot, that seems to the Lieutenant Governor sufficient, except in the case of a large company, for land required for tea, coffee, date, cocoanut, or other plantations, requiring an interval of several years, and the outlay of a considerable sum on every acre cultivated, before returns can be expected. But it does not appear to the Lieutenant Governor to be nearly sufficient for land required for rice, or cotton, or other ordinary crops, such as Soonderbuns or Teraiee Jungle, where the outlay on each acre may not be a tenth of the outlay in the other case, and the returns, though more rapid, must be small in proportion. In all these cases success depends on good management, and good management requires the owner to devote himself to the work, or at least to employ good and costly agency. Now, 3,000 or 6,000 acres in the Soonderbuns would not be an inducement for a large capitalist to devote his life to them, or to pay a competent agent to devote himself to them. If no limit is fixed to the number of lots one purchaser may obtain, this difficulty will be avoided.

7. The rule barring private rights, as wherever it acts at all it will act to defeat existing rights in private property, has been struck out, as such a rule could be of no force or effect, whilst it would pretend to have force and effect. Such a provision evidently requires a law, and not being yet enacted by law, its appearance in a formal set of rules would seem improper. When this provision is enacted by law, no rule will be necessary on the point, though it may properly be noted in editions of the rules subsequently enacted. The Lieutenant Governor omits the last lines of the Board's Rule XII. for the same reason.

8. A sentence in Board's Rule XIV. is omitted, because that too is matter of legislation. Grants will be subject to the rules under which they were made; but that will not make personal property, happening to be now or hereafter upon the land granted, subject to such rules.

9. The attention of his Excellency the Governor General in Council is requested to the Board's draft Rule XXI., and to the Lieutenant Governor's alteration.

10. The Board appear to the Lieutenant Governor to have framed their rule in accordance with what may be one interpretation of the words of the Resolution of the Government of India, paragraph 50; but the Lieutenant Governor has

altered the rule, because he understands the real meaning of the Resolution in paragraph 50 to be very different from what the Board understand it to be.

11. Paragraph 50 of the Resolution in question uses the term "rate," where that word occurs for the second time in that paragraph, where the Lieutenant Governor is convinced the term is intended to mean "price." Where the word is first used in that paragraph it is indeed clearly meant to signify rate of annual rent. Where it is used a second time, the Lieutenant Governor understands it to mean rate of purchase-money, or price by the acre. No rate of annual rent is mentioned in paragraph 29, to which in paragraph 50 reference is made. The difference is very important, because by one interpretation, which the Board have adopted, the grantee would be required, in order to commute, to pay 20 times what he would have to pay by the interpretation which the Lieutenant Governor has adopted.

12. The Lieutenant Governor would also draw the attention of the Government of India to the fact, that even on this understanding, the terms of commutation now offered are not nearly so favourable to the holders of grants under the former rules, as the terms under which such holders may now commute, according to the "Gazette" notifications of 17th August 1859 and 15th May 1860.

13. Thus a grantee in the Soonderbuns, who holds free for 20 years, and then commences an increasing series of payments beginning with half an anna a beegah, or say one-and-a-half anna an acre, and rising at the 51st year to two annas a beegah, whose first annual rent on those terms would be 100 rupees a year, may now commute, supposing him to be in the first year of his 99 years' lease, all future payments under that lease by one payment of 1,041 rupees, which will be enough to free about 1,000 acres of culturable land. But by the new rule he would have to pay at least 2,500 rupees, or if he had already reclaimed the land, 5,000 rupees. In these cases the new rule is anything but a boon, which it was intended to be. And it seems unfair in principle to charge for the commutation of an annual rent, which is not to come into force at the rate assumed for 50 years, as much as is required for the commutation of an annual rent payable from the time of commutation. The true value of the one commutation is greatly less than that of the other. It is true the grantee would require, by commutation under the new rule, a perpetual tenure instead of a 99 years' lease. But though the former tenure is much preferable, on grounds of general policy, to the latter tenure, and much more agreeable to the holder, the difference of money value between the two, by annuity tables, is a mere trifle.

14. The case is similar with Assam and Cachar grants.

15. The Lieutenant Governor, therefore, feels sure that the Government of India will not object to allow existing grantees to commute on the terms already sanctioned, with the additional advantage of commuting a 99 years' lease into a perpetual heritable freehold.

16. If this is sanctioned, a rule calling attention to the favourable terms already available, which will remain available, should be added. If this is not sanctioned, the effect will be to revoke a boon already granted, and to charge five times the present cost of commutation to existing grantees.

17. Referring to the answer* of the Government of India to the Secretary to the Landholders' and Commercial Association (paragraph 3), I am directed to remark that to the Lieutenant Governor this ruling seems inconsistent with paragraph 33 of the Resolution. He strongly recommends a revision of this ruling. If the terms in the Resolution, "not yet completed the purchase of their grants," do not apply to Darjeeling grantees who have only completed one-tenth or two-tenths of their purchase, it is not easy to see to what class of cases it does apply.

18. The Lieutenant Governor does not agree in Mr. Young's objection to Rule 22.

19. I am also to ask the decision of his Excellency the Governor General in Council, on the question on which the Board differ, as to whether these rules are to supersede all existing rules for the grant of lands, or whether applicants are to be allowed to elect between these and the former rules.

20. I am

* No. 3509, dated 29th November last.

20. I am to state, for his Excellency's information, that the Board have been furnished with a copy of the rules as altered by the Lieutenant Governor, and have been requested to prepare a rule for reserving certain lands under paragraphs 23 and 24 of the Resolution of the Government of India, and to submit the draft of a law for giving legal effect to the measures laid down in the Government of India's Resolution now under notice.

21. The Surveyor General of India has been requested to take measures for providing surveyors for Darjeeling, Cachar, and Assam.

22. As being closely connected with the subject of this letter, the Lieutenant Governor directs me to convey to his Excellency the Governor General in Council, his strong recommendation that a rule be passed, appropriating all the money realised by the sale of waste lands to the construction and maintenance of roads within the province or district in which the waste lands sold are situated. The sale of waste lands, in such a country as India, cannot properly be regarded as a part of the ordinary and permanent revenue of the State. By such a rule as is proposed, the purchaser would feel that he benefits himself by the money he pays for his purchase; and the purchase of one lot would induce to the purchase of more, as the sale of every lot would enhance the value of the remaining waste land of the district. The one obstacle to the reclamation of the great wastes existing, is the want of roads to facilitate the introduction of labour and the export of produce; and a rule such as he proposes would, in the Lieutenant Governor's opinion, materially lessen this obstacle; and the manner proposed would be, in every respect, the most useful and the most appropriate manner in which the money realised by the sale of waste land would be expended.

(No. 7.)

Form II. L. Dampier, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 914), dated 28 December 1861.

I AM directed by the Board of Revenue to acknowledge the receipt of the officiating Under Secretary's letter, No. 1093A, dated 25th October last, requiring the Board to submit a draft of rules of procedure, in conformity with paragraph 20 of the Resolution of the Supreme Government, dated 17th October, on the subject of the sale of waste lands in perpetuity, and redemption of the land revenue, and inquiring what provision exists, or should be made, for the survey of grants.

2. In drawing up the rules, herewith forwarded, the object has been to give every facility for ascertaining the localities in which waste lands are obtainable, and for obtaining the grants. The object of the registers prescribed by Rule II., will be to enable intending purchasers to ascertain, at a glance, what lands are at once available under the general conditions of these rules; and also to enable the Collectors, or other district officers, to judge at once whether there is any *prima facie* objection to the grant of the land applied for. On these rules being approved, immediate orders will be issued for the preparation of the registers; but it is not of course intended that the operation of the rules should be deferred till they have been prepared, which work may not be completed, in some districts, for a long time to come. In the meanwhile, applications for grants must be dealt with on the best information obtainable through the district officers.

3. Rule III.—The Board have adopted 3,000 acres as the limit of each grant, which they consider adapted generally to the districts subordinate to the Government of Bengal; but there is a difference of opinion as to the operation of this limit. The senior member and Mr. Young concur in thinking that it is clearly intended to limit the purchase of one individual to an area not exceeding 3,000 acres at one time in the same locality. The senior member sees no objection to the maximum area being made up from a second or a third plot, provided there be not available, in the first and second plot, land to the extent of 3,000 acres. Mr. Young would insist on the whole of the land required in one place being taken up in one lot; he believes that, if this be not done, the best land will be immediately taken up, and that intervening less desirable tracts will be left, and will consequently remain uncleared. It seems to him that it would be setting aside the check which, in the new rules, is substituted for that of cultivation proportionate to area, by which under the former system jobbing in lands was guarded against, to allow the same party to have assigned to him, on application, any number of grants, each of 3,000 acres; and that the very moderate maximum selling price of these lands was evidently fixed, as an average price, on good and bad lands taken together. Mr. Grote, on the other hand, has been unable to find in the Resolution, any restriction on the number of plots which may be purchased by the same applicant. He reads its paragraph as alluding to the limitation of area for each plot, as a difficulty purposely thrown in the way of mere speculators for the rising value of land.

Each plot is subject to be put up to outcry, and immediate outlay must be incurred on its survey and purchase. It seems inexpedient to make a prohibition which, as has been forcibly put by Dr. Campbell, cannot be enforced. Paragraph 15 of the Resolution leaves owners by purchase to make the best of their plots, and expressly sanctions their keeping the land in fruit or pasturage, if they find it to their interest to do so. In the belief that the rule may be evaded, the majority concur with Mr. Grote; but looking at paragraph 15 of the Resolution, they infer that the Governor General in Council entertained no such apprehension. The limit of area was fixed by the Supreme Government as a substitute for the conditions which have hitherto been imposed to enforce the clearance of grants, and it appears to the majority that their construction of paragraph 15 of the Resolution is more consonant with this intention than that of Mr. Grote.

4. Rule VI.—The bar to re-enter on the possession of rights which may have been invaded, must necessarily be provided for under the law which may be passed. Any party who may fail to convince the Collector or the district officer of his right to receive compensation, should be at liberty to establish, in a court of justice, the fact and nature of his lost right, and the fact of his having been prevented, by unavoidable circumstances, from bringing his rights to the notice of the district officer within 30 days of the promulgation of the notice prescribed in Rule IV.; but it should be provided that the compensation to be awarded be assessed on the principle declared in this rule.

5. Rule VII.—The Board will request the Government Solicitor to frame three deeds of grant, on the principles laid down in these rules—the first, to meet the cases described in Rule XI., where one-tenth of the purchase-money only is paid; the second, for those in which the money is paid in full; and the third, for cases of redemption of the land revenue. The Board believe that it would be more satisfactory to the grantees, especially to Europeans, that their rights should be secured by deeds, drawn up by professional attorneys.

6. Rule VIII.—The Board have fixed 8 annas an acre as the highest estimate for the cost of survey, and they understand from the Surveyor General that the survey of jungle will not ordinarily be done for less; but this sum, it will be observed, is merely a maximum limit. The propriety of fixing a proportion of the whole area which might, by mutual consent and without survey, be assumed as the area to be deducted on the ground of its being unculturable and valueless, was considered by the Board; but with reference to the varying conditions of many tracts in the Bengal districts, where water sometimes covers much of the land during many months in the year, and thus renders it absolutely unfit for cultivation, and where there is frequently no unculturable land, the Board have not thought it advisable to do so.

7. Rule XI.—The law must also provide that the Collector's or other district officer's order cancelling a grant, and directing the dis-possession of the grantee, shall have the effect of a judicial decree; and that, if called upon to do so, the magistrate shall be bound to assist in carrying out the dispossession.

8. Rule XIII.—On the subject of the rates at which existing grants may be commuted, I am desired to observe, that to insist on the holder of such a grant paying more for the lands which he has cleared by his own industry and expense than he need have paid if he had allowed them to remain in a state of unreclaimed jungle, would, in some cases, be unjust. Under the old rules, grantees are bound to clear certain proportions of their lots within certain specified periods. The Board consider that it would be fair and reasonable to demand payment at the higher rate for so much of the area, at least, as the grantee was bound by the terms of his grant to have cleared within any specified period which may have expired before the date of commutation; for the retention of his grant depended on those clearances being made, and had they not been made, the grantee would not now have had the prior right of purchasing the whole lot. But for all lands which he may have cleared, either before or after the date on which the last specified period elapsed, in excess of the stipulated area, they consider that it would be liberal to allow him to commute at a rate to be fixed with reference to the condition of the lands when they come into his possession under the grant; or, if it be considered undesirable to allow the grantee to pay at the lower rates for all land cleared in excess of that which he was bound to clear by the last specified quinquennial period, which may have elapsed, a computation may readily be made of the area which ought to have been cleared up to the close of the last year preceding the date of the grant, the calculation being made in proportion to the full area which the grantee was bound to clear before the expiration of the next specified quinquennial period. The Board desire me to recommend that a rule to this effect be added to those now submitted, as it would save the delay, inconvenience, and expense inseparable from a rule entailing the necessity of surveying, in each case, the cleared portion of the land. Such a rule has not been included by them with reference to the Orders of the Supreme Government, No. 2150, dated 29th November 1861, to the address of the Secretary to the Landholders' and Commercial Association.

9. Rule XV.—It will be observed that the full payment of the purchase-money on the first grant has not been insisted upon as a condition of entry on the reserved lot. It does not appear that any object would be gained by such a condition. One-tenth of the purchase-money having been paid down, interest at 10 per cent. is to be paid for the remainder. The rate of interest and the disadvantage of the lien, which Government will still have on the

the grant, are quite sufficient to make it an object to the grantees to complete the purchase; while it is obvious that the terms and security are such that Government will be no loser in consequence of the full payment being deferred. Moreover, the omission of the above condition will promote the object of securing the rapid reclamation of waste lands. The clearance of two-thirds of the previous grant being made an indispensable condition of the allotment of each successive grants, it is obviously desirable that a given amount of capital be expended in securing successive loss by payment of one-tenth of the purchase-money on each, rather than in liquidating the full purchase-money on one lot, to which no further condition would attach.

10. Rule XVII.—Immediate reports of each case have been prescribed with reference to paragraph 20 of the Resolution of the Supreme Government; but it appears to the Board that a quarterly statement would be a sufficient check on the proceedings of local officers.

11. Rule XVIII.—This rule is at variance with the apparent meaning of paragraph 43 of the Resolution of the Supreme Government, from which it would appear that all Government claims, and liens on an estate of whatever nature, which may have accrued before the date of redemption of the land revenue, are to be annulled by such redemption; the Board's rule provides that the claim of Government to land revenue only shall be terminated, and they have no doubt that no more than this was contemplated by the Supreme Government.

12. Rule XXII.—Mr. Young objects to the adoption of this rule as likely to lead to the creation of numberless minute holdings in Government Khas Mehals, to which alone the rule would apply. He would fix a minimum area for such redemptions at 50 acres.

13. To these rules the Senior Member would add one as in the margin, declaring that all previous rules for grants of waste land are superseded. He is of opinion, that having only one set of rules will tend to save confusion, and remarks that the present rules are so liberal that their imposition, as the sole rules for the future grant of waste land, cannot be looked upon in the light of a hardship; and that they will save the grantees from the calamity of resumption, and the Government from the necessity of adopting so severe a measure. His colleagues, however, consider that it should be left optional to applicants either to avail themselves of the privilege now offered, or to take their grants under the old rules.

All previous rules for the grant of waste lands in Bengal are, as respects grants applied for subsequently to the date of the Resolution of the Government of India, of the 19th October last, hereby annulled.

14. The Senior Member would also add the rule, noted in the margin, as being desirable to save the Government from suits which may arise in consequence of differences of opinion in the construction of these liberal rules. He would also add a proviso for an appeal to the Commissioner within 15 days against all orders of the district officer not declared final in these rules. His colleagues differ from him on these points. There is, they observe, already a general right of appeal to the Commissioner from the Collector's or other district officer's order, where such appeal is not specifically barred, and, therefore, no rule to that effect is required.

If any question shall arise regarding the interpretation of these rules, it shall be referred to the Board of Revenue, whose decision shall be final and conclusive.

15. Under Government Orders, No. 363, dated 12th May 1854, and No. 688, dated 30th June 1852, the redemption, at 10 years' purchase, of estates on which the land revenue demand is less than 1 rupee, and of Calcutta holdings, at 15 years' purchase, of the ground rent, was authorised. The rules now submitted do not notice these cases. With reference to the labour and cost of collecting the revenue from such petty tenures, it seems desirable not to interfere with the special rules now in force with regard to them. Judging from the results of the permission to redeem at these rates, the Board believe that to increase the price would be to bar any further redemption in these petty holdings. They await his Honour's instructions on this question.

16. Mr. Grote considers the submission of the rules for redemption of the land revenue premature. He finds no call for them in the Resolution of the Governor General in Council, paragraph 20 of which appears to him to contemplate the preparation of rules regarding grants of waste land only. He considers that rules for the redemption of the land revenue cannot be properly drawn up till a law shall have been enacted modifying the present sale and Butwarrah laws. His belief is, that applications for partial redemption will be frequent. The desire to exempt their native villages from payments of revenue is known to be general and strong on the part of landholders. The division of estates must be facilitated if such redemptions are to be encouraged (which he believes to be the intention) within the limits of 10 per cent. of the revenue of each district. The majority of the Board, on the other hand, consider that the Resolution of the Supreme Government contemplated the preparation of such rules which, they desire me to remark, have been framed in accordance with the existing law, and which will not be the less applicable should the Government think it expedient to facilitate the division of estates as proposed by their colleague.

(No. 8.)—RULES for regulating the Sale of Waste Lands and the Redemption of the Land Revenue within the Territory, subject to the Government of Bengal.

SALE OF WASTE LANDS.

Board's Rules.

Government Resolution, paragraph 8.

I. ALL unassessed waste lands in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed in former times, and to be capable of revival, shall generally be available for purchase.

II. A register shall be prepared of all waste lands ordinarily saleable under these rules, and a register shall also be made of lands on which special prices may have been, or may hereafter be fixed, which may for special reasons be excepted from the ordinary operation of these rules.

III. Applications for waste lands shall contain the following particulars:—

1st. The estimated area of the land applied for, which shall not be more than 3,000 acres; beyond which no grant can be made under these rules.

2d. The situation of the land and its boundaries as accurately as can be ascertained.

3d. The estimated area of cleared and of uncleared land which the tract applied for contains.

Government Resolution, paragraph 17.

IV. If the Collector or other officer in charge of the district be satisfied that the lands applied for are available for purchase, he shall, at the cost of the applicant, advertise the application at his own office, at that of the principal judicial officer of the district, at the offices of the moonsiff (if there be one), and police office within whose jurisdiction the land may lie, and at some conspicuous place on the land itself. If within 30 days of the specified date on which the last published advertisement may be promulgated, no claim of right in the land be preferred, and no other application for the same land be made, the Collector or other officers aforesaid shall deliver to the applicant a certificate of allotment in the annexed form (A.), which shall be an absolute guarantee of possession, subject only to the conditions contained in these rules.

Government Resolution, paragraph 18.

V. If, within the 30 days, a claim to right in the land be preferred, compliance with the application must necessarily be refused until such claim shall have been finally disposed of in due course. If, within the same period, one or more other offers to purchase the same land be made (none of the applicants having a prior right of purchase), the land shall be put up to auction at the upset price of an ordinary grant under these rules.

VI. No person to whom a certificate of allotment has been granted, shall be disturbed in his possession of the grant by reason of a right in the land being subsequently established by another party; but any person who may prove that his rights have been invaded, and may show good reason

Lieutenant Governor's Revised Rules.

I. ALL unassessed waste lands in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed in former times, and to be capable of revival, shall, unless specially reserved under Rule , generally be available for purchase under these rules.

II. No grant of land under these rules shall be made of greater extent than 3,000 acres.

III. Applications for the purchase of such waste lands shall contain the following particulars:—

1st. The estimated area of the land applied for, showing how much thereof, if any, is supposed to be unencumbered; with,

2d. The situation of the land and its boundaries as accurately as can be ascertained.

IV. If the Collector or other officer in charge of the district be satisfied that the lands applied for are available for purchase, he shall, at the cost of the applicant, advertise the application at his own office, at that of the principal judicial officer of the district, at the offices of the moonsiff (if there be one), and at the police office within whose jurisdiction the land may lie. If within 30 days of the certified date on which the last published advertisement may be promulgated, no claim of right in the land be preferred, and no other application for the same land be made, the Collector or other officers aforesaid shall deliver to the applicant a certificate of allotment in the annexed form (A.), which shall be an absolute guarantee of possession, subject only to the conditions contained in these rules.

V. If, within the 30 days, a claim to right in the land be preferred, compliance with the application must necessarily be refused until such claim shall have been finally disposed of in due course. If, within the said period, one or more other offers to purchase the same land be made (none of the applicants having a prior right of purchase), the land shall be put up to auction at the upset price of an ordinary grant under these rules.

Board's Rules.

reason why his claim was not advanced before the allotment took place, shall be entitled to receive from the Government full compensation for the actual value of his interest in the land. Provided that no such claim shall be admissible, unless it be preferred within one year of the allotment of the grant, after the expiration of which time all unadvanced claims of third persons, whether to compensation or to the land, will be absolutely barred, subject in regard to compensation to the same exceptions in cases of infancy, lunacy, and the like causes of disability, as are admitted under the existing law of limitation. The Collector or district officer, on being satisfied that any rights as above mentioned have been invaded, shall proceed to fix the compensation under the rules prescribed by the law in force for fixing the compensation to be granted for lands taken up for public purposes.

VII. If from the records of any previous survey the actual area of the land applied for, the quantity which should be reserved for roads and other public purposes, and the quantity which should be deducted from the calculation of the price of the grant as unculturable and valueless can be ascertained, and if there be no good reason for a re-survey, the Collector, on payment being made of not less than one-tenth of the purchase-money of the land, shall deliver to the applicant a deed in English with a vernacular translation in the form B. annexed to these rules, accompanied by a tracing of the grant, taken from the official map of the district if there be one, and by extracts from the field-books.

VIII. If the land have not been surveyed, or if a re-survey be necessary, the Collector may place the applicant in possession of it provisionally on his depositing the estimated cost of the survey, calculated at a rate not exceeding 8 annas an acre. The applicant shall then be bound without delay to effect such clearances at his own expense as may be required for the purposes of the survey. The objects of the survey shall be to ensure the ready identification of the boundaries of the grant, to ascertain its gross area, and the area of such lands as the surveyor, with the concurrence of the district officer, shall think necessary to retain for roads or other public purposes, as well as to fix the proportion of the land which should be given to the applicant free of price in consequence of its being unculturable and valueless; and the survey shall be in no greater detail than may be necessary for these purposes.

IX. As a general rule, the depth of a grant shall be equal to at least twice the length of any river frontage it may have. If it should appear from the survey or otherwise that the tract applied for contains an undue amount of river frontage, the Collector may disallow the application and call for an amended one; and in the event of such amended application not being furnished within 15 days, shall declare the fees deposited on account of survey forfeited. If it be found that the land applied for exceeds

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Lieutenant Governor's Revised Rules.

VII. If from the records of any previous survey the actual area of the land applied for, the quantity which should be reserved for roads and other public purposes, and the quantity which should be deducted from the calculation of the price of the grant as unculturable and valueless can be ascertained, and if there be no good reason for a re-survey, the Collector, on payment being made of not less than one-tenth of the purchase-money of the land, shall deliver to the applicant a deed in English with a vernacular translation in the form B. annexed to these rules, accompanied by a tracing of the grant, taken from the official map of the district, if there be one, and by extracts from the field-books.

VIII. If the land have not been surveyed, or if a re-survey be necessary, the Collector may place the applicant in possession of it provisionally on his depositing the estimated cost of the survey. The applicant shall then be bound without delay to effect such clearances at his own expense as may be required for the purposes of the survey, and also to erect boundary marks. The objects of the survey shall be to ensure the ready identification of the boundaries of the grant, to ascertain its gross area, and the area of such lands as the surveyor, with the concurrence of the district officer, shall think necessary to retain for roads or other public purposes, as well as to fix the proportion of the land which should be given to the applicant free of price in consequence of its being unculturable and valueless; and the survey shall be in no greater detail than may be necessary for these purposes.

IX. As a general rule, when the land applied for touches a navigable stream, or a public road, or a line of road about to be made at the public cost, the depth of a grant shall be equal to at least twice the length of any such river or road frontage. If it should appear from the survey or otherwise that the tract applied for contains an undue amount of river or road frontage, the Collector may disallow the application and call for an amended one; and in the event of such amended application not being furnished

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Government Resolution, paragraphs 11 and 26.

Government Resolution, paragraph 25.

Board's Rules.

3,000 acres the Collector shall exclude the excess from the boundaries of the grant in one plot, to be selected as far as practicable in accordance with the wishes of the applicant.

X. If on survey it be found that the land has been misrepresented by the applicant as waste land, the survey shall be immediately stopped, and the application be disallowed by the said district officer on the report of the surveyor, the amount deposited as the cost of survey being forfeited.

Government Resolution, paragraph 27.

XI. If there be no objection to the grant on any of the grounds described in these rules, the grantee shall, on completion of the survey, pay the difference between the estimated and actual cost of the survey, and a sum not less than one-tenth of the whole price of the land, on payment of which the Collector shall give to the applicant the deed of title with the map and extracts as specified in Rule VII. above. Should full payment of the sum demandable under this rule, or under Rule VII., not be made within three months of the date on which the district officer may record a proceeding declaring himself prepared to deliver the said deed, the certificate given under Rule IV. shall be cancelled, and the sum deposited for the cost of survey shall be forfeited.

Government Resolution, paragraph 27.

XII. On payment of not less than one-tenth of the purchase-money, as described in Rules VII. and XI. within the said period of three months, the name of the grantee will be provisionally registered on the collectorate books as proprietor of the grant. On payment of the full amount of the purchase-money, the registry will be made final and absolute, as of a heritable and transferable property held in perpetuity, free from all claims either of the Government, or of third persons prior to, or inconsistent with, the grant.

Government Resolution, paragraph 27.

Government Resolution, paragraph 27.

XIII. The price payable for culturable waste land shall ordinarily be two rupees and eight annas per acre of uncleared land, and five rupees per acre of land unencumbered with jungle, subject to a deduction for unculturable and valueless land; and these rates shall remain in force for five years from the 1st of January next, and be subject to revision in respect to land sold after that period.

Government Resolution, paragraph 28.

XIV. If the purchase-money be not paid in full within three months of the date of the district officer's proceeding declaring himself ready to deliver the deed, interest at the rate of 10 per cent. per annum shall be charged on the balance. The interest shall be payable annually, and the district officer shall be competent to realise any arrears which may accrue, by the sale, after 15 days' notice, of any crop or moveable property found on the land. Should no such property be found, or should the net proceeds of such sale fall short of the arrear due, the district officer may sell the grant by auction after

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within 15 days, shall declare the fees deposited on account of survey forfeited. If it be found that the land applied for exceeds 3,000 acres, the Collector shall exclude the excess from the boundaries of the grant in one plot, to be selected as far as practicable in accordance with the wishes of the applicant.

X. If on survey it be found that the land has been misrepresented by the applicant as waste land, the survey shall be immediately stopped, and the application be disallowed by the said district officer on the report of the surveyor, the amount deposited as the cost of survey being forfeited.

XI. If there be no objection to the grant on any of the grounds described in these rules, the grantee shall, on completion of the survey after the difference between the estimated and actual cost of the survey has been paid, pay a sum not less than one-tenth of the whole price of the land, on receipt of which the Collector shall give to the applicant the deed of title with the map and extracts as specified in Rule VII. above. Should full payment of the sum demandable under this rule, or under Rule VII., not be made within three months of the date on which the district officer may record a proceeding declaring himself prepared to deliver the said deed, the certificate given under Rule IV. shall be cancelled, and the sum deposited for the cost of survey shall be forfeited.

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XIV. If the purchase-money be not paid in full within three months of the date of the district officer's proceeding declaring himself ready to deliver the deed, interest at the rate of 10 per cent. per annum shall be charged on the balance. The interest shall be payable annually, and the district officer shall be competent to realise any arrears which may accrue by the sale, after 15 days' notice of the grant by auction, after giving one month's notice at his office, and in the "Calcutta Gazette." The proceeds of the sale shall be applied in the first instance to the payment of the costs of sale and the satisfaction

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after giving one month's notice at his office, and in the "Calcutta Gazette." The proceeds of the sale shall be applied in the first instance to the payment of the costs of sale and the satisfaction of the Government demand, the surplus being payable to the late registered proprietor.

XV. As soon as the grantee's name shall have been registered provisionally or absolutely as proprietor of a grant (as prescribed in Rule XII.), any one adjoining plot not exceeding the previous grant in area, if not previously applied for, and if available for disposal by Government, may, at the grantee's request, be surveyed at his expense, marked off, and reserved as a future grant to him; but subject to the obligations that, within five years from the date of his previous grant, he shall fulfil the conditions necessary to his being recorded as proprietor of this further grant and that two-thirds of the previous grant shall, within the same time, have been brought under cultivation. If he should fail in either obligation, the reservation of the plot will cease. Any number of further grants may be thus successively taken up on fulfilment of the obligations regarding the grant previously reserved.

XVI. Should it be found at any time that the same land has been included in more than one grant, all grants subsequent to the first shall become null and void, as regards such land only. The boundaries, where necessary, shall be re-adjusted by the district officer, who shall refund to the grantee the price which he may have paid for any land thus excluded from the grant, and any interest which he may have paid calculated on such price. The decision of the district officer on all questions under this rule shall be final.

XVII. All grants made under these rules will be immediately reported to the Government through the Board of Revenue, but no grant made in accordance with the rules will be liable to be disturbed on account of any informality not attributable to the act or default of the grantee or his agents.

REDEMPTION OF LAND REVENUE.

XVIII. The land revenue now payable to Government on any estate, or any specific portion thereof, may be redeemed by the proprietor or proprietors on payment of a sum equal to twenty times the amount of the existing annual assessment, and the lands of which the revenue shall have been thus redeemed shall be thereafter a heritable and transferable property, held in perpetuity free of all future demand on account of the land revenue of Government previously assessed on such land, but subject to any legal claims unconnected with such revenue.

XIX. For the present the permission to redeem the revenue in any one district is limited to such a number of estates as shall, in their aggregate assessment, not exceed 10 per cent. of the total land tax of the district

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satisfaction of the Government demand, the surplus being payable to the late registered proprietor.

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XVI. Should it be found at any time that the same land has been included in more than one grant, all grants subsequent to the first, shall become null and void as regards such land only. The boundaries, where necessary, shall be re-adjusted by the district officer, who shall refund to the grantee the price which he may have paid for any land thus excluded from the grant, and any interest which he may have paid calculated on such price. The decision of the district officer on all questions under this rule shall be final.

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XIX. For the present the permission to redeem the revenue in any one district is limited to such a number of estates as shall, in their aggregate assessment, not exceed 10 per cent. of the total land tax of the district

Government Resolution, paragraph 55.

Government Resolution, paragraphs 31 and 32.

Government Resolution, paragraph 20.

Government Resolution, paragraphs 41 to 43. Section XI., Act XI., 1859.

Government Resolution, paragraphs 38 to 40.

Board's Rules.

tract. When this limit shall be reached, the result is to be reported, through the usual channel, to the Governor General in Council, with a view to consideration of the expediency of enlarging the limit in such district, and to permitting further redemption.

Government Resolution, paragraphs 45, 46, and 52.

XX. In the case of estates on which the land revenue has been permanently assessed, the party who has the right to pay it is alone entitled to redeem the revenue. When an estate has not been permanently assessed, the party possessing the right to pay the revenue as proprietor may redeem, but only when in occupancy. A share of an undivided estate, on which the proprietor has, under existing laws, acquired a right to pay his share of the revenue separately, may be redeemed by the proprietor; but in such cases no further rights are acquired by the purchase than immunity from demand on account of the assessment redeemed, all other rights and liabilities in reference to individuals and communities, and the contingent liability to sale for arrears due from the entire estate, where such liability now exists, remaining in full force.

See Government Resolution, paragraph 50.

XXI. All grants already made under the existing rules for a term of years, but which have not been purchased, and in which no right of occupancy other than that of the lessee or that derived from him is found to exist, will be treated as if the land were permanently settled, and existing grantees will be at liberty to redeem the future land revenue on payment of a sum equal to twenty times the highest amount of annual rent fixed for any year during the currency of the grants, provided that the rates of the sum payable shall not exceed the rates mentioned in Rule XIII.

XXII. Where no right of proprietorship or of occupancy exists in any party, and the land is simply held from year to year or by tenants at will, the actual tenant shall be allowed to redeem, unless there be competition, when the redemption shall take place by auction.

XXIII. The rules above laid down for defining the exact extent and limits of waste lands by means of plans and surveys, shall be applicable to lands the redemption of the revenue on which may be desired.

Board of Revenue, L. P.,
December 1861.

Lieutenant Governor's Revised Rules.

tract. When this limit shall be reached, the result is to be reported, through the usual channel, to the Governor General in Council, with a view to consideration of the expediency of enlarging the limit in such district, and to permitting further redemption.

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XXIII. The rules above laid down for defining the exact extent and limits of waste lands by means of plans and surveys, shall be applicable to lands the redemption of the revenue on which may be desired.

Secretary.

(No. 9.)

(A.)

Form of Certificate of Allotment.

I, _____, Collector of _____, do hereby certify that the lands, specified below, have been allotted to A. B. under the _____ rules for grants of waste lands issued by the Government of Bengal, dated _____; and the said A. B. is hereby authorised to enter on possession of these lands. This certificate is granted subject to all the conditions contained in the said rules, and is liable to be cancelled in accordance with them.

Situation of lands.

Boundaries as far as they can now be defined.

Estimated area.

Date.

Collector.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Superintendent of Darjeeling (No. 47), dated 27 December 1861.

IN reply to your letter, No. 1090, dated 10th instant, forwarding copy of your letter to the address of the Secretary to Government, I am directed by the Board of Revenue to state that they agree with you that the limit of area specified in the Government Resolution relative to grants for waste lands is sufficient.

2. The reserved plots mentioned may be entered in a register, concerning which further instructions will be issued hereafter.

(No. 11.)

From *J. P. H. Ward*, Esq., Officiating Under-Secretary to the Government of Bengal, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 233A), dated 13 March 1862.

I AM directed to forward the accompanying copy of a letter, dated the 24th ultimo, from the Chairman of a Meeting of the Landholders at Darjeeling, together with a copy of its enclosures, on the subject of the sale of waste lands.

2. The Lieutenant Governor observes that he doubts whether he is strictly in rule in addressing his Excellency in Council on the subject of a memorial to the Government of India not passing through the Local Government; but it may not, he hopes, be considered objectionable, with reference to the application made, to refer his Excellency in Council to paragraph 17 of the letter from this office, No. 47A, dated 16th January last, from which it will be perceived that the Lieutenant Governor entirely concurs with the memorialists in respect to what they have represented.

(No. 12.)

From *W. J. Judge*, Esq., Chairman of the Meeting of the Landholders held at Darjeeling, to *E. H. Lushington*, Esq., Secretary to the Government of Bengal; dated 24 February 1862.

I HAVE the honour to annex copy of a resolution passed at a meeting of landholders held at Darjeeling on the 27th January 1862, and, in pursuance of the terms thereof, beg to enclose a copy of the memorial which has been forwarded to the Governor General in Council, and to request the favour of your laying the same before his Honor the Lieutenant Governor of Bengal, with the earnest request of the landholders of Darjeeling that his Honor will be pleased to support the prayer of their memorial. They have been encouraged to make this request by having had the opportunity of observing the great interest that his Honor, during his late visit to Darjeeling, showed in the advancement of the district and the success of the settlers.

It was proposed by *F. Brine*, Esq., and seconded by Lieutenant General Lloyd, C.B.,

That a memorial from the Darjeeling landholders be at once drawn out and circulated for signatures, praying that the holders of grants at Darjeeling, under the old waste land rules, may be allowed to commute under paragraph 33 of the Resolutions of the Governor General in Council of 17th October 1861; and that the several views under which the prayer of the memorialists is urged be distinctly stated therein. Also that a copy of the memorial be sent to the Lieutenant Governor of Bengal, with the earnest request that he will be so good as to second the views of the landholders in the favourable spirit which he has already so prominently shown in the interest of the Darjeeling settlers.

Carried unanimously.

Petition of the Landholders of the District of Darjeeling to his Excellency Earl Canning, Viceroy and Governor General of India in Council; dated 30 January 1862.

Humbly Showeth,

That your petitioners, being holders of grants of land in Darjeeling, hailed with feelings of great satisfaction the publication of the recent Resolutions of the Government of India regarding the sale of waste lands.

2. Your petitioners were led to believe that paragraph 33 of those Resolutions had particular reference to them, and that, as holders of grants under the old Darjeeling rules, they would be allowed to commute them under the new rules; and, in this belief, applications have been submitted from the landholders of Darjeeling generally, to the local authorities, for permission to avail themselves of the terms in question.

3. Your petitioners have, however, observed with regret, in the published correspondence respecting these rules that has taken place between the Secretary of the Landholders and

Commercial Association and the Secretary to the Government of India, that commutation under the terms of the Resolution, is stated to be impracticable for the holders of grants under the Darjeeling rules, because the land was sold absolutely at the upset price of 10 rupees per acre.

4. This decision is likely to have so injurious an effect upon the interests of your petitioners, and it appears to them to be so contrary to the liberal and enlightened spirit that dictated the recent Resolution, that they would earnestly pray that the question may be reconsidered, and that the holders of grants under the old may be permitted to commute them under the new rules.

5. Your petitioners would beg permission to state that they believed the terms of paragraph 33 to be particularly applicable to Darjeeling, because, as far as they are aware, it is the only place within the Presidency where holders of grants, before the promulgation of the new rules, could, in the words of the Resolution, have completed the purchase of their grants. The Secretary of the Landholders' and Commercial Association, in his letter to the Secretary to Government, omitted the words, "who has not yet completed the purchase of his grant," and your petitioners believe those words to have an important bearing on the question.

6. Your petitioners ask for no refund where more than the price fixed in paragraph 29 has been paid in under the old rules, but they pray that, where the amount of the instalments paid has been less, they may be allowed the benefit of it.

7. Your petitioners would further respectfully urge that the decision of which they complain will depreciate the value of property acquired under the action of the old rules. The holders of grants under those rules are chiefly the men who have led the enterprise that has given to Darjeeling its present importance in a commercial point of view. They have had to incur all the risks and difficulties of the first introduction of tea cultivation, and they now feel that they will be heavily taxed if they are required to pay twice and four times as much (for cleared and uncleared lands respectively) as will have to be paid under the new rules for neighbouring lands within this district, granted with more extensive rights and with fewer reservations. That this is the case will be readily perceived upon a comparison of paragraphs 12 and 13 of the Resolution with sections VII. and VIII. of the old rules, and paragraphs 28 of the Resolution with section VI. of the rules.

8. The anxious desire of the Government of India to encourage enterprise is so clearly apparent throughout the Resolution regarding the sale of waste lands, that your petitioners cannot but feel confident that, after a re-consideration of the claims they have urged, their prayer will meet with a favourable result.

And your petitioners, as in duty bound, will ever pray.

(No. 13.)

From *H. Bell*, Esq., Under Secretary to the Government of Bengal, to
W. Grey, Esq., Secretary to the Government of India (No. 334A), dated
19 April 1862.

In continuation of my letter, No. 47A, dated 16th January last, conveying the views of the Lieutenant Governor on the Resolution of the Supreme Government for the sale of waste lands in perpetuity and for the redemption of the land revenue, I am directed to submit, for the consideration and orders of His Excellency the Governor General in Council, the accompanying copy of a further communication* from the Board of Revenue, giving cover to a draft rule for the reservation of such tracts of waste lands as may be required for public purposes, and soliciting information on several points to which their attention has since been drawn.

* No. 135, dated
1st April 1862,
with three enclo-
sures.

2. The Board have not submitted the draft of an Act for the disposal of waste lands, as they understand that a Bill for that object has been introduced into the Legislative Council of the Government of India.

(No. 14.)

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the
Government of Bengal (No. 135), dated 1 April 1862.

I AM directed by the Board of Revenue to submit the following remarks in reply to your Memorandum, No. 48, dated the 16th January 1862, which gave cover to copy of your letter to the Secretary to the Government of India, in the Home Department, No. 47, of the same date.

2. The

AND REDEMPTION OF LAND REVENUES

2. The Board have issued orders for the immediate preparation of two tracts, the one containing a specification of all waste lands available for purchase, and the other a detail of waste lands specially reserved: a register of grants, made under the rules, has also been prepared. Copy of their Circular Order No. 25, dated 13th ultimo, is annexed.

3. On the 9th and following paragraphs of your letter, I am to observe that the questions therein discussed had received the full consideration of the Board, and the conclusion to which they came was the same as that arrived at by His Honor the Lieutenant Governor. They regret that the wording of their Rule XXI. should have created an impression that they put any other interpretation on the 50th paragraph of the Resolution of the Supreme Government. The Board clearly understood the intention of the 3rd paragraph to be that 5 rupees an acre for cleared, and 2½ rupees for uncleared, land should be the highest price demandable, under any circumstances, for an absolute rent-free tenure in waste land which had already been granted under existing rules.

4. Draft of the rule referred to in your 20th paragraph is annexed; but the Board do not submit the draft of an Act, as a Bill for the disposal of waste lands has, they understand, been introduced into the Legislative Council of the Government of India.

5. I am to observe that your letter does not notice the suggestion made in the 10th paragraph of my letter No. 914, dated 28th December 1861, as to the substitution of quarterly statements for immediate reports of all grants made under these rules. His Honor's instructions are also awaited on the question contained in the 14th and 15th paragraphs of the same letter.

6. I am now to notice certain points to which the Board's attention has been drawn since the date of my former letter.

7. The Board observe that some modification in Rule XXII. appears to be urgently necessary. As it now stands (following paragraph 5 of the Resolution of the Supreme Government), not only may every tenant-at-will become absolute proprietor of the acre or acres of land on which he has once been admitted as a squatter, but all farmers of Government estates may claim to become absolute proprietors of their farms by the payment of a sum equal to twenty times their annual rent. The operation of this rule, even where the farmer is paying a fair jumma for his lands, may be illustrated from the case of Mr. Payter's mehals, which has lately been before the Government. Mr. Payter has, in recognition of his good management as farmer of the Government estates, been allowed to acquire the proprietary title on them by a payment of twelve years' purchase of what has been roughly estimated to be the annual profit, the estates continuing to bear the full jumma which Mr. Payter has hitherto paid as farmer. In four Dinagepore mehals, the purchase-money amounted to above 41,000 rupees. Having purchased the proprietary right, Mr. Payter must still pay a sum equivalent to twenty times the sudder jumma if he wishes to hold his lands rent-free. But under Rule XXII. for the redemption of revenue, as it now stands, Mr. Payter might have come forward and claimed a rent-free proprietary title in the lands on the mere payment of twenty times the farming jumma which he was paying, by which the 41,000 rupees which he has paid for the proprietary title would have been lost to Government; in fact, he might have obtained the property in the estates by paying the same sum as would have been demanded from a zemindar for the mere redemption of his revenue.

8. But the loss to Government would be comparatively greater in other cases, such as those of Government churs held in farm. These are often let on lease on trifling jummas, assessed on the small areas of which they consist at the time of settlement; but it is frequently found that, during the currency of the lease, the areas have very largely increased by alluvion, and that the value of the lands has been much enhanced by natural improvement. It appears to the Board that it cannot be intended to allow farmers of such churs to acquire a rent-free proprietary title by the payment of twenty times their jumma. They accordingly recommend that the following words be added to Rule XXIII.:—"This rule shall not apply to the farmers of Government estates." The objection above stated might of course be obviated by the immediate indiscriminate sale of all Government estates; but His Honor is aware that the circumstances of many estates render it inexpedient that they should be sold at present.

9. Another question has arisen on which I am to request the orders of Government. On an application being made for 3,000 acres of land, should a second demand be made for a smaller area contained within the 3,000 acres, will it be necessary for the Collector to put up to auction, under Rule V., the whole plot contained in the first application, or only so much of it as is applied for by both parties? In the case which has arisen, the Board have directed the adoption of the latter course.

10. Lastly, I am to observe that numerous applications for grants have already been made to the local authorities, some of whom appear to consider themselves at liberty, under paragraph 57 of the Resolution of the Supreme Government, to complete the sales. With reference to the different questions which have arisen in the preparation of these rules, it appears to the Board that it would be dangerous to allow every district officer to act on his own interpretation of the Resolution of the Supreme Government. They have, therefore, issued the annexed circular order, dated the 1st instant, directing that no grants be made, without their approval, until the rules be promulgated.

PAPERS RELATING TO THE SALE OF WASTE LANDS

REGULAR ORDER from *H. L. Dampier, Esq.*, Secretary to the Board of Revenue, Lower Provinces, to all Commissioners and District Revenue Officers (No. 25), dated 13 March 1862.

DISTRICT OFFICERS are hereby required to commence, without delay, the compilation of registers of waste lands in the Forms 1 and 2, hereto annexed. Register 1 should be available for inspection to any one who requires information regarding waste lands.

2. Commissioners will see closely to the correct preparation of these registers, and report quarterly the number of entries made by each Collector.

3. A form of register (No. 3) of grants made under the new rules is also annexed. Copy of the entries of each quarter will be forwarded to the Board as soon as possible after the close of the quarter.

4. The rules for the date of which a blank has been left on the forms will follow here after, but the preparation of the registers need not be delayed till their receipt.

No. 1.

REGISTER of all Waste Lands absolutely the property of Government, which are available for Grants under the Resolution of the Governor General in Council, dated 17th October 1861, and the Rules issued by the Board on the _____, in the District of _____

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Number of the Plot or Tract.	Pergunnah, Thannah, or other Sub-division in which situated.	Mouzah in which situated.	Boundaries of the Plot.	Estimated Area of the Plot in Acres.	Actual Area (this column to be filled up only when the Land may have been measured or surveyed for any purpose).	Distance from Suider Station of District, and means of communication with it.	Remarks, giving a description of the land, its natural features, soil, cultivation for which, it appears adapted, advantages or disadvantages as regards a supply of labour, communications, and any other information available.	Date of Allotment and Number of Deed.	Name of Grantee.
		.							

No. 2.

REGISTER of Waste Lands the property of Government not available for Grants under the Resolution of the Governor General in Council, dated 17th October, 1861, and the Rules issued by the Board, dated _____, in the District of _____

1.	2.	3.	4.	5.	6.	7.	8.
Number of Plot.	Pergunnah, Thannah, or other Subdivisions.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which reserved.	REMARKS.
						.	

(No. 15.)

From *H. L. Dampier, Esq.*, Secretary to the Board of Revenue, to the Officiating Secretary to the Government of Bengal (No. 242), dated 26 June 1862.

* Present:
A. Grote and H. D.
Fergusson, Esqrs

WITH reference to the correspondence relative to the grant of waste lands, under the Resolution of the Supreme Government, dated 17th October 1861, I am directed by the Board of Revenue* to point out that great inconvenience is felt, especially in Assam, from the delay in giving formal possession of the grants applied for: many of the applicants, on the presumption that immediate possession would be given, have made arrangements for commencing operations. The Board would, therefore, urge the early issue of rules for the grant of waste lands.

No. 94, dated 2 July 1862. •

COPY forwarded to the Secretary to the Government of India, in the Home Department, in continuation of letter from this office, No. 344, dated 19th April last, with a request that early orders may be passed for the issue of the rules in question.

By order of the Lieutenant Governor of Bengal,

(signed) *H. Bell,*

Under Secretary to the Government of Bengal.

(No. 16.)

From *J. D. Sim, Esq.,* Secretary to the Government of Fort St. George.
to *W. Grey, Esq.,* Secretary to the Government of India (No. 395), dated
25 February 1862.

I AM directed to acknowledge the receipt of your letter, No. 2092 A, regarding—

(I.)—“The sale of waste lands in perpetuity discharged from all prospective demand on account of land revenue, and

(II.)—Permission to redeem the existing land revenue by the immediate payment of one sum in equal value to the revenue redeemed.”

2. On the first question I am instructed to forward a draft set of rules, and to submit the following observations on the subject:—

3. Under the “Freehold Rules” introduced in this Presidency in 1859, lands required for agricultural purposes on the Neilgherries, Shervaroys, Pulneys, and other similar localities, are sold by auction to the highest bidder, without any upset price, but subject to an annual assessment of one rupee per acre. The purchaser has further the right of redeeming this annual charge by the payment, once for all, of a sum equal to 20 years’ purchase of it. On the completion of the sales, permanent title-deeds, under the seal of Government, are granted to the purchasers. Similar title-deeds were also offered to holders of lands acquired prior to these rules. Thus, in those localities which are alone suited for the settlement of Europeans, secure titles on freehold or permanent leasehold tenure, at the option of the settlers, have already been conceded in this Presidency. To the extension of the system, as proposed in the Resolution of the Governor General in Council, there is consequently no objection. In some respects, however, the rules proposed in that Resolution seem to this Government to need careful consideration.

4. These are—

(I.)—The proposed price, viz., 2½ rupees for uncleared, and five rupees for cleared land. These rates appear to this Government much too low. At five per cent., the rate adopted for redemption of assessment, they represent an annual payment of 3 *d.* and 6 *d.* per acre respectively. It is well known that coffee plantations, after three years, yield a net annual return of from 10 *l.* to 20 *l.* per acre. Tea is believed to be still more profitable, and even if the lands be left unimproved as pasturage or firewood preserves, they are worth far more than the prices proposed. The Government are fully sensible of the advantages attending the introduction of European capital and skill; but they are satisfied that the price of land is not the obstacle to its introduction.

The Government have received no remonstrances against the existing price of land, but they constantly receive complaints of the want of good roads, of inadequate provision for the settlement of disputes, of inefficient police arrangements, and of similar administrative defects; and they are satisfied, that these are the real impediments in the path of the European settler.

They know, as a fact, that in the Wainad taluq of Malabar, only 90 miles from the coast, the coffee planters are at the mercy of wandering brinjarries for the conveyance of their produce to the port of shipment (as pack-bullocks can alone traverse the passes), and that one gentleman lost the bulk of a year’s crop owing to a dispute with the tribe. They have not, however, the means, even with the present assessment, of remedying this serious evil: the roads are being steadily and energetically improved, but the expense is so great that it will be some years before Wainad has the roads which it needs for the full and proper development of its resources. The same may be said generally of the hill tracts, where alone European settlers will find a climate in which they can live and occupy themselves

without detriment to their health. The sale prices proposed by the Government of India would, however, place it absolutely beyond the power of this Government to fulfil its obligations towards its subjects. The result would be, that while land itself would be cheap, everything necessary to give it a real value would be wanting; progress would be retarded instead of expedited, and complaints against the Government would be endless. The Government do not advocate any immoderate price on land, but one bearing a fair proportion to the profits derivable from it, and sufficient to enable them to perform their obligations. In the plains the rates proposed may answer; but if they are adhered to in other localities, the European capitalist ought to be warned that he will be taxed, and that somewhat heavily, for all else that will render the investment of his capital profitable. In tracts suited for coffee, tea, and similar valuable products, the Government would charge no lower annual rent or assessment than one rupee for forest, and eight annas for other land per acre, commutable at 20 years' purchase. It must be borne in mind that the export duty on coffee has recently been given up, and the Government cannot, therefore, afford to sacrifice the land-tax. The rates proposed by them would leave the proprietors of coffee estates an ample profit and one proportionate to the actual value of the lands sold, forest being much more valuable than cleared land.

(II.)—This Government would strongly urge the advisability of selling lots by auction at an upset price or subject to the yearly assessment, at the option of the applicant. Wherever the land is worth having, the result of the Collectors' advertisement under paragraph 17 of the Resolution will be an offer to purchase from others, and the lot will then have to be sold by auction under paragraph 30. In those cases where the land is not worth having, the sale by auction will not affect the applicant, because there will be none to bid against him. The sale by auction removes all possibility of favouritism; it is fair to all concerned, and the Government would make it the rule in all cases.

(III.)—The Government are altogether opposed to the reservation of lots for future purchase under paragraph 31. The immediate effect of such a rule would be that an extent of land equal to that taken up in the first instance would be reserved, and placed beyond the reach of other capitalists for five years. In paragraph 14 the Government of India have justly abandoned all conditions obliging a grantee to cultivate any specific portion of his grant within any specific time, yet the main condition of a reserved grant is the cultivation of two-thirds of the previous grant within five years. This Government would strongly deprecate this concession, on the broad ground that by it, for every acre of land taken up under the new rules, another acre may, without the expenditure of an anna, be withheld from all other applicants for five years. Such a concession is neither just to the State nor to individuals.

(IV.)—Holders of grants under existing rules are allowed, under paragraph 33, to commute their grants under the new rules. This may be only fair in order to place them on an equal footing with new grantees, but the effect of the concession needs consideration. A landholder, now possessing 500 acres on the Neilgherries, pays 500 rupees annually; by this rule he may pay down 250 rupees, and annually pay 225 rupees thereafter for ever, the State thus losing 250 rupees annually. This supposes the land to be all cleared; if it be forest, which is really the most valuable, he need only pay 125 rupees down and 113 rupees annually, the State losing 375 rupees yearly.

5. As regards the second subject, viz., the option of redeeming the land assessment, I am to submit for consideration whether the existing rules do not meet the object in view as far as is consistent with safety. Under these rules building sites are sold on freehold tenure: land occupied wholly or in part by buildings, coffee-lands in Wainád, and all land on the Neilgherry, Shervaroy, and Pulney Hills may be enfranchised at the option of the owner—the rate of enfranchisement being 20 years' purchase of the yearly quit-rent or assessment, and title-deeds under the seal of Government being granted in all cases. Thus Europeans and Natives have already the means of converting the most valuable descriptions of landed property into freeholds. To the proposed extension of this power of redeeming the land revenue, which constitutes about three-fifths of the resources of the State, there are the following objections:—

(1.)—The general principle that no Government, and least of all a Government which,

which, like that of India, is practically autocratic, ought to be entrusted with the power of forestalling its income and expending its capital. There would be no check upon or limit to extravagance, if a Government were at liberty to raise money by the sale of perpetuities.

(II.)—The fact that the capital required for redemption is needed for the extension of cultivation, and will be far more productive if left in the hands of private individuals. Applied to the reduction of the public debt, it will yield but 5½ per cent. ; in private hands it will produce from 10 to 20 per cent.

(III.)—The established fact that, while the market rate of interest is so high as it is known to be, very few will redeem their assessment at 20 years' purchase. The Inam Commission of this Presidency has confirmed 1,68,000 titles for 1¼ million acres ; and though redemption is open to all, and the assessment to be redeemed is always light, half assessment being the maximum, the Inamdars have availed themselves of the concession in only 257 instances for an aggregate assessment of 469 rupees.

6. The Government have thought it right to state their views on the two important subjects mentioned in your letter ; but, in accordance with the wishes of the Supreme Government, they submit the necessary rules for giving effect to the measures.

(No. 17.)

RULES for the Sale of Waste Lands in the Madras Presidency.

UNDER the Resolution of the Governor General of India in Council, dated 17th October 1861, No. 3264, the following rules for the sale of unassessed waste lands in the Presidency of Madras, in perpetuity, discharged from all prospective demand on account of land revenue, are hereby published for general information :—

2. Collectors will proceed at once to prepare statements of tracts reserved from the operation of these rules as being required for forest purposes, for grazing or firewood preserves, for building sites, or for any other public object. Copies of such statements shall be forwarded to the Board of Revenue. These statements shall be available for reference, by intending purchasers of waste land, on application at the offices of the Collector or the Board of Revenue. The Conservator of Forests will be consulted by Collectors in regard to forest tracts which it may be necessary to reserve.
3. Applications under these rules for unassessed waste lands shall be addressed to the Collector of the district in which they are situated.
4. Applications must be specific, stating with reasonable precision the situation and extent of the lands desired. General applications will not be noticed.
5. Immediately on the receipt of an application for unassessed waste land, the Collector shall ascertain whether there is any objection to the sale, or whether any special limitation is necessary, by reason of the land being required for public purposes, and whether the land is encumbered by any prior claim of property or occupancy.
6. Where no prior claims or objections are known to exist, the Collector shall advertise the application for 30 days in his district "Gazette" and by notifications to be affixed in some conspicuous place in his office, and in the village to which the lands appertain. It shall be the duty of the village officers to promulgate the notice in their villages. The notice shall specify the land applied for, and shall require all claimants or persons interested in it to prefer their claims, and state their objections, to the Collector within 30 days of the date of the notification.
7. Claims and objections preferred under the above rule shall be promptly investigated and decided, notice of them being given to the applicant, in order that he may be present at the investigation, if so disposed.
8. Where no claims or objections have been preferred, or where they have been decided to be invalid, the Collector shall forthwith furnish the applicant with a document, in the Form A, intimating that the land specified therein has been allotted to him, subject to the fulfilment of the conditions therein stated. But in special cases of doubt, reference is to be first made to the Revenue Board.
9. The Collector shall forthwith cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed, and a plan prepared of it, as soon as possible. The boundary pillars are to be erected and maintained at the expense of the grantee.
10. Possession of the land shall not ordinarily be granted to the applicant, until the boundary-marks have been placed, and the survey is completed and paid for. If, however, the applicant desires to obtain possession before the survey is finished, he may obtain it, immediately after the boundaries are placed, by paying the expense incurred in placing them and the estimated cost of surveying the land.

11. As soon as the land is surveyed and its area known, the Collector shall calculate its value at the rates stated in Rule 19, and shall intimate the same to the applicant, and call upon him to state whether he will pay the full amount at once, or if not, what portion, not being less than one-tenth, he will immediately pay.

12. The Collector shall then, according to the election made by the applicant, prepare a title-deed, in the Form B, and shall deliver the same to the applicant or his agent on payment of any portion of the purchase-money, not being less than one-tenth of its full amount, and the cost of survey. One-tenth must be paid at once to warrant the applicant obtaining or remaining in possession. The applicant shall, on such payment being made, be registered provisionally in the Collector's books as proprietor of the land. The applicant shall be furnished with a record of the survey, and a plan of his estate.

13. Where the land applied for has already been surveyed, and its area is known, its re-survey shall not be necessary. The applicant shall, in such case, be charged only with the cost of putting up durable boundary-marks, and of preparing a plan of his estate.

14. Where claims or objections are known to exist, or are preferred within the period prescribed in Rule 5, and are admitted by the Collector, the applicant shall be informed that his application cannot be complied with in consequence of such claims or objections. Should he still persist in his demand, the case is to be reported to the Revenue Board.

15. Where there are exclusive rights of occupancy, pasturage, wood-cutting, or other like rights in unassessed waste land, such waste land can be sold under these rules only to those who shall satisfy the Collector that they possess such rights by prescription or otherwise, or have obtained them by purchase. The Collector shall assure himself that any transfer of such rights has been made with a complete and fair understanding on the part of all concerned.

16. In any case in which, prior to the delivery of the Memorandum of Assignment (Form A), more than one application has been received for the same land, the Collector will, after the necessary survey, advertise the land for sale at an upset price, calculated according to the rates prescribed in Rule 19. The sale shall be duly advertised for one month, as prescribed in Rule 5, and the highest bidder above the upset price shall be declared the purchaser on his paying down one-tenth of the purchase-money and the cost of survey. A deed of grant in the Form B, will then be given to the purchaser, who will receive immediate possession.

17. A purchaser of an estate under the above rules may, as soon as his name is provisionally entered in the Collector's records as proprietor of a grant, require that any adjoining lands, not exceeding his previous grant in area (if not previously applied for, and if available for disposal by Government), be surveyed at his expense, marked off, and reserved as a future grant to him, but subject to the obligations that, within five years from the date of his previous grant, he shall fulfil the conditions necessary to his being recorded as proprietor of this further grant, and that two-thirds of the cultivable area of the previous grant shall, within the same time, have been brought under cultivation. If he should fail in either obligation, the reservation of the land will cease. Any number of further grants may be successively taken upon fulfilment of these obligations. In order to ascertain whether further grants thus applied for can be reserved, the Collector shall proceed as prescribed in Rules 4, 5, &c.

18. Holders of grants under existing rules, who have not yet completed the purchase of their grants, may commute the whole or any portion of such grants under these rules, retaining the portion, if any, not commuted on the terms of his original grant.

19. Unassessed cultivable waste land granted under these rules shall be sold at the following rates, viz. :—

Land unencumbered with jungle, 5 rupees per acre.
Uncleared land, 2½ rupees per acre.

20. It shall be optional with a purchaser to pay the full amount of purchase-money at once, or to pay not less than one-tenth of it at once, and on the balance to pay interest annually at the rate of 10 per cent. In the latter case, the land will be under hypothecation until the price is paid in full.

21. The interest payable under the preceding rule shall be paid half-yearly, on the 30th June and 31st December of each year. If not paid within 14 days of the said dates, the Collector shall proceed for its recovery by the distraint and sale of the crop or other moveable property on the land, or by the sale of the land itself, in accordance with the ryotwary arrear laws.

22. No grant shall be made under these rules in excess of the following limits :—

In the immediate neighbourhood of the hill-stations and sanitarium, 500 acres.
Within towns, hill-stations, and sanitarium, 10 acres.
In other localities, 3,000 acres.

23. The Government reserve the power of making larger grants to public companies.

24. It is to be understood that reserves of grazing-land, or land for the growth of forest trees or of firewood near towns and stations, or for other special purposes, such as sites for sanitarium, building lots, &c., &c., are not to be sold without the special sanction of Government. Building sites at hill-stations and sanitarium shall be sold by public auction, in all cases, at the upset price of 2½ or 5 rupees per acre, according as the land is encumbered with or free from forest.

25. The rates of purchase specified in Rule 19 shall remain in force for five years from the 1st January 1862. After that date they are subject to revision in the case of land sold after that period.

26. Assessed waste land, which has remained uncultivated for five years or upwards, may be sold under these rules on the same conditions as unassessed waste, but the price shall be 20 years' purchase of the assessment.

27. The right of purchase on these terms shall, in the first instance, be tendered to the inhabitants of the village within whose bounds the lands may be situated, or who may have been in the habit of using it. In the event of more than one of the inhabitants of the village wishing to have the land, it shall be sold by auction, after due notice, at the upset price of twenty times the assessment. No person other than an inhabitant of the village shall be allowed to bid at such sale.

28. In the event of the villagers declining to purchase the land, and of its sale being considered unobjectionable by the Collector, it shall be made over to any applicant at 20 years' purchase of the assessment.

29. The tenure of all waste lands granted under these rules shall be that of an heritable and transferable property held in perpetuity, free from all claims either of the Government or of third persons prior to, or inconsistent with, the grant. There shall be no condition obliging the grantee to cultivate or clear any specific portion of the grant within any specific time.

30. Except under peculiar circumstances, which may require special reservation, the deed shall convey all rights of forest, pasturage, mines, fisheries, and all other property of the Government in the soil; but it will reserve to the Government, to proprietors of other lands, and to the public, all existing and customary rights of freely using any stream for purposes of navigation or irrigation, and for the transport of timber or other property, and for other purposes of general utility.

There shall be no reservation to the Government of any right to take land or materials for roads, tanks, canals, works of irrigation, or other public improvements other than may be marked out or designated at the time of the grant, or otherwise specifically excepted in the grant. But the absence of such reservation will not affect the power of the Government to purchase land under Act VI. of 1857, or under any other general law for the acquisition of land, &c., required for public purposes.

31. If, after the allotment of unassessed waste land under the preceding rules, any person shall establish a right of property in the land so allotted, the possession of the party to whom the land has been granted *bonâ fide* shall not be disturbed. But provided the claim be made within one year from the allotment, the claimant, on proof of his right, and on showing good reason why his claim was not advanced before the allotment took place, shall be entitled to receive from the Government full compensation for the actual value of his interest in such land. After the expiration of a year, all rights of third persons, which have not been already claimed, will be altogether barred, as well in regard to compensation as against the land; subject, in regard to compensation, to the same exceptions in case of persons under disability from infancy, lunacy, or other like causes as are admitted by the existing law of limitation.

32. No transfer of rights in lands granted under these rules shall be recognised by the courts or revenue officers, unless duly registered in the Collector's books within six months of such transfer.

33. The grants made under these rules are subject to local and municipal taxes in common with other lands.

34. A separate register of all grants under these rules shall be kept in the Collector's office, in English, in the following form:—

Number of Grant.	Name of Grantee.	Taluq and Village in which Grant is situated.	Name and Boundaries of Grant.	Area of Grant.	Price of Grant.	Date of Deed of Grant.	Special Reservations (if any).	Subsequent Registered Transfers or Successions.

The original maps or plans, and survey records of all such grants, shall be kept in a series corresponding with the number in this register.

35. Every grant will be reported through the Board of Revenue to Government, immediately on the deed of grant being delivered to the grantee.

36. Every six months a report will be furnished by Collectors to Government, through the Board of Revenue, of any sums that may have been realised within the previous six months as purchase-money and interest.

37. The deed of grant will be drawn up in English, with a vernacular translation attached, the meaning in all doubtful cases being settled by the English text.

FORM A (Rule 8).

I HEREBY certify that the under-mentioned lands have been allotted to subject to the conditions set forth in the rules for the sale of waste land under the Resolution of the Governor General of India in Council, dated 17th October 1861. Failing fulfilment of the said conditions by the said this certificate shall be null and void:—

Number of Grant.	Village and Taluq.	Boundaries of Grants.	Area of Grant.

Dated

Collector of

FORM B (Rule 12).

FORM OF GRANT.

KNOW all men by these presents, that the Governor in Council of Madras has conferred on _____, his heirs, executors, administrators, and assigns, the grant of a tract of land measuring British statute acres _____, situate in _____, to be holden by him in full proprietary right, subject to the following conditions:—

* Enter the date, calculated three months from date of this deed.

I. The purchase-money for this grant is _____ rupees, of which _____ rupees have been already paid. On the _____, if the entire purchase-money has not been paid up, interest at 10 per cent. per annum will be charged on the balance; and thereafter, until the entire purchase-money be paid up, such interest will be chargeable on all unpaid arrears of the purchase-money; and all payments by the grantee shall be first carried to the credit of any outstanding arrear of interest due on such purchase-money.

II. Arrears of interest shall be treated in the same manner as arrears of ryotwary land revenue, and be subject to the same measures of realisation.

III. No transfer of proprietary right will be recognised by the civil courts, or by the revenue officers of Government, unless duly registered.

IV. The grantee is to maintain permanent boundary-marks round his grant, and keep them in a state of repair.

V. The grant conveys the plenary right to all products both above the surface and below the same. (Here any exceptions, which may have been approved by superior authority, are to be noted.)

VI. The existing and customary rights of Government, of other proprietors, and of the public, in existing roads and paths, in streams running through or bounding the estate, will be maintained for purposes of irrigation or navigation, and for the transport of timber or other property, and for other purposes of general utility. The Government reserves to itself the right which it everywhere possesses over all such streams, whether for purposes of irrigation or navigation; and whenever it sees fit, can assume the control of the waters, and distribute them in such manner and on such conditions as may seem most conducive to the public good.

VII. The

VII. The lands included in this grant are shown in the subjoined table:—

Number of Grant.	Taluq and Village.	Boundaries of Grant	Area in Acres.

VIII. On the payment of the purchase money in full, with all arrears of interest, the grant will belong to the grantee, free for ever from all demand for land revenue.

IX. The liability of the lands herein specified to municipal or local taxes is not affected by this grant.

(No. 18.)

RULES for the Redemption of the Land Revenue.

I. PROPRIETORS of lands subject to assessment, quit-rent, or other land tax payable to Government, if desirous of redeeming such payment, must apply by a letter to the Collector of the district in which their lands are situated.

II. The application must state the situation of the lands, their extent so far as known, their assessment, and the applicant's title to be recognised as their proprietor.

III. The rate of redemption shall be 20 times the existing annual assessment.

IV. Immediately on receipt of an application for permission to redeem the assessment, the Collector shall cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed, and a plan prepared of it as soon as possible. The boundary pillars are to be erected and maintained at the expense of the applicant, who shall also bear the cost of the survey and plan of the land.

V. Where the land applied for has already been surveyed, and its area is known, its re-survey shall not be necessary. The applicant shall, in such cases, be charged only with the cost of putting up durable boundary marks, and of preparing a plan of his estate.

VI. It is to be understood that the freedom of tenure conferred by redemption under these rules is absolute only as against the Government. It will be given on *prima facie* evidence of the right of the applicant to be recognised as proprietor; and other persons contesting that right, and claiming the land, will be as free as before to sue the holder in the civil courts.

VII. In estates held under the provisions of Regulation XXV. of 1802, of the Madras Code, the registered proprietor shall alone be held to have the right of redeeming the land revenue under these rules. In the case of ryotwary lands the jenmakar, merassidar, or registered proprietor holding directly from the Government, shall alone have the right. In other cases, the person entitled to pay the assessment shall be held, as a general rule, to possess this right; but all doubtful cases shall be referred to the Board of Revenue for decision.

VIII. The redemption of the land revenue under these rules shall in no way affect sub-tenures, rights of occupancy, or other subordinate rights whatever.

IX. The assessment on which the redemption shall be calculated shall, in the case of lands held under Regulation XXV. of 1802, be the permanent assessment. In the case of ryotwary lands it will be the survey or recognized standard assessment, and in the case of Inams it will be the quit-rent finally fixed thereon.

X. Lands of which the assessment is redeemed under these rules shall continue liable to local and municipal taxes in common with other lands.

XI. No transfer of lands of which the assessment has been redeemed under these rules shall be recognised by the courts or fiscal officers of Government unless duly registered.

XII. In all cases where a Collector refuses to permit an applicant to redeem his assessment, it shall be open to the applicant to appeal to the Board of Revenue.

XIII. The redemption of the assessment on lands held in shares on cowles or leases and generally of lands held on peculiar tenure shall not be allowed without the sanction of the Board of Revenue.

XIV. Whenever redemption shall have reached the limit of 10 per cent. of the total land revenue of a collectorate, the Collector shall report the fact to Government through the Board

Board of Revenue, and suspend all further redemption until he receives orders from Government.

XV. On payment of the redemption money in full the proprietor shall be furnished by the Collector with a title deed in the following

FORM.

Whereas A. B. registered proprietor of the land hereunder specified has under clause 2 of paragraph 4 of the Order of Government dated August 5th 1859 No. 1053 paid into the Treasury at the sum of rupees in redemption of the quit-rent or land tax now payable on the said land I hereby declare under the authority of the Governor in Council of Madras that the said land is henceward free of all demand on account of quit-rent assessment or other land tax.

Provided however that this certificate in no way affects the liability of the said land to payments for municipal or other local purposes nor does it in any way affect any rights or interests which other parties than the abovesaid A. B. may have in the said land.

SPECIFICATION OF THE LAND.

Taluq and Village.	Name, if any.	Boundaries.	Extent.	Sum paid.	Date of Payment

Collector of _____

(No. 19.)

From *A. J. Arbuthnot*, Esq., Acting Chief Secretary to the Government of Fort St. George, to *E. C. Bayley*, Esq., Secretary to the Government of India, No. 1572, dated 22d July 1862.

I AM directed to acknowledge the receipt of your letter, No. 3053, dated the 20th ultimo, having reference to the representation made by the Collector of Coimbatore, regarding the rates proposed to be adopted in selling waste land under the Resolution of the Government of India, dated the 17th October last, and observing that paragraphs 23 and 24 of the Resolution in question, as also the provision in paragraph 30, regarding sale by auction, will enable the Government of Fort St. George to prevent any undue sacrifice of the public interests in respect of the particular lands referred to by Mr. Thomas.

2. In reply I am directed to say that the limitation in paragraph 30, which confines sales by auction to the case of land for which there is more than one applicant is, in the opinion of this Government, inexpedient. The sale by auction removes all possibility of favouritism, and all ground for alleging that it has been shown. If the value of the land does not exceed the upset price, there will be no bidders except the original applicant, and the sale by auction will in no way affect his interests. If it does, it is right that the State should receive the excess, and this the Governor in Council thinks is more likely to be secured if all lots applied for are put up to auction, whether there is more than an applicant or not, than if the Collector confines himself to advertising the applications under paragraph 17 of the Resolution.

(No. 20.)

From Sir *George Couper*, Bart., c.b., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India, No. 692 A, dated Nynec Tal, 1st July 1862.

WITH reference to Mr. Secretary Grey's letter, No. 1376, dated the 11th March 1862, I am desired to forward, for submission to the Viceroy and Governor General in

in Council, copies of the letters noted on the margin,* relative to the rules of procedure for redemption of the land tax under the Resolution of the Governor General in Council, No. 3264, dated the 17th October 1861.

To the Sudder Board of Revenue, North Western Provinces, No. 251A, dated the 2d April 1862.

From Sudder Board of Revenue, North Western Provinces, No. 404, dated 20th June 1862, with enclosure.

2. It will be seen that in the first instance the Lieutenant Governor intended to issue the rules of procedure on his own authority, after settlement of the points referred in my letter to your predecessor, No. 1401 A, dated 24th December 1861, as plainly contemplated by the Resolution; but about the time when Mr. Grey's letter, No. 1376 was received, the Bill to legalise the measure of redemption was brought forward by the late Viceroy in the Council of the Governor General, for making laws and regulations, and almost simultaneously certain papers were published, showing it to be the intention of another Government to obtain the endorsement of the Government of India to the rules of procedure under the Resolution of October 1861, before authoritatively issuing them. The Lieutenant Governor accordingly determined to follow the same course on the enactment of the Bill.

3. But the Council of the Governor General for making laws and regulations has been prorogued for an undefined period; and for the reasons stated in the first paragraph of the enclosed address from the Sudder Board of Revenue, it appears unadvisable to postpone the publication of the rules of procedure for the redemption of the land tax.

4. The rules which accompany this letter have been carefully revised, and the Lieutenant Governor recommends that, in order to give finality and full authority to them, his Excellency the Viceroy and Governor General in Council will be pleased to confirm them. None seem to call for any present remark, except rule 13, which, it will be observed, the Lieutenant Governor desired to extend, so as to admit of shares in the particular tenures to which it relates, being redeemed. But, after full consideration, his Honor does not see how the objections raised in the 4th paragraph of the address from the Sudder Board of Revenue can be met, or how, in the case of such estates, any redemption, short of redemption of the entire mahal, can be effected.

5. As several applications for redemption have been already received, and others the Lieutenant Governor knows may be shortly expected, I am desired to request an early reply to this address.

(No. 21.)

From Sir *George Couper*, Bart., c.b., Secretary to the Government of the North Western Provinces, to *G. H. M. Batten*, Esq., Secretary to the Sudder Board of Revenue, North-Western Provinces, No. 251A, dated Nynee Tal, the 2nd April 1862.

I AM desired to refer you to the correspondence noted in the margin, on the subject of the proposed rules of procedure for the redemption of the land tax in these provinces under the Resolution of the Governor General in Council, No. 3264, dated the 17th October last.

From Secretary Sudder Board of Revenue, North Western Provinces, No. 873, dated 6th December 1861, with enclosure.

2. A copy of the letter No. 1376, dated the 11th March 1862, in which the Secretary in the Home Department has conveyed the instructions of the Governor General in Council upon the points referred by the Lieutenant Governor in connexion with the rules above mentioned, has been sent to you for submission to the Sudder Board of Revenue with my separate address No. 250A of this day's date, regarding the rules of procedure for the sale of waste lands in the North Western Provinces.

To Secretary Sudder Board of Revenue, North Western Provinces, No. 1400A, dated 24th December 1861.

3. The limitation placed by His Excellency in Council on the meaning of the terms used in paragraph 43 of the Resolution No. 3264, dated 17th October last, removes the apprehensions which the Lieutenant Governor was disposed to entertain as to the inference which might, at some future time, be drawn from those expressions.*

From Secretary Sudder Board of Revenue, North Western Provinces, No. 4, dated 3d January 1862.

4. Paragraphs 20 and 26, therefore, of the rules of procedure will remain unaltered, as representing correctly the intentions of the Government of India, except that the last passage of

* "Para. 43.—The tenure obtained (by redemption) will be that of an heritable and transferable property, held in perpetuity free of all demand on account of land revenue or of the Government."

of the latter (as copied in the margin*) will be removed with reference to the declaration in paragraph 9 of the letter No. 1376, dated 11th ultimo, that the road and other cesses engaged for at the settlement cannot be redeemed with the land revenue, but "should continue to be paid separately." The words within brackets in the margin† may be substituted for the excised passage.

5. The Sudder Board of Revenue will observe from paragraphs 10 and 11 of Mr. Secretary Grey's letter that paragraph 53 of the Resolution is to be read without restriction, and that a sharer in an undivided estate must be allowed to redeem his share of the revenue, his joint liability for the land revenue of the whole estate remaining in full force. "It is not until the lands of a particular share have been entirely marked off from the rest of the village, and separately defined and assessed, that the redemption can be complete."

6. This ruling necessitates a reconsideration of the Rules 9 and 13. The Lieutenant Governor suggests for the consideration of the Board whether the two following rules will not be more in accordance with the opinion pronounced by the Governor General in Council, whether this may not be substituted for those (9 and 13) just mentioned:—

"9. The entire revenue of an undivided zemindaree estate may be redeemed by the body of proprietors conjointly. The sum to be paid will be 20 times the jumma assessed upon the village, and on the payment of this sum in full the redemption will be complete. If any sharer in such an estate should claim to redeem his individual share, it will be necessary, under paragraph 53 of the Resolution of the Governor General in Council, dated 17th October 1861, to admit his claim without insisting on conformity to the provisions of paragraph 44 of the same, which have been pronounced by the Government of India to be in some extent inapplicable to such cases. But in such a case no other rights will be acquired by the purchase than immunity from the demand on account of the assessment redeemed, all other rights and liabilities in reference to individuals and communities, and the contingent liability to sale or other process for arrears due from the entire estate, where such liability now exists, remaining in full force. It will only be where the lands of a particular share have been entirely marked off from the rest of the village, and separately defined and assessed, that the redemption will be complete."

And "13. In putteedaree and bhyachara villages, where the division of lands is liable to change, complete redemption of the revenue assessed on the entire mahal, may be effected by a payment at 20 years' purchase on the part of all the co-proprietors conjointly. A sharer in such an estate may either redeem his share, causing a partition, under the law for the time being in force, to be made of lands which will thereafter constitute his fixed and unalterable tenure in the village; or he may redeem his own separate liability for his share of the whole assessment on the entire estate." But in the latter case his joint liability for the land revenue of the whole estate, as well as the contingent liability to sale or other process for arrears due from the whole estate where such liability now exists, and all other rights and liabilities in reference to individuals or communities, will remain in full force."

7. With reference to paragraph 13 of Mr. Secretary Grey's letter No. 1376, I am desired to forward to you an extract paragraph 6 from my letter to the Government of India No. 1401 A, dated 24th December 1861. No further remark is required. The Government of India will see to the insertion in the Act of a registration clause.

8. The mis-quotation of "paragraph 15," in Rule 6, will be corrected; and the addition to Rule 7, proposed in your letter No 4, dated 3d January last, is approved.

9. I am desired to request, that the Sudder Board of Revenue will be good enough to reconsider the rules of procedure for redemption of the land revenue, in connexion with the letter No. 1376, dated 11th ultimo, from Mr. Grey, and with the foregoing remarks, and eventually submit a revised draft; and as the Bill has been brought before the Council of the Governor General for making laws and regulations, I am to suggest that, perhaps it will be well to postpone the final revision of the rules until the Bill shall be published, and its provisions made known.

10. It is observed from published papers, that the Lieutenant Governor of Bengal has thought it necessary to submit his rules of procedure on both measures for the approval of the Government of India before authoritatively issuing them. The tenor of the Resolution, dated 17th October 1861, did not seem to Mr. Edmonstone to contemplate this; but the sanction of the Government of India will give a finality and authority to the rules which otherwise, perhaps, they would not possess; and it is proposed, after your replies to this letter, and to my separate address, No. 250 A, of this day's date, have been received, to submit the revised rules for the sanction of the Governor General in Council.

* "Of these it will be in the power of the proprietor to redeem the road cess on one per cent., and sums paid on this account will be separately credited and reported, as it will be necessary to invest them in distinct funds."

† ["These and all other legal cesses of the kind will continue to be paid separately. They cannot be redeemed."]

From *G. H. M. Batten*, Esq., Secretary to the Sudder Board of Revenue, North Western Provinces, to Sir *George Couper*, Bart., c.B., Secretary to the Government of the North Western Provinces, No. 464, dated Allahabad, the 20th June 1862.

In the concluding paragraph of my letter No. 268, dated 12th April, on the rules for the sale of waste lands, the Board proposed to defer their reply to your letter No. 251, dated 2nd April, on the rules for the redemption of the land-tax, until the Bill on the subject should have passed the Legislative Council. But the Council having adjourned, the Board have thought it best to submit their reply with the revised rules without further delay. Several applications for redemption have been received, and their consideration deferred pending issue of the rules. Eight months have already elapsed since the publication of the Viceroy's Resolution; and the sooner that action, already so long deferred, is permitted in accordance with its provisions the better.

Present :
W. Muir, Esq.,
Senior Member.

2. The draft of the rules now forwarded is amended in conformity with the instructions of the Government of India, and those of his Honor contained in your letter, in all respects excepting one.

3. The exception is Rule 13, and the Board do not see their way clearly to the adoption of the amendment contained in your letter.

4. Where the title of a sharer is represented by a fixed fraction, or by a fixed holding, the liability of such share may be redeemed. On the contrary, where his title, as in a *begahdam* tenure, is fixed by no such rule, but is measured by the extent of holding for the time being in his possession, the Board do not see how the liabilities of a title, subject as this is to vary from day to day, can be redeemed. The revenue in such cases is assessed by the proprietors on the component holdings; generally by a *baach* or distribution varying with the extent of land in possession at different times; sometimes by a rate on the number of ploughs, &c. A person in possession to-day of 50 acres paying 50 rupees may, 10 years hence, have 100 acres paying 100 rupees; such at least is a possibility of the tenure. The Board can understand how any sharer might redeem his present quota of 50 rupees of revenue by the payment of 1,000 rupees; but this, in a tenure of the kind supposed, would not necessarily imply the redemption of "his share of the whole assessment in all time to come." Or, in so far as it should be ruled to do so, it would expose the Government to fraud; for hereafter should we find this sharer, under the recognised constitution of the village, in possession of 100 acres, no further demand could be made from him notwithstanding that he was in possession of double the amount of land he held when he redeemed his share. Of course, so long as the joint responsibility was not dissolved, the Government could always recover its position by enforcing the sale or farm of the whole estate. But the very idea of redemption seems to imply a fixed fractional share, or a fixed holding, or some fixed measure for determining the share of which the revenue has been redeemed. Where the measure of a man's property and of the share of his assessment is simply his holding, and that holding itself is liable to vary, all that can be redeemed is a certain amount of *jumma*, bearing no invariable proportion to his share.

5. Moreover, the retention of Rule 13 in its present shape can have no practical ill effect, for it is not consistent with experience to suppose that any sharer would seek to redeem a shifting and uncertain tenure by so large a payment, unless indeed it were done, *malâ fide*, with a view of over-reaching Government or his fellow sharers. If he acted *bonâ fide*, his first step would be to stereotype the tenure for the redemption of which he was about to sink so large a capital.

6. The Board, under these considerations, have left paragraph 13, (with some verbal amendments) substantially as it was before, pending his Honor's reconsideration in reference to the above remarks.

CIRCULAR ORDER.

THE following rules are prescribed for giving effect to the Resolution of the Supreme Government, No. 3264, dated the 17th October, regarding the redemption of the land revenue by the payment of its value in one sum.

2. *First*,—*The parties entitled to redeem.*

3. In permanently assessed districts the privilege is confined to the persons who have the right to pay the Government demand.

Resolution, para-
graph 45.

4. In temporarily assessed districts the title is further restricted to the persons who, in addition to the above right, possess also the right of occupancy of the land.

Resolution, para-
graph 46.

5. This may be held in these provinces to mean the proprietors in possession, as defined in section 187 of Directions to Collectors, "the proprietors, *de facto*, i. e. the persons in apparent and acknowledged proprietary possession."

6. In talookdaree estates, where the settlement has been made direct with the talookdar, the talookdar is the person entitled to redeem the land revenue; but due advertence must be had in such cases to the reservation indicated below in paragraph 16.

7. In talookdaree estates, the settlement of which has been made direct with the zemindars or subordinate proprietors, they will be the parties entitled to redeem the revenue. The talookdaree allowance, whether paid through the Government, or direct to the talookdar, will be excluded from the calculation. In the former case the talookdar will, after redemption, be empowered to realise his dues without the intervention of Government.

8. *Second,—The properties of which the Land Revenue may be redeemed.*

9. The entire revenue of an undivided zemindaree estate may be redeemed by the body of proprietors conjointly. The sum to be paid will be 20 times the jumma assessed upon the village, and, on the payment of the sum in full, the redemption will be complete. If any sharer in such an estate should claim to redeem his individual share, it will be necessary, under paragraph 53 of the Resolution of the Governor General in Council, dated 17th October 1861, to admit his claim without insisting on conformity to the provisions of paragraph 44 of the same, which have been pronounced by the Government of India to be in some extent inapplicable to such cases. But in such a case no other rights will be acquired by the purchase than immunity from the demand on account of the assessment redeemed, all other rights and liabilities in reference to individuals and communities, and the contingent liability to sale or other process for arrears due from the entire estate, where such liability now exists, remaining in full force. It will only be when the lands of a particular share have been entirely marked off from the rest of the village, and separately defined and assessed, that the redemption will be complete.

10. In putteedaree estates, of which the land is entirely divided, the jumma of the mehal may be redeemed, as above, by the putteedars conjointly. If any putteedar is desirous of redeeming his share, he can proceed either by partition, thus constituting his puttee a separate and independent estate, or he may apply for permission to redeem his quota of the revenue, still retaining his position as a member of the village community. But in this latter case, as the assessment has been fixed by Government upon the entire village, and not on each puttee, a careful investigation will be necessary into the equality of the distribution of the jumma. If the jumma of the puttee be found to bear its full proportion to the jumma of the village, with due regard to their relative assets, then redemption may be permitted at such jumma. Should the proportion of the puttee's assessment, on the contrary, be found to be inadequate, a fair allotment of jumma upon the puttee will be made, which, when sanctioned by Government, will form the basis of calculation.

11. Where a regular partition is not made, redemption of the revenue of a puttee will not affect the position of the putteedar in the community. He will retain his privileges in the management of the village, and will be responsible as before for his share of the village expenses, and jointly responsible for any defalcation of revenue in the unredeemed portion of the village.

12. In imperfect putteedaree estates, where the division of lands is fixed and not liable to occasional or periodical alteration, the same course may be followed. In case of regular partition under the law the new mehal will, of course, be formed by the addition to it of its proper share of the undivided lands. Where partition does not take place, the puttee, including the putteedaree's share in the common lands, will, after redemption, be free from all demand on account of its own previous revenue, but will remain, as above explained, jointly responsible in respect of the rest of the village and its revenue.

13. In putteedaree, bhyachara and begah-dam villages, where the division of lands is liable to change, the entire mehal alone can be redeemed. The redemption of subordinate holdings, liable by the constitution of the village to vary from year to year, will not be allowed until the severalty of tenure becomes fixed and unalterable, either by partition under the law, or otherwise, when the property can be treated as in the case of ordinary putteedaree estates.

14. In all cases in which anything less than the entire mehal is redeemed, great care will be necessary in defining the exact limits of the land so redeemed, both by map and by permanent boundary pillars.

15. "Such tenures," the Viceroy and Governor General in Council has remarked, "will require peculiar care in dealing with them; but provided that suitable and sufficient precautions be taken, there is no reason why those who hold them should be excluded from the benefits of the measure."

16. In nuzurana, talookdaree and oobaree tenures, and generally where a special settlement has been made, on individual or temporary considerations, expressly at a lower rate than the standard of settlement, the commutation of such revenue will not bar the Government the additional jumma which it would otherwise have assessed had the privileged assessment not been commuted.

17. Subordinate tenures held on an exclusive proprietary title, such as resumed holdings settled with the ex-maafedar, may be redeemed at the amount of revenue assessed upon the same.

same. In such cases a payment of 10 per cent., more or less, has ordinarily been assigned to the zemindar; where this assignment has been made simply to cover the trouble and risk of collection, it will be added to the sum for which the redemption money is to be paid. If, on the other hand, this payment was in recognition or compensation for the zemindar's proprietary title, it will not be so calculated; but the subordinate holder will continue to be responsible for the same to the zemindar. In any case of doubt as to the application of this rule reference will be made for instructions.

18. Where the estate, the land revenue of which is sought to be redeemed, is bounded by a river, if there is any probability of land being gained by alluvion, on receipt of the application for redemption, the river boundary should be clearly demarcated, and any alluvion which might subsequently be formed should be declared liable to assessment. The applicant should be allowed the option of separating the portion of his estate not subject to fluvial action from the portion which is so subject, and of redeeming the former only.

19. *Third,—The effect of redemption.*

20. The effect of redemption of the land revenue of any estate is simply to relieve the malgoozar for ever from any demand by Government for land revenue on account of such estate. It does not in any other respect alter his position or liabilities either to Government or third parties. No stronger right of property, either as regards collateral claims or subordinate tenures, than existed before, is created by the redemption of the land revenue.

21. But a careful register must be maintained of all redeemed properties, and it is proposed to enact by law "that no transfer of property in such estates shall be recognised by our courts or fiscal officers unless duly registered" A separate register will be kept up in English and Persian of all redeemed estates which may be termed in the vernacular, "*Maufee Khareed Zemindar*." Paragraph 55.

REGISTER of Estates the Land Revenue of which has been redeemed.

Pergonah.	Mouzah.	Mehal.	Puttee (where a separate Puttee may have been Redeemed).	Former Land Revenue.	Price at which Redeemed.	Date of Redemption.	Name of Proprietor by whom Redeemed.	Subsequent changes of Proprietorship by Succession or Transfer duly Registered.	REMARKS.

22. A separate series of maps, showing the boundaries of all redeemed properties, will be kept up in correspondence with this register.

23. Redemption may be effected at any period of the year. Immediately on the full purchase money being paid up, the jumma of the estate will be struck out of the touzee, and in its place the words "*Maufee Khareed Zemindar*" will be inserted. No instalment of land revenue, falling due subsequently to the payment in full of the purchase money, will have effect; but any outstanding arrears should be realised before the commutation is carried into effect.

24. A report will be submitted every six months* of any sums which may have been realised in that period on account of the redemption of the land revenue in the following form:— * 1st January and 1st July.

Pergunnah.	Name of Estate.	Name of Owner.	Jumma.	Amount of Redemption Money.	Date of Payment.

A copy of this statement is to be simultaneously submitted to the Deputy Auditor and Accountant General, in reference to paragraph 56 of the Resolution.

25. In the Annual Administration Report a memorandum will be given of the amount of revenue redeemed, and purchase money realised within the year, and of the total amount up to date. Appropriate remarks should be added on the class of proprietors who have redeemed their revenue, the pressure of the former Government demand in the estates redeemed, and the general effect of the measure.

26. Excepting

26. Excepting release from further demand of land revenue, the existing obligations and responsibilities of the proprietor will remain unchanged. The maintenance of putwarees, and of the village police will continue as now, obligatory on the proprietor; and he will be responsible, as before, for such cesses as were engaged for at the settlement. These and all other legal cesses of the kind will continue to be paid as they now are. They cannot be redeemed.

27. Estates, the land revenue of which has been redeemed, shall be held liable to assessment for income tax under the same rules as are applicable to maafee and lakhiraj estates.

28. It only remains to direct attention to the present limit imposed on redemption of one-tenth of the land revenue of each district, which limit being reached, report is to be made to the Supreme Government; and likewise, to the fact that in districts under re-settlement the calculation is to be made on the assessment of the last settlement, that is of the settlement last effected, so long as the new assessment may not have been determined and given out at the date on which the application for redemption was received.

(No. 22.)

From *J. D. Sim*, Esq., Secretary to the Government of Fort St. George, to
W. Grey, Esq., Secretary to the Government of India, No. 241, dated the
8th February 1862.

I AM directed by the Honourable the Governor in Council to acknowledge the receipt of your letter, No. 2035, dated 7th October 1861, requesting his opinion "upon the advantages of a permanent settlement as applicable to the various districts of the Madras Presidency," and "as to the value of a legislative sanction for terms of years in districts in which his Excellency in Council may not consider the existing settlements of a character to be made permanent."

2. I am to premise that by a "permanent settlement" this Government understand the Governor General in Council to intend no more than fixing the land-tax in perpetuity, in other words to bar the Government in all time to come from increasing the assessment on all land brought under that settlement.

3. The words "permanent settlement" are, however, very generally applied to zemindary settlements under Regulation XXV. of 1802 of the Madras and Regulation I. of 1793 of the Bengal Code. To any extension of this mode of tenure in this Presidency the Government are wholly opposed, for, among other reasons, the weighty objection, that it alienates from the State all waste land. It is to this source that this Government look for a gradual increase in its land revenue, and it is essential that this source of future revenue should not be lost to the State.

4. This being understood, I am to explain briefly the present state of the land tenure in this Presidency under the prevailing ryotwary system, to which alone the proposals contained in your letter are applicable.

5. This mode of administration was introduced in 1792 by Colonel Read; and was subsequently worked out by Sir Thomas Munro. In 1812, the Home Government ordered it to be generally introduced, and it has since formed the prevalent tenure of this Presidency, the revenue derived from zemindaries being in round numbers half a million sterling, while that drawn from ryotwary estates is three and a half millions.

6. There can be no question that one fundamental principal of the ryotwary system is that the Government demand on the land is fixed for ever.

7. When first settling the Salem district in 1796, Colonel Read issued a proclamation to the ryots, in which the following rule appears:—

"The putkut nillum (or holding) being measured and valued, the assessment of every individual field in it, when at the full rate, is *fixed for ever*, that is to say, the Government is *never* to require more or receive less, nor you to pay less or more than the present rate, unless when those fields actually 'dry' shall hereafter be converted into wet at the expense of Government, when the rates will be proportionably raised, according to the consequent increase of the produce, and in like manner *fixed for ever*. But if you carry on such works at your own expense, plant topes, &c., you may depend on receiving the advantages

advantages accruing from these and from every other improvement of your lands, while you continue to pay the established rates; those constituting, except in the case above mentioned, the annual demand upon them on the part of the circar *for ever*. Upon these principles you may rent out lands, which you may raise in value by tillage and manure, at rates greatly exceeding the circar rates, if there be a demand for them, while you will continue to pay the fixed rates to the circar *for ever*."

8. Similarly in 1802, Sir Thomas Munro, when issuing instructions to the Collectors of the Ceded Districts, expressed himself as follows:—"When a country has been surveyed, the individual (ryotwary) supersedes both the village and district settlement. The rent of every field being fixed, each cultivator takes or rejects what he pleases, and the rents of all the fields occupied in the course of the year in any one village form what is called the settlement of that village." Again, in 1806, when explaining the manner in which a ryotwary settlement was conducted, he says:—"When a district has been surveyed, and the rent of every field permanently fixed, the kulwar (individual) settlement becomes extremely simple; for all that is required is to ascertain what fields are occupied by each ryot, and to enter them with the fixed rents attached to them in his potta: their aggregate constitutes his rent for the year. *He cannot be called upon for more*: but he may obtain an abatement in case of poverty or extraordinary losses. He has the advantage of knowing in the beginning of the season, when he ploughs his land, the exact amount of what he is to pay; he knows the fixed rents of the different fields which he cultivates, and that the demand upon him cannot exceed their total amount; *he knows the utmost limit of his rent not only for the present, but for every succeeding year; for it cannot be raised unless he takes additional land*; and he is thereby the better enabled to provide for the regular discharge of his kists, and against the losses of bad by the profits of good seasons." In 1818, the Board of Revenue issued detailed instructions for the general introduction of ryotwar as ordered by the Home Government. One of the distinguishing characteristics of the system they said was, "that the assessment was a permanent maximum rent fixed on each field."

9. At a later period, the permanency of the ryotwary settlement has, on several occasions, been acknowledged in unmistakable terms.

10. In the Madras Administration Report of 1855-56, ryotwary is thus explained:—"Under the ryotwary system every registered holder of land is recognised as its proprietor and pays direct to Government. He is at liberty to sub-let his property, or to transfer it by gift, sale, or mortgage. He cannot be ejected by Government so long as he pays the *fixed* assessment, and has the option annually of increasing or diminishing his holding, or of entirely abandoning it. In unfavourable seasons remissions of assessment are granted for entire or partial loss of produce. The assessment is fixed in money, and does not vary from year to year, except in those cases where water is drawn from a Government source of irrigation to convert dry land into wet, or one into two crop land, where an extra rent is paid to Government for the water so appropriated; nor is any addition made to the assessment for improvements effected at a ryot's own expense. The ryot, under this system, is virtually a proprietor on a simple and perfect title, and has all the benefits of a perpetual lease without its responsibilities, inasmuch as he can at any time throw up his lands, but cannot be ejected so long as he pays his dues: he receives assistance in difficult seasons, and is not responsible for the payment of his neighbours." A similar description of ryotwary was given to the House of Commons by the Home Government in 1857.*

11. The Revenue Board in 1857, in a report to Government on the new survey and settlement, wrote as follows:—"It may not here be out of place to notice that a general opinion prevails in England, that the Bombay Settlement for 30 years secures a far greater permanency of tenure to the landholder

* Return showing under what Tenures, and subject to what Land-tax, Lands are held under the several Presidencies of India (Mr. William Ewart); ordered, by the House of Commons, to be printed, 22d June 1857.

holder than the present ryotwary tenure of Madras. This is altogether an error, for a Madras ryot is able to retain his land *in perpetuity, without any increase of assessment*, as long as he continues to fulfil his engagements."

12. In the same year the Government, in a review of the Honourable Mr. Ricketts's report, expressed themselves thus strongly:—"The proprietary right of a ryot is perfect, and as long as he pays *the fixed assessment on his land*, he can be ousted by no one; there is no principle of ryotwary management more fixed or better known than this, and the Government deny that any right can be more strong."

13. It is thus abundantly clear that the distinguishing feature of ryotwary is the limitation in perpetuity of the demand of the State on the land. The ryots have thus all the advantages of the zemindary tenure, while the State has a valuable reserve of waste land, whence, as cultivation extends, its resources will be augmented so as to meet the increasing demands on its finances which the progress of the country will entail: and in practice this leading principle of ryotwary has never been infringed. The assessments have, as in South Arcot, Bellary, Cuddapah, &c., been reduced, but in no instance have they ever been raised: nor in the recent pressure for money has so obvious a source as increasing the land-tax been even suggested as being open to the Government.

14. Had matters been left in this position, the Government would now have had merely to report that the ryotwary proprietors of this Presidency already possessed the advantages which the Governor General in Council appears willing to concede, although these were not secured to them under legislative sanction.

15. But in 1855, when the survey and settlement now in progress were introduced, an important modification was made in the tenure of land.

16. The object of these operations was to revise the assessments, which were generally too high. In order to give the ryot in all cases a valuable proprietary interest in the soil, and to induce extended cultivation, 30 per cent. of the gross produce, carefully computed in the manner prescribed, was to be "taken as the *maximum of the Government demand*," and it was thought that 25 per cent. would be the average. The Government were of opinion that the assessment should be fixed in grain for a term of 50 years, and that the commuted value of the latter should be periodically adjusted every seven or ten years, according to its average money value in those periods. The Home Government objected to this arrangement, and gave the preference to an assessment in money, unalterable for 30 years. The subject was further discussed by the Government, who ultimately decided that the assessment should be revised after 50 years, if then deemed expedient. This decision, however, has not as yet been authoritatively intimated to the people.

17. It will thus be seen that, while the leading characteristic of ryotwary tenure is the permanency of the assessment, the revised assessments now being introduced are subject to revision after 50 years.

18. The alternatives proposed in your letter under reply have received the careful consideration of Government, and I am to state briefly the conclusions at which they have arrived.

19. His Excellency the Governor is favourable to the imposition of a permanent grain-rent, but would reserve to Government the power of periodically determining the money value of that rent, if at any future time a material alteration in the value of money should render such a measure expedient.

20. The Honourable Members of Council, on the other hand, support the old ryotwary principle of a permanent money assessment—that is to say, an assessment based on a certain portion of the crop, and converted into a money payment at a fair commutation rate, fixed once and for ever.

21. I am to request attention to the Minutes which accompany this letter, and contain the views of the President and Members of the Council.

22. The Government are not in favour of settlements under legislative sanction for terms of years. Such settlements would hamper the Government without

without materially improving the position of the ryot; and it would be better, both for the State and the people, either that the settlements should be in perpetuity, or that the Government should have the power at any time of acting as the exigencies of the State may require. The Government would not alter the assessment, except under the pressure of necessity, and that necessity might occur in the course of the series of years fixed by law for the unalterable duration of the settlement.

(No. 23.)

MINUTE by the Honourable the *President*, dated 12 November 1861.

THE Governor General in Council having forwarded to this Government a copy of Colonel Baird Smith's report on the famine of last year in the Upper Provinces of the Bengal Presidency, has expressed a wish to be made acquainted with the opinion of the Governor in Council, on the subject of the advantages of a permanent settlement, as described in certain paragraphs of the above-mentioned report, as applicable to the various districts of the Madras territory.

2. I have, accordingly, read carefully the report in question, and will now proceed to give my opinion of the various proposals submitted by Colonel Smith with relation to the permanency of the Government assessment, and, as coupled with this, the right of redeeming this, by the payment of a sum equivalent to a certain number of years' purchase of the annual assessment.

3. I am disposed to agree with Colonel Baird Smith in many of the inferences which he has drawn from the facts brought under his notice. He has, however, looked at the question with reference, principally, to the effects which the measures proposed by him may, possibly, have on the condition of the agricultural population; while I, in my capacity of Governor, must take a broader and more general view of the action of the changes proposed. I must consider the effect produced not upon one district only, but upon the Presidency at large, and I must especially consider the effect which, if Colonel Baird Smith's views are carried out, will be produced on the revenue; for upon the certainty and due development of this must the maintenance of our power in India mainly depend.

4. With reference, then, to the first suggestion made by Colonel Baird Smith, that a settlement of the claims of the Government upon the land should be perpetual, I would observe that, before any such settlement could be made, it would be necessary that the Government should decide, once for all, what proportion the assessment or rent should bear to the produce of the land, either gross or nett. Having settled this point, it would be necessary to ascertain whether the existing claims upon the ryots are based upon this proportion.

5. If, without the establishment of these preliminary data, the Government were to determine at once that the existing demand upon the ryot should be made permanent, much injustice would be done to individuals, which would, as a matter of course, be redressed; while much would be done to the Government, which represents the mass of the community, which would never be noticed or redressed.

6. Assuming, however, that all these preliminary steps have been taken, and that the assessment on the ryot is fair and reasonable, there is yet an important point to consider, one indeed most important with relation to the proposed perpetual settlement—and that is, in what commodity shall this rent or assessment be payable, or in other words, shall the tenant or ryot pay a corn or a money rent?

7. In paragraph 64 of his report, Colonel Baird Smith talks of the rent as the portion of the nett produce hitherto appropriated as Government revenue, which he puts at 50 per cent. of the *nett* produce; but in discussing the question of fixity of public demand, he evidently applies this fixity not to the proportion of the crop, or its estimated amount in measures or weight of grain, but to the existing money value, which, looking to the very marked change which has taken place in the value of money during the last few years, represents a much smaller proportion of the crop. The effect of adopting the existing money value of the crop as the basis of the perpetual settlement would be to place the tenant in a position to which he has no claim. I assume that a revision has been made of the assessment—that everything has been done which could be expected from the best landlord: under such circumstances, the tenant can have no right to the collateral advantages which spring out of the gradual cheapening of money, or the alteration of the relation existing between it and produce of various kinds.

8. This is the landlord's fair due, and, indeed, it is the only means by which he can manage to escape the difficulties arising out of the fixed character of the payments made to him, and the ever-varying but steadily-increasing price of labour and other commodities.

9. In the case of a Government, this would be remedied by the imposition of fresh taxes;

taxes; but this would, in point of fact, be equivalent to a system of protection—that is, one portion of the community would be bettered at the expense of the remainder.

10. I do not wish to enter into the question of the relative advantages of direct or indirect taxation generally: I would only observe that, with reference to India, it would be most unwise to sacrifice the revenue arising from a source so well established and so well understood by the people of India as that of a land or produce assessment, upon the supposition that it may be possible to supply the deficit from other sources. While, then, I should not object to a reduction in the proportion of the crop taken as rent, to such an amount as would leave to the ryot a fair return for his labour and his capital, and while I should not object to make this proportion a perpetual charge on the land, I should altogether object to a proposal to place a money value upon this proportion of the crop at existing prices, and to make this money value the measure of the rent or assessment to be paid from henceforward.

11. According to Colonel Baird Smith, the power to redeem the rent or assessment is a natural and legitimate sequence of a permanent settlement. I cannot see that this connection is necessary, but this is a point which need not be discussed. I might observe that, as I disapprove of a permanent monetary settlement, the question of redemption necessarily falls to the ground; but I am desirous of recording my opinion as adverse to the scheme on several independent grounds: indeed, I should object to it even were I inclined to admit the advantage of a permanent monetary assessment.

12. In the first place, I may observe, that the effect of inducing the occupiers of land to invest their capital in purchasing up the assessment is, in point of fact, to deprive them of the capital which they require to cultivate the land. It will be said, and indeed is constantly said, that in such matters men are the best judges of their own interests, and that, unless they expect or can calculate on certain positive advantages as likely to accrue from the expenditure of capital, they will not purchase. This, as all such statements are, is partially true. The man who is intelligent and educated, who knows the value of money, who is aware of the various profitable uses to which he may turn it, will of course reject that which, held out to him as a boon, would in fact inflict upon him, were he fool enough to avail himself of the offer, a severe injury. But there are many among Englishmen who attach an undue importance to the possession of land; they look to the acquisition of a freehold as conferring a degree of importance in a colony similar to what it does in England, and they are likely to be deluded into making a purchase which will hamper their operations for years. Colonel Baird Smith admits that few will take advantage of the offer; why then tempt them to do that which their common-sense tells them will be injurious? I say injurious, because, as the interest of money may be said to range as high as 10, 15, and 20 per cent., if the Government, by appealing to the vanity or weakness of a man's nature, leads him to content himself with 5 per cent., he has lost the difference between that and the higher rate of interest—that is, he has not made so profitable an investment of his capital as he might have done.

13. Colonel Baird Smith brings forward the fallacy, that it is a matter of indifference whether the Government receives the interest of its capital annually, or is paid the amount of the capital itself and has the responsibility of investing it. But, to say nothing of the well-established fact that the capital will be more productive if left in the hands of private individuals, a very limited acquaintance with the proceedings of Governments would have proved to him that there is nobody entrusted with authority which ought to be entrusted with the expenditure of its capital. The amount of what may be called interest, that is, the sum which can annually be drawn from the population, is limited; but if a Government is enabled to raise money by the sale of perpetuities for a few years' purchase, there would be no check upon, or limit to, its extravagance. Such a permission could not safely be given to a Government which is accountable to a Representative Assembly, much less ought it to be entrusted to one which is practically autocratic.

I therefore object to the proposal that the ryots, or generally the men who pay an annual assessment to the Government, should be allowed to purchase up that assessment for a certain number of years' purchase, on the grounds that it would be injurious to the payers as well as to the receivers of the assessment.

(signed) *W. Denison.*

(No. 24.)

MINUTE by the Honourable *E. Maltby*, dated 24 December 1861.

COLONEL BAIRD SMITH'S proposed measure of making the land-tax permanent, and declaring it only liable to enhancement when Government supplies water by new works of irrigation, has long been the rule in the ryotwary districts of this Presidency, and has my cordial approval.

2. Our so-called annual settlements have led to an idea that the land-tax fluctuates, instead of being fixed; but this is an error. It is the charter of our ryots, and one which they dearly prize, that nothing can be demanded of them in excess of the established assessment, except when irrigation is newly supplied. This most valuable principle has produced

produced all the advantages depicted by Colonel Baird Smith, (in paragraph 60 and succeeding portions of his second report), in those of our districts which are favoured with a moderate assessment, such as Canara, Malabar, Tanjore, Cuddapah, &c., and it has given vitality to our ryotwary system in those districts where, notwithstanding the soundness of its principle, it nearly broke down under the grievous disadvantages of an unduly high assessment—cumbersome rules of detail leading to interference and annoyance on the part of the inferior revenue servants and imperfect land registers.

3. The annual settlements of the land revenue in this Presidency have not, therefore, been held for the purpose of fixing or altering the assessment, but to determine what sum was to be paid to Government by each cultivator for the current year, after ascertaining the extent of land in his occupancy, and his ability to pay the full assessment upon it. In consequence of over-assessment, lands were continually thrown up after a brief occupation, and remissions had to be given when produce was deficient, or prices were low. Hence these annual settlements used to be a long and laborious business, but they have already been greatly shortened by the progress made in modifying the assessment, and rectifying the details of our ryotwary system; and soon they will become a mere formal matter of account, as in Canara and Malabar, where a light as well as a fixed assessment has given land such value, that it continues in permanent cultivation, and the full assessment due upon it is collected with punctual regularity.

4. The rule which establishes the fixity of the assessment, or, in other words, declares that the established assessment forms the maximum demand against the landowner, is found throughout the records of our administration. It is contained in the Hookamnamahs, or Rules for the guidance of Collectors, published with the sanction of Government; and supposed infringements of it have formed a ground of action in the civil courts.

5. It was also lately quoted † as an insuperable bar to imposing a special duty on the growth of tobacco in this Presidency, when that measure was proposed by the Supreme Government.

6. So likewise, in the papers connected with the introduction of the present Revenue Survey, the long-established principle that a ryot is entitled to hold his land *so long as he pays the assessment on it*, and that the Government cannot oust him to give the land to another, was freely acknowledged.‡ Consequently, no increase to the revenues of the State was looked for under the survey by any enhancement of the present rates of assessment. On the contrary, Government declared its expectation, that the rate of assessment on a given area of land after the survey would be lower than it is now, and only anticipated an increase to its resources from other causes—viz. the discovery of fraudulent measurements, improper alienations to Inámdárs, and concealed cultivation, but more especially from a great extent of waste land being taken into permanent occupancy, when the present high assessment was universally modified, and boundaries and titles were made clear.

† Revenue Survey Volume, page 17, paragraph 28.
Ditto page 240, paragraph 13.
Same volume, page 455, paragraph 17.

7. The only point upon which any doubt has been felt in declaring the new Survey Assessment permanent, as a maximum demand, is connected with the price of grain. The new assessment is based, like the old one, on a certain portion of the assumed grain produce, converted into a money-payment on the average § prices of several preceding years. A question then arose, whether this assessment was to be considered unalterable, or was to be revised at short intervals as prices rose or fell. Government inclined to the latter arrangement, and expected to overcome the difficulty of ascertaining the real fluctuations of price by the establishment of public markets.¶ The Revenue Board, however, ¶ pointed out difficulties, and recommended a fixed settlement for not less than 30 years. I am myself strongly in favour of a permanent assessment for the following reasons:—

§ In some places this average was struck on the prices of several kinds of grain.

¶ Revenue Survey Volume, pp. 238, 239, 437, and 438.

(I.) Experience has clearly shown that the great essentials to the prosperity of the ryots are a moderate and fixed assessment, security of possession, and freedom from all interference or annoyance on the part of the native revenue servants, by declaring that so long as they pay a known demand, and no more, they cannot be molested. This end will not be attained if fluctuations of price can enhance the Government demand, especially when the means of ascertaining those fluctuations are so imperfect.

(II.) It has not yet been found practicable to establish public markets for the purpose of ascertaining the correct prices of grain, and, in addition to the obstacles pointed out by the Revenue Board on this head, a new instance of the difficulty may be cited. In Tanjore and Tinnevely, under the Ooloongoo system, the assessment payable in each year depended on the price of grain; but the evils attendant on such a system have very recently led to its discontinuance. When abolishing the Ooloongoo and substituting a fixed commutation rate founded on the average of several years, Government observed:—

“The principle of a grain-rent, annually commutable at the market price of the year, has at first sight a strong appearance of equity. But in practice it has been found, even in more advanced

* For some early instances on the introduction of the ryotwary system, see Appendix to this Minute.

† Revenue letter to Government of India, 11th June 1859, No. 774, enclosing letter from Board of Revenue, dated 21st April 1859, No. 1439.

‡ At present the question stands thus: In Extract Minutes of Consultation, 15th February 1858, No. 191, paragraph 38, Government ordered it to be notified that the assessment will be revised after 50 years, if then deemed expedient.”—Revenue Survey Volume, page 464.

Government Order,
22d July 1859, No.
979, paragraph 4.

advanced countries, that the tendency of such a system is to diminish the independence of the tenant, and with it his steady industry. In this country, where the sources of information as to price are so greatly inferior, the effect is, in addition, to lead to *extensive fraud and corruption.*"*

(III.) If fluctuations of price are to affect the assessment, then the demand on the ryots will have to be increased in a year when the price of grain rises, and this operation would be always difficult and productive of heart burning and mistrust. Even when a rise of price was beyond dispute, the ryots could justly urge, in most cases, that it was owing to *short crops*. If the assessment remains unaltered, one of these two elements of variation counteracts the other; but as the wise principle has been laid down that no remissions are to be given for short produce under the new and modified assessment, an additional burden would be virtually placed upon the landowners at a time when they are least prepared for it, if an increase in the price of grain is to raise the assessment.

Revenue Survey
Volume, page 17,
paragraph 28.

Revenue Survey
Volume, pages 8
and 9, paragraphs 13
and 14.

(IV.) The evils of our annual settlements have been so great in leading to uncertainty, corrupt interference on the part of the taluq servants, and fraudulent practices, that it is the great object of the survey to get rid of them, by fixing such a moderate assessment as can be paid in all ordinary years. The new assessment is not to be a rent which swallows up the surplus produce after paying the wages of labour and the profits of the agricultural stock employed, but a land-tax, which is to leave a surplus or rent to the proprietor. Exact accuracy is, therefore, declared immaterial in classifying the land and calculating the produce, and the same reasoning urges the fixing of a moderate commutation rate once for all: else the same necessity will continue for periodical settlements, with their uncertainty and evils, and we shall have all those corrupt practices in fixing the price of grain in different ranges of villages, which have just been swept away by the abolition of the Ouloongo in Tanjore and Tinnevely.

8. These arguments tell most strongly against allowing the assessment to fluctuate, *annually* or at short periods, with the price of grain; but they seem to me also to have much force against an arrangement for re-adjusting the assessment, in reference to the state of the markets at distant intervals of time. Unless the assessment is declared permanent an equal degree of confidence will not be felt, and in consequence capital will not flow as abundantly to the land, and land will not attain the same saleable value. It will also be impracticable to allow the redemption of the land-tax, should that measure be considered advantageous to the State, nor could the Inám question have been satisfactorily settled by the issue of permanent titles to the holders of enfranchised Inám on the payment of a portion of the old assessment, if this obstacle had been allowed to intervene. The importance of this last consideration will be evident when the immense* extent of the Inám lands is recollected; and as no question regarding the fluctuations of price prevented a permanent settlement being made with them, I trust that the same course will be followed with the other lands of the Presidency.

9. I express this hope on a full conviction that a moderate land-tax, fixed once and for ever, is the surest method of promoting the interests both of the Government and the landholders. The encouragement thus given to enlarged agricultural operations, the additions to other sources of revenue which must follow a more extensive and profitable cultivation of the land, and the economy practicable in establishments under a simple system of administration, would, I believe, more than equal any increase in the land revenue which Government can expect from a rise in the price of grain. On the other hand, too, a permanent assessment is such a boon that, so long as any profit remained, the landowners would bear fluctuations of price below the commutation rate, nor would they in their prosperity be beyond the reach of additional taxation, should pressing occasion arise. An income-tax which includes incomes derived from rent is now in temporary operation, though it is to be hoped that the need of it will soon pass away. [Since writing these remarks, I have found the course proposed by me strongly advocated in an elaborate Despatch from this Government to the Honourable the Court of Directors, dated 5th March 1813, when the ryotwary system was under consideration, and I would invite attention to paragraphs 130 to 135. The Government observed—"The object which is difficult of attainment, and which requires the first attention is the *augmentation of the general wealth of the country*. It will be always easy, we conceive, to devise means of drawing a due portion of that wealth as it increases into the public treasury;" and then they argued, most justly in my opinion, that a *fixed* assessment is the manspring of agricultural enterprise and wealth.] I am thus strongly in favour of a permanent assessment, and by parity of reasoning should prefer a settlement for a term of years to annual settlements.

10. I do not enter into the question of redeeming the land-tax, since the opinion of this Government is not called for on that point in Mr. Secretary Grey's letter, now under notice.

(signed) *E. Malthy.*

* † Memo.— A statement obtained by me from the Revenue Board shows that the Inám lands equal nearly one-fourth of the assessed area. They comprise six millions of acres, while the assessed area amounts to 20 millions.

APPENDIX.

In a Revenue Despatch to Bengal, dated 29th January 1813, the Honourable Court of Directors observe, in paragraph 34:—"Hence it was also that the survey rents in the Ceded Districts, and indeed in most of the other collectorships in the Peninsula, where the ryotwary system had been carried into effect, constituted *the maximum* of annual rent to which the cultivator was liable."

2. The Madras Government, in their Revenue letter to the Court of Directors, dated 12th August 1814, when replying to the Court's orders to carry out a *permanent* ryotwary settlement, state in paragraph 6:—

"Independently of the general interest excited by the character of its author (Colonel Munro), his paper, dated 15th August 1807, claims notice as containing the only project of a ryotwar permanent settlement. To that paper your Honourable Court's Despatch makes a marked reference, and we accordingly feel ourselves at liberty to regard the project which it contains as the *Permanent Settlement* which your Honourable Court would wish to introduce. In speaking of the ryotwar system we, therefore, beg for the sake of accuracy to be understood to mean the system recommended in Colonel Munro's letter of 15th August 1807."

3. In the Revenue Board's elaborate Minute of 5th January 1818, on the land tenures of this Presidency, a comparison is thus drawn (in paragraph 140) between the zemindary and ryotwary settlement:—

"The grand difference between this system and the permanent zemindary settlements, was that engagements for the revenue were entered into by Government with each individual ryot, instead of with an intermediate hereditary zemindar * * *. The assessment was a *permanent maximum* assessment fixed on each field."

(No. 25.)

MINUTE by the Honourable *W. Morehead*, dated 5 January 1862.

THE only answer that can be made by this Government to the letter addressed to it by Mr. Secretary Grey, must be to the effect that no change of tenure is called for. As under the ryotwary system the lands are made over in perpetuity to the ryots, the ryot is to all intents and purposes the proprietor of the land: he can sub-let it, and transfer it by gift, sale, or mortgage; and so long as he pays the *fixed* assessment on it, he cannot be ejected by the Government. No better title, or one more secure, can be given. That it is felt to be secure is practically proved by the fact that ryots without hesitation dig wells and effect other expensive improvements, satisfied, under the existing revenue rules, that their permanency of title is secure.

2. The difficulties which our ryots have had to meet have been confined to the high rates of assessment, and to the evils consequent thereon. These, however, have been almost entirely removed, and with the introduction of lower assessments, the cultivators of this Presidency are now placed in such a position as to be without any legitimate subject of complaint, and to cause their earnest prayer to be that they may be left in the undisturbed enjoyment of their present privileges.

3. In the remarks made by Mr. Maltby as to the assessment being a final one, and in the wisdom of declaring the money rate a permanent one, I quite concur. I am satisfied that the assessment was intended by Sir T. Munro to be a final one. As such it has been adopted by Government.

(signed) *W. Morehead.*

(No. 26.)

MINUTE by the Honourable Sir *H. B. E. Frere*, dated 3 March 1862.

I THINK Mr. Maltby's is the sound view, and would strongly urge its sanction by the Secretary of State, with instructions to give legislative force to the limitation of Madras land-tax to the rates now fixed by Lord Harris's survey and assessment.

2. The Governor's arguments in favour of grain-rates, and a revision 50 years hence, would be of force if they were not outweighed by the reasons for certainty and fixity of demand in all dealings between Government and the cultivator in this country, and by the absence of any necessity for providing for greater fluctuations in the price of grain, and in the value of the precious metals, than have taken place during the past 200 years.

3. I would, in writing to the Secretary of State, briefly recapitulate Mr. Maltby's arguments.

(signed) *H. B. E. Frere.*

(No. 27.)

MINUTE by His Excellency the Governor General, dated 8 March 1862.

I WOULD write in the sense suggested by Sir Bartle Frere, and insist strongly on the inadequacy of the object for which Sir W. Denison desires a fluctuating assessment.

(signed) *Canning.*

(No. 28.)

MINUTE by the Honourable *Cecil Beadon*, dated 13 March 1862.

I ENTIRELY agree in Mr. Maltby's recommendation as far as it goes; but, in my opinion, it does not go nearly far enough.

The principles for which we ought, I think, to contend in bringing about a permanent settlement of the land revenue for all India are the following:—

1st.—That all persons paying land revenue direct to the Government, whether they be ryots or whether they be zemindars, when once their lands have been surveyed and fairly assessed, are entitled to hold them at a fixed jumma for ever

By a fair assessment, I mean not only a fair and moderate assessment as regards the share of the actual rental to be taken by the Government, but an assessment comprising at least a certain proportion of the culturable lands of a village. I would not give a permanent settlement to a village of which less than one-half of the culturable lands are under cultivation and assessed at fair rates, and perhaps it may be expedient to require a larger proportion, say two-thirds or three-fourths. But I would certainly give a permanent settlement to every village of which three-fourths of the culturable lands are cultivated and assessed; and I would do this upon the avowed and broad principle, that the Government desires to limit its demand on account of land revenue, and to give an ample margin for the accumulation of wealth by improvement on the value of landed property.

2d.—That upon all persons paying land revenue direct to the Government, who do not already possess a full heritable and transferable right in the soil, such a right should be expressly and distinctly conferred.

3d.—That in villages under ryotwary settlement—where the Government is the only real proprietor of the soil, and where each ryot has nothing more than a heritable and transferable right of occupancy in the lands he cultivates and pays revenue for, the lands not so occupied being at the entire disposal of Government—if the quantity of occupied land exceeds a certain proportion of the culturable lands of the whole village (at least one-half, or perhaps as much as three-fourths), the Government should give up its proprietary right in the whole village and divide the unoccupied lands among the occupant ryots on fair proportions, conferring upon each ryot a full proprietary right on the whole of his share, including occupied and unoccupied lands, subject to a fixed jumma for ever, equal to the amount assessed at the last settlement on the lands then actually in occupation.

4th.—That as an alternative of the last-mentioned course, to be adopted where, as in Bengal, there is no objection felt either by the ryots or by the Government to the creation of a zemindaree tenure intermediate between the Government and the ryots, the proprietary right of Government in the whole village, bearing the jumma assessed on it at the last settlement, should be put up to auction and sold to the highest bidder, the purchaser receiving a full proprietary right in the soil of the whole village, but all rights of occupancy under the Government being carefully reserved.

This is the course now being actually taken with the Government estates in Bengal; and though it has many advantages, I apprehend the objections felt by the authorities in Madras and Bombay to its adoption in those Presidencies would be found to be nearly insuperable.

I cannot agree with the Government of Madras in thinking that the tenure of the ryot in that Presidency, even if the revised rate of assessment be declared

fixed

fixed for ever, is anything like a permanent hereditary, and transferable proprietary right in the soil such as we desire to give him. Though he is not subject to an annual settlement such as would alter his *rates* of assessment with reference to the price of grain, or any other disturbing cause, he is subject to an annual settlement to ascertain the quantity of land he has in occupation, and his jumma is increased or diminished according as he has taken more lands into cultivation or thrown up a portion of those which he occupied the year before. It is true that he enjoys what the Government of Madras considers the great advantage, but what appears to me to be a very doubtful advantage, of being able to throw up, and cease to pay revenue for such lands as it is not convenient to him to continue to cultivate, being compelled, at the same time, to relinquish all right of occupancy in them, and enabling the Government to dispose of them as it pleases; but, on the other hand, no ryot can increase the quantity of land in his occupation without having at once to pay the full rate of assessment upon the newly occupied lands, even though they may not at first yield him a profitable return. Such a tenure as this bears no resemblance to the proprietary right in the soil over a certain and defined area subject to a fixed jumma in perpetuity, nor can it be said that it offers any adequate encouragement to the improvement of the land. I feel perfectly satisfied that in Madras and Bombay, no less than in the Presidency of Bengal, the Government would do most wisely to confer a full proprietary right in the whole soil, wherever it is now vested in the Government, upon those who have the deepest and most direct interest in improving the land and developing its resources, and to limit its demand on account of land revenue to a fixed sum in perpetuity in every village in which a reasonable proportion of the lands have been brought under cultivation and assessment, relinquishing in such villages its proprietary right to the waste or uncultivated lands as well as to those in occupation, and leaving all the benefit, arising from the future reclamation of such lands, to be enjoyed by the persons upon whom the proprietary right is conferred.

In this way, without making any undue sacrifice of its land revenue, which even now perhaps forms more than a fair or safe proportion of the imperial income, we should confer upon the whole of India the inestimable boon of a fixed settlement, fraught with all the advantages which Bengal has derived from Lord Cornwallis's settlement, but free from its defects; we should give to every occupant of land the most powerful inducement that human nature knows to increase the value of his property, and we should lay the foundation of great, and even increasing prosperity, giving wealth and contentment to the people, and security and financial ease to the Government.

(signed) Cecil Beadon.

(No. 29.)

MINUTE by the Honourable *S. Laing*, dated 7 April 1862.

THESE papers have now for the first time reached me. I agree with Mr. Beadon that they really raise the whole important question of giving permanency to land tenures throughout India, as, although the circumstances of Madras are in some respects special, we can hardly deal with them satisfactorily without having made up our minds as to the general policy to be pursued in regard to this, the most important of all Indian questions.

I concur generally with Mr. Beadon's views.

We may, I think, begin by setting aside any idea of a grain settlement as a general measure.

There is no grain which, like wheat in England, affords a tolerably uniform and accurate measure of the value of "money," as measured in "commodities."

Wheat does so in England very imperfectly, for a thousand different causes affect the range of price over a long period, as well as the mere supply of the precious metals.

But in India, one district consumes wheat, another rice, another dhol, or some of the many forms of pulse, of which we hardly know the names, and the accidents of a wet or dry season, the want of communications throughout such a vast country, and other circumstances, cause enormous fluctuations, often of

hundreds per cent., in the market price of grain between one year or district and another.

I am satisfied, therefore, that Mr. Maltby is quite right in saying, that any form of grain rent would utterly fail to give that security which is the great object of having a settlement at all; and that a fixed money rent, even for a comparatively short period, would be preferable.

Practically, I consider the question lies between giving a fixed money settlement for a long term, or in perpetuity.

If I incline to the latter, it is not from overlooking the really strong arguments that may be adduced for a periodical settlement.

Practically, the State, as the landlord in most parts of India (except Bengal), and the land tax, is only rent under another name.

I have no doubt also, that the tendency of rent in India is towards rapid rise.

If the English Empire in India lasts for 20 years, I feel certain that the value of land, the efficiency of labour, the saleable produce per acre, everything in short that constitutes the natural rate of rent, will have more than doubled.

On the other hand, the money rate of wages and of money commodities will have risen, so that the necessary expenditure of the State will have increased.

Why then, it may be said, give up, as a gratuitous gift to persons who have no claim to it, that progressive increase in the natural rate of rent, which would enable Government to meet increased expenditure with diminished taxation?

As a mere money question, I am by no means sure that it is desirable to go beyond 20 or 30 years' settlements.

Taking the case of Bengal, which has had a permanent settlement since Lord Cornwallis's time, or for years, it is not true that the increase of indirect taxation has yet made up for the loss of land revenue.

If we compare Bengal with Madras, the one being the type of the system under which the State has parted with its rights in perpetuity for the sake of creating a class of independent landed proprietors, the other where it has suppressed all intermediate rights and dealt directly with the individual peasant-occupiers, I find the following results:—

The population of Bengal is in round numbers double of that of Madras, or 40,000,000 to 20,000,000. From the Bengal revenue should be deducted, for the purpose of a fair comparison—

1st. Opium, which is the happy accident of a tax paid by China, and not a tax paid by Bengal;

2d. One-third of the Customs' duties which are received in Calcutta on imports and exports, not of Bengal, but of the North West.

I deduct also, in each case, tributes paid by Native states, and similar sums of revenue which have nothing to do with the taxation of the two Presidencies.

Having done so, I find the following results from the estimates of the year 1861-62:—

	Bengal.	Madras.
Population - - - - -	40,862,307	20,127,856
Land Revenue (including Sayer)	£. 4,000,000	£. 4,103,000
Abkarry or Excise - - - - -	420,000	310,000
Assessed Taxes (Income Tax, &c.) - - - - -	750,000	308,000
Customs - - - - -	750,000	240,000
Salt - - - - -	2,700,000	850,000
Stamps - - - - -	510,000	171,000
Post Office (including Service Postage) - - - - -	118,000	63,000
All other Receipts - - - - -	200,000	57,000
Total Revenue - - - - -	9,673,000	6,107,000
Per head per annum of population—Land	s. d. 2 -	s. d. 3 7
Other Taxes - - - - -	2 0	1 0
TOTAL - - - - -	4 0	5 4

Moreover,

Moreover, the revenue of Madras is increasing more rapidly than that of Bengal.

The land revenue of Madras has risen in five years from 3,380,000 *l.* to 4,105,000 *l.*, concurrently with a considerable reduction of assessments and relief to the cultivators, owing to the extension of cultivation; while, in Bengal, no corresponding advance has taken place, although the extension of cultivation and improvement in the value of land has been probably quite as great.

As a mere money question, therefore, I think it almost certain that, by retaining the position of landlords of a rapidly improving estate, we should find ourselves richer 20 or 30 years hence, than if we give up "rent" for "free duty."

Nor am I sure, that in a good many cases, the position of the actual cultivator of the soil might not be better under a liberal landlord like the Government, giving long leases on moderate terms, than under an intermediate landlord.

Such difficulties, as are now beginning to be felt in Bengal, must inevitably arise between zemindar and ryot everywhere, as the natural or intrinsic "rent" of land arises.

Is the zemindar to benefit by it as "landowner" in the English sense of the word, or is the ryot to be considered as the owner of the soil, subject to a free duty to the zemindar, fixed once for all at the time of the settlement?

At present nothing can be more indefinite than the position of these parties, and no means are provided for arriving at a solution in any other way than by what I can only call a social war in the law courts, terminating in some practical compromise arising from mutual exhaustion.

This is the course things are taking in several districts of Bengal. It may have been accelerated by imprudent legislation in Act X. of 1859, and injudicious action on the part of local authorities with regard to indigo; but it is inevitable that great difficulties and social changes must result from a state of things which creates a large prize to be contended for, viz., enhanced value of land, and leaves it uncertain to whom and in what proportions that prize belongs.

Even if we could succeed in protecting the interests of the existing revenue-paying ryots, the establishment of a fixed tenure of land must tend to bring an increasing mass of the population into the condition of ordinary rent-paying tenants or hired labourers, as the ryots who are made freeholders would by degrees sell or sub-let. Notwithstanding these objections I am, however, favourable to the general principle of permanent assessment.

We do not exist as a Government merely to get the largest revenue we can out of the country, or even to keep the mass of the people in a state of uniform dead level, though it should be a tolerably happy and contented one, as a peasant tenantry under a paternal Government.

If we give a permanent settlement, as Mr. Beadon proposes, we lay the foundation for a state of society, not perhaps so easily managed, but far more varied and richer in elements of civilization and progress. We shall have gradations of society from the native noblemen of large territorial possessions down through the country gentleman of landed estate, to the independent yeoman, the small peasant proprietor, the large tenant with skill and capital on a long lease, the small tenant on a lease, the tenant-at-will, and the day labourer.

In some districts one class will preponderate, in others, a different one; and, on the whole, I do not doubt that, although there may be more hardships, inequalities and collisions, there will be more life, activity, and progress, than there ever could be where the Government was all in all.

If the Crown in England had kept the fee-simple of all lands forfeited by successive civil wars or seized from the Church, there might have been a revenue which would have gone far to carry on the Government without taxes, but would England ever have been the country it is?

If we have any business at all in the East, it is to try and found something better than the old approved pattern of Oriental despotisms, and to give India the chance, at least, of becoming a great, independent, and intelligent community.

Nor do I see any reason to fear the effect on revenue.

It may be true that we shall not get so much revenue as if we had kept the

the increase of rent in our own hands, at any rate for the next 20 or 30 years, while it is almost certain to be rapidly increasing.

But I have no fear of our being able to get revenue enough, provided certain conditions are observed in regard to our land settlement, and I am by no means sure that it is desirable that a Government should appropriate a larger share of the income of a country, or get money more easily, than is really essential to meet the proper objects of a Government.

The conditions I look to as essential in a permanent settlement are—

1st. That we should not throw away the culturable but uncultivated lands.

2d. That we should provide for the land bearing its fair share of local burdens.

As regards the first point, Mr. Beadon suggests, what seems to me a very proper limitation, viz., that a permanent settlement should only be given where a large proportion of the culturable land of the district has been brought into cultivation.

The general practice is to assess cultivated land at a fair moderate rate, and culturable, but uncultivated land, at another and much lower rate.

Now I have no objection to fix what is now a fair rent for land in cultivation, as a permanent rate, and take my chance of getting back by indirect taxation whatever revenue I may want owing to a general alteration of money-value arising from the general growth of wealth and prosperity. But I do not think the State should give away for next to nothing any considerable mass of land of fair quality, which it is morally certain that a few years of good government and improved communications will bring into cultivation.

There should, therefore, be some stipulation that, either as Mr. Beadon suggests, three-fourths of the culturable waste should be cultivated before a perpetual settlement is given; or else, that it shall pay as it is brought in at a fixed rate higher than is now paid for it as uncultivated, though lower, perhaps, than the full permanent rate on the old cultivated lands.

With this condition, the land revenue would still continue in most parts of India to be a buoyant one, and a perpetual settlement would even tend in many instances to increase its buoyancy by accelerating the extension of cultivation.

I do not allude to the cases where the Government does something which directly enhances the value of land, as bringing water to it by a canal, as it is a necessary part of all plans of permanent settlement that provision be made for taking a fair price for such advantage in the form of water rate or otherwise.

Secondly. I consider it even more essential that, in any permanent settlement, provision be made for throwing such local burdens on land, as are usually borne by land where the State is not the landlord.

In England land pays poor rates, highway rates, Church rates, police, and various other local rates, amounting in all to 12,000,000 *l.* or 15,000,000 *l.* a-year, and on the average to more than 10 per cent. of the gross income of real property.

Education also is supported in Scotland by a direct local tax on land, and in England very much by local contributions of landed proprietors.

If India is ever to have such appliances of civilization as plenty of good roads, schools, local police, &c., in every district, they must be supported by local rates, and these rates must fall mainly on land.

The perpetual settlement of Bengal is an instance, not of the impolicy of perpetual settlements generally (for, in spite of all defects, it has created a great mass of wealth, and kept the largest section of the empire attached to us throughout the mutiny), but of the impolicy of neglecting the two conditions I have specified.

If we had not thrown a vast extent of culturable waste into the bargain, without any equivalent, and if we had expressly reserved some adequate local taxation, Bengal would not have remained, to the present day, almost without roads, and with a police whose inefficiency for everything but evil was a by-word; and which a great part of the 4,000,000 *l.* a-year which the comparison with Madras clearly shows to have been sacrificed, might have been saved to the

the revenue; it is questionable whether the landowners themselves would not have been better off, as wealth would certainly have accumulated faster, but for the almost total absence of internal improvements.

As regards the practical mode of proceeding with regard to this important question of land tenure, I should think the first thing would be for his Excellency the Governor General in Council to consider maturely the general principles on which we are to proceed.

This being done, we should communicate with each Government separately as to the best mode of giving them effect under the particular circumstances of their territory.

If, for instance, the principles which Mr. Beadon and I have endeavoured to lay down were approved of, it would be necessary to point out to Madras the conditions which it appeared to us desirable to enforce, and consult them as to the details, which I do not think could be uniform for all India, having regard to the extreme diversity of tenure and other circumstances.

For instance, how the cultivation of waste land should be provided for? How benefit from Government works of irrigation should be paid for? How the principle of local taxation should be assisted without carrying its practice too far in the first instance? These are all questions upon which it would be imprudent to decide anything without the fullest communication with the local authorities.

This need not delay a general expression of our opinion to the Secretary of State and to the Madras Government, unless his Excellency the Governor General should wish to have an opportunity of personal communication with the authorities of the North West Provinces, where the question is raised on a still larger scale than at Madras by the approaching termination of the settlement made in 1835, before he finally makes up his mind, or commits himself upon a question which is certainly, of all others, the most important in India, and upon which so many high authorities have held conflicting opinions.

(signed) *S. Laing.*

P. S.—I do not refer to the question of redemption of land revenue, for it is no necessary part of the question of permanent settlement.

I doubt its advantage, except in the case of waste lands in unoccupied districts, and would certainly not allow any extension of it that can be helped at such a low rate as 20 years' purchase, which involves a direct loss to the State, as we cannot invest at five per cent.

(No. 30.)

From *W. Kirke*, Esq., Assistant Secretary, for Secretary to the Government of Punjab and its Dependencies, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 339), dated Lahore, 25 April 1862.

I AM now directed, with reference to your communication, No. 1474, dated 20th March last, to convey, for the information of the Supreme Government, the opinion of the Lieutenant-Governor as to the expediency of fixing, in perpetuity, the land tax in the Punjab.

2. Appended are the letters which have been received on this subject from selected officers.

3. It may be noted that the contrast which has been depicted by Colonel Baird Smith between the state of the North West Provinces before and after the settlement under Regulation IX. of 1833 has never been visible in the Punjab. The experience which had elsewhere been accumulated led to the early introduction into the Punjab of a settlement in conformity with that regulation, and except the Trans-Indus Districts, there is none now in which a record of rights has not been completed, or nearly completed, and assessments, based on detailed measurement and statistics, fixed. The same confusion having never prevailed, we cannot expect to witness the same restoration simply from extending the duration of the settlement.

4. The map made by Colonel Baird Smith with special advertence to the Punjab

Punjab settlements, is also perfectly correct, "that it would be premature to regard them otherwise at present than as in a state of transition and progressive adjustment."

5. Moreover, it may be observed that the course of assessment in the Punjab has been the opposite of that in the North West Provinces; for, from various causes, frequent reductions of the revenue fixed at the time of the settlement, instead of an increasing demand, have been sanctioned.

6. But, besides these differences in the current of revenue affairs in the Punjab, there are some physical distinctions of importance. The Punjab is not half cultivated; there are immense waste tracts almost unpopulated; the communications are incomplete; and the resources generally but partially developed. Hence, even admitting that it were wise to abandon the prospective right of Government to a share of the increased rent, in a province which had attained to an average degree of agricultural advancement, it might still be prudent to maintain it in one which remained in a backward stage.

7. It will be gathered, therefore, that the Lieutenant Governor is opposed to making the existing settlement in the Punjab perpetual.

8. It may next be considered if there are any tracts to which such a settlement may advantageously be conceded. There are undoubtedly several districts which have arrived at a fair state of agricultural improvement; but except in the divisions of Delhi and Hissar, transferred from the North West Provinces, our experience has not been long enough to show first, whether the assessment fixed is, as a whole, really moderate; and, secondly, whether its distribution in detail is really equable. We know that the price of grain is subject, from the uncertainty of the seasons, to extraordinary fluctuations, which, continuing in their effects for several years, materially affect the character of the land revenue demand, and the ability of the agriculturists to satisfy it. Until we have passed through a large cycle, it is impossible to pronounce with any confidence that the demand is perfectly moderate. Up to this time our procedure has been tentative. We found the land revenue, after a series of dear years, at a very high figure. We reduced it largely, and, to the best of our judgment, sufficiently. In many places time evinced the necessity for still further reductions, which have been invariably granted. If the original assessment had been fixed in perpetuity; if it had been assumed that the first demand had been infallibly fixed; that the agriculturist must take the consequences of his engagements; then the quantity of land sold for arrears of revenue would have been very extensive, and the political effects much to be lamented. Happily a different policy prevailed. Errors of assessment were recognized and admitted, and the assessment decreased. In this way much of the disorganization recorded in the annals of the North West Provinces has been averted. But the Lieutenant Governor thinks that even now our experience is not sufficient to enable us to declare the assessment, even in flourishing tracts, to be so unquestionably moderate as declared perpetual.

9. Still less can the equability of the distribution be finally affirmed. Passing as the country did from native to English rule, many causes of inequality existed at the time of the first settlement, besides such as may be traced to error or ignorance. Many villages were in temporary distress, and depressed below the average of cultivation; others, in temporary prosperity, may have been too highly assessed. These inequalities would probably be rendered more marked by the continuance of the settlement, at the end of which they would be corrected, but which, if made permanent, would perpetuate them.

10. One standing cause of inequality has been, it will be observed, prominently mentioned by Mr. McLeod, the Financial Commissioner. In a striking passage in Colonel Baird Smith's Report are described "those unseen reservoirs formed by the broad expanses of water-bearing strata" which rank with the greatest rivers in their influence, and the irrigation from which is both vastly more extensive and more fertilizing than that from canals. The multiplication of wells is a sure sign in the Punjab of the expenditure of private capital on the land, and of an advancing agriculture. The Asiatic theory of land revenue is, that the Government is entitled to a certain share of the gross produce. This was frequently commuted to a money demand under the Sikh administration, and

our own revenue assessment was partly founded on this commutation. The theory of our assessment is that it is a tax on the rent of land. But inasmuch as in many cases a large portion of the produce is reared by the aid of irrigation from wells, and those wells are sometimes constructed and always worked at private expense, our tax is in reality often a tax on capital. And in calculating the demand, well-irrigated land is always rated higher and often at double the rate on unirrigated land. No alternative is left to the people but to follow the same practice; they have been accustomed to the hardship from time immemorial, and in the Punjab at least, there is also this to be said, that the great majority of the wells were found ready built by the immigrant forefathers of the present occupiers of the soil. Nevertheless, carefully scrutinized, the extra assessment put upon well-irrigated land, must tend directly to prevent capital being invested in land, and consequently to keep the agriculturists in a state of poverty, without incentive to the best improvement of their holdings, and incapable of bearing up under periodical drought. If so, the policy of imposing this extra assessment may well be questioned.

11. So long as the additional revenue accrued to Government, the inequality of taxation involved, and its obstructive consequences might, in the absence of all complaint on the part of the people, pass unnoticed; but now when it is proposed, with the view of developing the wealth of the country, to limit the land tax, for ever, it would certainly appear to be worthy of consideration, whether some adjustment of the liabilities of lands irrigated from wells ought not first to be made.

12. For otherwise we may be placed in this predicament. We declare the present assessment perpetual. In due course, large tracts now uncultivated will be reclaimed, and wells will be sunk in them. Such irrigated lands will then be exempt from land tax. But in those tracts which have long been cultivated, well-lands will continue to pay their present high assessment. The contrast will be glaring. For a long time to come, the irrigated lands of our richest districts would be depreciated as valuable property, and an undue stimulus would be given to the transfer of the labour and capital employed upon them, to tracts now sterile and unoccupied. Or the disparity may be seen on a smaller scale, and the founders of wells before and after the perpetual settlement, having lands in juxtaposition, may be found paying at rates quite unequal, and, in their opinion, unjust.

13. In a country completely cultivated, it might be financially impossible to forego the revenue fixed upon well-irrigated lands. But provided that *it is once admitted that it is politically expedient that a limit be placed for ever to the revenue derivable from the land*, there are, in the state of the Punjab, evident facilities for remitting the claim of Government to share in profits accruing from well-irrigation. The vast extent of uncultivated lands affords an immediate outlet to agricultural industry. No more congenial incentive to enterprise could be held out than the remission of the demand on account of irrigation. And the increase of the land revenue at unirrigated rates would suffice, as Mr. McLeod has proposed, gradually to extinguish the revenue assessed upon wells without loss to the State?

14. The Government would then give to the owners of wells the same advantages which it secures to itself when constructing canals, namely, the whole profits of capital expended. Such liberality would speedily reap its due reward in an improved and spreading agriculture, and in an increasing population.

15. It might also, in many localities, be relieved from the duty now frequently forced upon it, of constructing costly works of irrigation, which are confessedly less efficacious than the scanty but better husbanded waters from wells.

16. On a view of the whole subject, as it affects the Punjab, the Lieutenant Governor considers that if it be prudent in a country like the Punjab, which is still in a backward stage of cultivation, which cannot be said to pay its entire military expenses, and the civil institutions of which are not adapted to the most advanced state of society, to declare the land tax liable to no future increase, still the existing and prospective inequalities of distribution are so many and great, as to render its perpetuation very inadvisable.

17. With advertence to the concluding clause of the third paragraph of your letter under reply, I am to state that the Lieutenant Governor is of opinion that the concession of a legislative sanction to the current settlements would have no practical effect, as the people have been accustomed to regard the acts of the executive as conclusive, and experience has shown them that there is no danger of the imposition of demands not provided for under the settlement agreement.

(No. 31.) •

COPY of a Letter from Financial Commissioner, Punjab, to the Secretary to the Government of Punjab (No. 4), dated 4 January 1862.

Extract of a letter from Government of India (No. 2034), dated 7th October 1861.
Printed copy of Section 11 of Colonel Baird Smith's Report on the late Famine.

I HAVE the honour to acknowledge the receipt of your letter, No. 1918, dated 7th ultimo, with its enclosures noted in the margin, calling for my opinion as to the expediency of introducing a permanent settlement into this province, with reference more especially to paragraphs 62 to 82 of Colonel Baird Smith's Report.

2. I may state, at the outset, that I consider the great bulk of the Punjab to be at present essentially what Colonel Smith terms "a transition state" as regards assessment, and therefore unfitted for any such experiment. Apart from this, however, I am opposed to the measure on abstract grounds, though in tracts, where estates generally are fully cultivated, or where the amount of waste existing has been reserved, not in consequence of want of cultivators, but to suit the convenience of the community; there, I am entirely in favour of an assurance being given, that there shall be no future enhancement.

3. Where there exists an undue extent of waste land, I am wholly opposed to perpetuating existing assessments.

1st. Because to do so, would be in contravention of what I believe to be a primary duty of all Governments in respect to taxation, viz., to equalize its pressure as much as possible, laying the heaviest burden on those most able to bear it.

2d. Because we should be thus circumscribing the resources of those who come after us, to an extent which can be justified only by adducing the most indisputable and sufficient grounds for such a measure.

3d. Because I believe it to be wholly unnecessary for securing all the progressive improvement, and breaking up of waste, which can be attained without prejudice to the interests of those who deserve most consideration at our hands.

4. That such a measure must ultimately beget great inequality of assessment is inevitable, and it appears to me equally certain that the effect of this must be exceedingly injurious. Every settlement officer of experience will admit, that inequality of assessment is an evil only second to over-assessment; and when this inequality is rendered permanent, the evil must be aggravated. Those who may be said heretofore to have borne the burden and heat of the day, who have brought their lands into a high state of cultivation, and have created the means of irrigation, drainage, or other fructifying processes, will find themselves permanently taxed at a much higher rate than their less industrious neighbours, who have kept a large portion of their lands waste or unimproved, and it is not to be conceived that they should not, under these circumstances, consider themselves, and be considered by the community, to have been hardly dealt with.

5. It is unnecessary to dwell upon the necessity of adducing very sufficient arguments to justify the legislature in imposing limits on the action of all future Governments in the matter of taxation; very strong arguments may, I think be adduced, why a larger amount of revenue than at present should not, in future, be derived from a land tax, but the perpetuation of existing inequalities is a very different question, and, in my opinion, those arguments by no means suffice to justify the measure in this shape.

6. I have remarked above, that I consider such a measure unnecessary for securing the object in view, that of promoting agriculture and reclaiming of wastes. The several causes to which Colonel Smith has very justly attributed the progressive improvement in some parts of the North West Provinces are, "protracted fixity of the public demand, the security of titles, the general moderation of the assessment, the recognition and careful record of rights, and the reasonably equable distribution of the burden of land taxation," (*vide* para. 62); and of these, I regard moderation of assessment, and equality of distribution to be so much the most important, that I am convinced cultivation would rapidly extend under their operation, though assessments were constantly revised, and but little regard paid to the recording of rights, as indeed we find to be the case under well-ordered Native Governments.

7. I have further expressed above, the opinion which I entertain very strongly, that to give an undue or artificial stimulus to the breaking up of waste lands, must net with an immediate injurious effect on cultivated lands adjoining. This is keenly felt in all parts of the

the Punjab, in which the existing population and agricultural capital are insufficient to bring the entire area under the plough, and must be felt in like manner in all the tracts similarly circumstanced, in which, by leasing new or deserted wells on plots of uncultivated land, on exceptionally favourable terms, a factitious stimulus is given to the breaking up of waste.

8. It is true, there are parts of India which might, with advantage, contribute a portion of their surplus population to supply the deficiencies of other parts which are under-populated; but even to secure this object, I do not think that exceptional action on the part of Government is desirable, unless for the attainment of some special administrative object, such as that of locating our discharged soldiery, as now in progress in Candeish.

9. I believe that the day is approaching when the strong convictions which led to the abolition of the corn-laws, will lead to the abolition likewise, amongst enlightened races everywhere, of all exceptional legislation whatever in the matter of taxation. The evils which it begets, I believe to be much greater than those which it can possibly remedy, and I consider the only safe principle of progress to be, to allow the action of self-interest to proceed unfettered, Government scrupulously refraining from affording to one section of the community greater advantages than to another.

10. The above are all the remarks which I wish to offer in connexion with tracts possessing waste land in excess. As regards tracts fully cultivated, I have expressed (in paragraph 2) the opinion, that it will be well for Government to give an assurance that the assessment shall not, hereafter, be enhanced, and (in paragraph 5) I have admitted that the renunciation by Government of all future increase of income, in the aggregate, derived from land, may be advisable; but I have refrained from advocating perpetuity of the demand at present, from any lands whatever.

11. My reason for this is, that in my opinion, all fully cultivated lands, almost without exception, pay in India a higher rate of revenue than is justly demandable from them, owing to a principle of assessment heretofore recognised and acted upon throughout the East, which I believe to be fundamentally erroneous; and I consider, therefore, that this demand should nowhere be irrevocably fixed, until whatever is in excess has been remitted, and our past error corrected.

12. The principle to which I refer, and which I believe to be still adhered to by us in all parts of India, where the demand is not permanently fixed, is this, that Government is entitled to a certain proportion of all that is produced from the soil, and hence our land tax, instead of being, as is often urged by its defenders, a tax upon rent proper, only includes a tax on capital, and thus becomes virtually a tax upon raw produce, a description of tax which I believe all political economists are now agreed in condemning. It is owing to this view of the matter, that all Governments in the East have, from time immemorial, levied a heavier assessment on irrigated land than upon unirrigated; upon improved lands, than on unimproved ones; although this irrigation or improvement has been effected, not by outlay from the public treasury, but by expenditure of the capital, skill, and labour of the occupants of the land; and this principle, inherited from the rude Governments which have preceded us, and acted upon, in imitation of those Governments, by the people themselves when distributing the Government demand, we have continued to follow up to the present time.

13. That the owner of land should, at the close of a lease, appropriate the advantages prospectively accruing from the outlay of his tenant is, no doubt, admissible. It is the result of mutual agreement; and must, in fact, in the long run, be unavoidable. But that Government should thus usurp the privilege of the proprietor, I believe to be indefensible on any just theory of taxation. It is to this that all the difficulty and derangement so largely dwelt on by Colonel Baird Smith, as resulting from the opening of canals, is attributable; and I am quite convinced that the adoption of this principle has done more to check the improvement of land, and the advancement of agriculture in India, than any other cause whatever.

14. I think, therefore, that it is one from which our Government ought to recede as soon as may be practicable, and the most legitimate mode, it seems to me, by which this may be effected, is by appropriating to this purpose all enhancement of land revenue derived from other sources. Let Government determine that all future additions to its land revenue accruing from increase of cultivation shall be progressively surrendered, and applied in such a manner as may be agreed on, to the gradual reduction and ultimate remission of irrigated rates on well lands, or other enhancements of demand attained by private outlay or application of skill; and I entertain no sort of doubt that it would thus afford a much greater as well as a more legitimate stimulus to agricultural progress than can ever be secured by simply fixing for ever its demand, without regard to the mode in which that demand is distributed.

15. Colonel Smith admits, in the second clause of paragraph 20, that to fix the demand permanently, where there is any ground to apprehend it may prove oppressive, would be very inexpedient; and in the first clause of paragraph 167, in like manner, he urges that this measure be adopted only "where there is reason to be confident that these settlements are fair and equitable." What I have urged above is but an enlargement of this view, to meet what I consider to be a master evil in our present land revenue administration; and

I trust it will not be gathered from anything which I have said in the foregoing paragraphs, that I do not fully appreciate the value, and admit the expediency of our fixing the demand, so soon as we can satisfy ourselves that that demand is really just.

16. The Supreme Government have further inquired whether it would be expedient to give the impress of legislative sanction to our existing temporary settlements. I regard it as quite immaterial whether this sanction be given or not. The people have the most implicit confidence in the good faith of the Local Government and its officers, and entertain no fears whatever, that the engagements entered into with them at the commencement of the settlement will not be rigidly adhered to up to its close; so that I do not think their confidence could be increased, or any useful object gained, by the addition of any legislative sanction.

COPY of a Letter from Officiating Judicial Commissioner, Punjab, to the Secretary to Government of Punjab (No. 19/93), dated 7 January 1862.

IN reply to your letter, No. 1919, dated 7th December last, I beg to state that I have perused the report of Colonel Baird Smith on the famine of 1861, which extended only on the tracts east of the Sutlej; and yet, on the strength of a mere theory, it is proposed to make an organic change in the revenue system of a great province neither affected by the famine, nor visited by the reporter.

- A perpetual settlement undesirable for any portion of the Punjab, including Delhi and Hissar divisions.
2. The position of the Delhi, Hissar, and Cis-Sutlej divisions differ materially from that of the Punjab Proper and the Trans-Sutlej States; but in neither case, in my opinion, is a perpetual settlement desirable. I really am surprised to find such a proposition brought forward by an officer for whom I have so great a respect as Colonel Baird Smith. However, we may leave the Delhi and Hissar Divisions to follow the policy adopted by the Supreme Government for the Agra, Muttra, and Meerut Districts, and confine our arguments to the Punjab Proper and the Cis and Trans-Sutlej States.
- The bearing of present settlement to be first considered.
3. To make a perpetual settlement worth anything, we must first ascertain whether the present settlement is fair and light. I am not prepared to say that it is so, for a term of five or ten years, far less for perpetuity; but I can say, that the revenue is collected without duress, without sale of land, with as little annoyance to the people as possible; and that on the first indication of pressure, relief is, and will ever be given.
- Present position and prospects of agricultural produce and of commerce of the country.
4. The country is settling down after a century of tumult. Means of export are increasing; both agricultural and commercial classes are thriving. The price currents of cereals fell after our occupation; they have now risen again; who can say how long they will remain at the present figure? On them depends the relative fairness of our assessment. Make a perpetual settlement of the price current, and I will agree to the same measure for the land.
- Data for a perpetual settlement quite imperfect; and the result would probably be undue exemptions, undue burdens, and loss to the State.
5. To plunge hastily and darkly into this great measure to fix for ever the assessment of each village with our imperfect data, would be an act which, but for the respectable quarter from which the scheme emanates, I should describe as very rash and not very wise. The lightly assessed villages, with vast areas, would gain, and a lucky chance would relieve them from their fair share of the burden of taxation. Heavily assessed or suffering villages would, as now, demand and receive relief, and thus the State would lose.
- Measures that must be taken to arrive at correct data would far exceed the advantage, if any exist.
6. If it be feared that there is a tendency to over-assess, that the people would gain by a limit being fixed on the Collector's demand, there must be a great misconception of our system. If the Governor General in Council were pleased by legislative enactment to fix the total land revenue of the Punjab, collectively, or of each district separately, I should have no objection; but the assessed area must be previously ascertained, the maafee, must be deducted; the large tracts of land liable to fluvial action must be exempted; all the village cesses must be carefully separated from the land tax; in fact a very lengthened investigation must take place, creating an excitement, and entailing an expense far exceeding the very slight advantage.
- A thirty years' settlement.
7. A settlement for (30) thirty years lasts for a generation, a re-settlement is a re-adjustment only; there is no screwing higher up year after year; all these things belong to a period long since passed away, and to a different province.
- As to what might exempt from enhanced assessment, and as to the grounds and objects of enhanced assessment.
8. Perhaps the Government might promulgate with greater distinctness and clearness that no enhanced assessment is to be made on *bonâ fide* improvements. Some rules might be laid down as to what constitutes an improvement, such as a well sunk, a canal cut, &c.; but Government have a right to increased assessment on the general improvement of the country, arising from peace, protection, good roads, &c.; from the surplus thus gained, relief is granted in quarters where the soil has deteriorated, the population diminished, the cattle have died, and the wells fallen in. If the power of thus adjusting unequal assessment be arbitrarily taken away, it will come to this, that relief will not be readily given to suffering villages.
9. I can see no more reason for a perpetual settlement of the land tax in India than of the income tax in a city in England, or of the rents of the Crown lands or the Duchy of Cornwall.

Cornwall. Light assessments, very light, spread over *the whole area*, periodically open to revision, constitute what is required. On these grounds I have always protested, and shall continue to protest against the alienation of 33 lacs of revenue in life or perpetual grants to fortunate favourites. Imagine the whole county of York exempted from taxation, and the rest of England paying all the charges of the favoured county. This is one of the flaws in our revenue administration.

10. Where also we have injured the landholder, is in our undue interference betwixt him and his tenant, by arbitrarily abolishing rent, and giving fixity of tenure to cottier tenants. No landholder in England would stand this. If a scheme could be devised of making the landholder really master of all the land, called his by *courtesy*, a greater scope would be given to improvement.

The undue interference exercised between landholder and tenant.

11. The position of the Punjab Proper and the Trans-Sutlej States and Cis-Sutlej States is essentially different from that of the Agra provinces, in which I include, *quoad hoc* the Delhi and Hissar Divisions. In the latter province 30 years of fiscal misgovernment and downright oppression have been followed by nearly 30 years of careful and benevolent administration. I doubt whether even Colonel Smith contemplated the sudden extension of his new principle to tracts to which his arguments in no way apply, and of which I believe he knew absolutely nothing. I draw attention to the latter part of paragraph 62, and latter part of paragraph 79 of his second report. If he really proposed this measure for the Punjab Proper, it would be as if the Commissioners, to inquire into the cause of the Irish and Scotch famines, suggested measures to improve agriculture in Kent and Northolk.

Position of Punjab Proper, Trans-Sutlej States and Cis-Sutlej States differs from the Agra provinces, with which Delhi and Hissar divisions assimilate.

12. It is the fashion in modern times to aim at an old and patriarchal system of Government, and to associate native chieftains in the general administration; now on this question they have knowledge; ask them what they would think of perpetual settlements. What would the pillar of the State, the Maharajah of Putteeala, and our ally of Jummo, say to this measure? Still as the expediency of the measure is argued up, from physical causes, such as famine, they ought to be consulted; at any rate, they understand the position.

Opinions of native chieftains should be taken.

13. At the same time, if any enterprising capitalist, English or native, were to come to Government, and say, "I have purchased, or intend to purchase, an estate; I intend to invest capital; but I am deterred by the fear of the Government demand being enhanced," there can be no objection whatever to a special tenure being created for such parties. The assessment of their estates should be fairly and liberally considered, and fixed in perpetuity, to be paid, if wished, in a lump once a year, or to be brought up and redeemed at once. I would go further, and if any settler after five years' residence prospered, and introduced new staples, new modes of agriculture, and if the people rallied round him, and made him the centre of their new civilization, I would make him grants of waste land, and if he extended his purchases, grant him assessments on peppercorn rates; and so long as he dealt fairly and on commercial principles with the people, the Government should give him every possible encouragement and support.

Special tenure might be created for enterprising and improving capitalists.

14. What the Punjab requires, is to be left alone from another decade. We have profited by the experience of the revenue miscarriages in the Agra Province. Let us also profit by the experience of the revenue miscarriages in the Bengal Presidency. Lord Cornwallis erred in ignorance; are we to commit the same mistake with our eyes open? No land has forcibly changed hands in the Punjab, no landowners have been sold out. Light assessment, easy collections, extension of cultivation, location of new villages, and the minimum of interference, have been our principle and our practice. Let us be allowed to profit by the experience of the application of this grand new measure to the Agra Provinces. Let us prepare carefully our 30 years' settlement of the districts. As each of them falls under assessment, and as each district is re-launched, withdraw all restrictions on private sale, enforce them still more rigidly on judicial and fiscal alienations, and leave agricultural interests to develop themselves unshackled by restrictions, and unsmothered by kindness, falsely so called.

Requirements of the Punjab in this matter.

COPY of a Letter from *E. J. Brandreth*, Esq., Commissioner and Superintendent of Cis-Sutlej States, to the Secretary to Government of Punjab (No. 338/4038), dated 24 December 1861.

I HAVE the honour to acknowledge the receipt of your No. 1921 of the 7th instant, forwarding copy of Colonel Baird Smith's Report, and requesting my opinion as to the expediency of introducing a permanent settlement into these provinces.

2. The principal share in the rent of the land belongs no doubt by undisputed right to the Government; and, like a sleeping partner in any concern, the Government is clearly entitled to any future increase of profits therefrom. No other mode of taxation has yet been devised which can be looked forward to as any adequate substitute for the land tax, or which can touch in a sufficient manner any increase in the wealth of the country.

3. On the other hand, so far as we can judge by present experience, there is but little expectation of the Government being able to claim hereafter any additional profits from its share

share in the rent of the land. The tendency of nearly all assessments hitherto has been rather to a reduction than to an increase of the revenue; prices have not, I imagine, on the whole been any higher of late years than formerly, and the promise that has been given to the zemindars by the Government of half, instead of two-thirds, assets being made the basis of all future assessments, makes it possible that future assessments may be still lower than they are at present. Most of the districts, however, in the Punjab have been settled for 30 years, and it is impossible to foretell what may be the value of the land at the end of that period; it may have increased far beyond what any past experience has shown by the progress of roads, railways, and canals, and the opening out of the new markets. Without very good reason, therefore, the Government claim to share in the future profits of the land ought not to be sacrificed.

4. Still if Colonel Smith's anticipations are realised, and it be only owing to the absence of the confidence which would be produced by a perpetual settlement, that the country is not more wealthy than it is; if it be true that such a settlement would be regarded as a most precious boon by the native community, and lead to a very great increase in private prosperity, the Government would hardly wish to prefer its own interest in the matter to that of its subjects, or rather might look confidently to incurring no loss of its revenue in their increased prosperity, even though the ways and means may not be at present fully apparent.

5. But the question is, would the people feel a perpetual settlement to be a great boon? Would the small landholders of the Punjab draw any such decided inference in favour of a perpetual settlement as compared with the 30 years' settlement which they now have? Colonel Baird Smith considered that there was far less suffering during the late famine, in consequence of a vast mass of readily convertible agricultural property having been created as the direct result of the limitation for long terms of the Government demand on the land; and he points to the great increase apparent in sales by voluntary action, or in satisfaction for debts; but it may be doubted, perhaps, whether, as regards the Punjab, the land can be considered as easily transferable. There is certainly no actual prohibition by law against the sale of land in execution of decrees of the Civil Court. But land is not generally regarded as very good security for the repayment of money. Most judicial officers object to recommend its sale, and the supreme judicial officer in the Punjab, with whom exclusively rests the power of sanctioning sales of land, has pronounced that such sale is all but prohibited.

See No. 2, Collections from the Records of Punjab Government, 61.

6. I am by no means certain that the whole agricultural population would appreciate the supposed benefit of a perpetual settlement in any sufficient degree. It is no use to aid them against their wishes. We must not expect that they will work out the intended results, however plain and easy of accomplishment by others, unless they themselves feel an interest in doing so.

7. If they do feel such interest, perhaps the best method of proving it would be to demand an increase of 5 per cent. or one anna in the rupee from all landowners who desire to have the present assessment made a permanent one. Payers of the income tax are allowed to compound for five years' income tax in a similar manner. This would not be a high price to give for such privileges as the freedom from all future claims on the part of the Government, and from the risks of joint responsibility.

8. I am disposed to attach great importance to the encouragement of individual efforts. There is a kind of slavery in that part of the village system which renders one man liable to be a victim of the debts and improvidence of another. I should like to see the industrious man have the power of emancipating himself, if he appreciated the liberty, from such a bondage, and of securing the fruits of his industry to his children for ever.

9. In writing to the Financial Commissioner regarding the redemption of the land revenue, I proposed not to confine the privilege in any way to whole villages, but to allow each individual proprietor to redeem his holding separately if he chose, provided the jumma he paid was not very insignificant. I proposed that any man who paid a jumma of 10 rupees should be allowed to redeem his revenue, and I would give the same privilege to individual holders of land as regards the conversion of their assessment from a temporary to a permanent one on payment of the additional rate above referred to.

10. I am aware that this proposal is not in accordance with the theory of joint responsibility, but no more is the privilege of redemption of 10 per cent. of the land revenue in each district which has already been conceded, and I question whether joint responsibility is anything more than a mere theory, whether it is of any account whatever in practice. Sales of land for arrears of public revenue are scarcely ever sanctioned at the present time; and practically, I believe, the Government does not desire to take more worth, or to consider that any portion of such land should be held on any other terms than those by which the Government, having by law a priority of claim over all the other creditors of a defaulter, is enabled to hold the land exclusively responsible for all arrears of revenue.

11. Nor does it seem to me that joint responsibility as regards the payment of the Government revenue is a necessary part of the village system, or that the acknowledged benefits

benefits of that system in other respects will be in any way diminished by its abolition. Maafedars are not responsible for the Government revenue, yet they belong to the village community just as much as those that pay revenue. They share the expenses of the village servants, of watch and ward, &c., are equally responsible for giving up criminals as regards the Khoj system, and for the payment of their share of any fine which may be inflicted on the village community. Those zemindars, therefore, who, by redeeming their land revenue, or by electing in the manner mentioned for a permanent settlement, free themselves from joint responsibility, would remain as much members of the village community to all real purposes as heretofore; but they would have additional privileges and advantages.

12. Further, the measure which I have proposed would afford additional means for testing the fairness of the assessment of those lands, the proprietors of which had not elected for a permanent settlement. It would then be seen whether they were suffering from over-assessment or not, and the small increase which I have proposed should be taken from those who elected for permanent settlement, might suffice for compensation in some degree, if not entirely, for the reductions that would have to be made at the end of the present settlement, or may have to be made in the course of it in over-assessed villages.

13. Your letter under acknowledgment required that my report should be submitted within 15 days. I have given the best opinion I could form upon my present information; but I have had no opportunity yet of consulting the wishes of the people, nor of hearing the opinions of the district officers on the subject. I should much like, during the present cold season, to have a good deal of conversation with the zemindars on different parts of the division regarding the proposed perpetual settlement, and ascertain what their real wishes on the subject might be, and how far they would really appreciate the measure. If, therefore, it will be of any use, I shall be glad to submit another report two months hence, after I have had more time to consider the subject.

14. Pending further instructions, I have retained Colonel Baird Smith's Report, to be submitted hereafter.

COPY of a Letter from *P. S. Melvill*, Esq., Officiating Commissioner and Superintendent of Trans-Sutlej States, to the Secretary to Government of Punjab (No. 179), dated the 13th December 1861.

YOUR letter, No. 1922, dated 7th instant, only reached me this morning, and tomorrow I will surrender charge of this office.* I have not had time to read the second part of Colonel Baird Smith's Report: but as the subject of your letter is important, and the pressure of the time great, I venture to submit my opinion on the advisability of converting into a permanent settlement the present temporary one.

2. Nothing can well be more hopeless than the existing stagnant condition of the people. Two great elements of progress have lately been presented to us, the redemption of the land tax, and now the permanent settlement. But of the two the former is undoubtedly the most powerful. I therefore would allow a fair time for it to work. If the prospect of a permanent settlement is simultaneously unfolded to the people, I should anticipate that it would blunt the edge of their desire for the redemption of the land tax. I would therefore suggest that nothing be publicly announced for six months or a year regarding the continuance of the present settlement.

3. But with this proviso, I am of opinion that in all districts where the assessment is tolerably fair, and by the term "fair" I would particularly wish to express equability no less than general moderation, the advantage of perpetuating it will be incalculable. Looking at the places with which I am acquainted, I am of opinion that the whole of this division, the Umballa District, and the Rohtuck and Hissar Districts, might be brought into the category of permanently assessed districts. I think, however, the measure should not be made authoritatively; but that, on the contrary, applications should be invited from the people to change their temporary contract into a permanent one. It would then be necessary to decide as to the acceptance of such applications with reference to their number; for it would never do to give a permanent settlement to lightly assessed villages of a district, and to leave the more heavily assessed estates to a future occasion. Under such circumstances, the only alternative would be either to reduce the assessment of the heavily assessed villages at once, or to declare the applications for a permanent settlement altogether.

I am inclined to believe, however, that, with existing high prices and fine agricultural prospects, the people would generally desire to have their present jummas made permanent. I believe that the whole of the Kangra District, and, perhaps, the whole of the Jullundur District, would come forward and grasp at the offer; that the Umballa and Rohtuck people would do the same; and that, very probably, a large majority of the Hooshiarpore and Hissar people would do likewise. But in districts just entering the confines of agricultural prosperity, as I believe is the case with some of the central zillahs of the Punjab, I do not consider that it would be expedient to stereotype the Government demand until their capabilities have been more fully tested.

4. The report will be left for Colonel Lake's perusal. He will doubtless wish to offer his own remarks.

COPY of a Letter from Colonel *Lake*, Commissioner and Superintendent of Trans-Sutlej States, to the Secretary to Government of Punjab (No. 184), dated 18 December 1861.

ALTHOUGH your circular, No. 1922, dated the 7th December 1861, has been replied to by my predecessor, the importance of the subject will justify my submitting my own opinion on the proposal for fixing in perpetuity the Government demand upon the land.

2. At a time when the most strenuous efforts to raise money by new taxes provide only revenue sufficient for an expenditure on a rigid scale of economy in all departments, and quite insufficient to meet the growing wants of the country, the effect of the proposed measure upon the finances deserves very serious consideration.

3. Under some general idea that by benefiting the community we cannot fail to benefit the Government, we must not forget that the adoption of this measure will impair the productiveness of the principal item of revenue in India, and that, as a necessary consequence, it will involve the imposition of new taxes.

4. To meet the urgent want which exists for the extension of irrigation, the improvement of communications and the promotion of useful knowledge by a sound system of education will involve a much larger State expenditure than is incurred at present, and for these purposes how money is to be obtained should be seen clearly before we cripple the present great source of income.

5. The day may, and probably will, come when other taxes may safely and advantageously be imposed; but the experience acquired in levying the income tax has shown conclusively that the day has not yet arrived, and that for some time to come the Government must look for the bulk of its revenue to the land assessment, not only because this is more productive than any other, but because of all modes of taxation this is the best suited to the genius and habits of the people and the present condition of the country.

6. The tendency of land to increase in value under British rule is prominently noticed by Colonel Smith. If this has resulted under existing arrangements, how much more land will increase in value from the extension of railways and metalled roads, and from other improvements materially enhancing the profits of agriculture.

7. We must also look with the growing prosperity of the country for a steady increase in the price of agricultural produce, which again must materially affect the profits of agriculture.

8. Now, under the present terminable settlements, the Government shares from time to time in the growing profits of the land, and very legitimately so, when these profits are attributable in a large measure to the paternal character of the administration, or are due to railways and other improvements effected either at their expense or on their guarantee.

9. By fixing now for ever the public demand on the land, the Government not only foregoes all these advantages, but will incur a still further loss owing to the tendency of money to depreciate in value, while the price of labour must increase; so that, while the expenditure in all departments must inevitably increase, the money to cover that expenditure lessens in relative value.

10. All these considerations and the extreme difficulty of raising sufficient revenue from other sources render it, in my opinion, impolitic to concede at once a fixed settlement in perpetuity to all the proprietors of the North West and of the Punjab.

11. By giving permission to redeem the land tax under their proclamation, dated 17th October 1861, the Government have virtually conceded the principle of a fixed settlement in perpetuity; and it is only in this way I should at present be disposed to recommend the adoption of the principle of perpetual settlements.

12. Every proprietor who really values the boon can now obtain a perpetual settlement on fair and moderate terms under an arrangement which secures at the same to Government great political and material advantages.

13. When the Government is prepared to make the pecuniary sacrifices which is involved in a perpetual settlement, it is sound policy to obtain in return the pledge to good order and loyalty which is given by those who redeem the land tax.

14. Indeed, by extending the perpetual settlement generally throughout the country, we should, I believe, take away the strong inducement which exists for redeeming the land tax under the system of terminable settlements. For a landed proprietor who is lightly assessed now would naturally expect to pay more at the next settlement, and it would be to his interest to redeem before that settlement takes place; whereas, under a perpetual settlement, if the demand were moderate, most men would prefer paying that demand year by year to embarking their capital in the redemption of the land tax, which capital would all be lost should the British Government be overturned.

15. I beg distinctly to affirm that, on general abstract grounds, I am in favour of a fixed demand in perpetuity; but whereas Colonel Smith is for adopting it, simultaneously and at once throughout the length and breadth of the North West, I am only in favour of its

its very gradual adoption to a very limited extent, and only in those cases where the Government reaps some solid advantages in return for the revenue it sacrifices.

16. Colonel Baird Smith himself has placed limits to the adoption of the measure, and considers that the Western or Punjab sub-division of the famine tract is unsuited to the adoption of the course which he recommends elsewhere.

17. Equally valid reasons point out the wisdom of a still further limitation; for although as a general rule, the Government demand in the North West may be moderate, the statistics of sales quoted in the report now under review show how unequal that demand is; for while in Goruckpore and Azimghur the price obtained for land is more than ten times the Government revenue, land in Cawnpore fetched by private sale a little more than double, and by public sale very little more than the Government revenue.

18. There must be great inequality of the Government demand to account for such diverse results; but this inequality would be still more apparent if, instead of looking to average results, the selling prices of land in single estates were compared together, and this not only in different parts of the province, but in the same district, and sometimes even in villages contiguous to each other.

19. If, as shown in these cases, the pressure of the Government demand is very unequal, to perpetuate such inequalities by fixing the Government demand for ever would be very unfair to the very people we desire to benefit.

20. Indeed such a measure would be suicidal, for in seasons of scarcity the Government would incur serious loss by the more heavily assessed communities not being able to meet their liabilities.

21. It is to remedy these inequalities that Colonel Baird Smith sees the necessity of a period of inquiry and revision. He does not, however, allude to the magnitude, or the difficulties, or the expense of this work, which involves no less than the re-assessment and the re-settlement of every village in the North Western Provinces.

22. The wisdom of undertaking so expensive a work may well be questioned at a time when the finances are straitened, and it is obvious that so great an undertaking can only be brought to a completion by very slow and gradual steps.

23. But more formidable even than expense or delay are the difficulties of making a re-settlement which shall be really fair and equal. I have had some little settlement experience myself; I can therefore speak from personal knowledge of the extreme difficulty of so testing the capabilities of a large number of estates, as to frame for them a settlement free from great inequalities.

24. The difficulty of the task is shown by the history of settlements in the North Western Provinces. Settlements framed with great care by able, pains-taking and industrious officers, have broken down under the great test—experience; and where settlements have worked most successfully, it has been owing more to the lightness of the demand than to equal assessments.

25. Even in the revised settlements last completed great inequalities will be found to exist, and no re-settlement, however carefully made, will be free from them. These inequalities would all be perpetuated by fixing the demand now for ever, whereas by allowing the people to redeem the land tax, these inequalities will be gradually brought to light and rectified.

26. For if the people avail themselves largely of the permission to redeem, the number of estates to be assessed at the next settlement will be sensibly diminished, reducing the work, and thus rendering it more manageable. Again, the redeemed estates will furnish valuable data for re-assessing other estates.

27. It may not be out of place to call attention here to the large number of estates in this country situated on the banks of rivers, and the lands of which are continually affected by the action of water. It is obvious that to these a perpetual settlement is not applicable.

28. I beg now to submit for consideration a proposal which is calculated, I believe, largely to promote the object the Government has at heart, "for making more effectual provision against the recurrence of future seasons of drought." I have to recommend that a proclamation be issued to the effect that no additional demand will be made at any future settlement for lands brought under irrigation by new wells, constructed after the date of the proclamation, and that such lands shall always be assessed at unirrigated rates.

29. This concession on the part of Government would give such an active impulse to well-irrigation as materially to mitigate the effects of future famines, and would secure some of the chief advantages to be derived from a perpetual settlement. When a proprietor has sunk his capital in improving his land, it is but fair that he should enjoy the whole profits thereof. On these grounds, therefore, the justice of this concession will be admitted, and requires no elaborate defence on my part.

30. It

30. It would be out of place in the present letter to discuss the relative advantages of canal and well-irrigation in promoting industrial habits among a people; for whatever may be the conclusions arrived at, the advisability of extending the area of well-irrigation will not be questioned.

31. Indeed, to further so important an object, it would be well to make large advances, and special measures should be taken to let the people know that they may have these advances. Want of capital is, I believe, the great bar to the construction of new wells, and the Government, which has expended some three millions sterling on irrigation by canals, will not allow irrigation by wells to be checked for want of funds. Under existing rules, advances are made by the Government for constructing new wells; but in most districts these rules are almost inoperative, showing the want of some additional impulse, such as that now proposed by me.

32. If with the permission given to redeem the land tax and to purchase waste lands in perpetuity on advantageous terms, are combined facilities for extending well-irrigation, much will have been done without great loss of revenue to Government, to promote those objects which Colonel Baird Smith desires to secure by a perpetual settlement.

33. As directed, I beg herewith to return Colonel Baird Smith's Report.

COPY of a Letter from Colonel *Hamilton*, Commissioner and Superintendent of the Mooltan Division, to the Secretary to Government of Punjab (No. 182), dated 19 December 1861.

I HAVE the honour to acknowledge the receipt of your letter, No. 1920, of the 7th inst., with enclosures, herewith returned.

2. The Mooltan Division is at present in a state of transition. Only a small portion of the culturable area is occupied: and from the want of population and capital, the extension of cultivation, although steadily progressive, must, under existing circumstances, be necessarily slow. The lands now occupied are in general not laboriously cultivated; and from the facility with which new land can be procured, the tendency at present is to employ capital rather in bringing waste land under cultivation, than in improving land already occupied.

3. As far as the future can be foreseen, the same course will probably be pursued. The railway will open out new tracts now lying waste, and the facility with which irrigation by canals can be extended will tend to force capital to the improvement of the unoccupied lands in preference to employing it on lands now under cultivation.

4. The present settlement of the division was made on liberal terms; the assessment is light, and most of the villages have extensive areas of waste land capable of cultivation. The exceptions are the best cultivated estates situate in the richest and most populous tracts, and there the assessment, although moderate, is comparatively high.

5. I consider, therefore, that in the course of some years the existing assessment will become unequal, cultivation will be increased, but will not be much improved. The villages with large areas of waste land will extend their cultivation, and their assessment will, therefore, be lightened, while the estates without spare land will not have similar advantages. I do not think, however, that this stage will be reached until after a considerable lapse of years, as improvement, although progressive, is from want of capital and labour necessarily tardy.

6. I do not consider, therefore, that a permanent settlement would be advantageous either to the State or its subjects; but I strongly advocate the extension of the existing settlement for a term of years. Without the certainty of being able to reap the fruit of his labour and expenditure, no one will sink his capital or employ his labour in improvement. I consider that the present leases might advantageously be extended for a term of 20 years. A longer period might even be adopted; but I think the term I have mentioned will be sufficient to encourage improvement, while it will not prevent the State from deriving future advantage from its present moderation.

COPY of a Letter from the Commissioner and Superintendent of the Lahore Division, to the Secretary to Government of Punjab (No. 175), dated 30 December 1861.

I HAVE the honour to reply to your letter, No. 1923, dated 7th December 1861, calling for opinion as to the practicability and expediency of extending perpetual settlements to the Punjab.

2. On the abstract question of the advisability of perpetuating the public demand on the land, according to present rates of assessment, so much has been said by able writers, that the Government will, perhaps, consider any remarks from me superfluous. Yet I would respectfully draw attention to the published opinions of Mr. St. George Tucker, late director of the East India Company, on this important subject. I consider his remarks incontrovertible.

3. I have heard the opinion expressed that whilst it is advisable to allow the redemption of the land tax, it certainly is not so expedient to fix for ever the demand on the land, because in the former instance the Government will be able to impose taxes on the landholders, which they could not do so long as the zemindars paid rent on their land.

4. Such an argument appears to me wholly opposed to all principles of common justice. To tell the people that they may redeem the land tax, and then, having got their money, to impose any sort of tax which would have been impossible or inequitable had they continued to pay rent, would be an act of bad faith, of which the British Government is wholly incapable.

5. It appears to me that the perpetuation of our settlements is a natural consequence of the order permitting the redemption of the tax. For it will be exceedingly difficult hereafter to enhance the revenue on any village. If the Government were to direct a revision of settlement, with a view of assessing new lands brought under cultivation within village boundaries, the people would at once avail themselves of the existing order to redeem the tax at any cost to themselves, and by a mistaken desire for increase of wealth we should fall short of our object, and, perhaps, plunge the people into great pecuniary misery.

6. It may be argued that in the Punjab, where whole tracts of land belonging to villages lie uncultivated, it would be suicidal to abandon all prospect of increasing our demand as cultivation increases; but we have very good proof that the very fear of that increase of demand acts now as a decided check on cultivation.

7. It is the case now in Goojranwalla. Declare the settlement perpetual in that district, and at once wells will be set a-going in large numbers; whereas at present the zemindars are allowing them to fall out of gear, in the hopes of getting a reduction of assessment at the next settlement. Several retired Native Officers, who have money which they wish to invest in land, have openly told me that they will not do so, because they can get no advantage; for as soon as they have brought waste land under cultivation, some Settlement Officer is sure to appear and sweep away all their profits into the Government Treasury.

8. There is a very important consideration in connection with the Barea Doab Canal now only just beginning to spread its fertilizing influence over the land. At a revision of settlement, perhaps, the officer who has charge of the assessments would fix the irrigated rates on all lands watered by the canal, in addition to which the Canal Officers will levy the actual water rate: I certainly think that we ought not to allow this double assessment. It would be far better for the Canal Officers to raise their water rate for every one. And my great reason for advocating this measure is because Government is about to sell at a very moderate rate large tracts of waste land which will be irrigated by the canals. Are these new purchasers, then, to be so highly favoured, whilst we screw the utmost farthing out of our ancient landowners? The purchasers of waste lands will pay only the water rate, whereas the rent-paying zemindars have to pay water rate plus irrigation rate. This would be manifestly unjust.

9. It is very true that if we make our present settlement perpetual, we shall have inequalities of assessment. One village, which at the time of last settlement had but little waste land, will be highly assessed in comparison with the villages which have now large uncultivated tracts, when once those tracts are brought under the plough. But so there must be inequalities. It is impossible to get perfection or uniformity in any great scheme of Government; and so long as we satisfy ourselves that the highest rate of tax on any village is moderate, and does not impede the progress of agriculture, I think we ought not to look for more.

10. But the perpetuation of the settlement ought to be introduced gradually, and with the utmost care, reference being had to the particular features of each district. In some places the settlements have been concluded with an amount of care and research that cannot be surpassed. Such a settlement is that of Ferozepore, by Mr. E. Brandreth. The Ferozepore District I consider to be ready for a permanent settlement.

11. In the other districts of this division here and there reductions may be requisite, and I hear of one or two instances where the Zemindars feel the present assessment somewhat heavy, but they refrain from complaint, as they believe the next settlement to be so close at hand. The rates on these villages may require to be revised. But as a rule, I should say that much of the discontent shown until lately in the Goojranwalla District would disappear so soon as the people were assured that, let them extend their cultivation and irrigation to any extent, they would never be called on to pay one farthing more.

12. It is a positive fact, admitted by Settlement Officers, that zemindars have to pay pretty heavily one way or another at each settlement, to secure favourable terms, and are often weighed down for years in consequence.

13. If we desire to stimulate industry, to augment the wealth of the country, and to encourage the accumulation of capital and outlay on remunerative works, we ought certainly to make our demand on the land permanent.

COPY of a Letter from the Deputy Commissioner of Dera *Ismael Khan*, to the Secretary to Government of Punjab (No. 690), dated 19 December 1861.

I HAVE the honour to reply to your letter, No. 1926, of 7th instant, which only reached me in camp yesterday, requiring my opinion as to the expediency of introducing a permanent settlement into these Provinces. My reply being required within 15 days, I have hardly had time to give the subject that amount of thought which it deserves; but I will endeavour to state my view of the case as it occurs to me. It seems necessary that I should first explain what I understand by a permanent settlement, and afterwards express my opinion as to the expediency of the introduction of such a measure into the Punjab.

2. It will not be denied that limiting the tax on an improvable property must tend to accelerate its improvement (especially if combined with an enlightened settlement of the various rights in that property, which, however, have nothing to do, properly speaking, with the question of fixing the amount of the tax in perpetuity). And the principle upon which Government has acted in the North Western Provinces and the Punjab, seems to be to limit the amount of the tax for a period of years, in order to induce this improvement; so that at the expiration of such period, the agricultural community may be the better able to bear future taxation, whether it be the old amount or an increase thereon (according to State necessities), besides contributing in other ways to the general prosperity of the nation by the increased wealth of its resources.

3. It is now suggested that, because a period of prolonged duration has been found to result in such improvement of both "State and popular interests," they would be strengthened in an increasing ratio by fixing such period in perpetuity.

* The object of the Government is to raise revenue in an equitable manner.

4. There seems little doubt that this would be the case, but the principles of equitable taxation of all classes of the community must not be lost sight of. I regard the land tax much in the same light as any other Imperial tax.* This object is attained by a levy from its subjects of a portion of their means. The simplest, or apparently the simplest, form by which such object is attained is an income tax. By it the subject contributes a fixed proportion of his net annual profits. The land tax, as administered by former Governments, retained much of this form. A fixed portion of the actual produce of the land was levied from the cultivator who produced it. Inheriting this tax the British Government maintains it, though administering it in a different manner. Theoretically, then, it would appear to be no more reasonable that the Government should limit for ever the amount of its demand from the subjects whose incomes are derived from agriculture, and who, therefore, contribute to the necessities of the State in the shape of land tax, than that it should bind itself never to increase the rate of the tax upon incomes derived from trade. If, therefore, such limitation be determined upon by the Government, in other words, if the Government decide upon consenting to forego the revenue derivable from increased agricultural wealth, it is reasonably inferable that it does so, not for the purpose of making the State burdens fall with disproportionate weight upon non-agricultural classes of the empire, but because it believes that from such a measure the agricultural community will be able more easily to bear any possible enhancement of Imperial taxation in another form, as well as increase such facility in the case of other classes who will indirectly share its increased wealth. For it would not, I think, seem to be right or politic to fix a settlement of the land revenue in such a manner that the payers of the tax could never be called upon in some mode or other to bear an equal burden, in proportion to their means, with other classes of the community. Supposing such a time to come, when the residue of their income from the land should, after paying land tax, bear a greater proportion to their whole income than the residue of the means of, say, a banker might then bear to his total income after paying income tax, it seems to me not enough to say that the proportion of the rent now demanded is so great, that it can hardly be permitted to increase. That may be a reason for its reduction now, but not for placing the taxes for ever under a different principle of taxation from all other classes of subjects; and it therefore does not, I think, affect the main question. If, therefore, Government believes that the landed property will be more rapidly improved and increased in value under a permanent settlement than under one for a prolonged period, liable to revision at its expiry, it seems to me only consistent with the correct principles of taxation to say, let a permanent settlement by all means be conceded, but clearly reserve the right to levy additional taxes from the agriculturist,† when it should appear that in providing for necessities of the State, such a course was only just towards the other classes of the community. That time might never come. Still it would, I think, be the only mode of reconciling the measure with intelligent principles.

5. So much for the principle of a permanent settlement. I proceed to the question of the expediency of introducing such a measure into the Punjab.

6. Now

* This is already possible under the Income Tax Act, as regards owners of land receiving an income therefrom of more than 600 rupees; but the amount of land tax, which is the measure of their present income taxable under the Income Tax Act, might, in progress of time, under high prices, and the improvement of vast wastes, bear no relation whatever to their future actual incomes.

6. Now it is patent that a permanent settlement of the land tax must be based on an assessment which can, under the ordinary circumstances of future ages, be borne by the taxes. A permanent settlement breaking down would place the Government in a position akin to the ridiculous, and throw doubts upon the permanency of any settlement, doubts which it is the prime object to remove. Further, to insure the results which form the main object of a permanent settlement, viz., speedy and universal increase in the wealth of the agricultural classes, with its consequent beneficial influences through the social fabric generally, the assessment which is to be made permanent should be a light one. It follows, I think, that before offering a permanent settlement, we should be quite sure of our ground that the assessment is one which can be lightly borne in perpetuity. The question then for us is, are we sure of this in the Punjab? I think there is room for doubt on this point. Our settlements are but recently made. Some have had to be modified still more recently. Can we say they are sound now? They are still novelties in the minds of the people. Would they accept an offer of permanency, if made to them? In some districts we hardly know with whom we have in effect made the settlement, whether with a community or with individuals. Temporary expediency has had a large share in influencing our proceedings. The administrative wheels having been oiled for the day, we have passed on to other pressing duties without a well-grounded assurance that the machine, as regards the land assessment, will work for any time without requiring to be taken to pieces again and refitted. We have been contented with trying to err on the right side; and even in this, after every effort, have not always succeeded. In fine, I think we must be content for some years to pursue the same course of good intentions, and await the development of our measures hitherto introduced, and the elements affected by them. Granting all the arguments of those who plead for such a measure, I know of no district in the Punjab which, so far as my judgment leads me to believe, is rife for a permanent settlement of the land revenue.

COPY of a Letter from the Deputy Commissioner of Ludiana, to the Secretary to Government of Punjab (No. 711), dated 17 December 1861.

I HAVE the honour to acknowledge your letter, No. 1928, of 7th instant.

2. On the general question, as to whether the present settlement of the land revenue in the Punjab and its dependencies should be made permanent, I have some hesitation in offering an opinion, for I have not sufficient data before me. I believe that some districts are so sparsely populated, and contain so much unreclaimed land, that a guarantee against any future enhancement of the Government demand would either stereotype the existing state of things where cattle is the wealth most prized, or would entail a very unnecessary loss upon the State where the people are thrifty agriculturists. In both cases it would be an inadequate, even if at all practicable, remedy to separate off the waste tracts and hold them at the disposal of Government. In many cases this could not be done without a breach of the settlement compact, and in all perhaps (in the plains districts to which I am alluding) the result would be a failure,—the contiguous villages continuing to make use of the pasturage or jungle, and no outsider being ever likely to intrude. Such districts are in the nature of a grant of waste land during the early years of the grantee's lease given on prospectively increasing rents, and to perpetuate the existing settlement would be to forego the increased revenue likely to accrue on expiry of that term without meanwhile obtaining the 2½ or 5 rupees an acre fixed upon unassessed lands.

3. I think, therefore, the general question must depend very much upon the proportion of area in the Punjab, which is in a transition state towards reclamation, and the extent to which the arguments in paragraph 49 of the Government Resolution may be considered applicable.

4. But as regards fully populated and cultivated districts, there can, I imagine, be no doubt that, where the settlement is a good one, it might with every advantage be made permanent. Errors in the record of rights, which in the best settlement must be more or less numerous, will not be affected, and may come up for correction from time to time as they do now. The demand being moderate, it cannot but benefit the community to fix it and withdraw any motive for wilful deterioration, as the present term of settlement draws to a close. The difficulty I see here is the procedure in event of default, whether intentional or from calamity of season, or deterioration of soil. With our village communities enforced sale is always a difficult measure, with or without the right of pre-emption. We escape it now by the simple expedient of reducing the assessment; but when that is not available, we shall be reduced to kham management, with all its disorganizing effects upon the village community and loss to Government. A law fixing the assessment against increase, but not against reduction, would fail in the justice of reciprocity between the contracting parties; but I see no other remedy for the evil described.

5. Alluvial lands must necessarily remain an exception to any rule of permanent settlement, and fresh lines of demarcation will probably be required along all the rivers.

6. Where Government has alienated its revenue, the assignee's voice will generally be against the proposal which bars him from all hope of augmented income, and detailed rules will

will be required as to what status of a Jagheerdar should entitle his objections to a hearing. This class is rather looking forward to the delights of a return to levying payments in kind (by Buttai) than to any measure of emancipation of the zemindars.

7. Regarding the second point alluded to in the Government letter, viz., the value of a legislative sanction for settlements not made permanent, I would remark that the sanction of the Local Government ought, I think, to be pronounced by the legislative to be a valid and final sanction. No further confirmation would then be required to improve the tenure of land.

8. I beg to return the copy of Colonel Baird Smith's Report, as requested.

COPY of a Letter from the Deputy Commissioner of Umballa, to the Secretary to Government of Punjab, (No. 3); dated 4 January 1862.

IN reply to your letter, No. 1927, dated 7th ultimo, I have the honour to state that, after consulting with some heads of villages and native officials, I am of opinion that the value of a permanent assessment in their eyes rests mainly on the lightness or heaviness of the jumma as compared with present assets; none of them seem to feel that, if they were assured of the permanence of the present arrangements, they would, by greater exertions or expenditure of capital, do more than they do at present to render the incidence of the land tax lighter. Where the jumma is very light, they would, of course, be glad to be assured of its continuance; and perhaps in the western parts of the district, they might value the boon sufficiently to pay a small nuzrana, or agree to a slight increase in the jumma; but none to whom I have spoken in the eastern Pergunnahs seem to be willing to show their appreciation of it in this way.

2. I have seldom found that natives apprehend or give a clear reply to a question put hypothetically, and they are, as it is well known, naturally averse to anything new. They did not at first appreciate the advantages of a lengthened term of settlement, so it is hardly to be expected they would at once apprehend the question now proposed which is of greater magnitude. So that I do not consider that this is an absolute reason for rejecting the proposition; but still it shows that the concession is not at present desired on valid grounds.

3. I think that a very good test as to whether a permanent settlement in the existing state of tenures does confer any additional value on land over one for 20 or 30 years would be whether, in the older settled districts of the North Western Provinces, the value of land has been found to fall as the term of settlement was approaching its expiration.

4. In this district the value seems to me to rise rather than to fall as the settlement gets older; but the end of it as yet perhaps too remote for it to affect the value of land; but should it not have fallen in the districts of the North Western Provinces three or four years before the expiration of the old settlements, then I should say that the known moderation of Government affords all the security that is required in the present state of affairs for the continuance of an equitable scale of assessment.

5. I am told that there was a fall in value in Saharunpore during the last year of the old settlement, and at the same time a good deal of land was thrown out of cultivation; but this derangement appears to have been of too short a continuance to deserve much weight.

6. If large tracts of land were held by single proprietors, particularly Europeans, with capital, the conditions of the question would be altered.

7. It seems to be admitted in Colonel Baird Smith's Report, that the rise in the value of land has been progressive and not checked by the lapse of a considerable portion of the term of settlement, and is attributed to many causes besides the protracted fixity of demand, and too much weight should not, therefore, be given to this cause only.

8. It is true, that, as stated in the 64th paragraph of his Report, the proportion revenue should bear to rent has been reduced; but, owing to the increased extent of cultivation, I believe the general result of settlements in the North Western Provinces has been to increase the Government revenue.

9. The first assessments in the Punjab were made at a time when agricultural produce was very cheap, the production having been greatly and suddenly increased while the facilities of report were totally undeveloped.

10. The improvements which are now being yearly effected can hardly fail to give an additional value to land and its produce; and, considering the difficulty of introducing new systems of taxation, it seems hardly expedient for Government to resign its claim to an enhanced land revenue when the time comes, as it probably will, that it can be paid with greater ease than the present low one.

11. I would also suggest for consideration that a perpetual settlement could hardly be introduced without a more rigid enforcement of the law of sale for balances than is at present

present in force. The question of reducing the jumma of a permanently settled village could hardly be entertained, and in every case of default land must be sold.

12. In considering any revenue question with reference to the Umballa district, the way in which it will affect the Jagheerdars, who receive six out of the 10 lacs of its revenue, cannot be overlooked. They all consider that they have lost severely by the present settlement, and any proposal to give it permanency would be extremely obnoxious to them, while the zemindars would hardly be thankful for the boon.

13. I regret the delay which has occurred in replying to your reference; but the subject required consideration, and I did not at first notice that the reply was called for within 15 days.

(No. 32.)

From *J. B. Peile, Esq., Acting Under Secretary to the Government of Bombay,*
to *W. Grey, Esq., Secretary to the Government of India (No. 1627);* dated
23 April 1862.

WITH reference to your communications, Nos. 2036 and 6, dated respectively the 7th October and 2d January last, I am directed to forward printed copies of the Minutes noted in the margin, containing opinions of the Members of this Government respecting the "question of the permanent settlement of the land tax in this Presidency."

Minute by his Excellency the Governor,
dated 3d March 1862.

Minute by the Hon. Mr. Reeves, dated
7th March 1862.

Minute by the Hon. Mr. Frere, dated
31st March 1862.

(No. 33.)

MINUTE by His Excellency the Governor of Bombay; dated 3 March 1862.

It is a maxim of the natives of this country, that the perfection of financial administration may be measured by the extent to which an equitable land tax is made to contribute to the support of the State, and that the excellency of a Government may be estimated by the absence of direct and indirect taxation.

2. I have never doubted the truth of this opinion, seeing that the native feels that, in return for the payment which he makes to the State, he acquires the right to occupy or possess his land, and that in that right he receives an equivalent which to his mind deprives his payment of the essential characteristics of a tax.

3. This financial system is one of the most ancient institutions of this country, and is founded on the right of the State to a share in the produce of the land; a right which is proved not only by the universality of the practice, but by the fact that exemption from the obligation to pay is regarded as a much cherished privilege, which has either been forcibly acquired in olden times, or has been directly conferred by the State upon the possessor as a reward.

4. It is frequently the case that the title of the holders or occupants of the land to enjoy the usufruct of the soil has become more or less complete, and their rights of occupancy more or less permanent, according to usage and a variety of circumstances. But exemption from payment of a share of the produce is nowhere the rule, but the exception; and I consider it would be generally impolitic, by fixing permanently at their present money value the demands of the State on the land, to transgress a principle of finance so sound and correct as the one I have adverted to, because it is the tendency of prices and wages to increase; consequently the expenses of administration must increase. If, therefore, the income of Government from the land be stationary, or nearly so, which, by fixing the assessment permanently, must be the case, recourse must be had to increased taxation, both direct and indirect.

5. It will be perceived that in these observations I advert only to the fixity of settlement in respect to the money demand, and I desire it to be understood that I do not advocate any variation in the just and moderate proportion of the gross produce on which the present assessments are based. But, as the prices of produce are yearly increasing, I see no infringement of the original conditions of the settlement, nor will it be so felt by the ryot, if, on the expiration of this experimental settlement, the Government land tax should be re-adjusted according to those increased prices, and to other circumstances; provided that no revision is made within such long period of time, or otherwise than on considerations of the most sound character, and upon well-established facts.

6. This a 30 years' settlement, such as has been introduced into a considerable portion of this Presidency, and is in progress throughout the rest of it, fulfils. The moderation with which the assessment has been fixed, has given the right of occupancy a high marketable value; and, under the settlement in some districts, the prosperity of the people has increased in a marked degree. But I do not concur with the late Colonel Baird Smith, that

to intensify these results, which are similar to those described by him as having taken place under the settlement of the North West Provinces, we should here have recourse to a permanent settlement of the land tax; and it appears to me that more is due to those other elements of our settlements which he enumerates, viz., "security of titles, moderation of assessment," and, above all, "the recognition and careful record of rights," than to the mere "protracted fixity of the public demand."

7. For in this Presidency it had long been sought to perfect a ryotwary system by acknowledging no others than the Government and the poor peasant, and imposing on the latter all the burdens that he could stagger under in support of the former. That system naturally proved detrimental to the lands and all their inhabitants, excepting here and there the usurer. The result was that which must infallibly ensue under any Government which itself lives from hand to mouth, keeps no surplus money for advances, and maintains no stores for use, when in hard times seed corn is needed. Constant remissions, and still further decline of villages, became the ordinary characteristics of provinces which had already undergone the harassing and depopulating effects of more than two centuries of wars and plunder. The authorities at length resolved on retrieving a position for agriculture. It would have been better, in my opinion, to have recognised some dormant tenures, and to have resuscitated others. But habit and the example set by predecessors, whose wars, recklessness, and oppression had, generally speaking, exterminated the more respectable classes of landholders, served to keep out of view this best element of the success which depends on the possession of capital or of good credit. So they did the next best thing with a people who are not generally Mahomedan spendthrifts, but industrious Hindoos. After a survey, they imposed a very moderate assessment. This is now in operation, and is to endure for a period of 30 years. It is obvious that this being the first attempt on this side of India, within the limits of British dominions, to apply to cultivation a method of extending and improving it, and to population an encouragement to immigrate and increase, it would be an utter disregard of the rights of the Government in land tax if the present settlement were to be viewed as the limit of our demand. All that is here wanted, short of the reconstruction of such classes as zemindars and meerasdars, with their worth and influence, is to allow such a duration of settlement (and 30 years is not amiss for the purpose) as will combine the objects of increasing at future periods the moderate and just demands of the Government, while reconciling the ryot, for his own sake, to devote his industry and the utmost of his small means to the improvement of his long holding.

8. It is, in my opinion, another good reason for not settling our land tax permanently, that there can be no doubt in any unprejudiced mind that the lands are not yet held, generally speaking, as they might without difficulty be declared to be held, on a title still more highly esteemed and cherished. However well satisfied the ryot may be with the security of his right of his occupancy under the Revenue Survey Settlement, the term meeras conveys to his mind a sense of ownership, which no assurance that so long as he pays the Government revenue he will not be disturbed in the possession of his fields can give him. This was recently illustrated to me in a forcible manner by an intelligent Patell, who, in answer to a question put to him, with the view of eliciting the estimation in which he relatively held his "meeras" and "ghatkoolee land," replied: "The meeras is mine; the ghatkoolee is yours." And, again, as was emphatically said in my hearing, on another occasion, by a Native District Deputy Collector, and at the same time by an experienced mamlutdar, "they hold affectionately to 'meeras' (meeras ko bohut dil lugta)."

9. With reference also to the possibility of having hereafter permanently to impose new taxes, I object to the proposal for abandoning the right of Government to the improved value which increased prices should give to the right of the State to a share of the produce of the fertile soil worked at small cost in money and labour—a right which has been reserved to it from ancient times, and which has, until recently, enabled it practically to exempt the people of this country from the burdens of taxation which press so heavily on the communities of Europe.

10. I shall lament to see a departure from this wise system, nor do I see the necessity of the proposed measure, for the agricultural classes are, on all hands, admitted to be improving, and to be becoming gradually possessed of some capital; and those works of irrigation, which must mainly be the mainstay to protect them in seasons of drought, can only be undertaken on an organized system, which no present permanent settlement would insure being ever executed, but which it is the duty of the Government to undertake whenever it has available resources.

11. No legislative enactments have been found necessary in this Presidency to give effect to the 30 years' settlements now in operation, and none appears to be necessary.

(signed) *George Clerk.*

MINUTE by the Honourable Mr. *Reeves*, dated 7 March 1862.

I concur in opinion with His Excellency the President, that Colonel Baird Smith's proposal for a permanent settlement would, in the present state of this Presidency, be a glaring financial error.

2. There has always been a tendency to conclude that any measure considered good and applicable in Bengal and the North West Provinces, must be the same in Bombay. But here our rates have been pitched at the minimum for a period of 30 years, with the expressed intention of a revision, after consideration of prices, at the end of that term, when we are sure of a permanent increased revenue equal, or nearly equal, to what it was at first supposed the income and license taxes combined would yield in this Presidency. To sacrifice this, particularly when it is considered that we have no scheme of taxation to replace it, and that we do not even yet know how to tax the mercantile and other non-agricultural classes equally and effectually, when we are anxiously looking about for money for roads and public works, is not to be thought of.

3. Without committing myself to the opinion that a permanent settlement will never be appropriate, I am perfectly satisfied that the time for such a settlement in this Presidency is so remote, that it is a mere waste of time to consider of it. We are emerging steadily and most satisfactorily from the evil effects of wars, famines, oppressive assessment, and corrupt management, which were everywhere manifest when we took possession of the country. In Guzerat, it is true, a revenue survey was not set on foot until the lapse of a considerable period. Captain Cruikshank and Captain Keys, however, were conducting it, to my personal knowledge, as early as 1826. In the Deccan no time was lost in attempting the work of improvement, and Mr. Pringle commenced a revenue survey under Mr. Elphinstone's own directions; but after much money had been expended, it was found that operations in the Deccan had been left too much to native execution, and that the work of assessment (the measurements were generally good) was founded on the grossest bribery and corruption; a stop was, therefore, put to this survey, and the Guzerat proceedings ceased much about the same time. The present scheme of survey and assessment was matured by officers thoroughly acquainted with all former errors and mismanagement, and has been entirely successful in the imposition of an assessment extremely moderate and equal, and in giving to occupants a tenure as secure as they possibly can have. Government has declared that they have no claim to the soil so long as the assessment is paid. But it appears that one or two collectors in the Deccan have lost sight of this provision, and failed to impress it on the minds of occupants. The meerasdar, equally with the ordinary occupant, is bound to pay the assessment, and his land is responsible in default equally with that of the ordinary occupants. The only difference between the two is, that the meerasdar has hitherto had the privilege of re-entry on land deserted by him for a period of 30 years, and even longer, a privilege generally and properly condemned as opposed to reason, and productive of the grossest injustice and oppression.

4. The Honourable Court of Directors combined with the Government of India and successive governments of this Presidency in considering that this privilege was entirely wrong, and ought to be put an end to by legislation. But Lord Elphinstone's government, after very anxious and careful consideration, came to the conclusion that, although the civil courts occasionally reinstated a meerasdar, the measures which had been adopted in connection with the revenue survey, would gradually neutralise the injurious effects of the re-entry privilege, which would die out without any violent interference, and it was, therefore, decided that legislation was unnecessary.

See Mr. Secretary Ellis's letter, No. 4420, dated 5th November 1859, to the Legislative Councillor of the Council of India for Bombay.

5. Act XIV. of 1859, which limits all claims to 12 years, has most probably laid a salutary restriction on the claims of a meerasdar, and thus effected a most thorough coincidence between the tenures of meerasdar and ordinary occupant.

6. The solitary remnant left to the holder of meeras will be the name, but it ought to excite no surprise that, in the two collectorates of Poona and Ahmednuggur, meerasdars try to cry up and enhance the value of their own lands by crying down the lands of others held on exactly the same tenure. I am perfectly willing, however, to give ordinary occupants in the Deccan, Sattara, and part of Sholapore, the only localities where meeras exists, the name or title, if it can be shown satisfactorily, after full explanation to them of the rights they now enjoy, that they really desire it. Collectors and their assistants should be directed to set forth to the occupants that the only distinction remaining is the name; and if they then require the name, it should be given them "gratis." In the Southern Maratha country the cultivators are none of them meerasdars, though they are possessors as ancient as any holder of that denomination, and are in very much better circumstances.

7. I beg to refer to the three Minutes I have written on the subject of meeras and the effects of the revenue survey, for a more detailed explanation of my views.

8. My opinion, then, is that the occupants under Survey Rules have a tenure in no degree wanting in fixity and security; its sole liability is that of paying a moderate assessment, and it differs in no respect from that of a holder of an extensive leasehold property in England, or, in fact, from that of any person of any rank paying taxes in the United Kingdom.

9. The

9. The permanent settlement cannot possibly add anything to this security; and legislation, by meddling with what has hitherto been considered as a matter of course, would do harm. No one doubts that when Government give a lease (not of land, but of rates) for 30 years or 50 years, the rates will not be changed. Occupants sell and mortgage their lands; they would not do this if they doubted the word of Government, or the fixity of their tenure; and an officious interference with well-understood customs and maxims entirely uncalled for would excite the wonderment of the people, and perhaps their distrust, but it would certainly not tend to raise their opinion of the wisdom of the Legislature.

(signed) *H. W. Reeves.*

MINUTE by the Honourable Mr. *Frere*, dated 31 March 1862.

AFTER carefully considering Colonel Baird Smith's report, and these Minutes, I have nothing to add but my general concurrence with His Excellency the President and my honourable colleague, Mr. Reeves.

2. I have already given my opinion upon the Meerassee tenure, so need not reiterate my objections to its revival, except with the modifications proposed by Mr. Reeves; my firm belief being that the ryots already possess all that is wholesome of the Meerassee right, if the collectors and other revenue officers only took the trouble to show it to them.

3. I annex translation of a memorandum by Ram Rao Bheemajee, Desaee of Dharwar, which the Honourable Mr. Reeves left with me to record on this subject, the papers having passed him when he received the memorandum; and I would point to the public works undertaken by the villagers in Dharwar (of which the Secretary will be good enough to annex a list) as showing that, with the 30 years' guarantee of the revenue survey and the present low rates, the ryots have means of their own to lay out on improvement, and feel that they have sufficient hold of the land to lead them to embark in those improvements for the general good; and as it is well known, even to the ryots themselves, that the lands which have been already surveyed will, on the expiration of the 30 years, bear an increased assessment of from 25 to 50 per cent., I am satisfied that a more permanent settlement than we now have is not required by the ryots, and would be a serious sacrifice by Government, even if it was introduced into those villages alone where the whole land had been taken up, and consequently where the profit or loss, which would be sustained, might be apparent; but even then we must recollect that the bargain is all on one side; for if by any accident it should happen that prices were to fall, and the assessment was found to be too high, Government would be obliged to reduce the rates, while, on the other hand, the ryot would reap the benefit of all unforeseen advantages.

(signed) *W. E. Frere.*

(No. 34.)

From *A. D. Robertson*, Esq., Acting Chief Secretary to the Government of Bombay, to *E. C. Bayley*, Esq., Secretary to the Government of India, (No. 1,938); dated 16 May 1862.

I AM directed to forward the accompanying copy of a statement showing the works of public utility constructed and executed in the Dharwar Collectorate during the year 1860-61, either wholly or partially at the cost of private individuals, referred to in paragraph 3 of the Honourable Mr. Frere's Minute* on the subject of the redemption of land tax in this Presidency, dated the 31st March last.

* Printed copy forwarded to the Government of India, with Mr. Acting Under Secretary Peile's letter, No. 1627, dated 23d April 1862.

2. A copy of the translation of Ram Row Bhimajee's memorandum, mentioned in the same paragraph of the Honourable Mr. Frere's Minute, is also annexed.

(No. 35.)

STATEMENT showing the Works of Public Utility Constructed or Executed in the Dharwar Collectorate during the Year 1860-61, whether wholly or partially at the cost of Private Individuals, and, in the latter case, showing the Extent of Contribution from Private Sources.

DISTRICTS.	Places where Constructed.	Description of the Works.	Cost of each Work, and Proportions of Cost defrayed by Government and Private Individuals respectively.			Names of Private Individuals who have either Wholly or Partially Defrayed the Cost of each Work.
			Private Contributions.	Government Contributions.	Total Cost during the Year 1860-61.	
			Rs. a. p.	Rs. a. p.	Rs. a. p.	
Dharwar Talooka	Dharwar to Gurrug	Road repairs	237 1 2	520 - -	456 15 7	Villagers of Gurrug.
	Marudghee	Constructing chowree	140 - -	70 - -	87 14 1	- ditto of Marudghee.
	Near Gurrug	Repairs to road	332 9 6	67 6 6	389 15 10	- ditto of Gurrug.
	Kelgherry	- ditto sluice	183 10 -	26 14 9	45 14 9	- ditto of Kelgherry.
	Moogood	- ditto tank	68 8 -	68 8 -	82 14 8	- ditto of Moogood.
	Beltigherree	Constructing chowree	71 12 -	75 - -	143 12 -	- ditto of Beltigherree.
	Nawloor	Repairs to tank	627 - -	119 8 9	615 8 6	- ditto of Nawloor.
	Karkope	Constructing chowree	114 - -	- - -	114 - -	- ditto of Karkope.
	Dharwar	Repairs to Halgherry tank.	4,735 12 -	3,649 - -	2,637 4 7	Town people and Municipality of Dharwar.
	Ditto	Constructing cistern in Halgherry Tank.	480 - -	- - -	11 1 2	- ditto - - - ditto.
Hooblee Talooka	Pursapoor	Repairs to tank	19 9 -	143 15 6	160 8 6	Villagers of Pursapoor.
	Turrus and Dhoondsee	- ditto road	877 1 -	620 - -	274 7 10	- ditto of Turrus Dhoondsee.
	Gunjee Guttee	- ditto tank	138 5 3	134 7 3	267 15 -	- ditto of Gunjee Gbutee and neighbouring villages.
	Chick Hurkoonee	- ditto - - -	250 - -	200 - -	51 15 2	- ditto of Chick Hurkoonee.
	Heeree Harkoonee	- ditto - - -	1,003 6 -	196 10 -	621 15 -	- ditto of Heeree Hurkoonee.
	Hullihal	Constructing well	113 3 -	103 5 1	182 - 3	- ditto of Hullihal.
	Muttikuttee	Repairs to tank	300 - -	200 - -	433 8 3	- ditto of Muttikuttee.
	Bam Samoodra	Constructing chowree	75 4 -	41 7 6	86 3 2	- ditto of Bam Samoodra.
	Ramonkope	- ditto - - -	73 - -	70 - -	95 7 7	- ditto of Ramonkope.
	Pursapoor	Repairs to tank	400 - -	200 - -	97 8 10	- ditto of Pursapoor.
	Bomaspoor Indapoor	- ditto - - -	150 - -	- - -	37 2 1	- ditto of Bomaspoor Indapoor.
	Karrywad	- ditto - - -	89 - -	206 - -	22 12 -	- ditto of Karrywad.
	Boodihal	Constructing chowree	75 - -	75 - -	104 14 6	- ditto of Boodihal.
	Ditto	- ditto well	271 4 -	200 - -	397 4 3	- ditto - ditto.
Nowl Goond Talooka	Tirlapoor	Repairs to tank	1,900 - -	1,200 - -	467 4 7	- ditto of Tirlapoor.
	Pudasoor	Constructing chowree	55 - -	75 - -	129 15 4	- ditto of Pudasoor.
	Ebrampoor	Repairs to tank	685 - -	- - -	286 9 9	- ditto of Ebrampoor.
Dumbal Talooka	Dumbal	Constructing well	100 - -	- - -	29 11 -	A ryot of Dumbal, by name "Rayapa."
	Koorut Rottee	- ditto - - -	4,089 9 7	- - -	1,968 12 4	A ryot of the village named "Kumrapa."
	Dumbal	Repairs to tank (sluice)	181 7 6	- - -	180 12 2	Villagers of Dumbal.
	Hunmonhal	- ditto chowree	166 9 1	- - -	64 - -	- ditto of Hunmonhal.
Hungal Talooka	Ainkerry Hungul	Repairs to tank	400 5 2	320 12 -	170 3 1	- ditto of Hungul.
	Dhurma River	Constructing bridge	4,452 9 4	547 6 8	161 9 4	- ditto of Hungul and all the neighbourhood.
	Chunlergherree	- ditto well	2 12 -	200 - -	15 11 6	- ditto of Chundergherree.
	Kuncheengloor	- ditto chowree	68 - -	50 10 11	45 1 6	- ditto of Kuncheengloor.
	Hoolultee	Repairs to tank	600 - -	200 - -	272 7 6	- ditto of Hoolultee.
	Dhurma River	Constructing canal	3,825 7 7	1,481 8 5	1,751 9 3	- ditto on line of canal.
	Belgul	- ditto - - -	1,500 - -	1,491 - -	2,012 9 7	- ditto - - ditto.
	Konunkope	Repairs to tank	384 - 3	200 - -	460 4 2	- ditto of Konunkope.
	Mellehullee	Constructing well	500 - -	300 - -	325 - 6	- ditto of Mellehullee.
	Geershunkope	- ditto chowree	61 12 -	30 10 4	89 11 11	- ditto of Geershunkope.
	Hunkunhully	- ditto canal	1,155 7 10	200 - -	1,104 6 8	- ditto of Hunkunhully.
	Doleshwur	- ditto chowree	100 8 -	46 14 4	93 10 6	- ditto of Doleshwur.
	Hungul	- ditto well	416 8 8	- - -	322 10 11	- ditto of Hungul.
	Moodenoor	- ditto chowree	166 4 -	48 12 -	116 11 5	- ditto of Moodenoor.
	Goorenhullee	- ditto - - -	67 4 10	67 4 9	55 15 3	- ditto of Goorenhullee.
	Singapoor	Repairs to tank	118 15 4	31 - 8	112 5 4	- ditto of Singapoor.
	Radumguttee	- ditto - - -	200 - -	100 - -	284 6 1	- ditto of Radumguttee.
Kureegoodree	- ditto - - -	17 3 5	- - -	17 - 3	- ditto of Kureegoodree.	
Raneebednoor Talooka	Gootul	- ditto Hereekere tank	2,173 8 -	2,050 8 -	361 8 -	- ditto of Gootul.
	Assoondee	- ditto tank	1,030 - -	9,318 - -	786 6 9	- ditto of Assoondee.
	Honunttee	- ditto - - -	3,356 - -	3,356 - -	2,699 7 -	- ditto of Honunttee.
	Goodgoodapoor	- ditto houd or reservoir	547 - -	200 - -	713 3 8	- ditto of Goodgoodapoor.
	Beadghee Reservoir	- ditto - - -	1,158 8 -	200 - -	629 12 4	- ditto of Beadghee.
	Beadghee	Constructing chowree	207 4 -	75 - -	173 15 4	- ditto - ditto.

(continued)

STATEMENT showing the Works of Public Utility Constructed or Executed in the Dharwar Collectorate, &c.—*continued.*

DISTRICTS.	Places where Constructed.	Description of the Works.	Cost of each Work, and Proportions of Cost defrayed by Government and Private Individuals respectively.			Names of Private Individuals who have either Wholly or Partially defrayed the Cost of each Work.
			Private Contributions.	Government Contributions.	Total Cost during the Year 1860-61.	
			<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	
Bunkapoor Talooka	Yettinullee	Repairs to tank	418 - -	417 - -	58 3 4	Villagers of Yettinullee.
	Seerbudghee	- ditto	2,000 - -	3,108 - -	2,897 6 7	- ditto of Seerbudghee.
	Near Anikerry, between Hoolgoor and Tiggaon.	- ditto road	125 3 2	- -	119 13 5	- ditto of neighbouring villages.
	Gungaloor	- ditto canal	324 12 -	- -	157 6 5	- ditto of Gungaloor.
	Dewgherree	- ditto houd or reservoir	1,501 7 -	200 - -	217 15 9	- ditto of Dewgherree.
	Hawerree	- ditto canal	1,214 4 -	- -	445 4 6	- ditto of Hawerree.
Kode Talooka	Sattinullee	Repairs to tank	675 - -	2,602 - -	30 - -	- ditto of Sattinullee.
	Kuchwee	- ditto Soolekerry tank	375 4 7	174 11 5	211 14 6	- ditto of Kuchwee.
	Bengherry	- ditto tank	200 14 10	- -	209 14 10	- ditto of Bengherry.
	Hawasbhawi	Constructing chowree	228 12 -	75 - -	167 7 10	- ditto of Hawasbhawi.
	Hoosoor	Repairs to Toombrucuttie tank.	200 - -	200 - -	74 15 10	- ditto of Hoosoor.
	Alulgherry	- ditto chowree	42 6 -	42 6 -	43 5 -	- ditto of Alulgherry.
	Hullibial	- ditto	73 14 -	50 - -	18 3 10	- ditto of Hullibial.
	Masoor	Constructing chowree	245 4 4	75 - -	133 - -	- ditto of Masoor.
	Hoolultee	Repairs to tank	300 - -	300 - -	5 - -	- ditto of Hoolultee.
	Tillowlee and Koonoor	- ditto to canal	1,892 7 -	568 9 -	467 7 1	- ditto of Tillowlee, Koonoor and others on the line.
	Nuswee	- ditto tank	3,731 - -	3,731 - -	7,526 8 -	- ditto of Nuswee.
	Masoor	- ditto Copudkerree tank.	715 - -	715 - -	1,418 6 11	- ditto of Masoor.
	Lingapoor	- ditto chowree	60 - -	60 - -	83 2 4	- ditto of Lingapoor.
	Gungayecope	- ditto tank	198 12 4	200 - -	321 - -	- ditto of Gungayecope.
	Seedanoor	- ditto houd or reservoir	416 - -	200 - -	415 2 10	- ditto of Seedanoor.
	Goodenullee	- ditto chowree	18 - -	24 - -	24 8 -	- ditto of Goodenullee.
	Chuppradhullee	- ditto houd or reservoir	50 - -	50 - -	57 - -	- ditto of Chuppradhullee.
	Koadmoghee	- ditto	200 - -	200 - -	271 - -	- ditto of Koadmoghee.
	Koorubgond	Constructing chowree	122 - -	75 - -	120 5 7	- ditto of Koorubgond.
	Jokinullee	Repairs to tank	70 - -	40 - -	40 - -	- ditto of Jokinullee.
	Agurguttee	Constructing chowree	75 3 -	50 - -	83 12 -	- ditto of Agurguttee.
	Chickbusoor	Repairs to chowree	14 6 -	- -	14 6 -	- ditto of Chickbusoor.
	Kaguelly	- ditto calwa or canal	274 10 6	350 - -	520 3 6	- ditto of Kaguelly.
	Kunvesidgherree	- ditto houd or reservoir	95 - -	30 - -	60 - -	- ditto of Kunvesidgherree.
	Shunkurubullee	- ditto	100 - -	63 2 -	67 - -	- ditto of Shunkurubullee.
	Seergopee	- -	- -	- -	- -	- -
	Nulowdee	- -	- -	- -	- -	- -
Heboor	- -	- -	- -	- -	- -	
Mulligur	- -	- -	- -	- -	- -	
		Constructing bridges	17,700 - -	13,500 - -	20,864 - -	- ditto of all the neighbouring talookas.
Municipal Expenditure:						
Town of Dharwar	Water supply, cleansing, &c.	- -	- -	1,265 9 1	Municipality of Dharwar.	
Town of Bettigherry	- ditto	- -	- -	1,555 - 9	- ditto of Bettigherry.	
Town of Hooblee	- ditto	- -	- -	8,045 2 3	- ditto of Hooblee.	
Town of Guddug	- ditto	- -	- -	727 3 7	- ditto of Guddug.	
Town of Raneebednoor	- ditto	- -	- -	951 2 1	- ditto of Raneebednoor.	
GRAND TOTAL - - - <i>Rs.</i>			74,159 14 1	55,938 7 10	72,564 14 5	

(signed) *A. D. Robertson,*
Acting Chief Secretary to Government*Note.*—Many of these works have appeared in former Returns, and will appear in future ones, more than one year being taken to complete them; but the 3d column correctly shows the expenditure during the year 1860-61.

TRANSLATION of a Memorandum by *Ramrao Bheemajee Dessayee*, late Akbarnavees, of Kolapore.

THE Hon. Mr. Reeves having requested me to submit my opinion relative to the circumstances and condition of the agricultural classes in the Deccan and the Southern Mahratta Country under the British Government, I beg to state as follows:—

1. My family holds the Dessaeegiree Wuttun of the Dharwar District. My ancestors conducted the duties of that office; and I myself did so for a considerable time, until I was appointed to the stipendiary situation of Akbarnavees at Kolapore, on behalf of the British Government. The office of Dessayees is hereditary. They are generally called zemindars, or landowners. It was their duty to manage, on account of Government, the cultivation of the land and the collection of the revenue due thereon. Having personally conducted the duties of my hereditary office of Dessayee for a long time, and also had many opportunities of observing the revenue administration, as affecting the interests of the State, and the condition of the agriculturists, especially in the collectorates of Dharwar and Belgaum, I am able to offer an opinion on these points with a degree of confidence which I should not otherwise have felt.
2. Before proceeding to describe the present circumstances of the ryots, it is necessary that I should say a few words respecting their condition prior to the introduction of the British Government. Under the Mahomedan and Maratha Governments, there were neither certainty of tenure nor proper police arrangements for the protection of the rights of the agriculturists—blessings which have been brought to them by the British Government.
3. Under the former Governments, wealthy and adventurous persons, by spending large sums of money in the shape of douceurs to the influential functionaries at Court, and offering to Government a larger than the average amount of revenue, obtained mahal or districts in farm; they received full and absolute powers from Government, and were called “Sirsoobas.” The sirsoobas, or farmers, sub-let portions of their farms to those persons who offered the largest amount of revenue, and delegated their own powers to them. The natural effect of this farming system was, that those who offered the largest amount of rental obtained lands to the prejudice of the actual occupants. In addition to the stipulated amount of revenue, the ryots were frequently called upon to pay extra cesses for defraying the expenses of the tour of the Sovereign, who, in the first instance, collected the amount from the sirsoobas, and authorised them to reimburse themselves by laying the ryots under contribution to a proportionate extent: an authority which was not unfrequently abused. Thus, the sirsoobadars, or farmers, the mamladars, or sub-farmers, and the zemindars, who farmed portions of districts from them, consulted their own interests, by the collection of extra cesses from the ryots, without any regard to their ability or otherwise to bear those contributions. The ryots were also subjected to a great variety of other annoyances, such as impressment for gratuitous labour, by which they were compelled to desert their homes and lands, and seek refuge in the estates of petty chiefs, jahageerdars, &c., where they had the prospect of an immunity from these vexations. They were, therefore, unable to bring the whole of their lands under the plough; those lands which they did cultivate did not yield them a fair out-turn, from not having been prepared at the proper season, or from not having been sufficiently manured, or from some other similar causes; and the consequence was, that the ryots were continually subjected to losses more or less. Many persons were driven by this state of things, and the hopelessness of obtaining redress from the Sovereign, to the commission of murder, robbery, cattle-lifting, arson, and other atrocious acts. Such was the anarchy and the consequent misery of the ryots under the former Government. Volumes might be written in illustration of these subjects; but I refrain from enlarging upon them, lest I should be led into prolixity, and render this memorandum perhaps more discursive and rambling than its interest is worth.
4. Owing to this disorder and uncertainty of the tenure of the farms held by the sirsoobas themselves, they neglected no opportunity of filling their coffers by taxing the ryots to the utmost extent of their means. In short, to be rich was almost tantamount to be guilty under the former régime.
5. With the introduction of the British Government, came certainty of tenure, protection of rights, and security of person and property. Since that happy epoch, the condition of the agriculturists has been gradually ameliorated, and in no few instances rendered opulent. To narrate *in extenso*, the measures by which this state of things has been brought about, and to follow the progress of advancement in all its stages, would swell this document to a tedious length, and, indeed, time does not admit of my entering into a detailed discussion of the subject. I shall, therefore, confine myself to a few general observations, which may suffice for the deduction of practical conclusions.
6. By virtue of my hereditary office of Dessayee, I personally conducted the affairs of the village of “Nowher” near Dharwar, yielding a large revenue to Government. Towards the downfall of the Peishwa, not more than one-fourth of the arable land, belonging to this village, was under the plough, the remaining three-fourths having lain waste for a long series of years.
7. Shortly after the accession of the British Government, that is to say, in the year 1822-23, Mr. Thackery, the Principal Collector of Dharwar, which in those days included the

the present Zillah of Belgaum, turned his attention to the improvement of the country committed to his charge; he went round the whole district, equalised and reduced the rates of revenue, constructed tanks and wells where a supply of water was wanting for agricultural and other purposes, repairing those which existed, but had long fallen into a state of disrepair and dilapidation; and granting "tuccavee" (advances) to the ryots on a liberal scale, in proportion to their ascertained means and resources, to be repaid without interest by annual instalments. The improvement of the village of Nowloor was entrusted to me. The tank which had long been out of order was repaired, and the whole of the land under it was brought under the plough by the resident ryots, and the agriculturists of the neighbouring villages; and the land which had formerly presented to view an arid uncultivated prospect, was now changed into a most beautiful sheet of verdure, as far as the eye could range; in fact it was a garden. The dry-cropped land having been offered at a uniform rate of four rupees per "mar" (equal to about 25 acres,) on long leases, septennial and decennial, the ryots took it up with avidity; they raised jowaree or helcur sorghum, wheat, gram, linseed, cotton, tobacco, and other remunerative crops; and in the course of time, they attained a comparative state of opulence. These measures of improvement were introduced with similar beneficial results throughout the districts of Dharwar and Belgaum.

8. The consummation of this amelioration was effected by that able and considerate officer, Captain Wingate, who introduced the Revenue Survey, and an assessment founded on a classification of the soils according to their capabilities. The low rates of this assessment enabled the ryots to extend their agricultural operations, and by the large out-turns, which they were enabled to reserve to themselves after paying the rental due to Government, they have gradually enriched themselves; they invested their surplus profits in the enlargement of their herds of cattle, which materially added to their prosperity by enabling to sell milk, butter, ghee, and curds; they have raised exportable crops to a large extent and enlarged their capital. When disengaged from their avocation of husbandry, they resort to the desert, for the purpose of felling timber, in which they deal largely and with great advantage; they likewise obtain considerable incomes from their carts which they let on hire. The agriculturists of the present day are not what they were half a century ago, poverty-stricken, oppressed, and wretched; they are wealthy and happy, have large quantities of precious metals in the shape of ornaments about the persons of their females; they are dressed in costly clothes,—in short, nothing could be more desirable than their condition, and peace and plenty pervade them.

9. Under the former Government there were no fixed instalments for the collection of revenue; where they did exist they were ill adapted to local circumstances, for commencing, as they did early, often before the harvest could be gathered and sold, they obliged the ryots to resort to the usurious money-lenders, for the purpose of raising loans wherewithal to satisfy the Government demand, by hypothecating the produce of their crops, and often selling it to arrive at maturity, at rates far below what they would have got in the market. In fine, it is not too much to say that the ryots in those days were in a continued state of thralldom, and many were the mere serfs of the money lenders. But, now, the first instalment of the revenue collections falls due after nearly half the produce has been gathered and housed, so that the ryots are enabled to sell their harvest at the market prices, and meet the demands of Government from their own resources. This is no inconsiderable cause of the present prosperity of the agricultural classes.

10. The certainty of tenure guaranteed by the Revenue Survey has established a feeling of confidence in the minds of the ryots; while the discontinuance of impressment for unremunerated labour, the abolition of "Mohturfa" or tax on houses, and of a variety of town and transit duties, and the restraints upon the arbitrary use of power and influence by the zemindar, evils which, in former days, told severely upon their means, have enabled them to convert their old low huts into large decent-looking commodious houses. Added to this, the introduction of the Municipal Act has greatly improved the appearance of the villages and towns, and generally the whole face of the country has altogether changed.

11. Thus has the British Government brought almost every available acre of land under the plough by great and continued exertions, and at a vast outlay or sacrifice of money, not less for the permanent furtherance of its own interests than for the promotion of the prosperity of the people. Government has now passed a Resolution for selling the land (both cultivated and waste), which, in fact, forms its main resource; but, as the measure has been resolved upon, after great deliberation, and doubtless at the advice of highly talented and experienced officers, I feel considerable diffidence in offering an opinion in opposition to theirs. But, to my humble judgment, the measure is as highly impolitic as it will hereafter be found to be injurious to the people themselves. In India, unlike other countries, the proprietary right in the soil has from time out of mind been vested in the Sovereign; it forms the principal, and, it may safely be said, only resource at once of both the Government and the people. To enable them to purchase the land by the redemption of the land tax by the payment of 20 years' rental, the ryots will generally be obliged to borrow money at high rates of interest, so that their proprietary right will be only nominal; they will be mere serfs, as in days of yore, and the real masters will be the money-lenders, from whose grasp it will be long, if ever, before they can extricate themselves. By selling its proprietary right in the soil, Government will also forego the prospective increase of revenue to which it may safely look forward by the introduction of higher rates of assessment; after the lapse of the 30 years guaranteed by the Revenue Survey Settlement. If the present

state of matters is left intact, undisturbed, the ryots, at the close of the 30 years' leases, will be in a position to bear higher rates of land tax; and if a permanency will there be guaranteed to them, similar to the existing Revenue Survey Settlement, they will be all the happier.

12. The introduction of the Revenue Survey has likewise benefited the Dessayees, Deshpandays, Nadgowdas, Patells, Koolkurnees, and other hereditary officers holding Jodee Inam villages and lands, inasmuch as the Jodee or quit-rent due on their holdings has also been reduced in common with the Government lands.

13. During the disturbances which broke out in 1857-58, Brigadier General LeGrand Jacob, then Political Commissioner in the Southern Mahratta Country and Kolapore, called for my written opinion as to the causes which might have led to the rebellion when all the people were happy under the administration of the British Government, and I submitted a memorandum, showing in detail, to the best of my humble ability and information, the respects in which the princes, chiefs, jahgeerdars, inamdars, cultivators and others of the Deccan and the Southern Mahratta country, were happy, as well as those in which they had anything to complain of. In that paper I showed that the ryots, cultivating Government lands, were happy; that they had no share in the revolt, and that they were loyal and wished the British Government prosperity. I still see no reason to alter the opinion which I then expressed, and I am perfectly convinced that no body of the subjects of Her Majesty is happier than are the agriculturists.

14. As I have had but little time to consider the important subject embraced by this memorandum, I crave indulgence for any shortcomings it may betray.

(signed) *Ramrao Bheemajee.*

Bombay, 11 March 1862.

(No. 36.)

From Sir *George Couper*, Bart., c. b., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 578A), dated Nynce Tal, 27 May 1862.

WITH reference to your predecessor's letter, No. 2033, dated the 7th October 1861, I am directed to forward to you, for the consideration of his Excellency the Viceroy and Governor General in Council, the accompanying copies of Minutes recorded by his Honor the Lieutenant Governor and the Senior and Junior Members of the Sudder Board of Revenue in these Provinces, on the expediency of forming a permanent settlement of the North Western Provinces.

(No. 37.)

MINUTE by *W. Muir*, Esq., Senior Member of the Sudder Board of Revenue, on the expediency of forming a permanent settlement of the North Western Provinces; dated 5 December 1861.

IN discussing this question, it seems expedient at the outset to clear away a misapprehension which I have found frequently to exist. It has been urged that a perpetual settlement is needed in order to give a permanent proprietary tenure. This, however, is not the case. Perpetuity of proprietary tenure is not only quite compatible with an assessment liable to revision, but it actually does exist in as full and perfect a form throughout these provinces as it would have done had the settlement from the first been permanent. The title by which proprietors hold land in Benares or Jounpore, under a permanent assessment, is in no wise better, *as regards perpetual fixity*, than it is in Azimghur or any other temporarily settled district. In respect of the limitation of the Government demand, the right may be more valuable in the former than in the latter; but in respect of permanency of title there is absolutely no difference in value whatever.

Fixity and perpetuity of tenure not involved in the discussion.

2. The grand distinction between the state of *property* as such, in these provinces and in Bengal, is, that in the latter, the persons with whom Government entered into engagements at the permanent settlement, were recognised as absolutely and exclusively the proprietors, although they were very often in reality only sharers or part proprietors in their estates.* In these provinces, the errors in the recognition of proprietorship, that were committed in the

* "In Bengal, Behar, and Orissa, the permanent settlement effected a great revolution in the state of landed property. It very extensively deprived the village communities and inferior holders of their rights, and created new and absolute rights of property in behalf of persons who had previously possessed only a limited interest on the produce of the land."—*Directions to Collectors*, paragraph 91.

the early settlements,* have been held liable to amendment; and subsequent detailed investigations, under judicial powers conferred for the purpose, have ascertained and fixed the proprietary right in those individuals who, by the prescriptive exercise of proprietary functions, were entitled to be so recorded.

3. The errors committed in Bengal were, however, by no means errors necessarily inherent in a perpetual settlement of the land revenue. The revenue demand might have been declared perpetual, without making the Government to guarantee proprietary titles according to a faulty and deficient registration. The two operations in a settlement, viz., assessment of the demand and record of proprietary and other rights, are ordinarily performed together, but they are essentially independent of one another.† The perpetuity of the demand was not, therefore, in itself a reason why the errors of proprietary registration in Bengal should not have been amended by subsequent measures, nor is it any defect in the proprietary titles in these provinces, that they have been ascertained and recorded prior to a permanent settlement.

4. It is clear, then, that, in these provinces, as the rights of property have been carefully ascertained and recorded, the title thus secured is quite as fixed and permanent as any title in Bengal, with the additional advantage of being the rightful title, that is to say, a title in close accordance with prescriptive possession.

5. Whatever benefits, therefore, a permanent settlement may bring with it, security and perpetuity of title must be left out of the account; and it does not appear in what respect "the tenure [of land]" in these provinces could be improved by any fresh "legislative sanction," as appears to be contemplated by the Government of India,‡ in the case of such districts as may be continued under temporary settlement.

§ Paragraph 3, Government Order, No. 2033, dated 7th October.

6. I proceed, then, to consider the question of a permanent settlement on its own merits.

7. As the advantages of such a settlement have been very forcibly stated by the late Colonel Baird Smith, C. B., so the disadvantages have been ably argued by Mr Keene, in a pamphlet§ which I have just received from him, and which I place with this Minute.

§ The Indian cotton question stated, with especial reference to the tracts situated between the rivers Ganges and Jumna, by a district officer.

8. *Disadvantages of a Permanent Settlement.*—They may be reduced to the following:—

1st. The Government shuts itself out for ever from its legitimate share in the profits arising from the extended cultivation and increased productiveness of the soil.

2d. It divests itself of the ability of re-adjusting its revenue according to the altered value which, in the progress of time, different localities often assume towards one another, or to the altered prices, which, in the lapse of ages, may affect the produce of the whole country.

Increase of revenue from future extension of agriculture relinquished.

9. There is no question but that the stimulus to agriculture imparted by the protection of our Government, and the security of long settlements would, even under the present system of periodical assessments, cause in the next 30 years (as they have caused in the past) a vast extension and improvement of agriculture. We have the example of Goruckpore in point. The incentive to exertion produced by a fixed assessment for 30 years has been so strong as to secure a prodigious reclamation of waste land, so large indeed, that, even at the lowered standard of present assessment, in that single district an increase of some eight lakhs of rupees, or about 40 per cent., on the former demand is expected under the settlement now in progress. The Government, as part landlord, is entitled to its share in this increase. Property in the temporarily settled districts exists (it is argued) with this as an essential condition of its existence. To confer the exclusive advantages to be derived from its share in the increased assets on any set of proprietors, is simply to enhance the value of their property by alienating a profitable right of Government, without any equivalent, and at the expense of the other portions of the community, on whom will fall the burden of making good the prospective loss thus created.

Especially in case of Government irrigation works.

10. The same argument applies with still greater force, as has been shown by Colonel Baird Smith, to those tracts of country where the increase of the cultivated area, and of the value of the produce, is the effect of Government works of irrigation. Here the increase is the result of expenditure of capital, not by the proprietor, but by the Government, or in other words, by the community at large; and the Government title to share in the increased profits is thus doubly stronger than in the case before supposed.

11. Further

* "The early settlement in these provinces were made very much as those in Bengal, without minute inquiry into the extent or capabilities of the several estates, or into the nature of the rights possessed by the persons with whom the settlements were made. Since then, under the provisions of Regulation VII. of 1822, and IX. of 1833, a minute inquiry has been made into every circumstance connected with landed property, and a complete record has been compiled of every fact, so far as it could be ascertained."—*Directions to Collectors, paragraph 152.*

† "There are evidently two distinct operations in the formations of a settlement. The one is fiscal, the determination of the Government demand; the other is judicial, the formation of the record of rights. Ordinarily the two operations are performed at the same time, and there are many reasons which render such an arrangement very desirable. But if from any cause the judicial part was omitted when the fiscal was performed, there is no reason why the former should not be subsequently carried into execution without disturbing what had been previously done towards the latter."—*Directions to Settlement Officers, paragraph 2.*

11. Further, in the lapse of time, vicissitudes take place. One portion of the country under the influence of new lines and facilities of traffic, becomes prosperous; another, by the desertion of old routes and modes of communication, sinks in the national scale. The latter cannot now bear the revenue demand which it formerly discharged with ease; the former has a surplus of profit greatly disproportionate to the standard at which its settlement was framed. The adaptive character of our present system enables us here to balance periodically the burdens of the State. Those who have prospered through the force of circumstances are assessed (according to the known and essential conditions of their tenure) at a moderate proportion of their increased profits, and from the same source the Government is enabled to remit a suitable proportion of the heavy assessments which may be bearing down the less fortunate tracts. Where the assessment is perpetually fixed, it will be impossible to afford the relief which such vicissitudes render imperative without a clear loss to the Government. Instead of periodical equalization of uneven assessments, there will be the hazard of remissions being required with no fund of equivalent increase from which to meet them.

Power given up of re-adjusting the revenue to fluctuations of agricultural condition.

12. This is a point Mr. Keen has laid much stress upon as an argument for postponing the permanent settlement in these parts, for he says that we are in a state of transition, and that when new lines of traffic, new emporia of trade, and new systems of irrigation have declared themselves, "we may then admit that the time has come for a permanent settlement." But it appears to me that this argument, if pressed to its legitimate limit, would defer to so indefinite a future the whole question, as to be virtually a negative of a permanent settlement altogether.

Preface, page ii.

13. So also with the question of prices. It would be impossible at any future period to say that prices had reached a limit beyond which they will not rise. In certain quarters, indeed, such as Jubbulpore, which are at present far removed from any general market, it may be a question whether the demand should be made perpetual until the effect of the opening of the new communications now under construction, has fully told upon the prices of its agricultural produce. But in respect of the greater portion of these provinces, it may be doubted whether the tendency will not be rather in the opposite direction; for districts at present remote, will, by the extension of railways, be brought into nearer competition with its markets, and the effect will be to lower prices. So far, then, as this argument likewise is concerned, its legitimate conclusion is not so much to postpone a permanent settlement as practically to reject it.

14. The only remaining point for consideration is one which may be thought too recondite and theoretical for any practical weight. But the Government, before it irrevocably commits itself, is bound to keep in its view all the contingencies and possible future effects, however remote, of a step which will affect so large a portion of its existing revenues. It is quite possible, then, that silver may in a future age greatly fall in value.* The prices of all other commodities would correspondingly rise, and the expenses of Government, both in its general expenditure and in the salaries of all its employés, would be increased in a similar proportion. Meanwhile, the income derived from the land revenue would remain stationary, or rather, it would suffer an actual deterioration measured by the fall in the value of the metal in which it is paid. Supposing the fall of value to be one-fourth, then, for every 100 rupees of revenue as originally fixed, Government would receive the value of only 75 rupees. The effect would be the same as if the proportion of profit assigned to proprietors were increased 25 per cent., or if the proportion of produce representing the share of Government were decreased by that amount. So far as the discharge of liabilities arising from the existing Government debt is concerned, there would be no inconvenience, as these, being contracted in the same currency, would suffer an equal depreciation. But in other respects any great revolution of the kind contemplated might prove embarrassing to the Government of the day.

Possible fall in the value of silver.

15. Under the principle of temporary settlements, it would be always in the power of Government to re-adjust its demand, either by the addition of a per-centage corresponding to the altered value of the currency or otherwise. How far the advantage of being able to exercise this power would warrant any practical action, will be further considered below.

16. *Advantages of a Permanent Settlement*—I pass on now from the objections against a permanent settlement to the advantages which it offers.

17. First, as respects the directly financial results, there would be the saving of the very material expense incurred by the Government in the periodical revision of its demand. To enforce any satisfactory equalisation of the assessment, a detailed field measurement from time to time becomes necessary; and this process is especially required in all those tracts in

Expense of periodical re-settlement saved.

* "Nobody can say that some day silver may not also undergo a great fall, brought about by a production which should be distinguished by the two following characteristics of being much greater in comparison with the employments to which it had hitherto been applied, and of being produced under more favourable circumstances; that is, at less cost per kilogramme for the metal obtained. There are strong reasons for thinking that, if the United States annexed Mexico, and penetrated further into the regions of Central America, this event would not be of tardy accomplishment, under the auspices of a race so industrious and so enterprising as the Anglo-Saxons. Nevertheless, fall of silver is an event to be anticipated, and even probable at no very distant date."—*Chevalier on the Fall of Gold*, p. 128.

in which it is contemplated to assert the right of Government to an enhanced revenue based on the extension of agriculture. This operation, and the measures attendant on it, cannot be carried on without considerable expenditure of the public money. In the present year it is estimated that between four and five lakhs of rupees will be spent by Government on this object, and an equal, if not greater amount, will probably be required for many years to come, before the 30 years' settlement now expiring shall have been revised.

18. A permanent settlement once introduced would free the Government for ever from this expenditure; and the saving may be taken, so far as it goes, as a set-off against the potential increase of revenue under the present system, which will be abandoned.

Zemindars and ryots saved from the exactions incident to a re-settlement.

19. In a similar manner, the people themselves will be saved from the expenses, exaction, and oppression to which at every re-settlement they are liable. I cannot regard this a light advantage. Let our settlement officers be never so active and vigilant, the subordinate agency at their disposal is, like all other native agency, generally speaking, venal and corrupt. They have opportunities of misrepresentation to injure the zemindars and ryots, and to favour one party or class at the expense of another; and they are not slow to turn their opportunities to account. Their time is short and they make the most of it. This species of tyranny is, I believe, in no case, wholly absent; and in most settlements falls heavily on the people. It would be totally swept away by permanent assessment, to the great relief of all classes.

Disadvantage from want of periodical survey and record of rights.

20. It may be urged, on the other hand, that the pre-ent advantage of a periodical detailed survey, and the ascertainment and record of all landed rights as they stand, will be lost, to the inconvenience of the people and the detriment of the public administration. The outlines of possession are liable to alter greatly in the course of 30 years: the limits of cultivation vary, and changes occur in the distribution of property and of the rights of occupancy. Without a new field measurement no full and complete registration of these can be compiled; the rapid variations arising in the lapse of time soon leave the old record behind; it no longer corresponds with existing facts, and, becoming obsolete, loses its value. That some benefits of convenience and usefulness may be thus given up is possible; but the loss, whatever it may be, can in some degree be repaired by requiring of the Putwarces that their annual record shall keep pace with the changes of the year. And if care be taken at the final settlement (which I presume will precede any measure of perpetuity) to make the survey and record of occupancy and rights very complete, I do not see why these documents should not be kept up in a manner sufficiently perfect for all practical purposes. But, giving the objection its utmost weight, it will go but a short way to counterbalance even the minor advantages of a permanent settlement referred to in a previous paragraph.

Permanent settlement will remove the check to agricultural improvement occurring towards the close of a settlement.

21. Looking now to the benefits which may be anticipated in the improvement of property, I notice first the periodical check which the prosperity of the country receives under the present system, whenever a settlement approaches near its termination. As the assessment of the coming settlement is to be fixed in reference to the extent of cultivated area and value of the produce, it is the natural object of every proprietor to make these appear as small as possible. Hence, not only is the expenditure of capital on new improvements stayed, but the state of existing prosperity is actually depreciated. The proprietor refrains from cultivating the usual breadth of crop; he narrows the area of land under irrigation; he postpones the sowing of valuable staples. It is quite natural that he should do so. The present sacrifice will be amply made up, if even a small diminution of the Government demand is thereby obtained. Penalties are threatened for such procedure. But so long as human nature is what it is, penalties will be fruitless, and every fresh settlement upon existing assets will tend to this result.

Permanency of settlement will encourage investment of capital.

22. Leaving out of view the few last years of a temporary settlement, it must be admitted that the effect of a determination of the assessment for 20 or 30 years has been found eminently beneficial in insuring improvement. Colonel Baird Smith's Report bears ample testimony that it is so; almost every district in these provinces is an unequivocal witness to the same truth. The security of a long settlement stimulates industry and encourages the expenditure of capital, for the profits of the period are certain to replace the capital, and to yield a handsome return besides. But it is also certain that the inducements to investing capital in the improvement of the land would in most cases be very greatly strengthened, by fixing the demand in perpetuity. When any large disbursement is now contemplated, it is perfectly natural for the proprietor to hesitate. He will reflect whether it is, after all, worth his while to sink 1,000 rupees, say, in a well, which shall add 200 rupees to his rental, seeing that, in consequence of this increased profit, he may be sure that at the next settlement 100 rupees will be added to the assessment of his estate. Had the settlement been permanent, there would in such a case have been no doubt about the matter; where the settlement is temporary, the project is in all likelihood cast aside.

Investment of capital discouraged under the present system.

23. The inexpediency (if not, under some circumstances, injustice) of such a course has not escaped notice. The late Court of Directors ruled * that a liberal consideration was to be

* "Despatch dated 13th August 1851.—This laid down that "although settlements must be formed with reference to the value of the land at the time," still a liberal consideration was to be "given for the improvements attributable only to the efforts of the tenant himself, and especially with regard to such as are of a comparatively recent date, and with regard to which he has reaped the advantage only for a short period under the old settlement."

be given for all improvements effected at the expense of the occupant, especially recent improvements, "with regard to which he has reaped the advantage only for a short period." The 37th Rule for re-settlement, issued in 1854, contains a still stronger injunction to make allowance for the expenditure of capital, and to assess a correspondingly moderate jumma.* But it is evident that the principle prescribed by the late Honourable Court is of too vague a character to effect any certain results; and even the rule issued by the Board must prove practically inoperative, so far as security to the landlord is concerned. It would be a matter not of exact calculation, but of mere speculation, what portion of increased productiveness was attributable to the investment of capital; and generally the assessment of an estate is affected by so many considerations, and depends so greatly on the opinion of the settlement officer, that the rule, as a ground of confidence in the future, could afford to proprietors no practical satisfaction, and is not calculated to diminish that uncertainty of reaping the full results of labour and capital, which is the bane of all temporary settlements.

24. Some parts of the country, as those regions in Bundelcund which are incapable of irrigation, may be less affected by this consideration than others; but even their advances must be expended for the settlement of new cultivators, the digging of wells for drinking water, the provision of seed, and other conditions necessary for founding fresh hamlets and extending cultivation. There is probably no part of these provinces in which the impulse imparted by a permanent settlement would not be felt, where investment of capital would not be materially quickened.

25. It is true that great allowance must be made for the habits of the people. Motives of this kind will have their full and legitimate influence upon European settlers; but the Natives of India are disposed "to leave well alone," and to keep to the old ruts which the usage of ages has sanctioned. Accordingly, we do not find such great difference in the progress of the four permanently settled districts in these provinces as we might have looked for, although the inducements to invest capital, from the limitation in perpetuity of the Government demand, have been for more than half a century in full force there. Nevertheless, even if we take into our account the prescriptive indifference and immobility of the national character when ordinary motives are concerned, it would still be against reason, and against the experience of other parts of the country, to hold that so vital a change as the fixing for ever of the present shifting assessment should not produce the most important results.

How far the inducements of a permanent settlement will tell on the native community.

26. For it is not doubted that the value of property would be vastly increased by such a measure. Nasir Ally Khan Bahadour (who, being a resident of Jounpore, is a good authority on the subject) assures me that an estate would sell in a permanently settled district at from two to three times the value it would fetch, though in every other respect similar, if under temporary settlement.† Where the superior value of a permanently settled estate is so decidedly recognised by the people themselves, it is against all analogy to suppose that the disposition to invest capital in its improvement will not likewise exist in a corresponding degree. Therefore, I do not doubt that a great and accelerated improvement of property would result from a permanent settlement of the revenue.

Increased value of land caused by permanency of the assessment.

27. The political benefits, moreover, to be looked for from the measure are not small. A degree of contentment and satisfaction will be diffused over the land which it is not easy to estimate.

Political benefit of contentment.

28. Opinions, indeed, on this head have been sometimes expressed in extravagant terms. The comparative immunity of Bengal from revolt in 1857-58 has, by some, been attributed in part to this cause. Experience refutes the conjecture. In these provinces, the quarter in which the people continued longest and most persistently to oppose our Government, was that of Ghazepore, a permanently settled district. The truth is, that the inducements to revolt were to a great extent local in their character; they were brought to bear in their full strength on hardly any part of Bengal; but where they were brought to bear, as in the case of Shahabad, the permanent settlement was as powerless to hold them in check as the temporary settlement.

29. But though by no means inclined to attribute any such magical effect to a settlement in perpetuity of the land revenue, I am well assured that the measure would be hailed with intense satisfaction by the landowners in these provinces. I was not aware till lately how strong is the popular feeling on the subject. Indeed, it is only of late that the attention of the landowners has (I suppose in consequence of its discussion, during the last two or three years,

* "In villages the cultivation of which has been much extended since the settlement by the breaking up of new land, or the per-centage of irrigation increased by the sinking of new wells or other improvements, the expenditure of capital must be allowed, and a moderate jumma assessed."—Rule 37.

† I give the following rates from him as those which are notoriously current:—
The calculation is based on the average net surplus profits remaining after the Government demand and all other expenses have been paid.

Under temporary settlement, a property yielding 12 annas per mensem of such profit (that is, nine rupees per annum) would fetch 100 rupees, or a little above 11 years' purchase. Where the permanent settlement prevails, the same price would be given for a property yielding four, five, or six annas per mensem; that is, 3, 3½, or 4 rupees per annum, being at the rate of from 22 to 33 years' purchase. It is remarkable that the greater the proportion of surplus profit to the assessment, the higher the market rate per cent. Ahmad Bukah, an intelligent landholder of Futtehpoore, confirms this statement, and adds, from his experience as vakeel in the Sadder Court, that there is a corresponding superiority in the value attached even to a cultivating tenure in the permanently settled districts.

years, in the public prints) been recalled to it as a measure at all likely to be introduced. But (in the Lower Doab at least) they have quickly become accustomed to the idea, and are prepared to welcome the boon whenever it may be conceded.

Recapitulation of benefits.

30. To resume: the benefits to be expected from a permanent settlement are—

- 1st.—Saving of the expenditure now occasioned by the necessity of periodical assessment.
- 2d.—Deliverance of the people from the vexations prevalent at every resettlement.
- 3d.—Freedom from the tendency to depreciation of property towards the close of each temporary settlement.
- 4th.—Prosperity arising from increased incentive to improvement and expenditure of capital.
- 5th.—Greatly increased value of landed property.
- 6th.—Content and satisfaction among the people.

Saving of revenue establishments.

31. To these it has been suggested to add the saving to Government from the decrease of expenditure in the subordinate establishment required to collect the revenue. The revenue will certainly be realised with greater ease; yet I doubt if much direct saving of salaries can be anticipated from this cause. The tehseldar and his staff will have more time to devote to their judicial and other duties. Indirectly, also, savings in the higher branches of the service may be facilitated by the measure. For example, when the settlements preliminary to the act of perpetuity have all been completed, a single officer may probably suffice to conduct the duties of this Board.

Advantages of a permanent settlement weighed against the disadvantages.

32. Let us now revert to the objections brought against a permanent settlement, and see how they stand in comparison with the advantages:—

33. First: the net surplus of revenue to be looked for at each revision from the growing prosperity of the country, after adjusting all necessary fluctuations, is abandoned for ever. I do not estimate the prospective revenue which will be sacrificed from this cause at any very large figure. The opinion of our Board in the Administration Report for 1859-60, that the amount of land revenue is not likely to vary to any great degree from its present amount, is, I believe, correct.*

34. This estimate, however, was formed on the supposition that the Government would retain the power of periodical readjustment, and would be able to reimburse itself for reductions arising from calamity and deterioration, by levying an increase where it was justified by increase of assets. The calculation will of course be affected by the relinquishment of that power. Any variations which may become necessary under a perpetual assessment will be only on the side of reduction.

35. But neither do I calculate reductions from this cause at any very serious amount, if the precaution be taken (which I will endeavour to show below is necessary) of a careful revision of the existing settlement before it is declared to be perpetual.

36. The special cause of increased productiveness arising from Government works of irrigation I reserve for further consideration.

37. There remains the contingency of a future fall in the value of silver. This contingency might be met, as well as other objections above urged (according to some authorities), by a very long settlement, say for 50 or even 100 years, which would secure many of the benefits of perpetuity, and yet leave the Government free to assert its rights, should it deem it expedient, in a future generation; or a legislative enactment might reserve and except the contingency of the fall of silver from the guarantee of perpetuity. The merits of such expedients will be treated of in a future part of this paper. Supposing, however, that no such expedients are found to be feasible, I do not think that the remote risk contemplated from this cause can be allowed to weigh against the immediate benefits to be expected from a permanent assessment.

Relinquishment of prospective enhancement of the land revenue will be compensated in direct returns from increased prosperity.
† Pamphlet before quoted, page 27.

38. Although no increase of income from the land tax will for the future be possible, yet other branches of the revenue will not fail eventually to share largely in the benefits flowing from the accelerated progress and increased prosperity of the country. This is a sufficient reply to the objection that "those who call upon the Government of India to forego the power of raising, without oppression, an elastic description of revenue, are bound to indicate the sources whence it could be made good."† It must be remembered that no present loss of revenue is incurred (that is, if a careful revision precede the measure); the loss is one which it is apprehended will happen some 30 or 40 years hence. But by that time we may fairly look for a far greater enhancement of the revenue from the indirect return caused by the vastly improved resources of the country, than could have been obtained from the taxation of a portion of the increased rental anticipated from the extension of agriculture.

39. Allowing

* After referring to several instances of extensive reduction on the one hand, and of large enhancement in Goruckpore on the other, we wrote: "In the resettlements of Saharunpore and Boolundshahur it is probable that the net result will be a small gain to the Government; but in many of the districts which in a few years will become open to revision, it is likely that the application of the liberal rule of settlement at half the assets will, to some considerable extent, affect the revenue. Against this, however, may be placed the general tendency of the revenue to advance from the lapse of manee tenures and the settlement of confiscated jagheer. Upon the whole, then, it is not expected that the land revenue of these provinces will materially vary from its present amount."—*Revenue Administration Report for 1859-60, paragraph 20.*

† It is to be observed that the benefit to the revenue from lapse of rent-free tenures would not, of course, be affected by a permanent settlement.

39. Allowing, then, the widest scope and fullest consideration to all the objections which can be urged against departing from the established system of temporary settlements, the advantages of a settlement in perpetuity appear to me vastly to outweigh them all, and I most decidedly advocate the measure.

40. So much for the general question. I pass on to notice several special points which will require consideration, supposing that the Government decides in favour of a permanent settlement. These relate—

Details involved in carrying out the measure.

- 1st.—To the time when the measure should be introduced.
- 2d.—The manner of its introduction.
- 3d.—Whether there should be any and what, exceptions.
- 4th.—Whether any special arrangement is called for in the case of irrigation from Government canals.

41. The sooner a measure of such beneficial tendency is carried out the better, *with due advertence to the moderation and uniformity of the assessment to be thus irrevocably fixed.* Any hasty or premature determination which should stereotype existing inequalities would injure the interests of the people as well as of the Government. Almost fabulous tales of extreme variation in the pressure of the perpetual assessment of Bengal reach these provinces, and that not arising so much from subsequent improvement as from original inequality; a rental of several thousands of rupees is said sometimes to yield to Government but 10 or 20. On the other hand, there are not wanting instances of excessive severity, and of revenue sales as the consequence. We have in our own permanently assessed districts not infrequent examples both of undue pressure and of inordinate profit. To relieve the former, the Government is occasionally put to some loss. There have also been cases where, from the unequal distribution of an otherwise just demand on the component parts of a joint property, similar results have occurred.

I.—Time when it should be introduced.

42. Now, although we had advantages in the settlement under Regulation IX. of 1833 which Bengal had not, and the assessments were framed with an approach to uniformity, yet that object was often very imperfectly gained, and we have now opportunities far superior to what then existed for making an equitable assessment.

43. Further, the development of resources in various degrees, caused by the long limitation of demand during the currency of the settlement now expiring, has occasioned diversities of condition and pressure even in assessments originally tolerably uniform. These have been often due as much to natural advantages as to increased industry. It is no departure from the principles above advocated, to say that such improvements, having occurred under a settlement avowedly temporary, should be taken into account in fixing the perpetual assessment.

44. The permanent settlement will give far greater satisfaction to the people generally if it is preceded by a careful revision, and all are allowed a fair start together in the race of future improvement. Such is the opinion of all the native gentlemen whom I have consulted. They deprecate any hasty process by which present inequalities should be stereotyped as unjust and inexpedient.

II.—Permanent settlement should be preceded by a careful revision.

45. Any premature measure of this kind would further involve the Government in considerable loss. There are quarters where it is well known that the Government revenue presses too heavily, and we are only waiting for their turn of resettlement to grant in them the necessary relief. In the course of resettlement this will be done probably without any loss, upon the whole result, to the Government; otherwise an unnecessary defalcation is sure to arise.

46. The perpetual settlement, then, should be introduced into each district so soon as a careful revision can be effected. The work of resettlement is already going rapidly forward: in one district it may be said to have been completed; in three others it is in progress. The other settlements can be taken up in the order of their falling in. The latest term extends to 1874, and the interval will not be too long for a careful revision. But there would be no objection to commence work in anticipation of the expiration of any existing settlement, provided a sufficient number of qualified officers are available.

* DISTRICT.	Date on which Settlement under Regulation IX. of 1833 expires.
Saharunpore	July 1857 (new settlement nearly completed)
Boolundshuhur	" 1859
Goruckpore	" 1859
Mozuffernuggur	" 1861
Meerut	" 1865
Furruckabad	" 1865
Budaon	" 1866
Bijnore	" 1866
Azimghur	" 1867
Bareilly	" 1867
Shahjehanpore	" 1868
Allyghur	" 1868
Allahabad	" 1869
Mynpoory	" 1870
Cawnpore	" 1870
Futtehpore	" 1870
Etawah	" 1871
Muttra	" 1871
Moradabad	" 1872
Agra	" 1872
Humeerpoore	" 1872
Banda	" 1874

47. It appears to me that every previous effort should be redoubled for securing a strictly equal and impartial assessment, seeing that any inequalities which may now be admitted will soon be beyond our reach to remedy. Especially the *European* staff for settlement purposes should be advanced to its utmost possible strength, so that as little temptation may be left as practicable to native officials for corruption. The inducements offered to secure favour in a settlement known as about to be a perpetual one will be immense, and it is not in the generality of native officials to resist such inducements.

48. Extraordinary arrangements, if calculated to secure this object, ought not therefore to be rejected simply because they are irregular or expensive. An officer, for example, whose standing entitles him to the position

position of a judge, and whom it might be otherwise desirable to employ in the settlement of a district, should be so employed, notwithstanding the extra expense necessary to provide him with suitable emoluments. Any amount of expense will prove a real saving, in proportion to the accuracy thereby obtained in the perpetual assessment.

49. Although there is no district in these provinces to which the permanent settlement should, in my opinion, be applied without revision, yet there is, at least, one in which the revision of survey and record has been so successfully carried on by means of the Putwarees and others, that the materials are, I believe, almost at hand for the revision of settlement. I allude to the district of Meerut, where probably the necessity for a new survey will not be found to exist.

50. Another advantage in the course proposed is, that in this final resettlement, a careful field survey and revised record of occupancy and rights will be prepared, in accordance with the existing *status* of property and possession. The extensive destruction of former records in 1857-58, renders this in many quarters a step that is almost indispensable; and these records, now revised and placed, once for all, on a satisfactory basis, will form the foundation of the record of changes to be kept up by the Putwaree in accordance with the facts of the day.

III.—Whether the measure should be postponed in any parts of the country.

51. I now come to consider whether there are any parts of the country so exceptionally situated, as to render it questionable whether they are yet ripe for a permanent settlement.

52. It has been doubted, by several intelligent native gentlemen to whom I have spoken, whether the tracts on the right bank of the Jumna, and below its junction with the Scinde, are of a character which will be much benefited by a permanent settlement. The soil in general is of a character upon which irrigation cannot be brought to bear; there is no opening to proprietors to expend capital on the construction of wells for that purpose. The region is also dependent on the periodical rains, and these again are so liable to fail, that it is difficult for any length of time to maintain a uniform assessment. Where estates break down, the elastic nature of the present system enables you to diminish the revenue, and, when it has regained a prosperous condition again, to assert the legitimate demand of the State. The same may be said of the singular deterioration caused by the *kans* root, which, once allowed place, runs its course for years, paralysing the efforts of the cultivator. If the assessment be made permanent, it is alleged, every vicissitude of this kind will lower the demand, and the Government revenue will dwindle down to a serious extent.

53. First, as regards the last-mentioned danger, it can to a great measure be averted, by allowing remission of revenue for a term of years in estates visited by calamities of season or otherwise. The jumma of the permanent settlement would be borne on the rent-roll, to be again reimposed when the effect of the visitation had passed away. If the original assessment be fair and equally distributed, no serious loss to Government need be apprehended under such a system.

54. Next, as regards the expenditure of capital. It is true that the same field does not at present exist in these quarters for the construction of expensive works as in the Cis-Jumna districts. But still there are not wanting important objects on which capital can be expended;—from the expenditure of which capital, it may be presumed, the temporary nature of the present settlement tends to hold the proprietors back. The estates in Bundelcund have very extensive areas, and but few villages located in them. Tillage is ordinarily confined to the vicinity of a village; and in order to found new hamlets, and thus increase cultivation, wells have to be sunk, for no drinking water is, during the greater part of the year, otherwise to be procured. This, of course, involves a heavy outlay, over and above the ordinary expenses of settling new cultivators, and advancing them money for seed, bullocks, &c., and funds for their own subsistence. I have no doubt that necessities of a corresponding character will be found to exist in almost every quarter, and that substantial advantage will accrue from the knowledge that the fruits of increased industry and disbursement will be reaped exclusively, and for ever, by the proprietor.

55. The same remarks apply to the southern pergunnahs of this district (Allahabad), in which the proprietors are, according to Nasir Ally Khan, so ignorant and indifferent that they will not appreciate, even if they could comprehend, the value of the concession. But this may be doubted. There is no surer means than self-interest to call forth the energies of even such rudimental classes, and to elevate them from their present low and backward condition.

56. It may further be remarked, that the chief cotton-producing tracts lie on the right bank of the Jumna, and I should be loth to see them excluded from the benefits of the measure even if the objections were stronger than I rate them.

57. The only localities in these provinces which may reasonably be excepted, are those in which the progress of reclamation is so backward that only a small portion of large areas has been brought under tillage. For example, some parts of the new Terai zillah, and of the other districts which border on the Hills, are not in a sufficient state of forwardness to warrant a final declaration of a perpetual demand. This principle is admitted in Regulation IX. of 1805*, which held out to these provinces the prospect of a permanent settlement. The measure

* Sections VII. and XXIV., Regulation IX. of 1805.

measure was to be limited to "such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity." The permanent settlement would, however, in such case be only postponed. The circumstances of each tract should be decided upon separately on its own merits.

58. I am doubtful, likewise, whether the Jubbulpore Division and Chundeyree and, perhaps, parts of Jhansie, may not also fall under the same category. In the first-named division the proprietary title has hitherto been declared vested exclusively in Government, and the occupants have been held to be only farmers. The proprietary right is now about to be recognised. Moreover, the revenue arrangements there have never been in a satisfactory state; there are large tracts of land lying waste, and the region is emphatically in a transition state. The opening of the Bombay Railway will at once raise prices to an enormous extent. And altogether it may be prudent to see the effect of the new settlement for some years before finally fixing it for ever. The point is one on which further discussion may throw new light, and I am unwilling at present to express a decided opinion on it.

59. The assessment of maafee estates, and those held under a partial exemption from the demand of revenue, will, of course, not be fixed, so long as the privileged title under which they are held does not lapse. There would be no advantage in settling a prospective assessment in perpetuity upon them; any general instruction to do so would probably raise the suspicion that some new measure of resumption was contemplated. The only exception would be where the privileged holder is also the recognised proprietor, and where he might of his own accord apply for the declaration of a permanent assessment. Here it might be done.

Case of maafee and other privileged proprietors.

60. Where the proprietary title of a maafee estate is vested in any other party than the maafeedar (who in such case is the mere representative of Government, and entitled to receive no more than it would have received), and a settlement is made with the proprietors fixing the revenue demandable by the maafeedar, such revenue should be treated in the same basis as Government revenue and settled in perpetuity. So likewise with subordinate properties held on an independent footing, even though the revenue demand is paid not direct to Government, but through the channel of the zemindars. In talookdaree estates, likewise, of which a sub-settlement may have been made with the "inferior proprietors," and that arrangement is now maintained, it would be competent to the Government to fix the assessment to be paid by the subordinate holders in perpetuity.

61. The last subject to be considered is that of irrigation from Government canals. The facts and the difficulties involved by them in relation to a perpetual assessment have been fully and impartially stated by Colonel Baird Smith, C. B.

IV.—Irrigation from canals.

62. The benefits derivable from canal irrigation vary according to the capacity and antecedents of the land affected. Where canal irrigation becomes a mere substitute in land previously irrigated by wells, the benefit may be rated at little or nothing; where lands already under dry crop are watered from the canal, the produce is vastly enhanced; where waste lands which could not otherwise have been brought profitably under cultivation are rendered fruitful, the gain is equal to the entire net rent of such lands.* The water-rate paid to the Canal Department is an uniform rate, and is necessarily very low, being calculated to meet the first of the above cases where the smallest degree of benefit is derived from the canal. In the two latter cases the water-rate is altogether inadequate.

Title of Government to share in the increased productivity caused by them.

63. Now, it is evident that where large areas already under dry cultivation are by canal irrigation rendered doubly profitable, the State is entitled to share in the increased profits produced by its own capital: much more is it so in the case of lands which otherwise could

not

* This subject has been treated in detail in the Board's address to Government, dated the 14th of February last, from which I extract the following paragraphs:—

5. "It is necessary to inquire in what degree assets will be improved by the introduction of canal irrigation, and the loss to Government if no arrangement be made for the State sharing in the increased returns.

6. "There will be three classes of lands, each affected in a different degree. Various degrees of benefit from canal irrigation.

7. "First, lands already irrigated from wells, jheels, or natural streams, but which may hereafter be made available for canal irrigation. Here the benefit would consist simply in the substitution of an easier and cheaper mode of procuring the water and conducting it to the fields, for a more expensive and difficult mode. The general belief of the people (shared in generally by district officers) is that fields irrigated from wells yield an appreciably heavier and better crop than those irrigated with canal water, and this apart from the liability of the ground, especially near the head of a rajbaha, to become covered with the silt which is borne down and deposited by the canal water. Supposing this were admitted, there is still the advantage to the cultivator of a less expensive process, which diminishes the cost of cultivation, and leaves, therefore, a larger surplus of net profit. The benefit would secure some clear balance of advantage in favour of the canal irrigation; yet the benefit would not be felt fully at the first, because, in such cases, the cultivator is already provided with cattle and all the gear, &c. necessary for his wells, and being, moreover, accustomed from long habit to irrigate from them, it would take some time for the new system to supplant the old one.

8. "On the whole, the benefit in respect of this class of lands would not be so sensible or so immediate as to justify the introduction of canal water being made the ground of any increased demands during the currency of a settlement. The case would be fully met by the demand from the Canal Department of the ordinary water-rates whenever the canal water began to come into use.

9. "Second. Where cultivated lands not previously irrigated are brought within range of canal channels, the benefits would be large and important. Instead of being dependent on the precarious rain of heaven, the lands heretofore un-irrigated.

II.—In reference to lands heretofore un-irrigated.

not be cultivated at all at a profit, but which may hereafter be rendered fertile by the construction of a canal-cut. The profits are in no sense, or in a very limited sense, the result of expenditure of capital by the proprietor. It is the capital of the community which has produced these results; and the community at large, that is the State, is entitled to its share in the profits. The levy of the present uniform water-rate is a very partial and inadequate assertion of this title.

64. The right of Government under the existing system is jealously guarded, not only for the interest of the Exchequer generally, but also because these profits are one cause by which the State is justified in extending its canal system, and a chief source from which it is enabled to do so. The right is easily asserted at each recurring settlement, because the State then comes in and assesses its revenue at the sum of half the rental of the estate, including that of the newly cultivated or improved lands. The benefits, then, reaped by Government from canals under the present system, consist, *first*, of this periodical improvement of the land revenue; *second*, of the general security they afford to the revenue against famines; and, *third*, of a light uniform water-rate, calculated to give a moderate return of interest on the capital invested in the undertaking.

65. Of these benefits the *second* and *third* will remain unaffected by the new system. Is the first to be altogether abandoned?

66. "The idea of property," says Mr. Mill, "does not necessarily imply that there should be no rent, any more than that there should be no taxes. It merely implies that the rent should be a fixed charge, not liable to be raised against the possessor *by his own improvements*, or by the will of a landlord;"* and again the same thing is described as "possession in perpetuity at a money rent either fixed, or varying according to some rule which would leave to the tenant the whole benefit of his own exertions."†

*Political Economy, ch. VII., sec. 4.

†Idem, ch. VIII., sec. 4.

Expedients for enabling Government to maintain, under a permanent settlement, its title to share in the assets created by canals.

67. If then, any plan could be devised by which the Government should secure the portion of the profits due exclusively to the expenditure of its own capital, without by any possibility infringing on the fruits of the proprietor's labour and capital, the essential requirements of property would be maintained without affecting the financial interests of the State.

68. Various expedients have been proposed for attaining this object.

69. First (as before mentioned in reference to the possible fall of silver), it has been suggested that a very long settlement might be allowed, of 50 or even 1,000 years, at the close of which the increase of profits due to this source might be carefully calculated, and the just proportion of the Government dues assessed thereon. But whatever benefits a long lease of this nature would bring, it would not be a settlement in perpetuity. In India, as elsewhere, there is a charm in the word "for ever," which is entirely broken if the term falls short of absolute perpetuity. Again, in what respect would it be possible to define the exact proportion of the profits attributable to the canal as distinct from those created by the capital and industry of the occupant?‡ And even if it were possible, how should we convince the proprietors that such prospective demand would be confined to that share? Uncertainty and mistrust would take the place of those feelings of confidence and security which it is the grand object of a perpetual settlement to create and confirm.

I.—Long-term settlements.

II.—Reservation by law of its title.

70. The same objections exist, even in a stronger form, to the proposal for a legal reservation

khurreef crops, as well as the rubbee harvest, would be rendered secure and certain. The rubbee crops would gain beyond all comparison in heaviness and value. Where only the inferior cereals are now produced, the higher kinds of crops would be cultivated. In many places sugarcane, rice, &c. would be introduced. The value of the assets from land so situated, after payment of all canal expenses, would, at the least, be doubled, and often greatly more than doubled.

III.—In reference to new lands brought under cultivation.

10. "Third. But canal water would not simply be available for lands already under cultivation. It may confidently be expected that large tracts of arable lands, which either cannot at present be cultivated at all without artificial irrigation, or which could not be cultivated at any profit, would be brought under the plough, and would yield rich and remunerative crops. Here the increase of produce, after payment of the moderate canal costs and the ordinary costs of cultivation, would be all clear gain.

Second and third classes fairly open to increased revenue demand.

11. "Taking now the case of villages containing lands of the second and third classes, it is evident that in both there would be a large addition to the profits of the zemindar. In the second class of lands, it would arise from the increased rent of fields already under cultivation; in the third, it would consist of the entire rent of the area newly brought under tillage. If such increase were in any measure attributable to the expenditure of labour and capital on the part of the agriculturists themselves, it would be reasonable that they should enjoy the enhancement of income arising therefrom. But it is not so: the advantage is gained purely by the construction of a public work at the cost of the State. It no more arises from the exertions of the proprietor than increased profits from the accession of alluvial lands. A village which profits by alluvial addition is held to be open to revision of jumma during the currency of settlement and to a corresponding increase in the Government demand; and there is no greater reason of immunity where the increase of assets arises from a cause just as much beyond the control of the owner. The benefit is equally clear, equally great, equally gratuitous."

‡ On this subject I quote from a previous paper:—"When a new settlement comes to be made, how is it possible to indicate what portion of increased productiveness is attributable to the canal, or what portion of extended cultivation has been and would not equally have arisen from other causes? In Saharunpore the cultivation has increased prodigiously since the settlement of 1837; the increase is general and not confined to canal villages. Why should the Government adjust this assessment to the capacity of villages which have improved in the one case, and not in the other? In a canal village, for example, how can it be proved that a tract of fields brought under canal irrigation would not to a great extent, if not equally, have been brought under well irrigation, as the country improved and capital increased, even had there been no canal in the district."—Note by Secretary to the Government of the North Western Provinces, dated the 29th October 1858, paragraph 19.

reservation to Government, in the act of perpetuity, of the right to assess its canal profits at any future period at which they may be fully developed. If any rule or procedure could have been settled, by which the power of Government to take the increased profits due strictly to the influence of its own capital and no more, could have been defined and limited in a satisfactory and absolute manner, then the idea of property as above explained might have been compatible with such a scheme. But I can conceive no such expedient, and even if such an expedient were possible, it would still be an impracticable task so to explain the reservation, that it should be fully and correctly understood by the people; for, if they failed fully to understand or implicitly to believe it, the effect would be equally injurious as if there had been no limitation at all. Where millions of ignorant persons are concerned, it is a matter of incalculable difficulty to communicate the exact bearing of any stipulation or reservation; and it would involve even greater risk and difficulty to persuade the landholders that some latent pretext under which the Government would hereafter be enabled to neutralise the pledge of perpetuity, did not lie concealed under such a reservation. Thus suspicion and mistrust would be engendered, and the benefits of a perpetual settlement neutralised. I do not see that any such reservation is practicable.

71. Again it has been proposed to except the tracts of country likely to be affected by canals from permanent settlement until the benefits of irrigation from them shall have reached, or nearly reached, their full development; the settlement would then be made at the enhanced scale of assets arising therefrom. Such is the condition of the country through which the Eastern Jumna Canal runs, and from the assessment of which the Government has derived its full share of the increased rental. But it will be many years before this state shall have been fully attained in the Ganges Canal; before the thousand subordinate channels of distribution shall have been completed and brought into use by the people. Meanwhile the greater part of the Doab, a tract the best calculated perhaps in these provinces to appreciate the blessings of a permanent assessment, would be debarred for an indefinite period from their enjoyment. Besides, canals may hereafter be introduced into parts of country under then already permanent settlement; so that the difficulty must be faced at some period, and another expedient than postponement must be provided.

III.—Deferment of perpetual settlement in tracts affected by canals.

72. There is yet another way in which the interests of Government might in a partial degree be secured, viz., by the application of a differential water-rate. While we were anxiously considering last year, whether the right of Government to share in the increased assets arising from new lines of irrigation, could not be asserted even during the currency of a settlement, a scheme of this kind was suggested as a possible solution of the difficulty.* Thus the charge for water applied to lands previously irrigated from wells or

IV. Differential water-rates.

* "The first plan (the levying of a varying water-rate), indeed, would answer, were there any ready means of assessing a differential water-rate, calculated on fixed and uniform principles with reference to the advantages gained from the use of canal water. Those advantages (as shown in paragraph 6 *et seq.* of my former letter) are very various in degree. In some cases, where the means of well irrigation were previously available, the benefit may be very small; nay, in some cases, from deterioration of soil or other causes incident to the use of canal water, there may be a positive loss. On the other hand, unirrigated lands would benefit very largely, yet here also in greatly differing degrees, the increase of assets where the soil is suitable to sugarcane and rice crops being beyond all comparison greater than in the case of lands suitable only for the growth of common crops. And the same may be said of lands hitherto uncultivated, but made capable of tillage from the presence of canals, this class of lands yielding, of course, the greatest amount of new profits. If no differential scale of water-rates be applicable to these various classes of soil, very great inequality of assessment, not to say in some cases unfairness, if not positive injustice, would be the result.

6. "Yet the Board, as at present advised, do not see their way to any satisfactory system for a differential scale of water-rates, without inflicting as great a degree of uncertainty as would be occasioned by the plan they have proposed, possibly a greater degree. They freely admit that if any scheme for fixing a uniform scale of the above nature, proportioned however roughly to the benefits derived by the several classes of soils, could be devised, it would be the most satisfactory settlement of the question. The land revenue would then remain unalterable for the whole term of settlement; and the Government would have its fair share in the increased produce by means of the water-rate."—*Sudder Board to Government, No. 133, dated the 15th of February 1861.*

The project was favourably received by Government, which said: "There can be no question that the most satisfactory way of removing the difficulties which have led to this discussion will be to assess the canal water-rents at differential rates, varying with the degree of advantage derived by different lands, and even the same classes of land in different positions, from canal water.

20. "The Lieutenant Governor cannot think that the elaboration of such a scheme will present all the difficulties which the Board anticipate. It appears to him that, by the consentaneous and united action of the Collector and the Canal Officer, an assessment of differential water-rates might be carried out in such a way as to secure a fair equality of burthen on account of these rents, to bring to the credit of the Canal Department the amount of revenue which it is fairly entitled to claim, to leave the land revenue, consequently, 'a fixed and unvarying quantity,' and, while giving satisfaction to the people, to obtain for the Government its just share of the increased assets arising from works of irrigation constructed at its sole cost.

21. "For this purpose the joint action, in concert, of the Canal Officer and the Revenue Officer will be indispensable; neither the one nor the other could carry it out singly. The one will be the best if not the only competent judge of the extent to which water from the canal can be carried with advantage, of the varying quantity which will reach lands at various distances and in various localities, and of the expenses which will be incurred by each village or tract in bringing the water upon its lands; the other will be the best if not the only competent judge of the degree in which the lands of different villages will be benefited by the introduction of canal water. He will know how far the existence of well irrigation may affect the value of water to be brought from the canal; he will know the extent of cultivated land unirrigated which may be benefited by the canal; he will know, too, the area of uncultivated land which, now yielding nothing, may be made productive by the water derived from the canal; and lastly, he will be able, with little difficulty, to estimate the degree in which the value of lands of different classes may be affected by canal irrigation, according as they are capable or not of bearing sugarcane, rice, garden stuffs, and the more valuable kinds of crops generally."—*Government of the North Western Provinces, No. 561A, dated 1st June 1861.*

or otherwise would be at a minimum rate; that for former dry cultivation, now irrigated, at a higher rate; that for waste lands newly brought under cultivation by canal water at the highest rate. But it appears to me that on the introduction of a permanent settlement, such a system could not be resorted to without a special reservation sanctioning it in the act of perpetuity. It might be said that the process would be nothing more than simply affixing a price to the water, and that, in selling the water, the Irrigation Department has a right to affix any price they choose for their commodity. This would be true if the differential scale had reference to the increased cost of a cut, say to any particular locality, or, in short, to any other consideration but that of the varying increased productiveness of the land itself. For example, in Bengal, under the absolute perpetuity of the land revenue, I should think the principle would not be tenable. But whether it would be legal or not (without an express reservation, which would not be politic for reason above assigned), it appears to me that the process would closely resemble an assessment not on the water but on the increased productiveness of the soil,* and that the scheme consequently is not expedient and must be abandoned.

Under permanent settlement uniform water-rates may be raised without detriment.

73. The Canal Department must therefore, it appears to me, realise its revenue by uniform water-rates. But there is no reason why, under the operation of a permanent settlement, it should not demand a higher water-rate than it would have done had the system of temporary settlement been continued. Under this latter system, the Government looks for a return from its disbursements, not simply to the water-rate, but to the enhancement of revenue expected at the ensuing settlement. Such an enhancement is, in fact, a second canal charge in another form. The cultivator is assessed in the water-rate by the canal officer; the proprietor is assessed in a part of his increased rental by the Revenue Officer. It is evident that *so long as this system prevails*, there is great danger in an undue enhancement of the water-rates; † for it is plain that these might be increased to an extent which might prove, in fact, a second assessment upon a rental already fully assessed by the Revenue Officer. That danger (with an exception to be noted below) would no longer exist under a perpetual assessment. The increased assets arising from irrigation will, under a permanent settlement, be free for ever from assessment; and the Canal Department will be at liberty to raise its rates for water to as high a point as the people are willing to pay for it. The Government may thus be reimbursed to a certain, though comparatively limited extent, for the profit which it gives up in relaxing its hold on increased assets in the Revenue Department.

With one exception.

74. But there is an exception from this rule. The increase of water-rate would, as I have shown, be justified, because the Government abandons its former right of assessing increased profits. But the existing settlements have been already framed upon a calculation which includes those profits, and, so far as this has been done, the above considerations will not be applicable. For example, on the East Junna Canal, the full effects of which have already been taken into account in the land revenue settlement, there would be no reason (so far as the loss caused by a permanent settlement is concerned) to raise the water-rate at any future period. But in settlements made while an irrigation work (as the Ganges Canal) is in progress, and the effects are only partially developed, the case is different. Suppose a village, at settlement without any canal irrigation, to come hereafter within its influence, and to have 500 beegahs under canal irrigation, whereby the produce is increased by an additional value of 2,000 rupees, and the rental 1,000 rupees. If the canal rates are raised all round by six annas per beegah (or an equivalent on the pynana), the canal revenue would consequently be increased by Rs. 187. 8. 0., representing the gain to Government from the increased produce. Suppose on the other hand, that the canal irrigation and increase of assets had in this village preceded the settlement, the increase of rental must have been then assessed at from probably 400 to 500 rupees; and it would consequently be only fair and equitable that if an enhancement of water-rate in consequence of the permanent settlement took place, an estate so situated should be exempt therefrom: otherwise, rental that had been already taxed by the Land Revenue Department would come a second time under the influence of what is intended to be purely a substitute for such taxation.

75. While, therefore, I would advocate the liberty to raise the water-rate, in order to make some compensation for the right of periodical assessment now proposed to be relinquished, allowance should, I think, be made for all estates already under canal irrigation at the settlement, to the extent to which such irrigation may have been taken into account by the settlement officer; and such exceptions from enhanced water-rate would require to be adjusted by the Canal Officers in concert with the Revenue Department.

Opinion against consolidation of water-rate with land revenue.

76. Colonel Baird Smith has proposed that the canal water-rate should, where irrigation has become sufficiently developed, be consolidated with the land revenue; I think that this could be done only in exceptional cases. † Where the water-rate, as I believe to be ordinarily

* I need hardly remark that the above objection does not apply to the differential rate sometimes levied on the water used for various crops, because the distinction is here founded on the varying quantities of water they require, not on the varying productiveness of the land.

† This point was strongly urged in a Minute, now before Government, on "the right of Government in streams, and the principle of fixing rates on water from canals," dated 23d May 1860, paragraphs 10 to 22.

‡ The following extract from the Minute (dated 23d May 1860) before referred to are to the same purport:—

13. "In these provinces the universal adoption of the latter mode of assessment (village settlements),
renders

ordinarily the case, is paid by the *cultivator*, the landlord could not equitably be required to make himself responsible for its payment in perpetuity on the same terms as the land revenue. So also where one portion of a joint estate held in divided shares benefits to the exclusion of another, or benefits more than another, by canal irrigation, it would hardly be equitable to bind the whole community by a joint assessment to pay the consolidated demand for water by which they profit unequally, some of them perhaps not at all. Farther, the consolidation could only take place where the system of water-courses had been fully completed; and till that had been accomplished, the permanent settlement would have to be held open to this future condition. Looking, moreover, to the possibility of occasional failure of supply, it appears to me (so far as the matter has yet been opened up by discussion) that it will be the preferable plan to keep the water demand altogether distinct from the revenue demand.

Note.—This part of Colonel Smith's Report is not included in the extracts which have been sent to our Board, and as we have not been furnished with a copy, I write from the recollection of a rather hurried perusal on a former occasion.

77. This would not interfere with any arrangement for fixing the canal demand in perpetuity, where that might be found otherwise advisable, nor would it present any obstacle to the amount assessed as water-rate being collected by the Revenue Establishment. I have long thought that this would be an improvement on the present system.* The details of water, its rates, and the names of the parties who had engaged for it, would be supplied by the Canal Department, and the amount would then be collected by the Tehseeldar. Where the system is by measurement of area under irrigation, this also would probably be best done by the Revenue Department.

78. It appears to me that all matters connected with the revenue of canals, its demand and collection, might with advantage be placed under the control of our Board without the organic change in its constitution proposed by Colonel Baird Smith, and yet in a manner such as to secure the advantages contemplated by him.

79. Although a new law will not be absolutely necessary, empowering the Government to make its land revenue assessments in perpetuity, yet in order to give confidence to the people, it may be advisable to procure the sanction of the Legislature to its perpetual limitation. It might be enacted that wherever the Government may declare the assessment of any district, subdivision, or estate, to be permanent, the revenue demandable from the same shall remain for ever limited to that amount, and that no further claim of the nature of land revenue shall be lawful.

Executive Government should be empowered by law to fix assessment in perpetuity.

80. It may be advisable, where so important and irrevocable a step is to be taken, to provide that no assessments shall be declared permanent without the express sanction of the Governor General in Council, in every separate case.

81. No further legislative provision will, I presume, be required, as all the laws relating to the collection of the land revenue will continue as at present, and no subordinate and relative rights or questions of rent, &c., are affected thereby. It is a mistake to suppose that a permanent assessment will be in any degree incongruous with the principles of settlement introduced by Robert Mertins Bird. It will rather form the final development and completion of them.

82. I would advocate that the road and educational cesses, equal to two per cent. on the Government jumma, be consolidated with the Government jumma and collected as such. In the Treasury accounts the proportion due to each fund would be separated, and assignment made accordingly.

Road and educational cesses.

83. I have been concerned to find from his Minute of the 23d June 1860, that the principle of the Educational Fund does not find favour with the Honourable the Lieutenant Governor. The terms laid down by the Seharunpore resettlement rules, which provide for the payment of this cess, are so far more favourable than those of any previous settlement that

renders it quite necessary that the water-rate should be kept distinct from the land revenue. The revenue is fixed for a term of years for the whole area of a village within certain defined limits. In a co-parcenary estate there are various subdivisions of the proprietary body, and various interests, more or less distinct and separate one from the other. Some of these subdivisions may be benefited largely by the canal water, others in a less degree, and some not at all. The use of canal water varies according to season, and other incidental circumstances. To attempt a consolidation of the water-rate with the revenue would produce insurmountable embarrassment and confusion. The only practicable plan is to make each cultivator pay for the amount of water which he himself takes from the canal. If a body of landholders, or a village, or a cluster of villages combine to contract for a consolidated payment, they can, of course, distribute the amount among themselves; but the circumstance would be exceptional, and its continuance would be dependent upon a voluntary and uncertain combination.

15. "Where the settlement is made ryotwarry, or direct with each cultivator, there the consolidation of the water-rate and land rent may be possible. But even here, if the lease be (as it should be) for a long term of years, the consolidation will only be possible where the supply of water is perfectly certain and uniform from year to year. Any failure in the supply would lead to the necessity for a re-adjustment of the two elements (land revenue and water-rate) composing the demand, far more confusing and harassing, I should think, than if those elements had been kept separate from the first."

* See paragraph 12 of note by Secretary to Government, dated 29th October 1858, above quoted, and paragraph 24 of the Minute dated 23d May 1860, quoted in preceding note.

that the addition can nowhere be seriously felt.* It is not the place here to urge the benefits to be obtained from this cess; but I trust I may be excused if I say that it appears to me to afford the only prospect of securing a really national system of education, and that it will be a cause of deep regret if it be abandoned.

84. In conclusion, I would add that the consideration of the question of a permanent settlement has been discussed entirely on its own merits, and without reference to the privilege of redemption lately conceded by the Viceroy. As the commutation of land revenue by a present payment, wherever acted upon, is to all intents and purposes a permanent assessment, and as, moreover, it will prove a permanent assessment mainly of those portions of the revenue which are most unfavourable to Government, the argument for a perpetual settlement generally is greatly strengthened by the above measure, if, indeed, the necessity of such a settlement does not follow absolutely as a corollary therefrom.

85. The above remarks have been written hurriedly, as the Government requires an immediate expression of our opinion. And I have refrained from noticing several points of great and general interest discussed in the course of Colonel Baird Smith's Report, as they did not appear to me to be essentially connected with the question of a perpetual assessment.

(signed) *W. Muir*,
Senior Member of the Sudder Board of Revenue,
North Western Provinces.

(No. 38.)

MINUTE by *R. Money*, Esq., Junior Member of the Sudder Board of Revenue, North Western Provinces; dated the 21st December 1861.

IN recording the following remarks on the question of fixing the land revenue of the North Western Provinces in perpetuity, I would premise that I assume the measure to have been determined on and to be inevitable. The policy of removing the bar to improvement which is now presented by the uncertainty of the Government demand, is obvious, and the arguments which have been adduced in favour of a permanent settlement appear to be unanswerable. The concession of a permanent settlement is, moreover, partially involved in the option which has been granted to redeem the land revenue in perpetuity.

2. Regarding the question, therefore, as one of time, I shall endeavour to show that arguments may be adduced against the immediate perpetuation of the existing settlement of these provinces, of force sufficient to indicate the necessity for delay.

3. Immediate action would involve too heavy a sacrifice in a permanent or prospective loss or relinquishment of land revenue; and *secondly*, it would fix in perpetuity a settlement which is not equitable.

4. The loss of revenue would be incurred in estates which have benefited by the action of canals, subsequently to the last revision of assessment, or of which the assets may hereafter be increased by canal irrigation.

2d. In estates of which only very small portions of the area were under cultivation when the present settlement was effected, and of which the assets either have been or might be largely increased.

3d. In estates of which the present assessment is too heavy in comparison with the general average, and in which a reduction of the demand would be inevitable on a revision of the existing settlement.

5. With regard to estates which have been improved by canal irrigation, it may be sufficient to refer to the statement in the 74th paragraph of Colonel Baird Smith's report, which

* It is stated in paragraph 30 of the above Minute that the deductions, according to the Selharunpore rules, amount to $8\frac{1}{2}$ per cent., or more than double the income tax; but this calculation is considerably above the reality, because, under the standing rules, the road and educational cesses are deducted from the gross rental before the apportionment of the 50 per cent. on the Government jumma, and therefore virtually only one-half of the same is borne by the proprietor out of his 50 per cent. of the assets. Moreover, the salary of the putwarry, which forms 6 per cent. of the whole $8\frac{1}{2}$, is a *bond fide* village charge which has always (even under the old hard rules of assessment) fallen upon the zemindars, just as much as any other expense incurred for village servants to help in collecting the rents. It cannot, therefore, be justly compared with the income tax on net profits.

As above shown, the road and educational fund together fall on the zemindar at only 1 per cent. of his jumma, the same charge was formerly made for the road fund alone. Thus, if the net rental were 202 rupees, two rupees (being one rupee for each fund) are first deducted; and the jumma is fixed at half the remainder, *i.e.*, at 100 rupees, or with the two cesses at 102 rupees. Had the cesses not been taken, the jumma would have been 101 rupees, so that the zemindar has in reality but one additional rupee per cent. to pay. If the principle be objected to, it might be laid down that 51 per cent. of the rental is to be fixed as the Government revenue, which would provide for both funds; and allotment to them might be made after collection, as proposed in the 80th paragraph.

which shows that the assets of 17 villages in the Seharunpore District have risen during the last 20 years from 16,050 rupees to 36,970 rupees, or 130 per cent., and in which the Government demand has now been raised from 11,609 rupees to 16,258 rupees, or 40 per cent. The increase of rental in villages of the Meerut District, shown in the 66th paragraph of the same report, is nearly as remarkable.

6. The Goruckpore District stands out conspicuously, as that in which the greatest increase of rent has been obtained by the extension of cultivation since the settlement under Regulation IX. of 1833; but that settlement is now under revision, and a corresponding increase of revenue will be obtained. If, however, there is no district which will in this respect bear a comparison with Goruckpore, there are portions of districts and numerous detached villages scattered over the country which must be placed in the same category. I would instance generally those on the borders of the forest skirting the Himalayan range, and I believe that the seven pergunnahs which form the Tehseeldaree of Husnapore, on the Ganges, in the Moradabad District, and in which a remarkably small proportion of the culturable area was under cultivation at the last settlement, would exhibit an increase differing little in degree from that which has been effected in Goruckpore. To fix permanently the present assessment of the villages of these pergunnahs would be equally unfair to the Government and to the landholders of the remainder of the district. Even, if the Government should demand no increase on the aggregate demand of the entire district, the proprietors of those villages which had reached or nearly reached the limit of possible improvement when the present settlement was made, are fairly entitled to demand that the assessment should be equalised before it is fixed in perpetuity.

7. It may be safely affirmed that there is no district which does not contain several estates that are with reference to their capabilities more heavily assessed than the majority, and which would benefit by a reduction of demand on a revision of the settlement. The instances of under assessment are much more numerous. Justice to the landholders in the former case, and the interests of the State in the latter, point to the necessity of deferring the perpetuation of the settlement until the revision, which is now in progress in a few of the districts of these provinces, shall have been completed in all.

8. The question of realising the return to which the State is entitled on account of its expenditure on canals is much more complicated. The proposed measure must be deferred indefinitely if we await the time when the network of canal irrigation shall have been extended to the utmost practicable limit, and the resources which it will create shall have been fully developed. I should suggest the adoption of a scale of differential water-rates proportioned to the increased profits directly attributable to the canal irrigation. The amount payable by each estate may hereafter be fixed in perpetuity.

9. The inconvenience of collecting the water-rate separately from the several cultivators or under-tenants of an estate might be avoided by a provision that the parties responsible for the payment of the land revenue should hereafter, or so soon as it shall have been permanently fixed on account of any estate, be held liable for payment of the canal assessment, an allowance of 10 per cent. being made for the cost and trouble of collection. The declaration of the fixity of the land revenue demand might, in every instance, be made contingent on the acceptance of this condition.

10. With the proviso proposed in the last paragraph, I would recommend that the land revenue demand of each district should be declared permanent on the completion of the settlement now in progress or impending, but I would strongly deprecate any more premature action as injurious to the interests of the State, and unjust to the many proprietors who would be held entitled to relief on a general revision of the existing settlements.

11. I am of opinion that no amount of direct land revenue, which might possibly be hereafter assessed in excess of the demand which will be fixed at the approaching settlement, could bear any proportion to the increased sources of revenue which will, directly or indirectly, be gradually developed when the utmost possible simplification of the tenure of land shall have been effected, and its stability assured.

(signed) R. Money, Member.

MINUTE by the Honourable the Lieutenant-Governor of the North Western Provinces, in the Revenue Department, under date 27 May 1862.

THE questions on which my opinion is required in this department are two, viz. :—

1st. "The question of a permanent settlement, not only with special reference to the districts which have recently suffered from famine, but as a general measure applicable, sooner or later, to the country at large."

2dly. The question "as to the value of a legislative sanction for settlements for terms of years in districts," the existing settlements of which may not be of a character to be made permanent, in reference to its effect in improving "the tenure of land."

Letter from the Secretary to the Government of India, in the Home Department, No 2,033, dated the 7th of October 1861, calling for opinion on the subject of making the settlement of the land revenue, in the North Western Provinces, permanent, as discussed in paragraphs 62 to 82 of Colonel Baird Smith's Second Report on the Famine.

2. It will be convenient to dispose of this second question before proceeding to the consideration of the much more important and difficult subject of giving permanency to the settlement of the land revenue in these provinces.

3. In the course of the settlements which were effected in the North Western Provinces under Regulation IX. of 1833, and confirmed for certain specified periods by Act VIII. of 1846, in so far as the demand of the Government was concerned, all claims to proprietary right in land were determined by judicial inquiry, and carefully registered. The title so secured is fixed and permanent, though the assessment on the land is liable, as the law now stands, to variation on the expiry of the periods stated in Act VIII. of 1846. To use Colonel Baird Smith's words (paragraph 79), "the enjoyment of these (rights in the soil) is guaranteed to their proprietors by the most solemn and repeated sanctions." It does not appear to me, therefore, that "the tenure of land" in those districts, of which the existing settlements are not such as should be made permanent, can be "improved" by giving a "legislative sanction" to those settlements. Nor am I aware that any of the objections, to which at present temporary settlements are open, would be removed by that measure.

4. The other and more important question has engaged my best attention, and I should, probably, have given expression to my views before this, but for the interruptions incident to my tour, and the hope that I might, meanwhile, receive the remarks and opinions of the officers of the Irrigation Department, on the points discussed in paragraphs 146 to 164 of Colonel Baird Smith's Report relative to the administration of the Irrigation Department, and to the means whereby, in his judgment, "the interests of the Government (in that department) may be so guarded as to ensure there being no obstacle to the perpetual settlement of the land revenue." But I am reminded by a recent letter from the Government of India that the further postponement of my reply is undesirable.

* See your Letter, No. 1,866, dated the 16th September 1861.

5. In the remarks* which I was required to submit on the Report of Mr. Paterson Saunders, I have committed myself to the opinion that, in the present condition of these provinces, a permanent settlement of the land revenue may be introduced with great benefit, subject to certain conditions and exceptions; and I have pointed to the ground of that opinion in the fact that the system of leases for long periods, which has latterly distinguished the Revenue Administration of the North Western Provinces, and which has encouraged the application of capital to the land, resulting in very great improvement, would have its legitimate issue only in a perpetual fixity of the Government demand.

6. Regard being had to those remarks which have, in some degree, anticipated what I should have recorded on the present occasion, it cannot be necessary for me to discuss all the arguments for and against the measure under notice; the less that they have been considered, and impartially set forth in the minute of the senior member of the Board of Revenue, North Western Provinces, and that the conclusion arrived at by Mr. Muir is in accordance with the recommendation which is so powerfully and emphatically urged in Colonel Baird Smith's Report.

7. I do not, in the least, doubt that the gradual and cautious concession of a guarantee of permanency to the settlement of the land revenue in the North Western Provinces, generally, will be productive of all the advantages which Colonel Baird Smith and Mr. Muir, in even greater detail, have depicted. Judging by the effect of settlements for long periods, it may be safely anticipated that the limitation of the Government demand in perpetuity will, in much larger degree, lead to the investment of capital in the land. The wealth of the agricultural classes will be increased. The prosperity of the country and the strength of the community will be augmented. Land will command a much higher price. The prospective loss which the Government will incur by relinquishing its share of the profits, arising from extended cultivation and improved productiveness, will be partly, if not wholly, compensated by the indirect returns which would be derived from the increased wealth and prosperity of the country at large.

8. Nor should the minor advantages of freeing the people from the vexation and exaction which are inseparable from a periodical settlement of the land revenue; of saving the large expenditure which each revision of settlement entails upon the Government; and of removing the temptation which the approach of each such revision holds out to land proprietors of temporarily deteriorating their property, be disregarded. These are all burthens which bear, with more or less severity, on the Government and on the people, and if they can be got rid of without lasting detriment to the revenues of the State, few will be found to offer any opposition.

9. It must also be admitted, I think, that the settlement of the Government demand in perpetuity will be politically wise. It is true that in Behar, and also in some of the districts of the Benares Province (notably Ghazee-pore), which are permanently settled, the rebellion of 1857-58 was not less general, or less determined, than in other parts of these provinces which are under temporary settlement. But these manifestations of feeling must be regarded as having been the result of exciting causes, having but a transient influence, and can hardly detract from the force of the conviction that the absolute limitation of demand upon their land will be received by an agricultural people with the highest satisfaction, and will produce, if anything can, feelings of attachment to the Government, and of confidence in its desire to promote the best interests of the country.

10. But it certainly appears to me that the introduction of a permanent settlement must be subject to certain conditions, exceptions, and reservations, and that some years must pass away before the measure can be consummated. Precipitancy in a matter of this vast importance is to be deprecated, as pregnant with injury both to the Government and the people.

11. The primary condition is, that the existing settlements in the districts of these provinces must be revised with the utmost care and deliberation before they are declared to be permanently binding upon the people and the Government. These settlements were effected under the able direction of the late Mr. Robert Mertius Bird by a selected agency; but it was only gradually that the intricacy and complication of the work were evolved, and that the system was adequately elaborated. It is no reproach to those who were engaged in this difficult and important operation, to hold that mistakes must have occurred; that inequalities must prevail, some villages being overburthened, while others are insufficiently assessed; and that the mere march of time, with its attendant changes, has disturbed arrangements which, at the time, may have been just and sufficiently appropriate.

12. To perpetuate these inequalities, which are known to exist, would be unfair both to the Government and to the people. Under the system of temporary settlements, it is possible, periodically, to adjust the burthen of the demand upon the land by raising the assessments, where they are so low as to leave an extraordinary profit to the proprietors, in order to compensate for the relief that must be given to those estates which are depressed by the weight of a demand, which their assets are insufficient to meet, or which they can meet only with great difficulty. A settlement once declared by law to be perpetual, this power of periodical adjustment will cease; and the loss arising from unavoidable reductions, or alternatively, from constant remission of unrealisable balances, will fall upon the Government, while the proprietors of estates, which are under-assessed, will be in the enjoyment of profits, whether from extended cultivation, or other cause, to a share of which the Government would be fairly entitled, but which they will be debarred from claiming if the existing settlement be perpetuated without revision.

13. On the other hand, such perpetuation, without the previous inquiry which all agree in advocating, would be no less unfair to the people upon whom the burthen of taxation ought to fall equably. The proprietors of over-assessed estates would be borne to the ground by an insupportable weight which they could never throw off. They would be taxed at a rate double or treble of that applied to their more fortunate neighbours, and so be suffering for the benefit of those whose obligations to the Government is nowise different. Improvement would be out of the question. Alienation of the property would, in all probability, be the issue. Conversely, the parties possessing landed property inadequately assessed to the Government revenue, would be exempted for ever from their fair contribution to the necessities of the State, and would have an undue advantage over their brethren "in the race of improvement." Under such circumstances, there could not but be much dissatisfaction and discontent, and these not unreasonable, instead of the gratification and the confidence and the security which it is the object of the contemplated measure to produce.

14. Another consideration which makes this condition of a preliminary revision more obligatory is, that all the districts in these provinces have a similar and an equal right to benefit of the rule, by which the proportion of the assets, hitherto appropriated as land revenue, has been reduced from two-thirds to one half. The district of Seharunpore has been reduced from two-thirds to one half, and has been admitted to the advantage of this rule. In the settlements which are now progressing, in the districts of Muzuffernuggur, Boolundshuhur, and Goruckpore, the same principle has been from the first observed. And there can be no just reason for excluding from the benefit of this rule, whatever that may be, those districts which have not yet come under re-settlement. This, however, is an injustice to which the declaration of perpetuity, without a previous revision of settlement, would give rise.

15. The necessity, then, of this revision cannot, I think, be denied. It must be carried out, as the settlement of each district falls in,* by the best agency that can be secured, and with all the precautions that are within our reach, as pointed out in the 47th and 48th paragraphs of Mr. Muir's Minute. The settlement, so revised, after being submitted to the scrutiny of the superior revenue authorities, and being confirmed by the Government, would be declared perpetual, in pursuance of authority which should be given by a law in that behalf, either to the Governor General in Council, or the Local Government.

* Act VIII. of 1846 shows the year in which the term of each existing settlement will end.

16. But I am of opinion, that certain districts of these provinces must be excepted for many years to come from this measure, and there will not be, as Mr. Muir has observed, any repugnance to the terms of Regulation IX. of 1805, in this postponement. The great benefits of a permanent settlement being admitted, it almost savours of injustice to deny them to one or more districts, while they are conceded to others. But the Government is entitled to bear its own interests in mind; and it is on this ground that I would exclude the following districts from the operation of the measure contemplated, until they shall have attained to "a sufficiently improved state of cultivation" to warrant the concession:—

1st. The Terai District is almost entirely unreclaimed. It has an extensive area and fertile soil; but it is very sparsely peopled, and the climate is so insalubrious that people are

are found unwilling to settle there, even on very favourable terms. In this respect, improvement will be gradually effected by draining the swamps, and leading the water into artificial channels for purposes of irrigation; but, until this be accomplished, the population increased, and cultivation extended, this Terai District cannot yield a revenue bearing any reasonable proportion to its area, or its latent capabilities; and I cannot advise that the Government, by making a settlement in perpetuity, should shut itself out for ever from its legitimate share of the profits which will accrue as the reclamation and material improvement of this tract progresses.

2d. The district of Ajmere does not appear to me, as at present advised, to be ripe for a permanent settlement.

3rd. The district of Jhansie. }
 4th. The district of Oraie. }
 5th. The district of Lullutpore. } These three districts, belonging to the Jhansie Division, lie on the right bank of the Jumna, in Bundelcund. They are, at present, in a very backward state, and are peopled by races who are the least industrious and least enterprising of agriculturists. There are extensive areas lying waste, which cannot, I conceive, be reclaimed for years to come, even though capital should be forthcoming, simply because the population is in no due proportion to the extent of land which is available, and because the climate of Bundelcund is so uncongenial to the natives of other parts, that new cultivators will not accept land there so long as it is to be had elsewhere.

17. It may be reasonably anticipated that in the course of time, and under the encouragement of a light assessment, and a more settled state of things than has usually existed in these quarters, the breadth of cultivation will be extended, and the prosperity of the people be improved. That these results might be in some measure accelerated by a perpetual limitation of the Government demand, as contended for in paragraph 54 of Mr. Muir's Minute, I will not take it upon myself to deny; but I think at the same time that the sacrifice of prospective revenue will be greater than the Government is called upon to accept, and that the measure will be premature in its application to districts which for the most part have been in our possession for no more than eight or ten years.

18. In respect of their physical features, these districts resemble Humeerpore and Banda, and the Trans-Jumna Pergunnahs of Allahabad, and so far the description given in paragraph 52 of Mr. Muir's Minute applies equally to all; but there is no question that Banda and Humeerpore, which have been under British rule since 1804, are in a more advanced, and also in a more settled condition, notwithstanding that the former has suffered grievously from repeated over-assessment, and is only now recovering slowly from the depression to which it was reduced, under the operation of a favourable settlement recently effected in a summary way.

19. It is to be regretted that statistics are wanting for the three districts of Jhansie, Oraie, and Lullutpore, and, therefore, their condition cannot be accurately compared with that of Humeerpore and Banda. But, in respect of these latter, the Report on the Census of the North Western Provinces, taken on the 1st of January 1853, affords data which enable us to compare them with the other districts of these provinces to which, it is agreed, a permanent settlement may be given; and this may conduct us to a decision of the question now under notice, namely, whether the districts of Banda and Humeerpore may be included in the measure which is contemplated. There are no data more recent than those referred to, and some changes must have taken place since, but these need not interfere materially with the deductions.

20. According, then, to this Census of 1853, the average rate of population in the North Western Provinces was 420 to the square mile, and the per-centage of "agricultural" on total population was 64.7. In Humeerpore the former was represented by 245, and in Banda by 247; while the latter was represented by 71.9 in Humeerpore, and by 69.0 in Banda. Here one great difficulty, against which these districts have to contend, is made apparent. It is, to use the words of the report, "the scantiness of population as compared with the arable land, and the cry is not for broad acres to till, but for strong arms to guide the plough." The same fact is further shown by a comparison of the area in the hands of each agriculturist, which amounted in Humeerpore to 3.63 acres, and in Banda to 3.75 acres, while the general average in the provinces was 2.86 acres.

21. Still, notwithstanding this difficulty, the proportion of cultivated to total area in these two districts does not contrast so unfavourably as might have been expected with that recorded in the report of other districts possessing much superior advantages.

The general average for the provinces of the "per-centage of cultivated on total area" was	-	-	-	-	-	53.0
In Humeerpore	-	-	-	-	-	53.6
In Banda	-	-	-	-	-	43.9

In Humeerpore, then, at the time the Census was taken, the proportion of cultivation was in excess of the average, while in Banda, though 10 per cent. under the general average, it was little below the per-centage in Goruckpore (47.5); Azimghur (49.5); Bijnore (48.5); Moradabad (48.6); Shajehanpore (48.4). All these, Azimghur excepted, are Sub-Himalayan districts, possessing belts of forests, but they still afford a tolerably fair

fair standard of comparison. It may, however, be desirable to examine the extent of barren area which each possesses, and the proportion of the culturable assessable area which was under tillage at the time of the Census.

22. The per-centage of barren acres on the total area is stated in the report to be, in the—

District of Bijnore	-	-	-	-	-	-	-	33.4
„ Moradabad	-	-	-	-	-	-	-	18.6
„ Shajehanpore	-	-	-	-	-	-	-	18.6
„ Humeerpore	-	-	-	-	-	-	-	23.2
„ Banda	-	-	-	-	-	-	-	22.5

while of the whole culturable assessable area is cultivated—

In Bijnore, a proportion of	-	-	-	-	-	-	-	70.3
„ Moradabad ditto	-	-	-	-	-	-	-	63.3
„ Shajehanpore ditto	-	-	-	-	-	-	-	36.8
„ Humeerpore ditto	-	-	-	-	-	-	-	58.9
„ Banda ditto	-	-	-	-	-	-	-	33.8

In the comparison of the “per-centage of cultivation on total area,” those districts which possess the largest extent of barren acres, show, of course, results much worse than in point of fact exist. The relative condition of the districts in regard to existing cultivation and future capabilities of extension will be more clearly exhibited by the proportion of the culturable area which has been brought under the plough; and tested in this way, Humeerpore is nearly on a par with the prosperous district of Moradabad, while Banda, with all its disadvantages of inadequate population, climate, difficulties of irrigation, and past misfortunes, is not far behind Shajehanpore, which has a population of 427 to the square mile.

23. All the circumstances considered, I must express my opinion that there is no sufficient reason for excluding either Banda or Humeerpore from the benefits which are expected to result from a permanent settlement, if that boon be given to the province of Rohilcund, and to the districts of Azimghur and Goruckpore, even though, as I am aware, the latter district has made great advances since the time when these statistics were collected. If we are to be guided by the declaration of Section 7, Regulation IX. of 1805, then, I think, regard being had to the peculiarities of Bundelcund, it must be held that the districts of Banda and Humeerpore have attained, as compared with other more favoured districts, to “a sufficiently improved state of cultivation” to warrant the concession of permanency to their settlements after these have been duly revised.

24. Neither would I be disposed to exclude the Trans-Jumna Pergunnahs of the Allahabad district. I believe that they are very backward, and that the people are extremely ignorant, slothful, and unenterprising; but they compose only a small portion of the Allahabad district, and it does not seem to me to be worth while, for the sake of the small enhancement of revenue which might be derived from them in years to come, to except them from the operation of a measure which will be applied to the rest of the district to which they appertain.

25. It may be left for future consideration whether the district of the Dehra Dhoon, in its very peculiar circumstances, shall be brought under a permanent settlement. There, as in the hill districts of Kumaon and Gurhwal, I should be disposed to leave the effect of the Resolution of the Governor General in Council, dated the 17th of October 1861, relative to the purchase, in fee simple, of the waste lands, and to the redemption of the land tax, to develop itself, before attempting to introduce the measure now under consideration.

26. But the most difficult section of this important subject remains to be considered. If the public demand on the land is to be fixed for ever, how is the right of the Government to a share in the enhanced profits, produced by irrigation from canals which have been constructed, or which, being now in progress, may be hereafter completed at the sole cost of the Government, to be protected and secured? I have viewed this question in every light, and I have bestowed upon it my most anxious consideration; but I cannot say that I have arrived at any conclusion which is satisfactory to me.

27. All the facts and the embarrassments arising out of them are clearly stated by the late Colonel Baird Smith, and the question is ably discussed, in its various aspects, by Mr. Muir, the senior member of the Sudder Board of Revenue, North Western Provinces, in paragraphs 62 to 77 of his Minute. It is needless for me to go over the ground which has been already trodden; but I shall be expected to express an opinion as to the course which should be preferentially followed.

28. The following propositions seem to be undeniable. The Government has an unquestionable right to derive a profit from canals which have been constructed, or may be hereafter constructed, solely at the public cost. This profit is divisible into two elements, namely, the one, water rent, or the price of the water furnished by the canal; the other, the increased land revenue arising from the improved productiveness of the land, and consequently, the enlarged assets due to irrigation from the canal. This enhanced value

of their lands being due in no way to the application of their own capital, the landholders and others, who use water from the canal, may be justly required to pay to the Government a share of the profits which they derive from it.

29. To protect the interests of the State under a land settlement, declared to be permanent, of those districts which have canals of irrigation executed at the sole cost of the Government, or which may hereafter receive them, Colonel Baird Smith proposes, in paragraph 158 *et seq.* of his report, the formation of "an Irrigation Survey and Settlement Establishment," by which "the value of irrigation, as influenced by differences of level, of soil, of supply, and so on, would be determined by close and careful inquiry on the spot, and rates of water revenue, checked and guarded with as much care as those of land revenue, would be obtained, and applied in fixing at a light and equitable total, the demand of Government for water." It is apparently a condition of Colonel Baird Smith's scheme that the water should be delivered "by specific volumes" (paragraph 156), "by measure, through regulated outlets" (paragraph 165). He proposes that, ultimately, the canal revenue should be consolidated with the land revenue, the demand being "carefully discriminated in record and account, and credited duly to the Land Revenue and the Irrigation Departments in its proper proportions."

30. Had the Ganges Canal, the canals in Rohilcund, and other irrigation works in progress reached their full development as the Eastern Jumma Canal is believed to have done, and were there no probability of other similar works being undertaken, the application of Colonel Baird Smith's system (if feasible in itself) would perhaps offer the best means of securing to the Government its fair share of the profits due to the employment of its capital on the execution of the works in question. But this is in no wise the fact. It is calculated that not less than 1,000 miles of main distributing channels (Rajbhas) remain to be excavated in the divisions of the Ganges Canal; and even when these shall have been completed, the irrigation will not be developed until the villages generally within reach of the canal shall have acquired confidence freely to take the water, and until the village water-course shall have been prepared. These results cannot be brought to pass within the currency of existing settlements of the land revenue so as to admit of the "irrigation settlement" proceeding simultaneously and *pari passu* with the contemplated revision of the public demand on the land before declaration of perpetuity. And even if there were any reasonable prospect of this, the execution, hereafter, of other works of irrigation would create the same difficulty, and it would need to be surmounted somehow.

31. I am afraid, too, it must be admitted, as argued by Mr. Muir, that it is hardly possible to lay down any rule whereby "the power of the Government to take the increased profits due strictly to the influence of its own capital, could be defined and limited in a satisfactory and absolute manner,"* in the case of a reservation being made to Government of a right to assess profits due to the operation of its own canals, when fully developed. Nor can I think that Mr. Muir's objections to any such reservation are weak or groundless. The people are peculiarly suspicious of the intentions and the purposes of the Government, and they would not fail to regard any reservation of such a right as a practical abnegation of the permanency which it would profess to give to the assessment of its demand on the land.

* Paragraph 70 of Minute.

32. What is apparently contemplated by Colonel Baird Smith's scheme is the assessment of differential water rates, determined by differences of level, of soil, and of supply; but Mr. Muir holds that such an assessment could not be carried out, on the introduction of a permanent settlement, "without a special reservation sanctioning it in the act of perpetuity," because it would be an assessment rather on the increased productiveness of the soil, already assessed in perpetuity, than on the water.

† See note to paragraph 72 of Mr. Muir's Minute.

33. On another occasion,† when this subject was brought before me, I expressed my belief that, "by the consentaneous and united action of the Collector and the Canal Officer, an assessment of differential water rates might be carried out in such a way as to secure a fair equality of burthen on account of these rents; to bring to the credit of the Canal Department the amount of revenue which it is entitled to claim; to leave the land revenue consequently 'a fixed and unvarying quantity;' and, while giving satisfaction to the people, to obtain for the Government its just share of the increased assets arising from works of irrigation constructed at its sole cost." At that time the question of a permanent settlement had not been mooted, and the complications arising out of the declared permanency of the public demand on the land were not in my view. It seemed to me that the increased value acquired by different lands, and by the same classes of soil in different localities, might be determined; but this process would certainly proceed, in some measure, on considerations of "the increased productiveness of the land itself," and in the case of a district the settlement of which should have been declared perpetual, would be barred, unless there were an express reservation, the expediency of which is more than doubtful.

34. Still, if the scheme of assessment at differential rates is in itself feasible, it might be put in execution *simultaneously* with the revision of the land revenue. But here again the difficulty which has been already noticed interposes, namely, that the system could be applied only in canal districts, where the irrigation should have reached its largest development; and it follows as a consequence that, if this plan were chosen, the settlement of very few of the districts adjacent to the Ganges Canal and its branches, or to the canals

canals in Rohilcund, could be declared permanent for years to come. And as it must be assumed that as time advances other works of irrigation will be projected, the postponement above indicated would be projected, the postponement above indicated would be almost tantamount to a denial of a permanent settlement in toto.

35. The only officer, however, possessing a long and intimate experience of the irrigation system, whom I have had an opportunity of consulting as to the feasibility of Colonel Baird Smith's scheme, entertains very serious doubts on the point. If, as has been assumed above, it is a condition of that scheme, that the water shall be delivered by measured discharge through regulated outlets, then, according to my adviser, this would be the first obstacle to success. Admitting that in theory this system is quite unimpeachable, he holds that on the Ganges Canal it is at the present time certainly impracticable. The grounds on which this opinion rests are briefly stated in the following extract from an official letter on the subject:—

“The Pymana system * * * requires, as an essential element, that the pressure of water over an outlet shall be maintained practically invariable (0·3 foot). To provide for fluctuations in the volume of water carried by a rajbuha, and to keep the pressure over an outlet constant, some device similar to the modules in use on the canals of Lombardy is necessary. But it has been found by experience that the station module fails on all canals hitherto constructed in this country, owing to the presence of silt in the water. Silt not only renders the fluctuations in the volume of water entering a rajbuha head too great for the module to control, an evil which, if it existed singly, might probably have been remedied, but it chokes up the module itself. Various ingenious modifications of the module have been, from time to time, proposed with a view to adapt it to our canals, but up to this date none have been reported successful. Thus, then, the introduction of the Pymana system on the canals of these provinces generally is, at present, impracticable.

“Supposing, however, that this difficulty were overcome, and that some mode of maintaining a constant pressure of water over irrigation outlets were devised, it would be still premature to introduce the Pymana system on the Ganges Canal, even at this stage of its progress. Payment for water by known volumes implies a contract between the Canal Officer and the cultivator. How are the terms of the contract to be determined? The Canal Officer knows very imperfectly, the cultivator not at all, what volume of water is required to irrigate a certain area of land. The difficulty of arriving at a satisfactory conclusion on this point is enhanced when several kinds of crops, each demanding a different amount of irrigation, have to be provided for. The data required can be obtained only by extended experience.

“Again, no scheme for supplying canal water on contracts, based either on a standard measure, or an average of past years, can succeed until all irrigation outlets are constructed of masonry, or other material of a permanent nature. That this is not easy of accomplishment may be proved by a reference to the Eastern Jumna Canal, from which irrigation has been carried on for the last 30 years, with every desire on the part of the several officers, who have held charge of that canal, to substitute masonry for wooden outlets; but the task up to this date has been but imperfectly executed.

“Lastly, for the satisfactory fulfilment of contracts on the side of the Canal Officers, it is absolutely necessary that the volume of water carried by a canal should be liable to the minimum of variation; that, as in the case of the Ganges Canal, the portion of the whole volume to be allotted to each division of the main canal, and to each branch, should be rigidly determined; and that the whole of the minor branches, or rajbuhās should be completed both in number and in working details. How far these necessary provisions exist on the Ganges at the close of this the eighth year of its existence it is needless to point out.

“The remarks in the last two paragraphs, though made with reference to contracts generally, apply with especial force to the Pymana system, which is indeed a system of contracts founded on refined scientific principles.”

36. But even if these obstacles to the distribution of canal water by measured discharge should be overcome in the course of years, the officer alluded to believes that the work of making a differential assessment of the nature contemplated, will be so beset with complications and difficulties, that the result will be very unsatisfactory. Colonel Baird Smith, indeed (paragraph 77 of Report), felt confident that there would be no serious difficulty in “the working out of plans whereby the influence of canal action might be made compatible with a perpetual settlement of the land revenue,” and he must in his own mind have had a full conception of these plans; but he has not, unfortunately, developed them in his report, and his lamented death has deprived the Government of the details, which he would have ably elaborated, of the system he contemplated.

37. If, then, the declaration of perpetuity, in respect of the public demand on the land in the North Western Provinces, cannot be deferred until works of irrigation in progress shall have reached their full development; if, in the declaration of perpetuity, no reservation can be made to Government (without risk of exciting distrust) of the right to assess profits arising from the action of canals, constructed solely at its own cost, on their attaining to their full development; and if consequently, the assessment of differential rates of water rent is barred, in that it must be guided, in some measure, by the increased productivity of the land on which the public demand will have been declared fixed for ever; if these things must be, the only resource left to the Government appears to be that

• Paragraphs 73—
75 of Minute.

which has been suggested by the senior member of the Sudder Board of Revenue,* namely, that the rates of water rent should be raised, in order to make some compensation to the Government for relinquishing prospective accessions to its land revenue on the recurrence of periodical settlements. But in this even, great caution will be necessary, lest the Government defeat its own purpose. On the Eastern Jumna Canal, which has been in active operation for 30 years, and has, in the course of this period, so superseded all other modes of irrigation as to render the people almost entirely dependent upon it, the price of water may, it is believed, be raised very considerably without any fear of diminishing the demand for it. But the Ganges Canal is in its infancy. It was opened only in 1855, and then but partially, very few of the distributing channels having been excavated. In the Terminal Divisions (Gawnpore and Etawa) these are still very backward. Nowhere is irrigation from it developed to nearly its full extent. The people have not yet acquired sufficient confidence to take the water freely, and they are by no means dependent upon this source of supply. The imposition of largely increased water rates, at the present time, and for some years to come, would have the effect of checking, perhaps putting a stop altogether to, irrigation from the canal, which it must be the object of the Government, both for its own sake and for the sake of the country, to encourage and foster by all possible means.

38. In view of the large sacrifice† to which the Government must submit by giving permanency to a settlement of the land revenue in these "zones of irrigation," before the sources of that irrigation have been fully developed, I should have been disposed to advise the postponement of the measure for such period as might be necessary to bring about that development; but that the arguments advanced in paragraphs 64 and 78 of Colonel Baird Smith's Report are convincing as to the wisdom of its earlier execution, and further, that the difficulties which have been discussed in these papers must recur hereafter, if, as may be assumed, the action of the Government in respect of works of irrigation should not cease with the completion of those now in progress.

(signed) G. F. Edmonstone.

(No. 39.)

From *J. D. Gordon, Esq.*, Officiating Junior Secretary to the Government of Bengal, to *E. C. Bayley, Esq.*, Secretary to the Government of India (No. 863), dated 25 June 1862.

I AM directed to acknowledge the receipt of your letter, No. 1474, dated the 20th March last, requesting the early submission of the Lieutenant Governor's opinion on the question of a permanent settlement of the land revenue of the Lower Provinces, discussed in Colonel Baird Smith's Famine Report.

2. In reply to the abovementioned urgent call, the Lieutenant Governor desires me to say that he has already, as a member of the Governor General's Council, recorded his opinion in favour of a permanent settlement of the land revenue wherever it can be effected without any undue sacrifice of the financial interests of the State.

3. In submitting, for the consideration of his Excellency the Governor General in Council, the accompanying copy of a letter, No. 146, dated the 10th instant, from the Board of Revenue, I am to state that the Lieutenant Governor can find nothing in it to shake the opinion already expressed in respect to any of the districts under the Government of Bengal to which a permanent settlement has not yet been granted, but that he will, hereafter, submit his views on this important subject in greater detail when he has had an opportunity of discussing it with the local officers, and of considering the means whereby the measure, if deemed expedient, may best be carried into effect.

4. Although strictly speaking, the Board are right in saying that a settlement of the land revenue as between the Government and the person admitted to settlement is a mere matter of contract, and that legislation is not necessary to give validity to a permanent, any more than to a transitory, one, yet the Lieutenant Governor has no doubt that the enunciation of a new lasting principle, in reference to the settlement of the land revenue in several large divisions of the Lower Provinces of Bengal, to say nothing of the rest of India, would most fitly be confirmed, as in 1793, by legislative enactment.

† See Tables in paragraphs 66 and 74 of Colonel Baird Smith's Report, as showing the effect of canals in adding to the value of the gross produce of the land, and consequently in increasing assets.

(No. 40.)

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 146), dated 10 June 1862.

In reply to the Officiating Under Secretary's letter, No. 1153 A,* dated the 15th November last, I am desired by the Board of Revenue to report on the subject of extending the permanent settlement to those districts of Lower Bengal which are now temporarily settled.*

* A. Grote and H. D. H. Fergusson, Esquires.

2. The Board fully concur in Colonel Baird Smith's opinion of the advantages to be derived from fixing in perpetuity the Government demand of land revenue as a general measure, and one which, in course of time, should be extended to all districts; and they have given their careful consideration to the circumstances of each temporarily settled district within their jurisdiction.

The temporarily settled divisions are:—

- (I.)—Cuttack.
- (II.)—Assam.
- (III.)—Chota Nagpore.

And the districts:—

- (IV.)—Darjeeling, and
- (V.)—Cachar.

which will now be noticed in detail.

3. *Cuttack*.—Mr. Shore the Officiating Commissioner of Cuttack, has gone thoroughly into the question as regards his division. He has no doubt that a permanent settlement would be very acceptable to the people, and that means are available to enable us to make a very just and equal distribution of the public demand. Indeed this distribution has already been well made in the detailed 30 years' settlement which has still five years to run. Owing to the general excellence of the work, the value of landed property has so greatly increased that very few estates, he believes, have, in ordinary seasons, any difficulty in paying their revenue; and he believes that almost every zemindar would prefer the perpetuation of his settlement on existing terms to a re-settlement. Moreover, he is of opinion that a detailed re-settlement of the province, previous to the demand being permanently fixed, would not greatly benefit either the Government or the people. As to the interests of the people, all subordinate rights and tenures were ascertained and defined at the last settlement, with a precision that leaves nothing to be desired; and as regards the advantage to Government, he doubts whether a re-settlement would result in an increase of revenue commensurate with the expense that it would entail. The large addition made to the rent roll of the Khoordah Estate at the late re-settlement was caused by waste lands having been brought into cultivation, but the proportion of such lands in other parts of the province is inconsiderable; and culturable but uncultivated lands were assessed, though lightly, at the last settlement.

4. In the event of a re-settlement it will be impossible, Mr. Shore observes, not to concede to the zemindars 40 per cent. instead of from 30 to 35 per cent. as malikana, the higher amount having already been allowed in the more recent settlements. The decrease of revenue from this cause might be obviated by raising the rates of assessment all round in some proportion to the increased value of the produce of the land; but though the pressure would thus be made more equal, it is doubtful whether, on the whole, either the Government or the people would be gainers by such a re-adjustment. It is further to be remembered that nothing remains to be gained by resumptions.

5. Mr. Shore next discusses the question, whether, after the settlement is made permanent, remission of revenue should be granted, as it is now granted, on the occurrence of calamitous seasons. Sales for arrears of revenue have been very rare, but sales in satisfaction of decrees are common, and many of these sales have been owing, he believes, to difficulties caused by calamitous seasons, when the zemindar has been obliged to borrow money to save his estate from sale, only at last to see it go for a very inadequate price, in consequence of his inability to repay the loan. With a demand perpetually fixed, Mr. Shore would limit remissions to the single case of *loss by inundation*. It may almost be assumed, as an ascertained fact, that the embankments must give way if the river rise beyond a certain height. This has occurred twice in his experience as Collector. With this as a condition of permanent settlement, and a malikana allowance of 40 per cent., he is confident that the large zemindars at least, whom specially it should be the policy of Government to encourage, would be able to endure even a succession of bad seasons, and at the same time to give a fair measure of relief to their tenantry. This opinion, he observes, was held by Mr. Samuells, notwithstanding the apprehensions entertained by Messrs. Ricketts and Mills, that even with 40 per cent. malikana no settlement could stand, unless supported by relief in the shape of remissions on the occurrence of the exceptionally unfavourable seasons to which Cuttack has always been liable.

6. No great works of artificial irrigation existed or were anticipated when the current settlement was made, but the assessment was always fixed with reference to natural facilities

for irrigation, and these may probably be seriously interfered with by the projected extensive irrigation works. This difficulty, however, might be met by a reduction of rates equal in each case to the estimated injury to the land; the revenue being, of course, more than restored by the new water rates. Without some such means of solving the difficulty, a permanent settlement in face of an impending scheme of irrigation by canals seems to the Commissioner scarcely practicable.

7. Mr. Shore is of opinion that the right of Government to levy an excise duty on certain specified articles should be specially reserved in concluding a permanent settlement.

8. The Commissioner further points out that there are already a number of permanently settled estates in the province. These are the zemindarees mentioned in Regulation XII. of 1805, and consist of wild tracts of hill and jungle. Although these estates are inferior to those of the Moghulbundee in every respect in which the prosperity of a country can be tested, the difference is principally due to the nature of the country and the character of the people and their landlords, and no argument against the advantages of a permanent settlement can be drawn from their backwardness.

9. On the question of the advantage of giving legislative sanction to temporary settlements, Mr. Shore remarks that in Cuttack such a measure is not called for, the people already placing entire confidence on the good faith of Government.

10. The Board are of opinion that, in the present condition of the province, all rights having been settled, the value of land having increased, and there being very little unassessed waste area left in the Moghulbundee, the time for fixing the demand has come, and they would recommend the measure at once, but for two difficulties: these are the contemplated introduction of an extensive scheme of irrigation, and the probable unwillingness of the zemindars to give up their claim to remissions on the occurrence of calamitous seasons.

11. With the first question pending, to extend the rights of landholders would be unadvisable and would create difficulties. For this reason, and referring to the remarks of Lieutenant Colonel Baird Smith, in paragraph 60 *et seq.* of his report, on the relation between irrigation schemes and fixity of the Government demand, the Board think it desirable not to give any guarantee for the permanency of the present settlement until it be ascertained what effect the irrigation measures may have on the province. The remaining term of the present settlement (five years) will probably give sufficient time for so doing.

12. With regard to the second point, the Board would insist on the zemindars resigning all right to remissions on any grounds whatever (even the breach of the embankments), on the demand being permanently fixed. The Commissioner seems confident that the larger zemindars will be able to bear all risk of seasons. If a permanent settlement be given, it would be necessary to define what share of the embankment and sluice charges would in future fall on the zemindars.

13. The gain to Government from fixing the public demand will be wholly indirect. The zemindars would take increased interest in the management of their estates, and do their best to widen the present margin of their profits. The official sanction given to the present rates of rent would be withdrawn, and the owners would be at liberty to raise them in accordance with the provisions of the Rent Law. The relations between the zemindars and their tenantry would in fact be on the same footing as they now are in the permanently settled districts of the Lower Provinces. As an additional argument in support of the Board's view, that the settlement should not be declared permanent till the five years for which it still has to run shall have expired, it may be observed that the present rate of each tenant's rent being guaranteed to him under the current settlement, the power of raising the rents could not be exercised by the zemindar till the expiration of the five years.

14. It is possible that revised arrangements might be necessary regarding the canoongoes and surburakars. On this point further report has been called for from the Commissioner.

15. *Assam.*—The Commissioners of Assam, Major Hopkinson, observes that the state of the Upper Provinces is so different from that of Assam, that the grounds on which a permanent settlement might be desirable in the one do not apply to the other. He regards Lieutenant Colonel Baird Smith's objections to the settlement in the North West Provinces as being directed not so much against the system of temporary settlements (for there may be over-assessment under any system), as against the rates imposed. The permanent settlement, he observes, would probably not find the favour it does in Bengal, were it not that it is a perpetual settlement of a moderate assessment. In Assam, where the population mainly consists of peasant proprietors, each man cultivating on his own account, a land tax assessed on the area of each man's cultivation is substantially an income tax. So long as it is kept within moderate limits, it will press as lightly on the people, to say the least in its favour, as an income tax would do; it will no more check cultivation than an income tax checks trade, and there is no more reason for making a perpetual settlement of it with some third party, by whatever name he may be called, than there is for so settling the tax under Act XXXII. of 1860.

16. Major

16. Major Hopkinson expresses his doubts as to the share the perpetual settlement has had in producing the superior prosperity of Bengal, as compared with the Upper Provinces. He thinks the natural advantages of Bengal would account for a yet greater difference. He observes that the regulation district of Gawalparah, which is permanently settled at only 14,000 rupees, has not made more rapid advances in prosperity than the neighbouring non-regulation district of Kamroop, with its annual revenue of upwards of 3½ lacs. He chiefly values the perpetual settlement of Bengal, because it has taken the place of the system of farming the revenues, which he regards as the worst of all systems.

17. Major Hopkinson holds a land tax on the ryotwar principle to be the most expedient way of raising a revenue in Assam, and would have it subject to enhancement from time to time, in proportion to the rise in the value of the produce of the soil and of labour, and to the depreciation of the metallic medium. To this enhancement he looks as a means of creating resources for reproductive works, the increase levied being re-disbursed among the people, from whom it is taken in the shape of wages for their labour. If it be granted that a permanent settlement is desirable for Assam, Major Hopkinson inquires with whom it should be concluded in the absence of any actual proprietors of land between the ryots and the Government? Under the former Native Government, not only the land but the ryot was the property of the State.

18. With reference to the proposal to secure temporary settlements for long periods by legislative enactments, Major Hopkinson remarks, that such settlements could in Assam be made with farmers only, and of all systems he looks upon that of farming the land revenue to be the most indefensible, especially for Assam.

19. The Board, without concurring in Major Hopkinson's views on the general subject of a permanent settlement, agree with him that, under all the circumstances, a permanent settlement of the Assam Province at present would not be expedient. There is in fact no one with whom such a settlement could well be made. The Government must sell or confer a proprietary title before the question of settling the demand in perpetuity can arise. They do not recommend any alteration in existing arrangements which have answered well in the province.

20. *Chota Nagpore.*—In the Chota Nagpore division the estates are all permanently settled, with the following exceptions:—

Khalsa Palamow; the Colehan of Singbhoom; some resumed Mehals in Khuruckdea; Kodurmah, a confiscated estate; two other confiscated estates in the Chota Nagpore Zemindaree, and the Porahaut estate.

21. Major Dalton recommends a permanent settlement of the Khuruckdea Mehals and the Kodurmah estate with the ticcadars. By the existing settlement a fair assessment has, he observes, been obtained, and no loss to Government is to be apprehended. The Board have found it necessary to call for further information on certain points, on receipt of which they will submit a definite proposition for the permanency of these settlements, if advisable. The Commissioner does not recommend the extension of the arrangement to the other estates. Palamow is under survey, and there are large tracts of arable waste well suited for cotton and other valuable products, which should be reserved for grants; moreover, but few of the farmers can claim even a long interest in the villages which they hold. In the Singbhoom Colehan, the existing settlement with the Mankees, who have no proprietary rights, is of a peculiar character, and affords no data for a permanent land revenue assessment; nor could inquiries be made during the currency of present engagements without seriously disturbing the minds of the people; the Commissioner believes that some of the Mankees would, if invested with proprietary rights, follow the old policy of the Coles in excluding all Hindoos from their estates. The confiscated estates in the Chota Nagpore Zemindaree have only recently been acquired, and no regular settlement or survey of them has yet been made, nor any steps taken to define rights. Of the Porahaut estate, the Commissioner appears to consider a perpetual settlement to be barred by the orders of Government to his address, No. 2668, dated the 6th December 1858, which directs that the settlement be for 20 years.

22. As to the bestowal of legislative sanction on existing temporary settlements, Major Dalton sees no necessity for any such measure. The settlements made under the existing law have all the validity that is required.

23. The Board concur with Major Dalton as to the propriety of his proposed exclusion from permanent settlement for the present of the estates mentioned above.

24. *Darjeeling.*—The Superintendent of Darjeeling, Dr. Campbell, observes that the rules of 1859, under which waste lands may be had in fee-simple, together with the late Resolution of the Supreme Government, have settled the question of a permanent settlement in the Hill territory, and a great portion of the Terai in which there are no rights of previous occupancy. As regards that part of the Terai which came into possession of Government in 1850, by confiscation from the Sikkim rajah, he observes that this tract which contains 19 mouzahs, divided into 852 jotes, was first settled for three years at a jummah of Rs. 28,361. 14., and afterwards a 10 years' settlement was made at a jummah of Rs. 33,159. 4. -¾. This settlement, which will expire on the 30th April 1863, although yielding 40 per cent. more than the Sikkim rajah's late jummah from the same tract, has stood well, it having been found necessary to remit 450 rupees only for causes other than diluvian,

diluvian, and no revenue sales having taken place. The area in cultivation has much increased, and land which, in 1850, was not saleable at one year's rent now frequently changes hands at six years' purchase. The chowdries, 10 in number, have petitioned for a long settlement, and Dr. Campbell recommends that the settlement of 1853 be made permanent. In the case of those jotes settled on 10 years' leases, which have been cleared and settled since the general settlement, and usually at low rates, the Superintendent would re-adjust the assessment before fixing the demand in perpetuity. If a permanent settlement should not be granted, the Superintendent recommends a period of 50 years, and at all events 30 years for the next settlement.

25. From a later communication from the Officiating Superintendent, Captain Murray, the Board learn that there is not much jungle land in the old jotes which were settled in 1853 (perhaps one-sixteenth of the whole area), and Mr. Wake sees no reason for recommending that the re-settlement which must now be made should be for a longer period than 10 years.

26. The Board are of opinion that a permanent settlement of the Terai at present would be premature. The condition of the people is greatly improving under the present system, and there is every hope of still greater improvement, by which the Government will eventually benefit largely if permanent arrangements be postponed. The chowdries, moreover, to whom Dr. Campbell proposes to give a long, if not a permanent settlement, have, the Board find, no proprietary title. They are merely tax-gatherers.

27. *Cachar*.—In Cachar, Captain Stewart observes, farmers are unknown, and crops are raised with a safety, certainty, and facility, which render the smallest landholders secure and independent. A permanent settlement would, doubtless, increase the value of land to the landholder, but even now the right of occupancy fetches a considerable sum under existing leases; as much as *Rs.* 5. 7. 3. per beegah of 6,500 feet; in Sylhet the Collector reports a beegah to sell for about *Rs.* 8. 9., but Captain Stewart considers the difference of price due to the greater population of Sylhet, and the smaller area of cultivable waste, whereas in Cachar it is much more common to clear jungle lands, than to buy lands already cleared.

28. If a permanent settlement were introduced in Cachar, it must be settled either as one large zemindaree, or by dividing it into several small estates. Such a settlement, with each of the present holders, would be to perpetuate contention. There are in Cachar 7,447 estates comprising 2,19,673 acres, settled with 70,554 persons, and an estate has sometimes upwards of a hundred shareholders. The present periodical settlements have the effect of settling all disputes and defining rights.

29. The province came under the British Government in 1837. Under the former rajah, the settlement of 1830-31 comprised 35,735 acres, which, at *Rs.* 5. 8. a koolbah, yielded 21,443 rupees; at our last settlement in 1858-59, the assessment was at *Rs.* 3. 8. per koolbah only; but the assessable area amounting to 3,71,260 acres, the total revenue will be no less than 1,49,312 rupees, before the expiry of the settlement, which is made on a progressively increasing jummah for 20 years. This enormous increase of cultivated area and of rent in 30 years is a result which would not have been obtained under a permanent settlement. On the expiry of the present settlement, Captain Stewart has no doubt that the rate formerly demanded by the Rajah (*Rs.* 85. 8. a koolbah) will not be found excessive, and he sees no reason for foregoing an increased revenue which can be derived merely by maintaining a system which experience has shown to have worked well.

30. The Board concur with the Superintendent and the Commissioner of the division. Under the present system of term settlements immense progress has, they observe, been made; and here, too, there are no parties with a right of permanent settlement. Under such settlement a more rapid progress in prosperity could scarcely be looked for than has been attained under the existing system. It is quite clear that improvement is still going on, and there is no reason why Government should not share in its profits. The Board would, therefore, abandon all idea of a permanent settlement in Cachar, till the result of a new settlement to be made in 1878-79 on expiry of the existing leases shall be known. In exceptional cases, however, where sufficient cause may be shown, occupants might be allowed to buy a zemindaree title and engage in perpetuity.

31. It only remains to add, with reference to paragraph 2 of the letter under acknowledgment, that it does not appear to the Board that a special law, giving legislative sanction to existing temporary settlements, would practically give the landholder greater security than he now has under his special engagements with Government. The general law of contract governs his relations with Government under the present practice, and there is no doubt that the civil court would indemnify him for damage incurred by an infraction of the terms of contract on the part of Government. If the special law contemplated be intended to contain any more stringent provisions for the landholder's protection during the currency of his settlement, there is no reason why these should not be introduced with equal effect into the engagements executed between Government and the zemindars.

— No. 41. —

From Captain *H. Mackenzie*, Secretary to the Chief Commissioner, Central Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 532), dated Head Quarters, Nagpore, 22 July 1862.

YOUR No. 2038 of the 7th October 1861, and subsequent letter, No. 1474 of the 20th March 1862, requiring the opinion of the Officiating Chief Commissioner of the question of a permanent settlement of the land revenue, discussed in paragraphs 62 to 82 of Colonel Baird Smith's Famine Report, and as to the value of a legislative sanction for settlements for terms of years where existing settlements are not of a character to be made permanent, have, up to the present time, remained unanswered. The subject was very important, and the changes in the administration of these provinces rendered it impossible to accord that attention to it which it merited. The Officiating Chief Commissioner having, however, now fully considered it, in reference to its bearing on the peculiar condition of the districts comprised in the Central Provinces, is prepared to submit his opinion, and has, accordingly, desired me to report as follows:—

2. In the first place, it may, the Officiating Chief Commissioner remarks, be superfluous to state that here, as elsewhere, a permanent settlement would affect only the land tax itself. It would fix the assessment for ever, and it should be more accurately termed the permanent and perpetual limitation of the direct State demand on the land. It would in no wise affect the fundamental right and property of the people in the land. *That* right and property will be fixed absolutely and immutably, whether the land tax be limited to a certain sum for ever, or not. The value and interest of such right and property will indeed be greater or less, according as the State demand is fixed for a short or a long term, or for ever. But under *any* circumstances, the nature and essence of the right and property itself will remain the same.

3. Here then, as elsewhere, in the above sense, the *principle* of a permanent settlement is applicable. It would have an effect altogether, beyond immediate calculation, in stimulating the industry, enterprise and self-reliance of the agriculturists, the application of capital, the accumulation of wealth. Where the assessments were fair, it would be accepted as a great boon by the people. On the one hand, the State, no doubt, will subject itself to prospective loss, by surrendering all future right to increase its land revenue. But on the other hand, such loss would be more than compensated by the gradual, if not rapid, increase of all the other branches of the revenue. These branches entirely depend on the growth of wealth in the mass of the people. A permanent settlement will contribute more than any measure that could be devised to augment that wealth. It follows that a permanent settlement will cause all other heads of revenue, except land tax, to increase. Now in these provinces more than one-third of the total income is derived from taxes other than the land tax—the other taxes are increasing, the land tax alone remains stationary. In a fiscal point of view, then, there can be no fear for the success of a measure which would, while restricting the land tax, cause all other taxes to rise. Again, it is quite true that the value of money will continue falling, and that prices of produce will rise more and more throughout these provinces. Thus, the agriculturists will, in a short time, receive much more for their produce than they ever did before. On the other, the price of labour will rise, and that will greatly enhance the State expenditure. All the salaries and establishments of the lower grades, at least, will be gradually raised, and the cost of public works will be greatly enhanced. There might appear to be some risk, then, if Government, while anticipating increased expenditure, were to limit the land tax, the main source of revenue. But it will, in reality, be quite safe to trust to increase of other taxes. It was declared, quite irrespectively of the permanent settlement, in the joint report of Colonel Elliot and Mr. Temple, that "*it is rather from the miscellaneous taxes, than from the land tax, that increase of resources is to be expected.*"

4. A permanent settlement, then, so far as it can be introduced, will be, *firstly*, good for the people, and *secondly*, good equally for the State. The questions

questions remaining are:—To what extent could it be applied? And *When could it be introduced?* Now it is to be ever remembered that in these provinces the railways, the roads, and the navigation will certainly work great changes, while similar results are not here to be expected from irrigation. But this prospect exists here, in common with the rest of India, neither more nor less. If then the prospect of material improvement does not bar the concession of a permanent settlement elsewhere, neither should it have that effect here. So far then as railways, roads, and navigation are concerned, the Central Provinces seem as much entitled to the advantage of a permanent settlement as other provinces of India. But further, it is to be borne in mind that the amount of cultivable waste in these provinces is enormous; and though this condition may exist more or less everywhere, it is peculiarly prevalent here; not only are vast tracts of cultivable waste vaguely claimed by parties with doubtful title, but within the legitimate boundaries of many, even perhaps the majority of estates and villages throughout these provinces, there is a large proportion of cultivable waste. Now, although the inducement held out by a permanent settlement to reclaim the waste is one of the cardinal benefits of that measure, still it is but fair to the State that this privilege should be kept within *moderate* bounds. It would be right to allow to every estate permanently settled a just margin of waste as a field for extending cultivation. But it would not be right to allow a permanent settlement to an estate which might include a large or indefinite area of waste, at present quite beyond the means of the owner to reclaim, but capable in the future of being rendered valuable by a variety of contingencies.

5. Thus in these provinces there are many estates and villages, many entire tracts, and some entire districts, where a permanent settlement could not at present be properly introduced. Such districts are Raepore, Belaspore, Sumbulpore, Sironcha, Bhundara, Mundla, Seonee, Chindwara, Baitool. All these districts are in a transition state; and influence will, it is hoped, be sooner or later brought to bear, which shall change the entire face of them.

6. On the other hand, there are some districts, in each of which a permanent settlement might be introduced into *parts*, but not the *whole*, with as much benefit and as much reason as into other parts of India. And into these the introduction of the measure has been recommended. These districts are Nagpore, Chandah, Natchengaon (Kowta), Jubbulpore, Saugor, Dumoh, Nursingpore, Hoshungabad. All these districts (excepting Saugor and Dumoh) have large portions of their area continuously and highly cultivated, and subject to the same kind of development as the rest of India. The Saugor and Dumoh districts are more rugged, and do not possess long strips of cultivation like those just named; but in other respects their position is the same. As regards past assessments, some have been too high and others too low; but this circumstance is not peculiar to these districts, and is but too common everywhere. On the other hand, for the Jubbulpore, Saugor, Dumoh, Nursingpore and Hoshungabad districts, there are the fiscal data year by year during 35 years of British rule. For the Nagpore, Natchengaon and Chandah, besides the British assessment, there are the data of the assessments made during the Regency exercised by Sir R. Jenkins and his officers.

7. Such being Mr. Temple's views on this question, I am further to state that he sees no reason why they should not be applied in the course of the settlement now in progress. The state and circumstances of the operations connected with that settlement were reported at some length in my No. 11* of 30th ultimo; it is, therefore, unnecessary to enter into great detail on this point. The Officiating Chief Commissioner would merely submit that, should his Excellency the Viceroy in Council be pleased to approve, *firstly*, the general principles of the question as above laid down; and *secondly*, the application of them at once to such of the districts in the Central Provinces as are advanced enough to receive them, then he would solicit that sanction be accorded to the following specific measures:—

8. (1.) That, when in the course of the present settlement it shall appear to the authorities engaged in making the settlement that an estate is, in the sense explained above, fitted for a permanent settlement, in such estate the assessment be made in perpetuity.

9. (11.) That

* To Government Foreign Department.

9. (II.) That one of the chief conditions of fitness for this boon be, that at least three-fourths of the culturable area is under cultivation.

10. (III.) That it be competent for Settlement Officers to hold out a promise, in certain cases, that on estates attaining that advanced state in which three-fourths of the land is under cultivation, a revised assessment be and declared permanent.

11. Thus, if a permanent assessment be really desired by the people, then this system would induce every landholder to increase his cultivation, so as to secure the boon, and thus the greatest possible stimulus might be imparted to agricultural industry.

— No. 21. —

EXTRACT, India Revenue Proceedings, September 1862.

(No. 50.)

From *J. W. Robinson, Esq.*, for Secretary to the Landholders' and Commercial Association, to *E. C. Bayley, Esq.*, Secretary to the Government of India; dated 23 September 1862.

I AM directed by the Committee of the Landholders' and Commercial Association to hand you the accompanying copy of a letter addressed to the Secretary of State for India, by the London Committee of this Association, on the subject of the sale of waste lands, and the redemption of the land tax. I shall be obliged by your laying this letter before his Excellency the Viceroy, who will observe from it how entirely the two Committees of the Association agree in their views upon the whole of these important questions, and I have to express the hope that, should opportunity hereafter offer, his Excellency may be induced to give his support to these views.

(No. 51.)

From *W. F. Fergusson, Esq.*, Secretary to the Landholders' and Commercial Association, to the Right Honourable Sir *Charles Wood, Bart., G. C. B.*, Her Majesty's Secretary of State for India; dated, 8 Craig's-court, Charing Cross, S. W., 1 August 1862.

I AM directed by the London Committee of the Landholders' and Commercial Association of British India, to express the surprise and regret with which they have perused the instructions recently sent out to the Governor General of India, respecting the sale of waste lands, the redemption of the land revenue, and the extension of the permanent settlement, and respectfully to submit the following observations on the subject:—

The Committee regret that Her Majesty's Government cannot approve of the proposal to fix an uniform price for all unassessed and unreclaimed lands throughout India, without reference to locality or situation, even with the reservation of special tracts, which the Government of India retained the power to make. The Committee believe that this power of reservation, coupled with the provision for putting up to public auction all lands for which there may be more than one applicant, would be sufficient for all practically useful purposes, and they fear that requiring the several Governments of India to fix a minimum price, suited to the circumstances of the various description of land in each district, would cause great delay and inconvenience, and lead to varying rules and practice in different parts of the country. Paras. 6, 7, 8, and 9.

Sale of all waste lands by auction.

The Committee consider that to require that all the lands applied for should be put up to public auction, would operate most unjustly; for instance, a man may have expended means and time in acquiring knowledge of the suitability of certain localities; he finds a spot and applies for it, but according to the proposed rule the fruit of his labour, outlay, and knowledge, may be wrested from him by another who has been laying by and watching his proceedings, or he will have to pay an exorbitant rate to Government to secure any benefit from his own unaided expenditure. Para. 10.

As to giving possession of unsurveyed lands on payment of the Collector's estimate of the cost of the survey. Para. 11.

You propose that possession shall not be given until after the survey, but the Committee have to point out that this again would involve great delay. There is no staff of surveyors available anywhere, as an instance of which the Committee beg to mention that, though in Cachar upwards of half a million sterling has been expended in tea plantations, not a single estate has been surveyed, notwithstanding the urgent representations and entreaties of the grantees that it should be done.

The Committee do not object to all reasonable precautions in giving notice to any parties that may be interested; but to refuse to give possession until the land has been formally surveyed, would be to throw back all clearances for years.

Paras. 13, 14, and 15. The Committee are aware that legislative enactment would be necessary before claims to property in land, which has been allowed to lie dormant, could be barred, but they believe that such rights over waste lands are only of the most trifling value, and can be rarely established. At all events, they submit that it is a wise and politic measure in Government undertaking the adjustment of them, for otherwise they might be a source of much annoyance to the new proprietor.

The Committee doubt the statement that much land that is now, and has long been, waste and unclaimed, was formerly, and within no remote period populous and fully cultivated. Such may have been the case in lands overrun by hostile armies, and which are now under native rule; but in no part of the country which has come under the British dominion, do the Committee believe that rights to land have been allowed to lie dormant.

Para. 16. It appears to the Committee that the limitation by the Government of India "to ryotwary land at the absolute disposal of Government," is sufficient to obviate all objections to the rule proposed by it.

Para. 18. The Committee do not lay stress on the proposal for reserving adjoining lands for grantees under certain conditions, they would prefer that the limitation as to the extent of the grant should be done away with, which would render this clause unnecessary.

Paras. 19, 20, and 21. Commutation of existing grants.

The rules upon this subject, will, no doubt, require explanation and some modification, so as to meet fairly and equitably the conditions of the existing grants.

It does not appear just that the grantee who has expended capital and labour in clearing his grant, should have to pay double the price on the extent so cleared that the man who has done nothing to his grant would have to pay, and it will be felt as a great hardship and injustice if those who have acted as pioneers in the clearing and cultivation of jungle and waste cannot obtain the boon of holding the land in fee-simple, on at least as favourable terms as those who now propose to follow in their wake, and who will benefit by their experience.

The Committee, on behalf of the Association, are anxious that it should be made perfectly clear that the claims of Government, ceded under the grants, include only claims on account of land revenue. It is their interest that no one should be exempt from general taxes, or from local rates, and that all should bear a fair share of the public burdens.

Upon this section of the Despatch, the Committee would respectfully submit that simplicity and uniformity in the rules is a great object; that scattered as the waste lands are, there are no means for formal survey being rapidly executed; that from their very nature there are few, if any, inhabitants; and that in the parallel case of Ceylon, no difficulty has been found to arise from a fixed and uniform price.

The Committee would further take leave to point out that the withdrawal of the terms offered for the sale of waste lands by the Resolution of 17th October, would involve great confusion and possible loss to parties who have made arrangements on the faith of them for the sale, transfer, and cultivation of lands; that it would put a stop to arrangements which it is within the knowledge of the Committee are being made for the introduction of cotton planting on a considerable scale; and they submit that, under any circumstances, all the applications duly made for the purchase of waste lands, and for the commutation of existing grants in terms of the Resolution of 17th October, ought to be carried out.

The Committee observe with much satisfaction the decision of Her Majesty's Government, that a settlement in perpetuity of the Government claim upon land shall be made in every part of the country after a careful revision of the present assessment, in order that the rights of Government, and of others, may be fully and correctly estimated and ascertained.

The Committee believe that this is a measure of the greatest benefit and importance to the country, socially and politically, and that if accompanied with measures providing for the sub-division of estates, so that they may become the property of small holders, are the advantages expected, sooner or later, will be derived from it.

With respect to the redemption of the land revenue, the Committee beg respectfully to question the accuracy of the statement that this has been proposed and advocated with the object of promoting the settlement of Europeans in India. It would, no doubt, be an advantage to an absent proprietor to feel that his estate was not liable to irrecoverable forfeiture, as at present, by the failure or neglect of his agent to pay up the claim of Government on a certain day; such a penalty must always prevent Europeans from permanently investing in land; but if the right were conceded, the Committee are convinced that it would be more largely availed of by natives than by European landholders, so soon as the former were satisfied of the good faith of the proposal.

In proof of this, the Committee would refer to the avidity and the very high rates at which lakhraj or rent-free lands are sought for, and bought up, and they feel assured that the privilege of holding land free from all interference of Government would be valued and paid for at even higher rates than were proposed whenever confidence in the stability of the English rule was felt, and the people considered it certain that a re-assessment would not take place, and that the land would really be free from further claims on account of land revenue.

The Committee would, therefore, respectfully request that the Resolution of the Governor General

General of India in Council, of 17th October last, may be permitted to stand, as regards the redemption of the land revenue, in the permanently settled part of Bengal, to the extent of 10 per cent. of the revenue in each district, and for the limited period of five years, as originally proposed, but with the modification as to the price of redemption ordered in your 75th paragraph.

The Committee again urge that the Resolution of 17th October, as to the sale of waste lands, may be permitted to stand with such modification as to the terms of commutation of existing grants as may be fair and just, and they express their belief that it is only by these rules being confirmed, that the opportunity will be given, and the experiment fairly tried, as to whether cotton, tea, coffee, &c. can be produced to such an extent, and of such a quality as to render England independent of foreign countries for a supply of these and other valuable staples.

(No. 52.)

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *S. M. Robinson*, Esq., Secretary to the Landholders' and Commercial Association (No 5262), dated 27 September 1862.

I AM directed by the Governor General in Council to acknowledge the receipt of your letter dated the 23d instant, enclosing copy of a communication addressed to the Secretary of State for India by the London Committee of the Landholders' and Commercial Association on the subject of the sale of waste lands and the redemption of the land tax.

— No. 22. —

EXTRACT India Foreign Revenue Proceedings, January 1863.

(No. 6.)

From Captain *H. Mackenzie*, Secretary to Chief Commissioner, Central Provinces, to Colonel *H. M. Durand*, c.b., Secretary to the Government of India, Foreign Department (No. 38), dated Head Quarters, Nagpore, 8 October 1862.

WITH reference to your No. 490, of 3d ultimo, I am now to submit a further statement of the views of the Officiating Chief Commissioner on the subject of the introduction of a permanent settlement into the Central Provinces after an attentive consideration of the Despatch from the Secretary of State (No. 14), of 19th July last, forwarded with your No. 480, of 30th August.

2. In letter from this office (No. 532), of 22d July last, and in the revenue chapter of his Administration Report, recently submitted, the Officiating Chief Commissioner advocated the measure at some length. But so far as that advocacy relates to the general principle of the measure, a recapitulation of the arguments then made use of is now unnecessary, inasmuch as, after a discussion of the various views which have been from time to time expressed on the subject. Her Majesty's Government have, in the 58th and 63rd paragraphs of the Secretary of State's Despatch, finally affirmed the principle, and ordered its application wherever "the conditions absolutely required as preliminary to such a measure are or may be hereafter fulfilled." It therefore only remains to re-examine whether those conditions are fulfilled in any parts of these Provinces.

3. The conditions which are laid down as essential, may be thus stated:—

First. That there shall be available, for the purpose of determining whether a given tract be in a mature state for the permanent limitation of the land assessment, those data which are derivable from a revenue survey of the land.

Second. That the assessments of land revenue shall have had sufficient trial to admit of the discovery of the defects which may always be presumed

to have remained undiscovered at the time of survey assessment, such defects being defined as

1st. Over-assessment.

2d. Inadequate assessment, whether *positive*, in respect to its incidence per cultivated acre, or *relative*, in reference to the excessive amount of cultivable, but uncultivated land in the assessed area.

3d. Unequal distribution of assessment.

4. The Officiating Chief Commissioner previously stated that there were certain districts in the Central Provinces, noted in the margin, which cannot be considered to be in a fit state for the introduction; and, on the other hand, certain others, marginally entered, in each of which a permanent settlement might, in Mr. Temple's opinion, be *partially* introduced. The grounds for that opinion were then stated but briefly. I am now to enter more fully into the circumstances of each district or tract, testing them by the above conditions, on the fulfilment of which alone it would now be proper to recommend that a permanent settlement be conceded.

- | | |
|--|----------------------------|
| 1. Raepore. | 1. Nagpore. |
| 2. Belaspore, | 2. Chanda. |
| 3. Sumbulpore. | 3. Wurda (Nach-
engao). |
| 4. Sironcha (Upper
Godavery Dis-
trict). | 4. Jubbulpore. |
| 5. Blundara. | 5. Saugor. |
| 6. Mundla. | 6. Dumoh. |
| 7. Seonee. | 7. Nursingpoor. |
| 8. Chindwarra. | 8. Hoshungabad. |
| 9. Baitool. | |

5. Out of the eight districts above mentioned, five, viz., Jubbulpore, Saugor, Dumoh, Nursingpoor, and Hoshungabad, have passed through a 20 years' settlement, which expired in 1855-56. It was not based on a professional survey, but it worked fairly. It is now being revised on the basis of a professional survey. The operations were commenced, and the establishments organised under the Government of the North Western Provinces, and it may be hoped that the present settlement will not be inferior to that of the North Western Provinces; and the fiscal arrangements (though differing in respect of tenure) should be similar, at least in respect of efficiency.

6. In paragraph 50 of the Secretary of State's Despatch, Sir Thomas Munro's opinion is quoted, to the effect "that after a survey assessment has been completed with as much care as possible, a trial should be always made of it for six or seven years, in order that all defects in the assessment be discovered." It may, however, be presumed that this advocacy of six or seven years' delay has reference chiefly to tracts of country in which, previous to the survey assessment, there may have been assessments only of a very summary character. The essence of Sir Thomas Munro's opinion lies in the "discovery of defects." The question, therefore, in regard to these five districts, would appear to be, whether, when the present revision of assessment upon the basis of a professional survey shall have been completed, there will be grounds for assuming that all essential defects have been discovered and removed. It appears to Mr. Temple that this question may be answered in the affirmative; for, *first*, in regard to the defect of "over-assessment," proceeding on the experience of a 20 years' settlement, and with the aid of a professional survey, there will be few estates of which it may not be safely affirmed, without further trial, that their assessment is as good as that of the estates of any province in India; *secondly*, as regards the defect of "inadequate assessment," the same means which will enable the Settlement Officers to avoid over-assessment, will also enable them to avoid positive inadequacy of rates on the cultivated area. And relative inadequacy of assessment in view of the possible inclusion of an excessive amount of uncultivated land within the whole area of an estate will be prevented, *firstly*, by the measures which Mr. Temple discussed in the 189th paragraph of his Administration Report; viz., the separation from the nominal limits of estates of tracts of excessive waste, and the consequent circumscription of private property in land to actual occupancies, whether cultivated or otherwise; and, *secondly*, by the rule which was proposed in the 10th paragraph of this office letter, No. 532, of 22d July, that permanent settlement should only be conceded when the cultivation should equal three-fourths of the whole assessed area. Again, in respect to the 3rd cardinal defect, viz., "*unequal distribution of the assessment*," presuming that by this is meant unequal *pressure* of assessment on *estates*, and not the distribution of the assessment upon each estate among the holdings of the several co-parceners; Mr. Temple would here again observe

observe that there are all the data for the avoidance of this defect, viz., the experience of more than a quarter of a century, upon which, and the new survey, the coming assessments will be formed; so that, should his Excellency the Viceroy in Council consider that the circumstances under which a revision of the land assessments is now being made in the five above-mentioned districts are such as will admit of the removal of all defects which should bar a permanent settlement, and that, under those circumstances, further trial may be dispensed with as much in these districts as in any other, then it would only require that the defect of relative inadequacy of assessment be guarded against, by the adoption of the rule which should limit the concession of a permanent settlement to those estates of which at least three-fourths of the whole area shall be under cultivation. The conditions would then seem to be fulfilled, and the introduction of a permanent settlement proper, in conformity to the instructions of Her Majesty's Government.

7. It may be here added, that, in the event of his Excellency the Viceroy in Council now expressing his general concurrence in the views held, as above indicated, there would be ample opportunity for the exercise of due caution in carrying the measure into effect. Until each district or division of country came under assessment, and was reported upon in detail by the Settlement Officers, no steps could be taken which should in any way compromise the Government. It would then be the duty of the Chief Commissioner to make a special report to the Supreme Government for each estate *seriatim*, from which a full and final judgment might be formed of the propriety or otherwise of confirming the assessment in perpetuity. Such a report would not be for any tract or district generally, but village by village. The Officiating Chief Commissioner is not prepared to say that any district is *entirely* suited for a permanent settlement. In every one of these above-mentioned districts there will be estates not fitted; on the other hand, many individual estates will be found to be fitted, and to be fulfilling the conditions prescribed by the Secretary of State. If a permanent settlement were declared in a whole district at once, there might be a chance of error. But if it be conceded to one estate after another, according as good and sufficient cause might arise and be shown (of which the Supreme Government alone would be the final judge, after considering the representations of the Chief Commissioner), then the Officiating Chief Commissioner supposes that all reasonable precaution against error would have been adopted.

8. Further, on this point, I am to observe that the fact of a permanent settlement being conceded to one and not to another would generally act as a stimulus to agricultural improvement. The concession would be made partly on the ground of the estate having attained a high degree of prosperity. Such concession, therefore, if really valued, must incite people to attain the fulfilment of the conditions required.

9. It is not, therefore, at the present moment solicited that his Excellency the Viceroy in Council should grant any such authority as might have an immediate effect. But should his Excellency consider that Government is prepared to concede a permanent settlement in those districts where cause might be shown, the holding out of such a hope would have a beneficial effect at once in encouraging the agricultural population to deal fairly with the Settlement Officers, and to expend capital in view of prospective returns.

10. It remains to notice the three districts of "Nagpore," "Chanda," and "Wurda." In regard to these it is observed in paragraph 5 of the Secretary of State's Despatch, that, in recently acquired territories, such as Nagpore, which are still unsurveyed, no means exist for determining the adequacy of the amount or the equality of the pressure of the present demand. But I am to submit in explanation, that the Nagpore and Wurda districts have now been professionally surveyed, and are being subjected to a settlement in every way as elaborate as those made in any province. It may certainly be anticipated that all the highly cultivated and valuable portions of the Nagpore province (but not the wild and scantily-cultivated parts) will have been professionally surveyed in two more years.

11. But the circumstances of the three last-named districts, so far as concerns the present question, differ somewhat from those of the five districts previously

previously noticed, in this particular, that instead of our having the data of a previous 20 years' settlement administered by British officers, as in the Saugor and Nerbudda territories, we have the revenue experience of only a Native Government prior to 1854. But it will be found that, in some estates, the data are not less sound, for all practical purposes, than those available in the Saugor and Nerbudda districts. For although it is true that the Government was administered direct by the Rajah of Nagpore subsequent to 1829, yet, before that period, the administration was in the hands of British officers under the wise control of the Resident, Sir R. Jenkins, for years, during which the land revenue was, in many cases, placed on a sound and moderate basis, from which their successors did not deviate. And Sir R. Jenkins's settlements, if not based on professional survey, were yet generally based on careful field measurements. There will be estates, then, in which the demand was fixed nearly 40 years ago, and has since held good, with slight fluctuations, and with slight variation on account of extra cesses, under British rule. If such an estate has been now professionally surveyed, and a new measurement has been made, and still the assessment remains much the same; and if the estate itself have its culturable area almost entirely under cultivation; what change is to be anticipated, except such general change as might affect the whole country? And has not such an estate attained the condition required for a permanent settlement?

12. As to the degree of cultivation in Nagpore province, it is necessary to explain a peculiarity, which is this: while much, indeed, of the area consists of forests and jungle; and while, in many parts, cultivation is sadly behind the natural capabilities, and the culturable, but as yet uncultivated area is great; yet, in *other* parts, the cultivation is very fine, and has reached almost to its utmost possible limits; for instance, in the valley of the Wurda River, it is notorious that all the culturable area is cultivated. In very many estates Mr. Temple can himself attest this fact. It would be in *such* places, if anywhere, that a permanent settlement would be possible.

13. In these three districts, however, the Officiating Chief Commissioner admits that the case is not so strong as in the Saugor and Nerbudda territories; the Officiating Chief Commissioner only submits that some estates will be found that fulfil the required condition.

14. Such are the Officiating Chief Commissioner's views on a re-consideration of this important question. They have been recorded after an attentive consideration of the Secretary of State's Despatch; and Mr. Temple trusts that they may meet with the approval of his Excellency the Viceroy in Council.

(No. 7.)

From *C. U. Aitchison*, Esq., Under Secretary to the Government of India, Foreign Department, to the Secretary to the Government; North Western Provinces (No. 11), dated 13 January 1863. ••

I AM directed to forward to you the accompanying copy of a letter from the Secretary to the Chief Commissioner, Central Provinces, under date the 8th October last, No. 38, recommending the introduction of a permanent settlement in some of the districts under his administration, and stating that five districts in the Saugor Division have already passed through a 20 years' settlement, which expired in 1855-56.

2. Before arriving at any conclusion, favourable or the reverse, to Mr. Temple's proposal, the Governor General in Council wishes to know in what light the 20 years' assessment above referred to was regarded by the Government of the North Western Provinces, which for a long time administered the Saugor and Nerbudda territories, and which introduced the revenue survey now being pushed forward in those districts to which Mr. Temple adverts. His Excellency in Council observes that much of the force of Mr. Temple's arguments depends on the real character of the 20 years' assessment, which that officer proposes to make the basis, corrected by the revenue survey, on which to found the permanent

manent settlement. But as the records of this office do not show the stages of experience and opinion which led to the revenue survey, his Excellency in Council thinks it desirable that the Lieutenant Governor should report upon Mr. Temple's proposal.

— No. 23. —

EXTRACT Madras, Revenue Proceedings, September 1862.

(No. 463.)

ORDER, 24 September 1862 (No. 2080).

1. Resolved, that a copy of the papers above recorded be forwarded to the Board of Revenue, in reference to the correspondence noted in the margin.*

Vide Proceedings
December 1862,
No. 93; also, Jan-
uary 1863, No. 193.

2. Resolved, that a copy of the rules for the sale of waste lands in the Madras Presidency, which were submitted to the Government of India under date the 26th February last, be furnished to the Board, and that they be requested to revise these rules so as to adapt them to the modified provisions now prescribed by Her Majesty's Government, and to submit at the same time a draft notification suited to the peculiar requirements of this Presidency.

3. Resolved, that the Board be requested to submit a report showing to what extent in this Presidency arrangements have been already completed, under the Resolution of the Government of India of October last, for the purchase of waste lands or the redemption of land revenue. It is observed that all such arrangements are to be maintained, the Despatch of 9th July last not having retrospective effect.

4. Resolved, also, that the Board after communication with the Collectors of the several districts will suggest the minimum price, suited to the circumstances of the various descriptions of land which may be at the disposal of Government in those districts.

5. The Board will likewise report to what extent in this Presidency the important measure of a permanent settlement of the land revenue subject to the conditions prescribed by Her Majesty's Government, is applicable to the territories under the Madras Presidency, but this subject will demand careful and deliberate consideration, and the views of the Board upon it should not be laid before Government until they have had time fully to study the question. The submission of the reports called for in the two preceding paragraphs will not be delayed on this account.

6. In paragraph 12 of the circular transmitted with Mr. Bayley's letter of the 15th ultimo, it is stated that "as it is highly desirable that persons who wish to avail themselves of the Resolution come to by the Government to dispose of waste lands by sale in fee-simple should be enabled to carry their intentions into effect, with the least avoidable delay, and as the directions now received from Her Majesty's Government are on most points clear and specific, the Governor General in Council will not require that the detailed rules to be framed by the several Local Governments should be submitted for the sanction of the Government of India before they are acted on." Further, the Government of India in a letter, dated 20th June last, No. 297, had already permitted this Government to except the Neilgherries from the operation of the rules of the Supreme Government of October last.

7. Under

* Proceedings of Government, 4th November 1861, No. 2107.
Proceedings of Government, 25th February 1862, No. 394.
Letter to Government of India, 25th February 1862, No. 395.
Proceedings of Government, 27th February 1862, No. 433.
Proceedings of Board of Revenue, 10th April 1862, No. 2377.
Letter to Government of India, 24th May 1862, No. 1155.
Letter from Government of India, 20th June 1862, No. 3053.
Letter to Government of India, 22d July 1862, No. 1572.

7. Under these circumstances, and in anticipation of any measure that may be adopted relative to the disposal of waste lands in other parts of the Presidency, the Governor in Council resolves at once to settle the terms upon which waste lands may be obtained on the Neilgherry Hills. Many applications, it is understood, have already been made for lands on the hills, and much expectation excited, and a settlement of the question should no longer be delayed.

8. The Secretary of State in paragraph 10 of his Despatch, has directed that the lands applied for should be put up to auction at a minimum of upset price, and sold to the highest bidder. Such public sale by competition is clearly desirable to prevent jobbing. As regards the upset price, the Government resolve that until further orders it be fixed at 5 rupees per acre on wooded or shola land, and 2½ on open land.

9. The assessment to be fixed annually on future grants of land on the Neilgherries has to be considered. The rate of 1 rupee per acre, all round which has of late years obtained, is clearly too low. The Government resolve to fix 2 rupees per acre on all wooded, and 1 rupee per acre on open or grass land. This of course is distinct from and in addition to the price at which the land may be bought at auction.

10. The course to be pursued in regard to the sale of any land on the Neilgherry Hills that may be applied for, will be that specified by the Secretary of State in his Despatch, dated 9th July 1862, No. 14, paragraph 11: "If the land should be unsurveyed, the first step will be to survey it, the applicant, of course, depositing the estimated cost of that proceeding. On the completion of the survey, and at once in the case of surveyed land, the boundaries of the plot should be marked out, and an advertisement should be issued, describing the land to be sold by auction, stating the upset price, and specifying the place and date of sale. At the sale the land will be assigned to the person offering the highest price, or, in the event of no competition, to the applicant at the upset price, the cost of survey (if made) being added in both cases. The advertisements should be posted on the land itself, as well as in the neighbouring villages, and in all other usual places." The Collector will take measures to have the requisite surveys executed promptly so that no delay may occur; and he will be careful that such publicity be given to the advertisements, and such time allowed for the attendance of bidders as will ensure full and fair competition.

It is observed that a survey establishment for the Neilgherries has recently been sanctioned.

11. It is to be understood that all lots that may be applied for will not of necessity be disposed of. The Collector will exercise his discretion in regard to such lands as, in his opinion, should be retained in the hands of Government either for providing fuel, protecting streams from regard to the rights, comfort or even religious prejudices of the native inhabitants of the hills, on considerations of public convenience, health, recreation or other cause, reporting to Government in what cases he may have refused applications and for what reasons.

12. The above instructions will be in supersession of all previous orders on the subject, and will apply to all lands on the Neilgherry Hills, within or without the cantonment, and to those for which application has been already made, as well as to those which may be applied for hereafter.

13. All lands will be put up to auction bearing assessment, but it will be open to purchasers to buy the freehold at 25 years' purchase of the assessment. This redemption price will, in all cases, be in addition to the price which the land may have fetched at auction, as well as to any assessment that may have become payable on the land between the date of sale and redemption.

14. Were the fee-simple to be put up to auction originally, the upset price, which in case of timbered land would be 55 rupees per acre, would be so high as to circumscribe competition; whereas any one, who may have bought land bearing assessment, can at any time convert it into freehold by the payment of 25 years' land tax.

(signed) *T. Pycroft*,
Chief Secretary.

EXTRACT Madras Revenue Proceedings, October 1862.

(No. 165.)

LETTER from *W. Hudleston*, Esq., Secretary to the Board of Revenue, to the Honourable *T. Pycroft*, Chief Secretary to Government; dated Madras, 2 October 1862.

On Letter from Indian Government, 9 September 1862, No. 4881a.

Sir,

I AM directed by the Board of Revenue to acknowledge receipt of the Government Order, dated 27th September 1862, No. 2109, forwarding for their remarks the Draft Bill for the adjudication of claims to waste lands, &c.

In Cons., 29 September 1862, No. 6,197.

2. The Board observe on the Bill as it stands that there is no provision for the case of a claimant whose claim the Collector may reject, and against whom the Government, in the discretion left to them by Section III. may *not* think fit to order a suit to be brought to try his claim.

3. Section XIV. provides for the case of a claimant who may, for good and sufficient reason, not have brought his claim before the Collector, and allows *him* to institute a suit in the Special Court against the Collector within 12 months from the delivery of the land to the purchaser.

4. The Board are of opinion that the claimant, whose claim has been rejected by the Collector, and against whom the Government have not ordered a suit to be brought to try the claim, should be allowed a similar option of filing a suit himself, as plaintiff, against the Collector.

5. The time within which such suit should be brought might perhaps without objection be limited to six months from the date of the order of the Collector, rejecting his claim, or from the date of the Collector's report to Government that he had so rejected it, and it might also perhaps without objection be provided that no such suit should be brought "*in formá pauperis*;" but considering that where the Special Courts are constituted, no other court will be competent to entertain any of this class of claims, and that there is no appeal from any order or decision of such court, and that the court itself cannot revise its own decisions or orders, however good ground may be shown for their so doing, it certainly appears to the Board that the claimant cannot with justice be debarred from pressing his claim on the Special Court, although both Government and the Collector may deem it inadmissible.

6. The Board will also observe that Section XVII. of the Bill, which contemplates that the waste sold shall be free from the Government demand on account of the land tax, will not work with the recent order of the Madras Government determining the conditions on which land on the Neilgherries shall be made available to the public, be the purpose what it may for which it is required,

7. It will be therefore necessary to pass an order excepting all the lands on the Neilgherries from the operation of the recently prescribed rules of the Supreme Government for the sale of waste lands, and of the law passed in furtherance of those rules.

8. Such a reservation of the entire tract to which, perhaps, most attention has been turned, would excite much and not unreasonable discontent; and in view of this consideration, and of the extremely high price at which otherwise, under the order referred to, land on the Neilgherries will have to be put up to auction, viz., 55 rupees per acre for the best land, the Board would suggest the expediency of re-considering the matter, in view to a reduction of the price at which land on the Neilgherries shall be sold free of assessment. The proposed rate will probably be found prohibitory and fatal to prudent enterprise.

9. The only further observation that occurs to the Board on the Bill as it stands is, that it contains no definition of waste land; but this omission was probably intentional, and if so it appears to the Board judicious. A general definition, that should not be open to objection in some part of India, could not easily be framed for the present purpose.

10. The Board would, however, submit that the Bill might be made far more useful by rendering it applicable not only to waste land ordered to be sold, but to all waste land with which Government may desire to deal; only providing that in the case of waste land occupied by Government for public purposes, if prior claims shall be advanced and be admitted, the compensation to be paid to the claimant shall, should he so desire, be determined by arbitration under the provisions of Act VI. of 1857.

11. Very slight additions* to the Bill would render it effective for this purpose, and the Board need scarcely enlarge on the advantage which would result from the provision of a summary process for this purpose.

* See Annex

ANNEXURE

Preamble, line 6 A "or otherwise dealt with" after "sold."
 Section I. ,, 3 A - - ditto - - - - ditto.
 ,, 11 A "or occupation" after "sale."
 II. ,, 1 A "in the case of land ordered to be sold" after "If."
 XIV. ,, 5 A "or otherwise dealt with" after "sold."
 ,, 9 A "or occupied on behalf of Government" after "purchaser."
 ,, 12 A - - ditto - - - - ditto.
 ,, 41 A "or occupied" after "sold."
 ,, 43 A "or occupation took place" after "made."
 Section XV. (a) - (new section.)

"If in the case of waste land occupied on behalf of Government for public purposes, the Collector or Court be of opinion that the claim of the claimant is established, compensation shall be awarded to the claimant by payment of the value of the land according to its condition at the time it was first occupied, which value shall be either determined by the Collector or, at the option of the claimant, by arbitration, as provided in Act VI. of 1857, and the land shall be retained by Government."

ORDERED that the following Letter be despatched.

(No. 166.)

From *T. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Home Department; dated 13 October 1862 (No. 2203).

Sir,

1. I AM directed by the Governor in Council to acknowledge the receipt of your letter of the 9th ultimo, forwarding for the opinion of this Government a copy of a Draft Bill "to provide for the adjudication of claims to waste lands, and for the investment of the proceeds arising from the sale of such lands, and of other Government lands, and from the redemption of land revenue."

2. In reply I have to inform you that the Draft Bill was on its receipt sent to the Board of Revenue for their remarks. In transmitting the answer just received from the Board I am desired to accompany it with the following observations.

3. Board's letter, paragraph 2. The Government do not perceive any omission or uncertainty in the case alluded to in this paragraph. They presume that if the claim be persisted in, and the Government do *not* order a suit to be brought under Section III. of the Act, their abstaining from such a course will be equivalent to an admission of the claim, and the sale of the land will be stopped.

4. The above observation will apply to the further remarks of the Board in paragraphs 3—5 of their Secretary's letter, and it will not be necessary to make further provision for the case of parties whose claims may have been rejected by the Collector, but against whom no suit has been instituted by Government. Section XIV. of the Draft the Government conceive to have been intended to meet cases where claimants, from absence, minority, or other cause,

cause, had no opportunity of preferring their claims until after the land had been sold.

5. Board's letter, paragraphs 6—8. In reference to the view taken in these paragraphs, I am instructed to forward a copy of the orders which were issued by this Government in regard to the sale of lands on the Neilgherries on receipt of your previous letter, 15th August last, No. 4244, and under the discretion allowed to this Government in the letter from the Government of India (letter 20th June, Home Department, No. 3053). The Government consider that these rules should not be disturbed, and that the lands on the Neilgherries should be treated as exceptional. They think that the course prescribed in paragraphs 8 to 14 of the Proceedings of 24th ultimo, Revenue Department, No. 2080, is that best suited to these peculiar localities. If, however, it be indispensable that the waste lands on the Neilgherries should be sold in freehold, it is evident that the upset price of 5 rupees or $2\frac{1}{2}$ rupees per acre must be much enhanced.

6. In the concluding paragraph of their letter the Board submit that the Bill might be made far more useful by rendering it applicable not only to waste land ordered to be sold, but to all waste lands with which Government may desire to deal, only providing that in the case of waste land occupied by Government for public purposes, if prior claims shall be advanced and be admitted, the compensation to be paid to the claimant shall, should he so desire, be determined by arbitration under the provisions of Act VI. of 1857. The Government deem this suggestion to be very valuable. In the annexure to their letter the Board have noticed the slight additions to the preamble and certain sections of the Bill, which will be requisite to give it effect.

7. This Government, I am desired to state, have no further observations to make on the Draft Bill.

— No. 25. —

EXTRACT Madras Revenue Proceedings, November 1862.

(No. 362.)

MINUTE by His Excellency the President.

1. WITH reference to the Bill to provide for the adjudication of land claims, &c., but few remarks appear to me to be necessary. A doubt may exist whether it is necessary or desirable to withdraw the adjudication upon claims for land from the ordinary courts, and to place the important questions which may arise in the hands of a court of whose constitution but little is said.

2. Clause XV. says, that if a claimant, after the land has been sold, establishes his claim to it, he is not to get the land back, but only the sum for which the land was purchased and the costs of suit.

3. This may and certainly would be but a scanty redress for the injury sustained, the price paid for the land being by no means the measure of its value.

4. Clause XVI. seems to me to give the Government an undue amount of power which may be open to abuse.

5. Clause XVII. is the most important enactment in the Bill; it provides that land shall be sold in fee simple, should be subject to no *assessment* for the future.

6. To this clause I very much object. The effect will probably be either to induce jobbing in land to a very great extent, should the price be fixed too low, or to put a stop to the sale of land, should the minimum price approximate at all to the value of the land in this Presidency; but little land will be sold but such as is adapted to the cultivation of crops such as coffee and tea, the assessment upon which bears but a very small proportion to the value of the gross produce, not in fact more than one to two hundred, the average value of such gross produce being 400 rupees per acre.

7. If

7. If then a minimum price of 2½ or 5 rupees be placed on this land, it is evident that most of it would fall into the hands of speculative capitalists, who would not attempt to cultivate it, but would derive their profit from the enhanced price at which they would be able to retail the land to *bond fide* cultivators. That this would be the case we may infer from what takes place elsewhere; but we have also positive direct evidence to the same effect from what took place here on the proclamation of the Governor General's Regulations.

8. Land of this quality has been sold lately on the Neilgherries by private parties, subject to an assessment of 2 rupees per acre, for 30 rupees per acre; and were the Government to put a minimum value of 5 rupees on it, it would lose not only the difference between this amount and the market value of the land, but also the 25 years' purchase of the assessment.

9. It may be said that the sale by auction would be sure to run the price up to its full market value; but my experience of the result of the system of auction sales, of which I have had a good deal, tends to confirm the opinion that in nine cases out of ten the land would be sold at the upset price.

10. If again the minimum price be made to approximate to 25 years' purchase of the assessment, few or no persons would be found to invest money at 4 per cent. or thereabouts, for which the ordinary interest is 10 or 12.

11. I think, therefore, that it would be advisable to leave to the different Governments the power of selling the land either subject or not to the land assessment, as may seem to them, under the special circumstances of each case, to be advisable.

12. Clauses XVIII., XIX., XX. It seems to me that the local and general Government are mixed up in these clauses in an objectionable manner.

13. Clause XIX. provides for the investment of the money arising from the sale of land in public securities and for the receipt of interest upon such securities. Would it not be better to relieve the country from the payment of interest by cancelling the promissory notes when purchased?

14. Having said thus much with reference to the Bill itself, I will now deal with the rules submitted by the Revenue Board.

Rule II. places the maximum too high. In South Australia 80 acres or one-eighth of a square mile is the standard quantity; here 500 would be amply sufficient instead of 3,000.

Rule III.—If any excess of land should be found within the established boundaries, it should be paid for at the price per acre paid for the lot.

Rule V.—Price of land. *See* remarks on Bill.

Rule X.—I object to the practice of partial payment; it has been found to answer badly in Australia. Unless the whole of the purchase-money be paid, the deed should not issue, and the man should be considered merely as lessee of the land, at a rent of 10 per cent. upon the unpaid portion of the cost.

Rule XIII.—The land should be marked out by the Government and the cost paid by the purchaser before he enters upon the land.

Clause XV. to be omitted; as also

Clause XVI. ditto.

Clause XVII. altered; the man must pay the *whole* of the purchase-money, and he should pay it within *one* month.

Clause XVIII.—The upset price must be determined by Government with reference to the particular district and quality of soil, &c. It will depend of course upon the decision of the Government as to the sale with or without assessment; in fact, it would be as well to have the two prices, and to leave to the choice of the proposed purchaser whether he will pay with or without assessment.

Clause XXIII.—Omit.

(signed) W. T. Denison.

(No 364.)

From *J. D. Sim*, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Home Department; dated 29 November 1862 (No. 2509).

Sir,

1. In continuation of the letter marginally noted, on the subject of the Draft Bill for the "Adjudication of claims to waste land, and for the investment of the proceeds arising from the sale of waste lands and of other Government lands, and from the redemption of land revenue," I am directed to request the particular attention of the Supreme Government to Section XII. of the Bill. 13 October 1862,
No. 2203.

2. By this section the decisions and orders of the Special Courts are final, and not even open to revision.

3. Where the question at issue is merely one of fact, this provision is unobjectionable, but in several parts of this Presidency the operation of the new law will raise questions involving important rights of the Government and of individuals. For instance, in the Madras District the merassidars claim all waste land. The Government have consistently denied this claim and have for years exercised the right of proprietorship over such land, have used it for public purposes, and granted it to private individuals.

4. The merassy question, however, is one that has long engaged general attention, and on which opinions differ greatly. It might so happen that the majority of the Special Court already held views adverse to the rights of Government, and the important questions might be finally decided without that full and unbiassed consideration which the extensive and important interests at stake render absolutely necessary. An adverse decision would involve serious consequences to Government and also to private individuals, who on the faith of the title given by Government, have built upon and otherwise improved lands which would by such a decision be declared to belong to the merassidars. It may also happen that conflicting decisions may be given by different Special Courts and much embarrassment will ensue if the decrees on such questions are not open even to revision.

5. For these reasons this Government would earnestly recommend that Section XII. should be modified so as to admit of an appeal to the high court when the question at issue involves a general principle of importance, such as the tenure of land and the rights of the State in waste.

6. Advantage is taken of the present opportunity to forward the accompanying extract from a Minute recorded by his Excellency the Governor, who was absent on a tour when the Draft Bill for the adjudication of claims to waste land came under the consideration of this Government.

— No. 26. —

EXTRACT Madras Revenue Proceedings, December 1862.

(No. 93.)

LETTER from *W. Hudleston*, Esq., Secretary to the Poard of Revenue, to Honourable *T. Pycroft*, Chief Secretary to Government; dated Madras, 14 October 1862 (No. 6882 B).

Sir,

1. WITH reference to para. 2 of the Government Order, dated 24th September 1862 (No. 2080), Revenue Department, I am directed by the Board of Revenue to submit the accompanying Draft Rules for the sale of waste land in this Presidency, which appear to them to contain all that is necessary for the information of the public, and the publication of which will in their opinion answer all purposes without any further notification, save a short heading to state that, under the sanction of the Supreme Government, they are prescribed by the In Cons., 25 Sep-
tember 1862,
No. 6147.

Local Government* for the guidance of all public officers and intending applicants.

2. In the Draft Rules submitted by this Government to the Government of India, under date 25th February last, and which were communicated to the Board as the groundwork of those to be now published, and many provisions with which the public has little concern, and on these the Board would propose that separate instructions be issued to the Collectors.

3. The points in question relate mainly to the registration of reserved tracts, to the registry of grants and transfers of grants, and to the procedure in regard to rejected claims to land sought for purchase. The Draft Bill on the subject provides for this last matter, but it will be well to notice it to the district officers in anticipation of the enactment.

4. The draft which the Board now submit is mainly based on the published Rules of the Bengal Government, and the Board would request attention to the terms of para. 23, regarding registered applications under the Resolution of October 1861, which they have retained unaltered, but which is not consistent with the recent decision of Government in the case of the Messrs. Burgess in Ganjam. The Board would submit for the consideration of Government the expediency of one uniform course being adopted in this matter in all the Presidencies alike, to remove ground for dissatisfaction. The Board would also point out that these general Rules cannot be applied to the Neilgherries, if the recent orders of Government regarding land there situated be maintained. The provisions for realising all Government dues connected with this system of sale of waste land, by the summary process provided for the realisation of arrears of Land Revenue, will need to be supported, if approved, by a short Act of the Legislature, or the necessary powers might, if thought proper, be included in the Draft Bill for the adjudication of claims to waste, and for the investment of the sale proceeds.

(No. 94.)

ORDER thereon, 6 December 1862 (No. 2553).

1. WITH this letter the Board of Revenue submit a draft of Rules for the sale of unassessed waste land in this Presidency. The Board, in their draft, follow very closely the Rules published for Bengal, and explain that such instructions as may be necessary for the guidance of the officers of Government in matters of routine, will be separately issued.

2. The Governor in Council has carefully perused the Board's draft, and considers that in several respects it may be improved, while in some it is opposed to the views of Government. A fresh draft has therefore been prepared, and is appended to these orders.

3. For the guidance of the Board in the application of the Rules, the Government will briefly notice such of them as need special remark. ••

4. Rule III.—The Government consider the proposed maximum of 3,000 acres far too large in this Presidency. The object of having a maximum is to secure the interests of the State, and to prevent the monopoly of land to the injury of the public. It is obvious, that if land is put up in blocks of 3,000 acres, the competition at the auction sales will be limited. Persons of moderate means will be debarred from bidding, and in self-defence the Government must fix a higher minimum price than would otherwise be necessary. The Government consider that the proper course is to prescribe a reasonable limit to the size of lots, but to allow intending purchasers to apply for as many lots, each not beyond that limit, as they please. The Government also consider that a lower maximum should be fixed for building lots in towns than for lots required elsewhere for agricultural purposes. The Government accordingly fix on 500 acres as the maximum for agricultural, and 10 acres as the maximum for town allotments.

5. Rule VIII.—The "excess" here mentioned means some material extent beyond the maximum limit. The Collectors will be allowed some discretion in

in this matter, taking care that Rule III. is not purposely or practically evaded.

6. The upset price cannot be entered in this Rule, or indeed fixed, until the Board furnish the information called for in paragraph 4 of G. O. 24th September 1862, No. 2080. The instructions of the Secretary of State on this subject are explicit. The local Government, "after communication with the chief local authorities," are to fix "a minimum price suited to the circumstances of the various descriptions of land which they may find to be at their disposal in each district of their Presidency."

7. Rule XIII.—The Government think the simplest plan of arranging for the payment of the expenses of survey and demarcation by the actual purchaser will be to include them in the upset auction price. If the original applicant prove to be the purchaser, he will get credit for whatever sum he may have paid, otherwise it will be repaid to him at once out of the purchase-money.

8. Rule XV.—The Government think that the proposal to allow credit for 10 years is unreasonable, and by giving facilities to persons without capital to take up land, on the speculation of its rising in demand and value at some future time, would prove prejudicial. The Government consider that three years' credit with interest at 6 per cent. (instead of 10 per cent. as entered in the Board's Rule) is extremely liberal. The Deeds (A.) and (B.) in this Rule, and (C.) in Rule 17, must be carefully drawn up, and be as brief and simple as is compatible with legal validity. The deed (B.) should effectually provide for the ejection of the conditional occupant, for the recovery of the dues of the State, and the re-sale of the land without the tedious remedy of a civil suit.

9. Rule XVII.—The rate of interest in the Board's Rule XX. is 5 per cent. ; but 4 per cent. is that fixed by the Secretary of State. The latter rate has consequently been adopted by Government.

10. Rule XIX.—The Government do not see the necessity of the following words, which occur in the Board's Rule IX., "and to every other claim, whether of the Government or other that may have been or may hereafter be established in any court of competent jurisdiction." The sale of lands under the new Rules does not remove them from the jurisdiction of the courts, and a general reservation of this kind seems superfluous.

11. Rule XX.—The reservations in this Rule are necessary for the protection of the interests of Government and the public.

12. Rule XXI.—The object of the new Rules is to enable persons who wish to buy unassessed waste land, to do so, and not to debar Government from granting such lands to those who desire them, on other terms, otherwise all land now unassessed and waste will be locked up until purchasers are forthcoming. The Government have made their Rule fuller than the corresponding one of the Board (24), in order that there may be no doubt on this point. The Government do not see any reason for excepting town allotments from these Rules. With a maximum as to their size, and the competition which may be reckoned upon for such lots, the interests of Government and the public will not be endangered.

13. The Government have omitted the following Rules of the Board:—

(1.) Rule XVI.—The provisions of this Rule can only be entered in the deed given to the purchaser. The ryotwary law is applicable only to lands held on ryotwary tenure, and is limited to the Madras Presidency. The Waste Lands Act, on the other hand, will apply to all India, and a special provision for the realization of the dues of the State in the Madras Presidency could not appropriately find a place in that enactment. The purchaser must, before obtaining possession, execute an agreement drawn up in legal form that he will pay his dues, and that in default Government may re-enter and re-sell at his risk and loss.

(2.) Rule XVIII.—No prices can yet be fixed, and the other portions of the Rule may be entered in the instructions to Collectors.

(3) Rule

(3.) Rule XIX.—With a previous survey and demarcation the necessity of this Rule is not apparent. Such mistakes as the Rule provides against can only occur through great and culpable negligence.

(4.) Rule XXI.—This Rule would more appropriately appear in the Collector's instructions.

(5.) Rule XXIII.—The Government have already decided this point in the negative.

14. The Board will lose no time in placing themselves in communication with the Government Law Officers, and having the forms of sale advertisement and deeds prepared, so that they may be published along with the Rules, for general information. The Rules can meanwhile be circulated to the Collectors.

15. The Board will also call upon the Collectors to submit without delay the upset prices they would propose in their respective districts, with their reasons for the same. These prices can be separately published in the Fort St. George and District Gazettes, but it is of great importance that they should be fixed without further unnecessary loss of time.

(signed) *J. D. Sim,*
Secretary to Government.

RULES for the Sale of Unassessed Waste Land in the Madras Presidency.

- Rule 18.
1. UNASSESSED waste lands in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter provided,* may until further notice be sold under the following Rules:—
 2. Applications for land under these rules shall be addressed to the Collector of the District in which the lands are situated, and shall comprise the following particulars:—
 - (a.) The estimated area of the land applied for.
 - (b.) The situation of the land and its boundaries as accurately as can be ascertained.
 3. No lot shall exceed 500 acres, unless specially ordered by Government. Within towns, villages, hill stations, railway stations, and sanitarium, the maximum extent of a lot shall be 10 acres.
But any person may apply for several contiguous lots, each not exceeding the above limits.
 4. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public road, navigable river, canal, backwater, railway or tramway, the length of the road or river frontage shall not exceed one half of the depth of the lot.
 5. No lot shall be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated.
 6. If on receipt of an application under Rule 2, the Collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and similarly the depositor shall pay any deficiency.
 7. If the applicant fails to deposit the sum required under Rule 6, within six weeks, his application shall be considered to be withdrawn.
 8. On receipt of the deposit required under Rule 6, the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule 3, and shall advertise the lot for sale on a given day (to be fixed so as to admit of the notice required in Rule 9 being given) at the minimum price prescribed for the locality, or for the peculiar descriptions of land selected, as the case may be, together with the actual cost of survey and demarcation.
 9. The advertisement shall be in English and in the vernacular of the district, and shall specify the extent and boundaries of the lot, the upset price, and the place and time of sale. It shall be posted for 30 clear days on the land itself as well as in the neighbouring villages, in the offices of the Collector and Tahsildar of the Talook, the Moonsiff's Court (if there be one), and the nearest police office. It shall also be inserted in the District Gazette.

Gazette. The Collector shall at his discretion fix the time and place of sale, and may alter both if necessary, provided always that due notice be publicly given of such change.

10. The Collector shall send written notice of the place and time of sale to the applicant, but no sale shall be disturbed in consequence of the non-receipt of such notice, delayed in consequence of the non-appearance of the applicant.

11. An applicant withdrawing his application prior to the sale of the land will be entitled only to the refund of so much of his deposit under Rule 6, as may not have been expended. If after survey at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them as well as of surveying any excess beyond the limits prescribed in Rule 3.

12. On the withdrawal of an application it shall be discretionary with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

13. The upset price shall in all cases include the cost of survey and demarcation. If the original applicant be the purchaser, he shall receive credit for his deposit or payment, otherwise the amount shall be paid to him at once from the sale proceeds.

14. If before the time of sale no claim of private proprietorship or exclusive occupancy be preferred to the land, the lot shall be put up to auction and sold to the highest bidder above the upset price, or to the applicant at the upset price, if there be no higher bid.

15. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price, failing which, the lot shall be forthwith resold at his risk and expense. The balance of the purchase-money may, at the option of the purchaser, be paid in full within 30 days (in which case, on payment, a deed in the form A. annexed to these rules will be furnished to him and possession given), or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment, will be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase-money by instalments, he shall not receive possession until he has duly executed the deed marked B. annexed to these rules.

16. If before the time of sale, a claim of private proprietorship or exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land or any part of it, the Collector shall proceed in accordance with the provisions of Act* of 1862. The sale of the land shall meanwhile be postponed, and shall ultimately depend on the issue of the proceedings held under the said Act.

* The Waste Lands Act now before the Council of the Governor General.

17. Grants of unassessed waste land already made for terms of years under previous rules, and in which no right of occupancy or proprietorship exists, except that of the grantees or such as may be derived from them, may, at the option of the grantees or their representatives, be brought within the operation of these rules, and the grantees or their representatives may redeem the future land revenue of such grants or of any compact part of them in perpetuity for an amount equal to the present value of all future stipulated annual payments, calculated at 4 per cent. interest, provided the said amount is not less than the prescribed minimum for the locality or the description of land included in the grant. If the amount, as above calculated, be less than the prescribed minimum, the latter shall be the redemption price. On payment of the said price, the proprietor shall receive a deed in the form C. annexed to these rules.

18. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government. A register of such reserves will be maintained in the Collector's office, and will be open to inspection by intending applicants at such times and under such rules as the Collector may prescribe by notification in the district Gazette.

19. Lands sold or redeemed under these rules shall be for ever free from all demand on the part of the State on account of land revenue, but shall nevertheless continue subject to all general taxes and local rates imposed by law.

20. The existing and customary rights of Government, of other proprietors, and of the public in existing roads, and paths, and in streams running through or bounding lands sold under these rules are reserved and in no way affected by their sale or by these rules.

21. Nothing contained in these rules shall be held to debar the Government from granting unassessed waste lands on Puttah, Cowle or otherwise, at their discretion, as heretofore.

22. It shall be competent to the Government to except the whole or any part of any district from the operation of these rules.

(No. 95.)

1. ORDERED that the above letter be submitted for the Orders of Government with reference to their proceedings dated 24th September 1862, Revenue Department, No. 2080, and in continuation of the Board's letter dated 14th October 1862, No. —, submitting the draft of rules for the sale of waste land.

2. Mr. Grant's proposed rules are in some respects imperfect, and in others opposed to the Board's draft; while the system proposed by Government for the Neilgherries is so different from that to be introduced elsewhere, that if it is to be maintained, further instructions are necessary on some minor details, among which may specially be mentioned the mode in which payment is to be made for the land.

3. As regards the limit to be prescribed on the Neilgherries for the size of the lots, the Board consider Mr. Grant's proposal of 500 acres for a farm or plantation allotment, and 15 acres for a building site in the cantonment, to be suitable and reasonable.

4. They understand that in the Wainád 300 acres are the extent which is preferred for a single coffee plantation, as manageable without difficulty, while a larger extent would, as a rule, include an undue proportion of unsuitable land.

5. The Board presume that whatever rules are determined on for the Neilgherry plateau will apply equally to the slopes towards the lower country; and here, again, they would point how great will be the inequality between occupiers on these hills under the Government rules, and settlers in the close neighbourhood, in the Wainád and in Coorg, on the far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution of the Supreme Government.

(signed) *W. Hudleston,*
Secretary.

(No. 96.)

OFFICIAL MEMORANDUM from *W. Hudleston, Esq.,* Secretary to the Board of Revenue, to the Honourable *T. Pycroft,* Chief Secretary to Government; dated Madras, 27 October 1862 (No. 821).

1. IN reply to the Chief Secretary's Memorandum dated 24th October 1862, the Secretary Revenue Board has the honour to state that the inequality to which the Board referred, in the position of intending settlers on the Neilgherries, under the conditions proposed by Government in their Order dated 24th September 1862, No. 2080, Revenue Department, paragraphs 8 to 14, inclusive, and of intending settlers in the Wainád and Coorg, under the terms of the Governor General's Resolution and the Despatch of the Secretary of State, is in the amount which they will be required to pay for the land to obtain it free of assessment, and to the resulting disadvantage to the Neilgherry settler of an annual payment should he not be able to redeem the land tax on the terms proposed.

2. The price originally proposed by the Governor General for land unencumbered with jungle was 5 rupees per acre, and for forest land *Rs. 2. 8.* per acre.

3. The objection of the Secretary of State to this part of the Resolution was based on the unfitness of such a rate for all lands, without reference to their relative advantages; and he directed that a minimum price should be fixed in communication with the local authorities for the various descriptions of soil, and that the land should be sold at auction at this upset price.

4. In the rules subsequently published for the Bengal Presidency, *Rs. 2. 8.* per acre is adopted as the minimum upset price, and 10 rupees per acre as the maximum. This will include all the Darjeeling and Assam lands suited for tea cultivation.

5. In

5. In the published rules for the North Western Provinces, issued since the receipt of the Secretary of State's Despatch, the upset price is fixed "at five rupees" per acre for *cultivated*, and *Rs. 2. 8.* for *uncultivated* land, unless for some special reason (such as proximity to a station, valuable timber being on the land, &c.) that rate be held to be inadequate, in which case the Collector is to report to the Revenue Board what upset price he thinks proper for their confirmation, and the land will be sold free of assessment to the land revenue. These terms will apply to all the lands in the Dehra Doon and on the hill ranges not in the immediate vicinity of the stations of Simla, Mussoorie, Almora, &c.

6. The upset price proposed by this Government for the whole of the waste lands on the Neilgherries within or without the cantonment is 55 rupees per acre for jungle land and 27½ rupees per acre for open grass land, which rates appear to the Board almost prohibitive, and certainly as contrasting most unfavourably with the terms under the other Governments above mentioned. It is most probable that one or other of those schemes will be applied to lands in Coorg, and the Board did not contemplate that more restrictive terms could be intended for the Wainád.

(By Order)

(signed) *W. Hudleston,*
Secretary.

(No. 97.)

ORDER thereon, 6 December 1862 (No. 2554).

1. WITH the first of the above letters the Board of Revenue submitted the draft of a notification prepared by the Collector of Coimbatore regarding the sale of lands on the Neilgherry Hills, on the terms laid down in G. O, 24th September last, No. 2080. The Board, in submitting the draft, drew attention to the great "inequality between occupiers on these hills under the Government rules and settlers in the close neighbourhood in the Wainád and Coorg, on the far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution of the Supreme Government." The second paper above recorded contains a fuller statement of the inequality referred to.

2. The Governor in Council observes that the Neilgherry Hills cannot be termed "unassessed waste." So far back as 1850 the Government prescribed, with the approval of the Home Governments, the conditions on which land on the Neilgherries would be granted to Europeans for agricultural purposes. Under these rules the fee-simple property in the land was in no case to be disposed of; the utmost that could, except in special cases, be granted was a lease for 33 years for agricultural and 99 years for building purposes; and all land was put up to auction at an upset price of from eight to ten years' assessment, subject to the yearly assessment.

3. In 1859 these rules were revised. Land required for agricultural purposes was to be put up to auction without any upset price, but subject to an annual assessment of one rupee per acre, redeemable at 20 years' purchase. Building lots in the stations were to be put up to auction at an upset price of 20 rupees per acre on freehold tenure.

4. Practically, therefore, the hills have been and are "assessed;" and the Board will find, in paragraph 20 of the last Despatch from the Secretary of State, that the Supreme Government have themselves described the Neilgherries, Shervaroy's, and Wainád as "lands which, *being assessed* at one rupee per acre, will not be purchaseable for less than 20 rupees per acre." It is obvious that land is not the less "assessed" because the Government have prescribed a uniform rate on the principle of an average, instead of, as usual, rates varying with the quality of the soil.

5. Under these circumstances, the Board will perceive that their arguments are inapplicable, and that lands on the hills cannot in fact be sold in the manner they contemplate without actually infringing the Resolution of the Supreme Government.

6. There

6. There can be no doubt that the assessment fixed in G. O., 24th September last is extremely light, and taking into consideration the natural advantages of climate, soil, and proximity to the coast which the hills possess, and the expenses which the State has incurred and must continue to incur in the general administration of the tract, the Government can see no reason for sacrificing on such easy terms, as the Board seem to contemplate, a revenue which is paid with ease, and for which the settler receives such solid benefits.
7. On a careful reconsideration of the Order of September, the Governor in Council resolves to abandon the upset price therein ordered, as it may reasonably be assumed that competition at the auctions will bring in whatever the land may be worth over and above the annual assessment. All land applied for, if not reserved for public reasons, will be put up to auction without any upset price, but subject to an annual assessment of two rupees per acre for "shola," or wooded, and one rupee per acre for "grass," or open land. The maximum size of each lot will be 500 acres for agricultural and 10 acres for building purposes; but an applicant may apply for several contiguous lots, each not exceeding the above area.
8. The purchaser of any lot may at any time redeem the assessment on it at 25 years' purchase, as ordered by the Secretary of State.
9. The Collector's draft rules have been modified to suit the above decision. The Board will ascertain from the Government pleader whether the form of deed is sufficient for the objects in view, and will furnish the Collector with a form of sale advertisement and redemption deed.

(signed) *J. D. Sim,*
Secretary to Government.

RULES for the Sale of Government Lands on the Neilgherry Hills.

1. UNOCCUPIED land, the property of Government, and not reserved as hereinafter provided, will, until further notice, be sold under the following rules:—
2. Applications for land under these rules shall be addressed to the Collector, and shall comprise the following particulars:—
 - (a) The estimated area of the land applied for.
 - (b) The situation of the land and its boundaries, as accurately as can be ascertained.
3. Within the limits of the stations no lot shall exceed 10 acres, and beyond those limits the maximum shall be 500 acres. But any person may apply for several contiguous lots, each not exceeding the above areas.
4. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence; and when the land touches a public road, the length of the road frontage shall not exceed one-half of the depth of the lot.
5. No lot shall be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated.
6. If on receipt of an application under Rule 2 the Collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary-marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and similarly the depositor shall pay any deficiency.
7. If the applicant fails to deposit the sum required under Rule 6 within six weeks, his application shall be considered to be withdrawn.
8. On receipt of the deposit required under Rule 6, the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule 3, and shall advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule 9 being given.
9. The advertisement shall be in English and Tamil, and shall specify the extent and boundaries of the lot, the aggregate annual assessment, and the place and time of sale. It shall be posted for 30 clear days on the land itself, as well as in the neighbouring villages, in the offices of the Collector and Tahsildár, and the nearest police office. It shall also be inserted in the district Gazette. The Collector shall at his discretion fix the time and place of sale, and may alter both if necessary, provided always that due notice be publicly given of such change.
10. The Collector shall send written notice of the place and time of sale to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

11. An applicant withdrawing his application prior to the sale of the land will be entitled only to the refund of so much of his deposit, under Rule 6, as may not have been expended. If, after survey at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule 3.

12. On the withdrawal of an application it shall be discretionary with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

13. If before the time of sale no claim of proprietorship or exclusive occupancy be preferred, the land shall be sold to the highest bidder, without any upset price, but subject to an annual assessment in perpetuity of two rupees for each acre of "shola" or wooded land, and one rupee for each acre of "grass" or open land.

14. The successful bidder shall, immediately on the sale being declared, pay 10 per cent. of the purchase-money, and (unless he have already deposited or paid it) the actual expense of the survey and demarcation, failing which the lot will be immediately resold at his risk and expense. The purchaser may, at his option, pay the balance of the purchase-money within 30 days, in which case a deed in the form (A.) annexed to these rules will be furnished to him, and possession given; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the latter case the land will remain hypothecated to Government, as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment will be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the deed marked (B.) annexed to these rules.

15. If before the time of sale a claim of private proprietorship or exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land, or any part of it, the Collector shall proceed in accordance with the provisions of Act* of 1862. The sale of the land shall meanwhile be postponed, and shall ultimately depend on the issue of the proceedings held under the said Act.

* The Waste Lands Act now before the Council of the Governor General.

16. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government. A register of such reserves will be maintained in the Collector's office, and will be open to inspection by intending applicants at such times and under such rules as the Collector may prescribe by notification in the district Gazette.

17. It shall be competent to any purchaser of land to redeem the annual assessment at any time, by paying up a sum equal to 25 years' purchase of the said assessment, and the land so redeemed shall thenceforth be free of all land tax payable to the State, but not of municipal, general, or local taxes which are now or may hereafter be leviable. On payment of the redemption money the proprietor will be furnished with a deed in the form (C.) annexed to these rules.

18. Arrears of assessment shall be recoverable in the same manner as arrears of Ryotwary land revenue are, or may be recoverable by law.

FORM OF TITLE DEED (A).

Know all men by these presents, that the Governor in Council of Madras has sold to his Heirs, Executors, Administrators and Assigns for the sum of _____ rupees day received by me the tract of land measuring _____ British Statute Acres situate in _____ to be holden by him in full proprietary right, subject to the following conditions:—

I. The aforesaid lands are subject to an annual payment to the Collector for the time being of _____ rupees payable on or before the 30th June of each year for the twelve months preceding.

II. Arrears of Assessment shall be treated in the same manner as arrears of Ryotwary land revenue, and be subject to the same mode of realisation.

III. The proprietor is to maintain the boundary-marks round his grant in good repair.

IV. This grant conveys the plenary right to all products both above the surface and below the same.

V. The existing and customary rights of Government, of other proprietors, and of the public, in existing roads and paths, and in streams running through or bounding the said lands are reserved and in no way affected by this sale.

VI. The lands included in this deed are shown in the subjoined table:—

Number of Grant.	Taluq and Villages.	Boundaries of Grant.	Area in Acres.

VII. The proprietor shall be at liberty at any time to redeem the annual assessment of the said land by payment of _____ rupees, and after such payment the said land shall be free for ever from all demand for land revenue.

VIII. The liability of the lands herein specified to municipal, general, or local taxes is not affected by this grant.

— No. 27. —

EXTRACT Madras Revenue Consultation, January 1863.

(No. 193.)

From *W. Huddleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department; dated Madras, 22 December 1862 (No.—)

Sir,

1. IN continuation of the correspondence* noted in the margin, regarding

* To Government, 2 December 1860, No. 7838.
 Proceedings ditto 14 October 1862, No. 6882 A.
 Ditto 3 December 1862, No. 7901.
 † No. 6991, from Vizagapatam, 25 October in Cons. 3 November 1862.
 „ 7807 „ Cuddapah, 5th in Cons. 9 December 1862.
 „ 6894 „ Kurnool, 23d in Cons. 29 October 1862.
 „ 7378 „ Kurnool, 14th in Cons. 19 November 1862.
 „ 7678 „ Kurnool, 3d in Cons. 3 December 1862.
 „ 7381 „ North Arcot, 17th in Cons. 19 November 1862.
 „ 6932 „ Trichinopoly, 28th in Cons. 30 October 1862.
 „ 6997 „ Salem, 30 October in Cons. 3 November 1862.

application for waste in Ganjam, Coimbatore and Malabar, I have the honour to submit the replies noted in the margin† to that portion of the Government Order dated 24 September 1862, No. 2080, in which information was required as to the extent to which arrangements for the sale of waste lands

had been completed, and the proposed minimum price per acre free of assessment.

2. The following Abstract exhibits the information in brief:—

Districts.	Extent to which Arrangements for the Sale of Waste Lands have been made.	Proposed Minimum Price per Acre.	Average Rates of Assessment on Land in the Districts as obtained from Board's Records.												
Vizagapatam	No further arrangements than registering applications for 428 acres of land.	5 rupees per acre for uncleared land, and 15 rupees per acre for cleared land.	Not ascertainable in the Board's Office.												
Cuddapah	No arrangements made	5 rupees for unassessed waste, whether cleared land or brushwood.	<table border="0"> <tr> <td>Nunjah rates per acre</td> <td>-</td> <td>Rs. a. p.</td> </tr> <tr> <td>Punjah rates per acre</td> <td>-</td> <td>10 8 0</td> </tr> <tr> <td>Totocal rate per acres</td> <td>-</td> <td>2 13 0</td> </tr> <tr> <td></td> <td></td> <td>9 9 0</td> </tr> </table>	Nunjah rates per acre	-	Rs. a. p.	Punjah rates per acre	-	10 8 0	Totocal rate per acres	-	2 13 0			9 9 0
Nunjah rates per acre	-	Rs. a. p.													
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Totocal rate per acres	-	2 13 0													
		9 9 0													
Kurnool	Applications for 4,100 acres have been registered, of which that for 3,000 acres will probably prove to be inadmissible.	Mr. Banbury, as Acting Collector, proposed 20 rupees per acre for black cotton soil, 10 rupees for sandy clay, and 5 rupees for red ferruginous, a deduction of 25 per cent. to be made from the minimum upset price for lands covered with trees or low jungle. Mr. Minchin, the Collector, to whom reference was made, would reduce the rates 50 per cent. on jungle lands, and 25 per cent. on land clear of trees, if the object be to encourage large sales; and considers that land on the Nulla Malla Hills should be sold at a minimum price of 2½ rupees per acre.	Not ascertainable in the Board's Office.												
North Arcot	Nothing has been done for the purchase of waste lands.	In Palmanair and the western part of Gudistum and Chittoor Talooks, 3 rupees per acre for cleared land, and 1 rupee per acre for jungle lands. In the rest of the district 5 rupees per acre for lands free of forest, and capable of irrigation by construction of new works; 3 rupees for other cleared lands, and 2 rupees for lands overgrown with jungle.	<table border="0"> <tr> <td>Average Nunjah rate per Cwny in the northern Talooks, and portion of the southern Talooks</td> <td>-</td> <td>5 6 0</td> </tr> <tr> <td>Average Nunjah rate per Cwny in the southern Talooks, being the consolidated teerwah</td> <td>-</td> <td>0 12 0</td> </tr> <tr> <td>Punjah rates per Cwny northern and southern Talooks</td> <td>-</td> <td>1 15 0</td> </tr> </table>	Average Nunjah rate per Cwny in the northern Talooks, and portion of the southern Talooks	-	5 6 0	Average Nunjah rate per Cwny in the southern Talooks, being the consolidated teerwah	-	0 12 0	Punjah rates per Cwny northern and southern Talooks	-	1 15 0			
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Average Nunjah rate per Cwny in the southern Talooks, being the consolidated teerwah	-	0 12 0													
Punjah rates per Cwny northern and southern Talooks	-	1 15 0													
Trichinopoly	Has not received applications for purchase of waste lands or redemption of the Land Revenue.	10 rupees an acre for the land at the base of the Pachamalai Hills, the only unassessed waste in the district.	<table border="0"> <tr> <td>Dry</td> <td>-</td> <td>1 4 11</td> </tr> <tr> <td>Wet</td> <td>-</td> <td>5 2 8</td> </tr> </table>	Dry	-	1 4 11	Wet	-	5 2 8						
Dry	-	1 4 11													
Wet	-	5 2 8													
Salem	No arrangements have been made.	8 rupees an acre for superior jungle land, 4 rupees for common grass land, and 2½ for land in the low country.	<table border="0"> <tr> <td>Dry</td> <td>-</td> <td>1 4 0</td> </tr> <tr> <td>Wet</td> <td>-</td> <td>0 10 9</td> </tr> <tr> <td>Garden</td> <td>-</td> <td>4 0 8</td> </tr> </table>	Dry	-	1 4 0	Wet	-	0 10 9	Garden	-	4 0 8			
Dry	-	1 4 0													
Wet	-	0 10 9													
Garden	-	4 0 8													

(signed) *W. Huddleston*, Secretary.

(No. 194).

ORDER thereon, 15 January 1863, No. 100.

THE Government await the Board's recommendation as to the prices to be fixed for each district for unassessed waste sold on freehold tenure.

(signed) *J. D. Sim,*
Secretary to Government.

(No. 237.)

From *B. Cunliffe*, Esq., Collector of Madras, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated Sydapet, 18 December 1862 (No. 446).

Sir,

1. THE receipt of the Board's Circular, Standing, No. 8115, reminds me that I have not replied to the Board's Circulars of the 26th September and 17th October last.

2. In my letter of the 10th October, No. 347, I stated that all the lands, save the Poramboke of this district, with the exception of that portion of the late Sattivedu talook received from North Arcot, had been assessed at the survey.

3. I wished to give a rough calculation of the poramboke, which might be brought under cultivation, but to do this, was obliged to make a reference to the talooks, as we had no data at the Hoozoor.

4. Though the replies were not complete, I must no longer delay to inform the Board of the estimates which have been received.

5. It is supposed that in the talooks of Tiruvallur and Conjeveram there are 4,800 cawnies of cultivable poramboke. Of the remaining four talooks, we have received accounts for 897 villages, leaving 276 villages unreported upon.

6. In the former, it is calculated there are about 5,000 cawnies of poramboke which may be brought under the plough, and that in the tract lately received from the Sattivedu talook, there are 6,500 cawnies of poramboke, covered with jungle, and which are not likely to be called upon by the farmer.

7. For the most part, the poramboke will be found in small patches here and there, and blocks of 40 or 50 cawnies will, I think, be of rare occurrence, except when overgrown with jungle, covered with stones, and in unfrequented spots.

8. Some portion, though a small one, may be converted into nunjah by taking advantage of a jungle stream, or of a channel constructed since the survey, or by forming a tank; but if the land can be brought under the influence of an existing work of irrigation, it should be sold with the proviso that the occupied ayacut should be first supplied with water, before it is diverted to newly-purchased rent-free lands. If otherwise, constant disputes will occur, and the old cultivation be endangered; for the main cause of Puttah Banjer is the short supply from the tank.

9. The minimum price may be for punjah 20 and for nunjah 40 rupees.

10. I do not consider that any anticipation survey is necessary. As applications are received, they can be easily planned.

11. Cultivable lands of every description in this district have hitherto been considered the property of the mirassidars, and I have no doubt that the first sale of land by the Government without the consent of the former will be contested by them in the civil courts.

From *V. H. Levinge*, Esq., Collector of Madura, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras; dated Madura, 22 December 1862 (No. 276).

Sir,

1. WITH reference to the Board's Circular, Standing, No. 8115, dated the 13th December, and to the Board's Circular, Miscellaneous, No. 6507, dated 26th September 1862, I have the honour to report that, having consulted the old Revenue Officers of the district regarding the sale of waste lands, I find that they are of opinion, in which I agree, that no difference, as regards waste lands in the plains should be made in the price whether encumbered or unencumbered with jungle, the opinion being that the expense of clearing the land would be covered by the sale of the jungle wood for fuel, &c.

2. The upset price of all waste in the plains, and up to the foot of the hills, should be $3\frac{1}{2}$ rupees per acre; it is considered all land will bear that price, and that if there are different rates for different descriptions of soil, such will afford an opening for fraud.

3. Hill tracts may be divided into four classes :

1st. Sides of hills which are rocky, covered with coarse grass, scattered trees or stunted thorn bushes, the upset price of such should be 1 rupee per acre.

2d. Slopes and sides of hills having heavy jungle on them, consisting of valuable timber and rich soil, the upset price to be 10 rupees per acre.

3d. Open grass lands on the tops of the hills, the Palany for instance, $2\frac{1}{2}$ rupees per acre.

4th. Forest lands or Sholas on the Palanies, 5 rupees per acre.

4. I put a low value on the lands on the Palany Hills, for the Travancore Government, whose valuable coffee tracts adjoin them, offer easier terms than the above, to settlers, and the hills are destitute of approaches from the plains, with the exception of one not very easy ghaut from Pereacolum, the roads to which place are not in good order.

5. I do not consider that at present Government need go to any expense in demarcating or surveying waste, and I am unable from inexperience to suggest what the probable cost per acre for surveying jungle waste would be; the Board can probably ascertain sufficiently accurate data on which to form such an estimate from the Revenue Survey and Settlement Departments.

6. With reference to the standard area of allotments, I learn that the question has been disposed of in the Order of Government of the 6th December 1862, No. 2553.

From *J. Silver*, Esq., Collector of Tinnevelly, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated 11 November 1862 (No. 484).

Sir,

WITH reference to the Board's Miscellaneous Circulars, dated the 26th September and 17th October 1862, Nos. 6507 and 6940, calling for certain information connected with the proposal to sell all unassessed Government waste lands in the several districts in this Presidency, I have the honour to refer the Board to my letter of the 18th August last, No. 358, and to state that the extent of such lands in Tinnevelly, exclusive of the hills forming a part of the western Ghauts, is small, and even these lands are not in continuous areas, but in small detached portions situated for the most part far from each other, and therefore it is not likely that applications will be received for the purchase of such lands.

From *J. Silver*, Esq., Collector of Tinnevelly, to *W. Hudleston*, Esq., Secretary to the Board of Revenue ; dated 28 November 1862 (No. 508).

Sir,

IN continuation of my letter of the 11th instant, No. 484, I have the honour to state that I did not fix a minimum price for the sale of unassessed Government waste lands in this district, for reasons given in my letter above quoted.

From *J. Silver*, Esq., Collector of Tinnevelly, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Fort Saint George ; dated Tinnevelly, 27 December 1862 (No. 548).

Sir,

1. WITH reference to your telegram of the 19th instant, and the Board's Proceedings of the same date, requesting me to state the minimum price that should be fixed for hill lands, referred to in my letter of the 11th November last, I have the honour to state, for the information of the Board, that the clearing of forest lands on the hills has been permitted hitherto to a limited extent, principally near Courtallum, on the ground that extensive clearings would cause a diminution in the fall of rain, and tend to cause the springs and hill streams on which the irrigation of this district so much depends, to decrease.

2. The hill lands were taken up for cultivation by parties on progressive cowle, regulated according as the land had never been cultivated, or the number of years it had remained uncultivated, and paying an average assessment of 12 annas an acre, when the cowle comes to maturity. I would not advise the sale of lands generally, on the Courtallum Hills, where large grants have already been made, as reported in my letter to the Board of the 26th August 1856 ; but north and south of the Courtallum valley, such hill lands may be sold without objection, may be put up to auction at the minimum upset price of 12 rupees an acre.

1. ORDERED to be submitted to Government with the accompanying Abstract in continuation of the Board's letter, dated 22d December 1862, No. 8352.

2. The Collector of Tinnevelly will of course exercise the discretion left to him by the rules in the matter of reserving all such forest as he considers necessary, whether with a view to the rain-fall or to the supply of timber and fuel to meet the requirements of the public.

(signed) *W. Hudleston*, Secretary.

ABSTRACT.

Districts.	Extent to which arrangements for the sale of Waste Lands have been made.	Proposed Minimum Price per Acre.	Average Rates of Assessment on Land in the Districts, as obtained from the Board's Records.
Madras	No arrangements have been made.	For Punjab, 20 rupees - For Nunjah, 40 rupees -	<i>Rs. a. p.</i> Dry rates per acre - 1 6 8 Wet - ditto - 4 6 1
Madura	- ditto - -	For all waste in the plains, and up to the foot of the hills, 3½ rupees per acre, and for hill tracts four rates, according to locality, varying from 1 rupee to 10 rupees per acre.	Garden ditto - 4 2 7 Dry rates, per acre - 1 5 6 Wet - ditto - 4 6 1 Garden ditto - 3 2 8
Tinnevelly	- ditto - -	For hill lands 12 rupees -	Not ascertainable in the Board's office.

(signed) *W. Hudleston*, Secretary.

(No. 238.)

ORDER thereon, 18 January 1863, No. 121.

The Board are requested to give their opinion on the Collectors' proposals.

(signed) *J. D. Sim,*
Secretary to Government.

— No. 28. —

Bombay Revenue Proceedings, April 1862.

No. 1627 of 1862.—Revenue Department.

From *J. B. Peile*, Esq., Acting Under Secretary to the Government of Bombay,
to *W. Grey*, Esq., Secretary to the Government of India.

Sir,

WITH reference to your communications, Nos. 2036 and 6,* dated respec-

* *Vide* India Cons. Sept. 1862, No. 5.Minute by his Excellency the Governor, dated
3 March 1862.Minute by the Honourable Mr. Reeves, dated
7 March 1862.Minute by the Honourable Mr. Frere, dated
31 March 1862.

tively the 7th October and 2d January last, I am directed to forward printed copies of the Minutes noted in the margin, containing opinions of the members of this Government respecting the redemption of land tax in this Presidency.

I have, &c.

(signed) *J. B. Peile,*
Acting Under Secretary to Government.Bombay Castle,
23 April 1862.

MINUTE by his Excellency the Governor, dated 3d March 1862.

It is a maxim of the Natives of this country, that the perfection of financial administration may be measured by the extent to which an equitable land tax is made to contribute to the support of the State, and that the excellency of a Government may be estimated by the absence of direct and indirect taxation.

2. I have never doubted the truth of this opinion, seeing that the Native feels that, in return for the payment which he makes to the State, he acquires the right to occupy or possess his land, and that in that right he receives an equivalent which, to his mind, deprives his payment of the essential characteristics of a tax.

3. This financial system is one of the most ancient institutions of this country, and is founded on the right of the State to a share in the produce of the land; a right which is proved not only by the universality of the practice, but by the fact that exemption from the obligation to pay is regarded as a much cherished privilege, which has either been forcibly acquired in olden times, or has been directly conferred by the State upon the possessor as a reward.

4. It is frequently the case that the title of the holders or occupants of the land to enjoy the usufruct of the soil has become more or less complete, and their rights of occupancy more or less permanent, according to usage and a variety of circumstances. But exemption from payment of a share of the produce is nowhere the rule, but the exception; and I consider it would be generally impolitic, by fixing permanently at their present money value the demands of the State on the land, to transgress a principle of finance so sound and correct as the one I have adverted to, because it is the tendency of prices and wages to increase, consequently the expenses of administration must increase. If, therefore, the income of Government from the land be stationary, or nearly so, which by fixing the assessment permanently must be the case, recourse must be had to increased taxation, both direct and indirect.

5. It

5. It will be perceived that in these observations I advert only to the fixity of the settlement in respect to the money demand, and I desire it to be understood that I do not advocate any variation in the just and moderate proportion of the gross produce on which the present assessments are based. But, as the prices of produce are yearly increasing, I see no infringement of the original conditions of the settlement, nor will it be so felt by the ryot, if, on the termination of this experimental settlement, the Government land tax should be re-adjusted according to those increased prices, and to other circumstances, provided that no revision is made within such long period of time, or otherwise than on considerations of the most sound character, and upon well established facts.

6. This a 30 years' settlement, such as has been introduced into a considerable portion of this Presidency, and is in progress throughout the rest of it, fulfils. The moderation with which the assessment has been fixed has given the right of occupancy a high marketable value, and under the settlement in some districts the prosperity of the people has increased in a marked degree. But I do not concur with the late Colonel Baird Smith, that to intensify these results, which are similar to those described by him as having taken place under the settlement of the North West Provinces, we should here have recourse to a permanent settlement of the land tax; and it appears to me that more is due to those other elements of our settlements which he enumerates, viz., "security of titles, moderation of assessment," and, above all, "the recognition and careful record of rights," than to the mere "protracted fixity of the public demand."

7. For in this Presidency it had long been sought to perfect a Ryutwarree system by acknowledging no others than the Government and the poor peasant, and imposing on the latter all the burdens that he could stagger under in support of the former. That system naturally proved detrimental to the lands and all their inhabitants, excepting here and there the usurer. The result was that which must infallibly ensue under any Government which itself lives from hand to mouth, keeps no surplus money for advances, and maintains no stores for use, when in hard times seed corn is needed. Constant remissions, and still further decline of villages, became the ordinary characteristics of provinces which had already undergone the harassing and depopulating effects of more than two centuries of wars and plunder. The authorities at length resolved on retrieving a position for agriculture. It would have been better, in my opinion, to have recognised some dormant tenures, and to have resuscitated others. But habit and the example set by predecessors, whose wars, recklessness, and oppression, had, generally speaking, exterminated the more respectable classes of landholders, served to keep out of view this best element of the success which depends on the possession of capital or of good credit. So they did the next best thing with a people who are not generally Mahomedan spendthrifts, but industrious Hindoos. After a survey, they imposed a very moderate assessment. This is now in operation, and is to endure for a period of 30 years. It is obvious that this being the first attempt on this side of India, within the limits of British dominions, to apply to cultivation a method of extending and improving it, and to population an encouragement to immigrate and increase, it would be an utter disregard of the rights of the Government in land tax if the present settlement were to be viewed as the limit of our demand. All that is here wanted, short of the reconstruction of such classes as zumeendars and meerasdars, with their worth and influence, is to allow such a duration of settlement (and 30 years is not amiss for the purpose) as will combine the objects of increasing at future periods the moderate and just demands of the Government, while reconciling the ryot, for his own sake, to devote his industry and the utmost of his small means to the improvement of his long holding.

8. It is, in my opinion, another good reason for not settling our land tax permanently, that there can be no doubt in any unprejudiced mind that the lands are not yet held, generally speaking, as they might without difficulty be declared to be held, on a title still more highly esteemed and cherished. However well satisfied the ryot may be with the security of his right of his occupancy under the Revenue Survey Settlement, the term "meeras" conveys to his mind a sense of ownership which no assurance that, so long as he pays the Government revenue, he will not be disturbed in the possession of his fields, can

give him. This was recently illustrated to me in a forcible manner by an intelligent patell, who, in answer to a question put to him, with the view of eliciting the estimation in which he relatively held his "meeras" and "ghatkoolee" land, replied, "The meeras is mine; the ghatkoolee is yours." And again, as was emphatically said in my hearing, on another occasion, by a Native District Deputy Collector, and at the same time by an experienced mamlutdar, "They hold affectionately to 'meeras.'" ("Meeras ko bohot dil lugta.")

9. With reference also to the possibility of having hereafter permanently to impose new taxes, I object to the proposal for abandoning the right of Government to the improved value which increased prices should give to the right of the State to a share of the produce of the fertile soil worked at small cost in money and labour—a right which has been reserved to it from ancient times, and which has, until recently, enabled it practically to exempt the people of this country from the burdens of taxation which press so heavily on the communities of Europe.

10. I shall lament to see a departure from this wise system; nor do I see the necessity of the proposed measure, for the agricultural classes are, on all hands, admitted to be improving, and to be becoming gradually possessed of some capital; and those works of irrigation which must mainly be the mainstay to protect them in seasons of drought can only be undertaken on an organised system, which no present permanent settlement would ensure being ever executed, but which it is the duty of the Government to undertake whenever it has available resources.

11. No legislative enactments have been found necessary in this Presidency to give effect to the 30 years' settlements now in operation, and none appears to be necessary.

(signed) *George Clerk.*

MINUTE by the Honourable Mr. *Reeves*, dated 7 March 1862.

I CONCUR in opinion with his Excellency the President, that Colonel Baird Smith's proposal for a permanent settlement would, in the present state of this Presidency, be a glaring financial error.

2. There has always been a tendency to conclude that any measure considered good and applicable in Bengal and the North West Provinces must be the same in Bombay. But here our rates have been pitched at the minimum for a period of 30 years, with the expressed intention of a revision, after consideration of prices, at the end of that term, when we are sure of a permanent increased revenue equal, or nearly equal, to what it was at first supposed the income and license taxes combined would yield in this Presidency. To sacrifice this, particularly when it is considered that we have no scheme of taxation to replace it, and that we do not even yet know how to tax the mercantile and other non-agricultural classes equally and effectually,—when we are anxiously looking about for money for roads and public works, is not to be thought of.

3. Without committing myself to the opinion that a permanent settlement will never be appropriate, I am perfectly satisfied that the time for such a settlement in this Presidency is so remote, that it is a mere waste of time to consider of it. We are emerging steadily and most satisfactorily from the evil effects of wars, famines, oppressive assessment, and corrupt management, which were everywhere manifest when we took possession of the country. In Guzerat, it is true, a revenue survey was not set on foot until the lapse of a considerable period. Captain Cruikshank and Captain Keys, however, were conducting it, to my personal knowledge, as early as 1826. In the Deccan no time was lost in attempting the work of improvement, and Mr. Pringle commenced a revenue survey under Mr. Elphinstone's own directions, but, after much money had been expended, it was found that operations in the Deccan had been left too much to native execution, and that the work of assessment (the measurements

ments were generally good) was founded on the grossest bribery and corruption; a stop was therefore put to this survey, and the Guzerat proceedings ceased much about the same time. The present scheme of survey and assessment was matured by officers thoroughly acquainted with all former errors and mismanagement, and has been entirely successful in the imposition of an assessment extremely moderate and equal, and in giving to occupants a tenure as secure as they possibly can have. Government has declared that they have no claim to the soil so long as the assessment is paid. But it appears that one or two Collectors in the Deccan have lost sight of this provision, and failed to impress it on the minds of occupants. The meerasdar, equally with the ordinary occupant, is bound to pay the assessment, and his land is responsible in default equally with that of the ordinary occupants. The only difference between the two is, that the meerasdar has hitherto had the privilege of re-entry on land deserted by him for a period of 30 years, and even longer, a privilege generally and properly condemned as opposed to reason, and productive of the grossest injustice and oppression.

4. The Honourable Court of Directors combined with the Government of India and successive Governments of this Presidency in considering that this privilege was entirely wrong, and ought to be put an end to by legislation; but Lord Elphinstone's Government, after very anxious and careful consideration, came to the conclusion, that although the Civil Courts occasionally reinstated a meerasdar, the measures which had been adopted in connexion with the revenue survey, would gradually neutralise the injurious effects of the re-entry privilege, which would die out without any violent interference; and it was therefore decided, that legislation was unnecessary.

See Mr. Secretary Ellis' letter, No. 4420, dated 5 November 1859, to the Legislative Councillor of the Council of India for Bombay.

5. Act XIV. of 1859, which limits all claims to 12 years, has most probably laid a salutary restriction on the claims of a meerasdar, and thus effected a most thorough coincidence between the tenures of meerasdar and ordinary occupant.

6. The solitary remnant left to the holder of meeras will be the name, but it ought to excite no surprise that in the two Collectorates of Poona and Ahmednuggur, meerasdars try to cry up and enhance the value of their own lands by crying down the lands of others held on exactly the same tenure. I am perfectly willing, however, to give ordinary occupants in the Deccan, Sattara, and part of Sholapoor, the only localities where meeras exists, the name or title, if it can be shown satisfactorily, after full application to them of the rights they now enjoy, that they really desire it. Collectors and their assistants should be directed to set forth to the occupants that the only distinction remaining is the name; and if they then require the name, it should be given them "gratis." In the Southern Maratha country the cultivators are none of them meerasdars, though they are possessors as ancient as any holder of that denomination, and are in very much better circumstances.

7. I beg to refer to the three Minutes I have written on the subject of meeras, and the effects of the revenue survey, for a more detailed explanation of my views.

8. My opinion then is, that the occupants under survey rules have a tenure in no degree wanting in fixity and security; its sole liability is that of paying a moderate assessment, and it differs in no respect from that of a holder of an extensive leasehold property in England, or, in fact, from that of any person of any rank paying taxes in the United Kingdom.

9. The permanent settlement cannot possibly add anything to this security; and legislation, by meddling with what has hitherto been considered as a matter of course, would do harm. No one doubts that when Government gives a lease (not of land, but of rates) for 30 years, or 50 years, the rates will not be changed. Occupants sell and mortgage their lands; they would not do this if they doubted the word of Government, or the fixity of their tenure; and an officious interference with well-understood customs and maxims, entirely uncalled for, would excite the wonderment of the people, and perhaps their distrust, but it would certainly not tend to raise their opinion of the wisdom of the legislature.

(signed) *H. W. Reeves.*

MINUTE by the Honourable Mr. *Frere*, dated 31 March 1862.

AFTER carefully considering Colonel Baird Smith's Report and these Minutes, I have nothing to add but my general concurrence with his Excellency the President, and my honourable colleague, Mr. Reeves.

2. I have already given my opinion upon the meerassee tenure, so need not reiterate my objections to its revival, except with the modifications proposed by Mr. Reeves; my firm belief being, that the ryots already possess all that is wholesome of the meerassee right, if the Collectors, and other revenue officers, only took the trouble to show it to them.

3. I annex translation of a memorandum by Ram Rao Bheemajee, Dessae of Dharwar, which the Honourable Mr. Reeves left with me to record on this subject, the papers having passed him when he received the memorandum; and I would point to the public works undertaken by the villagers in Dharwar (of which the Secretary will be good enough to annex a list) as showing that, with the 30 years' guarantee of the revenue survey and the present low rates, the ryots have means of their own to lay out on improvement, and feel that they have sufficient hold of the land to lead them to embark in those improvements for the general good; and as it is well known, even to the ryots themselves, that the lands which have been already surveyed will, on the expiration of the 30 years, bear an increased assessment of from 25 to 50 per cent., I am satisfied that a more permanent settlement than we now have is not required by the ryots, and would be a serious sacrifice by Government, even if it were introduced into those villages alone where the whole land had been taken up, and consequently where the profit or loss which would be sustained might be apparent, but even then we must recollect that the bargain is all on one side, for if by any accident it should happen that prices were to fall, and the assessment was found to be too high, Government would be obliged to reduce the rates, while, on the other hand, the ryot would reap the benefit of all unforeseen advantages.

(signed) *W. E. Frere.*

— No. 29. —

Bombay Revenue Proceedings, November 1862.

No. 4187 of 1862.—Revenue Department.

From *A. D. Robertson*, Esq., Acting Chief Secretary to Government of Bombay, to *E. C. Bayley*, Esq., Secretary to the Government of India.

Sir,

IN continuation of my letter, No. 3966, dated the 31st ultimo, I am directed to forward, for submission to the Governor General in Council, copy of a communication from the Commissioner in Sind, No. 224, dated 18th idem, relative to the Bill "to provide for the Adjudication of Claims to Waste Lands, and for the Investment of the Proceeds arising from the Sale of such Lands and of other Government Lands, and from the Redemption of Land Revenue."

I have, &c.

Bombay Castle,
17 November 1862.

(signed) *A. D. Robertson*,
Acting Chief Secretary to Government.

No. 224 of 1862.—Revenue Department.

From *S. Mansfield*, Esq., Commissioner in Sind, to his Excellency the Honourable Sir *H. B. E. Frere*, K. C. B., Governor and President in Council.

Honourable Sir,

I HAVE the honour to acknowledge the receipt of Government Resolution, No. 3571, dated 25th ultimo, forwarding a copy of letter, No. 4882, from the Secretary to the Government of India, and a Draft Bill to provide for adjudication of claims to waste land, and for the investment of the proceeds arising from the sale of such lands.

2. The

2. The Bill appears to me to be all that can be desired, and I am unable to suggest any improvements in its provisions.

3. The wording, however, of lines 13, 14, in Sec. IX., might be improved: the expression "if the claim of the claimant be dismissed," seems scarcely correct. The claimant, as he is here called, is the defendant, the suit being brought by Government. A better wording appears to me, "if judgment be given in favour of Government."

I have, &c.
(signed) *S. Mansfield*,
Commissioner in Sind.

Commissioner's Office, Kurrachee,
18 October 1862.